

District of Columbia

REGISTER

HIGHLIGHTS

- DC Council passes Act 20-219, Cottage Food Amendment Act of 2013
- Department of Health establishes guidelines for regulating ambulance service in the District
- Department of Insurance, Securities, and Banking updates fingerprint requirements for criminal background checks
- Department of Health proposes a schedule of civil infractions for smoking violations
- DC Public Schools clarifies language regarding the start and end dates of the out-of-boundary lottery application process
- Office of the State Superintendent of Education announces funding availability for the DC School Garden Grant
- Public Service Commission solicits comments on the certification and regulation of local exchange carriers

DISTRICT OF COLUMBIA REGISTER

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DISTRICT OF COLUMBIA OFFICE OF DOCUMENTS AND ADMINISTRATIVE ISSUANCES

441 4th STREET - SUITE 520 SOUTH - ONE JUDICIARY SQ. - WASHINGTON, D.C. 20001 - (202) 727-5090

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PERIODICAL POSTAGE PAID AT WASHINGTON, D.C.
POSTMASTER: Send address changes to D.C. Register, 441 - 4th Street, N.W., Suite 520 South, Washington, D.C. 20001

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ENROLLED ORIGINAL

AN ACT
D.C. ACT 20-212IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
NOVEMBER 20, 2013

To approve, on an emergency basis, Modification No. 2 and proposed Modification No. 3 to Contract No. DCHT-2011-C-0001 with Policy Studies, Inc., to provide enrollment broker services to administer the managed care enrollment process and provide related services for Medicaid beneficiaries and State Children's Health Insurance Program beneficiaries and to authorize payment for the goods and services received and to be received under the contract.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Contract No. DCHT-2011-C-0001 Modifications Approval and Payment Authorization Emergency Act of 2013".

Sec. 2. 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), and notwithstanding the requirements of section 202(a) of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02(a)), the Council approves Modification No. 2 and proposed Modification No. 3 to Contract No. DCHT-2011-C-0001 with Policy Studies, Inc., to provide enrollment broker services to administer the managed care enrollment process and provide related services for Medicaid beneficiaries and State Children's Health Insurance Program beneficiaries and authorizes payment in the amount of \$2,278,037.00 for services received and to be received under that contract for option year two.

Sec. 3. Fiscal impact statement.

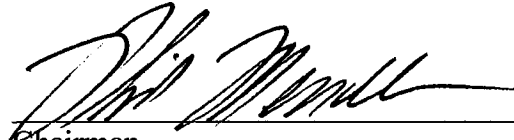
The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

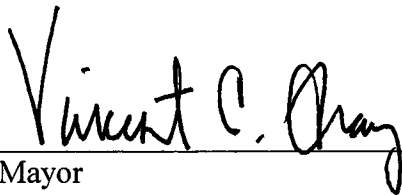
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in

ENROLLED ORIGINAL

section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
November 20, 2013

ENROLLED ORIGINAL

AN ACT
D.C. ACT 20-213

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
NOVEMBER 20, 2013

To approve, on an emergency basis, Contract No. DCHT-2013-C-0135 with Delmarva Foundation for Medical Care, Inc., to conduct utilization reviews of health care services provided to the District’s Medicaid recipients and to authorize payment for the services received under the contract.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Contract No. DCHT-2013-C-0135 Approval and Payment Authorization Emergency Act of 2013”.

Sec. 2. 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), and notwithstanding the requirements of section 202(a) of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02(a)), the Council approves Contract No. DCHT-2013-C-0135 with Delmarva Foundation for Medical Care, Inc., to conduct utilization reviews of health care services provided to the District’s Medicaid recipients and authorizes payment in the amount of \$1,174,626.98 for services received under that contract for the period from May 1, 2013 through July 31, 2013.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

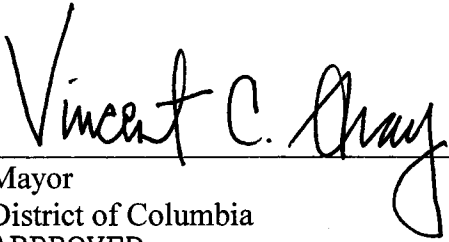
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in

ENROLLED ORIGINAL

section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
November 20, 2013

ENROLLED ORIGINAL

AN ACT

D.C. ACT 20-214

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

NOVEMBER 23, 2013

To approve, on an emergency basis, Change Order 8-9 of Contract No. GF-2012-C-0030 with Parkinson/Forrester JV, LLC, (PF/JV) for the Construction of the New Student, University of the District of Columbia, Van Ness Campus and to authorize payment in the aggregate amount of \$13,613,106 .00 for goods and services received and to be received under the contract.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Contract No. GF-2011-C-0030 and Change Orders No. 8-9 Approval and Payment Authorization Emergency Act of 2013".

Sec. 2. 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), and notwithstanding the requirements of section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves Change Orders No. 8-9 of Contract No. GF-2012-C-0030 with PF/JV for the Construction of the New Student Center, Van Ness Campus located at 4200 Connecticut Avenue, Washington, D.C. 20008, and authorizes payment in the aggregate amount of \$13,613,106.00 for the goods and services received and to be received under the contract.

Sec. 3. Fiscal impact statement.

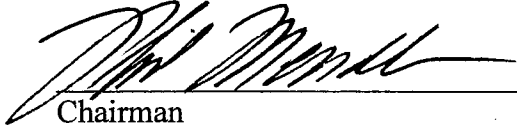
The Council adopts the fiscal statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c) (3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02 (c) (3)).

Sec. 4 Effective date.

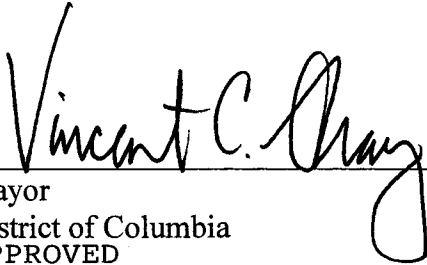
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in

ENROLLED ORIGINAL

section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
November 23, 2013

ENROLLED ORIGINAL

AN ACT

D.C. ACT 20-215

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

NOVEMBER 20, 2013

To amend, on an emergency basis, An Act To create a Department of Corrections in the District of Columbia and the Fiscal Year 2014 Budget Support Act of 2013 to clarify the Department of Corrections' authority over the management and operation of the Central Cellblock at 300 Indiana Avenue, N.W., to include persons detained at a medical facility in the District.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Department of Corrections Central Cellblock Management Clarification Emergency Amendment Act of 2013".

Sec. 2. Section 2 of An Act To create a Department of Corrections in the District of Columbia, approved June 27, 1946 (60 Stat. 320; D.C. Official Code § 24-211.02), is amended by adding a new subsection (a-1) to read as follows:

“(a-1)(1) The Department of Corrections shall have charge of the management and operation of the Central Cellblock, located at 300 Indiana Avenue, N.W., Washington, D.C., and shall be responsible for the safekeeping, care, and protection of all persons detained at the Central Cellblock or detained at a medical facility in the District, by the Metropolitan Police Department, before their initial court appearance.

“(2) Nothing in this subsection shall be construed as:

“(A) Removing any authority from the Metropolitan Police Department to determine where to hold in custody any person arrested and awaiting an initial court appearance;

“(B) Granting any arrest powers to any employee of the Department of Corrections performing any duty at the Central Cellblock; or

“(C) Limiting any powers or authority of the Metropolitan Police Department or the Department of Corrections.”.

Sec. 3. Section 3002 of 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), is amended to read as follows:

ENROLLED ORIGINAL

“Sec. 3002. Section 2 of An Act To create a Department of Corrections in the District of Columbia, approved June 27, 1946 (60 Stat. 320; D.C. Official Code § 24-211.02), is amended by adding a new subsection (a-1) to reads as follows:

“(a-1)(1) The Department of Corrections shall have charge of the management and operation of the Central Cellblock, located at 300 Indiana Avenue, N.W., Washington, D.C., and shall be responsible for the safekeeping, care, and protection of all persons detained at the Central Cellblock or detained at a medical facility in the District, by the Metropolitan Police Department, before their initial court appearance.

“(2) Nothing in this subsection shall be construed as:

“(A) Removing any authority from the Metropolitan Police Department to determine where to hold in custody any person arrested and awaiting an initial court appearance;

“(B) Granting any arrest powers to any employee of the Department of Corrections performing any duty at the Central Cellblock; or

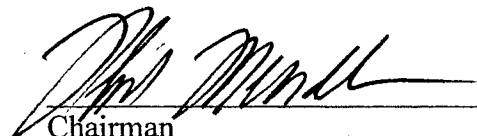
“(C) Limiting any powers or authority of the Metropolitan Police Department or the Department of Corrections.”.

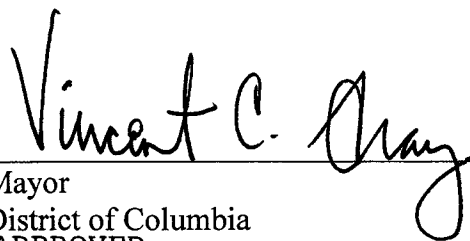
Sec. 4.. Fiscal impact statement.

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

Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).


Chairman
Council of the District of Columbia


Mayor
District of Columbia
APPROVED
November 20, 2013

ENROLLED ORIGINAL

AN ACT
D.C. ACT 20-216

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

NOVEMBER 23, 2013

To amend, on an emergency basis, due to Congressional review, the Washington Metropolitan Area Transit Authority Board of Directors Act of 2012 to change the initial appointment date of the Board of Directors appointments from July 1, 2013, to January 2, 2014.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Washington Metropolitan Area Transit Authority Board of Directors Congressional Review Emergency Amendment Act of 2013”.

Sec. 2. Section 2(b)(1) of the Washington Metropolitan Area Transit Authority Board of Directors Act of 2012, effective April 27, 2012 (D.C. Law 19-286; D.C. Official Code § 9-1108.11(b)(1)), is amended by striking the phrase “July 1, 2013” and inserting the phrase “January 2, 2014” in its place.

Sec. 3. Applicability.

This act shall apply as of October 7, 2013.

Sec. 4. Fiscal impact statement.

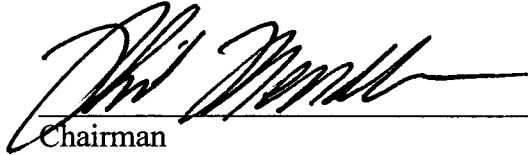
The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

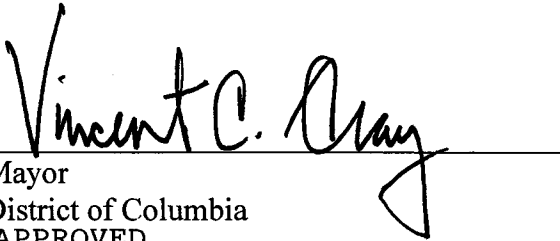
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788;
D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
November 23, 2013

ENROLLED ORIGINAL

AN ACT
D.C. ACT 20-217

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
NOVEMBER 20, 2013

To amend, on an emergency basis, the Department of Health Functions Clarification Act of 2001 and the Fiscal Year 2014 Budget Support Act of 2013 to authorize the Department of Health to award grants for clinical nutritional home delivery services for individuals living with cancer and other life-threatening diseases and related services in fiscal year 2014.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Department of Health Grant-Making Authority for Clinical Nutritional Home Services Emergency Amendment Act of 2013".

Sec. 2. Section 4907a of the Department of Health Functions Clarification Act of 2001, effective March 3, 2010 (D.C. Law 18-111; D.C. Official Code § 7-736.01), is amended by adding new subsections (c) and (d) to read as follows:

"(c) For fiscal year 2014, the Director of the Department of Health shall have the authority to issue grants to:

"(1) Qualified community organizations for the purpose of providing the following services:

"(A) Ambulatory health services for an amount not to exceed \$3,236,980;

"(B) Poison control hotline and prevention education services for an amount not to exceed \$350,000;

"(C) Operations and primary care services for school-based health clinics for an amount not to exceed \$2,250,000; and

"(D) Clinical nutritional home delivery services for individuals living with cancer and other life-threatening diseases; and

"(2) Organizations for the purpose of providing the following programs and services:

"(A) A teen pregnancy prevention program for an amount not to exceed \$400,000;

"(B) Programs designed to promote healthy development in girls attending public and chartered schools in grades 9 through 12 located in areas of the city possessing the highest rates of teen pregnancy and highest enrollment in state-funded health programs in the District of Columbia, not to exceed \$400,000;

ENROLLED ORIGINAL

- "(C) Farmers market incentive programs, not to exceed \$200,000;
- "(D) Food-pantry services, not to exceed \$52,000;
- "(E) Wildlife rehabilitation services, not to exceed \$250,000;
- "(F) Mother-to-child (vertical) HIV transmission programs and services, not to exceed \$50,000; and
- "(G) Nonprofit organizations dedicated to preventing any of the following chronic diseases, not to exceed \$850,000:
 - "(i) Asthma;
 - "(ii) Cancer;
 - "(iii) Diabetes;
 - "(iv) Hypertension;
 - "(v) Kidney disease; and
 - "(vi) Obesity.

"(d)(1) All grants issued pursuant to subsection (c) of this section shall be administered pursuant to the requirements set forth in the Grant Administration Congressional Review Emergency Act of 2013, passed on emergency basis on October 1, 2013 (Enrolled version of Bill 20-496).

"(2) The Department of Health shall submit a quarterly report to the Secretary to the Council on all grants issued pursuant to the authority granted in subsection (c) of this section and any grant in excess of \$250,000 shall be awarded through a competitive process unless otherwise authorized by law."

Sec. 3. Section 5062 of 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), is amended to read as follows:

"Sec. 5062. Section 4907a of the Department of Health Functions Clarification Act of 2001, effective March 3, 2010 (D.C. Law 18-111; D.C. Official Code § 7-736.01), is amended by adding new subsections (c) and (d) to read as follows:

"(c) For fiscal year 2014, the Director of the Department of Health shall have the authority to issue grants to:

"(1) Qualified community organizations for the purpose of providing the following services:

- "(A) Ambulatory health services for an amount not to exceed \$3,236,980;
- "(B) Poison control hotline and prevention education services for an amount not to exceed \$350,000;
- "(C) Operations and primary care services for school-based health clinics for an amount not to exceed \$2,250,000; and
- "(D) Clinical nutritional home delivery services for individuals living with cancer and other life-threatening diseases; and

"(2) Organizations for the purpose of providing the following programs and services:

- "(A) A teen pregnancy prevention program for an amount not to exceed \$400,000;

ENROLLED ORIGINAL

"(B) Programs designed to promote healthy development in girls attending public and chartered schools in grades 9 through 12 located in areas of the city possessing the highest rates of teen pregnancy and highest enrollment in state-funded health programs in the District of Columbia, not to exceed \$400,000;

"(C) Farmers market incentive programs, not to exceed \$200,000;

"(D) Food-pantry services, not to exceed \$52,000;

"(E) Wildlife rehabilitation services, not to exceed \$250,000;

"(F) Mother-to-child (vertical) HIV transmission programs and services, not to exceed \$50,000; and

"(G) Nonprofit organizations dedicated to preventing any of the following chronic diseases, not to exceed \$850,000:

"(i) Asthma;

"(ii) Cancer;

"(iii) Diabetes;

"(iv) Hypertension;

"(v) Kidney disease; and

"(vi) Obesity.

"(d)(1) All grants issued pursuant to subsection (c) of this section shall be administered pursuant to the requirements set forth in the Grant Administration Act of 2013, signed by the Mayor on August 28, 2013, (D.C. Act 20-157; 60 DCR 12472).

"(2) The Department of Health shall submit a quarterly report to the Secretary to the Council on all grants issued pursuant to the authority granted in subsection (c) of this section and any grant in excess of \$250,000 shall be awarded through a competitive process unless otherwise authorized by law."

Sec. 4. Fiscal impact statement.

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

Sec. 5. Effective date.

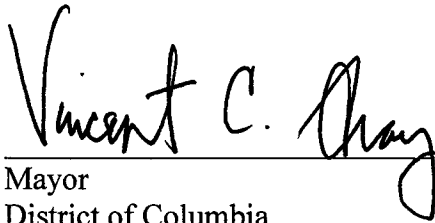
This act shall take effect following approval by the Mayor, (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788;
D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
November 20, 2013

ENROLLED ORIGINAL

AN ACT

D.C. ACT 20-218

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

NOVEMBER 26, 2013

To amend, on an emergency basis, the Transportation Infrastructure Improvements GARVEE Bond Financing Act of 2009 to include the financing of the replacement and realignment of the Frederick Douglass Memorial Bridge as a qualified transportation project for GARVEE Bonds supported by grants to be received from the Federal Highway Administration.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Transportation Infrastructure Improvements GARVEE Bond Financing Emergency Amendment Act of 2013".

Sec. 2. The Transportation Infrastructure Improvements GARVEE Bond Financing Act of 2009, effective September 23, 2009 (D.C. Law 18-54; D.C. Official Code § 9-107.51 *et seq.*), is amended as follows:

(a) Section 2(16) (D.C. Official Code § 9-107.51(16)) is amended to read as follows:

"(16) "Qualified Transportation Project" means the following projects that meet the eligibility requirements of the Federal Highway Administration as permissible transportation expenditures under Title 23 of the Code of Federal Regulations:

"(A) The project to replace the twin 11th Street Bridges over the Anacostia River and to improve the interchanges at either end, including adding missing movements to and from the north onto the Anacostia Freeway; and

"(B) The project to replace and realign the aging Frederick Douglass Memorial Bridge and build new interchanges between the bridge and Suitland Parkway, the bridge and Potomac Avenue, S.W., Suitland Parkway and Interstate 295, and Suitland Parkway and Martin Luther King, Jr. Avenue."

(b) Section 3(a)(1) (D.C. Official Code § 9-107.52(a)(1)) is amended by striking the phrase "shall not exceed \$200 million" and inserting the phrase "shall not exceed \$430 million" in its place.


Sec. 3. Fiscal impact statement.

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

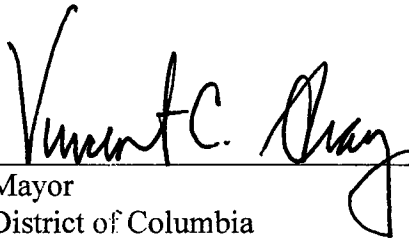
ENROLLED ORIGINAL

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section.412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
November 26, 2013

ENROLLED ORIGINAL

AN ACT

D.C. ACT 20-219

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

NOVEMBER 26, 2013

To amend the Department of Health Functions Clarification Act of 2001 to permit cottage food businesses in the District to operate without a license from the Department of Health if the specific laws concerning cottage food businesses are followed, to authorize the Department of Health to define food products to be sold by cottage food businesses, to establish storage and labeling requirements for food products produced by cottage food businesses, to authorize inspections of cottage food businesses if a complaint is received by the Department of Health, and to authorize the Department of Health to issue regulations concerning cottage food businesses.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Cottage Food Amendment Act of 2013".

Sec. 2. The Department of Health Functions Clarification Act of 2001, effective October 3, 2001 (D.C. Law 14-28; D.C. Official Code § 7-731 *et seq.*), is amended by adding a new part C to read as follows.

"Part C. Cottage Food.

"Sec. 4931. Definitions.

"For the purposes of this part, the term:

"(1) "CFBR" means the Cottage Food Business Registry within the Department of Health.

"(2) "Cottage food business" means a business that:

"(A) Produces or packages cottage food products in a residential kitchen;

"(B) Sells the cottage food products in accordance with section 4932 and regulations adopted by the Department of Health;

"(C) Has annual revenues from the sale of cottage food products in an amount not exceeding \$25,000; and

"(D) Has obtained a home occupancy permit from the Department of Consumer and Regulatory Affairs pursuant to section 203 of Title 11 of the District of Columbia Municipal Regulations (11 DCMR § 203).

"(3) "Cottage food product" means a non-potentially hazardous food, as specified in regulations adopted by the Department of Health, that is sold at a farmer's market or public event in accordance with section 4932 and regulations adopted by the Department of Health.

"(4) "Department" means the Department of Health.

ENROLLED ORIGINAL

“Sec. 4932. Cottage food businesses.

“(a) This section shall not:

“(1) Apply to a food establishment that is required to have a license under Department regulations; or

“(2) Exempt a cottage food business from any applicable District or federal tax laws.

“(b)(1) A cottage food business shall register with the Cottage Food Business Registry within the Department before beginning operation.

(2) The Department shall perform an inspection of the cottage food business before that business may sell its cottage food products.

(3) If a cottage food business passes the inspection, the Department shall issue a cottage food business identification number to the cottage food business.

(4) The Department shall have the authority to enter the premises of a cottage food business registered with the CFBR to conduct a pre-operational inspection and to investigate complaints pertaining to the sale or preparation of cottage food products pursuant to subsection (d) of this section.

“(c) The owner of a cottage food business may sell only cottage food products that are:

“(1) Stored on the premises of the cottage food business; and

“(2) Prepackaged with a label that contains the following information:

“(A) The cottage food business identification number;

“(B) The name of the cottage food product;

“(C) The ingredients of the cottage food product in descending order of the amount of each ingredient by weight;

“(D) The net weight or net volume of the cottage food product;

“(E) Allergen information as specified by federal labeling requirements;

“(F) If any nutritional claim is made, nutritional information as specified by federal labeling requirements; and

“(G) The following statement printed in 10-point or larger type in a color that provides a clear contrast to the background of the label: “Made by a cottage food business that is not subject to the District of Columbia's food safety regulations.”

“(d)(1) The Department may investigate any complaint alleging that a cottage food business has violated this section.

“(2) On receipt of a complaint, a representative of the Department, at a reasonable time, may enter and inspect the premises of a cottage food business to determine compliance with this section.

“(3) The owner of a cottage food business may not:

“(A) Refuse to grant access to a representative who requests to enter and inspect the premises of the cottage food business under paragraph (2) of this subsection; or

“(B) Interfere with any inspection under paragraph (2) of this subsection.

“(4) An investigation of a cottage food business conducted under this subsection may include sampling of a cottage food product to determine if the cottage food product is misbranded or adulterated.

ENROLLED ORIGINAL

“(e) The Mayor, pursuant to Title I of the District of Columbia Administrative Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 et seq.), may issue rules to implement the provisions of this part. The proposed regulations shall be submitted to the Council for a 60-day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve or disapprove the proposed regulations, in whole or in part, by resolution within this 60-day review period, the proposed rules shall be deemed approved.”.

Sec. 3. Applicability.

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

Sec. 4. Fiscal impact statement.

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

Sec. 5. Effective date.

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

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
November 26, 2013

ENROLLED ORIGINAL

AN ACT

D.C. ACT 20-220

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

NOVEMBER 26, 2013

To amend the District of Columbia Health Occupations Revision Act of 1985 to require trauma technologists to be licensed, to establish an Advisory Committee on Trauma Technologists, and to establish the minimum qualifications for licensure of trauma technologists.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Trauma Technologists Licensure Amendment Act of 2013".

Sec. 2. The District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1201.01 *et seq.*), is amended as follows:

(a) The table of contents is amended as follows:

(1) Strike the phrase "Sec. 203. Board of Medicine; Advisory Committees on Acupuncture, Anesthesiologist Assistants, Naturopathic Medicine, Physician Assistants, Polysomnography, and Surgical Assistants." and insert the phrase "Sec. 203. Board of Medicine; Advisory Committees on Acupuncture, Anesthesiologist Assistants, Naturopathic Medicine, Physician Assistants, Polysomnography, Surgical Assistants, and Trauma Technologists." in its place.

(2) Add the following after the phrase "Sec. 643. Transition.":

"TITLE VI-D.

"TRAUMA TECHNOLOGISTS; SCOPE OF PRACTICE;

"LICENSE RENEWAL; TRANSITION.

"Sec. 651. Scope of practice.

"Sec. 652. License renewal.

"Sec. 653. Transition."

(b) Section 102 (D.C. Official Code § 3-1201.02) is amended by adding a new paragraph (21) to read as follows:

"(21) "Practice by trauma technologists" means the provision of emergency medical care to trauma patients in a Level 1 trauma facility as designated by the Director of the Department of Health pursuant to Chapters 27 and 28 of Subtitle B of Title 22 of the District of Columbia Municipal Regulations (22-B DCMR § 2700 *et seq.* and § 2800 *et seq.*), under either the direct or indirect supervision of a physician licensed to practice medicine in the District of Columbia."

ENROLLED ORIGINAL

(c) Section 203 (D.C. Official Code § 3-1202.03) is amended as follows:

(1) The section heading is amended by striking the phrase “and Surgical Assistants.” and inserting the phrase “Surgical Assistants, and Trauma Technologists.” in its place.

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

(A) Paragraph (2) is amended by striking the phrase “the practice of surgical assistants with the advice of the Advisory Committee on Surgical Assistants, and the practice by physicians-in-training” and inserting the phrase “the practice of surgical assistants with the advice of the Advisory Committee on Surgical Assistants, the practice by physicians-in-training, and the practice of trauma technologists with the advice of the Advisory Committee on Trauma Technologists” in its place.

(B) Paragraph (8) is amended as follows:

(i) Subparagraph (D) is amended by striking the word “and”.

(ii) Subparagraph (E) is amended by striking the period and inserting the phrase “; and” in its place.

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

“(F) The practice of trauma technologists in accordance with guidelines approved by the Advisory Committee on Trauma Technologists.”

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

“(d-3)(1) There is established an Advisory Committee on Trauma Technologists to consist of 3 members appointed by the Mayor.

“(2) The Advisory Committee on Trauma Technologists shall develop and submit to the Board guidelines for the licensing and regulation of trauma technologists in the District. The guidelines shall set forth the actions that may be performed by trauma technologists under both the direct supervision and indirect supervision of a licensed physician who shall be responsible for the overall medical direction of the care and treatment of emergency patients.

“(3) Of the members of the Advisory Committee on Trauma Technologists, 2 shall be emergency room physicians licensed in the District with experience working with trauma technologists, and one shall be a trauma technologist who shall be deemed to be and shall become licensed in the District.

“(4) The Advisory Committee on Trauma Technologists shall submit initial guidelines to the Board within 180 days of the effective date of the Trauma Technologists Licensure Amendment Act of 2013, passed on 2nd reading on November 5, 2013 (Enrolled version of Bill 20-232), and shall subsequently meet at least annually to review the guidelines and make necessary revisions for submission to the Board.”

(4) Subsection (e) is amended by striking the phrase “and Surgical Assistants,” and inserting the phrase “Surgical Assistants, and Trauma Technologists,” in its place.

(5) Subsection (f) is amended to read as follows:

“(f) Upon request by the Board, the Advisory Committees on Acupuncture, Anesthesiologist Assistants, Physician Assistants, Surgical Assistants, and Trauma Technologists

ENROLLED ORIGINAL

shall, respectively, review applications for licensure to practice acupuncture or to practice as an anesthesiologist assistant, a physician assistant, a surgical assistant, or a trauma technologist and shall forward recommendations to the Board for action.”.

(d) Section 401(b)(2) (D.C. Official Code § 3-1204.01(b)(2)) is amended by striking the phrase “Surgical Assistants,” and inserting the phrase “Surgical Assistants, the trauma technologist member initially appointed to the Advisory Committee on Trauma Technologists,” in its place.

(e) Section 501(a) (D.C. Official Code §3-1205.01(a)) is amended by striking the phrase “or surgical assistant in the District,” and inserting the phrase “surgical assistant, or trauma technologist in the District,” in its place.

(f) Section 504 (D.C. Official Code § 3-1205.04) is amended by adding a new subsection (r) to read as follows:

“(r) An individual applying for a license to practice as a trauma technologist under this actr shall establish to the satisfaction of the Board of Medicine that the individual has:

“(1) Successfully completed courses and training in anatomy and physiology, respiratory and cardiac care, wound treatment and closure, treatment of musculoskeletal injuries and burns, and other clinical aspects of emergency medical care from a trauma technology training program approved by the Board;

“(2) Successfully completed the written and practical examinations for trauma technologists within 12 months after completing the trauma technology training program; and

“(3)(A) Successfully completed and provided evidence of course completion of a life support training course, which includes all adult, child, and infant cardiopulmonary resuscitation and airway obstruction skills, from an agency approved by the Board, which teaches these skills in accordance with the current American Heart Association Guidelines for Basic Life Support at the health care provider level;

“(B) Successfully completed and provided evidence of completion of a dedicated training program for trauma technologists in the armed forces and has been performing the functions of trauma technologists for at least 5 years before the date of application for licensure; or

“(C) Demonstrated to the satisfaction of the Board the completion of full-time work experience performed in the United States or Canada under the direct supervision of an emergency room physician licensed in the United States or Canada and consisting of at least 1,300 hours of performance as a trauma technologist in a Level 1 trauma facility as designated by the Director of the Department of Health pursuant to Chapters 27 and 28 of Subtitle B of Title 22 of the District of Columbia Municipal Regulations (22-B DCMR § 2700 *et seq.* and § 2800 *et seq.*), within the 3 years preceding the date of application for licensure.”.

(g) A new Title VI-D is added to read as follows:

“TITLE VI-D.

“TRAUMA TECHNOLOGISTS; SCOPE OF PRACTICE;

“LICENSE RENEWAL; TRANSITION.

ENROLLED ORIGINAL

“Sec. 651. Scope of practice.

“(a) An individual shall be licensed by the Board of Medicine before practicing as a trauma technologist in the District of Columbia.

“(b) An individual licensed to practice as a trauma technologist shall have the authority to:

“(1) Identify respiratory emergencies and perform critical interventions with oxygen therapy equipment, including bag valve masks;

“(2) Identify circulatory emergencies and perform critical interventions, including cardiopulmonary resuscitation;

“(3) Identify, assess, and treat, as required, various eye injuries, soft tissue injuries, ligament and tendon injuries, musculoskeletal injuries, environmental emergencies, and exposure and reactions to poisons;

“(4) Provide topical application of a local anesthetic,

“(5) Apply tourniquets, casts, immobilizers, and surgical dressings;

“(6) Perform phlebotomy and insert intravenous catheters; and

“(7) Suture lacerations and provide wound care.

“(c) A trauma technologist shall not:

“(1) Perform any surgical procedure independently;

“(2) Have prescriptive authority; or

“(3) Write any progress notes or orders on hospitalized patients.

“(d) Telecommunication by a physician licensed to practice in the District of Columbia may suffice as a means for directing delegated acts for a trauma technologist who is under the indirect supervision of that physician.

“Sec. 652. License renewal.

“The Board of Medicine shall renew the license of a trauma technologist who, in addition to meeting the requirements of section 504(r), has submitted to the Board, along with an application for renewal, documentation of successful completion of 50 hours of Board-approved continuing medical education within 2 years before the date the license expires. Continuing medical education may consist of critiques, didactic session, practical drills, workshops, seminars, or other Board-approved means.

“Sec. 653. Transition.

“For a period of 12 months following the effective date of the Trauma Technologists Licensure Amendment Act of 2013, passed on 2nd reading on November 5, 2013 (Enrolled version of Bill 20-232), all references in this act to “trauma technologists” shall be deemed to refer to persons meeting the requirements for licensure in the District, regardless of whether they are licensed in fact.”

(h) Section 1003 (D.C. Official Code § 3-1210.03) is amended by adding a new subsection (ee) to read as follows:

“(ee) Unless authorized to practice as a trauma technologist under this act, a person shall not use or imply the use of the words or terms “trauma technologist,” or “trauma tech,” or any

ENROLLED ORIGINAL

similar title or description of services with the intent to represent that the person practices as a trauma technologist.”.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

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

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
November 26, 2013

ENROLLED ORIGINAL

AN ACT

D.C. ACT 20-221

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

NOVEMBER 26, 2013

To amend, on a temporary basis, An Act Authorizing the sale of certain real estate in the District of Columbia no longer required for public purposes to extend the time in which the Mayor may dispose of certain District-owned real property located at 5131 Nannie Helen Burroughs Avenue, N.E., known as the Strand Theater.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Extension of Time to Dispose of the Strand Theater Temporary Amendment Act of 2013".

Sec. 2. Section 1 of An Act Authorizing the sale of certain real estate in the District of Columbia no longer required for public purposes, approved August 5, 1939 (53 Stat. 1211; D.C. Official Code § 10-801), is amended by adding a new subsection (d-6) to read as follows:

"(d-6) Notwithstanding subsection (d) of this section, the time period within which the Mayor may dispose of the property located at 5131 Nannie Helen Burroughs Avenue, N.E., known as the Strand Theater, for which disposition was approved by the Council pursuant to the Strand Theater Disposition Approval Resolution of 2009, effective October 6, 2009 (Res. 18-263; 56 DCR 8410), and extended by the Strand Theater Disposition Extension Approval Resolution of 2011, effective September 20, 2011 (Res. 19-246; 58 DCR 8477), is extended to October 6, 2014."

Sec. 3. Fiscal impact statement.

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

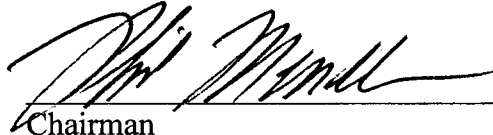
Sec. 4. Effective date.

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

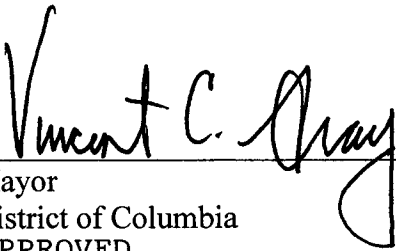
ENROLLED ORIGINAL

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

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
November 26, 2013

**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.

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COUNCIL OF THE DISTRICT OF COLUMBIA	PROPOSED LEGISLATION
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BILLS

- B20-586 Historic District Neighbor Notification Act of 2013

Intro. 11-26-13 by Councilmember Evans and referred to the Committee of the Whole

- B20-589 SeVerna, LLC Real Property Tax Exemption and Real Property Tax Relief Amendment Act of 2013

Intro. 11-27-13 by Councilmember Wells and referred to the Committee on Finance and Revenue

- B20-594 Disposition of District Land for Affordable Housing Amendment Act of 2013

Intro. 12-03-13 by Councilmembers McDuffie, Bowser, Bonds and Graham and referred to the Committee on Economic Development

- B20-595 Public-Private Partnership Act of 2013”

Intro. 12-03-13 by Councilmembers Bowser and Grosso and referred to the Committee of the Whole

- B20-596 Phi Beta Sigma Way Designation Act of 2013

Intro. 12-03-13 by Councilmember Bowser and referred to the Committee of the Whole

BILLS Con't

B20-597 Local Resident Voting Rights Act of 2013

Intro. 12-03-13 by Councilmembers Grosso, Graham, Bowser and Wells and referred to the Committee on Government Operations

B20-598 Alcohol Sales to Minors Enforcement Amendment Act of 2013

Intro. 12-03-13 by Councilmembers Alexander, Bowser and Bonds and referred to the Committee on Business, Consumer, and Regulatory Affairs

B20-599 Comprehensive Pediatric Dental Screening and Education Act of 2013

Intro. 12-03-13 by Councilmembers Alexander, Grosso and Bonds and sequentially referred to the Committee on Education and the Committee on Health

B20-600 Child and Adolescent Diabetes Prevention Act of 2013

Intro. 12-03-13 by Councilmember Alexander and referred to the Committee on Health with comments from the Committee on Education

B20-601 Fair Wages for All Amendment Act of 2013

Intro. 12-03-13 by Councilmember Cheh and referred to the Committee on Business, Consumer, and Regulatory Affairs

B20-603 Sonia Gutierrez Way Designation Act of 2013

Intro. 12-03-13 by Councilmembers Bonds and McDuffie and referred to the Committee of the Whole

B20-604 Affordable Homeownership Preservation and Equity Accumulation Amendment Act of 2013

Intro. 12-03-13 by Councilmembers Bonds and McDuffie and referred to the Committee on Economic Development

B20-605 Standard Deduction Adjustment Act of 2013

Intro. 12-03-13 by Councilmembers Bonds, Barry, Graham and McDuffie and referred to the Committee on Economic Development

BILLS Con't

- B20-606 On-Site Consumption Amendment Act of 2013

Intro. 12-03-13 by Councilmembers Wells and McDuffie and referred to the Committee on Business, Consumer, and Regulatory Affairs
- B20-607 Child Development Home License Regulation and Amendment Act of 2013

Intro. 12-03-13 by Councilmember Graham and referred to the Committee on Human Services
- B20-608 Student Health Care Amendment Act of 2013

Intro. 12-03-13 by Councilmembers Barry, Wells, Cheh and McDuffie and referred to the Committee on Education
- B20-609 Ward 8 Alcohol License Moratorium Act of 2013

Intro. 12-03-13 by Councilmember Barry and referred to the Committee on Business, Consumer, and Regulatory Affairs
- B20-610 Chuck Brown Memorial Performance Stage at the Lincoln Theatre Designation Act of 2013

Intro. 12-03-13 by Councilmember Barry and referred to the Committee of the Whole

PROPOSED RESOLUTION

- PR20-565 Commission on the Arts and Humanities Alma Hardy Gates Confirmation Resolution of 2013

Intro. 11-21-13 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Finance and Revenue
- PR20-567 Office of Human Rights Monica Palacio Confirmation Resolution of 2013

Intro. 11-22-13 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Judiciary and Public Safety
- PR20-573 Sense of the Council that the High-Quality Education Offered at Alice Deal Middle School Should be Replicated District-Wide and Available to All Resolution of 2013”

Intro. 12-03-13 by Councilmembers Bowser, Bonds, Barry, Grosso and McDuffie and referred to the Committee on Education

PROPOSED RESOLUTION Con't

PR20-574 Code of Official Conduct Amendment Resolution of 2013

Intro. 12-03-13 by Chairman Mendelson and retained by the Council

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

COUNCILMEMBER KENYAN R. McDUFFIE, CHAIRPERSON
COMMITTEE ON GOVERNMENT OPERATIONS

ANNOUNCES A PUBLIC HEARING ON

**BILL 20-413 THE “RESIDENCY REQUIREMENT FOR
GOVERNMENT EMPLOYEES AMENDMENT ACT OF 2013”**

December 16, 2013, 11:00 AM
Room 123 John A. Wilson Building
1350 Pennsylvania Ave., NW
Washington, D.C. 20004

On December 16, 2013, Councilmember Kenyan R. McDuffie, Chairperson of the Committee on Government Operations will convene a public hearing on the “Residency Requirement for Government Employees Amendment 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. This notice has been revised to reflect a new date, room and time. This notice is abbreviated, however the original notice was previously published in a timely manner.

The purpose of this hearing is to give the public the opportunity to comment on this measure. The stated purpose of “Residency Requirement for Government Employees Amendment Act of 2013” is to amend the District of Columbia Government Comprehensive Merit Personnel Act of 1978 to require all District government employees appointed to the Career Service, Legal Service, Education Service and any newly created service to be bona fide residents of the District at the time of appointment or within 180 days of appointment, to define “hard to fill” positions, provisions to exempt appointments from the residency requirement, and to require quarterly reports to the Council regarding all hard to fill appointments.

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 for the Committee on Government Operations at (202) 724-8028, or via e-mail at rgulstone@dccouncil.us, and provide their name, address, telephone number, organizational affiliation and title (if any) by close of business December 13, 2013. Representatives of organizations will be allowed a maximum of five (5) minutes for oral presentation and individuals will be allowed a maximum of three (3) minutes for oral presentation. Witnesses should bring 10 copies of

their written testimony and if possible submit a copy of their testimony electronically to rgulstone@dccouncil.us.

If you are unable to testify at the hearing, written statements are encouraged and will be made a part of the official record. Copies of written statements should be submitted either to the Committee, or to Ms. Nyasha Smith, Secretary to the Council, 1350 Pennsylvania Avenue, N.W., Suite 5, Washington, D.C. 20004. The record will close at the end of the business day on January 3, 2014.

COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE ON TRANSPORTATION & THE ENVIRONMENT
COMMITTEE ON FINANCE & REVENUE
COMMITTEE ON GOVERNMENT OPERATIONS
COMMITTEE ON EDUCATION

REVISED

NOTICE OF JOINT PUBLIC HEARING ON

Bill 20-573, the Sustainable DC Omnibus Act of 2013

Wednesday, January 8, 2014
at 11:00 a.m.
in Room 500 of the
John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004

On Wednesday, January 8, 2014, Councilmember Mary M. Cheh, Chairperson of the Committee on the Transportation and the Environment; Councilmember Jack Evans, Chairperson of the Committee on Finance and Revenue; Councilmember Kenyan McDuffie, Chairperson of the Committee on Government Operations; and Councilmember David A. Catania, Chairperson of the Committee on Education, will hold a joint public hearing on Bill 20-573, the Sustainable DC Omnibus Act of 2013. The hearing will begin at 11:00 a.m. in Room 500 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W.

The Committee invites the public to testify or to submit written testimony, which will be made a part of the official Hearing Record. Anyone wishing to testify should contact Ms. Aukima Benjamin, staff assistant to the Committee on Transportation and the Environment, at (202) 724-8062 or via e-mail at abenjamin@dccouncil.us. Persons representing organizations will have five minutes to present their testimony. Individuals will have three minutes to present their testimony. Witnesses should bring 10 copies of their written testimony and should submit a copy of their testimony electronically to abenjamin@dccouncil.us.

If you are unable to testify in person, written statements are encouraged and will be made a part of the official record. Copies of written statements should be submitted to Ms. Aukima Benjamin, staff assistant to the Committee on Transportation and the Environment, John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Suite 108, Washington, D.C. 20004. They may also be e-mailed to abenjamin@dccouncil.us or faxed to (202) 724-8118. The record will close at the end of the business day on January 22, 2014.

This hearing notice is revised to include additional committees.

COUNCIL OF THE DISTRICT OF COLUMBIA
CONSIDERATION OF TEMPORARY LEGISLATION

B20-593, “Tax Exemption for Teacher Awards Temporary Act of 2013” was adopted on first reading on December 3, 2013. This temporary measure was considered in accordance with Council Rule 413. A final reading on this measure will occur on December 17, 2014.

COUNCIL OF THE DISTRICT OF COLUMBIA
Notice of Reprogramming Requests

Pursuant to DC Official Code Sec 47-361 et seq. of the Reprogramming Policy Act of 1990, the Council of the District of Columbia gives notice that the Mayor has transmitted the following reprogramming request(s).

A reprogramming will become effective on the 15th day after official receipt unless a Member of the Council files a notice of disapproval of the request which extends the Council's review period to 30 days. If such notice is given, a reprogramming will become effective on the 31st day after its official receipt unless a resolution of approval or disapproval is adopted by the Council prior to that time.

Comments should be addressed to the Secretary to the Council, John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Room 5 Washington, D.C. 20004. Copies of reprogramming requests are available in Legislative Services, Room 10.
Telephone: 724-8050

Reprog. 20-131: Request to reprogram \$3,057,622 of Fiscal Year 2014 Local funds budget authority within the District Department of Transportation (DDOT) was filed in the Office of the Secretary on November 25, 2013. This reprogramming ensures that DDOT'S expenditures are properly aligned with each administration.

RECEIVED: 14 day review begins November 26, 2013

Reprog. 20-132: Request to reprogram \$49,271 of Fiscal Year 2014 Local funds budget authority from the District Retiree Health Contribution (DRHC) to the Office of Veterans' Affairs (OVA) was filed in the Office of the Secretary on November 25, 2013. This reprogramming will allow OVA to renew the employment status of one FTE for 12 months.

RECEIVED: 14 day review begins November 26, 2013

Reprog. 20-133: Request to reprogram \$1,000,000 of Fiscal Year 2014 Local funds budget authority from the Office of the Deputy Mayor for Health and Human Services (ODMHHS) to the Department of Human Services (DHS) in the amount of \$768,112, and the Office of the Deputy Mayor for Public Safety and Justice (ODMPSJ) in the amount of \$231,888 was filed in the Office of the Secretary on November 26, 2013. This reprogramming ensures that the two agencies best suited to administer the Parent Adolescent Support Services program have the appropriate funds.

RECEIVED: 14 day review begins November 27, 2013

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

**NOTICE OF PUBLIC HEARINGS
CALENDAR**

**WEDNESDAY, DECEMBER 11, 2013
2000 14TH STREET, N.W., SUITE 400S,
WASHINGTON, D.C. 20009**

**Ruthanne Miller, Chairperson
Members:**

Nick Alberti, Donald Brooks, Herman Jones, Mike Silverstein

Protest Hearing (Status) Case # 13-PRO-00148; Glass House Coffee, LLC, t/a Glass House Coffee 1333 14th Street NW, License #93244, Retailer CT, ANC 2F New Application	9:30 AM
Protest Hearing (Status) Case # 13-PRO-00140; Civil Lounge, LLC, t/a Civil Lounge, 5335 Wisconsin Ave NW, License #90196, Retailer CT, ANC 3E Renewal Application	9:30 AM
Protest Hearing (Status) Case # 13-PRO-00139; Beg Investments, LLC, t/a Twelve Restaurant & Lounge, 1123 H Street NE, License #76366, Retailer CT, ANC 6A Renewal Application	9:30 AM
Protest Hearing (Status) Case # 13-PRO-00133; 1001 H Street, LLC, t/a Ben's Chili Bowl/Ben's Upstairs, 1001 H Street NE, License #93103, Retailer CR, ANC 6A New Application	9:30 AM
Show Cause Hearing (Status) Case # 13-CC-00027; Vap H Street, LLC, t/a Vapiano, 623 H Street NW License #76727, Retailer CR, ANC 2C Failed to Post License in a Conspicuous Place	9:30 AM
Fact Finding Hearing (Contested) Case # 13-PRO-00113, Good Hope Market, LLC, t/a Dollar Plus Store, 1429 Good Hope Road SE, License #92680, Retailer A, ANC 8A Inquiry Regarding Settlement Agreement	9:30 AM

Board's Calendar

Page -2- December 11, 2013

Show Cause Hearing

Case # 12-CMP-00144; Lion's Gate, Inc, t/a Lion's Fine Wine & Spirits
3614 Georgia Ave NW, License #88221, Retailer A, ANC 1A

No ABC Manager on Duty

10:00 AM

Fact Finding Hearing

Case # 13-251-00120; TAG Ventures, Inc., t/a Bar 7, 1015 7th Street NW
License #82350, Retailer CT, ANC 6E

Incident Inside the Establishment

11:00 AM

Fact Finding Hearing

M Street Management Group, LLC, t/a 1819 Club, 1819 M Street NW, License
#71088, Retailer CN, ANC 2B

License in Safekeeping

11:30 AM

BOARD RECESS AT 12:00 PM

ADMINISTRATIVE AGENDA

1:00 PM

Protest Hearing

Case # 13-PRO-00136; 301 Romeo, LLC, t/a Romeo & Juliet, 301
Massachusetts Ave NW, License #92684, Retailer CR, ANC 6E

New Application

1:30 PM

Show Cause Hearing

Case # 13-CMP-00276; CP, Inc., t/a Café Paradiso, 2649 Connecticut Ave NW
License #13111, Retailer B, ANC 3C, **Failed to Post Pregnancy Sign, Failed
to Post License in a Conspicuous Place**

1:30 PM

Show Cause Hearing

Case # 13-CMP-00219; Meseret Ali & Yonas Chere, t/a Merkato Ethiopian
Restaurant, 1909 9th Street NW, License #89019, Retailer CR, ANC 1B

Operating After Hours

2:30 PM

Show Cause Hearing

Case # 13-AUD-00049; Langston Bar & Grille, LLC, t/a Langston Bar &
Grille, 1831 Benning Road NE, License #76260, Retailer CR, ANC 6A

**Failed to Maintain on Premises Three Years of Books and Records
Showing All Sales**

3:30 PM

Show Cause Hearing

Case # 13-CMP-002156; Langston Bar & Grille, LLC, t/a Langston Bar &
Grille, 1831 Benning Road NE, License #76260, Retailer CR, ANC 6A

Substantial Change in Operation (No Summer Garden Endorsement)

4:30 AM

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

ON

12/06/2013

Notice is hereby given that:

License Number: ABRA-091036

License Class/Type: C Tavern

Applicant: Bord'eau, LLC

Trade Name: Azur

ANC: 2C03

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

405 8TH ST NW, WASHINGTON, DC 20004

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

1/21/2014

HEARING WILL BE HELD ON

2/03/2014

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

ENDORSEMENTS: Sidewalk Cafe

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

Days	Hours of Sidewalk Cafe Operation	Hours of Sales Sidewalk Cafe
Sunday:	11am - 2am	11am - 2am
Monday:	11am - 2am	11am - 2am
Tuesday:	11am - 2am	11am - 2am
Wednesday:	11am - 2am	11am - 2am
Thursday:	11am - 2am	11am - 2am
Friday:	11am - 3am	11am - 3am
Saturday:	11am - 3am	11am - 3am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

ON

12/06/2013

Notice is hereby given that:

License Number: ABRA-090863

License Class/Type: C Restaurant

Applicant: Baby Wale, LLC

Trade Name: Baby Wale

ANC: 2F06

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

1124 9TH ST NW, WASHINGTON, DC 20001

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

1/21/2014

HEARING WILL BE HELD ON

2/03/2014

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

ENDORSEMENTS:

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

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

ON

12/06/2013

Notice is hereby given that:

License Number: ABRA-092461

License Class/Type: C Restaurant

Applicant: 1825 18th Hospitality, LLC

Trade Name: Bar Charley

ANC: 2B06

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

1825 18TH ST NW, WASHINGTON, DC 20009

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

1/21/2014

HEARING WILL BE HELD ON

2/03/2014

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

ENDORSEMENTS: Entertainment, Summer Garden

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

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

CORRECTION*

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: November 1, 2013
 Petition Date: December 16, 2013
 Hearing Date: December 30, 2013
 Protest Hearing Date: February 26, 2014

License No.: ABRA-093572
 Licensee: KAT, LLC
 Trade Name: Cloud Restaurant & Lounge
 License Class: Retailer’s Class “C” Tavern
 Address: 1919 9th Street NW
 Contact: Tesfit Kiflu 703-629-0952

WARD 1 ANC 1B02 SMD 1B02

Notice is hereby given that this applicant has applied for a license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such license on the hearing date at 10:00 am, 2000 14th Street, N.W., 400 South, Washington, DC 20009. Petitions and/or requests to appear before the Board must be filed on or before the petition date. The Protest Hearing Date is scheduled for 2/26/14 at 1pm.

NATURE OF OPERATION

This is new Lounge –Live Music- DJ- Singers-Traditional Songs and Dancing. Total # of seats is 50 and the occupancy Load is 50.

HOURS OF OPERATION

Sunday through Saturday 11 am – 6 am

HOURS OF ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION

Sunday through Thursday 11 am – 2 am Friday and Saturday 11 am -3 am

HOURS OF OPERATION FOR THE SIDEWALK CAFÉ* (deletion-there is no sidewalk café).

HOURS OF LIVE ENTERTAINMENT OCCURING OR CONTINUING AFTER 6 PM

Sunday through Thursday 6 pm – 2 am Friday and Saturday 6 pm – 3 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

ON

12/6/2013

Notice is hereby given that:

License Number: ABRA-093095

License Class/Type: C Tavern

Applicant: CHAM RESTAURANT GRO

Trade Name: NEW TOWN KITCHEN AND LOUNGE

SMD: 1B12

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

1336 U ST NW, WASHINGTON, DC 20009

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

1/21/2014

HEARING WILL BE HELD ON

2/3/2014

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

ENDORSEMENTS: Dancing, Entertainment, Summer Garden

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

Days	Hours of Summer Garden Operation	Hours of Sales Summer Garden
Sunday:	10 am - 2 am	10 am - 2 am
Monday:	10 am - 2 am	10 am - 2 am
Tuesday:	10 am - 2 am	10 am - 2 am
Wednesday:	10 am - 2 am	10 am - 2 am
Thursday:	10 am - 2 am	10 am - 2 am
Friday:	10 am - 3 am	10 am - 3 am
Saturday:	10 am - 3 am	10 am - 3 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: December 6, 2013
Petition Date: January 21, 2014
Hearing Date: February 23, 2014

License No.: ABRA-091249
Licensee: Saki, Inc.
Trade Name: Federal Lounge
License Class: Retail Class "C" Tavern
Address: 2477 18th Street NW
Contact: Joyce Njoroge 301-841-5287

WARD 1 ANC 1C ANC1C07

Notice is hereby given that this licensee has applied for a substantial change to his license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the hearing date at 10:00 am, 2000 14th Street, N.W., Suite 400 South Washington, DC 20009. Petition and/or request to appear before the Board must be filed on or before the petition date.

Licensee requests the following substantial change to its nature of operations:
A new Sidewalk Café. Seating 8. The total occupancy load indoors is 99.

HOURS OF OPERATION/INSIDE AND THE SIDEWALK CAFÉ/SALES/SERVICE & CONSUMPTION FOR THE INSIDE

Sunday through Thursday 11 am – 2 am Friday and Saturday 11 am -3 am

HOURS OF SALES/SERVICE & CONSUMPTION FOR THE SIDEWALK OPERATION/INSIDE

Sunday through Thursday 11 am – 1:30 am, Friday – Saturday 11 am to 2:30

HOURS OF ENTERTAINMENT

Sunday through Thursday 8 pm -2 am Friday & Saturday 8 pm – 3a m

Rescind

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

ON

10/18/2013

Notice is hereby given that:

License Number: ABRA-088592

License Class/Type: C Tavern

Applicant: HR-57, Inc.

Trade Name: HR-57

ANC:

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

1007 H ST NE, WASHINGTON, DC 20002

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

12/2/2013

HEARING WILL BE HELD ON

12/16/2013

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

ENDORSEMENTS: Cover Charge, Entertainment

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	11 am - 12 am	11 am -12 am	2 pm - 12 am
Monday:	11 am - 12 am	11 am - 12 am	2 pm - 12 am
Tuesday:	11 am - 12 am	11 am - 12 am	2 pm - 12 am
Wednesday:	11 am - 1 am	11 am - 1 am	2 pm - 1 am
Thursday:	11 am - 1 am	11 am - 1 am	2 pm - 1 am
Friday:	11 am - 2:30 am	11 am - 2:30 am	2 pm - 2:30 am
Saturday:	11 am - 2:30 am	11 am - 2:30 am	2 pm - 2:30 am

FOR FURTHER INFORMATION CALL (202) 442-4423

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

Posting Date: December 6, 2013
Petition Date: January 21, 2014
Hearing Date: February 3, 2014
Protest Hearing Date: April 2, 2014

License No.: ABRA-093799
Licensee: Hananias Food Service, Inc.
Trade Name: Reyna Mkt & Deli
License Class: Retailer's Class "A" Liquor Store
Address: 4201 Massachusetts Avenue NW
Contact: Souhel B. Hadad 703-568-8500

WARD 3

ANC 3D

SMD 3D10

Notice is hereby given that this applicant has applied for a license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such license on the hearing date at 10:00 am, 2000 14th Street, N.W., 400 South, Washington, DC 20009. Petitions and/or requests to appear before the Board must be filed on or before the petition date. The Protest Hearing Date is scheduled for April 2, 2014 at 1:30pm.

NATURE OF OPERATION

This is a new Liquor Store Grocery & Delicatessen with made to order sandwiches.

HOURS OF OPERATION/ HOURS OF ALCOHOLIC BEVERAGE SALES/SERVICE

Sunday through Saturday 7 am – 12 am

CORRECTION *

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: November 15, 2013
Petition Date: December 30, 2013
Hearing Date: January 13, 2014

License No.: ABRA-085617
Licensee: AED, LLC
Trade Name: Rustic Tavern
License Class: Retailer’s Class “C” Tavern
Address: 84 T Street NW
Phone: Ejonta Pashaj 202-290-2936 info@rusticdc.com

WARD 5

ANC 5E

SMD 5E07

Notice is hereby given that this licensee who has applied for a substantial change to his license under the D.C. Alcoholic Beverage Control Act and that objectors are entitled to be heard before the granting of such on the hearing date at 10:00 am, 4th Floor, 2000 14th Street, NW, Washington, DC, 20009. A petition or request to appear before the Board must be filed on or before the petition date.

LICENSEE REQUESTS THE FOLLOWING SUBSTANTIAL CHANGE TO THE NATURE OF OPERATIONS:

Change of Hours

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

Sunday through Thursday 11 am - 12 am Friday and Saturday 11 am – 1 am

CURRENT HOURS OF LIVE ENTERTAINMENT

Saturday and Sunday 6 pm – 10 pm Monday through Thursday 8 pm – 10 pm

CURRENT HOURS OF LIVE SIDEWALK CAFÉ

Sunday through Thursday 11 am – 10 pm Friday and Saturday 11 am – 11 pm

PROPOSED HOURS OF OPERATIONS/ PROPOSED HOURS OF OPERATION AND HOURS OF ALCOHOLIC BEVERAGE SALES/CONSUMPTION

Sunday through Thursday 10 am – 1 am Friday and Saturday 10 am – 2 am *

PROPOSED HOURS OF OPERATIONS/ PROPOSED HOURS OF OPERATION AND HOURS OF ALCOHOLIC BEVERAGE SALES/CONSUMPTION FOR THE SIDEWALK CAFÉ

Sunday through Thursday 10 am – 11 pm Friday and Saturday 10 am -12 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

ON

12/06/2013

Notice is hereby given that:

License Number: ABRA-089980

License Class/Type: C Restaurant

Applicant: Lion Hospitality

Trade Name: Teddy

ANC: 2B

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

1200 19TH ST NW, WASHINGTON, DC 20036

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

1/21/2014

HEARING WILL BE HELD ON

2/03/2014

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

ENDORSEMENTS: Entertainment, Sidewalk Cafe

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	11 am - 2 am	11 am - 2 am	6 pm - 2 am
Monday:	11 am - 2 am	11 am - 2 am	6 pm - 2 am
Tuesday:	11 am - 2 am	11 am - 2 am	6 pm - 2 am
Wednesday:	11 am - 2 am	11 am - 2 am	6 pm - 2 am
Thursday:	11 am - 2 am	11 am - 2 am	6 pm - 2 am
Friday:	11 am - 3 am	11 am - 3 am	6 pm - 3 am
Saturday:	11 am - 3 am	11 am - 3 am	6 pm - 3 am

Days	Hours of Sidewalk Cafe Operation	Hours of Sales Sidewalk Cafe
Sunday:	11:30 am - 1 am	11:30 am - 1 am
Monday:	11 am - 1 am	11 am - 1 am
Tuesday:	11 am - 1 am	11 am - 1 am
Wednesday:	11 am - 1 am	11 am - 1 am
Thursday:	11 am - 1 am	11 am - 1 am
Friday:	11 am - 1 am	11 am - 1 am
Saturday:	11:30 am - 1 am	11:30 am - 1 am

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

Posting Date: December 6, 2013

Petition Date: January 21, 2014

Hearing Date: February 3, 2014

License No.: ABRA-077798

Licensee: CAH Inc.

Trade Name: Westchester Market

License Class: Retail Class "B"

Address: 4000 Cathedral Avenue, NW

Contact: Catherine Hyeon 202-965-4066

WARD 3

ANC 3B

SMD 3B04

Notice is hereby given that this licensee has applied for a substantial change to his license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the hearing date at 10:00 am, 4th Floor, 2000 14th Street, N.W., Washington, DC 20009. Petition and/or request to appear before the Board must be filed on or before the petition date.

Licensee requests the following substantial change to its nature of operation:

Request a class change from Class B license to Class A license

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

Sunday through Friday 9 am – 8 pm, Saturday 10 am – 7 pm

**BOARD OF ZONING ADJUSTMENT
PUBLIC HEARING NOTICE
TUESDAY, FEBRUARY 4, 2014
441 4TH STREET, N.W.
JERRILY R. KRESS MEMORIAL HEARING ROOM, SUITE 220-SOUTH
WASHINGTON, D.C. 20001**

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

9:30 A.M. MORNING HEARING SESSION

A.M.

WARD ONE

18697
ANC-1A **Application of Mattie McLain**, pursuant to 11 DCMR § 3104.1, for a special exception for a massage establishment under section 731, in the C-2-A District on the first floor of premises 3429 14th Street, N.W. (Square 2836, Lot 132).

WARD SIX

18698
ANC-6D **Application of M Street Yoga Studio**, pursuant to 11 DCMR § 3103.2, for a variance from the use provisions to establish a yoga studio under section 350.4, in the R-5-D District, at premises 300 M Street, S.W. (First Floor) (Square 546, Lot 302).

WARD ONE

18699
ANC-1B **Application of JK Enterprises Inc.**, pursuant to 11 DCMR § 3104.1, for a special exception for a change of nonconforming use for a Dry Cleaners, Alteration, Shoe Repair and Pick Up Service under subsection 2003.1, in the R-4 District at premises 2712 11th Street, N.W. (Square 2859, Lot 855).

WARD FOUR

18700
ANC-4C **Application of Thomas Kelly**, pursuant to 11 DCMR § 3104.1, for a special exception for an accessory apartment under subsection 202.10, in the R-1-B District at premises 1205 Decatur Street, N.W. (Square 2922, Lot 3).

WARD SIX

18701
ANC-6B **Application of 1247 ESE LLC**, pursuant to 11 DCMR § 3103.2, for a variance from the use provisions to operate a coffee shop/café in the first floor space within an existing apartment house under subsection 330.5, in the R-4 District at premises 1247 E Street, S.E. (Square 1019, Lot 43).

BZA PUBLIC HEARING NOTICE

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WARD ONE

18702 **Application of View 14 Investments LLC and Citydog! Club.**, pursuant
ANC-1B to 11 DCMR §§ 3104.1 and 3103.2, for special exceptions to allow
 animal boarding under section 735, a pet grooming establishment under
 section 736, and an animal shelter under section 739, and related variances
 under subsections 736.4 and 739.5, in the C-2-B District at premises 2303
 14th Street, N.W. (Square 2868, Lot 155).

PLEASE NOTE:

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

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

Except for the affected ANC, any person who desires to participate as a party in this case must clearly demonstrate that the person’s interests would likely be more significantly, distinctly, or uniquely affected by the proposed zoning action than other persons in the general public. **Persons seeking party status shall file with the Board, not less than 14 days prior to the date set for the hearing, a Form 140 – Party Status Application Form.** This form may be obtained from the Office of Zoning at the address stated below or downloaded from the Office of Zoning’s website at: www.dcoz.dc.gov. All requests and comments should be submitted to the Board through the Director, Office of Zoning, 441 4th Street, NW, Suite 210, Washington, D.C. 20001. Please include the case number on all correspondence.

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

**LLOYD J. JORDAN, CHAIRMAN, 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.**

**BOARD OF ZONING ADJUSTMENT
PUBLIC HEARING NOTICE
TUESDAY, FEBRUARY 11, 2014
441 4TH STREET, N.W.
JERRILY R. KRESS MEMORIAL HEARING ROOM, SUITE 220-SOUTH
WASHINGTON, D.C. 20001**

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

9:30 A.M. MORNING HEARING SESSION

A.M.

WARD THREE

18706
ANC-3E **Application of Lawrence S. Ward and Jessica Furey**, pursuant to 11 DCMR § 3104.1, for a special exception for an addition to a one-family detached dwelling under section 223, not meeting the lot occupancy (section 403) and nonconforming structure (subsection 2001.3) requirements in the R-1-B District at premises 4445 Yuma Street, N.W. (Square 1591, Lot 827).

WARD THREE

18708
ANC-3D **Application of Amir Motlagh**, pursuant to 11 DCMR § 3104.1, for a special exception to allow the construction of a one-family detached dwelling on a theoretical lot (Last approved under BZA Order No. 15882) under section 2516, in the R-1-A District at premises 4509 Foxhall Crescents Drive, N.W. (Square 1397, Lot 960).

WARD SEVEN

18707
ANC-7C **Application of Antioch Baptist Church**, pursuant to 11 DCMR §§ 3104.1 and 3103.2, for a variance from the parking lot location requirements under subsection 214.4, and a special exception to establish an accessory parking and storage lot under section 214, in the R-2 District at premises 5014 Lee Street, N.E. (Square 5174, Lot 12).

WARD FIVE

18709
ANC-5E **Application of DAZ LLC**, pursuant to 11 DCMR §§ 3104.1 and 3103.2, for a special exception for an addition to a flat under section 223, not meeting the lot occupancy (section 403), side yard (section 405) and nonconforming structure (subsection 2001.3) requirements, and variances from the lot occupancy (section 403), side yard (section 405) and

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nonconforming structure (subsection 2001.3) for an addition to an existing child development center in the R-4 District at premises 125 New York Avenue, N.W. (Square 555, Lot 802).

WARD FOUR

THIS APPLICATION WAS POSTPONED FROM THE DECEMBER 10, 2013, PUBLIC HEARING SESSION:

18671 **Application of Jemal’s TP Land LLC**, pursuant to 11 DCMR § 3129.7
ANC-4B for a modification of plans previously approved under BZA Application No. 17679 for a special exceptions under sections 353 and 2516, and under section 411 regarding roof structures; a variance from the parking requirements under Section 2100; and variance from the loading requirements under section 2201 to allow for two multiple dwellings (each containing 50 units) in the R-5-A District at premises 6923-6953 Maple Street, N.W. and 6916-6926 Maple Street, N.W. (Square 3357, Lots 26, 27, 28, 29, 40, 808, 811, 814, 815, 818, 819, 820, 825, 840 and 843).

WARD FIVE

18705 **Appeal of Kingman Park Civic Association and W. Simpkins**, pursuant
ANC-5D to 11 DCMR §§ 3100 and 3101, from a decision by the Department of Consumer and Regulatory Affairs to permit a Street Car Maintenance Garage , Repair Facility and Street Car Wash, in the R-5-B District at premises 2500 Benning Road, N.E. (Parcel 160/45).

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**

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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. All requests and comments should be submitted to the Board through the Director, Office of Zoning, 441 4th Street, NW, Suite 210, Washington, D.C. 20001. Please include the case number on all correspondence.

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

LLOYD J. JORDAN, CHAIRMAN, 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 FURTHER HEARING**

TIME AND PLACE: **Thursday, January 30, 2014, @ 6:00 P.M.**
 John A. Wilson Building, Room 412
 1350 Pennsylvania Avenue, N.W.
 Washington, D.C. 20003

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

CASE NO. 08-06A (Title 11, Zoning Regulations – Comprehensive Text Revisions)

The Zoning Commission for the District of Columbia hereby gives notice of a further public hearing on the above-referenced case that will be limited to testimony from Advisory Neighborhood Commissions (ANCs) and Single Member District Commissioners (SMDs). Testimony on behalf of an ANC may only be given by its Chair, unless the Zoning Commission is provided with a written authorization by an ANC Chair permitting a different ANC Commissioner to speak on the ANC's behalf.

Each ANC will be allotted eight (8) minutes to provide testimony and each SMD Commissioner will be allotted three (3) minutes.

No other testimony will be received at the hearing.

The full and official text of the proposed amendments is available for viewing on line at www.dcoz.dc.gov by clicking the following icon that appears on the home page:



Direct access to the proposed text is also available at <http://www.dcoz.dc.gov/ZRR/ZRR.shtm>.

A copy of the official text on compact disk may be requested from either the Office of Planning at zoningupdate@dc.gov or the Office of Zoning and will be provided at no charge.

Additionally, paper copies have been provided to the District of Columbia Public Library system for distribution to every public library.

Proposed amendments to the Zoning Regulations of the District of Columbia are authorized pursuant to the Zoning Act of June 20, 1938, (52 Stat. 797), as amended, D.C. Official Code § 6-641.01, *et seq.*

The public hearing on this case will be conducted as a rulemaking in accordance with the provisions of 11 DCMR § 3021.

Z.C. NOTICE OF FURTHER HEARING
Z.C. CASE NO. 08-06A
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All ANC's and/or SMD's wishing to testify in this case are encouraged to inform the Office of Zoning of 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), or by calling (202) 727-0789. As noted, those ANC's and/or SMD's who have submitted an intention to testify prior to the hearing date will be permitted to testify first and in the order in which their intention was received.

Written statements, in lieu of personal appearances or oral presentations, may be submitted for inclusion in the record. If an ANC wishes its written statement to be given great weight the statement must include the information required by 11 DCMR § 3012.5 (a) through (f).

ANC's and/or SMD's are 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 4th Street, N.W., Suite 200-S, Washington, DC 20001; by e-mail to zcsubmissions@dc.gov; or by fax to (202) 727-6072. Please include on your submissions Case No. 08-06A and the subtitle for which you are submitting written statements. **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 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 24 of the Emergency Medical Services Act of 2008 (Act), effective March 25, 2009 (D.C. Law 17-357; D.C. Official Code § 7-2341.23 (2012 Repl.)); and Mayor's Order 2009-89, dated June 1, 2009, hereby notice of the adoption of the following rules to amend Chapter 5 (Ambulance Service) of Title 29 (Public Welfare) of the District of Columbia Municipal Regulations (DCMR).

This rulemaking will establish regulations regarding the provision of emergency medical services, including: the provision of ambulance services; emergency medical service provider certifications; approval of emergency medical service educational institutions and courses; and penalties for violations of the regulations. The regulations will also incorporate certain national standards for the provision of emergency medical services. Incorporation of recognized national standards for the establishment and oversight of the District's pre-hospital care will ensure that persons and entities providing emergency medical services and education in the District of Columbia are properly qualified and supervised.

These rules were previously published in the *D.C. Register* as a proposed rulemaking on April 26, 2013, at 60 DCR 6134. 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.

The rules were adopted as final on November 12, 2013 and will be effective upon publication of this notice in the *D.C. Register*.

Title 29, PUBLIC WELFARE, of the DCMR is amended as follows:

Chapter 5, AMBULANCE SERVICE, is repealed and replaced in its entirety to read as follows:

CHAPTER 5 EMERGENCY MEDICAL SERVICES**500 GENERAL PROVISIONS**

500.1 The purpose of this chapter shall be to ensure high quality pre-hospital care for children and adults in the District of Columbia.

500.2 The provisions of this chapter shall apply to every one of the following:

- (a) Persons performing the duties of emergency services personnel, compensated or uncompensated, within the District of Columbia;
- (b) Entities providing emergency medical services within the District of Columbia, public or private, for-profit or not-for-profit, including owners

or operators of emergency medical services agencies and owners or operators of emergency medical response vehicles; and

- (c) Persons and entities providing emergency medical services training and instruction, public or private, for-profit or not-for-profit, within the District of Columbia.

500.3 The provisions of this chapter shall not apply to the following:

- (a) The unexpected rendering of immediate care by a private citizen, or the unexpected use of a privately owned vehicle which is not ordinarily used in the business of transporting persons who are sick, injured, wounded, or otherwise incapacitated or helpless, in the performance of a lifesaving act;
- (b) Agencies, vehicles, or training facilities owned or operated by the United States government and operating on federal property;
- (c) Agencies operating within the District of Columbia pursuant to mutual aid agreements;
- (d) Validly licensed or certified emergency medical response vehicles based outside the District which do not otherwise constitute public vehicles for hire; and
- (e) Validly licensed vehicles operated solely for the transportation of non-emergency patients to and from treatment facilities as outpatients; provided, that this exemption shall not apply to any vehicle which is in any way held out as an emergency medical response vehicle.

501 AMBULANCE SERVICES

501.1 No person shall operate or hold itself out as operating an ambulance in the District unless the operator holds a currently valid certificate issued pursuant to this chapter for that ambulance.

501.2 No person shall advertise or disseminate information to the public that emergency medical technician ambulance service is offered unless that service is:

- (a) Provided by District-certified emergency medical technicians;
- (b) Operating District-certified basic life support ambulances, as defined by the Director pursuant to § 510 of this chapter; and
- (c) Operating on a continuous twenty-four (24) hour per day basis except for those agencies providing special event coverage.

- 501.3 No person shall advertise or disseminate information to the public that paramedic ambulance services are offered unless that service is:
- (a) Provided by District-certified paramedics;
 - (b) Operating District-certified advanced life support ambulances, as defined by the Director pursuant to § 510; and
 - (c) Operating on a continuous twenty-four (24) hour per day basis.

501.4 Advertising or information regarding ambulance services may only appear on emergency medical response vehicles, as defined in to § 510, used on a continuous twenty-four (24) hour per day basis to provide service.

502 CERTIFICATION AS AN EMERGENCY MEDICAL SERVICES AGENCY

502.1 No person, including volunteer groups and government entities shall operate an Emergency Medical Services Agency in the District without holding a valid certification issued pursuant to this chapter, except as provided in § 500.3.

502.2 An Emergency Medical Services Agency that provides EMS services during a special event must be certified as a District EMS Agency, whether or not it operates an ambulance or response vehicle.

502.3 Application for certification as an Emergency Medical Services Agency shall be submitted to the Director of the District of Columbia Department of Health (Director) in accordance with this chapter.

502.4 Before applying for certification as a District of Columbia Emergency Medical Services Agency that intends to operate an ambulance service, one shall first obtain a Certificate of Need in accordance with the Health Services Planning Program Reestablishment Act of 1996, effective April 9, 1997 (D.C. Law 11-191; D.C. Official Code §§ 44-401, *et seq.* (2012 Repl.)), and the Certificate of Need Regulations (22-B DCMR § 4000, *et seq.*).

502.5 A person operating an Emergency Medical Services Agency under an authorization of the Director issued before the effective date of this chapter shall be considered certified under this chapter for a period of two (2) years from the effective date of this chapter, after which the agency shall apply for renewal of its certification in accordance with this chapter.

502.6 An application for certification as an Emergency Medical Services Agency shall be made in a manner established by the Director and shall contain the following:

- (a) The name and address of the applicant;
- (b) The name under which the applicant is doing business or proposes to do business;
- (c) A description of each vehicle, including the make, model number, year of manufacture, and any distinguishing characteristics to be used to designate the applicant's vehicle (if applicable);
- (d) The location and description of the place or places from which the applicant intends to operate;
- (e) The geographic boundaries of the applicant's proposed response area;
- (f) Category of certification the applicant is applying for (basic or advanced life support, first responder, ground transport, or air medical);
- (g) The patient care reporting system that the applicant intends to use, which shall be compliant with the current United States National Highway Transportation Safety Administration (NHTSA) or National Emergency Medical Services Information System (NEMSIS) standard;
- (h) The name, address, phone number, e-mail address, and District medical license number, and DEA certificate of the physician medical director;
- (i) The name, address, phone number, fax number (if available), and e-mail address of the person in charge of day-to-day operations;
- (j) Insurance information, to include the name of the insurance company, agent, phone number, e-mail address, and type of coverage;
- (k) Proof of meeting the following minimum insurance limits; provided that this requirement shall not apply to ambulances owned and operated by an agency of the District government:
 - (1) Commercial general liability:
 - (A) Per occurrence: one million dollars (\$1,000,000);
 - (B) Aggregate: two million dollars (\$2,000,000);
 - (C) Products and completed operations: two million dollars (\$2,000,000); and

- (D) Personal/advertising injury: one million dollars (\$1,000,000);
- (2) Vehicle liability: one million dollars (\$1,000,000) per occurrence;
- (3) Worker's compensation, employers' liability:
 - (A) Each accident: five hundred thousand dollars (\$500,000);
 - (B) Employee disease: five hundred thousand dollars (\$500,000); and
 - (C) Disease policy limit: five hundred thousand dollars (\$500,000);
- (4) Umbrella or excess liability: two million dollars (\$2,000,000);
- (5) Professional liability:
 - (A) Per occurrence: one million dollars (\$1,000,000); and
 - (B) Aggregate: three million dollars (\$3,000,000);
- (l) A copy of the applicant's Drug Enforcement Agency license, where applicable;
- (m) A copy of the applicant's protocols and authorized drug list (as applicable), signed and dated by the medical director;
- (n) A written agreement with the applicant's medical director that specifies:
 - (1) The duties of the medical director;
 - (2) The responsibilities of the medical director;
 - (3) The authority of the medical director;
 - (4) The specific responsibilities of each EMS physician if the agency has multiple assistant medical directors; and
 - (5) That adequate indemnification exists for:
 - (A) Medical malpractice; and
 - (B) Civil liability;

- (o) A written agreement with the applicant's operational director that specifies:
 - (1) The duties of the operational director;
 - (2) The responsibilities of the operational director; and
 - (3) The authority of the operational director;
- (p) A written agreement with the applicant's quality improvement officer that specifies:
 - (1) The duties of the quality improvement officer;
 - (2) The responsibilities of the quality improvement officer; and
 - (3) The authority of the quality improvement officer;
- (q) A written quality improvement plan, approved by the applicant's medical director, in accordance with Section 556 of this chapter; and
- (r) A written emergency response plan that includes the following:
 - (1) How the applicant will receive calls for assistance;
 - (2) How the applicant will respond to calls for assistance; and
 - (3) How the non-transport applicant will summon transport services.

502.7 The Director shall evaluate each applicant before issuing a certificate. The evaluation may include the inspection of:

- (a) Vehicles;
- (b) Equipment;
- (c) Staffing capability;
- (d) Records;
- (e) Premises; and
- (f) Operational procedures.

- 502.8 If the Director determines that an applicant has met the requirements of this chapter, the Director shall issue a certificate to the applicant. The certificate shall be valid for not more than two (2) years.
- 502.9 A certified Emergency Medical Services Agency shall notify the Director no later than five (5) business days after the expansion of any service provided by the agency or any change in headquarters or substation location.
- 502.10 An applicant or Emergency Medical Services Agency shall furnish to the Director, upon his or her request, a copy of any insurance policy required by § 502.5.
- 502.11 Each Emergency Medical Services Agency shall provide for twenty-four (24) hour physician supervision by a physician licensed in the District of Columbia and shall report to the Director the means of this supervision at the time of application for certification and upon renewing the certification.
- 502.12 After the Director issues a certificate, the Director may inspect an agency on a scheduled or random basis. An inspection may include inspection of the items listed in § 502.6.
- 502.13 If the Director denies an application for certification, the applicant may appeal the denial pursuant to the rules of the District of Columbia Office of Administrative Hearings.
- 502.14 The Director may suspend or revoke an agency's certificate at any time the Director determines that the agency no longer meets the requirements for operating as a certified Emergency Medical Services Agency.
- 502.15 An Emergency Medical Services Agency certification shall not be transferable.
- 502.16 An Emergency Medical Services Agency certificate shall be displayed in the principal place of business of the agency, with a copy in each place of operation.

503 CHANGE IN INFORMATION

- 503.1 An Emergency Medical Services Agency shall notify the Director, in a manner that the Director prescribes, of any change in the protocols or authorized drug list of the agency no fewer than thirty (30) days prior to the change.
- 503.2 An Emergency Medical Services Agency shall notify the Director, in a manner that the Director describes, of any change in the medical director of the agency, as required by Subsection 504.6.

**504 EMERGENCY MEDICAL SERVICES AGENCIES: MEDICAL
DIRECTORS**

504.1 The medical director of a certified Emergency Medical Services Agency shall be responsible for maintaining the quality of the patient care provided by the Emergency Medical Services Agency and of ensuring that the Emergency Medical Services Agency engages in adequate quality assurance activities, including:

- (a) Initial and continuing education training;
- (b) The establishment and maintenance of policies and procedures covering the operations, training, and quality oversight of the agency;
- (c) A requirement that the medical director or his or her designee review patient care reports in accordance with their quality assurance and improvement plan as outlined in § 556 of this chapter;
- (d) A requirement that the medical director or his or her designee review field communications recordings in accordance with their quality assurance and improvement plan as outlined in § 556;
- (e) A requirement that the medical director or his or her designee perform post-run interviews and case conferences in accordance with their quality assurance and improvement plan as outlined in § 556;
- (f) Investigations of all complaints; and
- (g) The establishment and enforcement of pre-hospital medical care and treatment protocols to be used by EMS providers working under their supervision as members of the Emergency Medical Services Agency.

504.2 The medical director shall serve as the medical authority for the certified Emergency Medical Services Agency and shall serve as the liaison of the Emergency Medical Services Agency with the medical community, medical facilities, and governmental entities.

504.3 The medical director shall have authority sufficient to oversee the quality of patient care for all EMS providers within the agency. The medical director:

- (a) May withdraw, at his or her discretion, the authorization for personnel to perform any or all patient care procedures;
- (b) Shall notify the District EMS Officer using the appropriate form of any provider whose authorization to render care has been withdrawn within seventy-two (72) hours of the withdrawal; and

- (c) Shall also notify any other known EMS agency that sponsors the provider within seventy-two (72) hours of the withdrawal of authorization.

504.4 The medical director shall establish and maintain the agency's protocols and authorized drug list. The medical director shall sign and date the protocols and the authorized drug list.

504.5 An Emergency Medical Services Agency shall notify the Director of any change in the medical director of the agency no fewer than thirty (30) days prior to the change and no later than fifteen (15) days after naming a replacement.

504.6 An emergency or temporary change of the medical director shall be reported as follows:

- (a) When an agency's medical director is unable to serve because of emergency circumstances, such as death or critical illness, the agency shall notify the Director within two (2) business days and shall further notify the Director upon naming a replacement; and
- (b) When there is a temporary change of less than one (1) year, such as for a military commitment, the agency shall notify the Director no later than fifteen (15) days after naming a replacement.

505 EMERGENCY MEDICAL SERVICES AGENCIES: LOCATION

505.1 An Emergency Medical Services Agency shall maintain a fixed physical location. The agency shall notify the Director no fewer than thirty (30) days prior to any change in the location before the agency moves to the new location.

506 EMERGENCY MEDICAL SERVICES AGENCIES: STORAGE OF LINENS, EQUIPMENT, AND SUPPLIES

506.1 An Emergency Medical Services Agency shall supply adequate, clean, and enclosed storage space for linens, equipment, and supplies at each place of operation. The storage shall be maintained as follows:

- (a) An area used for storing equipment or supplies shall be kept neat, clean, and sanitary;
- (b) When the Emergency Medical Services Agency is operating an ambulance, an area used for storing linens shall be kept neat, clean, and sanitary;

- (c) Soiled supplies and used disposable items shall be stored or disposed of in plastic bags, covered containers, or compartments provided for this purpose; and
- (d) Regulated waste shall be stored in a red or orange bag or container clearly marked with a biohazard label.

- 506.2 An area used for storing medications and administration devices shall comply with the applicable drug or device manufacturer's recommendations for climate-controlled storage.
- 506.3 Narcotics and other controlled substances shall be stored and maintained in accordance with District and federal laws and regulations.
- 506.4 Medications and medication kits shall not be maintained past their expiration date.
- 506.5 Medications and medication kits shall be removed from vehicles and stored in a properly maintained and locked secure area when the vehicle is not in use, unless the ambient temperature of the vehicle's medication storage compartment is maintained in accordance with the Department of Health's (DOH) climate requirements.
- 506.6 Medication and medication kits shall be stored in the vehicle in accordance with § 511 of this chapter.
- 506.7 An Emergency Medical Services Agency, in addition to other applicable regulatory reporting requirements, shall notify the Director in writing of any diversion, loss, theft, or tampering with any controlled substance, medication delivery system, or other regulated medical device from the agency's facility or vehicle. Notification shall be made no later than seventy-two (72) hours after the discovery of the occurrence.

507 EMERGENCY MEDICAL SERVICES AGENCIES: RECORDS

- 507.1 An Emergency Medical Services Agency shall maintain records that include:
- (a) Approved patient care report forms;
 - (b) Employee or member rosters;
 - (c) Time sheets;
 - (d) Call rosters;
 - (e) Training records;

- (f) Dispatch logs, which shall include:
- (1) The type of call;
 - (2) The time the call was received;
 - (3) The time the call was dispatched;
 - (4) The time that personnel responded;
 - (5) The time that personnel arrived on the scene;
 - (6) The time that transport service was requested (for non-transport response agencies);
 - (7) The time that transport of the patient to the hospital began (if applicable);
 - (8) The time the patient arrived at the hospital (if applicable);
 - (9) The time that personnel returned to service; and
 - (10) The disposition of the call.

507.2 An Emergency Medical Services Agency shall prepare and securely maintain records at its principal place of operations or a secured storage facility for not less than six (6) years and shall make the records available for inspection by the Director.

507.3 Records shall be stored in a manner that ensures reasonable safety from water and fire damage and from unauthorized disclosure.

507.4 An Emergency Medical Services Agency shall supply copies of records to the Director upon request.

507.5 An Emergency Medical Services Agency that fails to make its records available for inspection by the DOH, or fails to provide copies of records to the Director upon request, may be subject to fines, suspension, or termination of certification to operate an Emergency Medical Services Agency.

507.6 An Emergency Medical Services Agency shall maintain a current personnel record for each individual provider affiliated with the agency. The personnel record shall include:

- (a) A copy of the provider's current National Registry of Emergency Medical Technicians (NREMT) certification;
- (b) A copy of the provider's current DOH certification;
- (c) A copy of the provider's current cardiopulmonary resuscitation (CPR) card;
- (d) A copy of the provider's current Advanced Cardiac Life Support (ACLS) card (if applicable); and
- (e) A copy of training records and qualifications for the positions held.

507.7 An Emergency Medical Services Agency shall provide a roster showing each provider's name, address, e-mail address, NREMT certification number, and DOH certification number to the Director annually, as part of the agency's annual report, due no earlier than January 1 and not later than March 1 of each year.

507.8 If an Emergency Medical Services Agency operates an emergency response vehicle, the agency shall maintain each vehicle currently in use in accordance with the manufacturer's recommendations for preventative maintenance.

507.9 If an Emergency Medical Services Agency operates an emergency response vehicle, the agency shall maintain records on each vehicle currently in use. The vehicle records shall include:

- (a) Maintenance records demonstrating adherence to the manufacturer's recommendations for preventative maintenance;
- (b) A valid vehicle registration;
- (c) A vehicle inspection certificate;
- (d) Proof of vehicle insurance coverage; and
- (e) Reports of any collision involving the vehicle.

508 EMERGENCY MEDICAL SERVICES AGENCIES: LONG-TERM RESPONSES TO MUTUAL AID REQUESTS

508.1 If an emergency response vehicle of an Emergency Medical Services Agency responds on a mutual aid request that is located outside of the District of Columbia for a period that exceeds forty-eight (48) hours, the agency shall notify the District EMS Officer no later than twenty-four (24) hours after responding.

509 EMERGENCY MEDICAL SERVICES AGENCIES: PATIENT CARE REPORTS

- 509.1 An Emergency Medical Services Agency shall complete a Patient Care Report (PCR) for each patient that the EMS provider sees. Each PCR shall include the name and the DOH certification number of all EMS providers who attended to the patient and shall include the signature of the EMS provider in charge of the patient's care.
- 509.2 The PCR shall be completed according to the current NHTSA or NEMSIS standard as published in DOH policy.
- 509.3 The Emergency Medical Services Agency shall maintain each PCR in compliance with Health Insurance Portability and Accountability Act (HIPAA) and other applicable District or federal laws or regulations.

510 EMERGENCY MEDICAL SERVICES AGENCY VEHICLES: CERTIFICATIONS

- 510.1 No ground ambulance or emergency medical response vehicle shall be operated in the District of Columbia (except in response to a mutual aid agreement or as otherwise authorized by the Mayor or Director) unless it has a valid certification issued pursuant to this chapter and is operated by a certified Emergency Medical Services Agency.
- 510.2 Before receiving a certification for an ambulance or emergency medical response vehicle, an applicant shall submit to the Director the following information for each vehicle:
- (a) The name and address of the applicant and the owner of the vehicle;
 - (b) A description of the vehicle, including the make; model number; year of manufacture; vehicle identification number; vehicle license tag number; length of time the vehicle has been in use; and the color scheme, insignia, name, monogram, or other distinguishing characteristics to be used to designate the vehicle;
 - (c) The address of the location from which the vehicle will operate; and
 - (d) Other information that the Director deems reasonably necessary to determine compliance with this chapter.
- 510.3 Before receiving a certification for a ground ambulance, an applicant shall submit the following additional information to the Director for each ground ambulance:

- (a) The location of the Certificate of Star-of-Life Ambulance, identifying compliance with *Federal Specification for the Star-of-Life Ambulance KKK-A-1822* at the time the ambulance was manufactured; or
- (b) The location of the certificate attesting that the ambulance was in compliance with NFPA 1917 “Standard for Automotive Ambulances” at the time the ambulance was manufactured.

510.4 No certification for a ground ambulance shall be issued unless the Director finds that the ambulance is, and will be at all times when in use as an ambulance:

- (a) Built and equipped in accordance with the certification specified in § 510.3 above at the time the ambulance was manufactured;
- (b) Equipped with the mandatory items specified in the *Equipment for Ambulances* joint document published by the American College of Surgeons (ACS), the American College of Emergency Physicians (ACEP), and the National Association of Emergency Medical Services Physicians (NAEMSP); or DOH required equipment list.
- (c) Covered by insurance of a kind and in amounts conforming to the standards set forth by the Director pursuant to § 502 of this chapter; provided that this requirement shall not apply to ambulances owned and operated by an agency of the District government; and
- (d) Equipped in compliance with these regulations at all times unless the ambulance is out of service.

510.5 Each ambulance shall be equipped with not less than twenty (20) triage tags.

510.6 The District EMS Officer or designee shall inspect all ground ambulances for compliance with the vehicle requirements for the class in which a certification is sought.

510.7 A ground ambulance vehicle certificate shall be issued if all of the following conditions are met:

- (a) All information contained in the application is complete;
- (b) The applicant is a certified District Emergency Medical Services Agency;
- (c) The ambulance is registered by the motor vehicle agency for the jurisdiction from which the vehicle will operate; and
- (d) The ambulance meets the minimum requirements as provided in this chapter.

- 510.8 The Director shall issue two (2) decals with each ambulance certificate.
- 510.9 The decals, which indicate that the ambulance has been certified by the Director and the date on which the certification expires, shall be affixed in prominent places on the front and rear of the ambulance.
- 510.10 The certificate shall be kept on file either at the place from which the ambulance operates or other designated place of the Emergency Medical Services Agency.

511 EMERGENCY MEDICAL SERVICES AGENCY VEHICLES: NON-TRANSPORT VEHICLES

- 511.1 An emergency medical response vehicle maintained and operated for response to the location of a medical emergency to provide immediate medical care at the basic or advanced life support level, but not to provide patient transport, shall be certified as a non-transport emergency medical response vehicle. Such vehicles would include fire apparatus, response cars, and other non-transport vehicles, but does not include air or watercraft.
- 511.2 A non-transport EMS vehicle shall be certified pursuant to § 510 of this chapter.
- 511.3 A non-transport EMS vehicle shall not be used for the transportation of patients except in the case of unstable or potentially unstable patients when there is no transport unit immediately available. In such an event, the circumstances of the call shall be documented by the Emergency Medical Services Agency and reported to the Director within seventy-two (72) hours.
- 511.4 A non-transport emergency medical response vehicle shall be constructed to provide sufficient space for the safe storage of the equipment and supplies required by this chapter.
- 511.5 A non-transport emergency medical response vehicle used for advanced life support shall have a locking storage compartment or approved locking bracket for the security of medications and medication kits within the vehicle interior, locked compartment, or trunk, which shall be inaccessible to the public. When not in use, medications and medication kits shall be kept locked in the required storage compartment or approved bracket at all times.
- 511.6 A non-transport emergency medical response vehicle shall have a motor vehicle safety inspection performed by the District of Columbia Department of Motor Vehicles after the completion of its conversion to a non-transport emergency medical response vehicle and before an application for a non-transport emergency medical response vehicle certificate is submitted.

- 511.7 Each non-transport emergency medical response vehicle shall be equipped with not less than twenty (20) triage tags.
- 511.8 A non-transport emergency medical response vehicle certificate shall be issued if all of the following conditions are met:
- (a) All information contained in the application is complete;
 - (b) The applicant is a certified District Emergency Medical Services Agency;
 - (c) The vehicle is registered by the motor vehicle agency for the jurisdiction from which the vehicle will operate; and
 - (d) The vehicle meets the minimum requirements as provided in this chapter.
- 511.9 The Director shall issue two (2) decals with each non-transport emergency medical response vehicle certificate.
- 511.10 The decals, which indicate when the certificate expires, shall be affixed in prominent places on the front and rear of the vehicle.
- 511.11 The certificate shall be kept on file either at the place from which the non-transport emergency medical response vehicle operates or other designated place of the Emergency Medical Services Agency.

512 EMERGENCY MEDICAL SERVICES AGENCY VEHICLES: AIR AMBULANCES

- 512.1 An aircraft maintained and operated for response to the location of a medical emergency to provide immediate medical care at the basic or advanced life support level and for the transportation of patients shall be certified as an emergency medical response vehicle, operating as an air ambulance, pursuant to § 510.
- 512.2 An air ambulance shall be commercially constructed and certified to comply with the U.S. Federal Aviation Administration standards in effect on the date of its construction.
- 512.3 An air ambulance shall be constructed to provide sufficient space for safe storage of the equipment and supplies required by this chapter.
- 512.4 Equipment and supplies as specified in the Emergency Medical Services Agency's protocols shall be available for access and use from inside the patient compartment of the air ambulance.

512.5 An air medical certificate shall be issued if all of the following conditions are met:

- (a) All information contained in the application is complete;
- (b) The applicant is a certified District Emergency Medical Services Agency;
- (c) The aircraft is registered with the Federal Aviation Administration; and
- (d) The aircraft meets the minimum requirements as provided in this chapter.

512.6 An air ambulance certificate shall not be sold, transferred, or assigned without the approval of the Director.

513 EMERGENCY MEDICAL SERVICES AGENCY VEHICLES: INSPECTIONS

513.1 Each Emergency Medical Services Agency’s vehicle, its equipment, all associated records, and the premises designated in its application, shall be available for inspection by the District EMS Officer or his or her designee during the usual hours of operation.

513.2 The Director may subject any emergency medical response vehicle certified under this chapter to an unscheduled inspection to determine compliance with certification standards.

513.3 An emergency medical response vehicle certification issued under this chapter shall be valid for one (1) year; provided that the Emergency Medical Services Agency maintains a valid District certification.

513.4 The Director shall renew an emergency medical response vehicle certification upon submission of an application demonstrating compliance with all certification requirements, as though the vehicle were the subject of an application for an original certification.

514 EMERGENCY MEDICAL SERVICES AGENCY VEHICLES: OPERATING STANDARDS

514.1 The owner of an emergency medical response vehicle shall maintain the vehicle in good repair and safe operating condition and shall meet the same motor vehicle, vessel, or aircraft safety requirements as apply to all vehicles, vessels, or aircraft in the District of Columbia.

- 514.2 The owner of an emergency medical response vehicle shall maintain current District of Columbia motor vehicle safety inspection, Federal Aviation Administration (FAA) Airworthiness Permit, or Coast Guard Safety Inspection or approved equivalent.
- 514.3 The owner of an emergency medical response vehicle shall keep exterior surfaces of the vehicle, including windows, mirrors, warning devices, and lights free of dirt and debris.
- 514.4 The operator of any ground emergency medical response vehicle shall exercise emergency operating privileges, including the use of audible and visible emergency warning devices, in compliance with the laws and regulations of the District of Columbia.
- 514.5 No person shall smoke at any time in an emergency medical response vehicle.
- 514.6 Except as follows, no person shall possess a firearm, weapon, explosive, or incendiary device on an emergency medical response vehicle:
- (a) A sworn law-enforcement officer is authorized to carry a weapon; or
 - (b) A rescue line gun or other rescue device powered by an explosive charge may be carried on a non-transport response vehicle.
- 514.7 An emergency medical response vehicle shall only be operated by an individual who is properly trained and licensed.
- 514.8 Each occupant of a ground emergency response vehicle shall use mechanical restraints as required by the Mandatory Use of Seat Belts Act of 1985, effective December 12, 1985 (D.C. Law 6-73; D.C. Official Code §§ 50-1801, *et seq.* (2009 Repl.)).
- 514.9 Equipment and supplies in the patient compartment of an emergency response vehicle shall be stored within a closed and latched compartment or fixed securely in place while not in use.
- 514.10 While the vehicle is in motion, equipment and supplies at or above the level of the patient's head while supine on the primary ambulance stretcher shall be secured in place to prevent movement.
- 514.11 An emergency response vehicle shall adhere to the requirements for sanitary conditions and supplies that apply to an emergency medical response vehicle in accordance with standards established and published by the Centers for Disease Control and Prevention.

- 514.12 The interior of an emergency medical response vehicle, including storage areas, linens, equipment, and supplies shall be kept clean and sanitary.
- 514.13 Linen or disposable sheets and pillowcases or their equivalent used in the transport of patients shall be changed after each use.
- 514.14 Blankets, pillows, and mattresses used in a ground or air ambulance vehicle shall be kept clean and in good repair.
- 514.15 A device inserted into the patient's nose or mouth that is single-use shall be disposed of after use. A reusable item shall be sterilized or high-level disinfected according to current guidelines of the Centers for Disease Control and Prevention (CDC) before reuse. Each reusable item, if not individually wrapped, shall be stored in a separate closed container or bag.
- 514.16 A used sharp item shall be disposed of in a leak-proof, puncture-resistant, and appropriately marked biohazard container (needle-safe device/sharps box) that is securely mounted.
- 514.17 The operator and staff of an emergency response vehicle shall ensure that after a patient is treated or transported within the vehicle and before the vehicle is occupied by another patient:
- (a) Contaminated surfaces shall be cleaned and disinfected using a method recommended by the CDC;
 - (b) Soiled supplies and used disposable items shall be stored or disposed of in plastic bags, covered containers, or compartments provided for this purpose; and
 - (c) Regulated waste shall be stored in a red or orange bag or container clearly marked with a biohazard label.
- 514.18 The EMS agency shall maintain a written policy detailing the procedures to be followed:
- (a) If a mechanical failure occurs with an emergency medical response vehicle when responding to an incident;
 - (b) If a mechanical failure occurs with an emergency medical transport vehicle when transporting a patient;
 - (c) For completing and filing dated inventory sheets daily to ensure each ambulance is clean, has adequate supplies, and is safe to operate;

- (d) For keeping records of all maintenance performed on the vehicle during its service life;
- (e) For reporting to DOH any accident with an emergency medical transport vehicle when transporting a patient that results in injury to the patient; and
- (f) For reporting to DOH the number of accidents per year involving emergency medical response vehicles, as part of the agency's annual report, due no earlier than January 1 and not later than March 1 of each year.

515 EMERGENCY MEDICAL SERVICES PROVIDERS

- 515.1 No person shall hold himself or herself out as being an emergency medical services provider in the District without holding a valid certification issued pursuant to this chapter.
- 515.2 An applicant for certification as an emergency medical services provider shall be at least eighteen (18) years old.
- 515.3 An applicant for certification as an emergency medical service provider shall be sponsored by a District certified EMS agency.
- 515.4 The applicant shall have the endorsement of the sponsoring agency's medical director.
- 515.5 Each applicant for certification as an emergency medical service provider must pass the NREMT written and practical examination following successful completion of a course of study no less stringent than the *National Emergency Medical Services Education Standards* published by the National Highway Traffic Safety Administration of the United States Department of Transportation for the certification level desired.
- 515.6 The applicant shall affirm that he or she possesses the requisite physical and mental health and is free from addiction to narcotics or alcoholic beverages or from physical or mental impairments or diseases that would impair the applicant's ability to provide emergency care for persons transported by ambulance.
- 515.7 The applicant shall have no physical or mental impairment that would render him or her unable to perform all practical skills required for that level of training and certification. Physical and mental performance skills include the ability of the individual to function as an EMS provider under dangerous conditions, including exposure to communicable disease, hazardous chemicals, or other risk of serious injury.

- 515.8 An applicant for certification or renewal of certification as an emergency medical services provider shall undergo a criminal background check, including the fingerprinting of the applicant, in accordance with Federal Bureau of Investigation policies and procedures and in a Federal Bureau of Investigation environment.
- 515.9 The criminal background check shall be performed no more than six (6) months prior to the submission of the application.
- 515.10 The Director shall deny an application for certification by an individual convicted of any of the following crimes:
- (a) A felony involving sexual misconduct in which the victim's failure to affirmatively consent is an element of the crime, such as forcible rape;
 - (b) A felony involving the sexual or physical abuse of children, the elderly, or the infirm, such as sexual misconduct with a child, making or distributing child pornography or using a child in a sexual display, incest involving a child, or assault on an elderly or infirm person;
 - (c) A crime in which the victim is an out-of-hospital patient or a patient or resident of a health care facility including abuse of, neglect of, theft from, or financial exploitation of a person entrusted to the care or protection of the applicant.
- 515.11 A sponsoring EMS agency shall not employ an applicant as an EMS provider who has been convicted of, has pleaded *nolo contendere* to, is on probation before judgment or placement on a stet docket because of, or has been found not guilty by reason of insanity for any item listed in § 515.10 of this chapter or has been found to have engaged in prohibited conduct as listed in § 563.17.
- 515.12 If the Director denies an application because the Director determined that the applicant presents a present danger to children or youth, the sponsoring EMS agency shall notify the applicant of the determination and inform the applicant in writing that he or she may appeal the denial to the Office of Administrative Hearings within thirty (30) days after the determination.
- 515.13 The emergency medical service provider certificate shall be valid for no greater than two (2) years, expiring on June 30.
- 515.14 The Emergency Medical Responder provider certificate shall be valid for no greater than two (2) years, expiring on December 31.
- 515.15 An emergency medical services provider certificate shall not be assigned or transferred.

- 515.16 An EMS provider in the District of Columbia shall maintain a valid NREMT certification card at the same or greater provider level as his or her DC certification.
- 515.17 An EMS provider in the District of Columbia shall maintain a valid American Heart Association Health Care Provider or equivalent CPR card during his or her certification period.
- 515.18 An Advanced Life Support Provider shall maintain a valid American Heart Association Advanced Cardiac Life Support (ACLS) card during his or her certification period.

516 EMS PROVIDERS - EMERGENCY MEDICAL RESPONDER

- 516.1 Each applicant for certification as an Emergency Medical Responder (EMR) shall submit an application to the Director. The application shall include:
- (a) A copy of a valid NREMT-First Responder (or greater) certification card;
 - (b) A copy of a valid American Heart Association (AHA) Health Care Provider (or equivalent) CPR card;
 - (c) A completed application signed by the sponsoring EMS agency's medical director; and
 - (d) A check or money order made out in the appropriate fee made payable to the D.C. Treasurer (if applicable).
- 516.2 Upon receipt of a complete application, the Director shall review the application and, if approved, shall issue a D.C. EMR certification card.

517 EMS PROVIDERS - EMERGENCY MEDICAL TECHNICIAN

- 517.1 Each applicant for certification as an Emergency Medical Technician (EMT) shall submit an application to the Director. The application shall include:
- (a) A copy of a valid NREMT-EMT (or greater) certification card;
 - (b) A copy of a valid AHA Health Care Provider (or equivalent) CPR card;
 - (c) A completed application signed by the sponsoring EMS agency's medical director; and

- (d) A check or money order made out in the appropriate fee made payable to the D.C. Treasurer (if applicable).

517.2 Upon receipt of a complete application, the Director shall review the application and, if approved, shall issue a D.C. EMT certification card.

518 EMS PROVIDERS – ADVANCED EMERGENCY MEDICAL TECHNICIAN

518.1 Each applicant for certification as an Advanced Emergency Medical Technician (AEMT) shall submit an application to the Director to be considered for a District of Columbia AEMT certification. The application shall include:

- (a) A copy of a valid NREMT-AEMT (or greater) certification card;
- (b) A copy of a valid AHA Health Care Provider (or equivalent) CPR card;
- (c) A completed application signed by the sponsoring EMS agency's medical director; and
- (d) A check or money order made out in the appropriate fee made payable to the D.C. Treasurer (if applicable).

518.2 Upon receipt of a complete application, the Director shall review the application and, if approved, shall issue a D.C. AEMT certification card.

519 EMS PROVIDERS – EMERGENCY MEDICAL TECHNICIAN-INTERMEDIATE

519.1 Each applicant for certification as an Emergency Medical Technician-Intermediate (EMT-I) shall submit an application to the Director. The application shall include:

- (a) A copy of a valid NREMT EMT-I99 (or greater) certification card;
- (b) A copy of a valid AHA Health Care Provider (or equivalent) CPR card;
- (c) A copy of a valid AHA Advanced Cardiac Life Support (ACLS) card;
- (d) A completed application signed by the sponsoring EMS agency's medical director; and
- (e) A check or money order made out in the appropriate fee made payable to the D.C. Treasurer (if applicable).

519.2 Upon receipt of a complete application, the Director shall review the application and, if approved, shall issue a D.C. EMT-I certification card.

520 EMS PROVIDERS – PARAMEDIC

520.1 Each applicant for certification as a Paramedic shall submit an application to the Director. The application shall include:

- (a) A copy of a valid NREMT Paramedic certification card;
- (b) A copy of a valid AHA Health Care Provider (or equivalent) CPR card;
- (c) A copy of a valid AHA ACLS card;
- (d) A completed application signed by the sponsoring EMS agency’s medical director; and
- (e) A check or money order made out in the appropriate fee made payable to the D.C. Treasurer (if applicable).

520.2 Upon receipt of a complete application, the Director shall review the application and, if approved, shall issue a D.C. Paramedic certification card.

521 EMS PROVIDERS: RECERTIFICATION, REINSTATEMENT, AND OUT OF STATE APPLICATIONS

521.1 Each applicant for renewal shall submit the items required for the certification level requested to the Director no later than May 31 of the year in which his or her certification expires.

521.2 If an applicant has previously held a District EMS provider certification that has lapsed, he or she may apply for reinstatement of his or her previous District certification by submitting the items required for the certification level requested and indicating his or her former status on the application.

521.3 If an applicant is currently certified as an EMS provider in another state, the applicant may apply to the Director to be considered for a District of Columbia certification. The application shall include all required items for the certification level requested plus verification of status from the State where the applicant is currently certified.

522 EMS PROVIDERS: INACTIVE STATUS

- 522.1 Inactive certification may be granted to EMS providers certified as an Emergency Medical Responder, Emergency Medical Technician, Advanced Emergency Medical Technician, Emergency Medical Technician-Intermediate, and Paramedic who are not actively providing patient care and are:
- (a) Educators, administrators, or regulators who are not actively involved in patient care;
 - (b) Students who have completed their initial certification training but are not affiliated with an Emergency Medical Services Agency; or
 - (c) Not actively providing patient care because of relocation, illness, pursuit of education, family responsibilities, military duty, or another reason that the Director determines.
- 522.2 To be eligible for inactive status, a provider shall meet all certification requirements except skills verification.
- 522.3 A provider may only request inactive status during his or her first recertification cycle if he or she has performed the duties of an EMS provider for at least six (6) months.
- 522.4 A provider shall reapply for inactive status biennially, prior to the expiration of his or her current inactive certification, if he or she wishes to continue his or her District certification.
- 522.5 A provider who has an inactive National Registry certification shall only qualify for an inactive District certification.
- 522.6 A provider who has an active National Registry certification may request an inactive District certification.
- 522.7 An inactive provider who seeks to return to active status shall submit a complete application package to the Director and shall demonstrate skills competency in accordance with current NREMT policy and affiliation with an EMS agency that shall be verified in writing.
- 522.8 The fee for an inactive certification shall be the same as for its equivalent active level.

523 EMS PROVIDERS: PROVISIONAL CERTIFICATION

- 523.1 The Director may issue a provisional certification to an applicant for certification as an EMS provider emergency medical services personnel who does not fully meet the requirements specified in this chapter if the Director finds that the public interest would be served by issuing the provisional certification.
- 523.2 A provisional certification issued pursuant to this section may be granted for a period of up to one hundred eighty (180) days and may be renewed no more than once.

524 LIMITED RECIPROCITY CERTIFICATIONS

- 524.1 The Director may grant limited reciprocity certifications of up to ninety (90) days to applicants for certification as Emergency Medical Services Agencies, emergency medical response vehicles, or emergency medical service providers if the applicant is certified in another jurisdiction and the Director determines that a limited reciprocity certification by the District is necessary to respond and protect the public health interest.
- 524.2 An Emergency Medical Services Agency seeking a limited reciprocity certification shall file a written application for a limited reciprocity Emergency Medical Services Agency certification in a manner specified by the Director. The Emergency Medical Services Agency shall attest that the agency complies with this chapter unless the Director waives the requirement in whole or in part. The Director shall verify the attestation.
- 524.3 A limited reciprocity Emergency Medical Services Agency certification shall be valid for a time period determined by the Director based on the need; provided, the time period shall not be greater than ninety (90) days.
- 524.4 A limited reciprocity Emergency Medical Services Agency certification shall not be transferable.
- 524.5 An Emergency Medical Services Agency shall file a written application for a limited reciprocity emergency medical response vehicle certification in a manner that the Director specifies. The emergency medical services agency shall attest that the vehicle complies with this chapter unless the Director waives the requirement in whole or in part. The Director shall verify the attestation.
- 524.6 The Director may inspect any Emergency Medical Services Agency vehicle issued a limited reciprocity certification at any time for compliance with this chapter.

- 524.7 A limited reciprocity Emergency Medical Services Agency vehicle certification shall be valid for a time period that the Director determines based on the need; provided, the time period shall not be greater than ninety (90) days.
- 524.8 A limited reciprocity Emergency Medical Services Agency vehicle certification shall not be transferable.
- 524.9 A limited reciprocity Emergency Medical Services Agency vehicle certification shall not be renewable.
- 524.10 A limited reciprocity Emergency Medical Services Agency vehicle certification shall be affixed on the vehicle to be readily visible and in a location and manner that the Director specifies.
- 524.11 An Emergency Medical Services Agency vehicle for which a limited reciprocity certification has been granted shall not be operated without a properly displayed certification.
- 524.12 An Emergency Medical Services Agency shall file a written application for a limited reciprocity emergency medical service provider certification in a manner that the Director specifies. The Emergency Medical Services Agency shall attest that the provider complies with this chapter unless the Director waives the requirement in whole or in part. The Director shall verify the attestation.
- 524.13 The Director may inspect the credentials of an EMS provider who has been issued a limited reciprocity certification at any time for compliance with this chapter.
- 524.14 A limited reciprocity EMS provider certification shall be valid for a time period that the Director establishes based on the need; provided, the time period shall not be greater than ninety (90) days.
- 524.15 A limited reciprocity EMS provider certification shall not be transferable.
- 524.16 A limited reciprocity EMS provider certification shall not be renewable.
- 524.17 An EMS provider shall maintain copies of his home-state certification and District limited reciprocity certification at all times while performing patient care in the District.
- 524.18 An EMS provider licensed or certified in another jurisdiction shall not practice without an DOH-issued certification.
- 524.19 In limited circumstances, when it is necessary to respond and protect the public safety or health, the Director may issue limited reciprocity certifications in groups.

525 EMS PROVIDERS: CERTIFICATION CARDS

- 525.1 An EMS provider shall carry his or her current certification card on his or her person any time he or she is working as a care provider.
- 525.2 Upon request of a DOH inspector, the District EMS Officer or other designated official, an EMS provider shall present his or her certification card for inspection.
- 525.3 Failure of an EMS provider to present valid credentials shall result in the immediate suspension of the provider’s District certification.

526 EMS PROVIDERS: SCOPE OF PRACTICE

- 526.1 The Director shall develop a scope of practice policy in accordance with the Department of Transportation and the National Highway Traffic Safety Administration’s current national standard guidelines.
- 526.2 The medical directors of each EMS agency shall develop a scope of practice that meets or exceeds the Director’s scope of practice model.
- 526.3 An EMS provider shall adhere to the scope of practice approved and in effect for his or her respective EMS agency.
- 526.4 EMS personnel shall only provide emergency medical care while acting under the authority of the medical director for the EMS agency for which he or she is affiliated and within the scope of the EMS agency certification.
- 526.5 The Director may authorize providers to exceed the current scope of practice.
 - (a) The EMS Agency’s medical director shall submit a request to expand the scope of practice for the EMS agency to the District’s EMS Officer.
 - (b) The State EMS Officer shall review the request and make a recommendation to the Director to approve or deny the request.

527 EMERGENCY MEDICAL SERVICE EDUCATIONAL INSTITUTION STANDARDS

- 527.1 No person shall provide EMS certification education, continuing education, or refresher education in the District without being certified as an EMS educational institution pursuant to this chapter.
- 527.2 Each EMS educational institution shall obtain approval from the Director prior to offering a course of study.

- 527.3 In order to be state approved for purposes of the NREMT, an educational institution shall obtain approval under this chapter.
- 527.4 Paramedic educational institutions shall be accredited through the Committee on Accreditation of Educational Programs for the Emergency Medical Services Professions (CoAEMSP) after January 1, 2013.
- 527.5 In order to receive certification as an EMS educational institution, an applicant shall submit to the Director an application indicating compliance with §§ 527 through 531.
- 527.6 Each education program shall have adequate space at facilities to accommodate the program.
- 527.7 Each education program shall have sufficient financial resources to ensure complete course delivery for all enrolled students.
- 527.8 An EMS educational institution that is not part of the District of Columbia government or a component of an accredited institution of higher learning shall be licensed through the District of Columbia Education Licensure Commission (ELC) in addition to being certified by the Director.
- 527.9 After review of the application, the EMS educational institution shall be subject to a site visit as part of the certification process. The site visit is to verify the information contained in the application.
- 527.10 Each EMS educational institution, its equipment, all associated records, and the premises designated in its application shall be available for inspection by the District EMS Officer or designee during the usual hours of operation.
- 527.11 The Director may subject any EMS educational institution certified under this chapter to an unscheduled inspection to determine compliance with certification standards.
- 527.12 Each education program shall have written criteria for:
- (a) Admission;
 - (b) Multiple evaluations of each student during the course of study including evaluation of competency in providing patient care;
 - (c) Student requirements for:
 - (1) Attendance; and

- (2) Educational performance, including:
 - (A) Attitudes;
 - (B) Knowledge; and
 - (C) Behavior;
- (d) Student access to program information including:
 - (1) Fees;
 - (2) Requirements;
 - (3) Policies and procedures;
 - (4) The student handbook; and
 - (5) Support services;
- (e) Selection of:
 - (1) A medical director;
 - (2) A program director;
 - (3) Faculty; and
 - (4) Other necessary personnel;
- (f) Nondiscrimination and fair practices with regard to students, faculty, and program personnel;
- (g) Review and improvement of the effectiveness of student evaluation techniques; and
- (h) HIPAA privacy training.

527.13 Each education program shall require that each student wear some type of distinctive identification during his or her field and clinical internship. The identification shall clearly identify the:

- (a) Student's name;
- (b) Student's status; and

- (c) Education program.
- 527.14 Each education program shall maintain an organizational chart that shows the relationships among students, the program director, the medical director, and the instructors for each course.
- 527.15 Each education program shall maintain accurate and appropriate records of:
- (a) Students;
 - (b) Faculty;
 - (c) Courses, including:
 - (1) Course statistics as specified in DOH policy; and
 - (2) Demographics of students; and
 - (d) Written agreements with facilities and agencies that provide clinical and field experience, which shall include:
 - (1) Liability policies;
 - (2) Scope of practice for the student;
 - (3) Evaluation criteria; and
 - (4) The responsibility for and level of supervision of students.
- 527.16 The education program shall maintain records at least five (5) years following course completion in a manner to prevent loss, destruction, or unauthorized use.
- 527.17 Each education program shall teach the appropriate curriculum which shall include:
- (a) Didactic instruction which shall impart fundamental knowledge, skills, and attitudes which contribute to the delivery of state-of-the-art pre-hospital emergency medical care; and
 - (b) Supervised field internships that include practice of skills while functioning in a pre-hospital environment.
- 527.18 Training programs may utilize distance education for cognitive components of initial training leading to EMS provider certification if the program:

- (a) Demonstrates the methods of distance education utilized are educationally and technically appropriate for the content and audience; and
- (b) Ensures the quality of the distance education method, including:
 - (1) Stating the educational objectives clearly; and
 - (2) Offer sufficiently comprehensive, accurate, up-to-date, educationally sound instructional materials.

527.19 Each EMS educational institution shall maintain written agreements and position descriptions stating the roles and responsibilities of the following program positions:

- (a) Medical director;
- (b) Program director; and
- (c) EMS instructors.

528 EDUCATIONAL INSTITUTIONS: MEDICAL DIRECTOR

528.1 Each EMS educational institution offering certification courses shall have a medical director who:

- (a) Is a physician licensed to practice medicine in the District of Columbia;
- (b) Has current working knowledge and experience in emergency medical care of acutely ill or injured patients;
- (c) Has working knowledge of the District EMS system; and
- (d) Has knowledge of the District of Columbia scope of practice for Emergency Medical Services Providers and the National Educational Standards.

528.2 If the educational institution is a part of an Emergency Medical Services Agency, the same person may serve as the medical director of both.

528.3 The medical director shall be responsible for the oversight of the medical educational content of the curriculum.

529 EDUCATIONAL INSTITUTIONS: PROGRAM DIRECTOR

529.1 Each EMS educational institution shall have a program director who:

- (a) Has at least two (2) years of experience instructing and evaluating EMS students;
- (b) Has experience with administration of educational programs;
- (c) Has an instructor certification equivalent to the course level being instructed; and
- (d) Has knowledge of the District scope of practice for Emergency Medical Services Providers and the National Educational Standards.

529.2 The program director shall:

- (a) Have overall responsibility for the success of the education program, including continuous quality review and improvement of the education program;
- (b) Serve as the education program student and faculty liaison;
- (c) Identify sites where students can fulfill field internship requirements; and
- (d) Keep the medical director informed of the program schedule, progress of individual student performance, student or instructor complaints, and the status of other program activities.

529.3 The medical director may also act as the program director.

530 EDUCATIONAL INSTITUTIONS: PROGRAM INTERNSHIPS

530.1 Each EMS education program, with the exception of Emergency Medical Responder education programs, provided by an EMS educational institution shall provide students with access to field internships with appropriate medical oversight and supervision within any District-approved Emergency Medical Services Agency. Each internship shall include:

- (a) Patient assessments;
- (b) EMS orientation;
- (c) Additional components as required by the National Education Standards; and

(d) Additional components as may be required by DOH.

530.2 If the field internship is located outside the District of Columbia, the educational institution offering the education program of which the internship is a part shall:

(a) Comply with the laws of the state where the field internships are located; and

(b) Notify the appropriate EMS officials in the state where the field internships are located of the presence of program students in those internships.

531 EDUCATIONAL INSTITUTIONS: EVALUATIONS

531.1 Each educational institution shall have a written policy and procedure for evaluation of each of its education programs.

531.2 Each program shall conduct a self-evaluation at least annually and shall provide written evidence that the program is meeting its objectives and the changing needs of EMS care to DOH as part of the institution’s annual report.

531.3 An evaluation plan shall include methods for gathering and analyzing data on the effectiveness of the following:

- (a) Instruction;
- (b) Resources;
- (c) Responsiveness to recommendations for change;
- (d) Instructors; and
- (e) Students’ ability to function as entry-level providers upon successful completion of the program.

531.4 The results of the evaluations shall provide the basis for continuous quality improvement and future direction of the educational courses.

532 EDUCATIONAL INSTITUTIONS: ANNUAL REPORTS

532.1 Each education program shall submit an annual report to the Director, due no earlier than January 1 and not later than March 1 of each year, in an approved format which shall:

- (a) Update program information;
- (b) Identify any major changes in the program during the year; and
- (c) Include the annual self evaluation described in § 531 of this chapter.

533 EDUCATIONAL INSTITUTIONS: CERTIFICATION RENEWAL

533.1 An educational institution shall apply for renewal of its certification at least six (6) months before the expiration of its current certification.

533.2 If the Director determines that the applicant meets the requirements of this chapter, the Director shall grant the applicant a two (2) year approval as an EMS educational institution.

533.3 In order to maintain its certification, an education institution shall:

- (a) Comply with the regulations set forth in this chapter;
- (b) Advise the Director in writing no later than thirty (30) days after any changes in:
 - (1) Program personnel other than instructional faculty;
 - (2) Changes to the educational institution’s organization; or
 - (3) Changes to the educational programs offered by the institution; and
- (c) Conduct at least one (1) full length certification course every two (2) years.

533.4 An EMS educational institution that is required to be licensed through ELC shall maintain its license in order to maintain its certification as an EMS educational institution.

534 EDUCATIONAL INSTITUTIONS: PROVISIONAL CERTIFICATIONS

534.1 The Director may grant an educational institution a provisional certification for one (1) year if, after review of the application and site visit, he or she has determined that:

- (a) Standards for certification are not fully met;

- (b) Non-compliance is not substantial or will not negatively impact quality of educational offerings;
- (c) All requirements for full approval can be resolved within one (1) year; and
- (d) Provisional certification is in the public interest.

534.2 The Director may impose conditions on certifications and restrictions on program or course offerings.

534.3 An EMS educational institution that receives a one (1) year provisional status by ELC shall be placed in a one (1) year provisional status by the Director.

534.4 An EMS educational institution that has been granted a one (1) year provisional certification shall submit written progress reports to the Director semiannually, at dates set by the Director, covering the six (6) months prior to the month in which each report is submitted.

534.5 Upon satisfactory resolution of limitations, or at the end of the one (1) year provisional period, the Director shall:

- (a) Confer approval for the remainder of the two (2) year period; or
- (b) Revoke or deny approval.

535 EDUCATIONAL INSTITUTIONS: REVOCATION OF CERTIFICATION

535.1 The Director may revoke program approval if an educational institution is not in compliance with the provisions of this chapter. Notification of revocation shall:

- (a) State the reasons for revocation; and
- (b) Advise the education institution of its appeal rights.

536 EDUCATIONAL INSTITUTIONS: DENIAL OF CERTIFICATION

536.1 The Director may deny program approval if an educational institution is not in compliance with the provisions of this chapter. Notification of denial shall:

- (a) State the reasons for denial; and
- (b) Advise the education institution of its appeal rights.

537 EMERGENCY MEDICAL SERVICE INSTRUCTOR STANDARDS

537.1 Each educational institution shall maintain the following records for every instructor:

- (a) Copies of documents verifying the instructor's past educational experience, including:
 - (1) Education;
 - (2) Publications; and
 - (3) Previous instruction experience and credentials;
- (b) A copy of the instructor's certification in a related discipline;
- (c) A copy of the current District Instructor certification;
- (d) Documentation used by the agency to assess and authorize the Continuing Education instructors to teach each category (if applicable); and
- (e) Copies of the instructor's evaluations.

537.2 An instructor shall be evaluated in the classroom environment during his or her didactic evaluations.

537.3 An instructor may be evaluated in the classroom or field environment during his or her practical teaching evaluations.

537.4 The Director may conduct an audit or evaluation of an instructor's records at any time, with or without prior notice.

537.5 An instructor certification shall be concurrent with the sponsoring EMS educational institution's or the Emergency Medical Services Agency's certification period.

538 EMERGENCY MEDICAL RESPONDER INSTRUCTOR STANDARDS

538.1 Emergency Medical Responder (EMR) courses shall be taught by:

- (a) District-certified EMR instructors;
- (b) EMR instructor trainees under the supervision of a District-certified EMR instructor; or

(c) EMT or Advanced Emergency Medical Services instructors.

538.2 In order to be certified as an EMR instructor, an individual shall:

- (a) Hold and maintain a valid District EMR or greater provider certificate or license, to include but not limited to Emergency Medical Technician, Advanced Emergency Medical Technician, Emergency Medical Technician-Intermediate, Paramedic, Nurse, or Physician;
- (b) Hold and maintain a valid instructor certification in a related discipline, such as CPR;
- (c) Successfully complete a competency-based evaluation based on current District policy; and
- (d) Submit to the Director a completed EMR instructor application signed by the medical director of the EMS educational institution at which the applicant will teach, verifying competency evaluations and practice teaching dates.

538.3 Certification as an EMR instructor shall be concurrent with the sponsoring EMS educational institution's certification period.

538.4 In order to remain in good standing during his or her certification period, an EMR instructor shall:

- (a) Maintain a current District EMS provider certification or license at the EMR level or greater, to include but not limited to Emergency Medical Technician, Advanced Emergency Medical Technician, Emergency Medical Technician-Intermediate, Paramedic, Nurse, or Physician;
- (b) Successfully complete a competency-based evaluation based on current District policy;
- (c) Attend EMR instructor workshops as required; and
- (d) Submit to the Director a completed EMR instructor application signed by the medical director verifying competency evaluations and teaching dates.

538.5 An EMR instructor may also function as the EMR program director if approved by the educational institution's medical director.

538.6 An EMR instructor whose certification has expired may apply to the Director for reinstatement within two (2) years of expiration.

538.7 An EMR instructor reinstatement applicant shall:

- (a) Hold a District EMR or greater provider certificate, to include but not limited to Emergency Medical Technician, Advanced Emergency Medical Technician, Emergency Medical Technician-Intermediate, Paramedic, Nurse, or Physician;
- (b) Successfully complete a competency-based evaluation based on current District policy; and
- (c) Submit to the Director a completed EMR instructor application signed by the medical director verifying successful evaluations from practice teaching.

538.8 An EMR instructor whose certification has lapsed for more than two (2) years shall be required to meet initial EMR instructor requirements.

539 EMERGENCY MEDICAL TECHNICIAN INSTRUCTOR STANDARDS

539.1 Emergency Medical Technician (EMT) courses shall be taught by:

- (a) District-certified EMT instructors;
- (b) EMT instructor trainees under the supervision of a District-certified EMT instructor; or
- (c) District-certified Advanced Emergency Medical Services (AEMS) instructors.

539.2 An EMT instructor who is not an AEMS instructor shall:

- (a) Maintain a valid District EMT or greater provider certification or license, to include but not limited to Advanced Emergency Medical Technician, Emergency Medical Technician-Intermediate, Paramedic, Nurse, or Physician;
- (b) Maintain a valid instructor certification in a related discipline, such as CPR;
- (c) Successfully complete a competency-based evaluation based on current District policy; and
- (d) Submit a completed EMT instructor application signed by the medical director verifying successful evaluations and practice teaching dates to the Director.

- 539.3 EMT instructor certification shall not exceed two (2) years and shall be concurrent with the sponsoring EMS educational institution's certification period.
- 539.4 In order to remain in good standing during the two (2) year certification period, an EMT Instructor shall:
- (a) Successfully complete a competency-based evaluation based on current District policy;
 - (b) Maintain a current District EMS provider certification or license at the EMT level or greater, to include but not limited to Advanced Emergency Medical Technician, Emergency Medical Technician-Intermediate, Paramedic, Nurse, or Physician;
 - (c) Attend EMT instructor workshops as required; and
 - (d) Submit to the Director a completed EMT instructor application signed by the medical director verifying competency evaluations and teaching dates.
- 539.5 If the educational institution's medical director approves, the EMT may also function as the EMT Program director.
- 539.6 An EMT instructor whose certification has expired may apply to the Director for reinstatement within two (2) years of expiration.
- 539.7 An EMT instructor reinstatement candidate shall:
- (a) Maintain a valid District EMT or greater provider certification or license, to include but not limited to Advanced Emergency Medical Technician, Emergency Medical Technician-Intermediate, Paramedic, Nurse, or Physician;
 - (b) Successfully complete a competency-based evaluation based on current District policy; and
 - (c) Submit a completed EMT instructor application signed by the medical director verifying successful evaluations and teaching dates to the Director at the end of the interim teaching period.
- 539.8 EMT instructor certification shall not exceed two (2) years and shall be concurrent with the sponsoring EMS educational institution's certification period.
- 539.9 An EMT instructor whose certification has lapsed for more than two (2) years shall be required to meet initial EMT instructor requirements.

540 ADVANCED EMERGENCY MEDICAL SERVICES INSTRUCTOR STANDARDS

- 540.1 Advanced Emergency Medical Technician (AEMT) courses, Emergency Medical Technician-Intermediate (EMT-I) courses, and Paramedic courses shall be taught by:
- (a) District-certified Advanced Emergency Medical Services (AEMS) instructors; or
 - (b) AEMS instructor trainees under the supervision of a District-certified AEMS instructor.
- 540.2 A candidate for AEMS instructor shall:
- (a) Maintain a valid District Paramedic or greater certification or license, to include but not limited to Nurse or Physician;
 - (b) Maintain a valid instructor certification in a related ALS discipline, such as Advanced Cardiac Life Support (ACLS) or Pediatric Advanced Life Support (PALS);
 - (c) Successfully complete a competency-based evaluation based on current District policy; and
 - (d) Submit to the Director at the end of the interim teaching a completed AEMS instructor application signed by the medical director verifying successful evaluations and practice teaching dates.
- 540.3 Certification as an AEMS instructor shall not exceed two (2) years and shall be concurrent with the sponsoring EMS educational institution's certification period.
- 540.4 In order to remain in good standing during the two (2) year period of approval an AEMS Instructor shall:
- (a) Maintain current District EMS provider certification or license at the Paramedic level or greater, to include but not limited to Nurse or Physician;
 - (b) Successfully complete a competency-based evaluation based on current District policy;
 - (c) Attend AEMS instructor workshops as required; and
 - (d) Submit to the Director a completed AEMS instructor application signed by the medical director verifying successful evaluations and teaching dates.

- 540.5 If the educational institution's medical director approves, the AEMS instructor may also function as the AEMS program director.
- 540.6 An AEMS instructor whose certification has expired may apply to the Director for reinstatement within two (2) years of expiration.
- 540.7 An applicant for reinstatement as an AEMS instructor shall:
- (a) Be certified or licensed as a District Paramedic or greater provider, to include but not limited to Nurse or Physician;
 - (b) Successfully complete a competency-based evaluation based on current District policy; and
 - (c) Submit a completed AEMS instructor application showing successful evaluations from practice teaching.
- 540.8 An AEMS instructor certification shall not exceed two (2) years and shall be concurrent with the sponsoring EMS educational institution's certification period.
- 540.9 An AEMS instructor whose certification has lapsed for more than two (2) years shall be required to meet initial AEMS instructor requirements.

541 CONTINUING EDUCATION INSTRUCTOR STANDARDS

- 541.1 Continuing Education (CE) courses shall be taught by:
- (a) District-certified EMR, EMT, or AEMS instructors consistent with the level of education being taught;
 - (b) District-certified CE instructors;
 - (c) CE instructor trainees under the supervision of a District-certified EMS instructor; or
 - (d) CE instructor trainees under the supervision of an Emergency Medical Services Agency's training director.
- 541.2 A CE instructor who is not an EMS instructor shall:
- (a) Currently hold and maintain a District provider certification or license at or above the level of continuing education being taught, to include but not limited to Emergency Medical Responder, Emergency Medical

Technician, Advanced Emergency Medical Technician, Emergency Medical Technician-Intermediate, Paramedic, Nurse, or Physician; and

- (b) Currently hold and maintain an instructor certification in a related discipline, such as CPR.

541.3

The EMS educational institution or the Emergency Medical Services Agency's training director may authorize a CE Instructor to instruct in the following NREMT categories:

- (a) Basic Life Support, which shall include the following NREMT topics:
 - (1) Preparatory;
 - (2) Airway and Breathing;
 - (3) Patient Assessment;
 - (4) Medical/Behavioral;
 - (5) Trauma;
 - (6) Infants and Children; and
 - (7) Obstetrics; or
- (b) Advanced Life Support, which shall include the following NREMT topics:
 - (1) Operational Tasks;
 - (2) Airway and Breathing;
 - (3) Cardiology;
 - (4) Medical Emergencies;
 - (5) Trauma;
 - (6) Pediatrics; and
 - (7) Obstetrics.

541.4

The medical director of the agency shall establish a CE Instructor approval process. The process shall be documented and the documentation shall be subject to inspection and verification by officials from the District EMS Officer or designee at any time.

542 EMERGENCY MEDICAL SERVICE EDUCATIONAL INSTITUTION CURRICULUM STANDARDS

- 542.1 The Director shall approve all EMS course curricula that are intended to be used for certification, continuing education, and refresher courses that are taught in the District of Columbia.
- 542.2 Courses that are taught in the District of Columbia prior to the curriculum being approved will not be approved retroactively.
- 542.3 Curricula shall conform to, and instruct according to, current national standards and guidelines, including current NREMT standards.
- 542.4 In order to receive District approval of an EMS curriculum and to be eligible to use that curriculum in a certification, continuing education or refresher course, an EMS educational institution or Emergency Medical Services Agency shall file an application with the Director. The application shall include the following information:
- (a) Program director;
 - (b) Curriculum author;
 - (c) Curriculum title; and
 - (d) Topic area (ALS or BLS).
- 542.5 A curriculum application shall be filed at least forty-five (45) days before the educational institution or Emergency Medical Services Agency intends to use the curriculum in a course.
- 542.6 All curricula submitted to the Director shall be assigned a curriculum tracking number. A tracking number shall be assigned regardless of whether the curriculum is approved or denied. The tracking number shall be used in all correspondence related to the curriculum.
- 542.7 To maintain approval by the Director a course curriculum shall be updated to remain current with nationally accepted standards. Any updates to the curriculum shall be submitted to the Director as a new curriculum as outlined in this section.
- 542.8 Curricula that are currently approved by the Continuing Education Coordinating Board for Emergency Medical Services (CECBEMS) do not need to be submitted for District approval.
- 542.9 The educational institution or Emergency Medical Services Agency shall submit a curriculum application along with a copy of the CECBEMS curriculum approval

documentation to obtain a DOH curriculum number. The DOH curriculum number shall be used on the course application when used in a District course.

543 EMERGENCY MEDICAL SERVICE EDUCATIONAL INSTITUTION COURSE STANDARDS

543.1 No person shall offer an EMS certification, refresher, or continuing education course in the District unless:

- (a) The person is certified by the District as an EMS educational institution; or
- (b) The person is certified by the District as an Emergency Medical Services Agency authorized to instruct continuing education; and
- (c) The course has been approved by the Director.

543.2 A District-certified EMS educational institution certified at the ALS educational level may offer both ALS and BLS courses.

543.3 A District-certified EMS educational institution may sponsor an agency or individual that wishes to provide a single course, class, or activity.

543.4 When two (2) or more educational institutions co-sponsor a course, only one (1) approved educational institution provider number shall be used for that course. The educational institution whose number is used shall assume the responsibility for meeting all applicable requirements of this section.

543.5 The sponsoring educational institution shall ensure that the course, class, or activity meets all requirements and shall serve as the educational institution provider of record.

543.6 In order to receive District approval of an EMS course and be eligible for NREMT testing (if applicable), an EMS educational institution or Emergency Medical Services Agency shall file an application with the Director. The application shall include the following information:

- (a) Program director;
- (b) Course title;
- (c) Course type;
- (d) Certification level;

- (e) Course start and end dates;
- (f) A listing of District-approved course curriculum or curricula to be used; and
- (g) A listing of instructor(s) to be used.

543.7 A course application shall be filed at least thirty (30) days before the educational institution intends to start teaching the course.

543.8 All course applications submitted to the Director shall be assigned a course tracking number. The tracking number:

- (a) Shall be used in all correspondence related to the certification course;
- (b) Shall appear on the students' records and course completion certificates; and
- (c) Shall be assigned regardless if the certification course is approved or denied.

543.9 The District may revoke or deny credit for any certification, refresher, or CE course when the course or curriculum does not meet the requirements set forth in this chapter.

543.10 An EMS educational course taught in the District that the Director has not approved shall be reported to:

- (a) NREMT to revoke credit for the course;
- (b) CECBEMS if the course utilized a CECBEMS course or curriculum; and
- (c) The state EMS offices of any non-District provider who was in attendance.

544 EMERGENCY MEDICAL SERVICE EDUCATIONAL INSTITUTION CERTIFICATION COURSE STANDARDS

544.1 A District certified EMS educational institution that desires to offer an EMS certification course in the District shall:

- (a) Meet the current national standards and NREMT standards for the certification level being taught;
- (b) Submit an application signed by the institution's medical director requesting approval of each certification course as outlined in § 543; and

(c) Submit a separate application for each course provided.

544.2 Certification courses shall utilize the appropriate NREMT practical skill certification exam. The practical skill exams shall be:

(a) Administered by the NREMT when required under NREMT certification standards; or

(b) Administered in accordance with current District policy, when administration of the exam by the NREMT is not required under NREMT certification standards.

545 EMERGENCY MEDICAL SERVICE EDUCATIONAL INSTITUTION REFRESHER COURSE STANDARDS

545.1 The Director shall approve all EMS refresher courses that are intended for renewal of NREMT certification and are taught in the District of Columbia prior to the course being taught.

545.2 A refresher course taught in the District of Columbia shall meet the NREMT standards in effect at the time of the application in order to be eligible for NREMT certification renewal.

545.3 An educational institution that desires to receive District of Columbia approval in addition to CECBEMS approval may apply for approval pursuant to this section.

545.4 The educational institution shall submit an application signed by the institution’s medical director requesting approval as outlined in § 543.

545.5 The educational institution shall submit a separate application for each refresher course.

546 EMERGENCY MEDICAL SERVICE CONTINUING EDUCATION COURSE STANDARDS

546.1 The Director shall approve all continuing education (CE) courses that are intended for renewal of NREMT certification prior to the course being offered. CE courses that are taught in the District of Columbia prior to the course being approved will not be approved retroactively.

546.2 A CE course taught in the District of Columbia shall be in a topic contained in the respective NREMT Re-registration Policies and Procedures.

- 546.3 The Director shall determine the total number of CE credit hours for an approved CE course taught in the District of Columbia. CE credit hours shall be:
- (a) Based on District of Columbia-approved curricula; and
 - (b) CECBEMS-approved curricula.
- 546.4 Classes or activities taught in the District of Columbia for which CE credit is authorized shall be at least one (1) CE credit hour in duration. For CE courses greater than one (1) CE credit hour, credit may be granted in no less than half (1/2)-hour increments.
- 546.5 A person may offer a continuing education course if the course has a current approval from the CECBEMS. The educational institution or Emergency Medical Services Agency shall submit a course application along with a copy of the CECBEMS approval documentation so that a course number can be assigned.
- 546.6 Courses and activities that shall not be applied towards the continuing education hours requirement include:
- (a) Clinical rotations;
 - (b) Cardiopulmonary resuscitation;
 - (c) Home study programs;
 - (d) Instructor courses;
 - (e) Management and leadership courses;
 - (f) Performance of duty;
 - (g) Preceptor hours;
 - (h) Serving as a skill examiner; and
 - (i) Volunteer time with agencies.
- 546.7 The educational institution or Emergency Medical Services Agency shall submit a separate application for each CE course.

547 CERTIFICATE OF COURSE COMPLETION

- 547.1 An educational program shall issue to each successful participant a certificate or proof of successful completion of a course no later than thirty (30) calendar days after completion of the course.
- 547.2 A certification course completion certificate or documentation of successful completion shall contain:
- (a) The name of the participant;
 - (b) The course title and DOH-assigned course number;
 - (c) The length of the course in total hours;
 - (d) The name of the sponsoring educational institution and its DOH EMS educational institution number;
 - (e) The course completion date;
 - (f) The program director's signature; and
 - (g) The medical director's signature.
- 547.3 A refresher or CE course completion certificate or documentation of successful completion shall contain:
- (a) The name of participant and his or her NREMT, State, or District EMS certification number;
 - (b) The course title and DOH-assigned course number;
 - (c) The total number of hours of continuing education awarded;
 - (d) The educational institution or Emergency Medical Services Agency name, address, and DOH EMS educational institution number or Emergency Medical Services Agency number;
 - (e) The date(s) of the course, class, or activity;
 - (f) The program director's signature; and
 - (g) The medical director's signature.
- 547.4 If a refresher or CE course is used to satisfy the requirements for maintaining an EMS provider's certification, the refresher and CE course shall be completed

during the current certification cycle, and the provider shall submit the CE certificate to NREMT in accordance with its policies in effect at the time of submission.

- 547.5 No person shall receive credit for taking the same refresher or CE course, class, or activity more than once during a single certification or licensure cycle.
- 547.6 An instructor may receive credit for instructing a certification, refresher, or CE course. Credit received shall be the same as the number of CE hours approved for the course, class, or activity.
- 547.7 The instructor shall receive credit only once during a certification cycle for instructing the same CE course, class, or activity.

548 COURSE RECORDS

- 548.1 An education program shall maintain course records for at least five (5) years following course completion. The records shall be maintained in a manner to prevent loss, destruction, or unauthorized use and shall contain the following:
- (a) A complete outline for each course given, including a brief overview, instructional objectives, comprehensive topical outline, method of evaluation, and a record of participant performance;
 - (b) A record of the time, place, and date that each course is given;
 - (c) A record of the number of CE hours awarded for the CE course;
 - (d) A curriculum vitae or resume for each instructor; and
 - (e) A roster signed by course participants that shall include the name and certificate number of each person who has taken any certification, refresher or CE course, class, or activity, and a record of any course completion certificate issued.

549 TRANSPORTATION OF PATIENTS

- 549.1 Each District-certified emergency medical response vehicle that transports patients shall meet the following minimum staffing requirement:
- (a) A Basic Life Support Ambulance shall have two (2) District-certified Emergency Medical Technicians;

- (b) An Advanced Life Support Ambulance shall have one (1) District-certified Paramedic and one (1) District-certified Emergency Medical Technician; and
- (c) Each air medical response craft shall have one (1) District-certified Emergency Medical Technician – Intermediate or Paramedic and one (1) licensed pilot.

550 EMERGENCY 9-1-1 TRANSPORTATION OF PATIENTS IN THE DISTRICT OF COLUMBIA

550.1 An emergency patient who is transported by ambulance, where the point of origin is within the District, shall only be transported by a District-certified Emergency Medical Services Agency ambulance except when the transporting agency:

- (a) Has been requested by the District’s 9-1-1 ambulance service;
- (b) Is certified in another state but has a memorandum of understanding, memorandum of agreement, or mutual aid agreement with the District of Columbia Fire and Emergency; or
- (c) Has been requested through a mutual aid agreement or memorandum of understanding by the Department of Health.

550.2 A transporting agency that is not District-certified shall adhere to the protocols of the District’s 9-1-1 ambulance service unless otherwise specified through a DOH-approved agreement.

550.3 A patient shall be transported to the appropriate health care facility as outlined in the District’s 9-1-1 ambulance service’s protocol.

550.4 Transportation of a patient by an ambulance or provider that is not certified in the District shall be reported to the state agency with jurisdiction over EMS services. The Emergency Medical Services Agency operating the ambulance may also face civil or criminal penalties from the District of Columbia.

551 INTER-FACILITY TRANSPORTATION OF PATIENTS WHERE THE POINT OF ORIGIN IS IN THE DISTRICT OF COLUMBIA

551.1 A patient who is transported by ambulance between facilities, where the point of origin is within the District of Columbia, shall only be transported by a certified District of Columbia Emergency Medical Services Agency ambulance except when the transporting agency has been requested through a mutual aid agreement or memorandum of understanding by the Department of Health.

551.2 A transporting agency that is not District-certified shall adhere to the protocols of its local jurisdiction unless otherwise specified through a mutual aid agreement or memorandum of understanding.

551.3 Patients shall be transported to the appropriate health care facility as outlined in the agency's protocol.

552 INTER-FACILITY TRANSPORTATION OF PATIENTS INTO THE DISTRICT OF COLUMBIA WHERE THE POINT OF ORIGIN IS OUTSIDE OF THE DISTRICT OF COLUMBIA

552.1 A patient who is transported by ambulance into the District of Columbia shall only be transported by an EMS ambulance and crew that is certified by the state agency with jurisdiction at the point of origin.

552.2 The same transporting ambulance agency may perform the return transport of the same patient to the point of origin; provided, that the return transport shall be performed by a crew and ambulance that is appropriate for the condition of the patient.

552.3 If the requirements of § 552.2 cannot be met, the transport shall be considered a new transport, with its point of origin in the District of Columbia.

552.4 Transportation of a patient by an EMS ambulance or crew that is not certified in the jurisdiction of origin shall be reported to the state agency with jurisdiction over EMS services at the point of origin.

552.5 Long-term and assisted living facilities shall utilize private, commercial, non-emergency ambulance services for inter-facility transports instead of the District 9-1-1 emergency ambulance service whenever possible and consistent with the health and safety of the patient.

553 EMERGENCY MEDICAL DISPATCH

553.1 The Director may develop the District of Columbia Pre-Hospital Emergency Medical Dispatch Protocol Guidelines for Emergency Medical Dispatch Providers (Pre-Hospital EMD Guidelines).

553.2 The Director may appoint an Emergency Medical Dispatch (EMD) review committee to assist in the development, review, and recommendations of the Pre-Hospital EMD Guidelines.

553.3 The EMS Officer shall review and the Director shall approve the EMD protocols of each Emergency Medical Services Agency prior to their implementation.

553.4 The Director may issue an emergency protocol or revision which shall have immediate effect if a delay in the issuance of a protocol, protocol revision, or supplemental protocol would pose a threat to the health and welfare of patients.

554 PRE-HOSPITAL MEDICAL PROTOCOLS

554.1 The Director may develop the District of Columbia Pre-Hospital Medical Protocol Guidelines for Emergency Medical Services Providers.

554.2 The Director may appoint a protocol review committee to assist in the development, review, and recommendations of the Pre-Hospital Medical Protocol Guidelines.

554.3 The EMS Officer shall review and the Director shall approve the pre-hospital protocols of each Emergency Medical Services Agency prior to their implementation.

554.4 The Director may issue an emergency protocol or revision which shall have immediate effect if a delay in the issuance of a protocol, protocol revision, or supplemental protocol would pose a threat to the health and welfare of patients.

555 MEDICAL CONTROL BASE STATIONS

555.1 The Director may develop the District of Columbia Pre-Hospital Medical Control Base Station Operational Guidelines for Medical Control Base Station Providers (Pre-Hospital Medical Control Guidelines).

555.2 The Director may appoint a medical control review committee to assist in the development, review, and recommendations of the Pre-Hospital Medical Control Guidelines.

555.3 The EMS Officer shall review and the Director shall approve the operational protocols of each Medical Control Base Station prior to its implementation.

555.4 The Director may issue an emergency protocol or revision which shall have immediate effect if a delay in the issuance of a protocol, protocol revision, or supplemental protocol would pose a threat to the health and welfare of patients.

556 CLINICAL QUALITY ASSURANCE AND IMPROVEMENT

556.1 Each Emergency Medical Services Agency shall designate a quality improvement officer who is certified or licensed at or above the certification level of the Emergency Medical Services Agency.

556.2 The medical director may act in the role of the quality improvement officer.

556.3 Each Emergency Medical Services Agency shall compile and submit a written quality improvement plan, which the agency's medical director shall approve. The quality improvement plan shall:

- (a) Require the review of data concerning patient care rendered by EMS providers affiliated with the Emergency Medical Services Agency operational program;
- (b) Require the identification and analysis of trends in EMS care rendered by EMS providers affiliated with the Emergency Medical Services Agency's operational program;
- (c) Specify the method and manner to annually report to the Director on quality assurance issues;
- (d) Require the provision of remedial action to resolve any patient care issues involving EMS providers or the EMS system which should be addressed at the organizational level;
- (e) Identify violations of the District of Columbia Emergency Medical Services Protocols or Director approved organizational EMS protocols; and
- (f) Require a review of oral or written allegations that:
 - (1) An EMS provider failed to act in accordance with applicable law or protocols; or
 - (2) Pre-hospital patient care was below the applicable standard of care.

557 CLINICAL QUALITY ASSURANCE AND IMPROVEMENT REPORTS

557.1 Each Emergency Medical Services Agency shall file an annual report, due no earlier than January 1 and not later than March 1 of each year, which shall state the number EMS incidents to which the Emergency Medical Services Agency responded to in the prior calendar year and the number of ambulance collisions for the same time period.

- 557.2 Each of the following incidents shall be reported to the District EMS Officer no later than seventy-two (72) hours after discovery:
- (a) Unexpected loss of physical or mental function of the patient;
 - (b) Administration of incorrect medication to the patient, regardless of the outcome;
 - (c) Administration of an incorrect dose of medication to the patient, regardless of the outcome;
 - (d) Termination of resuscitation in the field;
 - (e) Pediatric cardiac arrest;
 - (f) Invocation of a District EMS Comfort Care Order/Do Not Resuscitate Order;
 - (g) Denial or refusal of transport to or by any patient with a Glasgow Coma Score of fourteen (14) or less at the time of denial or refusal;
 - (h) An ambulance involved in motor vehicle collision while in service;
 - (i) Positive results on an EMS provider drug test; and
 - (j) Any incident that the Director has determined to threaten public safety.

558 EMERGENCY MEDICAL SERVICES AGENCY DATA COLLECTION STANDARDS

- 558.1 Emergency Medical Services Agency incident and patient care data collected by means of computer systems within the District of Columbia shall conform to the National EMS Information System requirements (NEMESIS) as established by the National Highway Traffic Safety Administration.

559 TRAUMA AND SPECIALTY CENTERS

- 559.1 The Director shall designate Trauma Centers in the District of Columbia.
- 559.2 Criteria for the designation of Level I and Level II Trauma Centers shall be consistent with the guidelines of the American College of Surgeons Committee on Trauma and as outlined in Chapters 27, "Adult Trauma Care," and 28, "Pediatric Trauma Care," of Subtitle B of Title 22 of the DCMR.

- 559.3 Designation as a District Trauma Center shall be for five (5) years or less.
- 559.4 The Director shall designate Specialty Centers in the District of Columbia.
- 559.5 Designation as a District Specialty Center shall be for five (5) years or less.

560 MASS CASUALTY INCIDENTS

- 560.1 Each Emergency Medical Services Agency is required to develop a plan to mitigate a Mass Casualty Incident (MCI).
- 560.2 Each MCI plan shall comply with the National Incident Management System requirements and the District MCI plan.
- 560.3 Each MCI plan shall be submitted to the Director for his or her approval.
- 560.4 Each Emergency Medical Services Agency shall use the triage system approved by the Director.

561 SPECIAL EVENT MEDICAL AID STATIONS

- 561.1 An Emergency Medical Services Agency that provides services at a special event medical aid station shall be certified by the Director to provide Special Event EMS services
- 561.2 The Agency shall utilize a Patient Care Report (PCR), on a form and in a manner prescribed by the Director, in accordance with Section 509, to collect emergency medical services data.
- 561.3 A PCR shall be completed, with all patient contacts, for each patient to whom care is provided. A PCR shall also be completed for each patient who refuses treatment or transportation.
- 561.4 A PCR shall be maintained in a secure area within the Medical Aid Station in accordance with HIPAA and federal and local privacy laws, regulations, and policies.
- 561.5 A PCR shall be maintained for six (6) years and shall be stored in accordance with District laws and regulations.
- 561.6 Medical Aid Stations shall conform to the personnel and equipment standards outlined in DOH policy.

562 SPECIAL STUDIES AND PILOT PROJECTS

- 562.1 The Department may allow Emergency Medical Services Agencies to undertake studies of the EMS system or pilot projects in the interest of improving patient care services.
- 562.2 All requests to undertake a special study or pilot project shall be submitted to the Director for his or her approval. The request shall include the following information:
- (a) A description of the purpose of the study or project, clearly describing the expected benefits to District residents;
 - (b) An operational plan that maximizes patient safety while minimizing potential risk to the patient; and
 - (c) A quality assurance and improvement plan that clearly describes how the data will be collected and used, as well as the indicators for immediate termination of the project or study.
- 562.3 The Director shall approve all special studies and pilot projects prior to beginning the project.

563 ENFORCEMENT OF VIOLATIONS

- 563.1 Any person who violates or participates in the violation of a provision of this chapter shall be subject to civil and criminal penalties in accordance with the Emergency Medical Services Act of 2008, effective March 25, 2009 (D.C. Law 17-357; D.C. Official Code §§ 7-2341.01, *et seq.* (2012 Repl.)) (Act).
- 563.2 The DOH may audit, inspect, or investigate an EMS provider or agency, at any time, with or without prior notification, to confirm compliance with the regulations contained in this chapter or any other relevant District regulation or law.
- 563.3 A complaint against an EMS provider or agency shall:
- (a) Be submitted in writing on a form specified by the District EMS Officer;
 - (b) State the facts or circumstances that form the basis of the complaint; and
 - (c) Be submitted to the District EMS Officer.
- 563.4 The District EMS Officer shall establish a record upon receipt of a complaint or incident report alleging facts which, if proven, would constitute sufficient grounds

for denial, suspension, or revocation of a certification to, or reprimand of a holder of a certification to:

- (a) Operate an Emergency Medical Services Agency;
- (b) Operate an emergency response vehicle;
- (c) Operate an emergency medical services educational institution;
- (d) Perform the duties of an emergency medical services provider; or
- (e) Perform the duties of an emergency medical services instructor under Sections 16, 17, 18, and 25(c) of the Act.

- 563.5 The record of all complaints or incident reports shall be maintained in a confidential database exclusively for the purposes of tracking and monitoring compliance with EMS laws, regulations, and protocols and for the improvement of emergency medical services in the District.
- 563.6 The records of all complaints and incident reports collected by the District EMS Officer and shall be maintained for at least ten (10) years.
- 563.7 The Director shall refer each complaint and incident report to the medical director of the applicable Emergency Medical Services Agency or educational institution.
- 563.8 The medical director of each responsible agency shall be responsible for the investigation of each complaint or incident report to determine whether the agency, vehicle, provider, instructor, or educational institution has failed to comply with the provisions of the Act, rules promulgated pursuant to the Act, protocols established pursuant to the Act, or regulations promulgated pursuant to the Act.
- 563.9 The results of each investigation shall be reported by the emergency medical services agency or educational institution to the District EMS Officer upon completion of the investigation by the agency's medical director.
- 563.10 The District EMS Officer may conduct an independent investigation of a complaint or incident report. The Emergency Medical Services Agency or educational institution shall cooperate fully in such an investigation.
- 563.11 The District EMS Officer shall refer the complaint or incident report, together with the results of the investigation, to the Director and shall make a recommendation to the Director for proposed action, if any.
- 563.12 The Director shall make a determination of any actions to be taken.

- 563.13 Sufficient grounds for denial, suspension, or revocation of a certification granted to an Emergency Medical Services Agency or reprimand of an Emergency Medical Services Agency shall include:
- (a) Fraudulently or deceptively obtaining or attempting to obtain a certificate or license for itself or for another;
 - (b) Fraudulently or deceptively using a certificate or license;
 - (c) Abandoning a patient;
 - (d) Willfully making or filing a false report or record related to the provision of emergency medical services;
 - (e) Willfully failing to file or record, willfully impeding or obstructing the filing or recording, or willfully destroying a report or record related to the provision of emergency medical services required to be filed by statute or regulation;
 - (f) Knowingly providing emergency medical services with an unauthorized individual or knowingly aiding an unauthorized individual in providing emergency medical services;
 - (g) Being disciplined by a licensing or disciplinary authority, or convicted or disciplined by a court of any state or country, or disciplined by any branch of the United States government for an act that would be grounds for disciplinary action under this regulation;
 - (h) Failing to meet or violating appropriate protocols or standards of care for the delivery of emergency medical services;
 - (i) Willfully submitting a false statement to collect a fee;
 - (j) Surrendering a certificate or license issued by another jurisdiction as a result of an investigation or disciplinary action by a certifying, licensing, or disciplinary authority or by a court of another jurisdiction for an act that would be grounds for disciplinary action under this chapter;
 - (k) Knowingly failing to report suspected child abuse or neglect in violation of the Prevention of Child Abuse and Neglect Act of 1977, effective September 23, 1977 (D.C. Law 2-22; D.C. Official Code § 4-1301.02(3) (2012 Supp.));
 - (l) Selling, prescribing, giving away, or administering drugs for illegal purposes;

- (m) Breaching patient confidentiality in violation of HIPAA or any other applicable privacy law or regulation;
- (n) Providing emergency medical services beyond the agency's authorized scope of practice;
- (o) Refusing, withholding from, denying, or discriminating against an individual in need of emergency medical services, with regard to the provision of services which the licensee or certificate holder is licensed or certified and qualified to render due to race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, familial status, family responsibilities, matriculation, political affiliation, genetic information, disability, source of income, status as a victim of an intrafamily offense, or place of residence or business;
- (p) Failing to comply with the District of Columbia EMS guidelines on standard protocols;
- (q) Intentionally misrepresenting the level of emergency medical services certification held by individuals or the agency;
- (r) Failure to maintain required levels of insurance and liability coverage;
- (s) Failure to have a medical director;
- (t) Failure to have an operational director;
- (u) Failure to submit or have an approved Quality Assurance and Improvement Plan;
- (v) Failure to report to DOH the incidents outlined in the Quality Assurance and Improvement Plan;
- (w) Failure to maintain records in accordance with this chapter or DOH policy;
- (x) Withdrawal by the District government of the Certificate of Need (CON) for the ambulance service;
- (y) Failure to submit an annual report to DOH; or
- (z) Failure to notify DOH of changes in medical director, agency, or program.

563.14

Sufficient grounds for denial, suspension, or revocation of a certification granted to an emergency medical response vehicle shall include:

- (a) The ground ambulance was not in compliance with:
 - (1) *Federal Specification for the Star-of-Life Ambulance KKK-A-1822* at the time of its manufacture; or
 - (2) National Fire Protection Association (NFPA) 1917 “Standard for Automotive Ambulances” at the time of its manufacture.
- (b) The ground ambulance is not equipped with the mandatory items specified in the American College of Surgeons’ (ACS) Equipment for Ambulances joint document;
- (c) The ground or air ambulance is not covered by the insurance required in this chapter;
- (d) The ground ambulance is not registered by the motor vehicle agency for the jurisdiction from which the vehicle will operate;
- (e) The sponsoring Emergency Medical Services Agency’s certification has been revoked or has not been renewed;
- (f) The ground ambulance is unable to pass a motor vehicle agency inspection;
- (g) The air ambulance is unable to pass a FAA inspection;
- (h) The motor vehicle agency registration for the ground ambulance has been revoked;
- (i) The FAA registration for the air ambulance has been revoked;
- (j) Failure to maintain adequate records on the ground or air ambulance;
- (k) Failure to maintain the emergency medical response vehicle according to CDC recommendations;
- (l) Failure to report an air or ground ambulance collision to the Director; or
- (m) Failure to provide proof of a safety inspection performed by the state in which the emergency medical response vehicle is registered.

563.15

Sufficient grounds for denial, suspension, or revocation of a certification granted to an educational institution shall include:

- (a) Fraudulently or deceptively obtaining or attempting to obtain a certificate or license for itself or for another;
- (b) Fraudulently or deceptively using a certificate or license;
- (c) Willfully making or filing a false report or record related to the provision of emergency medical services instruction;
- (d) Willfully failing to file or record, willfully impeding or obstructing the filing or recording, or willfully destroying a report required to be filed by statute or regulation;
- (e) Knowingly providing emergency medical services instruction through an individual who is not certified to provide instruction or is not authorized to provide instruction in the area in which he or she is providing instruction, or knowingly aiding an uncertified or unauthorized individual in providing emergency medical services instruction;
- (f) Being disciplined by a licensing or disciplinary authority, or adjudicated by a court of any state or country, or disciplined by any branch of the United States government for an act that would be grounds for disciplinary action under this regulation;
- (g) Willfully submitting a false statement to collect a fee;
- (h) Surrendering the certificate or license issued by another jurisdiction as a result of an investigation or disciplinary action by a certifying, licensing, or disciplinary authority or by a court of another jurisdiction for an act that would be grounds for disciplinary action under this chapter;
- (i) Providing emergency medical services instruction beyond the institution's authorized scope of instruction;
- (j) Providing emergency medical services instruction beyond the instructor's authorized scope of instruction;
- (k) Refusing, withholding from, denying, or discriminating against an individual requesting emergency medical services instruction due to race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, familial status, family responsibilities, matriculation, political affiliation, genetic information, disability, source of income, status as a victim of an intrafamily offense, or place of residence or business;
- (l) Intentionally misrepresenting the level of emergency medical services instructional certification held by individuals or the institution;

- (m) Failure to maintain required levels of insurance and liability coverage;
- (n) Failure to have a medical director;
- (o) Failure to have a program director;
- (p) Failure to submit an annual report to DOH;
- (q) Failure to maintain records in accordance with this chapter or DOH policy;
- (r) Failure to teach the appropriate curriculum or according to the National Educational Standards;
- (s) Failure to pass a site visit inspection;
- (t) Failure to notify DOH of changes in medical director, agency, or program;
- (u) Failure to conduct at least one (1) full length certification course every two (2) years;
- (v) Failure to obtain, revocation of, or failure to renew licensure through the ELC for those institutions required to be licensed by ELC;
- (w) Failure to make necessary improvements to an educational program when an institution has been placed in a one (1) year probation period; or
- (x) Failure to maintain Committee on Accreditation of Educational Programs for the Emergency Medical Services Professions (CoAEMSP) accreditation for paramedic education programs.

563.16 Sufficient grounds for denial, suspension, or revocation of a certification granted to an emergency medical service instructor, or reprimand of an instructor, shall include:

- (a) Fraudulently or deceptively obtaining or attempting to obtain a certificate or license for oneself or for another;
- (b) Fraudulently or deceptively using a certificate or license;
- (c) Providing instruction in an area for which the instructor is not certified;
- (d) Failure to obtain satisfactory teaching evaluations;

- (e) Failure to maintain an adequate number of teaching hours during the instructor's certification period;
- (f) Failure to maintain provider certification equal to the instructor's level of instruction;
- (g) Loss of certification by the sponsoring EMS educational institution;
- (h) Failure to attend instructor workshops when required;
- (i) Failure to maintain an associated instructional certification for EMS and CE instructors;
- (j) Failure to maintain an associated ALS instructional certification, for AEMS instructors;
- (k) Failure to maintain paramedic certification, for AEMS instructors;
- (l) Willfully making or filing a false report or record related to the provision of emergency medical services instruction;
- (m) Willfully failing to file or record, willfully impeding or obstructing the filing or recording, or willfully destroying a report required to be filed by statute or regulation;
- (n) Knowingly providing emergency medical services instruction with an unauthorized individual, or knowingly aiding an unauthorized individual in providing emergency medical services instruction;
- (o) Being disciplined by a licensing or disciplinary authority, or convicted or disciplined by a court of any state or country, or disciplined by any branch of the United States government for an act that would be grounds for disciplinary action under this regulation;
- (p) Willfully submitting a false statement to collect a fee;
- (q) Refusing, withholding from, denying, or discriminating against an individual requesting emergency medical services instruction due to race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, familial status, family responsibilities, matriculation, political affiliation, genetic information, disability, source of income, status as a victim of an intrafamily offense, or place of residence or business; or
- (r) Intentionally misrepresenting the level of emergency medical services instructional certification held by the individual.

563.17 Sufficient grounds for denial, suspension, or revocation of a certification granted to an emergency medical services provider, or reprimand of the provider, shall include:

- (a) Fraudulently or deceptively obtaining or attempting to obtain a certificate or license for himself or herself or for another;
- (b) Fraudulently or deceptively using a certificate or license;
- (c) Engaging in unprofessional or illegal conduct while providing emergency medical services;
- (d) Being adjudicated incompetent;
- (e) Abandoning a patient;
- (f) Providing emergency medical services while:
 - (1) Under the influence of alcohol; or
 - (2) Using a narcotic or controlled dangerous substance, as defined in District of Columbia law, that is in excess of therapeutic amounts or without valid medical indication or a valid prescription or abusing any other drug or substance in a manner that is harmful;
- (g) Willfully making or filing a false report or record related to the provision of emergency medical services;
- (h) Willfully failing to file a report or record, willfully impeding or obstructing the filing of a report or record, or willfully destroying a report or record required to be filed by statute or regulation;
- (i) Knowingly providing emergency medical services with an unauthorized individual, or knowingly aiding an unauthorized individual in providing emergency medical services;
- (j) Being disciplined by a licensing or disciplinary authority, or convicted or disciplined by a court of any jurisdiction, or disciplined by any branch of the United States government for an act that would be grounds for disciplinary action under this regulation;
- (k) Failure to meet or violating appropriate protocols or standards of care for the delivery of emergency medical services;
- (l) Willfully submitting a false statement to collect a fee;

- (m) Surrendering a certificate or license issued by another jurisdiction as a result of an investigation or disciplinary action by a certifying, licensing, or disciplinary authority or by a court of another jurisdiction for an act that would be grounds for disciplinary action under this chapter;
- (n) Knowingly failing to report suspected child abuse or neglect in violation of the Prevention of Child Abuse and Neglect Act of 1977, effective September 23, 1977 (D.C. Law 2-22; D.C. Official Code § 4-1301.02(3) (2012 Supp.));
- (o) Selling, prescribing, giving away, or administering drugs for illegal purposes;
- (p) Breaching patient confidentiality in violation of HIPAA or any other applicable privacy law or regulation;
- (q) Providing emergency medical services beyond the individual's authorized scope of practice;
- (r) Conviction of, pleading guilty or *nolo contendere* to, or receiving probation before judgment with respect to a felony, a serious crime of violence against a person, a crime involving controlled dangerous substances, a serious crime against property, a crime involving sexual misconduct, a crime in which the victim is a patient or other individual entrusted to the care or protection of the applicant or EMS provider, or a crime involving moral turpitude, whether any appeal or other proceeding is pending to have the conviction or plea set aside, except that the individual may apply for reinstatement upon any successful appeal or upon the conviction being set aside;
- (s) Providing or attempting to provide a medical procedure without having received the required education, internship, or experience in the use of the procedure;
- (t) Refusing, withholding from, denying, or discriminating against an individual in need of emergency medical services, with regard to the provision of services which the certificate holder is certified and qualified to render due to race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, familial status, family responsibilities, matriculation, political affiliation, genetic information, disability, source of income, status as a victim of an intrafamily offense, or place of residence or business;

- (u) Failing to comply with the District of Columbia EMS guidelines on standard protocols except when the District EMS Officer determines it is impractical or not feasible;
- (v) Intentionally misrepresenting the level of emergency medical services certification held by the individual;
- (w) Failure to comply with the terms of a probation, suspension, or disposition agreement;
- (x) Failure to maintain NREMT certification;
- (y) Failure to maintain affiliation with a District EMS Agency; or
- (z) Withdrawal of sponsorship by the sponsoring medical director.

564 NOTICE AND HEARING

564.1 A holder of a certificate shall be given notice of, and an opportunity for, a hearing before the Office of Administrative Hearings if the effect of the action would be one (1) of the following:

- (a) To revoke a certificate;
- (b) To suspend a certificate;
- (c) To reprimand the holder of a certificate;
- (d) To impose a civil fine;
- (e) To require a course of remediation;
- (f) To require a period of probation; or
- (g) To refuse to renew the certificate for any cause other than failure to pay the required renewal fee.

564.2 If the Director proposes to take an action listed in § 564.1, the Director shall give written notice to the respondent in accordance with Section 16 of the Act, D.C. Official Code § 7-2341.15 (2012 Repl.). The notice shall contain:

- (a) A statement that the Director has sufficient evidence in support of the complaint or incident report, which, if proven to be true, justifies taking the proposed action;

- (b) A description of the nature of the evidence that serves as the basis for the underlying complaint;
- (c) A statement that the Director may take the proposed action, without further notice, unless the applicant requests a hearing before the Office of Administrative Hearings no later than twenty (20) days after service of the notice, and that the Director may take the proposed action if the respondent fails to appear at a scheduled hearing;
- (d) A description of the rights of the respondent at a hearing as specified in § 564.3; and
- (e) A statement that the respondent may request a hearing before the Office of Administrative Hearings in accordance with Section 18 of the Act, D.C. Official Code § 7-2341.17 (2012 Repl.) and Chapter 28 of Title 1 of the DCMR, and that upon such a request the Office of Administrative Hearings will hold a hearing consistent with its regulations and procedures.

564.3 A respondent entitled to a hearing shall have the following rights:

- (a) The right to be represented by an attorney;
- (b) The right to present all relevant evidence by means of witnesses and books, papers, and other documents;
- (c) The right to examine all opposing witnesses on any matter relevant to the issues; and
- (d) The right to have subpoenas issued to compel the attendance of witnesses and the production of relevant books, papers, and other documents upon making a request approved by the Administrative Law Judge in accordance with the Office of Administrative Hearings Rules of Practice and Procedure, as set forth in Chapter 28 of Title 1 of the DCMR, and D.C. Official Code § 2-1831.09(b) (2007 Repl. and 2012 Supp.).

564.4 If a person who was sent a notice of a proposed action pursuant to § 564.2 does not mail or deliver a request for a hearing within the time and in the manner required under that section, the Director may, without a hearing, take the action contemplated in the notice.

564.5 If, after an investigation, the Director determines that the allegations in the complaint or incident report or other information obtained in the investigation present an imminent danger to the health, safety, or welfare of any person or of the general public, the Director may summarily suspend the certification prior to a hearing.

- 564.6 The Director shall serve a written notice of a summary suspension or restriction of a certificate under a health professional in accordance with Section 17 of the Act (D.C. Official Code § 7-2341.16 (2012 Repl.)).
- 564.7 A notice of summary suspension or restriction issued under this section shall state the following:
- (a) The action taken;
 - (b) The reasons for which the action was taken;
 - (c) That the action shall be effective upon service of the notice or at a time and date specified in the notice;
 - (d) That the respondent has a right to make a written request for a hearing before the Office of Administrative hearings within five (5) business days of the service of the notice;
 - (e) That the respondent's request for a hearing shall not stay the action;
 - (f) That the respondent has a right to a hearing within five (5) days of the Director's receipt of the respondent's request for a hearing;
 - (g) A description of a respondent's rights at a hearing as specified in § 564.3; and
 - (h) The address to which the respondent's request for a hearing shall be delivered or mailed.
- 564.8 An action under this section shall take effect immediately upon service, unless the notice states that it takes effect at a later time, and shall remain in effect until superseded by a decision of the Director or a disposition by the Office of Administrative Hearings or until a termination date set forth in the order.

565 FEES

- 565.1 The Director shall collect the following fees from applicants for certification as basic life support providers (Emergency Medical Responders and Emergency Medical Technicians) and for provisional and replacement cards:
- (a) Application fee (initial and renewal) - \$15;
 - (b) Initial certification fee - \$30;

- (c) Renewal of certification fee - \$30;
- (d) Provisional cards - \$10;
- (e) Replacement cards - \$10; and
- (f) Out of State processing fee – Application fee plus ten dollars (\$10).

565.2 The initial certification fee under § 565.1 shall be prorated based on the length of initial certification as follows:

- (a) One (1) to ninety (90) days - \$3.75;
- (b) Ninety-one (91) to one hundred eighty (180) days - \$7.50;
- (c) One hundred eighty-one (181) to two hundred seventy (270) days - \$11.25;
- (d) Two hundred seventy-one (271) to three hundred sixty-five (365) days - \$15;
- (e) Three hundred sixty-six (366) to four hundred fifty-five (455) days - \$18.75;
- (f) Four hundred fifty-six (456) to five hundred forty-five (545) days - \$22.50;
- (g) Five hundred forty-six (546) to six hundred thirty-five (635) days - \$26.25; and
- (h) Six hundred thirty-six (636) to seven hundred thirty (730) days - \$30.

565.3 The Director shall collect the following fees from applicants for certification as advanced life support providers (Advanced Emergency Medical Technicians, Emergency Medical Technician-Intermediates, and Paramedics) and for provisional and replacement cards:

- (a) Application fee - \$25;
- (b) Initial certification fee - \$50;
- (c) Renewal of certification fee - \$30;
- (d) Provisional cards - \$10;
- (e) Replacement cards - \$10; and

(f) Out of State processing fee – Application fee plus ten dollars (\$10).

565.4 Certification fee shall be prorated based on the length of initial certification as follows:

- (a) One (1) to ninety (90) days - \$6.25;
- (b) Ninety-one (91) to one hundred eighty (180) days - \$12.50;
- (c) One hundred eighty-one (181) to two hundred seventy (270) days - \$18.75
- (d) Two hundred seventy-one (271) to three hundred sixty-five (365) days - \$25;
- (e) Three hundred sixty-six (366) to four hundred fifty-five (455) days - \$31.25;
- (f) Four hundred fifty-six (456) to five hundred forty-five (545) days - \$37.50;
- (g) Five hundred forty-six (546) to six hundred thirty-five (635) days - \$43.75; and
- (h) Six hundred thirty-six (636) to seven hundred thirty (730) days - \$50.

565.5 The Director shall collect the following fees for inspecting and certifying ambulances, including Basic Life Support ambulances and Advanced Life Support ambulances:

- (a) Advanced Life Support ambulances - \$600;
- (b) Basic Life Support ambulances - \$400; and
- (c) Follow-up inspections of ambulances following a failed inspection - \$50.

565.6 The Director shall collect the following fees for certifying Emergency Medical Service instructors:

- (a) Application fee - \$5;
- (b) Initial certification fee - \$15; and
- (c) Renewal of certification fee - \$15.

565.7 The Director shall collect the following fees for certifying emergency medical services educational institutions:

- (a) Application fee - \$100;
- (b) Initial certification fee - \$150; and
- (c) Renewal of certification fee - \$200.

566 APPLICABILITY OF FEES AND PENALTIES TO DISTRICT GOVERNMENT AGENCIES

566.1 No District government agency shall be required to pay personnel or organizational fees established by this chapter.

566.2 District government agencies shall be liable for penalties that may be imposed for violation of a provision of this chapter.

567 EMERGENCY AMBULANCE FEES AND BILLING

567.1 The following fees are hereby established for emergency ambulance life support service, and for the transportation of a person in a District of Columbia Fire and Emergency Medical Services Department (FEMSD) emergency ambulance vehicle:

- (a) Basic Life Support (BLS) Unit Transportation Fee: A fee of four hundred twenty-eight dollars (\$428) shall be charged for the transportation of each patient in an ambulance staffed by two (2) Emergency Medical Technicians, or an Emergency Medical Technician and an Emergency Medical Technician Intermediate or Paramedic when basic life support is administered to the patient or patients being transported;
- (b) Advanced Life Support (ALS) Unit Transportation Fee: A fee of five hundred eight dollars (\$508) shall be charged for the transportation of each patient in an ambulance staffed by an Emergency Medical Technician and an Emergency Medical Technician Intermediate or Paramedic when advanced life support is administered to the patient or patients being transported;
- (c) Advanced Life Support-Level 2 (ALS2) Unit Transportation Fee: A fee of seven hundred thirty five dollars (\$735) shall be charged for the transportation of each patient in an ambulance requiring the provision of medically necessary supplies and services including (1) at least three separate administrations of one or more medications by intravenous

push/bolus or by continuous infusion (excluding crystalloid fluids) or (2) ground ambulance transport, medically necessary supplies and services, and the provision of at least one of the ALS2 procedures listed below:

- (1) Manual defibrillation/cardioversion;
- (2) Endotracheal intubation;
- (3) Central venous line;
- (4) Cardiac pacing;
- (5) Chest decompression;
- (6) Surgical airway; or
- (7) Intraosseous line; and

- (d) Total Mileage Transportation Fee: A fee of six dollars and fifty-five cents (\$6.55) per mile traveled, or any fraction thereof, shall be charged to each patient transported in any of the methods listed in this subsection.

567.2 The FEMSD may waive or reduce the charges imposed by this section for persons who demonstrate economic hardship.

567.3 The FEMSD may waive or reduce charges for reasons other than economic hardship as necessary, where to do so is in the District's best interest, as determined by the Chief of the Fire and Emergency Medical Services Department, or the Chief's designee, in the exercise of his or her discretion.

567.4 Any person transported in a FEMSD ambulance, or that person's legal guardian or duly authorized representative (collectively referred to in this section as the "person"), shall be responsible for payment of ambulance charges in effect at the time of service except as follows:

- (a) The FEMSD shall accept payment of Medicare, Medicaid, or D.C. Healthcare Alliance healthcare plan related benefits which may cover in whole or in part the costs of ambulance transportation, according to the rules of such plans;
- (b) The FEMSD shall not bill, nor hold financially responsible, anyone enrolled in a D.C. Medicaid or other out-of-state Medicaid plan for the services provided by the Department;
- (c) The FEMSD shall not bill, nor hold financially responsible, anyone enrolled in a D.C. Healthcare Alliance healthcare plan, unless such a plan

requires a co-payment or deductible payment to be made by the patient as a requirement of the plan; and

- (d) The FEMSD shall not bill, nor hold financially responsible, any District resident who is a Medicare beneficiary not covered by any other secondary health insurance program for any out of pocket expenses, including co-payments, deductibles and co-insurance.

567.5 Any person transported shall remain personally liable for any fee or portion of a fee not covered by an exception listed in § 567.2 through § 567.4.

567.6 In no event shall any person be denied emergency ambulance service because of inability to pay, nor shall any person be questioned about the ability to pay at the time service is requested.

567.7 The FEMSD, through its duly authorized representative, shall attempt to obtain from each person transported by a FEMSD ambulance sufficient information to enable FEMSD to submit a healthcare insurance claim or mail a bill of ambulance charges to the person for the transportation provided. This information may include, but shall not be limited to, the following:

- (a) Full legal name;
- (b) Residential address;
- (c) Date of birth;
- (d) Sex; and
- (e) If applicable, healthcare or other insurance information.

567.8 FEMSD employees operating emergency ambulance vehicles shall not be permitted to accept payment of any fee, or any portion of any fee, from any person.

567.9 The FEMSD through its duly authorized representative, shall mail a billing and insurance information form to each person transported by FEMSD ambulance. The person who was transported shall complete the form and return it to the FEMSD in the envelope provided, together with full payment or insurance identification information.

567.10 If the billing and insurance information form is not returned to the FEMSD or if the FEMSD, through its duly authorized representative, cannot identify patient insurance information or coverage to submit a claim for paying ambulance charges, FEMSD may use patient, hospital, District, FEMSD, and authorized third party records, including electronic records, to identify, confirm, or recover patient

and insurance information for ambulance billing purposes. Techniques and practices shall include, but are not limited to:

- (a) Recovery of personal identity information including full legal name, date of birth, sex, or other distinguishing characteristics to prevent fraudulent patient identification; and
- (b) Recovery of the person's billing information including District resident status, residential address, telephone number(s), health insurance information, auto insurance information, or other information to help identify insurance coverage status or file an insurance claim.

567.11 The FEMSD through its duly authorized representative, shall submit claims to insurance companies and other third parties identified as being responsible for payment of ambulance charges. The FEMSD through its duly authorized representative, shall pursue payment of ambulance charges considered due and owing from persons who were transported by a FEMSD ambulance for a period of at least twenty four (24) months after the date of transport by FEMSD ambulance.

567.12 Reasonable and acceptable methods to be utilized by the FEMSD through its duly authorized representative, for collection of payments may include but are not limited to, the following:

- (a) Filed paper and electronic claims;
- (b) Mailed invoices, letters, and other memoranda;
- (c) Telephone calls to insurers, persons, or other responsible parties; and
- (d) Other methods, including automated electronic notifications, that do not constitute "harassment or abuse," "false or misleading representations," or "unfair practices" as defined by the Fair Debt Collection Practices Act, 15 U.S.C. §§ 1692-1692p.

567.13 A health care facility shall reimburse the FEMSD for the cost of emergency ambulance services incurred by a patient resident of the health care facility if the health care facility requests ambulance transport services from the FEMSD and the patient's healthcare insurance denies payment for the ambulance transport after a determination that the transportation did not meet the medical necessity standard as provided in Section 410.40(d) of Title 42 of the Code of Federal Regulations.

- (a) "Health care facility" shall have the same meaning as provided in Section 2(5) of the Nurse Staffing Agency Act of 2003, effective March 10, 2004 (D.C. Law 15-74; D.C. Official Code § 44-1051.02(5) (2005 Repl.).

- 567.14 The FEMSD may make a determination of “economic hardship” upon request by a District resident who is unable to pay ambulance charges because he or she:
- (a) Has an annual income of less than one hundred fifty percent (150%) of poverty level for an individual or family or domestic partner arrangement as determined by “Poverty Guidelines for the 48 Contiguous States and the District of Columbia” published each year by the Federal Department of Health and Human Services;
 - (b) Is unemployed and receiving unemployment benefits; or
 - (c) Is considered “permanently disabled” for tax reporting purposes; and
 - (d) Is not and will not be eligible for Medicare, Medicaid or other public healthcare insurance coverage during a twelve (12) month period after the date of transport by FEMSD ambulance;
 - (e) Is not and will not be eligible for private healthcare insurance or other insurance coverage during a twelve (12) month period after the date of transport by FEMSD ambulance; and
 - (f) Is not eligible to receive any other recognized insurance or other third party payment that could pay due and owing ambulance charges during a twenty four (24) month period after the date of transport by FEMSD ambulance.
- 567.15 Ambulances charges shall be paid by check or money order made payable to the order of the “D.C. Treasurer.”
- 567.16 When the FEMSD, through its duly authorized representative, identifies that a person responsible for payment of ambulance charges received funds for payment of such charges from a third party entity and nonetheless failed to remit payment to the FEMSD not later than thirty (30) calendar days after having received such funds, the FEMSD shall, by request to the Office of the Attorney General, undertake legal proceedings to collect payment of such funds. Payments from third party entities shall include, but are not limited to:
- (a) Workers’ compensation payments;
 - (b) Workers’ compensation insurance payments;
 - (c) Disability insurance payments;
 - (d) Employer third party payments;
 - (e) Civil settlements, awards, or claim payments;
 - (f) Third party settlements or payments; and

(g) Other recognized insurance program payments.

567.17 If the person responsible for payment of ambulance charges has not fulfilled his or her obligations as set forth in this section after receiving the initial billing and two (2) subsequent notices at least thirty (30) days apart, the Fire and EMS Chief, or his or her duly authorized representative, may, at his or her discretion, request the Office of the Attorney General to undertake legal proceedings to collect the unpaid portion of any fee.

599 DEFINITIONS

599.1 When used in this chapter, the following terms and phrases shall have the meanings ascribed:

ACEP - the American College of Emergency Physicians.

Act - the Emergency Medical Services Act of 2008, effective March 25, 2009 (D.C. law 17-357; D.C. Official Code §§ 7-2341.01, *et seq.* (2012 Repl.)).

ACS - the American College of Surgeons.

Administrative Law Judge - a hearing examiner authorized to hear cases pursuant to the Office of Administrative Hearings Establishment Act of 2001, effective March 6, 2002 (D.C. Law 14-76; D.C. Official Code §§ 2-1831.02, *et seq.* (2007 Repl. and 2012 Supp.)).

Advanced Cardiac Life Support (ACLS) - the educational and certification program operated that the American Heart Association operates.

Advanced Emergency Medical Services (AEMS) instructor - an individual who meets the necessary educational requirements to teach Advanced EMT, EMT-Intermediate, and Paramedic courses.

Advanced Life Support (ALS) - the level of care which may be rendered by an individual certified as an:

- (a) Advanced Emergency Medical Technician (AEMT);
- (b) Emergency Medical Technician – Intermediate (EMT-I); or
- (c) Paramedic.

Advanced Life Support (ALS) education program - an individual, agency, corporation, association, or other entity that prepares individuals for District emergency medical services (EMS) certification at the ALS level.

Advertising - information communicated by oral, electronic, written, or graphic means including handbills, newspapers, business cards, letterhead, other business stationery, television, billboards, radio, and telephone directories, including ambulance markings, but not including novelty items such as key chains, pens, pencils, or mugs.

Affiliated - having employment or membership as an EMS provider with an Emergency Medical Services Agency or EMS Educational Institution.

AHA- the American Heart Association.

Air ambulance - any aircraft designed and constructed or modified and equipped to be used, maintained, or operated as an ambulance.

Air medical - an Emergency Medical Services Agency that responds to medical emergencies to offer care and provides transport to a hospital by an air ambulance.

Ambulance - any motor vehicle or aircraft designed and constructed or modified and equipped to be used, maintained, or operated for the transportation of individuals who are sick, injured, wounded, or incapacitated. The term “ambulance” does not include a motor vehicle or aircraft designed and constructed or modified and equipped with a hydraulic lift which is used, maintained, or operated exclusively for transporting, in wheelchairs, patients who do not require the use of equipment and trained personnel found in an ambulance.

Automated External Defibrillator (AED) - a portable electronic device that automatically diagnoses the potentially life threatening cardiac arrhythmias of ventricular fibrillation and ventricular tachycardia in a patient and is able to treat them through defibrillation.

Base station - a unit which has been approved by the Director to provide online medical direction to EMS providers.

Basic Life Support (BLS) - the level of care which may be rendered by an individual certified as an:

- (a) Emergency Medical Responder (EMR); or
- (b) Emergency Medical Technician (EMT).

Basic life support (BLS) education program- an individual, agency, corporation, association, or other entity that prepares individuals for EMS certification at the BLS level.

Candidate - a person who has applied for initial certification or renewal of an existing certification as an EMS provider.

CDC - the Centers for Disease Control and Prevention.

CECBEMS - the Continuing Education Coordinating Board for Emergency Medical Services, a national accrediting body for EMS continuing education courses and course providers.

Certification course - a course of instruction designed to allow the participant to obtain certification as an EMS provider at the BLS or ALS level.

CoAEMSP - the Committee on Accreditation of Educational Programs for the Emergency Medical Services Professions which is a national committee that accredits programs instructing EMS curricula.

Continuing Education (CE) - education used for renewal of EMS licensure or certification.

Continuing Education Hour - One (1) CE hour is any one (1) of the following:

- (a) Fifty (50) minutes of approved classroom or skills laboratory activity; or
- (b) One (1) hour of approved media-based or periodical-based CE (such as films, videos, computer simulation, interactive computer modules, and magazine articles).

Continuing education instructor - an individual who meets necessary educational requirements to teach only continuing education courses.

Curriculum - the required educational content of an EMS course that the DOH approves for certification as an EMS provider.

Day - a calendar day.

Department - the District of Columbia Department of Health.

Director - the Director of the District of Columbia Department of Health or his or her designee.

Distance education - a method of acquiring knowledge and skills through mediated information and instruction, encompassing all technologies and forms of learning at a distance.

District EMS Officer – a physician in the District of Columbia Department of Health who is appointed by the Director to oversee the District's Emergency Medical Services.

DOH - the District of Columbia Department of Health.

Education Licensure Commission (ELC) - the Commission that licenses, approves, or oversees all private postsecondary educational institutions in the District of Columbia.

EMD - an emergency medical dispatch program.

Emergency - a sudden or serious symptom in a patient which might indicate a condition which:

- (a) Is threatening to the patient's physical or psychological well-being; and
- (b) Requires immediate medical attention to prevent possible deterioration, disability, or death of the patient.

Emergency Medical Response Vehicle - a vehicle or conveyance used to respond to the scene of a medical emergency for the purpose of rendering medical assistance, including the provision of medical assistance on the scene or the transportation of patients to a health care facility or other treatment facility. The term "emergency medical response vehicle" includes:

- (a) Ambulances which operate as motor vehicles, watercraft, or aircraft; and
- (b) Fire engines, motor vehicles, Segways, or other ground, water, or air vehicles used to transport emergency medical services personnel, supplies, or equipment to the scene of an emergency.

Emergency Medical Services (EMS) - medical services provided pre-hospital to prevent imminent death or aggravation of illness or injury; transport from the scene of a medical emergency to a hospital or other appropriate facility whether or not medical services are provided; medical inter-facility transport services to an appropriate facility; or medical inter-facility critical care transport to an appropriate facility.

Emergency Medical Services Agency (EMSA) - a certified agency providing medical care at the Emergency Medical Responder (EMR), Emergency Medical Technician (EMT), Advanced Emergency Medical Technician (AEMT), EMT-I, or Paramedic level as a transport agency or non-transporting first responder agency.

EMR instructor - an individual who has met the necessary educational requirements to teach Emergency Medical Responder courses.

EMS provider - an individual certified by DOH to provide emergency medical services.

EMT instructor - an individual who has met the necessary educational requirements to teach Emergency Medical Technician courses.

FAA - the Federal Aviation Administration.

First Responder Emergency Medical Services Agency - an Emergency Medical Services Agency that responds to medical emergencies to offer care but does not provide transport to a hospital.

Glasgow Coma Scale (GCS) - a standardized system for assessing the degree of conscious impairment in the critically ill and for predicting the duration and ultimate outcome of coma.

Ground Transport EMR Agency - an Emergency Medical Services Agency that responds to medical emergencies to offer care and provides transport to a hospital by ambulance.

Health Insurance Portability and Accountability Act (HIPAA) - the federal law that provides federal protections for personal health information held by covered entities and gives patients an array of rights with respect to that information.

HEPRA - the Health Emergency Preparedness and Response Administration, an administration within the DOH.

JCAHO - the Joint Commission on Accreditation of Healthcare Organizations.

Licensed physician - an individual holding a current and valid license to practice medicine in the District of Columbia.

Mass Casualty Incident (MCI) - an incident in which emergency medical services personnel and equipment at a scene are unable to timely and adequately provide emergency medical services, because of the large number and severity of casualties.

Medical aid station - a temporary-use facility, such as a tent or a room within an existing building structure, designated to provide basic or advanced life support emergency medical care prior to arrival, treatment, or transport by an EMSA or its personnel during special events or emergencies.

Medical control - supervision by an EMS agency's physician who is responsible for the care of the patient by the agency's medical providers.

Medical control orders - medical instructions that may be direct by two (2)-way voice communications (on-line) or indirect by protocol (off-line).

Medical director - an agency's licensed physician who has overall responsibility for the EMS agency and who works with either the operational or educational section of the agency to provide medical oversight of EMS activities.

Medication – a substance taken by mouth; injected into the muscle, blood vessel, or cavity of the body; or applied topically to treat or prevent a disease or condition.

NAEMSP - the National Association of Emergency Medical Service Physicians.

National Emergency Medical Services Information System (NEMSIS) – a national repository designed to store EMS data from every state in the nation.

National Registry of Emergency Medical Technicians (NREMT) - the not-for-profit independent non-governmental agency that provides standardized national testing and registration for emergency medical technicians based on national training standards.

NHTSA - the United States National Highway Transportation Safety Administration.

NIMS - the National Incident Management System.

Non-transport emergency medical response vehicle - a vehicle certified to respond to a medical emergency that is not designated to transport a patient to a hospital or other health care facility.

On-line medical control physician - the physician who directly communicates with the agency's EMS providers regarding appropriate patient care procedures while on the scene of a medical emergency or en route to the hospital.

Operational CE programs - a continuing education program that is sponsored by an Emergency Medical Services Agency.

Operational director - a District-certified or licensed provider, who is certified or licensed at a level equal to that of the Emergency Medical Services

Agency by which he or she is employed, who is responsible for the operations, treatment, and transport of patients in the pre-hospital setting.

OSSE - the District of Columbia Office of the State Superintendent of Education.

Person – an individual, firm, corporation, association, or governmental agency either as owner, agency, or otherwise.

Preceptor hours - the time spent on an emergency medical response vehicle to observe and assist with the training of EMS providers.

Quality Assurance (QA) - an organized method of auditing and evaluating care provided within an EMS system.

Quality Improvement (QI) - a systematic review of pre-hospital care designed to improve the overall delivery of care within the EMS system.

Quality improvement officer – a District-certified or licensed provider, who is certified or licensed at a level equal to that of the EMR agency by which he or she is employed, who is responsible for the quality improvement activities within the agency.

Refresher course - a continuing education course which provides continuing education requirements required for renewal of an EMS license or certificate.

Representative – A person to whom authority for a particular act has been delegated by the Director.

Respondent - a person against whom an adverse action is contemplated, proposed, or taken.

Revocation - action taken by the Department that permanently voids a certification such that the holder may no longer perform the function associated with the certification.

Sponsoring EMS agency – a District certified Emergency Medical Services Agency or educational institution.

Special Event – includes, but is not limited to, a circus, rodeo, carnival, fair, concert, parade, flea market, marathon, walkathon, race, bicycle event, festival, celebration, performance, singing, playing of musical or other instruments, dancing or amusement of any kind, preaching, exhorting, or lecturing conducted or operating in a building, tent or temporary structure of any kind, on vacant land, or in a yard or area appurtenant to any building, on public or private space.

Star-of-Life ambulance - an ambulance which is constructed in compliance with *Federal Specification KKK-A-1822*.

Suspension - action taken by the Department that temporarily voids a certification such that the holder may no longer perform the function associated with the certification until the holder has complied with the statutory requirements and other conditions imposed by DOH.

Time call is dispatched - the date and time the responding unit was notified by dispatch.

Time call received - the date and time the phone rings (911 call to public safety answering point or other designated entity) requesting EMS services.

Time patient was transported to the hospital - the date and time the responding unit left the scene (started moving) en route to the hospital.

Time patient arrived at the hospital - the date and time the responding unit arrived with the patient at the hospital destination or transfer point.

Time personnel arrive on the scene - the date and time the responding unit arrived on the scene; that is, the time the vehicle stopped moving.

Time personnel respond - the date and time the unit responded; that is, the time the vehicle started moving.

Time personnel returned to service - the date and time the unit was back in service and available for response (finished with call, but not necessarily back in home location).

Time transport service was requested - the date and time the non-transport EMS agency initiated contact with another EMS agency for transport.

Triage tag - a tool for EMS providers to use during a mass casualty incident to identify those patients that need immediate care (red tag), are potentially unstable (yellow tag), are stable patients and can reasonably wait for emergency medical service (green tag), and are deceased (black tag).

Type of call - the type of complaint dispatch reported to the responding unit.

**DISTRICT OF COLUMBIA
DEPARTMENT OF INSURANCE, SECURITIES, AND BANKING**

NOTICE OF FINAL RULEMAKING

The Commissioner of the Department of Insurance, Securities, and Banking, pursuant to the authority set forth in Sections 101 through 104 of the DISB Fingerprint-Based Background Check Authorization Act of 2012, effective June 20, 2012 (D.C. Law 19-143; DC Official Code §§ 31-631–634 (2012 Repl.)); Section 203 of the Securities Act of 2000, effective October 26, 2000 (D.C. Law 13-203, D.C. Official Code § 31-5602.03(e) (2012 Repl.)); and Title I of the District of Columbia Administrative Procedure Act, effective October 1, 1968 (82 Stat. 1204; D.C. Official Code § 2-501, *et seq.*(2012 Repl.)); hereby gives notice of his intent to repeal Section 108, Section 109, Section 161, and Section 166; and add new Sections 127 through 131, in Title 26B (Securities), Chapter 1 (Broker-Dealers, Agents, Investment Advisers, and Investment Adviser Representatives), of the District of Columbia Municipal Regulations (DCMR).

These final rules will amend the fingerprint requirement, procedures and fee rules to require all applicants for licensure or registration as an agent, broker-dealer, investment adviser, or investment adviser representative, to be fingerprinted in order for the Department to obtain local and national criminal background checks; require all applicants to submit fingerprints to the Federal Bureau of Investigation (FBI) for criminal history background checks; increase the processing fee from \$25 for all applicants to \$50.00 for the required background checks; establish that criminal record information obtained from the FBI are confidential records; authorize and establish procedures that provide the applicants with an opportunity to challenge any final denial or termination based on the information revealed by the criminal background check, including an opportunity to be heard; consolidate provisions related to fees; and clarify certain definitions.

A notice of proposed rules was published in the *D.C. Register* on September 20, 2013 (60 DCR 13196). No comments on the proposed rules were received. No substantive changes have been made. These rules shall become effective on the date of publication of this notice in the *D.C. Register*.

Chapter 1, BROKER-DEALERS, AGENTS, INVESTMENT ADVISERS, AND INVESTMENT ADVISER REPRESENTATIVES, of Subtitle B, Title 26, SECURITIES, of the DCMR is amended as follows:

Section 108, FINGERPRINTS, is repealed in its entirety and the title replaced with “RESERVED” for future use.

Section 109, FEES, is repealed in its entirety and the title replaced with “RESERVED” for future use.

Section 161, INVESTMENT ADVISER FEES, is repealed in its entirety and the title replaced with “RESERVED” for future use.

Section 166, FINGERPRINTING REQUIREMENT, is repealed in its entirety and the title replaced with “RESERVED” for future use.

New Sections 127 through 131 are added to read as follows:

Section 127, BACKGROUND CHECK REQUIREMENT

- 127.1 Each applicant applying for an initial license or registration; or person going from an inactive status to active status as an agent, broker-dealer, investment adviser, or investment adviser representative, shall obtain a criminal background check and shall be subject to the Fingerprint-Based Background Check Authorization Act of 2012, effective June 20, 2012 (D.C. Law 19-143, D.C. Official Code § 31-631 *et seq.*).
- 127.2 Criminal background checks shall be conducted in accordance with the DISB Fingerprint-Based Background Check Authorization Act of 2012, effective June 20, 2012, Sections 101 through 104 (D.C. Law 19-143; D.C. Official Code § 31-631 *et seq.*)
- 127.3 An applicant who has been denied based on information obtained from a criminal background check shall have an opportunity for a hearing as outlined in 26B DCMR § 300 *et seq.*, or pursuant to the Office of Administrative Hearings Rules of Practice and Procedure, 2 DCMR § 2800 *et seq.*, as applicable.

128 CONFIDENTIALITY

- 128.1 All fingerprints and resulting criminal record information obtained by the Commissioner or his or her designee pursuant to D.C. Official Code § 31-632 shall be treated as confidential records by the Department of Insurance, Securities, and Banking. Confidential records shall:
- (a) Not be deemed to be a public record within the meaning of the District of Columbia Administrative Procedure Act of 1976, effective March 25, 1977 (D.C. Law 1-96; D.C. Official Code § 2-531 *et seq.*);
 - (b) Be kept confidential by law;
 - (c) Be maintained as privileged documents; and
 - (d) Not be subject to discovery or admissible in any private civil action.

129 FINGERPRINT REQUIREMENT

- 129.1 Each applicant applying for an initial license, or who is going from inactive to active status as an agent, broker-dealer, investment adviser, or investment

adviser representative, shall obtain a criminal background check and shall be subject to the Fingerprint-Based Background Check Authorization Act of 2012, effective June 20, 2012 (D.C. Law 19-143, D.C. Official Code § 31-631 *et seq.*).

129.2 All fingerprinting shall be clearly legible and shall be recorded on the forms as authorized and currently in use by the Federal Bureau of Investigation.

130 FEES

130.1 The filing fees shall be as follows:

- (a) For initial and renewal licenses of each broker-dealer, the fee shall be two hundred and fifty dollars (\$ 250);
- (b) For initial and renewal application as an investment adviser, the fee shall be two hundred and fifty dollars (\$ 250);
- (c) For initial and renewal license of each agent, the fee shall be forty-five dollars (\$ 45);
- (d) For initial and renewal applications as an investment adviser representative, the fee shall be forty-five dollars (\$ 45);
- (e) For transfer of an agent's license, the fee shall be forty-five dollars (\$ 45);
- (f) For transfer of the license of an investment adviser representative, the fee shall be forty-five dollars (\$ 45);
- (g) For processing of fingerprints, the fee shall be fifty dollars (\$ 50).

130.2 Fees paid pursuant this section shall be paid directly to the Financial Industry Regulatory Authority ("FINRA") through the IARD or FINRA Central Registration Depository system. However, any applicant not a member of FINRA shall pay the fees pursuant to this section to the Commissioner, made payable to the "D.C. Treasurer" and shall be sent with the application for a license, or other request for services as set forth in these regulations, to the Department of Insurance, Securities and Banking, 810 First Street, N.E., Suite 601, Washington, D.C. 20002.

130.3 All payments of fees made directly to the District of Columbia, except for payment of civil penalties under Section 602 (b)(4) of the Act (D.C. Official Code § 31-5606.02(b)(4); *D.C. Register* at 47 DCR 7877) as set forth below, shall be made by check, money order, United States postal money order, certified check, bank cashier's check, credit card, bank money order, or any manner of electronic transfer of funds acceptable to the Commissioner, payable to the "D.C. Treasurer".

- 130.4 No third party check or money order endorsed over to the "District of Columbia" shall be accepted as payment of any fee.
- 130.5 All payments for civil penalties under Section 602 of the Act (D.C. Official Code § 31-5606.02; *D.C. Register* at 47 DCR 7877) shall be made by United States postal money order, certified check or bank cashier's check, payable to the "D.C. Treasurer".
- 130.6 Any person whose payment of fees is returned to the Department due to insufficient funds or for a similar reason shall pay to the District the amount of fee owed plus an additional fee in the amount of twenty-five dollars (\$ 25.00) for each payment returned.
- 130.7 The Commissioner may require any person to make payment of fees in the form of a United States postal money order, certified check, bank cashier's check or bank money order if any previous payment of fees has been returned to the Department due to insufficient funds or for a similar reason.

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF FINAL RULEMAKING
AND
ZONING COMMISSION ORDER NO. 12-10A
Z.C. Case No. 12-10A
(Text Amendment – 11 DCMR)
(Technical Correction to Z.C. Order 12-10)
September 30, 2013

The Zoning Commission for the District of Columbia, (Commission) pursuant to its authority under § 1 of the Zoning Act of 1938 (52 Stat. 797; D.C. Official Code § 6-641.01 (2001 ed.)), hereby gives notice of its adoption of an amendment to § 3401.3 of the Zoning Regulations (Title 11 DCMR) to include the phrase “, interior renovations, or both” in its introductory paragraph.

Subsection 3401.3 became effective on July 12, 2013 with the publication of Z.C. Order No. 12-10 in the *D.C. Register*. The subsection was part of a new Chapter 34, Green Area Ratio. (GAR) The introductory paragraph of § 3401.3, among other things, indicates the circumstances under which the GAR standards would apply to existing buildings. In the final draft text provided to the Commission by the Office of Planning (OP), the term “interior renovations or both” was intended to replace the initially proposed term “alterations, or repairs” However, OP inadvertently omitted the term “alterations, or repairs” without replacing it. The intention that certain interior renovations would trigger GAR applicability is clearly evident by the fact that § 3401.3(c) specifies the conditions when an otherwise eligible interior renovation would be exempt from the GAR standards. Subsection § 3401.3(c) would have no meaning but for the inclusion of interior renovations in the introductory paragraph of § 3401.3.

OP, in a report dated June 28, 2013, requested that the Commission make this technical correction to Z.C. Order No. 12-10 and approve the change through the Commission’s consent calendar, pursuant to § 3030 of the Zoning Regulations. The Commission’s consent calendar authorizes an expedited process for the Commission to make technical corrections to previously approved rulemakings without a public hearing.

At its regular public meeting held July 8, 2013, the Commission considered the report, and authorized publication of a proposed rulemaking notice.

A Notice of Proposed Rulemaking was published in the *D.C. Register* on August 16, 2013, 60 DCR 11982, for a thirty (30)-day notice and comment period. No comments were received.

At a properly noticed public meeting held on September 30, 2013, the Commission took final action to adopt the text amendments, making no changes to the text as proposed.

Title 11 DCMR, ZONING, is amended as follows:

Title 11 DCMR, Chapter 34, **GREEN AREA RATIO**, § 3401, **APPLICABILITY OF GREEN AREA RATIO STANDARDS**, § 3401.3 is amended by inserting into its introductory paragraph the phrase “, interior renovations, or both” after the phrase “where any additions” so that the entire provision reads as follows:

- 3401.3 The GAR standards set forth in this chapter shall apply to all new buildings and to all existing buildings where any additions, interior renovations, or both within any twelve (12) month period exceed one hundred percent (100%) of the assessed value of the building as set forth in the records of the Office of Tax and Revenue as of the date of the building permit application, except:
- (a) Buildings that do not require certificates of occupancy;
 - (b) Municipal wastewater treatment facilities operated by the District of Columbia Water and Sewer Authority;
 - (c) The interior renovation of an existing building that:
 - (1) Is located in the Central Employment Area;
 - (2) Has an existing one hundred percent (100%) lot occupancy prior to the filing of the building permit;
 - (3) Has an existing roof that cannot support a dead load of four inches (4 in.) of growth medium on the roof; and
 - (4) The work proposed by the building permit application will not result in a roof capable of supporting a dead load of four inches (4 in.) of growth medium on the roof; or
 - (d) A historic resource and any additions thereto subject to the provisions of § 3401.7.

On September 30, 2013, upon motion of Vice Chairman Cohen, as seconded by Chairman Hood, the Zoning Commission **ADOPTED** this Order at its public meeting by a vote of **5-0-0** (Anthony J. Hood, Marcie I. Cohen, Robert E. Miller, Peter G. May, and Michael G. Turnbull to adopt).

In accordance with the provisions of 11 DCMR § 3028.9, this Order shall become effective upon publication in the *D.C. Register*; that is on December 6, 2013.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED RULEMAKING

The Director of the District of Columbia Department of Human Services (DHS), pursuant to authority set forth in Section 205 of the District of Columbia Public Assistance Act of 1982 (Public Assistance Act), as added September 10, 1985, effective April 6, 1982 (D.C. Law 6-35; D.C. Official Code § 4-202.05(a)(2012 Repl. & 2013 Supp.)) and Mayor's Order 1986-40, dated March 13, 1986, hereby gives notice of its intent to amend Chapter 58 (Temporary Assistance of Needy Families) of Title 29 (Public Welfare) of the District of Columbia Municipal Regulations (DCMR), in not less than thirty (30) days after publication of this notice in the *D.C. Register*.

The purpose of the rulemaking is to amend the definition of "minor" in 29 DCMR § 5899. This amendment will conform the definition of "minor" in the regulations with the amended definition of "minor" in Section 5052 of Fiscal Year 2014 Budget Support Emergency Amendment Act of 2013, signed July 30, 2013 (D.C. Act 20-130; 60 DCR 11384) (FY2014 BSEA), or similar succeeding legislation. The Council for the District of Columbia (Council) amended the definition of "minor" in the FY2014 BSEA so as to ensure that the District of Columbia's definition of "minor" is consistent with the federal law's definition of "minor" for purposes of Temporary Assistance for Needy Families. *See* 45 C.F.R. § 260.30.

Section 5899 (Definitions) of Section 58 (Temporary Assistance for Needy Families) of 29 DCMR is amended as follows:**The definition of "minor" is amended to read as follows:**

"Minor" - a person who is:

- (a) Less than 18 years of age; or
- (b) Less than 19 years of age and is a full-time student in a secondary school (or in the equivalent level of vocational or technical training).

All persons who desire to comment on these proposed rules should submit their comments in writing to David A. Berns, Director, DHS, 64 New York Avenue, N.E., Washington, D.C. 20002, Attn: Deborah A. Carroll, Administrator, Economic Security Administration (formerly known as the Income Maintenance Administration). All comments must be received by DHS not later than thirty (30) days after publication of this notice in the *D.C. Register*. Copies of these rules and related information may be obtained by writing to the above address, by calling the DHS Economic Security Administration at (202) 698-3900, or by email to deborah.carroll@dc.gov.

PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA

NOTICE OF PROPOSED RULEMAKING**FORMAL CASE NO. 1111, IN THE MATTER OF THE INVESTIGATION OF THE PUBLIC SERVICE COMMISSION INTO ITS RULES OF PRACTICE AND PROCEDURE PERTAINING TO CRITICAL INFRASTRUCTURE INFORMATION**

1. The Public Service Commission of the District of Columbia (“Commission”) hereby gives notice pursuant to Sections 34-802 and 2-505 of the District of Columbia Code¹ of its intent to amend Chapter 1, “Rules of Practice and Procedure” of Title 15 of the District of Columbia Municipal Regulations (“DCMR”), in not less than 30 days from the date of publication of this Notice of Proposed Rulemaking (“NOPR”) in the *D.C. Register*.

2. The proposed amendments to Chapter 1 of the Commission’s rules adds a new Section 151 (“Critical Infrastructure Information”) and adds two new definitions (“Critical Infrastructure” and “Critical Infrastructure Information”) to Section 199 (“Definitions”). The purpose of the amendments is to establish procedures for the Commission’s treatment of information claimed by a party to be confidential critical infrastructure information, including procedures for determining production or disclosure of such information requested by other parties.

3. Section 151 is added to Chapter 1 of the Commission’s rules as follows:

151 CRITICAL INFRASTRUCTURE INFORMATION

151.1 If a party or an intervenor makes a request for information from a public utility company (“Company”) during the course of a Commission investigation or proceeding and the Company objects to the production of the requested information because it deems the requested information to be “critical infrastructure information” (“CII”), and the requesting party files a motion to compel the production of the requested information, the following procedures shall be applied:

(a) Within five (5) days from the date that a motion to compel disclosure of the information is filed, the Company shall file with the Office of the Commission Secretary a confidential filing that identifies the materials that it deems to be “critical infrastructure information” (“CII”) for which it is seeking privileged material protection. The filing shall contain the following information:

(1) A sealed copy of the requested information for the Commission’s inspection *in camera* or, a description of the information requested

¹ D.C. Official Code § 34-802 (2001 ed.); D.C. Official Code § 2-505 (2001 ed.).

- and an explanation for why the information is not being filed at this time;
- (2) An explanation of the internal measures that are currently in place to protect the requested information;
 - (3) A statement of whether the information is currently being provided to any non-company personnel and, if so, to whom and under what circumstances;
 - (4) A statement of whether any special level of security clearance is required to view all or a portion of the requested information;
 - (5) A copy of a Non-Disclosure Agreement setting out the terms and conditions under which the requested information would be provided, or an explanation of why a Non-Disclosure Agreement would not suffice to protect the requested information and no Non-Disclosure Agreement is being provided;
 - (6) An explanation of the alternative controls, if any, pursuant to which the Company would make available the requested information;
 - (7) Any other information that the Company believes is relevant to its request to protect the requested information; and
 - (8) A sworn affidavit signed by an Executive Officer of the Company attesting to the information being submitted.
- (b) The Company shall also file in the Office of the Commission Secretary a public version of its filing with a notation and shall serve a copy of its filing on the requesting party.
- (c) Within five (5) days of receiving the Company's filing, the requesting party shall file a response with the Office of the Commission Secretary. The response shall contain the following information:
- (1) The name of the requesting party and the names, titles and company affiliations of each person who would be granted access to the requested information;
 - (2) The reason(s) that the requested information is needed, including why it is relevant and material to the subject matter of the investigation or the proceeding at the Commission;

- (3) The reason(s) why the requesting party should be granted access to the requested information, including whether the requesting party has any requisite security clearance, if applicable;
 - (4) Whether the requesting party is prepared to sign the Non-Disclosure Agreement provided by the Company and if not, why not;
 - (5) Whether the requesting party is prepared to accept the alternative controls identified by the Company for the receipt of the requested information;
 - (6) Any additional information that the requesting party believes is relevant to the request for the information; and
 - (7) An affidavit from the head of the organization of the requesting party attesting to the information in the response.
- (d) If the response contains confidential information, the requesting party shall file a confidential and a public version of the response.

151.2 Within five (5) days after the requesting party has filed its response, either the Company or the requesting party may file a motion requesting an evidentiary hearing. The party making the request shall list in its motion each and every fact in dispute requiring resolution and the reasons therefore. Responses to the motion shall be filed within five (5) days after the motion has been filed.

151.3 The Commission will review the filings made pursuant to §§ 151.1 and 151.2 and conduct an *in camera* review of the information that has been submitted. The Commission may request additional information from the Company or the requesting party, such information to be provided at the Commission's option through additional affidavits, through proffers by counsel, or in an evidentiary hearing.

151.4 Within ten (10) days of the receipt of all filings, including supplemental filings where required, the Commission shall issue an order that contains the following determinations:

- (a) Whether the Company has met its burden of proving that the requested information is CII and subject to the rules and procedures under Section 151;
- (b) If the requested information is deemed CII, whether the Company has justified the restrictions, if any, that it has requested for the disclosure of the information to the requesting party;

- (c) If the requested material is CII, whether the requesting party has justified its need for the requested information in light of the sensitivity of the information and has demonstrated that it is eligible to receive the requested information;
- (d) If the Commission determines that a protective order is necessary for the disclosure of the CII, the conditions to be placed on the release of the information.

151.5 Any person may file an application in writing requesting a reconsideration or modification of the matters involved pursuant to the rules for reconsideration set forth in Section 140 of Chapter 1 of the Commission's rules, except that any application for reconsideration or modification shall be filed within ten (10) days after the issuance of the order or decision.

151.6 If a person that is not a party in an investigation or proceeding before the Commission makes a request of the Commission for information received from a Company that has been deemed CII, or that may be CII, the request shall be handled pursuant to the procedures for a Freedom of Information Act Request as set forth in Chapter 7 of the Commission's rules.

4. Section 199 of Chapter 1 of the Commission's rules is amended by adding the following definitions:

199 DEFINITIONS

Critical Infrastructure - existing and proposed infrastructure systems and assets, whether physical or virtual so vital to the District of Columbia or the United States that the incapacity or destruction of such infrastructure system or asset could jeopardize the physical security, economic security, health, safety, or welfare of the public.

Critical Infrastructure Information - information not customarily in the public domain that is related to the security of critical infrastructure of companies that are regulated by the Public Service Commission of the District of Columbia including:

- (a) actual, potential, or threatened interference with, attack on, compromise of, or incapacitation of critical infrastructure or protected systems by either physical or computer-based attack or similar conduct (including the misuse of or unauthorized access to all types of communications and data transmission systems) that violates Federal, or District of Columbia laws, harms interstate commerce of the United States or the economy of the District of Columbia, or threatens public health or safety;

- (b) the ability of any critical infrastructure or protected system to resist such interference, compromise, or incapacitation, including any planned or past assessment, projection, or estimate of the vulnerability of critical infrastructure or a protected system, including security testing, risk evaluation thereto, risk management planning, or risk audit; or
- (c) any planned or past operational problem or solution regarding critical infrastructure or protected systems, including repair, recovery, reconstruction, insurance, or continuity, to the extent it is related to such interference, compromise, or incapacitation.

5. Any person interested in commenting on the subject matter of this proposed rulemaking must submit comments and reply comments in writing no later than thirty (30) days and forty-five (45) days, respectively, from the date of publication of this Notice in the *D.C. Register*. Comments and reply comments are to be addressed to Brinda Westbrook-Sedgwick, Commission Secretary, Public Service Commission of the District of Columbia, 1333 H Street, N.W., West Tower, Suite 200, Washington D.C., 20005. After the comment period expires, the Commission will take final rulemaking action.

**DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
CONSTRUCTION CODES COORDINATING BOARD**

NOTICE OF EMERGENCY RULEMAKING

The Chairperson of the Construction Codes Coordinating Board (Chairperson), pursuant to the authority set forth in Section 10 of the Construction Codes Approval and Amendments Act of 1986 (Act), effective March 21, 1987 (D.C. Law 6-216; D.C. Official Code § 6-1409 (2012 Repl.)) and Mayor's Order 2009-22, dated February 25, 2009, and the Director of the Department of Consumer and Regulatory Affairs (Director), pursuant to the authority set forth in Section 12 of the Green Building Act of 2006, effective March 8, 2007 (D.C. Law 16-234; D.C. Official Code § 6-1451.11 (2012 Repl. & 2013 Supp.)) (Green Building Act), and Mayor's Order 2010-1, dated January 5, 2010, hereby give notice of the adoption of the following emergency rulemaking amending Subtitle A (Building Code Supplement) of Title 12 (D.C. Construction Codes Supplement of 2008) of the District of Columbia Municipal Regulations (DCMR).

Pursuant to 1 DCMR § 311.4(e), emergency rulemakings are undertaken only for the immediate preservation of the public peace, health, safety, welfare, or morals. This emergency rulemaking is necessitated by the immediate need to maintain a transition provision for residential projects subject to Construction Codes regulations adopted pursuant to the Green Building Act. Specifically, this emergency rulemaking applies to privately-financed hotels and motels that were under development prior to August 2, 2013, when a revision to the Green Building Act regulations was published in the *D.C. Register* (60 DCR 11287), which revised the definition of "residential" for purposes of the Green Building Act and implemented regulations to exclude Group R-1 occupancies, a use group that includes hotels and motels.

A notice of emergency and proposed rulemaking was previously published in the *D.C. Register* on September 20, 2013 at 60 DCR 13202. Pursuant to Section 10(a) of the Act and Section 12(a) of the Green Building Act, a proposed resolution to approve the proposed amendment was submitted to the Council of the District of Columbia for a forty-five (45) day period of review. This emergency rulemaking ensures that no lapse in the maintenance of the transition provision occurs during the Council review period.

This emergency rulemaking was adopted on November 21, 2013 and became effective on that date. This emergency rulemaking will remain in effect for up to one hundred twenty (120) days from the date of effectiveness and will expire on March 20, 2014.

Chapter 13A (Green Building Act Requirements) of Subtitle A (Building Code Supplement) of Title 12 (D.C. Construction Codes Supplement of 2008) of the District of Columbia Municipal Regulations is amended as follows:

Insert new Section 1301.1.12 in the Building Code to read as follows.

1301.1.12 Transitory Provisions Applicable to Certain Projects. Privately-financed Group R-1 *projects* shall be permitted to utilize the definition of *residential* in the *Green Building Act* regulations (Chapter 13A) adopted on November 14, 2012 and published in

the *D.C. Register* on November 30, 2012 (59 DCR 13942) for the purposes specified in Sections 1301.1.12.1 through 1301.1.12.3. Privately-financed Group R-1 *projects* that do not meet the requirements of Sections 1301.1.12.1, 1301.1.12.2, or 1301.1.12.3 are required to utilize the definition of *residential* in the *Green Building Act* regulations (Chapter 13A) in the emergency rulemaking adopted on November 25, 2013 and effective on that date, published in the *D.C. Register* on November 29, 2013 (60 DCR 16299).

1301.1.12.1 Existing Valid Permit. Work authorized by a permit issued on or before August 2, 2013 shall be allowed to be carried to completion.

1301.1.12.2 Existing Filed Application. Applications for permits for which the application filing deposit has been paid on or before August 2, 2013 shall be allowed to be processed to issuance of the permit, and any work authorized thereby shall be allowed to be carried to completion, under the definition of *residential* in effect on the date said applications were filed, subject to the following conditions:

1. Each such application shall have been filed accompanied by plans and other information conforming to Sections 106.1 and 106.1.1, sufficiently complete to allow processing of the permit without substantial change or deviation;
2. Each such permit shall be paid in full and taken out by the applicant within one year after August 2, 2013;
3. All work authorized by such permit shall be carried to completion under the terms of the permit; and
4. Permits granted under Section 1301.1.12.2 shall not be extended if permitted to expire, pursuant to Section 105.5, or if revoked pursuant to Sections 105.6 and 105.6.1.

1301.1.12.3 Existing Design Contracts. *Buildings* and other *structures* under contract for design on or before August 2, 2013, for which no permit applications have been filed, shall be allowed to be filed, processed to issuance of permit, and any work authorized thereby shall be allowed to be carried to completion, under the definition of *residential* in the implementing regulations (Chapter 13A) in force on November 30, 2012, subject to the following conditions:

1. The applicant shall file the permit application, accompanied by plans and other information conforming to Sections 106.1 and 106.1.1, sufficiently complete to allow processing of the permit without substantial change or deviation, within one year after August 2, 2013;
2. The applicant shall submit a copy of the design contract, with a notarized affidavit stating that the submitted copy is a true and accurate copy of the

contract for the design of the *building* or other *structure*, that the contract was in effect on or before August 2, 2013, and that the design submitted with the permit application was made under such contract;

3. The permit shall be obtained and the permit fee paid in full by the applicant within one year after the filing date;
4. All work authorized by such permit shall be carried to completion under the terms of the permit; and
5. Permits granted under Section 1301.12.1.3 shall not be extended if permitted to expire pursuant to Section 105.5, or if revoked pursuant to Sections 105.6 and 105.6.1.

DEPARTMENT OF HEALTH

NOTICE OF EMERGENCY RULEMAKING

The Acting Director of the Department of Health, pursuant to the authority set forth in § 104(a)(1) of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985 (“Civil Infractions Act”), effective October 5, 1985 (D.C. Law 6-42; D.C. Official Code § 2-1801.04(a)(1)(2012 Repl.)), and § 7(d) of the District of Columbia Smoking Restriction Act of 1979, effective September 28, 1979 (D.C. Law 3-22; D.C. Official Code § 7-1706(d) (2012 Repl.)), paragraph 2 of Mayor’s Order 2004-46, dated March 22, 2004, as amended by paragraphs 29 and 30 of Mayor’s Order 2006-61, dated June 14, 2006, delegating authority pursuant to D.C. Law 6-42, the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985, hereby gives notice of the adoption, on an emergency basis, of the following amendment to Chapter 36 (Department of Health (DOH) Infractions) of Title 16 (Consumers, Commercial Practices & Civil Infractions) of the District of Columbia Municipal Regulations (DCMR).

The purpose of the rulemaking is to establish a schedule of civil infractions for smoking violations as alternative sanctions for criminal penalties pending completion of Council review. Emergency action is necessary because Council review could not be completed before the Emergency and Proposed rules, which were published on July 19, 2013 at 60 DCR 10756 and became effective July 8, 2013, expired on November 5, 2013. These emergency rules were adopted on November 4, 2013, became effective immediately, and shall expire on March 4, 2014, or upon publication of a Notice of Final Rulemaking, whichever occurs first.

Pursuant to § 104(a)(1) of the Civil Infractions Act, the emergency and proposed rules have been submitted to the Council of the District of Columbia for review and approval. The rules will become final upon Council approval, or thirty (30) days after submission, if the Council has not earlier disapproved the proposed rules, and publication of the final rules in the *D.C. Register*.

Chapter 36 (Department of Health (DOH) Infractions) of Title 16 (Consumers, Commercial Practices & Civil Infractions) of the District of Columbia Municipal Regulations is amended by adding a new Section 3632 (Smoking Infractions) to read as follows:

3632 SMOKING INFRACTIONS**3632.1 RESERVED**

3632.2 Violation of any of the following provisions shall be a Class 2 infraction:

- (a) 20 DCMR § 2101.5 (failure to prohibit smoking in enclosed area of a place of employment or public place);
- (b) 20 DCMR § 2101.7 (failure to ensure that outdoor smoking area does not encompass area where smoking is prohibited);

- (c) 20 DCMR § 2106.5 (having a smoking area that exceeds twenty-five percent (25%) of the total area of a place of employment or public place that is a restaurant);
- (d) 20 DCMR § 2106.5(a), (b), (c), and (d) (failure to comply with additional conditions or restrictions necessary to minimize the adverse effects of smoking where an economic hardship waiver has been granted); and
- (e) 20 DCMR § 2108.1(d) (failure to warn a person observed to be smoking in a “no-smoking” area).

3632.3

Violation of any of the following provisions shall be a Class 3 infraction:

- (a) 20 DCMR § 2101.1 (failure of a place of employment or public place to adopt a smoking policy consistent with the District of Columbia Smoking Restriction Act of 1979, effective September 28, 1979 (D.C. Law 3-22; D.C. Official Code § 7-1701 *et seq.*) and the Department of Health Functions Clarification Amendment Act of 2001, effective October 3, 2001 (D.C. Law 16-90; D.C. Official Code § 7-741 *et seq.*));
- (b) 20 DCMR § 2101.2 (failure to notify employees, orally and in writing, of the smoking policy for a place of employment or public place);
- (c) 20 DCMR § 2101.4 (failure of an employer or public place to post the smoking policy near similar employee notices);
- (d) 20 DCMR §§ 2103.2, 2103.3, 2103.6(a), 2103.8, and 2108.1(c) (failure to post or maintain properly worded and properly placed “no-smoking” signs);
- (e) 20 DCMR §§ 2103.4, 2103.6(b), and 2103.9 (failure to post properly worded signs designating a smoking area);
- (f) 20 DCMR § 2104.3 (failure to post properly worded and properly sized tobacco health warning signs);
- (g) 20 DCMR § 2104.4 (failure to post properly placed tobacco health warning signs);
- (h) 20 DCMR § 2108.1(a) (smoking in a posted “no smoking” area); and
- (i) 20 DCMR § 2108.1(b) (covering, removing, or disfiguring a smoking-related sign).

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 to amend Section 2106 (Out-of-Boundary Transfers) of Chapter 21 (Attendance and Transfers) of Subtitle E of Title 5 (Education) of the District of Columbia Municipal Regulations (DCMR).

This rulemaking will amend the language regarding the start and end dates of the out-of-boundary lottery application process. The amendment is necessary because a new Common Lottery process is being instituted for the 2014-2015 school year, which will allow families to enter one lottery and choose from schools within DCPS as well as participating public charter schools. The amendment will ensure that DCPS is able to effectively serve families who choose to use the out-of-boundary lottery process by publicizing it as early as possible.

Emergency rulemakings are necessary for the immediate preservation of the public peace, health, safety, welfare, or morals, pursuant to 1 DCMR § 311.4(e). The out-of-boundary lottery is utilized by a large number of DCPS parents each year to secure desired spots for their children in a school of their choice. Allowing the amendment to be made as emergency rulemaking will ensure that the amendment is effective as early as possible, but no later than November 1, 2013.

The emergency rules were adopted on October 4, 2013 and took effect at that time. The rules will remain in effect for up to one hundred twenty (120) days, expiring on February 1, 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.

Chapter 21 (Attendance and Transfers) of Subtitle E (Original Title 5) of Title 5 (Education) of the DCMR is amended as follows:

Section 2106 (Out-of-Boundary Transfers), Subsection 2106.4 is amended to read as follows:

2106.4 Applications for out-of-boundary transfers for the upcoming school year shall be submitted through the DCPS's formal application. Starting in the 2013-2014 school year application dates will be publicized by DCPS no later than November 1st for the upcoming school year. Application dates will be publicized on the DCPS website, in the *D.C. Register*, and through mailings to DCPS families. The application period shall last for 30 calendar days. The Chancellor or his/her

designee shall send a response to any such request no later than 30 days following the last date of the application period.

Comments on this rulemaking should be submitted, in writing, to Kaya Henderson, Chancellor, DCPS, at 1200 First Street, N.E., 12th Floor, Washington, D.C., 20002, no later than thirty (30) days after the date of publication of this notice in the *D.C. Register*. Additional copies of this rule are available from the above address.

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF MEETING
AGENDA

WEDNESDAY, DECEMBER 11, 2013 AT 1:00 PM
2000 14th STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

1. Review Application for Safekeeping pending Transfer. ANC 7F. SMD 7F01. *Shop Express*, 3900 Benning Road NE, Retailer B, Lic#: 74500.

2. Review Application for Safekeeping. ANC 3B. SMD 3B02. *Sushi-Ko*, 2309 Wisconsin Avenue NW, Retailer CR, Lic#: 12457.

3. Review Request to Extend Safekeeping of License. ANC 1C. SMD 1C01. *California Liquors*, 1801 California Street NW, Retailer A, Lic#: 05018.

4. Review Request for Expansion of Premises to Substantially Change Seating. No pending investigative matters. No pending enforcement matters. No outstanding fines/citations. No Settlement Agreement. ANC 3B. SMD 3B02. *Rocklands Barbeque and Grilling*, 2418 Wisconsin Avenue NW, Retailer CR, Lic#:78949.

5. Review Request for New Retailer B License. No pending investigative matters. No pending enforcement matters. No outstanding fines/citations. ANC 4C. SMD 4C07. No Settlement Agreement. *Safeway*, 3830 Georgia Avenue NE, Retailer B, Lic#: 93822.

6. Review Application Request to Add Cover Charge to License with Existing Entertainment Endorsement. No pending enforcement matters. No outstanding fines/citations. No Settlement Agreement. ANC 1A. SMD 1A01. *The Pinch*, 3548 14th Street NW, Retailer CT, Lic#: 88333.

7. Review Request for Change of Hours. ***Approved Hours of Operation, Sales and Consumption:*** Sunday-12pm to 7pm, Monday-Thursday 10am to 9pm, Friday and Saturday 9:30am to 9:30 pm. ***Proposed Hours of Operation, Sales and Consumption:*** Sunday-Saturday 9:30am to 10:00 pm. No pending investigative matters. No pending enforcement matters. No outstanding fines/citations. Settlement Agreement. ANC 8D. SMD 8D02. ***South Capitol Liquors***, 4652 South Capitol Street SE, Retailer A, Lic#: 16866.
-
8. Review Request for Change of Hours to add Sunday Hours. ***Approved Hours of Operation and Sales:*** Monday-Saturday 10am to 12am. ***Proposed Hours of Operation and Sales:*** Sunday 10am to 12am. ANC 1B SMD 1B02. ***Dove House Liquors***, 1905 9th Street NW, Retailer A, Lic#: 089439.
-
9. Review Request for Change of Hours. ***Approved Hours of Operation, Sales and Consumption:*** Sunday-Thursday 11am to 1am, Friday-Saturday 11am to 2am. ***Proposed Hours of Operation, Sales and Consumption:*** Sunday-Thursday 8am to 2am, Friday and Saturday 8am to 3am. ***Approved Hours for Sidewalk Café:*** Sunday-Thursday 11am to 11pm, Friday and Saturday 11am to 11:30pm. ***Proposed Hours for Sidewalk Café:*** Sunday-Thursday 8am to 11pm, Friday and Saturday 8am to 12am. ***Approved Hours for Summer Garden:*** Sunday-Thursday 11am to 11pm, Friday and Saturday 11am to 11:30pm. ***Proposed Hours for Summer Garden:*** Sunday-Thursday 8am to 2am, Friday-Saturday 8am to 3am. ***Approved Hours of Entertainment:*** Sunday-Thursday 6pm to 1am, Friday and Saturday 6pm to 3am. ***Proposed Hours of Entertainment:*** Sunday-Thursday 6pm to 2am, Friday and Saturday 6pm to 3am. No pending investigative matters. No pending enforcement matters. No outstanding fines/citations. Settlement Agreement. ANC 2B. SMD 2B09. ***Policy***, 1904 14th Street NW, Retailer CR, Lic#: 76804.
-
10. Review Request for Change of Hours. ***Approved Hours of Operation and Sales:*** Monday-Thursday 7am to 9am, Friday and Saturday 7am to 10pm. ***Proposed Hours of Operation and Sales:*** Sunday-Saturday 7am to 12am. ANC 3C SMD 3C04. ***Cleveland Park Liquors***, 3423 Connecticut Avenue NW, Retailer A, Lic#: 16969.
-
11. Review of Motion for Reconsideration dated November 26, 2013 from Makan Shirafkan Counsel for 1215 CT LLC. ***Rosebar***, 1215 Connecticut Avenue NW, Retailer CT, Lic#: 077883.*
-
12. Review of Motion for Reconsideration dated November 25, 2013 from Andre P. Barlow Counsel for Dos Ventures, LLC. ***Riverfront at the Ball Park***, 25 Potomac Avenue SE, Retailer CT, Lic#: 092040.*
-

13. Review of ANC 6D Response to the Motion for Reconsideration dated December 2, 2013. *Riverfront at the Ball Park*, 25 Potomac Avenue SE, Retailer CT, Lic#: 092040.*
-
14. Review of Amendment to Settlement Agreement dated October 23, 2013 between ANC 6C and TMB Holdings, LLC. *TruOrleans*, 400 H Street NE, Retailer CR, Lic#: 086210.*
-
15. Review of Settlement Agreement dated November 16, 2013 between ANC 6C and Backdoor Inc. *Bachelor's Mill*, 1104 8th Street SE, Retailer CT, Lic#: 011277.*
-
16. Review of Request dated November 26, 2013 from E & J Gallo to provide retailers with products valued at more than \$50 and less than \$500.
-
17. Review of Request dated November 27, 2013 from Winebow Inc. to provide retailers with products valued at more than \$50 and less than \$500.
-

*** In accordance with D.C. Official Code §2-574(b) Open Meetings Act, 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, DECEMBER 11, 2013
2000 14TH STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009**

On December 11, 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#13-251-00116 LOOK, 1909 K ST NW Retailer C Restaurant, License#: ABRA-077812

2. Case#13-AUD-00075 Capitol Skyline Hotel, 10 I ST SW Retailer C Hotel, License#: ABRA-072534

3. Case#13-CC-00120 Logan Tavern, 1423 P ST NW Retailer C Restaurant, License#: ABRA-060706

4. Case#13-AUD-00067 Palisades Pizzeria, 4885 MACARTHUR BLVD NW Retailer D Restaurant, License#: ABRA-060319

5. Case#13-CMP-00565 Vegas Lounge, 1415 P ST NW Retailer C Nightclub, License#: ABRA-001273

6. Case#13-AUD-00064 Saigon Bistro, 2153 - 2155 P ST NW Retailer C Restaurant, License#: ABRA-081175

7. Case#13-CMP-00544 Johnny Rockets, 3131 M ST NW Retailer C Restaurant, License#: ABRA-081606

8. Case#13-AUD-00073 Johnny Rockets, 3131 M ST NW Retailer C Restaurant, License#: ABRA-081606
-
9. Case#13-CC-00081 Thaitanic II, 3460 14TH ST NW Retailer C Restaurant, License#: ABRA-082445
-
10. Case#13-AUD-00070 B Cafe/Brookland Cafe, 3740 12TH ST NE Retailer C Restaurant, License#: ABRA-083121
-
11. Case#13-CMP-00555 Love, 1350 OKIE ST NE Retailer C Nightclub, License#: ABRA-084726
-
12. Case#13-PRO-00136 Romeo & Juliet, 301 MASSACHUSETTS AVE NE Retailer C Restaurant, License#: ABRA-092684
-
13. Case#13-251-00126 BANDOLERO, 3241 M ST NW Retailer C Restaurant, License#: ABRA-075631 (Previously published in the 11/15/13 DC Register)
-

CAPITAL CITY PUBLIC CHARTER SCHOOL**REQUEST FOR PROPOSALS****Shades for Interior Office Doors**

Capital City Public Charter School invites all interested and qualified vendors to submit proposals for Shades for Interior Office Doors. Proposals are due no later than 5 P.M. December 13, 2013. The RFP with bidding requirements and supporting documentation can be obtained by contacting Arogya Singh at asingh@ccpcs.org or Capital City PCS, 100 Peabody St, NW, Washington, DC 20011

CENTER CITY PUBLIC CHARTER SCHOOLS, INC.**REQUEST FOR PROPOSAL**

Center City Public Charter Schools, Inc. is soliciting proposals from qualified vendors for the following:

Center City PCS would like to engage one or more transportation service providers to service six charter schools located in the District of Columbia. The goal is to enter into a contract with a professional and dynamic company that is able to meet all requirements identified below and ensure services are provided for all school events/activities which will require the need to transport students.

To obtain copies of full RFP's, please visit our website: www.centercitypcs.org. The full RFP's contain guidelines for submission, applicable qualifications and deadlines.

Contact person:

Cristine Doran
cdoran@centercitypcs.org

D.C. PREPARATORY ACADEMY**NOTICE OF REQUEST FOR PROPOSAL FOR****JANITORIAL SERVICES**

D.C. Preparatory Academy Public Charter School (DC Prep) is seeking competitive proposals for Janitorial Services for a public charter school facility. All proposals must be submitted by **12:00 noon** on **December 13, 2013**.

FACILITIES MAINTENANCE & MANAGEMENT SERVICES

D.C. Preparatory Academy Public Charter School (DC Prep) is seeking competitive proposals for Facilities Maintenance & Management Services for a public charter school facility. All proposals must be submitted by **12:00 noon** on **December 13, 2013**.

An electronic copy of the full Request for Proposal (RFP) may be requested by contacting:

Mr. Ryan Auroi
bids@dcprep.org

OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION**REQUEST FOR APPLICATIONS (RFA)****Fiscal Year 2014 DC School Garden Grant (SGG)**RFA Release Date: **December 6, 2013**Pre-Application Question Period Deadline: **January 17, 2014**Application Submission Deadline: **January 31, 2014**

The Division of Wellness and Nutrition Services within the Office of the State Superintendent of Education (OSSE) is soliciting grant applications for the DC School Garden Grant (SGG) as mandated by the Healthy Schools Act (HSA) of 2010 (DC Law 18-209). The purpose of this grant is to increase the capacity and scope of DC school gardens as educational resources.

Eligibility: OSSE will accept applications from DC public schools and public charter schools participating in the HAS in partnership with DC-based school garden or farm to school focused organizations with 501(c) 3 status. OSSE will accept one application for each school campus, however an organization may submit up to four (4) applications with different schools.

Length of Award: The grant award period will be one year. Grant activities must take place between March 3, 2014 and March 2, 2015.

Available Funding for Award: The total funding available for this award period is \$300,000. Applicants may apply for an award amount of up to \$15,000 to fund new and active school garden/farm to school programs.

To receive more information or for a copy of this RFA, please contact:

Sam Ullery
School Garden Specialist
Wellness and Nutrition Services Division
DC Office of the State Superintendent of Education
sam.ullery@dc.gov

The RFA and all supporting documents will be available at <http://osse.dc.gov/service/school-garden-grant>.

DISTRICT DEPARTMENT OF THE ENVIRONMENT

FISCAL YEAR 2014

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, 5th Floor, Washington, DC, intends to issue air quality permit #6306-R1 to operate one (1) 600 kW diesel-fired emergency generator set at the Savvis Communications Corporation property located at 1275 K Street NW, Washington DC 20005. The contact person for the facility is Harlan Pincus at (914) 420-2528.

The permit application and supporting documentation, along with the draft permit are all available for public inspection at AQD and copies may be made available between the hours of 8:15 A.M. and 4:45 P.M. Monday through Friday. Interested parties wishing to view these documents should provide their names, addresses, telephone numbers and affiliation, if any, to Stephen S. Ours at (202) 535-1747.

Interested persons may submit written comments or may request a public hearing on this subject within 30 days of publication of this notice. The written comments must also include the person's name, telephone number, affiliation, if any, mailing address and a statement outlining the air quality issues in dispute and any facts underscoring those air quality issues. All relevant comments will be considered in issuing the final permit.

Comments on the proposed permit and any request for a public hearing should be addressed to:

Stephen S. Ours
Chief, Permitting Branch
Air Quality Division
District Department of the Environment
1200 First Street NE, 5th Floor
Washington, DC 20002
Stephen.Ours@dc.gov

No written comments postmarked after January 6, 2014 will be accepted.

For more information, please contact Stephen S. Ours at (202) 535-1747.

DISTRICT DEPARTMENT OF THE ENVIRONMENT

FISCAL YEAR 2014

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, 5th Floor, Washington, DC, intends to issue air quality permit #6307-R1 to operate one (1) 750 kW diesel-fired emergency generator set at the Savvis Communications Corporation property located at 1275 K Street NW, Washington DC 20005. The contact person for the facility is Harlan Pincus at (914) 420-2528.

The permit application and supporting documentation, along with the draft permit are all available for public inspection at AQD and copies may be made available between the hours of 8:15 A.M. and 4:45 P.M. Monday through Friday. Interested parties wishing to view these documents should provide their names, addresses, telephone numbers and affiliation, if any, to Stephen S. Ours at (202) 535-1747.

Interested persons may submit written comments or may request a public hearing on this subject within 30 days of publication of this notice. The written comments must also include the person's name, telephone number, affiliation, if any, mailing address and a statement outlining the air quality issues in dispute and any facts underscoring those air quality issues. All relevant comments will be considered in issuing the final permit.

Comments on the proposed permit and any request for a public hearing should be addressed to:

Stephen S. Ours
Chief, Permitting Branch
Air Quality Division
District Department of the Environment
1200 First Street NE, 5th Floor
Washington, DC 20002
Stephen.Ours@dc.gov

No written comments postmarked after January 6, 2014 will be accepted.

For more information, please contact Stephen S. Ours at (202) 535-1747.

DISTRICT DEPARTMENT OF THE ENVIRONMENT

FISCAL YEAR 2014

PUBLIC NOTICE**AIR QUALITY TITLE V OPERATING PERMIT AND
GENERAL PERMIT FOR
VERIZON WASHINGTON DC, INC.**

Notice is hereby given that Verizon Washington DC, Inc. has applied for a Title V air quality permit pursuant to the requirements of Title 20 of the District of Columbia Municipal Regulations, Chapters 2 and 3 (20 DCMR Chapters 2 and 3) to operate four (4) Detroit Diesel engine powered 1,500 kilowatt (kW) Cummins Model # 1500 DS-4 diesel generators (EG1, EG2, EG3, and EG4), previously permitted under Chapter 2 permits 6495-6498, respectively; and one (1) Detroit Diesel engine powered 225 kW Cummins Model # 7125-7230 diesel generator (LSEG1), previously permitted under Chapter 2 permit 6723, at the Verizon Washington DC, Inc. – Southwest Central Office, 30 E Street SW, Washington DC. The contact person for the facility is Randolph Moore, Environmental Manager at (804) 772-6709.

With the emission limitations included in the draft permit, the Verizon Washington DC, Inc. – Southwest Central Office facility has the potential to emit approximately 24.95 tons per year of oxides of nitrogen (NO_x), just under the District's major source threshold of 25 tons per year of NO_x. Under normal maximum operating conditions for determination of the potential emissions of the facility (i.e., 500 hours per year per emergency generator), the combined emissions of the equipment would possibly have exceeded the major source threshold for NO_x and thus trigger a Non-Attainment New Source Review (NNSR). In order to avoid this possibility, the facility opted for operating hour restrictions to keep their potential to emit NO_x under the major source threshold. The Chapter 3 permitting process is being used in this case to make these limits federally enforceable and enforceable as a practical matter.

The District Department of the Environment (DDOE) has reviewed the permit application and related documents and has made a preliminary determination that the applicant meets all applicable air quality requirements promulgated by the U.S. Environmental Protection Agency (EPA) and the District. Therefore, draft permit #045 has been prepared.

The application, the draft permit and associated Fact Sheet and Statement of Basis, and all other materials submitted by the applicant [except those entitled to confidential treatment under 20 DCMR 301.1(c)] considered in making this preliminary determination are available for public review during normal business hours at the offices of the District Department of the Environment, 1200 First Street NE, 5th Floor, Washington DC 20002. Copies of the draft permit and related fact sheet are available at <http://ddoe.dc.gov>.

A public hearing on this permitting action will not be held unless DDOE has received a request for such a hearing within 30 days of the publication of this notice. Interested parties may also submit written comments on the permitting action. Hearing requests or comments should be

directed to Stephen S. Ours, DDOE Air Quality Division, 1200 First Street NE, 5th Floor, Washington DC 20002. Questions about this permitting action should be directed to Olivia Achuko at (202) 535-2997 or olivia.achuko@dc.gov. Comments or hearing requests will not be accepted after January 6, 2014.

DISTRICT DEPARTMENT OF THE ENVIRONMENT

FISCAL YEAR 2014

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, 5th Floor, Washington, DC, intends to issue Permits #6761 - 6780 to New Cingular Wireless PCS, LLC, dba AT&T Mobility, to construct and operate twenty identical diesel fired emergency generator sets, located in Washington, DC. The contact person for the applicant is Barbara Walden, Manager, Environment, Health and Safety, at (925) 327-2532.

Emergency Generators to be Permitted

Equipment Location	Address	Generator Standby Rating (Engine Size)	Model Numbers (Engine/Generator)	Permit No.
700 Constitution Ave., SE, Washington, DC	700 Constitution Ave. SE, Washington, DC 20004	50 kW (93 bhp/69.4 kW)	Iveco/FTP SD050/	6761
1730 17 th St., NW, Washington, DC	1730 17 th St. NW, Washington, DC 20001	50 kW (93 bhp/69.4 kW)	Iveco/FTP SD050/	6762
2001 1 st Street, SW, Washington, DC	2001 1 st Street SW, Washington, DC 20593	50 kW (93 bhp/69.4 kW)	Iveco/FTP SD050/	6763
2440 Virginia Ave., NW, Washington, DC	2440 Virginia Ave. NW, Washington, DC 20037	50 kW (93 bhp/69.4 kW)	Iveco/FTP SD050/	6764
1420 Columbia Rd. NW, Washington, DC	1420 Columbia Rd. NW, Washington, DC 20009	50 kW (93 bhp/69.4 kW)	Iveco/FTP SD050/	6765
5505 5 th Street, NW, Washington, DC	5505 5 th Street NW, Washington, DC 20011	50 kW (93 bhp/69.4 kW)	Iveco/FTP SD050/	6766
1130 Connecticut Avenue, NW, Washington, DC	1130 Connecticut Ave NW, Washington, DC 20036	50 kW (93 bhp/69.4 kW)	Iveco/FTP SD050/	6767
1275 Pennsylvania Avenue, NW, Washington, DC	1275 Pennsylvania Ave. NW, Washington, DC 20004	50 kW (93 bhp/69.4 kW)	Iveco/FTP SD050/	6768
901 F Street., NW, Washington, DC	901 F Street NW, Washington, DC 20004	50 kW (93 bhp/69.4 kW)	Iveco/FTP SD050/	6769
1310 Wisconsin Ave., Washington, DC	1310 Wisconsin Ave. NW, Washington, DC 20007	50 kW (93 bhp/69.4 kW)	Iveco/FTP SD050/	6770

Equipment Location	Address	Generator Standby Rating (Engine Size)	Model Numbers (Engine/Generator)	Permit No.
2700 Connecticut Avenue, NW, Washington, DC	2700 Connecticut Avenue NW, Washington, DC 20008	50 kW (93 bhp/69.4 kW)	Iveco/FTP SD050/	6771
1601 Connecticut Avenue, NW, Washington, DC	1601 Connecticut Avenue NW, Washington, DC 20009	50 kW (93 bhp/69.4 kW)	Iveco/FTP SD050/	6772
1625 Massachusetts Avenue, NW, Washington, DC	1625 Massachusetts Avenue NW, Washington, DC 20036	50 kW (93 bhp/69.4 kW)	Iveco/FTP SD050/	6773
930 M Street, NW, Washington, DC	930 M Street NW, Washington, DC 20001	50 kW (93 bhp/69.4 kW)	Iveco/FTP SD050/	6774
611 Edgewood Terrace., NE, Washington, DC	611 Edgewood Terrace NE, Washington, DC 20017	50 kW (93 bhp/69.4 kW)	Iveco/FTP SD050/	6775
2540 Massachusetts Avenue, NW,, Washington, DC	2540 Massachusetts Avenue NW, Washington, DC 20008	50 kW (93 bhp/69.4 kW)	Iveco/FTP SD050/	6776
4000 Brandywine St., NW, Washington, DC	4000 Brandywine St. NW, Washington, DC 20016	50 kW (93 bhp/69.4 kW)	Iveco/FTP SD050/	6777
1900 Massachusetts Ave., SE, Washington, DC	1900 Massachusetts Ave. SE, Washington, DC 20003	50 kW (93 bhp/69.4 kW)	Iveco/FTP SD050/	6778
51 N Street NE, Washington, DC	51 N Street NE Washington, DC 20002	50 kW (93 bhp/69.4 kW)	Iveco/FTP SD050/	6779
2480 16 th Street NW, SE, Washington, DC	2480 16 th Street NW, SE, Washington, DC 20009	50 kW (93 bhp/69.4 kW)	Iveco/FTP SD050/	6780

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)]

Emission Standards	
Pollutant	g/kW-hr
NMHC+NO _x	4.7
CO	5.0
PM	0.4

- b. Visible emissions shall not be emitted into the outdoor atmosphere from each 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 maximum emissions from each emergency generator are as follows:

Pollutant	Maximum Annual Emissions (tons/yr)
Carbon Monoxide (CO)	0.14
Oxides of Nitrogen (NO _x)	0.13
Total Particulate Matter , PM (Total)	0.01
Sulfur Dioxide (SO _x)	0.19

The applications to construct and operate the emergency generators and the draft set of permits 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, 5th Floor
Washington, DC 20002
Stephen.Ours@dc.gov

No written comments or hearing requests postmarked after January 6, 2014 will be accepted.

For more information, please contact Stephen S. Ours at (202) 535-1747.

DISTRICT DEPARTMENT OF THE ENVIRONMENT

FISCAL YEAR 2014

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, 5th Floor, Washington, DC, intends to issue air quality permit #6806 to operate one (1) 750 kW diesel-fired emergency generator set at the United States Postal Service Headquarters – L’Enfant Plaza property located at 475 L’Enfant Plaza Southwest, Washington DC 20260. The contact person for the facility is Stephen Hurley, Manager, Facility Services, at (202) 268-2092.

The proposed emission limits are as follows:

- a. 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]
- b. An emission into the atmosphere of odorous or other air pollutants from any source in any quantity and of any characteristic, and duration which is, or is likely to be injurious to the public health or welfare, or which interferes with the reasonable enjoyment of life or property is prohibited. [20 DCMR 903.1]

The estimated emissions from the Emergency Generator are as follows:

Pollutant	Maximum Annual Emissions (tons/yr)
Carbon Monoxide (CO)	2.07
Oxides of Nitrogen (NO _x)	6.50
Total Particulate Matter , PM (Total)	0.19
Sulfur Dioxide (SO _x)	1.00
Volatile Organic Compounds (VOCs)	0.17

The permit application and supporting documentation, along with the draft permit are available for public inspection at AQD and copies may be made available between the hours of 8:15 A.M. and 4:45 P.M. Monday through Friday. Interested parties wishing to view these documents should provide their names, addresses, telephone numbers and affiliation, if any, to Stephen S. Ours at (202) 535-1747.

Interested persons may submit written comments or may request a public hearing on this subject within 30 days of publication of this notice. The written comments must also include the person’s name, telephone number, affiliation, if any, mailing address and a statement outlining

the air quality issues in dispute and any facts underscoring those air quality issues. All relevant comments will be considered in issuing the final permit.

Comments on the proposed permit and any request for a public hearing should be addressed to:

Stephen S. Ours
Chief, Permitting Branch
Air Quality Division
District Department of the Environment
1200 First Street NE, 5th Floor
Washington, DC 20002
Stephen.Ours@dc.gov

No written comments postmarked after January 6, 2014 will be accepted.

For more information, please contact Stephen S. Ours at (202) 535-1747.

EXCEL ACADEMY PUBLIC CHARTER SCHOOL

REQUESTS FOR PROPOSALS

Security Services

Accepting proposals through: Friday, December 14, 2013 at 5:00pm

For additional bid information, contact:

Valencia Warnock

Chief Operating Officer

vwarnock@excelpcs.org

HEALTH BENEFIT EXCHANGE AUTHORITY
NOTICE OF PUBLIC MEETING

Executive Board of the Health Benefit Exchange Authority

The Executive Board of the Health Benefit Exchange Authority, pursuant to the requirements of Section 6 of the Health Benefit Exchange Authority Establishment Act of 2011, effective March 2, 2012 (D.C. Law 19-0094), hereby announces a public meeting of the Executive Board. The meeting will be held at 441 4th Street, N.W., Suite 820 N, Washington, DC 20001 on **Wednesday, December 11, 2013 at 5:30 pm**. The call in number is 1-877-668-4493, Access code 647 111 425.

The Executive Board meeting is open to the public.

If you have any questions, please contact Debra Curtis at (202) 741-0899.

**DISTRICT OF COLUMBIA HOUSING FINANCE AGENCY
BOARD OF DIRECTORS MEETING**

December 10, 2013
815 Florida Avenue, NW
Washington, DC 20001
5:30 pm

AGENDA

- I. Call to order and verification of quorum.
- II. Approval of minutes from the November 12, 2013 board meeting.
- III. Approval of minutes from the November 22, 2013 board meeting.
- IV. Presentation: Auditor presentation by CohnReznick LLP.
- V. Vote to close meeting to discuss the approval of the North LIHTC Residential project and bond transaction.

Pursuant to the District of Columbia Administrative Procedure Act, the Chairperson of the Board of Directors will call a vote to close the meeting in order to discuss, establish, or instruct the public body's staff or negotiating agents concerning the position to be taken in negotiating the price and other material terms of the North LIHTC Residential project and bond transaction. An open meeting would adversely affect the bargaining position or negotiation strategy of the public body. (D.C. Code §2-405(b)(2)).

- VI. Re-open meeting.
- VII. Consideration of DCHFA Eligibility Resolution No. 2013-14 for the approval of the North LIHTC Residential project and bond transaction.
- VIII. Discussion: Financial software update.
- IX. Discussion: Parkway Overlook update.
- X. Vote to close meeting to discuss Parkway Overlook.

Pursuant to the District of Columbia Administrative Procedure Act, the Chairperson of the Board of Directors will call a vote to close the meeting in order to consult with an attorney to obtain legal advice and to preserve the attorney-client privilege between an attorney and a public body, or to approve settlement

agreements; provided that, upon request, the public body may decide to waive the privilege. An open meeting would adversely affect the attorney-client privilege of the Agency related to Parkway Overlook. (D.C. Code §2-575(b)(4)(A)).

- XI. Re-open meeting.
- XII. Interim Executive Director's Report.
- XIII. Other Business.
- XIV. Adjournment.

DEPARTMENT OF HUMAN RESOURCES

EXCEPTED SERVICE EMPLOYEES AS OF NOVEMBER 15, 2013

NOTICE OF EXCEPTED SERVICE EMPLOYEES

D.C. Official Code § 1-609.03(c) requires that a list of Excepted Service positions established under the provision of § 1-609.03(a) along with the types of excepted service appointment, names, position titles, and grades of all persons appointed to these positions be published in the *D.C. Register*. In accordance with the foregoing, the following information is hereby published for the following positions.

OFFICE OF THE MAYOR				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Murphy	Christopher	Chief of Staff	11
Excepted Service	Goulet	Eric	Budget Director	11
Excepted Service	Flowers	Brian	General Counsel	11
Excepted Service	Jackson	Janene	Dir., Pol & Legislative Affairs	11
Excepted Service	Bunn	Sheila	Deputy Chief of Staff	10
Excepted Service	Evans	Kenneth	Deputy Budget Director	10
Excepted Service	Glaude	Stephen	Director, Community and Religion	10
Excepted Service	Ribeiro	Pedro	Director of Communications	08
Excepted Service	Kaufman	Donald	Deputy General Counsel	10
Excepted Service	McGaw	John	Deputy Director	10
Excepted Service	Banta	Susan	Budget Officer	09
Excepted Service	Constantino	Justin	Senior Budget Analyst	09
Excepted Service	Fimbres	Francisco	Director of Community Relation	09
Excepted Service	Gorman	Darryl	Dir. Boards & Commissions	09
Excepted Service	Murray	Christopher	Budget Analyst	09
Excepted Service	Richardson	Jeffrey	Executive Director	09
Excepted Service	Barge	Lolita	Director of Legislative Support	08
Excepted Service	Barnes	Lafayette	Program Analyst	08

OFFICE OF THE MAYOR				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	DeVillier	Mikelle	Special Assistant	08
Excepted Service	Ferguson	Ursula	Correspondence Officer	08
Excepted Service	McCoy	Doxie	Senior Communications Officer	08
Excepted Service	Pittman	James	Deputy Director	08
Excepted Service	Washington	Sterling	Director	08
Excepted Service	Anthony	Lavita	Executive Assistant	07
Excepted Service	Atkins	Latisha	Deputy Dir. Neighborhood Engage	07
Excepted Service	Bland	Stephanie	Special Assistant	07
Excepted Service	Coombs	John	Policy Analyst	07
Excepted Service	Henry	Kristen	National Service Officer	07
Excepted Service	Jennings	Cedric	Director	07
Excepted Service	Lowery	Terese	Exec Dir. for Comm on Women	07
Excepted Service	Mangum	Larry	Special Assistant	07
Excepted Service	Rogers	Jonathan	Budget Analyst	07
Excepted Service	Thompson	Tiffanie	Budget Analyst	07
Excepted Service	Desjardins	Matthew	Comm. & Initiatives Specialist	06
Excepted Service	Fluker	Clarence	Comm. & Initiatives Specialist	06
Excepted Service	George	Deborah	Policy Analyst	06
Excepted Service	Hayworth	JohnPaul	Policy Analyst	06
Excepted Service	Levine	Daryl	Special Assistant	06
Excepted Service	Marus	Robert	Writer Editor	06
Excepted Service	Muhammad	Sedrick	Special Assistant	06
Excepted Service	Nutall	Dexter	Executive Assistant	06
Excepted Service	Oding	Alimayu	Visual Information Specialist	06

OFFICE OF THE MAYOR				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Williamson	Jason	Neighborhood Corps Specialist	06
Excepted Service	Adams	Lisa	Policy Analyst	05
Excepted Service	Hernandez Maduro	Frank	Community Relations Specialist	05
Excepted Service	Holman	Keith	Community Service Representative	05
Excepted Service	Kelly	Deborah	Contract & Reprogram. Special.	05
Excepted Service	Loudermilk	Amy	Program Analyst	05
Excepted Service	Norris	Rufus	Constituent Services Special.	05
Excepted Service	Walker	David	Staff Assistant	05
Excepted Service	Watson	Leonard	Special Assistant	05
Excepted Service	Williams	Marchim	Outreach & Service Specialist	05
Excepted Service	Wright	Brittney	Outreach & Service Specialist	05
Excepted Service	Teferi	Winta	Program Analyst	04
Excepted Service	Allen	Darin	Scheduling Specialist	03
Excepted Service	Johnson	Stephanie	Administrative Support Specialist	03
Excepted Service	Latta	Aretha	Administrative Assistant	03
Excepted Service	Saki-Tay	Inez	Correspondence Mgmt. Spec.	03
Excepted Service	Weaver	Zachary	Policy Analyst	02
Excepted Service	Sanders	Lorenzo	Clerical Assistant	01

OFFICE OF THE CITY ADMINISTRATOR				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Lew	Allen	City Administrator	11
Excepted Service	Graves	Warren	Chief of Staff	11

OFFICE OF THE CITY ADMINISTRATOR				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Campbell	Natasha	Director, LRCB	10
Excepted Service	Robinson	Anthony	Director	10
Excepted Service	Kreiswirth	Barry	Senior Legal Advisor	09
Excepted Service	Love	Phyllis	Management & Prog Anal Ofcr	08
Excepted Service	Moss	J	Executive Assistant	07

OFFICE OF THE INSPECTOR GENERAL				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Branson	Karen	General Counsel	10
Excepted Service	Bruce	Blanche	Deputy Inspector General	10
Excepted Service	Burke	Roger	Chief of Staff	10
Excepted Service	Kennedy	Susan	Supvy Attorney Advisor	10
Excepted Service	King	Ronald	Supervisory Auditor	10
Excepted Service	Sweeney	Brian	Supvy Criminal Investigator	10
Excepted Service	Wright	Alvin	Asst IG Inspector/Evaluation	10
Excepted Service	Lucchesi	Victoria	Deputy Gen Counsel	09
Excepted Service	Silverman	Stuart	Attorney	09
Excepted Service	Wolfingbarger	Brentton	Supv Attorney Advisor	09
Excepted Service	Muracco	Dominick	Attorney-Advisor	08
Excepted Service	Nguyen	Dangkhoa	Attorney Advisor	08

OFFICE OF THE INSPECTOR GENERAL				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Van Croft	Keith	Attorney-Advisor	08
Excepted Service	Williams	Burnette	Attorney-Advisor	08

DEPARTMENT OF GENERAL SERVICES				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Burrell	Scott	Chief Operations Officer	11
Excepted Service	Harper	Ollie	Dep. Dir. for Facilities Mgmt.	11
Excepted Service	Bellamy	Sandy	Management and Program Analyst	08

OFFICE OF THE SECRETARY				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Ferrell Benavides	Aretha	Deputy Director	09
Excepted Service	Elwood	Patricia	Protocol Officer	08
Excepted Service	Reid	Victor	Administrator, Ofc of Document	08
Excepted Service	Davis	Clarence	Public Records Administrator	07
Excepted Service	Phipps	Richard	Notary & Authent. Officer	07
Excepted Service	Pierno	Robert	Special Assistant	05

DEPARTMENT OF CORRECTIONS				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Mynett	Beth	Medical Officer	11
Excepted Service	Brown	Jerry	Program Analyst	06

DEPARTMENT OF CORRECTIONS				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Etheridge	Lashonia	Staff Assistant	02

DC DEPARTMENT OF HUMAN RESOURCES				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Williams	Kimberly	Deputy Director	11
Excepted Service	Seed	Sudie Mae	Management and Program Analyst	07

HOMELAND SECURITIES & EMERGENCY MANAGEMENT AGENCY				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Thomas	Jorhena	Fusion Center Operations Manager	08
Excepted Service	Brannum	Robert	Community Outreach Specialist	06
Excepted Service	Boone	William	Emergency Oper & Info. Spec.	05

OFFICE ON LATINO AFFAIRS				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Sinisterra	Didier	Deputy Director on Latino Affairs	07

DEPARTMENT OF EMPLOYMENT SERVICES				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Becks	Valencia	Outreach & Service Specialist	05
Excepted Service	Barragan	Juan	Outreach & Service Specialist	05

OFFICE OF CABLE TELEVISION				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Washington	Lindsay	Producer	03

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Reich	Stephanie	Chief of Staff	09

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Szegedy Maszak	Peter	Attorney Examiner	10
Excepted Service	Young	Ronald	Attorney Examiner	10
Excepted Service	Anderson	Keith	Rent Administrator	09
Excepted Service	Fields	Beatrice	Legislative Affairs Specialist	09
Excepted Service	Bailey	Milton	Chief of Staff	09

OFFICE OF PLANNING				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Levy	David	Special Assistant for Substance	09

DEPUTY MAYOR FOR PLANNING AND ECONOMIC DEVELOPMENT				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Nichols	Richard	Chief of Staff	11
Excepted Service	Miller	Mark	Chief Operating Officer	10

DEPUTY MAYOR FOR PLANNING AND ECONOMIC DEVELOPMENT				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Trueblood	Andrew	Deputy Chief of Staff	09
Excepted Service	Zipper	David	Director of Business Development	09
Excepted Service	Cross	Jason	Special Assistant	08
Excepted Service	Ellis	Gary	Special Assistant	08
Excepted Service	Tyus	Darnetta	Special Assistant	08

DEPARTMENT OF SMALL AND LOCAL BUSINESS				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Summers	Robert	Acting Director	10

DEPARTMENT OF FORENSIC SCIENCES				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Maguire	Christopher	Deputy Director	11
Excepted Service	Funk	Christine	General Counsel	10

METROPOLITAN POLICE DEPARTMENT				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Durham	Alfred	Chief of Staff	11
Excepted Service	Bromeland	Matthew	Special Assistant to the Chief	09
Excepted Service	Crump	Gwendolyn	Director, Office of Corporate	09
Excepted Service	Major	Jacob	Lieutenant	09
Excepted Service	O'Meara	Kelly	Executive Director, Strategic	09

FIRE AND EMERGENCY MEDICAL SERVICES DEPARTMENT				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Miramontes	David	Medical Director	11
Excepted Service	Lewis	Turna	Labor Management Liaison Specialist	10
Excepted Service	Andre	Karen	Labor Management Liaison Officer	09
Excepted Service	Roque	Sarah	Public Health Analyst	07

PS&J CLUSTER, OFFICE OF THE DEPUTY MAYOR				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Quander	Paul	Deputy Mayor	11
Excepted Service	Booth	Quincy	Chief of Staff	10
Excepted Service	Hook	Melissa	Justice Grants Administrator	09
Excepted Service	Stewart-Ponder	Gitana	Legislative & Policy Analyst	07
Excepted Service	Thompson	Emile	Legislative & Policy Analyst	07
Excepted Service	Compani	Cara	Program Analyst	05
Excepted Service	McCray	Tykisha	Staff Assistant	03

OFFICE OF THE CHIEF MEDICAL EXAMINER				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Fields	Beverly	Chief of Staff	10

OFFICE OF STATE SUPERINTENDENT OF EDUCATION				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Aguierre	Jesus	Acting State Superintendent of Education	11

OFFICE OF THE DEPUTY MAYOR FOR EDUCATION				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Calderon	Miriam	Special Assistant	10
Excepted Service	Salimi	Scheherazade	Chief of Staff	09
Excepted Service	Greenberg	Judith	Special Assistant	09
Excepted Service	Bleyer	Marc	Policy Analyst	08
Excepted Service	Comey	Jennifer	Special Assistant	08
Excepted Service	Fejeran	Celine	Program Analyst	07

DEPARTMENT OF PARKS AND RECREATION				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Shanklin	Sharia	Interim Director	11
Excepted Service	Newman	Rachel	Writer Editor	05

DEPARTMENT OF HEALTH				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Kharfen	Michael	Senior Deputy Director	11
Excepted Service	Amy	Brian	Senior Deputy Director	10
Excepted Service	Shorter	Chris	Chief Operating Officer	10
Excepted Service	Chichester	Colette	Chief of Staff	09

OFFICE OF HUMAN RIGHTS				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Palacio	Monica	Acting Director	10

DEPARTMENT OF HUMAN SERVICES				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Nabors-Jackson	Nikol	Chief Operating Officer	10
Excepted Service	Thompson	Sakina	Policy & Prog Support Advisor	10

OFFICE OF THE DEPUTY MAYOR FOR HEALTH AND HUMAN SERVICES				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Otero	Beatriz	Dep Mayor for Health & Human Services	11
Excepted Service	Quinones	Ariana	Chief of Staff	10
Excepted Service	Joseph	Rachel	Special Assistant	07
Excepted Service	Nagda	Sonia	Special Assistant	07
Excepted Service	Gomez	Sandra	Administrative Support Specialist	03

DEPARTMENT OF HEALTH CARE FINANCE				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Elam	Linda	Deputy Director	11
Excepted Service	Nathan	Ganayswaran	Dep. Dir. for Medicaid Finance	11
Excepted Service	Vowels	Robert	Medical Officer	10
Excepted Service	McCabe	Heather	Special Assistant	10
Excepted Service	Rapp	Melisa	Chief of Staff	09

DEPARTMENT OF YOUTH AND REHABILITATION SERVICES				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Bellard	Alsan	Health Services Medical Officer	11

DISTRICT DEPARTMENT OF TRANSPORTATION				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Nicholson	Ronaldo	Chief Transportation Engineer	11
Excepted Service	Jackson	Carl	Assoc Dir for Prog Transp Svcs	10
Excepted Service	FitzGerald	Christopher	Community Service Representative	05
Excepted Service	Archie	Davena	Community Service Representative	05

DEPARTMENT OF PUBLIC WORKS				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Carter	Michael	Deputy Director for Operations	10
Excepted Service	Thomas	Carl	Clean City Coordinator	09
Excepted Service	Lee	Sandra	Outreach & Service Specialist	05
Excepted Service	Bulger	James	Outreach & Service Specialist	05

CHILD AND FAMILY SERVICES AGENCY				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Rosenberg	Michele	Chief of Staff	08

DEPARTMENT OF BEHAVIORAL HEALTH				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Canavan	Patrick	Health System Administrator	11
Excepted Service	Buckson	Frances	Senior Deputy Director, APRA	11

DEPARTMENT OF INSURANCE, SECURITIES AND BANKING				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	McPherson	Chester	Dep Comm for Market Operations	10

OFFICE OF MOTION PICTURE & TELEVISION				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Niles	John	Interim Director	10
Excepted Service	Palmer	Crystal	Sr. Motion Picture Advisor	10
Excepted Service	Green	Leslie	Senior Communications Manager	08

DC TAXICAB COMMISSION				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Linton	Ron	Chairman DC Taxicab Commission	10
Excepted Service	McInnis	Sharon	Licensing & Enforcement Ofcr.	08
Excepted Service	Waters	Neville	Public Affairs Specialist	08

OFFICE OF TENANT ADVOCATE				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Shreve	Johanna	Chief Tenant Advocate	09

OFFICE OF VETERAN AFFAIRS				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Cary	Matthew	Director, Veterans Affairs	09
Excepted Service	Fabrikant	Michael	Outreach & Service Specialist	05

MERIDIAN PUBLIC CHARTER SCHOOL**REQUEST FOR PROPOSALS****MASONRY AND ROOFING REPAIR SERVICES**

Meridian Public Charter School is seeking competitive proposals for Masonry Repointing, and Roofing Repair Services for the 1890 wing of their 13th Street NW property. For a copy of the RFPs, please contact Mr. Ryan Gever of Brailsford & Dunlavy at rgever@programmanagers.com. All proposals must be submitted by 5:00 PM on December 27, 2013.

**OFFICE OF THE DEPUTY MAYOR FOR
PLANNING AND ECONOMIC DEVELOPMENT**

NOTICE OF AGENCY CHANGE OF USE AT STEVENS SCHOOL

Pursuant to D.C. Code § 1-309.10(b), the District hereby gives notice of a change of use of District owned real property located at 1050 21st Street, N.W., and known for tax and assessment purposes as Lot 0876 in Square 0073 (the “Property”).

The Property, commonly referred to as Stevens Elementary School, consists of a vacant, historic building and vacant land adjacent to the building. **The District of Columbia (“District”) owns this Property and intends to utilize the vacant playground space adjacent to the school building to accommodate a temporary fire station for Engine Company 1.**

Engine Company 1 is currently located at 2225 M St NW and must be moved in order to facilitate the construction of a new fire station. In planning the temporary relocation of the fire station, the Office of the Deputy Mayor for Planning and Economic Development has explored multiple options and has determined that the vacant land adjacent to the Stevens School, a portion of the Property, is the most feasible site.

ANC 2A has been informed of the need for the temporary re-location for the temporary fire station and has been kept abreast of all updates throughout the process of selecting this site. On September 18, 2013, ANC 2A passed a resolution approving the proposed curb cut on the site for the temporary fire station use.

PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA**NOTICE OF INQUIRY****FORMAL CASE NO. 1112, IN THE MATTER OF AMENDMENT OF THE COMMISSION'S RULES REGARDING REGULATION OF LOCAL EXCHANGE CARRIERS**

1. The Public Service Commission of the District of Columbia (Commission), by this Notice of Inquiry, requests comment on various matters relating to the certification and regulation of local exchange carriers. Specifically, we ask (1) whether to require local exchange carriers to provide local telecommunications services by a date certain after certification or be decertified for failing to do so; (2) whether certification should be for a certain period of time and, if so, what period of time is reasonable; (3) whether currently certificated local exchange carriers should be exempt from any renewal requirement; (4) whether our rules on abandonment should be revised; (5) whether a certificated local exchange carrier that fails to file a tariff should be penalized and, if so, what penalty is appropriate; and (6) whether a certificated local exchange carrier that fails to file the annual report required by our rules or that knowingly files inaccurate or incomplete information should be penalized and, if so, what penalty is appropriate. We also seek comment on the requirement that Voice over Internet Protocol (VoIP) Service providers contribute to the Universal Service Trust Fund (USTF).

BACKGROUND

2. The Telecommunications Competition Act of 1996 (Act), codified at D.C. Code § 34-2001 *et seq.*, provides the statutory basis for this Commission's regulation of local exchange carriers. That Act requires that the Commission

facilitate entry into the District for providers of all forms of telecommunications service in order to foster the availability of competitive telecommunications options to consumers in the District, and to encourage the development of a technological infrastructure which will afford District residents increased access to the information highway.¹

Since the passage of the Act, the Commission has endeavored to satisfy this mandate by licensing a broad array of Competitive Local Exchange Carriers (CLECs). Today, 175 CLECs hold certificates to provide telecommunications services in the District. However, we have become concerned that not all certificated local exchange carriers are currently providing service, and that some may not be complying with the minimal requirements we have established for their operations. Specifically, some carriers may not be filing the annual report form, may not be filing

¹ D.C. Official Code § 34-2002(b).

tariffs, or otherwise may be in violation of the Commission's rules. In this proceeding, we seek comment on how to enforce compliance with our rules, while still encouraging a healthy competitive marketplace.

Annual Report Form

3. Section 2707.1 of the Commission's Rules requires that all telecommunications service providers/local exchange carriers in the District of Columbia file a report on the Commission's annual report form no later than April 15 of each year.² The report form requires information on the following:

- a) Type of services being provided to customer in the District as of the previous year ending December 31;
- b) Number of lines and customers, classified by residential category (single family or multi-family complex) and non-residential category (business or government);
- c) Gross jurisdictional revenues for the previous year ending December 31;
- d) Name, address, telephone number, fax number, and email address, if available, of the regulatory and customer service contacts;
- e) The means by which the telecommunications service provider is providing service (such as, resale through the incumbent local exchange carrier, resale through another provider, facilities-based including lease of unbundled network elements, resale, and facilities-based, or other); and
- f) Additional information concerning whether wireless, Voice over Internet Protocol (VoIP), or broadband service is provided.

4. The responses to the annual survey form provide the basis for the Commission's oversight of local exchange carriers in the District pursuant to D.C. Code § 34-2002. The responses also form the basis for the assessments levied on each local exchange carrier pursuant to D.C. Code § 34-912 (b). Therefore, it is important that the Commission receive complete and accurate information.

5. In recent years it has become apparent that many carriers do not file the annual survey or that filed surveys contain inaccurate or incomplete information. The Commission staff has conducted an analysis of responses to our annual survey form since 2008. The result of this analysis concerns us. Of 175 CLECs who are currently certificated in the District, 46 have not responded to the annual survey at least once in the last five years. During the same period, 35 CLECs reported no jurisdictional revenues. Many of those who filed simply did not provide answers to the questions regarding the provision of service over wireless, VoIP, or broadband.³

² See 15 D.C.M.R. §2707.1 (2011).

³ Revenues derived from these services are "non-jurisdictional" and yearly assessments are not based on these revenues.

The gaps in our information make it difficult to assess the state of competition in the District and whether our conclusions regarding dominance in the local exchange market continue to be accurate. We call this the “dormant carrier” issue.

Tariffs

6. Section 2002 (f) of the Act provides that all local exchange carriers authorized by the Commission must file and maintain tariffs for each service offered within the District.⁴ For 175 certificated CLECs, only 83 tariffs are on file with us. Either a significant number of CLECs are not providing service or they are disregarding the requirement that they file and maintain tariffs. It is important to note that the obligation to “maintain” a tariff means that the company must provide updates to reflect any changes made in the services being offered, the terms and conditions for those services and the rates charged for those services. Filing a tariff at the initiation of service is required, and so is filing changes made to that tariff over time.

Universal Service Trust Fund

7. The Commission does not regulate Voice over Internet Protocol service providers. However, in 2008, the Act was amended to require that both local exchange carriers and VoIP service providers contribute to the Universal Service Trust Fund.⁵ The Commission has the duty to bill and collect from each contributor its fair share of the amount needed to support universal service, in proportion to each carrier’s local exchange revenues. At present, the Commission’s USTF Administrator polls known VoIP service providers to determine their local exchange revenues and bills them based upon their responses. However, the effectiveness of the poll is directly related to the accuracy of the information we collect.

DISCUSSION

8. The fact that many certificated CLECs either do not submit the annual survey forms or report no jurisdictional revenues even years after certification suggests that these carriers are not providing service in the District of Columbia, that they are “dormant carriers.” We question whether local exchange carriers who do not provide service after certification should remain on our rolls as though they are active participants in the local exchange market. Therefore, we request comment on whether to require local exchange carriers to provide telecommunications services by a date certain after certification or be decertified for failing to do so. We also request comment on the Commission’s authority under the Act to impose such a requirement.

9. We might also address the problem of dormant carriers by imposing a time limit on certifications and requiring renewals for continued operation. We request comment on this proposal and invite parties to consider whether the Act would permit certification for a period of

⁴ Consistent with the minimal regulation envisioned by the Act, the Commission is specifically precluded from regulating or reviewing the tariffs of competitive telecommunications service providers. See D.C. Code §34-2002(g) (2011).

⁵ D.C. Code § 34-2003(b) (2011).

time. If so, we invite comment on the appropriate period (e.g. 3 years). The certification renewal process could also be automatic, that is, recertification would be automatically granted upon filing the application. Further, we seek comment on whether currently certificated local exchange carriers should be exempt from this requirement.

10. Although the Commission believes that the issue of dormant carriers may be resolved through changes to our certification process, we are also concerned about our rules regarding abandonment. These rules are intended to apply when a certificated carrier proposes to abandon its certification (Section 2704) or the provisioning of service (Section 2705 and 2706), as might be the case in a bankruptcy proceeding. However, it is possible that some of the CLECs that have not provided annual reports were once providing service and have now abandoned service without Commission approval in violation of Section 2705.14.⁶ We ask interested parties to comment on whether the current rules on abandonment are sufficient.

11. With regard to our annual report forms, we are concerned not only about those carriers who fail to respond to the survey by filing an annual report form, but also those carriers who knowingly provide inaccurate or incomplete information. For example, our form asks whether service is provided using wireless facilities or VoIP facilities. We notice that these questions often go unanswered. Further, a CLEC might have an incentive to respond to the question regarding gross jurisdictional revenues inaccurately because assessments are based on these revenues. We seek comment on potential penalties for failing to provide an annual report, as required by our rules, or providing inaccurate or incomplete information.

12. Turning to the question of tariffs, the Commission invites comment on how to enforce the statutory requirement that all local exchange carriers file and maintain tariffs. In particular, we invite comment on the appropriate penalty for failing to file and maintain a tariff. We will also welcome comment on any difficulties or obstacles to competition the tariff filing requirement imposes.

13. Finally, we note the statutory requirement that VoIP service providers contribute to the Universal Service Trust Fund based on their local exchange service revenue. We request comment on whether our current process for determining who is required to contribute and how much they must contribute is effective and efficient in a non-regulated marketplace. We welcome suggestions for improvement to the procedures, with the objective of fairly distributing the universal service burden.

14. All persons interested in commenting on this Notice of Inquiry may submit written comments and reply comments no later than thirty (30) and forty-five (45) days, respectively, after the publication of this Notice in the *D.C. Register*. Comments may be filed with Brenda Westbrook-Sedgwick, Commission Secretary, Public Service Commission of the District of Columbia, 1333 H Street, N.W., 2nd Floor, West Tower, Suite 200, Washington, DC 20005 or at the Commission's website at www.dcpSC.org. Persons with questions concerning this Notice should call 202-626-5150.

⁶ See 15 D.C.M.R. § 2705.14 (2011).

OFFICE OF THE SECRETARY OF THE DISTRICT OF COLUMBIA
RECOMMEND FOR APPOINTMENTS OF NOTARIES PUBLIC

Notice is hereby given that the following named persons have been recommended for appointment as Notaries Public in and for the District of Columbia, effective on or after January 2, 2014.

Comments on these potential appointments should be submitted, in writing, to the Office of Notary Commissions and Authentications, 441 4th Street, NW, Suite 810 South, Washington, D.C. 20001 within seven (7) days of the publication of this notice in the *D.C. Register* on December 6, 2013. Additional copies of this list are available at the above address or the website of the Office of the Secretary at www.os.dc.gov.

D.C. Office of the Secretary
Recommended for appointment as a DC Notaries PublicEffective: January 2, 2014
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Abdul-Malik	Mansur	The NHP Foundation 1090 Vermont Avenue, NW, Suite 400	20005
Alba	Candice	Sutherland Asbill & Brennan LLP 700 Sixth Street, NW	20001
Amos	Territa Tawanna	Greater Help Ministries for Single Parents 3516 B Street, SE, Apt. 303	20019
Anderson	Ashley D.	Capital One Bank, N.A. 1700 K Street, NW	20006
Armstrong	Han	Capital One Bank, N.A. 1700 K Street, NW	20006
Baker	Patricia L.	Self (Dual) 3971 Clay Place, NE	20019
Bauer	Adrienne	Self 1747 Pennsylvania Avenue, NW, Suite 875	20037
Brown	Lisa McLennan	National Abortion Federation 1660 L Street, NW, Suite 450	20036
Burnell	Iris	Jackson Hewitt Tax Services 725 8th Street, SE	20003
Butler-LeFrancois	Robin	McDermott Will & Emery LLP 500 North Capitol Street, NW	20001
Craig	Susan A.	Boston Properties, Inc. 2200 Pennsylvania Avenue, NW, Suite 200W	20037
Dendy	Lindsey	Kenesis Management Company, LLC 733 10th Street, NW, Suite 3001	20001
Dudley	Marcia	House on F Street, dba International Spy Museum 800 F Street, NW	20006

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Faught	Lynn	QGA Public Affairs 1133 Connecticut Avenue, NW	20036
Feliciano	Shawn	Capital One Bank, N.A. 336 Pennsylvania Avenue, SE	20003
Fitzsimmons	Jill D.	National Center On Education and the Economy 2000 Pennsylvania Avenue, NW, Suite 5300	20006
Fleming	Ida V.	Roots Activity Learning Center 6222 North Capital Street, NW	20011
Forgy, Jr.	Lawson C.	The Lex Group 1825 K Street, NW, Suite 103	20006
Godfrey	Sharon	Self 621 18th Street, NE	20002
Hall	Antoinette	Finnegan, Henderson, Farabow, Garrett & Dunner 901 New York Avenue, NW	20001
Hill	Desiree	KaBOOM 4301 Connecticut Avenue, NW, Suite ML-1	20008
Hiranvanijkul	Boontida	Willkie Farr & Gallagher, LLP 1875 K Street, NW	20006
Holland	Sylvia D.	CCA/Correctional Treatment Facility 1901 E Street, SE	20003
Hurd	Alva M.	United States Court of Appeals for the DC Circuit 333 Constitution Avenue, NW	20001

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Jakupciak	Robert M.	Alderson Reporting Company 1155 Connecticut Avenue, NW	20036
Jaros	Stephanie R.	Nixon Peabody, LLP 401 Ninth Street, NW, Suite 900	20004
Jennings	Barbara	Fox Rothschild, LLP 1030 15th Street, NW, Suite 380 East	20005
Jones	Ivan L.	Self 3362 Denver Street, SE	20020
Jones	Shirley W.	Self 3362 Denver Street, SE	20020
Khan	Zainab	TD Bank, N.A. 1611 Wisconsin Avenue, NW	20007
Laster	Angela	District of Columbia Child and Family Services Agency 200 I Street, SE	20003
Ma	Lisa	Chinatown Service Center 500 I Street, NW	20001
McCrary	Roxana	Department of Interior Federal Credit Union 1849 C Street, NW, B038	20240
McKenzie	Marcia M.	Rock Creek Title, LLC 926 North Carolina Avenue, SE	20003
McLean	Danielle	McLean and Associates 1122 8th Street, NE	20002
McSears	Denice	The District of Columbia Retirement Board 900 7th Street, NW, 2nd Floor	20001

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Murrill	Ryan	Womble Carlyle Sandridge & Rice, LLC 1200 19th Street, NW, Suite 500	20036
Murthy	Venkat S.	McLarty Associates 900 17th Street, NW, Suite 800	20006
Nelson	Carla	Fannie Mae 3900 Wisconsin Avenue, NW	20016
Nghe	Binh C.	Washington Gas Light Company 101 Constitution Avenue, NW	20080
Ortiz	Maritza O.	Sidley Austin LLP 1501 K Street, NW	20005
Palumbo-Williams	Patricia Joan	New World Title and Escrow 888 16th Street, Suite 800	20006
Pittman	Chenita Patrese	National Geographic Society 1145 17th Street, NW	20036
Proute	Georgette	Octane Public Relations 1436 U Street, NW, Suite 103	20009
Richardson	Sharon A.	Medstar Georgetown University Hospital 3800 Reservoir Road, NW	20007
Sandusky	Samantha	LivingSocial Inc. 1445 New York Avenue, NW	20005
Schalaffer	Jay	FannieMae 3800 Wisconsin Avenue, NW	20016
Schellin	Sharon S.	District of Columbia Office of Zoning 441 4 th Street, NW, Suite 200-S	20001

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Spratt	Anne D.	Walter A. Bloedorn Foundation 888 17th Street, NW, Suite 210	20006
Taylor	Anna	Transportation Federal Credit Union 800 Independence Avenue, SW, Suite 128	20591
Thomas	Alicia C.	Capital One Bank, N.A. 3519 Connecticut Avenue, NW	20008
Tutt	Shawnieda	Capital One Bank, N.A. 3519 Connecticut Avenue, NW	20008
Vanzego	Deborah	Cohen Milstein Sellers & Toll, PLLC 1100 New York Avenue, NW, West Tower, Suite 500	20005
Vejarano	Elena	FHI 360 1825 Connecticut Avenue, NW	20009
Wooden	Angela	Ropes & Gray, LLP 700 12th Street, NW, Suite 900	20005
Woodward	Talin	SunTrust Bank 1445 New York Avenue, NW	20005
Wright	Adrienne	Valor Development 4619 41st Street, NW	20016

SOMERSET PREPARATORY DC PUBLIC CHARTER SCHOOL**Request for Proposal
Speech and OT SPED Services**

SOMERSET PREPARATORY DC PUBLIC CHARTER SCHOOL is advertising the opportunity to bid on Special Education Speech and Occupational Therapy services for grades 6 - 8. Additional specifications outlined in the Request for Proposals (RFP) such as: student data, days of service, experience required, etc. may be obtained beginning on Monday, December 9, 2013 from:

JAMES GRIFFIN
3301 WHEELER RD, SE, Washington, DC 20032
202-562-9170 ext 101 or 202-562-9104 ext 101

Proposals will be accepted at the above address on Wednesday, December 18, 2013 no later than 12 noon.

All bids not addressing all areas as outlined in the RFP will not be considered.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
DC TAXICAB COMMISSION**

NOTICE OF GENERAL COMMISSION MEETING

The District of Columbia Taxicab Commission will hold its regularly scheduled General Commission Meeting on Wednesday, December 11, 2013 at 10:00 am. The meeting will be held in the Old Council Chambers at 441 4th Street, NW, Washington, DC 20001.

The final agenda will be posted no later than seven (7) days before the General Commission Meeting on the DCTC website at www.dctaxi.dc.gov.

Members of the public must register to speak. The time limit for registered speakers is five (5) minutes. **A registered speaker must submit ten (10) copies of his or her statement to the Assistant Secretary to the Commission. A registered speaker will not be allowed to speak if the copies are not submitted.** Registration to speak closes at 3:30 pm the day prior to the meeting. Contact the Assistant Secretary to the Commission, Ms. Mixon, on 202-645-6018, selection 4. Registration consists of your name; your phone number or email contact; and your subject matter.

DRAFT AGENDA

- I. Call to Order
- II. Commission Communication
- III. Commission Action Items
- IV. Government Communications and Presentations
- V. General Counsel's Report
- VI. Staff Reports
- VII. Public Comment Period
- VIII. Adjournment

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY**BOARD OF DIRECTORS****NOTICE OF PUBLIC MEETING****Audit Committee**

The Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) Audit Committee will be holding a meeting on Thursday, December 12, 2013 at 10:30 a.m. The meeting will be held in the Board Room (4th floor) at 5000 Overlook Avenue, S.W., Washington, D.C. 20032. Below is the draft agenda for this meeting. A final agenda will be posted to DC Water's website at www.dcwater.com.

For additional information, please contact Linda R. Manley, Board Secretary at (202) 787-2332 or lmanley@dcwater.com.

DRAFT AGENDA

- | | | |
|----|---|------------------|
| 1. | Call to Order | Chairman |
| 2. | Summary of Internal Audit Activity -
Internal Audit Status | Internal Auditor |
| 3. | Executive Session | Chairman |
| 4. | Adjournment | Chairman |

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Order No. 18426-A of The National Presbyterian Church, Motion for Modification of Approved Plans in Order No. 18426, pursuant to § 3129 of the Zoning Regulations.

The original application was pursuant to 11 DCMR §§ 3104.1 and 3103.2, for a special exception to allow the physical expansion of an existing private school to include a three story addition and increase in the student enrollment cap to 320 and the facility and staff cap to 70 individuals under § 206, and a variance from the side yard requirements for a temporary modular trailer under section 405, in the R-1-B District at premises 4120-4124 Van Ness Street, N.W. (Square 1724, Lot 805).

HEARING DATE (Original Application):	November 2, 2012
DECISION DATE (Original Application):	November 2, 2012
FINAL ORDER ISSUANCE DATE (No. 18426):	November 13, 2012
HEARING DATE FOR MODIFICATION:	November 19, 2013
MODIFICATION DECISION DATES:	November 5, 2013 and November 19, 2013

**SUMMARY ORDER ON REQUEST FOR MODIFICATION OF APPROVED
PLANS**

BACKGROUND

On November 2, 2012, the Board of Zoning Adjustment (the “Board” or “BZA”) approved The National Presbyterian Church’s (the “Applicant”) original request for a special exception to allow the physical expansion of an existing private school to include a three-story addition and increase in the student enrollment cap to 320 and the facility and staff cap to 70 individuals under § 206, and a variance from the side yard requirements for a temporary modular trailer under § 405, in the R-1-B District at premises 4120-4124 Van Ness Street, N.W. (Square 1724, Lot 805). The approval was given pursuant to nine enumerated conditions. BZA Order No. 18426, approving the original request, was issued on November 13, 2012. (Exhibit 37.)

MOTION FOR MODIFICATION

On October 22, 2013, the Applicant filed a Request for a Minor Modification of Plans approved by the Board on November 2, 2012, in Order No. 18426, pursuant to 11 DCMR § 3129 together with a Certificate of Service providing notice by hand delivery or first class mail to the other parties in the case, the Office of Planning (“OP”) and Advisory Neighborhood Commission (“ANC”) 3E, the affected ANC. (Exhibit 40.) Then, on October 28, 2013, the Applicant submitted a supplemental

BZA APPLICATION NO. 18426-A**PAGE NO. 2**

Request for Minor Modification, which included a full set of plans for the proposed modification project. (Exhibit 41.)

The Applicant is requesting to modify its already approved plans by proposing new construction for an approximately 1,800 square foot two-story addition instead of the three-story addition previously approved in 2012. In 2012, the Board had approved a special exception to construct a three-story classroom addition that would fill and extend into an existing open courtyard. The Applicant's modification calls for phasing the approved construction by postponing the third-story construction to the school building and converting the Church administrative space into classroom space and proceeding with the courtyard portion as a two-story infill rather than a three-story structure. Thus, the Applicant proposes to add a two-story classroom addition to the west side of the existing Education Building and delay the approved third-floor construction to a later construction phase when funding is available. (*See* site plans, Exhibits 40 and 41.) According to the Applicant, the new proposal does not affect the previously approved zoning relief or require any additional relief or other changes in the application. Also, the approved nine conditions to Order No. 18426 would remain unchanged.

This case had originally been placed on the November 5, 2013 Public Meeting agenda. At the public meeting on November 5th, the Board found that the modification was not minor and moved the case to the November 19, 2013 Public Hearing agenda for a public hearing, per § 3129 of the Zoning Regulations.

Pursuant to § 3129, the Board conducted a public hearing on the requested modification on November 19, 2013. At the public hearing, the Applicant requested a waiver of the posting requirements, as the Board's scheduling of the public hearing 14 days after the November 5th public meeting meant that the property, which had been posted, was posted for all but one day of the required 15-day time period. The Applicant also testified that an affidavit of posting was filed. (Exhibit 43.) The Applicant also testified that the modification proposal had been presented to the ANC, which had unanimously voted to support the request. The Board granted the requested waiver.

The other parties submitted reports on the Applicant's request for modification. OP filed a timely report dated October 29, 2013, stating that it supported the Applicant's request to modify the approved plans. (Exhibit 42.) The affected ANC, ANC 2E, which was a party in support to the underlying case, filed a resolution report dated November 18, 2013, in support of the modification request. The ANC's report indicated that at a duly noticed and scheduled public meeting on November 14, 2013, with a quorum present, the ANC voted 4-0-0 to support the modification request. (Exhibit 45.)

Based upon the record before the Board and having given great weight to the OP and ANC reports submitted, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR § 3129, that the requested modification can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to

BZA APPLICATION NO. 18426-A

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affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map. No parties opposed this modification. Accordingly, a decision of the Board to grant this modification would not be adverse to any party.

The Board concludes that the Applicant’s proposed Modification of Approved Plans is well supported and consistent with requirements of § 3129 of the Zoning Regulations and represents a modification that does not change the material facts the Board relied upon in approving the original application.

Pursuant to 11 DCMR § 3100.5, the Board has determined to waive the requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law.

It is therefore **ORDERED** that this application for Modification of Approved Plans be **GRANTED, SUBJECT TO THE MODIFIED PLANS AT EXHIBIT 41**. In all other respects, Order No. 18426 and the conditions approved therein remain unchanged.

VOTE ON ORIGINAL APPLICATION ON NOVEMBER 2, 2012: 3-0-2

(Lloyd L. Jordan, Marcie I. Cohen, and Nicole C. Sorg, to APPROVE; No other member present and one vacant seat.)

VOTE ON MODIFICATION OF APPROVED PLANS IN ORDER 18426 ON NOVEMBER 19, 2013: 3-0-2

(Lloyd J. Jordan, Robert E. Miller, and S. Kathryn Allen to APPROVE; Jeffrey L. Hinkle, not present or voting; 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 summary order.

ATTESTED BY: _____

SARA A. BARDIN
Director, Office of Zoning

FINAL DATE OF ORDER: November 27, 2013

PURSUANT TO 11 DCMR § 3125.9, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO § 3125.6.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Order No. 18555-A of Jemal’s Prospect’s LLC, Motion for Modification of Approved Plans in Order No. 18555, pursuant to § 3129 of the Zoning Regulations.

The original application, was pursuant to 11 DCMR § 3104.1, for a special exception to change nonconforming uses to yoga studio, yoga apparel, and yoga accessories uses¹ under § 2003.1 of the Zoning Regulations, in the R-3 District at premises 3343 Prospect Street, N.W. (Square 1220, Lot 30).

HEARING DATE (Original Application): June 4, 2013
DECISION DATE (Original Application): June 4, 2013
FINAL ORDER ISSUANCE DATE (No. 18555): June 12, 2013
HEARING DATE FOR MODIFICATION: November 19, 2013
MODIFICATION DECISION DATES: October 8, 2013 and November 19, 2013

SUMMARY ORDER ON REQUEST FOR MODIFICATION OF APPROVED PLANS

BACKGROUND

On June 4, 2013, the Board of Zoning Adjustment (the “Board” or “BZA”) approved Jemal’s Prospect’s LLC’s (the “Applicant”) original request for a special exception to change nonconforming uses to yoga studio, yoga apparel, and yoga accessories uses under § 2003.1 of the Zoning Regulations, in the R-3 District at premises 3343 Prospect Street, N.W. (Square 1220, Lot 30). (Exhibit 35.) BZA Order No. 18555, approving the original request, subject to one condition, was issued on June 12, 2013. (Exhibit 32.) That order approved the requested special exception relief to allow yoga studio, yoga apparel, and yoga accessory uses in (i) a 1,246 square foot space last used for "office and display of interior decorating" pursuant to Certificate of Occupancy No. B93857 and having an address of 1227 34th Street, N.W.; (ii) a 519 square foot space last used for "office space" pursuant to Certificate of Occupancy No. CO30195 and having an address of 1233 34th Street, N.W.; and (iii) a 616 square foot space having an address of 1231 34th Street, N.W.

MOTION FOR MODIFICATION

The Applicant first submitted a request for minor modification on September 12, 2013. (Exhibit 35.) At a public meeting on October 8, 2013, the Board determined that the request was not a minor modification and required a public hearing. Accordingly, the matter was scheduled for a November 19, 2013 hearing. The matter was heard and decided on November 19th, 2013, and the Board granted the requested modification.

¹ The caption should have read “group instruction center” instead of “yoga studio, yoga apparel, and yoga accessories uses” and by this Order is so amended.

BZA APPLICATION NO. 18555-A**PAGE NO. 2**

Per 11 DCMR §§ 3129.7 and 3129.8, on November 5, 2013, the Applicant submitted its request for a modification to the plans approved in BZA Order No. 18555. (Exhibit 37.) In its submission materials, the Applicant indicated that, pursuant to § 3129 of the Zoning Regulations, it was requesting modifications to the plans to reconfigure and thereby increase the square footage of the yoga studio, yoga apparel, and yoga accessory uses by 594 square feet, to include the square footage of space used for "upholstering furniture" pursuant to Certificate of Occupancy No. B148972, having the address of 3343 Prospect Street, N.W. The reason given for the modification is that subsequent to the Board's original approval, the Applicant was contacted by a potential yoga operator, and this operator asked for additional space within the building. The record indicates that the request for modification was served on all of the parties to the case: the Office of Planning ("OP") and Advisory Neighborhood Commission ("ANC") 2E, the affected ANC, and the Single District Member.

Subsection 3129.3 of the Zoning Regulations indicates that a request for minor modification "of plans shall be filed with the Board not later than two (2) years after the date of the final order approving the application." The motion was filed within the two-year period following the final order in the underlying case and thus is timely.

Pursuant to § 3129.4 of the Zoning Regulations, all parties are allowed to file comments within 10 days of the filed request for modification. OP submitted a timely supplemental report, dated November 5, 2013, recommending approval of the Applicant's request to modify the approved plans. (Exhibit 39.) OP also testified at the public hearing recommending approval of the modification request. ANC 2E submitted a timely report, dated November 10, 2013, recommending approval of the motion to modify the plans. The ANC report indicated that at its regularly scheduled, duly noticed public meeting of November 4, 2013, at which a quorum was present, ANC 2E voted unanimously by a vote of 7-0 that it did not object to the proposal due to the minor change of interior spaces use and no noticeable change or impact to the surrounding community. (Exhibit 38.) Accordingly, a decision by the Board to grant this application would not be adverse to any party.

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 for modifications of approved plans.

Subsection 3129.8 of the Zoning Regulations limits the scope of the hearing conducted to review a request for modification to the impact of the modification on the subject of the original application. Also, § 3129.6 of the Zoning Regulations authorizes the Board to grant, without a hearing, requests for minor modifications of approved plans that do not change the material facts upon which the Board based its original approval of the application. (11 DCMR § 3129.6.)

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 in seeking a modification to the approved plans, the Applicant has met its burden of proof under 11 DCMR § 3129, that

BZA APPLICATION NO. 18555-A

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the modification has not changed any material facts upon which the Board based its decision on the underlying application that would undermine its approval.

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. The waiver will not prejudice the rights of any party and is appropriate in this case.

It is therefore **ORDERED** that this application for modification of approved plans is hereby **GRANTED, SUBJECT TO THE APPROVED PLANS IN EXHIBIT 37 TAB E.** In all other respects, Order No. 18555 and the conditions therein remain unchanged.

VOTE ON ORIGINAL APPLICATION ON JUNE 4, 2013: 4-0-1

(Lloyd L. Jordan, S. Kathryn Allen, Jeffrey L. Hinkle, and Peter G. May to APPROVE; one Board seat vacant.)

VOTE ON MODIFICATION OF APPROVED PLANS ON NOVEMBER 19, 2013: 3-0-2

(Lloyd J. Jordan, S. Kathryn Allen, and Robert E. Miller to APPROVE; Jeffrey L. Hinkle, not present or voting; 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 summary order.

ATTESTED BY: _____
SARA A. BARDIN
Director, Office of Zoning

FINAL DATE OF ORDER: November 26, 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. 18660 of 1628 11th Street LLC, pursuant to 11 DCMR §§ 3103.2 and 3104.1, for a variance from the compact parking space requirements of § 2115, variances from the parking space accessibility and drive aisle width requirements of § 2117, a variance from the side yard requirements of § 775.5, a variance from the nonconforming structure requirements of § 2001.3, and a special exception from the roof structure requirements under §§ 411 and 777.1, to allow an addition to, and renovation of, an existing building for residential use in the C-2-A District at premises 1628-1632 11th Street, N.W. (Square 309, Lot 51).

HEARING DATE: November 19, 2013
DECISION DATE: November 19, 2013

SUMMARY ORDER

SELF CERTIFIED

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2. (Exhibit 6.)

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") 2F, and to owners of property within 200 feet of the site.¹ The site is located within the jurisdiction of ANC 2F, which is automatically a party to this application. ANC 2F submitted a written report dated October 3, 2013, in support of the application, which indicated that at a duly noticed, regularly scheduled monthly meeting of the ANC on October 2, 2013, at which a quorum was present, the ANC voted to support the application by a unanimous vote (8:0:0). The ANC's letter also noted that the ANC supported the Applicant's request for flexibility to adjust the number of units in the building, so long as the project provides the amount of off-street parking spaces required for the number of units, which parking spaces can be comprised of both standard and compact spaces.² (Exhibit 23.) The Office of Planning ("OP") submitted a timely report in support of the application. (Exhibit 25.) The District Department of Transportation ("DDOT") also submitted a report raising no objection to the approval of the requested variances and special exception. (Exhibit 26.)

¹ The Board granted the Applicant's request for a waiver of the posting requirements. Although the property had not been posted for the entire 15 days, the Board noted that it had been posted for some period of that time and there was evidence of other forms of notice.

² The Applicant's plans show 33 residential units, but it requested flexibility to expand that number up to 42 residential units, so long as it provided the required amount of off-street parking, which can be comprised of standard and compact spaces.

BZA APPLICATION NO. 18660**PAGE NO. 2**

Letters of support for the application were submitted by three adjacent neighbors each residing at 1618 11th Street, N.W. (Exhibits 29 – 31.)

Variance Relief:

As directed by 11 DCMR § 3119.2, the Board required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case for a variance under § 3103.2 from the strict application of the compact parking space requirements of § 2115, the parking space accessibility and drive aisle width requirements of § 2117, the side yard requirements of § 775.5, and the nonconforming structure requirements of § 2001.3. No parties appeared at the public hearing in opposition to the application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the OP and ANC reports filed in this case, the Board concludes that in seeking the variance relief that 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 requested 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.

Special Exception Relief:

As directed by 11 DCMR § 3119.2, the Board also 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 § 411.11 for relief from §§ 411.11 and 777.1. 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 properties 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.

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It is therefore **ORDERED** that the application is hereby **GRANTED, SUBJECT TO THE REVISED PLANS AT EXHIBIT 24**. The Applicant shall have the flexibility to provide a range in the number of units in the building, so long as the project provides the minimum amount of off-street parking spaces required under the Zoning Regulations for the number of units, which total number of spaces can be comprised of compact and standard spaces.

VOTE: 3-0-2 (Lloyd J. Jordan, S. Kathryn Allen, and Robert E. Miller to APPROVE; Jeffrey L. Hinkle, not present or voting; 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 summary order.

FINAL DATE OF ORDER: November 26, 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 PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO § 3129.9, NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO §§ 3129.2 OR 3129.7, SHALL TOLL OR 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

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COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
ZONING COMMISSION ORDER NO. 02-38D
Z.C. Case No. 02-38D
Waterfront 1001 4th Street, LLC
(Second-Stage Planned Unit Development for the Northwest Building)
September 30, 2013

Pursuant to notice, the Zoning Commission for the District of Columbia (the "Commission") held a public hearing on June 6, 2013, to consider an application from Waterfront 1001 4th Street, LLC (the "Applicant") for approval of a second-stage planned unit development ("Second-Stage PUD") for development of the Northwest Building (the "Application") in accordance with the Commission's approval in Z.C. Case No. 02-38A ("Z.C. Order No. 02-38A") under Chapter 24 of the District of Columbia Zoning Regulations, 11 DCMR ("Zoning Regulations"). The project site is located in Lot 828, Square 542, being part of record Lot 89 in Square 542 (the "Site"). The Commission considered the Application pursuant to Chapters 24 and 30 of the District of Columbia Zoning Regulations, Title 11 of the District of Columbia Municipal Regulations ("DCMR"). The public hearing was conducted in accordance with the provisions of 11 DCMR § 3022. For the reasons stated below, the Commission hereby approves the Application.

FINDINGS OF FACT

Application, Parties, and Hearing

1. On December 10, 2012, the Applicant filed the Application, including architectural plans and drawings, for approval of the Second-Stage PUD for the Site in accordance with Z.C. Order No. 02-38A (the "PUD Submission"). (Exhibits ["Ex."] 2, 3.)
2. By report dated February 1, 2013, the Office of Planning ("OP") recommended that the Application be set down for hearing. At its public meeting on February 11, 2013, the Commission set the case down for hearing.
3. The Applicant filed a Prehearing Submission on March 27, 2013, including a Prehearing Statement and updated architectural plans and drawings. (Ex. 14, 15.) The Applicant then filed additional materials in its Supplemental Prehearing Submission, including fully re-issued architectural plans and drawings, on May 17, 2013, (the "Supplemental Prehearing Submission"). (Ex. 19, 20.)
4. A Notice of Public Hearing was published in the *D.C. Register* on April 19, 2013. The Notice of Public Hearing was mailed to all property owners within 200 feet of the Site as well as to Advisory Neighborhood Commission ("ANC") 6D.
5. The Commission held a public hearing on the Application on June 6, 2013.
6. Westminster Presbyterian Church (the "Church") is a property owner to the north of the Site. The Church filed a request for party status in opposition to the Application. (Ex. 21.) The Commission granted the request for party status at the public hearing.

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7. The Applicant presented the following witnesses: David Smith, representing the Applicant; Gary Steiner, architect with the firm of Perkins Eastman; Dan VanPelt, traffic engineer from Gorove Slade Associates; and Steven Sher, land planner with Holland & Knight. Messrs. Steiner, Van Pelt, and Sher were accepted as experts in their respective fields.
8. OP submitted a report dated May 28, 2013, in support of the Application. (Ex. 23.) The report stated that the Application is not inconsistent with the First-Stage PUD approval in Z.C. Order No. 02-38A or the Comprehensive Plan. In its testimony at the hearing, OP reiterated its support for the Application.
9. The District Department of Transportation ("DDOT") submitted a report dated May 28, 2013. (Ex. 22.) DDOT testified in support of the project at the hearing.
10. ANC 6D submitted a letter dated May 29, 2013, indicating that with a quorum present, ANC 6D voted unanimously to support the Application with conditions. The ANC 6D letter is in the record at Exhibit 24 and the conditions are discussed herein.
11. The Church presented testimony in opposition to the Application, including the following witnesses: Reverend Brian Hamilton, co-pastor of the Church; George Kerr, Building Manager for the Church; and Reverend Ruth Hamilton, co-pastor of the Church.
12. Ron McBee testified in support of the Application and identified his concerns.
13. Multiple letters of support were filed in the record. (Ex. 26, 29, 34, 35.)
14. At the conclusion of the hearing, the Commission requested that the Applicant provide additional information and review and respond to certain issues and questions. On July 1, 2013, the Applicant submitted its Post-Hearing Submission (the "Post-Hearing Submission") with this information. (Ex. 40.)
15. ANC 6D submitted a letter dated July 9, 2013 in response to the Post-Hearing Submission. (Ex. 42.)
16. The Church submitted a letter dated July 9, 2013 in response to the Post-Hearing Submission. (Ex. 43.)
17. The Commission approved the Application for proposed action at its public meeting on July 29, 2013. The Commission requested that the Applicant provide additional information regarding the rooftop community space, provide shadow studies, and to provide an update of their work with the ANC on its outstanding issues, and left the record open for the Church and the ANC to respond.

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18. The proposed action of the Commission was referred to the National Capital Planning Commission ("NCPC") under the terms of the District of Columbia Self-Government and Governmental Reorganization Act. NCPC's Executive Director, by delegated action dated September 17, 2013, found that the Application would not have an adverse effect on federal interests nor be inconsistent with the Comprehensive Plan for the National Capital. (Ex. 53.)
19. The Applicant provided its list of proffers and proposed draft conditions on July 31, 2013, and its revised proffers and draft conditions on August 19, 2013. (Ex. 45, 48.) The Applicant also submitted a complete set of conforming plans on August 19, 2013. (Ex. 47.)
20. On September 5, 2013, the Applicant submitted the shadow study, further information about the rooftop community space, and an update regarding its work with the ANC and the Church. (Ex. 49, 49A.)
21. On September 11, 2013, ANC 6D submitted a letter stating that at a properly noticed meeting with a quorum present, the ANC voted to support the Application. (Ex. 50.)
22. On September 16, 2013, the Church submitted a letter stating that it had an agreement in principle with the Applicant. The Church stated that in furtherance of that agreement, it was requesting that the Commission modify the terms of one of the proposed conditions of this Order. (Ex. 52.)
23. The Commission took final action to approve the Application at its public meeting held on September 30, 2013.

Waterfront Station and the Site

24. The Waterfront Station development was approved by Z.C. Order No. 02-38A as a modification to a first-stage PUD ("First-Stage PUD"), a second-stage PUD, and a PUD-related zoning map amendment for the overall PUD site. The First-Stage PUD provides for the development of eight buildings including residential, office, and ground-floor retail uses, including a grocery store, and includes significant open spaces as well as the re-opening of the 4th Street right-of-way (the "Overall Project"). Z.C. Order No. 02-38A approved a second-stage PUD for the four buildings through the center of the overall PUD site and their adjacent open spaces, including the re-opening of 4th Street.
25. The Site is known as the Northwest Building in the First-Stage PUD. The First-Stage PUD approved the Northwest Building to have a height of 114 feet and an approximate gross floor area of 406,900 square feet for either residential or office uses, with ground-

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floor retail. The Application requests approval for the Second-Stage PUD for the Northwest Building (the "Northwest Building").

26. The Site consists of the land located in Lot 828 in Square 542, which is part of Record Lot 89 in Square 542. The Site includes approximately 56,619 square feet of land area.
27. The Site is zoned C-3-C by virtue of Z.C. Order No. 02-38A.
28. The Site is not within a historic district.

Design of Northwest Building

29. The Applicant proposes an 11-story residential building with ground-floor retail. The maximum height of the building will be 114 feet. The overall gross floor area of the building will be approximately 388,259 square feet.
30. The design of the Northwest Building is consistent with the form and massing approved in the First-Stage PUD. The façades of the building are compatible with the designs of the other buildings within the Waterfront Station development. Primary exterior materials will be masonry on the base of the building and terra cotta panels on the upper floors of the building, with punched windows and glass window walls.
31. The main pedestrian entry will be located at the northeast corner of the building and will be marked by a canopy. The entrance is set back from the property line approximately four feet.
32. Ground-floor retail lines the southern portion of the 4th Street frontage. In the PUD Submission, the ground-floor retail comprised approximately 4,414 square feet of gross floor area and included up to two retail spaces. In its Prehearing Submission, the Applicant slightly increased the ground-floor retail, such that it could be divided into up to three retail spaces. As is further discussed below, the ground-floor plan was further revised in the Applicant's Post-Hearing Submission to increase the retail to 5,304 square feet and to be divided into up to four retail spaces.
33. A new private drive along the north side of the Site will provide a connection between Makemie Place and 4th Street for pedestrians, vehicles, and emergency response vehicles. The private drive is designed to be very pedestrian-friendly and abuts a large east-west sidewalk and park on its north side. The private drive will be paved with eco-pavers and include a water-filtration strip through the center to collect stormwater. The private drive will be well-lit and lined with two-story townhouses, with front door entries from the private drive. These entries are located within patio areas that are surrounded by low walls that are constructed of masonry, with wood fence accents.

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34. The Northwest Building includes a below-grade parking facility that includes 224 parking spaces and two 30-foot loading berths on the west side of the building. Both the parking and loading facilities are accessed from the existing north-south private drive which extends from the terminus of Makemie Place.
35. At grade, a large south-facing courtyard of approximately 10,000 square feet will serve as an outdoor amenity for the occupants of the Northwest Building.
36. The roof includes outdoor and indoor community amenity space and green roofs. The indoor community amenity space represents less than 20% of the total rooftop community amenity space.
37. The streetscape design for the Northwest Building along 4th Street was designed, approved, and constructed as part of the dedication and construction of 4th Street.
38. As required in the First-Stage PUD, the Applicant continues to commit to a variety of sustainable design features, which include, among other items, storm water managements, green roofs, and erosion and sediment control.

Development Flexibility and Incentives

39. In this Application, the Applicant requested flexibility from the roof structure requirements of § 411.5, which requires walls to rise vertically to equal heights, and of § 770.6(b), which requires the penthouse to be set back 1:1 from the face of exterior walls. In response to the Commission's comments at setdown, the configuration of the roof structure was revised in the Prehearing Submission to reduce the areas in which the roof structure did not comply with the 1:1 setback.
40. At the public hearing, the Commission expressed further concern regarding the configuration of the roof structure. In the Post-Hearing Submission, the Applicant reduced the number of wall heights from four different heights to three different heights. The multiple heights result from the elevator override at a height of 18 feet, six inches; the accessory community room and pool support spaces and interior mechanical room at a height of 16 feet above the roof; and the remainder of the mechanical equipment and screen walls at a height of 12 feet above the roof. With these heights, the roof structure complies with the 1:1 setback from all exterior walls, except for two small sections at the northern-most corners of the courtyard where the exit stairs are located.
41. The Commission finds that the roof structure has been designed to harmonize with the overall design intent of the Northwest Building, including the revised cladding material proposed which reduces the visibility of the roof structure. The Commission finds that the development flexibility requested is acceptable.

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Compliance with PUD Standards

42. The Application complies with the standards for a PUD set forth in Chapter 24 of the Zoning Regulations.
43. The Commission finds that the Northwest Building is consistent with the First-Stage PUD approval in Z.C. Order No. 02-38A.
44. The Waterfront Station development, including the Northwest Building, provides important public benefits and project amenities which are described in detail in Z.C. Order No. 02-38. These public benefits and project amenities have not changed with this Application. Accordingly, the Commission's finding in that order that the relative value of the project amenities and public benefits offered is sufficient given the degree of development incentives requested and any potential adverse effects of the overall project, including the Northwest Building, does not change. Adverse effects that have been raised in this Application, but which were not specifically addressed for the overall project, have been mitigated as set forth in Finding No. 58.
45. The Northwest Building has been evaluated under the PUD guidelines for the C-3-C Zone District. The density of the Northwest Building is below the density permitted for a PUD within the C-3-C Zone District and is less than that approved in Z.C. Order No. 02-38A. The maximum height of the Northwest Building is within that permitted for a PUD in the C-3-C Zone District and is consistent with the First-Stage PUD approval in Z.C. Order No. 02-38A.
46. The Application has been evaluated by the relevant District agencies and has been found to have no unacceptable adverse impact. The Commission finds that the Northwest Building will have a positive impact on the city and will have no unacceptable adverse impacts not capable of being mitigated.
47. As set forth in Z.C. Order No. 02-38A, the Commission finds that the Northwest Building advances the purposes of the Comprehensive Plan, is consistent with the Future Land Use Map, complies with the guiding principles in the Comprehensive Plan, and furthers a number of the major elements of the Comprehensive Plan. The Commission finds that the Northwest Building is not inconsistent with the Comprehensive Plan of 2006.

Office of Planning

48. By report dated May 28, 2013 ("OP Report"), and through testimony presented at the public hearing, OP recommended approval of the Application, subject to three conditions. (Ex. 23.)
49. The Applicant responded to the three conditions as follows:

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- a) The Applicant agreed to reduce the width of the private drive to 20 feet to promote the intended pedestrian nature of the private drive;
- b) Although not required by the First-Stage PUD, the Applicant committed to design the Northwest Building to meet LEED ND 2.2 Silver standards; and
- c) The Applicant provided additional drawings to better demonstrate the relationship of the south façade and the roof structure above.

(Ex. 32.)

50. In the OP Report and its testimony at the hearing, OP concluded that the proposal is not inconsistent with the First-Stage PUD or the Comprehensive Plan. OP recommended approval of the Application.

District Department of Transportation

51. DDOT filed a report dated May 28, 2013, indicating that after an extensive, multi-administration review, DDOT believes that the Applicant's proposed development program will have minimal and/or manageable impacts on the transportation network. (Ex. 22.)
52. In its report, DDOT made five recommendations to the Commission relating to the Northwest Building. The Applicant responded in writing to each of the five recommendations and indicated the following:
 - a) The Applicant agreed not to sublease spaces in the parking garage to non-Waterfront Station users;
 - b) The Applicant agreed to provide a monitor or screen that will include real time transportation information in one of the residential common facilities;
 - c) The Applicant indicated that it has designed pedestrian facilities to provide safe pedestrian movements, including the pedestrian features of the east-west private drive and the enhanced pedestrian safety measures along the north-south private drive at the western edge of the Northwest Building;
 - d) The Applicant agreed to host a transportation mobility fair six months after the residential building has opened to new residents; and
 - e) The Applicant agreed to design the building with the option to include a 240-volt electric car-charging station located in the underground parking garage if the demand for such charging station exists.

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(Ex. 28.)

53. At the public hearing, DDOT testified in support of the project and concluded that the project was consistent with the First-Stage PUD.

ANC 6D Report

54. By letter dated May 29, 2013, ANC 6D indicated that it voted to conditionally support the Application by a vote of 7-0-0. (Ex. 24.) ANC 6D raised the following issues and concerns:

- a) Amount of ground-floor retail;
- b) Location of lobby and leasing center;
- c) Construction management, including impacts on Southwest Duck Pond;
- d) Traffic impact analysis;
- e) Re-imaging in the western façade; and
- f) Formalization of the Applicant's agreements regarding tree mitigation.

55. The Applicant responded at the public hearing and in its Post-Hearing Submission to each of ANC 6D's concerns. (Ex. 40.) Each concern was addressed as follows:

- a) *Amount of ground-floor retail:* The Applicant increased the amount of retail gross floor area from 4,414 square feet to 5,304 square feet and increased the percentage of the retail frontage along 4th Street from 40% to 60%. The additional retail space provides the opportunity for up to four tenants to occupy the space, depending upon individual retailer space and configuration requirements.

The overall project currently includes more than 86,000 square feet of retail space constructed. With the addition of approximately 5,000 square feet of retail in the Northwest Building, the amount of overall retail space in the Waterfront Station development will increase to approximately 91,000 square feet. With the ultimate development of the East and West M Street Buildings, the Applicant will exceed the minimum requirement of 110,000 square feet exclusively on the privately owned property. Retail is also required for the Northeast Parcel, which is owned by the District of Columbia, and which will further add to the retail provided. The retail space in the Northwest Building will be targeted to neighborhood-serving retail and service uses;

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- b) *Location of lobby and leasing center:* The location of a residential lobby at the corner of 4th Street and the private drive was shown in the plans approved by First-Stage PUD. The location of the residential entry at that corner results from efficient and appropriate site planning and allows the retail spaces to be located closer to the existing retail to the south and the Metro Station entrance. In addition, the reconfiguration of the ground floor reduces the prominence of the leasing center along 4th Street;
- c) *Construction management, including impacts on Southwest Duck Pond:* The Applicant provided a more detailed and enhanced Construction Management Plan that addresses issues raised by ANC 6D. (Ex. 40E.) The Construction Management Plan includes identified steps to ensure the preservation and protection of the Southwest Duck Pond. In addition, the Applicant has agreed to deposit \$15,000 into an escrow account to be created at the commencement of construction. The Neighbors of the Southwest Duck Pond, the organization that is comprised of volunteers who maintain the park, can use these funds during construction to address any issues at the park that are not already being addressed through the Construction Management Plan. At the completion of construction, as evidenced by the issuance of a certificate of occupancy for the Northwest Building, all remaining funds will be released to the Neighbors of the Southwest Duck Pond to be used for any improvements to or future maintenance of the Southwest Duck Pond;
- d) *Traffic impact analysis:* The Applicant's traffic consultant and DDOT both concluded that the Northwest Building will have no adverse impact on the transportation system based on current information. DDOT specifically found that after an extensive, multi-administration review, DDOT believes that the Applicant's proposed development program will have minimal and/or manageable impacts on the transportation network;
- e) *Re-imaging in the western façade:* In its Supplemental Prehearing Submission, the Applicant presented a refined and further articulated western façade. Two bays of balconies were added, and the fenestration was reconfigured so that the two terra cotta fields on the west elevation are more organized, giving it a look more similar to the south elevation of the building, or the southern portion of the east elevation of the building; and
- f) *Formalization of the Applicant's agreements regarding tree mitigation:* The Applicant committed to a detailed tree mitigation plan including committing that mitigation for potential future tree loss resulting from the construction of the Northwest Building and in accordance with the tree mitigation plan which will be done through re-planting of trees in total caliper inches in Southwest as opposed to payment to the tree fund.

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56. At the public hearing, Andy Litsky, Chairman of ANC 6D, testified on behalf of ANC 6D. In his testimony to the Commission, he summarized and further articulated the issues raised in the report. Chairman Litsky also requested that the Applicant agreed to prohibit residential tenants within the Northwest Building from participating in the Residential Parking Program (“RPP”), if applicable to the Northwest Building. The Applicant agreed to this restriction at the public hearing and in its Post-Hearing Submission.
57. By letter dated July 9, 2013, ANC 6D Chairman Litsky submitted a response to the Applicant’s Post-Hearing Submission on behalf of ANC 6D. (Ex. 42). The response updated the ANC’s comments in light of the changes contained in the Post Hearing Submission, namely:
- a) *Amount of ground-floor retail:* Mr. Litsky commented favorably on the increase in, and reconfiguration of, the retail space in the revised plans. He stated reservations regarding the retail space in other portions of the PUD site that are not the subject of this Application;
 - b) *Location of the lobby:* Mr. Litsky repeated the ANC’s concern about the placement of the residential lobby at the corner of 4th Street and the private drive;
 - c) *Construction management, including impacts on Southwest Duck Pond:* Mr. Litsky commented favorably on the revised construction management plan;
 - d) *Traffic impact analysis:* Mr. Litsky commented that ANC 6D believed that a new traffic study of the area was warranted given changes which have occurred since the study was conducted;
 - e) *Re-imaging in the western façade:* Mr. Litsky commented favorably on the changes to the western façade of the building;
 - f) *Formalization of the Applicant's agreements regarding tree mitigation:* Mr. Litsky commented favorably on the Applicant’s tree mitigation plan; and
 - g) In addition, Mr. Litsky stated that the ANC appreciated the Applicant’s willingness to prohibit the future residents from obtaining an RPP, and suggested that the Applicant should be required to include an RPP prohibition in rental agreements with tenants and should not be permitted to apply for an RPP on the behalf of future tenants.
58. The Commission finds that the issues and concerns raised by ANC 6D have been fully addressed or resolved as follows:

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- a) *Amount of ground-floor retail:* The Commission finds that the amount of retail gross floor area is consistent with Condition No. 13 of Z.C. Order No. 02-38A, which requires the overall project to include a minimum of 110,000 square feet of gross floor area for retail uses. In addition, the Commission finds that the extent of retail along 4th Street is consistent with the approval in the First-Stage PUD. Condition No. 13 also requires that the Applicant target this retail use for neighborhood-serving retail and service uses. This order continues to require compliance with that condition by requiring the retail space in the Northwest Building to be targeted to neighborhood-serving retail and service uses;
- b) *Location of lobby and leasing center:* The Commission finds that that location of the lobby at the corner of 4th Street and the private drive and the reconfigured leasing center is consistent with the First-Stage PUD;
- c) *Construction management, including impacts on Southwest Duck Pond:* The Commission finds that the Construction Management Plan addresses the concerns raised by ANC 6D in its testimony and report to the Commission. In addition, the escrowed funds will mitigate for additional damage, if any, to the Southwest Duck Pond, and, if there is none, will serve to benefit the park following construction of the Northwest Building;
- d) *Traffic impact analysis:* Based on the analysis of both the Applicant's traffic consultant and DDOT, the Commission finds that the Northwest Building will have no adverse impact on the transportation system based on current information and that a suitable traffic evaluation has been completed;
- e) *Re-imaging in the western façade:* The Commission finds that the western façade presented at the public hearing is sufficiently articulated and designed as to be appropriate for that façade and to be integrated with the overall design of the Northwest Building;
- f) *Formalization of the Applicant's agreements regarding tree mitigation:* The Commission finds that the Applicant's commitment to the detailed tree mitigation plan, including committing that mitigation for potential future tree loss resulting from the construction of the Northwest Building will be done through re-planting of trees in total caliper inches in Southwest as opposed to payment to the tree fund, resolves ANC 6D's concern; and
- g) *Residential Parking Program:* The Commission finds that the Applicant's commitment to prohibit residential tenants within the Northwest Building from participating in the Residential Parking Program, if applicable to the Northwest Building, resolves ANC 6D's concern.

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59. ANC 6D submitted a letter dated September 11, 2013 stating that it supported the Application.
60. The Commission afforded the views of ANC 6D the "great weight" to which they are entitled.

Church as Party in Opposition

61. The Church appeared as a party in opposition to the Application. Through its counsel and its witnesses, the Church testified as to how it believes the Northwest Building will adversely impact the Church.
62. The Church's south property line is approximately 45 feet from the Site's north property line, with a public park that has many trees buffering between the two properties. The Church building ("Church Building") is almost 100 feet from the north façade of the proposed Northwest Building.
63. Counsel for the Church summarized the alleged adverse impacts at the conclusion of the Church's testimony as follows:
 - a) View from main window of Church;
 - b) Impact of noise from balconies and rooftop;
 - c) Adverse impact of private drive;
 - d) Height of Northwest Building, and the shadow it will cast on the property owned by the Church;
 - e) Adverse impact from construction;
 - f) Failure to follow through on maintenance of 4th Street Parks; and
 - g) Lack of participation in process.
64. The Applicant responded to and addressed each of the Church's identified concerns both at the public hearing and in its Post-Hearing Submission as follows:
 - a) *View from main window of Church:* The sanctuary window is clear glass and faces generally southeast. Views from the window will continue to include 4th Street, 1100 4th Street, and 1150 4th Street to the southeast. Following construction, a portion of the Northwest Building will be visible from this window. In an effort to mitigate perceived impact to the Church, the Applicant committed to place \$25,000 in escrow to fund design and installation of additional

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landscaping or other improvements in the general area of the sanctuary window to create a more spiritual or tranquil environment for the benefit of its members or guests;

- b) *Impact of noise from balconies and rooftop:* The Church expressed concern that noise from the Northwest Building would adversely impact the use of the Church property. The Applicant submitted a report from Cerami & Associates, the acoustical engineer for the project, which indicated that according to their review, any potential noise generated by the Northwest Building would likely be in the same range as the overall neighborhood ambient sound level and would be in all likelihood inaudible within the Church Building. In addition, the Applicant indicated that the Northwest Building would have an on-site property manager in the event that any noise issues arise from the operation of the building;
- c) *Adverse impact of private drive:* While the Church expressed concern regarding the safety of the private drive for its users, the Church provided no specificity as to what this impact would be. The private drive does not abut the Church property. The private drive does not impact access to the Church because the Church's parking lot is located near the corner of Makemie and I Streets, to the north of the private drive, and there is no pedestrian or vehicular entrance on the south side of the Church Building. In addition, to the extent that Church patrons or visitors are traversing the park property from east to west, they will have the opportunity to use the existing public sidewalk through the park in the same manner that exists today. Both the Applicant's traffic consultant and DDOT found that the private drive will provide a safe intersection with 4th Street, S.W. for pedestrians walking north or south on the west side of 4th Street;
- d) *Height of Northwest Building:* The height of the Northwest Building in this Application is fully compliant with the First-Stage PUD approval in Z.C. Order No. 02-38A. In addition, the height of the Northwest Building is consistent with the Future Land Use Map designation in the Comprehensive Plan, which designates the Site for mixed-use high density commercial and high-density residential;
- e) *Adverse impacts from construction:* In response to the Church's concern regarding adverse impacts from construction, the Applicant submitted the detailed and enhanced Construction Management Plan which addressed impacts of construction on the Church; (Ex. 40E.)
- f) *Failure to follow through on maintenance of 4th Street parks:* The Church expressed concern relating to the maintenance of the 4th Street parks in accordance with Condition No. 23 of Z.C. Order No. 02-38A. In its Post-Hearing

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Submission, the Applicant summarized the steps it has taken to comply with that condition; and

- g) *Lack of participation in process:* The Church expressed concern regarding its lack of participation in the PUD process. In its Post-Hearing Submission, the Applicant provided detailed information regarding the actions it took to involve and engage the Church in the PUD process, both in the proceedings subsequent to the approval of Z.C. Order No. 02-38A as well as since the filing of the Application.

(Ex. 40.)

65. When the Commission considered proposed action, it noted that the Applicant did not directly address the issue of shadows created by the building in its Post-Hearing Submission, and that the shadow study prepared by the Applicant that was discussed at the hearing was not in the record. The Commission requested that the Applicant provide the shadow study. (Ex 49, Tab A.)

66. The Commission finds that the each of the Church's identified concerns and issues have been addressed as follows:

- a) *View from main window of Church:* The Zoning Regulations do not protect views of one property owner across the property of another owner. The Church also did not provide evidence of a restrictive covenant which would protect its view from the sanctuary window. Accordingly, the Church has no legal right to a view from the sanctuary window. The Commission finds that the Northwest Building is a well-designed residential building which will be only partially visible through the sanctuary window and will not adversely impact the view from the Church's sanctuary window which will remain largely as is. In addition, the Commission finds that the Applicant's proffer of funding for landscaping or other improvements in the general area of the sanctuary window will give the Church the opportunity to mitigate any impact it discovers in the future;
- b) *Impact of noise from balconies and rooftop:* The Commission finds that noise will not adversely impact the Church property given the distance between the Church Building and the Northwest Building, the compatibility of church and residential uses, and the location of the Church in an urban area. The Commission notes favorably the report from the Applicant's acoustical engineer;
- c) *Adverse impact of private drive:* The Commission finds that the private drive will not adversely impact the Church as it does not abut the Church property, it does not impact access to the Church, and it will not create an unsafe pedestrian experience along 4th Street;

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- d) *Height of Northwest Building, and the shadow it will cast on the property owned by the Church:* The Commission finds the Northwest Building as proposed complies with the First-Stage PUD approval in Z.C. Order No. 02-38A and reiterates its finding from that order that the PUD is not inconsistent with the Comprehensive Plan. The Commission considered whether the building's height would create potential adverse effects when it approved the height of the building through the First Stage PUD, and the concluded that there were no adverse effects of the building's height. The Commission also specifically considered the potential adverse effects created by the shadow of the building as a part of its second-stage PUD review in this case, and finds there are no potential adverse effects caused by the shadow because of the distance between the Northwest Building and the Church, and the angle of the Church building;
 - e) *Adverse impacts from construction:* The Commission finds the Construction Management Plan is sufficiently detailed to protect the Church from the adverse impacts of construction;
 - f) *Failure to follow through on maintenance of 4th Street parks:* The Commission finds that Condition No. 23 of Z.C. Order No. 02-38A is a continuing obligation for the Applicant with which compliance is required; and
 - g) *Lack of participation in process:* The Commission finds that all required legal notice was provided to the Church and the Church was provided an opportunity to participate in the public hearing as a party to the Application. The Commission also finds that the Applicant engaged the Church in the PUD process, both in the proceedings subsequent to the approval of Z.C. Order No. 02-38A as well as since the filing of the Application. In addition, the Commission provided additional opportunity for the Church and Applicant to work together to address the identified concerns prior to a decision on the Application.
67. On September 16, 2013, the Church submitted a letter requesting that the Commission amend one of the proposed conditions of this Order. (Ex. 52.) The request related to the proposed condition requiring the Applicant to contribute \$25,000 to an escrow fund to benefit the Church. As proposed by the Applicant, the escrow fund would require the funds to be spent, "in connection with design and installation of landscape improvements in the general area of the sanctuary window to create a more spiritual and/or tranquil environment for the benefit of its members." The Church requested that the Commission revise the condition to permit the Church to use the funds for any "necessary alterations at its discretion." The revised condition proposed by the Church does not require the funds to be spent in a manner that is sufficiently connected to the potential adverse affect of the Project that the condition is intended to address, namely, the affect of the project on the views from the Church's sanctuary window. The Commission therefore declines to adopt the proposed language suggested by the Church. The Commission instead

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adopted condition B.8 below, which requires the escrow funds to be used in connection with ameliorating the identified potential adverse affect.

68. The Commission finds that the identified adverse impacts are mitigated by the conditions set forth in this Order.

CONCLUSIONS OF LAW

1. Pursuant to the Zoning Regulations, the PUD process is designed to encourage high-quality development that provides public benefits. (11 DCMR § 2400.1.) The overall goal of the PUD process is to permit flexibility of development and other incentives, provided that the PUD project "offers a commendable number or quality of public benefits, and that it protects and advances the public health, safety, welfare, and convenience." (11 DCMR § 2400.2.)
2. Under the PUD process of the Zoning Regulations, the Commission has the authority to consider and approve the Second-Stage PUD. The Commission may impose development conditions, guidelines, and standards which may exceed or be less than the matter-of-right standards identified for height, density, lot occupancy, parking, loading, yards, or courts. The Commission may also approve uses that are permitted as special exceptions and would otherwise require approval by the Board of Zoning Adjustment.
3. The development of the Northwest Building carries out the purposes of Chapter 24 of the Zoning Regulations to encourage the development of well-planned developments which will offer a variety of building types with more attractive and efficient overall planning and design, not achievable under matter-of-right development.
4. The Application is consistent with the First-Stage PUD approval in Z.C. Order No. 02-38A.
5. The Northwest Building is within the applicable height, bulk, and density standards of the Zoning Regulations for a PUD within the C-3-C Zone District. The residential project with ground-floor retail serves to further the creation of a town center in this location and is appropriate for the Site. The impacts of the Northwest Building are not unacceptable.
6. The Application can be approved with conditions to ensure that the potential adverse effects on the surrounding area from the development will be mitigated.
7. The number and quality of the project benefits and amenities offered are a more than sufficient trade-off for the flexibility and development incentives requested.
8. Approval of the Application is not inconsistent with the Comprehensive Plan.

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9. The Commission is required under § 13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code § 1-309.10(d)) to give great weight to the affected ANC's recommendations. The Commission has carefully considered ANC 6D's issues and concerns, which are fully addressed in Finding No. 55, and has given the ANC's conditional support great weight.
10. The Commission is required under § 5 of the Office of Zoning Independence Act of 1990, effective September 20, 1990 (D.C. Law 8-163, D.C. Official Code § 6-623.04) to give great weight to OP recommendations. The Commission has carefully considered OP's support for the project and has given that support great weight.
11. The approval of the Application will promote the orderly development of the Site in conformity with the entirety of the District of Columbia zone plan as embodied in the Zoning Regulations and Zoning Map of the District of Columbia.
12. Notice was provided in accordance with the Zoning Regulations and applicable case law.
13. The Application is subject to compliance with the provisions of the Human Rights Act of 1977, D.C. Law 2-38, as amended.

DECISION

In consideration of the Findings of Fact and Conclusions of Law contained in this Order, the Zoning Commission for the District of Columbia **ORDERS APPROVAL** of the application for a Second-Stage PUD for the Northwest Building. This approval is subject to the following guidelines, conditions, and standards. Whenever compliance is required prior to, on, or during a certain time, the timing of the obligation is noted in bold and underlined text.

A. PROJECT DEVELOPMENT

1. The Northwest Building shall be developed in accordance with the plans prepared by Perkins Eastman Architects, dated August 19, 2013, in the record as Exhibits 47-47A7 (the "Northwest Building Second-Stage PUD Plans"), all as modified by the guidelines, conditions, and standards herein.
2. The Northwest Building shall have an approximate gross floor area of 388,259 square feet, of which a minimum of 5,304 square feet of gross floor area shall be devoted to retail use.
3. The maximum height of the Northwest Building shall be 114 feet, as shown on the Northwest Building Second-Stage PUD Plans.

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4. The Northwest Building shall include a below-grade parking garage with approximately 224 parking spaces. The Applicant shall install a painted pedestrian crosswalk and speed hump at the exit to the parking garage.
5. The Northwest Building shall include two 30-foot loading berths accessed from the north-south private drive on west side of the Site.
6. The Applicant shall have flexibility with the design of the PUD in the following areas:
 - a) To vary the location and design of all interior components, including partitions, structural slabs, doors, hallways, columns, stairways, atria and mechanical rooms, provided that the variations do not change the exterior configuration of the building;
 - b) To make refinements to the garage configuration, including layout, parking spaces and other elements, so long as the total minimum number of parking spaces is provided as set forth in Z.C. Order No. 02-38A;
 - c) To vary the final selection of the exterior materials within the color ranges and material types as proposed, based on availability at the time of construction without reducing the quality of materials;
 - d) To vary the location, attributes and general design of the public spaces and streetscapes within public space to comply with the requirements of and the approval by the District Department of Transportation Public Space Division;
 - e) To locate retail entrances in accordance with the needs of the retail tenants and to vary the façades as necessary; and
 - f) To make refinements to exterior materials, details and dimensions, including belt courses, sills, bases, cornices, railings, roof, skylight, architectural embellishments and trim, window mullions and spacing, or any other changes to comply with the District of Columbia Building Code or that are necessary to obtain a final building permit or any other applicable approvals.

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B. PUBLIC BENEFITS AND MITIGATION MEASURES

7. **The Applicant shall submit with its building permit application** a checklist evidencing that the Northwest Building has been designed to meet LEED ND 2.2 Silver standards for a residential building. The sustainable design elements shall include storm water management, a green roof, and erosion and sediment control.
8. **Prior to issuance of the building permit**, the Applicant shall place \$25,000 into an escrow fund for the benefit of the Church to be used in connection with design and installation of landscape or other improvements in the general area of the sanctuary window to create a more spiritual or tranquil environment for the benefit of its church members and guests.
9. **Prior to issuance of the building permit**, the Applicant shall deposit \$15,000 into an escrow account for the benefit of the Neighbors of the Southwest Duck Pond to be used for maintenance or corrective action for the Southwest Duck Pond during construction of the Northwest Building. Prior to the issuance of a certificate of occupancy for the Northwest Building, all remaining funds will be released to the Neighbors of the Southwest Duck Pond to be used for any improvements to or future maintenance of the Southwest Duck Pond.
10. **During construction of the Northwest Building**, the Applicant shall abide by the Construction Management Plan. (Ex. 40E.)
11. **During construction of the Northwest Building**, the Applicant shall abide by the Tree Mitigation Plan set forth in the Northwest Building Second-Stage Plans. Prior to the issuance of a certificate of occupancy for the Northwest Building, the Applicant shall plant trees of an equivalent total number of caliper inches lost as a result of construction of the Northwest Building. All new trees will be planted in the Southwest quadrant of the District. If any tree replacement is required within a six month period prior to the issuance of the certificate of occupancy, and the planting cannot be completed in the time period approved by DDOT for tree planting, the Applicant shall complete the planting within six months of issuance of the Certificate of Occupancy.
12. **During construction of the Northwest Building**, the Applicant shall abide by the Certified Business Enterprise Utilization and Participation Agreement entered into in accordance with Condition No. 24 of Z.C. Order No. 02-38A. (Ex. 2E.)
13. **During construction of the Northwest Building**, the Applicant shall abide by the First Source Employment Agreement entered into in accordance with Condition No. 24 of Z.C. Order No. 02-38A. (Ex. 2F.)

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14. **During the operation of the Northwest Building,** the Applicant shall provide a Transportation Management Plan including the following elements:
- a) Designate a member of the property management team as a Property Transportation Coordinator;
 - b) Provide a transit incentive of a SmartTrip card preloaded with \$10 to the initial occupant of the initial occupancy of each residential unit and to initial full-time employees of the initial occupancy of the retail units;
 - c) Distribute new tenant packages to the initial occupants of the residential units with materials from DDOT including site-specific transit related information;
 - d) Reference the Waterfront Station Metro in promotional materials and advertising;
 - e) Participate in Ozone Action Days and other regionally sponsored clean air and traffic mitigation promotions by posting notice of such promotion in a location within the Northwest Building acceptable to the Applicant;
 - f) Unbundle parking spaces from the lease of a unit;
 - g) Provide bicycle parking as shown on the Northwest Building Second-Stage Plans;
 - h) Prohibit subleasing of parking spaces in the Northwest Building parking garage to non-Waterfront Station users;
 - i) Provide a monitor or screen that will include real time transportation information in one of the residential common facilities of the Northwest Building;
 - j) Host a transportation mobility fair six months after the Northwest Building has opened to new residents;
 - k) Install the base conduit infrastructure and additional electrical capacity for the future provision of a 240-volt electric car-charging station in the parking garage, such that the charging station can be installed if the demand for such charging station exists; and

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- l) Prohibit residential tenants within the Northwest Building from participating in the Residential Parking Permit (“RPP”) Program by including a clause in all leases for residential units prohibiting any resident for applying for or obtaining a RPP and by requesting that DDOT remove the Northwest Building from the list of properties eligible for RPPs, or if presently not on the list, classifying it as ineligible for the RPP, if applicable to the Northwest Building.
15. **During the operation of the Northwest Building**, the Applicant shall use the retail space for neighborhood-serving retail and service uses, including, but not limited to, uses such as restaurants, coffee shops, flower shops, video stores, drug stores, banks, electronic stores, bakeries, dry cleaners, and other similar types of uses in accordance with Condition No. 13 of Z.C. Order No. 02-38A.
16. **During the operation of the Northwest Building**, the Applicant shall use best commercially reasonable efforts to provide opportunities for local and small businesses to occupy the retail space.

C. MISCELLANEOUS

17. No building permit shall be issued for this PUD until the Applicant has recorded a covenant in the land records of the District of Columbia, between the owner of the Site and the District of Columbia, that is satisfactory to the Office of the Attorney General and Department of Consumer and Regulatory Affairs. Such covenant shall bind the Applicant and all successors in title to construct on and use this property in accordance with this Order or amendment thereof by the Zoning Commission.
18. The Second-Stage PUD approved by the Zoning Commission shall be valid for a period of two years from the effective date of Z.C. Order No. 02-38D. Within such time, an application must be filed for a building permit for the construction of the Northwest Building as specified in 11 DCMR § 2409.1. Construction of the Northwest Building must commence within three years of the effective date of Z.C. Order No. 02-38D.
19. The Applicant is required to comply fully with the provisions the D.C. Human Rights Act of 1977, D.C. Law 2-38, as amended, D.C. Official Code § 2-1401.01 et seq., (“Act”). This Order is conditioned upon full compliance with those provisions. In accordance with the D.C. Human Rights Act of 1977, as amended, D.C. Official Code §§ 2-1401.01 et seq. (“Act”), the District of Columbia does not discriminate on the basis of actual or perceived: race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender

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identity or expression, familial status, family responsibilities, matriculation, political affiliation, genetic information, disability, source of income, or place of residence or business. Sexual harassment is a form of sex discrimination which is prohibited by the Act. In addition, harassment based on any of the above protected categories is prohibited by the Act. Discrimination in violation of the Act will not be tolerated. Violators will be subject to disciplinary action.

On July 29, 2013, upon the motion of Vice Chairman Cohen, as seconded by Commissioner May, the Zoning Commission **APPROVED** the Application at the public hearing by a vote of **4-1-0** (Marcie I. Cohen, Robert E. Miller, Peter G. May, and Michael G. Turnbull to approve; Anthony J. Hood to oppose).

On September 30, 2013, upon the motion of Commissioner Turnbull, as seconded by Vice Chairman Cohen, the Zoning Commission **ADOPTED** this Order at its public meeting by a vote of **5-0-0** (Anthony J. Hood, Marcie I. Cohen, Robert E. Miller, Peter G. May, and Michael G. Turnbull to adopt).

In accordance with the provisions of 11 DCMR § 3028, this Order shall become final and effective upon publication in the *D.C. Register*; that is on December 6, 2013, 2013.

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
ZONING COMMISSION ORDER NO. 03-12P/03-13P
Z.C. CASE NO. 03-12P/03-13P**

**Capper/Carrollsbury Venture, LLC & District of Columbia Housing Authority
(Two-Year Time Extension for Planned Unit Development @ Squares 769 & 882)
September 30, 2013**

Pursuant to notice, a public meeting of the Zoning Commission for the District of Columbia (the "Commission") was held on September 30, 2013. At the meeting, the Commission approved a request on behalf of Capper Carrollsbury Venture, LLC and the District of Columbia Housing Authority ("DCHA") (collectively the "Applicant") for: (a) a two-year extension of the time period to file an application for a building permit for the residential building in Square 769, such that the permit application must be filed no later than August 14, 2015, and construction must be started no later than August 14, 2016, and (b) a two-year extension of the time period to file an application for a building permit for the office building in Square 882, such that the permit application must be filed no later than August 14, 2015, and construction must be started no later than August 14, 2016, all of which were initially approved in Z.C. Order No. 03-12/03-13, received final approval pursuant to Z.C. Order No. 03-12G/03-13G, and were extended pursuant to Z.C. Order No. 03-12L/13L, pursuant to Chapters 1 and 24 of the District of Columbia Zoning Regulations, Title 11 of the District of Columbia Municipal Regulations ("DCMR").

FINDINGS OF FACT

1. Pursuant to Z.C. Order No. 03-12/03-13, the Commission granted preliminary and consolidated planned unit development ("PUD") approval for property located in the Southeast quadrant of Washington, D.C. and generally bounded by 2nd Street on the west, 7th on the east, Virginia Avenue on the north, and M Street on the south. The property consists of approximately 927,000 square feet of land area. The approved overall project will include a maximum of 1,747 residential units, 708,302 square feet of office space, 51,000 square feet of retail space, 1,780 off-street parking spaces, and a community center building.
2. The approved residential building in Square 769 that is the subject of this request will include a total gross floor area of approximately 181,420 square feet; have a maximum height of 110 feet; and include a minimum of 152 off-street parking spaces in the garage. The building will include a minimum of 34 affordable units dedicated to households earning less than 60% of the Area Median Income.
3. The approved office building in the southern portion of Square 882 that is the subject of this request will have a maximum gross floor area of 499,780 square feet and will have a maximum height of 92 feet. The office building will include a minimum of 284 off-street parking spaces in the garage.
4. The Commission granted second-stage approval to construct the residential and office buildings in Order No. 03-12G/03-13G, which became effective upon publication in the *D.C. Register* on August 14, 2009. That Order requires the Applicant to file an

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- application for a building permit for the buildings no later than August 14, 2011, with construction to begin no later than August 14, 2012.
5. The Commission approved a first time extension in Z.C. Order No. 03-12L/13L, which became effective upon publication in the *D.C. Register* on December 30, 2011. That Order requires the Applicant to file an application for a building permit for the buildings no later than August 14, 2013, with construction to begin no later than August 14, 2014.
 6. By letter dated and received by the Commission on August 13, 2013, the Applicant filed a request for: (a) a second two-year extension of the time period to file an application for a building permit for the residential building in Square 769, such that the permit application must be filed no later than August 14, 2015, and construction must be started no later than August 14, 2016, and (b) a second two-year extension of the time period to file an application for a building permit for the office building in Square 882, such that the permit application must be filed no later than August 14, 2015, and construction must be started no later than August 14, 2016.
 7. Other than the Applicant, the only parties to the case were Advisory Neighborhood Commission 6B ("ANC 6B") and Advisory Neighborhood Commission 6D ("ANC 6D"). On August 13, 2013, the Applicant submitted a Proof of Service, indicating that the extension request was served on ANC 6B and ANC 6D.
 8. The Applicant submitted evidence that the project has experienced delay beyond the Applicant's control. The Applicant has taken many steps to move forward with the overall project, including:
 - Built 623 residential units, of which 386 are replacement public housing units. The completed units are comprised of a 162-unit elderly-only building, a 138-unit apartment building, and 323 units of mixed-income townhomes. The townhomes include 86 public housing units;
 - A 195-unit apartment building (which includes 39 replacement public housing units) is permitted and financing is being finalized for the northern portion of Square 882. Construction commencement is scheduled for October 2013;
 - The design documents for the new Community Center on Square 881W are being finalized with the intention of applying for a building permit in the 1st quarter of 2014 and commencing construction in 2014;
 - Subdivided a number of the prior existing lots into new, consolidated single lots of record;

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- Created assessment and taxation lots for a number of the properties included in the overall development;
 - Applied for, and obtained, raze permits to demolish a number of structures within the overall project boundaries;
 - Completed the Commission process and received second-stage approvals and modifications for large portions of the development, as outlined above;
 - Invested approximately \$12,827,146.14 in infrastructure improvements to enable the overall development to move forward. Over half of the public infrastructure improvements that are associated with the development have been completed; and
 - Invested a significant amount in preparing construction drawings and filing a building permit application for the residential building in Square 882.
9. The Applicant indicated that since the PUD received final approval, the Applicant has diligently pursued financing, marketing, and development of the approved project components. However, with respect to the residential building in Square 769, the Applicant has pursued numerous financing methods, but has yet to come up with a viable financing solution given market conditions for construction financing. The Applicant indicated that multiple lenders have expressed an interest in the Square 769 site, but they require more leasing data in the area before underwriting a mixed-income transaction, and thus the Applicant has been unable to identify a lender partner that can successfully underwrite the residential project on Square 769. The Applicant also submitted a letter from EagleBank indicating that bank representatives have had many discussions with the Applicant about the residential building in Square 769, but the bank is unwilling to commit funding for the building at this point given the influx of new rental product, concerns about vacancy rates, and continued uncertainty about interest rates and the economy.
10. The Applicant submitted evidence demonstrating that it has faced great difficulty securing construction and permanent financing for the office building in Square 882. The Applicant indicated that it has contacted several banks, including Bank of America, Bank of New York, and PNC, but no lender thus far has been interested in financing the proposed office building “on-spec,” and lenders are now requiring buildings to be at least 50-70% pre-leased prior to making loan commitments. In addition, the Applicant indicated that it has made numerous attempts to market the office building in Square 882 to obtain a lead tenant, including outreach to potential tenants and the brokerage community, an electronic media marketing campaign and presentations to active public and private sector tenants, and responding to requests for proposals issued by tenants seeking to relocate their headquarter facilities. However, none of these efforts have been successful to date.

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11. The Commission finds that the real estate market has been subject to, and continues to suffer from, severe financing, construction, sales and other impediments. This major change in the real estate market has rendered it practically impossible for the Applicant to obtain project financing, despite the Applicant's good faith efforts. Based upon the supporting materials included with the Applicant's extension request, the Applicant has been unable to obtain project financing for the two approved PUD projects from the numerous lending institutions it contacted. Thus, the projects cannot move forward at this time, despite the Applicant's diligent, good faith efforts, because of changes in the economic and market conditions beyond the Applicant's control. Therefore, the Commission finds that this extension request satisfies the criterion for good cause shown as set forth in § 2408.11(a) of the Zoning Regulations.
12. There has been no substantial change in any of the material facts upon which the Commission based its approval of the residential or office buildings, and the Applicant remains committed to moving forward with the projects and fully complying with the conditions and obligations imposed as part of the PUD approval.
13. The Office of Planning ("OP") submitted a report dated September 20, 2013 indicating that the Applicant meets the standards of § 2408.10 and 2408.11(a) of the Zoning Regulations. OP thus recommended that the Commission approve the requested two year PUD extension. OP requested that the Applicant submit additional information about the difficulties encountered in financing the residential building in Square 769. The Applicant submitted this information by letter dated September 23, 2013.
14. ANC 6D submitted a report on September 27, 2013 in support of the requested extension. The report also noted that the Community Center, which had been promised to the original residents as the central part of their community benefits agreement with the DC Housing Authority, remains unbuilt. The ANC further noted that the Capper Carrollsburg Hope VI Project has not identified how the facility will be furnished, maintained or operated after construction. While some of the promised services will have to wait until the Center is completed, ANC 6D believed that other supportive services can begin now and suggested possible locations. The ANC also noted that other programs, such as athletic team sports, do not require walls at all.

CONCLUSIONS OF LAW

1. The Commission may extend the validity of a PUD for good cause shown upon a request made before the expiration of the approval, provided: (a) the request is served on all parties to the application by the applicant, and all parties are allowed 30 days to respond; (b) there is no substantial change in any material fact upon which the Zoning Commission based its original approval of the PUD that would undermine the Commission's justification for approving the original PUD; and (c) the applicant

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demonstrates with substantial evidence that there is good cause for such extension as provided in § 2408.11. (11 DCMR § 2408.10.) Subsection 2408.11 provides the following criteria for good cause shown: (a) an inability to obtain sufficient project financing for the PUD, following an applicant's diligent good faith efforts to obtain such financing, because of changes in economic and market conditions beyond the applicant's reasonable control; (b) an inability to secure all required governmental agency approvals for a PUD by the expiration date of the PUD order because of delays in the governmental agency approval process that are beyond the applicant's reasonable control; or (c) the existence of pending litigation or such other condition or factor beyond the applicant's reasonable control which renders the applicant unable to comply with the time limits of the PUD order.

2. The Commission concludes that the Applicant complied with the notice requirements of 11 DCMR § 2408.10(a) by serving all parties with a copy of the application and allowing them 30 days to respond.
3. The Commission concludes there has been no substantial change in any material fact that would undermine the Commission's justification for approving the original PUD.
4. The Commission is required under § 13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code § 1-309.10(d)) to give great weight to the affected ANC's legally relevant issues and concerns. ANC 6D submitted a letter in support of the requested extension, but raised concerns regarding the still unbuilt Community Center. The Commission notes that the Community Center is not part of this time extension request, but nevertheless wishes to acknowledge the legitimacy of the ANC's concerns and to put the Applicant on notice that the Commission will not look favorably upon a third time extension request without proof of a significant outreach by the Applicant to the ANC and the community at large.
5. The Commission is required under § 5 of the Office of Zoning Independence Act of 1990, effective September 20, 1990 (D.C. Law 8-163, D.C. Official Code § 6-623.04) to give great weight to OP recommendations. OP submitted a report indicating that the Applicant meets the standards of § 2408.10 and 2408.11(a) of the Zoning Regulations, and therefore recommended that the Commission approve the requested extension. The Commission has given OP's recommendation great weight in approving this application.
6. The Commission finds that the Applicant presented substantial evidence of good cause for the extension based on the criteria established by 11 DMCR § 2408.11(a). Specifically, the Applicant has been unable to obtain sufficient project financing for the approved residential and office buildings, following the Applicant's diligent good faith efforts, because of changes in economic and market conditions beyond the Applicant's reasonable control.

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7. Subsection 2408.12 of the Zoning Regulations provides that the Commission must hold a public hearing on a request for an extension of the validity of a PUD only if, in the determination of the Commission, there is a material factual conflict that has been generated by the parties to the PUD concerning any of the criteria set forth in § 2408.11.
8. The Commission concludes that a hearing is not necessary for this request since there are not any material factual conflicts generated by the parties concerning any of the criteria set forth in § 2408.11 of the Zoning Regulations.
9. The Commission concludes that its decision is in the best interest of the District of Columbia and is consistent with the intent and purpose of the Zoning Regulations.

DECISION

In consideration of the Findings of Fact and Conclusions of Law herein, the Zoning Commission for the District of Columbia hereby **ORDERS APPROVAL** of Z.C. Case No. 03-12P/13P such that the approval of the residential building in the northern portion of Square 769 and the office building in the southern portion of Square 882 shall be valid until August 14, 2015, within which time an application must be filed for a building permit for each building, with construction of each building to commence no later than August 14, 2016.

The Applicant is required to comply fully with the provisions of the Human Rights Act of 1977, D.C. Law 2-38, as amended, and this order is conditioned upon full compliance with those provisions. In accordance with the D.C. Human Rights Act of 1977, as amended, D.C. Official Code § 2-1401.01 et seq., ("Act") the District of Columbia does not discriminate on the basis of actual or perceived: race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identify or expression, familial status, family responsibilities, matriculation, political affiliation, disability, source of income, genetic information, or place of residence or business. Sexual harassment is a form of sex discrimination that is also prohibited by the Act. In addition, harassment based on any of the above protected categories is also prohibited by the Act. Discrimination in violation of the Act will not be tolerated. Violators will be subject to disciplinary action.

On September 30, 2013, upon the motion of Commissioner Miller, as seconded by Vice Chairman Cohen, the Zoning Commission **ADOPTED** this Order by a vote of **5-0-0** (Anthony J. Hood, Marcie I. Cohen, Robert E. Miller, Peter G. May, and Michael G. Turnbull to adopt).

In accordance with the provisions of 11 DCMR § 3028.8, this Order shall become final and effective upon publication in the *D.C. Register*; that is, on December 6, 2013.

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF FINAL RULEMAKING
AND
ZONING COMMISSION ORDER NO. 12-10A
Z.C. Case No. 12-10A
(Text Amendment – 11 DCMR)
(Technical Correction to Z.C. Order 12-10)
September 30, 2013**

The full text of this Zoning Commission Order is published in the “Final Rulemaking” section of this edition of the *D.C. Register*.

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA**NOTICE OF FILING****Z.C. Case No. 13-14**

**(Vision McMillan Partners, LLC and D.C. Deputy Mayor of Planning and Economic Development – First-Stage PUD, Consolidated PUD, and Related Map Amendment @ Square 3128, Lot 800 – McMillan Reservoir Slow Sand Filtration Site)
December 2, 2013**

THIS CASE IS OF INTEREST TO ANC 5E, 5A, and 1B

On November 22, 2013, the Office of Zoning received an application from Vision McMillan Partners, LLC and D.C Deputy Mayor for Planning and Economic Development (together, the “Applicant”) for approval of a first stage planned unit development (“PUD”), a consolidated PUD, and related map amendment for the above-referenced property.

The property that is the subject of this application consists of Lot 800 in Square 3128 in Northwest Washington, D.C. (Ward 5), which is located on property that is bounded by Michigan Avenue, N.W. (north), North Capitol Street, N.W. (east), First Street, N.W. (west), and Channing Street, N.W. (south). The property is currently unzoned. The Applicant proposes a PUD-related map amendment to rezone the property, for the purposes of this project, to C-3-C and CR.

The Applicant proposes to construct a major mixed-use urban development for the adaptive re-use of the historic McMillan Reservoir Slow Sand Filtration Site. The project is proposed to have approximately 1,030,00 square feet of gross floor area devoted to a health care facility, 94,170 square feet devoted to retail use, 566,930 square feet of residential use (including 350,000 square feet of row houses), and 17,500 square feet devoted to a community center. Forty-one percent of the site is planned to be open space.

This case was filed electronically through the Interactive Zoning Information System (“IZIS”), which can be accessed through <http://.dcoz.dc.gov>. For additional information, please contact Sharon S. Schellin, Secretary to the Zoning Commission at (202) 727-6311.

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF FILING
Z.C. Case No. 13-15
(Text Amendment to SEFC Overlay District)
November 25, 2013**

THIS CASE IS OF INTEREST TO ANC 1C

On November 22, 2013, the Office of Zoning received a petition from FC 1212, LLC and QALICB, LLC (collectively, the "Petitioner") for approval of text amendment to the SEFC Overlay District.

The proposed text amendment will allow a veterinary hospital on the ground level of any building constructed on Lot 12 in Square 771 located in the SEFC/CR Zone District in The Yards, Southeast Federal Center.

For additional information, please contact Sharon S. Schellin, Secretary to the Zoning Commission at (202) 727-6311.

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA

12-Month Schedule of Monthly Meeting Dates for 2014

The Zoning Commission of the District of Columbia, in accordance with § 3005.1 of the District of Columbia Municipal Regulations, Title 11, Zoning, hereby gives notice that it has scheduled the following meetings. Meetings are held in Suite 220 South of 441 4th Street, N.W., #1 Judiciary Square, beginning at 6:30 p.m.

The dates of the Monthly Meetings for the following year of the Zoning Commission of the District of Columbia are as follows:

Regular Monthly Meeting	Second Monthly Meeting
January 13, 2014	January 27, 2014
February 10, 2014	February 24, 2014
March 10, 2014	March 31, 2014
April 15, 2014 (Tues.)	April 28, 2014
May 12, 2014	--
June 9, 2014	June 30, 2014
July 14, 2014	July 28, 2014
September 8, 2014	September 29, 2014
October 20, 2014	--
November 10, 2014	November 24, 2014
December 8, 2014	--

Please note that these dates are subject to change.

Additional meetings as needed may be called by the presiding officer or by three (3) members. However, no meetings or hearings are held in the month of August.

The proposed agenda for each meeting is posted in the office of the Commission and available to the public at least four days prior to the meeting.

For additional information, please contact Sharon S. Schellin, Secretary to the Zoning Commission at (202) 727-6311.

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