

District of Columbia

REGISTER

HIGHLIGHTS

- DC Council passes Act 20-228, Cost-of-Living Adjustment Personal Income Tax Standard Deduction and Exemption Technical Clarification Emergency Act of 2013
- DC Council passes Act 20-229, Critical Infrastructure Freedom of Information Emergency Amendment Act of 2013
- Department of Health updates licensure requirements for dentists
- Department of Motor Vehicles updates inspection requirements for motorcycles and motorized bicycles
- District Department of Transportation establishes a curb loading zone management program and a commercial permit parking program
- Department of Consumer and Regulatory Affairs proposes updates to the licensure requirements for professional engineers and land surveyors

DISTRICT OF COLUMBIA REGISTER

Publication Authority and Policy

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

All documents published in the *D.C. Register* must be submitted in accordance with the applicable provisions of the Rules of the Office of Documents and Administrative Issuances. Documents which are published in the *D.C. Register* include (1) Acts and resolutions of the Council of the District of Columbia; (2) Notices of proposed Council legislation, Council hearings, and other Council actions; (3) Notices of public hearings; (4) Notices of final, proposed, and emergency rulemaking; (5) Mayor's Orders and information on changes in the structure of the District of Columbia government (6) Notices, Opinions, and Orders of District of Columbia Boards, Commissions and Agencies; (7) Documents having general applicability and notices and information of general public interest.

Deadlines for Submission of Documents for Publication

ODAI accepts electronic documents for publication using a Web-based portal at www.dcregs.dc.gov. To submit a document, obtain a username and password from your department's ODAI liaison. If you do not know your liaison, email ODAI at dcdocuments@dc.gov to request for your department's ODAI liaison. For guidelines on how to format and submit documents for publication, email ODAI at dcdocuments@dc.gov.

The deadline for receiving documents from the District of Columbia Agencies, Boards, Commissions, and Public Charter schools is TUESDAY, NOON of the week of publication. The deadline for receiving documents from the District of Columbia Council is WEDNESDAY, NOON of the week of publication. If an official District government holiday falls on Monday or Friday, the deadline for receiving documents remains the same as outlined above. If an official District government holiday falls on Tuesday, Wednesday or Thursday, the deadline for receiving documents is one day earlier from the deadlines outlined above.

Viewing the DC Register

ODAI publishes the *D.C. Register* ONLINE every Friday at www.dcregs.dc.gov. Copies of the *D.C. Register* are also available for public review at each branch of the District of Columbia Public Library and in each Advisory Neighborhood Commission office. There are no restrictions on the republication of any portion of the *D.C. Register*. News services are encouraged to publish all or part of the *D.C. Register*.

Legal Effect of Publication - Certification

Except in the case of emergency rules, no rule or document of general applicability and legal effect shall become effective until it is published in the *D.C. Register*. Publication creates a rebuttable legal presumption that a document has been duly issued, prescribed, adopted, or enacted and that the document complies with the requirements of the *District of Columbia Documents Act* and the *District of Columbia Administrative Procedure Act*. The Administrator of the Office of Documents hereby certifies that this issue of the *D.C. Register* contains all documents required to be published under the provisions of the *District of Columbia Documents Act*.

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

VINCENT C. GRAY
MAYOR

VICTOR L. REID, ESQ.
ADMINISTRATOR

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

CONTENTS

ACTIONS OF THE COUNCIL OF THE DISTRICT OF COLUMBIA

D.C. ACTS

A20-222 Change Orders No. FY13-015 through No. FY13-023 to Contract No. GM-10-S-0707D-FM Approval and Payment Authorization Emergency Act of 2013 [B20-526]..... 016764 - 016765

A20-223 Change Orders No. FY13-007 through No. FY13-013 to Contract No. GM-10-S-0707A-FM Approval and Payment Authorization Emergency Act of 2013 [B20-527] 016766 - 016767

A20-224 Change Orders No. FY13-010 through No. FY13-017 to Contract No. GM-10-S-0707C-FM Approval and Payment Authorization Emergency Act of 2013 [B20-534] 016768 - 016769

A20-225 Omnibus Residential Services Human Care Agreements Modifications Approval and Payment Authorization Emergency Act of 2013 [B20-538] 016770 - 016771

A20-226 CCNV Task Force Congressional Review Emergency Act of 2013 [B20-550] 016772 - 016774

A20-227 Controlled Substance, Alcohol Testing, Criminal Background Check and Background Investigation Emergency Amendment Act of 2013 [B20-552]..... 016775 - 016785

A20-228 Cost-of-Living Adjustment Personal Income Tax Standard Deduction and Exemption Technical Clarification Emergency Act of 2013 [B20-555] 016786 - 016777

A20-229 Critical Infrastructure Freedom of Information Emergency Amendment Act of 2013 [B20-556]..... 016788 - 016789

ADOPTED CEREMONIAL RESOLUTIONS

ACR 20-109 N Street Village 40th Anniversary Recognition Resolution of 2013 016790

ACR 20-110 Maudine R. Cooper Recognition Resolution of 2013 016791 - 016792

ACR 20-111 Helping Individual Prostitutes Survive (HIPS) Recognition Resolution of 2013..... 016793

ACTIONS OF THE COUNCIL OF THE DISTRICT OF COLUMBIA CONT'D

ADOPTED CEREMONIAL RESOLUTIONS CONT'D

ACR 20-112 Nancy Pelosi Recognition Resolution of 2013.....016794 - 016795

ACR 20-113 Honorable C.M. Bailey's Fifth Anniversary as
Bishop of the United House of Prayer Recognition
Resolution of 2013016796 - 016797

ACR 20-114 Lynwood Clayton Westray Recognition
Resolution of 2013016798 - 016799

ACR 20-115 Verizon Recognition Resolution of 2013016800 - 016801

ACR 20-116 District of Columbia Sustainable Energy
Utility Recognition Resolution of 2013016802 - 016803

ACR 20-117 October 7 Washington, D.C. Rally for Tibet
Recognition Resolution of 2013016804 - 016805

ACR 20-118 City Fitness Recognition Resolution of 2013..... 016806

ACR 20-119 Fred Allen Swan Jr. Recognition Resolution of 2013.....016807 - 016808

BILLS INTRODUCED AND PROPOSED RESOLUTIONS

Intent to Act on New Legislation -

Proposed Resolutions PR20-575 through PR20-579 016809 - 016810

OTHER COUNCIL ACTIONS

Excepted Service Appointments -

As of November 30, 2013.....016811

Reprogramming Disapproval Resolutions -

PR 20-580 Reprogramming No. 20-130 Disapproval Resolution of 2013..... 016812

PR 20-581 Reprogramming No. 20-132 Disapproval Resolution of 2013.....016813

PR 20-582 Reprogramming No. 20-134 Disapproval Resolution of 2013..... 016814

PR 20-583 Reprogramming No. 20-135 Disapproval Resolution of 2013.....016815

PR 20-584 Reprogramming No. 20-136 Disapproval Resolution of 2013..... 016816

PR 20-585 Reprogramming No. 20-137 Disapproval Resolution of 2013.....016817

PR 20-586 Reprogramming No. 20-138 Disapproval Resolution of 2013..... 016818

PR 20-587 Reprogramming No. 20-139 Disapproval Resolution of 2013.....016819

PR 20-588 Reprogramming No. 20-140 Disapproval Resolution of 2013..... 016820

ACTIONS OF THE COUNCIL OF THE DISTRICT OF COLUMBIA CONT'D

OTHER COUNCIL ACTIONS CONT'D

Reprogramming Requests -

20-134 Request to reprogram \$800,000 of Fiscal Year 2014
Local funds budget authority from the District Retiree
Contribution (DRHC) to the Department of General
Services (DGS)016821 - 016822

20-135 Request to reprogram 94,265 of Fiscal Year 2014
Local funds budget authority from the District Retiree
Contribution (DRHC) to the Department of Health
Care Finance (DHCF).....016821 - 016822

20-136 Request to reprogram 880,000 of Fiscal Year 2014
Local funds budget authority from the District Retiree
Contribution (DRHC) to the Office of the State
Superintendent of Education (OSSE).....016821 - 016822

20-137 Request to reprogram \$790,788 of Fiscal Year 2014
Local funds budget authority from the District Retiree
Contribution (DRHC) to the Department of Motor
Vehicles (DMV).....016821 - 016822

20-138 Request to reprogram 275,000 of Fiscal Year 2014
Local funds budget authority from the District Retiree
Contribution (DRHC) to the District of Columbia
Public Library (DCPL).....016821 - 016822

20-139 Request to reprogram \$50,000 of Fiscal Year 2014
Local funds budget authority from the District Retiree
Health Contribution to the Executive Office of the Mayor.....016821 - 016822

20-140 Request to reprogram 300,000 of Fiscal Year 2014
Local funds budget authority from the District
Retiree Health Contribution to the Department of
Public Works016821 - 016822

ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES

PUBLIC HEARINGS

Alcoholic Beverage Regulation Administration -

All Souls - ANC 1B - Renewal..... 016823

Brookland Market - ANC 5B - Substantial Change..... 016824

Capitol View Market - ANC 7C - Substantial Change 016825

Experience Umbria Wines - ANC 2B - new..... 016825

Joe's Seafood, Prime Steak and Stone Crab –
ANC 2B - New 016827

Mothership - ANC 1A - Substantial Change 016828

Trader Joe's #662 - ANC 2B - New 016829

ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES CONT'D

FINAL RULEMAKING

- Health Care Finance, Dept. of – Amend 29 DCMR (Public Welfare),
Ch. 19 (Home and Community Based Waiver for Individuals
with Intellectual and Development Disabilities), Sec. 1918
(Art Therapies) to require providers to be Certified to
deliver art therapies 016830 - 016833

- Health Care Finance, Dept. of - Amend 29 DCMR (Public
Welfare), Ch. 19 (Home and Community-Based Waiver
for Individuals with Intellectual and Developmental
Disabilities) to add Sec. 1936 to establish reimbursement
standards for wellness services016834 - 016840

- Health, Dept. of – Amend 17 DCMR (Business, Occupations,
and Professions), Ch. 42 (Dentistry), to require a passing
score on the periodontal portion of the Northeast Regional
Board (NERB) or American Board of Dental Examiners
(ADEX) Examination for dental licensure..... 016841 - 016842

- Motor Vehicles, Dept. of - Amend 18 DCMR (Vehicles and
Traffic), Ch. 6 (Inspection of Motor Vehicles), Sec. 601 to
update inspection requirements for motorcycles and
motorized bicycles016843 - 016844

- Transportation, District Department of– Amend 18 DCMR
(Vehicles and Traffic), Ch. 24 (Stopping, Standing,
Parking, and other Non-Moving Violations) and
Ch. 26 (Civil Fines for Moving and Non-moving
Infractions) to establish a curb loading zone
management program and a commercial permit
parking program 016844 - 016851

- Transportation, District Dept. of - Amend 24 DCMR
(Public Space and Safety), Ch. 12 (Sidewalks), to
establish policies and procedures for obtaining a public
space permit for a lay-by within the public right-of-way..... 016852 - 016854

PROPOSED RULEMAKING

- Consumer and Regulatory Affairs, Department of - Amend 17 DCMR
(Business, Occupations and Professions), Ch. 15 (Professional
Engineers and Land Surveyors) to update licensure and certification
requirements016856 - 016867

- Lottery and Charitable Games Control Board - Amend 30 DCMR
(Lottery and Charitable Games), Ch. 9 (Description of On-Line
Games) to implement changes to the Powerball Power Play Game016868 - 016870

ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES CONT'D

**NOTICES, OPINIONS, AND ORDERS
MAYOR’S ORDERS**

2013-227 Appointments - District of Columbia Educational Opportunity for Military Children State Council (Celine Fejeran, Jesus Aguirre, Christopher Rinkus, Peter Niles)..... 016871 - 016872

2013-228 Delegation of Authority to the Acting Director of the Dept. of Behavioral Health to Sign Documents Related to the SAPT Block Grant and to sign funding agreements with the U.S. Dept. of HHS for grants to be administered by the Dept. of Behavioral 016873 - 016874

2013-229 Reappointments - Board of Nursing (Chioma Nwachukwu, Toni A. Eason)016875

2013-230 Appointment - Board of Nursing Home Administration (Christy Kramer).....016876

2013-231 Reappointment - Motor Vehicle Theft Prevention Commission (Andrew Fois).....016877

**NOTICES, OPINIONS, AND ORDERS
BOARDS, COMMISSIONS, AND AGENCIES**

Carlos Rosario Public Charter School - Request for Proposal Security Services..... 016878

Consumer and Regulatory Affairs, Department of - Meetings

Board of Accountancy - December 3, 2013 016879

Board of Architecture and Interior Design – December 6, 2013 016880

Board of Barber and Cosmetology - December 2, 2013 016881

Board of Funeral Directors – December 5, 2013 016882

Board of Industrial Trades - December 17, 2013..... 016883

Board of Professional Engineering - December 19, 2013..... 016884

Board of Real Estate Appraisers - December 18, 2013..... 016885

Boards and Commissions - December Scheduled Meetings..... 016886

Real Estate Commission – December 10, 2013 016887

Elections, Board of - Certification of Filling Vacancies in ANC/SMD

2E07 Ellen Steury.....016888

6D01 Sam Marrero 016888

Employee Appeals, Office of – Meeting - December 17, 2013) 016889

ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES CONT'D

**NOTICES, OPINIONS, AND ORDERS CONT'D
BOARDS, COMMISSIONS, AND AGENCIES CONT'D**

Environment, District Department of the - Permit

#6282-R1, Architect of the Capitol, Capitol Visitor
#6283-R1, Center, SW 016890 - 016891
#6284-R1

#6786 Y & G Auto Repair and Body Shop LLC,
1851 Adams Street NE..... 016892 - 016893

#6787 Tony Auto Repair and Body Shop Inc.,
2040 West Virginia Avenue NE 016894 - 016895

#6795 New Cingular Wireless
PCS, LLC, dba AT&T Mobility 016896 - 016897

#6807 Jones Lang LaSalle, 1801 K Street NW..... 016898 - 016899

#6808 Jones Lang LaSalle, 1801 K Street NW..... 016900 - 016901

Health, Dept. of - Board of Marriage and Family Therapy
2014 Meeting Schedule 016902

Housing and Community Development, Department of -
Housing Production Trust Fund (HPTF) Advisory Board
Meeting December 16, 2013 016903

Housing Finance Agency, DC -
Board Meeting Agenda - December 17, 2013..... 016904 - 016905

KIPP DC PCS - Request for Proposals
Financial Advisory Services..... 016906
Low Voltage Consulting Services..... 016907

Meridian Public Charter School - Request for Proposal
Special Education Related Services 016908

Not-for-Profit Hospital Corporation -
Closed Meeting - December 10, 2013..... 016909

Real Property Tax Appeals Commission -
Administrative Meeting - December 20, 2013..... 016910

Retirement Board, District of Columbia -
Open Meeting - December 19, 2013 016911

ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES CONT'D

**NOTICES, OPINIONS, AND ORDERS CONT'D
BOARDS, COMMISSIONS, AND AGENCIES CONT'D**

Shining Stars Montessori Academy PCS - RFP
Montessori Instructional Materials,
Classroom Equipment and Furnishings..... 016912

University of the District of Columbia – Board of Trustees
Community College Committee Regular Meeting –
December 16, 2013 016913

Water and Sewer Authority -
Environmental Quality and Sewerage Services Committee
Meeting - December 19, 2013..... 016914
Water Quality and Water Services Committee Meeting -
December 19, 2013 016915

Zoning Commission, DC – Cases
13-16 Forest City SEFC, LLC – SEFC Overlay Review @
Square 743, Lot 854 - Notice of Filing..... 016916

Zoning Adjustment, Board of - Orders
18269-A Triangle Development Associates LLC,
Motion for a Two-Year Extension of BZA
Order No. 18269, pursuant to § 3130
of the Zoning Regulations - ANC 1A..... 016917 - 016920

18629 Leticia Long - ANC 5E 016921 - 016923

18642 57th Street Mews Inc., - ANC 5B..... 016924 - 016925

18666 Patrick G. Shaughness - ANC 3D..... 016926 - 016927

18667 St. Elmo W. Crawford, Jr., - ANC 5E 016928 - 016929

ENROLLED ORIGINAL

AN ACT

D.C. ACT 20-222

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

NOVEMBER 29, 2013

To approve, on an emergency basis, Change Orders No. FY13-015 through No. FY13-023 to , Contract No. GM-10-S-0707D-FM between the District of Columbia government and HRGM Corporation for On-Call Small Capital Projects, and to authorize payment to HRGM Corporation in the aggregate amount of \$1,594,309.60 for the goods and services to be received under these change orders.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Change Orders No. FY13-015 through No. FY13-023 to Contract No. GM-10-S-0707D-FM 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 Change Orders No. FY13-015 through No. FY13-023 to Contract No. GM-10-S-0707D-FM with HRGM Corporation for On-Call Small Capital Projects and authorizes payment in the aggregate amount of \$1,594,309.60 for the goods and services to be received under these change orders.

Sec. 3. Fiscal impact statement.


The Council adopts the fiscal statement of the Office 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.

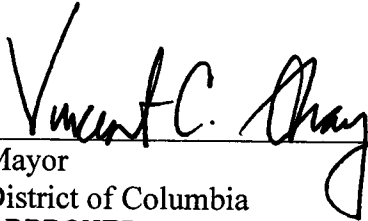
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in

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 29, 2013

ENROLLED ORIGINAL

AN ACT

D.C. ACT 20-223

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

NOVEMBER 29, 2013

To approve, on an emergency basis, Change Orders No. FY13-007 through No. FY13-013 to Contract No. GM-10-S-0707A-FM between the District of Columbia government and Keystone Plus Construction Corporation for On-Call Small Capital Projects, and to authorize payment to Keystone Plus Construction Corporation in the aggregate amount of \$1,352,252.58 for the goods and services to be received under these change orders.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Change Orders No. FY13-007 through No. FY13-013 to Contract No. GM-10-S-0707A-FM 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 Change Orders No. FY13-007 through No. FY13-013 to Contract No. GM-10-S-0707A-FM with Keystone Plus Construction Corporation for On-Call Small Capital Projects and authorizes payment in the aggregate amount of \$1,352,252.58 for the goods and services to be received under these change orders.

Sec. 3. Fiscal impact statement.

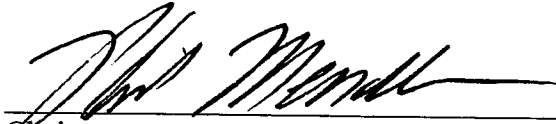
The Council adopts the fiscal statement of the Office of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

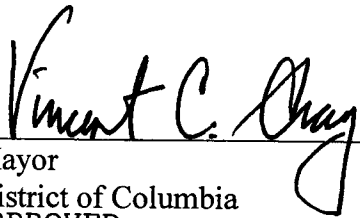
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in

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 29, 2013

ENROLLED ORIGINAL

AN ACT
D.C. ACT 20-224

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

NOVEMBER 29, 2013

To approve, on an emergency basis, Change Orders No. FY13-010 through No. FY13-017 to Contract No. GM-10-S-0707C-FM between the District of Columbia government and Broughton Construction Company for On-Call Small Capital Projects, and to authorize payment to Broughton Construction Company in the aggregate amount of \$1,552,561.60 for the goods and services to be received under these change orders.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Change Orders No. FY13-010 through No. FY13-017 to Contract No. GM-10-S-0707C-FM 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 Change Orders No. FY13-010 through No. FY13-017 to Contract No. GM-10-S-0707C-FM with Broughton Construction Company for On-Call Small Capital Projects and authorizes payment in the aggregate amount of \$1,552,561.60 for the goods and services to be received under these change orders.

Sec. 3. Fiscal impact statement.

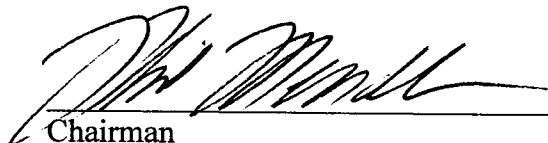
The Council adopts the fiscal statement of the Office of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

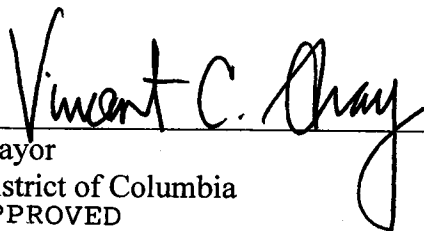
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in

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 29, 2013

ENROLLED ORIGINAL

AN ACT

D.C. ACT 20-225

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

NOVEMBER 29, 2013

To approve, on an emergency basis, Modification No. 6 to Human Care Agreement DCJM-2009-H-0020-09 with Ward & Ward Mental Health Services, Inc.; Modification No. 5 to Human Care Agreement DCJM-2009-H-0020-08 with Multi-Therapeutic Services, Inc.; and Modification No. 1 to Human Care Agreement DCJM-2012-H-0004-02 with Capital Care, Inc., to provide residential services to District residents with intellectual and developmental disabilities and to authorize payment for the services received and to be received under those contracts.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Omnibus Residential Services Human Care Agreements 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 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 Modification No. 6 to Contract Human Care Agreement DCJM-2009-H-0020-09 with Ward & Ward Mental Health Services, Inc., and authorizes payment in the amount of \$1,282,750.37 for services received and to be received under that contract for option year 4; approves Modification No. 5 to Contract Human Care Agreement DCJM-2009-H-0020-08 with Multi-Therapeutic Services, Inc., and authorizes payment in the amount of \$1,299,317.00 for services received and to be received under that contract for option year 4; and approves Modification No. 1 to Contract Human Care Agreement DCJM-2012-H-0004-02 with Capital Care, Inc., and authorizes payment in the amount of \$1,146,300.96 for services received and to be received under that contract for option year one.

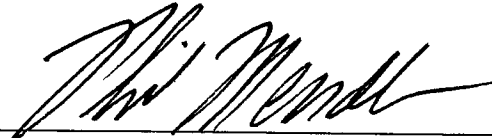
Sec. 3. Fiscal impact statement.

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)).

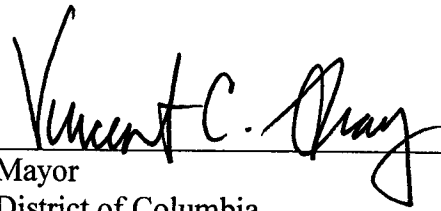
ENROLLED ORIGINAL

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 29, 2013

ENROLLED ORIGINAL

AN ACT
D.C. ACT 20-226

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
NOVEMBER 29, 2013

To establish, on an emergency basis, due to Congressional review, the Center for Creative Non-Violence and District Government Task Force to advise the Council and the Mayor regarding the future use of the building and property owned by the District located at 425 2nd Street, N.W., and the future use of property owned by the Center for Creative Non-Violence adjacent to the District property, to establish better shelter space and homeless services, and to explore options for affordable workforce housing and transitional housing for homeless District residents.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "CCNV Task Force Congressional Review Emergency Act of 2013".

Sec. 2. Establishment of the Center for Creative Non-Violence and District Government Task Force.

(a) There is established the Center for Creative Non-Violence and District Government Task Force ("Task Force"). The purpose of the Task Force shall be to develop recommendations for the improvement of the District's services to homeless Center for Creative Non-Violence ("CCNV") residents. The Task Force may consider options regarding the future use of the District-owned property located at 425 2nd Street, N.W. ("District property"), and the property owned by CCNV adjacent to the District property. The Task Force shall explore how the District might establish better shelter space and homeless services and options for affordable workforce housing and transitional housing for homeless District residents.

(b) The Task Force shall meet beginning 30 days from the appointment of the Task Force members.

(c)(1) The Task Force shall be composed as follows:

- (A) The Mayor, or his or her designee;
- (B) The Chairperson of the Council's Committee on Human Services, who shall also chair the Task Force;
- (C) The Director of the Department of General Services, or his or her designee;
- (D) The Director of the Department of Human Services, or his or her designee;

ENROLLED ORIGINAL

(E) The Director of the Department of Behavioral Health, or his or her designee;

(F) The First District Commander of the Metropolitan Police Department, or his or her designee.

(G) A representative of CCNV; and

(H) One representative of the Interagency Council on Homelessness.

(2) The Task Force members set forth in paragraph (1)(G) and (H) of this subsection shall be selected by the organization the member will represent:

(d) All appointments to the Task Force shall be made within 30 days of the effective date of the CCNV Task Force Emergency Act of 2013, effective August 2, 2013 (D.C. Act 20-147; 60 DCR 11809). Vacancies shall be filled in the same manner as the initial appointment was made.

(e) The Task Force may add additional members to serve as *ex officio* non-voting members as subject matter experts.

(f) The Task Force may establish its own rules of procedure.

(g) No later than 6 months after the appointment of Task Force members pursuant to subsection (c) of this section, the Task Force shall submit its recommendations to the Council and to the Mayor.

(h) This section shall sunset 6 months after the appointment of the Task Force, or upon the Task Force's submission of its report to the Mayor and Council, whichever occurs earlier.

Sec. 3. Applicability date.

This act shall apply as of October 31, 2013.

Sec. 4. Fiscal impact statement.

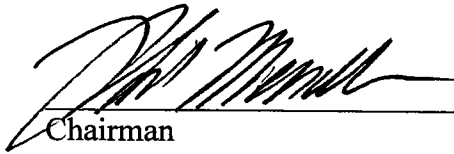
The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

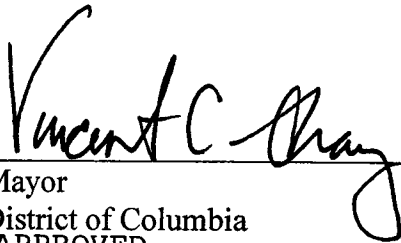
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

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 29, 2013

ENROLLED ORIGINAL

AN ACT

D.C. ACT 20-227

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

NOVEMBER 29, 2013

To amend, on an emergency basis, the District of Columbia Government Comprehensive Merit Personnel Act of 1978 to establish a mandatory controlled substance and alcohol testing and criminal background check and background investigation program for applicants, appointees, employees, volunteers, and contractual workers who have a duty station at the Consolidated Forensic Sciences Laboratory.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Controlled Substance, Alcohol Testing, Criminal Background Check and Background Investigation Emergency Amendment Act of 2013".

Sec. 2. The District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-601.01 *et seq.*), is amended as follows:

(a) A new Title XX-E is added to read as follows:

"TITLE XX-E. MANDATORY CONTROLLED SUBSTANCE AND ALCOHOL TESTING FOR PROTECTION-SENSITIVE POSITIONS.

"Sec. 2051. Definitions.

"For the purposes of this title, the term:

"(1) "Applicant" means a person who has filed a written or electronic employment application or résumé, or a person seeking a volunteer appointment, with the District government for a position covered by the provisions of this title.

"(2) "Appointee" means a person who has been made a contingent job offer to a position subject to the provisions of this title.

"(3) "Covered employee" means a District government employee occupying a protection-sensitive position.

"(4) "Drug" means a substance which may have medicinal, intoxicating, performance enhancing or other effects when taken or put into a human body and is not considered a food or exclusively a food.

"(5) "Personnel authority" means an individual or entity authorized by section 406 to implement personnel rules and regulations for employees of an agency or group of agencies of the District government or persons delegated this authority by such an individual or entity.

ENROLLED ORIGINAL

“(6) “Post-accident employee” means an employee of the District government, who, while on-duty, is involved in a vehicular or other type of accident resulting in personal injury or property damage, or both, in which the cause of the accident could reasonably be believed to have been the result, in whole or in part, of the use of drugs or alcohol on the part of the employee.

“(7) “Protection-sensitive position” means a District government employee, volunteer, or contractual worker in a position having a duty station at the Consolidated Forensic Sciences Laboratory.

“(8) “Reasonable suspicion” means a reasonable belief by a supervisor that an employee in a protection-sensitive position is under the influence of an illegal drug or alcohol to the extent that the employee’s ability to perform the employee’s job may be impaired.

“(9) “Reasonable suspicion referral” means referral of an employee in a protection-sensitive position for testing by the District government for drug or alcohol use.

“(10) “Volunteer” means an individual who works without monetary or other financial compensation.

“(11) “Vulnerable adult” means an individual 18 years of age or older who has a physical or mental condition which impairs the individual’s ability to provide for the individual’s own care or protection.

“Sec. 2052. Drug and alcohol testing for protection-sensitive positions.

“The following individuals shall be tested by the District government for drug and alcohol use:

“(1) Employees in protection-sensitive positions, on a random basis;

“(2) Appointees to protection-sensitive positions;

“(3) Volunteers serving in protection-sensitive positions;

“(4) Applicants under consideration for voluntary service in protection-sensitive positions;

“(5) District employees and volunteers in protection-sensitive positions who have had a reasonable suspicion referral; and

“(6) Post-accident District employees and volunteers in protection-sensitive positions.

“Sec. 2053. Notification of employees.

“(a) All District government employees in protection-sensitive positions shall be given a minimum of 30 days written notice before the implementation of the drug and alcohol testing program set forth by this title. Upon receipt of a written notice of the program, each employee shall be given one opportunity to seek treatment, if the employee has a drug or alcohol problem.

“(b) Upon expiration of the notice period, any confirmed positive drug or alcohol test result, refusal to submit to a drug or alcohol test, or failure to sign the required documents or otherwise cooperate with any part of the drug testing requirements shall result in termination of the employee’s employment in accordance with this title.

“Sec. 2054. Notice to appointees and volunteers.

ENROLLED ORIGINAL

“(a) Each vacancy announcement for a protection-sensitive position shall include a statement that applicants shall be tested for drug use upon initial appointment and shall be subject to periodic drug and alcohol testing while occupying a protection-sensitive position.

“(b) When a non-competitive recruitment procedure is involved, the Mayor or the personnel authority shall inform the appointee, at the time the contingent job offer is made, that the appointee shall be tested for drugs upon initial appointment, and that the appointee shall be subject to periodic drug and alcohol testing while occupying a protection-sensitive position.

“(c) Before an individual signs a volunteer agreement to perform protection-sensitive functions, the Mayor or the personnel authority shall notify the individual that the individual shall be tested for drug use upon initial appointment, and that the volunteer shall be subject to periodic drug and alcohol testing while performing these functions.

“(d) Upon selection, appointees shall receive written notification prior to testing for drug and alcohol use.

“Sec. 2055. Testing methodology.

“(a) Drug and alcohol analysis shall be performed by an outside contractor at a laboratory certified by the United States Department of Health and Human Services (“HHS”) to perform job-related drug and alcohol forensic testing.

“(b) The drug and alcohol testing sample shall be collected at a location designated by the District government.

“(c) The collector shall split each sample and secure it for transport to the laboratory.

“(d) The laboratory shall perform the confirmation testing on one sample, and store the split of that sample.

“(e) An individual found to have a confirmed positive urinalysis shall be notified of the result. The individual may then authorize that the stored sample be sent to another HHS-certified laboratory of the individual's choice, at the individual's expense, for confirmation testing.

“(f) Reasonable suspicion and post-accident employee or volunteer testing shall follow the same procedures set forth in subsections (a), (b), (c), and (d) of this section. In these cases, the employee or volunteer shall be escorted by a supervisor to the contractor's test site for specimen collection or a breathalyzer.

“(g) A blood, breath, or urine test conducted pursuant to this section shall be deemed confirmed positive if the test yields a result that the employee's or volunteer's alcohol content was either .04 grams or more per 210 liters of breath, .04 grams or more per 100 milliliters of blood, or .05 grams or more per 100 milliliters of urine.

“Sec. 2056. Positive test results.

“(a) An individual found to have a positive drug or alcohol test shall be notified in writing of the result. The individual may then authorize that the stored sample be sent to another HHS-certified laboratory of the individual's choice, at the individual's expense, for confirmation testing.

“(b) A positive drug or alcohol test, a refusal to submit to a drug or alcohol test, tampering with a drug or alcohol test, or failure to sign required documents or otherwise cooperate with any part of the drug testing requirements shall result in termination of

ENROLLED ORIGINAL

employment, withdrawal of a contingent job offer, termination of a volunteer agreement, or withdrawal of a contingent volunteer service agreement.

“(c) The results of a drug or alcohol test conducted pursuant to this title shall not be turned over to a law enforcement agency without the written consent of the employee, appointee, volunteer or a subpoena or court order.

“Sec. 2057. Coverage of private contractual providers.

“Private entities that contract with the District government to provide contract employees to work in protection-sensitive positions shall establish mandatory drug and alcohol testing policies and procedures that are consistent with the requirements of this subchapter.

“Sec. 2058. Submission of positions subject to mandatory drug and alcohol testing.

“(a) Within 60 days after the effective date of this title, personnel authorities shall submit to the Mayor a list of the positions it has designated as subject to the drug and alcohol testing requirements of this title.

“(b) Within 60 days after the effective date of this title, the Chief Procurement Officer shall submit to the Mayor a list of positions in private entities that contract with the District government and are subject to drug and alcohol testing pursuant to this title.

“(c) Personnel authorities shall submit an updated list of the positions subject to the mandatory drug and alcohol testing of this title no later than December 1 of each year.

“(d) The Chief Procurement Officer shall submit to the Mayor each quarter an updated list of the positions in private entities that contract with the District government that are subject to the drug and alcohol testing of this title.

“Sec. 2059. Applicability.

“(a) If, as of the effective date of this act, a District government agency has its own statutory or regulatory drug and alcohol testing policies and procedures and those policies or procedures are stricter than the provisions of this title, this title shall supplement and not replace the agency’s policies and procedures.

“(b) The provisions of this title shall be in addition to, and shall not repeal, the provisions of section 2051 of the Omnibus Personnel Reform Amendment Act of 1998, effective June 10, 1998 (D.C. Law 12-124; D.C. Official Code § 1-620.11), sections 2021, 2022, 2023, 2024, and 2025 of the Department of Human Services and Commission on Mental Health Services Mandatory Employee Drug and Alcohol Testing and Department of Corrections Conforming Amendment Act of 1999, effective April 13, 1999 (D.C. Law 12-227; D.C. Official Code §§ 1-620.21 through 1-620.25), sections 2031, 2032, 2033, 2034, 2035, 2036, and 2037 of the Child and Youth, Safety and Health Omnibus Amendment Act of 2004, effective April 13, 2005 (D.C. Law 15-353; D.C. Official Code §§ 1-620.31 through 1-620.37), section 18 of the District of Columbia Housing Authority Act of 1999, effective May 9, 2000 (D.C. Law 13-105; D.C. Official Code § 6-217), sections 2, 3, 4, and 5 of the Department of Corrections Employee Mandatory Drug and Alcohol Testing of 1996, effective September 20, 1996 (D.C. Law 11-158; D.C. Official Code §§ 24-211.21 through 24-211.24), and Chapter 39 of Title 6B of the District of Columbia Municipal Regulations (6B DMCR § 3900 *et seq.*), entitled "Testing for the Presence of Controlled Substances and Alcohol."

“Sec. 2060. Rules.

ENROLLED ORIGINAL

"Within 120 days of the effective date of this title, the Mayor, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), shall issue rules to implement the provisions of this title."

(b) A new Title XX-F is added to read as follows:

"TITLE XX-F.

"CRIMINAL BACKGROUND CHECKS AND BACKGROUND INVESTIGATIONS
FOR PROTECTION-SENSITIVE POSITIONS OF 2012.

"Sec. 2061. Definitions.

"For the purposes of this title, the term:

"(1) "Applicant" means a person who has filed a written or electronic employment application, or résumé, or a person seeking a volunteer appointment, with the District government for a position covered by the provisions of this title.

"(2) "Appointee" means a person who has been made a contingent job offer to a position covered by the provisions of this title.

"(3) "Background investigation" means a thorough inquiry into the past and present conduct and behavior of an applicant, appointee, employee, or volunteer to determine his or her suitability for employment.

"(4) "Covered employee" means a District government employee occupying a protection-sensitive position.

"(5) "Criminal background check" means the investigation of an individual's criminal history through the record systems of the Federal Bureau of Investigation, the Metropolitan Police Department, or other law enforcement agencies.

"(6) "Employee" means an individual who is employed on a full-time, part-time, or temporary basis by the District government.

"(7) "FBI" means the Federal Bureau of Investigation.

"(8) "MPD" means the Metropolitan Police Department.

"(9) "Personnel authority" means an individual or entity authorized by section 406 to implement personnel rules and regulations for employees of an agency or group of agencies of the District government or persons delegated such authority by such an individual or entity.

"(10) "Protection-sensitive position" means any District government employee, volunteer, or contractual worker in a position having a duty station at the Consolidated Forensic Sciences Laboratory.

"(11) "Suitability" means the quality or state of being acceptable for District government employment with respect to the character, reputation, qualification, and fitness of the person under consideration.

"(12) "Supervised" means under the direction of an individual who has received a current, satisfactory background clearance.

"(13) "Volunteer" means an individual who performs a protection-sensitive function without monetary or other financial compensation.

ENROLLED ORIGINAL

“(14) “Vulnerable adult” means an individual 18 years of age or older who has a physical or mental condition which impairs the individual’s ability from providing for the individual's own care or protection.

“Sec. 2062. Criminal background checks required for certain individuals.

“(a) Except as set forth in subsection (b) of this section, the following individuals shall be subject to criminal background checks:

“(1) An appointee to, or an applicant for, a protection-sensitive position;

“(2) A volunteer who performs a protection-sensitive function; and

“(3) A District government employee occupying a protection-sensitive position.

“(b) An individual with proof of an active federal security clearance may be subject to a criminal background check under subsection (a) of this section.

“Sec. 2063. Authorization to obtain records and notification requirements.

“(a) For competitive recruitments, each vacancy announcement for a position subject to a criminal background check under this title shall include a statement that applicants shall be subject to a criminal background check and a background investigation upon initial appointment to the position and shall be subject to ongoing criminal background checks while employed in the position.

“(b) When a non-competitive recruitment procedure is involved, the Mayor or the personnel authority shall inform the appointee at the time the contingent job offer is made that the appointee shall be subject to a criminal background check before to employment in the covered position and shall be subject to ongoing criminal background checks while employed in the position.

“(c) Before a volunteer signs a volunteer agreement to perform protection-sensitive functions, the Mayor or the personnel authority shall notify the volunteer that a criminal background check shall be conducted before the volunteer begins his or her volunteer activities and shall be subject to ongoing criminal background checks while performing these functions.

“Sec. 2064. Procedures for criminal background checks.

“(a) In order to conduct a criminal background check on an applicant, appointee, volunteer, or covered employee, the Mayor or the personnel authority shall obtain criminal background records maintained by the FBI, MPD, and any jurisdiction in which the applicant, appointee, volunteer, or covered employee has resided or been employed or may otherwise have a criminal history.

“(b) An applicant, appointee, volunteer, or covered employee subject to a criminal background check shall allow himself or herself to be fingerprinted and shall submit any information necessary or useful to conduct the criminal background check as requested by the Mayor or the personnel authority. The fingerprints shall be available for use by the Mayor or the personnel authority to conduct a criminal background check.

“(c) The Mayor or the personnel authority shall conduct criminal background checks, including the fingerprinting of applicants, appointees, volunteers, and covered employees, in accordance with FBI policies and procedures and in an FBI-approved environment.

“(d) The Mayor or the personnel authority shall conduct a criminal background check once the applicant, appointee, covered employee, or volunteer has provided:

ENROLLED ORIGINAL

“(1) A complete set of qualified, legible fingerprints, in a form approved by the FBI;

“(2) Written confirmation that the applicant, appointee, covered employee, or volunteer has been informed by the Mayor or the personnel authority that they are authorized to conduct a criminal background check on the applicant, appointee, covered employee, or volunteer;

“(3) Written authorization for the Mayor or the personnel authority to conduct a criminal background check;

“(4) Any additional identification that is required, including the name, social security number, birth date, and gender of the applicant, appointee, covered employee or volunteer;

“(5) A signed affirmation stating whether or not the applicant, appointee, covered employee, or volunteer has been convicted of, entered a guilty plea, including a plea of *nolo contendere* to, or has been found not guilty by reason of insanity of any crime in the District of Columbia or in any other state or territory;

“(6) Written acknowledgment that the Mayor or the personnel authority has notified the applicant, appointee, covered employee, or volunteer of his or her right to obtain a copy of the criminal background check report and to challenge the accuracy and completeness of the report; and

“(7) Written acknowledgment that the Mayor or the personnel authority may choose to deny the applicant or appointee employment or a volunteer position, or terminate a covered employee or volunteer, based on the outcome of the criminal background check.

“(e) Fingerprinting for the purposes of this section may be conducted by any person authorized to do so by the Mayor or the FBI.

“Sec. 2065. Background investigations.

“(a) In addition to criminal background checks, the individuals listed in section 2062 may be subject to background investigations.

“(b) A background investigation pursuant to this title shall consist of:

“(1) A credit check of the applicant, appointee, covered employee, or volunteer that adheres to the notification and consent requirements of the Fair Credit Reporting Act, approved October 26, 1970 (Pub. L. 91-508; 15 USC § 1681), and any other applicable law or regulation, as appropriate;

“(2) A traffic record check, as appropriate; and

“(3) The acquisition and consideration of any other information allowed by law that assists in establishing the suitability for employment of an applicant, appointee, covered employee, or volunteer, including employment history checks and reference checks.

“(c) Any other information allowable by law that shall assist in establishing the suitability of an applicant, appointee, volunteer, or covered employee for employment or volunteer work with the District government.

“Sec. 2066. Assessment of information obtained from criminal background checks and background investigations.

ENROLLED ORIGINAL

“(a) The information obtained from a criminal background check or background investigation shall not create an automatic presumption against employment of an applicant, appointee, covered employee, or volunteer. The Mayor or the personnel authority shall determine whether the applicant, appointee, covered employee, or volunteer is unsuitable for employment because of his or her criminal history and background. In making this determination, the Mayor or the personnel authority shall consider the following factors:

“(1) The specific duties and responsibilities of the covered position;

“(2) The bearing, if any, the criminal offense or background information will have on the fitness or ability of the applicant, appointee, covered employee, or volunteer to perform one or more of such duties or responsibilities;

“(3) The time which has elapsed since the occurrence of the criminal offense or negative background information;

“(4) The age of the applicant, appointee, covered employee, or volunteer at the time of the occurrence of the criminal offense or negative background information;

“(5) The frequency and seriousness of the criminal offense or negative background information;

“(6) Any information provided on behalf of the applicant, appointee, covered employee, or volunteer or provided regarding his or her rehabilitation and good conduct since the occurrence of the criminal offense or negative background information; and

“(7) The public policy that it is beneficial generally for ex-offenders to obtain employment.

“(b) If the Mayor or the personnel authority determines that an applicant, appointee, volunteer, or covered employee shall not remain in his or her position because he or she has been determined unsuitable for employment because of the individual’s criminal history and background, the Mayor or the personnel authority shall inform the applicant, appointee, volunteer, or covered employee in writing.

“Sec. 2067.. Appeals.

“(a) A covered employee who the Mayor or the personnel authority has determined shall not remain in his or her position because of being determined unsuitable for employment due to the covered employee’s criminal history or background investigation shall have the following appeal rights:

“(1) A covered employee in a position under the Career Service (non-probationary status), Excepted, Executive, Legal, Management Supervisory Service, or in a non-excluded Educational Service position who is not on probationary status may appeal the decision; or

“(2) A covered employee on probationary status or a volunteer may not appeal the decision.

“(b) The Mayor or the personnel authority shall issue rules setting forth the appeal process for an applicant, appointee, or covered employee who is determined unsuitable for employment because of his or her criminal history and background.

“Sec. 2068. Submission of positions subject to criminal background checks.

ENROLLED ORIGINAL

“(a) Within 60 days after the effective date of this subchapter, each personnel authority shall submit to the Mayor a list of the positions it has designated as subject to the criminal background check requirements of this subchapter.

“(b) Within 60 days after the effective date of this title, the Chief Procurement Officer shall submit to the Mayor a list of the positions in private entities that contract with the District government that shall be subject to criminal background checks pursuant to this title.

“(c) Personnel authorities shall submit to the Mayor an updated list of the positions subject to the background investigation requirements of this title no later than December 1 of each year.

“(d) The Chief Procurement Officer shall submit to the Mayor quarterly reports listing the positions in private entities that contract with the District government that are subject to the requirements of this title.

“Sec. 2069. Confidentiality of criminal history and background investigation information.

“All criminal history and background information records received by the Mayor or the personnel authority shall be confidential and are for the exclusive purpose of making employment-related determinations under this title. The criminal history and background information records shall not be released or otherwise disclosed to any person except when:

“(1) Required as a component of an application for employment for a position under this title;

“(2) Requested by the Mayor, or his or her designee, during an official inspection or investigation;

“(3) Ordered by a court of competent jurisdiction;

“(4) Authorized by the written consent of the person being investigated; or

“(5) Utilized for a corrective, adverse, or other administrative action in a personnel proceeding related to the position for which the investigation was conducted or any position to which the employee advanced from that position in the District government.

“Sec. 2070. Penalty for providing false information regarding criminal history or background investigations.

“(a) An applicant or appointee under this title who knowingly or through gross negligence provides false information that is material to the conduct of a criminal history check or background investigation shall be denied employment.

“(b) An employee under this title who knowingly or through gross negligence provides false information that is material to the conduct of a criminal history check or background investigation shall be terminated from employment.

“(c) A volunteer under this title who knowingly or through gross negligence provides false information that is material to the conduct of a criminal history check or background investigation shall be prohibited from performing volunteer services for the District government.

“Sec. 2071. Penalties for disclosing confidential criminal history or background investigation information.

“(a) An individual who knowingly discloses criminal history or background investigation information in violation of section 2069 is guilty of a criminal offense and, upon

ENROLLED ORIGINAL

conviction, shall be fined no more than \$1,000 or imprisoned for not more than 180 days, or both.

“(b) Prosecutions for violations of this title shall be brought in the Superior Court of the District of Columbia by the Office of the Attorney General for the District of Columbia.

“Sec. 2072. Coverage of private contractual entities.

“Private entities that contract with the District government to provide employees to work in protection-sensitive positions shall establish criminal history check and background investigation policies and procedures that are consistent with the requirements of this title.

“Sec. 2073. Applicability.

“(a) If, as of the effective date of this title, a District government agency has its own criminal history check or background investigation policies and procedures, and those existing policies or procedures are stricter than the provisions of this title, this title shall supplement and shall not replace the agency’s policies and procedures.

“(b) The provisions of this title shall be in addition to, and shall not repeal, the provisions of section 522 of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1985 (D.C. Law 6-99; D.C. Official Code § 3-1205.22), the Criminal Background Checks for the Protection of Children Act of 2004, effective April 13, 2005 (D.C. Law 15-353; D.C. Official Code § 4-1501.01 *et seq.*), the Health-Care Facility Unlicensed Personnel Criminal Background Check Act of 1998, effective April 20, 1999 (D.C. Law 12-238; D.C. Official Code § 44-551 *et seq.*), section 2 of the Department of Corrections Criminal Background Investigation Authorization Act of 1998, effective June 19, 1998 (D.C. Law 12-126; D.C. Official Code § 24-211.41), and Chapter 4 of Title 6B of the District of Columbia Municipal Regulations (6B DCMR § 4), entitled "Organization for Personnel Management.”

“Sec. 2074. Rules.

“Within 120 days of the effective date of this title, the Mayor, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), shall issue rules to implement the provisions of this title.”

Sec. 3. Fiscal impact statement.

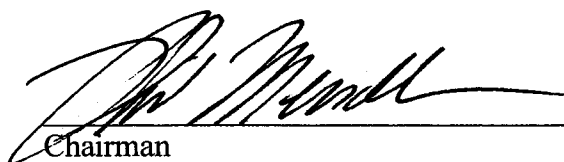
The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

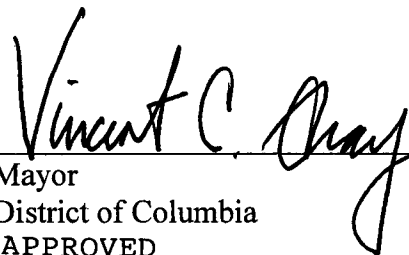
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

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 29, 2013

ENROLLED ORIGINAL

AN ACT

D.C. ACT 20-228

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

NOVEMBER 29, 2013

To amend, on an emergency basis, section 47-1801.04 of the District of Columbia Official Code and the Fiscal Year 2014 Budget Support Act of 2013 to clarify that the base year for cost-of-living adjustments related to the personal income tax standard deduction and exemption is 2011.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Cost-of-Living Adjustment Personal Income Tax Standard Deduction and Exemption Technical Clarification Emergency Act of 2013".

Sec. 2. Section 47-1801.04(11) of the District of Columbia Official Code is amended to read as follows:

"(11) (A) "Cost-of-living adjustment" means an amount, for any calendar year, equal to the dollar amount set forth in paragraph (44)(A) and (B) or § 47-1806.02(f)(1)(A) and (i) multiplied by the difference between the Consumer Price Index for the preceding calendar year and the Consumer Price Index for the calendar year beginning January 1, 2011, divided by the Consumer Price Index for the calendar year beginning January 1, 2011.

"(B) For the purposes of this paragraph, the Consumer Price Index for any calendar year is the average of the Consumer Price Index for the Washington-Baltimore Metropolitan Statistical Area for all-urban consumers published by the Department of Labor, or any successor index, as of the close of the 12-month period ending on July 31 of such calendar year."

Sec. 3. Section 7102(b) of the Combined Reporting Clarification Act of 2013, signed by the Mayor on August 28, 2013 (D.C. Act 20-157; 60 DCR 12472), amendatory section 47-1801.04(11), is amended to read as follows:

"(11) (A) "Cost-of-living adjustment" means an amount, for any calendar year, equal to the dollar amount set forth in paragraph (44)(A) and (B) or § 47-1806.02(f)(1)(A) and (i) multiplied by the difference between the Consumer Price Index for the preceding calendar year and the Consumer Price Index for the calendar year beginning January 1, 2011, divided by the Consumer Price Index for the calendar year beginning January 1, 2011.

"(B) For the purposes of this paragraph, the Consumer Price Index for any calendar year is the average of the Consumer Price Index for the Washington-Baltimore Metropolitan Statistical Area for all-urban consumers published by the Department of Labor, or any

ENROLLED ORIGINAL

successor index, as of the close of the 12-month period ending on July 31 of such calendar year.”.

Sec. 4. Applicability.

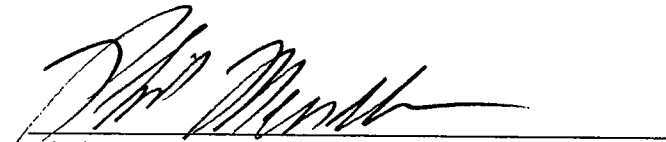
Sections 2 and 3 shall apply for taxable years beginning after December 31, 2010.

Sec. 5. Fiscal impact statement.

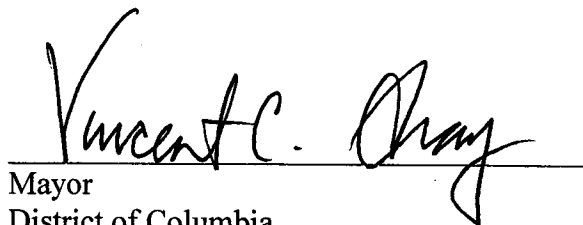
The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 6. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), 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 29, 2013

ENROLLED ORIGINAL

AN ACT
D.C. ACT 20-229

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
NOVEMBER 29, 2013

To amend, on an emergency basis, the District of Columbia Administrative Procedure Act to exempt from disclosure certain critical infrastructure information.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Critical Infrastructure Freedom of Information Emergency Amendment Act of 2013".

Sec. 2. Title II of the District of Columbia Administrative Procedure Act, effective March 25, 1977 (D.C. Law 1-96; D. C. Official Code § 2-531 *et seq.*), is amended as follows:

(a) Section 204(a) (D.C. Official Code § 2-534(a)) is amended as follows:

(1) Paragraph (13) is amended by striking the word "and".

(2) Paragraph (14) is amended by striking the period and inserting the phrase "; and" in its place.

(3) A new paragraph (15) is added to read as follows:

"(15) Any critical infrastructure information or plans that contain critical infrastructure information for the critical infrastructures of companies that are regulated by the Public Service Commission of the District of Columbia."

(b) The text of section 209 (D.C. Official Code § 2-539) is amended to read as follows: "For purposes of this title:

"(1) The terms "Mayor," "Council," "District," "agency," "rule," "rulemaking," "person," "party," "order," "relief," "proceeding," "public record," and "adjudication" shall have the meanings provided in section 102.

"(2) The term "critical infrastructure" means 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.

"(3) The term "critical infrastructure information" means 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 law,

ENROLLED ORIGINAL

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, 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.”.

Sec. 3. Paragraph 32 of section 8 of An Act Making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June thirtieth, nineteen hundred and fourteen, and for other purposes, approved March 24, 1913 (37 Stat. 982; D.C. Official Code § 34-902), is amended as follows:

- (a) The existing text is designated as subsection (a).
- (b) A new subsection (b) is added to read as follows:


“(b) The Commission shall publish rules and regulations for the administration of the provisions of section 204(a)(15) of the District of Columbia Administrative Procedure Act, effective March 25, 1977 (D.C. Law 1-96; D.C. Official Code § 2-534(a)(15)).”.

Sec. 4. Fiscal impact statement.

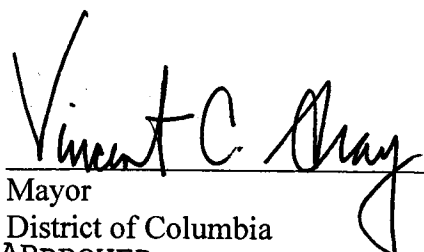
The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

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 29, 2013

016789

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

20-109

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 1, 2013

To recognize and honor N Street Village for its many contributions to the citizens and the city of Washington, D.C. and congratulate it as it celebrates 40 years of service.

WHEREAS, N Street Village was founded in 1972;

WHEREAS, N Street Village is a community of empowerment and recovery for homeless and low-income women in Washington, D.C., with comprehensive services addressing both emergency and long-term needs;

WHEREAS, N Street Village helps women achieve personal stability and make gains in their housing, income, employment, mental health, physical health, and addiction recovery;

WHEREAS, over the last 40 years, N Street Village has grown to become the largest provider specializing in supportive services and housing for homeless and low-income women in the District of Columbia;

WHEREAS, N Street Village is the only provider of women’s wrap-around and emergency services open 24 hours a day, 7 days a week, 365 days a year; and

WHEREAS, last year, N Street Village served nearly 1,400 women, which is double the number of women that it was annually serving a decade ago.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “N Street Village 40th Anniversary Recognition Resolution of 2013”.

Sec. 2. The Council of the District of Columbia recognizes and honors N Street Village for its many contributions to the citizens and the city of Washington, D.C., and congratulates it as it celebrates 40 years of service.

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

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

20-110

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 1, 2013

We are proud to recognize, honor, and express our overwhelming gratitude to Maudine R. Cooper for her commitment to excellence and for her numerous contributions to the community and to the District of Columbia and her citizens, and to declare November 8, 2013, as “Maudine R. Cooper Day” in the District of Columbia.

WHEREAS, Maudine R. Cooper was born September 30, 1941;

WHEREAS, Maudine R. Cooper received both her undergraduate degree in Business Administration and her J.D. degree from Howard University;

WHEREAS, Maudine R. Cooper joined the National Urban League in 1973 as an Assistant Director for Federal Programs and became Vice President for the Washington Operations Legislative office in 1980;

WHEREAS, Maudine R Cooper joined the Washington , D.C., government as Director of the Office of Human Rights under Mayor Marion Barry, Jr in 1983, and that position provided her the opportunity to put her legal training and her commitment to social justice in action;

WHEREAS, Maudine R. Cooper, in 1987, was appointed to head the Minority Business Opportunity Commission;

WHEREAS, Maudine R. Cooper, in 1989, was approached by Mayor Barry to become his Chief of Staff, and she served in this position for the last 2 years of his third term;

WHEREAS, Maudine R. Cooper, since 1990, has served as President and CEO of the Greater Washington Urban League, an affiliate of the National Urban League that provides services in the following key areas: education, employment and training, health promotion and nutrition services, and housing and community development;

ENROLLED ORIGINAL

WHEREAS, Maudine R. Cooper is a member of numerous organizations and boards, such as the District of Columbia Bar Association, the NAACP, the D.C. Agenda Project, and Leadership Washington;

WHEREAS, Maudine R. Cooper, in 1992, received the prestigious Isaiah Award for the Pursuit of Justice, presented by the Washington, D.C. Chapter of the American Jewish Committee; and

WHEREAS, Maudine R. Cooper, in 1998, was named McDonalds Black History maker of Today in the Washington, D.C., area.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Maudine R. Cooper Recognition Resolution of 2013".

Sec. 2. The Council of the District of Columbia recognizes, honors, and salutes Maudine R. Cooper for her commitment and passion for people and for her numerous contributions to the District of Columbia and her citizens, and declares November 8, 2013 as "Maudine R. Cooper Day" in the District of Columbia.

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

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

20-111

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 1, 2013

We are proud to recognize and express our overwhelming gratitude to Helping Individual Prostitutes Survive for its numerous contributions to the community and to the District of Columbia, and to declare October 3, 2013, as “HIPS Day” in the District of Columbia.

WHEREAS, Helping Individual Prostitutes Survive (“HIPS”) was founded in 1993 in the District Columbia by a coalition of service providers, advocates, and law enforcement officials as an outreach and referral service;

WHEREAS, HIPS’ mission is to assist female, male, and transgender individuals engaging in sex work in Washington, D.C. by helping and reaching out to the city’s most abused and misunderstood population to help them create a healthier community and live healthy lives;

WHEREAS, HIPS is a nationally recognized program that meets the needs of sex workers assisting them in their efforts to eliminate the transmission of HIV, increase sexual health, and work to build positive relationships;

WHEREAS, HIPS’ program strives to address the impact that HIV/AIDS, sexually transmitted infections, discrimination, poverty, violence, and drug use have on the lives of individual’s engaging in sex work through active listening, consistent outreach, and unconditional support; and

WHEREAS, HIPS’ program reaches an average of 100 sex workers each night, makes over 8,000 contacts each year, and provides a full spectrum of programs to address basic and immediate needs, long-term goal setting, and life-skills development.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Helping Individual Prostitutes Survive (HIPS) Recognition Resolution of 2013”.

Sec. 2. The Council of the District of Columbia recognizes honors and salutes HIPS for its numerous contributions to the District of Columbia and her citizens and declares October 3, 2013 as “HIPS Day” in the District of Columbia.

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

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

20-112

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 1, 2013

To honor and acknowledge Nancy Pelosi, Minority Leader of the United States House of Representative, for her comments on the lack of full citizenship rights for the people of the District of Columbia spoken at the 50th Anniversary of the Civil Rights March on Washington, D.C., in August 2013.

WHEREAS, Nancy Pelosi was born March 26, 1940 in Baltimore, Maryland;

WHEREAS, Nancy Pelosi, in 1962, graduated from Trinity College in Washington, D.C., where she met Paul Pelosi, and the couple later married and moved to San Francisco;

WHEREAS, Nancy Pelosi continues the family tradition of being involved in politics, her father having served in Congress and as the Mayor of Baltimore for 12 years and her brother Thomas having served as Mayor of Baltimore as well;

WHEREAS, in 1987, Nancy Pelosi won public office in a special election for California's Eighth District, which includes San Francisco, as a member of the House of Representatives;

WHEREAS, in 2002, Nancy Pelosi emerged as one of the leading Democrats in Congress and was selected to be the Democratic Leader of the House of Representatives, making her the first woman in history to do so;

WHEREAS, in 2006, Nancy Pelosi broke new ground for women in U.S. politics by being chosen to become the first woman to take the post of Speaker of the House;

WHEREAS, Nancy Pelosi has been a strong supporter of health research, health care, and housing and an advocate for the environment for human rights;

WHEREAS, in August 2013, Nancy Pelosi joined members of the Martin Luther King, Jr. family, President Barack Obama and many others at the 50th Anniversary of the Civil Rights March on Washington, DC, on the steps of the Lincoln Memorial; and

ENROLLED ORIGINAL

WHEREAS, during her remarks she commented on the lack of full citizenship rights denied to the people of the District of Columbia.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Nancy Pelosi Recognition Resolution of 2013”.

Sec. 2. The Council of the District of Columbia honors and expresses gratitude to Nancy Pelosi for mentioning the need for full citizenship rights for the people of the District of Columbia.

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

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

20-113

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 1, 2013

To recognize and honor Bishop C.M. (“Sweet Daddy”) Bailey, Leader of the United House of Prayer for All People, on the occasion of the 87th Annual Holy Convocation.

WHEREAS, the Honorable C.M. Bailey was elected to the office of Bishop of the United House of Prayer with an impressive 91% of the votes of the General Assembly of the Church on May 23, 2008, after the passing of the late Bishop S.C. (“Sweet Daddy”) Madison;

WHEREAS, the Honorable C.M. Bailey, in just 5 years, has successfully forwarded the growth of the United House of Prayer in America, so that it now consists of 138 Congregations, situated in 28 States throughout the nation;

WHEREAS, the Honorable C.M. Bailey, during these economically difficult times, has proven his business skills in continuing the nationwide “Bailey Building Program” of the United House of Prayer, and has had a significant impact on community revitalization efforts in a number of cities and communities surrounding the various Houses of Prayer, including in the District of Columbia;

WHEREAS, the Honorable C.M. Bailey’s success in revitalizing communities can be seen first-hand in the District of Columbia;

WHEREAS, the Honorable C.M. Bailey has led the way in changing the Mount Vernon Square and the Shaw communities without any federal or District government assistance or private construction loans, through the “Bailey Building Program”;

WHEREAS, the Honorable C.M. Bailey is commended for not only his investment in bricks and mortar, but in the lives of his membership;

WHEREAS, Bishop C.M. Bailey is loved, admired, and respected, not only by the membership of the United House of Prayer, but by the citizens of the District of Columbia as well, for his unconditional commitment, unceasing love, tireless energy, and dedication to the betterment of mankind; and

ENROLLED ORIGINAL

WHEREAS, 2013 marks the Honorable C.M. Bailey's 5th anniversary as Bishop, and his 5th remarkable year of leadership of the United House of Prayer for All People.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Honorable C.M. Bailey's Fifth Anniversary as Bishop of the United House of Prayer Recognition Resolution of 2013".

Sec. 2. The Council of the District of Columbia recognizes and honors the achievements of the Honorable C.M. ("Sweet Daddy") Bailey in his first 5 years as Bishop of the United House of Prayer for All People, and his contributions to the revitalization of portions of the Mount Vernon Square and the Shaw communities in the District of Columbia, without federal or District government assistance or private sector loans or mortgages.

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

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

20-114

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 1, 2013

To proudly recognize Lynwood Clayton Westray for his 32 years of committed and dedicated service as a White House butler, and to declare October 27, 2013, as “Lynwood Clayton Westray Day” in the District of Columbia.

WHEREAS, Lynwood Westray was born in Washington, D.C. on September 17, 1921, the child of William H. Westray Sr. and Mabel Gaskins Westray;

WHEREAS, Lynwood Westray was educated in District of Columbia Public Schools (Payne Elementary School, Lovejoy Elementary School, Brown Junior High School, and Cardozo Senior High School);

WHEREAS, Lynwood Westray attended Minor Teacher’s College shortly after high school;

WHEREAS, Lynwood Westray, during World War II, served in the United States Army as a Sergeant;

WHEREAS, Lynwood Westray, in 1962, began working at the White House part-time while still working his full-time job at the United States Post Office.

WHEREAS, Lynwood Westray retired from the United States Post Office in 1972;

WHEREAS, Lynwood Westray, worked in several other capacities during his career, including Lickman Theatre Group, and as a taxi driver;

WHEREAS, Lynwood Westray served as a part-time butler in the White House for 32 years, serving 8 presidents, including John F. Kennedy, Lyndon B. Johnson, Richard M. Nixon, Gerald R. Ford, George H. W. Bush, and William J. Clinton;

WHEREAS, Lynwood Westray, as a butler at the White House, served the President and First Lady on special occasions, at lunch, dinner, and at private parties;

ENROLLED ORIGINAL

WHEREAS, Lynwood Westray's, fondest memory was in 1979, when Great Britain's Prince Philip reversed rolls and served Linwood a drink at the White House;

WHEREAS, Lynwood Westray, was a member of the Private Butlers Association Inc., a social group made up of butlers, and served as its secretary; and

WHEREAS, Linwood Westray served with other White House butlers, including Joe Parker, William Bowen, James Ramsey, George Haney, Alvie Paschall, Benny Jeffries, Mark James, James Hall, Milton Rowe, Vincent Matthews, Wilson Jerman, and Herman Thompson.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Lynwood Clayton Westray Recognition Resolution of 2013".

Sec. 2. The Council of the District of Columbia recognizes, honors, and salutes Lynwood Clayton Westray and all White House butlers for their commitment to excellence and declares October 27, 2013, as "Lynwood Clayton Westray Day" in the District of Columbia.

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

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

20-115

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 1, 2013

To recognize and honor Verizon’s charitable and civic contributions to the District of Columbia and support of innovative programs in the healthcare, education literacy, internet safety, domestic violence prevention, sustainability, community, and business development sectors.

WHEREAS, over the past 5 years, Verizon has made more than \$37 million in contributions to the District of Columbia and Verizon employees volunteered more than 50,000 hours to District of Columbia nonprofits to make a positive difference in their communities;

WHEREAS, Verizon provided support for nonprofit organizations working to prevent domestic violence and serve the vital needs of women, families, and children;

WHEREAS, through the HopeLine program, Verizon collected hundreds of used cell phones and donated them to victims of domestic violence;

WHEREAS, Verizon worked with various nonprofits to promote reading, computer literacy, and student engagement in science, technology, engineering, and math;

WHEREAS, Verizon’s investments increased access to quality healthcare for women, seniors, children, and families across the District through meaningful partnerships with District-based organizations such as Mary’s Center for Maternal and Child Care and Unity Health Care to implement electronic medical record-keeping at numerous healthcare sites;

WHEREAS, in early 2013, Verizon partnered with the University of the District of Columbia to launch its “Garden of the Senses,” where 4 new teaching gardens will be created on the Van Ness campus to provide students from the College of Agriculture, Urban Sustainability and Environmental Sciences with hands-on agricultural and urban gardening experience and the opportunity to mentor District of Columbia elementary, middle, and high school students about how gardens beautify neighborhoods;

WHEREAS, Verizon has supported local and regional economic development initiatives with partnering groups;

ENROLLED ORIGINAL

WHEREAS, Verizon hosted 2 education, health, and technology fairs to offer seniors living in the District of Columbia vital healthcare information, one-on-one training on how to navigate the features of a wireless device, tips on being safe on the Internet, and information on emergency preparedness and discounted phone services;

WHEREAS, in May of 2013, Verizon created a technology center at the Mayor’s Age-Friendly City Senior Symposium to educate older adults on the use of new technology;

WHEREAS, in response to the recent District of Columbia Navy Yard shooting, the Verizon Foundation pledged \$25,000 to The Community Foundation for the National Capital Region to assist families of the victims and persons injured in the attack; and

WHEREAS, Verizon has invested millions of dollars to bring advanced 4G LTE and fiber-optic technology to city residents and businesses to increase educational achievement, access to healthcare, and economic development throughout the District of Columbia.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Verizon Recognition Resolution of 2013”.

Sec. 2. The Council of the District of Columbia recognizes Verizon and honors it for its contributions to the District and its support of community initiatives in all wards of the District.

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

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

20-116

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 1, 2013

To recognize and honor the District of Columbia Sustainable Energy Utility managed by the District Department of the Environment in this month of October, National Energy Awareness Month.

WHEREAS, the District of Columbia Sustainable Energy Utility (“DCSEU”) helps District residents, businesses, and institutions save energy and money through energy efficiency and renewable energy initiatives;

WHEREAS, the DCSEU, led by the Sustainable Energy Partnership and under contract by the District Department of the Environment, is building a brighter economic, environmental, and energy future for the District;

WHEREAS, since its formation in 2011, the DCSEU has served over 65,000 residents and reduced the city’s greenhouse gas emissions by 550,000 tons – the equivalent of taking 115,000 cars off of the road for a year;

WHEREAS, in fiscal year 2013, the DCSEU spent \$5 million with District-based Certified Business Enterprises and 400 District residents worked in support of DCSEU initiatives;

WHEREAS, the DCSEU contributes to the Sustainable DC vision to reduce energy consumption by 50% and increase the use of renewable energy 50% by 2032; and

WHEREAS, the District of Columbia recently earned the ranking of #7 among the nation’s top cities advancing energy efficiency and the American Council for an Energy-Efficient Economy identified the DCSEU as one of the city’s best practices that afforded this success.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “District of Columbia Sustainable Energy Utility Recognition Resolution of 2013”.

ENROLLED ORIGINAL

Sec. 2. The Council of the District of Columbia recognizes the District of Columbia Sustainable Energy Utility, its lead partner Vermont Energy Investment Corporation, partners George L. Nichols & Associates, Groundswell, Institute for Market Transformation, L.S. Caldwell and Associates, Inc., PEER Consultants, PES Group/Stateline Energy Associates, Skyline Innovations, and Taurus Development Group and honors them for their contributions.

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

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

20-117

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 1, 2013

To recognize and welcome members of Tibetan-American communities and Tibet supporters, as they join together for the “Rally for Tibet” in a united effort to raise awareness and seek support for the efforts of His Holiness the 14th Dalai Lama of Tibet and the Central Tibetan Administration to find a peaceful and lasting solution to the Tibetan issue and speak to the plight and struggle of the Tibetan people.

WHEREAS, the Rally for Tibet begins at the historic site of the Lincoln Memorial, where 50 years ago, Dr. Martin Luther King Jr. delivered the famous “I Have a Dream” speech, a speech that resonates and inspires even today;

WHEREAS, the Council of the District of Columbia has welcomed and honored His Holiness the 14th Dalai Lama of Tibet for his commitment to peace, justice, and the people of Tibet and the unparalleled global impact of his messages of peace and democracy;

WHEREAS, the Council of the District of Columbia appreciates His Holiness the 14th Dalai Lama’s position on voting rights for the citizens of the District of Columbia;

WHEREAS, the Rally for Tibet takes place during a critical time in Tibet when more than 120 Tibetans have set themselves on fire, calling for freedom and for the return of the Dalai Lama to Tibet;

WHEREAS, Tibetans and Tibet supporters have organized Rallies for Tibet in capitals and cities around the world, including in New Delhi, India and in Brussels, Belgium; and

WHEREAS, the United States government has consistently expressed deep concerns over the situation in Tibet and urged the Chinese leadership to enter into dialogue with the Dalai Lama or his envoys, and President Obama commended the Dalai Lama’s “Middle Way” approach when they met in February of 2010.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “October 7 Washington, D.C. Rally for Tibet Recognition Resolution of 2013”.

ENROLLED ORIGINAL

Sec. 2. The Council of the District of Columbia recognizes and honors Tibetan-Americans and Tibet supporters for their dedication and commitment to the people of Tibet and their peaceful struggle.

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

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

20-118

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 1, 2013

To honor and celebrate milestone anniversaries for Fit Physique and City Fitness—2 dedicated and accomplished small businesses in the District of Columbia.

WHEREAS, Fit Physique was established 30 years ago and is now the oldest woman-owned fitness business in the District;

WHEREAS, Fit Physique opened the City Fitness gym—the only woman-owned gym in the District—in Cleveland Park 20 years ago this month;

WHEREAS, City Fitness has been recognized by *The Washington City Paper* as one of the best gyms in the District of Columbia, having been named Runner-Up in that category as recently as 2013;

WHEREAS, co-owner Dega Schembri was recognized by *Sports Focus* magazine as one of the “10 Women in Fitness Who Has Made a Difference;”

WHEREAS, co-owner Lucinda LeRee was the lead trainer for *Sports Illustrated’s* Super Shape video series; and

WHEREAS, the owners of City Fitness have supported local, national, and international socially responsible nonprofits such as Girls on the Run, Workout For Hope AIDS, Fannie Mae Help the Homeless Walk-a-Thon, and the Ugandan Children’s Charity Foundation.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “City Fitness Recognition Resolution of 2013”.

Sec. 2. The District of Columbia recognizes the many accomplishments of these successful businesses, their anniversary this month, and their commitment to improving the health and fitness of the community.

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

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

20-119

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 1, 2013

To recognize Fred Allen Swan Jr. and his over 15 years of experience providing social services throughout the Washington, D.C. metropolitan area.

WHEREAS, Mr. Swan is a resident of the District of Columbia and resides in Ward 5;

WHEREAS, he is a graduate of Westfield State College, where he earned his Bachelor of Arts degree in Psychology;

WHEREAS, upon completion of his undergraduate studies, Mr. Swan obtained his Master’s Degree from the Smith College School of Social Work;

WHEREAS, he is currently a Licensed Independent Clinical Social Worker and a Certified Facilitator for the Duluth Model Domestic Violence Intervention Program for batterers;

WHEREAS, since May 29, 2007, Mr. Swan has led the District of Columbia’s Department of Human Services’ Family Services Administration in its efforts to combat homelessness in the nation’s capital;

WHEREAS, in addition to his experience at the Department of Human Services, Mr. Swan has also had extensive experience in the Washington, D.C. metropolitan area through his work with the Next Step Program, District of Columbia Housing Authority, KIDD International Home Care Inc., and the Housing Authority of Baltimore City;

WHEREAS, in April 2013, Mr. Swan was featured by Destiny – Pride Incorporated, a District nonprofit organization that facilitates and provides collaborative support, resources, and services to promote the social welfare of children, youth, and families, as their “Spotlight of the Month” for his professional contributions and accomplishments in the District of Columbia;

WHEREAS, throughout his career, Mr. Swan demonstrated a passion for helping others, a talent for cutting across silos to solve complex problems, and an ability to develop and lead staff; and

ENROLLED ORIGINAL

WHEREAS, his willingness to go beyond the call of duty has forever changed the lives of thousands of District residents when they needed government support the most.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Fred Allen Swan Jr. Recognition Resolution of 2013”.

Sec. 2. The Council of the District of Columbia recognizes and honors Fred Allen Swan Jr. for his commitment to the District of Columbia and its most vulnerable residents.

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

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

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

=====

COUNCIL OF THE DISTRICT OF COLUMBIA	PROPOSED LEGISLATION
--	-----------------------------

PROPOSED RESOLUTIONS

PR20-575 Abandonment of the Highway Plan for a Portion of 28th and Austin Streets, SE S.O. 13-11875 Resolution of 2013

Intro. 12-03-13 by Chairman Mendelson at the request of the Mayor and referred to the Committee of the Whole with comments from the Committee on Economic Development and the Committee on Transportation and the Environment

PR20-576 Student Grievance Procedure Regulations Approval Resolution of 2013

Intro. 12-03-13 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Education

PR20-577 Green Building Act Transition Provision Amendment Approval Resolution of 2013”

Intro. 12-03-13 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Business, Consumer, and Regulatory Affairs with comments from the Committee on Transportation and the Environment

PR20-578 Green Building Act Compliance Provisions Amendment Approval Resolution of 2013”

Intro. 12-03-13 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Business, Consumer, and Regulatory Affairs with comments from the Committee on Transportation and the Environment

PROPOSED RESOLUTIONS Con't

PR20-579 District of Columbia Business License and Corporate Division Filings Resolution of 2013”

Intro. 12-03-13 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Business, Consumer, and Regulatory Affairs

COUNCIL OF THE DISTRICT OF COLUMBIA EXCEPTED SERVICE APPOINTMENTS AS OF NOVEMBER 30 , 2013

NOTICE OF EXCEPTED SERVICE EMPLOYEES

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

COUNCIL OF THE DISTRICT OF COLUMBIA			
NAME	POSITION TITLE	GRADE	TYPE OF APPOINTMENT
Cristaldo, Mario	Constituent Services Deputy Director	2	Excepted Service - Reg Appt
Hickey, Darby	Administrative Clerk	2	Excepted Service - Reg Appt
Whittier, Kelly	Administrative Assistant	3	Excepted Service - Reg Appt

Notice of Reprogramming Disapproval

Chairman Mendelson filed on December 9, 2013, PR 20-580 the "Reprogramming No. 20-130 Disapproval Resolution of 2013" to disapprove Reprogramming 20-130. The request to reprogram \$9,055,941 of Fiscal Year 2014 Local funds budget authority from the District Retiree Health Contribution (DRHC) to the Department of Public Works (DPW) was filed in the Office of the Secretary on November 25, 2013. This reprogramming ensures that DPW will be able to complete the replacement of all trash receptacles and recycling containers for District households within the fiscal year.

The Council review period for Reprogramming 20-130 has been extended to 30 days, ending on Friday, January 3, 2014. If the Council does not adopt a resolution of approval or disapproval during this period, the reprogramming will be deemed approved on Saturday, January 4, 2014.

Notice of Reprogramming Disapproval

Chairman Mendelson filed on December 9, 2013, PR 20-581 the "Reprogramming No. 20-132 Disapproval Resolution of 2013" to disapprove Reprogramming 20-132. The 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.

The Council review period for Reprogramming 20-132 has been extended to 30 days, ending on Friday, January 3, 2014. If the Council does not adopt a resolution of approval or disapproval during this period, the reprogramming will be deemed approved on Saturday, January 4, 2014.

Notice of Reprogramming Disapproval

Chairman Mendelson filed on December 9, 2013, PR 20-582 the "Reprogramming No. 20-134 Disapproval Resolution of 2013" to disapprove Reprogramming 20-134. The request to reprogram \$800,000 of Fiscal Year 2014 Local funds budget authority from the District Retiree Contribution (DRHC) to the Department of General Services (DGS) was filed in the Office of the Secretary on December 5, 2013. This reprogramming is needed to support the costs associated with providing electrical energy to various District-owned building, Streetlights, and the operations at the United Medical Center.

The Council review period for Reprogramming 20-134 has been extended to 30 days, ending on Monday, January 13, 2014. If the Council does not adopt a resolution of approval or disapproval during this period, the reprogramming will be deemed approved on Tuesday, January 14, 2014.

Notice of Reprogramming Disapproval

Chairman Mendelson filed on December 9, 2013, PR 20-583 the "Reprogramming No. 20-135 Disapproval Resolution of 2013" to disapprove Reprogramming 20-135. The request to reprogram \$94,265 of Fiscal Year 2014 Local funds budget authority from the District Retiree Contribution (DRHC) to the Department of Health Care Finance (DHCF) was filed in the Office of the Secretary on December 5, 2013. This reprogramming ensures that DHCF will be able to support the funding of 2.0 FTEs in the Office of the Director, Office of the Chief Operating Officer.

The Council review period for Reprogramming 20-135 has been extended to 30 days, ending on Monday, January 13, 2014. If the Council does not adopt a resolution of approval or disapproval during this period, the reprogramming will be deemed approved on Tuesday, January 14, 2014.

Notice of Reprogramming Disapproval

Chairman Mendelson filed on December 9, 2013, PR 20-584 the "Reprogramming No. 20-136 Disapproval Resolution of 2013" to disapprove Reprogramming 20-136. The request to reprogram \$880,000 of Fiscal Year 2014 Local funds budget authority from the District Retiree Contribution (DRHC) to the Office of the State Superintendent of Education (OSSE) was filed in the Office of the Secretary on December 5, 2013. This reprogramming ensures that OSSE will be able to cover the cost of establishing three new National Academy Foundation Career Academies.

The Council review period for Reprogramming 20-136 has been extended to 30 days, ending on Monday, January 13, 2014. If the Council does not adopt a resolution of approval or disapproval during this period, the reprogramming will be deemed approved on Tuesday, January 14, 2014.

Notice of Reprogramming Disapproval

Chairman Mendelson filed on December 9, 2013, PR 20-585 the "Reprogramming No. 20-137 Disapproval Resolution of 2013" to disapprove Reprogramming 20-137. The request to reprogram \$790,788 of Fiscal Year 2014 Local funds budget authority from the District Retiree Contribution (DRHC) to the Department of Motor Vehicles (DMV) was filed in the Office of the Secretary on December 5, 2013. This reprogramming supports the costs of the implementation of the District of Columbia Drivers Safety Amendment Act of 2013.

The Council review period for Reprogramming 20-137 has been extended to 30 days, ending on Monday, January 13, 2014. If the Council does not adopt a resolution of approval or disapproval during this period, the reprogramming will be deemed approved on Tuesday, January 14, 2014.

Notice of Reprogramming Disapproval

Chairman Mendelson filed on December 9, 2013, PR 20-586 the "Reprogramming No. 20-138 Disapproval Resolution of 2013" to disapprove Reprogramming 20-138. The request to reprogram \$275,000 of Fiscal Year 2014 Local funds budget authority from the District Retiree Contribution (DRHC) to the District of Columbia Public Library (DCPL) was filed in the Office of the Secretary on December 5, 2013. This reprogramming covers the costs of continuing the Sing, Talk and Read DC program.

The Council review period for Reprogramming 20-138 has been extended to 30 days, ending on Monday, January 13, 2014. If the Council does not adopt a resolution of approval or disapproval during this period, the reprogramming will be deemed approved on Tuesday, January 14, 2014.

Notice of Reprogramming Disapproval

Chairman Mendelson filed on December 9, 2013, PR 20-587 the "Reprogramming No. 20-139 Disapproval Resolution of 2013" to disapprove Reprogramming 20-139. The request to reprogram \$50,000 of Fiscal Year 2014 Local funds budget authority from the District Retiree Health Contribution to the Executive Office of the Mayor was filed in the Office of the Secretary on December 6, 2013. This reprogramming ensures that the EOM will be able to contract for a Social Impact Bond Feasibility Study in FY 2014.

The Council review period for Reprogramming 20-139 has been extended to 30 days, ending on Thursday, January 16, 2014. If the Council does not adopt a resolution of approval or disapproval during this period, the reprogramming will be deemed approved on Friday, January 17, 2014.

Notice of Reprogramming Disapproval

Chairman Mendelson filed on December 9, 2013, PR 20-588 the "Reprogramming No. 20-140 Disapproval Resolution of 2013" to disapprove Reprogramming 20-140. The request to reprogram \$300,000 of Fiscal Year 2014 Local funds budget authority from the District Retiree Health Contribution to the Department of Public Works was filed in the Office of the Secretary on December 6, 2013. This reprogramming ensures that DPW will be able to implement a Waste-to-energy Conversion feasibility study in FY 2014.

The Council review period for Reprogramming 20-140 has been extended to 30 days, ending on Thursday, January 16, 2014. If the Council does not adopt a resolution of approval or disapproval during this period, the reprogramming will be deemed approved on Friday, January 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. 20-134: Request to reprogram \$800,000 of Fiscal Year 2014 Local funds budget authority from the District Retiree Contribution (DRHC) to the Department of General Services (DGS) was filed in the Office of the Secretary on December 5, 2013. This reprogramming is needed to support the costs associated with providing electrical energy to various District-owned building, Streetlights, and the operations at the United Medical Center.

RECEIVED: 14 day review begins December 6, 2013

Reprog. 20-135: Request to reprogram \$94,265 of Fiscal Year 2014 Local funds budget authority from the District Retiree Contribution (DRHC) to the Department of Health Care Finance (DHCF) was filed in the Office of the Secretary on December 5, 2013. This reprogramming ensures that DHCF will be able to support the funding of 2.0 FTEs in the Office of the Director, Office of the Chief Operating Officer.

RECEIVED: 14 day review begins December 6, 2013

Reprog. 20-136: Request to reprogram \$880,000 of Fiscal Year 2014 Local funds budget authority from the District Retiree Contribution (DRHC) to the Office of the State Superintendent of Education (OSSE) was filed in the Office of the Secretary on December 5, 2013. This reprogramming ensures that OSSE will be able to cover the cost of establishing three new National Academy Foundation Career Academies.

RECEIVED: 14 day review begins December 6, 2013

Reprog. 20-137: Request to reprogram \$790,788 of Fiscal Year 2014 Local funds budget authority from the District Retiree Contribution (DRHC) to the Department of Motor Vehicles (DMV) was filed in the Office of the Secretary on December 5, 2013. This reprogramming supports the costs of the implementation of the District of Columbia Drivers Safety Amendment Act of 2013.

RECEIVED: 14 day review begins December 6, 2013

Reprog. 20-138: Request to reprogram \$275,000 of Fiscal Year 2014 Local funds budget authority from the District Retiree Contribution (DRHC) to the District of Columbia Public Library (DCPL) was filed in the Office of the Secretary on December 5, 2013. This reprogramming covers the costs of continuing the Sing, Talk and Read DC program.

RECEIVED: 14 day review begins December 6, 2013

Reprog. 20-139: Request to reprogram \$50,000 of Fiscal Year 2014 Local funds budget authority from the District Retiree Health Contribution to the Executive Office of the Mayor was filed in the Office of the Secretary on December 6, 2013. This reprogramming ensures that the EOM will be able to contract for a Social Impact Bond Feasibility Study in FY 2014.

RECEIVED: 14 day review begins December 9, 2013

Reprog. 20-140: Request to reprogram \$300,000 of Fiscal Year 2014 Local funds budget authority from the District Retiree Health Contribution to the Department of Public Works was filed in the Office of the Secretary on December 6, 2013. This reprogramming ensures that DPW will be able to implement a Waste-to-energy Conversion feasibility study in FY 2014.

RECEIVED: 14 day review begins December 9, 2013

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

ON

12/13/2013

Notice is hereby given that:

License Number: ABRA-088179

License Class/Type: C Tavern

Applicant: All Souls, LLC

Trade Name: All Souls

ANC: 1B01

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

725 T ST NW, WASHINGTON, DC 20001

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

1/27/2014

HEARING WILL BE HELD ON

2/10/2014

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:	10 am - 2 am	10 am -2 am	-
Monday:	5 pm - 2 am	5 pm - 2 am	-
Tuesday:	5 pm - 2 am	5 pm - 2 am	-
Wednesday:	5 pm - 2 am	5 pm - 2 am	-
Thursday:	5 pm - 2 am	5 pm - 2 am	-
Friday:	5 pm - 3 am	5 pm - 3 am	-
Saturday:	10 am - 3 am	10 am - 3 am	-

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

Posting Date: December 13, 2013

Petition Date: January 27, 2014

Hearing Date: February 10, 2014

License No.: ABRA-088495

Licensee: EZ, LLC

Trade Name: Brookland Market

License Class: Retail Class "B"

Address: 3736 10th Street, NE

Contact: Ezgaharia Gebreab 202-529-1122

WARD 5

ANC 5B

SMD 5B05

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 9 am – 8 pm, Monday through Friday 9 am – 10 pm and Saturday 9 am – 9 pm

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: December 13, 2013
Petition Date: January 27, 2014
Hearing Date: February 10, 2014

License No.: ABRA-076250
Licensee: Fikre Market, Inc.
Trade Name: Capitol View Market
License Class: Retail Class "B"
Address: 4920 Central Avenue, NE
Contact: Bernard Dietz 202-548-8000

WARD 7

ANC 7C

SMD 7C03

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

Sunday through Saturday 6 am – 12 am

HOURS OF ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION

Sunday through Saturday 7 am – 12 am

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

Posting Date: December 13, 2013
Petition Date: January 27, 2014
Hearing Date: February 10, 2014
Protest Date: April 9, 2014

License No.: ABRA-093454
Licensee: Experience Umbria Wines, LLC
Trade Name: Experience Umbria Wines
License Class: Retailer's Class "A" Online
Address: 1701 Florida Ave., NW
Contact: Michael Fonseca 202-625-7700

WARD 2

ANC 2B

SMD 2B05

Notice is hereby given that this applicant has applied for a license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the 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. The Protest Hearing Date is scheduled for 1:30 pm on April 9, 2014.

NATURE OF OPERATION

Online retailer liquor store. Sales will be made through Internet credit cards transactions to District of Columbia Residents only. Confirmation of identification of the purchaser will be made at the time of delivery. This location is for storage and delivery only; no public access.

HOURS OF OPERATION AT STORAGE FACILITY

Sunday through Saturday 9 am – 9 pm

HOURS OF SALES AND SERVICE OF ALCOHOLIC BEVERAGE

Sunday through Saturday 9 am – 9 pm

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: December 13, 2013
Petition Date: January 27, 2014
Roll Call Hearing Date: February 10, 2014
Protest Hearing Date: April 9, 2014

License No.: ABRA-093894
Licensee: Joe’s of DC, LLC
Trade Name: Joe’s Seafood, Prime Steak and Stone Crab
License Class: Retailer’s Class “C” Restaurant
Address: 740 15th Street, NW
Contact: Andrew Kline: 202-686-7600

WARD 2 ANC 2B SMD 2B05

Notice is hereby given that this applicant has applied for a license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such license on the Roll Call Hearing Date at 10:00 am, 2000 14th Street, N.W., 400 South, Washington, DC 20009. Petitions and/or requests to appear before the Board must be filed on or before the Petition Date. The Protest Hearing Date is scheduled on April 9, 2014 at 1:30 pm.

NATURE OF OPERATION

Restaurant serving American food. No entertainment. No dancing. No nude performances. Sidewalk Café Seats #44, total Occupancy Load #735.

HOURS OF OPERATION

Sunday through Thursday: 7am-2am, Friday and Saturday: 7am-3am

HOURS OF ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION

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

SIDEWALK CAFÉ HOURS OF OPERATION

Sunday through Thursday: 7am-2am, Friday and Saturday: 7am-3am

SIDEWALK CAFÉ HOURS OF ALCOHOLIC BEVERAGE SALES/SERVICE CONSUMPTION

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

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: December 13, 2013
Petition Date: January 27, 2014
Hearing Date: February 10, 2014

License No.: ABRA-091237
Licensee: Christine, Inc.
Trade Name: Mothership
License Class: Retail Class "C" Restaurant
Address: 3301 Georgia Avenue NW
Contact: Cheryl Well Agent 202-277-7461

WARD 1 ANC 1A SMD 1A09

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 hours of operation and sales. Seating Capacity is 44, with a total Occupancy Load of 87, Summer Garden with 40 seats.

APPROVED HOURS OF OPERATION/SALES.SERVICE& CONSUMPTION. Monday - Thursday 8 am - 11 pm, Friday 8 am - 1 am and Saturday 10 am-1 am.

APPROVED HOURS OF OPERATION AND SALES FOR SUMMER GARDEN: Sunday 10 am- 9 pm: Monday Friday 4 pm-10 pm and Saturday 10 am -10 pm

PROPOSED HOURS OF OPERATION/ HOURS OF SALES/SERVICE & CONSUMPTION /INSIDE/ Sunday through Thursday 10 am -2 am, Friday and Saturday 10 am -3 am

PROPOSED HOURS OF OPERATION/ HOURS OF SALES/SERVICE & CONSUMPTION FOR THE SUMMER GARDEN. Sunday through Thursday 10 am - 11 pm, Friday - Saturday 10 am to 12 am.

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: December 13, 2013
Petition Date: January 27, 2014
Hearing Date: February 10, 2014
Protest Date: April 9, 2014

License No.: ABRA-093455
Licensee: Trader Joe's East, Inc.
Trade Name: Trader Joe's #662
License Class: Retailer's Class "B" Full Service Grocery
Address: 1914 14th Street, NW
Contact: Michael Fonseca, Esq. 202-625-7700

WARD 2

ANC 2B

SMD 2B09

Notice is hereby given that this applicant has applied for a license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the 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. The Protest Hearing Date is scheduled for 1:30 pm on April 9, 2014.

NATURE OF OPERATION

A full-service grocery store with a tasting permit

HOURS OF OPERATION AND ALCOHOLIC BEVERAGES SALES/SERVICE/CONSUMPTION

Sunday through Saturday 8 am - 10 pm

HOURS OF TASTING

Sunday through Saturday 8 am - 10 pm

DEPARTMENT OF HEALTH CARE FINANCE

NOTICE OF FINAL RULEMAKING

The Director of the Department of Health Care Finance (DHCF), pursuant to the authority set forth in an Act to enable the District of Columbia to receive federal financial assistance under Title XIX of the Social Security Act for a medical assistance program, and for other purposes, approved December 27, 1967 (81 Stat. 774; D.C. Official Code § 1-307.02 (2012 Repl.)), and Section 6(6) of the Department of Health Care Finance Establishment Act of 2007, effective February 27, 2008 (D.C. Law 17-109; D.C. Official Code § 7-771.05(6) (2012 Repl.)), hereby gives notice of the adoption of an amendment to Section 1918, entitled “ Professional Services”, of Chapter 19 (Home and Community-Based Waiver Services for Individuals with Intellectual and Developmental Disabilities) of Title 29 (Public Welfare) of the District of Columbia Municipal Regulations (DCMR).

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

The ID/DD Waiver was approved by the Council of the District of Columbia and renewed by the U.S. Department of Health and Human Services, Centers for Medicaid and Medicare Services for a five-year period beginning November 20, 2012. Art therapies services are designed to provide therapeutic supports to help a person with a disability express and understand emotions through artistic expression and the creative process. The goal of art therapies is to assess and treat a variety of mental health problems including anxiety, depression and substance abuse disorders. These rules amend the previously published rules by: (1) renaming Section 1918 entitled “Professional Services” as “Art Therapies”; (2) deleting massage therapy services, sexuality education and fitness training from Section 1918 and incorporating these services into a new Section 1936, entitled “Wellness Services”; (3) deleting acupuncture services as an approved service; and (4) mandating new professional certification requirements for providers of art therapies services.

A Notice of Emergency and Proposed Rulemaking was published in the *DC Register* on August 9, 2013 (60 DCR 011682). One comment was received. No substantive changes have been made. The Director adopted these rules on November 27, 2013 and they shall become effective on the date of publication of this notice in the *DC Register*.

Section 1918 (Professional Services) of Chapter 19 (Home and Community Based Services for Individuals with Intellectual and Developmental Disabilities) of Title 29 (Public Welfare) of the DCMR is amended to read as follows:

1918 ART THERAPIES

1918.1 The purpose of this section is to establish standards governing Medicaid eligibility for art therapies services for persons enrolled in the Home and Community-Based Services Waiver for Individuals with Intellectual and

Developmental Disabilities (Waiver) and to establish conditions of participation for providers of these services.

- 1918.2 Art therapies services utilize art, dance, drama, and music therapy to provide therapeutic supports to help a person with disabilities express and understand emotions through artistic expression and the creative process.
- 1918.3 To be eligible for reimbursement, the services shall be:
- (a) Ordered by a physician or a practitioner listed in Section 1918.7;
 - (b) Reasonable and necessary for the treatment of social and emotional difficulties related to a number of mental health issues including disability, illness, trauma, loss, and physical and cognitive problems; and
 - (c) Included in the person's Individual Support Plan (ISP) and Plan of Care.
- 1918.4 The types of services eligible for reimbursement shall be:
- (a) Art therapy;
 - (b) Dance therapy;
 - (c) Drama therapy; and
 - (d) Music therapy.
- 1918.5 Each person providing art therapies services shall:
- (a) Conduct an assessment within the first two (2) hours of delivering the service;
 - (b) Develop and implement an individualized art, dance, drama, or music plan for the person that is in keeping with their choices, goals and prioritized needs that includes the following:
 - (1) Treatment strategies including direct therapy, caregiver training, monitoring requirements and instructions, and anticipated outcomes; and
 - (2) Identification of specific outcomes for the person.
 - (c) Deliver the completed plan to the person, family, guardian or other caregiver, and the Department on Disability Services (DDS) Service Coordinator prior to the Support Team meeting;
 - (d) Participate in the ISP and Support Team meetings to provide consultative services and recommendations specific to the expert content;

- (e) Provide necessary information to the individual, family, guardian or caregivers, and/or team, to assist in planning and implementing the approved ISP and Plan of Care;
- (f) Record progress notes on each visit and quarterly reports;
- (g) Conduct periodic examinations and modify treatments for the person receiving services to ensure that the art therapy practitioner's recommendations are incorporated into the ISP, when necessary; and
- (h) Meet all of the requirements in Section 1906 (Requirements for Direct Support Professionals) of Chapter 19 of Title 29 of the DCMR.

1918.6 Services shall be provided by a certified practitioner in an independent practice or a practitioner employed by a Waiver provider.

1918.7 Art therapies services shall be delivered by the following practitioners:

- (a) Art therapists certified to practice art therapy by the American Art Therapy Association, Inc. and/or credentialing of the Art Therapy Credentialing Board;
- (b) Dance therapists authorized to practice dance therapy pursuant to Chapter 71 (Dance Therapy) of Title 17 (Business, Occupations, and Professions) of the DCMR;
- (c) Drama therapists certified by the National Association for Drama Therapy; and
- (d) Music therapists certified by the Certification Board for Music Therapists, which is managed by the American Music Therapy Association.

1918.8 Each Waiver provider or certified practitioner in an independent practice shall meet the requirements as set forth in Section 1904 (Provider Qualifications) and Section 1905 (Provider Enrollment Process) of Chapter 19 of Title 29 of the DCMR.

1918.9 Practitioners, without regard to their employer of record, shall be selected by the person or his/her authorized representative and shall be answerable to the person receiving services.

1918.10 Any Waiver provider substituting practitioners for more than a two (2) week period or four (4) visits due to emergency or availability events shall request a case conference with the DDS Service Coordinator to evaluate continuation of services.

- 1918.11 Services shall be authorized for reimbursement in accordance with the following provider requirements:
- (a) DDS shall provide a written service authorization before the commencement of services;
 - (b) The provider shall conduct an assessment and develop an art therapies treatment plan with training goals and techniques that will assist the caregivers, within the first two (2) hours of service delivery;
 - (c) The service name and provider delivering services shall be identified in the ISP and Plan of Care;
 - (d) The ISP, Plan of Care, and Summary of Supports and Services shall document the amount and frequency of services to be received; and
 - (e) Services shall not conflict with the service limitations described under Section 1918.15.
- 1918.12 Each certified practitioner or Waiver provider shall maintain records required under Section 1908 (Reporting Requirements) and Section 1909 (Records and Confidentiality of Information) of Chapter 19 of Title 29 of the DCMR.
- 1918.13 Each certified independent practitioner or Waiver provider shall comply with Section 1911 (Individual Rights) under Chapter 19 of Title 29 DCMR.
- 1918.15 Any combination of art therapies services shall be limited to a maximum of two thousand, two hundred and fifty dollars (\$2,250.00) per person, per ISP year and delivered in accordance with the person's ISP and Plan of Care.
- 1918.16 The reimbursement rate for art therapies services shall be:
- (a) Forty-five dollars (\$45.00) per hour for art therapy;
 - (b) Forty-five dollars (\$45.00) per hour for dance therapy;
 - (c) Forty-five dollars (\$45.00) per hour for drama therapy; and
 - (d) Forty-five dollars (\$45.00) per hour for music therapy.
- 1918.17 The billable unit of service for art therapies services shall be fifteen (15) minutes. A provider shall provide at least eight (8) minutes of service in a span of fifteen (15) continuous minutes to bill a unit of service.

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

ISP year- The three hundred and sixty five (365) day period during which a person's ISP is in effect.

DEPARTMENT OF HEALTH CARE FINANCE

NOTICE OF FINAL RULEMAKING

The Director of the Department of Health Care Finance (DHCF), pursuant to the authority set forth in an Act to enable the District of Columbia to receive federal financial assistance under Title XIX of the Social Security Act for a medical assistance program, and for other purposes, approved December 27, 1967 (81 Stat. 774; D.C. Official Code § 1-307.02 (2012 Repl.)) and Section 6(6) of the Department of Health Care Finance Establishment Act of 2007, effective February 27, 2008 (D.C. Law 17-109; D.C. Official Code § 7-771.05(6) (2012 Repl.)), hereby gives notice of the adoption of a new Section 1936, entitled “Wellness Services”, of Chapter 19 (Home and Community-Based Services for Individuals with Intellectual and Developmental Disabilities) of Title 29 (Public Welfare) of the District of Columbia Municipal Register (DCMR).

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

The ID/DD Waiver was approved by the Council of the District of Columbia and renewed by the U.S. Department of Health and Human Services, Centers for Medicaid and Medicare Services for a five-year period beginning November 20, 2012. Wellness services are designed to promote and maintain good health and assist in increasing the person’s independence, participation, emotional well-being, and productivity in their home, work, and community. Wellness services consist of five types of services. Fitness training, massage therapy, and sexuality education were previously included under Section 1918 entitled, “Professional Services” and are now included under wellness services. In addition, wellness services include nutrition evaluation /consultation and bereavement counseling as two new and distinct types of services under the approved ID/DD Waiver. These rules: (1) establish requirements for the delivery of two new services (bereavement counseling, and nutrition evaluation/consultation) as part of wellness services; (2) establish and update requirements for the delivery of fitness training, massage therapy and sexuality education; (3) require providers to follow specific service delivery requirements to promote more efficient service utilization management practices; and (4) provide updated definitions for terms and phrases used in this chapter.

A Notice of Emergency and Proposed Rulemaking was published in the *D.C. Register* on August 30, 2013 (60 DCR 012437). Comments were received and no substantive changes have been made. These final rules were adopted by the Director on November 27, 2013 and shall become effective on the date of publication of this notice in the *D.C. Register*.

A new Section 1936 (Wellness Services) is added to read as follows:

1936 WELLNESS SERVICES

- 1936.1 The purpose of this section is to establish standards governing Medicaid eligibility for wellness services for persons enrolled in the Home and Community-Based Services Waiver for Individuals with Intellectual and Developmental Disabilities (Waiver) and to establish conditions of participation for providers of wellness services.
- 1936.2 Wellness services are designed to promote and maintain good health. These services shall assist in increasing the person's independence, participation, emotional well-being, and productivity in their home, work, and community.
- 1936.3 The wellness services eligible for reimbursement are:
- (a) Bereavement Counseling;
 - (b) Fitness Training;
 - (c) Massage Therapy;
 - (d) Nutrition Evaluation/Consultation; and
 - (e) Sexuality Education.
- 1936.4 To qualify for bereavement counseling and sexuality education, the services shall be:
- (a) Recommended by a Support Team; and
 - (b) Identified as a need in the person's Individual Support Plan (ISP) and Plan of Care.
- 1936.5 To qualify for fitness training and massage therapy, the services shall be:
- (a) Ordered by a physician; and
 - (b) Identified as a need in the individual's Individual Support Plan (ISP) and Plan of Care.
- 1936.6 To qualify for nutritional evaluation/consultation services, each person shall have a history of the following medical conditions:
- (a) A history of being significantly above or below body weight;
 - (b) A history of gastrointestinal disorders;
 - (c) A diagnosis of diabetes;

- (d) A swallowing disorder; or
- (e) A medical condition that can be a threat to health if nutrition is poorly managed.

1936.7 In addition to the requirements set forth in Section 1936.6, nutritional evaluation/consultative services shall be:

- (a) Ordered by a physician;
- (b) Identified as a need in the individual's ISP and Plan of Care; and
- (c) Recommended by a Support Team.

1936.8 The specific wellness service delivered shall be consistent with the scope of the license or certification held by the professional. Service intensity, frequency, and duration shall be determined by the person's individual needs and documented in the person's ISP and Plan of Care.

1936.9 Each professional providing wellness services shall:

- (a) Conduct an intake assessment within the first two (2) hours of delivering the service with long term and short term goals;
- (b) Develop and implement a person-centered plan consistent with the person's choices, goals, and prioritized needs. The plan shall include treatment strategies including direct therapy, caregiver training, monitoring requirements and instructions, and specific outcomes;
- (c) Deliver the completed plan to the person, family, guardian or other caregiver, and the Department on Disability Services (DDS) Service Coordinator prior to the Support Team meeting;
- (d) Participate in the ISP and Support Team meetings to provide consultative services and recommendations specific to the wellness professional's area of expertise;
- (e) Provide necessary information to the person, family, guardian or caregivers and assist in planning and implementing the approved ISP and Plan of Care;
- (f) Record progress notes on each visit and quarterly reports; and
- (g) Conduct periodic examinations and modify treatments for the individual receiving services to ensure that the wellness professional's recommendations are incorporated into the ISP, as necessary.

- 1936.10 Each professional providing Nutrition Evaluation/Consultation services shall comply with the following additional requirements:
- (a) Conduct a comprehensive nutritional assessment;
 - (b) Conduct a partial nutritional evaluation to include an anthropometric assessment;
 - (c) Perform a biochemical or clinical dietary appraisal;
 - (d) Analyze food-drug interaction potential, including allergies;
 - (e) Perform a health and safety environmental review of food preparation and storage areas;
 - (f) Assess the need for a therapeutic diet that includes an altered/textured diet due to oral-motor problems;
 - (g) Conduct a needs assessment for adaptive eating equipment and dysphagia management; and
 - (h) Conduct a nutrition evaluation and provide consulting services on a variety of subjects to promote improved health and increase the person's ability to manage their own diet in an effective manner. The consulting services shall include menu development, shopping, food preparation, food storage, and food preparation procedures consistent with physician's orders.
- 1936.11 Each professional providing wellness services shall be employed by a Home and Community-Based Services Waiver provider agency or by professional service provider who is in private practice as an independent clinician as described in Section 1904.2 of Title 29 DCMR.
- 1936.12 Each provider shall comply with the requirements set forth under Section 1904 (Provider Qualifications) and Section 1905 (Provider Enrollment Process) of Chapter 19 of Title 29 of the DCMR.
- 1936.13 Each Direct Support Professional (DSP) providing wellness services shall comply with requirements set forth under Section 1906 (Requirements for Individuals Providing Direct Services) of Chapter 19 of Title 29 DCMR.
- 1936.14 Professionals delivering wellness services shall meet the following licensure and certification requirements:

- (a) Bereavement Counseling services shall be performed by a professional counselor licensed pursuant to the District of Columbia Health Occupations Revisions Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code §§ 3-1201 *et seq.* (2007 Repl. & 2012 Supp.)) and certified by the American Academy of Grief Counseling as a grief counselor;
- (b) Fitness Trainers shall be certified by the American Fitness Professionals and Associates association;
- (c) Dietetic and nutrition counselors shall be licensed pursuant to the District of Columbia Health Occupations Revisions Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code §§ 3-1201 *et seq.* (2007 Repl. & 2012 Supp.)); and
- (d) Massage Therapists shall be licensed pursuant to the District of Columbia Health Occupations Revisions Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code §§ 3-1201 *et seq.* (2007 Repl. & 2012 Supp.)) and certified by the National Verification Board for Therapeutic Massage and Bodywork.

1936.15 Sexuality Education shall be delivered by:

- (a) A Sexuality Education Specialist who is certified to practice sexuality education by the American Association of Sexuality Educators, Counselors and Therapists Credentialing Board; or
- (b) Any of the following professionals with specialized training in Sexuality Education:
 - (1) Psychologist;
 - (2) Psychiatrist;
 - (3) Licensed Clinical Social Worker; or
 - (4) Licensed Professional Counselor.

1936.16 Each professional, without regard to their employer of record, shall be selected by the person receiving services or his or her authorized representative, and shall be answerable to the person receiving services. Any provider substituting for a selected professional for more than a two (2) week period or four (4) visits due to emergency or availability events shall request a case conference with the DDS Service Coordinator to evaluate the continuation of services.

1936.17 Services shall be authorized in accordance with the following requirements:

- (a) DDS shall provide a written service authorization before the commencement of services;
- (b) The provider shall conduct an intake assessment and develop a person-centered plan within the first two (2) hours of service delivery. The plan shall include training goals and techniques that will assist the caregivers;
- (c) The service name and provider entity delivering services shall be identified in the ISP and Plan of Care;
- (d) The ISP, Plan of Care, and Summary of Supports and Services shall document the amount and frequency of services to be received; and
- (e) Services shall not conflict with the service limitations described under Sections 1936.17 and 1936.18.

1936.18 Each Provider shall comply with the requirements described under Section 1908 (Reporting Requirement), Section 1909 (Records and Confidentiality of Information) and Section 1911 (Individual Rights) of Chapter 19 of Title 29 of the DCMR.

1936.19 Wellness services shall be limited to one-hundred (100) hours per calendar year per service. Additional hours, not to exceed fifty (50) hours, may be prior authorized if the person reaches their limitation before the expiration of the ISP and Plan of Care year and the person’s health and safety are at risk. Requests for additional hours may be approved when accompanied by a physician’s order or if the request passes a clinical review by staff designated by DDS.

1936.20 The person may utilize one (1) or more Wellness services in the same day, but not at the same time.

1936.21 The reimbursement rate for Wellness services shall be:

- (a) Sixty dollars (\$60.00) per hour for Massage Therapy;
- (b) Seventy-five dollars (\$75.00) per hour for Sexuality Education;
- (c) Seventy-five dollars (\$75.00) per hour for Fitness Training;
- (d) Fifty-five dollars (\$55.00) per hour for Nutrition Counseling; and
- (e) Sixty dollars (\$60.00) per hour for Bereavement Counseling.

1936.22 The billable unit of service for wellness services shall be fifteen (15) minutes. A provider shall provide at least eight (8) minutes of service in a span of fifteen (15) continuous minutes to bill a unit of service.

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

Anthropometric assessment- A clinical approach utilizing noninvasive methods to assess the size or body composition of an individual.

Bereavement counseling- A form of psychotherapy that aims to help a person cope with grief and mourning following a major life change or the death of a loved one.

Fitness training- Instruction using exercise and weight training to promote a person's overall health and physical well-being to maintain a healthy weight range.

Massage therapy- The therapeutic practice of manipulating the muscles and limbs to ease tension, reduce pain, enhance function, aid in the healing process, and promote relaxation and well-being.

Nutrition evaluation/consultation- The evaluation and assessment of a person's nutritional status based on their symptoms, health goals, and diet to maximize the person's overall health.

Sexuality education- A comprehensive training about various aspects of sexuality, including information about family planning; reproduction; body image; sexual orientation; sexual pleasure and decision making; communication; sexually transmitted infections; safe sexual practices; birth control methods; and how to reduce the likelihood of sexual victimization.

DEPARTMENT OF HEALTH**NOTICE OF FINAL RULEMAKING**

The Director of the Department of Health, pursuant to the authority set forth in § 302(14) of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1203.02(14) (2012 Repl.)), and Mayor's Order 98-140, dated August 20, 1998, hereby gives notice of the intent adopt the following amendments to Chapter 42 (Dentistry) of Title 17 (Business, Occupations, and Professions) of the District of Columbia Municipal Regulations (DCMR).

The purpose of this rulemaking is to clarify that the requirement for dental licensure in the District includes a passing score on the periodontal portion of the Northeast Regional Board (NERB) or American Board of Dental Examiners (ADEX) Examination.

These rules were previously published in the *D.C. Register* as a proposed rulemaking on October 18, 2013, at 60 DCR 14837. No written comments were received from the public in connection with this publication during the thirty (30)-day comment period, and no changes have been made to the rulemaking.

Final action to adopt the rules took place on November 20, 2013. These rules will be effective upon publication of the notice in the *D.C. Register*.

Chapter 42 (DENTISTRY) of Title 17 (BUSINESS, OCCUPATIONS, AND PROFESSIONS) is amended as follows:

Section 4204, LICENSURE BY EXAMINATION, is amended as follows:

Section 4204.1 is amended to read as follows:

4204.1 To qualify for a license by examination, an applicant shall:

- (a) Meet the education requirements set forth under § 4202 of this chapter; and
- (b) Receive a passing score on the following:
 - (1) Part I and Part II of the examination of the Joint Commission on National Dental Examinations;
 - (2) The Northeast Regional Board (NERB) or the American Board of Dental Examiners (ADEX) Examination, which shall include a passing score on the Periodontal Examination; and
 - (3) The District of Columbia Dental Law Examination.

4209, LICENSURE BY ENDORSEMENT, is amended as follows:

Section 4209.1 is amended to read as follows:

- 4209.1 An applicant is eligible to apply for licensure by endorsement in the District of Columbia if the applicant:
- (a) Meets the education requirements set forth under § 4202 of this chapter;
 - (b) Has successfully completed Part I and Part II of the examination of the Joint Commission on National Dental Examinations;
 - (c) Is currently licensed, in good standing, to practice dentistry in another state of the United States; and
 - (d) Has passed the NERB or ADEX examination, which shall include a passing score on the Periodontal Examination;
 - (e) Has passed a regional board examination, other than the NERB examination, and meets the active practice requirements set forth in § 4209.3(f) of this chapter; or
 - (f) Has passed a state dental examination determined by the Board to be substantially equivalent, and meets the active practice requirements set forth in § 4209.3(f) of this chapter.

DEPARTMENT OF MOTOR VEHICLES**NOTICE OF FINAL RULEMAKING**

The Director of the Department of Motor Vehicles (“Director”), pursuant to the authority set forth in Sections 1825 and 1826 of the Department of Motor Vehicles Establishment Act of 1998, effective March 26, 1999 (D.C. Law 12-175; D.C. Official Code §§ 50-904 and 50-905 (2012 Repl.)), Section 801 of the Motor Vehicle and Safe Driving Amendment Act of 2000, effective April 27, 2001 (D.C. Law 13-289; D.C. Official Code § 50-921 (2012 Repl.)), and Section 7 of An Act to provide for annual inspection of all motor vehicles in the District of Columbia, approved February 18, 1938 (52 Stat. 78; D.C. Official Code § 50-1107 (2012 Repl.)), hereby gives notice of the adoption of the following rules, which amend Chapter 6 (Inspection of Motor Vehicles) of Title 18 (Vehicles and Traffic) of the District of Columbia Municipal Regulations (DCMR).

This rulemaking repeals the requirement that motorcycles and motor-driven cycles be inspected, and further repeals the requirement that previously owned vehicles must be re-inspected, even if time period remains before expiration from the last inspection.

Pursuant to D.C. Official Code § 50-921 (2012 Repl.), the proposed rules were submitted to the Council of the District of Columbia for a forty-five (45) day review period, excluding Saturdays, Sundays, legal holidays, and days of Council recess. The proposal rules shall be deemed approved except that if within the 45-day period a resolution of disapproval has been introduced by three (3) members of the Council, the regulations shall not be deemed approved. The forty-five (45) day review period has expired and no resolution of disapproval has been introduced by three (3) members of the Council. Therefore, the rules are deemed approved.

No comments were received and no changes were made to the text of the proposed rules, as published in the *D.C. Register* on September 20, 2013 (60 DCR 13200) as a Notice of Proposed Rulemaking. The final rules will be effective upon publication of this notice in the *D.C. Register*.

Title 18, VEHICLES AND TRAFFIC, of the DCMR is amended as follows:

Chapter 6, INSPECTION OF MOTOR VEHICLES, is amended as follows:

Section 601, INSPECTION REQUIREMENTS, is amended as follows:

601.4 Vehicles registered in the District of Columbia shall be inspected periodically for, when applicable, safe operating condition, exhaust emissions, and compliance with this title as follows:

- (a) Passenger vehicle: every two (2) years;
- (b) Repealed;
- (c) Bus: every six (6) months; except as provided in (d);

- (d) Bus owned or leased by the Washington Metropolitan Area Transit Authority: annually;
- (e) Taxicab and other public vehicles for hire: semi-annually;
- (f) Repealed;
- (g) Repealed;
- (h) Commercial vehicle: annually;
- (i) Tow truck: annually;
- (j) Vehicle registered as a class F(I) historic motor vehicle: one (1) time, at time of registration, plus an inspection limited to confirming the odometer reading every two (2) years;
- (k) Vehicle registered as a class F(II) historic motor vehicle: one (1) time, at time of registration; and
- (l) All other motor vehicles: every two (2) years.

601.5 Repealed.

601.8 The fees for inspections shall be as follows:

- (a) Passenger vehicle, including historic motor vehicle: \$ 35;
- (b) Repealed;
- (c) Repealed;
- (d) Commercial vehicles and vehicles for hire, including all buses: \$ 35;
- (e) Trailers, based upon the manufacturer's shipping weight: \$ 35
- (f) Tow truck: \$ 35;
- (g) Salvage vehicle: \$ 35;
- (h) New vehicles for which an inspection is not required but for which a sticker is required: \$ 10; and
- (i) All other motor vehicles: \$ 35.

DISTRICT DEPARTMENT OF TRANSPORTATION

NOTICE OF FINAL RULEMAKING

The Director of the District Department of Transportation (Department), pursuant to the authority set forth in Sections 5(3)(D) (allocating and regulating on-street parking) and 6(b) (transferring to the Department the parking management function previously delegated to the Department of Public Works under Section III (H) of Reorganization Plan No. 4 of 1983) of the Department of Transportation Establishment Act of 2002, effective May 21, 2002 (D.C. Law 14-137; D.C. Official Code §§ 50-921.04(3)(D) and 50-921.05(b) (2012 Repl.)), Section 3 of the Commercial Curbside Loading Zone Implementation Amendment Act of 2009, effective October 22, 2009 (D.C. Law 18-66; D.C. Official Code § 50-2652 (2012 Repl.)), and Mayor's Order 2010-63, dated April 15, 2010, hereby gives notice of the adoption of the following rulemaking to amend Chapter 24, "Stopping, Standing, Parking, and other Non-Moving Violations," and Chapter 26, "Civil Fines for Moving and Non-moving Infractions," of Title 18, "Vehicles and Traffic," of the District of Columbia Municipal Regulations (DCMR).

This rulemaking establishes a curb loading zone management program and a commercial permit parking program. A Notice of Proposed Rulemaking was published on March 18, 2011, at 58 DCR 2511 and a Notice of Second Proposed Rulemaking was published February 8, 2013 at 60 DCR 1582. A Notice of Third Proposed Rulemaking ("Third Notice") was published on June 21, 2013 at 60 DCR 9367. No comments were received in response to the Third Notice and no changes were made to the rulemaking.

Pursuant to Section 3 of the Commercial Curbside Loading Zone Implementation Amendment Act of 2009, effective October 22, 2009 (D.C. Law 18-66; D.C. Official Code § 50-2652 (2012 Repl.)), the proposed rules were submitted to the Council of the District of Columbia ("Council") on September 16, 2013 for a thirty (30) day period of review (excluding weekends, holidays and days of Council recess). The thirty (30) day period of review expired on October 31, 2013, without action by the Council, and the rules were therefore deemed approved on that date.

The Department adopted the rules as final on December 13, 2013. The rules will go into effect upon the date of publication of this Notice of Final Rulemaking in the *D.C. Register*.

Chapter 24, STOPPING, STANDING, PARKING, AND OTHER NON-MOVING VIOLATIONS, of Title 18, VEHICLES AND TRAFFIC, of the DCMR is amended as follows:

Section 2402, LOADING ZONES, is amended to read as follows:

2402 LOADING ZONES

2402.1 The Director of the District Department of Transportation (DDOT) shall install and maintain signs designating the location for each commercial motor vehicle loading zone ("loading zone"). Each sign shall state the hours during which the loading zone restrictions apply.

- 2402.2 A commercial motor vehicle may park within a loading zone, if it meets one (1) of the following conditions:
- (a) The commercial motor vehicle displays a loading zone annual pass, as described in § 2428;
 - (b) The commercial motor vehicle displays a loading zone day pass, as described in § 2429; or
 - (c) The commercial motor vehicle has one (1) of the following proofs of payment:
 - (1) An unexpired single space meter; or
 - (2) An alternative proof of payment, as determined by the DDOT Director.
- 2402.3 Notwithstanding § 2402.2:
- (a) A commercial motor vehicle shall not park in a loading zone pursuant to § 2402.2 for a purpose other than loading or unloading;
 - (b) A commercial motor vehicle shall not be parked in a loading zone during any period of time when parking and standing is prohibited on the block on which the loading zone is located, such as during rush hour parking restriction periods; and
 - (c) A commercial motor vehicle shall not park in a loading zone for longer than the time indicated on the signs or parking meters in that zone; provided, that where no signs are present, the maximum amount of time a commercial motor vehicle may park in a loading zone is two (2) hours.
- 2402.4 No other vehicle shall park or stop in a loading zone during the hours applicable to the zone, except that the operator of a passenger vehicle carrying fifteen (15) passengers or fewer may park in a loading zone during such hours if the operator is stopping momentarily within the loading zone to pick up a passenger or passengers and if such stopping does not interfere with a commercial motor vehicle that is within the loading zone or is waiting to enter the loading zone.
- 2402.5 When parking in a loading zone, the operator of a commercial motor vehicle that does not have a valid loading zone annual permit or day pass shall, immediately after parking, pay for the amount of time desired.
- 2402.6 A commercial motor vehicle may not park at a non-loading zone parking meter space at the times specified in those zones; provided, that if no time is specified, the loading zone shall be in effect between 7:00 a.m. and 6:30 p.m.; provided

further, that a commercial motor vehicle may park at a non-loading zone parking meter space between the hours of 10:00 a.m. and 2:00 p.m.

2402.7 The fee to park a commercial motor vehicle within a loading zone shall be established by the DDOT Director and posted in the loading zone; provided, that the Director shall not establish a fee greater than five dollars (\$5.00) per hour.

Section 2404, “Parking Meters and Parking Meter Zones,” is amended as follows:

Subsection 2404.5 is amended to read as follows:

2404.5 No person shall stop, stand, or park in a parking meter zone that exceeds twenty-one feet (21 ft.) in length, except as provided in §§ 2428.8 and 2429.9.

Section 2424, “Performance Parking Pilot Zones,” is amended as follows:

The lead-in language of Subsection 2424.8 is amended to read as follows:

2424.8 Notwithstanding §§ 2402, 2404, 2424.7, 2411, 2412, 2413, 2414, and 2428, the initial rates for parking meters in the Ballpark Performance Parking Pilot Zone shall be as follows:

Subsection 2424.12 is amended to read as follows:

2424.12 The civil infractions and their respective fines set forth in § 2601 for violating provisions in §§ 2404, 2428, and 2429 shall apply to the provisions in this section, except that fines during Ballpark Events shall be double the fines set forth in §§ 2404 and 2428 or set forth elsewhere in this chapter for non-Ballpark Event times.

New Sections 2428 through 2430 are added to read as follows:

2428 COMMERCIAL PERMIT PARKING; ANNUAL PASS

2428.1 There is established a commercial permit parking (CPP) annual pass to provide commercial motor vehicle owners the option to purchase an annual parking pass for a commercial motor vehicle to park in loading zones or at curbside parking spaces instead of paying for parking at the meter in those zones.

2428.2 A commercial motor vehicle owner or company shall complete an application, to be provided by DDOT, including identifying information on each vehicle to be registered for a CPP annual pass.

2428.3 DDOT shall provide a decal to a participating commercial motor vehicle owner to affix to each commercial motor vehicle in the owner’s fleet that is participating in the CPP annual pass program.

2428.4 The commercial parking permit decal shall display the following information:

- (a) A serial number or other identifying mark; and
- (b) The expiration date, which shall specify the last day that the permit for the commercial motor vehicle is effective.

2428.5 Except as provided in § 2428.6, a participating company shall affix a valid parking decal provided by DDOT on each commercial motor vehicle in the company’s fleet that is participating in the CPP program on the lower right hand corner of the passenger side window.

2428.6 A company that purchases seventy-five (75) permits may, subject to approval by DDOT, use their company logo instead of the decal.

2428.7 The CPP annual pass shall allow for parking at designated loading zones during times specified in those zones; provided, that if no time is specified, the loading zone shall be in effect between 7:00 a.m. to 6:30 p.m., or in a metered curbside zone during off-peak hours of 10:00 a.m. to 2:00 p.m. and when meter enforcement is not in effect, as posted on the signs and meters in the parking zone; provided further, that such parking is otherwise consistent with the provisions of § 2402.

2428.8 Notwithstanding § 2404.5, a commercial motor vehicle may park outside a loading zone between the hours of 10:00 a.m. and 2:00 p.m. with a valid annual pass if it occupies no more than two (2) metered spaces or no more than forty feet (40 ft.) within a parking zone serviced by a multi-space meter.

2429 COMMERCIAL PERMIT PARKING; DAY PASS

2429.1 There is established a CPP day pass to provide commercial motor vehicle owners the option to purchase a daily parking pass for a commercial motor vehicle to park in loading zones or at curbside parking spaces instead of paying for parking at the meter in those zones.

2429.2 A commercial motor vehicle owner or company shall complete an application, to be provided by DDOT, including identifying information on each vehicle to be registered in the CPP day pass program.

2429.3 The CPP day pass shall be valid at loading zones and curbside parking spaces on the date shown on the day-pass.

2429.4 The CPP day pass shall allow parking for up to two (2) hours at designated loading zones during times specified in those zones; provided, that if no time is specified, the loading zone shall be in effect between 7:00 a.m. to 6:30 p.m., or in a metered curbside zone during off-peak hours of 10:00 a.m. to 2:00 p.m. and when meter enforcement is not in effect, as posted on the signs and meters in the

parking zone; provided further, that such parking is otherwise consistent with the provisions of § 2402.

- 2429.5 A CPP day pass shall be obtained by the company for each commercial delivery vehicle that will be operating in the District on a given day and will be using a day pass. A CPP day pass may not be shared between two (2) or more vehicles.
- 2429.6 The commercial motor vehicle operator shall place the day pass facing out on the inside of the passenger side window of the vehicle so that it is clearly visible through the passenger side window of the vehicle.
- 2429.7 The expiration date displayed on the commercial permit parking day pass shall specify the date on which the day pass is effective.
- 2429.8 Notwithstanding § 2404.5, a commercial motor vehicle may park outside a loading zone between the hours of 10:00 a.m. and 2:00 p.m. with a valid day pass if it occupies no more than two (2) metered spaces or no more than forty feet (40 ft.) within a parking zone serviced by a multi-space meter.

2430 COMMERCIAL PERMIT PARKING PASS FEES

- 2430.1 The annual CPP permit fee for each commercial motor vehicle registered in the CPP program shall be three hundred and twenty three dollars (\$323).
- 2430.2 A company may register as many commercial motor vehicles as it owns in the CPP program.
- 2430.3 A company that registers seventy-five (75) or more vehicles for CPP annual passes need only pay for seventy-five (75) annual passes; provided, that the company shall use its company logo instead of the decal.
- 2430.4 Each CPP day pass shall cost twenty-five dollars (\$25) and shall only be valid for one (1) commercial motor vehicle.

New Section 2499 is added to read as follows:

2499 DEFINITIONS

- 2499.1 For the purposes of this chapter, a loading zone is defined as on street parking space set aside for commercial motor vehicles used or maintained for transporting freight, merchandise, or other commercial loads or property.

Chapter 26, CIVIL FINES FOR MOVING AND NON-MOVING INFRACTIONS, of Title 18, VEHICLES AND TRAFFIC, of the DCMR is amended as follows:

Subsection 2601.1 is amended as follows:

The following infractions are inserted after “Bus stop, within 20 feet of [§ 2409.8]” and before “Any passenger vehicle with a seating capacity of more than fifteen (15) passengers, a boat, a trailer, any vehicle longer than twenty-two feet (22 ft.) or wider than eight feet (8 ft.), or any vehicle that has been designed or modified to haul trash, junk, or debris parked on a public street in front of any private dwelling, or apartment, house of worship, school playground or hospital. [§ 2405.5]”:

Commercial permit parking decal, display expired [§ 2428.4(b)]	\$50
Commercial permit parking decal, fail to display properly [§ 2428.5]	\$50
Commercial permit parking day pass, display expired [§ 2429.3]	\$50
Commercial permit parking day pass, fail to display properly [§ 2429.6]	\$50
Commercial motor vehicle parked at a non-loading zone parking meter space during prohibited times [§ 2402.4(b)]	\$50
Commercial motor vehicle parked at a non-loading zone parking meter space without an annual pass or day pass [§§ 2428.7 and 2429.4]	\$50

The following infractions are inserted after “Left wheel to curb-parallel parking [§§ 2400.1; 2400.3; 2400.4]” and before “Loading zone, unauthorized vehicle in [§ 2402.6]”:

Loading zone, commercial motor vehicle parked at an expired meter in a commercial permit parking loading zone and with no commercial permit parking decal or commercial permit parking day pass displayed [§ 2402.6]	\$100
Loading zone, overtime parking by a	\$50

commercial motor vehicle with valid
commercial permit parking decal
[§ 2402.4(c)]

The infraction “Loading zone, unauthorized vehicle in [§ 2402.6]” is amended to read as follows:

Loading zone, unauthorized vehicle in \$100
[§ 2402.6]

The following infraction is inserted after “Parallel, fail to park (except where permitted) [§ 2400.1]” and before “Public or private property [D.C. Code § 40-812] [REPEALED]”:

Prohibited vehicles

Any passenger vehicle with a seating capacity of more than fifteen (15) passengers, a boat, a trailer, any vehicle longer than twenty-two feet (22 ft.) or wider than eight feet (8 ft.), or any vehicle that has been modified to haul trash, junk, or debris parked on a public street in front of any private dwelling, or apartment, church, school playground or hospital [§ 2405.5] \$1,000

DISTRICT DEPARTMENT OF TRANSPORTATION

NOTICE OF FINAL RULEMAKING

The Director of the District Department of Transportation (“Department”), pursuant to the authority set forth in Sections 4(a)(5)(A) (assigning authority to coordinate and manage public space permits and records to the Department Director), 5(4)(A) (assigning duty to review and approve public space permit requests to the Department Director), and 6(b) (transferring the public right-of-way maintenance function previously delegated to the Department of Public Works (DPW) under Section III (F) of Reorganization Plan No. 4 of 1983 to the Department) of the Department of Transportation Establishment Act of 2002 (“DDOT Establishment Act”), effective May 21, 2002 (D.C. Law 14-137; D.C. Official Code §§ 50-921.03(5)(A), 50-921.04(4)(A), and 50-921.05(b) (2012 Repl.)), and Title VI of the Fiscal Year 1997 Budget Support Act of 1996, effective April 9, 1997 (D.C. Law 11-198; D.C. Official Code §§ 10-1141.01 *et seq.* (2012 Repl.)), which was delegated to the Director of DPW pursuant to Mayor’s Order 96-175, dated December 9, 1996, and subsequently transferred to the Director of the Department in Section 7 of the DDOT Establishment Act (transferring to the Director of the Department all transportation-related authority previously delegated to the Director of the Department of Public Works) (D.C. Official Code § 50-921.06 (2012 Repl.)), hereby gives notice of the adoption of the following amendments to Chapter 12 (Sidewalks) of Title 24 (Public Space and Safety) of the District of Columbia Municipal Regulations (DCMR).

These rules establish the Department’s policies and procedures to obtain a public space permit for a lay-by within the public right-of-way and adjacent to the public roadway and provides a process by which the Department may cancel a permit for an existing lay-by.

Notice of Proposed Rulemaking was published in the *D.C. Register* on July 12, 2013 at 60 DCR 10140. Comments were received from one commentator. A concern was raised that lay-by permits would be restricted to only commercial properties, but all of the exceptions provided in the comment satisfied the definition of commercial property provided in this rulemaking. The commentator suggested that the minimum sidewalk width adjacent to a lay-by should take into consideration the minimum sidewalk width allowed on a block, but the ten foot width is a minimum, based on a minimum six foot pedestrian path plus room for an open vehicle door and loading/unloading activity. The commentator also objected to the three foot width limit for a layby located where a parking lane already exists. DDOT limited the lay-by width to three feet in addition to the existing parking lane width for safety reasons, including providing unobstructed line of site for drivers exiting the lay-by and discouraging double parking at the lay-by while allowing adequate pedestrian movement space on the traffic side of the vehicle. Another concern was raised with the expiration of a lay-by permit due to the substantial rehabilitation of the adjacent building, as the need for the lay-by may continue, but DDOT believes that the need for the lay-by should be re-evaluated whenever there is a potential for a change in the use of the adjacent building. A concern was raised regarding the need to apply for a lay-by permit if a lay-by was constructed without a permit. DDOT recognizes the challenge associated with this requirement, but believes that the approval of a permit application submitted for an unpermitted lay-by meeting the requirements of this section should not be a problem. Additionally, a concern was raised regarding the Director’s authority to determine that a lay-by

should be removed to allow for the relocation of a bus stop or for another purpose benefitting the District. This provision simply states that the Director can make the determination to remove a lay-by and the provisions of this rulemaking provide ample criteria for the Director to make such a determination. Finally, the concern was raised that the rulemaking provides no process for deviation from the regulations, but DDOT believes that the permit application process provides ample opportunity for the applicant to submit documentation supporting any proposal to construct a lay-by. Other than correcting a numbering error in § 1201.11, no changes were made to the text of the proposed rules.

DDOT adopted the rules as final on December 13, 2013. The rules will go into effect upon the date of publication of this Notice of Final Rulemaking in the *D.C. Register*.

Title 24, PUBLIC SPACE AND SAFETY, Chapter 12, SIDEWALKS, of the DCMR is amended as follows:

A new Section 1201 is added to read as follows:

1201 LAY-BYS: GENERAL PROVISIONS

1201.1 The District Department of Transportation (DDOT) shall approve a public space permit for a lay-by only when there is no parking lane and other options to safely pick up and drop off passengers are shown to be infeasible or impractical.

1201.2 In addition, a lay-by shall be approved only if:

- (a) The property to be served by the lay-by is a commercial property, such as a hotel or hospital having a high demand for passenger pick-up and drop-off space at the building entrance; and
- (b) An unobstructed, continuous pedestrian pathway of no less than ten feet (10 ft.) wide can be maintained on the public sidewalk adjacent to the proposed lay-by.

1201.3 No person shall construct a lay-by in public space:

- (a) Without first obtaining a public space permit from the Director;
- (b) For the purpose of parking motor vehicles; provided, motor vehicles may park temporarily in an approved lay-by in order to drop off or pick up passengers; or
- (c) For the purpose of creating a commercial loading zone.

1201.4 A person shall apply for a public space permit for a lay-by by completing an application as provided by the Director. The following documentation shall accompany the application:

- (a) A site plan showing the proposed lay-by that is drawn to scale per the latest site plan drawing requirements provided by the Director;
- (b) A description of the existing or projected passenger pick-up and drop-off demand at the property and the specific right-of-way conditions on the street that warrant the construction of a permanent lay-by and why other options to safely pick-up and drop-off passengers, including private space or a curbside location in an adjacent parking lane, are infeasible or impractical; and
- (c) Additional documentation as may be requested by the Director, such as a traffic impact study and photographs or illustrations showing the area intended for the proposed lay-by.

- 1201.5 When a lay-by is located adjacent to a travel lane intended for the movement of motor vehicle traffic, the lay-by shall be no more than ten feet (10 ft.) wide.
- 1201.6 When a lay-by is located adjacent to a travel lane intended for the movement of motor vehicle traffic, the combined width of the lay-by lane and the adjacent travel lane shall be no less than nineteen feet (19 ft.).
- 1201.7 When a lay-by must be located adjacent to a parking lane to accommodate wider vehicles or to allow additional pedestrian maneuvering space on the traffic side of the vehicle, the lay-by shall be no more than three feet (3 ft.) wide.
- 1201.8 When there is a privately funded streetscape project following the construction of a new building or the substantial rehabilitation of an existing building, the public space permit for any existing lay-by adjacent to the property shall expire. If the property owner desires a new lay-by, a request for a lay-by must be included as part of the public space permit application to perform the privately funded streetscape restoration project.
- 1201.9 If a person constructs a lay-by in public space without a permit, the person, at his or her own expense, shall remove the lay-by and restore the public space in accordance with the current DDOT Standard Specifications for Highways and Structures.
- 1201.10 When the Director determines that a lay-by should be removed to allow the public space to be used for another purpose which benefits the District, such as for a bus stop, the Director shall revoke the permit for a lay-by in public space and the person who constructed the lay-by shall remove the lay-by and restore the public space in accordance with the current DDOT Standard Specifications for Highways and Structures.

- 1201.11 Notwithstanding § 1201.10, if the lay-by is to be removed as part of a DDOT street reconstruction project, the Department may itself remove the lay-by and restore the public space instead of requiring the person who constructed the lay-by to remove the lay-by and restore the public space in accordance with the current DDOT Standard Specifications for Highways and Structures.
- 1201.12 If a lay-by that existed prior to the final publication of these rules was constructed without a public space permit, the person who constructed the lay-by shall apply for a public space permit under this section by October 1, 2014. If the permit is not approved, the person who constructed the lay-by shall remove the lay-by and restore the public space in accordance with the current DDOT Standard Specifications for Highways and Structures.

Section 1299, DEFINITIONS, is amended by inserting the following new definitions in alphabetical order:

Commercial property – all taxable real property other than vacant land zoned for residential use, residential garages, and any improved property used primarily for residential dwelling purposes, including detached dwellings, semi-detached dwellings, row dwellings, flats, residential condominiums, cooperatives, and apartments.

Director – the Director of the District Department of Transportation.

Lay-by – a designated paved area located at the side of a main roadway and protruding beyond the gutter into the sidewalk area where vehicles can stop temporarily to pick-up or drop-off passengers.

Parking lane – the area of street, alongside the curb, where motor vehicles may lawfully park.

Pedestrian - a person traveling by foot or by wheelchair.

Substantial rehabilitation – the rehabilitation of an existing building when the estimated cost of the rehabilitation, as determined for the building permit, is fifty percent (50%) or more of the value of the building as shown in the records of the District of Columbia Office of Tax and Revenue.

Travel lane - a roadway lane for the movement of vehicles traveling from one destination to another.

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS**NOTICE OF PROPOSED RULEMAKING**

The Director of the Department of Consumer and Regulatory Affairs, pursuant to the authority set forth in D.C. Official Code § 47-2853.10(a)(12) (2012 Repl.), and Mayor's Order 2000-70, dated May 2, 2000, hereby gives notice of the intent to adopt, in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*, the following amendments to Chapter 15 (Professional Engineers and Land Surveyors) of Title 17 (Business, Occupations and Professions) of the District of Columbia Municipal Regulations (DCMR).

This proposed rulemaking would update the engineering and surveying professional license regulations to facilitate upcoming changes to examination procedures by the National Council of Examiners for Engineering and Surveying (NCEES), specifically, the implementation of computer-based testing in the fundamentals of engineering and surveying. NCEES prepares and furnishes the national examinations in engineering and surveying, which have been approved by the Board of Professional Engineering to meet the requirements for licensure or certification in the District.

In addition, this proposed rulemaking would require credential evaluation for any engineering applicant who does not hold an accredited undergraduate engineering degree; clarify the educational requirements for engineering and surveying applicants; amend the required contents of the professional seals of engineers; and correct the definitions of engineering and land surveying.

Chapter 15, PROFESSIONAL ENGINEERS AND LAND SURVEYORS, of Title 17, BUSINESS, OCCUPATIONS AND PROFESSIONS, of the DCMR, is amended as follows:

Section 1503, APPLICATIONS, is amended to read as follows:

1503 APPLICATIONS

- 1503.1 A person applying for licensure as a Professional Engineer or Professional Land Surveyor, or certification as an Engineer Intern or Land Surveyor Intern, shall present his or her qualifications to the Board on forms provided by the Board.
- 1503.2 All applications shall be completed as follows:
- (a) All applications for licensure shall be submitted on forms provided by the Board, but if the space provided on a Board form is inadequate, supplementary sheets of standard size (8.5 x 11 inch) white printer or photocopy paper may be submitted;
 - (b) In order to allow sufficient time for processing and for scheduling examinations, all applications that require examinations shall be filed with

the Board at least ninety (90) days before the date set for the appropriate examinations;

- (c) Withholding information, providing statements that are untrue, or misrepresenting facts may be cause for denial of an application, or if discovered after a license has been issued by the Board, suspension, reprimand, or revocation of the license;
- (d) An applicant shall supply correct addresses for all references. In the event that a reference fails to respond to a Board inquiry, the Board may delay processing an application until either the reference replies to the Board or the applicant provides another reference that replies to the Board; and
- (e) In relating experience, the applicant must account for all employment and work experience since the beginning of the applicant's experience record. If the applicant is not employed, or is employed in other kinds of work, this should be indicated in the experience record. A person who believes that he or she has the necessary qualifications for licensure according to the laws of the District of Columbia as a Professional Engineer or a Professional Land Surveyor, except for that of experience, may submit an application for certification as an Engineer Intern or a Land Surveyor Intern.

1503.3 For applicants for licensure by reciprocity or endorsement pursuant to D.C. Official Code § 47-2853.12(b), the Board shall accept licensure records which have been compiled, verified, and submitted by the National Council of Examiners for Engineering and Surveying (NCEES). Copies of documents contained in the NCEES licensure record will be accepted in lieu of original or certified documents which would otherwise be required. Applicants remain responsible for providing any additional, required documentation or information.

Section 1504, APPLICATIONS FROM FOREIGN APPLICANTS AND PERSONS WITH DEGREES FROM FOREIGN SCHOOLS, is amended as follows:

Subsections 1504.3, 1504.4, and 1504.5 are amended to read as follows:

1504.3 An applicant who, for political or other reasons deemed valid by the Board, is unable to obtain his or her college transcript shall be required to supplement his or her application as directed by the Board.

1504.4 The Board shall evaluate foreign degrees in accordance with NCEES standards and recommendations on foreign engineering curricula. A transcript evaluation submitted pursuant to § 1508.7 of this chapter shall serve as the Board's guide for assessment.

1504.5 An applicant possessing a current Professional Engineer license or Professional Land Surveyor license issued by an appropriate licensing authority of a foreign jurisdiction may be permitted to obtain a license in the District of Columbia if the applicant proves, to the satisfaction of the Board, that he or she otherwise qualifies for licensure under this chapter, has passed an examination acceptable to the Board, and has completed education and training requirements for licensure in the foreign jurisdiction that were substantially equivalent, at the time they were received by the applicant, to the education and experience requirements of this chapter.

Section 1508, EDUCATION REQUIREMENTS, is amended to read as follows:

1508 EDUCATION REQUIREMENTS

1508.1 An applicant for certification as an Engineer Intern must have obtained a four-year baccalaureate engineering degree from an engineering program approved by the Board in accordance with § 1508.2, or must be currently enrolled and within one (1) semester of completing a baccalaureate degree in engineering in an engineering program which has been approved by the Board. The current enrollment status of the applicant, if applicable, must be verified by the educational institution.

1508.2 An applicant for licensure as a Professional Engineer must have obtained a four-year baccalaureate engineering degree from an engineering program approved by the Board. The Board will approve baccalaureate degree programs that meet the following standards:

- (a) The baccalaureate engineering degree program held accreditation from the Engineering Accreditation Commission of the Accreditation Board for Engineering Technology (EAC/ABET) at the time the applicant received the degree;
- (b) The baccalaureate engineering degree program received accreditation from EAC/ABET within three years after the date that the applicant received the degree; or
- (c) The baccalaureate degree program was not accredited by EAC/ABET, but the Board has determined, in accordance with EAC/ABET standards, that the program or combined coursework completed by the applicant is substantially equivalent to programs that are accredited by EAC/ABET. A transcript evaluation submitted pursuant to § 1508.7 of this section shall serve as the Board's guide for assessment.

1508.3 An applicant for certification as an Land Surveyor Intern must have obtained a four-year baccalaureate land surveying degree from a land surveying program approved by the Board in accordance with § 1508.4, or must be currently enrolled

and within one (1) semester of completing a baccalaureate degree in land surveying in a land surveying program which has been approved by the Board. The current enrollment status of the applicant, if applicable, must be verified by the educational institution.

1508.4 An applicant for licensure as a Professional Land Surveyor, who is not licensed under the laws of another state, must have obtained a four-year baccalaureate land surveying degree from a land surveying program approved by the Board. The Board shall approve land surveying programs that meet the following standards:

- (a) The college or university awarding the baccalaureate land surveying degree must be accredited by an accrediting agency or state approval agency located in the state or territory where the main campus of the college or university is located, which is recognized by the U.S. Secretary of Education as a "reliable authority as to the quality of postsecondary education" within the meaning of the Higher Education Act of 1965 (HEA);
- (b) The baccalaureate land surveying program was accredited by EAC/ABET, the Applied Science Accreditation Commission of ABET (ASAC/ABET), or the Technology Accreditation Commission of ABET (TAC/ABET) (collectively, the ABET Commissions) at the time the applicant received the degree;
- (c) The baccalaureate land surveying program received accreditation from one of the ABET Commissions within three years after the date that the applicant received the degree; or
- (d) The baccalaureate degree program was not accredited by one of the ABET Commissions, but the Board has determined, in accordance with ABET standards, that the program or combined coursework completed by the applicant is substantially equivalent to programs that are accredited by the ABET Commissions. A transcript evaluation submitted pursuant to § 1508.7 of this section shall serve as the Board's guide for assessment.

1508.5 An applicant for licensure as a Professional Land Surveyor who is licensed and in good standing under the laws of another state, and who does not hold a four-year baccalaureate land surveying degree from an approved program, must demonstrate the attainment of a minimum of 12 years of combined education and experience, having taken at least one course of land surveying at an institution which was accredited in accordance with §1508.4(a). Acceptable courses are those courses in the various kinds and facets of land surveying that have been evaluated and approved by this Board as being substantially equivalent to those curricula that are accredited by the ABET Commissions. Acceptable experience must meet the requirements of section § 1509 of this chapter.

- 1508.6 Applicants are responsible for verifying the approval status of degree programs used to satisfy the Board's education requirements, and may do so by contacting the Board.
- 1508.7 An applicant for licensure as a Professional Engineer or Professional Land Surveyor, or certification as an Engineer Intern or Land Surveyor Intern, with a baccalaureate degree from a program that is not accredited in accordance with this section, must submit an evaluation of his or her college transcript(s), including any post-baccalaureate coursework. The transcript evaluation must be conducted by an approved credential evaluation service which evaluates completed coursework in accordance with EAC/ABET and ABET Commissions standards.

Section 1509, EXPERIENCE REQUIREMENTS, is amended as follows:

Subsection 1509.2 is amended to read as follows:

- 1509.2 A person applying for licensure as a Professional Land Surveyor shall prove to the satisfaction of the Board that he or she has obtained no less than four (4) years of experience indicating that he or she may be competent to practice land surveying. In evaluating an applicant's experience, the Board shall consider the following:
- (a) Experience on land surveying projects shall be progressive to indicate that it is of increasing quality and requiring greater responsibility on the part of the applicant.
 - (b) Experience shall not be obtained in violation of the Act.
 - (c) Experience gained in the armed services, to be creditable, must be of a character equivalent to that which would have been gained in the civilian sector doing similar work. The Board expects that the applicant, while in the armed services, served in a land surveying group.
 - (d) Experience should be gained under the supervision of a licensed Professional Land Surveyor or, if the experience was gained without supervision, an explanation should be provided showing why the experience should be considered acceptable.
 - (e) Teaching experience, to be creditable, must be at an advanced level in a land surveying curriculum approved by the Board.
 - (f) A substantial portion of the experience must be obtained in responsible charge of work related to property conveyance and/or boundary line determination.

- (g) The applicant must demonstrate adequate experience in the technical field aspects of the profession.

Section 1511, EXAMINATIONS, is amended to read as follows:

1511 EXAMINATIONS

- 1511.1 Each applicant for licensure or certification must pass the applicable written examination(s) to be eligible for licensure by the Board.
- 1511.2 The following engineering examinations prepared and furnished by the National Council of Examiners for Engineering and Surveying (NCEES) meet the requirements of the District of Columbia for licensure as a Professional Engineer:
 - (a) Examination in the fundamentals of engineering, known as the Fundamentals of Engineering (FE) examination; and
 - (b) Examination in the principles and practice of engineering, known as the Principles and Practice of Engineering (PE) examination in the appropriate engineering discipline.
- 1511.3 An applicant for certification as an Engineer Intern shall submit verification that he or she has passed the FE examination. An individual seeking to sit for the FE examination must apply directly to NCEES.
- 1511.4 An applicant for licensure as a Professional Engineer shall be eligible to sit for the PE examination as follows:
 - (a) An applicant for licensure as a Professional Engineer will be permitted to sit for the PE examination upon satisfactorily fulfilling all application requirements.
 - (b) No applicant may register or sit for the PE examination until the Board has established that the applicant is eligible for the examination.
 - (c) An applicant for licensure as a Professional Engineer will not be permitted to sit for the PE examination until the FE examination has been passed.
 - (d) Professional Engineers are examined by discipline and shall select the discipline for examination on the application. Engineering specialties are listed in Section 1512 of this chapter.
- 1511.5 The following examinations meet the requirements of the District of Columbia for licensure as a Professional Land Surveyor:

- (a) Examination in the fundamentals of land surveying prepared and furnished by the NCEES, known as the Fundamentals of Land Surveying (FLS) examination;
 - (b) Examination in the principles and practice of land surveying prepared and furnished by the NCEES, known as the Principles and Practice of Land Surveying (PLS) examination; and
 - (c) Examination on the laws and procedures for the practice of land surveying in the District of Columbia, known as the District law examination.
- 1511.6 An applicant for certification as a Land Surveyor Intern shall submit verification that he or she has passed the FLS examination. An individual seeking to sit for the FLS examination must apply directly to NCEES.
- 1511.7 An applicant for licensure as a Professional Land Surveyor shall be eligible for the appropriate examination as follows:
- (a) An applicant for licensure as a Professional Land Surveyor will be permitted to sit for the PLS and/or District law examination upon satisfactorily fulfilling all application requirements.
 - (b) No applicant may register or sit for the PLS or District law examination until the Board has established that the applicant is eligible for the examination.
 - (c) An applicant for licensure as a Professional Land Surveyor will not be permitted to sit for the PLS examination until the FLS examination has been passed.
- 1511.8 Examinations are offered on dates and times set by the NCEES and at locations designated by NCEES or the Board.
- 1511.9 Examinations will be given in English.
- 1511.10 The Board will not distribute copies of questions used on prior examinations.
- 1511.11 The Board may publish specifications for all written examinations, which may be obtained from the Board upon request by persons who have been approved by the Board to take the national and/or District examination.
- 1511.12 Instructions provided prior to each examination will declare an examination open or closed book. When an applicant sits for an open-book examination, any books, bound materials of any sort, and Board-approved calculators or computers that are self-powered and non-printing may be used. Examinees shall not loan or exchange materials with any other person.

- 1511.13 If an applicant fails to attend an examination for which he or she has been scheduled, the examination fee will be forfeited. In the case of illness, death in the family, or other unavoidable causes for absence the fee will be applied to the next test administration.
- 1511.14 Failure of an applicant to attend an examination for which he or she has been scheduled to attend does not count as a failure of the examination.
- 1511.15 An applicant who fails to pass the first or second PE or PLS examination will be granted a request to sit for a third offering of the examination. In the event the applicant fails to pass a third examination and wishes to retake the examination, the Board may require the applicant to wait a prescribed period of time before taking the examination again and/or appear before the Board with evidence to show that he or she has acquired additional knowledge.
- 1511.16 An initial applicant for the PE or PLS examinations must submit an application at least ninety (90) days before the examination date in order to sit for the examination. An applicant for re-examination must apply to take the examination at least sixty (60) days before the examination date in order to sit for the examination.
- 1511.17 Examination results, after review and approval of the passing score, will be supplied in writing to each examinee showing the applicant's score and the passing score. No results will be given in any other manner.

Section 1516, SEALS, is amended as follows:

Subsection 1516.4 is amended to read as follows:

- 1516.4 All seals shall contain the following information:
- (a) District of Columbia;
 - (b) Licensee's name;
 - (c) License number;
 - (d) The words "Professional Engineer" or "Professional Surveyor", as appropriate; and
 - (e) Any other information requested by the Board.

Section 1599, DEFINITIONS, is amended as follows:

Subsection 1599.1 is amended as follows:

The definition of “engineering” is amended to read as follows:

Engineering:

- (a) **Engineer** - A person who is qualified to practice engineering by reason of special knowledge and use of the mathematical, physical, and engineering sciences and the principles and methods of engineering analysis and design, acquired by engineering education and engineering experience.
- (b) **Professional Engineer** - A person who has been duly licensed as a professional engineer by the Board. The Board may designate a professional engineer, based on education, experience, and examination, as being licensed in a specific discipline or branch of engineering signifying the area in which the engineer has demonstrated competence.
- (c) **Engineer Intern** - A person who has met the educational requirements, passed the required examination, and has been granted certification as an engineer intern or engineer-in-training by the Board, or a similar authority of another jurisdiction.
- (d) **Practice of Engineering** - Any service or creative work, the adequate performance of which requires engineering education, training, and experience in the application of special knowledge of the mathematical, physical, and engineering sciences, provided in consultation, investigation, expert technical testimony, evaluation, planning, design and design coordination of engineering works and systems, planning the use of land, air, and water, teaching advanced engineering subjects, performing engineering surveys and studies, and the review of construction for the purpose of monitoring compliance with drawings and specifications, any of which embraces such services or work, either public or private, in connection with any utilities, structures, buildings, machines, equipment, processes, work systems, projects, communication systems, transportation systems, and industrial or consumer products, or equipment of control systems, communications, mechanical, electrical, hydraulic, pneumatic, chemical, environmental, or thermal nature, insofar as they involve safeguarding life, health, or property, and including such other professional services as may be necessary to the planning, progress, and completion of any engineering services. Said practice includes the doing of such architectural work, as is incidental to the practice of engineering.
- (e) **Design coordination** - The review and coordination of those technical submissions prepared by others, including as appropriate and without limitation, consulting engineers, architects, landscape architects, surveyors or land surveyors, and other professionals working under the direction of the engineer.

- (f) **Engineering surveys** - All survey activities required to support the sound conception, planning, design, construction, maintenance, and operation of engineered projects, excluding the survey of real property for the establishment of land boundaries, rights-of-way, easements, configuration or contours of the Earth's surface, and the dependent or independent surveys or resurveys of the public land survey system.
- (g) **Consulting Engineer** - A professional engineer whose principal occupation is the independent practice of engineering; whose livelihood is obtained by offering engineering services to the public; who is devoid of public, commercial, and product affiliation that might tend to imply a conflict of interest; and who is cognizant of his or her public and legal responsibilities, and is capable of discharging them.
- (h) **A graduate of an engineering curriculum** - An individual who has been awarded a baccalaureate degree in engineering from an engineering program accredited by the Engineering Accreditation Commission of the Accreditation Board for Engineering Technology (EAC/ABET), or a program that has been approved by the Board.

The definition of “land surveying” is amended to read as follows:

Land Surveying:

- (a) **Professional Surveyor or Land Surveyor** - A person who has been duly licensed as a professional surveyor or land surveyor by the Board, and engaged in the practice of land surveying.
- (b) **Land Surveyor Intern** - A person who has met the educational requirements, passed the required examination, and has been granted certification as a land surveyor intern by the Board, or a similar authority of another jurisdiction.
- (c) **Practice of Surveying or Land Surveying** - Providing professional services such as consultation, investigation, testimony evaluation, expert technical testimony, planning, mapping, assembling, and interpreting reliable scientific measurements and information relative to the location, size, shape, or physical features of the earth, existing or proposed improvements on the earth, the space above the earth, or any part of the earth, and utilization and development of these facts and interpretation into an orderly survey map, plan, report, description, or project. The practice of surveying or land surveying includes, but is not limited to, any one or more of the following:

1. Determining the configuration or contour of the earth's surface or the position of fixed objects thereon by measuring lines and angles and applying the principles of mathematics or photogrammetry.
 2. Performing geodetic surveying which includes surveying for determination of the size and shape of the earth utilizing angular and linear measurements through spatially oriented spherical geometry.
 3. Determining, by the use of principles of surveying, the position for any survey control (non-boundary) monument or reference point; or setting, resetting, or replacing any such monument or reference point.
 4. Creating, preparing, or modifying electronic or computerized data, including land information systems, and geographic information systems, relative to the performance of the activities in the above described items (1) through (3).
 5. Locating, relocating, establishing, reestablishing, laying out, or retracing any property line or boundary of any tract of land or any road, right of way, easement, alignment, or elevation of any of the fixed works embraced within the practice of engineering.
 6. Making any survey for the subdivision of any tract of land.
 7. Determining, by the use of principles of land surveying, the position for any survey monument or reference point; or setting, resetting, or replacing any such monument or reference point.
 8. Creating, preparing, or modifying electronic or computerized data, including land information systems, and geographic information systems, relative to the performance of the activities in the above described items (5) through (7).
- (d) **A Graduate of a Land Surveying Curriculum** - An individual who has been awarded a baccalaureate degree in land surveying from a program approved by the Board.
- (e) **A Graduate of a Related Curriculum** - An individual who has been awarded a baccalaureate degree in areas in which land surveying courses may be taught along with mathematics and the physical sciences from a program approved by the Board.

All persons desiring to comment on these proposed regulations should submit comments in writing to Paul Waters, Deputy Director for Enforcement and Legislative Affairs, Department of

Consumer and Regulatory Affairs, 1100 Fourth Street, S.W., 5th Floor, Washington, D.C. 20024, or via e-mail at paul.waters@dc.gov, not later than thirty (30) days after publication of this notice in the *D.C. Register*. Copies of the proposed rules can be obtained from the address listed above. The agency can be reached by telephone at 202-442-4400. A copy fee of one dollar (\$1.00) will be charged for each copy of the proposed rulemaking requested. Free copies are available on the DCRA website at dcra.dc.gov by going to the “About DCRA” tab, clicking “Publications”, and clicking on “All Publications”.

**THE DISTRICT OF COLUMBIA
LOTTERY AND CHARITABLE GAMES CONTROL BOARD**

NOTICE OF PROPOSED RULEMAKING

The Executive Director of the District of Columbia Lottery and Charitable Games Control Board, pursuant to the authority set forth under Section 4 of the Law to Legalize Lotteries, Daily Numbers Games, and Bingo and Raffles for Charitable Purposes in the District of Columbia, effective March 10, 1981 (D.C. Law 3-172; D.C. Official Code § 3-1306 (2012 Repl.)); District of Columbia Financial Responsibility and Management Assistance Authority Order issued September 21, 1996; and Office of the Chief Financial Officer Financial Management Control Order No. 96-22 issued November 18, 1996, hereby gives notice of the intent to adopt the following amendments to Chapter 9 (Description of On-Line Games) of Title 30 (Lottery and Charitable Games) of the District of Columbia Municipal Regulations (DCMR).

These amendments are necessary to implement the changes to the POWERBALL® game pursuant to the Multi-State Lottery Association (“MUSL”) POWERBALL Group Rules. The game changes are effective on January 22, 2014.

The Executive Director gives notice of his intent to take final rulemaking action to adopt the amendments in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

AMEND CHAPTER 9, “DESCRIPTION OF ONLINE GAMES”

Amend Section 914 to read as follows:

914 POWERBALL® POWER PLAY PRIZE POOL AND PRIZE PAYMENT

914.1 The prize pool for all prize categories shall consist of up to forty-nine and thirty six tenths percent (49.36%) of each drawing period's sales, including tax, after the POWERBALL® prize reserve accounts reach the amounts designated by the Executive Director in accordance with all agreements governing the conduct of POWERBALL® and Power Play. Once the prize reserve accounts exceed the designated amounts, the excess shall become part of the prize pool. Any amount remaining in the prize pool at the end of this game shall be carried forward to a replacement game prize reserve account or expended as otherwise directed by the Executive Director in accordance with all agreements governing the conduct of POWERBALL® and Power Play.

914.2 An additional sixty four tenths percent (0.64%) of sales, including tax, may be collected and placed in trust in one or more prize reserve accounts until the prize reserve accounts reach the amounts designated by the Executive Director in accordance with all agreements governing the conduct of POWERBALL® and Power Play.

914.3 Except as provided in these rules, all prizes awarded shall be paid as lump sum set prizes. Instead of the POWERBALL® set prize amounts, qualifying Power Play plays will pay the amounts shown below when matched with the Power Play number drawn:

	Prize Amount	Regardless of Power Play number selected:			
Match 5+0	\$1,000,000	\$2,000,000	\$2,000,000	\$2,000,000	\$2,000,000

	Prize Amount	5X	4X	3X	2X
Match 4+1	\$10,000	\$50,000	\$40,000	\$30,000	\$20,000
Match 4+0	\$100	\$500	\$400	\$300	\$200
Match 3+1	\$100	\$500	\$400	\$300	\$200
Match 3+0	\$7	\$35	\$28	\$21	\$14
Match 2+1	\$7	\$35	\$28	\$21	\$14
Match 1+1	\$4	\$20	\$16	\$12	\$8
Match 0+1	\$4	\$20	\$16	\$12	\$8

In certain rare instances, the Powerball set prize amount may be less than the amount shown. In such case, the eight (8) lowest Power Play prizes will be changed to an amount announced after the draw. For example, if the Match 4+1 Powerball set prize amount of \$10,000.00 becomes \$5,000.00 under the rules of the Powerball game and a 5x Power Play multiplier is selected, then a Power Play player winning that prize amount would win \$25,000.00.

914.4 The following table sets forth the probability of the various Power Play numbers being drawn during a single Powerball drawing, except that the Power Play amount for the Match 5+0 prize will be two million dollars (\$2,000,000 dollars). The Executive Director may elect to run limited promotions that may modify the multiplier features.

914.5

<u>Power Play</u>	<u>Probability of Prize Increase</u>
5X – Prize Won Times 5	1 in 10
4X – Prize Won Times 4	1 in 10
3X – Prize Won Times 3	1 in 3.33
2X – Prize Won Times 2	1 in 2

Power Play does not apply to the POWERBALL® Grand Prize. Except as provided in Section 914.3, a Power Play Match 5 prize is set at two million (\$2 million), regardless of the multiplier selected.

914.6 The prize money allocated to the Match 5 Bonus Prize shall be divided equally by the number of games boards winning the Match 5 prize when a game board wins the new high jackpot amount.

- 914.7 All Power Play prizes shall be paid in one lump sum.
- 914.8 Prizes that, under these rules, may become pari-mutuel prizes, may be rounded down so that prizes can be paid in whole dollars. Breakage resulting from rounding these prizes shall be carried forward to the prize pool for the next drawing.

All persons desiring to comment on the subject matter of this proposed rulemaking should file comments in writing not later than thirty (30) days after the date of publication of this notice in the *D.C. Register*. Comments should be filed with Antar Johnson, Assistant General Counsel, District of Columbia Lottery and Charitable Games Control Board, 2101 Martin Luther King, Jr., Avenue, S.E., Washington, D.C. 20020, or sent by e-mail to antar.johnson@dc.gov, or filed online at www.dcregs.gov. Additional copies of these proposed rules may be obtained at the address stated above.

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2013-227
December 5, 2013

SUBJECT: Appointments – District of Columbia Educational Opportunity for
Military Children State Council

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2012 Repl.), and pursuant to section 21 of the Interstate Compact on Educational Opportunity for Military Children Establishment Act of 2012, effective May 1, 2013, D.C. Law 19-304, 60 DCR 2717 (hereinafter referred to as the “Act”), it is hereby **ORDERED** that:

I.

- a. **CELINE FEJERAN** is appointed, as the designee representative for the Mayor of the District of Columbia, to the District of Columbia Educational Opportunity for Military Children State Council (“State Council”), and shall serve in that capacity at the pleasure of the Mayor.
- b. **JESUS AGUIRRE** is appointed, as the Acting State Superintendent of Education, to the State Council, and shall serve in that capacity at the pleasure of the Mayor.
- c. **CHRISTOPHER RINKUS** is appointed, as the designee representative for the Chancellor of the District of Columbia Public Schools, to the State Council, and shall serve in that capacity at the pleasure of the Mayor.
- d. **PETER NILES** is appointed as a parent representative, to the State Council, and shall serve in that capacity at the pleasure of the Mayor.
- e. **CELINE FEJERAN** is designated as the Chairperson of the State Council and shall serve in that capacity at the pleasure of the Mayor.

II. Pursuant to section 21(a)(1), (a)(4), and (a)(6) of the Act, respectively, it is hereby **RECOGNIZED** that:

- a. **ERIKA WADLINGTON** has been designated to the State Council, by the Chairman of the Council of the District of Columbia ("Chairman"), as the Chairman's designee, and shall serve in that capacity at the pleasure of the Chairman.


- b. **CAPTAIN ANTHONY CALANDRA** has been designated to the State Council, by the Secretary of Defense, as the representative member from a District military installation, and shall serve in that capacity at the pleasure of the Secretary of Defense.

- c. **SCOTT PEARSON** has been designated to the State Council, by the Chairman of the Public Charter School Board, as a public charter school leader, and shall serve in that capacity at the pleasure of the Chairman of the Public Charter School Board.

III. EFFECTIVE DATE: This Order shall become effective immediately.



VINCENT C. GRAY
MAYOR

ATTEST: 

CYNTHIA BROCK-SMITH
SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2013-228
December 5, 2013

SUBJECT: Delegation of Authority to the Acting Director of the Department of Behavioral Health or Designee to Sign Documents Related to the Substance Abuse Prevention and Treatment (SAPT) Block Grant and to sign funding agreements with the U.S. Department of Health and Human Services, Substance Abuse and Mental Health Services Administration for grants to be administered by the Department of Behavioral Health

ORIGINATING AGENCY: Office of the Mayor


By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(6) and (11) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(6) and (11) (2012 Repl.), it is hereby **ORDERED** that:

1. **FIRST DELEGATION OF AUTHORITY:** The Mayor hereby delegates to the Director or Acting Director of the Department of Behavioral Health, or the Director or Acting Director's designee, authority to sign funding agreements and certifications, provide assurances of compliance to the Secretary of the U.S. Department of Health and Human Services, and to perform similar acts relevant to the administration of the Substance Abuse Prevention and Treatment (SAPT) Block Grant until such time as this delegation of authority is rescinded.
2. **SECOND DELEGATION OF AUTHORITY:** The Mayor hereby delegates to the Director or Acting Director of the Department of Behavioral Health, or the Director or Acting Director's designee, authority to sign funding agreements with the U.S. Department of Health and Human Services, Substance Abuse and Mental Health Services Administration for grants to be administered by the Department of Behavioral Health.
3. **RESCISSION:** Mayor's Order 2011-193, dated December 9, 2011, is rescinded.

4. **EFFECTIVE DATE:** This Order shall be effective *nunc pro tunc* to October 1, 2013.



VINCENT C. GRAY
MAYOR

ATTEST: 

CYNTHIA BROCK-SMITH
SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

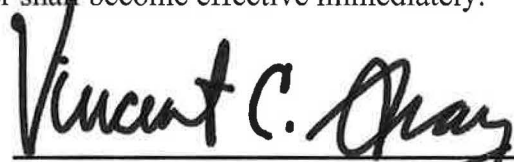
Mayor's Order 2013-229
December 5, 2013

SUBJECT: Reappointments – Board of Nursing


ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia pursuant to section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2012 Repl.), and in accordance with section 204 of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986, D.C. Law 6-99, D.C. Official Code § 3-1202.04 (2012 Repl.), which established the Board of Nursing (“Board”), it is hereby **ORDERED** that:

1. **CHIOMA NWACHUKWU**, whose nomination was submitted by the Mayor on September 26, 2013 and was deemed approved by the Council of the District of Columbia pursuant to Proposed Resolution 20-0469 on November 16, 2013, is reappointed as a Registered Nurse member of the Board, for a term to end July 21, 2016.
2. **TONI A. EASON**, whose nomination was submitted by the Mayor on September 26, 2013 and was deemed approved by the Council of the District of Columbia pursuant to Proposed Resolution 20-0470 on November 16, 2013, is reappointed as a Registered Nurse member of the Board, for a term to end July 21, 2016.
3. **EFFECTIVE DATE:** This Order shall become effective immediately.



VINCENT C. GRAY
MAYOR

ATTEST: 

CYNTHIA BROCK-SMITH
SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2013-230
December 6, 2013

SUBJECT: Appointment – Board of Nursing Home Administration


ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia pursuant to section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2012 Repl.), section 205 of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986, D.C. Law 6-99, D.C. Official Code § 3-1202.05 (2012 Repl.), which established the Board of Nursing Home Administration (“Board”), it is hereby **ORDERED** that:

1. **CHRISTY KRAMER**, who was nominated by the Mayor on September 17, 2013, and was deemed approved by the Council of the District of Columbia pursuant to Proposed Resolution 20-0440 on November 16, 2013, is appointed to the Board, as an educator from an institution of higher learning engaged in teaching health care administration member of the Board, replacing Ronnie E. Lake, to complete the remainder of an unexpired vacant three year term to end July 21, 2015.
2. **EFFECTIVE DATE:** This Order shall become effective immediately.



VINCENT C. GRAY
MAYOR

ATTEST: 

CYNTHIA BROCK-SMITH
SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2013-231
December 6, 2013

SUBJECT: Reappointment – Motor Vehicle Theft Prevention Commission

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2012 Repl.), and in accordance with section 4 of the Motor Vehicle Theft Prevention Act of 2008, effective July 18, 2008, D.C. Law 17-197, D.C. Official Code § 3-1353 (2012 Repl.), it is hereby **ORDERED** that:

1. **ANDREW FOIS**, who was nominated by the Mayor on September 18, 2013, and was deemed approved by the Council of the District of Columbia pursuant to Proposed Resolution 20-0444 on November 16, 2013, is reappointed as a public member and Chairperson of the Motor Vehicle Theft Prevention Commission, for a term to end June 30, 2016.
2. **EFFECTIVE DATE:** This Order shall become effective immediately.



VINCENT C. GRAY
MAYOR

ATTEST: 

CYNTHIA BROCK-SMITH
SECRETARY OF THE DISTRICT OF COLUMBIA

CARLOS ROSARIO PUBLIC CHARTER SCHOOL**NOTICE OF REQUEST FOR PROPOSAL****Security Services**

Carlos Rosario PCS seek bids for security services for two locations: 1100 Harvard St. NW Washington, DC 20009 (84,000 sq. ft.) and 514 V St. NE Washington, DC 20002 (50,000 sq. ft.) Request bid specifications via email: tmcghee@carlosrosario.org Bids must be received no later than 4PM Friday, January 3, 2014

**OCCUPATIONAL AND PROFESSIONAL LICENSING DIVISION
BOARD OF ACCOUNTANCY
1100 4th Street SW, Room E300
Washington, DC 20024**

AGENDA

**December 3, 2013
9:00 A.M.**

- 1) Meeting Call to Order
- 2) Attendees
- 3) Comments from the Public
- 4) Minutes: Review draft of 5 November 2013
- 5) Old Business
- 6) New Business
- 7) Correspondence
- 8) Pursuant to § 2-575(13) the Board will enter executive session to review application(s) for licensure.
- 9) Adjournment

Next Scheduled Meeting – Tuesday, 7 January 2014
Location: 1100 4th Street SW, Conference Room E300

**DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OCCUPATIONAL AND PROFESSIONAL LICENSING DIVISION**

NOTICE OF PUBLIC MEETING

**Board of Architecture and Interior Design
1100 4th Street, S.W., Room 300B, Washington, D.C. 20024**

**AGENDA
December 6, 2013**

1. Meeting Call to Order - 9:30 a.m.
2. Attendees
3. Comments from the Public
 - A. American Society of Interior Designers (ASID)
 - B. American Society of Landscape Architects (ASLA)
4. Executive Session (Closed to the Public)
 - A. Review of Complaints
 - B. Legal Counsel Report
 - C. Review – Proposed Legislation – Landscape Architecture
5. Minutes – Review Draft, September 6, 2013
6. Review of Applications
7. Review of Complaints/Legal Matters
8. Review of Interior Design Continuing Education Provider Submissions
9. Proposed Legislation (Landscape Architects, Architecture Firms)
10. Old Business
 - A. I.D. Forms
11. New Business
 - A. NCARB Activities – Teleconference Meeting, Region 2 - 11/06/13
 - B. CIDQ Activities – Delegates Meeting, Las Vegas, NV -11/8&9/2013
 - C. Proposed Calendar 2014
12. Review of Correspondence

Adjourn

Next Scheduled Regular Meeting, TBD, 2014

1100 4th Street, SW, Room 300B, Washington, DC 20024

**DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OCCUPATIONAL AND PROFESSIONAL LICENSING DIVISION**

NOTICE OF PUBLIC MEETING

**Board of Barber and Cosmetology
1100 4th Street SW, Room E300
Washington, DC 20024**

Meeting Agenda

**December 2, 2013
10:00 A.M.**

1. Call to Order – 10:00 a.m.
2. Members Present
3. Staff Present
4. Comments from the Public
5. Review of Correspondence
6. Applications for Licensure
7. Executive Session (Closed to the Public)
8. Old Business
9. New Business
10. Adjourn
11. Next Scheduled Board Meeting – January 6, 2014 at 10:00 a.m.

**DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OCCUPATIONAL AND PROFESSIONAL LICENSING DIVISION**

NOTICE OF PUBLIC MEETING

**Board of Funeral Directors
1100 4th Street SW, Room E300
Washington, DC 20024**

Meeting Agenda

**December 5, 2013
1:00 P.M.**

1. Call to Order – 1:00 p.m.
2. Members Present
3. Staff Present
4. Comments from the Public
5. Review of Correspondence
6. Applications for Licensure
7. Draft Minutes, November 2013
8. Executive Session (Closed to the Public)
9. Old Business
10. New Business
 - Proposed 2014 Meeting Dates
11. Adjourn
12. Next Scheduled Board Meeting – January 2, 2014 at 1:00 p.m.

**Occupational and Professional Licensing Division
Board of Industrial Trades
1100 4th Street SW, Room 300 A/B
Washington, DC 20024**

AGENDA

**December 17, 2013
1:00 P.M.**

- I. Call to Order**
- II. Ascertainment of Quorum**
- III. Adoption of the Agenda**
- IV. Acknowledgment of Adoption of the Minutes**
- V. Report by the Chair**
 - a) Elevator applications on PULSE
 - b) DCMR updates
- VI. New Business**
 - a) Recommendations to change Board meeting date and time.
 - b) Reciprocity with other Jurisdictions
- VII. Opportunity for Public Comments**
- VIII. Executive Session**

Executive Session (non-public) to Discuss Ongoing, Confidential Preliminary Investigations pursuant to D.C. Official Code § 2-575(b)(14), to deliberate on a decision in which the Industrial Trades Board will exercise quasi-judicial functions pursuant to D.C. Official Code § 2-575(b)(13)

 - a) Review of applications
 - b) Recommendations from committee meetings
- IX. Resumption of Public Meeting**
- X. Adjournment**

Minutes: November 19, 2013 – NO QUORUM

Next Scheduled Board Meeting: January 21, 2014 @ 11:00 AM – 3:30 PM, Room E4302
1100 4th Street, Washington, DC 20024

**Occupational and Professional Licensing Division
Board of Professional Engineering
1100 4th Street SW, Room E300
Washington, DC 20024**

AGENDA

**December 19, 2013
9:30 A.M.**

- 1) Meeting Call to Order
- 2) Attendees
- 3) Comments from the Public
- 4) Minutes: Review draft of 26 November 2013
- 5) Old Business
 - a) Continuation of seals/stamps/signatures discussion
- 6) New Business
- 7) Executive Session
- 8) Application Committee Report
- 9) Adjournment

Next Scheduled Meeting – Thursday, 23 January 2014 (tentative)
Location: 1100 4th Street SW, Conference Room E300

**DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OCCUPATIONAL AND PROFESSIONAL LICENSING DIVISION**

NOTICE OF PUBLIC MEETING

District of Columbia Board of Real Estate Appraisers
1100 4th Street, S.W., Room 300B
Washington, D.C. 20024

AGENDA
December 18, 2013

1. Call to Order – 10:00 a.m. (Public Session)
2. Attendance
3. Comments from the Public
4. Executive Session (Closed to the Public)
 - A. Review - Complaints
 - B. Legal Counsel Report
5. Minutes - Draft, November 20, 2013
6. Recommendations
 - A. Review – Applications for Licensure
 - B. Review – Complaints
 - C. Review Education Items
 - D. Budget Report
 - E. 2014 Calendar
 - F. Correspondence
7. Old Business
 - Non-Employee IDs
8. New Business
9. Adjourn

Next Scheduled Regular Meeting – January 15, 2014
1100 4th Street, SW, Room 300B

**D.C. DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
BUSINESS AND PROFESSIONAL LICENSING ADMINISTRATION**

SCHEDULED MEETINGS OF BOARDS AND COMMISSIONS

December 2013

CONTACT PERSON	BOARDS AND COMMISSIONS	DATE	TIME/ LOCATION
Daniel Burton	Board of Accountancy	3	8:30 am-12:00pm
Lisa Branscomb	Board of Appraisers	18	8:30 am-4:00 pm
Jason Sockwell	Board Architects and Interior Designers	6	8:30 am-1:00 pm
Cynthia Briggs	Board of Barber and Cosmetology	2	10:00 am-2:00 pm
Sheldon Brown	Boxing and Wrestling Commission	10	7:00-pm-8:30 pm
Kevin Cyrus	Board of Funeral Directors	5	1:00pm-5:00 pm
Daniel Burton	Board of Professional Engineering	19	9:30 am-1:30 pm
Leon Lewis	Real Estate Commission	10	8:30 am-1:00 pm
Pamela Hall	Board of Industrial Trades	17	1:00 pm-4:00 pm
	Asbestos Electrical Elevators Plumbing Refrigeration/Air Conditioning Steam and Other Operating Engineers		

Dates and Times are subject to change.

All meetings are held at 1100 4th St., SW, Suite E-300 Washington, DC 20024.
For further information on this schedule, please contact the front desk at 202-442-4320.

**DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OCCUPATIONAL AND PROFESSIONAL LICENSING DIVISION**

NOTICE OF PUBLIC MEETING

District of Columbia Real Estate Commission
1100 4th Street, S.W., Room 300B
Washington, D.C. 20024

AGENDA
December 10, 2013

1. Call to Order - 9:30 a.m.
2. Executive Session (Closed to the Public) – 9:30 -10:30 a.m.
 - A. Legal Committee Recommendations
 - B. Legal Counsel Report
3. Attendance (Start of Public Session) – 10:30 a.m.
4. Comments from the Public
5. Minutes - Draft, November 12, 2013
6. Recommendations
 - A. Review - Applications for Licensure
 - B. Legal Committee Report
 - C. Education Committee Report
 - D. Budget Report
 - E. 2014 Calendar
 - F. Correspondence
7. Old Business
 - Non-Employee IDs
8. New Business
9. Adjourn

Next Scheduled Regular Meeting, January 14, 2014
1100 4th Street, SW, Room 300B, Washington, DC 20024

**DISTRICT OF COLUMBIA
BOARD OF ELECTIONS**

Certification of Filling Vacancies

In Advisory Neighborhood Commissions

Pursuant to D.C. Official Code §1-309.06(d)(6)(D), If there is only one person qualified to fill the vacancy within the affected single-member district, the vacancy shall be deemed filled by the qualified person, the Board hereby certifies that the vacancies have been filled in the following single-member districts by the individuals listed below:

Ellen Steury
Single-Member District 2E07

Sam Marrero
Single-Member District 6D01

DISTRICT OF COLUMBIA OFFICE OF EMPLOYEE APPEALS
DECEMBER BOARD MEETING

This notice outlines the schedule of the regular meetings of the Board for the Office of Employee Appeals. Portions of the meetings are held in open session, and the public is invited to attend. Due to inclement weather, the December 10, 2013 Board meeting was cancelled. The meeting will take place on December 17, 2013. The meeting will be held at 1100 4th Street, Suite 380E, NW, Washington, D.C. A copy of the draft agenda for the meeting is posted on the agency's website and the lobby of the Office of Employee Appeals. For further information, please contact the front desk at 202.727.0004. This schedule is subject to change.

DATE	TIME	ROOM NUMBER
Tuesday, December 17, 2013	11:00 AM	Room 380 East

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 #6282-R1, #6283-R1, and #6284-R1, to the Architect of the Capitol to operate three existing diesel-fired emergency generator engines located in Washington, DC. The contact person for the applicant is James Styers, Environmental Engineer, at (202) 226-6636.

Emergency Generators to be Permitted:

Equipment Location	Address	Engine Size	Fuel	Model Number	Serial Number
Square 634-Underground adjacent to the CVC truck tunnel	Capitol Visitor Center SW Washington DC 20515	2000 kW (2876 HP)	No. 2 Fuel Oil (Diesel)	Cat3516 BDITA	1HZ02749
Square 634-Underground adjacent to the CVC truck tunnel	Capitol Visitor Center SW Washington DC 20515	2000 kW (2876 HP)	No. 2 Fuel Oil (Diesel)	Cat3516 BDITA	1HZ02754
Square 634-Underground adjacent to the CVC truck tunnel	Capitol Visitor Center SW Washington DC 20515	2000 kW (2876 HP)	No. 2 Fuel Oil (Diesel)	Cat3516 BDITA	1HZ02756

The proposed emission limits for each unit are as follows:

- a. Emissions shall not exceed those found in the following table as measured in accordance with the procedures found in 40 CFR 89, Subpart E: [40 CFR 60.4205(a), 40 CFR 60.4202(a)(2), and 40 CFR 89.112(a)]

Emission Standards	
Pollutant	g/kW-hr
NMHC+NO _x	6.4
CO	3.5
PM	0.20

- b. Visible emissions shall not be emitted into the outdoor atmosphere from the generator, except that discharges not exceeding forty percent (40%) opacity (unaveraged) shall be permitted for two (2) minutes in any sixty (60) minute period and for an aggregate of twelve (12) minutes

in any twenty-four hour (24 hr.) period during start-up, cleaning, adjustment of combustion controls, or malfunction of the equipment [20 DCMR 606.1]

- c. An emission into the atmosphere of odorous or other air pollutants from any source in any quantity and of any characteristic, and duration which is, or is likely to be injurious to the public health or welfare, or which interferes with the reasonable enjoyment of life or property is prohibited. [20 DCMR 903.1]

The application to operate the generators and the draft renewal permits are available for public inspection at AQD and copies may be made available between the hours of 8:15 A.M. and 4:45 P.M. Monday through Friday. Interested parties wishing to view these documents should provide their names, addresses, telephone numbers and affiliation, if any, to Stephen S. Ours at (202) 535-1747.

Interested persons may submit written comments or may request a hearing on this subject within 30 days of publication of this notice. The written comments must also include the person's name, telephone number, affiliation, if any, mailing address and a statement outlining the air quality issues in dispute and any facts underscoring those air quality issues. All relevant comments will be considered in issuing the final permit.

Comments on the proposed permits and any request for a public hearing should be addressed to:

Stephen S. Ours
Chief, Permitting Branch
Air Quality Division
District Department of the Environment
1200 First Street NE, 5th Floor
Washington, DC 20002
Stephen.Ours@dc.gov

No written comments or hearing requests postmarked after January 13, 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 an air quality permit (#6786) to Y & G Auto Repair and Body Shop LLC, to operate an auto body paint spray booth at 1851 Adams Street NE. The contact person for the facility is Husein Getahun, Owner, at (202) 269-1005.

Emissions:

The maximum estimated potential emissions of volatile organic compound (VOC) from the auto body paint spray booth equipment, operating fifty two weeks (52) per year, is expected to be as follows:

	Maximum Annual Emissions
Pollutant	(tons/yr)
Volatile Organic Compounds (VOC)	5.85

The proposed emission limits are as follows:

- a. No chemical strippers containing methylene chloride (MeCl) shall be used for paint stripping at the facility. [20 DCMR 201.1]
- b. Paints and refinishing coatings that contain volatile organic compounds (VOCs) in excess of the limits specified in Table I below, including any VOC containing materials added to the original coating supplied by the manufacturer, shall be prohibited. [20 DCMR 718.3]

Table I: Allowable Content of VOCs in Mobile Equipment Repair and Refinishing Coatings (*as applied*)

Coating Type	Weight	Limit*
	(Pounds per gallon)	(Grams per liter)
Automotive pretreatment primer	6.5	780
Automotive primer-surfacer	4.8	575
Automotive primer-sealer	4.6	550
Automotive topcoat:		
single stage-topcoat	5.0	600
2 stage basecoat/clearcoat	5.0	600
3 or 4-stage basecoat/clearcoat	5.2	625
Automotive multi-colored topcoat	5.7	680
Automotive specialty coating	7.0	840

*Weight of VOC per volume of coating (minus water and non-VOC solvents)

- 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]
- d. Visible emissions shall not be emitted into the outdoor atmosphere from the paint spray booth. [20 DCMR 201.1, 606.1 and 903.1]

The permit application and supporting documentation, along with the draft permit are available for public inspection at AQD and copies may be made available between the hours of 8:15 A.M. and 4:45 P.M. Monday through Friday. Interested parties wishing to view these documents should provide their names, addresses, telephone numbers and affiliation, if any, to Stephen S. Ours at (202) 535-1747.

Interested persons may submit written comments or may request a 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 13, 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 an air quality permit (#6787) to Tony Auto Repair and Body Shop Inc., to operate an auto body paint spray booth at 2040 West Virginia Avenue NE. The contact person for the facility is Juan Garcia, Owner, at (703) 296-1684.

Emissions:

The maximum estimated potential emissions of volatile organic compound (VOC) from the auto body paint spray booth equipment, operating fifty two weeks (52) per year, is expected to be as follows:

	Maximum Annual Emissions
Pollutant	(tons/yr)
Volatile Organic Compounds (VOC)	5.85

The proposed emission limits are as follows:

- a. No chemical strippers containing methylene chloride (MeCl) shall be used for paint stripping at the facility. [20 DCMR 201.1]
- b. Paints and refinishing coatings that contain volatile organic compounds (VOCs) in excess of the limits specified in Table I below, including any VOC containing materials added to the original coating supplied by the manufacturer, shall be prohibited. [20 DCMR 718.3]

Table I: Allowable Content of VOCs in Mobile Equipment Repair and Refinishing Coatings (*as applied*)

Coating Type	Weight	Limit*
	(Pounds per gallon)	(Grams per liter)
Automotive pretreatment primer	6.5	780
Automotive primer-surfacer	4.8	575
Automotive primer-sealer	4.6	550
Automotive topcoat:		
single stage-topcoat	5.0	600
2 stage basecoat/clearcoat	5.0	600
3 or 4-stage basecoat/clearcoat	5.2	625
Automotive multi-colored topcoat	5.7	680
Automotive specialty coating	7.0	840

*Weight of VOC per volume of coating (minus water and non-VOC solvents)

- 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]
- d. Visible emissions shall not be emitted into the outdoor atmosphere from the paint spray booth. [20 DCMR 201.1, 606.1 and 903.1]

The permit application and supporting documentation, along with the draft permit are available for public inspection at AQD and copies may be made available between the hours of 8:15 A.M. and 4:45 P.M. Monday through Friday. Interested parties wishing to view these documents should provide their names, addresses, telephone numbers and affiliation, if any, to Stephen S. Ours at (202) 535-1747.

Interested persons may submit written comments or may request a 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 13, 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 Permit #6795 to New Cingular Wireless PCS, LLC, dba AT&T Mobility to construct and operate one natural gas fired emergency generator set, located in Washington, DC. The contact person for the facility is Barbara Walden, Manager, Environment, Health and Safety, at (925) 327-2532.

Emergency Generator to be Permitted

Equipment Location	Address	Equipment Size	Manufacturer and Model	Permit No.
2900 Adams Mill Road, NW Washington DC	2900 Adams Mill Road, NW Washington DC 2009	50 kW generator; 80 HP engine	Generac Engine/ Generac Industrial SG050 Generator	6795

The proposed emission limits are as follows:

- a. Emissions from this unit shall not exceed those in the following table [40 CFR 60.4233(d) and Subpart JJJJ, Table 1]:

Pollutant Emission Limits (g/HP-hr)		
NO_x+HC	CO	VOC
10.0	387	N/A

- b. Visible emissions shall not be emitted into the outdoor atmosphere from this generator, except that discharges not exceeding forty percent (40%) opacity (unaveraged) shall be permitted for two (2) minutes in any sixty (60) minute period and for an aggregate of twelve (12) minutes in any twenty-four hour (24 hr.) period during start-up, cleaning, adjustment of combustion controls, or malfunction of the equipment [20 DCMR 606.1].
- c. An emission into the atmosphere of odorous or other air pollutants from any source in any quantity and of any characteristic, and duration which is, or is likely to be injurious to the public health or welfare, or which interferes with the reasonable enjoyment of life or property is prohibited. [20 DCMR 903.1]

The estimated maximum emissions from the emergency generator are as follows:

Pollutant	Maximum Annual Emissions (tons/yr)
Carbon Monoxide (CO)	17.06
Oxides of Nitrogen (NO _x)	0.44
Total Particulate Matter , PM (Total)	0.00
Sulfur Dioxide (SO _x)	0.00

The application to construct and operate the emergency generator and the draft permit and supporting documents are available for public inspection at AQD and copies may be made available between the hours of 8:15 A.M. and 4:45 P.M. Monday through Friday. Interested parties wishing to view these documents should provide their names, addresses, telephone numbers and affiliation, if any, to Stephen S. Ours at (202) 535-1747.

Interested persons may submit written comments or may request a hearing on this subject within 30 days of publication of this notice. The written comments must also include the person's name, telephone number, affiliation, if any, mailing address and a statement outlining the air quality issues in dispute and any facts underscoring those air quality issues. All relevant comments will be considered in issuing the final permit.

Comments on the proposed permit and any request for a public hearing should be addressed to:

Stephen S. Ours
Chief, Permitting Branch
Air Quality Division
District Department of the Environment
1200 First Street NE, 5th Floor
Washington, DC 20002
Stephen.Ours@dc.gov

No written comments or hearing requests postmarked after January 13, 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 #6807 to operate one (1) 250 kW diesel-fired emergency generator set at the Jones Lang LaSalle property located at 1801 K Street NW, Washington DC 20006. The contact person for the facility is Toksie A. Nelson, Vice President/General Manager, at (202) 496-9726.

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 emissions from the emergency generator are not expected to exceed the following:

Pollutant	Maximum Annual Emissions (tons/yr)
Carbon Monoxide (CO)	0.56
Oxides of Nitrogen (NO _x)	2.60
Total Particulate Matter , PM (Total)	0.18
Sulfur Dioxide (SO _x)	0.17
Volatile Organic Compounds (VOCs)	0.21

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 13, 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 #6808 to operate one (1) 150 kW diesel-fired emergency generator set at the Jones Lang LaSalle property located at 1801 K Street NW, Washington DC 20006. The contact person for the facility is Toksie A. Nelson, Vice President/General Manager, at (202) 437-2738.

The proposed emission limits are as follows:

- a. Emissions from the unit shall not exceed those in the following table [40 CFR 60.4205(b), 40 CFR 60.4202(a)(2) and 40 CFR 89.112(a)]:

Pollutant Emission Limits (g/kW-hr)		
NMHC+NO _x	CO	PM
4.0	3.5	0.20

- b. Visible emissions shall not be emitted into the outdoor atmosphere from this generator, except that discharges not exceeding forty percent (40%) opacity (unaveraged) shall be permitted for two (2) minutes in any sixty (60) minute period and for an aggregate of twelve (12) minutes in any twenty-four hour (24 hr.) period during start-up, cleaning, adjustment of combustion controls, or malfunction of the equipment [20 DCMR 606.1].
- c. An emission into the atmosphere of odorous or other air pollutants from any source in any quantity and of any characteristic, and duration which is, or is likely to be injurious to the public health or welfare, or which interferes with the reasonable enjoyment of life or property is prohibited. [20 DCMR 903.1]

The estimated emissions from the Emergency Generator are as follows:

Pollutant	Maximum Annual Emissions (tons/yr)
Carbon Monoxide (CO)	0.34
Oxides of Nitrogen (NO _x)	1.56
Total Particulate Matter , PM (Total)	0.11
Sulfur Dioxide (SO _x)	0.10
Volatile Organic Compounds (VOCs)	0.13

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 13, 2014 will be accepted.

For more information, please contact Stephen S. Ours at (202) 535-1747.

DEPARTMENT OF HEALTH

PUBLIC NOTICE

The District of Columbia Board of Marriage and Family Therapy (“Board”) hereby gives notice of its regular meetings pursuant to § 405 of the District of Columbia Health Occupation Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1204.05 (b)) (2012 Repl.) (“Act”).

The Board will meet on a quarterly basis beginning in February 2014. The meeting of the Board will be held on the first Wednesday of each quarter on the following dates:

February 5, 2014
May 7, 2014
August 6, 2014
November 5, 2014

The meeting will be held from 11:00AM to 1:00PM and will be open to the public from 11:00AM until 12:00PM to discuss various agenda items and any comments and/or concerns from the public. In accordance with Section 405(b) of the Open Meetings Amendment Act of 2010, the meeting will be closed from 12:00PM until 1:00PM to plan, discuss, or hear reports concerning licensing issues, ongoing or planned investigations of practice complaints, and or violations of law or regulations.

The meeting will be held at 899 North Capitol Street, NE, Second Floor, Washington, DC 20002. Visit the Department of Health Events link at <http://doh.dc.gov/events> for additional information.

**DISTRICT OF COLUMBIA GOVERNMENT
DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
HOUSING PRODUCTION TRUST FUND ADVISORY BOARD**

MEETING NOTICE

DC Department of Housing and Community Development (DHCD)-Housing Production Trust Fund (HPTF) Advisory Board announces its next Meeting on **Monday, December 16, 2013, at 10:00 A.M.**, at the DHCD, Housing Resource Center, 1800 Martin Luther King Jr., Avenue, SE, Washington, DC 20020. See Draft Agenda below.

For additional information, please contact Oke Anyaegbunam via e-mail at Oke.Anyaegbunam@dc.gov or by telephone at 202-442-7200.

DRAFT AGENDA (as of 12.11.13):

Call to Order, David Bowers, Chair

- 1) Approval of Prior Meeting Minutes
- 2) Addressing “Demand Side” Challenges
- 3) Updates on HPTF Activities
- 4) Old Business:
 - a. Status of Needs Assessment Contract
 - b. Follow-Up to Board’s October 2013 Letter to Mayor regarding changes to the budget financing of the HPTF to make funds more readily available from one fiscal year to the next.
- 5) New Business
 - a. Discussion of Next Meeting Agenda

**DISTRICT OF COLUMBIA HOUSING FINANCE AGENCY
BOARD OF DIRECTORS MEETING**

December 17, 2013
815 Florida Avenue, NW
Washington, DC 20001
4:30 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 Lofts at Capitol Quarter project and bond transaction, the North LIHTC Residential project and bond transaction, and The Yards Parcel N 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 Lofts at Capitol Quarter project and bond transaction, the North LIHTC Residential project and bond transaction, and The Yards Parcel N 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 Final Bond Resolution No. 2013-14 for the approval of the Lofts at Capitol Quarter project and bond transaction.
- VIII. Consideration of DCHFA Eligibility Resolution No. 2013-15 for the approval of the North LIHTC Residential project and bond transaction.
- IX. Consideration of DCHFA Eligibility Resolution No. 2013-16 for the approval of The Yards Parcel N project and bond transaction.

- X. Discussion: Financial software update.
- XI. Discussion: Parkway Overlook update.
- XII. 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)).

- XIII. Re-open meeting.
- XIV. Interim Executive Director's Report.
- XV. Other Business.
- XVI. Adjournment.

KIPP DC PUBLIC CHARTER SCHOOL

REQUEST FOR PROPOSAL

Financial Advisory Services

KIPP DC invites all interested and qualified financial advisory firms to submit proposals to provide financial advisory services to support the upcoming financing for its new high school project. Proposals are due no later than 5:00 pm on Friday, December 20, 2013. The RFP can be obtained by contacting via email:

David Endom, Director of Financial Planning
KIPP DC
1003 K Street NW, Suite 700
Washington, DC 20001
david.endom@kipfdc.org
(202) 383-4036

KIPP DC PUBLIC CHARTER SCHOOL**REQUEST FOR PROPOSAL****Low Voltage Consulting Services**

KIPP DC invites all interested and qualified firms to submit proposals to provide low voltage consulting services (tele/data, IT, Security, A/V) for new construction of an 125,000 sf high school building with delivery expected in early June, 2015. Proposals are due no later than 5:00 pm on Friday, December 20, 2013. The RFP can be obtained by contacting via email:

Jeff Polhemus
The Dean Company
jeffp@deancompany.com
202-329-5506

MERIDIAN PCS
REQUEST FOR PROPOSALS
Special Education Related Services

The Meridian Public Charter School will receive Bids until Friday 1/3/2014 for the following:

1. Delivery of special education related services to include:
 - a. *Occupational Therapy
 - b. *Physical Therapy
 - c. *Speech Therapy
 - d. *Comprehensive Evaluation (and separated by specialty if appropriate)
 - e. *FBA/BIP Creation
 - f. *Behavior and Social Therapy/Counseling
 - g. *Assistive Technology

Specific proposal for bids and all necessary criteria may be obtained from:

Darin A. Knicely, Ed.S.
Chief Officer of Accountability
Meridian Public Charter School
dknicely@meridian-dc.org

THE NOT-FOR-PROFIT HOSPITAL CORPORATION**BOARD OF DIRECTORS****NOTICE OF CLOSED EMERGENCY MEETING**

The Board of Directors of the Not-For-Profit Hospital Corporation, an independent instrumentality of the District of Columbia Government, will hold a closed session conference call emergency meeting pursuant to D.C. Official Code §§ 2-575(b)(2),(10) at 10:30am on Tuesday, December 10, 2013. Notice of this emergency meeting will be posted in the Not-For-Profit Hospital Corporation, and may be published in the D.C. Register.

DRAFT AGENDA

- I. CALL TO ORDER**
- II. DETERMINATION OF A QUORUM**
- III. APPROVAL OF AGENDA**
- IV. BOARD DISCUSSION**
 1. Contracts - (D.C. Official Code §§ 2-575(b)(2),(10))
- V. ANNOUNCEMENT**
 1. The next Governing Board Meeting will be held 9:00 a.m., January 23, 2014 at United Medical Center in Conference Rooms 2/3.
- VI. ADJOURNMENT**

REAL PROPERTY TAX APPEALS COMMISSION

NOTICE OF ADMINISTRATIVE MEETING

The District of Columbia Real Property Tax Appeals Commission will hold its last Administrative Meeting for 2013 on Friday, December 20, 2013, at 5:30 pm in the Commission offices located at 441 4th Street, NW, Suite 360N, Washington, DC 20001. Below is the draft agenda for this meeting. A final agenda will be posted to RPTAC's website at <http://rptac.dc.gov>

For additional information, please contact: Carlynn Fuller Jenkins, Executive Director, at (202) 727-3596.

DRAFT AGENDA

- I. CALL TO ORDER**
- II. ASCERTAINMENT OF A QUORUM**
- III. APPROVAL OF MINUTES FROM SEPTEMBER 26, 2013, ADMINISTRATIVE MEETING**
- IV. REPORT BY THE CHAIRPERSON**
- V. REPORT BY THE EXECUTIVE DIRECTOR**
 - a. TAX YEAR 2014 APPEAL SEASON TO DATE**
 - b. UPCOMING PUBLIC MEETINGS**
- VI. COMMENTS FROM THE PUBLIC – LIMITED TO 2 MINUTES**
- VII. ADJOURNMENT**

Individual who wish to submit comments as part of the official record should send copies of the written statements no later than 4:00 p.m., Wednesday, December 18, 2013, to:

Carlynn Fuller Jenkins, Executive Director
Real Property Tax Appeals Commission
441 4th Street NW, Suite 360N
Washington, D.C. 20001
202-727-6860
Email: Carlynn.fuller@dc.gov

DISTRICT OF COLUMBIA RETIREMENT BOARD**NOTICE OF OPEN PUBLIC MEETING**

December 19, 2013
10:00 a.m.

900 7th Street, N.W.
Mezzanine Level Training Room
Washington, D.C. 20001

The District of Columbia Retirement Board (DCRB) will hold an Open meeting on December 19, 2013, at 10:00 a.m. The meeting will be held at 900 7th Street, N.W., Mezzanine Level Training Room, Washington, D.C. 20001. A general agenda for the Open Board meeting is outlined below.

Please call one (1) business day prior to the meeting to ensure the meeting has not been cancelled or rescheduled. For additional information, please contact Deborah Reaves, Executive Assistant/Office Manager at (202) 343-3200 or Deborah.reaves@dc.gov.

AGENDA

- | | | |
|-------|-----------------------------------|-----------------|
| I. | Call to Order and Roll Call | Chairman Bress |
| II. | Approval of Board Meeting Minutes | Chairman Bress |
| III. | Chairman's Comments | Chairman Bress |
| IV. | Executive Director's Report | Mr. Stanchfield |
| V. | General Counsel's Report | Ms. Sampson |
| VI. | Investment Committee Report | Ms. Blum |
| VII. | Operations Committee Report | Mr. Ross |
| VIII. | Benefits Committee Report | Mr. Smith |
| IX. | Legislative Committee Report | Mr. Blanchard |
| X. | Other Business | Chairman Bress |
| XI. | Adjournment | |

SHINING STARS MONTESSORI ACADEMY PUBLIC CHARTER SCHOOL

REQUEST FOR PROPOSALS

Montessori Instructional Materials, Classroom Equipment and Furnishings

The Shining Stars Montessori Academy Public Charter School solicits proposals for Montessori Instructional Materials, Classroom Equipment and Furnishings.

The full text of the request for proposals can be obtained by e-mailing Mr. Ayize Sabater at ayize@shiningstarsdc.org.

Email questions to ayize@shiningstarsdc.org with the subject line as "RFP Questions."

Deadline for submissions is December 20, 2013.

Please mail proposals and supporting documents to the following address:

Mr. Ayize Sabater
Shining Stars Montessori Academy Public Charter School
1328 Florida Avenue Annex, NW
Washington, DC 20009

UNIVERSITY OF THE DISTRICT OF COLUMBIA
COMMUNITY COLLEGE COMMITTEE OF THE BOARD OF TRUSTEES

NOTICE OF PUBLIC MEETING

The Community College Committee of the Board of Trustees of the University of the District of Columbia will be meeting on Monday, December 16, 2013 at 5:00 p.m. The meeting will be held in the Multi-Purpose Room, First Floor, at the Community College site located at 801 North Capitol Street, N.E., Washington, D.C. 20002. Below is the planned agenda for the meeting. The final agenda will be posted to the University of the District of Columbia's website at www.udc.edu.

For additional information, please contact: Beverly Franklin, Executive Secretary, at (202) 274-6258 or bfranklin@udc.edu.

Planned Agenda

- I. Call to Order and Roll Call**
- II. Update on University-wide ESL Program Proposal (Budget Overview and Narrative of Anticipated Start-up Costs and Revenue Projects)**
- III. Workforce Development and Lifelong Learning (Presentation on Seamless Pathways)**
- IV. Office of Sponsored Programs Annual Report (Highlights of Grants Awarded to UDC-CC - \$8.8 Million)**
- V. Closing Remarks**

Adjournment

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY**BOARD OF DIRECTORS****NOTICE OF PUBLIC MEETING****Environmental Quality and Sewerage Services Committee**

The Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) Environmental Quality and Sewerage Services Committee will be holding a meeting on Thursday, December 19, 2013 at 9:30 a.m. The meeting will be held in the Board Room (4th floor) at 5000 Overlook Avenue, S.W., Washington, D.C. 20032. Below is the draft agenda for this meeting. A final agenda will be posted to DC Water's website at www.dewater.com.

For additional information, please contact Linda R. Manley, Board Secretary at (202) 787-2332 or linda.manley@dewater.com.

DRAFT AGENDA

- | | |
|--|--|
| 1. Call to Order | Committee Chairperson |
| 2. AWTP Status Updates
1. BPAWTP Performance | Assistant General Manager,
Plant Operations |
| 3. Status Updates | Chief Engineer |
| 4. Project Status Updates | Director, Engineering &
Technical Services |
| 5. Action Items
- Joint Use
- Non-Joint Use | Chief Engineer |
| 6. Emerging Items/Other Business | |
| 7. Adjournment | Committee Chairperson |

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

BOARD OF DIRECTORS

NOTICE OF PUBLIC MEETING

Water Quality and Water Services Committee

The Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) Water Quality and Water Services Committee will be holding a meeting on Thursday, December 19, 2013, at 11:30 a.m. The meeting will be held in the Board Room (4th floor) at 5000 Overlook Avenue, S.W., Washington, D.C. 20032. Below is the draft agenda for this meeting. A final agenda will be posted to DC Water’s website at www.dewater.com.

For additional information, please contact Linda R. Manley, Board Secretary at (202) 787-2332 or linda.manley@dewater.com.

DRAFT AGENDA

- | | |
|--|--|
| 1. Call to Order | Committee Chairperson |
| 2. Water Quality Monitoring | Assistant General Manager, Consumer Ser. |
| 3. Fire Hydrant Upgrade Program | Assistant General Manager, Consumer Ser. |
| 4. Action Items | Assistant General Manager, Consumer Ser. |
| 5. Emerging Issues/Other Business | Assistant General Manager, Consumer Ser |
| 6. Adjournment | Committee Chairperson |

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF FILING
Z.C. Case No. 13-16
(Forest City SEFC, LLC – SEFC Overlay Review @ Square 743, Lot 854, also
known as Parcels A, F, and G)
December 4, 2013**

THIS CASE IS OF INTEREST TO ANC 6D

On November 27, 2013, the Office of Zoning received an application from Forest City SEFC, LLC (the “Applicant”) for review approval pursuant to the Southeast Federal Center (SEFC) provisions of the Zoning Regulations to allow temporary use of the above referenced property as a Trapeze School and Parking Lot.

The property that is the subject of this petition consists of Parcels A, F, and G which are located within Square 743, Lot, 854 in Southeast Washington, D.C. (Ward 6) and comprise a site that is bounded by M Street, S.E. (north), New Jersey Avenue, S.E. (east), N Street, S.E. (south), and 1st Street, S.E. (west). The property is a part of the larger development known as “The Yards” and is zoned SEFC/CR.

For the next five years, the Applicant seeks to use Parcel A (located in the northern portion of the site) as a park and open space; Parcel F (located in the southwestern portion of the site) as a parking lot; and Parcel G (located in the southeastern portion of the site) for the Trapeze School (relocated from Parcel O, which is in another section of the larger development).

For additional information, please contact Sharon S. Schellin, Secretary to the Zoning Commission at (202) 727-6311.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Order No. 18269-A of Triangle Development Associates LLC, Motion for a Two-Year Extension of BZA Order No. 18269, pursuant to § 3130 of the Zoning Regulations.

The original application was pursuant to 11 DCMR §§ 3104.1 and 3103.2, for an area variance from the floor area ratio requirements under § 771.1; an area variance from the lot occupancy requirements of § 772.1; and a special exception under § 2108 to reduce the amount of parking spaces required for the nonresidential uses, to allow an addition to an existing residential building with ground floor retail in the C-3-A District at premises 1375 Kenyon Street, N.W. (Square 2843, Lot 78).

HEARING DATE (Orig. Application): November 1, 2011
DECISION DATE (Orig. Application): November 1, 2011
FINAL ORDER ISSUANCE DATE (Order No. 18269): November 3, 2011
DECISION ON 1ST EXTENSION OF ORDER DATE: December 3, 2013

**ORDER ON MOTION TO EXTEND
THE VALIDITY OF BZA ORDER NO. 18269**

The Underlying BZA Order

On November 1, 2011, the Board of Zoning Adjustment (the "Board") approved the Applicant's request for an area variance from the floor area ratio requirements of § 771.1; an area variance from the lot occupancy requirements of § 772.1; and a special exception to reduce the amount of parking spaces required for nonresidential uses under § 2108, to allow an addition to an existing residential building with ground floor retail at 1375 Kenyon Street, N.W. (Square 2843, Lot 78) (the "Site"). The Board issued its written order ("Order") on November 3, 2011. Pursuant to 11 DCMR §§ 3125.6 and 3125.9, the Order became final on November 3, 2011 and took effect 10 days later.

Under the Order and pursuant to § 3130.1 of the Zoning Regulations, the Order was valid for two years from the date it was issued -- until November 3, 2013.

Subsection 3130.1 states:

No order authorizing the erection or alteration of a structure shall be valid for a period longer than two (2) years, or one (1) year for an Electronic Equipment Facility (EEF), unless, within such period, the plans for the erection or alteration are filed for the purposes of securing a building permit, except as permitted in § 3130.6.

11 DCMR § 3130.1.

BZA APPLICATION NO. 18269-A

PAGE NO. 2

Motion to Extend Validity of Order

On October 31, 2013, the Applicant sent a letter to the Board that requested, pursuant to 11 DCMR § 3130.6, a two-year extension of Order No. 18269, which was due to expire on November 3, 2013. The Applicant is requesting this extension due to its inability to obtain sufficient project financing, despite its good faith efforts, due to economic and market conditions beyond the Applicant's reasonable control. The Applicant served its extension request on the parties to the case, including the affected Advisory Neighborhood Commission ("ANC") 1A, and provided them the requisite 30 days in which to respond, pursuant to § 3130.6. The Applicant also served the request on the Office of Planning ("OP").

Criteria for Evaluating Motion to Extend

Subsection 3130.6 of the Zoning Regulations authorizes the Board to extend the time periods for good cause provided: (i) the extension request is served on all parties to the application by the applicant, and all parties are allowed 30 days in which to respond; (ii) there is no substantial change in any of the material facts upon which the Board based its original approval; and (iii) the applicant demonstrates there is good cause for such extension. Pursuant to 11 DCMR § 3130.6(c)(1), good cause is established through the showing of substantial evidence of one or more of the following criteria:

1. An inability to obtain sufficient project financing due to economic and market conditions beyond the applicant's reasonable control;
2. An inability to secure all required governmental agency approvals by the expiration date of the Board's order because of delays that are beyond the applicant's reasonable control; or
3. The existence of pending litigation or such other condition, circumstance, or factor beyond the applicant's reasonable control.

The Merits of the Request to Extend the Validity of the Order Pursuant to 11 DCMR § 3130.6

The Board finds that the motion has met the criteria of § 3130.6 to extend the validity of the underlying order. To meet the burden of proof, the Applicant submitted an affidavit that described its efforts and difficulties in obtaining financing. (Exhibit 37, Tab B.) As set forth in the affidavit, the existing building on the Site is financed by a New Market Tax Credit ("NMTC") allocation and the Federal National Mortgage Association ("FNMA"), both of which impose substantial constraints on redevelopment of the Site. First, with respect to the NMTC allocation, pursuant to IRC § 45D(d)(1)(A), NMTCs are limited to certain qualified investments, and the rental of real property only qualifies if the property is not residential rental property. IRC § 168(e)(2)(A)(i), defines "residential

BZA APPLICATION NO. 18269-A**PAGE NO. 3**

rental property" as "any building or structure if 80% or more of the gross rental income from such building or structure for the taxable year is rental income from dwelling units." 26 U.S.C. § 168(e)(2)(A)(i) (West). Upon stabilization of the addition, the building would have been in default of the NMTC loan because it would have then been deriving more than 80% of its gross rental income from the residential portion of the building, and thus would have become a "residential rental property" as defined in IRC §168(e)(2)(B). The NMTC loan is being repaid and the restrictive covenants will be released in the near future. The extension will allow sufficient time for the Applicant to completely repay the NMTC allocation and release the applicable restrictive covenants on the Site, which will then enable the Applicant to move forward with construction of the addition.

Second, the existing FNMA loan on the Site would require the Applicant either to pre-pay the FNMA loan and refinance the Site, or to complete the addition out of cash reserves, since FNMA loans do not permit subordinate third party financing. The FNMA loan prepayment penalty ranged from approximately \$4,000,000 to \$11,000,000, so the prepayment alternative is not viable. However, as a result of: (1) improving market conditions; (2) the Applicant's offer to reinvest all of the proceeds of any supplemental loan proceeds in the collateral; and (3) FNMA's improving balance sheet, FNMA has expressed a willingness to waive many of the supplemental loan requirements, which would permit the Applicant to borrow 100% of the cost of the expansion. Thus, the extension will enable the Applicant to continue working with FNMA to reach financing terms that will enable the Applicant to move forward with construction of the addition. (Exhibit 37.)

The Board found that the Applicant has met the criteria set forth in 11 DCMR § 3130.6. The reasons given by the Applicant were beyond the Applicant's reasonable control within the meaning of § 3130.6(c)(3) and constitute "good cause" required under § 3130.6(c)(1). In addition, as required by § 3130.6(b), the Applicant demonstrated that there is no substantial change in any of the material facts upon which the Board based its original approval in Order No. 18269. There have also been no changes to the Zone District classification applicable to the Site or to the Comprehensive Plan affecting the Site since the issuance of the Board's order.

The Office of Planning ("OP"), by memorandum dated November 26, 2013, reviewed the application for the extension of the Order for "good cause" pursuant to 11 DCMR § 3130.6 and recommended approval of the requested two-year extension. (Exhibit 39.) The Site is within the boundaries of Advisory Neighborhood Commission ("ANC") 1A. At its regularly scheduled meeting on November 13, 2013, at which a quorum was present, ANC 1A voted 11-0-0 to recommend the Applicant's request for a two-year extension and submitted a resolution indicating its support and the vote. (Exhibit 38.)

The motion for the time extension was served on all the parties to the application and those parties were given 30 days in which to respond under § 3130.6(a). No party to the application objected to an extension of the Order. The Board concludes that extension of the relief is appropriate under the current circumstances.

BZA APPLICATION NO. 18269-A**PAGE NO. 4**

Pursuant to 11 DCMR § 3101.6, the Board has determined to waive the requirements of 11 DCMR § 3125.3, which required that the order of the Board be accompanied by findings of fact and conclusions of law. Pursuant to 11 DCMR § 3130, the Board of Zoning Adjustment hereby **ORDERS APPROVAL** of Case No. 18269-A for a two-year time extension of Order No. 18269, which Order shall be valid until **November 3, 2015**, within which time the Applicant must file plans for the proposed development with the Department of Consumer and Regulatory Affairs for the purpose of securing a building permit.

VOTE: 4-0-1 (Lloyd J. Jordan, S. Kathryn Allen, Jeffrey L. Hinkle, and Michael G. Turnbull to APPROVE; the third mayoral appointee vacant).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

A majority of the Board members approved the issuance of this order.

FINAL DATE OF ORDER: December 5, 2013

PURSUANT TO 11 DCMR § 3125.9, NO ORDER OF THE BOADR 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. 18629 of Leticia Long, pursuant to 11 DCMR § 3103.2, for a variance to establish an indoor cycle fitness center under § 330.5, in the R-4 District at premises 2028 4th Street, N.E. (Square 3563, Lot 94).

HEARING DATES: October 8, November 5, and December 3, 2013
DECISION DATE: December 3, 2013

SUMMARY ORDER

REVIEW BY THE ZONING ADMINISTRATOR

The application was accompanied by a memorandum from the Zoning Administrator, which stated that Board of Zoning Adjustment ("Board" or "BZA") approval is required for a variance from § 330.3 to establish an indoor cycle fitness center in the R-4 Zone District. (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") 5E, and to owners of property within 200 feet of the site. The site is located within the jurisdiction of ANC 5E, which is automatically a party to this application. ANC 5E submitted a written report dated October 22, 2013, in support of the application, which indicated that at a duly noticed, regularly scheduled monthly meeting of the ANC on October 15, 2013, at which a quorum of eight of 10 members was present, the ANC voted to support the application by a unanimous vote. (Exhibit 30.) The Office of Planning ("OP") submitted a timely report in support of the application with conditions. (Exhibit 24.) The District Department of Transportation ("DDOT") also submitted a report raising no objection to the approval of the requested variance. (Exhibit 18.)

Letters of support were submitted to the record from neighbors Alex Marco Underwood (Exhibit 26), Carrie Williams, Danielle Boudreaux, Karen Smith, Judith A. Brown, Larry Latham, and Thidarat Nidjhoho. (Exhibit 25.) Also, a petition with 39 signatures from neighbors was submitted in support of the application. (Exhibit 34.)

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 use provisions of § 330.5. 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

BZA APPLICATION NO. 18629**PAGE NO. 2**

exceptional or extraordinary situation or condition related to the property that creates an undue hardship 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.

Pursuant to 11 DCMR § 3100.5, the Board has determined to waive the requirements of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party and is appropriate in this case.

It is therefore **ORDERED** that the application is hereby **GRANTED, SUBJECT TO THE FOLLOWING CONDITIONS:**

1. Operating hours shall be limited to 6:00 a.m. – 8:00 p.m.
2. The number of patrons in the first floor bicycle studio shall be limited to 30 customers (riders) per class, and the number of instructors shall be limited to two.
3. The number of employees in the second floor office shall be limited to two.

VOTE: **4-0-1** (Lloyd J. Jordan, S. Kathryn Allen, Jeffrey L. Hinkle, and Michael G. Turnbull to APPROVE; one Board seat vacant.)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

A majority of the Board members approved the issuance of this summary order.

FINAL DATE OF ORDER: December 6, 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.

BZA APPLICATION NO. 18629**PAGE NO. 3**

PURSUANT TO 11 DCMR § 3125, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Application No. 18642 of 57th Street Mews Inc., pursuant to 11 DCMR § 3103.2, for a variance from the lot occupancy requirements under section 772, a variance from the rear yard requirements under section 774, and a variance from the parking requirements under subsection 2101.1, to construct a new four unit apartment house in the C-2-A District at premises 1210 Simms Place, N.E. (Square 4052, Lot 181).

HEARING DATE: December 3, 2013

DECISION DATE: December 3, 2013

SUMMARY ORDER

SELF-CERTIFIED

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2.

The Board of Zoning Adjustment (“Board”) provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register*, and by mail to Advisory Neighborhood Commission (“ANC”) 5B and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 5B, which is automatically a party to this application. The ANC submitted a letter in support of the application. The Office of Planning (“OP”) submitted a report in support of the application. The Department of Transportation had no objection to the application.

Variance

As directed by 11 DCMR § 3119.2, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case, pursuant to § 3103.2, for a variance from §§ 772, 774 and 2101.1. No parties appeared at the public hearing in opposition to this application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the OP and ANC reports filed in this case, the Board concludes that in seeking a variance from §§ 772, 774 and 2101.1, the applicant has met the burden of proving under 11 DCMR § 3103.2, that there exists an exceptional or extraordinary situation or condition related to the property that creates a practical difficulty for the owner in complying with the Zoning Regulations, and that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

Pursuant to 11 DCMR § 3100.5, the Board has determined to waive the requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions

BZA APPLICATION NO. 18642

PAGE NO.2

of law. It is therefore **ORDERED** that this application is hereby (pursuant to Exhibit 8 – Plans) **GRANTED**.

VOTE: **4-0-1** (Lloyd J. Jordan, S. Kathryn Allen, Anthony J. Hood and Jeffrey L. Hinkle to APPROVE. The third mayoral member seat vacant.)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

A majority of the Board members approved the issuance of this order.

FINAL DATE OF ORDER: December 3, 2013

PURSUANT TO 11 DCMR § 3125.9, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO § 3125.6.

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO § 3130.6 AT LEAST 30 DAYS PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THAT SUCH REQUEST IS GRANTED. NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO §§ 3129.2 OR 3129.7, SHALL EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR § 3125, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Application No. 18666 of Patrick G. Shaughness, 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 5236 Loughboro Road, N.W. (Square 1448, Lot 13).

HEARING DATE: December 3, 2013
DECISION DATE: December 3, 2013

SUMMARY ORDER

SELF-CERTIFIED

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2.

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”) 3D, and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 3D, which is automatically a party to this application. ANC 3D submitted a letter in support of the application. The Office of Planning (“OP”) submitted a report and testified at the hearing in support of the application. The Department of Transportation submitted a report not objecting to the application.

As directed by 11 DCMR § 3119.2, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to § 3104.1, for a special exception under subsection 202.10. No parties appeared at the public hearing in opposition to this application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the OP and ANC reports, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR §§ 3104.1 and 202.10, that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

Pursuant to 11 DCMR § 3100.5, the Board has determined to waive the requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. It is therefore **ORDERED** that this application be **GRANTED**.

VOTE: **4-0-1** (Lloyd J. Jordan, S. Kathryn Allen, Anthony J. Hood and Jeffrey L. Hinkle to APPROVE. The third member seat vacant.)

BZA APPLICATION NO. 18666

PAGE NO. 2

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

The majority of the Board members approved the issuance of this order.

FINAL DATE OF ORDER: December 3, 2013

PURSUANT TO 11 DCMR § 3125.9, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO § 3125.6.

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO § 3130.6 AT LEAST 30 DAYS PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THAT SUCH REQUEST IS GRANTED. NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO §§ 3129.2 OR 3129.7, SHALL EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR § 3125, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Application No. 18667 of St. Elmo W. Crawford, Jr., pursuant to 11 DCMR § 3103.2, for a variance from the use provisions for the continued use of a dental office under subsection 320.3, in the R-3 District at premises 45 Franklin Street, N.E. (Square 3500, Lot 124).

HEARING DATE: December 3, 2013
DECISION DATE: December 3, 2013

SUMMARY ORDER

SELF-CERTIFIED

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2.

The Board of Zoning Adjustment (“Board”) provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register*, and by mail to Advisory Neighborhood Commission (“ANC”) 5E and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 5E, which is automatically a party to this application. The ANC submitted a letter in support of the application. The Office of Planning (“OP”) testified and submitted a report in opposition to the application. The Department of Transportation had no objection to the application.

Variance

As directed by 11 DCMR § 3119.2, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case, pursuant to § 3103.2, for a variance from § 320.3. No parties appeared at the public hearing in opposition to this application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the OP and ANC reports filed in this case, the Board concludes that in seeking a variance from § 320.3, the applicant has met the burden of proving under 11 DCMR § 3103.2, that there exists an exceptional or extraordinary situation or condition related to the property that creates a practical difficulty for the owner in complying with the Zoning Regulations, and that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

Pursuant to 11 DCMR § 3100.5, the Board has determined to waive the requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. It is therefore **ORDERED** that this application is hereby **GRANTED**.

BZA APPLICATION NO. 18667

PAGE NO. 2

VOTE: **4-0-1** (Lloyd J. Jordan, S. Kathryn Allen, Anthony J. Hood and Jeffrey L. Hinkle to APPROVE. The third mayoral member seat vacant.)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

A majority of the Board members approved the issuance of this order.

FINAL DATE OF ORDER: December 3, 2013

PURSUANT TO 11 DCMR § 3125.9, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO § 3125.6.

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO § 3130.6 AT LEAST 30 DAYS PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THAT SUCH REQUEST IS GRANTED. NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO §§ 3129.2 OR 3129.7, SHALL EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR § 3125, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

District of Columbia REGISTER – December 13, 2013 – Vol. 60 - No. 53 016764 – 016929