



District of Columbia

REGISTER

HIGHLIGHTS

- DC Council passes Act 19-615, Sustainable DC Amendment Act of 2012
- DC Council schedules public hearings on the FY 2014 Proposed Budget and Financial Plan
- DC Council schedules FY 2012-2013 Agency Performance oversight hearings
- Board of Elections implements provisions of the Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Emergency Amendment Act of 2012
- DC Metropolitan Police Department removes the requirement of a vision test as part of an application to register a firearm
- Department of Consumer and Regulatory Affairs proposes guidelines for operating foreign and domestic organizations
- Office of the State Superintendent of Education announces funding availability for the DC Physical Activity for Youth Program
- Board of Ethics and Government Accountability publishes advisory opinions

DISTRICT OF COLUMBIA REGISTER

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ENROLLED ORIGINAL

AN ACT

D.C. ACT 19-612

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 9, 2013Codification
District of Columbia
Official Code
2001 Edition

Winter 2013

To amend the Establishment of the Office of the Chief Medical Examiner Act of 2000 to require the certification of the accuracy of breath test instruments at least once every 180 days; to amend the Department of Forensic Sciences Establishment Act of 2011 to require the certification of the accuracy of breath test instruments at least once every 180 days; to amend the Anti-Drunk Driving Act of 1982 to establish criteria for the admissibility of breath test results in criminal proceedings, establish the admissibility of records of maintenance for breath test instruments in criminal proceedings, establish requirements for the presence and testimony of the technician that administered or observed the breath test, to require written notice of the provisions governing admission of breath tests be given to a person that has been charged under this act, and to permit the introduction of chemical tests in a criminal proceedings .

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Breath Test Admissibility in Criminal Proceedings Amendment Act of 2012".

Sec. 2. Section 2918b(b) of the Establishment of the Office of the Chief Medical Examiner Act of 2000, effective October 19, 2000 (D.C. Law 13-172; D.C. Official Code § 5-1401 *et seq.*), as amended by section 202 of the Comprehensive Impaired Driving and Alcohol Breath Testing Program Amendment Act of 2012, signed by the Mayor on October 24, 2012 (D.C. Act 19-489; 59 DCR 12957), is amended by striking the phrase "3 months" and inserting the phrase "180 days" in its place.

Sec. 3. Section 8(a) of the Department of Forensic Sciences Establishment Act of 2011, effective August 17, 2011 (D.C. Law 19-18; D.C. Official Code § 5-1501.07(a)), as amended by section 201 of the Comprehensive Impaired Driving and Alcohol Breath Testing Program Amendment Act of 2012, signed by the Mayor on October 24, 2012 (D.C. Act 19-489; 59 DCR 12957), is amended by striking the phrase "3 months" and inserting the phrase "180 days" in its place.

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Sec. 4. The Anti-Drunk Driving Act of 1982, effective September 14, 1982 (D.C. Law 4-145; D.C. Official Code § 50-2205.02 *et seq.*), as amended by section 103(e)(3) of the Comprehensive Impaired Driving and Alcohol Breath Testing Program Amendment Act of 2012, signed by the Mayor on October 24, 2012 (D.C. Act 19-489; 59 DCR 12957), is amended as follows:

(a) Section 3q is amended to read as follows:

“Sec. 3q. Admissibility of breath test results in a criminal proceeding.

“(a) Evidence from breath tests shall not be admitted in a criminal proceeding unless compliance with the following criteria has been shown:

“(1) The breath test instrument on which the breath test was conducted was operated by either a certified breath test operator or certified technician;

“(2) A certified breath test operator or certified technician observed the administration of the breath test and determined that no contamination by mouth alcohol occurred;

“(3) A reference standard was analyzed in conjunction with the subject analyses, and the analytical results of the reference standard agreed with the predicted value within the acceptable range set by regulation pursuant to section 8 of the Department of Forensic Sciences Establishment Act of 2011, effective August 17, 2011 (D.C. Law 19-18; D.C. Official Code § 5-1501.07);

“(4) Duplicate breath specimens were collected from the person and the analytical results of the paired breath specimens were within the acceptable range set by regulation pursuant to section 8 of the Department of Forensic Sciences Establishment Act of 2011, effective August 17, 2011 (D.C. Law 19-18; D.C. Official Code § 5-1501.07);

“(5) The breath test instrument analytically demonstrates the absence of ethanol before the testing of each breath specimen;

“(6) Analytical results are expressed in grams of alcohol per 210 liters of breath (g/210L); and

“(7) The instrument on which the breath test was conducted had been tested within 180 days before the breath test and had been found to be accurate.

“(b)(1) Records of maintenance, set by regulation pursuant to section 8 of the Department of Forensic Sciences Establishment Act of 2011, effective August 17, 2011 (D.C. Law 19-18; D.C. Official Code § 5-1501.07), shall be admissible in any proceeding as evidence of the operating condition of the breath test instrument at the time of the person’s breath test.

“(2) Records of maintenance demonstrating that the instrument was in proper operating condition at the time of the person’s test shall be prima facie evidence that the instrument was functioning properly.

“(c) The inability of any person to obtain either the manufacturer’s schematics or software for a quantitative breath testing device shall not affect the admissibility of the results of a breath test pursuant to this section.”

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(b) New sections 3q-1, 3q-2, and 3q-3 are added to read as follows:

“Sec. 3q-1. Presence or testimony of person maintaining breath test instrument in a criminal proceeding.

“(a) The record of a breath test is admissible in court as prima facie evidence of the amount of grams of alcohol per 210 liters of a person’s breath without the testimony of the persons responsible for maintaining the breath test instrument’s proper operating condition if:

“(1) The criteria in section 3q(a) have been met;

“(2) The record of a breath test is provided to the person, or his or her counsel, within 15 calendar days of arraignment or notice of appearance of counsel, whichever is later; and

“(3) There are more than 30 calendar days between the date the breath test is provided to the person, or his or her counsel, and the trial date.

“(b)(1) Notwithstanding subsection (a) of this section, a person may demand the presence of the persons responsible for maintaining the breath test instrument’s proper operating condition to provide evidence in the government’s case-in-chief by serving upon the government, in writing, his or her request for the live testimony of the persons responsible for maintaining the breath test instrument’s proper operating condition no later than 15 calendar days before trial.

“(2) A person’s failure to file a timely request pursuant to paragraph (1) of this subsection shall constitute a waiver of the person’s right to demand the presence of the persons responsible for maintaining the breath test instrument’s proper operating condition to provide evidence in the government’s case-in-chief.

“(c) For the purposes of this section, the term “record of a breath test” means the analytical results of a breath test administered on:

“(1) A breath test instrument operated by the Metropolitan Police Department that has been certified as accurate pursuant to section 8 of the Department of Forensic Sciences Establishment Act of 2011, effective August 17, 2011 (D.C. Law 19-18; D.C. Official Code § 5-1501.07), as amended by section 201 of the Comprehensive Impaired Driving and Alcohol Breath Testing Program Amendment Act of 2012, signed by the Mayor on October 24, 2012 (D.C. Act 19-489; 59 DCR 12957); or

“(2) A breath test instrument operated by other law enforcement agencies that has been certified as accurate by the persons designated by that agency to certify the accuracy of the instrument.

“Sec. 3q-2. Notification regarding admissibility of breath test results in a criminal proceeding.

“Any person upon whom a breath specimen is collected shall be informed, in writing, of the provisions of sections 3q and 3q-1 at the time that person is charged.

“Sec. 3q-3. Admissibility of chemical test results for a criminal proceeding; blood or urine.

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“The results of chemical testing pertaining to blood or urine used to determine whether the person’s specimens contained alcohol or a drug or any combination thereof may be admissible as evidence in a criminal proceeding if the chemical testing was performed at a forensic laboratory, hospital, other equivalent medical facility, or at a laboratory contracted by a hospital or medical facility to perform chemical testing for specimens supplied by the hospital or equivalent medical facility.”

Sec. 5. Applicability.

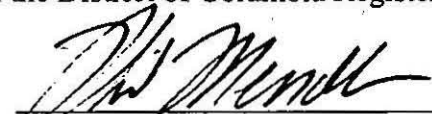
This act shall apply as of the effective date of the Comprehensive Impaired Driving and Alcohol Breath Testing Program Amendment Act of 2012, signed by the Mayor on October 24, 2012 (D.C. Act 19-489; 59 DCR 12957).

Sec. 6. Fiscal impact statement.

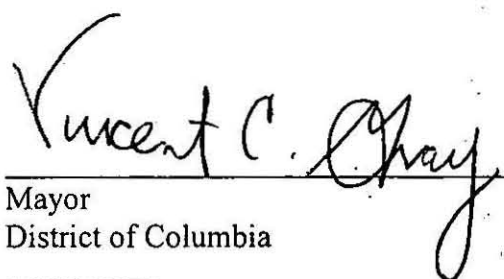
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code §1-206.02(c)(3)).

Sec. 6. Effective date.

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
January 9, 2013

ENROLLED ORIGINAL

AN ACT
D.C. ACT 19-613

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
JANUARY 14, 2013

Codification
 District of Colum
 Official Code
 2001 Edition

Winter 2013

To amend the Grandparent Caregivers Pilot Program Establishment Act of 2005 to allow waivers of certain eligibility requirements when a child is at risk of removal from his or her home.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Grandparent Caregivers Program Amendment Act of 2012".

Sec. 2. Section 103 of the Grandparent Caregivers Pilot Program Establishment Act of 2005, effective March 8, 2006 (D.C. Law 16-69; D.C. Official Code § 4-251.03), is amended by adding a new subsection (a-1) to read as follows:

Amend
 § 4-251.03

"(a-1) The Mayor may waive the eligibility requirements established in subsection(a)(1) and (2) of this section if:

"(1) The Agency determines that the child is at risk of removal from the parent, guardian, or custodian pursuant to section 107 of the Prevention of Child Abuse and Neglect Act of 1977, effective September 23, 1977 (D.C. Law 2-22; D.C. Official Code § 4-1301.07);

"(2) The parent, guardian, or custodian permits the grandparent to be the child's primary caregiver; and

"(3) The parent, guardian, or custodian permits the child to reside with the grandparent."

Sec. 3. Fiscal impact statement.


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

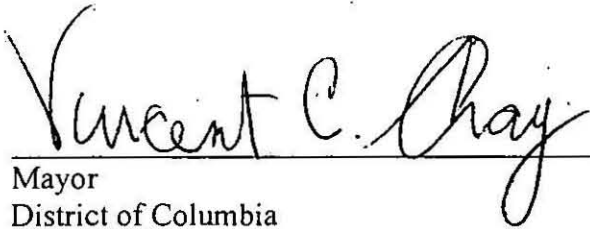
Sec. 4. Effective date.

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

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


Chairman
Council of the District of Columbia


Mayor
District of Columbia
APPROVED
January 14, 2013

ENROLLED ORIGINAL

AN ACT
D.C. ACT 19-614

Codification
District of Colum
Official Code
2001 Edition

Winter 2013

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 14, 2013

To amend, on an emergency basis, section 25-723 of the District of Columbia Official Code to establish that for 2013 "Inaugural Week" means January 15 through January 22.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Inaugural Hours Emergency Act of 2012".

Sec. 2. Section 25-723(e)(1) of the District of Columbia Official Code is amended by striking the phrase "designated "Inaugural Week"" and inserting the phrase "designated "Inaugural Week", except that in 2013 the week of January 15 through January 22, shall be designated as "Inaugural Week"" in its place.

Note,
§ 25-723

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

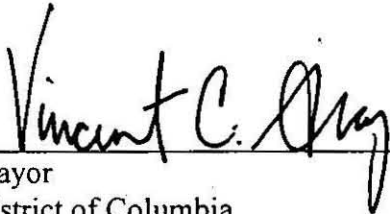
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
January 14, 2013

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AN ACT

D.C. ACT 19-615

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 16, 2013

To amend the Energy Efficiency Financing Act of 2010 to authorize the issuance of bonds to private financing institutions, to augment remedies for failure to pay the special assessment; to amend Title 47 of the District of Columbia Official Code to exempt from computation as District of Columbia gross taxable income, incentives received from District Department of the Environment Riversmart programs that encourage the conservation and protection of natural resources; to amend the Clean and Affordable Energy Act of 2008 to include the EnergyStar[®] building benchmarking program as a program that may be funded by the Sustainable Energy Trust Fund; to amend the Clean and Affordable Energy Act of 2008 to permit the District to continue to administer a program that provides renewable energy rebates; to reduce the amount of fertilizer reaching the District's water resources, and thereby minimize the growth of algae and aquatic plants, and the consequent harm to the economic value of water resources, and damage to aquatic ecosystems, fisheries, and water quality; to support sustainable urban agriculture through the promotion of apiculture in the District; and to amend the Human and Environmental Health Protection Act of 2010 and the Pre-k Enhancement and Expansion Amendment Act of 2008 to prohibit the proximate location of a child-occupied facility and a dry cleaning facility that uses perchloroethylene or n-propyl bromide as a cleaning agent for clothes or other fabrics, to educate owners of dry cleaning facilities about the dangers of perchloroethylene and n-propyl bromide, its proper handling, and less toxic dry cleaning alternatives.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Sustainable DC Amendment Act of 2012".

TITLE I. ECONOMY.**SUBTITLE A. ACCESSING PRIVATE CAPITAL TO PROMOTE ENERGY EFFICIENCY.**

Sec. 101. Short title.

This subtitle may be cited as the "Energy Efficiency Financing Amendment Act of 2012".

Sec. 102. The Energy Efficiency Financing Act of 2010, effective May 27, 2010 (D.C. Law 18-183; D.C. Official Code § 8-1778.01 *et seq.*), is amended as follows:

(a) Section 101 (D.C. Official Code § 8-1778.01) is amended as follows:

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

(A) Subparagraph (D) is amended by striking the word "or" at the end.

(B) Subparagraph (E) is amended by striking the period and inserting the phrase "; or" in its place.

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

"(F) An officer or employee of the office of the Chief Financial Officer to whom the Chief Financial Officer has delegated a function of the Chief Financial Officer under this act pursuant to section 424d of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 774; D.C. Official Code 1-204.24d), and who has been designated as an Authorized Delegate for purposes of this act."

(2) Paragraph (10) is amended as follows:

(A) The lead-in text is amended by striking the phrase "energy utility" and inserting the phrase "energy or water utility" in its place.

(B) Subparagraph (J) is amended by striking the phrase "electric or gas" and inserting the phrase "electric, gas, water, or stormwater" in its place.

(3) A new paragraph (11)(A) is added to read as follows:

"(11A) "Energy Efficiency Loan Agreement" means a loan or other agreement to make, document, or implement an Energy Efficiency Loan entered into pursuant to section 301(c)."

(4) New paragraphs (14A) and (14B) are added to read as follows:

"(14A) "Issuance Costs" means:

"(A) Fees, costs, charges, or expenses paid or incurred in connection with the authorization, preparation, printing, issuance, sale, and delivery of an applicable series of bonds and the making of energy efficiency loans contemplated with the issuance, including program fees and administrative fees charged by the District;

"(B) Underwriting, legal, accounting, rating agency, and other financing fees, costs, and expenses;

"(C) Fees paid to financial institutions and insurance companies;

"(D) Letter of credit fees;

"(E) Compensation to financial advisors and other persons except full-time employees of the District and entities performing services on behalf of or as agents for the District; and

"(F) Other fees, costs, charges, and expenses incurred in connection with the development and implementation of the financing documents, the closing documents, and other documents necessary or appropriate in connection with the authorization, preparation, printing, issuance, sale, marketing, and delivery of each applicable series of bonds and the making of energy efficiency loans.

"(14B) "Private Lending Institution" means a non-government business organization that makes an Energy Efficiency Loan and is approved by the Mayor to participate in the Energy Efficiency Loan program pursuant to sections 211 and 308."

(b) Section 201 (D.C. Official Code § 8-1778.21) is amended as follows:

(1) Subsection (a)(2) is amended by striking the phrase ", subject to authorization

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by Congress”.

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

“(d) The Mayor is authorized to:

“(1) Accept funds from grants from a public or private source;

“(2) Deposit grant funds in a special account in the Special Energy Assessment Fund; and

“(3) Use grant funds for a purpose for which monies in the Special Energy Assessment Fund may be spent.”.

(c) Section 202(b) (D.C. Official Code § 8-1778.22(b)) is amended to read as follows:

“(b) The Mayor is authorized to pay from the proceeds of a bond’s issuance costs, the cost of funding capitalized interest and required reserves, and other costs authorized by section 490(f) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 774; D.C. Official Code 1-204.90(f)). In the event bonds are sold other than through a public offering, the issuance costs may be paid from the Special Energy Assessment Program Administrative Account.”.

(d) Section 205(e) (D.C. Official Code § 8-1778.25(e)) is amended to read as follows:

“(e) The Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-351.01 *et seq.*), and subchapter III-A of Chapter 3 of Title 47 of the District of Columbia Official Code, shall not apply to a contract that the Mayor may from time to time enter into or the Mayor may determine to be necessary or appropriate, for purposes of this title.”.

(e) A new section 211 is added to read as follows:

“Sec. 211. Bond issuance to private lending institutions.

“If the Mayor determines that a bond issuance is in the interest of the District and promotes the goal of encouraging the installation of Energy Efficiency Improvements, a bond may be issued to, purchased by, or held by a Private Lending Institution that makes an Energy Efficiency Loan to a property owner. In this event, the proceeds of the bond may be paid directly to the property owner or the contractor installing the Energy Efficiency Improvements and not paid into the National Capital Energy Fund. The amount of the Energy Efficiency Loan shall be determined as provided in Title III, and the Private Lending Institution shall be an additional party to the Energy Efficiency Loan Agreement. A bond held by a Private Lending Institution may be redeemed or transferred to another holder at the discretion of the Private Lending Institution.”.

(f) Section 301 (D.C. Official Code § 8-1778.41) is amended as follows:

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

“(a) There is established as a nonlapsing fund the National Capital Energy Fund. The Chief Financial Officer shall deposit the proceeds from the sale of a bond into the National Capital Energy Fund, except as provided in section 211.”.

(2) Subsection (b) is amended by striking the phrase “this section without regard to fiscal year limitation, subject to authorization by Congress” and inserting the phrase “subsection (c) of this section, without regard to fiscal year limitation” in its place.

(3) Subsection (d) is amended to read as follows:

“(d) An Energy Efficiency Loan shall bear interest at the rate of interest on the series of

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bonds issued immediately preceding or simultaneously with the date of execution of the Energy Efficiency Loan, plus an amount determined by the Mayor to be sufficient to pay all administrative costs specified in section 201. Notwithstanding the preceding sentence, when a bond is issued pursuant to section 211, the interest rate on the Energy Efficiency Loan shall be the same as the interest rate on a bond issued to a Private Lending Institution. The principal, interest, and administrative costs of an Energy Efficiency Loan shall be separately stated to permit the allocation thereof as provided in this act.”

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

“(e) If a first source of funds deposited in the National Capital Energy Fund is an obligation that requires the District to use those funds solely to repay principal and interest on the funds, the Energy Efficiency Loan, or other agreement shall be structured to repay the funding source, plus administrative costs. A Special Assessment payment shall be deposited in the same manner specified in section 201.”

(5) A new subsection (g) is added as to read as follows:

“(g) The Mayor is authorized to:

“(1) Accept grant funds from a public or private source;

“(2) Deposit grant funds into a special account in the National Capital Energy Fund; and

“(3) Use grant funds for a purpose for which monies in the National Capital Energy Fund may be spent.”

(g) Section 302(a) (D.C. Official Code § 8-1778.42(a)) is amended as follows:

(1) Paragraph (4) is amended to read as follows:

“(4) An Energy Efficiency Audit from an auditor approved by the Administrator stating the amount of energy and water used by the subject property and the amount of the energy, water, and stormwater to be saved by the property owner through the installation of the Energy Efficiency Improvements, shall include in its calculation of savings reasonable estimates of:

“(A) Energy and water price inflation likely in the future utility costs of the property; and

“(B) Additional energy savings expected from the property owner’s selection of Energy Efficiency Improvements when replacing equipment using energy or water.”

(2) Paragraph (5) is amended by striking the phrase “energy saved by” and inserting the phrase “savings from” in its place.

(3) Paragraph (6) is amended by striking the phrase “; and” and inserting a semicolon in its place.

(4) Paragraph (7) is amended by striking the phrase “consents.” and inserting the phrase “consents; and” in its place.

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

“(8) Other information or documentation as the Administrator may deem necessary to evaluate a loan application.”

(h) Section 303(c) (D.C. Official Code § 8-1778.43(c)) is amended by striking the phrase “a loan, or other, agreement with a property owner, the administrator shall verify, based upon

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information provided in the property owner's application, that the value of the energy saved by" and inserting the phrase "an Energy Efficiency Loan Agreement with a property owner, the administrator shall verify, based upon information provided in the property owner's application, that the value of the savings from" in its place.

(i) Section 305(b) (D.C. Official Code § 8-1778.45(b)) is amended to read as follows:

"(b) The Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-351.01 *et seq.*), shall not apply to the contract authorized by subsection (a) of this section until 5 years after the effective date of the initial contract to retain an administrator."

Sec. 103. Title 47 of the District of Columbia Official Code is amended as follows:

(a) Section 47-895.31(10) is amended by striking the period and inserting the phrase "and applicable fees and costs." in its place.

(b) Section 47-895.33(c)(1) is amended by striking the phrase "in the same manner and under the same conditions and subject to the same penalties as for unpaid real property taxes" and inserting the phrase "pursuant to section 47-1336" in its place.

(c) Chapter 13A is amended as follows:

(1) The table of contents is amended by adding a new section designation to read as follows:

"47-1336. Energy efficiency loan foreclosure."

(2) A new section 47-1336 is added to read as follows:

"§ 47-1336. Energy efficiency loan foreclosure.

"(a) A special assessment pursuant to an energy efficiency loan agreement under subchapter IX of Chapter 8 of Title 47, shall be deemed an additional real property tax, and shall be deemed a tax under § 47-1330(2).

"(b)(1) When delinquent on October 1 and for 6 months or more, the Chief Financial Officer may sell for one dollar or without any consideration, at the Chief Financial Officer's discretion, the real property subject to the special assessment under subchapter IX of Chapter 8 of Title 47, to the applicable energy efficiency lender or servicer of the Energy Efficient Loan, or to a third party and under terms and conditions as the Chief Financial Officer may determine, notwithstanding any other provision of this chapter to the contrary.

"(2) The transaction shall not be subject to the provisions of § 47-1353 or the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-351.01 *et seq.*). Additionally, the transaction shall not be subject to the notice requirements of §§ 47-1341 and 47-1342 or the costs set forth in § 47-1342(c).

"(3) Only interest at the rate set forth in § 47-811(c) shall accrue on any delinquent Special Assessment, notwithstanding any other provision in this chapter.

"(c)(1) The sale of the real property shall be evidenced by a sealed certificate of the Chief Financial Officer or the Chief Financial Officer's duly authorized representative.

"(2) The sealed certificate shall be deemed a certificate of sale.

"(3) The certificate of sale shall be recorded in the Office of the Recorder of Deeds by the transferee.

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“(4) Evidence of subsequent assignments or notice of succession in interest shall also be recorded in the Office of the Recorder of Deeds by the assignee or successor in interest, and the assignee or successor in interest shall also notify the Chief Financial Officer of the subsequent assignment or succession, including the assignee or successor's legal name, contact information, and other information that the Chief Financial Officer may require.

“(5) The holder of a sealed certificate shall have filed a business tax registration with the Office of Tax and Revenue.

“(d) The transferee of a sealed certificate and an assignee or successor in interest of the transferee shall have and possess the same rights, powers, lien status, and priority of payment at law or in equity as the District would have possessed if the real property had not been sold. Subject to the foregoing, the transferee or assignee shall have the same rights to enforce all tax liens as the District, including the right to foreclose upon the tax lien and cause the issuance of a deed in fee simple absolute by the Superior Court of the District of Columbia.

“(e)(1) Notwithstanding a provision of this chapter to the contrary, a complaint for foreclosure of the right of redemption may be filed by the transferee and an assignee or successor in interest pursuant to § 47-1370 at any time.

“(2) The transferee, or an assignee or successor in interest of the transferee, shall provide notice via both certified mail and first class mail to the property's record owner at least 60 days before a complaint for foreclosure of the right of redemption is filed. The notice shall state at a minimum that:

“(A) A foreclosure action shall be commenced in no sooner than 60 days of the date of the notice;

“(B) To avoid the lawsuit the outstanding liens shall be paid to the District and in what amount;

“(C) If the owner does not redeem the property the owner may lose title to the property; and

“(D) Once the complaint is filed, reasonable expenses under § 47-1377 shall be owed.

“(3) Notwithstanding any other provision of this chapter, no expenses shall be owed to redeem the property before the complaint is filed under this section. Once the complaint is filed and the owner has not redeemed the property, expenses allowable under § 47-1377 shall become owed in order to redeem.

“(f) In a cause of action in respect of a sealed certificate, the production of an instrument executed by the Chief Financial Officer or the Chief Financial Officer's duly authorized representative shall be presumptive evidence that the real property proposed to be sold by the instrument was subject to a valid and enforceable tax lien and it was duly sold to the transferee.”

(d) Section 47-1361(a) is amended by adding a new paragraph (5A) to read as follows:

“(5A) Any delinquent special assessment owed pursuant to an energy efficiency loan agreement under subchapter IX of Chapter 8 of Title 47.

(e) Section 47-1382 is amended as follows:

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

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(A) Paragraph (3) is amended by striking the word "and".

(B) Paragraph (4) is amended by striking the period and inserting the phrase "; and" in its place.

(C) A new paragraph (5) is added to read as follows:

"(5) An energy efficiency loan agreement under subchapter IX of Chapter 8 of Title 47, and related documents or instruments and the obligation to pay the special assessment;"

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

"(c-1) Notwithstanding subsection (c) of this section, a purchaser under § 47-1336 shall not pay an amount that is a Special Assessment under subchapter IX of Chapter 8 of Title 47, unless otherwise agreed."

SUBTITLE B. ENSURING ENVIRONMENTAL INCENTIVES ARE TAX EXEMPT.

Sec. 111. Short title.

This subtitle may be cited as the "Conservation and Protection of Natural Resources Incentive Clarification Act of 2012".

Sec. 112. Section 47-1803.02(a)(2) of the District of Columbia Official Code is amended by adding a new subparagraph (BB) to read as follows:

"(BB) The amount received by a taxpayer from the following programs, whose funding is authorized by section 152 of the District Department of the Environment Establishment Act of 2005, effective February 15, 2006 (D.C. Law 16-51; D.C. Official Code § 8-152.02):

"(i) RiverSmart Communities: Demonstration Program;

"(ii) RiverSmart Homes Incentive Program;

"(iii) RiverSmart Homes Rebate Program; or

"(iv) RiverSmart Rooftops Greenroof Rebate Program."

SUBTITLE C. PROMOTING RENEWABLE ENERGY GENERATING SYSTEMS.

Sec. 121. Short title.

This subtitle may be cited as the "Renewable Energy Incentive Program Amendment Act of 2012".

Sec. 122. The Clean and Affordable Energy Act of 2008, effective October 22, 2008 (D.C. Law 17-250; D.C. Official Code § 8-1774.01 *et seq.*), is amended as follows:

(a) Section 209(c) (D.C. Official Code § 8-1774.09(c)) is amended by striking the year "2012" and inserting the year "2013" in its place.

(b) Section 210(c)(7) (D.C. Official Code 8-1774.10(c)(7)) is amended as follows:

(1) Strike the phrase "the amount of \$1.106 million for fiscal year 2011 and \$2 million in fiscal year 2012" and inserting the phrase "the amount of \$1.106 million for fiscal year 2011, \$2 million in fiscal year 2012, and \$1 million for fiscal year 2013" in its place.

(2) Strike the period and insert the phrase "; and" in its place.

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SUBTITLE D. FULLY FUNDING THE ENERGY STAR BUILDING BENCHMARKING PROGRAM.

Sec. 131. Short title.

This subtitle may be cited as the "Clean and Affordable Energy Benchmarking Amendment Act of 2012".

Sec. 132. Section 210(c) of the Clean and Affordable Energy Act of 2008, effective October 22, 2008 (D.C. Law 17-250; D.C. Official Code § 8-1774.10(c)), is amended by adding a new paragraph (8) to read as follows:

"(8) Implementation of the EnergyStar[®] benchmarking program required by section 4(c) of the Green Building Act of 2006, effective March 8, 2007 (D.C. Law 16-234; D.C. Official Code § 6-1451.03); provided, that the program does not require an allocation of funds other than those already set forth in this section."

TITLE II. ENVIRONMENT.**SUBTITLE A. PREVENTING FERTILIZER POLLUTION IN OUR STREAMS AND RIVERS.**

Sec. 201. Short title.

This subtitle may be cited as the "Anacostia River Clean Up and Protection Fertilizer Act of 2012".

Sec. 202. Definitions.

For the purposes of this subtitle, the term:

- (1) "Department" means the District Department of the Environment.
- (2) "Enhanced efficiency fertilizer" means a fertilizer product with characteristics that allow increased plant uptake and reduces the potential of nutrient loss to the environment, such as gaseous loss, leaching, or runoff, when compared to an appropriate reference fertilizer product.
- (3) "Fertilizer" means a material that contains one or more nutrients intended to promote plant growth.
- (4) "Low phosphorus fertilizer" means a fertilizer containing no more than 5% of available phosphate (P_2O_5), and that has an application rate not to exceed 0.25 pound of available phosphate (P_2O_5)/1,000 square feet/application and 0.5 pound of available phosphate (P_2O_5)/1,000 square feet/year.
- (5) "Organic fertilizer" means a material that:
 - (A) Is derived from either plant or animal products containing one or more elements that are essential for plant growth, other than carbon, hydrogen, and oxygen;
 - (B) May be subjected to biological degradation processes under normal conditions of aging, rainfall, sun-curing, air drying, composting, rotting, enzymatic, or anaerobic/aerobic bacterial action; and
 - (C) May not be mixed with synthetic materials or changed in a physical

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or chemical manner from their initial state, except by manipulation such as drying, cooking, chopping, grinding, shredding, hydrolysis, or pelleting.

(6) "Soil test" means a scientific measurement that determines the nutrient levels of soil.

(7) "Turf" means nonagricultural managed grasses, such as the grasses found at parks, recreation areas, golf courses, commercial locations, cemeteries, athletic fields, schools, universities, government grounds, residential lawns, and other similar nonagricultural managed grasses. The term "turf" does not include non-grass groundcovers, shrubs, trees, vegetable and flower gardens, and indoor applications such as greenhouses.

(8) "Waterbody" means a wetland, watercourse, river, stream, creek, storm water retention or detention basin, or other similar water resource.

Sec. 203. Fertilizer application requirements.

(a) This section shall apply to individuals and entities who apply fertilizer for wages.

(b) Fertilizer may be applied only to turf:

(1) Beyond a 15-foot buffer area from a waterbody; provided, that fertilizer may be applied beyond a 10-foot buffer area if a drop spreader, rotary spreader with a deflector, or targeted spray liquid is used for the fertilizer application;

(2) When sufficient water is applied to the soil within 24 hours of application to immobilize the fertilizer and prevent fertilizer loss by runoff or when soil is sufficiently saturated to immobilize the fertilizer and prevent fertilizer loss by runoff;

(3) When a heavy rainfall is not occurring, and when soils are not saturated and the potential for fertilizer movement off-site exists;

(4) After March 1st and before November 15th in a calendar year;

(5) When the ground is not frozen; and

(6) In an amount consistent with an annual recommended rate established by the Department.

(c) Fertilizer may not be applied to an impervious surface or be stored in a container on an impervious surface in a manner that would permit fertilizer runoff. Fertilizer that is inadvertently applied or leaked onto an impervious surface shall be returned for reuse to the target surface or to either its original or another appropriate container.

(d)(1) A fertilizer that contains phosphorus in an amount greater than 0.67% phosphate by weight may be applied to turf only according to paragraph (2) of this subsection.

(2) A low phosphorus fertilizer may be applied to turf if a soil test conducted within the previous 3 years indicates that the level of phosphorus in the soil is insufficient to establish, reestablish, repair, or support adequate turf growth; provided, that a fertilizer that contains phosphorous other than a low phosphorus fertilizer may be applied to turf if the soil test indicates that the level of phosphorus in the soil is insufficient to establish or reestablish turf. The application of fertilizer allowed under this paragraph shall not exceed the amount or rate of application of fertilizer recommended by the soil test, as determined by the Department.

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(e)(1) A fertilizer containing nitrogen may be applied to turf only at an application rate of less than 0.7 pounds per 1,000 feet of water-soluble nitrogen, and at an application rate of less than 0.9 pounds per 1,000 square feet of total nitrogen.

(2) Notwithstanding paragraph (1) of this subsection, an enhanced efficiency fertilizer containing nitrogen that has a release rate of less than 0.7 pounds per 1,000 square feet of total nitrogen per month may be applied at an annual application rate of less than 2.5 pounds per 1,000 square feet of nitrogen. The annual total application rate may not exceed 80% of the annual recommended rate for total nitrogen, as established by the Department.

(3) A fertilizer containing nitrogen may be applied to turf only if the fertilizer is at least 20% slow release.

Sec. 204. Fertilizer public education program.

(a) Within 180 days of the effective date of this subtitle, a retail establishment that sells fertilizer for turf shall prominently display information prepared by the Department that references:

- (1) The requirements of this subtitle;
- (2) The effects of fertilizers on local waterbodies;
- (3) A warning not to apply fertilizer:
 - (A) Within a 15-foot buffer area from a waterbody or a 10-foot buffer if a drop spreader, rotary spreader with a deflector, or targeted spray liquid is used;
 - (B) When insufficient water is applied to the soil within 24 hours of application to immobilize the fertilizer and prevent fertilizer loss by runoff;
 - (C) When a heavy rainfall is occurring, soils are saturated, and the potential for fertilizer movement off-site exists;
 - (D) Before March 1st or after November 15th in any calendar year;
 - (E) When the ground is frozen; or
 - (F) In an amount consistent with an annual recommended rate established by the Department; and
- (4) The proper use of lawn care products to reduce pollution in the Chesapeake Bay and its tributaries.

(b) The Department shall develop a program of public education that shall include the dissemination of information regarding nutrient pollution, soil testing, proper interpretation of fertilizer label instructions, and the proper use and calibration of fertilizer application equipment, best management practices for fertilizer use in the urban landscape, the requirements of this subtitle, and the effects of fertilizers on the Chesapeake Bay and its tributaries.

Sec. 205. Fertilizer labeling requirements.

(a) A fertilizer used on turf that is distributed or sold in the District shall include a legible label with at least the following information:

- (1) The percentage of total nitrogen, including the percentage of other water soluble nitrogen and water insoluble nitrogen;

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(2) The percentage of available phosphate;
(3) The percentage of soluble potash; and
(4)(A) The following statement: "Do not apply near water, storm drains or drainage ditches. Do not apply if heavy rain is expected. Apply this product only to your lawn, and sweep any product that lands on the driveway, sidewalk, or street back onto your lawn."; or

(B) The environmental hazard statement recommended by the U.S. Environmental Protection Agency for that product.

(b) The information required under subsection (a)(4) of this section shall be printed in a legible and conspicuous manner on at least one side of the container, or, if it does not appear on the face or display side of the container, it shall appear on the upper third of the side used.

Sec. 206. Penalties.

(a) A violation of this subtitle shall be a civil infraction for purposes of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985, effective July 16, 1985 (D.C. Law 6-42; D.C. Official Code § 2-1801.01 *et seq.*) ("Civil Infractions Act"). Civil fines, civil penalties, and fees may be imposed as sanctions for any infraction of the provisions of this subtitle, or the rules issued under authority of this subtitle, pursuant to the Civil Infractions Act. Adjudication of any infractions shall be pursuant to the Civil Infractions Act.

(b) A person or retail establishment who violates this subtitle, or a rule or regulation adopted pursuant to this subtitle, shall be subject to the following penalties:

(1) Violations shall be a class 4 infraction under the schedule of fines in section 3201 of Title 16 of the District of Columbia Municipal Regulations (16 DCMR § 3201), pursuant to the Civil Infractions Act.

(2) In lieu of a penalty, the Mayor may issue a written warning notice that a violation has occurred.

(c) The Department may charge reasonable fees to cover costs associated with the implementation of this subtitle.

(d) Revenues collected pursuant to this subtitle shall be deposited in the Anacostia River Clean Up and Protection Fund, established in the Anacostia River Clean Up and Protection Act of 2009, effective September 23, 2009 (D.C. Law 18-55; D.C. Official Code § 8-102.01 *et seq.*).

Sec. 207. Rules; enforcement:

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

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SUBTITLE B. PROMOTING URBAN AGRICULTURE THROUGH BEEKEEPING.

Sec. 211. Short title.

This subtitle may be cited as the "Sustainable Urban Agriculture Apiculture Act of 2012".

Sec. 212. Definitions.

For the purposes of this subtitle, the term:

- (1) "Africanized bee" means a hybrid variety of *Apis mellifera* produced by the cross-breeding of the aggressive African honey bee *Apis mellifera scutellata* with a European honey bee subspecies.
- (2) "Apiary" means a place where a colony is kept.
- (3) "Bee disease" means an abnormal condition resulting from action by a parasite, predator, or infectious agent.
- (4) "Brood" means the embryo and egg, larva, and pupa stages of a bee.
- (5) "Colony" means a hive and its equipment and appurtenances, including bees, brood, comb, pollen, and honey.
- (6) "Comb" means the assemblage of cells containing a living stage of a bee at a time prior to emergence as an adult.
- (7) "Department" means the District Department of the Environment.
- (8) "Hive" means a container intended for the housing of a colony.
- (9) "Honey bee" or "bee" means *Apis mellifera*.
- (10) "Multi-unit" means a building with at least 4 separate housing units.
- (11) "Person" means an individual, partnership, corporation, trust, association, firm, joint stock company, organization, commission, or any other private entity.
- (12) "Property" means a parcel of land where an apiary is located.

Sec. 213. General authorization and restrictions.

A colony may be kept in the District only if it is established and maintained in a manner consistent with this act.

Sec. 214. Responsibilities of beekeepers.

- (a) A colony shall be annually registered with the Department.
- (b) No person shall bring into the District bees on combs, empty used combs, used hives, or other used apiary appliances without first obtaining a permit from the Mayor.
- (c) A colony shall be kept in Langstroth-type hives or Top Bar hives with removable combs, maintained in sound and usable condition and with adequate space in the hive to prevent overcrowding and deter swarming.
- (d) A convenient source of water on the property shall be available to a colony.
- (e) Beekeepers shall remediate promptly bee swarms and nuisance conditions.

Sec. 215. Colony density and distance from property line.

- (a) No more than 4 hives may be kept on any one-quarter acre area of a property. The

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number of hives on an adjacent property with a different owner shall not be limited by the maximum number of hives permitted under this subsection.

(b) Except as provided in subsection (c) of this section, a hive shall be located at least 15 feet from a property line.

(c) A hive may be located 5 feet from a property line if a flyway barrier that prevents the passage of bees is maintained. The flyway barrier shall consist of a dense hedge, solid wall, or solid fence parallel to the property line at least 6 feet in height and extending 10 feet beyond the colony in each direction, or annual approval is granted from neighbors whose properties are located within 30 feet of the site of the proposed hive.

(d) A colony may be established in a multi-unit building only if permission is secured from the property manager or owner.

Sec. 216. Colony disposition.

(a) A colony shall be selected from European stock bred for gentleness and non-swarmer characteristics. No Africanized bees may be maintained in the District.

(b) If a colony exhibits unusual aggressive characteristics by stinging or attempting to sting without due provocation, or exhibits an unusual disposition toward swarming, the beekeeper shall promptly re-queen the colony with a marked queen.

(c) The Mayor may destroy a colony of a beekeeper who fails to fulfill the requirements of this section.

Sec. 217. Diseased colonies or equipment.

(a) The Mayor may take measures to control the spread of bee diseases and may order a beekeeper to take measures to control the spread of bee diseases.

(b) The Mayor shall treat or destroy the bees, hives, and honey of a beekeeper who fails to take measures ordered by the Mayor to eradicate or control bee disease.

Sec. 218. Fees.

(a) The Mayor may establish a schedule of fees for registration and may take any other action necessary to implement this act.

(b) The Mayor may require a beekeeper to reimburse the District for the District's costs resulting from implementation of this act with respect to the beekeeper.

Sec. 219. Rules; enforcement.

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

(b) The Mayor may enforce this subtitle by use of any injunctive relief, measure, or combination of measures, authorized by this subtitle or otherwise by law.

(c) Civil fines, penalties, and fees may be imposed as sanctions for a violation of this subtitle or rules or regulations issued under the authority of this subtitle, pursuant to the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985, effective July 16,

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1985 (D.C. Law 6-42; D.C. Official Code § 2-1801.01 *et seq.*) (“Civil Infractions Act”).

(d) A person who violates this subtitle, or any rule or regulation adopted pursuant to this subtitle, shall be subject to the following penalties:

(1) In lieu of a penalty, the Mayor may issue a written warning notice that a violation has occurred.

(2) A violation shall be a class 4 infraction under the schedule of fines in section 3201 of Title 16 of the District of Columbia Municipal Regulations (16 DCMR § 3201), pursuant to the Civil Infractions Act.

Sec. 220. Section 904 of Title 24 of the District of Columbia Municipal Regulations (24 CMR § 904) is repealed.

TITLE III. PROTECTING CHILDREN FROM TOXIC EXPOSURE.

Sec. 301. Short title.

This subtitle may be cited as the “Child-occupied Facility Healthy Air Amendment Act of 2012”.

Sec. 302. Section 4 of the Human and Environmental Health Protection Act of 2010, effective March 31, 2011 (D.C. Law 18-336; D.C. Official Code § 8-108.03), is amended as follows:

(a) The section heading is amended to read as follows:

“Sec. 4. Restrictions on the use of perchloroethylene and n-propyl bromide in dry cleaning.”

(b) Subsection (a) is amended by striking the word “perchloroethylene” and inserting the phrase “perchloroethylene or n-propyl bromide” in its place.

(c) Subsection (b) is amended by striking the word “perchloroethylene” and inserting the phrase “perchloroethylene or n-propyl bromide” in its place.

(d) New subsections (c) and (d) are added to read as follows:

“(c) For the purposes of this section, the term a “child-occupied facility” means a building, or portion of a building, which, as part of its function, receives children under 6 years of age on a regular basis and is required to obtain a certificate of occupancy as a precondition to performing that function. The term “child-occupied facility” includes a daycare center, nursery, preschool center, kindergarten classroom, child development center, child development home, child development facility, child-placing agency, infant care center, or similar entity. The location of a child-occupied facility as part of a larger structure does not make the entire structure a child-occupied facility. Only the portion of the facility occupied or regularly visited by children 6 years of age shall be considered the Child-occupied facility.

“(d) Beginning 12 months after the effective date of the child-occupied Healthy Air Amendment Act of 2012, passed on 2nd reading on December 18, 2012 (Enrolled version of Bill 19-756) (“Bill 19-756”):

“(1) A dry cleaning establishment shall use perchloroethylene or n-propyl bromide as a cleaning agent for clothes or other fabrics only after obtaining a source category

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permit from the District Department of the Environment in accordance with Chapter 2 of Title 20 of the District of Columbia Municipal Regulations (20 DCMR § 200 *et seq.*).

“(2) No permit shall be issued to a dry cleaning establishment to use perchloroethylene or n-propyl bromide as a cleaning agent for clothes or other fabrics that is located within 200 feet of an existing child-occupied facility. The 200-foot restriction shall not apply at a location where a dry cleaning establishment has used perchloroethylene or n-propyl bromide within 90 days before the effective date of Bill 19-756.”

Sec. 303. The Pre-k Enhancement and Expansion Amendment Act of 2008, effective July 18, 2008 (D.C. Law 17-202; D.C. Official Code § 38-271.01 *et seq.*), is amended as follows:

(a) Section 101 (D.C. Official Code § 38-271.01) is amended as follows:

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

“(1) “Child-occupied facility” means a building, or portion of a building, which, as part of its function, receives children under 6 years of age on a regular basis and is required to obtain a certificate of occupancy as a precondition to performing that function. The term “child-occupied facility” includes a daycare center, nursery, preschool center, kindergarten classroom, child development center, child development home, child development facility, child-placing agency, infant care center, or similar entity. The location of a child-occupied facility as part of a larger structure does not make the entire structure a child-occupied facility. Only the portion of the facility occupied or regularly visited by children under 6 years of age shall be considered the child-occupied facility.”

(2) Existing paragraphs (1), (1A), (1B), and (1C) shall be redesignated (1A), (1B), (1C), and (1D), respectively.

(b) Section 102 (D.C. Official Code § 38-271.02) is amended by adding a new subsection (c) to read as follows:

“(c) The OSSE shall not issue a license for a child-occupied facility located within 200 feet of a dry cleaning facility that uses perchloroethylene or n-propyl bromide as a cleaning agent for clothes or other fabrics. The 200-foot restriction shall not apply at a location where a child-occupied facility is applying for renewal of an existing license.”

TITLE IV. APPLICABILITY; FISCAL IMPACT; EFFECTIVE DATE.

Sec. 401. Applicability.

Section 122 shall apply upon the inclusion of its fiscal effect in an approved budget and financial plan, as certified by the Chief Financial Officer to the Budget Director of the Council in a certification published by the Council in the District of Columbia Register. The remaining sections shall apply as of the effective date of this act unless otherwise noted.


Sec. 402. Fiscal impact statement.

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

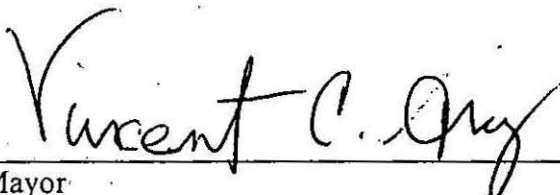
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Sec. 403. Effective date.

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
January 16, 2013

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AN ACT
D.C. ACT 19-616

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 18, 2013

Codification
District of Columbia
Official Code
2001 Edition

Winter 2013

To amend, on a temporary 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 Temporary Amendment Act of 2012".

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

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group of agencies of the District government or persons delegated this authority by such an individual or entity.

“(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.

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“(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.

“(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

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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 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 contracts 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,

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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.

"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.

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“(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.

“(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.

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“(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:

“(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

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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.

“(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;

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“(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.

“(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.

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"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 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

ENROLLED ORIGINAL

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.

(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional

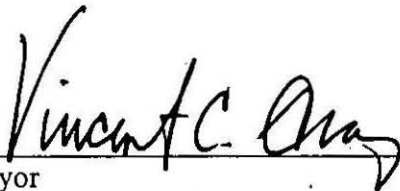
ENROLLED ORIGINAL

review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat.813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
January 18, 2013

ENROLLED ORIGINAL

AN ACT
D.C. ACT 19-617

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
JANUARY 18, 2013

To approve, on an emergency basis, Modification Nos. 1 and 2 to Contract DCPO-2011-T-0139 with Level 3 Communications, LLC to continue to provide enterprise telecommunication services and to authorize payment for goods and services received and to be received under the contract.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Contract DCPO-2011-T-0139 Modifications and Payment Authorization Emergency Act of 2012".

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 Nos. 1 and 2 to Contract Number DCPO-2011-T-0139 with Level 3 Communications, LLC, to provide enterprise telecommunications services and authorizes payment in an amount not to exceed \$5,050,000 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)).

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
January 18, 2013

ENROLLED ORIGINAL

AN ACT

D.C. ACT 19-618

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 18, 2013

To amend, on an emergency basis, due to Congressional review, section 47-501 of the District of Columbia Official Code to clarify that personal property tax is to be reported in the fiscal year in which it is collected.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Clarification of Personal Property Tax Revenue Reporting Congressional Review Emergency Act of 2012".

Sec. 2. Section 47-501 of the District of Columbia Official Code is amended by adding the following sentence at the end:

"Beginning September 30, 2011, personal property tax shall be reported in the fiscal year in which it is collected."

Sec. 3. Applicability.

This act shall apply as of January 4, 2013.

Sec. 4. Fiscal impact statement.


The Council adopts the fiscal impact statement of the Chief Financial Officer for the Clarification of Personal Property Tax Revenue Reporting Temporary Amendment Act of 2012, signed by the Mayor on November 2, 2012 (D.C. Act 19-522; 59 DCR 13313), 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. 813; D.C. Official Code 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
January 18, 2013

ENROLLED ORIGINAL

AN ACT
D.C. ACT 19-619

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 18, 2012

To amend, on an emergency basis, due to Congressional review, the District of Columbia Regional Airports Authority Act of 1985 to increase the total number of members of the Washington Metropolitan Airports Authority to 17 members, the number of members appointed by Virginia to 7, by the District of Columbia to 4, and by Maryland to 3, to provide that any member of the Washington Metropolitan Airports Authority shall be eligible for reappointment for one additional term and may not serve beyond the expiration of his or her term, to increase the quorum requirement to 9 members, and to increase the number of votes required to approve bond issues and the annual budget of the Washington Metropolitan Airports Authority to 10.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Metropolitan Washington Airports Authority Congressional Review Emergency Amendment Act of 2012".

Sec. 2. Section 5 of the District of Columbia Regional Airports Authority Act of 1985, effective December 3, 1985 (D.C. Law 6-67; D.C. Official Code § 9-904), is amended as follows:

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

"(a)(1) The Authority shall consist of 17 members as follows:

Virginia;

"(A) Seven appointed by the Governor of the Commonwealth of

"(B) Four appointed by the Mayor of the District of Columbia;

"(C) Three appointed by the Governor of the State of Maryland, and

"(D) Three appointed by the President of the United States.

"(2) For the purposes of doing business, 9 members shall constitute a quorum.

"(3) Members representing the District of Columbia shall be subject to confirmation by the Council of the District of Columbia.

"(4) The failure of a single appointing official to appoint one or more members, as provided in this act, shall not impair the Authority's creation when the conditions of this creation have been met."

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

(1) Designate the existing text as paragraph (1).

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

ENROLLED ORIGINAL

“(2) A member of the Authority shall be eligible for reappointment for one additional term. A member may not serve after the expiration of the member’s term or terms.”.

(c) Subsection (d) is amended by striking the word “Eight” and inserting the word “Ten” in its place.

(d) Subsection (g) is amended to read as follows:

“(g) A vacancy among the members shall be filled in the manner in which the original appointment was made. A person appointed to fill a vacancy shall serve for the unexpired term.”.

Sec. 3. Applicability.

This act shall apply as of January 2, 2013.

Sec. 4. Fiscal impact statement.

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

Sec. 5. Effective date.

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

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
January 18, 2013

ENROLLED ORIGINAL

AN ACT
 D.C. ACT 19-620

Codification
 District of Colum
 Official Code
 2001 Edition

Winter 2013

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 18, 2013

To provide, on an emergency basis, a hardship waiver whereby owners residing in Affordable Dwelling Units may rent their units based upon a current condominium fee increase of \$150 or 25% or more annually, whichever is greater.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Affordable Dwelling Unit Hardship Waiver Emergency Act of 2012".

Sec. 2. Definitions.

For the purposes of this act, the term:

(1) "Affordable Dwelling Unit" shall have the same meaning as the term "affordable housing unit" as defined in section 2(4) of the Affordable Housing Clearinghouse Directory Act of 2008, effective August 15, 2008 (D.C. Law 17-215; D.C. Official Code § 42-2131(4)).

(2) "Area Median Income or "AMI" shall have the same meaning as provided in section 2(1) of the Housing Production Trust Fund Act of 1988, effective March 16, 1989 (D.C. Law 7-202; D.C. Official Code § 42-2801(1)).

Note,
 § 42-2134

Sec. 3. Hardship waiver eligibility criteria.

(a) Where allowable by law, covenant, contract, and condominium documents, the Mayor may grant a unit owner the ability to rent the unit owner's Affordable Dwelling Unit for one year, which may be renewed annually.

(b) The unit owner must demonstrate a current condominium fee increase on the unit owner's Affordable Dwelling Unit of \$150 or 25% or more annually, whichever is greater.

Sec. 4. Comprehensive Affordable Dwelling Unit report.

The Mayor shall submit a report by September 30, 2013, to the Council that examines the following Affordable Dwelling Unit issues:

ENROLLED ORIGINAL

(1) The Mayor's ability to amend the Affordable Dwelling Unit guidelines of the originating funding source agency or authority.

(2) Whether each originating local subsidy provides the unit owner with the ability to rent the unit owner's Affordable Dwelling Unit.

(3) Recommendations for resources, including staffing, funding, and technology, regarding the District's administration of affordable housing.


(4) The policy and fiscal impacts of granting a unit owner with the ability to rent or sell the unit owner's Affordable Dwelling Unit at an AMI level higher than the level initially set.

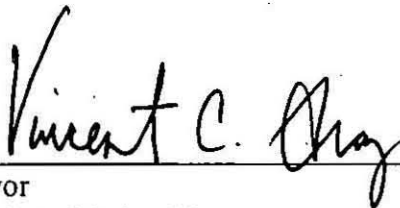
Sec. 5. Fiscal impact statement.

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
January 18, 2013

ENROLLED ORIGINAL

AN ACT

D.C. ACT 19-621

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 22, 2013Codification
District of Columbia
Official Code
2001 Edition

Winter 2013

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

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Beulah Baptist Church Real Property Equitable Tax Relief Emergency Act of 2012".

Sec. 2. Section 47-4654(d) of the District of Columbia Official Code is amended by striking the phrase "September 30, 2010" and inserting the phrase "September 30, 2020" in its place.

Note,
§ 47-4654

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

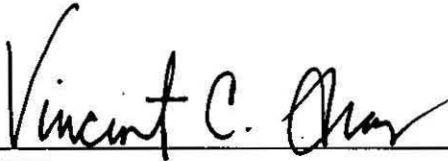
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of

ENROLLED ORIGINAL

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
January 22, 2013

ENROLLED ORIGINAL

AN ACT
D.C. ACT 19-622

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 22, 2013

Codification
 District of Columbia
 Official Code
 2001 Edition

Winter 2013

To amend, on an emergency basis, the Prevention of Child Abuse and Neglect Act of 1977 to clarify the definition of “youth”; require the Mayor to issue rules to consolidate existing foster youth rights and state that a youth in foster care (if that youth is under 18 years of age) has the right to receive and have the youth’s caregivers and guardians ad litem receive certain information before leaving care; and to require the Child and Family Services Agency to inform youth of their rights upon entrance to the agency, provide copies of the Statements of Rights and Responsibilities to youth currently in foster care, incorporate the Statements of Rights and Responsibilities into scheduled trainings to social workers and other affected staff, develop an implementation plan on the dissemination of the Statements of Rights and Responsibilities for youth in foster care and a mechanism for receiving and handling concerns, and outline annual reporting and data-sharing requirements to the Council and public on concerns and outcomes.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Foster Youth Statements of Rights and Responsibilities Emergency Amendment Act of 2012”.

Sec. 2. The Prevention of Child Abuse and Neglect Act of 1977, effective September 23, 1977 (D.C. Law 2-22; D.C. Official Code § 4-1301.01 *et seq.*), is amended by adding a new Title III-C to read as follows:

“TITLE III-C
 “STATEMENTS OF RIGHTS AND RESPONSIBILITIES FOR YOUTH IN FOSTER
 CARE

“Sec. 371. Definitions.

“For the purposes of this title, the term “Youth” means an individual under 21 years of age who is in the care of the Agency.

“Sec. 372. Statements of Rights and Responsibilities.

“(a) Within 90 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 amend existing rules governing youth in foster care, namely, 29 DCMR §§ 6004, 6203, and 6303, (Statement of Rights and

Note,
 § 4-1303.35

ENROLLED ORIGINAL

Responsibilities for youth in foster homes, group homes, and independent living programs), to:

“(1) Incorporate existing rights for youth in foster care provided by local law, federal law, local regulations, agency administrative issuances, and other policy documents; and

“(2) State that a youth in foster care has the right to receive and have the youth’s caregivers and guardians ad litem receive, if the youth is under 18 years of age, at least 30 days before leaving care, copies of the youth’s:

“(A) Birth certificate;

“(B) Original social security card;

“(C) State and District identification cards;

“(D) Immunization records;

“(E) Medical insurance information;

“(F) Education portfolios and health records;

“(G) Immigration documents; and

“(H) Other personal information as the Mayor deems appropriate.

“(b) The Statements of Rights and Responsibilities required by subsection (a) of this section (“Statements of Rights and Responsibilities”) shall guarantee that each youth will receive the following:

“(1) A printed copy of the Statements of Rights and Responsibilities in readily understandable language;

“(2) An explanation of each youth’s right to be informed of all decisions made on the youth’s behalf by the Agency;

“(3) An explanation of each youth’s right to report violations of the youth’s rights to the Agency;

“(4) The process for reporting rights violations to the Agency; and

“(5) An explanation of the process for contacting the Agency to make concerns about care, placement, and services.

“(c) Proposed rules to implement this title shall be submitted to the Council for a 45-day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve or disapprove the proposed rules, in whole or in part, by resolution within the 45-day review period, the proposed rules shall be deemed disapproved.

“Sec. 373. Dissemination of rights and responsibilities information.

“(a) When a youth comes under the care of the Agency, the Agency shall inform the youth of their rights and disseminate to the youth and the appropriate care providers the Statements of Rights and Responsibilities.

“(b) The Agency shall disseminate the Statements of Rights and Responsibilities and related information to youth and individuals who entered care before the effective date of this title.

ENROLLED ORIGINAL

“(c) The Agency shall incorporate the Statements of Rights and Responsibilities into scheduled trainings for social workers and other affected partners, including providers, foster parents, and other persons who are associated with the care of youth.

“Sec. 374. Implementation plan.

“(a) Within 90 days of the effective date of this title, the Agency shall develop an implementation plan for the dissemination of the Statements of Rights and Responsibilities and a mechanism for receiving and handling complaints or concerns made by youth or on behalf of youth and provide a mechanism to resolve issues related to their care, placement, and services through the Agency.

“(b) The Agency shall have the following responsibilities regarding the implementation of this title:

“(1) Investigate and attempt to promptly resolve concerns made by youth or on behalf of youth;

“(2) Document the number, general sources and origins, and nature of the communication;

“(3) Beginning January 31, 2014, and every January 31st thereafter, through the Agency’s Director, make available to the Council a report containing data collected over the course of the prior year that includes the following information:

“(A) The number of contacts made to the Agency by telephone, website address, or otherwise;

“(B) The number of concerns made, including the type and general sources of those concerns;

“(C) The number of investigations performed;

“(D) The number of pending concerns; and

“(E) The trends and issues that arose in the course of investigating concerns and outcomes of the investigations conducted; and

“(4) Post the report required by paragraph (3) of this subsection on the Agency’s website so that it is readily available to the public.”

Sec. 3. Fiscal impact statement.


The Council adopts the fiscal impact statement in the committee report for the Foster Youth Statements of Rights and Responsibilities Amendment Act of 2012, passed on 2nd reading on December 18, 2012 (Enrolled version of Bill 19-803), 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.

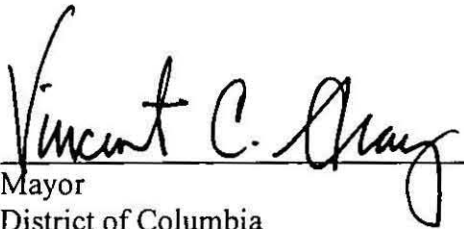
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days; as provided for emergency acts of the Council of the District of

ENROLLED ORIGINAL

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
January 22, 2013

ENROLLED ORIGINAL

AN ACT
D.C. ACT 19-623

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
JANUARY 22, 2013

To order, on an emergency basis, the closing of a public alley in Square 393, bounded by Florida Avenue, N.W., 8th Street, N.W., and 9th Street, N.W., in Ward 1.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Closing of a Public Alley in Square 393, S.O. 11-08780, Emergency Act of 2012".

Sec. 2. Pursuant to section 201 of the Street and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983, (D.C. Law 4-201; D.C. Official Code § 9-202.01), the Council finds that the portion of the public alley in Square 393, as shown on the Surveyor's plat in S.O. 11-08780, is unnecessary for alley purposes and orders it closed, with title to the land to vest as shown on the Surveyor's plat.

Sec. 3. Transmittal.

The Secretary to the Council shall transmit a copy of this act, upon its effective date, to the Office of the Surveyor.

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.

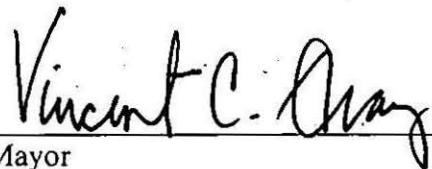
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than

ENROLLED ORIGINAL

90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
January 22, 2013

ENROLLED ORIGINAL

AN ACT

D.C. ACT 19-624

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 18, 2013Codification
District of Columbia
Official Code
2001 Edition

Winter 2013

To amend, on an emergency basis, due to Congressional review, the Animal Control Act of 1979 to clarify that an educational institution is permitted to have animals for educational and instructional purposes.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Classroom Animal for Educational Purposes Clarification Congressional Review Emergency Amendment Act of 2012".

Sec. 2. Section 9(h) of the Animal Control Act of 1979, effective October 18, 1979 (D.C. Law 3-30; D.C. Official Code § 8-1808(h)), is amended by adding a new paragraph (6) read as follows:

Note,
§ 8-1808

"(6) Paragraph (1) of this subsection shall not apply to education institutions that possess animals for educational and instructional purposes, and that otherwise comply with humane, sanitary, and safe treatment requirements, as set forth in section 502 of the Animal Protection Amendment Act of 2008, effective December 5, 2008 (D.C. Law 17-281; D.C. Official Code § 8-1851.02)."

Sec. 3. Applicability.

This act shall apply as of January 3, 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.

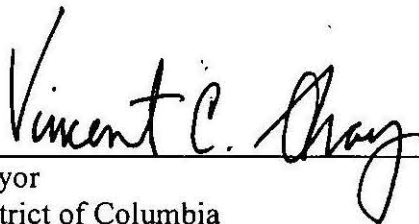
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of

Columbia in section 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)).

ENROLLED ORIGINAL



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
January 18, 2013

ENROLLED ORIGINAL

AN ACT

D.C. ACT 19-625

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 18, 2013Codification
District of Columbia
Official Code
2001 Edition

Winter 2013

To specify damages, costs, and reasonable attorney's fees available to an individual who, while riding a bicycle, is the victim of and prevails in a civil action for an assault or battery by a motorist.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Access to Justice for Bicyclists Act of 2012".

Sec. 2. Civil action for bicyclists.

(a) An individual who, while riding a bicycle, is the victim of an assault or battery by a motorist, and prevails in a civil action for such assault or battery, shall be entitled to:

- (1) Statutory damages of \$1,000 or actual damages, whichever is greater;
- (2) Reasonable attorney's fees and costs; provided, that the total amount of damages is less than \$10,000; and
- (3) Any other relief available under the law.

(b) For the purposes of this section, the term "motorist" means an individual who operates a motor vehicle, as defined in section 102(e-1) of the District of Columbia Traffic Adjudication Act of 1978, effective September 12, 1978 (D.C. Law 2-104; D.C. Official Code § 50-2301.02(5A)).

New
§ 50-1621

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

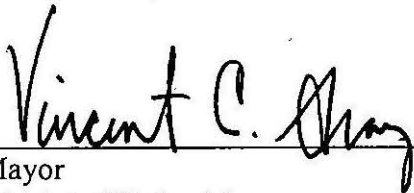
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act,

ENROLLED ORIGINAL

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
January 18, 2013

ENROLLED ORIGINAL

AN ACT
D.C. ACT 19-626

Codification
District of Columbia
Official Code
2001 Edition

Winter 2013

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 22, 2013

To symbolically designate the 600 block of Rhode Island Avenue, N.E., as Greater Mount Calvary Way.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Greater Mount Calvary Way Designation Act of 2012".

Sec. 2. Pursuant to section 401 and 403a of the Street and Alley Closing Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Official Code §§ 9-204.01 and 9-204.03a), the Council symbolically designates the 600 block of Rhode Island Avenue, N.E., as "Greater Mount Calvary Way".

Note,
§ 9-201.01

Sec. 3. Transmittal.

The Secretary to the Council shall transmit a copy of this act, upon its effective date, to the District Department of Transportation.

Sec. 4. Fiscal impact statement.

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

Sec. 5. Effective date.

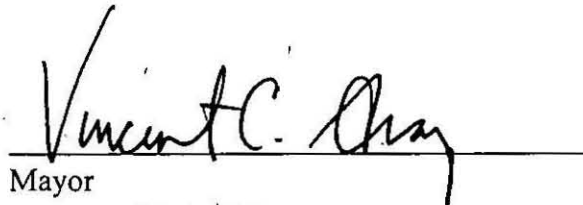
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act,

ENROLLED ORIGINAL

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
January 22, 2013

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

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

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

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COUNCIL OF THE DISTRICT OF COLUMBIA	PROPOSED LEGISLATION
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BILLS

B20-82 Clean Hands Amendment Act of 2013

Intro. 01-24-13 by Councilmember Evans and sequentially referred to the Committee on Finance and Revenue and the Committee on Business, Consumer and Regulatory Affairs

B20-85 Beulah Baptist Church Real Property Equitable Tax Relief Act of 2013

Intro. 01-25-13 by Councilmember Alexander and referred to the Committee on Finance and Revenue

B20-92 Capitol Hill Business Improvement District Amendment Act of 2013

Intro. 01-31-13 by Councilmember Wells and referred to the Committee on Economic Development

B20-93 Prohibition of Smoking Near Playground Act of 2013

Intro. 01-31-13 by Councilmember Evans and referred to the Committee on Transportation and the Environment with comments from the Committee on Health

PROPOSED RESOLUTIONS

- PR20-46 Eligibility Criteria Amendment for the D.C. HealthCare Alliance Program Approval Resolution of 2013
- Intro. 01-16-13 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Health
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- PR20-63 Commission on Fashion Arts and Events Katherine R. Limon Confirmation Resolution of 2013
- Intro. 01-25-13 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Business, Consumer and Regulatory Affairs
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- PR20-64 Commission on Fashion Arts and Events Mariessa R. Terrell Confirmation Resolution of 2013
- Intro. 01-25-13 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Business, Consumer, and Regulatory Affairs
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- PR20-65 Commission on Fashion Arts and Events Patricia Elam Confirmation Resolution of 2013
- Intro. 01-25-13 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Business, Consumer, and Regulatory Affairs
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- PR20-66 Commission on Fashion Arts and Events Alida R. Sanchez Confirmation Resolution of 2013
- Intro. 01-25-13 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Business, Consumer, and Regulatory Affairs
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- PR20-67 Commission on Fashion Arts and Events Brian L. Evans Confirmation Resolution of 2013
- Intro. 01-25-13 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Business, Consumer, and Regulatory Affairs
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- PR20-68 Commission on Fashion Arts and Events Janice D. Rankins Confirmation Resolution of 2013
- Intro. 01-25-13 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Business, Consumer, and Regulatory Affairs
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PROPOSED RESOLUTIONS con't

PR20-69 Commission on Fashion Arts and Events Michelle Shableski Confirmation Resolution of 2013

Intro. 01-25-13 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Business, Consumer, and Regulatory Affairs

PR20-70 Commission on Fashion Arts and Events Christine M. Brooks-Cropper Confirmation Resolution of 2013

Intro. 01-25-13 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Business, Consumer, and Regulatory Affairs

PR20-73 Real Property Tax Appeals Commission Alvin L. Jackson Confirmation Resolution of 2013

Intro. 01-30-13 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Finance and Revenue

**Council of the District of Columbia
Committee on Finance and Revenue
Notice of Public Hearing**

John A. Wilson Building, 1350 Pennsylvania Avenue, N.W. Washington, D.C. 20004

**COUNCILMEMBER JACK EVANS, CHAIR
COMMITTEE ON FINANCE AND REVENUE**

ANNOUNCES A PUBLIC HEARING ON:

Bill 20-22, the "Residential Real Property Tax Relief Act of 2013"

Bill 20-24, the "Major Real Property Assessments and Appeals Schedule Revision Act of 2013"

Bill 20-54, the "Jubilee Housing Residential Rental Project Property Tax Exemption and Equitable Real Property Tax Relief Act of 2013"

Bill 20-55, the "Gala Hispanic Theatre Real Property Tax Abatement Act of 2013"

Bill 20-67, the "Washington Latin Public Charter School Campus Property Tax Exemption Act of 2013"

Bill 20-80, the "Basilica of the National Shrine of the Immaculate Conception Real Property Tax Exemption and Equitable Real Property Tax Relief Act of 2013"

Monday, March 11, 2013

10:00 a.m.

Room 120 - John A. Wilson Building

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

Councilmember Jack Evans, Chairman of the Committee on Finance and Revenue, announces a public hearing to be held on Monday, March 11, 2013 at 10:00 a.m., in Room 120 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004.

Bill 20-22, the "Residential Real Property Tax Relief Act of 2013", would amend Title 47 of the District of Columbia Code to lower the cap on real property assessment increases from 10% to 5% per year, and would abolish the requirement that residential real property be assessed at a minimum of 40% of the value of the home regardless of the cap.

Bill 20-24, the "Major Real Property Assessments and Appeals Schedule Revision Act of 2013" would amend Title 47 of the District of Columbia Code to provide for extended assessment notice and first level appeal dates for large-valued real properties so that their final valuations may take into account the prior year's income and expense information and thus result in increased accuracy; would provide for a list defining which real properties are required to file income and expense information with the Office of Tax and Revenue; and would provide that large-valued real property owners shall file income and expense information electronically when directed by the Office of Tax and Revenue.

Bill 20-54, the "Jubilee Housing Residential Rental Project Property tax Exemption and Equitable Real Property Tax Relief Act of 2013" would amend Chapter 10 of Title 47 of the District of Columbia Official Code to exempt from taxation certain property owned by Jubilee

Housing, Inc. and its affiliates, which is to be developed as extremely low-income housing, and would also provide for equitable real property tax relief.

Bill 20-55, the "Gala Hispanic Theatre Real Property Tax Abatement Act of 2013" would amend Chapter 46 of Title 47 of the District of Columbia Official Code to abate a portion of the real property taxes assessed against Lot 79, Square 2837, so long as a portion of the property is leased to GALA Hispanic Theatre.

Bill 20-67, the "Washington Latin Public Charter School Campus Property Tax Exemption Act of 2013" would amend Chapter 10 of Title 47 of the District of Columbia Official Code to exempt from taxation certain property owned or ground leased by Washington Latin Public Charter School or Latin Rudolph QALICAB, LLC, nonprofit corporations.

Bill 20-80, the "Basilica of the National Shrine of the Immaculate Conception Real Property Tax Exemption and Equitable Real Property Tax Relief Act of 2013" would amend Chapter 10 of Title 47 of the District of Columbia Official Code to exempt from taxation certain property of the Basilica of the National Shrine of the Immaculate Conception, a non-profit organization, and would provide equitable real property tax relief to the organization.

The Committee invites the public to testify at the hearing. Those who wish to testify should contact Sarina Loy, Committee Aide at (202) 724-8058 or sloy@dccouncil.us, and provide your name, organizational affiliation (if any), and title with the organization by 10:00 a.m. on Friday, March 8, 2013. Witnesses should bring 15 copies of their written testimony to the hearing. The Committee allows individuals 3 minutes to provide oral testimony in order to permit each witness an opportunity to be heard. Additional written statements are encouraged and will be made part of the official record. Written statements may be submitted by e-mail to sloy@dccouncil.us or mailed to: Council of the District of Columbia, 1350 Pennsylvania Ave., N.W., Suite 114, Washington D.C. 20004.

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

(02-6-13)

SUMMARY

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

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

The Committee mark-ups will begin Monday, May 6, 2013 and conclude on Thursday, May 9, 2013 and will take place in the Council Chamber (Room 500) of the John A. Wilson Building; 1350 Pennsylvania Avenue, N.W.; Washington, DC 20004.

Persons wishing to testify are encouraged, but not required, to submit written testimony in advance of each hearing to Nyasha Smith, Secretary to the Council of the District of Columbia; Suite 5; John A. Wilson Building; 1350 Pennsylvania Avenue, N.W.; Washington, DC 20004. If a written statement cannot be provided prior to the day of the hearing, please have at least 20 copies of your written statement available on the day of the hearing for immediate distribution to the Council. The hearing record will close two business days following the conclusion of each respective hearing. Persons submitting written statements for the record should observe this deadline. For more information about the Council's budget oversight hearing and mark-up schedule please contact the Council's Office of the Budget Director at (202) 724-8139.

PUBLIC HEARING SCHEDULE

COMMITTEE OF THE WHOLE

CHAIRMAN Phil Mendelson

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

COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY

Chairperson Tommy Wells

WEDNESDAY, APRIL 10, 2013; COUNCIL CHAMBER (ROOM 500)	
Time	Agency
10:00 a.m. - End	Judicial Nomination Commission
	Commission on Judicial Disabilities and Tenure
	Sentencing and Criminal Code Revision Commission
	Corrections Information Council
	The Homeland Security and Management Agency
	Office on Ex-Offender Affairs
	Department of Corrections
	Office of Administrative Hearings
Homeland Security and Management Agency	

Persons wishing to testify about the performance of any of the foregoing agencies may contact Tawanna Shuford, Committee on the Judiciary and Public Safety at 724-7808 or e-mail: tshuford@dccouncil.us.

COMMITTEE ON HUMAN SERVICES

Chairperson Jim Graham

WEDNESDAY, APRIL 10, 2013; ROOM 412	
Time	Agency
2:00 p.m. - End	Alcoholic Beverage Regulation Administration

Persons wishing to testify about the performance of any of the foregoing agencies may contact Malcolm Cameron, Committee on Human Services at 724-8191 or e-mail: mcameron@dccouncil.us.

COMMITTEE ON EDUCATION

Chairperson David Catania

WEDNESDAY, APRIL 10, 2013; ROOM 123	
Time	Agency
10:00 a.m. - End	District of Columbia Public Library
	Deputy Mayor for Education

Persons wishing to testify about the performance of any of the foregoing agencies may contact Brendan Williams-Kief, Committee on Education at 724-8061 or email: bwilliamskief@dccouncil.us.

COMMITTEE ON HEALTH

Chairperson Yvette Alexander

WEDNESDAY, APRIL 10, 2013; ROOM 120	
TIME	AGENCY
10:00 a.m. - End	Department of Health

Persons wishing to testify about the performance of any of the foregoing agencies may contact Rayna Smith, Committee on Health at 741-2111 or e-mail: rsmith@dccouncil.us.

COMMITTEE OF THE WHOLE

Chairman Phil Mendelson

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

Persons wishing to testify about the performance of any of the foregoing agencies may contact Renee Johnson, Committee of the Whole at 724-8092 or e-mail: rjohnson@dccouncil.us.

COMMITTEE ON HEALTH

Chairperson Yvette Alexander

THURSDAY, APRIL 11, 2013; ROOM 412	
Time	Agency
10:00 a.m. - End	Department of Health Care Finance

Persons wishing to testify about the performance of any of the foregoing agencies may contact Rayna Smith, Committee on Health at 741-2111 or e-mail: rsmith@dccouncil.us.

COMMITTEE ON GOVERNMENT OPERATIONS

Chairperson Kenyan McDuffie

THURSDAY, APRIL 11, 2013; ROOM 123	
Time	Agency
10:00 a.m. - End	Department of Human Resources
	District of Columbia Board of Elections
	Disability Compensation Fund
	Office of Employee Appeals
	Office of Risk Management
	Public Employees Relations Board

Persons wishing to testify about the performance of any of the foregoing agencies may contact Ronan Gulstone, Committee on Government Operations at 724-4902 or email: rgulstone@dccouncil.us.

COMMITTEE ON TRANSPORTATION & THE ENVIRONMENT

Chairperson Mary Cheh

FRIDAY, APRIL 12, 2013; COUNCIL CHAMBER (ROOM 500)	
Time	Agency
11:00 a.m. - End	Department of Motor Vehicles
	Department of Public Works

Persons wishing to testify about the performance of any of the foregoing agencies may contact Ms. Aukima Benjamin, Committee on Transportation and the Environment at 724-8062 or e-mail: abenjamin@dccouncil.us.

COMMITTEE OF THE WHOLE

Chairman Phil Mendelson

FRIDAY, APRIL 12, 2013; ROOM 412	
Time	Agency
12:00 p.m. - End	Office of Zoning
	Office of Planning

Persons wishing to testify about the performance of any of the foregoing agencies may contact Jessica Jacobs, Committee of the Whole at 724-8038 or e-mail: jjacobs@dccouncil.us.

COMMITTEE ON HUMAN SERVICES

Chairperson Jim Graham

MONDAY, APRIL 15, 2013; COUNCIL CHAMBER (ROOM 500)	
Time	Agency
10:00 a.m. - 3:00 p.m.	Children and Youth Investment Trust Corporation
3:00 p.m. - End	Department of Youth Rehabilitation Services

Persons wishing to testify about the performance of any of the foregoing agencies may contact Malcolm Cameron, Committee on Human Services at 724-8191 or e-mail: mcameron@dccouncil.us.

COMMITTEE ON EDUCATION

Chairperson David Catania

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

Persons wishing to testify about the performance of any of the foregoing agencies may contact Brendan Williams-Kief, Committee on Education at 724-8061 or email: bwilliamskief@dccouncil.us.

COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY

Chairperson Tommy Wells

WEDNESDAY, APRIL 17, 2013; ROOM 412	
Time	Agency
10:00 a.m. - End	Fire & Emergency Medical Services Department
	Office of Unified Communications
	National Guard
	Office of Victim Services
	Justice Grants Administration
	Criminal Justice Coordinating Council
	Deputy Mayor for Public Safety & Justice

Persons wishing to testify about the performance of any of the foregoing agencies may contact Tawanna Shuford, Committee on the Judiciary and Public Safety at 724-7808 or e-mail: tshuford@dccouncil.us.

COMMITTEE ON HEALTH

Chairperson Yvette Alexander

THURSDAY, APRIL 18, 2013; COUNCIL CHAMBER (ROOM 500)	
Time	Agency
10:00 a.m. - End	Department of Mental Health
	Office of the Deputy Mayor for Health and Human Services

Persons wishing to testify about the performance of any of the foregoing agencies may contact Rayna Smith, Committee on Health at 741-2111 or e-mail: rsmith@dccouncil.us.

COMMITTEE OF THE WHOLE

Chairman Phil Mendelson

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

Persons wishing to testify about the performance of any of the foregoing agencies may contact Jessica Jacobs, Committee of the Whole at 724-8038 or e-mail: jjacobs@dccouncil.us.

COMMITTEE OF THE WHOLE

Chairman Phil Mendelson

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

Persons wishing to testify about the performance of any of the foregoing agencies may contact Jessica Jacobs, Committee of the Whole at 724-8038 or e-mail: jjacobs@dccouncil.us.

COMMITTEE ON HUMAN SERVICES

Chairperson Jim Graham

FRIDAY, APRIL 19, 2013; ROOM 412	
Time	Agency
11:00 a.m. - End	Department of Human Services

Persons wishing to testify about the performance of any of the foregoing agencies may contact Malcolm Cameron, Committee on Human Services, at 724-8191 or e-mail: mcameron@dccouncil.us.

COMMITTEE ON HEALTH

Chairperson Yvette Alexander

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

Persons wishing to testify about the performance of any of the foregoing agencies may contact Rayna Smith, Committee on Health at 741-2111 or e-mail: rsmith@dccouncil.us.

COMMITTEE ON WORKFORCE & COMMUNITY

Chairperson Marion Barry

FRIDAY, APRIL 19, 2013; ROOM 120	
Time	Agency
10:00 a.m. - End	Office of Latino Affairs and the Commission on Latino Community Development
	Office of Asian and Pacific Islander Affairs
	Office of Veteran Affairs
	Office of Human Rights
	Commission on Human Rights
	Office of Community Affairs
	Office of African Affairs
	Commission for Women's Policy & Initiative
	Office of Gay, Lesbian, Bisexual & Transgender (GLBT) Affairs
	Office of Religious Affairs/Interfaith Council
DC Youth Advisory Council	
DC Mayors One Neighborhood Engagement	

Persons wishing to testify about the performance of any of the foregoing agencies may contact Garret King, Committee on Workforce and Community Affairs at 741-0948 or email: gking@dccouncil.us.

COMMITTEE ON ECONOMIC DEVELOPMENT

Chairperson Muriel Bowser

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

Persons wishing to testify about the performance of any of the foregoing agencies may contact Rob Hawkins, Committee on Economic Development at 724-8198 or email: rhawkins@dccouncil.us.

COMMITTEE ON GOVERNMENT OPERATIONS

Chairperson Kenyan McDuffie

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

Persons wishing to testify about the performance of any of the foregoing agencies may contact Ronan Gulstone, Committee on Government Operations at 724-4902 or email: rgulstone@dccouncil.us.

COMMITTEE ON EDUCATION

Chairperson David Catania

MONDAY, APRIL 22, 2013; ROOM 123	
Time	Agency
10:00 a.m. - End	Office of the State Superintendent of Education
	State Board of Education
	Bullying Prevention Task Force
	Healthy Youth and Schools Commission

Persons wishing to testify about the performance of any of the foregoing agencies may contact Brendan Williams-Kief, Committee on Education at 724-8061 or e-mail: bwilliamskief@dccouncil.us.

COMMITTEE ON TRANSPORTATION & THE ENVIRONMENT

Chairperson Mary Cheh

MONDAY, APRIL 22, 2013; ROOM 120	
Time	Agency
11:00 a.m. - End	District Department of the Environment
	District of Columbia Taxicab Commission

Persons wishing to testify about the performance of any of the foregoing agencies may contact Ms. Aukima Benjamin, Committee on Transportation and the Environment at 724-8062 or e-mail: abenjamin@dccouncil.us.

COMMITTEE ON FINANCE & REVENUE

Chairperson Jack Evans

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

Persons wishing to testify about the performance of any of the foregoing agencies may contact Sarina Loy, Committee on Finance and Revenue at 724-8058 or e-mail: sloy@dccouncil.us.

COMMITTEE ON ECONOMIC DEVELOPMENT

Chairperson Muriel Bowser

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

Persons wishing to testify about the performance of any of the foregoing agencies may contact Rob Hawkins, Committee on Economic Development at 724-8198 or email: rhawkins@dccouncil.us.

COMMITTEE ON HUMAN SERVICES

Chairperson Jim Graham

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

Persons wishing to testify about the performance of any of the foregoing agencies may contact Malcolm Cameron, Committee on Human Services, at 724-8191 or e-mail: mcameron@dccouncil.us.

COMMITTEE ON BUSINESS, CONSUMER & REGULATORY AFFAIRS

Chairperson Vincent Orange

THURSDAY, APRIL 25, 2013; COUNCIL CHAMBER (ROOM 500)	
Time	Agency
10:00 a.m. - End	Department of Small and Local Business Development
	Department of Consumer and Regulatory Affairs
	Department of Insurance, Securities and Banking
	Office of Motion Picture and Television Development
	Office of Tenant Advocate

Persons wishing to testify about the performance of any of the foregoing agencies may contact Gene Fisher, Committee on Business, Consumer and Regulatory Affairs at 727-6683 or email: gfisher@dccouncil.us.

COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY

Chairperson Tommy Wells

THURSDAY, APRIL 25, 2013; ROOM 412	
Time	Agency
10:00 a.m. - End	Metropolitan Police Department
	Office of Police Complaints
	Office of the Chief Medical Examiner
	Department of Forensic Sciences
	Office of the Attorney General
	Access to Justice Initiative

Persons wishing to testify about the performance of any of the foregoing agencies may contact Tawanna Shuford, Committee on the Judiciary and Public Safety at 724-7808 or e-mail: tshuford@dccouncil.us.

COMMITTEE ON GOVERNMENT OPERATIONS

Chairperson Kenyan McDuffie

THURSDAY, APRIL 25, 2012; ROOM 123	
Time	Agency
10:00 a.m. - End	Department of General Services
	Office of Partnerships and Grants Services
	Office of People's Counsel
	Public Service Commission

Persons wishing to testify about the performance of any of the foregoing agencies may contact Ronan Gulstone, Committee on Government Operations at 724-4902 or email: rgulstone@dccouncil.us.

COMMITTEE ON TRANSPORTATION & THE ENVIRONMENT

Chairperson Mary Cheh

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

Persons wishing to testify about the performance of any of the foregoing agencies may contact Ms. Aukima Benjamin, Committee on Transportation and the Environment at 724-8062 or e-mail: abenjamin@dccouncil.us.

COMMITTEE ON BUSINESS, CONSUMER & REGULATORY AFFAIRS

Chairperson Vincent Orange

FRIDAY, APRIL 26, 2013; ROOM 412	
Time	Agency
10:00 a.m. - End	Boxing and Wrestling Commission
	Commission on Fashion Arts and Events
	Real Estate Commission
	Emancipation Commemoration Commission
	Public Access Corporation
	Financial Literacy Council
	Securities Advisory Committee
	Board of Consumer Claims Arbitration for the District of Columbia
	Construction Codes Coordinating Council

Persons wishing to testify about the performance of any of the foregoing agencies may contact Gene Fisher, Committee on Business, Consumer and Regulatory Affairs at 727-6683 or email: gfisher@dccouncil.us.

COMMITTEE ON EDUCATION

Chairperson David Catania

FRIDAY, APRIL 26, 2013; ROOM 123	
Time	Agency
10:00 a.m. - End	District of Columbia Public Charter School Board

Persons wishing to testify about the performance of any of the foregoing agencies may contact Brendan Williams-Kief, Committee on Education at 724-8061 or email: bwilliamskief@dccouncil.us.

COMMITTEE ON HUMAN SERVICES

Chairperson Jim Graham

MONDAY, APRIL 29, 2013; COUNCIL CHAMBER (ROOM 500)	
Time	Agency
11:00 a.m. - End	Office of Disability Rights
	Department on Disability Services

Persons wishing to testify about the performance of any of the foregoing agencies may contact Malcolm Cameron, Committee on Human Services, at 724-8191 or e-mail: mcameron@dccouncil.us.

COMMITTEE ON WORKFORCE & COMMUNITY AFFAIRS

Chairperson Marion Barry

MONDAY, APRIL 29, 2013; ROOM 412	
Time	Agency
10:00 a.m. - End	Office on Aging
	Commission on Aging
	Department of Parks and Recreation

Persons wishing to testify about the performance of any of the foregoing agencies may contact Garret King, Committee on Workforce and Community Affairs at 741-0948 or email: gking@dccouncil.us.

COMMITTEE ON BUSINESS, CONSUMER & REGULATORY AFFAIRS

Chairperson Vincent Orange

MONDAY, APRIL 29, 2013; ROOM 123	
Time	Agency
10:00 a.m. - End	Board of Accountancy
	Board of Architecture and Interior Designers
	Board of Barber and Condemnation and Insanitary Buildings
	Board of Funeral Directors
	Board of Industrial Trades
	Board of Professional Engineering
	Board of Real Estate Appraisers

Persons wishing to testify about the performance of any of the foregoing agencies may contact Gene Fisher, Committee on Business, Consumer and Regulatory Affairs at 727-6683 or email: gfisher@dccouncil.us.

COMMITTEE ON EDUCATION

Chairperson David Catania

TUESDAY, April 30, 2013; COUNCIL CHAMBER (ROOM 500)	
Time	Agency
10:00 a.m. - End	District of Columbia Public Schools (Government Witnesses Only)

Persons wishing to testify about the performance of any of the foregoing agencies may contact Brendan Williams-Kief, Committee on Education at 724-8061 or email: bwilliamskief@dccouncil.us.

COMMITTEE ON FINANCE & REVENUE

Chairperson Jack Evans

TUESDAY, APRIL 30, 2013; ROOM 412	
Time	Agency
10:00 a.m. - End	Office of the Chief Financial Officer
	Office of Finance and Treasury
	Office of Financial Management & Operations
	Office of Tax and Revenue
	District of Columbia Lottery and Charitable Games Control Board
	Real Property Tax Appeals Commission for the District of Columbia

Persons wishing to testify about the performance of any of the foregoing agencies may contact Sarina Loy, Committee on Finance and Revenue at 724-8058 or e-mail: sloy@dccouncil.us.

COMMITTEE ON WORKFORCE & COMMUNITY AFFAIRS

Chairperson Marion Barry

WEDNESDAY, MAY 1, 2013; COUNCIL CHAMBER (ROOM 500)	
Time	Agency
10:00 a.m. - End	Workforce Investment Council
	Department of Employment Services

Persons wishing to testify about the performance of any of the foregoing agencies may contact Garret King, Committee on Workforce and Community Affairs at 741-0948 or email: gking@dccouncil.us.

COMMITTEE ON GOVERNMENT OPERATIONS

Chairperson Kenyan McDuffie

THURSDAY, MAY 2, 2013; COUNCIL CHAMBER (ROOM 500)	
Time	Agency
10:00 a.m. - End	Executive Office of the Mayor
	Office of Policy and Legislative Affairs
	Serve DC
	Office of Community Affairs
	Office of the City Administrator
	Office of the Chief Technology Officer
	Secretary of the District of Columbia
	Notaries Public Board of Review

Persons wishing to testify about the performance of any of the foregoing agencies may contact Ronan Gulstone, Committee on Government Operations at 724-4902 or email: rgulstone@dccouncil.us.

COMMITTEE OF THE WHOLE

Chairman Phil Mendelson

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

COMMITTEE MARK-UP SCHEDULE

MONDAY, MAY 6, 2013; COUNCIL CHAMBER (ROOM 500)	
Time	Committee
10:00 a.m. - 12:00 p.m.	Economic Development
12:00 p.m. - 2:00 p.m.	Health
2:00 p.m. - 4:00 p.m.	Human Services

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

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

Addendum of Changes to Schedule:

New Date Original Date Hearing

Council of the District of Columbia
Committee on Human Services

NOTICE OF PUBLIC OVERSIGHT HEARING

1350 Pennsylvania Avenue, N.W., Room 117, Washington, D.C. 20004

**THE COMMITTEE ON HUMAN SERVICES
JIM GRAHAM, CHAIR**

ANNOUNCES A PUBLIC OVERSIGHT HEARING ON

**THE SERVICES AND FACILITY MANAGEMENT OF D.C. GENERAL
SHELTER FOR HOMELESS FAMILIES**

THURSDAY, FEBRUARY 28, 2013 – 6:00 P.M.

**D.C. GENERAL SHELTER
1900 MASSACHUSETTS AVENUE, SE
WASHINGTON, DC 20003**

Councilmember Jim Graham, Chair of the Committee on Human Services, announces a public oversight hearing on "The Services and Facility Management of the D.C. General Shelter for Homeless Families." The hearing will be held on Thursday, February 28, 2013, at 6:00 p.m., in the Activity Room of the Main Building at D.C. General Shelter.

The purpose of the hearing is to examine the quality of services being provided to homeless families at the D.C. General Shelter and management of the facility. The Committee will explore all aspects of the day-to-day operations of the D.C. General Shelter including shelter capacity, security services, recreational programs for children and youth, food services, and case management services. The Committee will be receiving testimony from the Department of Human Services, D.C. General Shelter service providers, and D.C. General Shelter residents.

Those who wish to testify should contact Mr. Malcolm Cameron of the Committee on Human Services by email at mcameron@dccouncil.us or by telephone at (202) 724-8191. Email contacts to Mr. Cameron should include the residential ward, full name, title, and affiliation -- if applicable -- of the person(s) testifying. Witnesses are asked to bring 15 copies of their written testimony to the hearing, if possible. Individuals will be permitted 3 minutes for oral presentation -- individuals representing organizations or groups will be permitted 5 minutes.

If you are unable to testify at the hearing, written statements are encouraged and will be made a part of the official record. Copies of written statements should be emailed to Mr. Malcolm Cameron at mcameron@dccouncil.us or submitted to the Committee on Human Services at 1350 Pennsylvania Avenue, N.W., Suite 116, Washington, D.C. 20004, by no later than 6:00 p.m., Thursday, March 7, 2013, when the official record will close.

COUNCIL OF THE DISTRICT OF COLUMBIA
NOTICE OF PUBLIC HEARINGS
AGENCY PERFORMANCE OVERSIGHT HEARINGS
FISCAL YEAR 2012-2013

(2-6-13)

SUMMARY

January 29, 2013	Fiscal Year 2012 Comprehensive Annual Financial Report (CAFR) Released.
February 6, 2013	Committee of the Whole Public Briefing on the Fiscal Year 2012 Comprehensive Annual Financial Report (CAFR) 9:30 a.m. in Room 500
February 11, 2013 to March 15, 2013	Agency Performance Oversight Hearings on Fiscal Year 2012-2013

The Council of the District of Columbia hereby gives notice of its intention to hold public oversight hearings on agency performances for FY 2012 and FY 2013. The hearings will begin Monday, February 11, 2013 and conclude on Friday, March 15, 2013 and will take place in the Council Chamber (Room 500), Room 412, Room 120, and Room 123 of the John A. Wilson Building; 1350 Pennsylvania Avenue, N.W.; Washington, DC 20004.

Persons wishing to testify are encouraged, but not required, to submit written testimony in advance of each hearing to Nyasha Smith, Secretary to the Council of the District of Columbia; Suite 5; John A. Wilson Building; 1350 Pennsylvania Avenue, N.W.; Washington, DC 20004. If a written statement cannot be provided prior to the day of the hearing, please have at least 20 copies of your written statement available on the day of the hearing for immediate distribution to the Council. The hearing record will close two business days following the conclusion of each respective hearing. Persons submitting written statements for the record should observe this deadline. For more information about the Council's budget performance oversight hearing schedule please contact the Council's Office of the Budget Director at (202) 724-8139.

COMMITTEE OF THE WHOLE

Chairman Phil Mendelson

WEDNESDAY, FEBRUARY 6, 2013; COUNCIL CHAMBER (ROOM 500)	
Time	Subject
9:30 a.m. - End	Committee of the Whole Public Briefing on the Fiscal Year 2013 Comprehensive Annual Financial Report (CAFR)

COMMITTEE ON BUSINESS, CONSUMER & REGULATORY AFFAIRS

Chairperson Vincent Orange

MONDAY, FEBRUARY 11, 2013; COUNCIL CHAMBER (ROOM 500)	
Time	Agency
10:00 a.m. - End	Department of Small and Local Business Development
	Department of Consumer and Regulatory Affairs
	Department of Insurance, Securities and Banking
	Office of Motion Picture and Television Development
	Office of Tenant Advocate

Persons wishing to testify about the performance of any of the foregoing agencies may contact Gene Fisher, Committee on Business, Consumer and Regulatory Affairs at 727-6683 or email: gfisher@dccouncil.us.

COMMITTEE ON GOVERNMENT OPERATIONS

Chairperson Kenyan McDuffie

TUESDAY, FEBRUARY 12, 2013; COUNCIL CHAMBER (ROOM 500)	
Time	Agency
10:00 a.m. - End	Department of Human Resources
	Disability Compensation Fund
	Office of Employee Appeals
	Office of Risk Management
	Public Employees Relations Board

Persons wishing to testify about the performance of any of the foregoing agencies may contact Ronan Gulstone, Committee on Government Operations at 724-4902 or email: rgulstone@dccouncil.us.

COMMITTEE ON EDUCATION

Chairperson David Catania

WEDNESDAY, FEBRUARY 13, 2013; COUNCIL CHAMBER (ROOM 500)	
Time	Agency
10:00 a.m. - End	Deputy Mayor for Education

Persons wishing to testify about the performance of any of the foregoing agencies may contact Brendan Williams-Kief, Committee on Education at 724-8061 or email: bwilliamskief@dccouncil.us.

COMMITTEE ON WORKFORCE & COMMUNITY AFFAIRS

Chairperson Marion Barry

THURSDAY, FEBRUARY 14, 2013; ROOM 412	
Time	Agency
10:00 a.m. - End	Office of Latino Affairs and Commission on Latino Community Development
	Office of Asian and Pacific Islander Affairs
	Office of Veteran Affairs
	Office of Human Rights
	Commission on Human Rights
	Office of Community Affairs
	Office of African Affairs
	Commission for Women's Policy and Initiative
	Office of Gay, Lesbian, Bisexual & Transgender (GLBT) Affairs
	Office of Religious Affairs/Interfaith Council
	DC Youth Advisory Council
DC Mayors One Neighborhood Engagement	

Persons wishing to testify about the performance of any of the foregoing agencies may contact Garret King, Committee on Workforce and Community Affairs at 741-0948 or email: gking@dccouncil.us.

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

THURSDAY, FEBRUARY 14, 2013; COUNCIL CHAMBER (ROOM 500)	
Time	Agency
10:00 a.m. - End	Judicial Nomination Commission
	Commission on Judicial Disabilities & Tenure
	Sentencing & Criminal Code Revision Commission
	Corrections Information Council
	Office on Ex-Offender Affairs
	Department of Corrections
	Office of Administrative Hearings
Homeland Security & Emergency Management Agency	

Persons wishing to testify about the performance of any of the foregoing agencies may contact Tawanna Shuford, Committee on the Judiciary and Public Safety at 724-7808 or e-mail: tshuford@dccouncil.us.

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

WEDNESDAY, FEBRUARY 20, 2013; COUNCIL CHAMBER ROOM 500	
Time	Agency
10:00 a.m. - End	Fire & Emergency Medical Services Department
	Office of Unified Communications
	National Guard
	Office of Victim Services
	Justice Grants Administration
	Criminal Justice Coordinating Council
	Deputy Mayor for Public Safety & Justice

Persons wishing to testify about the performance of any of the foregoing agencies may contact Tawanna Shuford, Committee on the Judiciary & Public Safety at 724-7808 or e-mail: tshuford@dccouncil.us.

COMMITTEE ON HUMAN SERVICES **Chairperson Jim Graham**

THURSDAY, FEBRUARY 21, 2013; ROOM 120	
Time	Agency
10:00 a.m. - End	Alcoholic Beverage Regulation Administration

Persons wishing to testify about the performance of any of the foregoing agencies may contact Malcolm Cameron, Committee on Human Services at 724-8191 or e-mail: mcameron@dccouncil.us.

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

THURSDAY, FEBRUARY 21, 2013; COUNCIL CHAMBER (ROOM 500)	
Time	Agency
10:00 a.m. - End	Office on Aging
	Commission on Aging
	Department of Parks and Recreation

Persons wishing to testify about the performance of any of the foregoing agencies may contact Garret King, Committee on Workforce and Community Affairs at 741-0948 or email: gking@dccouncil.us.

COMMITTEE ON GOVERNMENT OPERATIONS **Chairperson Kenyan McDuffie**

WEDNESDAY, FEBRUARY 21, 2013; ROOM 412	
Time	Agency
10:00 a.m. - End	Advisory Neighborhood Commissions
	Board of Ethics and Government Accountability
	District of Columbia Board of Elections
	Office of Campaign Finance
	Office of Inspector General

Persons wishing to testify about the performance of any of the foregoing agencies may contact Ronan Gulstone, Committee on Government Operations at 724-4902 or email: rgulstone@dccouncil.us.

COMMITTEE ON ECONOMIC DEVELOPMENT

Chairperson Muriel Bowser

FRIDAY, FEBRUARY 22, 2013; COUNCIL CHAMBER (ROOM 500)	
Time	Agency
10:00 a.m. - End	Department of Housing and Community Development
	Housing & Finance Agency
	Office of Cable Television

Persons wishing to testify about the performance of any of the foregoing agencies may contact Rob Hawkins, Committee on Economic Development at 724-8198 or email: rhawkins@dccouncil.us.

COMMITTEE ON EDUCATION

Chairperson David Catania

FRIDAY, FEBRUARY 22, 2013; ROOM 412	
Time	Agency
10:00 a.m. - End	District of Columbia Public Schools (Public Witness Only)

Persons wishing to testify about the performance of any of the foregoing agencies may contact Brendan Williams-Kief, Committee on Education at 724-8061 or email: bwilliamskief@dccouncil.us.

COMMITTEE ON TRANSPORTATION & THE ENVIRONMENT

Chairperson Mary Cheh

FRIDAY, FEBRUARY 22, 2013; ROOM 123	
Time	Agency
11:00 a.m. - End	Water And Sewer Authority
	Washington Aqueduct

Persons wishing to testify about the performance of any of the foregoing agencies may contact Ms. Aukima Benjamin, Committee on Transportation & the Environment at 724-8062 or e-mail: abenjamin@dccouncil.us.

COMMITTEE ON TRANSPORTATION & THE ENVIRONMENT

Chairperson Mary Cheh

MONDAY, FEBRUARY 25, 2013; COUNCIL CHAMBER (ROOM 500)	
Time	Agency
11:00 a.m. - End	District Department of the Environment
	District of Columbia Taxicab Commission

Persons wishing to testify about the performance of any of the foregoing agencies may contact Ms. Aukima Benjamin, Committee on Transportation & the Environment at 724-8062 or e-mail: abenjamin@dccouncil.us.

COMMITTEE ON BUSINESS, CONSUMER & REGULATORY AFFAIRS

Chairperson Vincent Orange

MONDAY, FEBRUARY 25, 2013; ROOM 412	
Time	Agency
10:00 a.m. - End	Boxing and Wrestling Commission
	Commission on Fashion Arts and Events
	Real Estate Commission
	Emancipation Commemoration Commission
	Public Access Corporation
	Financial Literacy Council
	Securities Advisory Committee
	Board of Consumer Claims Arbitration for the District of Columbia
	Construction Codes Coordinating Council

Persons wishing to testify about the performance of any of the foregoing agencies may contact Gene Fisher, Committee on Business, Consumer & Regulatory Affairs at 727-6683 or e-mail: gfisher@dccouncil.us.

COMMITTEE ON HUMAN SERVICES

Chairperson Jim Graham

TUESDAY, FEBRUARY 26, 2013; COUNCIL CHAMBER (ROOM 500)	
Time	Agency
11:00 a.m.	Child and Family Services Agency

Persons wishing to testify about the performance of any of the foregoing agencies may contact Malcolm Cameron, Committee on Human Services, at 724-8191 or e-mail: mcameron@dccouncil.us.

COMMITTEE ON BUSINESS, CONSUMER & REGULATORY AFFAIRS

Chairperson Vincent Orange

TUESDAY, FEBRUARY 26, 2013; ROOM 412	
Time	Agency
10:00 a.m. - End	Board of Accountancy
	Board of Architecture and Interior Designers
	Board of Barber and Cosmetology
	Board of Condemnation and Insanitary Buildings
	Board of Funeral Directors
	Board of Industrial Trades
	Board of Professional Engineering
	Board of Real Estate Appraisers

Persons wishing to testify about the performance of any of the foregoing agencies may contact Gene Fisher, Committee on Business, Consumer & Regulatory Affairs at 727-6683 or email: gfisher@dccouncil.us.

COMMITTEE ON EDUCATION

Chairperson David Catania

WEDNESDAY, FEBRUARY 27, 2013; COUNCIL CHAMBER (ROOM 500)	
Time	Agency
10:00 a.m. - End	District of Columbia Public Library

Persons wishing to testify about the performance of any of the foregoing agencies may contact Brendan Williams-Kief, Committee on Education at 724-8061 or email: bwilliamskief@dccouncil.us.

COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY

Chairperson Tommy Wells

WEDNESDAY, FEBRUARY 27, 2013; ROOM 412	
Time	Agency
10:00 a.m. - End	Metropolitan Police Department
	Office of Police Complaints
	Office of the Chief Medical Examiner
	Department of Forensic Sciences
	Office of the Attorney General

Persons wishing to testify about the performance of any of the foregoing agencies may contact Tawanna Shuford, Committee on the Judiciary and Public Safety at 724-8191 or e-mail: tshuford@dccouncil.us.

COMMITTEE ON FINANCE AND REVENUE

Chairperson Jack Evans

THURSDAY, FEBRUARY 28, 2013; COUNCIL CHAMBER (ROOM 500)	
Time	Agency
9:00 a.m. - End	Washington Convention and Sports Authority/Events DC
	Destination DC
	Commission on Arts & Humanities

Persons wishing to testify about the performance of any of the foregoing agencies may contact Sarina Loy, Committee on Finance and Revenue at 724-8058 or e-mail: sloy@dccouncil.us.

COMMITTEE ON GOVERNMENT OPERATIONS

Chairperson Kenyan McDuffie

THURSDAY, FEBRUARY 28, 2013; ROOM 412	
Time	Agency
10:00 a.m. - End	Department of General Services
	Office of Partnerships and Grants Services
	Office of People's Counsel
	Public Service Commission

Persons wishing to testify about the performance of any of the foregoing agencies may contact Ronan Gulstone, Committee on Government Operations at 724-4902 or email: rgulstone@dccouncil.us.

COMMITTEE ON ECONOMIC DEVELOPMENT

Chairperson Muriel Bowser

FRIDAY, MARCH 1, 2013; COUNCIL CHAMBER (ROOM 500)	
Time	Agency
10:00 a.m. - End	Office of the Deputy Mayor for Planning and Economic Dev.
	Washington Area Metropolitan Transit Authority
	District of Columbia Housing Authority

Persons wishing to testify about the performance of any of the foregoing agencies may contact Rob Hawkins, Committee on Economic Development at 724-8198 or e-mail: rhawkins@dccouncil.us.

COMMITTEE ON EDUCATION

Chairperson David Catania

FRIDAY, MARCH 1, 2013; ROOM 412	
Time	Agency
11:00 a.m. - End	District of Columbia Public Schools (Government Witnesses)

Persons wishing to testify about the performance of any of the foregoing agencies may contact Brendan Williams-Kief, Committee on Education at 724-8061 or email: bwilliamskief@dccouncil.us.

COMMITTEE ON WORKFORCE & COMMUNITY AFFAIRS

Chairperson Marion Barry

MONDAY, MARCH 4, 2013; COUNCIL CHAMBER (ROOM 500)	
Time	Agency
10:00 a.m. - End	Workforce Investment Council
	Department of Employment Services

Persons wishing to testify about the performance of any of the foregoing agencies may contact Garret King, Committee on Workforce and Community Affairs at 741-0948 or email: gking@dccouncil.us.

COMMITTEE ON HUMAN SERVICES

Chairperson Jim Graham

MONDAY, MARCH 4, 2013; ROOM 412	
Time	Agency
10:00 a.m. - 3:00 p.m.	Children and Youth Investment Trust Corporation
3:00 p.m. - End	Department of Youth Rehabilitation Services

Persons wishing to testify about the performance of any of the foregoing agencies may contact Malcolm Cameron, Committee on Human Services, at 724-8191 or e-mail: mcameron@dccouncil.us.

COMMITTEE ON TRANSPORTATION & THE ENVIRONMENT

Chairperson Mary Cheh

MONDAY, MARCH 4, 2013; ROOM 120	
Time	Agency
11:00 a.m. - End	Pedestrian Advisory Council
	Bicycle Advisory Council
	District Department of Transportation

Persons wishing to testify about the performance of any of the foregoing agencies may contact Ms. Aukima Benjamin, Committee on Transportation and the Environment at 724-8062 or e-mail: abenjamin@dccouncil.us.

COMMITTEE ON HEALTH

Chairperson Yvette Alexander

WEDNESDAY, MARCH 6, 2013; COUNCIL CHAMBER (ROOM 500)	
Time	Agency
10:00 a.m. - End	Department of Health

Persons wishing to testify about the performance of any of the foregoing agencies may contact Rayna Smith, Committee on Health at 741-2111 or e-mail: rsmith@dccouncil.us.

COMMITTEE OF THE WHOLE

Chairman Phil Mendelson

WEDNESDAY, MARCH 6, 2013; ROOM 412	
Time	Agency
10:00 a.m. - End	Office of Zoning
	Office of Planning

Persons wishing to testify about the performance of any of the foregoing agencies may contact Jessica Jacobs, Committee of the Whole at 724-8038 or e-mail: jjacobs@dccouncil.us.

COMMITTEE ON EDUCATION

Chairman David Catania

WEDNESDAY, MARCH 6, 2013; Room 123	
Time	Agency
10:00 a.m. - End	Office of the State Superintendent of Education
	State Board of Education
	Bullying Prevention Task Force
	Health Youth and Schools Commission

Persons wishing to testify about the performance of any of the foregoing agencies may contact Brendan Williams-Kief, Committee on Education at 724-8061 or email: bwilliamskief@dccouncil.us.

COMMITTEE ON FINANCE & REVENUE

Chairperson Jack Evans

THURSDAY, MARCH 7, 2013; COUNCIL CHAMBER (ROOM 500)	
Time	Agency
10:00 a.m. - End	Office of the Chief Financial Officer
	Office of Finance & Treasury
	Office of Financial Management & Operations
	Office of Tax and Revenue
	District of Columbia Lottery & Charitable Games Control Board
	Real Property Tax Appeals Commission for the District of Columbia

Persons wishing to testify about the performance of any of the foregoing agencies may contact Sarina Loy, Committee of Finance and Revenue at 724-8058 or e-mail: sloy@dccouncil.us.

COMMITTEE OF THE WHOLE

Chairman Phil Mendelson

THURSDAY, MARCH 7, 2013; ROOM 412	
Time	Agency
10:00 a.m. - End	TBD

Persons wishing to testify about the performance of any of the foregoing agencies may contact Jessica Jacobs, Committee of the Whole at 724-8038 or e-mail: jjacobs@dccouncil.us.

COMMITTEE ON HUMAN SERVICES

Chairperson Jim Graham

THURSDAY, MARCH 7, 2012; ROOM 123	
Time	Agency
11:00 a.m. - End	Office of Disability Rights
	Department on Disability Services

Persons wishing to testify about the performance of any of the foregoing agencies may contact Malcolm Cameron, Committee on Human Services at 724-8191 or e-mail: mcameron@dccouncil.us.

COMMITTEE ON HEALTH

Chairperson Yvette Alexander

FRIDAY, MARCH 8, 2013; COUNCIL CHAMBER (ROOM 500)	
Time	Agency
10:00 a.m. - End	Department of Health Care Finance

Persons wishing to testify about the performance of any of the foregoing agencies may contact Rayna Smith, Committee on Health at 741-2111 or e-mail: rsmith@dccouncil.us.

COMMITTEE ON GOVERNMENT OPERATIONS

Chairperson Kenyan McDuffie

MONDAY, MARCH 11, 2013; COUNCIL CHAMBER (ROOM 500)	
Time	Agency
10:00 a.m. - End	Executive Office of the Mayor
	Office of Policy and Legislative Affairs
	Serve DC
	Office of Community Affairs
	Office of the City Administrator
	Office of the Chief Technology Officer
	Secretary of the District of Columbia
	Notaries Public Board of Review

Persons wishing to testify about the performance of any of the foregoing agencies may contact Ronan Gulstone, Committee on Government Operations at 724-4902 or email: rgulstone@dccouncil.us.

COMMITTEE OF THE WHOLE

Chairman Phil Mendelson

TUESDAY, MARCH 12, 2013; COUNCIL CHAMBER (ROOM 500)	
Time	Agency
11:00 a.m. - End	District of Columbia Retirement Board
	University of the District of Columbia
	Community College of the District of Columbia

Persons wishing to testify about the performance of any of the foregoing agencies may contact Renee Johnson, Committee of the Whole at 724-8092 or e-mail: rjohnson@dccouncil.us.

COMMITTEE ON HEALTH

Chairperson Yvette Alexander

TUESDAY, MARCH 12, 2013; ROOM 412	
Time	Agency
10:00 a.m. - End	Department of Mental Health
	Office of The Deputy Mayor for Health and Human Services

Persons wishing to testify about the performance of any of the foregoing agencies may contact Rayna Smith, Committee on Health at 741-2111 or e-mail: rsmith@dccouncil.us.

COMMITTEE ON TRANSPORTATION & THE ENVIRONMENT Chairperson Mary Cheh

TUESDAY, MARCH 12, 2013; ROOM 120	
Time	Agency
11:00 a.m. - End	Department of Motor Vehicles
	Department of Public Works

Persons wishing to testify about the performance of any of the foregoing agencies may contact Ms. Aukima Benjamin, Committee on Transportation and the Environment at 724-8062 or e-mail abenjamin@dccouncil.us.

COMMITTEE ON HUMAN SERVICES Chairperson Jim Graham

WEDNESDAY, MARCH 13, 2013; COUNCIL CHAMBER (ROOM 500)	
Time	Agency
11:00 a.m. - End	Department of Human Services

Persons wishing to testify about the performance of any of the foregoing agencies may contact Malcolm Cameron, Committee on Human Services at 724-8191 or e-mail: mcameron@dccouncil.us.

COMMITTEE OF THE WHOLE Chairman Phil Mendelson

THURSDAY, MARCH 14, 2013; COUNCIL CHAMBER (ROOM 500)	
Time	Agency
10:30 a.m. - 2:00 p.m.	Metropolitan Washington Council of Governments
	District of Columbia Auditor
	Office of Labor Relations and Collective Bargaining
	Office of Budget and Planning
	Metropolitan Washington Airports Authority

Persons wishing to testify about the performance of any of the foregoing agencies may contact Renee Johnson, Committee of the Whole at 724-8092 or e-mail: rjohnson@dccouncil.us.

COMMITTEE ON EDUCATION Chairperson David Catania

THURSDAY, MARCH 14, 2013; ROOM 412	
Time	Agency
10:00 a.m. - End	District of Columbia Public Charter School Board

Persons wishing to testify about the performance of any of the foregoing agencies may contact Brendan Williams-Kief, Committee on Education at 724-8061 or email: bwilliamskief@dccouncil.us.

COMMITTEE ON HEALTH Chairperson Yvette Alexander

THURSDAY, MARCH 14, 2013; ROOM 123	
Time	Agency
10:00 a.m. - End	Board of Allied Health
	Board of Audiology and Speech-Language Pathology
	Board of Behavioral Health
	Board of Chiropractic
	Board of Dentistry
	Board of Dietetics and Nutrition
	Board of Marriage and Family Therapy
	Board of Massage
	Board of Medicine
	Board of Nursing
	Board of Nursing Home Administration
	Board of Occupational Therapy
	Board of Optometry
	Board of Pharmacy
	Board of Physical Therapy
	Board of Podiatry
	Board of Professional Counseling
Board of Psychology	
Board of Respiratory Care	
Board of Veterinary Examiner	
Not-For-Profit Hospital Corporation	
Department of Health and Boards	

Persons wishing to testify about the performance of any of the foregoing agencies may contact Rayna Smith, Committee on Health at 741-2111 or e-mail: rayna.smith@dccouncil.us.

COMMITTEE OF THE WHOLE

Chairman Phil Mendelson

FRIDAY, MARCH 15, 2013; COUNCIL CHAMBER (ROOM 500)	
Time	Agency
10:00 a.m - End	Contract Appeals Board
	Office of Contracting & Procurement

Persons wishing to testify about the performance of any of the foregoing agencies may contact Jessica Jacob, Committee of the Whole at 724-8038 or e-mail: jjacobs@dccouncil.us.

Addendum of Changes to Schedule:

<u>New Date</u>	<u>Original Date</u>
2/14/13	2/12/13

Hearing
Committee of Workforce & Community Affairs

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

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

ANNOUNCES A PUBLIC OVERSIGHT ROUNDTABLE ON

**THE BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY'S ABILITY TO ISSUE
ADVISORY OPINIONS AND WHETHER ADDITIONAL PENALTIES FOR VIOLATIONS OF THE
CODE OF CONDUCT ARE NECESSARY**

AND

**THE STATUS OF THE DISTRICT'S "PROHIBITION ON GOVERNMENT EMPLOYEE
ENGAGEMENT IN POLITICAL ACTIVITY ACT OF 2010" IN LIGHT OF THE RECENTLY
PASSED FEDERAL "HATCH ACT MODERNIZATION ACT OF 2012"**

**Thursday, February 14, 2013, 10:00 AM
Room 120 John A. Wilson Building
1350 Pennsylvania Ave., NW
Washington, D.C. 20004**

On February 14, 2013, Councilmember Kenyan R. McDuffie, Chairperson of the Committee on Government Operations, will convene a public oversight roundtable on the Board of Ethics and Government Accountability's ability to issue advisory opinions and whether additional penalties for violations of the Code of Conduct are necessary; and, the status of the District's "Prohibition on Government Employee Engagement in Political Activity Act of 2010" in light of the recently passed federal "Hatch Act Modernization Act of 2012." This public hearing will be held in Room 120 of the John A. Wilson Building, 1350 Pennsylvania Ave, NW at 10:00 AM.

Under current law, it is unclear that the authority of the Board of Ethics and Government Accountability ("Board") to issue advisory opinions extends beyond the circumstance in which an employee or public official *requests* such an opinion from the Board. Additionally, there is also a question as to whether expanding the range of penalties that the Board may impose for a violation of the Code of Official Conduct would be beneficial given that it likely will encounter a broad spectrum of violations, and all violations may not be of the same severity. This roundtable will explore both issues to determine whether changes would be beneficial to the work of the Board.

This roundtable will also consider the District's "Prohibition on Government Employee Engagement in Political Activity Act of 2010." On December 28, 2012, the federal Hatch Act Modernization Act of 2012 was enacted. The Modernization Act

removed the District Government from coverage under the federal Hatch Act, which affects the political rights of government employees. Moreover, the federal Modernization Act also loosened its restrictions on, for example, federal employees who wish to participate in local partisan elections. Additionally, the federal Modernization Act also increased the range of penalties available to be meted out for violation of the Act. This roundtable will explore whether, in light of the change to federal law, changes are needed to update the District's "Prohibition on Government Employee Engagement in Political Activity Act of 2010."

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

If you are unable to testify at the hearing, written statements are encouraged and will be made a part of the official record. Copies of written statements should be submitted either to the Committee, or to Ms. Nyasha Smith, Secretary to the Council, 1350 Pennsylvania Avenue, N.W., Suite 5, Washington, D.C. 20004. The record will close at the end of the business day on February 25, 2013.

**COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE OF THE WHOLE
NOTICE OF PUBLIC ROUNDTABLE
1350 Pennsylvania Avenue, NW, Washington, DC 20004**

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

on

PR 20-56, the Contract No. DCHT-2012-C-0014 Approval Resolution of 2013

on

**Wednesday February 13, 2013
3:00 p.m., Room 412, John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004**

Council Chairman Phil Mendelson announces the scheduling of a public roundtable of the Committee of the Whole on PR 20-56, the "Contract No. DCHT-2012-C-0014 Approval Resolution of 2013". The public roundtable will be held Wednesday, February 13, 2013, at 3:00 p.m. in Room 412 of the John A. Wilson Building, 1350 Pennsylvania Avenue, NW.

The stated purpose of PR 20-56 is to approve multiyear Contract No. DCHT-2012-C-0014 with Huron Consulting Services to implement turnaround operations for the Not-For-Profit Hospital Corporation, commonly known as the United Medical Center. According to the Executive, approval is necessary to allow the District to receive the benefit of these vital services, and the critical requirements of the District can only be met through an award of the approved multiyear contract to Huron Consulting Services.

This two-year contract was competitively bid and awarded to Huron Consulting Group last year. However, more recently, it has come to the attention of the Council that there are questions regarding the process by which this contract was awarded, which raises larger questions regarding the award of large multi-year contracts in the District. This roundtable will give the Council an opportunity to further examine these questions as it considers the resolution before it, which will be deemed disapproved as of March 4, 2013 if not acted upon sooner.

Those who wish to testify are asked to telephone the Committee of the Whole, at (202) 724-8196, or e-mail Evan Cash, Committee Director, at ecash@dccouncil.us and provide their name, address, telephone number, and organizational affiliation, if any, by noon on Tuesday, February 12, 2013. Persons wishing to testify are encouraged, but not required, to submit 15 copies of written testimony. If submitted by noon on February 12, 2012, the testimony will be distributed to Councilmembers before the roundtable. Witnesses should limit their testimony to four minutes; less time will be allowed if there are a large number of witnesses.

If you are unable to testify at the roundtable, written statements are encouraged and will be made a part of the official record. Copies of written statements should be submitted to the Committee of the Whole, Council of the District of Columbia, Suite 410 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004. The record will close at 9:00 a.m. on Tuesday, February 18, 2013.

COUNCIL OF THE DISTRICT OF COLUMBIA
CONSIDERATION OF TEMPORARY LEGISLATION

B20-97, "Medical Marijuana Cultivation Center and Dispensary Location Restriction Temporary Amendment Act of 2013" and **B20-99**, "Tax Revision Commission Report Extension and Procurement Streamlining Temporary Act of 2013" were adopted on first reading on February 5, 2013. These temporary measures were considered in accordance with Council Rule 413. A final reading on these measures will occur on March 5, 2013.

**COUNCIL OF THE DISTRICT OF COLUMBIA
Notice of Reprogramming Requests**

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

A reprogramming will become effective on the 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, Room 5, John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004. Copies of reprogramming requests are available in Legislative Services, Room 10. Telephone: 724-8050

Reprog. 20-10: Request to reprogram \$12,997,500 of Fiscal Year 2013 Local Funds budget authority within the District of Columbia Public Schools (DCPS) was filed in the Office of the Secretary on February 1, 2013. This reprogramming ensures that schools are fully funded and that they have the resources needed to support their visions.

RECEIVED: 14 day review began February 4, 2013

Reprog. 20-11: Request to reprogram \$700,000 of Capital Funds Budget authority and allotment within the Department of Parks and Recreation (DPR) was filed in the Office of the Secretary on February 1, 2013. This reprogramming is needed to modernize the Southeast Tennis and Learning Center to better support programs. The current fabric tennis structure is beyond repair and needs to be replaced and the tennis facilities expanded.

RECEIVED: 14 day review began February 4, 2013

Reprog. 20-12: Request to reprogram \$3,244,373 of Local Funds Budget Authority from the Repayment of Loans and Interest Account (RLIA) to the D.C. Office on Aging (DCOA) was filed in the Office of the Secretary on February 1, 2013. This reprogramming ensures that DCOA will be able to make significant improvements in transportation, food services, and front-line staffing.

RECEIVED: 14 day review began February 4, 2013

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF PUBLIC HEARINGS
CALENDAR

WEDNESDAY, FEBRUARY 13, 2013
2000 14TH STREET, N.W., SUITE 400S,
WASHINGTON, D.C. 20009

Ruthanne Miller, Chairperson
Members:

Nick Alberti, Donald Brooks, Herman Jones, Mike Silverstein

Show Cause Hearing (Status)	9:30 AM
Case # 12-CMP-00391; Inner Circle 1413, LLC, t/a Tattoo 1413 K Street NW, License #75156, Retailer CN, ANC 2F	
Substantial Change (Sidewalk Café)	
Show Cause Hearing (Status)	9:30 AM
Case # 12-CMP-00296; Zodiac Restaurant Group, Inc., t/a Scion Restaurant 2100 P Street NW, License #88727, Retailer CR, ANC 2B	
No ABC Manager on Duty	
Show Cause Hearing (Status)	9:30 AM
Case # 12-CMP-00490; DG Holdings, Inc., t/a Raku An Asian Diner 1900 Q Street NW, License #23943, Retailer CR, ANC 2B	
Failed to File Quarterly Statements (2nd Quarter 2012)	
Show Cause Hearing (Status)	9:30 AM
Case # 12-AUD-00033; Queen of Sheba, Inc. t/a Queen of Sheba 1503 9th Street NW, License #73644, Retailer CR, ANC 6E	
Failed to File Quarterly Statements (1st Quarter 2012)	
Show Cause Hearing (Status)	9:30 AM
Case # 12-AUD-00039; Amde Sofenias, t/a Queen Makeda 1917 9th Street NW, License #60510, Retailer CR, ANC 1B	
Failed to File Quarterly Statements (1st Quarter 2012)	
Show Cause Hearing (Status)	9:30 AM
Case # 12-CMP-00321; The Hannibal Corp., t/a Meskerem Ethiopian 2434 18th Street NW, License #7916, Retailer CR, ANC 1C	
No ABC Manager on Duty	

Board's Calendar

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Show Cause Hearing (Status) 9:30 AM

Case # 12-CMP-00385; Atsede Corporation, t/a Nile Market & Kitchen
7815 Georgia Ave NW, License #60432, Retailer CR, ANC 4B

Failed to Maintain Books and Records, Failed to Obtain Importation Permits, Failed to Make a Copy of Voluntary Agreement Immediately Accessible

Show Cause Hearing (Status) 9:30 AM

Case # 12-CMP-00428; TRG, Inc., t/a Look, 1909 K Street NW, License, 77812, Retailer CR, ANC 2B

Misuse of On-Premises Retailer's License

Fact Finding Hearing 9:30 AM

Pub Crawl; Date of Event: March 2, 2013, Applicants: Daniel D. Kramer, on behalf of MadHatter, Event Name: DC Whiskey Walk, Neighborhood: 1319 Connecticut Ave NW

The names of the establishments participating in the Pub Crawl are available upon request.

Show Cause Hearing 10:00 AM

Case # 12-CMP-00130; L Street Market, Inc., t/a 7th L Street Market
700 L Street SE, License #88611, Retailer B, ANC 6B

Failed to Frame and Post the License in a Conspicuous Place, Failed to Post ABC Window Lettering in a Conspicuous Place

Motion Hearing 11:00 AM

Case # 12-PRO-00022; R & J, 24 Liquors, Inc., t/a Town Square Gourmet
4418 MacArthur Blvd NW, License #78664, Retailer A, ANC 3D

BOARD RECESS AT 12:00 PM

ADMINISTRATIVE AGENDA

1:00 PM

Protest Hearing 1:00 PM

Case # 12-PRO-00058; Three Way Liquors, Inc., t/a Three Way Liquors, Inc
4823 Georgia Ave NW, License #21972, Retailer A, ANC

Renewal Application

Show Cause Hearing 2:30 PM

Case # 12-251-00086; Suk In Hyun, t/a DC Fish Carryout, 3475 14th Street NW
License #74236, Retailer B, ANC 1A

Allowed the Establishment to be Used for the Sale of Illegal Drugs and Paraphernalia

Show Cause Hearing 3:30 PM

Case # 12-CMP-00367; Bardia's, Inc., t/a New Orleans Café
2412 18th Street NW, License #21784, Retailer CR, ANC 1C

Failed to File Quarterly Statements (1st Quarter 2012)

Board's Calendar

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Show Cause Hearing

4:30 PM

Case # 11-CMP-00111; Lamaree, Inc., t/a Aroma Indian Restaurant, 1919 I

Street NW, License #1847, Retailer CR, ANC 2B

Failed to Comply with Board Order No. 2012-016

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF PUBLIC HEARING

Thursday, February 28, 2013

10:00 a.m. – 11:00 a.m.

2000 14th Street NW
Board Hearing Room, 4th Floor South
Washington, D.C. 20009

The Alcoholic Beverage Control Board will conduct a public hearing at the above-stated date and time to receive comment on a proposed rulemaking that amends the list of subjects that alcohol awareness certification providers must include in their alcohol and education training set forth in section 211.2 of Title 23 of the District of Columbia Municipal Regulations. These additional training subjects include recognizing harmful or potentially harmful situations that may lead to sexual harassment or sexual assault, and intervention techniques to mitigate possible harm to patrons and employees who are being subjected to sexual harassment or sexual assault.

Individuals and representatives of organizations who wish to testify should contact Martha Jenkins at 202/442-4456 or by e-mail at martha.jenkins@dc.gov by February 22, 2013. E-mail contacts should include the full name, title, and affiliation, if applicable, of the person(s) testifying. Testimony may be limited to five (5) minutes in order to permit each person an opportunity to be heard. Witnesses should bring seven (7) copies of their written testimony to the hearing.

If you are unable to testify and wish to comment, written statements are encouraged and will be made a part of the official record. Copies of written statements must be submitted to the Office of the General Counsel, Alcoholic Beverage Regulation Administration, 2000 14th Street NW, Suite 400 South, Washington, D.C. 20009, no later than 4:00 p.m., Thursday, February 28, 2013.

*** CORRECTION**

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: February 1, 2013
Petition Date: March 18, 2013
Roll Call Hearing Date: April 1, 2013
Protest Hearing Date: May 22, 2013

License No.: ABRA-091361
Licensee: Rosery Entertainment, LLC
Trade Name: Mama Put
License Class: Retailer’s Class “C” Tavern
*Address: *3124 Georgia Avenue NW
Contact: Henry Akinuoye 202-596-9949

WARD 1 ANC 1A SMD 1A09

Notice is hereby given that this applicant has applied for a license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the Roll Call Hearing Date at 10:00 am, 4th Floor, 2000 14th Street, N.W., Washington, DC 20009. Petitions and/or requests to appear before the Board must be filed on or before the Petition Date. The Protest Hearing Date is scheduled for 1:30pm on May 22, 2013.

NATURE OF OPERATION

A new full scale restaurant serving Asian & African inspired food, with an atmosphere for lounging and listening to DJ music or Live Bands. Entertainment with a cover charge. Total number of seats is 99. Summer Garden seating is 18.

HOURS OF OPERATION/SALES/SERVICE & CONSUMPTION OF ALCOHOLIC BEVERAGES FOR PREMISE AND SUMMER GARDEN

Sunday through Thursday 11 am to 2 am, Friday & Saturday 11 am to 3 am

HOURS OF LIVE ENTERTAINMENT FOR THE PREMISE AND THE SUMMER GARDEN

Sunday through Thursday 4 pm to 2 am, Friday & Saturday 12 pm to 3 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: February 8, 2013
Petition Date: March 25, 2013
Roll Call Hearing Date: April 8, 2013
Protest Hearing Date: May 29, 2013

License No.: ABRA-091237
Licensee: Christine Inc.
Trade Name: Mothership
License Class: Retailer's Class "C" Restaurant
Address: 3301 Georgia Ave. NW
Contact: Cheryl Webb, Owner 202-277-7461

WARD 1 ANC 1A SMD 1A09

Notice is hereby given that this applicant has applied for a license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the Roll Call Hearing Date at 10:00 am, 4th Floor, 2000 14th Street, N.W., Washington, DC 20009. Petitions and/or requests to appear before the Board must be filed on or before the Petition Date. The Protest Hearing Date is scheduled for 1:30pm on May 29, 2013.

NATURE OF OPERATION

New Full Service Restaurant serving eclectic small plates and gourmet pizza. Seating Capacity is 44, with a total Occupancy Load of 87. Summer Garden with 40 seats.

PROPOSED HOURS OF OPERATION FOR PREMISE:

Sunday 10:00am - 10:00pm, Monday through Thursday 8:00am - 11:00pm, Friday 8:00am - 1:00am, and Saturday 10:00am - 1:00am.

PROPOSED HOURS OF SALES/SERVICE/CONSUMPTION FOR PREMISE:

Sunday 10:00am - 10:00pm, Monday through Thursday 4:00pm - 11:00pm, Friday 4:00pm - 1:00am and Saturday 10:00am - 1:00am.

PROPOSED HOURS OF OPERATION and HOURS OF SALES/SERVICE/CONSUMPTION FOR SUMMER GARDEN:

Sunday 10:00am - 9:00pm, Monday through Friday 4:00pm - 10:00pm, and Saturday 10:00am - 10:00pm.

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: February 8, 2013
Petition Date: March 25, 2013
Roll Call Hearing Date: April 8, 2013
Protest Hearing Date: May 29, 2013

License No.: ABRA - 091391
Licensee: Walgreen Co.
Trade Name: Walgreens # 15360
License Class: Retailer's Class "B"
Address: 801 7th Street N.W.
Contact: Stephen J. O'Brien 202-625-7700

WARD 2C

ANC 2C

SMD 2C01

Notice is hereby given that this applicant has applied for a license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the Roll Call Hearing Date at 10:00 am, 4th Floor, 2000 14th Street, N.W., Washington, DC 20009. Petitions and/or requests to appear before the Board must be filed on or before the Petition Date. The Protest Hearing Date is scheduled for 4:30pm at May 29, 2013.

NATURE OF OPERATION

This is a Retailer's Class "B" store offering a full range of fresh, frozen and canned food products and beverages, pharmaceuticals, household goods, and personal care products. This license is being transferred to a new location from 1217 22nd Street NW.

HOURS OF OPERATION

Sunday - Saturday 24 Hours

HOURS OF ALCOHOLIC BEVERAGE SALES

Sunday - Saturday 7 am to 12 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF PUBLIC HEARING

Thursday, February 28, 2013

1:30 p.m. – 3:30 p.m.

2000 14th Street NW
Board Hearing Room, 4th Floor South
Washington, D.C. 20009

The Alcoholic Beverage Control Board (Board) will conduct a public hearing at the above-stated date and time to receive comment on a proposed rulemaking that would add a definition to section 199 of Title 23 of the District of Columbia Municipal Regulations to define what constitutes a full service grocery store, in order to effectuate the purpose of the full-service grocery store exception to the existing moratorium on the issuance of new off-premises Class B retailer's licenses.

Individuals and representatives of organizations who wish to testify should contact Martha Jenkins at 202/442-4456 or by e-mail at martha.jenkins@dc.gov by February 22, 2013. E-mail contacts should include the full name, title, and affiliation, if applicable, of the person(s) testifying. Testimony may be limited to five (5) minutes in order to permit each person an opportunity to be heard. Witnesses should bring seven (7) copies of their written testimony to the hearing.

If you are unable to testify and wish to comment, written statements are encouraged and will be made a part of the official record. Copies of written statements must be submitted to the Office of the General Counsel, Alcoholic Beverage Regulation Administration, 2000 14th Street NW, Suite 400 South, Washington, D.C. 20009, no later than 4:00 p.m., Friday, March 1, 2013.

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

Thursday, February 28, 2013

3:30 p.m. – 4:30 p.m.

2000 14th Street NW
Board Hearing Room, 4th Floor South
Washington, D.C. 20009

The Alcoholic Beverage Control Board (Board) will conduct a public hearing at the above-stated date and time to receive comment on a emergency and proposed rules that make clear that the sale of beer in growlers by brew pub permit holders, and the sale of wine by wine pub permit holders, for off-premises consumption is limited to the hours between 7:00 A.M. and midnight seven days a week.

Individuals and representatives of organizations who wish to testify should contact Martha Jenkins at 202/442-4456 or by e-mail at martha.jenkins@dc.gov by February 22, 2013. E-mail contacts should include the full name, title, and affiliation, if applicable, of the person(s) testifying. Testimony may be limited to five (5) minutes in order to permit each person an opportunity to be heard. Witnesses should bring seven (7) copies of their written testimony to the hearing.

If you are unable to testify and wish to comment, written statements are encouraged and will be made a part of the official record. Copies of written statements must be submitted to the Office of the General Counsel, Alcoholic Beverage Regulation Administration, 2000 14th Street NW, Suite 400 South, Washington, D.C. 20009, no later than 4:00 p.m., Friday, March 1, 2013.

DISTRICT DEPARTMENT OF THE ENVIRONMENT
NOTICE OF PUBLIC HEARING AND PUBLIC COMMENT PERIOD
ON AIR QUALITY ISSUES

Notice is hereby given that a public hearing will be held on Monday, March 11, 2013, at 5:30 p.m. in Room 555 at 1200 First Street NE, 5th Floor, in Washington, D.C. 20002. This hearing provides interested parties an opportunity to comment on the proposed revision to the District of Columbia's (District) State Implementation Plan (SIP), found at 40 C.F.R. Part 52 Subpart J, regarding certain federal Clean Air Act (CAA) requirements under Sections 110(a)(2)(A) to (M). Once the District has completed its procedures, the proposed revision to the SIP will be submitted to the United States Environmental Protection Agency (EPA) for approval.

This SIP revision is a compilation of elements that describe how the District is implementing the "infrastructure" elements of the 2008 lead (Pb) national ambient air quality standards (NAAQS). Once approved by EPA, it will provide a federally enforceable written confirmation of how the District will continue to comply with the §110(a)(2) requirements of the CAA for Pb.

This SIP revision is being proposed simultaneously with a SIP revision to replace the District's conflict of interest provisions to meet the requirements of the CAA for all criteria pollutant NAAQS, not just the Pb NAAQS.

Copies of the proposed SIP revision are available for public review during normal business hours at the offices of the District Department of the Environment (DDOE), 1200 First Street NE, 5th Floor, Washington, DC 20002, and on-line at <http://ddoe.dc.gov/>.

Interested parties wishing to testify at this hearing must submit in writing their names, addresses, telephone numbers and affiliation, if any, to Mr. William Bolden at the DDOE address above or at william.bolden@dc.gov by 4:00 p.m. on March 11, 2013. Interested parties may also submit written comments to Ms. Jessica Daniels, Monitoring and Assessment Branch, Air Quality Division, DDOE, at the same address or by email at jessica.daniels@dc.gov. Questions about this SIP revision should be directed to Mr. Rama S. Tangirala by phone at 202-535-2989 or email at rama.tangirala@dc.gov, or Ms. Daniels at 202-741-0862 or jessica.daniels@dc.gov. No comments will be accepted after March 11, 2013.

DISTRICT DEPARTMENT OF THE ENVIRONMENT

NOTICE OF PUBLIC HEARING AND PUBLIC COMMENT PERIOD
ON AIR QUALITY ISSUES

Notice is hereby given that a public hearing will be held on Monday, March 11, 2013, at 5:00 p.m. in Room 555 at 1200 First Street NE, 5th Floor, in Washington, D.C. 20002. This hearing provides interested parties an opportunity to comment on a revision to the District of Columbia's (District) State Implementation Plan (SIP). The District is proposing to revise the SIP to remove certain conflict of interest provisions at 40 C.F.R. Chapter 1, Subpart J, Section 52.470(e) called the "Revision for conflict of interest procedures [CAA Section 128 SIP]," which was approved by EPA on June 1, 1984 (49 Fed. Reg. 22810), as originally identified at: § 52.515(c)(24). The District will replace sections 1-1461, 1-1462, and 1-1471 of the D.C. Code, 1981 Edition; D.C. Law 4-23; sections 3(l) through (n) of D.C. Law 4-88; and Organization Order No. 112 in the SIP with sections 101 through 225 of the "Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Act of 2011", as amended. D.C. Official Code §§ 1-1161.01 and 1-1162.25 (2012 Supp.); D.C. Law 19-124 (effective April 27, 2012); 59 DCR 1862, Notice ID 2058939 (March 9, 2012).

Once the District has completed its procedures, the proposed revision to the SIP will be submitted to the United States Environmental Protection Agency (EPA) for approval to meet the requirements of § 128 and § 110(a)(2) of the federal Clean Air Act (CAA) for all criteria pollutants.

Although this SIP revision is being proposed simultaneously with a second SIP revision to address requirements for the 2008 lead (Pb) national ambient air quality standard (NAAQS), its purpose is to meet requirements for all criteria pollutant NAAQS.

Copies of the proposed SIP revision are available for public review during normal business hours at the offices of the District Department of the Environment (DDOE), 1200 First Street NE, 5th Floor, Washington, DC 20002, and on-line at <http://ddoe.dc.gov/>.

Interested parties wishing to testify at this hearing must submit in writing their names, addresses, telephone numbers and affiliation, if any, to Mr. William Bolden at the DDOE address above or at william.bolden@dc.gov by 4:00 p.m. on March 11, 2013. Interested parties may also submit written comments to Ms. Jessica Daniels, Monitoring and Assessment Branch, Air Quality Division, DDOE, at the same address or by email at jessica.daniels@dc.gov. Questions about this SIP revision should be directed to Mr. Rama S. Tangirala by phone at 202-535-2989 or email at rama.tangirala@dc.gov, or Ms. Daniels at 202-741-0862 or jessica.daniels@dc.gov. No comments will be accepted after March 11, 2013.

THE DISTRICT DEPARTMENT OF THE ENVIRONMENT**Notice of a Public Comment Period and Public Hearing for
Draft Revisions to the Total Maximum Daily Loads of Bacteria for
Watersheds in the District of Columbia**

The Acting Director of the District Department of the Environment (DDOE) is submitting for public review and comment draft revisions to the Total Maximum Daily Loads (TMDLs) for fecal coliform bacteria in the following waterbodies in the District of Columbia (District):

- *2003 Final Total Maximum Daily Load for Fecal Coliform Bacteria in Upper Anacostia River, Lower Anacostia River, Watts Branch, Fort Dupont Creek, Fort Chaplin Tributary, Fort Davis Tributary, Fort Stanton Tributary, Hickey Run, Nash Run, Pope Branch, and Texas Avenue Tributary (Document is posted at <http://ddoe.dc.gov/publication/fecal-coliform-bacteria-tmdl-anacostia-watershed-final>)*
- *2003 Final Total Maximum Daily Load for Fecal Coliform Bacteria in Kingman Lake (Document is posted at <http://ddoe.dc.gov/publication/fecal-coliform-bacteria-tmdl-kingman-lake-final>)*
- *2004 Final Total Maximum Daily Load for Fecal Coliform Bacteria in Upper Potomac River, Middle Potomac River, Lower Potomac River, Battery Kemble Creek, Foundry Branch, and Dalecarlia Tributary (Document is posted at <http://ddoe.dc.gov/publication/fecal-coliform-bacteria-tmdl-potomac-river-and-tributaries>)*
- *2004 Final Total Maximum Daily Load for Fecal Coliform Bacteria in Rock Creek (Document is posted at <http://ddoe.dc.gov/publication/fecal-coliform-bacteria-tmdl-rock-creek-final>)*
- *2004 Final Total Maximum Daily Load for Organics, Metals and Bacteria in Oxon Run (Document is posted at <http://ddoe.dc.gov/publication/organics-metals-and-fecal-coliform-bacteria-tmdl-oxon-run-final>)*
- *2004 Final Total Maximum Daily Load for Bacteria in Chesapeake and Ohio Canal (Document is posted at <http://ddoe.dc.gov/publication/fecal-coliform-bacteria-tmdl-c-and-o-canal-final>)*
- *2004 Final Total Maximum Daily Loads for Bacteria in Tidal Basin and Washington Ship Channel (Document is posted at <http://ddoe.dc.gov/publication/fecal-coliform-bacteria-tmdl-tidal-basin-and-washington-ship-channel-final>)*

The revisions incorporate the new water quality standard for *Escherichia coli* (*E. coli*) that the District promulgated in October 2005 after the approval of the original TMDLs for each of the above waterbodies. The load allocations specified in the original TMDLs are still in effect; however, these revisions provide a translation of those loads to *E. coli*, which is the basis for the current bacteria water quality standard. The translation was performed using a translator equation developed from analysis of paired fecal coliform and *E. coli* sampling data collected from waters in the District. In addition to the translations to *E. Coli*, the daily loading expressions for the new *E. coli* allocations are also provided.

These revisions satisfy the requirements of the settlement agreement reached between the United States Environmental Protection Agency (EPA) and Anacostia Riverkeepers, Friends of the Earth, and Potomac Riverkeepers (Case No.: 1:09-cv-00098-JDB of January 15, 2009) that certain District TMDLs did not have a daily load expression established as required by *Friends of the Earth vs. the Environmental Protection Agency*, 446 F.3d 140, 144 (D.C. Cir. 2006). The settlement agreement requires the establishment of daily loads in District TMDLs by December 2014. The revisions are presented as an appendix to each existing TMDL and provide information and calculations regarding the translation from fecal coliform to *E. Coli*, as

well as methodologies for calculating the daily load expressions.

OPPORTUNITY FOR PUBLIC REVIEW AND COMMENT

A 30-day public comment period for the draft appendices associated with each TMDL revision will take place from **February 8, 2013 to March 10, 2013**. Copies of the draft appendices are on file at the Martin Luther King, Jr. Library, 901 G. Street., NW, Washington, DC 20001, and may be inspected during normal business hours. You may also contact Mr. George Onyullo by mail at DDOE, 1200 First Street, NE, 5th Floor, Washington, DC 20002, or by telephone at 202-727-6529. Copies of the draft appendices for each TMDL revision are posted electronically at <http://ddoe.dc.gov/service/public-notices-hearings>.

Written comments concerning only the draft appendices associated with each TMDL revision may be submitted to DDOE **on or before March 10, 2013**, and should be sent to Mr. George Onyullo at the above address or emailed to george.onyullo@dc.gov. All comments received on these draft TMDL revisions during the comment period will be considered and made part of the public record and the draft documents may be revised accordingly prior to submittal to EPA for approval.

A public hearing on the draft TMDL revisions for the waterbodies listed in this public notice will be held for all interested parties on **Monday, March 4th, 2013** from 11:00 a.m. to 1:00 p.m. in the 1st floor Training Center of the Metropolitan Washington Council of Governments located at 777 North Capitol Street NE, Washington DC. Directions are available at <http://www.mwcog.org/contact/directions/default.asp>, or by calling (202) 962-3200.

**DC DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
NOTICE OF PUBLIC HEARING**

Notice is hereby given that, pursuant to the requirements of D.C. Official Code Section 42-3171.03 (a)(1), the District of Columbia Department of Housing and Community Development (DHCD) has scheduled a public hearing on Wednesday, March 6, 2013 at 6:30 p.m. at the DHCD, 1800 Martin Luther King Avenue, SE, 1st Floor, Washington, DC 20020, to consider the proposed disposition of the following properties.

Development Site:

SSL	Property Address	Property Type	Ward	Zoning	Historic District	Neighborhood	Assessed Value
5802, 0810	2228 MLK, Jr. Ave., SE	Vacant lot	8	C-3-A	Yes	Anacostia	\$161,450 (2012)
5802, 0811	2234 MLK, Jr. Ave., SE	Residential, Detached, Single-Family	8	C-3-A	Yes	Anacostia	\$164,840 (2012)
5802, 0978	2238 MLK, Jr. Ave., SE	Residential, Detached, Single-Family	8	C-3-A	Yes	Anacostia	\$150,310 (2012)
5802, 0977	2252 MLK, Jr. Ave., SE	Retail Store, Miscellaneous	8	C-3-A	Yes	Anacostia	\$463,390 (2012)

The above-referenced property was included in a Solicitation for Offers issued by DHCD to the general public on June 4, 2012. The above-referenced property was awarded to 2228 MLK LLC, through a competitive selection process.

A copy of the property disposition agreement between DHCD and 2228 MLK LLC will be posted on the DHCD web site.

The public hearing is being conducted in order to assure that citizens are informed about the selling of the properties identified above to the named buyer, and to ensure that all citizens have the opportunity to present publicly their views concerning such sale.

If you would like to present oral testimony, you are encouraged to register in advance either by e-mailing Andrea Lee at Andrea.Lee@dc.gov or by calling 202-478-1355.

Please provide your name, address, telephone number, and organization affiliation, if any. Telecommunications Device for the Deaf (TDD) relay service is available by calling (800) 201-7165. A sign language interpreter and language translation services are available upon request by calling Pamela Hillsman at 202-442-7251. If you require language translation, please specify which language (Spanish, Vietnamese, Chinese-Mandarin/Cantonese, Amharic, or French). Language translation services will be provided to pre-registered persons only. Deadline for requiring services of an interpreter is 7 days prior to the hearing. Bilingual staff will provide services on an availability basis to walk-ins without registration.

Written statements may be submitted at the hearing, or until 4:45 p.m., Wednesday, March 20, 2013, and should be addressed to: Michael P. Kelly, Director, DC Department of Housing and Community Development, ATTN: PADD, 1800 Martin Luther King Jr., Avenue, SE, 3rd floor, Washington, D.C. 20020.

**DISTRICT OF COLUMBIA TAXICAB COMMISSION
GOVERNMENT OF THE DISTRICT OF COLUMBIA**

NOTICE OF PUBLIC HEARING

Amendments to Chapter 6, Section 604 (Modern Taximeter Systems) of Title 31 (Taxicabs and Public Vehicles for Hire) of the District of Columbia Municipal Regulations.

**FEBRUARY 15, 2013
10:00 A.M.**

The DC Taxicab Commission (DCTC) has scheduled a Public Hearing at 10:00 am on Friday, February 15, 2013 at 441 4th Street, NW, in the Old Council Chambers regarding proposed rulemaking for the acceptance of non-cash payments in DC taxis.

In order to allow for more structured responses DCTC will implement a new protocol that will divide the hearing into two parts for those who intend to testify:

The first part of the hearing will consist of those requests from associations and advocacy organizations that represent drivers or riders and companies or groups of companies who wish to appear together or with their leadership. Participants during this first part will be allowed up to thirty (30) minutes to present and will have to submit ten (10) copies of their presentation forty-eight (48) hours in advance of the meeting. Please be advised that if legal representatives, officers, or individuals from an association, organization or company testify during this first part of the hearing then others from these associations, organizations or companies will NOT be allowed to sign up to testify. It should also be noted that the Commission members may elect to ask questions during this first phase.

The second part of the hearing will be reserved for the general public only. These participants will have the standard five (5) minutes to present. Although it is not required, participants are urged to submit their presentations in writing in advance of the hearing.

All participants are reminded that this is an issue of material importance about taxi operations in the District. So when making suggestions as to what should be added or deleted to the proposed rulemaking participants should be mindful to cite the specific section and use precise language. It is important to be clear and exact with presentations as these regulations will affect how companies and drivers will function.

The Proposed rulemaking will be published in the D.C. Register, Volume 60, No. 6, on February 8, 2013.

Copies of the proposed rulemaking can be obtained at www.dcregs.dc.gov or by contacting Jacques P. Lerner, General Counsel, District of Columbia Taxicab Commission, 2041 Martin Luther King, Jr., Avenue, S.E., Suite 204, Washington, D.C. 20020. (202) 645-6018. The proposed rulemaking will also be available on the DCTC website at www.dctaxi.dc.gov.

The public hearing will take place at the following time and location:

FRIDAY, FEBRUARY 15, 2013, 10:00 am

OLD COUNCIL CHAMBERS

441 4TH Street, N.W., First Floor, Washington, DC 20001

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

TIME AND PLACE: **Thursday, March 28, 2013, 6:30 P.M.**
Office of Zoning Hearing Room
441 4th Street, N.W., Suite 220-South
Washington, D.C. 20001

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

CASE NO. 09-03A (Skyland Holdings, LLC) – Modification of an Approved Planned Unit Development (“PUD”) for Parcels 13/52, 213/60, 213/61, 214/62, 214/88, 214/104, 214/182, 214/187, 214/189, 214/190, and 214/196; Square 5632 Lots 1, 3-5 and 802; Square 5633 Lots 800 and 801; Square 5641 Lots 10-13, and 819; Square 5641-N Lots 12-31, and 33 (the “Property”))

THIS CASE IS OF INTEREST TO ANC 7B and ANC 8B

On November 9, 2012, the Office of Zoning received an application from Skyland Holdings, LLC (the “Applicant”) requesting the modification of the PUD project approved in Zoning Commission Case No. 09-03 (ZC Case No. 09-03A) and a request to extend the time in which the first building permit application must be filed for the project (ZC Case No. 09-03B). The Office of Planning provided its report on November 30, 2012, and the application was set down for hearing on December 10, 2012. At the same time, the Commission voted to hold the time extension request in abeyance until it considers final action on the modification. The Applicant provided its prehearing statement on January 15, 2013.

The modified PUD project includes the following proposed changes:

PROPOSED CHANGES TO BLOCK 1

- Elimination of the underground parking garage, thereby reducing the number of parking spaces by approximately 220 spaces, and modifications to the roof level parking treatment.
- Refinement to the architectural details of the building and reduction in the height of the previously approved architectural embellishment at the corner of Main Street and Naylor Road.
- Refinement to the retaining walls on the northern and eastern edges of the building and the proposed green screen shading system.
- Refinement of parking ramps and walls.

PROPOSED CHANGES TO BUILDINGS IN BLOCK 2

- Reconfiguration of the buildings to create residential units to meet the expected market demand, while maintaining the ground floor retail uses. Retention of an internal above-grade parking garage which will provide retail parking for Blocks 2, 3, and 4 as well as residential parking spaces for the residents of Block 2.

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Z.C. CASE NO. 09-03A
PAGE 2

- Creation of a new covered private alley system which will provide through travel lanes from Naylor/Good Hope Roads to the internal Main Street.
- Removal of the vehicular slip lane along Naylor/Good Hope Roads which provided vehicular access into the project.
- Improvement of pedestrian access to the site.
- Addition of a green roof, photovoltaic panels and outdoor amenity space on the roof of the building.
- Refinements to the loading and trash area.
- Elimination of a paseo.

PROPOSED CHANGES TO BLOCK 3

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

PROPOSED CHANGES TO BLOCK 4

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

PROPOSED CHANGES TO BLOCK 5

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

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

How to participate as a witness.

Interested persons or representatives of organizations may be heard at the public hearing. The Commission also requests that all witnesses prepare their testimony in writing, submit the written testimony prior to giving statements, and limit oral presentations to summaries of the most important points. The applicable time limits for oral testimony are described below. Written statements, in lieu of personal appearances or oral presentation, may be submitted for inclusion in the record.

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How to participate as a party.

Any person who desires to participate as a party in this case must so request and must comply with the provisions of 11 DCMR § 3022.3.

A party has the right to cross-examine witnesses, to submit proposed findings of fact and conclusions of law, to receive a copy of the written decision of the Zoning Commission, and to exercise the other rights of parties as specified in the Zoning Regulations. If you are still unsure of what it means to participate as a party and would like more information on this, please contact the Office of Zoning at dcoz@dc.gov or at (202) 727-6311.

Except for the affected ANC, any person who desires to participate as a party in this case must clearly demonstrate that the person’s interests would likely be more significantly, distinctly, or uniquely affected by the proposed zoning action than other persons in the general public. Persons seeking party status **shall file with the Commission, not less than 14 days prior to the date set for the hearing, a Form 140 – Party Status Application, a copy of which may be downloaded from the Office of Zoning’s website at: <http://dcoz.dc.gov/services/app.shtm>.** This form may also be obtained from the Office of Zoning at the address stated below.

To the extent that the information is not contained in the Applicant's prehearing submission as required by 11 DCMR § 3013.1, the Applicant shall also provide this information not less than 14 days prior to the date set for the hearing.

If an affected Advisory Neighborhood Commission (ANC) intends to participate at the hearing, the ANC shall submit the written report described in § 3012.5 no later than seven (7) days before the date of the hearing. The report shall contain the information indicated in § 3012.5 (a) through (i).

Time limits.

The following maximum time limits for oral testimony shall be adhered to and no time may be ceded:

- | | | |
|----|----------------------------------|-------------------------|
| 1. | Applicant and parties in support | 60 minutes collectively |
| 2. | Parties in opposition | 60 minutes collectively |
| 3. | Organizations | 5 minutes each |
| 4. | Individuals | 3 minutes each |

Pursuant to § 3020.3, the Commission may increase or decrease the time allowed above, in which case, the presiding officer shall ensure reasonable balance in the allocation of time between proponents and opponents.

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Information responsive to this notice should be forwarded to the Director, Office of Zoning, Suite 200-S, 441 4th Street, N.W., Washington, D.C. 20001. **FOR FURTHER INFORMATION, YOU MAY CONTACT THE OFFICE OF ZONING AT (202) 727-6311.**

ANTHONY J. HOOD, MARCIE I. COHEN, ROBERT E. MILLER, PETER G. MAY, AND MICHAEL G. TURNBULL ----- ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA, BY SARA A. BARDIN, DIRECTOR, AND BY SHARON S. SCHELLIN, SECRETARY TO THE ZONING COMMISSION.

DISTRICT OF COLUMBIA BOARD OF ELECTIONS

NOTICE OF FINAL RULEMAKING

The District of Columbia Board of Elections, pursuant to the authority set forth in D.C. Code § 1-1001.05(a)(14), hereby gives notice of final rulemaking action to adopt amendments to the following chapters of Title 3, "Elections and Ethics", of the District of Columbia Municipal Regulations (DCMR): Chapter 30, "Campaign Finance Operations"; Chapter 31, "Lobbying"; Chapter 32, "Financial Disclosure"; Chapter 33, "Conflict of Interest and Use of Government Resources for Campaign-Related Purposes"; Chapter 34, "Campaign Finance Recordkeeping"; Chapter 35, "Minor Party Exemption"; Chapter 36, "D.C. Senator and Representative"; Chapter 37, "Investigations and Hearings"; and Chapter 99, "Definitions"; and to add the following chapters to Title 3: Chapter 38, "Legal Defense Committees"; Chapter 39, "Campaign Finance Operations: Inaugural Committees"; Chapter 40, "Campaign Finance Operations: Transition Committees"; and Chapter 41, "Campaign Finance Operations: Exploratory Committees."

These amendments place the Board's amendments into conformity with the "Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Emergency Amendment Act of 2012" (D.C. Act 19-298, 59 DCR 683), as amended by the "Fiscal Year 2013 Budget Support Congressional Review Emergency Act of 2012" (D.C. Act 19-413, D.C. Official Code §1-1161.01 et seq.) Additional revisions provide clarity regarding lobbyist registration exemptions, increase the timeframes for conducting preliminary investigations, and clarify the Director's ability to impose fines at the conclusion of an investigation.

A Notice of Proposed Rulemaking with respect to these amendments was published in the D.C. Register on October 12, 2012, at 59 DCR 11870. No written comments on the proposed rules were received during the public comment period, and no substantive changes have been made to the regulations as proposed. The Board took final rulemaking action with respect to these amendments at a regular meeting on Wednesday, January 23, 2013.

These final rules will become effective upon publication of this notice in the D.C. Register.

Chapter 30 of Title 3 of the District of Columbia Municipal Regulations (DCMR) is amended in its entirety to read as follows:

- CHAPTER 30** **CAMPAIGN FINANCE OPERATIONS: POLITICAL COMMITTEES, CANDIDATES, CONSTITUENT SERVICE PROGRAMS, STATEHOOD FUNDS**
- 3000** **ORGANIZATION OF POLITICAL COMMITTEES**
- 3001** **RESERVED**
- 3002** **CANDIDATE STATUS**
- 3003** **EXEMPTION FROM FILING AND REPORTING REQUIREMENTS**

- 3004 CANDIDATE WAIVER FROM FILING AND REPORTING REQUIREMENTS**
- 3005 PRINCIPAL CAMPAIGN COMMITTEE**
- 3006 DESIGNATION OF EXISTING POLITICAL COMMITTEE**
- 3007 RESERVED**
- 3008 FINANCIAL REPORTS AND STATEMENTS**
- 3009 REPORTS OF INITIATIVE, REFERENDUM, RECALL, AND PROPOSED CHARTER AMENDMENT COMMITTEES**
- 3010 PETTY CASH FUNDS**
- 3011 LIMITATIONS ON CONTRIBUTIONS**
- 3012 JOINT FUNDRAISING**
- 3013 LIMITATIONS ON THE USE OF CAMPAIGN FUNDS**
- 3014 CONSTITUENT-SERVICE PROGRAM**
- 3015 USE OF SURPLUS FUNDS**
- 3016 TERMINATION OF POLITICAL COMMITTEES, CONSTITUENT-SERVICE PROGRAMS, AND STATEHOOD FUNDS**
- 3017 FILINGS AND DEADLINES**

3000 ORGANIZATION OF POLITICAL COMMITTEES

- 3000.1 Each political committee shall file a Statement of Organization form, prescribed by the Director of the Office of Campaign Finance (the Director) (OCF), within ten (10) days of organization.
- 3000.2 Each political committee shall be deemed "organized" when any proposer, individual, committee (including a principal campaign committee), club, association, organization, or other group of individuals formally agree, orally or in writing, or decide to promote or oppose a political party, the nomination or election of an individual to office, or any initiative, referendum, or recall.
- 3000.3 In the absence of a decision to organize as a political committee opposing an initiative or referendum measure under § 3000.2, a person who addresses a Board determination regarding the propriety of a proposed measure filed under Chapter 10 of this title shall not be required to file a Statement of Organization, under § 3000.1, or a Report of Receipts and Expenditures (R&E Report), under § 3008.
- 3000.4 Agreement to form a political committee by an individual shall also occur upon designation by a candidate on the Statement of Candidacy form filed under § 3002.2.
- 3000.5 Each political committee shall be either an authorized committee or an unauthorized committee.
- 3000.6 An authorized committee shall be any political committee designated by a candidate on the Statement of Candidacy form filed under § 3002.2 to receive

contributions or make expenditures on behalf of the candidate, and it shall include the name of the candidate for elective office in the District of Columbia in its name.

- 3000.7 An unauthorized committee shall be any political committee which has not been designated by a candidate on the Statement of Candidacy form filed under § 3002.2 to solicit or receive contributions or make expenditures on behalf of a candidate seeking office, and it shall not include the name of any candidate for elective office in the District of Columbia in its name.
- 3000.8 For purposes of the reporting and recordkeeping requirements, political committees shall include the following:
- (a) Affiliated Committee - all authorized committees of the same candidate for the same election, or all committees established, financed, maintained, or controlled by the same corporation, labor or membership organization, cooperative or trade association, or any similar organization;
 - (b) Delegate Committee - established to support a presidential candidate, which shall include the word "delegate(s)" in its name and may include the name of the presidential candidate whom it supports;
 - (c) Independent or Political Action (PAC) Committee - any unauthorized committee;
 - (d) Initiative, Referendum, Recall or Proposed Charter Amendment Committee - organized for the purpose of, or engaged in promoting or opposing initiative, referendum or recall measures or proposed Charter amendments, respectively;
 - (e) Party Committee - represents a political party of the official party structure at the city-wide or ward level; and
 - (f) Principal Campaign Committee - designated and authorized by a candidate or slate of candidates for election as officials of a political party, as the principal campaign committee, in accordance with § 3005; provided, that it shall include the name(s) of the candidate(s) who authorized the committee.
- 3000.9 Political committees shall not include the following:
- (a) Connected Organization - a corporation, labor or membership organization, cooperative or trade association, or any similar organization which directly or indirectly establishes, administers or financially supports a political committee.

- 3000.10 Each political committee shall indicate its intent not to support a candidate by:
 - (a) Declaring its intention on a Notification of Non-Support form; and
 - (b) Filing the Notification of Non-Support form within ten (10) days of the declaration by the political committee of its intention to not support a candidate.

- 3000.11 Each political committee shall notify the Director in writing within ten (10) days of its decision to support a candidate, where it has previously filed a Notification of Non-Support, under § 3000.10.

- 3000.12 A political committee shall have a chairperson and a treasurer.

- 3000.13 When either the office of chairperson or treasurer of a political committee is vacant, the political committee shall:
 - (a) Designate a successor chairperson or treasurer within five (5) days of the vacancy; and
 - (b) Amend its Statement of Organization within ten (10) days of the designation of the successor; provided, that the successor officer agrees to accept the position.

- 3000.14 A political committee shall not accept a contribution or make an expenditure when the office of treasurer is vacant, and no other person has been designated and agreed to perform the functions of treasurer.

- 3000.15 Each expenditure made for, or on behalf of, a political committee shall be authorized by either:
 - (a) The chairperson;
 - (b) The treasurer; or
 - (c) Their designated agent, as listed on the Statement of Organization filed under § 3000.1.

- 3000.16 A chairperson shall be required to file:
 - (a) A Statement of Acceptance of Position of Chairperson form, and a copy of written notification sent to the address of record of the treasurer and candidate, if an authorized committee, within five (5) days of assuming the office; and

- (b) A Statement of Withdrawal of Position of Chairperson form, and a copy of written notification sent to the address of record of the treasurer and candidate, if an authorized committee, within five (5) days of vacating the office.

3000.17 A treasurer shall be required to file:

- (a) A Statement of Acceptance of Position of Treasurer form, and a copy of written notification sent to the address of record of the chairperson and candidate, if an authorized committee, within forty-eight (48) hours of assuming the office:
- (b) Periodic Reports of Receipts and Expenditures (R&E Reports), pursuant to § 3008, signed by the treasurer or, if unavailable, the designated agent as listed on the Statement of Organization filed under § 3000.1; provided, that the treasurer shall be responsible for all R&E Reports and statements due to the Director during the treasurer’s tenure; and
- (c) A Statement of Withdrawal of Position of Treasurer form, prescribed by the Director, and a copy of written notification sent to the address of record of the chairperson and candidate, if an authorized committee, within forty-eight (48) hours of vacating the office.

3000.18 A person shall not simultaneously serve as the chairperson and treasurer of a political committee, except the following:

- (a) A candidate; or
- (b) A proposer or opponent of an initiative, referendum, or recall measure or charter amendment.

3000.19 Each political committee shall amend its Statement of Organization within ten (10) days of any change in information previously reported on its Statement of Organization.

3000.20 All funds of a committee shall be segregated from, and may not be commingled with, any personal funds of officers, members, or associates of the committee.

3001 RESERVED

3002 CANDIDATE STATUS

3002.1 An individual shall be considered a candidate when he or she:

- (a) Receives a campaign contribution;

- (b) Makes a campaign expenditure;
- (c) Obtains nominating petitions;
- (d) Authorizes any person to perform any of the above acts; or
- (e) Fails to disavow in writing to the Director any of the above acts by any other person within ten (10) days after written notification by the Director.

3002.2 With the exception of candidates for Advisory Neighborhood Commission (ANC) member, each candidate shall, within five (5) days after becoming a candidate under § 3002.1, file a Statement of Candidacy form that indicates:

- (a) Whether spending is anticipated at less than five hundred dollars (\$500); and
- (b) Whether a principal campaign committee will be designated.

3002.3 Each candidate who indicates on the Statement of Candidacy that a principal campaign committee will be designated on his or her behalf shall provide the following information on the Statement of Candidacy form:

- (a) The name of the principal campaign committee;
- (b) The names of any other authorized committees; and
- (c) The names of the national bank(s) located in the District of Columbia that has been designated as the candidate's campaign depository.

3002.4 The candidate shall commence filing personal R&E Reports in accordance with this chapter unless reporting is otherwise exempted or waived pursuant to § 3004.

3002.5 The Summary Financial Statement of Candidate for the Office of Advisory Neighborhood Commission form shall be filed no later than sixty (60) days after the certification by the Board of Elections of the election results by the following individuals:

- (a) ANC candidates who qualified for the ballot through the write-in process;
- (b) ANC candidates who qualified for the ballot through the nominating petition process;
- (c) ANC candidates who accepted contributions or made expenditures and did not qualify for the ballot; and

- (d) ANC candidates who qualified as candidates for selection in the ANC vacancy filling process.

3002.6 With the exception of candidates for the Office of Member of an Advisory Neighborhood Commission, each individual who ceases to become a candidate shall immediately file a Statement of Candidate Withdrawal form upon termination of the candidacy.

3003 EXEMPTION FROM FILING AND REPORTING REQUIREMENTS

3003.1 To invoke the exemption from filing and reporting requirements, a candidate must anticipate spending less than five hundred dollars (\$500) in any one election.

3003.2 A candidate shall be exempt from the filing and reporting requirements of the Act if, on the Statement of Candidacy form, he or she:

- (a) Certifies that he or she anticipates spending less than five hundred dollars (\$500) in any one election; and

- (b) Excludes the designation of a principal campaign committee.

3003.3 Each exempt candidate shall notify the Director in writing within forty-eight (48) hours from the time he or she spends, or anticipates spending, five hundred dollars (\$500) or more.

3003.4 Each exempt candidate shall certify in writing to the Director, on a Report of Exemption for a Candidate Spending Less than Five Hundred Dollars (\$500), that he or she has not spent more than five hundred dollars (\$500). Such certification shall be filed with the Director by no later than:

- (a) The fifteenth (15th) day before the date of the election in which the candidate seeks office; and

- (b) The thirtieth (30th) day following the election.

3004 CANDIDATE WAIVER FROM FILING AND REPORTING REQUIREMENTS

3004.1 A candidate who has designated a principal campaign committee may apply, on a Request for Candidate Waiver form, for a waiver from filing reports separate from the candidate’s committee.

3004.2 The Director may grant a waiver of the filing and reporting requirements upon certification by a candidate that, within five (5) days after personally receiving any contribution, the candidate shall surrender possession of the contribution to

the principal campaign committee without expending any of the proceeds from the contribution.

3004.3 A candidate who is granted a waiver shall not make any non-reimbursed expenditures for the campaign except in accordance with § 3004.4.

3004.4 A candidate may make an expenditure from personal funds to the candidate's designated principal campaign committee. Such expenditure shall be reported by the principal campaign committee as a contribution received and, if accompanied by a written instrument attesting thereto, as a loan pursuant to § 3011.7.

3004.5 The waiver from filing and reporting shall continue in effect as long as the candidate complies with the conditions under which it was granted.

3005 PRINCIPAL CAMPAIGN COMMITTEE

3005.1 With the exception of persons who make independent expenditures under the Act, only a candidate’s designated principal campaign committee and its authorized committees shall accept contributions or make expenditures on behalf of that candidate.

3005.2 An individual who is a candidate for more than one (1) office shall designate a separate principal campaign committee for each office sought.

3005.3 Notwithstanding § 3005.2, a principal campaign committee supporting the nomination or election of a candidate as an official of a political party may support the nomination or election of more than one (1) candidate as an official of a political party.

3005.4 The principal campaign committee shall process contributions in the following manner:

- (a) Contributions received by check, money order, or other written instrument shall be consigned directly to the principal campaign committee; and
- (b) The proceeds of any monetary instruments listed in Subsection (a) that have been cashed or redeemed by the candidate pursuant to § 3004.2 shall be disallowed by the principal campaign committee and returned by the candidate to the donor.

3005.5 No contributions shall be commingled with the candidate’s personal funds or accounts.

3006 DESIGNATION OF EXISTING POLITICAL COMMITTEE

3006.1 Except as provided in § 3006.2, an existing political committee may be designated as the principal campaign committee of a candidate if such existing political committee meets the following conditions:

- (a) The Statement of Organization of the existing political committee indicates that the existing political committee is an unauthorized committee, pursuant to § 3000.7, including any independent or political action committee and;
- (b) R&E Reports of the existing political committee are current.

3006.2 An existing political committee which has been previously designated as the principal campaign committee of a candidate, or of a slate of candidates for election as officials of a political party, shall not be designated as the principal campaign committee of a candidate in any future election.

3006.3 Upon designation of an existing political committee as a principal campaign committee of a candidate, the committee shall:

- (a) Amend its Statement of Organization, pursuant to § 3000.19, to report the designation;
- (b) Determine whether persons making contributions previously received by or on behalf of the candidate or by the political committee before designation may have exceeded the relevant limits, pursuant to § 3011; and
- (c) Refund any contributions to donors who may have exceeded the contribution limitations.

3006.4 To ascertain individual donor compliance with the contribution limitations, contributions to a candidate and to a committee, prior to designation, shall be attributed in aggregate by donor name.

3007 RESERVED

3008 FINANCIAL REPORTS AND STATEMENTS

3008.1 Candidates, political committees, constituent-service programs and Statehood funds and their treasurers shall make best efforts to obtain, report, and maintain information required under Chapter 34 of this title.

3008.2 With the exception of candidates for the office of ANC member, all contributions, expenditures, debts, contracts, and agreements shall be reported on separate schedules in the following manner:

- (a) On the R&E Report form prescribed by the Director; or
 - (b) In a format consistent with the R&E Report form.
- 3008.3 The R&E Report may be filed in an electronic format at the OCF Website under § 3017 as long as the original R&E Report, verified by the treasurer, is also filed. The filing of the paper copy may be eliminated where the treasurer electronically certifies the contents of the report through the use of a confidential PIN Number assigned by the Office of Campaign Finance.
- 3008.4 Each contribution, rebate, refund, or any other receipt of fifteen dollars (\$15) or more shall be reported.
- 3008.5 Each contribution, receipt, transfer from other authorized committees, dividend or interest receipt, offset to operating expenditures, including rebates and refunds, and in the case of the constituent-service programs, personal property, shall be itemized and reported on the appropriate sub-schedule of Schedule A in accordance with the instructions for preparing the R&E Report.
- 3008.6 Each receipt for a loan made or guaranteed by the candidate or the committee, or owed by the candidate or the committee, and each loan repayment made by the candidate or the committee, shall be itemized and reported on the appropriate sub-schedule of Schedule E.
- 3008.7 Partnership contributions, under § 3011.15, shall be itemized and reported on Schedule A, in accordance with the instructions for preparing the R&E Report, in the following manner:
- (a) In the name of the partnership; and
 - (b) In the name of each contributing partner.
- 3008.8 Each operating expenditure, transfer to other authorized committees, refund of a contribution, independent expenditure, offset to receipts, and in the case of a constituent-service program, personal property, shall be itemized and reported on the appropriate sub-schedule of Schedule B in accordance with the instructions for preparing the R&E Report.
- 3008.9 Each in-kind contribution, under §§ 3008.5 and 3008.8, shall be assessed at the current local fair market value at the time of the contribution, and shall be itemized and reported on the appropriate sub-schedules of Schedules A and B.
- 3008.10 The net proceeds of each mass sale and collection shall be itemized and reported on Schedule C in accordance with the instructions for preparing the R&E Report, and the supporting documentation for each itemization maintained under § 3401.3 (b).

- 3008.11 Each debt and obligation, excluding loans, shall be itemized and reported on Schedule D in accordance with the instructions for preparing the R&E Report.
- 3008.12 Each loan shall be itemized and reported on the appropriate sub-schedule of Schedule E in accordance with the instructions for preparing the R&E Report.
- 3008.13 The R&E Report shall be complete, under § 3017, as of five (5) days prior to the date of any filing; Provided, that any contribution of two hundred dollars (\$200) or more received after any deadline for the filing of the last R&E Report required to be filed prior to an election shall be reported within twenty-four (24) hours after its receipt.
- 3008.14 Financial transactions undertaken by credit card shall be reported on the R&E Report in the following manner:
- (a) Contributions shall be reported for the date upon which the authorized transaction is received;
 - (b) The full amount authorized by the contributor as a contribution shall be reported by the candidate or committee;
 - (c) Each service charge deducted by the credit card issuer shall be reported as an expenditure made by the candidate or the committee on the date when notified of the deduction; and
 - (d) Each discount from the normal service charge authorized by the credit card issuer shall constitute an in-kind contribution, under § 3008.5, from the issuer, and shall be reported as an in-kind contribution.
- 3008.15 Each person, other than an independent expenditure committee, political committee, or candidate, who makes contributions or expenditures exceeding fifty dollars (\$50) during a calendar year, other than by contribution to a political committee or candidate, shall file a listing of each expenditure on Schedule B-5 of the R&E Report, at the times specified under § 3017, for the period when the expenditure occurred.
- 3008.16 The Summary Financial Statement of Candidate for the Office of Member of an Advisory Neighborhood Commission (ANC), filed under § 3002.5, shall include:
- (a) Total receipts collected and expenditures made by the candidate for the campaign;
 - (b) Certification that the candidate did not receive contributions from any person, other than the candidate, in excess of twenty-five dollars (\$25);

(c) Certification that the candidate did not receive any contributions from any person or make any expenditures, including from or by the candidate, to support the candidate's election to office; and

(d) The disposal of surplus contributions, if any.

3008.17 The Summary Financial Statement of an ANC candidate may be filed in an electronic format at the OCF Website; Provided that the candidate shall submit the original paper statement within five (5) days of the filing deadline. The filing of the paper copy may be eliminated where the candidate electronically certifies the contents of the statement through the use of a PIN number assigned by the Office of Campaign Finance.

3009 REPORTS OF INITIATIVE, REFERENDUM, RECALL, AND PROPOSED CHARTER AMENDMENT COMMITTEES

3009.1 Each committee supporting or opposing an initiative, referendum, recall, or proposed charter amendment shall file R&E Reports during the consideration of the placement of the measure on an election ballot.

3009.2 OCF shall prepare the following:

(a) A schedule of dates, based upon the complete period allowed for qualification of a measure for ballot placement, by which R&E Reports are due; and

(b) A revised schedule of dates based upon actual completion of tasks by which R&E Reports are due, if necessary.

3009.3 R&E Reports shall be filed in accordance with the following schedule:

(a) On or before the commencement of the process for initiative, referendum, recall, or proposed charter amendment, or

(b) In the case of an opponent, ten (10) days after making an expenditure or accepting a contribution in opposition to the measure;

(c) On the tenth (10th) day of the fourth (4th) month preceding the election;

(d) On the tenth (10th) day of the second (2nd) month preceding the election; and

(e) Eight (8) days prior to the election.

3009.4 For any period prior to the year in which an election is scheduled to be conducted on an initiative, referendum, recall, or proposed charter amendment, each

committee organized in support or opposition to the measure shall file reports of receipts and expenditures on January 31 and July 31 of each year until the measure is presented to the electorate.

3009.5 With the exception of contributions to retire debt and expenditures made to wind down a campaign pursuant to § 3016, no committee organized in support of or opposition to the measure shall receive contributions or make expenditures to support or oppose an initiative, referendum, recall, or proposed charter amendment under the following circumstances:

- (a) After the election at which the measure is presented to the electorate; or
- (b) Upon rejection of the petition with signatures as numerically insufficient by the Board of Elections; and
- (c) Subsequent to the exhaustion of any administrative and judicial remedies.

3009.6 Following either the election on an initiative, referendum, recall, or proposed charter amendment, or the failure of such a measure to qualify for ballot access, and the exhaustion of all administrative and judicial remedies, a committee shall continue to file R&E Reports on January 31st and July 31st of each year until all debts and obligations are satisfied.

3009.7 Upon the satisfaction of all debts and obligations, each committee shall immediately file a final R&E Report.

3009.8 In the absence of any debts and obligations, each committee shall, within sixty (60) days following the election:

- (a) Disburse any remaining funds in accordance with § 3016; and
- (b) File a Termination Report of Receipts and Expenditures.

3009.9 A copy of each R&E Report or statement filed with the Director shall be preserved by the person filing the report or statement for a period of not less than three (3) years from the date of filing.

3010 PETTY CASH FUNDS

3010.1 A candidate, political committee, or Statehood Fund may maintain a Petty Cash Fund which shall not exceed three hundred dollars (\$300) at any time.

3010.2 All records and transactions shall be maintained and authorized by either:

- (a) The chairperson;

- (b) The treasurer; or
- (c) Their designated agents, as listed on the Statement of Organization filed pursuant to § 3000.1.

3010.3 Petty cash funds shall be administered in the following manner:

- (a) Funds shall be received by check drawn on the account of the candidate, political committee, or Statehood Fund;
- (b) Cash expenditures shall not exceed fifty dollars (\$50) to any person in connection with a single purchase or transaction; and
- (c) All transactions shall be recorded in a journal designated for petty cash.

3010.4 For each deposit to the petty cash fund, the amount and date shall be recorded in the journal.

3010.5 For each disbursement, the journal shall include:

- (a) The name and address of each recipient of the disbursement;
- (b) The date of the disbursement;
- (c) The amount of the disbursement;
- (d) The purpose of the disbursement; and
- (e) The candidate's name and the office sought, or the name of the political committee or Statehood Fund for which the disbursement is made.

3010.6 All receipts, vouchers, petty cash journals, and other documentation shall be retained by the candidate, political committee, or Statehood Fund for a period of three (3) years from the date of the filing of the final R&E Report by the candidate, political committee, or Statehood Fund.

3011 LIMITATIONS ON CONTRIBUTIONS

3011.1 No person shall make any contribution, and no person shall receive any contribution, which, when totaled with all other contributions from the same person, pertaining to an individual's campaign for nomination as a candidate or election to public office, including both the primary and general elections, or special elections, exceeds the limitations enumerated for each office, under § 3011.2.

- 3011.2 Contributions in support of either individual candidates or their authorized committees, or for the recall of an incumbent, shall be limited to the following:
- (a) Mayor, U. S. Senator, and U.S. Representative to Congress – two thousand dollars (\$2,000);
 - (b) Chairman of the Council – one thousand five hundred dollars (\$1,500);
 - (c) Member of the Council at-large – one thousand dollars (\$1,000);
 - (d) Member of the Council elected from a ward and Member of the State Board of Education at-large – five hundred dollars (\$500);
 - (e) Member of the State Board of Education elected from a ward – two hundred dollars (\$ 200);
 - (f) Official of a Political party – two hundred dollars (\$200); and
 - (g) Member of an Advisory Neighborhood Commission – twenty-five dollars (\$25).
- 3011.3 With the exception of special elections, no person shall make any contribution in any one primary or general election that, when totaled, exceeds five thousand dollars (\$5,000), to any one (1) unauthorized committee, under § 3000.10.
- 3011.4 With the exception of special elections, no person shall make any contribution in any one (1) primary or general election per elective office for Mayor, U. S. Senator, U.S. Representative to Congress, Chairman of the Council, and each member of the Council and Board of Education which, when totaled with all other contributions made by that person in any one (1) election (primary and general) to candidates and political committees per elective office, exceeds eight thousand five hundred dollars (\$8,500); Provided, that contributions to individual candidates and political committees shall not exceed those listed under §§ 3011.2 and 3011.3.
- 3011.5 No person shall receive or make any cash contribution of twenty-five dollars (\$25) or more in legal tender.
- 3011.6 For the purposes of this section, expenditures for candidates for office shall not be considered contributions or expenditures by or on behalf of a candidate when derived from:
- (a) Personal funds belonging to candidates; and
 - (b) Funds from any person or independent expenditure committee advocating the election or defeat of any candidate for office; provided, that the person

was not requested or suggested to do so by the candidate, any agent of the candidate, or any authorized committee of the candidate.

- 3011.7 Each loan or advance from a candidate or member of the immediate family of a candidate shall be evidenced by a written instruction which fully discloses:
- (a) The terms of the loan or advance;
 - (b) The conditions of the loan or advance;
 - (c) The parties to the loan or advance; and
 - (d) Documentation regarding the source of the funds when the loan or advance is from the candidate.
- 3011.8 The amount of each loan or advance from a member of the candidate's immediate family shall be included in computing and applying the limitations on contributions under § 3011, upon receipt by the authorized committee of the loan or advance from an immediate family members; Provided, that the standards for repayment are consistent with repayment policies of lending institutions in the District of Columbia.
- 3011.9 Contributions to a candidate or political committee shall be attributed to the person actually making the contribution.
- 3011.10 Contributions from minor children (under eighteen (18) years old) shall be attributed to their parents or legal guardians except under the following circumstances:
- (a) The decision to contribute is made knowingly and voluntarily by the minor child; and
 - (b) The funds, goods, or services contributed are owned or controlled exclusively by the minor child.
- 3011.11 A connected organization, under § 3000.9(a), and each political committee established, financed, maintained, or controlled by the connected organization share a single contribution limitation.
- 3011.12 Corporations may make contributions in the District of Columbia.
- 3011.13 A corporation, its subsidiaries, and each political committee established, financed, maintained, or controlled by the corporation and its subsidiaries share a single contribution limitation.

- 3011.14 A corporation is deemed to be a separate entity; provided, that a corporation (corporation B) which is established, financed, maintained, or controlled (51% or more) by another corporation (corporation A) is considered, for the purposes of the contribution limitations, a subsidiary of the other corporation (corporation A).
- 3011.15 Partnerships may make contributions in the District of Columbia; Provided, that all contributions by a partnership shall be subject to each contributing partner’s individual contribution limitations, under § 3011.
- 3011.16 Contributions by a partnership shall be attributed to each partner, only by one (1) of the following methods:
 - (a) Instructions from the partnership to the political committee or the candidate; or
 - (b) Agreement of the partners; Provided, that the profits of non-contributing partners are not affected.
- 3011.17 No portion of any contribution under § 3011.15 shall derive from the profits of a corporation that is a partner.
- 3011.18 Limitations on contributions under § 3011 apply to a limited liability company depending on whether it is established as a corporation or partnership.
- 3011.19 Limitations on contributions under § 3011 shall not apply to initiative or referendum measures, or to fundraising engaged in by independent expenditure committees.
- 3011.20 With the exception of contributions received to retire debt, a political committee or a candidate shall not receive or accept contributions after the election or defeat of the candidate for office, or after the candidate notifies the Office of Campaign Finance of the intent to terminate the candidacy.
- 3011.21 Limitations on contributions under § 3011 shall not apply to unauthorized political committees during any calendar year in which the committee is not supporting candidates in either a primary or general election.

3012 JOINT FUNDRAISING

- 3012.1 Prior to conducting any joint fundraising activities, the participant political committees shall:
 - (a) Create a political committee to act as their fundraising representative;
 - (b) Agree in writing to a formula for allocating proceeds and expenses among themselves; and

(c) Amend their Statements of Organization.

3012.2 The amended Statements of Organization shall include:

- (a) The writing as agreed upon pursuant to § 3012.1(b); and
- (b) The fundraising representative's (political committee's) account as an additional depository; provided, that the fundraising representative shall be an affiliated committee.

3012.3 The fundraising representative (political committee) shall be responsible for:

- (a) Establishing a depository account for joint fundraising receipts and expenditures; and
- (b) Filing a Statement of Organization with the Director.

3012.4 In accordance with this title, the duties of the fundraising representative (political committee) shall include:

- (a) Screening all contributions to assure that none are in excess of the limitations under § 3011;
- (b) Collecting and depositing joint fundraising contributions;
- (c) Paying expenses;
- (d) Allocating proceeds and expenses to the participants; and
- (e) Reporting all joint fundraising receipts and expenditures in the reporting period made or received.

3012.5 Upon allocation of proceeds, the participant political committees shall report their shares on the R&E Report in accordance with the financial guidelines and procedures.

3013 LIMITATIONS ON THE USE OF CAMPAIGN FUNDS

3013.1 Campaign funds shall be used solely for the purpose of financing, directly or indirectly, the election campaign of a candidate.

3013.2 Limitations on the use of campaign funds shall include the following:

- (a) Payment or reimbursement for a candidate or staff of a campaign committee for travel expenses and necessary accommodations, except when directly related to a campaign purpose;
- (b) Payment or reimbursement for the cost of professional services unless those services are directly related to a campaign purpose;
- (c) Payment for medical expenses of a candidate; provided, that campaign funds may be used to pay employer costs of health care benefits for employees of a principal campaign committee;
- (d) Payment or reimbursement for fines and penalties, unless litigation arises directly out of a candidate's or principal campaign committee's campaign activities;
- (e) Payment or reimbursement for judgments or settlements, unless litigation or agency administrative action arises directly out of the campaign activities of a candidate or principal campaign committee;
- (f) Attorneys fees, unless legal expenses arise directly out of a candidate's or a principal campaign committee's campaign activities;
- (g) Payment or reimbursement for the purchase or lease of personal property, unless the legal title resides in, or the lessee is, the principal campaign committee, and the use of the property is directly related to a campaign purpose;
- (h) Clothing, except for specialty clothing which is not suitable for everyday use, including, but not limited to, formal wear, if the attire is used in the campaign and is directly related to a campaign purpose;
- (i) The purchase or lease of a vehicle, unless the title or lease to the vehicle is held by the campaign committee and not the candidate, and the use of the vehicle is directly related to a campaign purpose; and
- (j) Compensation to a candidate for the performance of campaign activities, except for reimbursement of out-of-pocket expenses incurred for campaign purposes.

3013.3 With the exception of expenditures made to retire debt or wind down the campaign operation, campaign funds shall not be expended following the election or defeat of a candidate for office, or after a candidate notifies the Office of Campaign Finance of the intent to withdraw the candidacy for the purpose of financing, directly or indirectly, the election campaign of a candidate.

3014 CONSTITUENT-SERVICE PROGRAMS

- 3014.1 A constituent-service program shall encompass any activity or program which provides emergency, informational, charitable, scientific, educational, medical, recreational, or other services to the residents of the District of Columbia, and promotes their general welfare.
- 3014.2 Funds raised by constituent-service programs may be expended only for services, activities, or programs which inure to the primary benefit of the residents of the District of Columbia, in accordance with § 3014.1.
- 3014.3 Allowable expenditures from constituent-service programs shall include the following:
- (a) Funeral arrangements;
 - (b) Emergency housing and other necessities of life;
 - (c) Past due utility payments;
 - (d) Food and refreshments or an in-kind equivalent on infrequent occasions;
 - (e) Community events sponsored by the constituent-service program or an entity other than the District government; and
 - (f) Community-wide events.
- 3014.4 Constituent-service programs shall be prohibited from engaging in any of the following activities:
- (a) Promoting or opposing, as a primary purpose, a political party or committee;
 - (b) Promoting or opposing, as a primary purpose, the nomination or election of an individual to public office;
 - (c) Promoting or opposing, as a primary purpose, any initiative, referendum, or recall measure;
 - (d) Distributing campaign literature or paraphernalia;
 - (e) Using any funds for personal purposes of the elected official;
 - (f) Using any funds to pay fines or penalties inuring to the District government;
 - (g) Making any expenditure of cash;

- (h) Making any expenditure for the sponsorship of a political organization; or
- (i) Making any mass mailing within the ninety (90) day period immediately preceding a primary, special, or general election by a member of the Council, or the Mayor, who is a candidate for office.

3014.5 A constituent-service program may be maintained only by the following elected public officials:

- (a) The Mayor of the District of Columbia; and
- (b) The Chairman and Members of the Council of the District of Columbia.

3014.6 A constituent-service program may be operated in the following locations:

- (a) In the ward represented by the Member of the Council elected by ward; and
- (b) In the ward of the at-large member's choice.

3014.7 An elected official shall fund the constituent-service program only by:

- (a) Transferring any surplus, residue, or unexpended campaign funds to the constituent-service program;
- (b) Receiving contributions which do not exceed, in the aggregate, forty thousand dollars (\$40,000) in any one (1) calendar year;
- (c) Receiving cash contributions from any person which, when aggregated with all other contributions received from the same person, do not exceed five hundred dollars (\$500) in any one (1) calendar year; and
- (d) Receiving personalty from any person which, when aggregated with all other contributions received from the same person, do not exceed one thousand dollars (\$1,000) in any one (1) calendar year.

3014.8 The amount of any transfer of surplus, residue, or unexpended campaign funds by the elected official shall not be subject to the forty thousand dollars (\$40,000) contribution limitation under § 3014.7(b).

3014.9 The amount of any funds contributed by the elected official to the official's constituent-service program shall not be subject to the five hundred dollars (\$500) contribution limitation under § 3014.7(c).

- 3014.10 No person shall receive or make any cash contribution of twenty-five dollars (\$25) or more in legal tender to a constituent-service program.
- 3014.11 A connected organization, under § 3000.9(a), and each affiliated committee established, financed, maintained, or controlled by the connected organization share a single contribution limitation with respect separately to cash and personalty.
- 3014.12 Corporations may make contributions to constituent-service programs.
- 3014.13 A corporation and its subsidiaries, and each political committee established, financed, maintained, or controlled by the corporation and its subsidiaries share a single contribution limitation with respect separately to cash and personalty.
- 3014.14 A corporation is deemed to be a separate entity; provided, that a corporation (corporation B) which is established, financed, maintained, or controlled (51% or more) by another corporation (corporation A) is considered, for the purposes of the contribution limitations, a subsidiary of the other corporation (corporation A).
- 3014.15 Partnerships may make contributions in the District of Columbia; provided, that each contribution by a partnership shall be subject to each contributing partner's individual contribution limitation, under § 3014.5.
- 3014.16 Contributions by a partnership shall be attributed to each partner, only by one (1) of the following methods:
- (a) Instructions from the partnership to the constituent-service program or the elected official; or
 - (b) Agreement of the partners; provided, that the profits of non-contributing partners are not affected.
- 3014.17 No portion of any contribution under § 3014.15 shall derive from the profits of a corporation that is a partner.
- 3014.18 Limited liability companies may make contributions in the District of Columbia, under the contribution limitations of § 3014.15, dependent on whether the limited liability company is established as a corporation or partnership.
- 3014.19 The contribution limitations set forth in this section shall apply only to the elected official's constituent-service program.
- 3014.20 An elected official shall:
- (a) Spend no more than forty thousand (\$40,000) in any one (1) calendar year for the constituent-service program;

- (b) File a Statement of Organization for a Constituent-Service Program form, prescribed by the Director, within ten (10) days of organization;
- (c) Amend the Statement of Organization within ten (10) days of any change in information previously reported on the Statement of Organization; and
- (d) Sign and file all R&E Reports, in accordance with §§ 3008 and 3017.

3014.21 Each constituent-service program shall have a chairperson and a treasurer.

3014.22 When either the office of chairperson or treasurer of a constituent-service program is vacant, the constituent-service program shall:

- (a) Designate a successor chairperson or treasurer, within five (5) days of the vacancy; and
- (b) Amend its Statement of Organization within ten (10) days of the designation of the successor; provided, that the successor officer agrees to accept the position.

3014.23 A constituent-service program shall neither accept a contribution nor make an expenditure when the office of treasurer is vacant and no other person has been designated and has agreed to perform the functions of a treasurer.

3014.24 Each expenditure made for, or on behalf of, a constituent-service program shall be authorized by either:

- (a) The chairperson;
- (b) The treasurer; or
- (c) Their designated agent, as listed on the Statement of Organization filed under § 3014.20(b) or (c).

3014.25 A chairperson shall be required to file:

- (a) A Statement of Acceptance of Position of Chairperson form, prescribed by the Director, and a copy of written notification sent to the address of record of the treasurer, within five (5) days of assuming the office; and
- (b) A Statement of Withdrawal of Position of Chairperson form, prescribed by the Director, and a copy of written notification sent to the address of record of the treasurer, within five (5) days of vacating the office.

3014.26 A treasurer shall be required to file:

- (a) A Statement of Acceptance of Position of Treasurer form, prescribed by the Director, and a copy of written notification sent to the address of record of the chairperson, within forty-eight (48) hours of assuming the office:
- (b) Periodic R&E Reports, under § 3008, signed by the treasurer or, if unavailable, the designated agent as listed on the Statement of Organization filed under § 3014.20; provided, that the treasurer shall be responsible for all R&E Reports and statements due to the Director during the treasurer’s tenure; and
- (c) A Statement of Withdrawal of Position of Treasurer form, prescribed by the Director, and a copy of written notification sent to the address of record of the chairperson, within forty-eight (48) hours of vacating the office.

3014.27 A person shall not simultaneously serve as the chairperson and treasurer of a constituent-services program.

3014.28 All funds of a constituent-services program shall be segregated from, and may not be commingled with, any personal funds of officers, members, or associates of the program.

3014.29 A constituent-service program shall neither establish nor maintain a petty cash fund.

3015 USE OF SURPLUS FUNDS

3015.1 Surplus funds of a constituent-service program or a Statehood fund shall be disbursed within one hundred twenty (120) days of the date that the elected official:

- (a) Vacates the public office held; or
- (b) Notifies the Director in writing of any determination that the constituent-service program or Statehood fund shall no longer receive contributions or make expenditures.

3015.2 Surplus funds of a constituent-service program shall be disbursed only for the following purposes:

- (a) To retire the debts of the program; and/or

- (b) To donate to a not-for-profit organization, within the meaning of the federal tax laws, that is in good standing in the District of Columbia for a minimum of one (1) calendar year prior to the date of donation.
- 3015.3 Surplus funds of a Statehood fund shall be disbursed by a U.S. Senator or Representative to retire debts and obligations for the following:
 - (a) Salaries;
 - (b) Office expenses; and
 - (c) Other expenses necessary to support the purposes and operations of the public office.
- 3015.4 Upon retirement of debts and obligations, a U.S. Senator or Representative shall donate any remaining funds to a not-for-profit organization within the meaning of the federal tax laws.
- 3015.5 Surplus funds of a candidate or candidate-elect shall be:
 - (a) Used to retire the debts of the political committee that received the funds;
 - (b) Returned to donors;
 - (c) Contributed to a political party for political purposes; and/or
 - (d) Transferred to a political committee, a charitable organization which meets the requirements of the tax laws of the District of Columbia, or an established constituent-services fund.
- 3015.6 Surplus funds of a candidate or candidate-elect shall be disbursed under § 3015.5 within six (6) months of one (1) of the following events:
 - (a) Defeat in an election;
 - (b) Election to office; or
 - (c) Withdrawal as a candidate.
- 3015.7 Surplus funds of a political committee formed to collect signatures or advocate the ratification or defeat of any initiative, referendum, or recall measure may be transferred to any charitable, scientific, literary, or educational organization or any other organization which meets the requirements of the tax laws of the District of Columbia.

- 3015.8 A campaign committee shall continue to function after the election for which the committee was organized, as an authorized committee, until all debts and obligations are extinguished.
- 3015.9 A campaign committee, pursuant to § 3015.8, shall:
- (a) Dispose of all surplus funds in accordance with § 3015;
 - (b) Refrain from collecting or spending money to support a candidate in a future election;
 - (c) Adhere to contributions limitations in accordance with § 3011; and
 - (d) File R&E Reports in accordance with § 3008.
- 3015.10 A constituent-service program or a Statehood fund shall continue to file R&E Reports, pursuant to §§ 3008 and 3017 of this chapter, until all debts are satisfied.
- 3016 TERMINATION OF POLITICAL COMMITTEES, CONSTITUENT-SERVICE PROGRAMS, AND STATEHOOD FUNDS**
- 3016.1 A final R&E Report and a verified statement of termination, on a form prescribed by the Director, shall be filed upon termination of any political committee (committee), constituent-service program (program), or Statehood fund (fund).
- 3016.2 An elected official shall terminate a program or fund if the elected official:
- (a) Fails to win re-election;
 - (b) Resigns; or
 - (c) Becomes ineligible to serve, by operation of law.
- 3016.3 An authorized committee shall terminate, upon satisfaction of all debts and obligations, when the purpose for which the committee was organized ceases.
- 3016.4 Any committee, program, or fund may terminate its reporting requirements by filing a final R&E Report; provided, that the committee, program, or fund:
- (a) Has ceased to receive contributions or make expenditures;
 - (b) Has extinguished all debts and obligations;
 - (c) Is not involved in any enforcement, audit, or litigation action with the Office of Campaign Finance; and

(d) Has disbursed all surplus funds in accordance with § 3015.

3016.5 A committee, program, or fund that cannot extinguish its outstanding debts and obligations may qualify to terminate its reporting requirements by:

- (a) Settling its debts for less than the full amount owed to its creditors; or
- (b) Demonstrating that a debt is unpayable.

3016.6 The types of debts that are subject to debt settlement include:

- (a) Amounts owed to commercial vendors;
- (b) Debts arising from advances by individuals;
- (c) Salary owed to committee or program employees; and
- (d) Loans owed to political committees.

3016.7 The types of debts that are not subject to debt settlement include:

- (a) Disputed debts; and
- (b) Bank loans.

3016.8 A qualifying committee, program, or fund shall be settled if:

- (a) Credit was initially extended in the ordinary course of business;
- (b) Reasonable efforts, including, for example, fundraising, reducing overhead costs, and liquidating assets, were undertaken to satisfy the outstanding debt; and
- (c) The creditor made the same efforts to collect the debt as those made to collect debts from a non-political debtor in similar circumstances.

3016.9 Once a committee, program, or fund has reached an agreement with a creditor, the treasurer shall file a debt settlement proposal with the Director on a form prescribed by the Director.

3016.10 Following receipt of the debt settlement proposal, the Director shall:

- (a) Review each debt settlement proposal for substantial compliance with the Act; and

- (b) Notify the committee or program within thirty (30) days of its approval or disapproval.

3016.11 A debt may be considered unpayable, under § 3016.5(b), if:

- (a) The debt has been outstanding for at least twenty-four (24) months;
- (b) The creditor is out of business, and no other entity has the right to collect the amount owed; and
- (c) The creditor cannot be located after best efforts to do so.

3016.12 A committee, program, or fund may apply to the Director to determine whether a specific debt may be unpayable upon a showing that best efforts to locate the creditor have been made.

3016.13 For purposes of this section, the term "Best efforts" shall include the following:

- (a) Ascertaining of the creditor's current address and telephone number; and
- (b) Contacting the creditor by registered or certified mail, in person, or by telephone.

3016.14 The reporting obligation of a committee, program, or fund ends when the Director notifies the committee, program, or fund that the final Report has been approved, and the official record closed.

3017 FILINGS AND DEADLINES

3017.1 Reports of Receipts and Expenditures (R&E Reports) shall be filed with the Office of Campaign Finance by:

- (a) The treasurer of each political committee supporting a candidate;
- (b) Each candidate required to register pursuant to §3002.2, unless reporting is otherwise exempted or waived under § 3004; and
- (c) The treasurer of each political committee engaged in obtaining signatures on any initiative, referendum, or recall petition, or promoting or opposing the ratification of any initiative, referendum, or recall measure placed before the District electorate.

3017.2 All candidates and political committees, except as otherwise noted in this chapter, shall file R&E Reports on the following dates:

- (a) March 10, June 10, August 10, October 10, and December 10 in the seven (7) months preceding the date on which an election is held for which the candidate seeks office and the political committee supports a candidate for office;
- (b) January 31, March 10, June 10, August 10, October 10, December 10, and the eighth (8th) day next preceding the date of any election, in any year in which there is held an election for which the candidate seeks office and the political committee supports a candidate for office;
- (c) January 31 and July 31; provided, that a political committee no later than January 31 declares its intention to not support a candidate during an election year under § 3000.10 of this chapter; and
- (d) January 31 and July 31, in a non-election year; provided, that a political committee no later than July 31 of the non-election year, (January 31) declares its intention to not support a candidate during an election year under § 3000.10 of this chapter.

3017.3 Constituent-service program R&E Reports shall be filed quarterly each year on the first (1st) day of the following months:

- (a) January;
- (b) April;
- (c) July; and
- (d) October.

3017.4 Statehood fund R&E Reports shall be filed quarterly each year on the first (1st) day of the following months:

- (a) January;
- (b) April;
- (c) July; and
- (d) October.

3017.5 Except as otherwise provided in this chapter, R&E Reports shall be filed on January 31 and July 31 of each year until all debts and obligations are satisfied by the following:

- (a) Authorized committees pursuant to § 3015.8;

- (b) A Statehood fund when the U.S. Senator or Representative vacates office; and
 - (c) A constituent-service program when the elected official vacates office.
- 3017.6 All R&E Reports shall contain all financial transactions through and including the fifth (5th) day preceding the filing deadline for each R&E Report; provided, that the reporting period for the next R&E Report shall commence on the day following the closing date of the prior R&E Report.
- 3017.7 All contributions of two hundred dollars (\$200) or more, received after the filing deadline for the eighth (8th) day preceding the election Report, shall be reported in writing within twenty-four (24) hours of receipt.
- 3017.8 All reports and statements filed in person or by first class mail shall be deemed timely filed when received by 5:30 p.m. of the prescribed filing date.
- 3017.9 All reports and statements electronically filed shall be deemed timely filed if received by midnight of the prescribed filing deadline; provided, that the original paper report, verified by the treasurer, is also filed within five (5) days of the filing deadline. The filing of the paper copy may be eliminated where the treasurer electronically certifies the contents of the report through the use of a PIN Number assigned by the Office of Campaign Finance.
- 3017.10 Upon written request submitted by the candidate or committee, on or before the filing deadline, the Director may allow an extension for filing a Report or statement for a reasonable period of time, for good cause shown.
- 3017.11 Any reference to days in this chapter is to calendar days, unless otherwise indicated.

Chapter 31 of Title 3 of the DCMR is amended in its entirety to read as follows:

CHAPTER 31 LOBBYING

- 3100 REGISTRATION REQUIREMENTS**
- 3101 EXEMPTION FROM REGISTRATION REQUIREMENTS**
- 3102 ACTIVITY REPORTS**
- 3103 FILING DEADLINES**
- 3104 PROHIBITED ACTIVITIES**
- 3105 PENALTIES**

3100 REGISTRATION REQUIREMENTS

3100.1 A person shall register as a lobbyist by filing with the Director a Lobbyist Registration Form and paying the registration fee of two hundred fifty dollars (\$250) or, in the case of lobbyists who lobby solely for nonprofit organizations, fifty dollars (\$50), if that person:

- (a) Receives compensation of two hundred fifty dollars (\$250) or more in any three (3) consecutive calendar month period for lobbying;
- (b) Receives compensation from more than one (1) source which totals two hundred fifty dollars (\$250) or more in any three (3) consecutive month period for lobbying; or
- (c) Expends funds of two hundred fifty dollars (\$250) or more in any three (3) consecutive calendar month period for lobbying.

3100.2 Each individual, law firm, association, or business entity employed to lobby on behalf of any person shall register as a lobbyist; provided, that the partner, member, or employee of any entity assigned to perform lobbying duties on behalf of the registered entity shall be listed as a lobbyist on the Lobbyist Registration Form.

3100.3 Each individual, association, or business entity which directly employs a person in-house or retains a law firm, association, or business entity to lobby on its behalf shall register in the name of the respective entity; provided, that the person in-house, law firm, association, or business entity retained to lobby for the registrant shall be listed as a lobbyist working for the registrant on the Lobbyist Registration Form.

3100.4 Each individual, law firm, association, or business entity employed to lobby on behalf of any person shall file a separate Lobbyist Registration Form for each person from whom compensation is received. For example, registration forms

shall not be consolidated if the individual, law firm, association, or business entity is compensated from more than one (1) source.

3100.5 Each person who pays another person to lobby on their behalf is the compensating registrant, and shall register as a lobbyist and file a separate Lobbyist Registration Form, independent of any Lobbyist Registration Form filed by the person actually lobbying.

3100.6 The Lobbyist Registration Form shall include the following information:

- (a) Registrant's name, permanent address, and temporary address, if any, while lobbying;
- (b) Name and address of each person designated to lobby on behalf of the registrant;
- (c) Name, address, and nature of the business of any person who compensates the registrant and the terms of the compensation;
- (d) Identification, by formal designation if known, of matters on which the registrant expects to lobby; and
- (e) Registrant's verification under oath of the required information; provided, that if the registrant is not an individual, an authorized officer or agent of the registrant (other than the lobbyist retained by contract to provide lobbying services) shall sign the form.

3100.7 Registration fees collected under this section shall be deposited into the Lobbyist Administration and Enforcement Fund, and used to administer and enforce this section.

3101 EXEMPTION FROM REGISTRATION REQUIREMENTS

3101.1 A person shall be exempt from the registration requirements of this section if that person is:

- (a) A public official or an employee of the United States acting in an official capacity;
- (b) A publisher or working member of the press, radio, or television who, in the ordinary course of business, disseminates news or editorial comment to the general public;
- (c) A candidate, member, or member-elect of an Advisory Neighborhood Commission; or

- (d) An exempt organization specified in the District of Columbia tax code, provided, that the lobbying activities of such organization do not result in the organization’s financial gain or benefit.

3101.2 A person engaging in the following activities is exempt from the registration requirements of this section:

- (a) Appearing or presenting written testimony, on his or her own behalf or through an attorney, in an informal or formal rule-making, rate-making, or adjudicatory hearing before an executive agency or the Tax Assessor;
- (b) Supplying information in response to written inquiries by an executive agency, the Council of the District of Columbia, or any public official;
- (c) Inquiring only as to the status of specific actions by an executive agency or the Council of the District of Columbia;
- (d) Testifying before, or submitting written testimony to, a committee of the Council of the District of Columbia, or the Council, in a proceeding for which there is a public record or testimony submitted for inclusion in the public record;
- (e) Communicating through a newspaper, television, or radio of general circulation or a publication whose primary audience is the organization's membership; or
- (f) Conveying communications, indirectly or directly, by a bona fide political party, as defined in the Campaign Finance Act.

3101.3 A person, who may be exempt from the registration requirements of this chapter, may be a registrant for other purposes under this title; provided, that the activity of the person shall not constitute a conflict of interest.

3102 ACTIVITY REPORTS

3102.1 Each registrant shall file an activity report, on a form prescribed by the Director; provided, that a separate activity report shall be filed by each law firm, association, or business entity employed to lobby under § 3100 for each person from whom compensation is received during the reporting period.

3102.2 Each activity report shall include the following:

- (a) A complete and current statement of information as shown on the registration form;

- (b) A listing of the name of each official in the executive or legislative branch with whom the registrant has communicated in writing or orally during the reporting period relating to lobbying activities, and the date of the communication;
- (c) A prorated listing and breakdown of total lobbying compensation receipts paid to each lobbyist for lobbying, including each in-house employee-lobbyist, based on time spent on influencing any legislative action, administrative decision, or each piece of local legislation on Schedule A;
- (d) A listing and breakdown of all compensation received and used in payment for lobbying activities, including office, personal, advertising, publication, and travel expenses, compensation to others, and other expenses on Schedule A-1;
- (e) Each loan received by the lobbyist, in-house employee lobbyist, person, and organization related to any lobbying activity on Schedule A-2;
- (f) Each expenditure paid by the compensating registrant for lobbying activities to a lobbyist, an in-house employee-lobbyist, person or organization contracted to provide lobbying activities, on Schedule B;
- (g) Each campaign or political contribution, gift, honorarium, or loan of fifty dollars (\$50) made by the registrant or anyone acting on behalf of the registrant to benefit an official in the legislative or executive branch, a member of the official’s staff or household, or a campaign or testimonial committee established for the benefit of the official on Schedule B-1; and
- (h) The name of each official in the executive or legislative branch, and any member of the official’s personal and committee staff, who has a business or professional services relationship with the registrant, as well as the nature of such business relationship, on Schedule C.

3102.3 Each registrant shall maintain:

- (a) A personal detailed account of time spent, expenses incurred, and compensation paid or received for lobbying; and
- (b) All records in accordance with Chapter 34 of this title.

3102.4 A registrant shall exclude from activity reports any transactions related to the registrant’s exempt status, if any, under § 3101.

3103 FILING DEADLINES

3103.1 Each registrant shall file a Lobbyist Registration Form:

- (a) By no later than fifteen (15) days after becoming a lobbyist; and
- (b) By no later than January 15th of each year.

3103.2 Each registrant shall file Lobbyist Activity Reports of the previous six (6) month period each year on the following dates:

- (a) January 10th, for the period covering July 1st through December 31st; and
- (b) July 10th, for the period covering January 1st through June 30th.

3103.3 The Lobbyist Activity Report may be filed in an electronic format at the OCF Website; provided, that the registrant verifies the electronically filed Report by submitting a digitized copy of the signed certification as a separate file in the electronic submission.

3104 PROHIBITED ACTIVITIES

3104.1 A registrant, or anyone acting on behalf of a registrant, shall be prohibited from offering, giving, or causing to be given a gift, directly or indirectly related to lobbying, to an official in the legislative or executive branch or member of the official's staff, that exceeds one hundred dollars (\$100) in value in the aggregate in any calendar year.

3104.2 An official in the legislative or executive branch or any member of the official's staff shall be prohibited from soliciting or accepting anything, directly or indirectly relating to lobbying, that exceeds one hundred dollars (\$100) in value in the aggregate in any calendar year.

3104.3 The term, "gift," as used in § 3104, shall exclude any contributions made pursuant to Chapter 30 of this title.

3104.4 No person shall:

- (a) Knowingly or willfully make, or cause to be made, any false or misleading statement or misrepresentation of the facts relative to any pending administrative decisions or legislative actions to any official in the legislative or executive branch;
- (b) Knowingly or willfully transmit, or cause to be transmitted, to an official in the legislative or executive branch, a copy of a document known to contain a false statement, under § 3104.4(a), without notifying the official in writing of the truth; or

- (c) Sell or utilize any information copied from registration forms and activity reports, under §§ 3100 and 3102, or from lists compiled from registration forms and activity reports, for soliciting campaign contributions or selling tickets to a fundraising affair or for any commercial purpose.

3104.5 No lobbyist or registrant or person acting on behalf of the lobbyist or registrant shall provide legal representation, or other professional services, to an official in the legislative or executive branch, or to a member of his or her staff, at no cost or at a rate that is less than the lobbyist or registrant would routinely bill for the representation or service in the marketplace.

3104.6 Notwithstanding § 3104.5, a nonprofit organization that routinely provides legal services to clients at no cost may provide legal representation or other services to an official in the legislative or executive branch, or to a member of his or her staff, when doing so serves the purpose for which such services are routinely provided, and the representation and services are not provided by a lobbyist or registrant.

3104.7 Except as provided in § 3101.1, a public official shall be precluded from employment as a lobbyist while acting as a public official.

3105 PENALTIES

3105.1 Penalties for any violation of this chapter shall be imposed pursuant to Chapter 37 of this title.

Chapter 32 of Title 3 of the DCMR is amended in its entirety to read as follows:

CHAPTER 32 FINANCIAL DISCLOSURE STATEMENTS, HONORARIA, AND ROYALTIES

- 3200 PUBLIC FINANCIAL DISCLOSURE STATEMENT - APPLICABILITY**
- 3201 PUBLIC FINANCIAL DISCLOSURE STATEMENT CONTENT**
- 3202 PUBLIC FINANCIAL DISCLOSURE STATEMENT FILING REQUIREMENTS**
- 3203 CONFIDENTIAL FINANCIAL DISCLOSURE STATEMENT**
- 3204 LIMITATIONS ON HONORARIA AND ROYALTIES**

3200 PUBLIC FINANCIAL DISCLOSURE STATEMENT - APPLICABILITY

3200.1 The requirements of this chapter regarding the filing of public financial disclosure statements shall apply to the following public officials:

- (a) Each candidate for nomination for election, or election, to public office (except the office of Advisory Neighborhood Commissioner (ANC)) who, at the time of candidacy, does not occupy any such office;
- (b) Each elected official, except ANC members;
- (c) Each person serving as a subordinate agency head in a position designated as within the Executive Service;
- (d) Each member of a board or commission listed in Section 2(e) of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01(e)); and
- (e) Each District of Columbia Excepted Service employee paid at a rate of Excepted Service 9 or above, or its equivalent, and any other employees designated by the Ethics Board, who makes decisions, acts in areas of responsibility that may create a conflict of interest or appearance of a conflict of interest, or participates substantially in any the following areas:
 - (1) Contracting;
 - (2) Procurement;
 - (3) Administration of grants or subsidies;
 - (4) Developing policies;
 - (5) Land use planning;

- (6) Inspecting;
- (7) Licensing;
- (8) Regulating; or
- (9) Auditing.

3200.2 A person shall be considered to have been a public official for purposes of this chapter if he or she has served as a public official for more than 30 days during any calendar year in a position for which reports are required under this section.

3201 PUBLIC FINANCIAL DISCLOSURE STATEMENT CONTENT

3201.1 Each public official listed in § 3200.1 shall annually file a public Financial Disclosure Statement (FDS) on a form prescribed by the Director. The FDS shall contain:

- (a) The name of each business, whether or not transacting any business with the District government, in or from which the public official or his or her spouse, domestic partner, or dependent children:
 - (1) Has a beneficial interest, including, whether held in such person's own name, in trust, or in the name of a nominee, securities, stocks, stock options, bonds, or trusts, exceeding in the aggregate one thousand dollars (\$1,000), or that produced income in excess of two hundred dollars (\$200);
 - (2) Receives honoraria and income earned for services rendered in excess of two hundred dollars (\$200) during a calendar year, as well as:
 - (A) The identity of any client for whom the official performed a service in connection with the official's outside income if the client either has a contract with the government of the District of Columbia or stands to gain a direct financial benefit from legislation that was pending before the Council during the calendar year; and
 - (B) A narrative description of the nature of the service performed in connection with the official's outside income;
 - (3) Serves as an officer, director, partner, employee, consultant, contractor, volunteer, or in any other formal capacity or affiliation; or

- (4) Has an agreement or arrangement for a leave of absence, future employment, including date of agreement, or continuation of payment by a former employer;
- (b) Each outstanding individual liability in excess of one thousand dollars (\$1,000) for borrowing by the public official or his or her spouse, domestic partner, or dependent children from anyone other than a federal or state insured or regulated financial institution, including any revolving credit and installment accounts from any business enterprise regularly engaged in the business of providing revolving credit or installment accounts, or a member of the person's immediate family;
- (c) All real property located in the District of Columbia (other than the personal residence occupied by the public official or his or her spouse or domestic partner) that has a fair market value in excess of one thousand dollars (\$1,000), or that produced income of \$200, in which the public official or his or her spouse, domestic partner, or dependent children holds an interest;
- (d) Each professional or occupational license issued by the District government held by either the public official or his or her spouse, domestic partner, or dependent children;
- (e) All gifts with an aggregate value of one hundred dollars (\$100) or more received in a calendar year from any person that:
 - (1) Has or is seeking to obtain contractual or other business or financial relations with the District government;
 - (2) Conducts operations or activities that are subject to regulation by the District government; or
 - (3) Has an interest that may be favorably affected by the performance or non-performance of the public official's official responsibilities;
- (f) An affidavit stating that the public official has not caused title to property to be placed in the name of another person or entity for purposes of avoiding the requirements of this section;
- (g) A certification that the public official has:
 - (1) Filed and paid his or her income and property taxes;
 - (2) Diligently safeguarded the assets of the taxpayers and the District;

- (3) Reported known illegal activity, including attempted bribes, to the appropriate authorities;
- (4) Not been offered or accepted any bribes;
- (5) Not directly or indirectly received government funds through illegal or improper means;
- (6) Not raised or received funds in violation of federal or District law; and
- (7) Not received or been given anything of value, including a gift, favor, service, loan gratuity, discount, hospitality, political contribution, or promise of future employment, based on any understanding that the public official's official actions or judgment or vote would be influenced.

3201.2 The Director may, on a case-by-case basis and for good cause shown, exempt a public official from all or a portion of the requirement of this section.

3202 PUBLIC FINANCIAL DISCLOSURE STATEMENT FILING REQUIREMENTS

3202.1 The public FDS shall be deemed timely filed in person or by first class mail if received in the Office of Campaign Finance by no later than 5:30 p.m. of May 15th of each year for the prior calendar year in which the public official served.

3202.2 The public FDS may be filed electronically no later than 12:00 midnight of the filing deadline; Provided that, the paper filing of the FDS, verified by the public official, is filed within five (5) days of the filing deadline. The filing of the paper copy may be eliminated where the public official electronically certifies the contents of the report through the use of a PIN Number assigned by the Office of Campaign Finance.

3202.3 A public official may make a request of the Director, in writing, for an extension of up to thirty (30) days in which to submit the FDS.

3202.4 The Director may extend the period of time for submission of the FDS.

3202.5 If a public official ceases to hold the office or position that required him or her to file an FDS prior to May 15th in any year, that public official shall file the FDS no later than three (3) months after the last day he or she occupies such office or position.

3202.6 Each public FDS shall be maintained as a public record.

3202.7 By no later than June 2nd of each year, the Board shall publicly disclose the names of the candidates, officers, and employees who have filed a public FDS.

3202.8 By no later than June 15th of each year, the Director shall publish in the D.C. Register:

- (a) The name of each public official who has filed a report under this section;
- (b) The name of each public official who has requested and received an extension of the deadline filing requirement, and the reason for the extension; and
- (c) The name of each public official who has not filed a report, and the reason for not filing, if known.

3202.9 Each public FDS shall be audited in the year in which it is filed.

3202.10 Except as otherwise provided by this section, each public FDS shall be kept by the Board in the custody of the Director for at least six (6) years.

3202.11 The Director shall dispose of papers filed pursuant to this section in accordance with the provisions of D.C. Official Code § 2-1701 et seq.

3203 CONFIDENTIAL FINANCIAL DISCLOSURE STATEMENT

3203.1 The requirements of this section shall apply to the following individuals:

- (a) Each Advisory Neighborhood Commissioner; and
- (b) Each District government employee (with the exception of Excepted Service employees paid at a rate of Excepted Service 9 or above, or its equivalent) who makes decisions, acts in areas of responsibility that may create a conflict of interest or appearance of a conflict of interest, as determined by their respective agency heads, or participates substantially in any of the following areas:
 - (1) Contracting;
 - (2) Procurement;
 - (3) Administration of grants or subsidies;
 - (4) Developing policies;
 - (5) Land use planning;

- (6) Inspecting;
- (7) Licensing;
- (8) Regulating; or
- (9) Auditing.

3203.2 Each individual covered by this section shall annually file an FDS containing the information required by § 3201.1 by no later than May 15th of each year.

3203.3 Any FDS filed under this section shall be kept confidential.

3203.4 An FDS filed under this section shall be filed with:

- (a) The Director of the Office of Advisory Neighborhood Commissions, in the case of an Advisory Neighborhood Commissioner; or
- (b) The employee’s agency head, in the case of a District government employee that meets the requirements of § 3204.1(b).

3203.5 Upon review of the confidential FDS, any finding of a violation of the Code of Conduct shall be forwarded immediately to the Director for review.

3204 LIMITATIONS ON HONORARIA AND ROYALTIES

3204.1 The following public officials and individuals shall not receive honoraria in excess of ten thousand dollars (\$10,000) during any calendar year:

- (a) The Mayor, and any member of his or her immediate family;
- (b) The Attorney General, and any member of his or her immediate family;
- (c) The members of the Council, and each member of their immediate families; and
- (d) The members of the State Board of Education, and each member of their immediate families.

3204.2 Neither the Mayor, the Chairman of the Council, nor any member of the Mayor’s or of the Chairman of the Council’s immediate family shall accept royalties for works of the Mayor or the Chairman of the Council, respectively, in excess of ten thousand dollars (\$10,000) during any calendar year.

3204.3 For purposes of computing the ten thousand dollar (\$10,000) limitation on honoraria and royalties prescribed in this section, an honorarium or royalty shall be considered received in the year in which the right to receive it accrues.

3204.4 Any honorarium, royalty, or part thereof paid to a charitable organization by or on behalf of a public official shall not be calculated as part of an aggregate total.

Chapter 33 of Title 3 of the DCMR is amended in its entirety to read as follows:

CHAPTER 33 CONFLICT OF INTEREST AND USE OF GOVERNMENT RESOURCES FOR CAMPAIGN-RELATED PURPOSES

- 3300 RESERVED**
- 3301 PROHIBITED CONDUCT**
- 3302 RESERVED**
- 3303 NOTIFICATION OF CONFLICT OF INTEREST: NON-ELECTED OFFICIALS**
- 3304 NOTIFICATION OF CONFLICT OF INTEREST: ELECTED OFFICIALS**
- 3305 INTERPRETATIVE OPINIONS**

3300 RESERVED

3301 PROHIBITED CONDUCT

3301.1 No District government employee shall:

- (a) Use his or her official position or title, or personally and substantially participate, through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise, in a judicial or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, or other particular matter, or attempt to influence the outcome of a particular matter, in a manner that the employee knows is likely to have a direct and predictable effect on the employee’s financial interests or the financial interests of a person closely affiliated with the employee;
- (b) Receive any compensation, salary, or contribution to salary, gratuity, or any other thing of value from a source other than the District government for the employee’s performance of official duties; or
- (c) Knowingly acquire:
 - (1) Stocks, bonds, commodities, real estate, or other property, whether held individually or jointly, the acquisition of which could unduly influence or give the appearance of unduly influencing the employee in the conduct of his or her official duties and responsibilities; or
 - (2) An interest in a business that:
 - (A) Is related directly to the employee’s official duties;

- (B) Might otherwise be involved in an official action taken or recommended by the employee; or
 - (C) Is related to matters over which the employee could wield any influence, official or otherwise.

- 3301.2 The prohibition set forth in § 3301.1(c) shall also apply to members of District government employees' households.

- 3301.3 No District of Columbia Government resources shall be used to support or oppose any of the following:
 - (a) A candidate for elected office, whether partisan or nonpartisan; or
 - (b) An initiative, referendum, or recall measure, or a charter amendment referendum.

- 3301.4 Resources of the District of Columbia Government shall include, but not be limited to, the following:
 - (a) The personal services of employees during their hours of work; and
 - (b) Nonpersonal services.

- 3301.5 Nonpersonal services shall include, but not be limited to, the following:
 - (a) Supplies;
 - (b) Materials;
 - (c) Equipment;
 - (d) Office space;
 - (e) Facilities; and
 - (f) Utilities, for example, telephone, gas, and electric services.

- 3301.6 Notwithstanding the prohibition set forth in § 3301.3, the following public officials may, as part of their official duties, express their views on a District of Columbia election:
 - (a) The Mayor;
 - (b) The Chairman of the Council;

- (c) Each Member of the Council;
- (d) The President of the State Board of Education; and
- (e) Each Member of the State Board of Education.

3302 RESERVED

3303 NOTIFICATION OF CONFLICT OF INTEREST: NON-ELECTED OFFICIALS

3303.1 Any District government employee who, in the discharge of his or her official duties, would be required to act in any manner prohibited under § 3301.1(a) shall:

- (a) Prepare a written statement that:
 - (1) Advises of the nature and circumstances of the particular matter; and
 - (2) Makes full disclosure of the financial interest; and
- (b) Deliver such statement to his or her supervisor and the Director.

3301.2 A District government employee shall be exempt from the prohibition set forth in § 3301.1(a) if he or she, upon complying with § 3303.1, receives in advance a written determination made by his or her supervisor and the Director that:

- (a) The financial interest is not so substantial as to be deemed likely to affect the integrity of the services that the government may expect from the employee; or
- (b) Another legally cognizable basis for waiver exists.

3304 NOTIFICATION OF CONFLICT OF INTEREST: ELECTED OFFICIALS

3304.1 Any elected official who, in the discharge of his or her official duties, would be required to act in any manner prohibited under § 3301.1(a) shall:

- (a) Prepare a written statement that:
 - (1) Advises of the nature and circumstance of the particular matter; and
 - (2) Makes full disclosure of the financial interest; and
- (b) Deliver such statement to:

- (1) The Council Chairman, in the case of a member of the Council; or
- (2) The Director, in the case of an elected official other than a member of the Council.

3304.2 During any proceeding in which an elected official, who has delivered a statement under § 3304, would be required to take action that is prohibited under 3301.1(a), the Chairman of the impacted body shall:

- (a) Read the statement delivered under § 3304 into the record of proceedings; and
- (b) Excuse the elected official from votes, deliberations, and other actions on the matter.

3304.3 No Councilmember excused from votes, deliberations, or other actions on a matter under § 3304.2 shall in any way participate in or attempt to influence the outcome of the particular matter in a manner that is likely to have a direct and predictable effect on the employee’s financial interests or the financial interests of a person closely affiliated with the employee.

3305 INTERPRETATIVE OPINIONS

3305.1 Any person subject to this chapter may request a written interpretative opinion concerning the application of the Act, and Chapters 30-41 of this title.

3305.2 The request shall be addressed to the Director in writing.

3305.3 Each request shall contain the following:

- (a) The full name and address of the requestor;
- (b) A query as to an application of the Act, and Chapters 30-41 of this title, solely with respect to an actual or potential event concerning a specific or general transaction or activity of the person;
- (c) Any related documentation.

3305.4 The Director shall notify the requestor in writing of the acceptance of each request.

3305.5 The Director shall respond in writing to each request within thirty (30) days after it has been accepted for review by the Office of Campaign Finance.

3305.6 If the requestor disagrees with the interpretative opinion issued by the Director, the requestor may request an advisory opinion from the Board of Elections, pursuant to Chapter 3 of this title.

Chapter 34 of Title 3 of the DCMR is amended in its entirety to read as follows:

CHAPTER 34 CAMPAIGN FINANCE RECORDKEEPING AND AUDITS

- 3400 RECORDKEEPING PROCEDURES**
- 3401 EXPENDITURES**
- 3402 RECEIPT**
- 3403 AVAILABILITY OF FINANCIAL RECORDS**
- 3404 DESK REVIEWS AND AUDITS**

3400 RECORDKEEPING PROCEDURES

3400.1 To ensure financial accountability, this chapter governs the recordkeeping procedures for the following:

- (a) Candidates, including candidates seeking election to an Advisory Neighborhood Commission (ANC);
- (b) Political Committees;
- (c) Lobbyists;
- (d) Constituent-Service Programs;
- (e) Statehood Funds;
- (f) Exploratory Committees;
- (g) Inaugural Committees;
- (h) Legal Defense Committees; and
- (i) Transition Committees.

3400.2 Each person who is required to file records under §3400.1 shall obtain and preserve, from the date of registration, detailed records of all contributions and expenditures disclosed in reports and statements filed with the Director, including the following:

- (a) Check stubs;
- (b) Bank statements;
- (c) Canceled checks;

- (d) Contributor cards and copies of donor checks;
- (e) Deposit slips;
- (f) Invoices;
- (g) Receipts;
- (h) Contracts;
- (i) Subcontracts;
- (j) Payroll records;
- (k) Lease agreements;
- (l) Petty cash journals, if applicable;
- (m) Ledgers;
- (n) Vouchers; and
- (o) Loan documents.

3400.3 Bank statements may be submitted in lieu of canceled checks to show financial transactions, as long as the bank statements include photocopies of the canceled checks.

3400.4 A contribution received after an election cycle (primary and general) shall be earmarked to indicate that the contribution is for the retirement of the debt of a candidate or political committee.

3400.5 Each filer, with the exception of lobbyists, shall maintain the records required under § 3400.2 for a period of three (3) years from the date of the filing of the final Report of Receipts and Expenditures (R&E Report) and the Statement of Committee Termination under § 3016.

3400.6 Each lobbyist shall maintain the records required under § 3400.2 for a period of five (5) years from the date of the filing of the Lobbying Activity Report required under § 3102.

3401 EXPENDITURES

3401.1 With the exception of petty cash disbursements, each expenditure shall be made by:

- (a) Serially pre-numbered check that identify the required filer on the face of the check; and
- (b) A commercial-business type of check that includes spaces for the entry of each check and a brief explanation of the nature of the disbursement.

3401.2 Checks shall be issued by the filer:

- (a) In consecutive numerical order; and
- (b) Out of the depository account.

3401.3 Checks shall be recorded:

- (a) In a cash disbursement journal; and
- (b) On the check stub, as provided.

3401.4 Voided or stale-dated checks shall be:

- (a) Stamped "void" or made non-negotiable; and
- (b) Retained in accordance with § 3400.2.

3401.5 Each expenditure from petty cash shall be made in accordance with the following procedures:

- (a) Each disbursement from the petty cash fund shall be supported by a petty cash voucher; and
- (b) Each reimbursement out of the petty cash fund shall be accompanied by appropriate documentation, for example, receipts or invoices.

3401.6 Each expenditure shall be reconciled with the total monthly disbursements, as shown by the following:

- (a) Canceled checks; and
- (b) Bank statements.

3402 RECEIPTS

3402.1 To fully identify the donor of a contribution, each receipt shall contain:

- (a) The donor's full name;

- (b) The donor’s mailing address;
- (c) The donor’s occupation and principal place of business, if any;
- (d) The date of the contribution; and
- (e) The amount of the contribution.

3402.2 Each receipt shall be handled in the following manner:

- (a) A pre-numbered receipt shall issue for each contribution received; and
- (b) Receipts shall be documented by contributor cards and copies of the donor’s check.

3402.3 Records of receipts and contributions shall be maintained to show:

- (a) Cumulative totals, with the exception of receipts for sales or collections; and
- (b) For receipts for sales or collections, a detailed record of receipts and expenditures.

3402.4 Each filer shall separately identify itemized receipts from unitemized receipts (for example, those receipts obtained at fundraising events).

3403 AVAILABILITY OF FINANCIAL RECORDS

3403.1 The Director shall have access to:

- (a) All books, records, accounts, reports, surveys, and other documentation deemed necessary by the Director for the administration and enforcement of this title; and
- (b) All books, accounts, records, reports, surveys, and any other evidence or documentation within the custody of any organization, including subcontractors, agency, board, commission, department, or any instrumentality of the District of Columbia government, pertaining to the activities of any filer.

3403.2 All records, under this chapter, shall be made available for review and audit no later than ten (10) days after receipt of a written request by the Director.

3404 DESK REVIEWS AND AUDITS

- 3404.1 The Report Analysis and Audit Division (Audit Division) of the Office of Campaign Finance shall conduct Desk Reviews of each Report of Receipt and Expenditure filed with the Agency to ensure the accurate reporting of financial activity, as shown by the following:
- (a) The ending balance from the last report filed is carried forward as the beginning balance for the report under review;
 - (b) The information on the Summary Page, including both columns A and B, is complete and correct mathematically, and presents an overall view of the financial activities of the filer;
 - (c) The information on the Detailed Summary Page, including both columns A and B, is complete and correct mathematically, and presents an overall breakdown of the categories of all receipts;
 - (d) All Schedules A provide complete and detailed information for each receipt, an itemized list of, and which equals, all receipts for each of the categories on the Detailed Summary Page, and that each contribution does not exceed contribution limits;
 - (e) All Schedules B provide complete and detailed information for each disbursement, an itemized list of, and which equals, all disbursements for each of the categories on the Detailed Summary page, and list valid purposes for each expenditure;
 - (f) The information on Schedule C is complete and detailed as to all receipts received from sales and collections, and the total is carried to the Summary Page;
 - (g) The information on Schedule D is complete and detailed as to all debts and obligations (excluding loans) owed by or to the filer, and the total is carried to the Summary Page; and
 - (h) The information on Schedule E is complete and detailed as to all loans made by or to the filer, and the total is carried to the Summary Page.
- 3404.2 At the conclusion of the Desk Review, the Audit Division will issue a Request for Additional Information (RFAI) letter to each filer whose Report of Receipts and Expenditures was found to contain errors or discrepancies. The RFAI will detail the errors and discrepancies noted during the Desk Review, and will require the filer to respond within fifteen (15) calendar days and provide corrections or file an amended report.
- 3404.3 In addition, the Audit Division may conduct full field audits and periodic random field audits of the receipts, disbursements, and debts and obligations of

candidates; principal campaign committees; political committees; inaugural, transition, and exploratory committees; legal defense funds; and constituent-service and statehood fund programs.

3404.4 Full Field Audits may be initiated as follows:

- (a) Following an election year, the principal campaign committees of candidates newly elected to office may be selected for full field audit in the non-election year occurring thereafter; or
- (b) The Director of the Office of Campaign Finance may direct the conduct of full field audits as the result of complaints received for the investigation of alleged violations of the Campaign Finance Act of 2011 from either the OCF or members of the public, or by order of the Board of Elections.

3404.5 Periodic Random Field Audits will be conducted as follows:

- (a) For candidates and continuing principal campaign committees, the auditees will be selected from the list of timely filers for each January 31st and July 31st report date, following the close of the filing deadline;
- (b) For political action committees, the auditees will be selected from the list of timely filers for each January 31st and July 31st report date, following the close of the filing deadline; and
- (c) For Constituent Service and Statehood Fund Programs, the auditees will be selected commencing with the April 1st report date and every other quarterly filing deadline thereafter, during the calendar year.

3404.6 The Audit Branch must notify the Treasurer of the committee selected for audit in writing of the audit, and request the delivery to OCF by a date certain within thirty (30) calendar days of the issuance of the letter, of all underlying documentation, including bank statements and records, copies of deposit slips, contributor checks and cards, invoices, and loan documents supporting each and every transaction reported during the coverage period.

3404.7 Upon receipt of all financial records, the audit field work shall commence and include the review of all disclosure reports for completeness and mathematical accuracy, the reconciliation of bank account records to the disclosure reports filed, and such other audit procedures as deemed necessary.

3404.8 Once the fieldwork is completed, the Audit Division shall issue a Preliminary Audit Report, with Findings and Recommendations, and require the submission of a written response, amended report, and/or additional documentation by the committee within thirty (30) calendar days or less after receipt of the Report.

- 3404.9 The Final Audit Report will be released and made available to the public following the receipt and review of the committee response for compliance with all outstanding issues.
- 3404.10 In the event of the failure to provide committee records or to respond to the Preliminary Audit Report, in whole or in part, or to any other request of the Audit Division, including the Request for Additional Information, the Audit Branch will refer the failure to comply to the OCF General Counsel for the initiation of the enforcement process pursuant to § 3700 of this title.
- 3404.11 It is the policy of the Board of Elections that extensions of time to take action required within a period of time under this chapter will not be routinely granted, without a demonstration that good cause exists for such a request, and the extension shall not exceed 15 days.
- 3404.12 During the period of any audit under this chapter, the committee must continue to file any reports of receipts and expenditures which may become due.

Chapter 35 of Title 3 of the DCMR is amended in its entirety to read as follows:

CHAPTER 35 MINOR PARTY EXEMPTION

- 3500 REQUEST FOR EXEMPTION**
- 3501 INFORMAL HEARING FOR EXEMPTION**
- 3502 PROCEDURES FOR INFORMAL HEARING**
- 3503 DECISIONS OF THE DIRECTOR**
- 3504 REVIEW BY THE BOARD OF ELECTIONS**

3500 REQUEST FOR EXEMPTION

3500.1 Any member, contributor, or recipient of expenditures involving a minor party may request an exemption from the disclosure provisions of this title.

3500.2 The requestor shall apply, in writing, to the Director.

3501 INFORMAL HEARING FOR EXEMPTION

3501.1 Within fifteen (15) days following a request for an exemption, the Director shall conduct an informal hearing.

3501.2 To obtain an exemption, the requestor shall show, by a reasonable probability, that the disclosure of the names of the members, contributors, and recipients of expenditures shall expose the persons to economic reprisals, harassment, loss of employment, or threat of physical coercion from government officials or private parties.

3501.3 Evidence of the type of harm alleged, pursuant to § 3501.2, shall include past or present harassment of members, recipients, or contributors due to their associational ties, and/or threats, reprisals, or public hostility toward the minor party, its members, supporters, or individuals representing similar views.

3502 PROCEDURES FOR INFORMAL HEARING

3502.1 Notice of an informal hearing shall be issued in writing at least seven (7) days prior to the hearing.

3502.2 In the notice, the requester shall be informed of:

- (a) The authority upon which the hearing is based;
- (b) The time and place of the hearing;
- (c) The right to be represented by legal counsel; and

(d) The fact that the requester’s failure to appear may result in a dismissal of the matter.

3502.3 The Director shall regulate the course of the informal hearing and the conduct of the parties and their counsel.

3502.4 The requester, or counsel for the requester, shall present the requester’s case and evidence to the Director.

3502.5 The Director may wait a reasonable period of time for the requester to appear before beginning the informal hearing.

3502.6 If the requester fails to appear after a reasonable period of time, the Director shall:

(a) Reschedule the informal hearing;

(b) Issue notice of the rescheduled hearing; and

(c) Serve the requester both by certified and regular mail.

3502.7 If the requester fails to appear after an informal hearing has been rescheduled, the Director may proceed with the informal hearing; provided, that the requester has received notice.

3502.8 Following the conduct of each informal hearing, the Director shall issue a written order with findings of facts and conclusions of law.

3503 DECISIONS OF THE DIRECTOR

3503.1 If the Director denies the request, the minor party shall disclose all necessary information in accordance with this title.

3503.2 If the Director approves the request, the minor party shall add the following sentence on all campaign literature: “By Order of the Director, pursuant to Title 3 DCMR, Chapter 35, we are exempt from disclosing the names of the members, contributors, and recipients of expenditures to protect our First Amendment rights.”

3503.3 Nothing in this chapter shall preclude the Director from conducting an investigation for violations of this title, other than those disclosure requirements exempted under this chapter.

3504 REVIEW BY THE BOARD OF ELECTIONS

3504.1 Any party adversely affected by any order of the Director may obtain review of the order by filing with the Board of Elections a request for a hearing *de novo*.

3504.2 The request pursuant to § 3504.1 shall be filed:

- (a) Within fifteen (15) days from the issuance by the Director of an order; and
- (b) In accordance with Chapter 4 of this title.

Chapter 36 of Title 3 of the DCMR is amended in its entirety to read as follows:

**CHAPTER 36 DISTRICT OF COLUMBIA SENATOR AND
REPRESENTATIVE**

- 3600 DISTRICT OF COLUMBIA STATEHOOD FUNDS**
- 3601 STATEHOOD FUND PETTY CASH**
- 3602 APPLICABILITY**
- 3603 DISSOLUTION OF STATEHOOD FUND**
- 3604 PENALTIES**

3600 DISTRICT OF COLUMBIA STATEHOOD FUNDS

- 3600.1 The D.C. Senator or Representative (Senator or Representative) may establish a District of Columbia Statehood Fund (Statehood fund) to support the purposes and operations of the public office of a Senator or Representative, which may include:
 - (a) Office expenses; and
 - (b) Staff salaries; provided, that the Senator and Representative shall receive compensation no greater than that of the Chairman of the Council.

- 3600.2 The Senator and Representative shall be prohibited from expending monies from the Statehood fund for:
 - (a) Promoting or opposing any political party or committee; or
 - (b) Promoting or opposing the nomination, election, or recall of any individual to or from public office.

- 3600.3 To finance the Statehood fund, each Senator and Representative may solicit and receive the following contributions:
 - (a) Services;
 - (b) Monies;
 - (c) Gifts;
 - (d) Endowments;
 - (e) Donations; and
 - (f) Bequests.

- 3600.4 Except for any monies included in annual Congressional appropriations, all contributions shall be deposited in the respective District of Columbia Statehood fund (Statehood fund) for each Senator and Representative.
- 3600.5 Each Senator and Representative shall designate one or more District of Columbia federally chartered depository institutions, including a national bank, which is insured by either:
- (a) The Federal Deposit Insurance Corporation;
 - (b) The Federal Savings and Loan Insurance Corporation; or
 - (c) The National Credit Union Administration.
- 3600.6 Each Senator or Representative may establish more than one (1) account at any depository; provided, that at least one (1) checking account shall be maintained at one (1) depository.
- 3600.7 Each Senator and Representative may designate a financial officer to manage the Statehood fund; provided, that the Senator and Representative shall remain solely responsible for the lawful administration of the Statehood fund.
- 3600.8 Within ten (10) days of assuming office, each Senator and Representative shall file a Statement of Information (Statement), on a form prescribed by the Director, regarding the Statehood fund.
- 3600.9 The statement shall include:
- (a) The name, home, and office address of the respective Senator or Representative;
 - (b) The names and addresses of all Statehood fund depositories;
 - (c) The names and account numbers of all Statehood fund depository accounts;
 - (d) The names, titles, addresses, and phone numbers of each person authorized to make withdrawals or payments out of Statehood fund accounts;
 - (e) The name, address, and phone number of the Statehood fund financial officer, or any designated agent; and
 - (f) The name, address, and phone number of the custodian of books and records.

3601 STATEHOOD FUND PETTY CASH

- 3601.1 A Senator or Representative may establish a petty cash fund; provided, that the monies for the petty cash shall derive from the Statehood fund.
- 3601.2 A Senator or Representative shall maintain the petty cash fund and records in accordance with Chapter 30 of this title.

3602 APPLICABILITY

- 3602.1 Each Senator and Representative shall submit and file a Report of Receipts and Expenditures (R&E Report) for each Statehood fund in accordance with Chapter 30 of this title.
- 3602.2 Each Senator and Representative shall maintain their records in accordance with Chapter 35 of this title.
- 3602.3 Within this title, each Senator and Representative shall be subject to the following provisions:
- (a) Limitations on contributions, pursuant to Chapter 30 of this title;
 - (b) Limitations on constituent-service programs, pursuant to Chapter 30 of this title;
 - (c) Financial disclosure, pursuant to Chapter 32 of this title;
 - (d) Honoraria limitations, pursuant to Chapter 32 of this title; provided, that the salary of the Senator or Representative is supported by public revenues; and
 - (e) Conflict of interest, pursuant to Chapter 33 of this title.

3603 DISSOLUTION OF STATEHOOD FUND

- 3603.1 A Senator or Representative shall dissolve the respective Statehood fund in accordance with Chapter 30 of this title.
- 3603.2 A Senator or Representative shall disburse any surplus funds remaining in the respective Statehood fund in accordance with Chapter 30 of this title.

3604 PENALTIES

- 3604.1 Penalties for any violations of this chapter shall be imposed pursuant to Chapter 37 of this title.

Chapter 37 of Title 3 of the DCMR is amended in its entirety to read as follows:

CHAPTER 37 INVESTIGATIONS AND HEARINGS

- 3700 INVESTIGATIONS IN GENERAL**
- 3701 INITIATION OF INVESTIGATION**
- 3702 INTERNAL INQUIRY**
- 3703 PRELIMINARY INVESTIGATIONS**
- 3704 FULL INVESTIGATIONS**
- 3705 ADMINISTRATIVE DISPOSITION OF INVESTIGATIONS**
- 3706 INSTITUTION OF A CHARGE AND FORMAL HEARING**
- 3707 SUBPOENAS AND DEPOSITIONS**
- 3708 SERVICE OF SUBPOENAS AND NOTICE OF DEPOSITION**
- 3709 INFORMAL HEARING FOR ALLEGED VIOLATIONS OF REPORTING REQUIREMENTS**
- 3710 CEASE AND DESIST ORDERS BASED ON VIOLATIONS**
- 3711 SCHEDULE OF FINES**
- 3712 PROCEDURES REGARDING EXCESSIVE CONTRIBUTIONS**
- 3713 PUBLIC ACCESS TO DOCUMENTS**
- 3714 REPORTS AND STATEMENTS UNDER OATH**

3700 INVESTIGATIONS IN GENERAL

- 3700.1 The provisions of this chapter shall establish the procedures for the conduct of all investigations by the Director of Campaign Finance (Director), and/or his or her designee, of alleged violations of the Campaign Finance Act (Act), and Chapters 30 - 41 of this title.
- 3700.2 Investigations shall be conducted fairly and professionally, and in a manner that protects the rights and reputations of public employees and officials.
- 3700.3 Investigations shall be identified as one (1) of the following:
 - (a) Internal Inquiry;
 - (b) Preliminary Investigation; or
 - (c) Full Investigation.
- 3700.4 All proceedings and records of the Office of Campaign Finance (OCF) relating to the initiation or conduct of any investigation shall be confidential and closed to the public, except all orders of the Director issued during investigative proceedings shall be made available to the public at OCF's website.
- 3700.5 The disposition of each investigation shall be made part of the public record.

3701 INITIATION OF INVESTIGATION

3701.1 An investigation may commence upon referral by the Board of Elections (Board) or the filing of a complaint in writing with the Director.

3701.2 Each complaint shall include:

- (a) The full name and address of the complainant and the respondent;
- (b) A clear and concise statement of facts that alleged to constitute a violation of the Act, or of Chapters 30-41 of this title;
- (c) The complainant’s signature;
- (d) A verification of the complaint under oath; and
- (e) Supporting documentation, if any.

3702 INTERNAL INQUIRY

3702.1 An internal inquiry shall involve an examination by the Director of a possible violation of the Act, when the possible violation comes to the attention of the Director.

3702.2 The Director may initiate an internal inquiry through the following sources:

- (a) Information obtained through the media; or
- (b) Documents filed with the OCF.

3702.3 Within a reasonable time after examination of an internal inquiry, the Director shall determine whether to initiate a preliminary investigation.

3703 PRELIMINARY INVESTIGATIONS

3703.1 A preliminary investigation shall entail an inquiry by the Director to determine whether there is reasonable cause to believe that a violation has occurred.

3703.2 Preliminary investigations may be initiated by any one (1) of the following means:

- (a) Referral by the Board of Elections;
- (b) Complaint by any employee or resident of the District of Columbia; or

(c) Complaint generated by the OCF.

3703.3 A preliminary investigation conducted by OCF shall be strictly investigatory, non-adversarial, and non-adjudicatorial.

3703.4 Within thirty (30) days of initiation of a preliminary investigation, the Director shall determine whether a full investigation is necessary.

3703.5 Within ten (10) days after initiation of a preliminary investigation, the Director shall notify, in writing, the person (respondent) who is the subject of the preliminary investigation.

3703.6 Notification to the respondent shall consist of the following:

- (a) A copy of the complaint;
- (b) Explanation of the existence of the investigation and the general nature of the alleged violation; and
- (c) An offer to the subject affording the opportunity to respond to the allegation(s).

3704 FULL INVESTIGATIONS

3704.1 A full investigation regarding any alleged violation of the Act or Chapters 30-41 of this title shall commence upon a finding of reasonable cause by the Director, and notice to the respondent that a full investigation has commenced.

3704.2 The full investigation shall be conducted by evidence gathered and explored by the following:

- (a) Subpoena;
- (b) Depositions;
- (c) Interrogatories;
- (d) Interviews;
- (e) Audits;
- (f) Affidavits;
- (g) Documents; and
- (h) Other means deemed appropriate.

- 3704.3 The Director may require any person to submit in writing certain reports and answers to questions, as prescribed by the Director, relating to the administration and enforcement of the Act, and Chapters 30-41 of this title.
- 3704.4 Any person required by the Director to submit in writing certain reports or to answer questions under shall submit such reports and/or answers within seven (7) calendar days after receipt of the request.
- 3704.5 If any person required by the Director to submit in writing certain reports or to answer questions fails to submit such reports or answers within seven (7) calendar days after receipt of the request, the Director shall issue a subpoena in accordance with § 3707 of this chapter.
- 3704.6 All submissions of reports or answers shall be made under oath; provided, that the person is not represented by counsel.
- 3704.7 Within ninety (90) days of receipt of any complaint, the Director shall:
- (a) Cause evidence to be presented to the Board, if sufficient evidence exists constituting an apparent violation, pursuant to § 3706;
 - (b) Dismiss the complaint, if insufficient evidence exists to present the matter, pursuant to § 3705; or
 - (c) Impose civil penalties, pursuant to § 3711, upon a determination that a violation of the reporting and disclosure requirements prescribed by the Act and/or Chapters 30-41 of this title has occurred.
- 3704.8 The Director may seek, upon a showing of good cause, an extension of time as reasonably necessary to complete an investigation.

3705 ADMINISTRATIVE DISPOSITION OF INVESTIGATIONS

- 3705.1 The Director may dismiss any case administratively for any of the following reasons:
- (a) Insufficient evidence exists to support a violation;
 - (b) Stipulation of the parties;
 - (c) Inability to serve process on respondent;
 - (d) Lack of jurisdiction over respondent; or
 - (e) Lack of subject matter jurisdiction.

3705.2 The Director shall report to the Board any dismissal issued under § 3705.1 by order with written findings of facts and conclusions of law.

3705.3 The order issued under § 3705.2 shall be served upon all parties or their representatives.

3705.4 Any party adversely affected by any order of the Director issued under § 3705.2 may obtain review of the order by filing a request with the Board of Elections pursuant to § 3709.12.

3706 INSTITUTION OF A CHARGE AND FORMAL HEARING

3706.1 Upon belief that sufficient evidence exists constituting an apparent violation of the Act and/or of Chapters 30-41 of this title, the Director shall institute a formal charge or complaint against the alleged violator pursuant to Chapter 4 of this title.

3706.2 The complaint shall include:

- (a) The basis for the Director’s jurisdiction over the alleged violation(s);
- (b) A recitation of the facts alleged to be violations of the Act and/or regulations;
- (c) Proposed sanctions; and
- (d) A prayer for relief.

3706.3 The Director shall present evidence of the violation to the Board in an adversarial and open hearing.

3707 SUBPOENAS AND DEPOSITIONS

3707.1 The Director shall have the power to require, by subpoena, the attendance and testimony of witnesses and the production of documentary evidence.

3707.2 Except as provided in § 3704.7 of this chapter, each subpoena issued by the Director shall be approved by the Board, and shall include:

- (a) The name of the respondent;
- (b) The title of the action;
- (c) A specification of the time allowed for compliance with the subpoena; and
- (d) A command to the person to whom it is directed to:

- (1) Attend and give testimony at a time and place specified in the subpoena; and/or
- (2) Produce and permit inspection and copying of the books, papers, documents, or tangible things designated in the subpoena.

- 3707.3 A complainant may request the Director to subpoena particular persons or evidence; provided, that the subpoena shall not be obtained as a matter of right to the complainant.
- 3707.4 Any person to whom a subpoena is directed may, prior to the time specified in the subpoena for compliance, file a motion to request that the Board quash or modify the subpoena.
- 3707.5 Any application to quash a subpoena shall be accompanied by a brief statement of the reasons supporting the motion to quash.
- 3707.6 The Board may quash or modify the subpoena upon a showing of good cause.
- 3707.7 Upon written notice, the Director may, in any proceeding or investigation, order testimony to be taken by deposition, under oath, before any person who is designated by the Director.
- 3707.8 A deposition may be scheduled at a time and place convenient to the parties.
- 3707.9 A respondent or witness may be represented by counsel at a deposition.
- 3707.10 A transcript of a deposition may be requested and furnished at reasonable cost to the requestor.

3708 SERVICE OF SUBPOENAS AND NOTICE OF DEPOSITION

- 3708.1 A subpoena or a notice of a deposition shall be served upon a person by delivering a copy of the subpoena or notice to the named person, pursuant to this section.
- 3708.2 If a person is represented by counsel in a proceeding, a subpoena or a notice may be served upon counsel.
- 3708.3 Service of a subpoena or a notice of deposition and fees to an individual may be made by any of the following means:
- (a) Handing the subpoena or notice to the person;

- (b) Leaving the subpoena or notice at the person’s office with the person in charge of the office;
- (c) Leaving the subpoena or notice at the person’s dwelling place or usual place of abode with some person of suitable age and discretion residing in that dwelling place or abode;
- (d) Mailing the subpoena or notice by registered or certified mail to the person at the person’s last known address with return receipt requested; or
- (e) Any other method whereby actual notice is given to the person.

3708.4 When the person to be served is not an individual, a copy of the subpoena or notice of the deposition and fees shall be delivered by one (1) of the following means:

- (a) Handing the subpoena or notice to a bona fide registered agent;
- (b) Handing the subpoena or notice to any office, director, or agent in charge of any office of that entity;
- (c) Mailing the subpoena or notice by registered or certified mail to a representative or agent of the entity at his or her last known address with return receipt requested; or
- (d) Any method whereby actual notice is given to an agent or representative of the entity.

3709 INFORMAL HEARING FOR ALLEGED VIOLATIONS OF REPORTING REQUIREMENTS

3709.1 The Director may institute or conduct an informal hearing on alleged violations of the reporting and disclosure requirements, prescribed by the Act and Chapters 30-41 of this title.

3709.2 The reporting and disclosure requirements shall apply to the following documents:

- (a) Statement of Acceptance of Position of Chairperson;
- (b) Statement of Acceptance of Position of Treasurer;
- (c) Identification of Campaign Literature;
- (d) Lobbyist Registration Form;
- (e) Lobbyist Activity Report;

- (f) Notice of Not Receiving Contributions or Expenditures;
- (g) Notification of Non-Support;
- (h) Report of Exemption for a Candidate Expending Less Than \$500;
- (i) Report of Receipts and Expenditures;
- (j) Request for Candidate Waiver;
- (k) Request for Additional Information;
- (l) Statement of Candidacy;
- (m) Statement of Candidate Withdrawal;
- (n) Statement of Committee Termination;
- (o) Statement of Information;
- (p) Statement of Organization;
- (q) Statement of Potential Conflict of Interest;
- (r) Summary Financial Statement for Advisory Neighborhood Commission (ANC);
- (s) Verified Statement of Contribution Report;
- (t) Withdrawal of Chairperson;
- (u) Withdrawal of Treasurer;
- (v) 24-Hour Report of Receipts for Candidates and Political Committees; and
- (w) Public Financial Disclosure Statement.

3709.3 Notice of an informal hearing shall be issued in writing at least ten (10) days prior to the hearing; provided that the ten (10) day period may be waived for good cause shown as long as the party is given a sufficient opportunity to prepare for the hearing.

3709.4 In the notice, an alleged violator of the reporting requirements shall be informed of:

- (a) The nature of the alleged violation;
- (b) The authority on which the hearing is based;

- (c) The time and place of the hearing;
 - (d) The right to be represented by legal counsel;
 - (e) The fact that the alleged violator's failure to appear may be considered an admission of the allegation; and
 - (f) The fact that service of process shall be by regular mail.
- 3709.5 The Director shall regulate the course of the informal hearing and the conduct of the parties and their counsel.
- 3709.6 The respondent, or his or her counsel, may present the respondent's case and evidence to the Director.
- 3709.7 The Director may wait a reasonable period of time for the respondent to appear before beginning the informal hearing.
- 3709.8 If the respondent fails to appear after a reasonable period of time, the Director shall:
- (a) Reschedule the informal hearing;
 - (b) Issue notice of the rescheduled informal hearing; and
 - (c) Serve the respondent both by certified and regular mail.
- 3709.9 If the respondent fails to appear after an informal hearing has been rescheduled under § 3709.8, the Director may proceed with the informal hearing by making a record of the proceeding.
- 3709.10 Following the conduct of each informal hearing, the Director shall:
- (a) Determine whether a violation has occurred; and
 - (b) Issue a written order with findings of facts and conclusions of law.
- 3709.11 Any party adversely affected by any order of the Director may obtain review of the order by filing, with the Board of Elections, a request for a hearing *de novo*.
- 3709.12 The request for a hearing *de novo* pursuant to § 3709.12 shall be filed:
- (a) Within fifteen (15) days from the issuance by the Director of an order; and
 - (b) In accordance with Chapter 4 of this title.

3709.13 Within five (5) days after receipt of an order of the Director where a fine has been imposed, a respondent may file a Motion for Reconsideration to address issues considered mitigating that were not presented during the hearing.

3709.14 The Motion shall not address issues that were not the subject of the alleged violation for which the penalty was assessed.

3709.15 The Director shall respond to the Motion within five (5) days after its receipt by issuing a new order which either:

- (a) Modifies or vacates the original order, providing clearly articulated reasons; or
- (b) Denies the Motion and affirms the original order, providing clearly articulated reasons.

3709.16 The filing of the Motion shall toll the appeal period for requesting a hearing *de novo* before the Board of Elections, or the payment of the fine.

3709.17 The appeal period shall be recalculated from the date of issuance of the subsequent order of the Director in the matter, if appropriate.

3710 CEASE AND DESIST ORDERS BASED ON VIOLATIONS

3710.1 Upon a determination that a violation has occurred, the Director may issue an order to the offending party to cease and desist the violation within the five (5) day period immediately following the issuance of the order.

3710.2 A cease and desist order shall contain the specific violation which occurred, and shall be delivered to the offending party personally or by certified mail.

3710.3 Should the offending party or parties fail to comply with the order, the Director shall present evidence of such noncompliance to the Board in an adversarial and open hearing, pursuant to Chapter 4 of this title.

3710.4 After the hearing under § 3710.3, the Board may either dismiss the action, or refer the matter to the United States Attorney for the District of Columbia pursuant to Section 302(c) of the Act.

3711 SCHEDULE OF FINES

3711.1 Upon a determination, pursuant to § 3704 or 3709, that a violation has occurred, the Director may ministerially impose fines upon the offending party in the following manner:

- (a) Each allegation shall constitute a separate violation; and

- (b) A fine shall attach for each day of non-compliance for each violation.

3711.2

Except for fines imposed under § 3711.3 for violations of the regulations and statutory provisions governing Constituent Services Programs, fines shall be imposed as follows:

- (a) Accepting a contribution or making an expenditure while office of treasurer is vacant: fifty dollars (\$50) per day;
- (b) Failure to designate a principal campaign committee: thirty dollars (\$30) per day;
- (c) Failure to designate a campaign depository: thirty dollars (\$30) per day;
- (d) Failure to file a Statement of Organization for a political, exploratory, inaugural, or transition committee: thirty dollars (\$30) per day;
- (e) Failure to file a Statement of Candidacy: thirty dollars (\$30) per day;
- (f) Failure to file a Report of Receipts & Expenditures: fifty dollars (\$50) per day;
- (g) Failure to file an Exemption for a Candidate spending less than \$500: fifty dollars (\$50) per day;
- (h) Accepting legal tender of twenty-five dollars (\$25) or more: five hundred dollars (\$500);
- (i) Failure to file a Statement of Information: thirty dollars (\$30) per day;
- (j) Using of Statehood funds for political activities: two thousand dollars (\$2,000);
- (k) Accepting honoraria in excess of ten thousand dollars (\$10,000): five hundred dollars (\$500);
- (l) Accepting royalties in excess of ten thousand dollars (\$10,000): five thousand dollars (\$5,000);
- (m) Making a contribution deposit into an account not designated as a campaign depository: five hundred dollars (\$500);
- (n) Failure to place Identification Notice on campaign literature: five hundred dollars (\$500);
- (o) Accepting a contribution in excess of contribution limitations: two thousand dollars (\$2,000);
- (p) Making a contribution in excess of contribution limitations: one thousand dollars (\$1,000);
- (q) Accepting a contribution made by one person in the name of another person: two thousand dollars (\$2,000);

- (r) Making a contribution in the name of another person: two thousand dollars (\$2,000);
- (s) Using official position in a manner known to be likely to have a direct and predictable effect on the financial interests of either the employee or a person closely affiliated with the employee: five thousand dollars (\$5,000);
- (t) Accepting any compensation, salary, or contribution to salary, gratuity, or any other thing of value from a source other than the District government for the employee's performance of official duties: five thousand dollars (\$5,000);
- (u) Giving any compensation, salary, or contribution to salary, gratuity, or any other thing of value to a District government employee in exchange for the employee's performance of his or her official duties: five thousand dollars (\$5,000);
- (v) In the case of a District government employee, or a member of a District government employee's household, knowingly acquiring stocks, bonds, commodities, real estate, or other property, whether held individually or jointly, the acquisition of which could unduly influence or give the appearance of unduly influencing the employee in the conduct of his or her official duties and responsibilities: five thousand dollars (\$5,000);
- (w) Failure to disclose potential conflicts of interest on a Financial Disclosure Statement (FDS): five thousand dollars (\$5,000);
- (x) Failure to file FDS: fifty dollars (\$50) per day;
- (y) Failure to timely dispose of surplus campaign funds: fifty dollars (\$50) per day;
- (z) Failure to file additional information requested by the Director: fifty dollars (\$50) per day;
- (aa) Failure to disclose required information on reports and statements: fifty dollars (\$50) per day;
- (bb) Failure to file ANC Summary Financial Report: thirty dollars (\$30) per day;
- (cc) Failure to file a Lobbyist Registration form: seven hundred fifty dollars (\$750);
- (dd) Failure to file a Lobbyist Activity Report: ten dollars (\$10) per day, up to thirty (30) days;
- (ee) Failure to file a Statement of Acceptance of Position of Chairperson: thirty dollars (\$30) per day;
- (ff) Failure to file a Statement of Acceptance of Position of Treasurer: thirty dollars (\$30) per day;

- (gg) Making an expenditure in excess of expenditure limitations: one thousand dollars (\$1,000);
- (hh) Using District government resources for campaign-related activities: two thousand dollars (\$2,000);
- (ii) Failure to designate an exploratory committee: thirty dollars (\$30) per day;
- (jj) Failure to file Informational Report: fifty dollars (\$50) per day;
- (kk) Accepting a contribution in excess of aggregate limitations: two thousand dollars (\$2,000);
- (ll) Failure to maintain records required under § 3400.2: two thousand dollars (\$2,000);
- (mm) Failure to provide notice of potential conflicts of interest: five thousand dollars (\$5,000); and
- (nn) In the case of a District government employee, or a member of a District government employee's household, knowingly acquiring an interest in a business or commercial enterprise that is related directly to the employee's official duties, or which might otherwise be involved in an official action taken or recommended by the employee, or which is related to matters over which the employee could wield any influence, official or otherwise: five thousand dollars (\$5,000).

3711.3

Fines for violations of the regulations and statutory provisions governing Constituent Services Programs shall be imposed, as follows:

- (a) Failure to designate a constituent-service program depository: thirty dollars (\$30) per day;
- (b) Failure to file a Statement of Acceptance of Position of Chairperson: thirty dollars (\$30) per day;
- (c) Failure to file a Statement of Acceptance of Position of Treasurer: thirty dollars (\$30) per day;
- (d) Accepting a contribution or making an expenditure while office of treasurer is vacant: fifty dollars (\$50) per day;
- (e) Failure to file additional information requested by the Director: fifty dollars (\$50) per day;
- (f) Failure to disclose required information on reports and statements: fifty dollars (\$50) per day;
- (g) Accepting a contribution made by one person in the name of another person: five thousand dollars (\$5,000);
- (h) Making a contribution in the name of another person: five thousand dollars (\$5,000);

- (i) Accepting a contribution in excess of the constituent-services program contribution limitation: five thousand dollars (\$5,000);
- (j) Making a contribution in excess of the constituent-services program contribution limitation: five thousand dollars (\$5,000);
- (k) Conducting campaign activities in the constituent-services program: five thousand dollars (\$5,000);
- (l) Making an expenditure in excess of expenditure limitations: five thousand dollars (\$5,000);
- (m) Accepting a contribution in excess of aggregate limitations: five thousand dollars (\$5,000);
- (n) Failure to maintain records required under § 3400.2: five thousand dollars (\$5,000);
- (o) Promoting or opposing, as a primary purpose, a political party, committee, candidate, or issue: five thousand dollars (\$5,000);
- (p) Making any expenditure for the payment of penalties and fines inured to the District: five thousand dollars (\$5,000);
- (q) Making any expenditures of cash from constituent service program funds: five thousand dollars (\$5,000);
- (r) Making expenditures for sponsorships for political organizations: five thousand dollars (\$5,000); and
- (s) Conducting mass mailings within the ninety (90)-day period immediately preceding a primary, special, or general election by a member of the Council, or the Mayor, who is a candidate for office: five thousand dollars (\$5,000).

3711.4 The aggregate of the penalties imposed under the Director's authority, pursuant to §§ 3711.2 and 3711.3, may not exceed two thousand dollars (\$2,000) for each violation, except or unless otherwise authorized.

3711.5 In calculating the time period for delinquencies, Saturdays, Sundays, and holidays shall not be included.

3711.6 Any fine imposed by the Director, pursuant to §§ 3711.2 and 3711.3, shall become effective on the sixteenth (16th) day following the issuance of a decision and order; provided, that, the respondent does not request a hearing pursuant to § 3709.11.

3711.7 The Director may modify, rescind, dismiss, or suspend any fine imposed, pursuant to §§ 3711.2 and 3711.3, for good cause shown; provided, that fines imposed for failure to file an eight (8) day pre-election report shall be mandatory, unless a written extension for filing the report, pursuant to Chapter 30 of this title, is granted by the Director.

3711.8 Fines imposed pursuant to this chapter shall be paid within ten (10) days of the effective date of the issuance of an Order of the Director. Payment by check or money order shall be payable to the D.C. Treasurer, and directed to the Office of Campaign Finance, Frank D. Reeves Municipal Building, 2000 14th Street, N.W., Washington, D.C., 20009.

3711.9 If a party fails to pay the ordered fine, the Director may petition for enforcement of its order before the Board in an adversarial and open hearing, pursuant to Chapter 4 of this title, within sixty (60) days of the expiration of the period provided for payment of the fine.

3712 PROCEDURES REGARDING EXCESSIVE CONTRIBUTIONS

3712.1 The Director shall determine whether a contribution made to a person was in excess of the aggregate maximum to which the person was entitled.

3712.2 Upon a determination that an excessive contribution has been made, the Director shall, in writing, notify the recipient of the excessive contribution of:

- (a) The amount of the excessive contribution;
- (b) The requirement that an amount equal to the excess contribution shall be repaid to the contributor; and
- (c) The requirement that such repayment shall be accomplished within fifteen (15) days of the notice.

3712.3 Any person required by the Director to repay an excess contribution may apply in writing to the Director for an extension of time in which to repay the excess contribution.

3712.4 The Director may grant an extension for a reasonable amount of additional time for good cause to any person who files an application in accordance with § 3712.3.

3712.5 If the person who has been determined to have received an excessive contribution disputes the Director’s determination, the person shall so advise the Director in writing within seven (7) days upon receipt of the notice issued under § 3712.2.

3712.6 Within ten (10) days after receiving notice of the existence of the dispute pursuant to § 3712.5, the Director shall schedule and conduct an informal hearing in accordance with § 3709.

3713 PUBLIC ACCESS TO DOCUMENTS

- 3713.1 All reports and statements required to be filed with the Director under § 3709.2 shall be public documents.
- 3713.2 Public documents shall be available for inspection and copying at OCF within forty-eight (48) hours after receipt.
- 3713.3 Public documents may be received in the OCF without charge.
- 3713.4 Any person may request copies of documents by making written application to the Director.
- 3713.5 Copies of documents may be produced at a cost of fifteen cents (15¢) per page in order to recover the direct cost of reproduction.
- 3713.6 Documents may be copied and inspected each business day, excluding District of Columbia legal holidays, between the hours of 9:00 a.m. and 4:00 p.m.

3714 REPORTS AND STATEMENTS UNDER OATH

- 3714.1 All reports and statements filed pursuant to the Act shall be verified by the oath or affirmation of the person filing such reports or statements in accordance with Chapter 30 of this title.
- 3714.2 During regular business days and hours, the Director shall maintain a notary public to administer the oaths; provided, that in the absence of the notary public, an Affirmation Statement, on a form prescribed by the Director, shall suffice.

Chapter 38 of Title 3 of the DCMR is added to read as follows:

CHAPTER 38 LEGAL DEFENSE COMMITTEES

- 3800 LEGAL DEFENSE COMMITTEES, GENERALLY**
- 3801 ORGANIZATION OF LEGAL DEFENSE COMMITTEES**
- 3802 FILING AND RECORDKEEPING REQUIREMENTS**
- 3803 LEGAL DEFENSE COMMITTEE CONTRIBUTION LIMITATIONS**
- 3804 LIMITATIONS ON THE USE OF LEGAL DEFENSE COMMITTEE FUNDS**
- 3805 USE OF SURPLUS FUNDS**
- 3806 PENALTIES**

3800 LEGAL DEFENSE COMMITTEES, GENERALLY

- 3800.1 A legal defense committee is a person, or group of persons, organized for the purpose of soliciting, accepting, or expending funds to defray the professional fees and costs for a public official’s legal defense to one or more civil, criminal, or administrative proceedings.
- 3800.2 One legal defense committee and one legal defense checking account may be established and maintained for the purpose set forth in § 3800.1.
- 3800.3 No committee, fund, entity, or trust may be established to defray professional fees and costs except pursuant to this chapter.

3801 ORGANIZATION OF LEGAL DEFENSE COMMITTEES

- 3801.1 A legal defense committee shall be deemed "organized" when any person, or group of persons, formally agree, orally or in writing, to solicit, accept, or expend funds to defray the professional fees and costs for a public official’s legal defense to one or more civil, criminal, or administrative proceedings.
- 3801.2 Each legal defense committee shall file a Statement of Organization form, prescribed by the Director of the Office of Campaign Finance (the Director) (OCF), within ten (10) days of organization.
- 3801.3 A legal defense committee shall amend its Statement of Organization within ten (10) days of any change in information previously reported on its Statement of Organization.
- 3801.4 If a legal defense committee that has filed at least one (1) Statement of Organization disbands or determines that it will no longer receive contributions or make expenditures during a calendar year, it must so notify the Director immediately and file a final Report of Receipts & Expenditures (R&E Report).

- 3801.5 A legal defense committee shall have a chairperson and a treasurer.
- 3801.6 No person may simultaneously serve as the chairperson and treasurer of a legal defense committee.
- 3801.7 A chairperson shall be required to file a Statement of Acceptance of Position of Chairperson form with the Director within five (5) days of assuming the office.
- 3801.8 A chairperson shall be required to file a Statement of Withdrawal of Position of Chairperson form with the Director within five (5) days of vacating the office.
- 3801.9 A treasurer shall be required to file a Statement of Acceptance of Position of Treasurer form with the Director within forty-eight (48) hours of assuming the office.
- 3801.10 A treasurer shall be required to file a Statement of Withdrawal of Position of Treasurer form with the Director within forty-eight (48) hours of vacating the office.
- 3801.11 When either the office of chairperson or treasurer is vacant, the legal defense committee shall:
- (a) Designate a successor chairperson or treasurer within five (5) days of the vacancy; and
 - (b) Amend its Statement of Organization within ten (10) days of the designation of the successor; provided, that the successor officer agrees to accept the position.
- 3801.12 The treasurer of a legal defense committee shall obtain and preserve receipted bills and records in accordance with Chapter 34 of this title.
- 3801.13 A legal defense committee shall neither accept a contribution nor make an expenditure when the office of treasurer is vacant and no other person has been designated and agreed to perform the functions of treasurer.
- 3801.14 Each expenditure made for, or on behalf of, a legal defense committee shall be authorized by either:
- (a) The chairperson;
 - (b) The treasurer; or
 - (c) Their designated agent, as listed on the Statement of Organization filed under § 3801.3.

- 3801.15 No expenditures may be made by a legal defense committee except by check drawn payable to the person to whom the expenditure is being made on the account at a bank designated by the legal defense committee as its depository in its Statement of Organization.
- 3801.16 A detailed account of each contribution of fifty dollars (\$50) or more for or on behalf of a legal defense committee shall be submitted to the treasurer of such committee within five (5) days of the receipt of the contribution upon the treasurer's demand.
- 3801.17 The detailed account submitted pursuant to § 3801.16 shall include:
 - (a) The amount of the contribution or expenditure;
 - (b) The name and address (including the occupation and principal place of business, if any) of the contributor or the individual to whom the expenditure was made;
 - (c) The date of the contribution; and
 - (d) In the case of an expenditure, the office sought by the candidate on whose behalf the expenditure was made, if applicable.
- 3801.18 All funds of a legal defense committee shall be segregated from, and may not be commingled with, any campaign funds, or the personal funds of officers, members, or associates of the committee.

3802 FILING AND RECORDKEEPING REQUIREMENTS

- 3802.1 The treasurer of each legal defense committee must file R&E Reports, on forms prescribed by the Director, within thirty (30) days after the committee's organization and every thirty (30) days thereafter until dissolution.
- 3802.2 R&E Reports must disclose:
 - (a) The amount of cash on hand at the beginning of the reporting period;
 - (b) The full name and mailing address, including occupation and principal place of business, if any, of each person who has made one or more contributions to or for the committee within the calendar year in an aggregate amount or value in excess of fifty dollars (\$50) or more, together with the amount and date of the contributions;
 - (c) The total sum of individual contributions made to or for the committee during the reporting period that is not reported under § 3802.2(b);

- (d) Each loan to or from any person within the calendar year in an aggregate amount or value of fifty (\$50) or more, together with the full names and mailing addresses (including the occupation and the principal place of business, if any) of the lender and endorsers, if any, and the date and amount of the loans;
- (e) The total sum of all receipts by or for the committee during the reporting period;
- (f) The full name and mailing address, including the occupation and the principal place of business, if any, of each person to whom expenditures have been made by or on behalf of the committee within the calendar year in an aggregate amount or value of ten dollars (\$10) or more;
- (g) The total sum of expenditures made by the committee during the calendar year;
- (h) The amount and nature of debts and obligations owed by or to the committee, in a form as the Director of Campaign Finance may prescribe; and
- (i) Other information as may be required by the Director of Campaign Finance.

3802.3 R&E Reports must be complete no later than five (5) days before the prescribed filing deadline.

3802.4 The treasurer of a legal defense fund, and each beneficiary of such a fund, shall keep a detailed and exact account of:

- (a) Each contribution made to or for the legal defense committee;
- (b) The full name and address (including the occupation and principal place of business, if any) of each person that made a contribution of at least fifty dollars (\$50) or more, and the date and amount of such contribution;
- (c) Each expenditure made by or on behalf of the legal defense committee; and
- (d) The full name and address (including the occupation and principal place of business, if any) of each person to whom an expenditure was made, and the name, address, and the office held or sought, or the position held, by the public official, whichever is applicable.

3803 LEGAL DEFENSE COMMITTEE CONTRIBUTION LIMITATIONS

3803.1 Contributions in support of a legal defense committee shall be received or made in accordance with § 3009, except that no person shall make any contribution to or for a legal defense committee which, when aggregated with all other contributions received from such person, exceeds ten thousand dollars (\$10,000) in an aggregate amount.

3803.2 Notwithstanding § 3803.1, the legal defense committee contribution limitations shall not apply to contributions made by the public official for the purpose of funding his or her own legal defense committee within the District.

3803.3 A legal defense committee shall not accept a contribution from a lobbyist or a person acting on behalf of a lobbyist or registrant.

3803.4 A lobbyist or registrant or a person acting on behalf of a lobbyist or registrant shall be prohibited from making a contribution to a legal defense committee.

3804 LIMITATIONS ON THE USE OF LEGAL DEFENSE COMMITTEE FUNDS

3804.1 The legal defense committee shall be prohibited from expending monies from the Legal Defense Fund for the following purposes:

- (a) Expenses for fundraising, media, political consulting fees, mass mailing, or other advertising;
- (b) Payment or reimbursement for a fine, penalty, judgment, or settlement; or
- (c) A payment to return or disgorge contributions made to any other committee controlled by the candidate or officer.

3804.2 Legal defense funds shall be used solely for the purpose of defraying attorney fees and other related legal costs associated with a public official’s legal defense to one or more civil, criminal, or administrative proceedings.

3805 USE OF SURPLUS FUNDS

3805.1 Any remaining funds of a legal defense committee shall be transferred only to either:

- (a) A non-profit organization within the meaning of Section 501(c) of the Internal Revenue Code operating in good standing in the District of Columbia for a minimum of one calendar year prior to the date of any transfer; or
- (b) A constituent-service program.

3806 PENALTIES

3806.1 Penalties for any violation of this chapter shall be imposed pursuant to Chapter 37 of this title.

Chapter 39 of Title 3 of the DCMR is added to read as follows:

CHAPTER 39 CAMPAIGN FINANCE OPERATIONS: INAUGURAL COMMITTEES

- 3900 INAUGURAL COMMITTEES, GENERALLY**
- 3901 ORGANIZATION OF INAUGURAL COMMITTEES**
- 3902 FILING AND RECORDKEEPING REQUIREMENTS**
- 3903 PETTY CASH FUNDS**
- 3904 INAUGURAL COMMITTEE CONTRIBUTION LIMITATIONS**
- 3905 LIMITATIONS ON THE USE OF INAUGURAL COMMITTEE FUNDS**
- 3906 DURATION OF INAUGURAL COMMITTEES**
- 3907 USE OF SURPLUS FUNDS**
- 3908 PENALTIES**

3900 INAUGURAL COMMITTEES, GENERALLY

3900.1 An inaugural committee is a person, or group of persons, organized for the purpose of soliciting, accepting, and spending funds and coordinating activities to celebrate the election of a new Mayor.

3901 ORGANIZATION OF INAUGURAL COMMITTEES

3901.1 An inaugural committee shall be deemed "organized" when any person, or group of persons, formally agree, orally or in writing, to solicit, accept, and spend funds and coordinate activities to celebrate the election of a new Mayor.

3901.2 Each inaugural committee shall file a Statement of Organization form, prescribed by the Director of the Office of Campaign Finance (the Director) (OCF), within ten (10) days of organization.

3901.3 An inaugural committee shall amend its Statement of Organization within ten (10) days of any change in information previously reported on its Statement of Organization.

3901.4 If an inaugural committee that has filed at least one (1) Statement of Organization disbands or determines that it will no longer receive contributions or make expenditures during a calendar year, it must so notify the Director immediately and file a final Report of Receipts & Expenditures (R&E Report).

3901.5 An inaugural committee shall have a chairperson and a treasurer.

3901.6 No person may simultaneously serve as the chairperson and treasurer of an inaugural committee.

- 3901.7 A chairperson shall be required to file a Statement of Acceptance of Position of Chairperson form with the Director within five (5) days of assuming the office.
- 3901.8 A chairperson shall be required to file a Statement of Withdrawal of Position of Chairperson form with the Director within five (5) days of vacating the office.
- 3901.9 A treasurer shall be required to file a Statement of Acceptance of Position of Treasurer form with the Director within forty-eight (48) hours of assuming the office.
- 3901.10 A treasurer shall be required to file a Statement of Withdrawal of Position of Treasurer form with the Director within forty-eight (48) hours of vacating the office.
- 3901.11 When either the office of chairperson or treasurer is vacant, the inaugural committee shall:
 - (a) Designate a successor chairperson or treasurer within five (5) days of the vacancy; and
 - (b) Amend its Statement of Organization within ten (10) days of the designation of the successor; provided, that the successor officer agrees to accept the position.
- 3901.12 The treasurer of an inaugural committee shall obtain and preserve receipted bills and records in accordance with Chapter 34 of this title.
- 3901.13 An inaugural committee shall neither accept a contribution nor make an expenditure when the office of treasurer is vacant, and no other person has been designated and agreed to perform the functions of treasurer.
- 3901.14 Each expenditure made for, or on behalf of, a inaugural committee shall be authorized by either:
 - (a) The chairperson;
 - (b) The treasurer; or
 - (c) Their designated agent, as listed on the Statement of Organization filed under § 3901.2.
- 3901.15 No expenditures may be made by an inaugural committee except by check drawn payable to the person to whom the expenditure is being made on the account at a bank designated by the inaugural committee as its depository in its Statement of Organization.

- 3901.16 A detailed account of each contribution or expenditure of fifty dollars (\$50) or more for or on behalf of an inaugural committee shall be submitted to the treasurer of such committee within five (5) days of the receipt of the contribution or the making of the expenditure upon the treasurer's demand.
- 3901.17 The detailed account submitted pursuant to § 3901.16 shall include:
- (a) The amount of the contribution or expenditure;
 - (b) The name and address (including the occupation and principal place of business, if any) of the contributor or the individual to whom the expenditure was made;
 - (c) The date of the contribution; and
 - (d) In the case of an expenditure, the office sought by the candidate on whose behalf the expenditure was made, if applicable.
- 3901.18 All funds of an inaugural committee shall be segregated from, and may not be commingled with, any campaign funds, or the personal funds of officers, members, or associates of the committee.

3902 FILING AND RECORDKEEPING REQUIREMENTS

- 3902.1 The treasurer of each inaugural committee must file Report of Receipts & Expenditures (R&E Reports), on forms prescribed by the Director, within thirty (30) days after the committee's organization and every thirty (30) days thereafter until dissolution.
- 3902.2 R&E reports required by this section must be filed in accordance with § 3017 of this title.
- 3902.3 R&E Reports must disclose:
- (a) The amount of cash on hand at the beginning of the reporting period;
 - (b) The full name and mailing address, including occupation and principal place of business, if any, of each person who has made one or more contributions to or for the committee, including the purchase of tickets for events such as dinners, luncheons, rallies, and similar fundraising events, within the calendar year in an aggregate amount or value in excess of fifty dollars (\$50) or more, together with the amount and date of the contributions;
 - (c) The total sum of individual contributions made to or for the committee during the reporting period;

- (d) Each loan to or from any person within the calendar year in an aggregate amount or value of fifty dollars (\$50) or more, together with the full names and mailing addresses (including the occupation and the principal place of business, if any) of the lender and endorsers, if any, and the date and amount of the loans;
- (e) The net amount of proceeds from:
 - (1) The sale of tickets to each dinner, luncheon, rally, and other fundraising events organized by the committee;
 - (2) Mass collections made at events; and
 - (3) Sales by a transition committee of items such as political campaign pins, buttons, badges, flags, emblems, hats, banners, literature, and similar materials;
- (f) Each contribution, rebate, refund, or other receipt of fifty dollars (\$50) or more not otherwise listed under paragraphs (b) through (e) of this subsection;
- (g) The total sum of all receipts by or for the committee during the reporting period;
- (h) The full name and mailing address, including the occupation and the principal place of business, if any, of each person to whom expenditures have been made by or on behalf of the committee within the calendar year in an aggregate amount or value of ten dollars (\$10) or more;
- (i) The amount, date, and purpose of each expenditure;
- (j) The total sum of expenditures made by the committee during the calendar year;
- (k) The amount and nature of debts and obligations owed by or to the committee, in a form as the Director of Campaign Finance may prescribe; and
- (l) Other information as may be required by the Director of Campaign Finance.

3902.4 R&E Reports must be complete within five (5) days before the prescribed filing deadline.

3903 PETTY CASH FUNDS

- 3903.1 An inaugural committee may maintain a Petty Cash Fund which shall not exceed three hundred dollars (\$300) at any time.
- 3903.2 All records and transactions shall be maintained and authorized by either:
 - (a) The chairperson;
 - (b) The treasurer; or
 - (c) Their designated agents, as listed on the Statement of Organization filed under § 3901.2.
- 3903.3 Petty cash funds shall be administered in the following manner:
 - (a) Funds shall be received by check drawn on the account of the inaugural committee;
 - (b) Cash expenditures shall not exceed fifty dollars (\$50) to any person in connection with a single purchase or transaction; and
 - (c) All transactions shall be recorded in a journal designated for petty cash.
- 3903.4 For each deposit to the petty cash fund, the amount and date shall be recorded in the journal.
- 3903.5 For each disbursement, the journal shall include:
 - (a) The name and address of each recipient;
 - (b) The date of the disbursement;
 - (c) The amount of the disbursement;
 - (d) The purpose of the disbursement; and
 - (e) The candidate's name and the office sought, or the name of the inaugural committee for which the disbursement is made.
- 3903.6 All receipts, vouchers, petty cash journals, and other documentation shall be retained by the inaugural committee for a period of three (3) years from the date of the filing of the final R&E Report by the inaugural committee.

3904 INAUGURAL COMMITTEE CONTRIBUTION LIMITATIONS

3904.1 Contributions in support of an inaugural committee shall be received or made in accordance with § 3009, except that no person shall make any contribution to an inaugural committee, and the Mayor shall not receive any contribution from any person which, when aggregated with all other contributions received from such person, exceeds ten thousand dollars (\$10,000) in an aggregate amount.

3904.2 Notwithstanding § 3904.1, the ten thousand dollar (\$10,000) inaugural committee contribution limitation shall not apply to contributions made by the Mayor-elect for the purpose of funding his or her own inaugural committee.

3905 LIMITATIONS ON THE USE OF INAUGURAL COMMITTEE FUNDS

3905.1 Inaugural committee funds shall be used solely for the purpose of financing activities to celebrate the election of a new Mayor.

3905.2 The provisions of § 3013 of this title, concerning impermissible uses of campaign funds, shall apply to inaugural committees unless the expenditures stated therein are directly related to activities to celebrate the election of a new Mayor.

3906 DURATION OF INAUGURAL COMMITTEES

3906.1 An inaugural committee shall terminate no later than forty-five (45) days from the beginning of the term of the new Mayor, except that the inaugural committee may continue to accept contributions necessary to retire the debts of the committee.

3906.2 When terminating, inaugural committees shall adhere to the applicable provisions of § 3016 of this title.

3907 USE OF SURPLUS FUNDS

3907.1 Any remaining funds of an inaugural committee shall be transferred only to either:

- (a) A non-profit organization within the meaning of Section 501(c) of the Internal Revenue Code operating in good standing in the District of Columbia for a minimum of one calendar year prior to the date of any transfer; or
- (b) A constituent-service program.

3908 PENALTIES

3908.1 Penalties for any violation of this chapter shall be imposed pursuant to Chapter 37 of this title.

Chapter 40 of Title 3 of the DCMR is added to read as follows:

CHAPTER 40 CAMPAIGN FINANCE OPERATIONS: TRANSITION COMMITTEES

- 4000 TRANSITION COMMITTEES, GENERALLY**
- 4001 ORGANIZATION OF TRANSITION COMMITTEES**
- 4002 FILING AND RECORDKEEPING REQUIREMENTS**
- 4003 PETTY CASH FUNDS**
- 4004 TRANSITION COMMITTEE CONTRIBUTION LIMITATIONS**
- 4005 LIMITATIONS ON THE USE OF TRANSITION COMMITTEE FUNDS**
- 4006 DURATION OF TRANSITION COMMITTEES**
- 4007 USE OF SURPLUS FUNDS**
- 4008 PENALTIES**

4000 TRANSITION COMMITTEES, GENERALLY

4000.1 A transition committee is a person, or group of persons, organized for the purpose of soliciting, accepting, or expending funds for office and personnel transition on behalf of the Chairman of the Council or the Mayor.

4001 ORGANIZATION OF TRANSITION COMMITTEES

4001.1 A transition committee shall be deemed "organized" when any person, or group of persons, formally agree, orally or in writing, to solicit, accept, or expend funds for office and personnel transition on behalf of the Chairman of the Council or the Mayor.

4001.2 No transition committee may be organized if an appropriation pursuant to Section 446 of the Home Rule Act has been made for transition purposes.

4001.3 Each transition committee shall file a Statement of Organization form, prescribed by the Director of the Office of Campaign Finance (the Director) (OCF), within ten (10) days of organization.

4001.4 A transition committee shall amend its Statement of Organization within ten (10) days of any change in information previously reported on its Statement of Organization.

4001.5 If a transition committee that has filed at least one (1) Statement of Organization disbands or determines that it will no longer receive contributions or make expenditures during a calendar year, it must so notify the Director immediately and file a final Report of Receipts & Expenditures (R&E Report).

4001.6 A transition committee shall have a chairperson and a treasurer.

- 4001.7 No person may simultaneously serve as the chairperson and treasurer of a transition committee.
- 4001.8 A chairperson shall be required to file a Statement of Acceptance of Position of Chairperson form with the Director within five (5) days of assuming the office.
- 4001.9 A chairperson shall be required to file a Statement of Withdrawal of Position of Chairperson form with the Director within five (5) days of vacating the office.
- 4001.10 A treasurer shall be required to file a Statement of Acceptance of Position of Treasurer form with the Director within forty-eight (48) hours of assuming the office.
- 4001.11 A treasurer shall be required to file a Statement of Withdrawal of Position of Treasurer form with the Director within forty-eight (48) hours of vacating the office.
- 4001.12 When either the office of chairperson or treasurer is vacant, the transition committee shall:
- (a) Designate a successor chairperson or treasurer within five (5) days of the vacancy; and
 - (b) Amend its Statement of Organization within ten (10) days of the designation of the successor; provided, that the successor officer agrees to accept the position.
- 4001.13 The treasurer of a transition committee shall obtain and preserve receipted bills and records in accordance with Chapter 34 of this title.
- 4001.14 A transition committee shall neither accept a contribution nor make an expenditure when the office of treasurer is vacant, and no other person has been designated and agreed to perform the functions of treasurer.
- 4001.15 Each expenditure made for, or on behalf of, a transition committee shall be authorized by either:
- (a) The chairperson;
 - (b) The treasurer; or
 - (c) Their designated agent, as listed on the Statement of Organization filed under § 4001.3.

- 4001.16 No expenditures may be made by a transition committee except by check drawn payable to the person to whom the expenditure is being made on the account at a bank designated by the transition committee as its depository in its Statement of Organization.
- 4001.17 A detailed account of each contribution or expenditure of fifty dollars (\$50) or more for or on behalf of a transition committee shall be submitted to the treasurer of such committee within five (5) days of the receipt of the contribution or the making of the expenditure upon the treasurer's demand.
- 4001.18 The detailed account submitted pursuant to § 4001.17 shall include:
- (a) The amount of the contribution or expenditure;
 - (b) The name and address (including the occupation and principal place of business, if any) of the contributor or the individual to whom the expenditure was made;
 - (c) The date of the contribution; and
 - (d) In the case of an expenditure, the office sought by the candidate on whose behalf the expenditure was made, if applicable.
- 4001.19 All funds of a transition committee shall be segregated from, and may not be commingled with, any campaign funds, or the personal funds of officers, members, or associates of the committee.

4002 FILING AND RECORDKEEPING REQUIREMENTS

- 4002.1 The treasurer of each transition committee must file Reports of Receipts and Expenditures (R&E Reports), on forms prescribed by the Director, within thirty (30) days after the committee's organization and every thirty (30) days thereafter until dissolution.
- 4002.2 R&E reports required by this section must be filed in accordance with § 3017 of this title.
- 4002.3 R&E Reports must disclose:
- (a) The amount of cash on hand at the beginning of the reporting period;
 - (b) The full name and mailing address, including occupation and principal place of business, if any, of each person who has made one or more contributions to or for the committee, including the purchase of tickets for events such as dinners, luncheons, rallies, and similar fundraising events, within the calendar year in an aggregate amount or value in excess of fifty

dollars (\$50) or more, together with the amount and date of the contributions;

- (c) The total sum of individual contributions made to or for the committee during the reporting period;
- (d) Each loan to or from any person within the calendar year in an aggregate amount or value of fifty dollars (\$50) or more, together with the full names and mailing addresses (including the occupation and the principal place of business, if any) of the lender and endorsers, if any, and the date and amount of the loans;
- (e) The net amount of proceeds from:
 - (1) The sale of tickets to each dinner, luncheon, rally, and other fundraising events organized by the committee;
 - (2) Mass collections made at events; and
 - (3) Sales by a transition committee of items such as political campaign pins, buttons, badges, flags, emblems, hats, banners, literature, and similar materials;
- (f) Each contribution, rebate, refund, or other receipt of fifty dollars (\$50) or more not otherwise listed under paragraphs (b) through (e) of this subsection;
- (g) The total sum of all receipts by or for the committee during the reporting period;
- (h) The full name and mailing address, including the occupation and the principal place of business, if any, of each person to whom expenditures have been made by or on behalf of the committee within the calendar year in an aggregate amount or value of ten dollars (\$10) or more;
- (i) The amount, date, and purpose of each expenditure;
- (j) The total sum of expenditures made by the committee during the calendar year;
- (k) The amount and nature of debts and obligations owed by or to the committee, in a form as the Director of Campaign Finance may prescribe; and
- (l) Other information as may be required by the Director of Campaign Finance.

4002.4 R&E Reports must be complete within five (5) days before the prescribed filing deadline.

4003 PETTY CASH FUNDS

4003.1 A transition committee may maintain a Petty Cash Fund which shall not exceed three hundred dollars (\$300) at any time.

4003.2 All records and transactions shall be maintained and authorized by either:

- (a) The chairperson;
- (b) The treasurer; or
- (c) Their designated agents, as listed on the Statement of Organization filed under § 4001.3.

4003.3 Petty cash funds shall be administered in the following manner:

- (a) Funds shall be received by check drawn on the account of the transition committee;
- (b) Cash expenditures shall not exceed fifty dollars (\$50) to any person in connection with a single purchase or transaction; and
- (c) All transactions shall be recorded in a journal designated for petty cash.

4003.4 For each deposit to the petty cash fund, the amount and date shall be recorded in the journal.

4003.5 For each disbursement, the journal shall include:

- (a) The name and address of each recipient;
- (b) The date of the disbursement;
- (c) The amount of the disbursement;
- (d) The purpose of the disbursement; and
- (e) The candidate's name and the office sought, or the name of the transition committee for which the disbursement is made.

4003.6 All receipts, vouchers, petty cash journals, and other documentation shall be retained by the transition committee for a period of three (3) years from the date of the filing of the final R&E Report by the transition committee.

4004 TRANSITION COMMITTEE CONTRIBUTION LIMITATIONS

4004.1 Contributions in support of a transition committee shall be received or made in accordance with § 3009, except that:

- (a) No person shall make any contribution to a Mayoral transition committee, and the Mayor shall not receive any contribution from any person which, when aggregated with all other contributions received from such person, exceeds two thousand dollars (\$2,000) in an aggregate amount; and
- (b) No person shall make any contribution to a Council Chairman transition committee, and the Council Chairman shall not receive any contribution from any person which, when aggregated with all other contributions received from such person, exceeds one thousand dollars (\$1,000) in an aggregate amount; and

4004.2 Notwithstanding § 4004.1, the transition committee contribution limitations shall not apply to contributions made by the Mayor or the Chairman of the Council for the purpose of funding their respective transition committees within the District.

4005 LIMITATIONS ON THE USE OF TRANSITION COMMITTEE FUNDS

4005.1 Transition committee funds shall be used solely for the purpose of facilitating the office and personnel transition on behalf of either the Chairman of the Council or the Mayor.

4005.2 The provisions of § 3013 of this title, concerning impermissible uses of campaign funds, shall apply to transition committees, unless the expenditures stated therein are directly related to activities necessary to facilitate the office and personnel transition on behalf of the newly elected official.

4006 DURATION OF TRANSITION COMMITTEES

4006.1 A transition committee shall terminate no later than forty-five (45) days from the beginning of the term of the new Mayor or Council Chairman, except that the transition committee may continue to accept contributions necessary to retire the debts of the committee.

4006.2 When terminating, transition committees shall adhere to the applicable provisions of § 3016 of this title.

4007 USE OF SURPLUS FUNDS

4007.1 Any remaining funds of a transition committee shall be transferred only to either:

(a) A non-profit organization within the meaning of Section 501(c) of the Internal Revenue Code operating in good standing in the District of Columbia for a minimum of one (1) calendar year prior to the date of any transfer; or

(b) A constituent-service program.

4008 PENALTIES

4008.1 Penalties for any violation of this chapter shall be imposed pursuant to Chapter 37 of this title.

Chapter 41 of Title 3 of the DCMR is added to read as follows:

CHAPTER 41 CAMPAIGN FINANCE OPERATIONS: EXPLORATORY COMMITTEES

- 4100 EXPLORATORY COMMITTEES, GENERALLY**
- 4101 DESIGNATION OF AN EXPLORATORY COMMITTEE AS A PRINCIPAL CAMPAIGN COMMITTEE**
- 4102 ORGANIZATION OF EXPLORATORY COMMITTEES**
- 4103 FILING AND RECORDKEEPING REQUIREMENTS**
- 4104 PETTY CASH FUNDS**
- 4105 EXPLORATORY COMMITTEE CONTRIBUTION LIMITATIONS**
- 4106 LIMITATIONS ON THE USE OF EXPLORATORY COMMITTEE FUNDS**
- 4107 DURATION OF EXPLORATORY COMMITTEES**
- 4108 USE OF SURPLUS FUNDS**
- 4109 PENALTIES**

4100 EXPLORATORY COMMITTEES, GENERALLY

4100.1 An exploratory committee is a person, or group of persons, organized for the purpose of examining or exploring the feasibility of becoming a candidate for an elective office in the District.

4100.2 An exploratory committee shall include, but not be limited to, the following:

- (a) Draft Committees; and
- (b) “Testing the Waters” Committees.

4100.3 Each exploratory committee shall include in its name the name of the potential candidate.

4100.4 Exploratory committee activity to determine whether an individual should become a candidate may include, but not be limited to, the following:

- (a) Polling;
- (b) Travel;
- (c) Telephone calls;
- (d) Media expenses;
- (e) Office space; and

(f) Administrative costs.

4101 **DESIGNATION OF AN EXPLORATORY COMMITTEE AS A
PRINCIPAL CAMPAIGN COMMITTEE**

4101.1 In the event that an individual on whose behalf an exploratory committee was organized becomes a candidate, that exploratory committee may be designated as that candidate's principal campaign committee, pursuant to Chapter 30.

4101.2 If an exploratory committee is designated as a principal campaign committee:

- (a) All funds previously raised and spent by the committee shall be reported as contributions and expenditures, pursuant to Chapter 30 of this title;
- (b) The existing exploratory committee shall account for all financial transactions including, but not limited to, contributions, expenditures, and loans, retroactive to the formation of the exploratory, draft, or "testing the waters" committee; and
- (c) The committee shall:
 - (1) Determine whether persons making contributions previously received by or on behalf of the candidate or by the political committee before designation may have exceeded the relevant limits, pursuant to § 3009; and
 - (2) Refund any contributions to donors who may have exceeded the contribution limitations.

4101.3 To ascertain individual donor compliance with the contribution limitations, contributions to a committee, prior to designation, shall be attributed in aggregate by donor name.

4102 ORGANIZATION OF EXPLORATORY COMMITTEES

4102.1 An exploratory committee shall be deemed "organized" when any person, or group of persons, formally agree, orally or in writing, to examine or explore the feasibility of becoming a candidate for an elective office in the District of Columbia.

4102.2 Each exploratory committee shall file a Statement of Organization form, prescribed by the Director of the Office of Campaign Finance (the Director) (OCF), within ten (10) days of organization.

- 4102.3 An exploratory committee shall amend its Statement of Organization within ten (10) days of any change in information previously reported on its Statement of Organization.
- 4102.4 If an exploratory committee that has filed at least one (1) Statement of Organization disbands or determines that it will no longer receive contributions or make expenditures during a calendar year, it must so notify the Director immediately and file a final Report of Receipts & Expenditures (R&E Report).
- 4102.5 An exploratory committee shall have a chairperson and a treasurer.
- 4102.6 No person may simultaneously serve as the chairperson and treasurer of an exploratory committee.
- 4102.7 A chairperson shall be required to file a Statement of Acceptance of Position of Chairperson form with the Director within five (5) days of assuming the office.
- 4102.8 A chairperson shall be required to file a Statement of Withdrawal of Position of Chairperson form with the Director within five (5) days of vacating the office.
- 4102.9 A treasurer shall be required to file a Statement of Acceptance of Position of Treasurer form with the Director within forty-eight (48) hours of assuming the office.
- 4102.10 A treasurer shall be required to file a Statement of Withdrawal of Position of Treasurer form with the Director within forty-eight (48) hours of vacating the office.
- 4102.11 When either the office of chairperson or treasurer is vacant, the exploratory committee shall:
- (a) Designate a successor chairperson or treasurer within five (5) days of the vacancy; and
 - (b) Amend its Statement of Organization within ten (10) days of the designation of the successor; provided, that the successor officer agrees to accept the position.
- 4102.12 The treasurer of an exploratory committee shall obtain and preserve receipted bills and records in accordance with Chapter 34 of this title.
- 4102.13 An exploratory committee shall neither accept a contribution nor make an expenditure when the office of treasurer is vacant, and no other person has been designated and agreed to perform the functions of treasurer.

- 4102.14 Each expenditure made for, or on behalf of, an exploratory committee shall be authorized by either:
- (a) The chairperson;
 - (b) The treasurer; or
 - (c) Their designated agent, as listed on the Statement of Organization filed under § 4102.2.
- 4102.15 No expenditures may be made by an exploratory committee except by check drawn payable to the person to whom the expenditure is being made on the account at a bank designated by the exploratory committee as its depository in its Statement of Organization.
- 4102.16 A detailed account of each contribution or expenditure of fifty (\$50) or more for or on behalf of an exploratory committee shall be submitted to the treasurer of such committee within five (5) days of the receipt of the contribution or the making of the expenditure upon the treasurer's demand.
- 4102.17 The detailed account submitted pursuant to § 4102.16 shall include:
- (a) The amount of the contribution or expenditure;
 - (b) The name and address (including the occupation and principal place of business, if any) of the contributor or the individual to whom the expenditure was made;
 - (c) The date of the contribution; and
 - (d) In the case of an expenditure, the office sought by the candidate on whose behalf the expenditure was made, if applicable.
- 4102.18 All funds of an exploratory committee shall be segregated from, and may not be commingled with, any personal funds of officers, members, or associates of the committee.

4103 FILING AND RECORDKEEPING REQUIREMENTS

- 4103.1 The treasurer of each exploratory committee must file Reports of Receipts and Expenditures (R&E Reports), on forms prescribed by the Director, within thirty (30) days after the committee's organization and every thirty (30) days thereafter until dissolution.
- 4103.2 R&E reports required by this section must be filed in accordance with § 3017 of this title.

4103.3 R&E Reports must disclose:

- (a) The amount of cash on hand at the beginning of the reporting period;
- (b) The full name and mailing address, including occupation and principal place of business, if any, of each person who has made one or more contributions to or for the committee, including the purchase of tickets for events such as dinners, luncheons, rallies, and similar fundraising events, within the calendar year in an aggregate amount or value in excess of fifty dollars (\$50) or more, together with the amount and date of the contributions;
- (c) The total sum of individual contributions made to or for the committee during the reporting period;
- (d) Each loan to or from any person within the calendar year in an aggregate amount or value of fifty dollars (\$50) or more, together with the full names and mailing addresses (including the occupation and the principal place of business, if any) of the lender and endorsers, if any, and the date and amount of the loans;
- (e) The net amount of proceeds from:
 - (1) The sale of tickets to each dinner, luncheon, rally, and other fundraising events organized by the committee;
 - (2) Mass collections made at events; and
 - (3) Sales by a transition committee of items such as political campaign pins, buttons, badges, flags, emblems, hats, banners, literature, and similar materials;
- (f) Each contribution, rebate, refund, or other receipt of fifty dollars (\$50) or more not otherwise listed under paragraphs (b) through (e) of this subsection;
- (g) The total sum of all receipts by or for the committee during the reporting period;
- (h) The full name and mailing address, including the occupation and the principal place of business, if any, of each person to whom expenditures have been made by or on behalf of the committee within the calendar year in an aggregate amount or value of ten dollars (\$10) or more;
- (i) The amount, date, and purpose of each expenditure;

- (j) The total sum of expenditures made by the committee during the calendar year;
- (k) The amount and nature of debts and obligations owed by or to the committee, in a form as the Director of Campaign Finance may prescribe; and
- (l) Other information as may be required by the Director of Campaign Finance.

4103.4 R&E Reports must be complete within five (5) days before the prescribed filing deadline.

4104 PETTY CASH FUNDS

4104.1 An exploratory committee may maintain a Petty Cash Fund which shall not exceed three hundred dollars (\$300) at any time.

4104.2 All records and transactions shall be maintained and authorized by either:

- (a) The chairperson;
- (b) The treasurer; or
- (c) Their designated agents, as listed on the Statement of Organization filed under § 4102.2.

4104.3 Petty cash funds shall be administered in the following manner:

- (a) Funds shall be received by check drawn on the account of the exploratory committee;
- (b) Cash expenditures shall not exceed fifty dollars (\$50) to any person in connection with a single purchase or transaction; and
- (c) All transactions shall be recorded in a journal designated for petty cash.

4104.4 For each deposit to the petty cash fund, the amount and date shall be recorded in the journal.

4104.5 For each disbursement, the journal shall include:

- (a) The name and address of each recipient;
- (b) The date of the disbursement;

- (c) The amount of the disbursement;
- (d) The purpose of the disbursement; and
- (e) The candidate’s name and the office sought, or the name of the exploratory committee for which the disbursement is made.

4104.6 All receipts, vouchers, petty cash journals, and other documentation shall be retained by the exploratory committee for a period of three (3) years from the date of the filing of the final R&E Report by the exploratory committee.

4105 EXPLORATORY COMMITTEE CONTRIBUTION LIMITATIONS

4105.1 Contributions in support of an exploratory committee shall be received or made in accordance with § 3009, except that individual and aggregate contributions shall be limited for the following exploratory committees to the amounts specified:

- (a) Mayor - \$2,000 individual, and \$200,000 aggregate;
- (b) Chairman of the Council - \$1,500 individual, and \$150,000 aggregate;
- (c) At-large member of the Council - \$1,000 individual, and \$100,000 aggregate;
- (d) Ward Councilmember or President of the State Board of Education - \$500 individual, and \$50,000 aggregate; and
- (e) Member of the State Board of Education - \$200 individual, and \$20,000 aggregate.

4106 LIMITATIONS ON THE USE OF EXPLORATORY COMMITTEE FUNDS

4106.1 Exploratory committee funds shall be used solely for the purpose of financing, directly or indirectly, the examination of the feasibility of becoming a candidate for an elective office in the District.

4106.2 The provisions of § 3013 of this title, concerning impermissible uses of campaign funds, shall apply to exploratory committees unless the expenditures stated therein are directly related to exploratory activities.

4107 DURATION OF EXPLORATORY COMMITTEES

4107.1 The life of an exploratory committee for any office shall not exceed eighteen (18) months.

4107.2 When the duration of an exploratory committee reaches eighteen (18) months, one of the following acts shall occur:

- (a) The exploratory committee shall terminate; or
- (b) The named individual of the exploratory committee shall become a candidate.

4107.3 When the named individual of an exploratory committee becomes a candidate, the individual must:

- (a) File a Statement of Candidacy Form and declare their candidacy, pursuant to § 3002 of this title;
- (b) Form a principal campaign committee, pursuant to § 4101; and
- (c) Apply all contributions received during the life of the exploratory committee to the campaign contribution limitations for the specific candidate, pursuant to § 3011 of this title.

4107.4 When terminating, exploratory committees shall adhere to the applicable provisions of § 3016 of this title.

4108 USE OF SURPLUS FUNDS

4108.1 Any remaining funds of an exploratory committee shall be transferred only to either:

- (a) An established principal campaign or political committee; or
- (b) A charitable organization that meets the requirements of tax laws of the District of Columbia.

4108.2 All contributions and fund balances of any exploratory committee shall not be deemed the personal funds of any individual, including the named individual of the exploratory committee.

4109 PENALTIES

4109.1 Penalties for any violation of this chapter shall be imposed pursuant to Chapter 37 of this title.

Chapter 99 of Title 3 of the DCMR is amended in its entirety to read as follows:

CHAPTER 99 DEFINITIONS

9900 DEFINITIONS

9900.1 The terms and phrases used in this title shall have the meanings set forth in the Election Act, the Ethics Act, and this section unless the text or context of the particular chapter, section, subsection, or paragraph provides otherwise.

Activity - acts or functions of an agency or its authorized agent and the methods of performing them.

Address - personal residence, principal place of business, campaign office, political committee office, and constituent-service program office.

Administrative action – the execution of policies relating to persons or things as previously authorized, or required by official action of the agency, adopted at an open meeting of the agency. The term does not include the deliberation of agency business or taking official action. Examples of administrative action include the review of an agenda, setting witness testimony time limitations, and other such procedural discussions.

Administrative decision - any activity directly related to action by an executive agency to issue a Mayor's Order, to cause to be undertaken a rulemaking proceeding (which does not include a formal public hearing) under Chapter 5 of Title 2, or to propose legislation or make nominations to the Council, the President, or Congress.

Adversely affected – harm caused by an administrative action for which redress is necessary or required.

Affidavit – a written statement sworn to by the affiant before a notary or officer authorized to administer oaths, which attests to the truth of the stated written matter.

Aggrieved party – one who has been directly and detrimentally harmed by the outcome of an administrative decision or action.

Anything of value - related to the monetary worth of something.

Authorized committee – a principal campaign committee or any other political committee designated and authorized by a candidate, on the Statement of Candidacy Form, to support the candidate for election, receive contributions, or make expenditures on behalf of such candidate.

Authorized officer or agent - one who has the actual or apparent authority to bind the principal.

Ballot - a sheet of paper, or electronic card, filmstrip, or other device on which votes are recorded and stored. See also, "official ballot."

Ballot card – see “ballot.”

Ballot measure – a specific category of ballot question, including initiatives, referenda, and recalls.

Ballot question – a direct vote in which the electorate is asked to either accept or reject a particular proposal, including ballot measures (initiatives, referenda, and recalls) and Charter Amendments.

Board - the District of Columbia Board of Elections, under Title III of the “Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011.”

Board Employee - as distinguished from a "polling place official," an individual who is employed by the District of Columbia Board of Elections to perform personal services for the Board either as a permanent, temporary, intermittent, or trainee employee and includes employees on leave, leave without pay, or on furlough or leave of absence for educational purposes.

Board’s office – the Board’s principal place of business, and for purposes of registration only, any voter registration agency (VRA) or early voting center location that the Board shall designate.

Bundling – the combining of one or more contributions by different donors to make a single contribution to a candidate for public office or to support an initiative, referendum, or recall measure in the District of Columbia.

Business - any corporation, partnership, sole proprietorship, firm, nonprofit corporation, enterprise, franchise, association, organization, self-employed individual, holding company, joint stock, trust, or any legal entity through which business is conducted, whether for profit or not.

Campaign Finance Act – the Campaign Finance Act of 2011 under Title III of the “Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011,” as amended.

Candidate – one who qualifies and seeks election for public office in the District of Columbia.

Candidate for election - an individual who has won a party primary; or who has survived the challenge period (D.C. Official Code §§ 1-1001.08(o) and 1-1101.1(2) (2006 Repl.) after filing a petition to have his or her name printed directly on the general election ballot.

Candidate for nomination - an individual who is seeking to win a party primary; or an individual who is seeking ballot access in a general or special election by having registered voters sign a nominating petition to have the candidate’s name printed directly on the ballot.

Chairman – the Chairman of the District of Columbia Board of Elections.

Close of business - 4:45 p.m. Monday through Friday, excluding District of Columbia legal holidays, unless otherwise indicated in this title.

Commingling - the improper mixing of personal and campaign or other funds donated for a specific or limited purpose.

Committee – an organized group consisting of a chairman and treasurer engaged for one of the following purposes:

- (a) to nominate, elect, or defeat a candidate for public office;
- (b) to solicit, accept, and expend funds to defray the costs of attorney fees, on behalf of a public officer;
- (c) to solicit, accept and expend funds for the transition of the Mayor or Chairman of the Council;
- (d) to explore or test the feasibility of an individual’s viability as a candidate for public office in the District of Columbia;
- (e) to plan, raise, and expend funds for inaugural celebration for a new Mayor of the Council; or
- (f) to qualify an initiative, referendum, or recall measure for ballot access.

Communicate directly - any oral or written communication by a lobbyist to an official, agent, or representative in the legislative or executive branch of the Government of the District of Columbia for the purpose of lobbying.

Compensation - anything of value regardless of services rendered.

Commingling – the mixing of personal and campaign funds.

Complainant – one who alleges a violation of District of Columbia campaign finance law or regulation.

Conflict of Interest – exists when a public official or an employee of the District of Columbia government uses his or her official position or title, or personally and substantially participates in an activity that may have a direct or predictable effect on the official’s or employee’s financial interests or that of a closely affiliated person.

Constituent Service Fund – monetary resources authorized by law for use by the Mayor, Chairman and members of the DC Council to provide certain services to benefit the citizens of the District of Columbia.

Contest - the aggregate of candidates who run against each other among themselves for a particular nomination or number of nominations, or a particular office or number of offices. The write-in options for each of the positions to be filled by the election are also part of the contest.

Contribution – the meaning provided in §1161.01(10)(A).

Council – the Council of the District of Columbia.

Days - calendar days, unless stated otherwise.

Director – the Director of Campaign Finance of the Board of Elections.

D.C. Official Code - the 2001 Edition of the Code, as amended.

Direct and predictable effect – existence of:

- (a) A close causal link between any decision or action to be taken in the matter and any expected effect of the matter on the financial interest;
- (b) A real, as opposed to a speculative possibility, that the matter will affect the financial interest; and
- (c) The effect is more than *de minimis*.

Directly related - immediately or approximately connected to, allied to, or affiliated with.

Domestic partner – the same meaning as provided in § 32-701(3).

Duly registered voter - a registered voter who resides at the address listed on the Board's records.

Effective date (of registration) – the date from which a registered voter's information is valid.

Election – means a primary, general, or special election held in the District of Columbia to nominate an individual as candidate for election to office, or to elect a candidate for office, or to decide an initiative, referendum, or recall measure, including a convention or caucus of a political party held to nominate such candidate.

Elected officials - the following local public officials:

- (a) The Delegate to the United States House of Representatives from the District of Columbia, as provided for in the District of Columbia Delegate Act of 1970 (D.C. Official Code § 1-401 (2006 Repl.);

- (b) The Mayor of the District of Columbia, as provided for in D.C. Official Code §§ 1-204.21 and 1-204.22 (2006 Repl.);
- (c) The Chairperson and Members of the Council of the District of Columbia, as provided for in D.C. Official Code § 1-204.01 (2006 Repl.);
- (d) The Members of the State Board of Education, as provided for in D.C. Official Code § 38-2651 (2006 Repl.);
- (e) Electors of President and Vice President of the United States and the officials of political parties as provided for in D.C. Official Code § 1-1001.01 (2006 Repl.); and
- (f) Members of Advisory Neighborhood Commissions, as provided for in D.C. Official Code §§ 1-309.06 and 1-1001.02(13) (2006 Repl.).

Election Act - the District of Columbia Election Act, as amended (D.C. Official Code §§ 1-1001.01, *et seq.* (2006 Repl.)), which governs the administration of all elections in the District of Columbia.

Election Day worker – see “polling place official.”

Election observer – an individual who has received proper credentials from the Board to witness the administration of elections, including members of nonpartisan or bipartisan, domestic or international organizations, who are not affiliated with a candidate or ballot measure.

Election official – any employees of the Board and polling place officials, excluding poll watchers and election observers.

Election year - the calendar year in which there is held an election, where a political committee is engaged in promoting or opposing a political party, nomination or election of an individual to office, or any initiative, referendum, or recall measure.

Electronic filing - as provided by the Office of Campaign Finance in Chapters 30-40, the procedure by which filers may process required forms online through the world wide web at www.ocf.dc.gov.

Eligible candidate - an individual who is not ineligible to be a candidate pursuant to D.C. Official Code § 1-1001.15(6) (2006 Repl.) and who meets or is capable of meeting those statutory requirements necessary to serve in a particular office by the date of the election in which he or she seeks the office.

Employee - unless otherwise apparent from the context, a person who performs a function of the District government and who receives compensation for the performance of such services, or a member of a District government board or commission, whether or not for compensation.

Employer - any person who compensates a registrant.

Entrusted position - an elective and public office which is a public trust in which the citizenry reposes special confidence in the officeholder for the execution of duties or services which inure to the benefit of the citizenry.

Executive agency - includes:

- (a) A department, agency, or office in the executive branch of the District government under the direct administrative control of the Mayor;
- (b) The State Board of Education or any of its constituent elements;
- (c) The University of the District of Columbia or any of its constituent elements;
- (d) The Board of Elections; and
- (e) Any District professional licensing and examining board under the administrative control of the executive branch.

Expenditure – the meaning provided in § 1161.01(21)(A).

Exploratory Committee – any person, or group of persons, organized for the purpose of examining the feasibility of becoming a candidate for an elective office in the District.

Fair market value - the fair and reasonable cash price for which the property can be sold in the market at the time of alleged violation, or at the time of filing of the financial statement.

Fictitious ballot – a ballot which shows the design and layout of a ballot in an upcoming election, and does not contain the names of nominees or candidates actually seeking office or ballot questions actually to appear on an official ballot.

File, filed, and filing – delivery in person, electronically or by mail to the OCF by 5:30 p.m. of the prescribed date.

Financial interest - any monetary advantage or claim.

FOIA- the District of Columbia Freedom of Information Act, which ensures disclosure of certain information relative to the conduct of the District of Columbia Government and its employees.

Full Field Audit – An audit that is conducted from the commencement of the filing date of the first Report of Receipts and Expenditures by the candidate or committee through the termination or last filing of the candidate or committee under audit, and that is conducted for the election period in which reports are filed.

Gift - a payment, subscription, advance, forbearance, rendering, or deposit of money, services, or anything of value, unless consideration of equal or greater value is received.

Government photo identification – a card issued by the District of Columbia government which bears a photograph of the face of the voter and the voter’s current, District of Columbia residential address.

Household - a public official or employee and any member of his or her immediate family with whom the public official or employee resides.

Identification - in the case of an individual, the full name, including first name, middle name or initial, if available, last name of an individual, and full address of the principal place of residence; and in the case of partnership, committee, corporation, labor organization, and any other organization, full name and mailing address.

Immediate family - the spouse or domestic partner of a public official or employee and any parent, grandparent, brother, sister, or child of the public official or employee, and the spouse or domestic partner of any such parent, grandparent, brother, sister, or child.

Inaugural Committee – any person, or group of persons, organized for the purpose of soliciting, accepting, and spending funds and coordinating activities to celebrate the election of a new Mayor.

Incidental expenses - any unreimbursed payment from a volunteer’s personal funds for usual and normal local travel and subsistence expenses incident to volunteer activity.

Income - gross income as defined in Section 61 of the Internal Revenue Code (26 U.S.C. § 61).

Independent expenditures - an expenditure for communications by a person expressly advocating the election or defeat of a clearly identified candidate, which is made without cooperation or consultation with any candidate or any authorized committee or agent of the candidate.

In-kind contribution - a contribution of goods, services, or property by the contributor to a campaign finance committee, candidate, constituent-service program, or Statehood fund.

Interpretative Opinion – a legal opinion issued by the Director of Campaign Finance concerning a proposed transaction relative to District of Columbia campaign finance law or regulation.

Legal Defense Committee – any person, or group of persons, organized for the purpose of soliciting, accepting, and spending funds to defray attorney and other related costs for a public official’s legal defense in civil, criminal, or administrative proceedings. Such funds shall not be used for fundraising, media or political consulting fees, mass mailing or advertising, payment or reimbursement for a fine, penalty, judgment, or settlement, or a payment to reimburse or to disgorge contributions from any other committee controlled by the public official.

Legal tender - currency and coins of the United States; ready money.

Legislative action - includes any activity conducted by an official in the legislative branch in the course of carrying out his or her duties as such an official, and relating to the introduction, passage, or defeat of any legislation in the Council.

Limited Liability Company (LLC) – is an unincorporated association established pursuant to District of Columbia Code (2001 Edition), Title 29, Chapter 8, with one or more members who have limited personal liability for the debts and actions of the LLC.

Lobbying - communicating directly with any official in the legislative or executive branch of the District government with the purpose of influencing any legislative action or an administrative decision.

Lobbyist - a person who receives compensation to communicate directly with public officials in the legislative or executive branch of the District of Columbia Government to influence any legislative action or administrative decision.

Logic and accuracy testing (“L&A testing”) – validation of the mathematical accuracy of vote recording and tabulation equipment for internal and external consistencies.

Made with cooperation or consultation with any candidate - any arrangement, coordination, or direction by the candidate or his or her agent prior to the publication, distribution, display, or broadcast of the communication. An expenditure will be presumed to be so made when it is as follows:

- (a) Based on information about the candidate’s plans, projects, or needs provided to the expending person by the candidate, or by candidate’s agent, with a view toward having an expenditure made; and
- (b) Made by or through any person who is, or has been, authorized to raise or expend funds; who is, or has been, an officer of an authorized committee; or who is, or has been receiving any form of compensation or reimbursement from the candidate, the candidate’s committee or agent.

Mass collections - the receipt of contributions by a committee, candidate, or individual, at dinners, luncheons, rallies, and other fundraising events organized by a committee, candidate, or individual.

Mass sales - to make available for purchase by a committee, candidate, or individual, at dinners, luncheons, rallies, and other fundraising events organized by such committee, candidate, or individual, items in bulk such as political campaign pins, buttons, badges, flags, emblems, hats, banners, literature, and similar materials.

Non-postmarked – not bearing the postal cancellation imprint on letters flats and parcels that shows the date, name, state, and ZIP Code of the post office or sectional center facility that accepted the mail.

Non-support year - any calendar year in which a political committee is not engaged in promoting or opposing a political party, the nomination or election of an individual to office, or any initiative, referendum, or recall measure.

Occupation - the principal job title or position, and type of business, or whether self-employed for the purposes of the Campaign Finance Act.

Office – the Office of Mayor, Attorney General, Chairman or member of the Council, President or member of the Board of Education, or an official of a political party in the District of Columbia.

Official ballot – a sheet of paper, or electronic card, filmstrip, or other device that has been approved by the Board for use during an election on which votes are recorded and stored. For direct-recording electronic (“DRE”) machines, the official ballot shall be the electronic card which records and stores the elector’s votes, except that the voter-verified paper audit trail (“VVPAT”) shall be the official ballot of record during all occurrences of manual tabulation, including audits and recounts.

Official in the executive branch - includes:

- (a) The Mayor;
- (b) Any officer or employee in the Executive Service;
- (c) Persons employed under the authority of §§ 1-609.01 through 1-609.03 (except § 1-609.03(a)(3)) paid at a rate of DS-13 or above in the General Schedule or equivalent compensation under the provisions of subchapter XI of Chapter 6 of this title designated in § 1-609.08 (except paragraphs (9) and (10) of that section; or
- (d) Members of boards and commissions designated in § 1-523.01(e).

Official in the legislative branch - any candidate for Chairman or member of the Council in a primary, special, or general election, the Chairman or Chairman-elect or any member or member-elect of the Council, officers, and employees of the Council appointed under the authority of §§ 1-609.01 through 1-609.03 or designated in § 1-609.08.

Official of a political party – national committeemen and committeewomen and their alternates; delegates to conventions of political parties nominating candidates for the Presidency and Vice Presidency of the United States and their alternates, where permitted by party rules; such members and officials of local committees of political parties as designated by duly authorized

local committees of such parties for election, by public ballot, at large or by ward in the District of Columbia.

Ordinary course of business - transacting business according to customary and reasonable business practices.

Overvote – instance in which a voter casts a vote for a greater number of candidates or positions than the number for which he or she was lawfully entitled to vote and no vote shall be counted with respect to that office or question.

Particular matter - a deliberation, decision, or action that is focused upon the interests of specific persons, or a discrete and identifiable class of persons.

Partnership – an association of two (2) or more persons acting as co-owners of a business for profit.

Party – a person or group of persons directly involved in, or having an interest at stake in the outcome of a transaction, which is the subject of a legal proceeding as a litigant.

Party affiliation status – for registration and registration update purposes, the elector’s choice of “Democratic Party,” “Republication Party,” “D.C. Statehood Green Party,” “no party (independent),” or any other minor party.

Periodic Random Field Audit – an audit that is conducted only for specific filing dates which have specific coverage periods, and that is chosen randomly for each filing deadline.

Person – an individual, partnership, committee, corporation, limited liability company, labor organization, or any other organization.

Political Committee – any proposer, individual, committee (including a principal campaign committee), club, organization, association, or other group of individuals organized for the purpose of, or engaged in promoting or opposing, the nomination or election of an individual to office, a political party, or any initiative, referendum, or recall measure.

Political Party – an association, committee, or other organized group of individuals who share a similar ideology concerning government policy, and which nominates a candidate for election to office in the District of Columbia.

Political Action Committee (PAC) – an organized group of individuals not authorized by a candidate to act on his or her behalf, but may operate independently of the candidate for purposes of supporting or opposing a clearly identified candidate for office, political party, or may be solely issues-oriented.

Poll watcher – a qualified elector who has received proper credentials from the Board to monitor voting or ballot counting activity on behalf of a qualified candidate, or proponent or opponent of a proposed initiative, referendum, recall measure, or Charter amendment.

Polling place official - an individual who is employed by the District of Columbia Board of Elections on those dates when elections and early voting are conducted in the District of Columbia or any subsequent dates upon which the counting or recounting of ballots occurs and includes, but is not limited to, precinct captains, precinct workers, counters, or area representatives.

Postmarked – bearing the postal cancellation imprint on letters flats and parcels that shows the date, name, state, and ZIP Code of the post office or sectional center facility that accepted the mail.

Principal Campaign Committee (PCC) – an organized group of individuals, whose name includes the name of a clearly identified candidate, which is authorized by a candidate to cause his or her nomination or election to office in the District of Columbia.

Principal place of business - full name under which the business is conducted and the addresses, city, and state in which the person is employed or conducts business.

Prohibited source - any person that:

- (a) Has or is seeking to obtain contractual or other business or financial relations with the District government;
- (b) Conducts operations or activities that are subject to regulation by the District government; or
- (c) Has an interest that may be favorably affected by the performance or non-performance of the employee's official responsibilities.

Public official - includes:

- (a) A candidate for nomination for election, or election, to public office;
- (b) The Mayor, Chairman, and each member of the Council of the District of Columbia holding office under Chapter 2 of this title;
- (c) The Attorney General;
- (d) A Representative or Senator elected pursuant to D.C. Official Code § 1-123;
- (e) An Advisory Neighborhood Commissioner;
- (f) A member of the State Board of Education;

- (g) A person serving as a subordinate agency head in a position designated as within the Executive Service;
- (h) A member of a board or commission listed in D.C. Official Code § 1-523.01(e); and
- (i) A District of Columbia Excepted Service employee paid at a rate of Excepted Service 9 or above, or its equivalent, who makes decisions or participates substantially in areas of contracting, procurement, administration of grants or subsidies, developing policies, land use planning, inspecting, licensing, regulating, or auditing, or acts in areas of responsibility that may create a conflict of interest or appearance of a conflict of interest; and any additional employees designated by rule by the Ethics Board who make decisions or participate substantially in areas of contracting, procurement, administration of grants or subsidies, developing policies, land use planning, inspecting, licensing, regulating, or auditing, or act in areas of responsibility that may create a conflict of interest or appearance of a conflict of interest.

Qualified elector – a registered voter who resides at the address listed on the Board’s records.

Qualified registered elector – a registered voter who resides at the address listed on the Board’s records.

Registered qualified elector - a registered voter who resides at the address listed on the Board’s records.

Registrant - a person who is required to register as a lobbyist under the provisions of § D.C. Official Code 1-1162.27.

Respondent – a party to a contested matter in an administrative proceeding.

Sample/specimen ballot – a representation of an original official ballot used for demonstration purposes only.

Statement of Candidacy - a written statement, filed with the Director, declaring one’s intention of becoming a candidate for election, made "under penalty of perjury" and signed by the candidate.

Statement of Organization – a prescribed form that identifies the name of any group of individuals, proposer, individual, club, organization, or association organized for the purpose of promoting or opposing the nomination or election of an individual to office, or promoting or opposing a political party or any initiative, referendum or recall measure, made "under penalty of perjury" and signed by the Treasurer or a designated agent.

Submission – the voter’s act of returning a voted ballot to the Board.

Surplus funds - residual or unexpended monies remaining in a candidate, constituent-service program, Statehood fund, or political committee account in excess of the amount necessary to defray expenses.

Testimonial committee - any committee, association, or organization organized and operated exclusively for the purpose of publicly acknowledging an official's services, character, attainments, conduct, qualifications, or contributions while holding office. A testimonial committee is not a political committee.

Timely completed – the information given and signature made on or prior to the date required pursuant to the D.C. Official Code and the D.C. Code of Municipal Regulations, Title 3.

To cause to be undertaken - an actual writing, drawn up by an executive agency, intended to initiate a rulemaking proceeding. The phrase is not intended to include discussion among members of the agency or the public prior to their submission of the writing.

Transition Committee – any person or group of persons organized for the purpose of soliciting, accepting or expending funds for office and personnel transition on behalf of the Mayor or the Chairman of the Council.

Transmission – the Board's act of sending a ballot to the voter.

To propose legislation - an actual written proposal signed by the head of a proposing agency and submitted to the Mayor, Council, President of the United States, or the United States Congress. It does not refer to discussion among members of the proposing agency before submission of the written request, nor does it refer to oral communications between the proposing agency and the Mayor, President, or members of the Council or the U. S. Congress.

Treasurer – an official of a political campaign or other committee, who is required to file a Statement of Acceptance of Treasurer with the Director of Campaign Finance, and authorized to receive contributions, to make expenditures and to file financial reports on behalf of a candidate or other committee.

Unauthorized committee – any organized political committee which has not been designated by a candidate for election.

Undervote – an instance in which a voter casts a vote for a lesser number of candidates or positions than the number for which he was lawfully entitled to vote.

Voter registration application – a Board-approved form that meets federal requirements pursuant to the National Voter Registration Act (“NVRA”) (42 U.S.C. § 1973gg, *et seq.*) and the Help America Vote Act (“HAVA”) (42 U.S.C. § 15301 – 15545) that a qualified elector uses to register to vote or to update voter registration information.

Voting system – any equipment or software used to tabulate ballots.

Write-in nominee - an individual whose name is written on or imprinted upon the ballot by a voter, in a primary, general, or special election and whose eligibility as a candidate in the election has not been determined by the Executive Director.

Write-in candidate (“qualified write-in candidate”) – as distinguished from a “write-in nominee,” an individual who is seeking nomination or election by the electorate and whose eligibility as a candidate in the election has been determined by the Executive Director.

CHIEF, METROPOLITAN POLICE DEPARTMENT

NOTICE OF FINAL RULEMAKING

The Chief of the Metropolitan Police Department, pursuant to Section 712 of the Firearms Regulations Control Act of 1975 (Act), effective March 31, 2009 (D.C. Law 17-0372; D.C. Official Code § 7-2507.11) (2012 Supp.)), hereby gives notice of final rulemaking to amend Section 2310 to Chapter 23 (Guns and Other Weapons) of Title 24 (Public Space and Safety) of the District of Columbia Municipal Regulations (DCMR). The rulemaking will amend the current vision requirements to conform the regulations to changes to the Act made by the Firearms Emergency Amendment Act of 2012 (Emergency Act), effective May 11, 2012 (D.C. Act 19-352; 59 DCR 5116) and any substantially similar permanent version of the Emergency Act. The amendment will remove the requirement of a vision test as part of an application to register a firearm.

No comments were received and no changes have been made to the text of the proposed rules as published in the D.C. Register on July 6, 2012 at 59 DCR 8212. These rules shall become effective on the date of publication of this notice in the D.C. Register.

Section 2310 of Chapter 23 of Title 24 DCMR is amended to read as follows:

2310 AGE AND VISION REQUIREMENTS

2310.1 To establish age as required by §203(a)(1) of the Act, a valid driver's license, birth certificate, or other government document requiring a date of birth under penalty of perjury shall be acceptable.

2310.2 A valid driver's license from any state, territory, or possession, or an international driver's license or one issued by the military shall, in the case of a new resident, be treated the same as if it had been issued by the District.

2310.3 When a District permit is obtained, the applicant shall communicate the permit number to the Firearms Registration Section.

2310.4 To establish that the applicant complies with the vision requirements of §203(a)(11) of the Act, the applicant shall certify in writing, on a form provided by the Firearms Registration Section, that the applicant's vision is not impaired more than 20/200 visual acuity in the better eye and for whom vision cannot be improved to better than 20/200, or who has loss of vision due wholly or in part to impairment of field of vision or to other factors which affect the usefulness of vision to a like degree.

2310.5 If the Firearms Registration Section determines there are reasonable grounds to believe that the certification provided in § 2310.4 is not accurate, the Firearms Registration Section may require the applicant to obtain a certification from a licensed optometrist that the applicant meets the vision requirement of §203(a)(11) of the Act.

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

NOTICE OF PROPOSED RULEMAKING

The Alcoholic Beverage Control Board (Board), pursuant to the authority set forth in D.C. Official Code §§ 25-211(b) and Mayor's Order 2001-96 (June 28, 2001) as revised by Mayor's Order 2001-102 (July 23, 2001), hereby gives notice of its intent to adopt the following proposed rules that would add a definition of a full-service grocery store to § 199 of Title 23 of the District of Columbia Municipal Regulations (DCMR), pursuant to the Omnibus Alcoholic Beverage Regulation Emergency Amendment Act of 2012 (Act), effective January 14, 2013 (D.C. Act 19-597, 60 DCR 1001), or any similar succeeding legislation. The proposed rules define what constitutes a full service grocery store, in order to effectuate the purpose of the full-service grocery store exception to the existing moratorium on the issuance of new off-premises Class B retailer's licenses. This rulemaking is also necessary to address a specific provision of the Act which requires the Board to undertake a rulemaking defining the term "full service grocery store" within forty-five (45) days of the effective date of the Act.

Pursuant to D.C. Official Code § 25-211(b)(2) (2011 Supp.), these proposed rules are also being transmitted to the Council of the District of Columbia (Council) for a ninety (90) day period of review. These rules shall not become effective absent approval by the Council.

These proposed rules were adopted by the Board on January 16, 2013 by a five (5) to zero (0) vote.

Title 23, ALCOHOLIC BEVERAGES, of the D.C. Municipal Regulations is amended as follows:

Section 199, DEFINITIONS, of Chapter 1, PROVISIONS OF GENERAL APPLICABILITY, is amended by adding the definition of "full-service grocery store" after the definition of "fact-finding hearing", which shall read as follows:

"Full-service grocery store" –

- (A) a self-service retail establishment independently owned or part of a corporation operating a chain of retail establishments under the same trade name that:
 - (i) Is licensed as a grocery store under § 47-2827; and
 - (ii) Offers a full line of at least four (4) of the five (5) following types of products on a continuous basis:

- a. Fresh, uncooked, or unprocessed meat, poultry, or fish, or any combination thereof;
- b. Fresh, uncooked or unprocessed fruits or vegetables, or any combination thereof;
- c. Breads, cereals, or baked goods, or any combination thereof;
- d. Dairy products; or
- e. Dry groceries (e.g., baking soda, coffee, cornmeal, flour, nuts, oil, salt, spices, sugar, teas, or whole grains).

(B) In addition to meeting the requirements of paragraph (A), in order to qualify as a full-service grocery store a retail establishment must dedicate either:

- (i) Fifty percent (50%) or more of its retail space to at least four (4) of the five (5) product categories listed in paragraph (A); or
- (ii) A minimum of six thousand square feet (6,000 sf) to the products listed in paragraph (A).

(C) An establishment that qualifies as a full-service grocery store under either paragraph (B)(i) or (B)(ii), must also dedicate at least five percent (5%) of its total retail space to each of the four (4) of the five (5) product categories listed in paragraph (A). The remaining space set aside for the product categories listed in paragraph (A) may be dedicated to the sale of products that meet the criteria of paragraph (A) at the licensee's or applicant's discretion.

(D) A "full-service grocery store" may include other retail service departments, such as a kitchen, bakery, pharmacy, or flower shop, of a retail establishment that meets the criteria set forth in paragraph (A) of this paragraph.

(E) The definition of "full-service grocery store" contained in this subsection shall have a prospective effect and shall only apply to license applications pending or issued after the effective date of the Omnibus Alcoholic Beverage Regulation Emergency Amendment Act of 2012, effective January 14, 2013, D.C. Act 19-597.

Copies of the proposed rulemaking can be obtained by contacting Martha Jenkins, General Counsel, Alcoholic Beverage Regulation Administration, 2000 14th Street, N.W., Washington, D.C. 20009. All persons desiring to comment on the proposed rulemaking must submit their written comments, not later than thirty (30) days after the date of publication of this notice in the *D.C. Register*, to the above address.

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

NOTICE OF PROPOSED RULEMAKING

The Alcoholic Beverage Control Board (Board), pursuant to the authority set forth in D.C. Official Code §§ 25-211(b) and 25-830(f) (2012 Supp.) hereby gives notice of its intent to adopt the following proposed rules that would amend the existing ABRA civil penalty schedule set forth in Section 800 of Title 23 of the District of Columbia Municipal Regulations (DCMR). These proposed rules also make clear that the penalties contained in the amended civil penalty schedule will become effective five (5) days after publication in the *DC Register*. Additionally, these proposed rules require a regulatory inspection by an ABRA investigator in not less than ten (10) days following the issuance of a mandatory warning for a first offense. Lastly, the proposed rules set a limitation on the number of mandatory warnings a licensee can receive for the same offense.

These proposed rules were initially adopted by the Board on August 15, 2012, by a five (5) to zero (0) vote. On October 31, 2012, the Board conducted a public hearing, pursuant to D.C. Official Code § 25-354 (2012 Supp.), to further objectives on two fronts. First, because the civil penalty schedule has not been updated since 2004, the Board invited comment from parties on revisions to the schedule. These revisions were necessary to ensure that the civil penalty schedule accurately reflected a penalty commensurate with the offense, and that it captured all laws and regulations that have been adopted by the Council since 2004, to include the Omnibus Alcoholic Beverage Regulation Emergency Amendment Act of 2012, effective January 14, 2013 (D.C. Act 19-597, 60 DCR 1001).

Second, the Board also invited comments on its efforts to implement a more comprehensive and robust warning system. The Board is required by law, pursuant to the Alcoholic Beverage Enforcement Act of 2008 (D.C. Law 17-361, 56 DCR 3427), to issue regulations for a warning system that includes recommendations as to what violations should require a mandatory warning for a first offense. Notwithstanding the Board's existing discretion to issue warnings under Section 805 in Title 23 of the DCMR, the Board sought to expand the number and type of offenses that qualified for a warning, and those that qualified for a mandatory warning. To further economic efficiency, the Board sought to update its existing warning system at the same time it undertook to revise the existing penalty schedule.

Andrew Kline, Legislative Representative, testified on behalf of the Restaurant Association (RAMW). RAMW has approximately 700 members and is the principal representative of restaurants in the District of Columbia. At the hearing, RAMW briefed the Board on the history of the mandatory warning requirement contained in DC Official Code § 25-830(e)(3) (2008 Supp.). RAMW suggested that 1) the genesis for a warning system stemmed from the notion that the regulated industry favors compliance with regulatory standards, but that there are times when education and minimal penalties are all that are needed for a first offense, particularly when that offense involves no direct

potential impact on public safety; and 2) the law's legislative history indicates a desire that the civil penalty schedule include a warning requirement for secondary tier violations and for a 'sales to minor' first offense. RAMW further testified that of the 154 separately scheduled violations contained in the civil penalty schedule, 91 are classified as secondary tier violations. Of the 91 listed secondary tier violations, only 14 require warnings for a first offense. Lastly, RAMW testified that the Board should adopt a mandatory warning system for all secondary tier violations.

The Board received no other testimony or written comments. The Board took the views of RAMW and the statute's legislative intent into consideration and reviewed the existing civil penalty schedule to determine what offenses should be added to the schedule, what offenses should be reassigned a different tier, and what offenses should be eligible for a mandatory warning.

The Board notes for the record that it has long recognized the efficacy of warnings as an effective educational tool. It has been the practice of this Board to give licensees an opportunity to take voluntary and prompt corrective action before the Board initiates an enforcement action when it is consistent with the public protection responsibilities of the Board, and depending on the nature of the violation. The Board's use of warnings is twofold: to achieve voluntary compliance, and to establish prior notice. The use of warnings and the prior notice policy are based on the Board's expectation that most licensees comply with the law and the regulations when they are properly educated.

With the adoption of a mandatory warning system, the Board's implementation would result in a written administrative warning to the offending licensee. This written administrative warning would document the violation and would serve as a tool available to ABRA's Enforcement Division for ensuring corrective action is taken.

However, the Board does not agree with RAMW's position that every secondary tier violation should qualify for a mandatory warning. The Board desires to make clear that violations of legal or regulatory significance do not warrant mandatory warnings and may not even warrant discretionary warnings. Significant violations are those violations that may lead to enforcement action as a matter of public safety. It is the Board's position that responsible licensees have a duty to implement whatever measures are necessary to ensure that their operations comply with the law and regulations. Under the law, licensees are presumed to be fully aware of their responsibilities.

The Board considered the testimony of RAMW and the legislative intent of the Council in reaching its decision to amend the existing penalty schedule by adding new offenses, re-evaluating the designation of primary or secondary tier violations, and establishing a more comprehensive warning system to include mandatory warnings for some first time offenses. The Board's decision was balanced upon its desire to protect the public safety for the most serious of offenses and yet, for those less serious offenses, the Board desires to give licensees an opportunity to seek voluntary compliance by taking timely corrective action.

The amended proposed rules were adopted by the Board on January 9, 2013, by a vote of five (5) to zero (0).

The Board also gives notice of its intent to take final rulemaking action to adopt these amended proposed rules on a permanent basis in not less than thirty (30) days after the date of publication of this notice in the *D.C. Register*. Pursuant to D.C. Official Code § 25-211(b)(2) (2012 Supp.), these proposed rules are also being transmitted to the Council of the District of Columbia for a ninety (90) day period of review. The final rules may not become effective until their approval by Council resolution.

Section 800, ABRA CIVIL PENALTY SCHEDULE, of Chapter 8, ENFORCEMENT, INFRACTIONS, AND PENALTIES, of Title 23, ALCOHOLIC BEVERAGES, of the DCMR is amended by replacing Section 800 in its entirety to read as follows:

800 ABRA CIVIL PENALTY SCHEDULE.

Section	Description	Violation	Warning
25-102(a)	Selling Alcoholic Beverages Without a License	Primary	N
25-102(b)	Wholesaler/Manufacturer Sale to Non-licensed Person for Resale	Primary	N
25-102(c)	Failure to Obtain Importation Permit	Secondary	Y
25-102(d)	Permitting Consumption of Alcoholic Beverage Without a License	Primary	N
25-110	Violating Terms of Manufacturer's License	Primary	N
25-111	Violating Terms of Wholesaler's License	Primary	N
25-112(a)-(c)	Violating Terms of Off-Premise Retailer's License	Primary	N
25-112(e)(1)	Failure to File a Statement of Expenditures	Secondary	Y
25-113(a)(2)(A)(ii)	Knowingly Allowing Patron to Exit the Premises with an Open Container	Secondary	N
25-113(a)(3)	Selling or Serving Alcohol in a Closed Container	Secondary	Y - Mandatory
25-113(b)(1)	Failure to Keep Kitchen Open Two Hours Before Closing	Secondary	Y - Mandatory
25-113(b)(2)(A)	Failure of Restaurant to File a Quarterly Statement	Secondary	Y - Mandatory
25-113(d)(1)	Failure to Submit a Security Plan	Primary	Y
25-113(e)(4)(A)	Failure of Hotel to File a Quarterly Statement	Secondary	Y - Mandatory
25-113(i)(l)(4)	Failure by Caterer to File and Maintain Records for Inspection	Secondary	Y

Section	Description	Violation	Warning
25-113(j)(3)	Failure to Obtain Board Approval for Off-Site Storage	Secondary	Y - Mandatory
25-113(j)(3)	Failure to Maintain Records on Premises	Primary	Y - Mandatory
25-113(a)(b)	Failure to Obtain Entertainment Endorsement	Primary	Y
25-113(a)©	Failure to Obtain a Summer Garden or a Sidewalk Café Endorsement	Primary	Y
25-114(a)	Violating Terms of Arena C/X License	Primary	N
25-115(a)	Violating Terms of Temporary License	Primary	N
25-116	Violating Terms of Solicitor's License	Primary	N
25-117	Violating Terms of Brew Pub Permit	Primary	N
25-118	Failure to Obtain Tasting Permit, or Exceeding Scope of Tasting Permit	Primary	N
25-119	Importing Alcohol Without Permit	Primary	Y
25-121	Providing Alcohol Awareness Training Without Board Approval	Secondary	Y
25-123	Violating Terms of Farm Winery License	Primary	N
25-341	Violating Ward 4 Moratorium	Primary	Y
25-342	Violating Ward 7 Special Restrictions	Primary	Y
25-343	Violating Ward 8 Special Restrictions	Primary	Y
25-344	Violating Mt. Pleasant Special Restrictions	Primary	Y
25-345	Violating Ward 2 Restrictions	Primary	Y
25-346	Violating Ward 6 Restrictions	Primary	Y
25-371	Allowing Nude Dancing Without a License	Primary	N
25-372	Violating Restrictions on Nude Dancing Performances	Primary	N
25-405	Transfer of Ownership Without Board Approval	Primary	N
25-423(d)	Failure to Maintain Posted Notices (Placards)	Secondary	Y
25-501	Failure to Pay Annual Fee	Primary	Y
25-701	Board-Approved Manager Required	Secondary	Y
25-701(b)	Failure to Notify Board of ABC Manager's Conviction	Secondary	Y - Mandatory
25-702	Failure to Notify Board of Employee's Conviction	Secondary	Y - Mandatory
25-711(a)	Failure to Post and Carry Licenses	Secondary	Y - Mandatory
25-711(b)	Failure to Post Lettering on Front Windows or Door	Secondary	Y - Mandatory

Section	Description	Violation	Warning
25-711(c)	Failure of Temporary License Holder to Have License Available	Secondary	Y
25-711(d)	Failure of Solicitor to Carry License	Secondary	Y - Mandatory
25-711(e)	Failure of Manager to Carry License	Secondary	Y - Mandatory
25-712	Failure to Post Signs: Warning Re: Pregnancy	Secondary	Y - Mandatory
25-713	Failure to Post Signs: Legal Drinking Age/Valid ID	Secondary	Y - Mandatory
25-721	Sale and Delivery Outside of Allowed Hours for Manufacturer & Wholesaler	Primary	N
25-722	Sale and Delivery Outside of Allowed Hours - Off Premises Licensees	Primary	N
25-723(b)	Sale and Delivery Outside of Allowed Hours - On-Premises Licensees	Primary	N
25-723(d)	Daylight Savings Time Operation Without Notice	Secondary	Y
25-724	Operating After Board Restricted Hours	Primary	N
25-725	Noise from Licensed Establishment	Secondary	N
25-726	Control of Litter, Trash, Garbage, and Proper Disposal of Refuse, Including Cooking Oils	Secondary	Y
25-731	Credit and Delinquency	Secondary	Y
25-733	Delivery and Payment Records and Reports	Secondary	Y
25-734	Sale by Retailer on Credit	Secondary	Y - Mandatory
25-735	Gifts and Loans from Manufacturer	Primary	Y
25-736	Gifts and Loans from Wholesaler	Primary	Y
25-741(a)	Providing Go-Cups at A & B Licensed Establishments	Secondary	Y
25-741(b)	Serving Back-up Drinks to Customers	Secondary	Y
25-742	Solicitation of Drinks by Employee	Secondary	Y
25-743	Tie-in Purchases Prohibited	Primary	Y
25-751	Limitations on Container Size	Secondary	Y
25-752	Containers to be Labeled	Secondary	Y
25-753	Keg Registration Required	Primary	N
25-754	Violating Beverage Storage Restrictions	Primary	Y
25-761	Structural Requirements	Secondary	Y
25-762(b)(1)	Failure to Obtain Approval to Increase Occupancy or the Use of Interior Space	Primary	Y

Section	Description	Violation	Warning
25-762(b)(2)	Failure to Obtain Approval to Expand Exterior Public or Private Space Including Summer Gardens or Sidewalk Cafes	Primary	Y
25-762(b)(3)	Failure to Obtain Approval to Expand to Another Floor, Roof, or Deck	Primary	Y
25-762(b)(4)	Failure to Obtain Approval to Provide For or Expand Entertainment Area	Secondary	Y
25-762(b)(5)	Failure to Obtain Approval to Diminish or Expand Dining or Food Prep Area	Secondary	Y
25-762(b)(6)	Failure to Obtain Approval to Provide Permanent Space for Dancing	Primary	Y
25-762(b)(7)	Failure to Obtain Approval to Change Exterior Design	Secondary	Y
25-762(b)(8)	Failure to Obtain Approval to Provide Music or Entertainment if None Previously.	Primary	N
25-762(b)(9)	Failure to Obtain Approval to Change from Recorded to Live Music or Live Entertainment or Change the Kind of Music or Entertainment Provided	Secondary	Y - Mandatory
25-762 (b)(10)	Failure to Obtain Approval to Change Entertainment to Include Nude Performances	Primary	N
25-762(b)(11)	Failure to Obtain Approval to Change From Full Menu to Snack Menu	Secondary	Y - Mandatory
25-762(b)(12)	Failure to Obtain Approval to Change On-Premises to Carry-out, or Add Carry Out	Primary	Y
25-762(b)(13)	Failure to Obtain Approval to Extend Hours of Operation	Primary	N
25-762(b)(14)	Failure to Obtain Approval to Provide New Mechanical or Electronic Entertainment	Secondary	Y
25-762(b)(15)	Failure to Obtain Approval to Change Trade Name or Corp Name With Ownership Change	Secondary	Y
25-762(b)(16)	Failure to Obtain Approval to Change Booth Size	Secondary	Y - Mandatory
25-762(b)(17)	Failure to Obtain Approval to Reduce Number of Toilet Facilities	Secondary	Y - Mandatory
25-762(b)(18)	Failure to Obtain Approval to Increase Number of Vessels Under On-Premises	Primary	N
25-763	Restrictions on Use of Signs	Secondary	Y - Mandatory

Section	Description	Violation	Warning
25-764	Advertisements Related to Alcohol	Secondary	Y - Mandatory
25-765	Advertisements on Windows and Doors	Secondary	Y - Mandatory
25-766	Prohibited Statements	Secondary	Y
25-771	Reporting by Manufacturers	Secondary	Y
25-772	Unlawful Importation of Beverages	Primary	Y - Mandatory
25-781	Sale to Minors or Intoxicated Persons - Egregious	Primary	Y
25-781	Sale to Minors or Intoxicated Persons - Non-egregious	Primary	Y - Mandatory
25-782(a)	Restrictions on Minors Entrance into Class A	Primary	Y
25-782(d)	Denying Admittance to Someone of Legal Drinking Age	Secondary	Y
25-783(a)	Sale to Someone Who Fails to Produce a Valid ID	Primary	Y
25-783(b)	Failure to Take Reasonable Steps to Ascertain Legal Age	Primary	Y
25-784(a)	Prohibit Persons Under 21 From Sell, Give, Furnish or Distribute, Except as Provided in 25-784(b)	Secondary	Y
25-784(b)	18-20 Person May Sell, Serve or Deliver, But May Not Bartend	Secondary	Y
25-791(a)	Failure to Surrender License Into Safekeeping	Secondary	Y – Mandatory
25-797(a)	Failure to Control Licensed Establishment	Primary	N
25-797(b)	Allowing Third Party or Promoter to Provide Security	Primary	N
25-802	Failure to Allow Examination of Premises, Books and Records	Primary	N
25-823(1)	Violation of Any Law Outside of Title 25 of the District of Columbia Code or Title 23 of the District of Columbia Municipal Regulations	Primary	Y
25-823(2)	Allowing Establishment to be Used for an Unlawful or Disorderly Purpose	Primary	N
25-823(3)	Failure by Owner or ABC Manager to Superintend Licensed Business	Secondary	N
25-823(4)	Allowing Employees or Agents to Engage in Prostitution, Sexual Acts, or Sexual Contact	Primary	N

Section	Description	Violation	Warning
25-823(5)	Failure to Allow/Delays ABRA or MPD to Inspect Premises or Books and Records, or Otherwise Interferes With an Investigation	Primary	N
25-823(6)	Failure to Follow Voluntary Agreement	Secondary	Y
25-823(6)	Failure to Follow Security Plan	Primary	Y
25-823(6)	Failure to Follow a Board Order	Primary	N
25-828(c)	Licensee Defaces Notice of Suspension Placard	Secondary	N
25-830(i)	Selling or Serving Alcohol on a Suspended or Expired License or License Held in Safekeeping	Primary	N
25-830(j)	Failure to Comply with Either of the Food Requirements	Primary	Y
23 DCMR 205.2	Failure to Obtain Storage Permit	Secondary	Y
23 DCMR 206.2	Retailer's Class DR or DT With Common Dining Area Fails to Sell Alcoholic Beverages in Containers Identifiable With Business	Secondary	Y
23 DCMR 206.4	Off-premise Retailer Class A or Class B failed to Inform Board in Application of Table Use	Secondary	Y - Mandatory
23 DCMR 208.19	Submission of Knowingly False or Misleading Affidavit	Primary	N
23 DCMR 600.1	Change Trade Name without Board Approval	Secondary	Y - Mandatory
23 DCMR 600.1	Change Corporate Name Without Board Approval	Secondary	Y - Mandatory
23 DCMR 600.3	Area Identified by Trade Name Inaccessible to Patrons	Secondary	Y
23 DCMR 601	Failure to Notify Board of Change in Ownership, Corporate Officers, or Partners	Secondary	Y
23 DCMR 702.3	Private Club Open to Public	Primary	Y
23 DCMR 705.9	Retailer's Class C, D, F, G, or Caterer Permits the Consumption of Alcoholic Beverages After Hours	Primary	N
23 DCMR 706	Remaining Open Without Securing Beverages or Having an ABC Manager or Owner Present	Secondary	N
23-707.1	Licensee or Board Approved Manager on Licensed Premises During Hours of Sale, Service or Consumption	Secondary	N

Section	Description	Violation	Warning
23 DCMR 710.2	Minimum Charge Greater Than Value of Food or Beverage	Secondary	Y - Mandatory
23 DCMR 710.4	Failure to Post Sign Indicating Minimum Charge	Secondary	Y - Mandatory
23 DCMR 712	Hosting a Pub Crawl Without Board Approval or in a Manner Other Than as Approved by the Board	Primary	Y
23 DCMR 717.1	Permitting Alcoholic Beverages Brought by Consumer to be Removed From Premises	Secondary	Y
23 DCMR 717.2	Corking Fee	Secondary	Y
23 DCMR 719.1	Sign re: Drinking and Driving	Secondary	Y - Mandatory
23 DCMR 900	Primary American Source of Supply	Primary	Y
23 DCMR 901	Beer Labeling	Secondary	Y
23 DCMR 902	Open Container or Package in Vehicle	Primary	N
23 DCMR 905	Discriminatory Admittance Requirements	Secondary	Y
23 DCMR 1002	Cover Charge Without Entertainment Endorsement	Secondary	Y
23 DCMR 1204	Failure to Keep and Maintain Delivery Slips	Primary	Y
23 DCMR 1206	Failure of Manufacturer Class A to Submit Monthly Report	Secondary	Y - Mandatory
23 DCMR 1207.1	Failure to File Quarterly Statements	Secondary	Y - Mandatory
23 DCMR 1207.5	Failure to File Annual Reports	Secondary	Y - Mandatory
23 DCMR 1208	Failure of the Licensee to Keep or Maintain its Books, Records, or Invoices.	Primary	Y
23 DCMR 1303	Failure to Properly Transport Alcoholic Beverages in a Vehicle	Secondary	Y
23 DCMR 2000.1	The Selling, Delivering, or Serving of Alcoholic Beverages at a Catered Event Where Snack Items Are the Only Food Products Served by the Caterer	Primary	N
23 DCMR 2000.2	Caterer or Designated Manager on Premises of Event	Secondary	Y
23 DCMR 2000.3	Submission of False or Misleading Affidavit	Primary	N
23 DCMR 2002.1	Purchase of Alcoholic Beverages by Caterers	Secondary	Y
23 DCMR 2002.2	Failure to Maintain Caterer Records	Primary	N

Section	Description	Violation	Warning
23 DCMR 2003.1	Improper Storage of Alcoholic Beverages by Caterer	Primary	Y
23 DCMR 2004.1	Importation and Transportation of Alcoholic Beverages by Caterer	Primary	Y
23 DCMR 2004.2	Removal of Unsealed Container by Caterer	Secondary	Y
23 DCMR 2004.3	Storage of Unopened Alcoholic Beverage by Caterer	Primary	Y
23 DCMR 2005.1	Caterer: No ABC Manager Present	Secondary	N
23 DCMR 2005.2	Caterer: No License Available for Public Inspection	Secondary	Y
23 DCMR 2006.1	Failure to File Caterer Report	Secondary	Y
23 DCMR 2006.2	Caterer: False or Misleading Information in Report	Primary	N
23 DCMR 2006.5	Caterer: Failure to Timely File Report	Secondary	Y

800.1 The penalties contained under this section shall become effective 5 days after publication in the District of Columbia Register.

Section 801, PRIMARY TIER VIOLATIONS, of Chapter 8, ENFORCEMENT, INFRACTIONS, AND PENALTIES, of Title 23, ALCOHOLIC BEVERAGES, of the DCMR is amended to read as follows:

801 PRIMARY TIER VIOLATIONS.

801.1 The Board may fine a licensee for a primary tier violation at a show cause hearing scheduled pursuant to the notice requirements set forth in § 1604 as follows:

- (A) For the first primary tier violation, the fine shall be \$ 1000-\$ 2000.
- (B) For the second primary tier violation within two years, the fine shall be \$ 2,000-\$ 4,000.
- (C) For the third primary tier violation in three years, the fine shall be \$ 4,000-\$ 6,000.
- (D) For the fourth primary tier violation in four years, the ABC license shall be revoked or fined no less than \$30,000 and suspended for 30 consecutive days.
- (E) For the fifth primary tier violation in four years, the ABC license shall be revoked.

Section 803, CITATIONS FOR PRIMARY TIER VIOLATIONS, of Chapter 8, ENFORCEMENT, INFRACTIONS, AND PENALTIES, of Title 23, ALCOHOLIC BEVERAGES, of the DCMR is amended to read as follows:

803 CITATIONS FOR PRIMARY TIER VIOLATIONS.

803.1 ABRA investigators or Metropolitan Police Department Officers (“MPD Officer”) shall issue citations, pursuant to D. C. Official Code § 25-801(b), for primary tier violations as follows:

- (A) For the first primary tier violation, the fine shall be \$ 1000.
- (B) For the second primary tier violation within two years, the fine shall be \$ 2,000.
- (C) For the third primary tier violation in three years, the fine shall be \$ 4,000.
- (D) For the fourth or fifth primary tier violation in four years, the violation shall be referred to the Board for a show cause hearing pursuant to § 1604.

Section 805, WARNINGS, of Chapter 8, ENFORCEMENT, INFRACTIONS, AND PENALTIES, of Title 23, ALCOHOLIC BEVERAGES, of the DCMR is amended to read as follows:

805 WARNINGS.

805.1 An ABRA investigator or MPD Officer is not precluded from issuing an administrative written warning before the issuance of a citation for a violation as permitted by § 800 of this title.

805.2 In not less than ten business days following the issuance of an administrative written warning, an ABRA investigator shall conduct a subsequent inspection of the licensed premises to ensure that the licensee has taken corrective action for the violation found for which the administrative written warning was issued. If corrections to violations that resulted in the issuance of the administrative written warning are not completed at the time of the subsequent inspection, the ABRA investigator shall issue the licensee a citation or refer the matter to the ABC Board if (1) the licensee observes other violations that are not entitled to a warning or (2) the licensee already has three or more secondary tier violations.

805.3 A licensee entitled to a mandatory administrative written warning for a first violation shall not be entitled to a mandatory warning for a second or subsequent violation of the same offense. There shall be no expiration period on this subsection’s prohibition against issuing a mandatory warning for a subsequent violation of the same offense.

Copies of the proposed rulemaking can be obtained by contacting Martha Jenkins, General Counsel, Alcoholic Beverage Regulation Administration, 2000 14th Street, N.W., Suite 400, Washington, D.C. 20009. Persons with questions concerning the rulemaking should contact Martha Jenkins at 202-442-4456 or email at martha.jenkins@dc.gov. All persons desiring to comment on the proposed rulemaking must submit their written comments, no later than thirty (30) days after the date of publication of this notice in the *D.C. Register*, to the above address.

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

The Director of the Department of Consumer and Regulatory Affairs, pursuant to the authority under Section 2 of the District of Columbia Official Code Title 29 (Business Organizations) Enactment Act of 2009, effective July 2, 2011 (D.C. Law 18-378; D.C. Official Code § 29-101.05 (2011 Repl.)) and Mayor's Order 2011-178, dated October 25, 2011, hereby gives notice of the intent to adopt a new Chapter 7 (Business Organizations) to Title 17 (Business, Occupations and Professions) of the District of Columbia Municipal Regulations (DCMR). In addition, the Director gives notice of intent to take final rulemaking action to adopt this amendment in not less than forty-five (45) days from the date of publication of this notice in the *D.C. Register*.

The proposed rulemaking clarifies and prescribes the requirements for forming, maintaining, and operating foreign and domestic business organizations formed or regulated under Title 29 (Business Organizations) of the D.C. Official Code.

A new Chapter 7 (Business Organizations) to Title 17 (Business, Occupations and Professions) of the DCMR is added to read as follows:

CHAPTER 7 BUSINESS ORGANIZATIONS**SUBCHAPTER A: GENERAL PROVISIONS**

- 700 GENERAL PROVISIONS
- 701 CERTIFICATE OF GOOD STANDING
- 702 ENTITIES REQUIRED TO FILE A BIENNIAL REPORT TO THE SUPERINTENDENT
- 703 DEADLINE FOR FILING BIENNIAL REPORT
- 704 BIENNIAL REPORTING FOR CORPORATIONS FORMED PRIOR TO JANUARY 1, 1963
- 705 FAILURE TO FILE A BIENNIAL REPORT
- 706 FAILURE TO RENEW NAME REGISTRATION
- 707 REFUND OF ENTITY FILING FEES
- 708 PERMITTED NAMES
- 709 NAME REQUIREMENTS FOR CERTAIN TYPES OF ENTITIES
- 710 ENTITIES REQUIRED TO DESIGNATE AND MAINTAIN A REGISTERED AGENT
- 711 COMMERCIAL REGISTERED AGENT FOR A FEE OR ON BEHALF OF MULTIPLE FILING ENTITIES
- 712 TERMINATION OF LISTING OF COMMERCIAL REGISTERED AGENT

- 713 CHANGE OF NAME, ADDRESS, TYPE OF ENTITY, OR JURISDICTION OF FORMATION BY COMMERCIAL REGISTERED AGENT
- 714 DESIGNATION OF REGISTERED AGENT BY NONREGISTERED FOREIGN ENTITY OR NONFILING DOMESTIC ENTITY
- 715 SERVICE OF PROCESS, NOTICE OR DEMAND ON ENTITY
- 716 FOREIGN REGISTRATION STATEMENT
- 717 AMENDMENT OF FOREIGN REGISTRATION STATEMENT
- 718 WITHDRAWAL OF REGISTRATION OF REGISTERED FOREIGN ENTITY
- 719 WITHDRAWAL ON DISSOLUTION OR CONVERSION TO NONFILING ENTITY OTHER THAN LIMITED LIABILITY PARTNERSHIP
- 720 TRANSFER OF REGISTRATION
- 721 TERMINATION OF REGISTRATION FOR FOREIGN ENTITIES
- 722 TERMINATION OF REGISTRATION FOR DOMESTIC ENTITIES
- 723 PROCEDURE AND EFFECT

SUBCHAPTER B: ENTITY TRANSACTIONS

- 724 ENTITY TRANSACTIONS: MERGER AUTHORIZED
- 725 ENTITY TRANSACTIONS: GOOD STANDING FOR MERGING ENTITIES
- 726 ENTITY TRANSACTIONS: INTEREST EXCHANGE AUTHORIZED
- 727 ENTITY TRANSACTIONS: CONVERSION AUTHORIZED
- 728 ENTITY TRANSACTIONS: PLAN OF CONVERSION
- 729 ENTITY TRANSACTIONS: GOOD STANDING FOR CONVERTING ENTITIES
- 730 ENTITY TRANSACTIONS: DOMESTICATION AUTHORIZED
- 731 ENTITY TRANSACTIONS: PLAN OF DOMESTICATION
- 732 ENTITY TRANSACTIONS: GOOD STANDING FOR DOMESTICATING ENTITIES

SUBCHAPTER C: BUSINESS CORPORATIONS

- 733 BUSINESS CORPORATIONS: CALCULATION OF FEES FOR ARTICLES OF INCORPORATION
- 734 BUSINESS CORPORATIONS: SURRENDER OF CHARTER UPON DOMESTICATION
- 735 BUSINESS CORPORATIONS: CALCULATION OF FEES FOR ARTICLES OF AMENDMENT
- 736 BUSINESS CORPORATIONS: CALCULATION OF FEES FOR RESTATED ARTICLES OF INCORPORATION
- 737 BUSINESS CORPORATIONS: DISSOLUTION BY INCORPORATORS OR INITIAL DIRECTORS

738 BUSINESS CORPORATIONS: ARTICLES OF DISSOLUTION

SUBCHAPTER D: NONPROFIT CORPORATIONS

739 NONPROFIT CORPORATIONS: GOOD STANDING FOR DOMESTICATING
NONPROFIT CORPORATIONS

740 NONPROFIT CORPORATIONS: AMENDING ARTICLES OF AMENDMENT

741 NONPROFIT CORPORATIONS: AMENDING RESTATED ARTICLES OF
INCORPORATION

742 NONPROFIT CORPORATIONS: ARTICLES OF DISSOLUTION

SUBCHAPTER E: PROFESSIONAL CORPORATIONS

743 PROFESSIONAL CORPORATIONS: PERPETUAL DURATION; DISSOLUTION

**SUBCHAPTER F: GENERAL PARTNERSHIPS AND LIMITED LIABILITY
PARTNERSHIPS**

744 GENERAL PARTNERSHIPS AND LIMITED LIABILITY PARTNERSHIPS:
STATEMENT OF PARTNERSHIP AUTHORITY

745 GENERAL PARTNERSHIPS AND LIMITED LIABILITY PARTNERSHIPS:
STATEMENT OF QUALIFICATION

746 GENERAL PARTNERSHIPS AND LIMITED LIABILITY PARTNERSHIPS:
NONJUDICIAL DISSOLUTION

SUBCHAPTER G: LIMITED LIABILITY COMPANIES

747 LIMITED LIABILITY COMPANIES: CERTIFICATE OF ORGANIZATION FOR
COMPANIES WITH ONE OR MORE SERIES

748 LIMITED LIABILITY COMPANIES: AMENDMENT OR RESTATEMENT OF
CERTIFICATE OF ORGANIZATION

SUBCHAPTER H: GENERAL COOPERATIVE ASSOCIATIONS

749 GENERAL COOPERATIVE ASSOCIATIONS: ARTICLES OF INCORPORATION
AMENDMENTS

SUBCHAPTER I: LIMITED COOPERATIVE ASSOCIATIONS

750 LIMITED COOPERATIVE ASSOCIATIONS: PAYMENT OF A FOR-PROFIT
FILING FEE

751 LIMITED COOPERATIVE ASSOCIATIONS: AMENDMENT OR RESTATEMENT
OF ARTICLES OF ORGANIZATION

752 LIMITED COOPERATIVE ASSOCIATIONS: NONJUDICIAL DISSOLUTION

SUBCHAPTER J: STATUTORY TRUSTS

753 STATUTORY TRUSTS: USE OF AMENDMENT, ARTICLES OF CONVERSION OR
ARTICLES OF MERGER

754 STATUTORY TRUSTS: ARTICLES OF DISSOLUTION

799 DEFINITIONS

SUBCHAPTER A: GENERAL PROVISIONS**700 GENERAL PROVISIONS**

700.1 The provisions of this chapter are issued pursuant to the authority under section 2 of the District of Columbia Official Code Title 29 (Business Organizations) Enactment Act of 2009, effective July 2, 2011 (D.C. Law 18-378; D.C. Official Code § 29-101.05 (2011 Repl.)) and Mayor's Order 2011-178, dated October 25, 2011.

700.2 For the purposes of this chapter, the following phrase from Title 29 (Business Organizations) of the District of Columbia Official Code (2011 Repl.) ("Act") shall be interpreted by the Superintendent as follows:

- (a) **Doing business** – any trade, profession, or activity that provides, or holds itself out to provide, goods or services to the general public or to any portion of the general public, for hire or compensation in the District of Columbia, except as otherwise provided in D.C. Official Code § 29-105.05 (2011 Repl.).

701 CERTIFICATE OF GOOD STANDING

701.1 The Superintendent shall issue a certificate of good standing to a registered domestic or registered foreign entity after all required corporate filing fees and any outstanding penalties are paid to the Superintendent and the other requirements of D.C. Official Code § 29-102.08 (2011 Repl.) are met.

702 ENTITIES REQUIRED TO FILE A BIENNIAL REPORT TO THE SUPERINTENDENT

702.1 Each of the following entities shall file a biennial report with the Superintendent:

- (a) Business corporation;
- (b) Professional corporation;
- (c) Nonprofit corporation;
- (d) Limited partnership;
- (e) Limited liability limited partnership;
- (f) Limited liability company;

- (g) General cooperative association;
- (h) Limited cooperative association;
- (i) Statutory trust;
- (j) Business trust;
- (k) Common-law business trust; and
- (l) Limited liability partnership.

702.2 Each biennial report shall include:

- (a) The date of formation or registration;
- (b) The signature of at least one (1) governor of the entity or other individual authorized to sign on behalf of the governor; and
- (c) An affirmation that the facts stated in the filing are true.

702.3 In addition to the requirements of Chapter 1 (General Provisions) of the Act, a registered foreign entity filing a biennial report pursuant to §702.1 shall include the following:

- (a) A statement that the foreign entity is in good standing in its state of domicile;
- (b) A description of the foreign entity's efforts to be in good standing if the foreign entity is not in good standing in its state of domicile; and
- (c) A statement that the foreign entity cured the grounds for dissolution if the foreign entity is involuntarily dissolved in its state of domicile.

703 DEADLINE FOR FILING BIENNIAL REPORT

703.1 For any domestic or foreign entity that registered with the Superintendent between January 1 and December 31 of the current calendar year, the biennial report shall be filed with the Superintendent by April 1 of the next calendar year.

703.2 A domestic or foreign entity that files a biennial report under §703.1 shall file subsequent biennial reports every two (2) years following the first April 1 filing.

703.3 For any registered domestic or registered foreign entity that previously was not required to file a biennial report with the Superintendent, the biennial report shall be filed with the Superintendent by April 1, 2013.

703.4 A domestic or foreign entity that files a biennial report under §703.3 shall file subsequent biennial reports every two (2) years following the first April 1 filing.

703.5 For any registered domestic or registered foreign entity general cooperative or cooperative association that has filed an annual report with the Superintendent, the biennial report shall be filed with the Superintendent by April 1, 2013.

703.6 A domestic or foreign entity that files a biennial report under §703.5 shall file subsequent biennial reports every two (2) years following the first April 1 filing.

704 BIENNIAL REPORTING FOR CORPORATIONS FORMED PRIOR TO JANUARY 1, 1963

704.1 The provisions of this section shall apply to:

- (a) Any nonprofit corporation created under the provisions of a special act of Congress; and
- (b) Any domestic or foreign corporation incorporated prior to January 1, 1963, that has not elected to avail itself of either:
 - (1) The District of Columbia Business Corporations Act, approved June 8, 1954 (68 Stat. 179; D.C. Official Code § 29-101.121 *et seq.* (1951)); or
 - (2) The District of Columbia Nonprofit Corporations Act, approved August 6, 1962 (76 Stat. 265; D.C. Official Code § 29-301.01 *et seq.* (1962)).

704.2 Until December 31, 2013, any corporation under §704.1 shall be governed by the statute under which it was formed as if that statute had not been repealed and was still in force.

704.3 On January 1, 2014, the following requirements shall apply to any corporation under §704.1:

- (a) A corporation under §704.1 that has not adopted a resolution pursuant to § 704.4 shall be subject to Chapter 4 (Nonprofit Corporations) of the Act (D.C. Official Code § 29-401.01 *et seq.* (2011 Repl.));
- (b) A corporation under §704.1 that has adopted a resolution pursuant to § 704.4 shall be subject to Chapter 4 (Nonprofit Corporations) of the Act (D.C. Official Code § 29-401.01 *et seq.* (2011 Repl.)) on the date that the resolution is delivered to the Mayor for filing.

- (1) If the corporation has adopted a resolution by September 1, 2014, the corporation's first report shall be filed pursuant to §704.9.

704.4 The resolution required under this section shall:

- (a) Be approved by a majority of votes of the corporation's shareholders or members, if any; and
- (b) Be filed with the Superintendent together with restated articles of incorporation.

704.5 A corporation under §704.1 that files the resolution under §704.4 before January 1, 2014, shall:

- (a) File a biennial report by April 1 of the next calendar year; and
- (b) File subsequent biennial reports every two (2) years following the first April 1 filing.

704.6 A corporation under §704.1 that files the resolution under §704.4 between January 1, 2014 and August 31, 2014 shall:

- (a) File a biennial report by April 1 of the next calendar year; and
- (b) File subsequent biennial reports every two (2) years following the first April 1 filing.

704.7 A nonprofit corporation created under the provisions of a special act of Congress that elects to become a domestic nonprofit corporation subject to Chapter 4 (Nonprofit Corporations) of the Act (D.C. Official Code § 29-401 *et seq.* (2011 Repl.)) before January 1, 2014, shall file with the Superintendent:

- (a) A copy of the resolution;
- (b) A copy of the corporation's congressional charter and amendments; and
- (c) A restated articles of incorporation.

704.8 A nonprofit corporation under §704.7 that elects to become a domestic nonprofit corporation shall:

- (a) File a biennial report by April 1 of the next calendar year; and
- (b) File subsequent biennial reports every two (2) years following the first April 1 filing.

704.9 A nonprofit corporation created under the provisions of a special act of Congress that elects not to become a domestic nonprofit corporation subject to Chapter 4 (Nonprofit Corporations) of the Act (D.C. Official Code § 29-401 *et seq.* (2011 Repl.)) shall file with the Superintendent, no later than January 1, 2014, a statement containing the following:

- (a) The corporation's name;
- (b) The date of formation;
- (c) The name and address of at least one (1) governor;
- (d) The name and address of the registered agent; and
- (e) A copy of the corporation's congressional charter and subsequent amendments.

704.10 A nonprofit corporation chartered by a special act of Congress that elects not to become a domestic nonprofit corporation pursuant to §704.9 shall:

- (a) File a biennial report by April 1 of the next calendar year;
- (b) File subsequent biennial reports every two (2) years following the first April 1 filing; and
- (c) Maintain a registered agent pursuant to D.C. Official Code § 29-104.04 (2011 Repl.).

704.11 If a nonprofit corporation fails to file a timely biennial report in accordance with §704, the Superintendent reserves the right to administratively revoke or dissolve the nonprofit corporation.

705 FAILURE TO FILE A BIENNIAL REPORT

705.1 If a domestic entity required to file a biennial report under §702 fails to file a timely biennial report, the failure to timely file shall be grounds for administrative dissolution of the domestic entity by the Superintendent.

705.2 If a foreign entity required to file a biennial report under §702 fails to file a timely biennial report, the failure to timely file shall be grounds for the termination of the foreign entity's registration by the Superintendent.

706 FAILURE TO RENEW NAME REGISTRATION

706.1 If a foreign filing entity or foreign limited liability partnership fails to renew the registration of its name within one (1) year of the date of registration:

- (a) The name registration shall expire; and
- (b) The name shall be available for use by another entity on the next business day after the expiration date.

707 REFUND OF ENTITY FILING FEES

707.1 In addition to the requirements of Chapter 1 (General Provisions) of the Act (D.C. Official Code § 29-102.13(d) (2011 Repl.):

- (a) The request for a refund shall be made within sixty (60) calendar days from the date of payment; or
- (b) The request for a refund shall be made within sixty (60) calendar days from the date of DCRA's rejection notification.

707.2 The Superintendent shall retain all fees not requested within sixty (60) calendar days from the date of payment or date of the Superintendent's rejection letter.

708 PERMITTED NAMES

708.1 In addition to the requirements of Chapter 1 (General Provisions), Subchapter III of the Act (D.C. Official Code § 29-103.01 (2011 Repl.):

- (a) If the name of the domestic or foreign entity is in a foreign language, the entity is required to register the English translation of the entity's name when registering with the Superintendent.
- (b) If the English translation of the entity's name is currently on file with the Superintendent, the domestic or foreign entity shall adopt and register a different English translation.

709 NAME REQUIREMENTS FOR CERTAIN TYPES OF ENTITIES

709.1 In addition to the requirements of Chapter 1 (General Provisions), Subchapter III of the Act (D.C. Official Code § 29-103.02 (2011 Repl.)), the name requirements apply to domestic and foreign entities.

709.2 The following word, phrase, or abbreviation indicating the type of entity shall appear at the end of the name of the entity: "corporation", "corp.", "incorporated", "Inc.", "professional corporation", "PC", "professional association", "PA", "Limited", "Ltd.", "limited partnership", "limited liability partnership", "LLP", "registered limited liability partnership", "RLLP", "limited liability limited partnership", "LLLLP", "registered limited liability limited partnership", "RLLLLP", "limited liability company", or "LLC".

710 ENTITIES REQUIRED TO DESIGNATE AND MAINTAIN A REGISTERED AGENT

710.1 The following types of entities shall designate and maintain a registered agent in the District:

- (a) A domestic filing entity;
- (b) A domestic limited liability partnership; and
- (c) A registered foreign entity.

711 COMMERCIAL REGISTERED AGENT FOR A FEE OR ON BEHALF OF MULTIPLE FILING ENTITIES

711.1 An individual or entity intending to serve as the commercial registered agent for a fee and for fifty (50) or more filing entities shall:

- (a) File with the Superintendent a commercial registered agent listing statement; and
- (b) Include the signature of the entity, individual, or other person authorized to sign on behalf of the commercial registered agent on the commercial registered agent listing statement.

711.2 An individual or entity serving as a commercial registered agent pursuant to §711.1 shall file a commercial registered agent filing with the Superintendent within thirty (30) business days of serving a minimum of fifty (50) filing entities.

711.3 An individual or entity currently serving as a commercial registered agent for a fee and for fifty (50) or more filing entities shall:

- (a) File with the Superintendent a commercial registered agent listing statement; and
- (b) Include the signature of the entity, individual, or other person authorized to sign on behalf of the commercial registered agent on the commercial registered agent listing statement.

711.4 An individual or entity currently serving as a commercial registered agent pursuant to §711.2 shall file a commercial registered agent filing with the Superintendent within thirty (30) business days that these regulations are adopted.

711.5 Failure to comply with filing a commercial registered agent listing statement may lead to the removal by the Superintendent of the commercial registered agent from each entity.

711.6 An individual or entity serving as a commercial registered agent for a fee and for forty-nine (49) or less filing entities may:

- (a) File with the Superintendent a commercial registered agent listing statement; and
- (b) Include the signature of the entity, individual, or other person authorized to sign on behalf of the commercial registered agent on the commercial registered agent listing statement.

712 TERMINATION OF LISTING OF COMMERCIAL REGISTERED AGENT

712.1 In addition to the requirements of Chapter 1 (General Provisions) of the Act (D.C. Official Code § 29-101.01 *et seq.* (2011 Repl.)):

- (a) If the commercial registered listing agent is a domestic filing entity and the status of the commercial registered listed agent is revoked or terminated, the commercial registered listing agent is terminated as the agent for all entities it represents.
- (b) If the commercial registered listing agent is a foreign filing entity and the status of the commercial registered listing agent is revoked or terminated, the commercial registered listing agent is terminated as the agent for all entities it represents.
- (c) Reinstatement of the commercial registered listing agent shall reinstate the listing of an agent.

713 CHANGE OF NAME, ADDRESS, TYPE OF ENTITY, OR JURISDICTION OF FORMATION BY COMMERCIAL REGISTERED AGENT

713.1 Upon filing a commercial registered agent statement of change, the Superintendent shall charge the commercial registered agent a fee to change the commercial registered agent information for each entity represented by the commercial registered agent.

714 DESIGNATION OF REGISTERED AGENT BY NONREGISTERED FOREIGN ENTITY OR NONFILING DOMESTIC ENTITY

714.1 In addition to the requirements of Chapter 1 (General Provisions) of the Act (D.C. Official Code § 29-101.01 *et seq.* (2011 Repl.)), a nonregistered foreign entity or non-filing domestic entity filing a statement designating a registered agent shall include the entity's principal address.

715 SERVICE OF PROCESS, NOTICE OR DEMAND ON ENTITY

715.1 In addition to the requirements of Chapter 1 (General Provisions) of the Act (D.C. Official Code § 29-101.01 *et seq.* (2011 Repl.)), a person seeking to serve process, notice, or demand on the Superintendent shall submit to the Superintendent:

- (a) A completed service of process action on a form to be provided by the Department; or
- (b) A declaration containing the plaintiff's name and address, defendant's domestic or foreign filing entity's name and last known address, and grounds for serving the Superintendent. The declaration shall contain the plaintiff or authorized person's name and signature;

715.2 Service on the Superintendent shall only be made after the person seeking to serve the Superintendent has filed the notice or demand with a court of competent jurisdiction.

716 FOREIGN REGISTRATION STATEMENT

716.1 In addition to the requirements of Chapter 1 (General Provisions) of the Act (D.C. Official Code § 29-101.01 *et seq.* (2011 Repl.)), a foreign entity or foreign limited liability partnership filing a statement of foreign registration shall include in the statement:

- (a) The signature of the entity's governor or other individual authorized to sign on behalf of the governor; and
- (b) The signing individual's name and capacity to sign.

717 AMENDMENT OF FOREIGN REGISTRATION STATEMENT

717.1 In addition to the requirements of Chapter 1 (General Provisions) of the Act (D.C. Official Code § 29-101.01 *et seq.* (2011 Repl.)), the foreign entity amending its foreign registration statement shall:

- (a) Specify in detail how the amended foreign registration statement differs from the existing foreign registration statement;
- (b) Submit a certified copy of the filing effectuating the amendment; and
- (c) The certified copy must be dated within the most recent ninety (90) days by the Secretary of State or authorized officer of the jurisdiction of formation.

718 WITHDRAWAL OF REGISTRATION OF REGISTERED FOREIGN ENTITY

718.1 In addition to the requirements of Chapter 1 (General Provisions) of the Act (D.C. Official Code § 29-101.01 *et seq.* (2011 Repl.)), the foreign entity shall:

- (a) Be in good standing in the District before filing its statement of withdrawal;
- (b) Include the date of its initial foreign registration in the District in its statement of withdrawal; and
- (c) Include in the statement of withdrawal, the signature of the entity's governor or other individual authorized to sign on behalf of the governor, and the signing individual's name and capacity to sign.

719 WITHDRAWAL ON DISSOLUTION OR CONVERSION TO NONFILING ENTITY OTHER THAN LIMITED LIABILITY PARTNERSHIP

719.1 In addition to the requirements of Chapter 1 (General Provisions) of the Act (D.C. Official Code § 29-101.01 *et seq.* (2011 Repl.)), a registered foreign entity which dissolves or converts to a domestic or foreign nonfiling entity other than a limited liability partnership shall include in its state of withdrawal:

- (a) The signature of the entity's governor or other individual authorized to sign on behalf of the governor; and
- (b) The signing individual's name and capacity to sign.

720 TRANSFER OF REGISTRATION

720.1 In addition to the requirements of Chapter 1 (General Provisions) of the Act (D.C. Official Code § 29-101.01 *et seq.* (2011 Repl.)), a registered foreign entity that merges into a nonregistered foreign entity or converts to a foreign entity that is required to register with the Superintendent shall:

- (a) Be in good standing in the District before filing a transfer of application;
- (b) Submit a certified copy of the filing effectuating the merger or conversion; and
- (c) The certified copy shall be dated within the most recent ninety (90) days by the Secretary of State or authorized officer of the jurisdiction of formation.

720.2 The application for the transfer of registration shall contain:

- (a) The signature of the entity's governor or other individual authorized to sign on behalf of the governor; and
- (b) The signing individual's name and capacity to sign.

721 TERMINATION OF REGISTRATION FOR FOREIGN ENTITIES

721.1 In addition to the requirements of Chapter 1 (General Provisions) of the Act (D.C. Official Code § 29-101.01 *et seq.* (2011 Repl.)), the Superintendent may terminate the registration of a foreign filing entity or foreign limited liability partnership to do business in the District if the entity is voluntarily or involuntarily dissolved in its state of domicile without filing an application for withdrawal in the District.

721.2 A foreign filing entity whose registration is terminated and seeks reinstatement in the District shall:

- (a) Comply with the same rules found in Chapter 1 (General Provisions) of the Act (D.C. Official Code § 29-101.01 *et seq.* (2011 Repl.)) governing a domestic filing entity that is dissolved administratively and seeking reinstatement;
- (b) Affirm that the entity is neither voluntarily nor involuntarily dissolved in its state of domicile at the time it seeks reinstatement in the District;
- (c) File with the Superintendent all reports which would have been due to the Superintendent while the entity was dissolved administratively; and
- (d) Pay all corporate filing fees which would have been due to the Superintendent while the entity was dissolved administratively.

722 TERMINATION OF REGISTRATION FOR DOMESTIC ENTITIES

722.1 A domestic filing entity whose registration is terminated and seeks reinstatement in the District shall:

- (a) Comply with the same rules found in Chapter 1 (General Provisions) of the Act (D.C. Official Code § 29-101.01 *et seq.* (2011 Repl.)) governing a domestic filing entity that is dissolved administratively and seeking reinstatement;
- (b) File with the Superintendent all reports which would have been due to the Superintendent while the entity was dissolved administratively; and

- (c) Pay all corporate filing fees which would have been due to the Superintendent while the entity was dissolved administratively.

723 PROCEDURE AND EFFECT

723.1 The following provisions shall apply to business corporations:

- (a) A business corporation that plans a merger or share exchange with one or more business corporations shall comply with Subchapter IX (Merger and Share Exchanges) of Chapter 3 (Business Corporations) of the Act.
- (b) A business corporation that plans a merger with an entity other than a business corporation shall comply with Chapter 2 (Entity Transactions) of the Act.

723.2 The following provision shall apply to nonprofit corporations:

- (a) A nonprofit corporation that plans a merger or membership exchange with one or more nonprofit corporations shall comply with Subchapter IX (Merger and Membership Exchanges) of Chapter 4 (Nonprofit Corporations) of the Act.

723.3 The following provisions shall apply to professional corporations:

- (a) A professional corporation that plans a merger with one or more professional corporations or limited liability companies shall comply with D.C. Official Code § 29-512 (2011 Repl.).
- (b) A professional corporation that plans a merger with an entity other than a professional corporation or limited liability company shall comply with Chapter 2 (Entity Transactions) of the Act.

723.4 The following provisions shall apply to general partnerships:

- (a) A general partnership that plans a merger with one or more general partnerships shall comply with Subchapter IX (Mergers and Interest Exchanges) of Chapter 6 (General Partnerships) of the Act.
- (b) A general partnership that plans a merger with an entity other than a general partnership shall comply with Chapter 2 (Entity Transactions) of the Act.

723.5 The following provisions shall apply to limited partnerships:

- (a) A limited partnership that plans a merger with one or more limited partnerships shall comply with Subchapter X (Merger) of Chapter 7 (Limited Partnerships) of the Act.
- (b) A limited partnership plans a merger with an entity other than a limited partnership shall comply with Chapter 2 (Entity Transactions) of the Act.

723.6 The following provisions shall apply to limited liability companies:

- (a) A limited liability company that plans a merger with one or more limited liability companies shall comply with Subchapter IX (Merger and Domestication) of Chapter 7 (General Partnerships) of the Act.
- (b) A limited liability company that plans a merger with one or more professional corporations shall comply with D.C. Official Code § 29-512 (2011 Repl.).
- (c) A limited liability company that plans a merger with an entity other than a limited liability company or professional corporation shall comply with Chapter 2 (Entity Transactions) of the Act.

723.7 The following provision shall apply to general cooperative associations:

- (a) A general cooperative association that plans a merger with one or more general cooperative associations shall comply with Chapter 2 (Entity Transactions) of the Act.

723.8 The following provisions shall apply to limited cooperative associations:

- (a) A limited cooperative association that plans a merger with one or more limited cooperative associations shall comply with Subchapter XV (Merger) of Chapter 10 (Limited Cooperative Associations) of the Act.
- (b) A limited cooperative association that plans a merger with an entity other than a limited cooperative association shall comply with Chapter 2 (Entity Transactions) of the Act.

723.9 The following provisions shall apply to unincorporated nonprofit associations:

- (a) An unincorporated nonprofit association that plans a merger with one or more unincorporated nonprofit associations shall comply with D.C. Code § 29-1126 of Chapter 11 (Unincorporated Nonprofit Associations) of the Act.

- (b) An unincorporated nonprofit association that plans a merger with an entity other than an unincorporated nonprofit association shall comply with Chapter 2 (Entity Transactions) of the Act.

723.10 The following provisions shall apply to statutory trusts:

- (a) A statutory trust that plans a merger with one or more statutory trusts shall comply with Subchapter VII (Merger) of Chapter 12 (Statutory Trusts) of the Act.
- (b) A statutory trust that plans a merger with an entity other than a statutory trust shall comply with Chapter 2 (Entity Transactions) of the Act.

723.11 An entity that plans a merger with one or more entities other than those described in the other provisions of this section shall comply with Chapter 2 (Entity Transactions) of the Act.

723.12 In addition to the requirements set forth in other provisions of this section:

- (a) A foreign filing entity shall be in good standing in the state of domicile before filing its articles of merger or articles of share exchange.
- (b) A registered foreign filing entity shall be in good standing in the state of domicile before filing its articles of merger or articles of share exchange with the Superintendent.
- (c) A nonregistered foreign filing entity shall submit to the Superintendent a certificate of good standing, certificate of existence, or similar document dated within the last ninety (90) days from the Secretary of State or other authorized officer of the jurisdiction of formation.

SUBCHAPTER B: ENTITY TRANSACTIONS

724 ENTITY TRANSACTIONS: MERGER AUTHORIZED

724.1 A domestic nonprofit corporation planning to merge shall comply with Chapter 4 (Nonprofit Corporations) of the Act (D.C. Official Code § 29-401.01 *et seq.* (2011 Repl.)).

724.2 A foreign nonprofit corporation planning to merge shall comply with Chapter 4 of (Nonprofit Corporations) of the Act (D.C. Official Code § 29-401.01 *et seq.* (2011 Repl.)).

724.3 A general cooperative association planning to merge shall comply with Chapter 4 of the Act.

725 ENTITY TRANSACTIONS: GOOD STANDING FOR MERGING ENTITIES

- 725.1 A business corporation planning an interest exchange with another business corporation shall comply with Subchapter IX (Mergers and Interest Exchanges) of Chapter 3 (Business Corporations) of the Act.
- 725.2 A general partnership planning an interest exchange with another general partnership must comply with D.C. Official Code § 29-609.05 (2011 Repl.) and, to the extent not insistent with that section, shall comply with Chapter 2 (Entity Transactions) of the Act.
- 725.3 An entity planning an interest exchange other than an interest exchange described in §§725.1 and 725.2 shall comply with Chapter 2 (Entity Transactions) of the Act.
- 725.4 In addition to the requirements set forth in this section:
- (a) A foreign entity shall be in good standing in the state of domicile before filing its statement of merger with the Superintendent.
 - (b) A registered foreign entity shall be in good standing before filing its statement of merger with the Superintendent.
 - (c) A nonregistered foreign entity shall submit to the Superintendent a certificate of good standing, certificate of existence, or similar document dated within the last ninety (90) days from the Secretary of State or other authorized officer of the jurisdiction of formation.

726 ENTITY TRANSACTIONS: INTEREST EXCHANGE AUTHORIZED

- 726.1 In addition to the requirements of Chapter 2 (Entity Transactions) of the Act (D.C. Official Code § 29-201.01 *et seq.* (2011 Repl.)):
- (a) A foreign entity shall be in good standing in the state of domicile before filing its statement of interest exchange with the Superintendent.
 - (b) A registered foreign entity shall be in good standing before filing its statement of interest exchange with the Superintendent.
 - (c) A nonregistered foreign entity shall submit to the Superintendent a certificate of good standing, certificate of existence, or similar document dated within the last ninety (90) days from the Secretary of State or other authorized officer of the jurisdiction of formation.

727 ENTITY TRANSACTIONS: CONVERSION AUTHORIZED

727.1 A domestic nonprofit corporation may convert into a nonprofit cooperative association.

727.2 A nonprofit cooperative association may convert into a domestic or foreign nonprofit cooperation.

728 ENTITY TRANSACTIONS: PLAN OF CONVERSION

728.1 In addition to the requirements of Chapter 2 (Entity Transactions) of the Act (D.C. Official Code § 29-201.01 *et seq.* (2011 Repl.)), a registered domestic filing entity or registered foreign filing entity shall be in good standing with the Superintendent before filing its statement of conversion.

729 ENTITY TRANSACTIONS: GOOD STANDING FOR CONVERTING ENTITIES

729.1 In addition to the requirements of Chapter 2 (Entity Transactions) of the Act (D.C. Official Code § 29-201.01 *et seq.* (2011 Repl.)):

- (a) A converting foreign entity not registered in the District shall submit to the Superintendent a certificate of good standing, certificate of existence, or similar document; and
- (b) The certificate of good standing, certificate of existence, or similar document shall have a date within the last ninety (90) days from the Secretary of State or other authorized officer of the jurisdiction of formation.

730 ENTITY TRANSACTIONS: DOMESTICATION AUTHORIZED

730.1 A business corporation that plans to domesticate shall comply with Subchapter VII (Domestication) of Chapter 3 (Business Corporations) of the Act.

730.2 A nonprofit corporation that plans to domesticate shall comply with Subchapter VII (Domestication) of Chapter 4 (Nonprofit Corporations) of the Act.

730.3 A limited liability company that plans to domesticate shall comply with Subchapter IX (Domestication) of Chapter 8 (Limited Liability Companies) of the Act.

730.4 An entity that plans a domestication other than those described in the other provisions of this section shall comply with Chapter 2 (Entity Transactions) of the Act.

731 ENTITY TRANSACTIONS: PLAN OF DOMESTICATION

731.1 In addition to the requirements of Chapter 2 (Entity Transactions) of the Act (D.C. Official Code § 29-201.01 *et seq.* (2011 Repl.)):

- (a) A registered foreign filing entity becoming a domestic entity must be in good standing with the Superintendent before filing its statement of domestication.
- (b) A nonregistered foreign entity shall submit to the Superintendent a certificate of good standing, certificate of existence, or similar document dated within the last ninety (90) days from the Secretary of State or other authorized officer of the jurisdiction of formation.

732 ENTITY TRANSACTIONS: GOOD STANDING FOR DOMESTICATING ENTITIES

732.1 In addition to the requirements of Chapter 2 (Entity Transactions) of the Act (D.C. Official Code § 29-201.01 *et seq.* (2011 Repl.)), a registered foreign entity becoming a domestic entity shall be in good standing with the Superintendent before filing its statement of domestication.

SUBCHAPTER C: BUSINESS CORPORATIONS

733 BUSINESS CORPORATIONS: CALCULATION OF FEES FOR ARTICLES OF INCORPORATION

733.1 The Superintendent shall assign a value of one dollar (\$1) to each authorized share for the purpose of calculating filing fees if the articles of incorporation include:

- (a) A number of authorized shares; and
- (b) Does not specify the par value for each authorized share.

734 BUSINESS CORPORATIONS: SURRENDER OF CHARTER UPON DOMESTICATION

734.1 A domestic business corporation that has adopted and approved a plan for the corporation to be domesticated in a foreign jurisdiction shall be in good standing with the Superintendent before filing its articles of charter surrender.

735 BUSINESS CORPORATIONS: CALCULATION OF FEES FOR ARTICLES OF AMENDMENT

735.1 The Superintendent shall assign a value of one dollar (\$1) to each authorized share for the purpose of calculating filing fees if the articles of amendment include:

- (a) An increase of authorized shares; and
- (b) Does not specify the par value for each authorized share.

735.2 A corporation shall not use the articles of amendment to amend:

- (a) The registered agent on record;
- (b) The name of the incorporators; or
- (c) The address of the incorporators.

736 BUSINESS CORPORATIONS: CALCULATION OF FEES FOR RESTATED ARTICLES OF INCORPORATION

736.1 The Superintendent shall assign a value of one dollar (\$1) to each authorized share for the purpose of calculating filing fees if the restated articles of incorporation include:

- (a) An increase of authorized shares; and
- (b) Does not specify the par value for each authorized share.

736.2 The corporation shall not use the restated articles of incorporation to amend:

- (a) The registered agent on record;
- (b) The name of the incorporators; or
- (c) The address of the incorporators.

737 BUSINESS CORPORATIONS: DISSOLUTION BY INCORPORATORS OR INITIAL DIRECTORS

737.1 In addition to the requirements of Chapter 3 (Business Corporations) of the Act (D.C. Official Code § 29-301.01 *et seq.* (2011 Repl.)), a majority of the incorporators or initial directors of a corporation may dissolve the corporation if:

- (a) The incorporators or initial directors have not filed a biennial report by the deadline; and

- (b) The corporation is in good standing in the District before filing its articles of dissolution with the Superintendent.

738 BUSINESS CORPORATIONS: ARTICLES OF DISSOLUTION

- 738.1 A domestic corporation shall be in good standing before filing its articles of dissolution with the Superintendent.

SUBCHAPTER D: NONPROFIT CORPORATIONS

739 NONPROFIT CORPORATIONS: GOOD STANDING FOR DOMESTICATING NONPROFIT CORPORATIONS

- 739.1 In addition to the requirements of Chapter 4 (Nonprofit Corporations) of the Act (D.C. Official Code § 29-401.01 *et seq.* (2011 Repl.)):

- (a) A registered foreign nonprofit domesticating in the District shall be in good standing with the Superintendent before filing its articles of domestication; and
- (b) A nonregistered foreign nonprofit domesticating in the District shall submit to the Superintendent a certificate of good standing, certificate of existence, or similar document dated within the last ninety (90) days from the Secretary of State or other authorized officer of the jurisdiction of formation.

740 NONPROFIT CORPORATIONS: AMENDING ARTICLES OF AMENDMENT

- 740.1 A nonprofit corporation shall not use the articles of amendment to amend:

- (a) The registered agent on record;
- (b) The name of incorporators; or
- (c) The address of incorporators.

741 NONPROFIT CORPORATIONS: AMENDING RESTATED ARTICLES OF INCORPORATION

- 741.1 A nonprofit corporation shall not use the restated articles of incorporation to amend:

- (a) The registered agent on record;
- (b) The name of incorporators; or

(c) The address of incorporators.

741.2 A nonprofit corporation restating its articles of incorporation may identify the filing as a “restated articles of incorporation” or “restated and amended articles of incorporation” instead of an articles of amendment as stated in D.C. Official Code § 29-408.07(c) (2011 Repl.).

742 NONPROFIT CORPORATIONS: ARTICLES OF DISSOLUTION

742.1 A nonprofit corporation shall be in good standing before filing its articles of dissolution with the Superintendent.

SUBCHAPTER E: PROFESSIONAL CORPORATIONS

743 PROFESSIONAL CORPORATIONS: PERPETUAL DURATION; DISSOLUTION

743.1 A professional corporation that is treated as having converted into a corporation organized under Chapter 3 (Business Corporations) of the Act (D.C. Official Code § 29-301.01 *et seq.* (2011 Repl.)) shall file with the Superintendent its statement of conversion in accordance with Chapter 2 (Entity Transactions) of the Act (D.C. Official Code § 29-201.01 *et seq.* (2011 Repl.)).

743.2 A professional corporation filing its articles of dissolution with the Superintendent shall satisfy the filing of articles of dissolution requirements of Chapter 3 (Business Corporations) of the Act (D.C. Official Code § 29-301.01 *et seq.* (2011 Repl.)).

743.3 For purposes of D.C. Official Code § 29-502(3) (2011 Repl.), the term practitioners of the healing arts shall mean a licensed professional authorized to practice a health occupation under Title 3 of Chapter 12 of the D.C. Official Code. This excludes an assistant, technician, technologist, aide, or person in a similar position who is licensed or permitted to practice a health occupation in the District under Title 3, Chapter 12 of the D.C. Official Code.

SUBCHAPTER F: GENERAL PARTNERSHIPS AND LIMITED LIABILITY PARTNERSHIPS

744 GENERAL PARTNERSHIPS AND LIMITED LIABILITY PARTNERSHIPS: STATEMENT OF PARTNERSHIP AUTHORITY

744.1 Unless earlier canceled, a general partnership may amend its filed statement of partnership authority before the end of the fifth year following the date of:

- (a) The existing statement of partnership authority on file with the Superintendent; or
- (b) The existing amended statement of partnership authority on file with the Superintendent.

745 GENERAL PARTNERSHIPS AND LIMITED LIABILITY PARTNERSHIPS: STATEMENT OF QUALIFICATION

- 745.1 In addition to the requirements of Chapter 6 (General Partnerships) of the Act (D.C. Official Code § 29-601.01 *et seq.* (2011 Repl.)), a partnership becoming a limited liability partnership shall be in good standing before filing an amendment to or cancellation of the statement of qualification with the Superintendent.

746 GENERAL PARTNERSHIPS AND LIMITED LIABILITY PARTNERSHIPS: NONJUDICIAL DISSOLUTION

- 746.1 A dissolved limited partnership that has completed winding up and is in good standing shall submit to the Superintendent a statement of dissolution for filing.

SUBCHAPTER G: LIMITED LIABILITY COMPANIES

747 LIMITED LIABILITY COMPANIES: CERTIFICATE OF ORGANIZATION FOR COMPANIES WITH ONE OR MORE SERIES

- 747.1 In addition to the requirements of Chapter 8 (Limited Liability Companies) of the Act (D.C. Official Code § 29-801.01 *et seq.* (2011 Repl.)), if a limited liability company has one (1) or more series that is treated as a separate entity, the certificate of organization filed with the Superintendent shall include:
- (a) That the limited liability company has at least one (1) member;
 - (b) The date on which the person(s) became the company's initial member or members; and
 - (c) The name of the company's initial member or members.

748 LIMITED LIABILITY COMPANIES: AMENDMENT OR RESTATEMENT OF CERTIFICATE OF ORGANIZATION

- 748.1 A limited liability company shall not use the restated or amended certificate of organization to amend:
- (a) The registered agent on record;
 - (b) The name of organizers; or

- (c) The address of organizers.

SUBCHAPTER H: GENERAL COOPERATIVE ASSOCIATIONS

749 GENERAL COOPERATIVE ASSOCIATIONS: ARTICLES OF INCORPORATION AMENDMENTS

749.1 A general cooperative shall not use the amended articles to amend:

- (a) The registered agent on record;
- (b) The name of incorporators; or
- (c) The address of incorporators.

SUBCHAPTER I: LIMITED COOPERATIVE ASSOCIATIONS

750 LIMITED COOPERATIVE ASSOCIATIONS: PAYMENT OF A FOR-PROFIT FILING FEE

750.1 If a limited cooperative association does not specify a nonprofit purpose in the articles of organization filed with the Superintendent, the limited cooperative association shall pay a for-profit filing fee.

751 LIMITED COOPERATIVE ASSOCIATIONS: AMENDMENT OR RESTATEMENT OF ARTICLES OF ORGANIZATION

751.1 A limited cooperative association shall not use the amended articles, restated articles of organization, or articles of merger to amend:

- (a) The registered agent on record;
- (b) The name of organizers; or
- (c) The address of organizers.

752 LIMITED COOPERATIVE ASSOCIATIONS: NONJUDICIAL DISSOLUTION

752.1 A dissolved limited cooperative association shall be in good standing before filing a statement of dissolution with the Superintendent.

SUBCHAPTER J: STATUTORY TRUSTS

753 STATUTORY TRUSTS: USE OF AMENDMENT, ARTICLES OF CONVERSION OR ARTICLES OF MERGER

753.1 A statutory trust shall not use an amendment, articles of conversion, or articles of merger to amend:

- (a) The registered agent on record;
- (b) The name of the initial trustee; or
- (c) The address of the initial trustee.

754 STATUTORY TRUSTS: ARTICLES OF DISSOLUTION

754.1 A statutory trust shall be in good standing before filing its articles of dissolution with the Superintendent.

799 DEFINITIONS

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

Act – The District of Columbia Official Code Title 29 (Business Organizations) Enactment Act of 2010, effective July 2, 2011 (D.C. Law 18-378; D.C. Official Code § 29-101.01 *et seq.*).

Business day – A day of the week consisting of Monday through Friday, and excludes Saturday, Sunday, any legal holiday, or any day that the District government is closed.

Calendar day – Monday through Sunday; however, if the final day is a day that DCRA is closed for business, the filing changes to the first day DCRA is open for business.

Calendar year – January 1 through December 31.

DCRA or Department – Department of Consumer and Regulatory Affairs.

Domicile – The state where the entity formed.

Registered – A domestic or foreign filing entity listed on the records maintained by the Superintendent.

Superintendent – DCRA Superintendent of Corporations.

All persons desiring to comment on these proposed regulations should submit comments in writing to Helder Gil, Legislative Affairs Specialist, Department of Consumer and Regulatory Affairs, 1100 Fourth Street, SW, Room 5164, Washington, D.C. 20024, or via e-mail at

helder.gil@dc.gov, not later than forty-five (45) days after publication of this notice in the *D.C. Register*. Persons with questions concerning this Notice of Proposed Rulemaking should call (202) 442-4400. Copies of the proposed rules can be obtained from the address listed above. 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 <http://dcra.dc.gov> by going to the “About DCRA” tab, clicking on “News Room”, and then clicking on “Rulemaking”.

DEPARTMENT OF HEALTH CARE FINANCE

NOTICE OF PROPOSED RULEMAKING

The Director of the Department of Health Care Finance (DHCF), pursuant to the authority set forth in An Act to enable the District of Columbia to receive federal financial assistance under Title XIX of the Social Security Act for a medical assistance program, and for other purposes, approved December 27, 1967 (81 Stat. 744; D.C. Official Code §1-307.02 (2006 Repl.; 2012 Supp.)), and Section 6(6) of the Department of Health Care Finance Establishment Act of 2007, effective February 27, 2008 (D.C. Law 17-109; D.C. Official Code §7-771.05(6)(2008 Repl.)), hereby gives notice of the intent to adopt a new Chapter 93 (Medicaid Guidelines for Recovery Audit Contractors) of Title 29 (Public Welfare) of the District of Columbia Municipal Regulations (DCMR).

Section 6411 of the Patient Protection and Affordable Care Act of 2011 (the Affordable Care Act or ACA), approved March 23, 2010 (Pub. L. No. 111-148; 124 Stat. 119), requires State Medicaid programs to enter into contracts with one or more Recovery Audit Contractors (RACs). The RAC agreement authorizes the review of Medicaid claims to identify and reconcile Medicaid provider overpayments and underpayments.

In September 2011, the Department of Health and Human Services (HHS), Centers for Medicare and Medicaid Services (CMS), issued a final rule governing RACs for eventual publication in the Code of Federal Regulations. That rule directs States to provide prospective contractors and providers with additional guidance about the Medicaid RAC program, with the ultimate goal of providing improved program integrity for the benefit of the District, its residents, and providers.

To achieve compliance, DHCF is amending the District of Columbia State Plan for Medical Assistance (State Plan) to reflect these changes. The State Plan amendment was approved by the Council of the District of Columbia (Council) on June 4, 2012 through PR19-0694 and awaiting approval by CMS.

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

Chapter 93, Medicaid Guidelines for Recovery Audit Contractors, of Title 29 DCMR is added to read as follows:

93 MEDICAID RECOVERY AUDIT CONTRACTOR PROGRAM**9300 GENERAL PROVISIONS**

9300.1 In accordance with the requirements set forth in Section 1902(a)(42)(B)(i) of the Social Security Act (the Act), (42 U.S.C. § 1396a(a)(42)(B)(i)) and 42 C.F.R. §§ 455.500 *et seq.*, the Department of Health Care Finance (DHCF) shall establish the Medicaid Recovery Audit Contractor (Medicaid RAC) Program.

9300.2 The Medicaid RAC Program shall support program integrity efforts by identifying overpayments and underpayments, and fraudulent and abusive claims activity.

9300.3 Subject to the requirements set forth in Title 27 DCMR, DHCF shall contract with one (1) entity that shall be the Medicaid RAC pursuant to 42 CFR §§ 455.500-455.518.

9300.4 The following claims and payments may be excluded from review and audit under the Medicaid RAC Program:

- (a) Claims associated with managed care, waiver, and demonstration programs;
- (b) Payments made for Indirect Medical Education (IME) and Graduate Medical Education (GME);
- (c) Claims older than three (3) years from the date of reimbursement;
- (d) Claims that require reconciliation due to beneficiary liability; and
- (e) Unpaid claims.

9300.5 In accordance with 42 C.F.R. §§ 455.506(c) and 455.508(g), DHCF shall ensure that no claim audited under the Medicaid RAC Program has been or is currently being audited by another entity.

9301 MEDICAL RECORDS REQUESTS

9301.1 Each provider shall make medical records available to the Medicaid RAC upon request, subject to the provisions in this section. Providers may submit medical records in hardcopy or electronic format.

9301.2 Providers shall have five (5) business days from the date of the Medicaid RAC request to provide the requested medical records. Failure to submit the requested records within this timeframe will result in the Medicaid RAC making a determination of improper payment.

9302 GUIDELINES FOR RECOUPING OVERPAYMENTS AND RECONCILING UNDERPAYMENTS

9302.1 A Medicaid provider may be subject to claim recoupment or reconciliation based on the Medicaid RAC findings.

9302.2 A determination of overpayment or underpayment shall be based on, but not limited to, one or more of the following:

- (a) Whether the service underlying the claim is covered;

- (b) Whether the claim resulting from the service was priced correctly;
- (c) Whether the provider properly coded the claim;
- (d) Whether the claim duplicates a previously paid claim; and/or
- (e) Whether the Medicaid Management Information System (MMIS) failed to apply relevant payment policies.

9302.3 DHCF shall notify a provider, in accordance with the requirements set forth in Chapter 13 of Title 29 DCMR, when a claim is subject to recoupment or reconciliation based on the Medicaid RAC’s determination.

9302.4 Pursuant to § 1307 of Title 29 DCMR, a provider may appeal an overpayment determination by the Medicaid RAC to the Office of Administrative Hearings (OAH) within fifteen (15) calendar days of the date the notice was sent.

9399 DEFINITIONS

For the purposes of this chapter, the following terms shall have the meanings ascribed:

Audit – a systematic process where an entity reviews Medicaid claims, obtains evidence, evaluates findings, and determines compliance with applicable laws, regulations, and policies.

Beneficiary – an individual who is eligible for Medical Assistance (Medicaid) under Titles XIX or XXI of the Social Security Act.

Demonstration – a project approved by CMS and authorized under section 1115 of the Social Security Act.

Managed Care – the program authorized under section 1915(b) of the Social Security Act in which Medicaid beneficiaries are enrolled into managed care organizations to receive services.

Waiver – a program operated by a state or by the District of Columbia pursuant to a CMS-approved application to waive standard Medicaid provisions to deliver long term care in community-based settings.

Comments on these proposed rules shall be submitted in writing to Linda Elam, Ph.D., M.P.H., Deputy Director - Medicaid, Department of Health Care Finance, 899 North Capitol Street, NE, 6th Floor, Washington, DC 20002, via email at DHCFPubliccomments@dc.gov, online at www.dcregs.dc.gov, or at (202) 442-9115, within thirty (30) days after the date of publication of this notice in the *D. C. Register*. Additional copies of these proposed rules may be obtained from the above address.

DISTRICT OF COLUMBIA TAXICAB COMMISSION

NOTICE OF PROPOSED RULEMAKING

The District of Columbia Taxicab Commission (Commission), pursuant to the authority set forth in Sections 8(b)(1) (C), (D), (E), (F), (G), (I), (J), 14, and 20 of the District of Columbia Taxicab Commission Establishment Act of 1985 (“Establishment Act”), effective March 25, 1986 (D.C. Law 6-97; D.C. Official Code §§ 50-307(b)(1) (C), (D), (E), (F), (G), (I), (J) and 50-319 (2009 Repl.), and D.C. Official Code § 50-313 (2009 Repl.; 2012 Supp.); D.C. Official Code § 47-2829 (b), (d), (e), (e-1), and (i) (2012 Supp.); Section 12 of the 1919 District of Columbia Taxicab Act, approved July 11, 1919 (41 Stat. 104; D.C. Official Code § 50-371 (2009 Repl.)); and Section 6052 of the District of Columbia Taxicab Commission Fund Amendment Act of 2012 (“Commission Fund Amendment Act”) effective September 20, 2012 (D.C. Law 19-168; D.C. Official Code § 50-320(a))(2012 Supp.)), hereby gives notice of proposed rulemaking action taken on January 30, 2013, to amend Chapter 6 (Taxicab Parts and Equipment), of Title 31 (Taxicabs and Public Vehicles for Hire) of the District of Columbia Municipal Regulations (DCMR).

Through this Notice, the Commission invites public comments prior to the publication of a Notice of Final Rulemaking in the *D.C. Register*. Directions for submitting comments may be found at the end of this Notice. The Commission also hereby gives notice of the intent to take final rulemaking action to adopt these proposed rules in not less than thirty (30) days after the publication of this notice in the *D.C. Register*.

The Commission intends to amend Chapter 6, TAXICAB PARTS AND EQUIPMENT, of Title 31, TAXICABS AND PUBLIC VEHICLES FOR HIRE, of the DCMR, by adding a new Section 604, MODERN TAXIMETER SYSTEMS, to read as follows:

- 604.1 Implementation of Modern Taximeter Systems (“MTS”) in All Taxicabs. Effective March 30, 2013 (“Implementation Date”):
- (a) Each licensed taxicab in the District of Columbia shall be equipped with and operated only through the use of an approved MTS installed by an Authorized MTS Installation Business;
 - (b) Each taxicab company, association, fleet, and independent operator in the District of Columbia shall have an approved MTS installed by an Authorized MTS Installation Business in each of its vehicles; and
 - (c) Any vehicle permitted by this title to be put into service shall be equipped with an approved MTS installed by an Authorized MTS Installation Business.
- 604.2 Beginning on the Implementation Date, any taxicab not equipped with an MTS approved by the Office of Taxicabs (“Office”) to process fares and charges, and to

collect the Passenger Surcharge, shall be in violation of this Section, and shall be subject to the penalties prescribed in Subsection 604.18, including impoundment pursuant to the provisions of the Taxicab and Passenger Vehicle for Hire Impoundment Act of 1992, effective March 16, 1993 (D.C. Law 9-199; D.C. Official Code § 50-331) (2011 Supp.).

- 604.3 An MTS shall pair equipment meeting the Equipment Requirements of Subsection 604.13 with the services of a single Payment Service Provider (“PSP”) that meets the Service and Support Requirements of Subsection 604.14. An authorized representative of a PSP may submit an application for approval of one or more proposed MTS(s) under the Review Process of Subsection 604.15. The Commission shall review and test each MTS, and issue its approval where the PSP demonstrates to the satisfaction of the Commission that the MTS meets all the requirements of Subsections 604.13, 604.14, and 604.15.
- 604.4 A business providing another service to the public vehicle-for-hire industry, such as a digital or central dispatch service, may operate a PSP provided it is in compliance with all the requirements of this title.
- 604.5 A business approved to act as a PSP under this Section will not be entering into a contractual relationship with the District of Columbia.
- 604.6 All costs associated with an MTS, including the costs of installation, operation, repair, lease, modification, integration with the taximeter, service and support of the PSP, maintenance, upgrade, improvement, and all other related costs thereof, shall be the responsibility of the owner or operator, as may be allocated by any existing written agreement not inconsistent with this title, but may be paid in whole or in part by the PSP, by a taxicab company, association, or fleet, or by any other person.
- 604.7 The “Passenger Surcharge” is a fifty-cent (\$.50) per trip surcharge that shall be collected and remitted to the Commission for each and every trip in a District of Columbia taxicab.
- 604.8 A “Surcharge Account” is an account established and maintained by the PSP with the Commission for the purpose of processing the Passenger Surcharge.
- 604.9 A “Cashless Payment” means payment by payment card (a credit or debit card including but not limited to MasterCard, VISA, American Express, and Discover), presented by the passenger to the vehicle operator at the end of the trip and processed through the MTS equipment, without regard to the availability of other forms of non-cash payment offered by a PSP not inconsistent with this Section, such as payment via near-field communications or Web or mobile application.
- 604.10 A “PVIN” or Public Vehicle-for-hire Identification Number is a unique number assigned by the Office of Taxicabs to each public vehicle-for-hire.

- 604.11 “Associated” connotes a voluntary relationship of employment, contract, ownership, or other legal affiliation. For purposes of this Section, an association not in writing shall be ineffective for compliance purposes.
- 604.12 In the event of a conflict between a provision of this Section, and any other provision of this title applicable to public vehicles-for-hire, including any penalty provision, the more strict provision shall control.
- 604.13 Equipment Requirements. An MTS shall incorporate any reasonable combination of modern, fixed or mobile, hardware technology components, such as a Bluetooth-enabled Smartphone, mobile data terminal, or tablet, with an attached or integrated credit card reader, that either links to an existing taximeter or replaces it, and shall:
- (a) Allow the PSP to validate the operator in real-time through a password unique to each operator, as required by Subsection 604.14(i)(i);
 - (b) Collect, and allow the PSP to report to the Commission all the electronic trip data for each trip, as required by Subsection 604(i)(ii);
 - (c) Allow the PSP to process the Passenger Surcharge for each trip, regardless of the form of payment, as required by Subsection 604(i)(iii);
 - (d) Allow the PSP to process a Cashless Payment, a cash payment, and any other type of non-cash payment that the PSP may choose to offer;
 - (e) Display text messages from the Office and only permit responses when the vehicle is stationary and only via pre-programmed responses;
 - (f) Integrate with or replace the taximeter;
 - (g) Use a wireless 3G or better cellular data connection;
 - (h) Use a high-sensitivity Global Positioning Satellite (“GPS”) receiver that provides failover geo-coding using mobile wireless networks;
 - (i) Record all trips made by the vehicle;
 - (j) Print paper receipts and, if the passenger chooses, allow the operator to trigger the sending of an electronic receipt via email or SMS text service no later than when the passenger exits the vehicle containing at least: date and time; mileage of trip; trip number; PVIN; operator license (Face Card) number; itemization of the fare, including tolls, surcharges, additional charges; gratuity; and number of passengers;

- (k) Not store or allow the operator to access the passenger's payment information after receiving authorization for the payment;
- (l) Have only once physical access-point to the taximeter if it uses a wired connection and allows only one wireless device to be paired to the taximeter if it uses a Bluetooth connection;
- (m) Not incorporate or connect to any display, fixed or mobile, that is intended to be viewed by passengers and that provides advertising, promotion of the MTS or PSP, public service announcements, or similar information, but shall be upgradeable to incorporate and connect to such technology without significant modification or cost;
- (n) Meet OWASP security guidelines, and complies with current standards issued by the Payment Card Industry Security Standards Council ("Council") for payment card data security and with the requirements of Section 508 of the Rehabilitation Act of 1973; and
- (o) Not use, incorporate, or connect to hardware or software available for personal use by the owner or operator of the vehicle.

604.14 Service and Support Requirements. Each MTS shall operate only in combination with a single PSP that shall:

- (a) Be in compliance with this title, and with all other applicable Federal and District licensing, permitting, registration, anti-discrimination, and taxation requirements for a business operating in the District;
- (b) Be in compliance with the clean hands requirements of D.C. Official Code § 47-2862 (2005 Repl. & 2011 Supp.);
- (c) Either maintain a bona fide administrative office, consisting of a physical office in the District of Columbia in the same manner applicable to a taxicab company under Chapter 5 and in compliance with all laws, rules, and regulations concerning the operation of a place of business in the District, or maintain a registered agent authorized to accept service of process, provided, however, that a PSP operated by a taxicab company, fleet, or association, shall maintain a bona fide administrative office;
- (d) Maintain with the Office a Vehicle Inventory that accurately reflects the vehicles in which MTS equipment is installed and the operators authorized to use it, and that meets the following additional requirements:
 - (1) An initial inventory shall be filed with the application for review and approval of the MTS;

- (2) At all times after the filing of an initial inventory, each PPS shall routinely maintain its inventory to insure accuracy, through such means and at such times as required by the Commission, and shall cooperate with Commission to insure that the requirements of this Subsection are met;
 - (3) For each vehicle, the inventory shall contain: the name of and contact information for its owner(s), including work, home, and cellular telephone numbers; the vehicle's PVIN, make, model, and year of manufacture; certification by the PSP that the vehicle is in compliance with the insurance requirements of Chapter 9 of this title; an indication of whether the vehicle is wheelchair accessible; an indication with whether the vehicle is in active use; and, if the vehicle is associated with a taxicab company, association, or fleet, the name of and contact information for such company, association, or fleet;
 - (4) For each operator, the inventory shall contain: the name of and contact information for such operator, including work, home, and cellular telephone numbers; his or her DCTC operator license (Face Card) number; an indication of whether such operator is actively using the MTS; and, if he or she is associated with a taxicab company, association, or fleet, the name of and contact information for such company, association, or fleet;
 - (5) The Office may remove a vehicle or operator from the inventory at any time with reasonable notice to the PSP if such vehicle or operator is not legally authorized or permitted to operate, or if a particular MTS installation is no longer authorized or permitted; and
- (e) Provide live technical support to vehicle operators via a local "202" or toll-free telephone number answered promptly by technical support staff based in the Washington Metropolitan Area, 24 hours per day, 365 days per year;
 - (f) Store its business records in a safe and secure manner, and in compliance with industry best practices and applicable Federal and District law; make the records reflecting its compliance with this chapter available for inspection and copying at the Office within five (5) business days following its receipt of a written demand from the Office, and by Public Vehicle Inspection Officers or other Office staff or Commission legal counsel, during normal business hours at a bona fide administrative office, if maintained; and retain its business records for at least five (5) years;

- (g) Notify the Office promptly following its receipt of notice of a security breach as to which a report must be made pursuant to the D.C. Consumer Personal Information Security Breach Notification Act of 2006, D.C. Official Code § 28-3851, *et seq.* or applicable Federal law;
- (h) For the processing of its cashless payments, as defined in Section 604.9, uses only technology that meets OWASP security guidelines, and complies with the current standards issued by the Payment Card Industry Security Standards Council (“Council”) for payment card data security (“PCI Standards”) and, for the processing of other non-cash payments, such as near-field device or payment via mobile- or web-based application, complies with applicable guidelines of the Council, and for all direct debit transactions, complies with the rules and guidelines of the National Automated Clearing House Association;
- (i) Maintain a data connection to the MTS equipment installed in each vehicle that shall do all of the following:
 - (1) Validate the status of the operator’s DCTC operator’s license (Face Card) in real-time by connecting to the Office’s Back Office Management Information System (“BOMIS”), to ensure the license is not revoked or suspended, and that the operator is in compliance with the insurance requirements of Chapter 9;
 - (2) Report to the Office every twenty-four (24) hours via a single data feed electronic trip data, which means geospatially marking the pick-up, drop-off and current taxicab location information, and capturing and transmitting to the BOMIS in a data structure consistent across all PSPs as established by the Office, the following information:
 - (A) The date,
 - (B) Anonymously-reported but unique operator license (Face Card) number, PVIN, and tag number;
 - (C) The name of the taxicab company, association, or fleet if applicable;
 - (D) The time at beginning of tour of duty;
 - (E) The time and mileage of each trip;
 - (F) The time and geospatially recorded place of origin and time and geospatially recorded place of destination of each trip;

- (G) The number of passengers and fare charged for each trip;
 - (H) The time at the end of each tour of duty
 - (I) The unique trip number;
 - (J) The itemized fare including any tolls, surcharges, and any gratuity for credit or debit purchases;
 - (K) The form of payment (Cashless Payment (including the brand of payment card), cash, voucher, or any other type of non-cash payment the PSP may choose to offer); and
- (iii) Process each payment for each trip, regardless of the form of payment, and regardless of whether the trip was booked through dispatch or resulted from a street hail; and
- (j) Maintain a Surcharge Account and remit surcharge payments according to the following requirements:
- (1) The account shall be opened within ten (10) days after the Office issues its conditional approval of the MTS pursuant to Section 604.15;
 - (2) The account shall be opened by depositing with the Office a security bond in the amount of fifty-thousand dollars (\$50,000.00), payable to the D.C. Treasurer, which shall remain in force and effect for one (1) year following any action (including a decision to not take an allowable action) that results in the MTS no longer being approved, and by taking such further steps as may be necessary to earn a final approval pursuant to Section 604.15;
 - (3) After the MTS receives its final approval pursuant to Section 604.15 and throughout the period of its operation and use by any operator, the PSP shall remit a payment to the D.C. Treasurer at the end of each seven (7) day period reflecting the sum of all Passenger Surcharges owed for all vehicles using the MTS during that period which shall correlate with the trip data from the MTS it provided during such period, and shall send contemporaneously via email a report to the Office certifying its payment and providing a basis for the amount thereof;
 - (4) The PSP shall cooperate in good faith with the Office in the event of any discrepancy between a payment and the trip data from the MTS, provided however, that if the PSP and Office are unable to agree on a resolution of a dispute within thirty (30) days, the

Office may, in its discretion, make a claim against the security bond to satisfy the amount of the discrepancy;

- (5) The account shall be closed and the bond returned to the PSP within thirty (30) days following any action (including a decision to not take an allowable action) that results in the MTS no longer being approved, provided however, that the bond shall not be returned during such time as there remains a discrepancy in the amount owed for Passenger Surcharges, which shall be resolved as provided in this Subparagraph.

604.15 A Review Process for applications shall include:

- (a) An authorized representative of a PSP may submit an application for approval of one or more proposed MTS(s) by filing an application with the Office of Taxicabs (“Office”) under penalty of perjury, paying an application fee of one-thousand (\$1,000.00) for each MTS, and providing:
 - (1) Its name and contact information, and the name(s) of and contact information for its owners and operators;
 - (2) Information and documentation demonstrating that the equipment for each proposed MTS meets the System Requirements in Subsection 604.13;
 - (3) Information and documentation demonstrating that the PSP is in compliance with the Service and Support Requirements in Subsection 604.14;
 - (4) Information and documentation concerning any form of non-cash payment the PSP will offer other than Cashless Payment, such as near field device or the use of a payment card or Personal Identification Number processed via a mobile- or Web-based application;
 - (5) Such other information or documentation as the Office may require during the review process to determine that the MTS and each installation thereof will comply with and be operated in compliance with this title, including one or more demonstration(s) of its MTS equipment;
 - (6) A bank certification reflecting its ability to comply with the Surcharge Account initial deposit requirements;
 - (7) Its initial Vehicle Inventory;

- (8) A blank sample of the operating agreement the PSP uses to associate with taxicab companies, associations, fleets, and independent operators, which shall contain such terms and conditions as the PSP may require, provided, however, that the operating agreement shall not impose obligations upon taxicab companies, associations, fleets, or independent operators inconsistent with the requirements of this title or other law applicable to public vehicles-for-hire; and
 - (9) Such other information and documentation related to establishing MPS compliance with this Section as the Office may require at that time or subsequently during the review process.
- (b) Throughout the review process, including the period during which the MTS is pending final approval pursuant to Subsection 604.15(f), the PSP shall bear the burden of establishing to the satisfaction of the Office that the MTS equipment, when paired with the service and support of the PSP, meets all the requirements of Subsections 604.13 and 604.14. A failure to meet this burden shall result in the denial of conditional or final approval.
 - (c) The Office shall complete its review and issue its decision to conditionally approve or to reject the MTS within fourteen (14) days, provided however, that such period may be extended by the Office for no more than ten (10) additional days at the Office's request, and that the Office shall not be required to have pending at any one time applications for review and approval of more than five (5) MTS systems (without regard to the number of applications) and may hold in abeyance its review of any applications over this number for such time as is necessary in order to stay within this limit.
 - (d) An applicant shall cooperate with Office staff throughout the review process, including at a scheduled demonstration of its MTS equipment. An application may be rejected by the Office if the applicant does not cooperate in a timely and reasonable manner at the demonstration(s) or at any other point in the review process. The Office may deny an application that contains or as to which materially false information is provided orally or in writing in order to induce approval.
 - (e) An applicant shall be scheduled by the Office for one (1) demonstration of its MTS equipment, where the Office's technical staff shall have the opportunity to examine and test the equipment and ask questions of the PSP's technical staff, who shall attend the demonstration. An applicant shall be given the opportunity for one (1) additional demonstration upon a showing of good cause, or if required by the Office.

- (f) An approval by the Office shall be conditioned upon the PSP's compliance with the Surcharge Account initial deposit requirements of Subsection 604.14(j) within ten (10) days after the Office issues its conditional approval. The Office shall issue its final approval of the MTS at such time. A failure to comply with this deadline shall result in the denial of final approval.
- (g) An approval of an MTS shall continue in effect for twelve (12) months, during which time no substantial change may be made without written approval from the Office. A PSP shall promptly inform the Office of a proposed substantial change that would require written approval.
- (h) Each approved MTS shall be listed on the Commission's Website promptly following approval and shall remain listed until such approval is no longer effective.
- (i) Each approved MTS shall be submitted for re-approval at least sixty (60) days prior to the expiration of the approval, unless the Office provides otherwise in writing. Re-approval shall require compliance with the procedures in this Subsection for an approval of a new MTS, except to the extent the Office does not so require. An approval shall continue in force and effect beyond its expiration period during such time as an application for re-approval is pending in proper form.
- (j) The approval of an MTS may be suspended or revoked at any time by the Office with reasonable advance notice under the circumstances to the PSP if the Office acquires information that the MTS or the owners or operators using it are not in substantial compliance with this title or other law, rule, or regulation applicable to the taxicabs, provided however, that the approval of an MTS may be suspended immediately by the Chairman without advance notice but with prompt notice thereafter if the Office acquires information that the MTS or the vehicles owners or operators using it are in such non-compliance with this title or other law, rule, or regulation applicable to taxicabs so as to pose a significant threat to consumer protection or public safety.
- (k) If the Office denies an application for approval of an MTS on any ground, it shall state the reasons for its decision in writing. A denial shall be based on a full and fair consideration of all information and documentation presented by the Applicant, including any demonstration(s) of the equipment.
- (l) A denial of an application may be appealed to the Chairman of the Commission within fifteen (15) business days, and, otherwise, shall constitute a final decision of the Office. The Chairman shall issue a decision on an appeal within thirty (30) days. A timely appeal of a denial

shall extend an MTS's existing approval pending the Chairman's decision on the appeal. A decision of the Chairman to affirm or reverse a denial shall constitute a final decision of the Office. A decision of the Chairman to remand to the Office for further review of the MTS shall extend an MTS's existing approval pending the final decision of the Office.

604.16 Installation Requirements shall include:

- (a) The MTS equipment installed in a particular vehicle shall be certified in a meter calibration report issued by an Authorized MTS Installation Business as meeting all the applicable requirements of this Section, including integrating with or replacing the vehicle's taximeter.
- (b) Each owner and operator shall be responsible for making arrangements to obtain an approved MTS, to obtain any necessary training on the use of the equipment, to have the equipment installed, and to have the installation certified for each vehicle by an Authorized MTS Installation Business, no later than the Implementation Deadline.
- (c) Each vehicle's MTS installation shall be tested by an Authorized MTS Installation Business as part of the periodic vehicle inspection required in this title for such vehicle.

604.17 Prohibitions concerning the MTS include:

- (a) No person may operate a taxicab on or after the Implementation Date that is not equipped with and operated exclusively using a properly-functioning, approved MTS, installed by an Authorized MTS Installation Business, and collecting the Passenger Surcharge for each trip.
- (b) A vehicle owner or operator shall not knowingly operate a vehicle with an MTS as to which the Office's approval has been suspended, revoked, or not renewed.
- (c) No person other than a PSP approved by the Office in connection with an MTS may provide to a District taxicab company, association, fleet, or independent operator any taxicab meter or payment services.
- (d) No PSP may associate with a taxicab owner or operator where it knows or reasonably should know that such owner or operator is operating in violation of this title or other law or regulation applicable to public vehicles-for-hire.
- (e) No person may process or collect a fare or charge that is not consistent with the fares and charges authorized by this title, including without limitation, a dispatch fee that exceeds two-dollars (\$2.00) per dispatched

trip or that was not disclosed to the passenger in advance of acceptance of the dispatch, a gratuity that the passenger does not wish to pay or a gratuity of an amount other than that which the passenger wishes to pay, or any demand or surge pricing.

- (f) No PSP may provide services for an MTS except based on and in compliance with a written operating agreement between such PSP and each taxicab company, association, fleet or independent operator, a blank sample of which has been provided to the Office.
- (g) No vehicle operator and PSP may associate with one another if, on the effective date of this Section, such operator is associated with a taxicab company that provides a central dispatch service, as required by Section 201 of the Act, unless, prior to associating, such taxicab company provides its written consent to the association in writing.
- (h) No PSP may alter or attempt to alter through agreement with any person, including by a "user agreement" with passengers, its legal obligations under this title.
- (i) No PSP shall fail to cooperate in a timely manner with law enforcement officials, public vehicle enforcement officers and other representatives of the Office, and legal counsel to the Commission, in the enforcement and application of this title, including by failing to respond fully and completely to all questions, communications, notices, directives, and summonses.
- (j) No person may receive payment for a trip in a taxicab if the vehicle or the operator is not on the Vehicle Inventory at the time of the first event leading to the trip, such as when a dispatch begins or a street hail occurs.
- (k) No operator may pick up or transport a passenger if the MTS printer component is not functioning properly and in compliance with this title.
- (l) No owner or operator may alter or tamper a component of the MTS or make any change in the vehicle that prevents the MTS from operating in conformity with the approval granted by the Office.
- (m) No operator may operate a taxicab in which the MTS has been tampered with, broken, or altered. The operation of a taxicab with a tampered, broken, or altered MTS shall give rise to a rebuttable presumption that the operator knew of the tampering, breaking, or alteration.
- (n) No owner or operator may place tires or wheels of a different size, or off-size tires, on a taxicab without re-certification of the MTS.

- (o) No owner or operator may operate a taxicab with tires inflated other than within the range specified by the manufacturer.
- (p) No taxicab may be equipped with more than one MTS, except where expressly approved in writing by the Office.

604.18 Penalties for violation of this section include:

- (a) Each violation of this Section by a taxicab company, association, fleet, or independent owner, by a person acting on behalf of a taxicab company, association, fleet, or independent owner, or by a taxicab operator, shall subject the violator to:
 - (1) The fines set forth in §§ 604.19 and 825 of this title;
 - (2) License (Face Card) suspension, revocation, or non-renewal of the operator or suspension, revocation, or non-renewal of the company, association, or fleet Certificate of Operating Authority;
 - (3) Impoundment of each vehicle found to be operating with an MTS the approval of which has been suspended, revoked, or not renewed, pursuant to the provisions of the Taxicab and Passenger Vehicle for Hire Impoundment Act of 1992, effective March 16, 1993 (D.C. Law 9-199; D.C. Official Code § 50-331) (2011 Supp.);
 - (4) Confiscation of any MTS equipment being used in violation of this Section; or
 - (5) A combination of the sanctions listed in this Paragraph.
- (b) Each violation of this Section by a PSP or a person acting on a PSP's behalf shall subject the violator to:
 - (1) The fines set forth in § 604.19 of this title, which shall be per operator and per vehicle unless otherwise noted;
 - (2) The suspension, revocation, or non-renewal of the approval of the MTS(s) associated with the PSP;
 - (3) Confiscation of any MTS or taximeter equipment being used in violation of this Section; or
 - (4) A combination of the sanctions listed in this Paragraph.

- (c) The penalties prescribed in parts (a) and (b) of this Subsection shall apply to any person who, at the time of prescribed conduct, lacks legal authority (including licensing, approval, or certification from the Commission or any other government agency), and engages in such conduct with intent to induce any other person to believe he or she has legal authority or with reckless disregard as to whether he or she has legal authority.
- (d) The Office may recommend to any other government agency the suspension or revocation of any license or privilege to do business in the District of Columbia for failure to comply with this Section, including any penalty imposed by the Office.
- (e) Any person or entity may appeal a penalty issued under this Section to the Office of Administrative Hearings, except that actions to suspend or revoke the approval of an MTS under Subsection 604.15(i) (based on a significant threat to consumer protection or public safety) shall be heard within three (3) days by the Chairman and thereafter appealable as provided by law.

604.19 Table of Penalties and Fines

Section	Violation	Penalty
604.1; 604.2	Failure to have approved MTS in vehicle after implementation date	\$1,000.00 and impoundment
604.1(b)	Taxicab company permitting operation of its vehicles without approved MTS	\$1,000.00 per vehicle and impoundment
604.1(a); 604.12; 604.17(a)	Failure to use MTS, non-functioning equipment, or failure to collect Passenger Surcharge	\$500.00 and impoundment
604.1(a); 604.12 604.17(a) and (b)	Willful failure to use MTS or to collect the Passenger Surcharge	\$2,500.00 and impoundment
604.13(m)	Unauthorized MTS advertising	\$1,000.00
604.14(c)	Failure to maintain a bona fide administrative office or registered agent	Revocation of MTS approval if not cured within fifteen (15) days

604.14(d); 604.17(j)	Failure to maintain accurate vehicle inventory	\$1,000.00 per incident
604.14(e)	Failure to provide live customer Service to vehicle operators	\$500.00
604.14(f)	Failure to properly store records	\$250.00
604.14(f)	Failure to allow inspection or copying of requested records	\$500.00
604.14(g)	Failure to notify the Office of a security breach	\$1,000.00
604.14(h)	Failure to comply with security guidelines and standards	\$1,000.00
604.14(i)(i)	Failure to validate operator	\$250.00
604.14(i)(ii)	Failure to remit trip data	\$250.00
604.14(i)(iii)	Failure to make timely or full payment for Passenger Surcharges	\$1,000.00 per incident
604.14(i)(iii)	Failure to submit timely report for Passenger Surcharges	\$500.00 per incident
604.17(d)	Provision of MTS service without written agreement	\$500.00
604.17(e)	Improper or unauthorized fare or charge	\$250.00 and refund of fare or charge to passenger
604.17(l)	Tampering or altering MTS	\$1,000.00
604.17(m)	Operating with tampered, altered or broken MTS	\$2,500.00 and impoundment
604.17(p)	Operating with more than one MTS	\$250.00

Copies of this proposed rulemaking can be obtained at www.dcregs.dc.gov or by contacting Jacques P. Lerner, General Counsel, District of Columbia Taxicab Commission, 2041 Martin Luther King, Jr., Avenue, S.E., Suite 204, Washington, D.C. 20020. All persons desiring to file comments on this proposed rulemaking should submit written comments via e-mail to dctc@dc.gov or by mail to the D.C. Taxicab Commission, 2041 Martin Luther King, Jr., Ave.,

S.E., Suite 204, Washington, D.C. 20020, Attn: Jacques P. Lerner, General Counsel, no later than thirty (30) days after the publication of this notice in the *D.C Register*.

**DISTRICT DEPARTMENT OF TRANSPORTATION
SECOND NOTICE OF PROPOSED 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) (2009 Repl. & 2012 Supp.)), Section 3 of the Commercial Curbside Loading Zone Implementation Act of 2009, effective October 22, 2009 (D.C. Law 18-66; D.C. Official Code § 50-2652 (2009 Repl. & 2012 Supp.)), and Mayor's Order 2010-63, dated April 15, 2010, hereby gives notice of the intent to adopt 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 will establish a curb loading zone management program and a commercial permit parking program. Proposed rulemaking was previously published in a Notice of Proposed Rulemaking on March 18, 2011 at 58 DCR 2511. There were five comments that addressed the fee structure, limitations placed on commercial motor vehicles, and the requirement for obtaining a sticker in order to enter the District. The rulemaking has been revised to create a more streamlined approach to loading zone parking and to clarify that there are three options to parking a commercial motor vehicle in the District: an annual pass; a day pass; or at a meter in a loading zone.

This notice supersedes the Notice of Proposed Rulemaking published at 58 DCR 2511.

Final rulemaking action shall be taken in not less than thirty (30) days after the date of publication of this notice in the *D.C. Register*. In addition, this rulemaking proposal will be submitted to the Council of the District of Columbia for a thirty (30) day review period. If the Council does not approve or disapprove the proposed rules, in whole or in part, by resolution within the 30-day review period, the proposed rules will be deemed approved by the Council.

Chapter 24 of Title 18 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.

2499.2 For the purposes of this chapter, a commercial motor vehicle is defined as a vehicle with two (2) or more axles and a gross vehicle weight over twenty-six thousand pounds (26,000 lbs.).

Chapter 26 of Title 18 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 commercial motor vehicle with valid commercial permit parking decal [§ 2402.4(c)]	\$50

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

Loading zone, unauthorized vehicle in [§ 2402.6]	\$100
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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
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All persons interested in commenting on the subject matter in this proposed rulemaking action may file comments in writing, not later than thirty (30) days after the publication of this notice in the *D.C. Register*, with Sam Zimbabwe, Associate Director, District Department of Transportation, 55 M Street, S.E., 5th Floor, Washington, D.C. 20003. Comments may also be sent electronically to publicspace.committee@dc.gov. Copies of this proposal are available, at cost, by writing to the above address, and are also available electronically, at no cost, on the District Department of Transportation’s web site at www.ddot.dc.gov.

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

NOTICE OF EMERGENCY AND PROPOSED RULEMAKING

The Alcoholic Beverage Control Board (Board), pursuant to the authority set forth in D.C. Official Code §§ 25-211(b) and Mayor's Order 2001-96 (June 28, 2001) as revised by Mayor's Order 2001-102 (July 23, 2001), hereby gives notice of its intent to adopt the following emergency and proposed rules in Chapter 7 of Title 23 of the District of Columbia Municipal Regulations (DCMR), which make clear that the sale of beer in growlers by brew pub permit holders, and the sale of wine by wine pub permit holders, for off-premises consumption is limited to the hours between 7:00 A.M. and midnight seven days a week.

The Board also gives notice of its intent to take final rulemaking action to adopt these rules on a permanent basis in not less than thirty (30) days after the date of publication of this notice in the *D.C. Register*. Pursuant to D.C. Official Code § 25-211(b)(2), these proposed rules are also being transmitted to the Council of the District of Columbia (Council) for a ninety (90) day period of review. The final rules shall not become effective absent approval by the Council.

The Omnibus Alcoholic Beverage Regulation Emergency Amendment Act of 2012 (Act), effective on January 14, 2013 (D.C. Act 19-597, 60 DCR 1001) creates new Section 25-124 of Title 25 of the D.C. Official Code, setting forth wine pub permit requirements and qualifications. Subsection (d) provides that the holder of a wine pub permit may also sell wine to patrons in sealed bottles or other closed containers for off-premises consumption. The Act also amends Section 25-117 of Title 25 of the D.C. Official Code to allow brew pub permit holders to sell beer in growlers for off-premises consumption. However, the Act does not indicate the legal hours for the sale of wine by wine pub permit holders and beer in growlers by brew pub permit holders for off-premises consumption.

This emergency action is necessary because the new Act is silent on the permitted hours of sale by wine pub and brew pub permit holders for off-premises consumption, and these emergency rules make clear that sales may not begin before 7:00 a.m., and must end daily by midnight.

These emergency rules were adopted by the Board on January 16, 2013 by a five (5) to zero (0) vote and became effective on that date. The emergency rules will expire one hundred twenty (120) days from the date these rules were adopted or upon publication of a Notice of Final Rulemaking in the *D.C. Register*, whichever occurs first.

Title 23 of DCMR is amended as follows:

Section 705, HOURS OF SALE AND DELIVERY FOR OFF-PREMISES RETAIL LICENSEES, of Chapter 7, GENERAL OPERATING REQUIREMENTS, of Title

23, ALCOHOLIC BEVERAGES, of the DCMR, is amended by adding a new Subsection 705.13 to read as follows:

- 705.13 The holder of a brew pub permit shall be permitted to sell beer in growlers to patrons for off-premise consumption between the hours of 7:00 a.m. and midnight. The holder of a wine pub permit shall be permitted to sell wine to patrons in sealed bottles or other closed containers for off-premise consumption between the hours of 7:00 a.m. and midnight.

Copies of the proposed rulemaking can be obtained by contacting Martha Jenkins, General Counsel, Alcoholic Beverage Regulation Administration, 2000 14th Street, N.W., 4th Floor, Washington, D.C. 20009. All persons desiring to comment on the emergency and proposed rulemaking must submit their written comments, not later than thirty (30) days after the date of the publication of this notice in the *D.C. Register*, to the above address or via email to martha.jenkins@dc.gov.

DISTRICT OF COLUMBIA BOARD OF ELECTIONS**NOTICE OF EMERGENCY AND PROPOSED RULEMAKING**

The District of Columbia Board of Elections, pursuant to the authority set forth in D.C. Code § 1-1001.05(a)(14), hereby gives notice of proposed rulemaking action to adopt amendments to the following chapters in Title 3, "Elections and Ethics", of the District of Columbia Municipal Regulations (DCMR): Chapter 10, "Initiative and Referendum"; Chapter 11, "Recall of Elected Officials"; Chapter 13, "Filling Vacant Seats on Advisory Neighborhood Commissions"; Chapter 14, "Candidates: Political Party Primaries for Presidential Preference and Convention Delegates"; Chapter 15, "Candidates: Electors of President and Vice-President"; Chapter 16, "Candidates: Delegate to the U.S. House of Representatives, Mayor, Chairman, Members of the Council of the District of Columbia, U.S. Senator, U.S. Representative, Members of the State Board of Education, and Advisory Neighborhood Commissioners"; and Chapter 17, "Candidates: Members and Officials of Local Committees of Political Parties and National Committee Persons."

These amendments would place the Board's amendments into conformity with the Board of Elections Petition Circulation Requirements Emergency Amendment Act of 2012 (D.C. Act 19-0587). This emergency rulemaking is necessary for the immediate preservation of the public peace and welfare of District residents because the provisions of the aforementioned act are currently in effect and requires supporting regulations.

The Board adopted these emergency rules at its regularly monthly meeting which took place on Wednesday, January 23, 2013, at which time the amendments became effective.

The emergency amendments to the rules will expire on Thursday, May 23, 2013, one hundred twenty (120) days after the emergency rulemaking took effect.

The Board gives notice of its intent to take final rulemaking action to adopt these amendments in not less than 30 days from the date of publication of this notice in the *D.C. Register*.

Subsection 1003.6 of Chapter 10 (Initiative and Referendum) of Title 3 of the District of Columbia Municipal Regulations (DCMR) is amended to read as follows:

1003.6 Each signature sheet shall bear on the back a certificate, to be signed by the person circulating the sheet and made under penalties of perjury, which contains the following information:

- (a) The printed name of the circulator;
- (b) The residence address of the circulator, giving the street and number;

- (c) A statement that the circulator of the petition form was in the presence of each person when the appended signature was written;
- (d) A statement that, according to the best information available to the circulator, each signature is the genuine signature of the person whose name it purports to be;
- (e) A statement that the circulator of the initiative or referendum petition sheet meets the petition circulator requirements set forth in § 1005.1;
- (f) The dates between which the signatures to the petition were obtained;
- (g) A statement that the circulator of the petition form was advised by the proposer of the initiative of the law set forth in D.C. Code § 1-1001.14 (2006 Repl.);
- (h) A statement that the circulator has not made any false statements to the Board of Elections regarding the initiative or referendum; and
- (i) A statement that the circulator has not made any false statements regarding the initiative or referendum to anyone whose signature is appended to the petition.

Section 1005 (Circulation of Petitions) of Chapter 10 (Initiative and Referendum) of Title 3 of DCMR is amended as follows:

1005 CIRCULATION OF PETITIONS

1005.1 In order to circulate petitions pursuant to this chapter, a person must:

- (a) Be at least 18 years of age, and;
- (b) Either be a resident in the District of Columbia or, if not a resident in the District of Columbia, have registered as a non-resident petition circulator prior to circulating a petition in accordance with Sections §§ 1005.2 and 1005.3.

1005.2 Each petition circulator who is not a resident of the District of Columbia must, prior to circulating a petition under this chapter, complete and file with the Board a Non-Resident Petition Circulator Registration Form in which he or she will:

- (a) Provide the name of (and office sought by) the candidate or ballot measure in support of which he or she will circulate the petition;

- (b) Provide his or her name, residential address, telephone number, and email address;
- (c) Acknowledge that he or she has received from the Board information regarding the rules and regulations governing the applicable petition circulation process, and that he or she will adhere to such rules and regulations;
- (d) Consent to submit to the Board’s subpoena power and to the jurisdiction of the Superior Court of the District of Columbia for the enforcement of Board subpoenas.

1005.3 Each non-resident petition circulator must present proof of residence to the Board at the time he or she files the Non-Resident Petition Circulator Registration Form. Valid proof of residence is any official document showing the circulator’s name and residence address. Acceptable forms of proof of residence include:

- (a) A copy of a current and valid government-issued photo identification;
- (b) A copy of a current utility bill, bank statement, government check, paycheck;
- (c) A government-issued document; or
- (d) Any other official document, including leases or residential rental agreements, occupancy statements from homeless shelters, and tuition or housing bills from colleges or universities.

1005.4 The proposer shall advise all circulators of the petition that pursuant to D.C. Code § 1-1001.14 (2006 Repl.), it is unlawful to:

- (a) Tender any form of compensation to a qualified registered elector in consideration of his or her signature upon any initiative or referendum petition; or
- (b) Make any false statement to the Board concerning any initiative or referendum petition or the signatures appended thereto.

1005.5 The proposer of an initiative measure has one hundred and eighty (180) calendar days beginning on the first (1st) calendar day immediately following the date upon which the proponent formally adopts the petition form and the Board certifies that the petition form is in compliance with D.C. Code § 1-1001.16(g) (2006 Repl.), to secure the proper number of valid signatures needed to qualify the measure for the ballot and file the initiative petition with the Board; provided,

that the petition is filed with the Board no later than 5:00 p.m. on the one hundred eightieth (180th) calendar day.

1005.6 The proposer of a referendum measure shall secure the proper number of signatures needed to qualify the measure for the ballot and file the referendum petition with the Board no later than 5:00 p.m. on the last business day before the act, or any part of the act, which is the subject of the referendum has become law in accordance with the provisions of the District of Columbia Self-Government and Governmental Reorganization Act (Pub. L. No. 93-198).

1005.7 The proposer of an initiative or referendum measure shall not circulate the petition for signatures until the Board certifies that the petition form is in compliance with the requirements of § 1003.

Subsection 1006.3 of Chapter 10 (Initiative and Referendum) of Title 3 of DCMR is amended as follows:

1006.3 The Board shall refuse to accept any initiative or referendum petition or individual petition sheets for filing for the following reasons:

- (a) The petition sheet(s) is (are) not in the form certified by the Board in accordance with the provisions of this chapter;
- (b) The period for circulation and submission for filing has expired;
- (c) The petition on its face does not contain the signatures of registered voters equal in number to five percent (5%) of the registered qualified electors of the District of Columbia or the total signatures submitted did not include five percent (5%) of the registered qualified electors in each of five (5) or more of the eight (8) election wards;
- (d) The affidavits of the circulators do not appear on the petition sheets; or
- (e) The petition sheet(s) were circulated by persons who did not meet the requirements set forth in § 1005.1.

Subsection 1007.4 of Chapter 10 (Initiative and Referendum) of Title 3 of DCMR is amended as follows:

1007.4 The Board shall exclude from the random sample universe a signature if:

- (a) The signer’s voter registration was designated "inactive" on the voter roll pursuant to D.C. Code § 1-1001.07(j)(2) (2006 Repl.), at the time the petition was signed;

- (b) The signer, according to the Board's records, was not registered to vote at the address listed on the petition at the time the petition was signed;
- (c) The signer is not a "duly registered voter";
- (d) The signature is not dated;
- (e) The petition does not include the printed or typed current address of the signer;
- (f) The petition does not include the printed or typed name of the signer and, in the judgment of the Board, the signature is illegible; or
- (g) The circulator of the petition sheet did not meet the petition circulator requirements set forth in § 1005.1 at the time the petition was signed.

Subsection 1009.10 of Chapter 10 (Initiative and Referendum) of Title 3 of DCMR is amended as follows:

1009.10 A signature shall not be counted as valid in any of the following circumstances:

- (a) The signer's voter registration was designated "inactive" on the voter roll pursuant to D.C. Official Code § 1-1001.07 (j)(2) (2011 Repl.) at the time the petition was signed;
- (b) The signer, according to the Board's records, was not registered to vote at the address listed on the petition at the time the petition was signed;
- (c) The signer is not a "duly registered voter;"
- (d) The signature is not dated;
- (e) The petition does not include the printed or typed address of the signer;
- (f) The petition does not include the printed or typed name of the signer where the signature is not sufficiently legible for identification;
- (g) The signer was also the circulator of the same petition sheet where the signature appears; or

- (h) The circulator of the petition sheet did not meet the petition circulator requirements set forth in § 1005.1 at the time the petition was signed.

Subsection 1011.3 of Chapter 10 (Initiative and Referendum) of Title 3 of DCMR is amended to read as follows:

1011.3 A qualified elector may also challenge the validity of an initiative or referendum petition by citing the exact provision(s) in the Board's regulations upon which the challenge is based. For example, if the ground upon which a signature is challenged is that the signature is not dated, such challenge shall be expressed as follows: "3 DCMR § 1009.10(d)".

Subsection 1101.3 of Chapter 11 (Recall of Elected Officials) of Title 3 of DCMR is amended to read as follows:

1101.3 Each petition page shall bear on the back a certificate to be signed by the person circulating the petition page and made under penalties of perjury which contains the following information:

- (a) The printed name of the circulator;
- (b) The residence address (street and number) of the circulator;
- (c) A statement that the circulator of the petition page was in the presence of each person when the appended signature was written;
- (d) A statement that according to the best information available to the circulator, each signature is the genuine signature of the person whose name it purports to be;
- (e) A statement that the circulator of the recall petition page(s) meets the petition circulator requirements set forth in § 1103.1;
- (f) The dates between which the signatures to the petitions were obtained;
- (g) A statement that the circulator of the recall petition sheet(s) was advised by the proposer of the law set forth in D.C. Code § 1-1001.14 (2006 Repl.);
- (h) A statement that the circulator has not tendered any form of compensation to anyone in consideration of his or her signature;

- (i) A statement that the circulator of the recall petition sheet(s) has not made any false statements to the Board of Elections regarding the officer to be recalled; and
- (j) A statement that the circulator of the recall petition sheet(s) has not made any false statements regarding the officer to be recalled to anyone whose signature is appended to the petition.

Section 1103 (Circulation of Petitions) of Chapter 11 (Recall of Elected Officials) of Title 3 of DCMR is amended to read as follows:

1103 CIRCULATION OF PETITIONS

1103.1 In order to circulate petitions pursuant to this chapter, a person must:

- (a) Be at least 18 years of age, and;
- (b) Either be a resident of the electoral jurisdiction of the elected official sought to be recalled or, if not a resident of the electoral jurisdiction of the elected official sought to be recalled, have registered as a non-resident petition circulator prior to circulating a petition in accordance with §§ 1103.2 and 1103.3.

1103.2 Each petition circulator who is not a resident of the electoral jurisdiction of the elected official sought to be recalled must, prior to circulating a petition under this chapter, complete and file with the Board a Non-Resident Petition Circulator Registration Form in which he or she will:

- (a) Provide the name of (and office sought by) the candidate or ballot measure in support of which he or she will circulate the petition;
- (b) Provide his or her name, residential address, telephone number, and email address;
- (c) Acknowledge that he or she has received from the Board information regarding the rules and regulations governing the applicable petition circulation process, and that he or she will adhere to such rules and regulations;
- (d) Consent to submit to the Board's subpoena power and to the jurisdiction of the Superior Court of the District of Columbia for the enforcement of Board subpoenas.

1103.3 Each non-resident petition circulator must present proof of residence to the Board at the time he or she files the Non-Resident Petition Circulator Registration Form.

Valid proof of residence is any official document showing the circulator’s name and residence address. Acceptable forms of proof of residence include:

- (a) A copy of a current and valid government-issued photo identification;
- (b) A copy of a current utility bill, bank statement, government check, paycheck;
- (c) A government-issued document; or
- (d) Any other official document, including leases or residential rental agreements, occupancy statements from homeless shelters, and tuition or housing bills from colleges or universities.

1103.4 The proposer shall advise all circulators of the petition that pursuant to D.C. Code § 1-1001.14 (2006 Repl.), it is unlawful to do the following:

- (a) Tender any form of compensation to a qualified elector for his or her signature upon any recall petition; or
- (b) Make any false statement to the Board concerning any recall petition or the signatures appended to the petition.

1103.5 The proposer of a recall petition for all elected officers, other than member of an Advisory Neighborhood Commission, shall have one hundred and eighty (180) calendar days to secure the proper number of signatures and file the petition with the Board.

1103.6 The proposer of a recall petition for a member of an Advisory Neighborhood Commission shall have sixty (60) calendar days to secure the proper number of signatures and file the petition with the Board.

1103.7 The circulation period for a recall petition shall begin on the date upon which the proposer of the recall formally adopts the original petition form as his or her own form pursuant to § 1101.4.

Subsection 1104.2 of Chapter 11 (Recall of Elected Officials) of Title 3 of DCMR is amended to read as follows:

1104.2 The Board shall refuse to accept a recall petition or individual petition pages for filing when it determines the following:

- (a) Except in the case of a recall petition for an Advisory Neighborhood Commissioner, that the financial disclosure statement of the proposer has not been filed pursuant to §§ 204 and

206 of the District of Columbia Campaign Finance and Conflict of Interest Act;

- (b) The petition sheet(s) is (are) not in the form certified by the Board in accordance with § 1101;
- (c) The restrictions on initiating the recall process established in D.C. Code § 1-1001.17(c) (2006 Repl.), and referred to in § 1100 were not observed;
- (d) The circulation and submission period has expired;
- (e) The petition on its face does not contain a sufficient number of signatures to qualify for ballot access;
- (f) The affidavits of the circulators do not appear on the petition sheets; or
- (g) The petition sheets were circulated by persons who did not meet the petition circulator requirements set forth in § 1103.1.

Subsection 1106.12 of Chapter 11 (Recall of Elected Officials) of Title 3 of DCMR is amended to read as follows:

1106.12 A signature shall not be valid in any of the following circumstances:

- (a) The signer's voter registration was deemed "inactive" on the voter roll pursuant to D.C. Official Code § 1-1001.07(j)(2) (2011 Repl.), at the time the petition was signed;
- (b) The signer, according to the Board's records, was not registered to vote at the address listed on the petition at the time the petition was signed;
- (c) The signer is not a "duly registered voter;"
- (d) The signature is not dated;
- (e) If the petition is to recall an official elected from a ward, Advisory Neighborhood Commission, Single-Member District or school district, the signer was not a "duly registered voter" in the ward or Advisory Neighborhood Commission, Single-Member District or school district at the time the petition was signed;
- (f) The petition does not include the printed or typed address of the signer;

- (g) The petition does not include the printed or typed name of the signer where the signature is not sufficiently legible for identification;
- (h) The circulator of the petition page did not meet the petition circulator requirements set forth in §1103.1 at the time the petition was signed or the affidavit of the circulator on the petition page is not completed;
- (i) The signer was also the circulator of the same petition page where the signature appears; or
- (j) If the petition is to recall an official elected from a ward, Advisory Neighborhood Commission, Single-Member District, or school district, the circulator of the petition sheet was not a registered qualified elector of the ward, Advisory Neighborhood Commission Single-Member District, or school district at the time the petition was signed.

Subsection 1108.3 of Chapter 11 (Recall of Elected Officials) of Title 3 of DCMR is amended to read as follows:

1108.3 A qualified elector may also challenge the validity of a recall petition by citing the exact provision(s) in the Board's regulations upon which the challenge is based. For example, if the ground upon which a signature is challenged is that the signature is not dated, such challenge shall be expressed as follows: "3 DCMR § 1106.12(d)".

Section 1300 (General Provisions) of Chapter 13 (Filling Vacant Seats on Advisory Neighborhood Commissions) of Title 3 of DCMR is amended to read as follows:

- 1300.1 For the purposes of this chapter, a vacancy is deemed to exist in the office of a member of an Advisory Neighborhood Commissioner when any of the following occurs and upon the publication of the notice of vacancy in the D.C. Register:
- (a) Resignation of the incumbent;
 - (b) Failure of the incumbent to actually reside in the Single-Member District from which the member is elected and the procedures outlined in § 1304 have been followed;
 - (c) Holding by the incumbent of another elected public office as defined by D.C. Code § 1-309.05(a)(2) (2006 Repl.);
 - (d) Death of the incumbent;

- (e) Declaration of vacancy by a court;
- (f) As the result of a successful recall of the incumbent;
- (g) When the office of an Advisory Neighborhood Commissioner from a Single-Member District remains vacant after a general or special election, in which case the effective date of the vacancy is the date on which the Commissioner's new term would otherwise begin;
- (h) When the Board determines, through its established procedure for the maintenance of the voter registration roll, that a Commissioner is no longer a registered qualified elector actually residing in the Single-Member District from which he or she was elected; or
- (i) When the incumbent submits a sworn, irrevocable letter of prospective resignation to the Board of Elections, pursuant to § 1303 of this chapter.

1300.2 Except when a vacancy occurs in the office of a member of an Advisory Neighborhood Commission pursuant to § 1300.1(h), the Executive Director or his or her designee shall be authorized to certify the seat vacant.

1300.3 Within ninety (90) days of the date that the Board declares a vacancy, the members of the Advisory Neighborhood Commission area where the vacancy exists shall fill the vacancy pursuant to D.C. Code § 1-309.06(d)(6) (2006 Repl.).

1300.4 Within five (5) days (excluding Saturdays, Sundays, and legal holidays) after the date that the Board declares a vacancy, the Board shall make petitions available for obtaining signatures of registered electors within the affective Single-Member District.

1300.5 In the event petitions are not obtained by any registered qualified elector within the affected Single-Member District within fourteen (14) working days after petitions have been made available, the Board shall republish the notice pursuant to § 1300.1 of this chapter in the D.C. Register.

Section 1302 (Notification of Resignation) of Chapter 13 (Filling Vacant Seats on Advisory Neighborhood Commissions) of Title 3 of DCMR is amended to read as follows:

1302.1 Any member of an Advisory Neighborhood Commission who resigns from the Single-Member District from which he or she is elected shall submit a copy of the letter of resignation to the following:

- (a) The Board of Elections;
- (b) The Council of the District of Columbia;

- (c) The Mayor;
- (d) The Chairperson of the member’s Advisory Neighborhood Commission;
- (e) The Vice-chairperson of the member’s Advisory Neighborhood Commission; and
- (f) The Office of Advisory Neighborhood Commissions.

1302.2 The Executive Director or his or her designee shall then be authorized to declare the vacancy pursuant to § 1300.1.

Section 1304 (Petition by ANC for Declaration of Vacancy) of Chapter 13 (Filling Vacant Seats on Advisory Neighborhood Commissions) of Title 3 of DCMR is amended to read as follows:

1304.1 Absent a letter of resignation, if a vacancy occurs on an Advisory Neighborhood Commission, the affected Advisory Neighborhood Commission shall petition the Board by a resolution, signed by the Chairperson and secretary, to declare the vacancy.

1304.2 Consideration of the resolution by the Advisory Neighborhood Commission shall be held at a public meeting of the Commission, where the Commissioner shall have an opportunity to rebut the alleged vacancy.

1304.3 Prior to the public meeting, the Advisory Neighborhood Commission shall make a good faith effort to notify, in writing, the Commissioner who is the subject of the resolution.

1304.4 Notice of the meeting shall be sent to the Commissioner not later than fifteen (15) days prior to the meeting by certified mail, return receipt requested, and shall provide that the Commissioner shall have an opportunity to rebut the alleged vacancy.

1304.5 The resolution shall be a document, separate from all other papers, which states the reason for the vacancy. A separate resolution shall be required for each vacancy. (See Appendix 13-1.)

1304.6 The resolution shall be accompanied by the following:

- (a) The minutes of the meeting at which the resolution was adopted; and
- (b) A list of those attending the meeting.

- 1304.7 A copy of the resolution and accompanying papers shall be sent to the following:
- (a) The Board of Elections;
 - (b) The Council of the District of Columbia;
 - (c) The Mayor; and
 - (d) The affected member of the Advisory Neighborhood Commission, if the vacancy is due to removal or ineligibility.
- 1304.8 The Board shall post, by making available for public inspection, the resolution in the office of the Board for ten (10) working days, beginning on the third working day after receipt of the resolution.
- 1304.9 Any qualified elector may, within the ten (10) day period, challenge the validity of the resolution by a written statement, duly signed by the challenger and filed with the Board, specifying concisely the alleged defects in the resolution.
- 1304.10 Within three (3) working days of receipt of a challenge, the Board shall serve, in person or by certified mail, a copy of the challenge upon the Chairperson of the affected Advisory Neighborhood Commission.
- 1304.11 The Board shall receive evidence in support of and in opposition to the challenge and shall determine the validity of the challenged resolution not more than thirty (30) days after the challenge has been filed.
- 1304.12 If the Board upholds the validity of the resolution, it shall certify the resolution and forward a copy of the certification and the resolution, by personal service or certified mail, within three (3) working days, to the Chairperson of the respective Advisory Neighborhood Commission.
- 1304.13 If, at the expiration of the challenge period, no challenge has been filed with respect to the resolution, or if the resolution is challenged and its validity upheld, the Board shall certify the vacancy pursuant to § 1300.1.
- 1304.14 Within three (3) days after the announcement of the determination of the District of Columbia Board of Elections with respect to the validity of the resolution, either the challenger or the affected Single-Member District Commissioner may apply to the District of Columbia Court of Appeals for a review of the reasonableness of the determination.

Subsection 1306.7 of Chapter 13 (Filling Vacant Seats on Advisory Neighborhood Commissions) of Title 3 of DCMR is amended to read as follows:

1306.7 Each circulator shall swear or affirm the following upon oath:

- (a) That he or she has personally circulated the petition page;
- (b) That he or she personally witnessed the signing of each signature on the petition page;
- (c) That he or she has determined from each signer that he or she is a registered voter, in the same Single-Member District from which the candidate seeks appointment or election; and
- (d) That he or she meets the petition circulator requirements set forth in § 1307.1.

Section 1307 (Circulation of Petitions and Validity of Signatures on Petitions) of Chapter 13 (Filling Vacant Seats on Advisory Neighborhood Commissions) of Title 3 of DCMR is amended to read as follows:

1307 CIRCULATION OF PETITIONS AND VALIDITY OF SIGNATURES ON PETITIONS

1307.1 In order to circulate petitions pursuant to this chapter, a person must:

- (a) Be at least 18 years of age;
- (b) Be a citizen of the United States;
- (c) Not be incarcerated for a crime that is a felony in the District;
- (d) Not have been found by a court of law to be legally incompetent to vote, and;
- (e) Either be a resident in the District of Columbia or, if not a resident in the District of Columbia, have registered as a non-resident petition circulator prior to circulating a petition in accordance with Sections §§ 1307.2 and 1307.3.

1307.2 Each petition circulator who is not a resident of the District of Columbia must, prior to circulating a petition under this chapter, complete and file with the Board a Non-Resident Petition Circulator Registration Form in which he or she will:

- (a) Provide the name of (and office sought by) the candidate or ballot measure in support of which he or she will circulate the petition;
- (b) Provide his or her name, residential address, telephone number, and email address;

- (c) Swear or affirm that he or she, while not a resident of the District of Columbia, is otherwise eligible to vote in the District of Columbia;
- (d) Acknowledge that he or she has received from the Board information regarding the rules and regulations governing the applicable petition circulation process, and that he or she will adhere to such rules and regulations;
- (e) Consent to submit to the Board’s subpoena power and to the jurisdiction of the Superior Court of the District of Columbia for the enforcement of Board subpoenas.

1307.3 Each non-resident petition circulator must present proof of residence to the Board at the time he or she files the Non-Resident Petition Circulator Registration Form. Valid proof of residence is any official document showing the circulator’s name and residence address. Acceptable forms of proof of residence include:

- (a) A copy of a current and valid government-issued photo identification;
- (b) A copy of a current utility bill, bank statement, government check, paycheck;
- (c) A government-issued document; or
- (d) Any other official document, including leases or residential rental agreements, occupancy statements from homeless shelters, and tuition or housing bills from colleges or universities.

1307.4 A petition shall contain a minimum total of twenty-five (25) signatures of duly registered qualified electors of the District of Columbia who reside within the Single- Member District from which the candidate seeks appointment.

1307.5 The signature on a petition shall be made by the person whose signature it purports to be, and not by any other person.

1307.6 Registered voters who are unable to sign their names may make their marks in the space provided for signature. These marks shall not be counted as valid signatures unless the persons witnessing the marks shall attach to the petition affidavits that they explained the contents of the petitions to the signatories and witnessed their marks.

1307.7 A signature shall not be counted as valid in any of the following circumstances:

- (a) The signer's voter registration was designated as "inactive" on the voter roll pursuant to D.C. Official Code § 1-1001.07(j) (2006 Repl.), at the time the petition was signed;
- (b) The signer, according to the Board's records, is not registered to vote at the address listed on the petition at the time the petition was signed;
- (c) The signer is not a duly registered voter;
- (d) The signature is not dated;
- (e) The signer is not duly registered in the Single-Member District from which the candidate seeks appointment at the time the petition is signed;
- (f) The petition does not include the printed or typed address of the signer;
- (g) The petition does not include the printed or typed name of the signer where the signature is not sufficiently legible for identification; or
- (h) The circulator of the petition sheet did not meet the petition circulator requirements set forth in § 1307.1 at the time the petition was signed.

1307.8 For the purposes of this section, a "duly registered voter" shall be a registered qualified elector who is registered to vote at the address listed on the petition as shown on the Board's voter registration records and whose registration is not designated as inactive on the voter roll at the time the petition is signed.

1307.9 A registered voter may submit a written notarized request to the Board to disallow his or her signature from being counted on the petition; provided, that the request is received by the Board prior to the time the petition is filed.

Subsection 1309.3 of Chapter 13 (Filling Vacant Seats on Advisory Neighborhood Commissions) of Title 3 of DCMR is amended to read as follows:

1309.3 A qualified elector may also challenge the validity of a nominating petition by citing the exact provision(s) in the Board's regulations upon which the challenge is based. For example, if the ground upon which a signature is challenged is that the signature is not dated, such challenge shall be expressed as follows: "3 DCMR § 1307.7(d)".

Section 1310 (Appointment of the Commissioner by the Advisory Neighborhood

Commission) of Chapter 13 (Filling Vacant Seats on Advisory Neighborhood Commissions) of Title 3 of DCMR is amended to read as follows:

1310 APPOINTMENT OR ELECTION OF THE COMMISSIONER BY THE ADVISORY NEIGHBORHOOD COMMISSION

1310.1 If there is only one person qualified to fill the vacancy within the affected Single-Member District, the vacancy shall be deemed filled by that person, and the Board shall certify that the vacancy has been filled in a publication in the D.C. Register.

1310.2 If the Board transmits a list of qualified candidates containing more than one name, the affected area Advisory Neighborhood Commission shall give notice at a public meeting that at the next regularly scheduled or special meeting there shall be an open vote of the members of the affected Single-Member District to elect the new commissioner.

1310.3 The Board shall provide the affected Advisory Neighborhood Commission with a listing of the registered voters in the Advisory Neighborhood Commission in advance of the open vote.

1310.4 In the event that no qualified candidate submits petitions for election, the Board shall certify the vacancy again by posting it in the D.C. Register.

1310.5 After a vacancy has been filled pursuant to D.C. Official Code § 1-309.06(d)(6) (2006 Repl.), the affected area Advisory Neighborhood Commission shall transmit to the Board a resolution signed by two (2) officers of the Advisory Neighborhood Commission that states the winner of the Advisory Neighborhood Commissioner SMD election and requests that the Board declare the vacancy filled. (See Appendix 13-2 and Appendix 13-3).

1310.6 The Commission shall also transmit a copy of the resolution to the Council of the District of Columbia, the Mayor, and the person appointed or elected by the Commission.

1310.7 The Board shall certify the filling of the vacancy by publication in the D.C. Register.

Section 1401 (Nominating Petitions) of Chapter 14 (Candidates: Political Party Primaries for Presidential Preference and Convention Delegates) of Title 3 of DCMR is amended to read as follows:

1401.1 Each nominating petition circulated for signatures shall contain the following:

- (a) The full name and state of residence of the presidential candidate;

- (b) The name, address, and telephone number of the person circulating the petition; and
 - (c) A statement that all of the signatories to the petition shall be of the same political party as the nominee.

- 1401.2 If the plan submitted by the party provides that convention delegates and alternates are to be listed on the ballot or on a separate reference sheet provided to the voter with the ballot, each nominating petition shall also list the name, address, voter registration number, and office sought by each candidate for convention delegate or alternate.

- 1401.3 If the petition is used to nominate an uncommitted delegation pursuant to the party plan, the word "uncommitted" shall be placed on the petition in the space provided for the presidential candidate's name and state of residence.

- 1401.4 In order to circulate petitions pursuant to this chapter, a person must:
 - (a) Be at least 18 years of age;
 - (b) Be a citizen of the United States;
 - (c) Not be incarcerated for a crime that is a felony in the District;
 - (d) Not have been found by a court of law to be legally incompetent to vote, and;
 - (e) Either be a resident in the District of Columbia or, if not a resident in the District of Columbia, have registered as a non-resident petition circulator prior to circulating a petition in accordance with Sections §§ 1401.5 and 1401.6.

- 1401.5 Each petition circulator who is not a resident of the District of Columbia must, prior to circulating a petition under this chapter, complete and file with the Board a Non-Resident Petition Circulator Registration Form in which he or she will:
 - (a) Provide the name of (and office sought by) the candidate or ballot measure in support of which he or she will circulate the petition;
 - (b) Provide his or her name, residential address, telephone number, and email address;
 - (c) Swear or affirm that he or she, while not a resident of the District of Columbia, is otherwise eligible to vote in the District of Columbia;

- (d) Acknowledge that he or she has received from the Board information regarding the rules and regulations governing the applicable petition circulation process, and that he or she will adhere to such rules and regulations;
- (e) Consent to submit to the Board's subpoena power and to the jurisdiction of the Superior Court of the District of Columbia for the enforcement of Board subpoenas.

1401.6 Each non-resident petition circulator must present proof of residence to the Board at the time he or she files the Non-Resident Petition Circulator Registration Form. Valid proof of residence is any official document showing the circulator's name and residence address. Acceptable forms of proof of residence include:

- (a) A copy of a current and valid government-issued photo identification;
- (b) A copy of a current utility bill, bank statement, government check, paycheck;
- (c) A government-issued document; or
- (d) Any other official document, including leases or residential rental agreements, occupancy statements from homeless shelters, and tuition or housing bills from colleges or universities.

1401.7 Each circulator of a petition page shall swear or affirm to the following:

- (a) That he or she has personally circulated the petition;
- (b) That he or she has personally witnessed the signing of each signature on the petition;
- (c) That he or she is responsible for the contents of the petition sheet, and that according to the best information available to the circulator, each signer is a registered, qualified elector of the same party as the candidate; and
- (d) That he or she meets the petition circulator requirements set forth in § 1401.4.

1401.8 Signatures appearing on a nominating petition page shall not be counted as valid unless all required information is provided by the circulator in his or her affidavit.

- 1401.9 The individual who files the petition shall execute an affidavit attesting that to the best of his or her knowledge and belief that the petition being filed is complete and contains the legally required number of valid signatures.
- 1401.10 If the plan submitted by the party provides that convention delegates and alternates are to be listed on the ballot or on a separate reference sheet provided to the voter with the ballot, each candidate for convention delegate/alternate shall file a Declaration of Candidacy with the Board no later than the deadline for filing the petition, under Chapter 6 of this title.
- 1401.11 A candidate for convention delegate/alternate shall attest, inter alia, that he or she was properly selected, according to the rules of his or her political party.
- 1401.12 The Board may refuse to accept nominating petitions of individuals who fail to submit the declaration of proper selection required by § 1401.9.
- 1401.13 No nominating petition shall be issued by the Board unless the name of the presidential candidate is included in all appropriate spaces on the petition form.
- 1401.14 If the party plan provides that convention delegates and alternates are to be listed on the ballot or on a separate reference sheet provided to the voter with the ballot, no nominating petition shall be issued by the Board unless the names of each candidate for delegate/alternate are provided in all appropriate spaces on the petition form.

Subsection 1402.5 of Chapter 14 of Chapter 14 (Candidates: Political Party Primaries for Presidential Preference and Convention Delegates) of Title 3 of DCMR is amended to read as follows:

- 1402.5 A signature shall not be counted as valid in any of the following circumstances:
- (a) The signer's voter registration was designated as inactive on the voter roll pursuant to D.C. Code § 1-1001.07(j)(2) (2006 Repl.), at the time the petition was signed;
 - (b) The signer, according to the Board's records, is not registered to vote at the address listed on the petition at the time the petition was signed;
 - (c) The signer is not a duly registered voter;
 - (d) The signature is not dated;
 - (e) On a petition to nominate a candidate in a primary election, the signer is not registered to vote in the same party as the candidate at the time the petition is signed;

- (f) On a petition to nominate a candidate from a ward, where applicable, the signer is not duly registered in the ward from which the candidate seeks election at the time the petition is signed;
- (g) On a petition to nominate a candidate from an election district created pursuant to a party plan, the signer is not registered in the election district from which the candidate seeks election at the time the petition is signed;
- (h) The petition does not include the printed or typed address of the signer;
- (i) The petition does not include the printed or typed name of the signer where the signature is not sufficiently legible for identification; or
- (j) The circulator of the petition sheet did not meet the requirements set forth in § 1401.4 at the time the petition was signed.

Section 1503 (Circulation of Petitions) of Chapter 15 (Candidates: Electors of President and Vice-President) of Title 3 of DCMR is amended to read as follows:

- 1503.1 In order to circulate petitions pursuant to this chapter, a person must:
- (a) Be at least 18 years of age;
 - (b) Be a citizen of the United States;
 - (c) Not be incarcerated for a crime that is a felony in the District;
 - (d) Not have been found by a court of law to be legally incompetent to vote, and;
 - (e) Either be a resident in the District of Columbia or, if not a resident in the District of Columbia, have registered as a non-resident petition circulator prior to circulating a petition in accordance with Sections §§ 1503.2 and 1503.3.
- 1503.2 Each petition circulator who is not a resident of the District of Columbia must, prior to circulating a petition under this chapter, complete and file with the Board a Non-Resident Petition Circulator Registration Form in which he or she will:
- (a) Provide the name of (and office sought by) the candidate or ballot measure in support of which he or she will circulate the petition;

- (b) Provide his or her name, residential address, telephone number, and email address;
- (c) Swear or affirm that he or she, while not a resident of the District of Columbia, is otherwise eligible to vote in the District of Columbia;
- (d) Acknowledge that he or she has received from the Board information regarding the rules and regulations governing the applicable petition circulation process, and that he or she will adhere to such rules and regulations;
- (e) Consent to submit to the Board's subpoena power and to the jurisdiction of the Superior Court of the District of Columbia for the enforcement of Board subpoenas.

1503.3 Each non-resident petition circulator must present proof of residence to the Board at the time he or she files the Non-Resident Petition Circulator Registration Form. Valid proof of residence is any official document showing the circulator's name and residence address. Acceptable forms of proof of residence include:

- (a) A copy of a current and valid government-issued photo identification;
- (b) A copy of a current utility bill, bank statement, government check, paycheck;
- (c) A government-issued document; or
- (d) Any other official document, including leases or residential rental agreements, occupancy statements from homeless shelters, and tuition or housing bills from colleges or universities.

1503.4 A petition shall be circulated no earlier than one hundred forty-four (144) days before the date of the presidential election.

Subsection 1504 (Number and Validity of Signatures on Petitions) of Chapter 15 (Candidates: Electors of President and Vice-President) of Title 3 of DCMR is amended to read as follows:

1504.1 A petition shall contain the signatures of duly registered voters, equal in number to at least one percent (1%) of the total number of registered voters in the District of Columbia, as shown by the records of the Board as of the one forty-fourth (144th) day before the date of the presidential election.

1504.2 Signatures appearing on nominating petition sheets shall not be counted as valid unless all required information is provided by the circulator in his or her affidavit.

- 1504.3 The signature on a petition shall be made by the person whose signature it purports to be and not by any other person.
- 1504.4 Registered voters who are unable to sign their names may make their marks in the space for signature. These marks may not be counted as valid signatures unless the persons witnessing the marks shall attach to the petitions affidavits that they explained the contents of the petitions to the petitioners and witnessed their marks.
- 1504.5 The petition shall also contain the signer's printed or typed name, residence address at which the signer is registered to vote as shown on the Board's records, and date signed.
- 1504.6 A signature shall not be counted as valid in any of the following circumstances:
- (a) The signer's voter registration was designated as inactive on the voter roll pursuant to D.C. Official Code § 1-1001.07(j)(2) at the time the petition was signed;
 - (b) The signer, according to the Board's records, is not registered to vote at the address listed on the petition at the time the petition was signed;
 - (c) The signer is not a duly registered voter;
 - (d) The signature is not dated;
 - (e) The petition does not include the printed or typed address of the signer;
 - (f) The petition does not include the printed or typed name of the signer where the signature is not sufficiently legible for identification; or
 - (g) The circulator of the petition sheet did not meet the petition circulator requirements set forth in § 1503.1 at the time the petition was signed.
- 1504.7 For the purposes of this section, a "duly registered voter" shall be a registered qualified elector who is registered to vote at the address listed on the petition as shown on the Board's registration records and whose registration is not designated as inactive on the voter roll at the time the petition is signed.

- 1504.8 A registered voter may submit a written notarized request to the Board to disallow the voter's signature from being counted on the petition; provided, that the request shall be received by the Board prior to the time the petition is filed.
- 1504.9 The failure of the circulator of a nominating petition or individual petition sheets to meet the petition circulator requirements set forth in § 1503.1 shall invalidate the signature of an otherwise registered qualified elector.
- 1504.10 An address on a petition which is different than the address which appears on the Board's records shall be deemed valid if the signer's current address is within the District of Columbia and the signer files a change of address form with the Board during the first 10 days of the period designated for resolving challenges to petitions.

Section 1600 (Nominating Petitions: Primary Election) of Chapter 16 (Candidates: Delegate to the U.S. House of Representatives, Mayor, Chairman, Members of the Council of the District of Columbia, U.S. Senator, U.S. Representative, Members of the State Board of Education, and Advisory Neighborhood Commissioners) of Title 3 of DCMR is amended to read as follows:

- 1600.1 A nominating petition form shall be separately prepared and issued by the Board for each candidate seeking nomination in the Primary Election to the office of Delegate, Mayor, Chairman of the Council, Member of the Council, U.S. Senator and U.S. Representative.
- 1600.2 The information required on the petition form for the Primary Election for the offices of Delegate, Mayor, and Chairman of the Council, Member of the Council, U.S. Senator and U.S. Representative shall do the following:
- (a) The front of each page of the petition for the primary election shall contain the name, address, party affiliation, registration number and the office to which the candidate seeks election;
 - (b) The front page shall also state that the signers of the petition shall be of the same political party as the candidate;
 - (c) If the candidate is running from a ward, school district or single-member district, the front page shall also state that all signatories shall be registered and be residents of the ward, school district or single-member district from which the candidate seeks election;
 - (d) The back of each page of the petition shall contain the name, address (telephone number optional) of the person circulating the petition page and the affidavit of circulator required pursuant to § 1600.5 of this Chapter; and

- (e) The back of the petition page shall inform the circulator of the penalties for conviction of providing false information in the affidavit of the circulator required pursuant to §1600.5 of this Chapter.
- 1600.3 No nominating petition form for any of the offices covered by this chapter shall be issued by the Board until the information required pursuant to § 1600.2 of this chapter has been placed in all appropriate spaces on each petition page.
- 1600.4 The individual who files the petition shall execute an affidavit attesting that to the best of his or her knowledge and belief the petition being filed is complete and contains the legally required number of valid signatures.
- 1600.5 Each candidate shall file a Declaration of Candidacy and Affidavit of Qualifications, pursuant to Chapter 6 of this title, by no later than the deadline for the filing of nominating petitions.
- 1600.6 The Board may reject the nominating petition of any individual who fails to submit the required Declaration of Candidacy and Affidavit of Qualifications.
- 1600.7 No nominating petition shall be issued to any person other than the candidate unless the Board receives written notice from the candidate which authorizes the Board to release petitions in his or her name.
- 1600.8 The authorization shall include the following:
- (a) Candidate's name;
 - (b) Office which the candidate seeks; and
 - (c) Candidate's signature.
- 1600.9 A candidate may electronically submit the authorization to the Board by telefacsimile, the original of which must be filed with the Board no later than the deadline for the filing of the nominating petition.

Section 1604 (Circulating of Petitions) of Chapter 16 (Candidates: Delegate to the U.S. House of Representatives, Mayor, Chairman, Members of the Council of the District of Columbia, U.S. Senator, U.S. Representative, Members of the State Board of Education, and Advisory Neighborhood Commissioners) of Title 3 of DCMR is amended to read as follows:

- 1604.1 In order to circulate petitions pursuant to this chapter, a person must:
- (a) Be at least 18 years of age;
 - (b) Be a citizen of the United States;

- (c) Not be incarcerated for a crime that is a felony in the District;
- (d) Not have been found by a court of law to be legally incompetent to vote, and;
- (e) Either be a resident in the District of Columbia or, if not a resident in the District of Columbia, have registered as a non-resident petition circulator prior to circulating a petition in accordance with Sections §§ 1604.2 and 1604.3.

1604.2 Each petition circulator who is not a resident of the District of Columbia must, prior to circulating a petition under this chapter, complete and file with the Board a Non-Resident Petition Circulator Registration Form in which he or she will:

- (a) Provide the name of (and office sought by) the candidate or ballot measure in support of which he or she will circulate the petition;
- (b) Provide his or her name, residential address, telephone number, and email address;
- (c) Swear or affirm that he or she, while not a resident of the District of Columbia, is otherwise eligible to vote in the District of Columbia;
- (d) Acknowledge that he or she has received from the Board information regarding the rules and regulations governing the applicable petition circulation process, and that he or she will adhere to such rules and regulations;
- (e) Consent to submit to the Board's subpoena power and to the jurisdiction of the Superior Court of the District of Columbia for the enforcement of Board subpoenas.

1604.3 Each non-resident petition circulator must present proof of residence to the Board at the time he or she files the Non-Resident Petition Circulator Registration Form. Valid proof of residence is any official document showing the circulator's name and residence address. Acceptable forms of proof of residence include:

- (a) A copy of a current and valid government-issued photo identification;
- (b) A copy of a current utility bill, bank statement, government check, paycheck;
- (c) A government-issued document; or

- (d) Any other official document, including leases or residential rental agreements, occupancy statements from homeless shelters, and tuition or housing bills from colleges or universities.

1604.4 Each circulator shall swear or affirm upon oath that he or she:

- (a) Has personally circulated the petition;
- (b) Has personally witnessed the signing of each signature on the petition;
- (c) Has determined from each signer that he or she is a registered voter, in the same party as the candidate and, where applicable, that the signer is registered in and a resident of the ward, school district or single-member district from which the candidate seeks election; and
- (d) Meets the petition circulator requirements set forth in §1604.1.

Subsection 1607.5 of Chapter 16 (Candidates: Delegate to the U.S. House of Representatives, Mayor, Chairman, Members of the Council of the District of Columbia, U.S. Senator, U.S. Representative, Members of the State Board of Education, and Advisory Neighborhood Commissioners) of Title 3 of DCMR is amended to read as follows:

1607.5 A signature shall not be counted as valid in any of the following circumstances:

- (a) The signer's voter registration was designated as inactive on the voter roll pursuant to D.C. Official Code § 1-1001.07(j)(2) at the time the petition was signed;
- (b) The signer, according to the Board's records, is not registered to vote at the address listed on the petition at the time the petition was signed;
- (c) The signer is not a duly registered voter;
- (d) The signature is not dated;
- (e) On a petition to nominate a candidate in a primary election, the signer is not registered to vote in the same party as the candidate at the time the petition is signed;
- (f) On a petition to nominate a candidate from a ward, school district or single-member district, the signer is not duly registered in the

ward, school district or single-member district from which the candidate seeks election at the time the petition is signed;

- (g) The petition does not include the printed or typed address of the signer;
- (h) The petition does not include the printed or typed name of the signer where the signature is not sufficiently legible for identification; or
- (i) The circulator of the petition sheet did not meet the petition circulator requirements set forth in §1604.1 at the time the petition was signed.

Section 1703 of Chapter 17 (Candidates: Members and Officials of Local Committees of Political Parties and National Committee Persons) of Title 3 of DCMR is amended to read as follows:

1703.1 In order to circulate petitions pursuant to this chapter, a person must:

- (a) Be at least 18 years of age;
- (b) Be a citizen of the United States;
- (c) Not be incarcerated for a crime that is a felony in the District;
- (d) Not have been found by a court of law to be legally incompetent to vote, and;
- (e) Either be a resident in the District of Columbia or, if not a resident in the District of Columbia, have registered as a non-resident petition circulator prior to circulating a petition in accordance with Sections §§ 1703.2 and 1703.3.

1703.2 Each petition circulator who is not a resident of the District of Columbia must, prior to circulating a petition under this chapter, complete and file with the Board a Non-Resident Petition Circulator Registration Form in which he or she will:

- (a) Provide the name of (and office sought by) the candidate or ballot measure in support of which he or she will circulate the petition;
- (b) Provide his or her name, residential address, telephone number, and email address;

- (c) Swear or affirm that he or she, while not a resident of the District of Columbia, is otherwise eligible to vote in the District of Columbia;
- (d) Acknowledge that he or she has received from the Board information regarding the rules and regulations governing the applicable petition circulation process, and that he or she will adhere to such rules and regulations;
- (e) Consent to submit to the Board's subpoena power and to the jurisdiction of the Superior Court of the District of Columbia for the enforcement of Board subpoenas.

1703.3 Each non-resident petition circulator must present proof of residence to the Board at the time he or she files the Non-Resident Petition Circulator Registration Form. Valid proof of residence is any official document showing the circulator's name and residence address. Acceptable forms of proof of residence include:

- (a) A copy of a current and valid government-issued photo identification;
- (b) A copy of a current utility bill, bank statement, government check, paycheck;
- (c) A government-issued document; or
- (d) Any other official document, including leases or residential rental agreements, occupancy statements from homeless shelters, and tuition or housing bills from colleges or universities.

1703.4 Each circulator shall swear or affirm upon oath that he or she:

- (a) Personally circulated the petition;
- (b) Personally witnessed the signing of each signature on the petition;
- (c) Determined from each signer that he or she is a registered voter in the same party and, if applicable, the same ward, as the candidate.

1703.5 Signatures appearing on nominating petition sheets shall not be counted as valid unless all required information is provided by the circulator in his or her affidavit.

Subsection 1704.7 of Chapter 17 (Candidates: Members and Officials of Local Committees of Political Parties and National Committee Persons) of Title 3 of DCMR is amended to read as follows:

1704.7 A signature shall not be counted as valid in any of the following circumstances:

- (a) The signer's voter registration was designated as inactive on the voter roll under D.C. Official Code § 1-1001.07(j)(2) (2006 Repl.) at the time the petition was signed;
- (b) The signer, according to the Board's records, is not registered to vote at the address listed on the petition at the time the petition was signed;
- (c) The signer is not a duly registered voter;
- (d) The signature is not dated;
- (e) The signer is not registered to vote in the same party as the candidate at the time the petition is signed;
- (f) On a petition to nominate a candidate from a ward, the signer is not duly registered in the ward from which the candidate seeks election at the time the petition is signed;
- (g) The petition does not include the printed or typed address of the signer;
- (h) The petition does not include the printed or typed name of the signer where the signature is not sufficiently legible for identification; or
- (i) The circulator of the petition sheet did not meet the petition circulator requirements set forth in § 1703.1 at the time the petition was signed.

All persons desiring to comment on the subject matter of this proposed rulemaking should file written comments by no later than thirty (30) days after the date of publication of this notice in the *D.C. Register*. Comments should be filed with the Office of the General Counsel, Board of Elections, 441 4th Street, N.W., Suite 270N, Washington, D.C. 20001. Please direct any questions or concerns to the Office of the General Counsel at 202-727-2194 or ogc@dcboee.org. Copies of the proposed rules may be obtained at cost from the above address, Monday through Friday, between the hours of 9:00 a.m. and 4:00 p.m.

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2013-024
January 30, 2013

SUBJECT: Appointment - District of Columbia Police and Firemen's Retirement and Relief Board


ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2012 Supp.)), and in accordance with section 122 of An Act To increase compensation for District of Columbia policemen, firemen, and teachers; to increase annuities payable to retired teachers in the District of Columbia; to establish an equitable tax on real property in the District of Columbia; to provide for additional revenue for the District of Columbia; and for other purposes, approved September 3, 1974, Pub. L. 93-47, D.C. Official Code § 5-722 (2008 Repl.), it is hereby **ORDERED** that:

1. **LOIS HOCHHAUSER**, is appointed, as a member and Chairperson of the District of Columbia Police and Firemen's Retirement and Relief Board, replacing Pamela A. Brown, representing the District of Columbia Department of Human Resources, and shall serve at the pleasure of the Mayor.
2. **EFFECTIVE DATE:** This Order shall be effective immediately.



 VINCENT C. GRAY
 MAYOR

ATTEST: 

 CYNTHIA BROCK-SMITH
 SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA**ADMINISTRATIVE ISSUANCE SYSTEM**

Mayor's Order 2013-025
January 31, 2013

SUBJECT: Establishment - Mayor's Ward 5 Industrial Land Transformation Task Force

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(11) of the District of Columbia Home Rule Act, 87 Stat. 790, Pub. L. No. 93-198, D.C. Official Code § 1-204.22(11) (2012 Supp.), it is hereby **ORDERED** that:

I. **ESTABLISHMENT**

There is established in the Executive Branch of the Government of the District of Columbia a Mayor's Ward 5 Industrial Land Transformation Task Force (hereinafter referred to as "Task Force").

II. **PURPOSE**

The purpose of the Task Force is to develop a strategic plan for the modernization and adaptive use of industrial land in Ward 5.

III. **FUNCTIONS**

a. By December 31, 2013, the Task Force shall submit to the Mayor and the Council a report detailing a plan to stimulate and promote the modernization and adaptive use of parcels of Ward 5's industrial land, consistent with applicable laws and zoning regulations (the "Plan"). The Plan shall include:

1. An analysis of the existing conditions of Ward 5's industrial land, including:
 - i. An inventory of current industrial uses;
 - ii. Occupancy rate;

- iii. The proportion of industrial land dedicated to municipal versus private use.
2. A set of goals, recommendations, and analysis for how to modernize and adaptively use Ward 5's industrial land;
3. A projection of the number of jobs that could be generated through the expansion of industries occupying Ward 5's industrial land;
4. A projection, utilizing data from the Office of the Chief Financial Officer, of the amount of tax revenue that could be generated through the expansion of industries occupying Ward 5's industrial land;
5. Recommendations for various measures and tools to facilitate and incentivize the modernization and adaptive use of industrial land; and
6. An implementation analysis, with a projected timeframe and recommended implementing agents.

IV. COMPOSITION

- a. The Task Force shall consist of thirteen (13) voting members, including:
 1. Eight (8) government members, including the following Directors, or their designees:
 - i. The Member of the District of Columbia Council representing Ward 5, with consent;
 - ii. The Chief Financial Officer of the District of Columbia (OCFO);
 - iii. The Director of the Office of Planning (OP);
 - iv. The Deputy Mayor of the Office of Planning and Economic Development (DMPED);
 - v. The Director of the Department of General Services (DGS);

- vi. The Director of the Department of Public Works (DPW);
- vii. The Director of the District Department of the Environment (DDOE);
- viii. The Director of the District Department of Transportation (DDOT).

2. Five (5) community members.

V. **TERMS**

Executive Branch government officials shall serve only while employed in their official positions and shall serve at the pleasure of the Mayor.

VI. **ORGANIZATION**

- a. The Mayor designates the Director of the Office of Planning to serve as Chairperson of the Task Force.
- b. The Task Force may elect other officers from among its members.
- c. The Task Force may establish subcommittees as it deems necessary.
- d. The Task Force shall conduct community focus groups and may conduct community surveys as it deems necessary.
- e. The Task Force may utilize telephone conferencing or video-conferencing technologies.
- f. The Task Force may establish its own rules of procedure.

VII. **COMPENSATION**

Members of the Task Force shall serve without compensation except that reasonable expenses of the Task Force members may be reimbursed.

VIII. **ADMINISTRATION**

The Director of the Office of Planning shall be responsible for convening and facilitating the Task Force as well as leading the effort to draft the report required herein.


IX. SUNSET

The Task Force shall cease to exist upon submission of its final report to the Mayor and the Council, but in any event, no later than January 31, 2014.

X. EFFECTIVE DATE: This order shall become effective immediately.



VINCENT C. GRAY
MAYOR

ATTEST: 

CYNTHIA BROCK-SMITH
SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2013-026
January 31, 2013

SUBJECT: Appointments – Ward 5 Industrial Land Transformation Task Force

ORIGINATING AGENCY: Office of the Mayor


By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act of 1973, as amended, 87 Stat. 790, Pub. L. No. 93-198, D.C. Official Code § 1-204.22(2) (2012 Supp.), and in accordance with Mayor's Order 2013-025, dated January 31, 2013, it is hereby **ORDERED** that:

1. **KENYAN MCDUFFIE**, is appointed a member of the Ward 5 Industrial Land Transformation Task Force, as the Councilmember representing Ward 5.
2. **HARRIET TREGONING**, is appointed a member of the Task Force, as the Director of the Office of Planning, and is appointed as Chairperson; she shall serve at the pleasure of the Mayor.
3. **NATWAR GANDHI**, is appointed a member of the Task Force, as the Chief Financial Officer, and shall serve in that position at the pleasure of the Mayor.
4. **VICTOR HOSKINS**, is appointed a member of the Task Force, as the Deputy Mayor for Planning and Economic Development, and shall serve in that position at the pleasure of the Mayor.
5. **STEPHEN CAMPBELL**, is appointed a member of the Task Force, as the designee of the Director of the Department of General Services, and shall serve in that position at the pleasure of the Mayor.
6. **HALLIE CLEMM**, is appointed a member of the Task Force, as the designee of the Director of the Department of Public Works, and shall serve in that position at the pleasure of the Mayor.
7. **KEITH ANDERSON**, is appointed a member of the Task Force, as the Director of the District Department of the Environment, and shall serve in that position at the pleasure of the Mayor.

8. **TERRY BELLAMY**, is appointed a member of the Task Force, as the Director of the District Department of Transportation, and shall serve in that position at the pleasure of the Mayor.
9. **ERIC JONES**, is appointed a public member of the Task Force, for a term to end not later than January 31, 2014.
10. **JAIME FEARER**, is appointed a public member of the Task Force, for a term to end not later than January 31, 2014.
11. **PETA-GAY LEWIS**, is appointed a public member of the Task Force, for a term to end not later than January 31, 2014.
12. **VICTORIA LUNA**, is appointed a public member of the Task Force, for a term to end not later than January 31, 2014.
13. **EFFECTIVE DATE:** This Order shall be effective immediately.



VINCENT C. GRAY
MAYOR

ATTEST: 

CYNTHIA BROCK-SMITH
SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2013-027
January 31, 2013

SUBJECT: Appointments – Commission on Asian and Pacific Islander Community Development

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 790; Pub. L. 93-198; D.C. Official Code § 1-204.22(2) (2012 Supp.)), and pursuant to section 305 of the Fiscal Year 2002 Budget Support Act of 2001, effective October 3, 2001 (D.C. Law 14-28; D.C. Official Code § 2-1374), which established the Commission on Asian and Pacific Islander Community Development (“Commission”), it is hereby **ORDERED** that:

1. **NICHOLAS C. LEPHAM**, who was nominated by the Mayor on November 28, 2012 and, following a forty-five day period of review by the Council of the District of Columbia of Proposed Resolution 19-1127, was deemed approved on January 29, 2013, is appointed as a public voting member of the Commission, replacing Tejpal Singh Chawla, to complete the remainder of an unexpired vacant term to end April 17, 2013.
2. **LAURA SHIN**, who was nominated by the Mayor on November 28, 2012 and, following a forty-five day period of review by the Council of the District of Columbia of Proposed Resolution 19-1128, was deemed approved on January 29, 2013, is appointed as a public voting member of the Commission, replacing Tina Ang, to complete the remainder of an unexpired vacant term to end April 17, 2013.
3. **RAMON P. LLAMAS**, who was nominated by the Mayor on November 28, 2012 and, following a forty-five day period of review by the Council of the District of Columbia of Proposed Resolution 19-1129, was deemed approved on January 29, 2013, is appointed as a public voting member of the Commission, replacing Veronica Jung, to complete the remainder of an unexpired vacant term to end April 17, 2013.
4. **EUGENE D. KINLOW**, who was nominated by the Mayor on November 28, 2012 and, following a forty-five day period of review by the Council


of the District of Columbia of Proposed Resolution 19-1130, was deemed approved on January 29, 2013, is appointed as a public voting member of the Commission, replacing Matthew Finucane, to complete the remainder of an unexpired vacant term to end April 17, 2013.

5. **AJAY K. OJHA**, who was nominated by the Mayor on November 28, 2012 and, following a forty-five day period of review by the Council of the District of Columbia of Proposed Resolution 19-1131, was deemed approved on January 29, 2013, is appointed as a public voting member of the Commission, replacing Ellen Yung-Fatah, to complete the remainder of an unexpired vacant term to end April 17, 2014.
6. **SIMONE E. JACOBSON**, who was nominated by the Mayor on November 28, 2012 and, following a forty-five day period of review by the Council of the District of Columbia of Proposed Resolution 19-1132, was deemed approved on January 29, 2013, is appointed as a public voting member of the Commission, replacing Mary Chan, to complete the remainder of an unexpired vacant term to end April 17, 2014.
7. **DANA BURGESS**, who was nominated by the Mayor on November 28, 2012 and, following a forty-five day period of review by the Council of the District of Columbia of Proposed Resolution 19-1133, was deemed approved on January 29, 2013, is appointed as a public voting member of the Commission, replacing Ameer Gopalani, to complete the remainder of an unexpired vacant term to end April 17, 2014.
8. **SAPNA D. PANDYA**, who was nominated by the Mayor on November 28, 2012 and, following a forty-five day period of review by the Council of the District of Columbia of Proposed Resolution 19-1134, was deemed approved on January 29, 2013, is appointed as a public voting member of the Commission, replacing Richard Tagle, to complete the remainder of an unexpired vacant term to end April 17, 2014.

9. 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 2013-028
January 31, 2013

SUBJECT: Appointments – 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 Supp.)), 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 Supp.)), which established the Board of Nursing (“Board”), it is hereby **ORDERED** that:

1. **SUKHJIT “SIMMY” RANDHAWA**, who was nominated by the Mayor on May 30, 2012, and deemed approved by the Council pursuant to Proposed Resolution 19-715 on September 22, 2012, is appointed as a Registered Nurse member of the Board, replacing Robert Mallinson, whose term expired July 21, 2008, for a term of three years to begin on July 22, 2011, and end on July 21, 2014.
2. **CATHY A. BORRIS-HALE**, who was nominated by the Mayor on May 30, 2012, and deemed approved by the Council pursuant to Proposed Resolution 19-716 on September 22, 2012, is appointed as a Registered Nurse member of the Board, replacing Mary Rockefeller, whose term expired July 21, 2008, for a term of three years to begin on July 22, 2011, and end on July 21, 2014.
3. **TONI A. EASON**, who was nominated by the Mayor on May 30, 2012, and deemed approved by the Council pursuant to Proposed Resolution 19-717 on September 22, 2012, is appointed as a Registered Nurse member of the Board, replacing Amy Nassar, whose term expired July 21, 2007, for a term of three years to begin on July 22, 2010, and end on July 21, 2013.
4. **WINSLOW B. WOODLAND**, who was nominated by the Mayor on May 30, 2012, and deemed approved by the Council pursuant to Proposed Resolution 19-718 on September 22, 2012, is appointed as a Registered Nurse member of the Board, replacing Tracy A. Spann-Downing, whose term expired July 21, 2009, for a term of three years to begin on July 22, 2012, and end on July 21, 2015.

5. **CHIOMA NWACHUKWU**, who was nominated by the Mayor on May 30, 2012, and deemed approved by the Council pursuant to Proposed Resolution 19-719 on September 22, 2012, is appointed as a Registered Nurse member of the Board, replacing Deborah Thomas, whose term expired July 21, 2010, for a term of three years to begin on July 22, 2010, and end on July 21, 2013.
6. **MARY ELLEN R. HUSTED**, who was nominated by the Mayor on May 30, 2012, and deemed approved by the Council pursuant to Proposed Resolution 19-720 on September 22, 2012, is reappointed as a Registered Nurse member of the Board, for a term of three years to begin on July 22, 2011, and end on July 21, 2014.
7. **OTTAMISSIAH W. MOORE**, who was nominated by the Mayor on May 30, 2012, and deemed approved by the Council pursuant to Proposed Resolution 19-721 on September 22, 2012, is reappointed as a Licensed Practical Nurse member of the Board, for a term of three years to begin on July 22, 2011, and end on July 21, 2014.
8. **MARY ELLEN R. HUSTED**, is designated as Chairperson of the Board and shall serve in that capacity at the pleasure of the Mayor.
9. **EFFECTIVE DATE:** This Order shall become effective immediately.



VINCENT C. GRAY
MAYOR

ATTEST: 

CYNTHIA BROCK-SMITH
SECRETARY OF THE DISTRICT OF COLUMBIA

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF MEETING
CHANGE OF HOURS AGENDA

WEDNESDAY, FEBRUARY 13, 2013 AT 1:00 PM
2000 14TH STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

1. Review of Change of Hours Application to change Hours of Operation and Hours of Alcoholic Beverage Sales. Proposed Hours of Operation and Hours of Alcoholic Beverage Sales: Monday through Sunday 9am-10pm. No voluntary agreement. ANC 2B. **Metro Liquors**, 1726 Columbia Road, NW, Retailer's A, Lic.#: 060602.
2. Review of Change of Hours Application to change Hours of Operation and Hours of Alcoholic Beverage Sales. Proposed Hours of Operation and Hours of Alcoholic Beverage Sales: Monday through Sunday 9am-10pm. No voluntary agreement. ANC 3C. **Sherry's Wine & Spirits**, 2627 Connecticut Avenue, NW, Retailer's A, Lic.#: 086022.
3. Review of Change of Hours Application to change Hours of Operation and Hours of Alcoholic Beverage Sales. Proposed Hours of Operation and Hours of Alcoholic Beverage Sales: Monday through Sunday 10am-12am. No voluntary agreement. ANC 2F. **Batch 13**, 1724 14th Street, NW, Retailer's A, Lic.#: 087970.
4. Review of Change of Hours Application to change Hours of Operation and Hours of Alcoholic Beverage Sales. Proposed Hours of Operation and Hours of Alcoholic Beverage Sales: Monday through Sunday 9am-12am. No conflict with Voluntary Agreement. ANC 6A. **Grand Liquors**, 409 15th Street, NE, Retailer's A, Lic.#: 089508.
5. Review of Change of Hours Application to change Hours of Operation and Hours of Alcoholic Beverage Sales. Proposed Hours of Operation and Hours of Alcoholic Beverage Sales: Sunday 12pm-7pm, Monday through Thursday 10am-9pm, Friday and Saturday 9:30am-9:30pm. No conflict with Voluntary Agreement. ANC 8D. **South Capitol Liquors**, 4652 Livingston Rd, SE, Retailer's A, Lic.#: 16866.
6. Review of Change of Hours Application to change Hours of Operation and Hours of Alcoholic Beverage Sales. Proposed Hours of Operation and Hours of Alcoholic Beverage Sales: Monday through Sunday 9am-10pm. No conflict with Voluntary Agreement. ANC 2F. **Press Liquors**, 525 14th Street, NW, Retailer's A, Lic.#: 76197.
7. Review of Change of Hours Application to change Hours of Operation and Hours of Alcoholic Beverage Sales. Proposed Hours of Operation and Hours of Alcoholic Beverage Sales: Sunday through Thursday 10am-10pm, Friday and Saturday 10am-11pm. No voluntary agreement. ANC 4C. **JB Liquors**, 3914 14th Street, NW, Retailer's A, Lic.#: 084240.

8. Review of Change of Hours Application to change Hours of Operation and Hours of Alcoholic Beverage Sales. Proposed Hours of Operation: Monday through Sunday 5:30am-12am. Proposed Hours of Alcoholic Beverage Sales: Monday through Sunday 9am-12am. No voluntary agreement. ANC 2C. **Chinatown Liquor**, 602 H Street, NW, Retailer's A, Lic.#: 073058.
9. Review of Change of Hours Application to change Hours of Operation and Hours of Alcoholic Beverage Sales. Proposed Hours of Operation and Hours of Alcoholic Beverage Sales: Monday through Sunday 9am-10pm. No voluntary agreement. ANC 3G. **Circle Wine & Spirits**, 5501 Connecticut Avenue, NW, Retailer's A, Lic.#: 080830.
10. Review of Change of Hours Application to change Hours of Operation and Hours of Alcoholic Beverage Sales. Proposed Hours of Operation and Hours of Alcoholic Beverage Sales: Sunday 10am-6pm, Monday through Thursday 9am-8pm, Friday and Saturday 9am-9pm. No voluntary agreement. ANC 3G. **Magruder's of DC**, 5618-26 Connecticut Avenue, NW, Retailer's A, Lic.#: 091195.
11. Review of Change of Hours Application to change Hours of Operation and Hours of Alcoholic Beverage Sales. Proposed Hours of Operation and Hours of Alcoholic Beverage Sales: Monday through Sunday 9am-12am. No voluntary agreement. ANC 4D. **Rocket Liquors**, 900 Kennedy Street, NW, Retailer's A, Lic.#: 022581.
12. Review of Change of Hours Application to change Hours of Operation and Hours of Alcoholic Beverage Sales. Proposed Hours of Operation and Hours of Alcoholic Beverage Sales: Sunday through Wednesday 9am-10pm, Thursday through Saturday 9am-12am. No voluntary agreement. ANC 2B. **Crown Liquors**, 1325 Connecticut Avenue, NW, Retailer's A, Lic.#: 088121.
13. Review of Change of Hours Application to change Hours of Operation and Hours of Alcoholic Beverage Sales. Proposed Hours of Operation and Hours of Alcoholic Beverage Sales: Monday through Sunday 9am-12am. No voluntary agreement. ANC 2E. **Wagner's Liquors**, 1717 Wisconsin Avenue, NW, Retailer's A, Lic.#: 089176.
14. Review of Change of Hours Application to change Hours of Operation and Hours of Alcoholic Beverage Sales. Proposed Hours of Operation and Hours of Alcoholic Beverage Sales: Sunday 10am-10pm, Monday through Saturday 9am-10pm. No voluntary agreement. ANC 1C. **Martin's Wine & Spirits**, 1919 Florida Avenue, NW, Retailer's A, Lic.#: 021266.
15. Review of Change of Hours Application to change Hours of Operation and Hours of Alcoholic Beverage Sales. Proposed Hours of Operation and Hours of Alcoholic Beverage Sales: Monday through Sunday 7am-12am. No conflict with Voluntary Agreement. ANC 6A. **Jumbo Liquors**, 1122 H Street, NE, Retailer's A, Lic.#: 000420.

16. Review of Change of Hours Application to change Hours of Operation and Hours of Alcoholic Beverage Sales. Proposed Hours of Operation and Hours of Alcoholic Beverage Sales: Sunday 12pm-6pm, Monday through Saturday 9am-10pm. No voluntary agreement. ANC 3E. **Tenley Wine & Liquors**, 4525 Wisconsin Avenue, NW, Retailer's A, Lic.#: 078014.
17. Review of Change of Hours Application to change Hours of Operation and Hours of Alcoholic Beverage Sales. Proposed Hours of Operation and Hours of Alcoholic Beverage Sales: Monday through Sunday 7am-12am. No voluntary agreement. ANC 8A. **Corner Market**, 1447 Howard Road, SE, Retailer's A, Lic.#: 086200.
18. Review of Change of Hours Application to change Hours of Operation and Hours of Alcoholic Beverage Sales. Proposed Hours of Operation and Hours of Alcoholic Beverage Sales: Monday through Sunday 9am-12am. No voluntary agreement. ANC 7D. **Silvermans Liquors**, 2033 Benning Road, NE, Retailer's A, Lic.#: 014314.
19. Review of Change of Hours Application to change Hours of Operation and Hours of Alcoholic Beverage Sales. Proposed Hours of Operation and Hours of Alcoholic Beverage Sales: Monday through Sunday 9am-12am. No voluntary agreement. ANC 7B. **O'Connor's Liquors**, 2900 Minnesota Road, SE, Retailer's A, Lic.#: 060231.
20. Review of Change of Hours Application to change Hours of Operation and Hours of Alcoholic Beverage Sales. Proposed Hours of Operation and Hours of Alcoholic Beverage Sales: Sunday 9am-10pm, Monday through Saturday 9am-11pm. No conflict with Voluntary Agreement. ANC 8C. **Holiday Liquors**, 3505 Wheeler Road, SE, Retailer's A, Lic.#: 090195.
21. Review of Change of Hours Application to change Hours of Operation and Hours of Alcoholic Beverage Sales. Proposed Hours of Operation and Hours of Alcoholic Beverage Sales: Monday through Sunday 9am-12am. No voluntary agreement. ANC 4D. **Hamilton Liquors**, 5205 Georgia Avenue, NW, Retailer's A, Lic.#: 083291.
22. Review of Change of Hours Application to change Hours of Operation and Hours of Alcoholic Beverage Sales. Proposed Hours of Operation and Hours of Alcoholic Beverage Sales: Sunday 8am-8pm, Monday through Saturday 7am-12am. No voluntary agreement. ANC 8B. **Shipley Liquors**, 2281 Savannah Street, NW, Retailer's A, Lic.#: 08521.
23. Review of Change of Hours Application to change Hours of Operation and Hours of Alcoholic Beverage Sales. Proposed Hours of Operation and Hours of Alcoholic Beverage Sales: Sunday 7am-12am, Monday through Saturday 9am-12am. No voluntary agreement. ANC 2C. **The Local Vine Cellar**, 425 11th Street, NW, Retailer's A, Lic.#: 087410.
24. Review of Change of Hours Application to change Hours of Operation and Hours of Alcoholic Beverage Sales. Proposed Hours of Operation and Hours of Alcoholic Beverage Sales: Sunday through Thursday 9am-11pm, Friday and Saturday 9am-12am. No voluntary

agreement. ANC 7E. **Young's Globe Liquors**, 4520 Benning Road, SE, Retailer's A, Lic.#: 077016.

25. Review of Change of Hours Application to change Hours of Operation and Hours of Alcoholic Beverage Sales. Proposed Hours of Operation and Hours of Alcoholic Beverage Sales: Monday through Sunday 9am-12am. No voluntary agreement. ANC 2F. **Continental Wine & Liquor**, 1100 Vermont Avenue, NW, Retailer's A, Lic.#: 078964.
26. Review of Change of Hours Application to change Hours of Operation and Hours of Alcoholic Beverage Sales. Proposed Hours of Operation and Hours of Alcoholic Beverage Sales: Monday through Sunday 7am-12am. No conflict with Voluntary Agreement. ANC 4B. **Georgia Avenue Food Barn**, 6205 Georgia Avenue, NW, Retailer's A, Lic.#: 071950.
27. Review of Change of Hours Application to change Hours of Operation and Hours of Alcoholic Beverage Sales. Proposed Hours of Operation and Hours of Alcoholic Beverage Sales: Sunday 9am-9am, Monday through Friday 7am-10pm, Saturday 8am-10pm. No conflict with ABC Board Order. ANC 1A. **King's Deli & Grocery**, 3651 Georgia Avenue, NW, Retailer's A, Lic.#: 087806.

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

**NOTICE OF MEETING
INVESTIGATIVE AGENDA**

**WEDNESDAY, FEBRUARY 13, 2013
2000 14TH STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009**

On February 13, 2013 at 4:00 pm, the Alcoholic Beverage Control Board will hold a closed meeting regarding the matters identified below. In accordance with Section 405(b) of the Open Meetings Amendment Act of 2010, the meeting will be closed “to plan, discuss, or hear reports concerning ongoing or planned investigations of alleged criminal or civil misconduct or violations of law or regulations.”

1. Case#13-CMP-00011 Manchester Bar & Restaurant, 944 FLORIDA AVE NW Retailer C Tavern, License#: ABRA-075377

2. Case#12-CC-00118 Shadow Room, 2131 K ST NW Retailer C Nightclub, License#: ABRA-075871

3. Case#13-AUD-00002 Sisy's, 3911 14TH ST NW Retailer C Restaurant, License#: ABRA-076125

4. Case#12-CMP-00717 My Brother's Place, 237 2ND ST NW Retailer C Restaurant, License#: ABRA-071593

5. Case#12-251-00385 Mason Inn, 2408 WISCONSIN AVE NW Retailer C Tavern, License#: ABRA-079644

6. Case#13-CMP-00012 Sticky Rice, 1222 - 1224 H ST NE Retailer C Restaurant, License#: ABRA-072783

7. Case#13-AUD-00001 Ray's the Steaks at East River, 3905 DIX ST NE Retailer C Restaurant, License#: ABRA-083202

8. Case#13-251-00005 Lou's Bar & Grill, 1400 IRVING ST NW Retailer C Tavern, License#: ABRA-086419

9. Case#13-CMP-00013 Secret Lounge & Restaurant, 1414 9TH ST NW Retailer C Tavern, License#: ABRA-090210

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF MEETING
AGENDA

WEDNESDAY, FEBRUARY 13, 2013 AT 1:00 PM
2000 14TH STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

1. Review of Entertainment Endorsement Application for Karaoke and DJ. **Proposed Entertainment Hours:** Sunday through Thursday 6pm-2am, Friday and Saturday 6pm-2:30am. No pending investigative matters. No outstanding fines/citations. No settlement agreement. ANC 2B. **Mari Vanna Restaurant**, 1141 Connecticut Avenue NW Retailer CR02, Lic.#: 87559.

2. Review of Application for a License Class Change from a Retailer's Class B to a Retailer's Class A. No pending investigative matters. No outstanding fines/citations. No settlement agreement. ANC 3E. **Tenley Mini Market**, 4326 Wisconsin Avenue NW Retailer B, Lic.#: 60821.

3. Review of request from Andrew Kline on behalf of Applicant to amend ABC license application to correctly reflect a Summer Garden instead of a Sidewalk Cafe. ANC 2A. **Froggy Bottom Pub**, 2021 K Street NW Retailer CR02, Lic.#: 90421.

4. Review of Amended Entertainment Endorsement Application to add dancing. **Current Entertainment Hours:** Sunday through Thursday 6pm-2am, Friday and Saturday 6pm-3am. No pending investigative matters. No outstanding fines/citations. No conflict with Settlement Agreement. ANC 1B. **Expo Restaurant & Nightclub**, 1928 9th Street NW Retailer CR02, Lic.#: 60872.

5. Review of request from Paul Pascal on behalf of Barracks Row Ent Group, LLC, the managing member and sole owner of nine (9) ABC establishments (ABRA Nos. #86141, #86148, #83029, #86142, #86033, #87549, #88059, #89141, and #89126), to pay for the alcoholic beverage products of the nine (9) entities by checks drawn on the operating account of Barracks Row Ent Group, LLC.

Board's Agenda - February 13, 2013 - Page 2

6. Review of Entertainment Endorsement Application for live entertainment, dancing and cover charge. No pending investigative matters. No outstanding fines/citations. No settlement agreement. ANC 1A. **Mad Momos**, 3605 14th Street NW Retailer CR01, Lic.#: 88409.

7. Review of request to extend Safekeeping. ANC 1C. **Legends**, 1836 Columbia Road NW Retailer CR02, Lic.#: 86083.

8. Review of Safekeeping Application because property has been vacated over landlord tenant dispute. ANC 4B. **Jackie Lee's Lounge**, 116 Kennedy Street NW Retailer CN02, Lic.#: 88077.

9. Review of letter, dated February 1, 2013, from Charles Benoit requesting permission to store invoices, records, and required licenses and certificates off-site at another location in the District. **Federal Spirits**, 1629 K Street NW Retailer A, Lic.#: 89730.

10. Review of letter, dated January 29, 2013, from ANC 1D supporting extension of hours applications submitted by Class A Licensees in Mount Pleasant.

11. Review of letter, dated January 28, 2013, from Tam Tsui Chin requesting that the Board consider his protest petition, dated January 9, 2013, and schedule a new Roll Call Hearing. Success entered into a Settlement Agreement with ANC 6E on January 7, 2013. **Success**, 917 5th Street NW Retailer CR02, Lic.#: 90985.

12. Review of letter, dated January 24, 2013, from Abeba Beyene requesting that the Board allow Vita Restaurant and Lounge/Penthouse Nine to use promoters. **Vita Restaurant and Lounge/Penthouse Nine**, 1318 9th Street NW Retailer CT02, Lic.#: 86037.

13. Review of Motion for Reconsideration, dated January 12, 2013, from Linda McAllister for Board Order No. 2013-001, and District of Columbia's Opposition for Reconsideration, dated February 1, 2013, from Maureen Zaniel. **Lace**, 2214 Rhode Island Avenue NE Retailer CT01, Lic.#: 76369.

Board's Agenda - February 13, 2013 - Page 3

14. Review of Settlement Agreement, dated January 27, 2012, between Georgia Avenue Food Barn and ANC 4B. *Georgia Avenue Food Barn*, 6205 Georgia Avenue NW Retailer B, Lic.#: 71950.*
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*** In accordance with Section 405(b) of the Open Meetings Amendment Act of 2010, this portion of the meeting will be closed for deliberation and to consult with an attorney to obtain legal advice. The Board's vote will be held in an open session, and the public is permitted to attend.**

**** In accordance with Section 405(b) of the Open Meetings Amendment Act of 2010, this portion of the meeting will be closed to plan, discuss, or hear reports concerning ongoing or planned investigations of alleged criminal or civil misconduct or violations of law or regulations. The Board's vote will be held in an open session, and the public is permitted to attend.**

OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION

NOTICE OF FUNDING AVAILABILITY

Fiscal Year 2013 DC Physical Activity for Youth (DC PAY)

Request for Application Release Date: **February 11, 2013**Pre-Application Question Period Ends: **February 26, 2013**Application Submission Deadline: **April 9, 2013**

The Division of Wellness and Nutrition Services within the Office of the State Superintendent of Education (OSSE) is soliciting grant applications for the District of Columbia Physical Activity for Youth (DC PAY) program. **The purpose of this program is to increase the capacity of DC schools to provide physical activity to all students before, during, or after the school day.**

Eligibility: The Office of the State Superintendent of Education will accept applications from Washington DC public schools and public charter schools and organizations participating in the Healthy Schools Act (2010). Past award recipients are eligible.

Length of Award: The grant award period is one year.

Available Funding for Award: The total funding available for this award period is \$200,000. Eligible schools and organizations may apply for an award amount up to \$10,000.

Anticipated Number of Awards: OSSE has funding available for at minimum, twenty (20) awards.

For additional information regarding this grant competition, please contact:

Erin Watts
Health Education Specialist
Department of Wellness and Nutrition
DC Office of the State Superintendent of Education
Government of the District of Columbia
810 First Street, NE
Washington, DC 20002
(202) 481-3755
erin.watts@dc.gov

The Request for Application is available after February 11, 2013 on the OSSE web site at www.osse.dc.gov, or by contacting Erin Watts.

OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION**Notice of Funding Availability****The Scholarships for Opportunity and Results (SOAR) Act Competition****Application Release Date: On or Before February 22, 2013****Application Submission Deadline: March 22, 2013**

The Office of the State Superintendent of Education (OSSE) will issue a Request for Applications to support District of Columbia public charter schools, charter support organizations, and District of Columbia-based non-profit organizations representing and/or partnering with a DC public charter school. The purpose of the Scholarships for Opportunity and Results (SOAR) Act Competition is to improve school performance and educational outcomes and to provide facility financing in order to increase the number of high-quality public charter school seats.

The following funding opportunities are available:

Increasing Academic Quality

Eligible applicants include 3rd party organizations/non-profits, charter school support organizations, and public charter schools. Applicants must use funds to support direct and rapid impact on overall charter school academic achievement or on the achievement of historically underperforming subgroups.

Addressing Special Populations

Eligible applicants must be a recipient of 2012 Division of Specialized Education Co-Located Classroom or address at least one of the following special populations: Pre-K, College & Career Readiness, English Language Learners, Homeless, Neglected, or Foster Care.

Investing in Public Facility Projects

Eligible applicants must have site control evidence and applicants must use funds to support renovation/reconstruction of a former DCPS or other District-owned facility released by the District for lease by public charter schools. Renovations /reconstruction must be for academic and/or physical fitness space.

Influencing Replication and Growth

Eligible applicants must be seeking to expand into a new campus and cannot be a current or eligible (i.e., adult education) for Title V, Part B recipient. Applicants must also be a DC public charter school with a Performance Management Framework score of over 50%, or met 50% of Accountability Plan targets as outlined in the Performance Management Report, or a not-for-profit with final or conditional approval from the Public Charter School Board. Funds must be used to support the replication and expansion of new charter schools by funding planning and development of a new facility to increase the number of high-quality seats available to students. Up to a total of \$8.9 million in grant funds will be available for this grant competition.

The itemization is as follows:

- Increasing Academic Quality – \$3,600,000
 - 3rd Party Organizations/Non-Profits – \$1,750,000 (up to \$200,000 per award)
 - Charter School Support Organizations – \$600,000 (up to \$100,000 per award)
 - Public Charter Schools – \$1,250,000 (up to \$100,000 per award)
- Addressing Special Populations – \$300,000 (up to \$50,000 per award)
- Investing in Public Facility Projects – \$4,000,000 (up to \$750,000 per award)
- Influencing Replication and Growth – \$1,000,000 (up to \$125,000 per award)

Determinations regarding the number of grant awards will be based on the quality of the applications and available funding. Successful applicants may be awarded amounts less than requested.

To receive more information on the Increasing Academic Quality category, please contact:

Katherine Cox
Office of the State Superintendent of Education
810 First Street, NE, 5th Floor, Washington, D.C. 20002
Email: katherine.cox@dc.gov

To receive more information on the Addressing Special Populations category, please contact:

Damon Jones
Office of the State Superintendent of Education
810 First Street, NE, 5th Floor, Washington, D.C. 20002
Email: damonz.jones@dc.gov

To receive more information on the Investing in Public Facility Projects and Influencing Replication & Growth categories, please contact:

Alina Tsanova
Office of the State Superintendent of Education
810 First Street, NE, 5th Floor, Washington, D.C. 20002
Email: alina.tsanova@dc.gov

A copy of the application will be available on OSSE's website at www.osse.dc.gov.

BOARD OF ELECTIONS**CERTIFICATION OF ANC/SMD VACANCY**

The District of Columbia Board of Elections hereby gives notice that there is a vacancy in one (1) Advisory Neighborhood Commission office, certified pursuant to D.C. Official Code § 1-309.06(d)(2); 2001 Ed; 2006 Repl. Vol.

VACANT: 5A02

Petition Circulation Period: **Monday, February 11, 2013 thru Monday, March 4, 2013**
Petition Challenge Period: **Thursday, March 7, 2013 thru Wednesday, March 13, 2013**

Candidates seeking the Office of Advisory Neighborhood Commissioner, or their representatives, may pick up nominating petitions at the following location:

**D.C. Board of Elections
441 - 4th Street, NW, Room 250N
Washington, DC 20001**

For more information, the public may call **727-2525**.

**DISTRICT OF COLUMBIA
BOARD OF ELECTIONS**

**CERTIFICATION OF FORMULATION
FOR THE PROPOSED CHARTER AMENDMENT**

At a special meeting on Wednesday, January 23, 2013, the Board of Elections certified the short title and summary statement formulations for the Local Budget Autonomy Emergency Amendment Act of 2012” (the Act) (D.C. Act 19-566) that would amend the Charter. No registered qualified elector requested a hearing to object to the Board’s formulations adopted on January 7, 2013 and published in the *D.C. Register* at 60 DCR 258 (January 11, 2013). Pursuant to 3 DCMR § 1805, the Board announces that these proposed Charter amendments shall be brought before the voters during the **April 23, 2013 Special Election**. Pursuant to 3 DCMR § 1804.2, only the short title and summary statements shall be printed on the ballot.

PROPOSED CHARTER AMENDMENT VIII

SHORT TITLE

“Charter Amendment: Local Budget Autonomy”

SUMMARY STATEMENT

Currently, the Home Rule Act requires affirmative Congressional action with respect to the entire District budget (both federal and local funds).

This Charter Amendment, if ratified, enacted and upheld, would permit the Council to adopt the annual local budget for the District of Columbia government; would permit the District to spend local funds in accordance with each Council approved budget act; and would permit the Council to establish the District’s fiscal year.

LEGISLATIVE TEXT

AN ACT
D.C. ACT 19-566
IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
DECEMBER 18, 2012

To amend, on an emergency basis, the District of Columbia Home Rule Act to provide for local budget autonomy.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Local Budget Autonomy Emergency Amendment Act of 2012”.

Sec. 2. The District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 777; D.C. Official Code § 1-201.01 et seq.), is amended as follows:

(a) The table of contents is amended by striking the phrase "Sec. 446. Enactment of appropriations by Congress" and inserting the phrase "Sec. 446. Enactment of local budget by Council" in its place.

(b) Section 404(f) (D.C. Official Code § 1-204.04(f)) is amended by striking the phrase "transmitted by the Chairman to the President of the United States" both times it appears and inserting the phrase "incorporated in the budget act and become law subject to the provisions of section 602(c)" in its place.

(c) Section 412 (D.C. Official Code § 1-204.12) is amended by striking the phrase "(other than an act to which section 446 applies)".

(d) Section 441(a) (D.C. Official Code § 1-204.41(a)) is amended by striking the phrase "budget and accounting year" and inserting the phrase "budget and accounting year. The District may change the fiscal year of the District by an act of the Council. If a change occurs, such fiscal year shall also constitute the budget and accounting year" in its place.

(e) Section 446 (D.C. Official Code § 1-204.46) is amended to read as follows:

“ENACTMENT OF LOCAL BUDGET BY COUNCIL.

“Sec. 446. (a) Adoption of Budgets and Supplements - The Council, within 70 calendar days, or as otherwise provided by law, after receipt of the budget proposal from the Mayor, and after public hearing, and by a vote of a majority of the members present and voting, shall by act adopt the annual budget for the District of Columbia government. The federal portion of the annual budget shall be submitted by the Mayor to the President for transmission to Congress. The local portion of the annual budget shall be submitted by the Chairman of the Council to the Speaker of the House of Representatives pursuant to the procedure set forth in section 602(c). Any supplements to the annual budget shall also be adopted by act of the Council, after public hearing, and by a vote of a majority of the members present and voting.

“(b) Transmission to President During Control Years - In the case of a budget for a fiscal year which is a control year, the budget so adopted shall be submitted by the Mayor to the President for transmission by the President to the Congress; except, that the Mayor shall not transmit any such budget, or amendments or supplements to the budget, to the President until the completion of the budget procedures contained in this Act and the District of Columbia Financial Responsibility and Management Assistance Act of 1995.

“(c) Prohibiting Obligations and Expenditures Not Authorized Under Budget- Except as provided in section 445A(b), section 446B, section 467(d), section 471(c), section 472(d)(2), section 475(e)(2), section 483(d), and subsections (f), (g), (h)(3), and (i)(3) of section 490, no amount may be obligated or expended by any officer or employee of the District of Columbia government unless--

“(1) such amount has been approved by an act of the Council (and then only in accordance with such authorization) and such act has been transmitted by the Chairman to the Congress and has completed the review process under section 602(c)(3); or

“(2) in the case of an amount obligated or expended during a control year, such amount has been approved by an Act of Congress (and then only in accordance with such authorization).

“(d) Restrictions on Reprogramming of Amounts - After the adoption of the annual budget for a fiscal year (beginning with the annual budget for fiscal year 1995), no reprogramming of amounts in the budget may occur unless the Mayor submits to the Council a request for such reprogramming and the Council approves the request, but and only if any additional expenditures provided under such request for an activity are offset by reductions in expenditures for another activity.

“(e) Definition - In this part, the term “control year” has the meaning given such term in section 305(4) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995.”

(f) Section 446B(a) (D.C. Official Code § 1-204.46b(a)) is amended as follows:

(1) Strike the phrase "the fourth sentence of section 446" and insert the phrase “section 446(c)” in its place.

(2) Strike the phrase “approved by Act of Congress”.

(g) Section 447 (D.C. Official Code § 1-204.47) is amended as follows:

(1) Strike the phrase “Act of Congress” each time it appears and insert the phrase “act of the Council (or Act of Congress, in the case of a year that is a control year)” in its place.

(2) Strike the phrase “Acts of Congress” each time it appears and insert the phrase “acts of the Council (or Acts of Congress, in the case of a year that is a control year)” in its place.

(h) Sections 467(d), 471(c), 472(d)(2), 475(e)(2), and 483(d), and 490(f), (g)(3), (h)(3), and (i)(3) are amended by striking the phrase “The fourth sentence of section 446” and inserting the phrase “Section 446(c)” in its place.

Sec. 3. Applicability.

Section 2 shall apply as of January 1, 2014.

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 as provided in section 303 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 784; D.C. Official Code § 1-203.03).

DISTRICT DEPARTMENT OF THE ENVIRONMENT

FISCAL YEAR 2013

PUBLIC NOTICE

Notice is hereby given that, pursuant to 40 C.F.R. Part 51.161, and D.C. Official Code §2-505, the Air Quality Division (AQD) of the District Department of the Environment (DDOE), located at 1200 First Street NE, 5th Floor, Washington, DC, intends to issue an air quality permit (#6700) to The Berg Corporation to construct and operate one (1) Portable Crushing Plant at 2112 – 2146 Georgia Avenue NW, Washington, DC 20016. The contact person for the facility is Howard Shearer, CFO, at (410) 804-0640. The applicant’s mailing address is 2519 Wilkens Avenue Baltimore, MD 21223.

Emissions:

Maximum emissions from the unit operating ten (8) hours per day for sixty (60) days are expected to be as follows:

	Maximum Annual Emissions
Pollutant	(tons/yr)
Particulate Matter (PM) (Total)	0.1488
Sulfur Oxides (SOx)	0.1416
Nitrogen Oxides (NOx)	0.744
Volatile Organic Compounds (VOC)	0.0456
Carbon Monoxide (CO)	0.0888

The proposed overall emission limits for the equipment are as follows:

- a. Emissions of dust shall be minimized in accordance with the requirements of 20 DCMR 605 and the “Operational Limitations” of the permit.
- b. The emission of fugitive dust from any material handling, screening, crushing, grinding, conveying, mixing, or other industrial-type operation or process is prohibited. [20 DCMR 605.2]
- c. Emissions from the engine powering the crusher shall not exceed those achieved by proper operation of the equipment in accordance with manufacturer’s specifications.
- d. Visible emissions shall not be emitted into the outdoor atmosphere from stationary sources; provided, that the discharges not exceeding forty percent (40%) opacity (unaveraged) shall be permitted for two (2) minutes in any sixty (60) minute period and for an aggregate of twelve (12) minutes in any twenty-four hour (24 hr.) period during start-up, cleaning, soot blowing, adjustment of combustion controls, or malfunction of the equipment. [20 DCMR 606.1]

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

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 March 11, 2013 will be accepted.

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

DISTRICT DEPARTMENT OF THE ENVIRONMENT

FISCAL YEAR 2013

PUBLIC NOTICE

Notice is hereby given that, pursuant to 40 C.F.R. Part 51.161, and D.C. Official Code §2-505, the Air Quality Division (AQD) of the District Department of the Environment (DDOE), located at 1200 First Street NE, 5th Floor, Washington, DC, intends to issue Permits (#5778-R1, #6693, #6713, #6694, #5986-R1, #6695, #6190-R1, #6237-R1, #6247-R1, #6257-R1, and #6212-R1) to the George Washington University to operate the listed diesel-fired emergency generator engines located in Washington, DC. The contact person for the facility is James Schrote, Executive Director, Facilities Services, at (202) 994-0543.

Emergency Generators to be Permitted

Equipment Location	Address	Equipment Size	Model Number	Permit No.
Academic Center	801 22 nd Street NW Washington, DC	895 kW (1200 hp)	QSK23-G3	5778-R1
Dakota	2100 F Street NW Washington, DC	51 kW (68 hp)	4B3.9-G2	6693
Potomac House	2021 F Street NW Washington, DC	345 kW (462 hp)	VP-044798	6713
Monroe House	2115 G Street NW Washington, DC	355 kW (476 hp)	P4921431	6694
Thurston Hall	1900 F Street NW Washington, DC	271 kW (364 hp)	QSL9-G2NR3	5986-R1
Aston Hall	1129 New Hampshire Avenue NW Washington, DC	229 kW (208 hp)	SD150- G366.8D18HPSY C	6695
South Hall	2135 F Street NW Washington, DC	835 kW (1119 hp)	750RXC6DT2	6190-R1
FS Key Hall	600 20 th Street NW Washington, DC	122 kW (158 hp)	4045HF285H,I,J	6237-R1
Smith Center	600 22 nd Street NW Washington, DC	177 kW (237 hp)	6068HF285K,L	6247-R1
Support Building	2025 F Street NW Washington, DC	600 kW (900 hp)	C18	6257-R1
West Hall	2100 Foxhall Road NW Washington, DC	287 kW (385 hp)	RE504245	6212-R1

The proposed emission limits are as follows:

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

Emission Standards (g/kW-hr)											
Pollutant	Columns by Engine Size (kW)										
	51	122	177	229	271	287	345	355	600	835	895
NMHC+NO _x	7.5	4.0	4.0	4.0	4.0	4.0	4.0	40	6.4	6.4	6.4
CO	5.0	5.0	3.5	3.5	3.5	3.5	3.5	3.5	3.5	3.5	3.5
PM	0.40	0.30	0.20	0.20	0.20	0.20	0.20	0.20	0.20	0.20	0.20

- b. Visible emissions shall not be emitted into the outdoor atmosphere from the generators, except that discharges not exceeding forty percent (40%) opacity (unaveraged) shall be permitted for two (2) minutes in any sixty (60) minute period and for an aggregate of twelve (12) minutes in any twenty-four hour (24 hr.) period during start-up, cleaning, adjustment of combustion controls, or malfunction of the equipment [20 DCMR 606.1]
- 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 each unit are as follows:

Dakota:

Pollutant	Emission Rate (lb/hr)	Maximum Annual Emissions (tons/yr)
Total Particulate Matter, PM (Total)	0.155	0.0386
Sulfur Oxides (SO _x)	0.000769	0.000192
Nitrogen Oxides (NO _x)	2.20	0.550
Volatile Organic Compounds (VOCs)	0.180	0.0449
Carbon Monoxide (CO)	0.474	0.118

Academic Center:

Pollutant	Emission Rate (lb/hr)	Maximum Annual Emissions (tons/yr)
Total Particulate Matter, PM (Total)	0.777	0.194
Sulfur Oxides (SO _x)	7.85	1.96
Nitrogen Oxides (NO _x)	24.9	6.22
Volatile Organic Compounds (VOCs)	0.699	0.175
Carbon Monoxide (CO)	6.60	1.65

Potomac House:

Pollutant	Emission Rate (lb/hr)	Maximum Annual Emissions (tons/yr)
Total Particulate Matter, PM (Total)	0.927	0.232
Sulfur Oxides (SO _x)	0.00461	0.00115
Nitrogen Oxides (NO _x)	1.32	3.30
Volatile Organic Compounds (VOCs)	1.08	0.269
Carbon Monoxide (CO)	2.84	0.711

Monroe Hall:

Pollutant	Emission Rate (lb/hr)	Maximum Annual Emissions (tons/yr)
Total Particulate Matter, PM (Total)	0.764	0.191
Sulfur Oxides (SO _x)	0.00380	0.000950
Nitrogen Oxides (NO _x)	10.9	2.72
Volatile Organic Compounds (VOCs)	0.888	0.222
Carbon Monoxide (CO)	2.34	0.586

Thurston Hall:

Pollutant	Emission Rate (lb/hr)	Maximum Annual Emissions (tons/yr)
Total Particulate Matter, PM (Total)	0.704	0.176
Sulfur Oxides (SO _x)	0.00350	0.000876
Nitrogen Oxides (NO _x)	10.00	2.50
Volatile Organic Compounds (VOCs)	0.818	0.204
Carbon Monoxide (CO)	2.16	0.539

Aston:

Pollutant	Emission Rate (lb/hr)	Maximum Annual Emissions (tons/yr)
Total Particulate Matter, PM (Total)	0.465	0.116
Sulfur Oxides (SO _x)	0.00231	0.000578
Nitrogen Oxides (NO _x)	6.62	1.65
Volatile Organic Compounds (VOCs)	0.540	0.135
Carbon Monoxide (CO)	1.43	0.356

South Hall:

Pollutant	Emission Rate (lb/hr)	Maximum Annual Emissions (tons/yr)
Total Particulate Matter, PM (Total)	0.726	0.181

Pollutant	Emission Rate (lb/hr)	Maximum Annual Emissions (tons/yr)
Sulfur Oxides (SO _x)	7.33	1.83
Nitrogen Oxides (NO _x)	23.2	5.81
Volatile Organic Compounds (VOCs)	0.653	0.163
Carbon Monoxide (CO)	6.17	1.54

FS Key Hall:

Pollutant	Emission Rate (lb/hr)	Maximum Annual Emissions (tons/yr)
Total Particulate Matter, PM (Total)	0.331	0.0827
Sulfur Oxides (SO _x)	0.00164	0.000411
Nitrogen Oxides (NO _x)	4.70	1.18
Volatile Organic Compounds (VOCs)	0.384	0.0960
Carbon Monoxide (CO)	1.10	0.253

Smith Center:

Pollutant	Emission Rate (lb/hr)	Maximum Annual Emissions (tons/yr)
Total Particulate Matter, PM (Total)	0.507	0.127
Sulfur Oxides (SO _x)	0.00252	0.000630
Nitrogen Oxides (NO _x)	7.21	1.80
Volatile Organic Compounds (VOCs)	0.588	0.147
Carbon Monoxide (CO)	1.55	0.388

Support Building:

Pollutant	Emission Rate (lb/hr)	Maximum Annual Emissions (tons/yr)
Total Particulate Matter, PM (Total)	0.591	0.148
Sulfur Oxides (SO _x)	5.97	1.49
Nitrogen Oxides (NO _x)	18.9	4.73
Volatile Organic Compounds (VOCs)	0.532	0.133
Carbon Monoxide (CO)	5.03	1.26

West Hall:

Pollutant	Emission Rate (lb/hr)	Maximum Annual Emissions (tons/yr)
Total Particulate Matter, PM (Total)	0.756	0.189
Sulfur Oxides (SO _x)	0.00376	0.000940
Nitrogen Oxides (NO _x)	10.8	2.69
Volatile Organic Compounds (VOCs)	0.878	0.219

Pollutant	Emission Rate (lb/hr)	Maximum Annual Emissions (tons/yr)
Carbon Monoxide (CO)	2.32	0.579

The applications to operate the generators and the draft permits 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 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 March 11, 2013 will be accepted.

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

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY

Office of Government Ethics

BEGA – Advisory Opinion – Redacted – 001-13

January 16, 2013

VIA EMAIL TO:

XXXX XXXXXX
XXXXXXXX XXXXXXXX
XXXXXXXXXXXXXXXX XXXXXX XXXXXXXXXXXX
XXXX.XXXXXX@dc.gov

Dear xx. xxxxxxx:

This responds to your request for advice concerning whether a proposed outside activity for pay would be consistent with your ethical obligations as a government employee. Based upon the information you provided in your email to me of January x, 2013, email exchanges you had with xxxxxxx xxxxxxxxxxxxxxx xxxxxx xxxxxxxxxxx xxxxx xxxxxxxxxxx, and your résumé and attachment, your proposed outside activity, as currently described, is not permissible.

You state that you are a xxxxxxx xxxxxxx with xxx xxx xxxxxxx xxxxxxxxxxx xxxxxx and, as such, are responsible for xxxxx xxxxxxxxxxx xxxxxxx xxxxxxxxxxx, xxxxxxx xxxxx xxxxxx, and xxxxxxx xxxxxx xxxxxx xxxxxxx. Your résumé also states that you xxxxxxx xxxxxxxxxxx xxx xxxxxxxxxxx, served as x xxxxxxx xxxxxxx xx x xxxxxxxxxxx, and xxxxxxx xxxxxxx.

In your January x, 2013, email to me, you wrote that your proposed outside activity for pay would be with xxxxxxx, a private company that has a history of providing xxxxx xxxxxxx xxx xxxxx xxxxxxxxxxx but which has xxxxxxx xxx xx xxxxx x xxxxx xxxxxxxxxxx xxx xx xxxxxxx. You state that xxxxxxx did not bid on the District's xxxxxx xxxxx xxxxxxxxxxx Request for Proposals, that you do not anticipate that xxx xxx xx xxxxxxx xxx xxxxxxx xxx x xx x xxx xxxxx, and that xxxxxxx provides xxxxxxx xxxxxx xxxxxxx xxxxxxx and xxxxxxx to its xxxxxx xxxxxxxxxxx clients. Your proposed outside activity for pay is consulting work for xxxxxxx, relating to xxxxxxx providing its clients with xxxxxxx xxxxxxx xxxxxxxxxxx xxx xxxxxxxxxxx xxxxxxx xxxxx xxxxxxx xxx xx xxxxx xxxxxxx xxxxx xxx xxxxxxx xxxxxxx. You note that the District xxxxxx xx xxx xxxxx xxxxxxxxxxx xxxxxxx, xxxxxxx xx xxx xxx xxxxxxx [rather than xxx] manages xxxxxxxxxxx xxxxxxxxxxx xxx xxxxxxxxxxx xxxxxxx. Specifically, you state that your consulting work for xxxxxxx would entail working with xxxxxxx xxxxxxxxxxx xxxxxxxxxxx to xxxxxx their product, develop xx xxxxxxxxxxx xxx xxx xxx xxx xx xxxxxxx, develop x xxxxxx xx xxxxxxxxxxx xxx xxxxx xxxxxxxxxxx,

work with xxxxxxxx to create xxxxxxxxx xxxxxxxxx, and create x xxxxxxxxx xxxx xxx xxxxxxxx xxx xxxxxxxx.

The paperwork you submitted with your résumé provides additional details, which indicate that you would be “xxxxxxxxxxxxx xxxxxxxxx xxxxxxx xxx xxxxxxxx xxxxxxxx xxxxxxxxxxxxxx” in xxxxx xx xx xxx xxxx xxxx, and “xxxxxxxxxxxxx xxxxxxxxx xxxxxxxxxxxxxxxxxxx xxxxx xxx xxxxxxxxxxxxxxxxxxxxxxxxxxx xxx xxx xxxxxxxx xxxxx” [emphasis in the original] in xxxxx xx xx xxx xxxx xxxx. Finally, a review of the emails you submitted reveals that you were informed by xxx xxxxxxxxx xxxxx xx xxxxxxx xxxxxxxx xxxxxxxx, xxxxxxxxx xxxxxxxx xxxxxxx, in an email dated January x, 2013, that xx believes that your proposed outside activity would be impermissible because “you would be using your xxxxxxxx you gained working for xxx to further business for this company while still employed by xxx.” You provided no information to the contrary and xxxxxxxxx xxxxx xx xxxxxxx xxxxxxx denied your request for outside employment, based on the information you had provided to date.

There are essentially two applicable provisions of the Code of Conduct that inform my decision, each of which are found in Chapter 18, Title 6B of the D.C. Municipal Regulations.¹ The DPM states:

1804.1 An employee may not engage in any outside employment or other activity which is not compatible with the full and proper discharge of his or her duties and responsibilities as a government employee. Activities or actions which are not compatible with government employment include, but are not limited to, the following:

- (e) Engaging in any outside employment, private business activity, or interest which permits an employee, or others, to capitalize on his or her official title or position.*

As you know, you have worked for xxx since xxxxxxxxx xxxxx, and as stated above, xxx has determined that you have gained xxx xxxxxxxxx that you would be using to further xxxxxxxxx interests from your work for xxx. You have provided no information to the contrary. Because those xxxxxxxxx at xxxxxxxxx know you only as an xxx employee, if you now accepted an offer from them to market xxxxxxxxx product, you would, whether intentionally or unintentionally, be capitalizing on your official title or position with xxx to benefit xxxxxxxxx and yourself.

There is an additional concern. Many of xxxxxxxxx clients know you already as an xxx employee. If you contact these clients to xxxxxxx xxxxxxxxx product, there is a substantial risk that they may conclude that either xxx, or you as an xxx employee, endorses xxxxxxxxx product.² Again, whether intentionally or unintentionally, you would be capitalizing on your official title or position. Accordingly, your proposed outside activity as you have described it, would violate DPM § 1804.1(e).

Notwithstanding this prohibition, a second, separate prohibition in the DPM would similarly prevent you from engaging in this outside activity. The second provision states:

¹ Hereinafter, Title 6b of the D.C. Municipal Regulations will be referred to as the District Personnel Manual or DPM.

² Even if you expressly apprise these clients of your non-governmental role, given my other concerns addressed in this letter, I do not believe that this would be sufficient to overcome the overall prohibition.

1804.4 The information used by an employee engaging in an activity under § 1804.3³ shall not draw on official data or ideas which have not become part of the body of public information, except nonpublic information that has been made available on request for use in such capacity, or unless the agency head gives written authorization for use on the basis that its use is in the public interest.

You stated on your résumé that, while working for xxx, you developed xxx xxxxxxxx xxx and xxxxxxxx the xxxxxxxx xxxxxx xxxxxx xxxxxx. You stated in your email that xxxxxxxx also provides xxxxxxxx xxxxxxxx xxxxxxxx xxxxxxxx and xxxxxxxx to their xxxxxxxx xxxxxxxxxxxx clients and that your proposed outside activity, for pay, will include helping xxxxxxxx develop xxxxxxxxxxxx xxxxxxxx xxxxxxxxxxxxxxxx xxx xxxxxxxxxxxxxxxx xxxxxxxx xxx xxxxxxxx xxx xx xxx xxxxxxxxxxxx xxxxxxxx xxxxx xxx xxxxxxxxxxxx xxxxxxxx. This, you state specifically, will include working with xxxxxxxxxxxx xxxxxxxxxxxx xxxxxxxxxxxxxxxx to develop xxx xxxxxxxxxxxxxxxxxx, xxxxx xxx xxxxxxxxxxxx, and xxxxxxxx xxx xxxxxxxx. It appears from these descriptions that you will be using the knowledge you gained at xxx xxxxxxxxxxxxxxx xxx xxxxxxxxxxx xxx xxx xxxxxxxxxxx xxxxxxxx xxxxxxx xxxxxx xx help xxxxxxxx develop x xxxxxxxxxxx xxxxxxxx xxxxxxxxxxxxxxx xxxxxxx xxx xxxxxxxxxxxxxxxx xxxxxxxx xx xxx xxxxxxxxxxx xxxxxxxx xxxxxxxx.

Further, you have provided no information to suggest that this information has become part of the body of public information. As the rule states, you are prohibited from using nonpublic information unless your agency head determines that its use is in the public interest and then provides you with written authorization that you may use such information. You have provided no such written authorization from your agency head.

Accordingly, in addition to the prohibition contained in 1804.1(e), you are also prohibited from engaging in the proposed activity because it would draw upon information that is of a nonpublic nature that you gained in the course of your employment with xxx. DPM § 1804.4.

Please be advised that this advice is provided to you pursuant to section 219 of the Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011 (“Ethics Act”), effective April 27, 2012, D.C. Law 19-124, D.C. Official Code § 1-1161.01 *et seq.*, which empowers me to provide such guidance. If you disagree with my conclusions, you may appeal this Advisory Opinion to the three-member Board of Ethics and Government Accountability for their consideration. D.C. Official Code § 1-1162.19(c). If you wish to do so, please let me know within 10 business days from the date of this letter so I may provide you with instructions.

Finally, you are advised that the Ethics Act requires this opinion to be published in the District of Columbia Register within 30 days of its issuance, but that identifying information will not be disclosed unless and until you consent to such disclosure in writing, should you wish to do so.

Please let me know if you have any questions or wish to discuss this matter further. I may be reached at 202-481-3411, or by email at darrin.sobin@dc.gov.

³ The pertinent part of 1804.3 refers to “consultative activities.”

Sincerely,

DARRIN P. SOBIN
Director of Government Ethics
Board of Ethics and Government Accountability

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY

Office of Government Ethics

BEGA – Advisory Opinion – Redacted – 002-12

November 27, 2012

XXXX XXXXXXXX
XXXXX XXXXXX
XXXXXXXX XXXXXXXX
XXXX XXXXXXXX
XXXXXXXX XXXXXX
Suite xxx
Washington, D.C. xxxxxx

Dear xxxxxx xxxxxx:

This responds to your letter dated November 15, 2012, in which you seek guidance concerning an outside activity in which you wish to participate and your ethical obligations as a government employee. Based upon the factual predicates you provide in your letter, I do not believe that your proposed outside work would conflict with your official government duties.

You state that you are the xxxxxx xxxxxx of xxx xxxxxxxx xx xxxxxx xxxxxx xxxxxxxxxxxx xxxxxxxxxxxx. The xxxxxx was established pursuant to the Home Rule Act, effective December 24, 1973 (xx Stat. xxxxxx, D.C. Official Code § x-xxx.xx) and is tasked with xxxxxxxxxxxx xxxxxxxxxxxx for xxxxxxxxxxxx by the xxxxxxxx xx xxxxxx xxxxxxxx xxxxxxxx to xxx xx xxxxxxxx of the xxxxxxxx xx xxxxxxxx xxxxxxxx.

As a government employee, your outside activities are restricted and informed by federal statutes as well as District laws and rules. The following summarizes the various requirements/restrictions:

1. Specifically prohibited activities

A District employee may not:

- serve in a representative capacity or as an agent or attorney for any outside entity involving any matter before the District,1
- act as an agent or attorney for anyone before the District government or a D.C. court regarding a particular matter;2

1 D.C. MUN. REGS. tit. 6, § 1804.1(h). (Hereinafter Title 6 of the D.C. Municipal Regulations will be referred to as D.C. Personnel Manual or DPM.)

2 18 USC § 205(b)(2); see also DPM § 1804.1(h) (prohibiting employees from “[s]erving in a representative capacity . . . for any outside entity involving any matter before the District”). This prohibition does not apply to an employee who

- serve as officer or director of an outside entity if there is any likelihood that such entity might be involved in an official government action or decision taken or recommended by the employee.³

These three prohibitions apply to both paid and unpaid activities.

2. Criteria for outside activities

In addition to the specific prohibitions identified above, a District employee may not engage in an outside activity that will:

- conflict with or “appear to conflict with the fair, impartial, and objective performance of officially assigned duties and responsibilities;”⁴
- permit anyone to capitalize on the employee’s official title or position;⁵
- impair the efficient operation of the District;⁶
- interfere with the employee's ability to perform his/her job;⁷
- interfere with the employee’s regular working hours;⁸ or
- impair an employee's mental or physical capacity to carry out his or her duties.⁹

3. Rules that District employees must respect regarding their outside activities

If the outside activity meets the criteria identified above, then an employee may engage in it, but the employee must not:

- use government time or resources for other than official business;¹⁰
- order subordinate employees to perform any personal services not related to official District government work;¹¹
- divulge any official government information to any unauthorized person or in advance of the time prescribed for its authorized issuance, or otherwise making

is representing (without compensation) another employee in personnel administrative proceedings, 18 USC § 205(d)(1), DPM § 1804.8. It has more limited application to temporary or intermittent employees who qualify as “Special Government Employees.” 18 USC § 205(c).

The D.C. Official Code has a provision specifically prohibiting the Mayor and Council Members from representing anyone before a District regulatory agency or court, D.C. Official Code 1-1106.01(h). This prohibition applies to a broader set of activities than 18 USC § 205 in that it applies not just to “particular matters,” but also to discussions of policy, regulations-writing or rulemaking.

The D.C. Official Code provision contains an exception permitting Council Members (but not the Chair) who are licensed to practice law in the District to appear before a D.C. court “in any matter which does not affect his or her official position.” *Id.*

³ 1804.1(d).

⁴ D.C. Official Code § 1-618.02; DPM § 1800.3.

⁵ DPM § 1804.1(e).

⁶ DPM § 1804.1(a).

⁷ DPM § 1804.1(a).

⁸ Mayor’s Memorandum 2003-6. The Mayor’s Memorandum also states that outside employment must not “present a conflict with the interests of the District government.” *Id.* While the Mayor’s Memo does not explain what would constitute such a conflict, this is best understood in reference to the other applicable conflict of interest standards found in federal and District statutes and in District regulations.

⁹ DPM § 1804.1(g).

¹⁰ DPM § 1804.1(b) – with exception for work for other governments.

¹¹ DPM § 1804.1(c).

- use of or permitting others to make use of information not available to the general public;¹² or
- if the outside activity involves serving as an officer, director, trustee, general partner or employee of another organization, then the District employee must not participate personally and substantially (as part of his/her District work) in any particular matter in which that outside organization has a financial interest.¹³

4. Restrictions on outside paid employment

If the outside activity involves compensation, then the District employee must not

- receive pay from either the federal or District government (or a combination of both) for more than 40 hours in any work week cumulative;¹⁴
- receive any gratuity or any share of or interest in any claim against the District in consideration of assistance in prosecuting such a claim;¹⁵
- receive “any compensation for any representational services” regarding any “particular matter in which the District of Columbia is a party or has a direct and substantial interest, before any department, agency, court, officer, or commission;”¹⁶ or
- receive compensation from a non-District source for the employee’s work for the District.¹⁷

These are the parameters against which your request for guidance is measured. In your request, you state that you wish to serve as a “subject matter expert” for a company named xxxxxx xxxxxxxx LLP. You advise that the firm has made a bid on a xxxx xxxxxxxx xxxxxxx (“xxx”) solicitation to assess that agency’s outcome and performance measurement system. Your role would be to brief the project team on xxx’s organization and operations, educate them on how xxx fits into the District’s xxxxxx xxxxxxxx system, and compare it to other xxxxxxx xxxxxxxx agencies in other jurisdictions. You might also be asked to brief members of the entity on the use of performance measures in the xxxxxxxx xxxxxxxx context, speak with xxx personnel, review documents and make recommendations with regard to xxx performance measures and management processes.

Assuming these statements to be accurate, and further assuming that you would abide by the restrictions outlined above, I find no inherent conflict that would prevent you from pursuing this proposed outside activity. Your role as xxxxxxxx of the xxxx xxxxxxxx xxxxxxxx would appear to have little or no potential for overlap with the xxx consultation in which you wish to engage.

Please be advised that this advice is provided to you pursuant to section 219 of the Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011 (“Ethics Act”), effective April 27, 2012, D.C. Law 19-124, D.C. Official Code § 1-1161.01 *et seq.*, which empowers me to provide such guidance. As a result, no enforcement action for violation of the District’s Code of

¹² DPM § 1804.1(f).

¹³ *Id.*

¹⁴ Mayor’s Memorandum 2003-6.

¹⁵ 18 U.S.C. § 205(b)(1).

¹⁶ 18 U.S.C. § 203(b)(1).

¹⁷ 18 U.S.C. § 209 (salary supplementation).

Conduct may be taken against you in this context, provided that you have made full and accurate disclosure of all relevant circumstances and information in seeking this advisory opinion.

Finally, you are advised that the Ethics Act requires this opinion to be published in the District of Columbia Register within 30 days of its issuance, but that identifying information will not be disclosed unless and until you consent to such disclosure in writing, should you wish to do so.

Please let me know if you have any questions or wish to discuss this matter further. I may be reached at 202-481-3411, or by email at darrin.sobin@dc.gov.

Sincerely,

/s/

DARRIN P. SOBIN
Director of Government Ethics
Board of Ethics and Government Accountability

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY

Office of Government Ethics

BEGA – Advisory Opinion – Redacted – 003-12

January 11, 2013

VIA EMAIL TO:

XXXXXXXX XX XXXXXXXX
XXXXXXXXXXXX XX XXX XXXXXXXX XX XXXXXXXX
XXXXXXXXXX@XXX.XXX

Dear xx. xxxxxxxx:

This responds to your request for advice concerning whether a proposed outside activity for pay would be consistent with your ethical obligations as a government employee. Based upon the information you provide in your memorandum to me of December 4, 2012, and your several corresponding email messages, as long as you ensure that you meet the requirements set forth below, your proposed outside activity is permissible.

You state that you are the xxxxxxxx xxxxxxxx xxxxxxxx for the xxxxxxxx xxxxxxxx xxxxxxxx at xxx xxxxxxxxxxxx xx xxx xxxxxxxx xx xxxxxxxx (xxxxx). From xxxx through xxxxxxxx 2012, you worked on a special project pursuant to a xxxxxxxx xxxxxx xxxxxxxx to xxx to develop and implement x xxxxxxxx xxxxxxx xx xxxxxx xxxxxxx involving xxxxxx xxxxxxxxxxxxxxxx xx xxxxxx, xxxxxx, and xxxxxxx xxxxxxxxxxxxxxxx. As the xxxxxxxx xxxxxxxx for the xxxxxx, you xxxxxxxxxxxxxx the xxxxxxxx xxxxxxx, and delivered xxxxxxxx to xxxxxxxx xxxxxxxxxxxxxxxx throughout the xxxxxx xxxxxxx. That xxxxxxxx was free to the xxxxxx xxxxxxxxxxxxxxxx until the xxxxxx expired on xxxxxxxx x, 2012. Despite the cessation of xxxxxx xxxxxxxx and the project essentially having concluded, you state that you continue to receive requests from xxxxxx xxxxxxx to provide xxxxxxxx and that these xxxxxxxxxxxxxxxx are willing to pay for these services. You query whether you can accept these xxxxxxxx offers and be paid personally for appearing while on unpaid leave from xxx.

There are essentially three applicable provisions of the Code of Conduct that inform my decision, each of which are found in Chapter 18, Title 6B of the D.C. Municipal Regulations.¹ Noting specifically that your proposed activity is to engage in teaching, DPM §§ 1804.3 through 1804.5 provides guidance. The DPM states:

1804.3 An employee may engage in teaching activities, writing for publication, consultative activities, and speaking engagements that are not prohibited by law,

¹ Hereinafter, Title 6b of the D.C. Municipal Regulations will be referred to as the District Personnel Manual or DPM.

regulation, or agency standards, only if such activities are conducted outside of regular working hours, or while the employee is on annual leave or leave without pay.

The second provision states:

1804.4 The information used by an employee engaging in an activity under § 1804.3 shall not draw on official data or ideas which have not become part of the body of public information, except nonpublic information that has been made available on request for use in such capacity, or unless the agency head gives written authorization for use on the basis that its use is in the public interest.

And finally:

1804.5 If the employee receives anything of monetary value for engaging in an activity under §1804.3, the subject matter shall not be devoted substantially to the responsibilities, programs, or operations of his or her agency, to his or her official duties or responsibilities or to information obtained from his or her government employment.

Here, you confirm that this is indeed a teaching activity and that the activities would be performed outside of work hours, so DPM § 1804.3 is satisfied. You also confirm that the information you will use for teaching is entirely in the public domain, including the application of certain federal and state laws to various xxxxxxxxx, so DPM § 1804.4 is satisfied as well.

It is the restrictions contained in § 1804.5, however, that give me some pause. You state that you will be paid for these teaching activities, and that this payment will be aside from and in addition to your salary as a xxx xxxxxxx xxxxxx. The question then becomes whether “the subject matter” of the activity is “devoted substantially” to your “official duties” as a xxx xxxxxxx xxxxxx. You deny that this is the case and explain that your xxxxxxxx duties at xxx, while they sometimes include aspects of xxxxxxxxx xxxxxxxxxx, do not include teaching the subject matter of the proposed presentations, which would be entitled xxxxxx xxxxxxxx xx xxxxxxxxxx xxxxxx xxx xxxxxx xxxxxx

This is a close question. On the one hand, the expertise that makes your skills marketable to other xxxxxxxxxxxxxx (and perhaps to private entities as well) was acquired almost exclusively from the xxxx xxxx xxxxx, which funded your xxxxxx while you were working then as a xxx xxxxxxx xxxxxx. On the other hand, that program ended in xxxxxxxxx xx 2012 and so it is no longer a part of your current duties at xxx. The prohibition in DPM § 1804.5 is worded in the present tense, not in the past, so it would appear not to reach prior duties but only to those that currently are part of your official government duties.

Moreover, the type of information you would be relying upon in these trainings, as you state, is entirely public (i.e., xxxxxxxx and their xxxxxxxxxxxxxx), so I am not concerned that confidential information you obtained from your government employment would now be inappropriately revealed or used for your private gain or to the detriment of the District. As prior duties, I believe these circumstances may be analogized to the Post-employment restrictions contained in the DPM. Those restrictions would prohibit you from working on a particular matter concerning specific parties that came before you

while in the District’s employ.² Obviously there are no specific parties or matters involved here in that this is training, so you would not be prohibited from engaging in this activity post-employment.³

The fact that the proposed activity is teaching, rather than some other activity such as advising or consulting, is an important distinction which I believe is the difference here. As demonstrated by the separate provisions for teaching in the DPM, I believe these restrictions were intended to be viewed somewhat more loosely than the restrictions on other types of outside activity.

With respect to the specific materials you will use in the proposed teaching activity, you may not use the actual materials that you obtained and/or created as part of your official government duties at xxx. You may, however, create new materials, as long as those materials do not draw on official data or ideas which have not become part of the body of public information. See DPM § 1804.4.⁴

As we discussed, you must also be careful not to use government time or resources in this endeavor. That includes having your name listed on any D.C. Government website as the point-of-contact for these presentations. If xxx decides instead that it wishes you to continue as you did while you were being xxxx xxxxx xxx xxxxx, you may of course provide other xxxxxxxxxxxx with these trainings free of charge without having to take leave. See § 1804.1(b). But then those duties would become part of your official duties once again and you would not be able to charge personally for conducting the trainings.

I also note that although the DPM permits you to be on annual leave while engaging in this proposed teaching activity, such use must not interfere with your ability to perform your official government duties for xxx. DPM 1804.1(a).

Finally, you must be certain that there is no confusion that you are, in fact, acting in your private capacity when you conduct these trainings. A government employee may not capitalize on his or her official title or position for private gain.⁵ In other words, you must be assured that the reason for which your training expertise is sought is not based upon your status as a xxxxxxxx xxxxxxx xx xxx.

Assuming your representations to be complete as to pertinent facts and entirely accurate, and further assuming that you would abide by the restrictions outlined above, I find that the restrictions on outside employment would not prevent you from pursuing this proposed outside activity. Your role as xxxxxxxx xxxxxxxx xxx xxx xxxxxxxx xxxxxxxx xxxxxxxx, according to you, does not overlap with the trainings you intend to provide to other xxxxx xxxxxxxxxxxx.

Please be advised that this advice is provided to you pursuant to section 219 of the Board of Ethics and Government Accountability Establishment and Comprehensive Ethics

² DPM § 1814.

³ The intent of the post-employment rules is not to disqualify former employees from using their expertise in future employment, but to prevent the use of District confidential information and undue influence for the gain of future employers.

⁴ The head of your agency may, however, approve such use of non-public information (in writing) where there would be a benefit to the public interest.

⁵ DPM § 1803.1(a)(1).

Reform Amendment Act of 2011 (“Ethics Act”), effective April 27, 2012, D.C. Law 19-124, D.C. Official Code § 1-1161.01 *et seq.*, which empowers me to provide such guidance. As a result, no enforcement action for violation of the District’s Code of Conduct may be taken against you in this context, provided that you have made full and accurate disclosure of all relevant circumstances and information in seeking this advisory opinion.

Finally, you are advised that the Ethics Act requires this opinion to be published in the District of Columbia Register within 30 days of its issuance, but that identifying information will not be disclosed unless and until you consent to such disclosure in writing, should you wish to do so.

Please let me know if you have any questions or wish to discuss this matter further. I may be reached at 202-481-3411, or by email at darrin.sobin@dc.gov.

Sincerely,

/s/

DARRIN P. SOBIN
Director of Government Ethics
Board of Ethics and Government Accountability

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY

Office of Government Ethics

BEGA – Advisory Opinion – Redacted – 005-12

January 31, 2013

VIA EMAIL TO:

XXXXXXXXXXXXXXXXXXXX
XXXX XXXXXXXXXXXXXXXXXXXX
D.C. Department of XXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXXXX@dc.gov

Dear xx. XXXXXXXXXXXXXXX:

This responds to your December 10, 2012, email in which you seek guidance concerning an outside activity in which you wish to participate and your ethical obligations as a government employee. Based upon the factual predicates you provide in your email, as long as you ensure that you do not violate any of the provisions set forth below, your proposed outside activity is permissible.

You state that you are a XXXX XXXXXXXXXXXXXXX with the D.C. Department of XXXXXXXXXXXXXXX and you own a company called XXXXXXX, XXX, which is licensed to do business in the District and which seeks to do business with the District government, as well as other XXXXX XXXXXXXXXXXXXXX in the area and private businesses. As a government employee, your outside activities are restricted and informed by federal statutes as well as District laws and rules. The following summarizes the various requirements/restrictions:

A District employee may not engage in any outside employment or other activity which is not compatible with the full and proper discharge of his or her duties and responsibilities as a government employee. Activities or actions which are not compatible with government employment include, but are not limited to, the following:¹

- (a) Engaging in any outside employment, private business activity, or other interest which may interfere with the employee’s ability to perform his or her job, or which may impair the efficient operation of the District of Columbia government;²
- (b) Using government time or resources for other than official business . . . ;³
- (d) Maintaining financial or economic interest in or serving (with or without compensation) as an officer or director of an outside entity if there is any

¹ D.C. MUN. REGS. tit. 6, § 1804.1. (Hereinafter Title 6 of the D.C. Municipal Regulations will be referred to as D.C. Personnel Manual or DPM.)

² DPM § 1804.1(a).

³ DPM § 1804.1(b).

likelihood that such entity might be involved in an official government action or decision taken or recommended by the employee;⁴

- (e) Engaging in any outside employment, private business activity, or interest which permits an employee, or others, to capitalize on his or her official title or position;⁵
- (f) Divulging any official government information to any unauthorized person or in advance of the time prescribed for its authorized issuance, or otherwise making use of or permitting others to make use of information not available to the general public⁶

In addition to the specific prohibitions identified above, a District employee may not engage in an outside activity that will:

- conflict with or “appear to conflict with the fair, impartial, and objective performance of officially assigned duties and responsibilities;”⁷
- interfere with the employee’s regular working hours;⁸ or
- impair an employee's mental or physical capacity to carry out his or her duties.⁹

In your email, you did not state whether your company, xxxxxxxx, xxx, will seek business with the D.C. Department of xxxxxxxxxxxxxx. If it does seek or receive a D.C. Department of xxxxxxxxxxxxxx contract, to avoid violating any of the provisions set forth above, you shall be required to notify the D.C. Department of xxxxxxxxxxxxxx, in writing, that you are the owner of xxxxxxxx, xxx, and, formally recuse yourself from any work-related duties related to that procurement and oversight of that contract. In addition, if xxxxxxxx, xxx, seeks or obtains a District government contract with any District agency, including, but not limited to, the D.C. Department of xxxxxxxxxxxxxx, you must ensure that you take no action that gives the appearance that you are trying to influence other District employees to award a contract to xxxxxxxx, xxx, or to act favorably toward it during the administration of its contract.

Specifically, you must ensure that you do not violate the following provisions of DPM § 1803.1 (Responsibilities of Employees):

- (a) An employee shall avoid action, whether or not specifically prohibited by this chapter, which might result in or create the appearance of the following:
 - (1) Using public office for private gain;
 - (2) Giving preferential treatment to any person;
 - (3) Impeding government efficiency or economy;
 - (4) Losing complete independence or impartiality;
 - (5) Making a government decision outside official channels; or

⁴ DPM § 1804.1(d).

⁵ DPM § 1804.1(e).

⁶ DPM § 1804.1(f).

⁷ D.C. Official Code § 1-618.02; DPM § 1800.3.

⁸ Mayor’s Memorandum 2003-6. The Mayor’s Memorandum also states that outside employment must not “present a conflict with the interests of the District government.” *Id.* While the Mayor’s Memo does not explain what would constitute such a conflict, this is best understood in reference to the other applicable conflict of interest standards found in federal and District statutes and in District regulations.

⁹ DPM § 1804.1(g).

(6) Affecting adversely the confidence of the public in the integrity of government.

In addition, you must take affirmative steps to ensure that you do not violate DPM § 1816 (Government Contracts), which states:

An employee shall not be a party to a contract with the District government and shall not knowingly cause or allow a business concern or other organization owned or substantially owned or controlled by the employee to be a party to such a contract, unless a written determination has been made by the head of the procuring agency that there is a compelling reason for contracting with the employee, such as when the government’s needs cannot reasonably otherwise be met.¹⁰

Assuming that you obtain from the head of the procuring agency, a written determination that there is a compelling reason for contracting with xxxxxxx, xxx, recuse yourself, in writing, from any involvement in the award of a contract to or the administration of a contract for xxxxxxx, xxx, and take steps to ensure that you do not engage in conduct that violates DPM § 1803.1 (Responsibilities of Employees), I find that your proposed outside activity is permissible.

Please be advised that this advice is provided to you pursuant to section 219 of the Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011 (“Ethics Act”), effective April 27, 2012, D.C. Law 19-124, D.C. Official Code § 1-1161.01 *et seq.*, which empowers me to provide such guidance. As a result, no enforcement action for violation of the District’s Code of Conduct may be taken against you in this context, provided that you have made full and accurate disclosure of all relevant circumstances and information in seeking this advisory opinion.

Finally, you are advised that the Ethics Act requires this opinion to be published in the District of Columbia Register within 30 days of its issuance, but that identifying information will not be disclosed unless and until you consent to such disclosure in writing, should you wish to do so.

Please let me know if you have any questions or wish to discuss this matter further. I may be reached at 202-481-3411, or by email at darrin.sobin@dc.gov.

Sincerely,

/s/
DARRIN P. SOBIN
Director of Government Ethics
Board of Ethics and Government Accountability

¹⁰ DPM § 1816.1. As explained in DPM § 1816.2, “[t]his policy is intended to avoid any conflict of interest that might arise between an employee’s private interests and the employee’s District government duties, and to avoid the appearance of favoritism or preferential treatment by the District government toward its employees.”

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY

Office of Government Ethics

BEGA – Advisory Opinion – Redacted – 006-12

December 11, 2012

XXXX XXXXXX
XXXX XXXX XX XX
XXXXXXXXXX, XX XXXXX

Dear xxx xxxxxx:

This responds to your letter (email) dated November 28, 2012, asking whether you permissibly may work on a contract awarded to a firm by the District of Columbia government, in light of your prior employment by the District. A provision of the contract requires coordination between the firm and the District agency where you formerly worked. Based on the factual predicates provided in your letter and in my conversations with you, I do not believe that your work on the contract conflicts with the ethical obligations that bind former employees.

The contract was awarded by the D.C. Department of xxx xxxxxxxxxxxx xxxxxx to xxx xxxxxxxxxxxx xxxxx of xxxxxxxxxxxx xxxxxxxx, to develop a new xxxxxxxxxxxxxxxx xxxxxxx xxxxx for xxxxx. On xxxxxxxx xx, 2011 you completed xxx xxxxxxx xxxxxx as a xxxxxxxxxxxxxxxx on the xxxxx xxxxxxx xxxxxxxx xxxxxxxxxxxxxxx xxxxxx. You state that you presumptively were a “senior employee” by virtue of your compensation level, xxxxxx. As a xxx xxxxxxxxxxxxxxx, you had considerable interaction with xxxxx. You now work as an individual consultant on xxxxxxx xxxxxxx and xxxxxxx xxxxxxx. In your consultant capacity, you are part of a team of xxxxxxxxxxxxxxxx to xxx. You state that you were retained by xxx for this project because of your familiarity with District xxxxxxx xxxxxxx xxxxxxx, and that your name appears in xxx xxxxxxxxxxx.

xxxxxxxx xxxxxxxx of the contract states: “xxx xxxxxxxxxxx xxxxx xxxxx, xx xxxxxxxxxxxxxxx xxxxx xxxxx xxx xxx xxx xxx, xxxxxxxxxxx xx xxxxxxxxxxx xxxxxxxx xx xxxxxxx xxxxxxxx xxxxxxxxxxxxxxxxxx xxx xxx xxxxxxxxxxx xxxxxxxxxxx xxxxx xxxxxxxx xx xxxxxxx xxxxxxxx xxxxxxxx.”

Post-Employment Restrictions

Certain restrictions apply to the post-employment activities of former District employees. All employees are subject to a lifetime ban on appearing in a representational capacity before an agency regarding “a particular government matter involving a specific party if the employee participated personally and substantially in that matter as a government employee.”¹ A lifetime ban also prohibits former employees from communicating with

¹ 6A DCMR § 1814.4.

licenses and the like.⁷ The definition provides limited assistance in construing the one-year post-employment ban, which expressly covers a particular matter whether or not it involves a specific party. Federal ethics authority, which we view as persuasive albeit not binding authority, is more helpful on this point. “Particular matter,” which is used pervasively in federal ethics regulations, is defined in one rule as including “matters that involve deliberation, decision, or action that is focused upon the interests of specific persons, *or* a discrete and identifiable class of persons.”⁸ The term clearly is not limited to identifiable persons. Indeed, it “may extend to legislation or policy making that is narrowly focused on the interests of a discrete and identifiable class of persons.”⁹ It does not, however, cover “consideration or adoption of broad policy options directed to the interests of a large and diverse group of persons.”¹⁰

Under this authority, the xxxxxxxxxxxxxxx xxxxxx xxxx to be developed under the xxx contract is clearly too broad to be deemed a “particular matter.” The contract envisions a xxxx that will include xxxxxxxx and xxxxxxxxxxxxxxxxx likely to xxxxxxx x xxxx xxxxx xx xxxxxxxxxxxxxx, xxxxxxxxxxxxxx and xxxxxxxxxxxxxx. While the xxxx almost certainly will lead to future particular matters, the xxxx itself is not such a matter.

Finally, it requires an unduly attenuated chain of reasoning to describe the transactions involved in coordinating a portion of the xxxxx with your former agency as activity intended to influence the agency. xxxx issued the contract and has ultimate responsibility for its completion and further use. Given the respective positions that you and the xxx occupy with respect to the contract, it appears more likely that the xxx might have an interest in influencing xxx and you, not the other way around.

For all of these reasons, I do not believe that your government ethics obligations as a former xxxxxxxxxxxxxx xx xxx xxx would prohibit the proposed post-employment activity described herein.

Please be advised that this advice is provided to you pursuant to section 219 of the Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011 (“Ethics Act”), effective April 27, 2012, D.C. Law 19-124, D.C. Official Code § 1-1161.01 *et seq.*, which empowers me to provide such guidance. As a result, no enforcement action for violation of the District’s Code of Conduct may be taken against you in this context, provided that you have made full and accurate disclosure of all relevant circumstances and information in seeking this advisory opinion.

Finally, you are advised that the Ethics Act requires this opinion to be published in the District of Columbia Register within 30 days of its issuance, but that identifying information will not be disclosed unless and until you consent to such disclosure in writing, should you wish to do so.

⁷ *Id.*

⁸ 5 CFR § 2640.103(a)(1) (emphasis added). Part 2640 contains interpretation, exemptions and waiver guidance concerning 18 U.S.C. 208 (acts affecting personal financial interest).

⁹ *Id.*

¹⁰ *Id.* For example, a regulation applicable only to meat packing plants is a particular matter; a change to health and safety regulations applicable to all employers in the United States is not. *Id.*, examples 3, 4.

Please let me know if you have any questions or wish to discuss this matter further. I may be reached at 202-481-3411, or by email at darrin.sobin@dc.gov.

Thank you for bringing this matter to my attention.

Sincerely,

DARRIN P. SOBIN
Director of Government Ethics
Board of Ethics and Government Accountability

**DEPARTMENT OF HEALTH CARE FINANCE
NOTICE OF PUBLIC MEETING**

Department of Health Care Finance Pharmacy and Therapeutics Committee

The Department of Health Care Finance (DHCF) Pharmacy and Therapeutics Committee (P&T Committee), pursuant to the requirements of Mayor's Order 2007-46, dated January 23, 2007, hereby announces a public meeting of the P&T Committee to obtain input on the review and maintenance of a Preferred Drug List (PDL) for the District of Columbia. The meeting will be held **Thursday, March 7, 2013**, at 2:30pm in the 4th Floor Conference Room 406 at 899 North Capitol Street, NE Washington, DC 20002.

The P&T Committee will receive public comments from interested individuals on issues relating to the topics or class reviews to be discussed at this meeting. The clinical drug class review for this meeting will include:

Antiemetics/Antivertigo Agents	Hypoglycemics, Insulins
Bladder Relaxants	Hypoglycemics, Meglitinides
BPH Agents	Hypoglycemics, TZDs
Erythropoiesis Stimulating Agents	Phosphate Binders
Histamine-2-Receptor Antagonists	Proton Pump Inhibitors
H. Pylori agents	Ulcerative Colitis Agents
Hypoglycemic Incretin Mimetics/ Enhancers	

Any person or organizations who wish to make a presentation to the DHCF P&T Committee should furnish his or her name, address, telephone number, and name of organization represented by calling (202) 442-9076 **no later than 4:45pm on Thursday, February 28, 2013**. The person or organization may also submit the aforementioned information via e-mail to Charlene Fairfax (charlene.fairfax@dc.gov).

An individual wishing to make an oral presentation to the P&T Committee will be limited to three (3) minutes. A person wishing to provide written information should supply twenty (20) copies of the written information to the P&T Committee **no later than 4:45pm on Thursday, February 28, 2013**. **Handouts are limited to no more than two standard 8-1/2 by 11 inch pages of "bulleted" points (or one page front and back)**. The ready-to-disseminate, written information can also be mailed **to arrive no later than Thursday, February 28, 2013** to:

Department of Health Care Finance
Attention: Charlene Fairfax, RPh, CDE
899 North Capitol Street, NE, 6th floor
Washington, DC 20002

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

February 12, 2013
815 Florida Avenue, NW
Washington, DC 20001

5:30 pm

AGENDA

- I. Call to order and verification of quorum.
- II. Vote to close meeting to discuss the approval of an Eligibility Resolution for The Lofts at Capitol Quarter 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. An open meeting would adversely affect the bargaining position or negotiation strategy of the public body. (D.C. Code §2-405(b)(2)).
- III. Re-open meeting.
- IV. Consideration of DCHFA Eligibility Resolution No. 2013-01 for the approval of The Lofts at Capitol Quarter project and bond transaction.
- V. Executive Director's Report.
- VI. Other Business.
- VII. Adjournment.

DISTRICT OF COLUMBIA COMMISSION ON JUDICIAL DISABILITIES AND TENURE

**Judicial Tenure Commission Begins Review Of
Judge Rufus G. King, III**

This is to notify members of the bar and the general public that Judge Rufus G. King, III of the Superior Court of the District of Columbia has requested a recommendation for reappointment as a Senior Judge.

The District of Columbia Retired Judge Service Act P.L. 98-598, 98 Stat. 3142, as amended by the District of Columbia Judicial Efficiency and Improvement Act, P.L. 99-573, 100 Stat. 3233, §13(1) provides in part as follows:

"...A retired judge willing to perform judicial duties may request a recommendation as a senior judge from the Commission. Such judge shall submit to the Commission such information as the Commission considers necessary to a recommendation under this subsection.

(2) The Commission shall submit a written report of its recommendations and findings to the appropriate chief judge of the judge requesting appointment within 180 days of the date of the request for recommendation. The Commission, under such criteria as it considers appropriate, shall make a favorable or unfavorable recommendation to the appropriate chief judge regarding an appointment as senior judge. The recommendation of the Commission shall be final.

(3) The appropriate chief judge shall notify the Commission and the judge requesting appointment of such chief judge's decision regarding appointment within 30 days after receipt of the Commission's recommendation and findings. The decision of such chief judge regarding such appointment shall be final."

The Commission hereby requests members of the bar, litigants, former jurors, interested organizations, and members of the public to submit any information bearing on the qualifications of Judge King which it is believed will aid the Commission. The cooperation of the community at an early stage will greatly aid the Commission in fulfilling its responsibilities. The identity of any person submitting materials will be kept confidential unless expressly authorized by the person submitting the information.

All communications should be mailed or faxed, by **March 22, 2013**, and addressed to:

District of Columbia Commission on Judicial Disabilities and Tenure
Building A, Room 246
515 Fifth Street, N.W.
Washington, D.C. 20001
Telephone: (202) 727-1363
FAX: (202) 727-9718

The members of the Commission are:

Hon. Gladys Kessler, Chairperson
William P. Lightfoot, Esq., Vice Chairperson
Michael K. Fauntroy, Ph.D.
Noel J. Francisco, Esq.
Shirley Ann Higuchi, Esq.
Jeannine C. Sanford, Esq.

BY: /s/ Gladys Kessler
Chairperson

KIPP DC
REQUESTS FOR PROPOSALS
BORROWER'S COUNSEL LEGAL SERVICES

KIPP DC Charter Schools will receive bids for Borrower's Counsel Legal Services until 5:00pm on February 19, 2013. For a full RFP, contact Alex Shawe at alex.shawe@kipfdc.org

KIPP DC
REQUESTS FOR PROPOSALS
ARCHITECTURAL / ENGINEERING SERVICES

KIPP DC Charter Schools will receive bids for A/E Services until 5:00pm on February 20, 2013. For a full RFP, contact Alex Shawe at alex.shawe@kipfdc.org

MUNDO VERDE PUBLIC CHARTER SCHOOL

REQUEST FOR PROPOSALS

**Architectural and Engineering Services
Project Management Services**

Mundo Verde PCS invites all interested parties to submit proposals to provide (1) Architecture and Engineering Services and/or (2) Project Management Services for substantial renovations or new construction of a 45,000-55,000 square foot facility with an anticipated completion date of August, 2014. Proposals are due no later than 12:00 PM February 19, 2013. The complete RFP can be obtained by contacting:

Anna Johnson
3220 16th Street, NW
Washington, DC 20010
202-630-8373
ajohnson@mundoverdepcs.org

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
DC TAXICAB COMMISSION**

NOTICE OF GENERAL COMMISSION MEETING

The District of Columbia Taxicab Commission will be holding its regularly scheduled General Commission Meeting on Wednesday, February 13, 2013 at 10:00 am. The meeting will be held in the Old Council Chambers at 441 4th Street, NW, Washington, DC 20001.

The final agenda will be posted no later than seven (7) days before the General Commission Meeting on the DCTC website at www.dctaxi.dc.gov.

Members of the public must register to speak. The time limit for registered speakers is five (5) minutes. A speaker should also submit two (2) copies of any prepared statement to the Assistant Secretary to the Commission. Registration to speak closes at 3:30 pm the day prior to the meeting. Contact the Assistant Secretary to the Commission, Ms. Mixon, on 202-645-6012. Registration consists of your name; your phone number or email contact; and your subject matter.

DRAFT AGENDA

- I. Call to Order
- II. Commission Communication
- III. Commission Action Items
- IV. Government Communications and Presentations
- V. General Counsel's Report
- VI. Staff Reports
- VII. Public Comment Period
- VIII. Adjournment

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

BOARD OF DIRECTORS

NOTICE OF PUBLIC MEETING

Human Resources and Labor Relations Committee

The Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) Human Resources and Labor Relations Committee will be holding a meeting on Wednesday, February 13, 2013 at 9:00 a.m. The meeting will be held in the Board Room (4th floor) at 5000 Overlook Avenue, S.W., Washington, D.C. 20032. Below is the draft agenda for this meeting. A final agenda will be posted to DC Water’s website at www.dcwater.com.

For additional information, please contact Linda R. Manley, Board Secretary at (202) 787-2332 or lmanley@dcwater.com.

DRAFT AGENDA

- | | | |
|----|----------------|-----------------------|
| 1. | Call to Order | Committee Chairperson |
| 2. | HR Updates | Committee Chairperson |
| 3. | Other Business | Committee Chairperson |
| 4. | Adjournment | Committee Chairperson |

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Order No. 18109-A of Washington Metropolitan Community Development Corporation, Motion for a Two-Year Extension of BZA Order No. 18109.

The original application was pursuant to 11 DCMR §§ 3104.1 and 3103.2, for a variance from the floor area ratio requirements under subsection 771.2, a variance from the nonconforming structure provisions under subsection 2001.3, and a special exception from the parking requirements for a historic resource under subsection 2120.6, to allow the construction of a retail and commercial office building in the C-1 District at premises 5127-5131 Nannie Helen Burroughs Avenue, N.E. (Square 5196, Lots 801 and 805).

HEARING DATE (Orig. Application): October 5, 2010
DECISION DATE (Orig. Application): October 5, 2010
FINAL ORDER ISSUANCE DATE (No. 18109): October 14, 2010
DECISION ON MOTION TO EXTEND ORDER: October 23, 2012 and November 7, 2012

**ORDER ON MOTION TO EXTEND
THE VALIDITY OF BZA ORDER NO. 18109**

The Underlying BZA Order

On October 5, 2010, the Board of Zoning Adjustment (the “Board” or “BZA”) approved the Applicant’s request for a variance from the floor area ratio requirements under § 771.2, a variance from the nonconforming structure provisions under § 2001.3, and a special exception from the parking requirements for a historic resource under § 2120.6, to allow the construction of a retail and commercial office building in the C-1 District. Thus, pursuant to 11 DCMR §§ 3104.1 and 3103.2, the Board granted a special exception under § 2120.6 and variances under §§ 771.2 and 2001.3, to allow the construction of a retail and commercial office building in the C-1 District at premises 5127-5131 Nannie Helen Burroughs Avenue, N.E. (Square 5196, Lots 801 and 805). Order No. 18109 (the “Order”) was issued October 14, 2010. (Exhibit 31.)

Under the Order, and pursuant to § 3130.1 of the Zoning Regulations, the Order was valid for two years from the time it was issued – until October 14, 2012.

Section 3130.1¹ states:

¹ Section 3130.1 was amended by the addition of the phrase “except as permitted in § 3130.6” by the Zoning Commission in Z.C. Case No. 09-01. The amendment became effective on June 5, 2009.

BZA APPLICATION NO. 18109-A**PAGE NO. 2**

No order [of the Board] authorizing the erection or alteration of a structure shall be valid for a period longer than two (2) years, or one (1) year for an Electronic Equipment Facility (EEF), unless within such period, the plans for the erection or alteration are filed for the purposes of securing a building permit, except as permitted in § 3130.6.

(11 DCMR § 3130.1.)

Motion to Extend

On September 5, 2012, the Board received a letter from the Applicant's attorney, which requested, pursuant to 11 DCMR § 3130.6,² a two-year extension in the authority granted in the underlying BZA Order, which was then due to expire on October 14, 2012. (Exhibit 33.)

On October 23, 2012, the Board convened to consider the Motion to Extend BZA No. 18109 for two years. At that meeting, the Board requested additional, first-hand information and allowed the Applicant to supplement the record with an affidavit of good cause for the extension. In response, the Applicant submitted an affidavit to supplement the record on November 2, 2012, to meet the good cause requirements of 11 DCMR § 3130.6. (Exhibit 36.)

The Applicant served its extension request and supplemental information on the parties in the case and provided them the requisite 30 days in which to respond, pursuant to § 3130.6. Thus, the Applicant served the request to the Chair of Advisory Neighborhood Commission ("ANC") 7C, which is the affected ANC and the only other party to the case, and to the Office of Planning ("OP"), notifying them of the Applicant's motion for a two-year time extension and sharing all the documentation in support of that motion with them. (Exhibits 33 and 36.)

The project is within the boundaries of ANC 7C. ANC 7C did not file a report on the request for extension. OP filed a report recommending that the Board grant the Applicant's request for a two-year extension of Order No. 18109. (Exhibit 34.)

To demonstrate good cause for its request for an extension, the Applicant's November 2nd filing contained an affidavit from the Executive Director of the Washington Metropolitan Community Development Corporation ("WMCDC"), the Applicant in this case. (Exhibit 36.) He attested that, due to the current economic and market conditions, the Applicant had been unable to secure financing for the project until it first secured sufficient interest from a credit-worthy anchor retail tenant. The Applicant stated that it had been awarded the redevelopment rights to the subject property through a competitive process managed by the Deputy Mayor for Planning and Economic Development ("DMPED") in 2008. Then, the Applicant and the District entered into a Disposition and Development Agreement on March 31, 2010. Subsequently, the development timetable was extended

² Section 3130.6 was adopted by the Zoning Commission in Z.C. Case No. 09-01 and became effective on June 5, 2009.

BZA APPLICATION NO. 18109-A**PAGE NO. 3**

on October 6, 2011 and the project received a second extension approval by the District of Columbia Council in September 2012.

In its affidavit, the Applicant indicated that since the award of redevelopment rights, it has worked diligently together with the DMPED toward the redevelopment of the historic Strand Theater. As evidence of that, the affiant indicated that on October 22, 2009, the project received concept approval from the Historic Preservation Review Board. Also in 2009, the Applicant engaged professional retail brokers in an effort to identify potential tenants for the subject property. The Applicant indicated that the development team reached out to a variety of partners, including the Washington DC Economic Partnership and DMPED which presented the project as part of the District's presentation to the International Council of Shopping Centers ("ICSC") annual conference in Las Vegas. The project also had been listed on multiple listing sites for at least three years. The affiant stated that several potential retailers have been shown the property. Despite these efforts, the Applicant indicated that there had been minimal interest from credit-worthy tenants during the period 2009 -- 2012.

Nonetheless, substantial progress on the project has been made. The affidavit states that the Applicant, during the period 2009 – 2011, held numerous discussions with a number of local banks to explore underwriting for the project. At the time, all of the banks thus contacted had indicated that they would not be interested in providing financing without a credit-worthy anchor tenant to secure the construction and permanent financing.

As a result of contacts made at the ICSC, in April 2012, a national discount retailer expressed interest in occupying the ground floor of the project and in July 2012, entered into a Letter of Intent for the retail space. On the strength of the Letter of Intent and also in July 2012, the Applicant executed a term sheet with a local bank for construction and permanent financing for the project. As a result, design and predevelopment work resumed with the project's architects. Plans are currently at the Design Development Stage and the development team has prepared a Stage I Historic Review Submission for tax credit approval and is working with DMPED to round out the funding for the project. However, the affiant notes that despite the solid progress, the Applicant would not be able to complete its construction drawings and file for building permits prior to the expiration of Order No. 18109 on October 14, 2012, and thereby requests an extension of two years of that order's effectiveness. (Exhibit 36.)

As discussed above, the Applicant's time extension motion first was put on the Board's October 23, 2012 decision meeting agenda. At that meeting, the Board requested supporting documentation pursuant to the requirements of § 3130.6 and rescheduled its decision for November 7, 2012. In response to the Board's request for additional documentation, the Applicant submitted its supplemental filing on November 2, 2012. That filing contained an affidavit from the Executive Director of the Applicant who has first-hand information regarding the project and the Applicant's efforts to obtain financing for the project. (Exhibit 36.)

BZA APPLICATION NO. 18109-A**PAGE NO. 4**

As discussed herein, the Applicant, through its attorney, submitted a request for a time extension and supplemental information supporting that request, documenting the Applicant's difficulties and efforts in securing a credit-worthy anchor retail tenant and financing for the project to demonstrate good cause for granting the two-year extension of the Board's prior approval. The Applicant's filings indicated that the Applicant has received a commitment from a national chain retailer as well as filed for a Federal Historic Rehabilitation Tax Credit to secure financing for the development. Moreover, the Applicant has attested that design and predevelopment work is well underway, but a time extension is required in order for it to have sufficient time in which to complete the construction drawings and file for building permits. (Exhibits 33 and 36.)

At its decision meeting on November 7, 2012, the Board found that the requirements of 11 DCMR § 3130.6 had been met and granted the Applicant the two-year extension of BZA Order No. 18109 until October 14, 2014.

According to the Applicant, the reasons for its request to the Board to extend Order No. 18109 for another two years are because of the impossibility of securing financing for construction of the project on a speculative basis in the economic climate that persisted since 2008 and its difficulties in securing a credit-worthy retail tenant to anchor the project until recently. The Applicant indicated that over the last two years, the Applicant had difficulty securing an anchor tenant and consequently was met with resistance from potential lending institutions in securing construction and permanent financing until it had a potential anchor tenant. To show good cause for a time extension of the Order, the Applicant's filings included an affidavit from the Applicant's Executive Director, who was able to provide first-hand documentation of the Applicant's efforts and difficulties both in securing financing and obtaining an anchor tenant over the last two or three years. (Exhibit 36.) The Applicant attested that, after diligent effort, as of July 2012, it had an executed Letter of Intent from a potential anchor tenant, a national chain discount retailer, which commits the parties toward the negotiation of a long-term lease for all of the project's retail space, with delivery of said retail space in the first quarter of 2014. On the basis of that Letter of Intent, a local lender has begun the underwriting process that will lead to a commitment for construction and permanent financing. In light of this progress, the Applicant will be able to proceed with the development of construction drawings for the retail space to meet the specifications of the Letter of Intent; however, it is necessary for the Applicant to have an extension of time to complete its building permit application because there is insufficient time in which to complete those drawings and file for a building permit before the approval order is set to expire.

In sum, due to the difficulties in obtaining an anchor tenant and project financing the Applicant encountered because of market conditions beyond its control, the Applicant has been unable to proceed with the development in sufficient time before the order is due to expire. Even so, the Applicant has made significant progress in overcoming these difficulties through obtaining a Letter of Intent from an interested national retail chain and the start of underwriting from a local lender. Nevertheless, the Applicant still needs an extension of time in which to complete the construction drawings and file for building

BZA APPLICATION NO. 18109-A**PAGE NO. 5**

permits. Thus, the Applicant requests the two-year extension to allow ample time for the Applicant to complete its development plans and construct the project. (Exhibit 36.)

In addition, the Applicant stated that the plans approved for the development of the site and other material facts are unchanged from those approved by the Board in its Order issued on October 14, 2010. Also, there have been no changes to the Zone District classification or the Comprehensive Plan applicable to the property. The extension would allow the Applicant the necessary additional time in which to secure financing and complete its development plans and file for building permits. Accordingly, the Applicant requested that, pursuant to § 3130.6 of the Regulations, the Board extend the validity of its prior Order for an additional two years, thereby allowing the Applicant additional time to secure financing and apply for a building permit.

The Zoning Commission adopted 11 DCMR § 3130.6 in Zoning Commission Case No. 09-01. The Subsection became effective on June 5, 2009.

Subsection 3130.6 of the Zoning Regulations states in full:

- 3130.6 The Board may grant one extension of the time periods in §§ 3130.1 for good cause shown upon the filing of a written request by the applicant before the expiration of the approval; provided, that the Board determines that the following requirements are met:
- (a) The extension request is served on all parties to the application by the applicant, and all parties are allowed thirty (30) days to respond;
 - (b) There is no substantial change in any of the material facts upon which the Board based its original approval of the application that would undermine the Board's justification for approving the original application; and
 - (c) The applicant demonstrates that there is good cause for such extension, with substantial evidence of one or more of the following criteria:
 - (1) An inability to obtain sufficient project financing due to economic and market conditions beyond the applicant's reasonable control;
 - (2) An inability to secure all required governmental agency approvals by the expiration date of the Board's order because of delays that are beyond the applicant's reasonable control; or

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- (3) The existence of pending litigation or such other condition, circumstance, or factor beyond the applicant's reasonable control.

(11 DCMR § 3130.6.)

Pursuant to 11 DCMR § 3130.9, for a request for a time extension to toll the expiration date of the underlying order for the sole purpose of allowing the Board to consider the request, the motion must be filed at least 30 days prior to the date on which an order is due to expire. The Applicant filed its request on September 5, 2012, thus meeting the required 30-day period for tolling. Pursuant to 11 DCMR § 3130.9, the Board granted the tolling of the Order's expiration date to provide the Board time in which to consider the request for a two-year extension of that Order.

The Board also found that the Applicant has met the criteria set forth in § 3130.6. The motion for a time extension was served on all the parties to the application and those parties were given 30 days in which to respond under § 3130.6(a). The Applicant's difficulties and the delay in obtaining a credit-worthy anchor retail tenant and securing the necessary financing and the poor economic conditions in the District's real estate market during the period in question constitute the "good cause" required under § 3130.6(c)(1).

As required by § 3130.6(b), there is no substantial change in any of the material facts upon which the Board based its original approval. In requesting this extension of the Order, the Applicant's plans for development of the site would be unchanged from those approved by the Board in its Order dated October 14, 2010 (Exhibit No. 11 in the record). There have been no changes to the Zone District classification applicable to the property or to the Comprehensive Plan affecting this site since the issuance of the Board's original Order.

Neither the ANC nor any party to the application objected to an extension of the Order. The Board concludes that the extension of that relief is appropriate under the current circumstances.

Pursuant to 11 DCMR § 3101.6, the Board has determined to waive the requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. Pursuant to 11 DCMR § 3130, the Board of Zoning Adjustment hereby **ORDERS APPROVAL** of Case No. 18109-A for a two-year time extension of Order No. 18109, which Order shall be valid until **October 14, 2014**, within which time the Applicant must file plans for the proposed structure with the Department of Consumer and Regulatory Affairs for the purpose of securing a building permit.

VOTE: 4-0-1 (Lloyd J. Jordan, Nicole C. Sorg, Anthony J. Hood (by absentee vote), and Jeffrey L. Hinkle, to Approve; the third Mayoral appointee vacant.)

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BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

A majority of the Board members approved the issuance of this order.

FINAL DATE OF ORDER: January 30, 2013

PURSUANT TO 11 DCMR § 3125.9, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO § 3125.6.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Application No. 18477 of Abdo 14th St LLC, pursuant to 11 DCMR §§ 3103.2 and 3104.1, for a variance from the building height setback requirements under subsection 1902.1(b), a variance from the off-street parking requirements under subsection 2101.1, and a special exception from the rear yard requirements under subsection 774.2, in the ARTS/C-3-A District at premises 1400-1404 14th Street, N.W. (Square 210, Lots 82, 102, and 800).

HEARING DATE: January 8, 2013

DECISION DATE: January 8, 2013

SUMMARY ORDER

SELF-CERTIFIED

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2. (Exhibit 5.)

The Board of Zoning Adjustment (the "Board") provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register* and by mail to Advisory Neighborhood Commission ("ANC") 2F, and to owners of property within 200 feet of the site. The site is located within the jurisdiction of ANC 2F, which is automatically a party to this application. ANC 2F submitted a timely letter in support of the application. The ANC letter indicated that at a duly noticed, regularly scheduled public meeting held on December 5, 2012 of ANC 2F with a quorum of commissioners present, the ANC voted unanimously (5:0) to support the application. (Exhibit 31.)

The Office of Planning ("OP") submitted a report in support of the application.¹ (Exhibit 27.) The District Department of Transportation ("DDOT") submitted an initial report expressing its concerns of the application and asked for additional information from the Applicant. (Exhibit 30.) The Applicant submitted the requested additional information. The Historic Preservation Review Board ("HPRB") staff report recommended the HPRB find the proposed project concept compatible with the character of the historic district and the purposes of the preservation law. (Exhibit 7.)

Letters of support for the application were submitted by Gary Lustine, Lustine Realty Company (Exhibits 26 and 29), James Kane, president, 1426 Rhode Island Ave., NW Condominium Association for the association (Exhibit 24), and David Misenhimer, president, Willison Board of Directors on behalf of that condominium association (Exhibit 23). At the hearing the Board gave leave for the Applicant to submit a letter of support from Mr. Greg Kahn who was away from town and unable to submit a letter prior to the

¹ OP recommended that the Applicant identify bicycle parking location on the Site Plan. (Exhibit 27.) The Applicant submitted revised plans at the hearing showing the location of the bicycle racks in response to the recommendation. (Exhibit 32.)

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proceedings. Thereafter, a letter of support was filed by Mr. Kahn, owner of Kahn Design Architects located at 1327 14th Street, N.W., who owns both the business and the property where the business is located. He is also co-owner of the office property located at 1405 Rhode Island Avenue that is adjacent to the subject property of this application. (Exhibit 38.)

Variance Relief:

As directed by 11 DCMR § 3119.2, the Board required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case for a variance under § 3103.2 from the strict application of the building height setback requirements under § 1902.1(b) and the off-street parking requirements under § 2101.1.

Based upon the record before the Board and having given great weight to the OP and ANC reports filed in this case, the Board concludes that in seeking the variance relief that the Applicant has met the burden of proving under 11 DCMR § 3103.2, that there exists an exceptional or extraordinary situation or condition related to the property that creates a practical difficulty for the owner in complying with the Zoning Regulations, and that the requested relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

Special Exception Relief:

As directed by 11 DCMR § 3119.2, the Board also required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to § 3104.1 for a special exception under § 774.2. No parties appeared at the public hearing in opposition to the application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the ANC and OP reports filed in this case, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR § 3104.1, that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

Pursuant to 11 DCMR § 3100.5, the Board has determined to waive the requirements of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party and is appropriate in this case.

It is therefore **ORDERED** that the application is hereby **GRANTED, SUBJECT TO THE REVISED PLANS AT EXHIBIT 32**, and the **FOLLOWING CONDITIONS**:

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1. All loading shall occur at the rear of the building from the public alleys unless it is otherwise not feasible.

2. The Applicant shall implement a Transportation Demand Management program as follows:
 - A. A member of the property management team shall be designated as the Transportation Management Coordinator (“TMC”). The TMC will be responsible for ensuring that information is disseminated to tenants of the building. The position may be part of other duties assigned to the individual.

 - B. The TMC will prepare a package of information identifying programs and incentives for encouraging retail and residential tenants to use alternative modes of transportation. Packages will include information regarding the following:
 - Capital Bikeshare,
 - Zipcar,
 - Commuter Connections Rideshare Program,
 - Commuter Connections Guaranteed Ride Home, and
 - Commuter Connections Pools Program.

 - C. Links to CommuterConnections.com and goDCgo.com will be provided on the property management websites.

 - D. The redeveloped property will provide on-site bike storage (four external and 16 internal bicycle parking spaces at a minimum).

 - E. At the time of initial lease of the building, each residential tenant shall be given either a one year membership to Capital Bikeshare, a one year membership to a car-sharing service, or a \$100 SmarTrip card. This membership shall be limited to residential tenants at the time of initial lease up.

3. The building shall make available 20 off-site parking spaces.

VOTE: **4-0-1** (Lloyd L. Jordan, Nicole C. Sorg, Jeffrey L. Hinkle, and Marcie I. Cohen, 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: January 30, 2013

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PURSUANT TO 11 DCMR § 3125.9, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO § 3125.6.

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO § 3130.6 AT LEAST 30 DAYS PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THAT SUCH REQUEST IS GRANTED. NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO §§ 3129.2 OR 3129.7, SHALL EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR § 3125, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

PURSUANT TO 11 DCMR § 3205, THE PERSON WHO OWNS, CONTROLS, OCCUPIES, MAINTAINS, OR USES THE SUBJECT PROPERTY, OR ANY PART THERETO, SHALL COMPLY WITH THE CONDITIONS IN THIS ORDER, AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT. FAILURE TO ABIDE BY THE CONDITIONS IN THIS ORDER, IN WHOLE OR IN PART SHALL BE GROUNDS FOR THE REVOCATION OF ANY BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON

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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. 18490 of Petco Animal Supplies Store Inc., pursuant to 11 DCMR §§ 3104.1 and 3103.2, for a variance from the requirement that a pet grooming establishment not abut a residence district under subsection 736.4, a variance from the requirement that a pet shop not abut a residence district under subsection 737.3, and special exceptions under sections 736 and 737, to allow a pet grooming establishment and a pet shop in an existing shopping center in the C-3-A District at premises 3100 14th Street, N.W. (Square 2674, Lot 721).

HEARING DATE: January 29, 2013

DECISION DATE: January 29, 2013

SUMMARY ORDER

SELF-CERTIFIED

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2. (Exhibit 4.)

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") 1A, and to owners of property within 200 feet of the site. The site is located within the jurisdiction of ANC 1A, which is automatically a party to this application. ANC1A submitted a report in support of the application. The ANC's report, dated January 9, 2013, indicated that at a duly noticed, regularly scheduled public meeting of ANC 1A with a quorum of commissioners present, the ANC voted unanimously (10:0:0) to support the application. (Exhibit 23.)

The Office of Planning ("OP") submitted a timely report in support of the application. (Exhibit 26.) The District Department of Transportation ("DDOT") submitted a report of no objection to the application. (Exhibit 27.)

Variance Relief:

As directed by 11 DCMR § 3119.2, the Board required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case for a variance under § 3103.2 from the strict application of the requirement that a pet grooming establishment not abut a residence district under § 736.4 and from the strict application of the requirement that a pet shop not abut a residence district under § 737.3.

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 from §§ 736.4 and 737.3 that the Applicant has met the burden of proving under 11 DCMR § 3103.2, that there exists an exceptional or extraordinary situation or condition related to the

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property that creates a practical difficulty for the owner in complying with the Zoning Regulations, and that the requested relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

Special Exception Relief:

As directed by 11 DCMR § 3119.2, the Board 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 §§ 736 and 737. No parties appeared at the public hearing in opposition to the application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the ANC and OP reports filed in this case, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR § 3104.1, that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

Pursuant to 11 DCMR § 3100.5, the Board has determined to waive the requirements of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party and is appropriate in this case.

It is therefore **ORDERED** that the application is hereby **GRANTED, SUBJECT TO** the approved plans at Exhibits 10 and 24.

VOTE: **4-0-1** (Lloyd L. Jordan, Nicole C. Sorg, 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: January 30, 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

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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. 18493 of N.W. 1800 I Street Associates LLP, pursuant to 11 DCMR § 3103.2, for a variance from the floor area ratio requirements under section 771, to renovate an existing office and retail building in the C-4 District at premises 1800 I Street, N.W. (Square 105, Lot 847).

HEARING DATE: January 29, 2013
DECISION DATE: January 29, 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”) 2B and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 2B, which is automatically a party to this application. The ANC submitted a letter in support of the application. The Office of Planning (“OP”) submitted a report in partial support of the application. The Department of Transportation submitted a report of no objection to the application.

Variance

As directed by 11 DCMR § 3119.2, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case, pursuant to § 3103.2, for a variance from § 771. 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 § 771, the applicant has met the burden of proving under 11 DCMR § 3103.2, that there exists an exceptional or extraordinary situation or condition related to the property that creates a practical difficulty for the owner in complying with the Zoning Regulations, and that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

Pursuant to 11 DCMR § 3100.5, the Board has determined to waive the requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. It is therefore **ORDERED** that this application (pursuant to Exhibit No. 7 – Plans) is hereby **GRANTED**.

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VOTE: 4-0-1 Lloyd J. Jordan, Michael G. Turnbull, Jeffrey L. Hinkle and Nicole C. Sorg to Approve. The third Mayoral appointee position 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: January 30, 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
441 4TH STREET, N.W.
SUITE 200-SOUTH
WASHINGTON, D.C. 20001**

PUBLIC NOTICE OF CLOSED MEETING

In accordance with § 405(c) of the Open Meetings Act, D.C. Official Code § 2-575 (c), I move that the Board of Zoning Adjustment hold closed meetings telephonically on Monday, February 4th, 11th, and 25th beginning at 4:00 pm for the purpose of obtaining legal advice from our counsel and/or to deliberate upon, but not voting on the cases scheduled to be publicly heard or decided by the Board on the day after each such closed meeting, as those cases are identified on the Board's agendas for February 5th, 12th and 26th.

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

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

BOARD OF ZONING ADJUSTMENT FOR THE DISTRICT OF COLUMBIA

NOTICE OF CLOSED MEETINGS

TIME AND PLACE: **Tuesday, February 26, 2013, @ 9:30 a.m.**
Office of Zoning Conference Room
441 4th Street, N.W., Suite 220
Washington, D.C. 20001

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

The Board of Zoning Adjustment, in accordance with § 406 of the District of Columbia Administrative Procedure Act (“Act”)(D.C. Official Code § 2-576), hereby provides notice it will hold a closed meeting at the time and place noted above for the purpose of receiving training as permitted by D.C. Official Code § 2-575(b)(12).

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

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