



***District of Columbia***

**REGISTER**

**HIGHLIGHTS**

- DC Council passes Act 19-641, Criminal Fine Proportionality Amendment Act of 2012
- DC Council passes Act 19-647, Consumer Protection Act of 2012
- Department of Health schedules the annual public hearing on the Preventive Health and Health Services Block Grant
- Department of Motor Vehicles implements emergency rules to decrease the fine for driving up to 10 mph in excess of the speed limit and increase the fine for driving over 25 mph of the speed limit
- District Department of the Environment announces funding availability for the implementation of sustainable DC projects
- Department of Health announces funding availability for the ARRA Provider Retention Mini-Grants Program
- DC Public Charter School Board sets the deadline for the 2013 new charter school applications

# DISTRICT OF COLUMBIA REGISTER

## Publication Authority and Policy

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

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## DISTRICT OF COLUMBIA OFFICE OF DOCUMENTS AND ADMINISTRATIVE ISSUANCES

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

VINCENT C. GRAY  
MAYOR

VICTOR L. REID, ESQ.  
ADMINISTRATOR

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ENROLLED ORIGINAL

AN ACT  
D.C. ACT 19-636

Codification  
District of Columbia  
Official Code  
2001 Edition  
Summer 2013

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA  
JANUARY 25, 2013

To require, on an emergency basis, all newly constructed, District financially assisted residential units (single-family homes, townhomes, ground units in a detached or attached multi-level building) to meet minimum standards of visitability for persons with disabilities or those who may acquire mobility and functional limitations as they age.

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

Sec. 2. Definitions.

For the purposes of this act, the term:

Note,  
§ 6-1401

(1) "Accessible route to entrance" means a continuous, unobstructed path

that:

(A) Connects one or more accessible entrances to a dwelling building or multi-family housing structure with public streets and sidewalks, accessible parking spaces or accessible passenger loading zones;

(B) Can be negotiated by a person with a disability using a wheelchair; and

(C) Is safe for and usable by people with other disabilities and people without disabilities.

(2) "Covered dwelling building" means:

(A) A newly constructed:

(i) Detached single-family home;

(ii) Townhome or multi-level unit, detached or attached to other

units or structures;

(iii) Ground-floor unit in a building of 3 or fewer units;

(B) A substantially rehabilitated multifamily property of 4 or more units with a replacement cost of 75 % or more of the completed property;

(C) Is designed as, or intended for occupancy as, a residence; and

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(D) Was designed or constructed or commissioned, contracted, or otherwise arranged for design or construction by any person or entity who, at any time during the design or construction, received District financial assistance from any program or activity associated with the construction.

(3) "District financial assistance" means any assistance or financial benefit that is provided or otherwise made available by any District government agency, quasi-governmental or independent agency, commission, instrumentality, or entity or activity through any grant, loan, contract, or any other arrangement, including:

(A) Grants, subsidies, or any other funds;

(B) Real or personal property or any interest in or use of such property, including:

(i) Transfers or leases of the property for less than the fair market value or for reduced consideration;

(ii) Proceeds from a subsequent transfer, lease, or write-down of the property value if the District share of its fair market value is not returned to the District government;

(iii) Any tax credit, mortgage, or loan guarantee or insurance;

or

(iv) Any financial assistance similar to those described in subparagraphs (i), (ii), and (iii) of this subparagraph.

(4) "International Building Code" means a model building code developed by the International Code Council ("ICC") and adopted by the District of Columbia Building Code.

(5) "Level" means a floor of a building, differentiated from other floors above or below.

(6) "Covered multifamily dwelling building" means a building, structure, or development with 4 or more separate residential dwelling units that are either owner-occupied or tenant-occupied, and includes apartment, condominium, and cooperative units as well separate units within a single or continuous structure separated by firewalls.

(7) "Person" or "entity" means one or more individuals, corporations, including not-for-profit corporations, partnerships, associations, labor organizations, legal representatives, mutual corporations, joint-stock companies, trusts, unincorporated associations, trustees, trustees in cases under Title 11 of the United States Code (Bankruptcy), receivers, and fiduciaries.

(8) "Replacement Cost" means the current cost of construction and equipment for a newly constructed housing facility of the size and type being altered.

(9) "ICC/ANSI A117.1" means standards for Accessible and Usable Buildings and Facilities developed and approved by the International Code Council ("ICC") and the American National Standards Institute ("ANSI"). Unless otherwise noted,

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references to the ICC/ANSI standards in this act refer to the standards applicable to single-family residential dwelling units.

(10) "Site impracticability" means extremes in terrain or usual characteristics of the site which does not conform to the standards under ANSI A 117.1 Chapter 4 (2009).

(11) "Substantially rehabilitated" means the physical alteration or modification of a property to add, delete, or change the design or configuration of units, including common areas, kitchens, and bathrooms.

### Sec. 3. Visitability requirements.

It shall be unlawful for any person receiving District financial assistance for a covered dwelling building to fail to ensure that the dwelling building contains at least one level that complies with the following requirements:

- (1) An accessible entrance;
- (2) Accessible interior doors and spaces;
- (3) Clear circulation path;
- (4) Accessible bathroom and reinforced bathroom walls;
- (5) Habitable interior space;
- (6) Accessible food preparation area; and
- (7) Accessible environmental controls and outlets.

### Sec. 4. Visitability design features.

(a) Except as otherwise provided in section 5, each covered dwelling building shall be designed and constructed with the following features, consistent with the District of Columbia Building Code that incorporates International Building Code ("IBC") standards:

- (1) At least one step-free dwelling building entrance on a clear exterior circulation path from a public street or sidewalk, a covered dwelling unit driveway, or garage;
- (2) Accessible interior doors and doorways;
- (3) A clear interior circulation path between the dwelling building entrance and the interior spaces on the same level;
- (4) A full bathroom on the entrance level:
  - (A) With not less than one sink and one toilet, and at least one shower or bathtub;
  - (B) With adequate floor space and clearances:
    - (i) Where the door swings into the bathroom, a clear space of 48 inches (1220 mm) minimum length and 30 inches (760 mm) minimum width that is free of the swing of the door to position a wheelchair or other mobility aid to permit use of fixtures;

## ENROLLED ORIGINAL

(A) Reviewing any plans for a covered dwelling building submitted pursuant to section 6(b) and approving or disapproving such plans based upon compliance of the property or dwelling unit with the requirements of this act; and

(B) Consistent with applicable District laws and procedures, withholding final approval of construction or occupancy of a covered dwelling building unless and until such compliance is determined.

(3) DCRA shall enforce all provisions of this act. Each funding agency will monitor compliance of its funded projects by conducting administrative as well as site reviews of DCRA's enforcement techniques of all provisions of this act.

(d) The Office of Human Rights ("OHR") shall conduct an administrative review within one year of rule implementation, and as needed thereafter, of DCRA's monitoring policies, inspection practices, and enforcement of noncompliance with this act.

#### Sec. 9. Applicability.

(a) This act shall apply to all permits for the construction, alteration, or rehabilitation of the covered dwelling buildings applied for after the effective date of this act.

(b) This act shall not apply to recipients of financial assistance through the District government who design, construct, commission, contract, or otherwise arrange for design or construction of a covered dwelling building who have established a contractual relationship with an architect, general contractor, or engineer before the effective date of this act.

#### Sec. 10. Penalties.

(a) Any person or entity who violates any of the provisions of this act or orders issued under the authority of this act shall, upon conviction, lose its certificate of occupancy until the violation is corrected, be subject to a fine of not less than \$2,000 or imprisoned for not more than 90 days, or both, for each unit in each covered dwelling building in violation of this act.

(b) Prosecutions pursuant to this section shall be brought in the name of the District of Columbia by the Attorney General for the District of Columbia.

#### Sec. 11. Civil action for private persons.

(a) Any person aggrieved by an act or omission that is unlawful under this act may commence a civil action in the Superior Court of the District of Columbia or any other court of competent jurisdiction against the person or entity subject to the requirements of this act who is responsible for any part of the design or construction of a covered dwelling building no later than 2 years after the occurrence or termination of the alleged unlawful conduct under this act.

(b) For the purposes of this section, a violation involving a covered dwelling building that is not designed or constructed in conformity with the requirements of this act shall not be considered to terminate until the violation is corrected.

## ENROLLED ORIGINAL

## Sec. 12. Construction of laws.

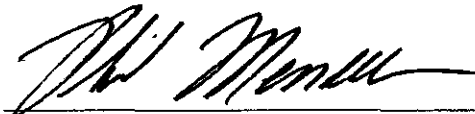
Nothing in this act shall be construed to invalidate or limit any District law that grants, guarantees, or provides the same rights, protections, and requirements provided by this act, but any law, policy, or regulation enacted by the Council, the Mayor, or a District agency, or other such jurisdiction, that purports to require or permit any action that would violate this act shall, to that extent, be invalid.

## Sec. 13. Fiscal impact statement.

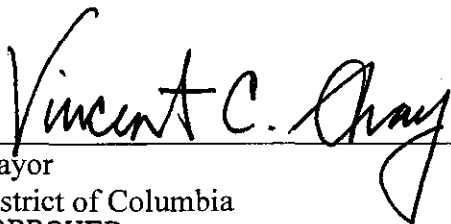
The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

## Sec. 14. 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 25, 2013

## ENROLLED ORIGINAL

AN ACT  
D.C. ACT 19-637

Codification  
 District of Columbia  
 Official Code  
 2001 Edition

Summer 2013

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA  
JANUARY 25, 2013

To provide, on a temporary 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 Temporary 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)).

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:

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(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.

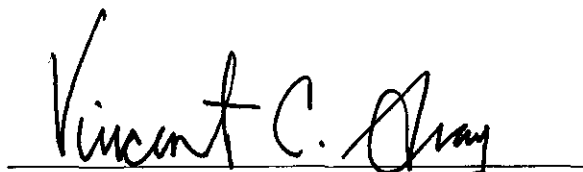
The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 6. Effective date.

(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 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 25, 2013



ENROLLED ORIGINAL

AN ACT

D.C. ACT 19-638

Codification  
District of Columbia  
Official Code  
2001 Edition

Winter 2013

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 23, 2013

To amend Chapter 28 of Title 47 of the District of Columbia Official Code to require the District of Columbia Board of Industrial Trades to accept a certificate from a nationally recognized trade organization, non-union sponsor, or labor union that is registered with the Bureau of Apprenticeship Training, U.S. Department of Labor, or the District of Columbia Apprenticeship Council certifying that an applicant has passed its required examination and is considered and classed by that organization as a journeyman pipefitter, refrigeration mechanic, or air conditioning mechanic.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Pipefitting, Refrigeration and Air Conditioning Mechanic Occupations Equality Act of 2012".

Sec. 2. Chapter 28 of Title 47 of the District of Columbia Official Code is amended as follows:

(a) Section 47-2853.12(c) is amended by adding new paragraphs (3) and (4) to read as follows:

Amend  
§ 47-2853.12

"(3) An applicant applying for licensure as a journeyman plumber or journeyman gasfitter pursuant to § 47-2853.122(b) shall be exempt from the requirements of this subsection.

"(4) An applicant applying for licensure as a journeyman refrigeration and air conditioning mechanic pursuant to § 47-2853.202(c) shall be exempt from the requirements of this subsection."

(b) Section 47-2853.122 is amended by adding a new subsection (b-1) to read as follows:

Amend  
§ 47-2853.122

"(b-1)(1) The Board shall accept, in lieu of examination and the requirements set forth in subsection (b) of this section, a certificate from a national certifying organization certifying that the applicant :

"(A) Has completed the organization's apprenticeship program;

"(B) Has passed the organization's required examination;

## ENROLLED ORIGINAL

“(C) Is designated by that organization as a journeyman plumber or journeyman gasfitter; and

“(D) Has not been disciplined or otherwise disqualified by the organization.

“(2) For the purposes of this subsection, the term “national certifying organization” shall include a nationally recognized trade organization, non-union sponsor, or labor union that is registered with the Bureau of Apprenticeship Training, the United States Department of Labor, or the District of Columbia Apprenticeship Council.”.

(c) Section 47-2853.202 is amended by adding a new subsection (d) to read as follows:

Amend  
§ 47-2853.202

“(d)(1) The Board shall accept, in lieu of an examination, experience, or other requirements of test or skill established by the Board, a certificate from a national certifying organization certifying that the applicant:

“(A) Has completed the organization’s apprenticeship program;

“(B) Has passed the organization’s required examination;

“(C) Is designated by that organization as a journeyman refrigeration and air conditioning mechanic; and

“(D) Has not been disciplined or otherwise disqualified by the organization.

“(2) For the purposes of this subsection, the term “national certifying organization” shall include a nationally recognized trade organization, non-union sponsor, or labor union that is registered with the Bureau of Apprenticeship Training, the United States Department of Labor, or the District of Columbia Apprenticeship Council.”.

### 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.

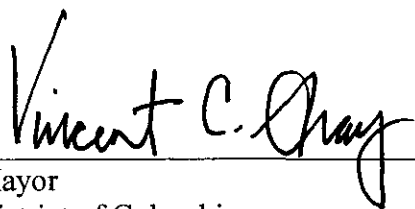
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act,

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 23, 2013

ENROLLED ORIGINAL

AN ACT  
D.C. ACT 19-639

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA  
JANUARY 25, 2013

Codification  
District of Columbia  
Official Code  
2001 Edition  
Winter 2013

To amend the Recreation Act of 1994 to clarify the authority of the Department of Parks and Recreation to expend funds obtained by Friends Groups and Designated Organizations for the agency’s benefit for improvements, costs, and services for the associated park, program, or facility, and to contract for advertisements and sponsorships for its programs and events and facilities.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Department of Parks and Recreation Revenue Generation Clarification Amendment Act of 2012”.

Sec. 2. The Recreation Act of 1994, effective March 23, 1995 (D.C. Law 10-246; D.C. Official Code § 10-301 *et seq.*), is amended as follows:

(a) Section 2(1B) (D.C. Official Code § 10-301(1B)) is amended by striking the phrase “whose primary mission is to support” and inserting the phrase “whose mission includes supporting” in its place.

Amend  
§ 10-301

(b) Section 3(b)(3) (D.C. Official Code § 10-302(b)(3)) is amended to read as follows:

Amend  
§ 10-302

“(3) All property and funds obtained by the Friends Groups and Designated Organizations shall be for the benefit of Department facilities or programs. All funds raised for or by Friends Groups and Designated Organizations shall be deposited in a dedicated bank account in the name of the Friends Group or Designated Organization and expended solely for improvements, costs, or services for the associated park, program, event, recreation facility, or other Department facility, in accordance with the terms of the Park Partner Agreement, if applicable.”

(c) Section 4(e)(1) (D.C. Official Code § 10-303(e)(1)) is amended to read as follows:

Amend  
§ 10-303

“(e)(1) Notwithstanding any other provision of law, the Department may contract for advertisements and sponsorships for programs, events, recreation centers, fields, pools, play courts, and other Department facilities within the Department’s inventory.”


## ENROLLED ORIGINAL

## Sec. 3. Fiscal impact statement.

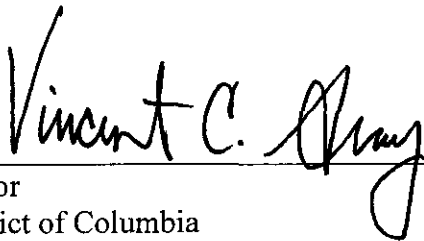
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

## Sec. 4. Effective date.

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



Chairman  
Council of the District of Columbia



Mayor  
District of Columbia  
APPROVED  
January 25, 2013

ENROLLED ORIGINAL

AN ACT

D.C. ACT 19-640

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 23, 2013

Codification  
District of Columbia  
Official Code  
2001 Edition

Summer 2013

To amend 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 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

## ENROLLED ORIGINAL

foster care, namely, 29 DCMR §§ 6004, 6203, and 6303, (Statement of Rights and 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.

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 the youth’s 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

## ENROLLED ORIGINAL

this title.

“(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 the youth’s 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 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 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)).

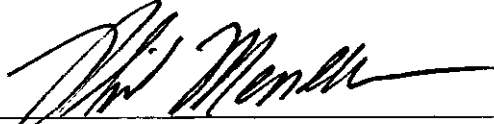
### Sec. 4. Effective date.

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,

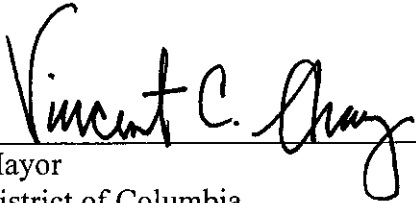


ENROLLED ORIGINAL

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 23, 2013

## ENROLLED ORIGINAL

## AN ACT

D.C. ACT 19-641Codification  
District of Colum  
Official Code  
2001 Edition

Summer 2013

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA  
JANUARY 23, 2013

To establish fines for criminal offenses, except where exempted by specific reference, proportional to the imprisonment term for each offense and to add a fine to any criminal offense that is currently punishable by a term of imprisonment but not by a fine; to establish the maximum alternative fine penalty involving pecuniary gain or loss at twice the gain or loss that has been alleged and proved; to exempt certain offenses from the fine proportionality in order to retain large fines for those offenses, to exempt certain offenses from fine proportionality in order to retain the progressive fine structure for subsequent offenses; to make conforming amendments to acts codified in Titles 22, 48, 50, and enacted titles of the District of Columbia Official Code; and to clarify that the provisions of this act cannot be applied retroactively.

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

TITLE I -- CRIMINAL FINE PROPORTIONALITY  
SUBTITLE A. FINES FOR CRIMINAL OFFENSES

## Sec. 101. Fines for criminal offenses.

(a) Notwithstanding any other provision of the law, and except as provided in section 102, a defendant who has been found guilty of an offense under the District of Columbia Official Code punishable by imprisonment may be sentenced to pay a fine as provided in this section.

(b) An individual who has been found guilty of such an offense may be fined not more than the greatest of:

- (1) \$100 if the offense is punishable by imprisonment for 10 days or less;
- (2) \$250 if the offense is punishable by imprisonment for 30 days, or one month, or less but more than 10 days;
- (3) \$500 if the offense is punishable by imprisonment for 90 days, or 3 months, or less but more than 30 days;

## ENROLLED ORIGINAL

(b)(1) If any person derives pecuniary gain from such an offense, or if the offense results in pecuniary loss to a person other than the defendant, the defendant may be fined not more than the greater of twice the gross gain or twice the gross loss.

(2) The court may impose a fine under this subsection in excess of the fine provided for by section 101 only to the extent that the pecuniary gain or loss is both alleged in the indictment or information and is proven beyond a reasonable doubt.

(c) This act shall not apply to any provision of Title 11 of the District of Columbia Official Code.

## SUBTITLE B. EXEMPTIONS TO CRIMINAL FINE PROPORTIONALITY

Sec. 111. Modification to alternative maximum fine based on gain or loss.

(a) The District of Columbia Theft and White Collar Crimes Act of 1982, effective December 1, 1982 (D.C. Law 4-164; codified at various sections of the D.C. Official Code), is amended as follows:

(1) Section 122 (D.C. Official Code § 22-3222) is amended by striking the phrase “3 times” wherever it appears and inserting the word “twice” in its place.

(2) Section 127c(a) (D.C. Official Code § 22-3227.03(a)) is amended by striking the phrase “3 times” wherever it appears and inserting the word “twice” in its place.

(3) Section 302(c) (D.C. Official Code § 22-712(c)) is amended by striking the phrase “3 times” and inserting the word “twice” in its place.

(b) Section 3(d) of the Commercial Counterfeiting Criminalization Act of 1996, effective June 3, 1997 (D.C. Law 11-271; D.C. Official Code § 22-902(d)), is amended by striking the phrase “3 times” and inserting the word “twice” in its place.

(c) Chapter 41 of Title 47 of the District of Columbia Official Code is amended as follows:

(1) Section 47-4101(a) is amended by striking the phrase “3 times” and inserting the word “twice” in its place.

(2) Section 47-4102(a) is amended by striking the phrase “3 times” and inserting the word “twice” in its place.

Sec. 112. Exemption of enumerated offenses to retain large fines.

(a) Section 821 of the District of Columbia Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6-85; D.C. Official Code § 2-381.09), is amended by adding the following at the end:

“The fine set forth in this section shall not be limited by section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214).”

(b) Section 11712(e) of An Act To provide for reconciliation pursuant to subsections (b)(1) and (c) of section 105 of the concurrent resolution on the budget for fiscal year 1998,

## ENROLLED ORIGINAL

approved August 5, 1997 (111 Stat. 782; D.C. Official Code § 22-1323), is amended by adding a new paragraph (3) to read as follows:

“(3) The fine set forth in this section shall not be limited by section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214).”.

(c) Section 15 of An Act to regulate the employment of minors within the District of Columbia, approved May 29, 1928 (45 Stat. 998; D.C. Official Code § 32-213), is amended by adding a new subsection (c) to read as follows:

“(c) The fines set forth in this section shall not be limited by section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214).”.

(d) Section 12 of the Minimum Wage Act Revision Act of 1992, effective March 25, 1993 (D.C. Law 9-248; D.C. Official Code § 32-1011), is amended by adding a new subsection (f) to read as follows:

“(f) The fine set forth in this section shall not be limited by section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214).”.

(e) Section 7 of An Act To provide for the payment and collection of wages in the District of Columbia, approved August 3, 1956 (70 Stat. 978; D.C. Official Code § 32-1307), is amended by adding a new subsection (d) to read as follows:

“(d) The fines set forth in this section shall not be limited by section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214).”.

(f) Section 47-2853.27 of the District of Columbia Official Code is amended by adding a new subsection (c) to read as follows:

“(c) The fines set forth in this section shall not be limited by section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214).”.

(g) Section 4(b) of the District of Columbia Revenue Act of 1937, approved August 17, 1937 (50 Stat. 679; D.C. Official Code § 50-1501.04(b)), is amended by adding a new paragraph (3) to read as follows:

“(3) The fine set forth in this section shall not be limited by section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214).”.

Sec. 113. Exemption of enumerated offenses to retain progressive fines.

(a) Section 10 of the Asbestos Licensing and Control Act of 1990, effective May 1, 1990 (D.C. Law 8-116; D.C. Official Code § 8-111.09), is amended by adding the following sentence at the end:

## ENROLLED ORIGINAL

“The fines set forth in this section shall not be limited by section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214).”.

(b) Section 7(a)-(c) of the Dangerous Dog Amendment Act of 1988, effective October 18, 1988 (D.C. Law 7-176; D.C. Official Code § 8-1906), is amended by adding a new subsection (d) to read as follows:

“(d) The fines set forth in this section shall not be limited by section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214).”.

(c) Section 25-785 of the District of Columbia Official Code is amended by adding a new subsection (e) to read as follows:

“(e) The fines set forth in this section shall not be limited by section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214).”.

(d) Chapter 41 of Title 47 of the District of Columbia Official Code is amended as follows:

(1) Section 47-4103 is amended by adding a new subsection (d) to read as follows:

“(d) The fines set forth in this section shall not be limited by section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214).”.

(2) Section 47-4106 is amended by adding a new subsection (f) to read as follows:

“(f) The fines set forth in this section shall not be limited by section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214).”.

(e) Section 9 of the District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1119; D.C. Official Code § 50-2201.04), is amended by adding a new subsection (e) to read as follows:

“(e) The fines set forth in this section shall not be limited by section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214).”.

(f) 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.*), is amended as follows:

(1) Section 3d, as added by 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), is amended by adding a new subsection (e) to read as follows:

“(e) The fines set forth in this section shall not be limited by section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214).”.

## ENROLLED ORIGINAL

(2) Section 3f, as added by 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), is amended by adding a new subsection (d) to read as follows:

“(d) The fines set forth in this section shall not be limited by section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214).”.

(3) Section 3i, as added by 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), is amended as follows:

(A) Designate the lead-in language as subsection (a).

(B) Add a new subsection (b) to read as follows:

“(b) The fines set forth in this section shall not be limited by section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214).”.

(4) Section 3k, as added by 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), is amended by adding a new subsection (d) to read as follows:

“(d) The fines set forth in this section shall not be limited by section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214).”.

(5) Section 3m, as added by 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), is amended by adding a new subsection (d) to read as follows:

“(d) The fines set forth in this section shall not be limited by section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214).”.

(6) Section 3o, as added by 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), is amended by adding the following sentence at the end:

“The fines set forth in this section shall not be limited by section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214).”.

(g) Section 12 of the District of Columbia Drug Manufacture and Distribution Licensure Act of 1990, effective June 13, 1990 (D.C. Law 8-137; D.C. Official Code § 48-711), is amended by adding the following sentence at the end:

“The fines set forth in this section shall not be limited by section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214).”.

## ENROLLED ORIGINAL

TITLE II -- CONFORMING AMENDMENTS TO EXISTING CRIMINAL FINES  
SUBTITLE A. CONFORMING AMENDMENTS TO TITLE 22

Sec. 201. An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1189; codified in scattered cites of the D.C. Official Code), is amended as follows:

(a) Section 213 (D.C. Official Code § 22-1514) is amended by striking the phrase “not more than \$1,000” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(b) Section 802b (D.C. Official Code § 22-2107) is amended as follows:

(1) Subsection (a) is amended by striking the phrase “of \$20,000” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(2) Subsection (b) is amended by striking the phrase “of \$10,000” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(c) Section 806(a) (D.C. Official Code § 22-404(a)) is amended as follows:

(1) Paragraph (1) is amended by striking the phrase “not more than \$1,000” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(2) Paragraph (2) is amended by striking the phrase “not more than \$3,000” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(d) Section 806a (D.C. Official Code § 22-404.01) is amended as follows:

(1) Subsection (b) is amended by striking the phrase “not more than \$10,000” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(2) Subsection (c) is amended by striking the phrase “not more than \$5,000” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(e) Section 811 (D.C. Official Code § 22-2802) is amended by striking the phrase “not more than \$500” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

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(f) Section 811a (D.C. Official Code § 22-2803) is amended as follows:

(1) Subsection (a)(2) is amended by striking the phrase “not more than \$5,000” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(2) Subsection (b)(2) is amended by striking the phrase “not more than \$10,000” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(g) Section 813(b) (D.C. Official Code § 22-2704(b)) is amended by striking the phrase “not more than \$20,000” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(h) Section 824 (D.C. Official Code § 22-3302) is amended by striking the phrase “not more than \$1,000” wherever it appears and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(i) Section 825a (D.C. Official Code § 22-3305) is amended by striking the phrase “not exceeding \$1,000” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(j) Section 844 (D.C. Official Code § 22-3307) is amended by striking the phrase “not more than \$1,000” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(k) Section 848 (D.C. Official Code § 22-303) is amended as follows:

(1) Strike the phrase “not more than \$5,000” and insert the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(2) Strike the phrase “not more than \$1,000” and insert the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(l) Section 849 (D.C. Official Code § 22-3306) is amended by striking the phrase “nor more than \$1,000” and inserting the phrase “and not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.



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(m) Section 851 (D.C. Official Code § 22-3301) is amended by striking the phrase “not more than \$100” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(n) Section 863 (D.C. Official Code § 22-1701) is amended by striking the phrase “not more than \$1,000” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(o) Section 863a (D.C. Official Code § 22-1702) is amended by striking the phrase “not more than \$1,000” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(p) Section 864 (D.C. Official Code § 22-1703) is amended by striking the phrase “nor more than \$500” and inserting the phrase “and not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(q) Section 866(d) (D.C. Official Code § 22-1705(d)) is amended as follows:

(1) Strike the phrase “not more than \$1,000” and insert the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(2) Strike the phrase “not more than \$2,000” and insert the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(r) Section 867 (D.C. Official Code § 22-1706) is amended by striking the phrase “not exceeding \$1,000” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(s) Section 869 (D.C. Official Code § 22-1708) is amended by striking the phrase “not more than \$1,000” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(t) Section 869e (D.C. Official Code § 22-1713) is amended as follows:

(1) Subsection (c) is amended by striking the phrase “not more than \$10,000” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(2) Subsection (d) is amended by striking the phrase “not more than \$5,000” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal

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Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(u) Section 872(e) (D.C. Official Code § 22-2201(e)) is amended as follows:

(1) Strike the phrase “not more than \$1,000” and insert the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(2) Strike the phrase “nor more than \$5,000” and insert the phrase “and not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(v) Section 879 (D.C. Official Code § 22-1502) is amended by striking the phrase “not more than \$500” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(w) Section 880 (D.C. Official Code § 22-3309) is amended by striking the phrase “not more than \$1,000” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(x) Section 902 (D.C. Official Code § 22-4404) is amended by striking the phrase “not more than \$300” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(y) Section 906 (D.C. Official Code § 22-1803) is amended as follows:

(1) Strike the phrase “not exceeding \$1,000” and insert the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(2) Strike the phrase “not exceeding \$5,000” and insert the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(z) Section 908A(a) (D.C. Official Code § 22-1805a(a)) is amended as follows:

(1) Paragraph (1) is amended by striking the phrase “not more than \$10,000” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(2) Paragraph (2) is amended by striking the phrase “not more than \$3000” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal

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Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(aa) Section 910 (D.C. Official Code § 22-1807) is amended by striking the phrase “not exceeding \$1,000” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

Sec. 202. The District of Columbia Law Enforcement Act of 1953, approved June 29, 1953 (67 Stat. 95; codified in scattered cites of the D.C. Official Code), is amended as follows:

(a) Section 205 (D.C. Official Code § 22-405) is amended as follows:

(1) Subsection (b) is amended by striking the phrase “not more than \$1,000” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(2) Subsection (c) is amended by striking the phrase “not more than \$10,000” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(b) Section 209(a) (D.C. Official Code § 22-2501) is amended by striking the phrase “not more than \$1,000” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(c) Section 211(h) (D.C. Official Code § 22-1321(h)) is amended by striking the phrase “not more than \$500” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

Sec. 203. An Act To confer concurrent jurisdiction on the police court of the District of Columbia in certain jurisdictions, approved July 16, 1912 (37 Stat. 192; codified in scattered cites of the D.C. Official Code), is amended as follows:

(a) Section 1 (D.C. Official Code § 22-1301 and § 22-2722) is amended as follows:

(1) Strike the phrase “not more than \$1,000” and insert the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(2) Strike the phrase “not more than \$5,000” and insert the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

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(b) Section 2 (D.C. Official Code § 22-407) is amended by striking the phrase “not more than \$500” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

Sec. 204. Section 203 of the District of Columbia Court Reform and Criminal Procedure Act of 1970, approved July 29, 1970 (84 Stat. 600; D.C. Official Code § 22-601), is amended by striking the phrase “not more than \$3,000” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

Sec. 205. The District of Columbia Theft and White Collar Crimes Act of 1982, effective December 1, 1982 (D.C. Law 4-164; codified in scattered cites of the D.C. Official Code), is amended as follows:

(a) Section 112 (D.C. Official Code § 22-3212) is amended as follows:

(1) Subsection (a) is amended by striking the phrase “not more than \$5,000” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(2) Subsection (b) is amended by striking the phrase “not more than \$1,000” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(3) Subsection (c) is amended by striking the phrase “not more than \$5,000” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(b) Section 113(b) (D.C. Official Code § 22-3213(b)) is amended by striking the phrase “not more than \$300” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(c) Section 114(d) (D.C. Official Code § 22-3214(d)) is amended by striking the phrase “not more than \$1,000” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(d) Section 114a(d) (D.C. Official Code § 22-3214.01(d)) is amended as follows:

(1) Paragraph (1) is amended by striking the phrase “not more than \$10,000” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal

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Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(2) Paragraph (2) is amended by striking the phrase “not more than \$50,000” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(e) Section 114b(c) (D.C. Official Code § 22-3214.02(c)) is amended by striking the phrase “not more than \$300” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(f) Section 115(d) (D.C. Official Code § 22-3215(d)) is amended as follows:

(1) Paragraph (1) is amended by striking the phrase “not more than \$1,000” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(2) Paragraph (2)(A)(i) is amended by striking the phrase “not more than \$10,000” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(3) Paragraph (3)(A) is amended by striking the phrase “nor more than \$15,000” and inserting the phrase “and not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(4) Paragraph (4) is amended by striking the phrase “not more than \$1,000” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(g) Section 116 (D.C. Official Code § 22-3216) is amended by striking the phrase “not more than \$300” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(h) Section 118c(a) (D.C. Official Code § 22-3218.04(a)) is amended as follows:

(1) Strike the phrase “not more than \$500” and insert the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(2) Strike the phrase “not more than \$1,500” and insert the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

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(i) Section 122 (D.C. Official Code § 22-3222) is amended as follows:

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

(A) Paragraph (1) is amended by striking the phrase “not more than \$5,000” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(B) Paragraph (2) is amended by striking the phrase “not more than \$1,000” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

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

(A) Paragraph (1) is amended by striking the phrase “not more than \$3,000” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(B) Paragraph (2) is amended by striking the phrase “not more than \$1,000” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(j) Section 123(d) (D.C. Official Code § 22-3223(d)) is amended as follows:

(1) Paragraph (1) is amended by striking the phrase “not more than \$1,000” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(2) Paragraph (2) is amended by striking the phrase “not more than \$5,000” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(k) Section 124(b) (D.C. Official Code § 22-3224(b)) is amended by striking the phrase “not more than \$300” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(l) Section 125d (D.C. Official Code § 22-3225.04) is amended as follows:

(1) Subsection (a) is amended by striking the phrase “not more than \$50,000” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

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

(A) Paragraph (1) is amended by striking the phrase “not more than \$10,000” and inserting the phrase “not more than the amount set forth in section 101 of the

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Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(B) Paragraph (2) is amended by striking the phrase “not more than \$20,000” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(3) Subsection (c) is amended by striking the phrase “not more than \$1,000” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(m) Section 126j (D.C. Official Code § 22-3226.10) is amended as follows:

(1) Paragraph (1) is amended by striking the phrase “not more than \$10,000” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(2) Paragraph (2) is amended by striking the phrase “not more than \$5,000” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(3) Paragraph (3) is amended by striking the phrase “not more than \$500” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(n) Section 127c (D.C. Official Code § 22-3227.03) is amended as follows:

(1) Subsection (a) is amended by striking the phrase “\$10,000” and inserting the phrase “the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(2) Subsection (b) is amended by striking the phrase “not more than \$1,000” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(o) Section 131(d) (D.C. Official Code § 22-3231(d)) is amended by striking the phrase “not more than \$10,000” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(p) Section 132(c) (D.C. Official Code § 22-3232(c)) is amended as follows:

(1) Paragraph (1) is amended by striking the phrase “not more than \$5,000” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal

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Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(2) Paragraph (2) is amended by striking the phrase “not more than \$1,000” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(q) Section 133(b) (D.C. Official Code § 22-3233(b)) is amended as follows:

(1) Paragraph (1) is amended by striking the phrase “not more than \$1,000” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(2) Paragraph (2) is amended by striking the phrase “not more than \$5,000” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(r) Section 134(b) (D.C. Official Code § 22-3234(b)) is amended by striking the phrase “not more than \$1,000” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(s) Section 142 (D.C. Official Code § 22-3242) is amended as follows:

(1) Subsection (a) is amended by striking the phrase “not more than \$10,000” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(2) Subsection (b) is amended by striking the phrase “not more than \$5,000” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(3) Subsection (c) is amended by striking the phrase “not more than \$2,500” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(t) Section 151(b) (D.C. Official Code § 22-3251(b)) is amended by striking the phrase “not more than \$10,000” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(u) Section 152(b) (D.C. Official Code § 22-3252(b)) is amended by striking the phrase “not more than \$1,000” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.



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(v) Section 302(c) (D.C. Official Code § 22-712(c)) is amended by striking the phrase “not more than \$25,000” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(w) Section 303(c) (D.C. Official Code § 22-713(c)) is amended by striking the phrase “not more than \$2,500” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(x) Section 401(b) (D.C. Official Code § 22-2402(b)) is amended by striking the phrase “not more than \$5,000” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(y) Section 402 (D.C. Official Code § 22-2403) is amended by striking the phrase “not more than \$5,000” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(z) Section 403(b) (D.C. Official Code § 22-2404(b)) is amended by striking the phrase “not more than \$2,500” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(aa) Section 404(b) (D.C. Official Code § 22-2405(b)) is amended by striking the phrase “not more than \$1,000” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(bb) Section 502(b) (D.C. Official Code § 22-722(b)) is amended by striking the phrase “not more than \$10,000” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(cc) Section 503(b) (D.C. Official Code § 22-723(b)) is amended by striking the phrase “not more than \$5,000” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

Sec. 206. The Omnibus Public Safety Amendment Act of 2006, effective April 24, 2007 (D.C. Law 16-306; codified in scattered cites of the D.C. Official Code), is amended as follows:

(a) Section 101 (D.C. Official Code § 22-951) is amended as follows:

(1) Subsection (a)(2) is amended by striking the phrase “not more than \$1,000” and inserting the phrase “not more than the amount set forth in section 101 of the

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Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)" in its place.

(2) Subsection (b)(2) is amended by striking the phrase "not more than \$5,000" and inserting the phrase "not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)" in its place.

(3) Subsection (c)(2) is amended by striking the phrase "not more than \$10,000" and inserting the phrase "not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)" in its place.

(b) Section 103(b) (D.C. Official Code § 22-811(b)) is amended as follows:

(1) Paragraph (1) is amended by striking the phrase "not more than \$1,000" and inserting the phrase "not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)" in its place.

(2) Paragraph (2) is amended by striking the phrase "not more than \$3,000" and inserting the phrase "not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)" in its place.

(3) Paragraphs (3) and (4) are amended by striking the phrase "not more than \$5,000" wherever it appears and inserting the phrase "not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)" in its place.

(4) Paragraph (5) is amended by striking the phrase "not more than \$10,000" and inserting the phrase "not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)" in its place.

(c) Section 104(e) (D.C. Official Code § 22-2731(e)) is amended by striking the phrase "not more than \$300" and inserting the phrase "not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)" in its place.

(d) Section 105(f) (D.C. Official Code § 22-3531(f)) is amended as follows:

(1) Paragraph (1) is amended by striking the phrase "not more than \$1,000" and inserting the phrase "not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)" in its place.

(2) Paragraph (2) is amended by striking the phrase "not more than \$5,000" and inserting the phrase "not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)" in its place.

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(e) Section 106 (D.C. Official Code § 22-851) is amended as follows:

(1) Subsection (b) is amended by striking the phrase “not more than \$5,000” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(2) Subsections (c) and (d) are amended by striking the phrase “not more than \$3,000” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(f) Section 107(b) (D.C. Official Code § 22-1931(b)) is amended by striking the phrase “not more than \$1,000” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

Sec. 207. Section 3(b) of the Commercial Counterfeiting Criminalization Act of 1996, effective June 3, 1997 (D.C. Law 11-271; D.C. Official Code § 22-902(b)), is amended as follows:

(a) Paragraph (1) is amended by striking the phrase “not exceeding \$1,000” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(b) Paragraph (2) is amended by striking the phrase “not exceeding \$3,000” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(c) Paragraph (3) is amended by striking the phrase “not exceeding \$10,000” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

Sec. 208. Section 206 of the Seniors Protection Amendment Act of 2000, effective June 8, 2001 (D.C. Law 13-301; D.C. Official Code § 22-936), is amended as follows:

(a) Subsection (a) is amended by striking the phrase “up to \$1,000” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(b) Subsection (b) is amended by striking the phrase “up to \$100,000” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

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(c) Subsection (c) is amended by striking the phrase “up to \$250,000” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

Sec. 209. Chapter 106 of the Acts of the Legislative Assembly, approved August 23, 1871 (D.C. Official Code § 22-101 *et seq.*), is amended as follows:

(a) Section 1 (D.C. Official Code § 22-101) is amended as follows:

(1) Subsection (a) is amended by striking the phrase “not exceeding \$250” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(2) Subsection (d) is amended by striking the phrase “not exceeding \$25,000” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(b) Section 11(a) (D.C. Official Code § 22-1012(a)) is amended by striking the phrase “nor more than \$250” and inserting the phrase “and not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

Sec. 210. Section 6a(a) of An act to prevent cruelty to children or animals in the District of Columbia, and for other purposes, approved June 8, 2001 (27 Stat. 60; D.C. Official Code § 22-1006.01(a)), is amended by striking the phrase “not more than \$25,000” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

Sec. 211. Section 3(c) of An act for the protection of children in the District of Columbia and for other purposes, approved February 13, 1885 (23 Stat. 302; D.C. Official Code § 22-1101(c)), is amended by striking the phrase “not more than \$10,000” wherever it appears and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

Sec. 212. Section 4 of An act to enlarge the power of the courts in the District of Columbia in cases involving delinquent children, and for other purposes, approved March 3, 1901 (31 Stat. 1095; D.C. Official Code § 22-1102), is amended by striking the phrase “not more than \$100” and inserting the phrase “not more than the amount set forth in section 101

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of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

Sec. 213. The Omnibus Public Safety and Justice Amendment Act of 2009, effective December 10, 2009 (D.C. Law 18-88; codified in scattered cites of the D.C. Official Code), is amended as follows:

(a) Section 101(c) (D.C. Official Code § 22-2511(c)) is amended as follows:

(1) Paragraph (1) is amended by striking the phrase “not more than \$5,000” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(2) Paragraph (2) is amended by striking the phrase “not more than \$10,000” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(b) Section 102(a) (D.C. Official Code § 22-1341(a)) is amended by striking the phrase “not more than \$500” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(c) Section 103(b) (D.C. Official Code § 22-1211(b)) is amended by striking the phrase “not more than \$1,000” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(d) Section 504 (D.C. Official Code § 22-3134) is amended as follows:

(1) Subsection (a) is amended by striking the phrase “not more than \$1,000” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(2) Subsection (b) is amended by striking the phrase “not more than \$10,000” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(3) Subsection (c) is amended by striking the phrase “not more than \$25,000” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

Sec. 214. An act for the preservation of the public peace and the protection of property within the District of Columbia, approved July 29, 1892 (27 Stat. 322; codified in scattered cites of the D.C. Official Code), is amended as follows:

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(a) Section 6 (D.C. Official Code § 22-1307) is amended by striking the phrase “not more than \$500” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(b) Section 9 (D.C. Official Code § 22-1312) is amended by striking the phrase “not more than \$500” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(c) Section 11b(d) (D.C. Official Code § 22-1314.02(d)) is amended by striking the phrase “not more than \$1,000” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(d) Section 13 (D.C. Official Code § 22-3310) is amended as follows:

(1) Paragraph (1) is amended by striking the phrase “\$15,000” and inserting the phrase “a fine of not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(2) Paragraph (2) is amended by striking the phrase “\$5,000” and inserting the phrase “a fine of not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(e) Section 15 (D.C. Official Code § 22-3311) is amended by striking the phrase “not more than \$500” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

Sec. 215. Section 1 of An Act To prevent the giving of false alarms of fires in the District of Columbia, approved June 8, 1906 (34 Stat. 220; D.C. Official Code § 22-1319), is amended as follows:

(a) Subsections (a) and (a-1) are amended by striking the phrase “not exceeding \$1,000” wherever it appears and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(b) Subsection (b)(3) is amended by striking the phrase “not to exceed the greater of \$10,000” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(c) Subsection (c)(3) is amended by striking the phrase “not to exceed the greater of \$50,000” and inserting the phrase “not more than the amount set forth in section 101 of the

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Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)" in its place.

(d) Subsection (d)(3) is amended by striking the phrase "not to exceed \$100,000" and inserting the phrase "not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)" in its place.

Sec. 216. Section 901 of An Act Relating to crime and criminal procedure in the District of Columbia, approved December 27, 1967 (81 Stat. 742; D.C. Official Code § 22-1322), is amended as follows:

(a) Subsections (b) and (c) are amended by striking the phrase "not more than \$1,000" wherever it appears and inserting the phrase "not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)" in its place.

(b) Subsection (d) is amended by striking the phrase "not more than \$10,000" and inserting the phrase "not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)" in its place.

Sec. 217. Section 845a of An Act To amend an Act entitled "An Act to establish a code of laws for the District of Columbia," approved June 30, 1902 (32 Stat. 535; D.C. Official Code § 22-1402), is amended by adding the phrase "and not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)" after the phrase "not less than \$1,000".

Sec. 218. An Act To punish the impersonation of inspectors of the health and other departments of the District of Columbia, approved March 2, 1897 (29 Stat. 619; D.C. Official Code 22-1405), is amended by striking the phrase "nor more than \$100" and inserting the phrase "and not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)" in its place.

Sec. 219. The Revised Statutes of the District of Columbia are amended as follows:

(a) Section 433 (D.C. Code § 22-1406) is amended by striking the phrase "not exceeding \$1,000" and inserting the phrase "not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)" in its place.

(b) Section 1806 (D.C. Code § 22-3318) is amended by striking the phrase "nor more than \$1,000" and inserting the phrase "and not more than the amount set forth in

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section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

Sec. 220. Section 702(b) of the Omnibus Anti-Terrorism Act of 2002, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 22-1409(b)), is amended by striking the phrase “not more than \$1,000” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

Sec. 221. An Act Regulating the issuance of checks, drafts, and orders for the payment of money within the District of Columbia, approved July 1, 1922 (42 Stat. 820; D.C. Official Code § 22-1510), is amended as follows:

(a) Strike the phrase “not more than \$3,000” and insert the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(b) Strike the phrase “not more than \$1,000” and insert the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

Sec. 222. Section 3 of An Act To prevent fraudulent advertising in the District of Columbia, approved May 29, 1916 (39 Stat. 165; D.C. Official Code § 22-1513), is amended by striking the phrase “not more than \$500” wherever it appears and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

Sec. 223. Section 1502 of the Omnibus Crime Control and Safe Streets Act of 1968, approved June 19, 1968 (82 Stat. 238; D.C. Official Code § 22-1810), is amended by striking the phrase “not more than \$5,000” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

Sec. 224. Section 107 of the Prohibition Against Human Trafficking Amendment Act of 2010, effective October 23, 2010 (D.C. Law 18-239; D.C. Official Code § 22-1837), is amended as follows:



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(a) Subsection (a)(1) is amended by striking the phrase “not more than \$200,000” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(b) Subsection (b) is amended by striking the phrase “not more than \$5,000” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

Sec. 225. Section 5(a) of the Panhandling Control Act of 1993, effective November 17, 1993 (D.C. Law 10-54; D.C. Official Code § 22-2304(a)), is amended by striking the phrase “not more than \$300” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

Sec. 226. Section 8(b) of An Act to establish a Board of Indeterminate Sentence and Parole for the District of Columbia and to determine its functions, and for other purposes, approved July 15, 1932 (47 Stat. 698; D.C. Official Code § 22-2601(b)), is amended by striking the phrase “not more than \$5,000” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

Sec. 227. Section 4 of An Act To prohibit the introduction of contraband into the District of Columbia penal institutions, effective December 10, 2009 (D.C. Law 18-88; D.C. Official Code § 22-2603.03), is amended as follows:

(a) Subsection (a) is amended by striking the phrase “not more than \$10,000” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(b) Subsection (b) is amended by striking the phrase “not more than \$2,000” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(c) Subsection (c) is amended by striking the phrase “not more than \$1,000” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

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Sec. 228. Section 1(b) of An Act For the suppression of prostitution in the District of Columbia, approved August 15, 1935 (49 Stat. 651; D.C. Official Code § 22-2701(b)), is amended as follows:

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

(1) Subparagraph (A) is amended by striking the phrase “not more than \$500” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(2) Subparagraph (B) is amended by striking the phrase “not more than \$1,000” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(b) Paragraph (2) is amended by striking the phrase “not more than \$4,000” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

Sec. 229. An Act In relation to pandering, to define and prohibit the same and to provide for the Punishment thereof, approved June 25, 1910 (36 Stat. 833; D.C. Official Code § 22- 2705 *et seq.*), is amended as follows:

(a) Section 1(c) (D.C. Official Code § 22- 2705) is amended as follows:

(1) Paragraph (1) is amended by striking the phrase “not more than \$5,000” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(2) Paragraph (2) is amended by striking the phrase “not more than \$20,000” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(b) Section 2(b) (D.C. Official Code § 22-2706(b)) is amended as follows:

(1) Paragraph (1) is amended by striking the phrase “not more than \$15,000” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(2) Paragraph (2) is amended by striking the phrase “not more than \$20,000” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(c) Section 3(b) (D.C. Official Code § 22-2707(b)) is amended as follows:

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(1) Paragraph (1) is amended by striking the phrase “not more than \$5,000” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(2) Paragraph (2) is amended by striking the phrase “not more than \$20,000” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(d) Section 6 (D.C. Official Code § 22-2710) is amended by striking the phrase “not more than \$1,000” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(e) Section 7 (D.C. Official Code § 22-2711) is amended by striking the phrase “not more than \$1,000” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(f) Section 8 (D.C. Official Code § 22-2712) is amended by striking the phrase “not more than \$1,000” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

Sec. 230. Section 4 of An Act To enjoin and abate houses of lewdness, assignation, and prostitution; to declare the same to be nuisances; to enjoin the person or persons who conduct or maintain the same and the owner or agent of any building used for such purpose, and to assess a tax against the person maintaining said nuisance and against the building and owner thereof, approved February 7, 1914 (38 Stat. 281; D.C. Official Code § 22-2716), is amended by striking the phrase “not more than \$1,000” and inserting the phrase “and not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

Sec. 231. Section 3(b) of the Residential Tranquility Act of 2010, effective May 26, 2011 (D.C. Law 18-374; D.C. Official Code § 22-2752(b)), is amended by striking the phrase “not more than \$500” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

Sec. 232. The Anti-Sexual Abuse Act of 1994, effective May 23, 1995 (D.C. Law 10-257; D.C. Official Code § 22-3009.04 *et seq.*), is amended as follows:

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(a) Section 201(a) (D.C. Official Code § 22-3002(a)) is amended by striking the phrase “in an amount not to exceed \$250,000” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(b) Section 202 (D.C. Official Code § 22-3003) is amended by striking the phrase “in an amount not to exceed \$200,000” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(c) Section 203 (D.C. Official Code § 22-3004) is amended by striking the phrase “in an amount not to exceed \$100,000” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(d) Section 204 (D.C. Official Code § 22-3005) is amended by striking the phrase “in an amount not to exceed \$50,000” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(e) Section 205 (D.C. Official Code § 22-3006) is amended by striking the phrase “in an amount not to exceed \$1,000” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(f) Section 207 (D.C. Official Code § 22-3008) is amended by striking the phrase “an amount not to exceed \$250,000” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(g) Section 208 (D.C. Official Code § 22-3009) is amended by striking the phrase “in an amount not to exceed \$100,000” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(h) Section 208a (D.C. Official Code § 22-3009.01) is amended by striking the phrase “in an amount not to exceed \$150,000” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(i) Section 208b (D.C. Official Code § 22-3009.02) is amended by striking the phrase “in an amount not to exceed \$75,000” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

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(j) Section 208c (D.C. Official Code § 22-3009.03) is amended by striking the phrase “in an amount not to exceed \$100,000” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(k) Section 208d (D.C. Official Code § 22-3009.04) is amended by striking the phrase “in an amount not to exceed \$50,000” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(l) Section 209 (D.C. Official Code § 22-3010) is amended as follows:

(1) Subsection (a) is amended by striking the phrase “in an amount not to exceed \$50,000” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(2) Subsection (b) is amended by striking the phrase “in an amount not to exceed \$50,000” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(m) Section 209a (D.C. Official Code § 22-3010.01) is amended by striking the phrase “in an amount not to exceed \$1,000” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(n) Section 209b (D.C. Official Code § 22-3010.02) is amended by striking the phrase “an amount not to exceed \$50,000” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(o) Section 212 (D.C. Official Code § 22-3013) is amended by striking the phrase “in an amount not to exceed \$100,000” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(p) Section 213 (D.C. Official Code § 22-3014) is amended by striking the phrase “in an amount not to exceed \$50,000” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(q) Section 214(b) (D.C. Official Code § 22-3015(b)) is amended by striking the phrase “in an amount not to exceed \$100,000” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of

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2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(r) Section 215(b) (D.C. Official Code § 22-3016(b)) is amended by striking the phrase “in an amount not to exceed \$50,000” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

Sec. 233. Section 4 of the District of Columbia Protection Against Minors Act of 1982, effective March 9, 1983 (D.C. Law 4-173; D.C. Official Code § 22-3103), is amended as follows:

(a) Paragraph (1) is amended by striking the phrase “not more than \$5,000” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(b) Paragraph (2) is amended by striking the phrase “not more than \$15,000” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

Sec. 234. Section 5 of the Anti-Intimidation and Defacing of Public Property Criminal Penalty Act of 1982, effective March 10, 1982 (D.C. Law 4-203; D.C. Official Code § 22-3312.04), is amended as follows:

(a) Subsection (a) is amended by striking the phrase “or more than \$1,000” and inserting the phrase “and not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(b) Subsection (b) is amended by striking the phrase “not to exceed \$500” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

Sec. 235. Section 2 of An Act To prohibit the use by collecting agencies and private detective agencies of any name, emblem, or insignia which reasonably tends to convey the impression that any such agency is an agency of the government of the District of Columbia, approved October 16, 1962 (76 Stat. 1071; D.C. Official Code § 22-3402), is amended by striking the phrase “of not more than \$300” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

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Sec. 236. Section 16(a) of the Sex Offender Registration Act of 1999, effective July 11, 2000 (D.C. Law 13-137; D.C. Official Code § 22-4015(a)), is amended as follows:

(a) Strike the phrase “not more than \$1,000” and insert the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(b) Strike the phrase “not more than \$25,000” and insert the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

Sec. 237. Section 5(d) of the Innocence Protection Act of 2001, effective May 17, 2002 (D.C. Law 14-134; D.C. Official Code § 22-4134(d)), is amended by striking the phrase “of \$100,000” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

Sec. 238. Section 4(a) of An Act revise and modernize the fish and game laws of the District of Columbia, and for other purposes, approved August 23, 1958 (72 Stat. 815; D.C. Official Code § 22-4331(a)), is amended by striking the phrase “not more than \$300” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

Sec. 239. An Act To amend section eight hundred and ninety-five of the Code of Law for the District of Columbia, approved February 3, 1913 (37 Stat. 656; D.C. Official Code § 22-4402(d)), is amended by striking the phrase “not exceeding \$100” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

Sec. 240. An Act To control the possession, sale, transfer, and use of pistols and other dangerous weapons in the District of Columbia, to provide penalties, to prescribe rules of evidence, and for other purposes, approved July 8, 1932 (47 Stat. 650; D.C. Official Code § 22-4501 *et seq.*), is amended as follows:

(a) Section 3(c) (D.C. Official Code § 22-4503(c)) is amended by striking the phrase “not more than \$15,000” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

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(b) Section 4(a) (D.C. Official Code § 22-4504(a)) is amended as follows:

(1) Paragraph (1) is amended by striking the phrase “not more than \$5,000” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(2) Paragraph (2) is amended by striking the phrase “not more than \$10,000” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(c) Section 15 (D.C. Official Code § 22-4515) is amended by striking the phrase “not more than \$1,000” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

## SUBTITLE B. CONFORMING AMENDMENTS TO TITLE 48

Sec. 251. Section 9(c) of An Act Relating to the adulteration of foods and drugs in the District of Columbia, approved February 17, 1898 (30 Stat. 246; D.C. Official Code § 48-109(c)), is amended by striking the phrase “not to exceed \$10,000” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

Sec. 252. The District of Columbia Uniform Controlled Substances Act of 1981, effective August 5, 1981 (D.C. Law 4-29; D.C. Official Code § 48-901.02 *et seq.*), is amended as follows:

(a) Section 401 (D.C. Official Code § 48-904.01) is amended as follows:

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

(A) Subparagraph (A) is amended by striking the phrase “not more than \$500,000” and insert the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(B) Subparagraph (B) is amended as follows:

(i) Strike the phrase “not more than \$50,000” and insert the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(ii) Strike the phrase “not more than \$1,000” and insert the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.



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(C) Subparagraph (C) is amended by striking the phrase “not more than \$25,000” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(D) Subparagraph (D) is amended by striking the phrase “not more than \$10,000” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

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

(A) Subparagraph (A) is amended by striking the phrase “not more than \$500,000” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(B) Subparagraph (B) is amended by striking the phrase “not more than \$50,000” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(C) Subparagraph (C) is amended by striking the phrase “not more than \$25,000” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(D) Subparagraph (D) is amended by striking the phrase “not more than \$10,000” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

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

(A) Paragraph (1) is amended by striking the phrase “not more than \$1,000” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(B) Paragraph (2) is amended by striking the phrase “not more than \$3,000” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(b) Section 402(c) (D.C. Official Code § 48-904.02(c)) is amended by striking the phrase “not more than \$50,000” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(c) Section 403(b) (D.C. Official Code § 48-904.03(b)) is amended by striking the phrase “not more than \$50,000” and inserting the phrase “not more than the amount set forth

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(1) Strike the phrase “for not more than \$1,000” and insert the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(2) Strike the phrase “not more than \$5,000” and insert the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(c) Subsection (c) is amended by striking the phrase “not more than \$15,000” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(d) Subsection (e)(4) is amended as follows:

(1) Strike the phrase “not more than \$1,000” and insert the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(2) Strike the phrase “not more than \$5,000” and insert the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

## SUBTITLE C. CONFORMING AMENDMENTS TO TITLE 50

Sec. 261. Section 2 of the Taxicab Fare Payment Act of 1980, effective February 2, 1981 (D.C. Law 3-117; D.C. Official Code § 50-351), is amended by striking the phrase “of not more than \$300” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

Sec. 262. Section 12 of An Act Making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1920, and for other purposes, approved July 11, 1919 (41 Stat. 104; D.C. Official Code § 50-371), is amended by striking the phrase “not to exceed \$300” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

Sec. 263. Section 6(b)(1) of the Uniform Classification and Commercial Driver’s License Act of 1990, effective September 20, 1990 (D.C. Law 8-161; D.C. Official Code § 50-405(b)(1)), is amended as follows:

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(a) Subparagraph (A) is amended by striking the phrase “nor more than \$1000” and inserting the phrase “and not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(b) Subparagraph (B) is amended by striking the phrase “nor more than \$2000” and inserting the phrase “and not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(c) Subparagraph (C) is amended by striking the phrase “nor more than \$5000” and inserting the phrase “and not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

Sec. 264. Section 8 of An Act To provide for the regulation of finance charges for retail installment sales of motor vehicles in the District of Columbia, and for other purposes, approved April 22, 1960 (74 Stat. 73; D.C. Official Code § 50-607), is amended by striking the phrase “not exceeding \$500” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

Sec. 265. Section 14 of An Act to provide for the recording and releasing of liens by entries on certificates of title for motor vehicles and trailers, and for other purposes, approved July 2, 1940 (54 Stat. 736; D.C. Official Code 50-1215), is amended by striking the phrase “of not more than \$5,000” and inserting the phrase “of not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

Sec. 266. The Motor Vehicle Safety and Responsibility Act of the District of Columbia, approved May 25, 1954 (68 Stat. 122; D.C. Official Code § 50-1301.01 *et seq.*), is amended as follows:

(a) Section 74 (D.C. Official Code § 50-1301.74) is amended by striking the phrase “not more than \$500” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(b) Section 75 (D.C. Official Code § 50-1301.75) is amended by striking the phrase “not more than \$500” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

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Sec. 267. Section 108(b) of the Department of Motor Vehicles Reform Amendment Act of 2004, effective April 8, 2005 (D.C. Law 15-307; D.C. Official Code § 50-1331.08(b)), is amended by striking the phrase “not more than \$2,000” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

Sec. 268. The District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1119; codified in scattered cites of the D.C. Official Code), is amended as follows:

(a) Section 7(d) (D.C. Official Code § 50-1401.01(d)) is amended by striking the phrase “not more than \$300” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(b) Section 8(i) (D.C. Official Code § 50-1401.02(i)) is amended by striking the phrase “nor more than \$50” and inserting the phrase “and not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(c) Section 13(e) (D.C. Official Code § 50-1403.01(e)) is amended by striking the phrase “not to exceed \$5,000” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(d) Section 13b(b) (D.C. Official Code § 50-1403.03(b)) is amended by striking the phrase “not more than \$1,000” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

Sec. 269. Section 4(f) of the International Registration Plan Agreement Act of 1997, effective September 5, 1997 (D.C. Law 12-14; D.C. Official Code § 50-1507.03(d)), is amended by striking the phrase “not to exceed \$500” and inserting the phrase “of not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

Sec. 270. Section 7e of the District of Columbia Implied Consent Act, signed by the Mayor on October 24, 2012 (D.C. Act 19-489), is amended by striking the phrase “\$500 fine” and inserting the phrase “fine not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

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Sec. 271. The District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1119; D.C. Official Code § 50-2201.01 *et seq.*) is amended as follows:

(a) Section 6 (D.C. Official Code § 50-2201.03) is amended as follows:

(1) Subsection (d) is amended by striking the phrase “not more than \$1,000” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(2) Subsection (f) is amended by striking the phrase “not more than \$300” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(b) Section 9b(c) is amended by striking the phrase “not more than \$250” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(c) Section 10b (D.C. Official Code § 50-2201.05b(b)) is amended as follows:

(1) Paragraph (1) is amended by striking the phrase “not more than \$1,000” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(2) Paragraph (2) is amended by striking the phrase “not more than \$500” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(d) Section 10c(d) is amended as follows:

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

(i) Subparagraph (A) is amended by striking the phrase “not more than \$1,000” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(ii) Subparagraph (B) is amended by striking the phrase “not more than \$2,500” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

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

(i) Subparagraph (A) is amended by striking the phrase “not more than \$250” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

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(ii) Subparagraph (B) is amended by striking the phrase “not more than \$500” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(e) Section 10d(d) is amended as follows:

(1) Paragraph (1) is amended by striking the phrase “not more than \$500” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(2) Paragraph (2) is amended by striking the phrase “not more than \$500” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

Sec. 272. Section 3g(b) of the Anti-Drunk Driving Act of 1982, signed by the Mayor on October 24, 2012 (D.C. Act 19-489), is amended by striking the phrase “\$500” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

Sec. 273. Section 2(c) of the Pedestrian Protection Amendment Act of 1987, effective October 9, 1987 (D. C. Law 7-34; D.C. Official Code § 50-2201.28(c)), is amended by striking the phrase “of not more than \$500” and inserting the phrase “of not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

Sec. 274. Section 802(a) of An Act To amend an Act of Congress entitled “An Act to establish a code of law for the District of Columbia, approved March 3, 1901, as amended by adding three new sections to be numbered 802(a), 802(b), and 802(c), respectively, approved June 17, 1935 (49 Stat. 385; D.C. Official Code § 50-2203.01), is amended by striking the phrase “of not more than \$5,000” and inserting the phrase “of not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

Sec. 275. The District of Columbia Traffic Adjudication Act of 1978, effective September 12, 1978 (D.C. Law 2-104; D.C. Official Code § 50-2301.01 *et seq.*) is amended as follows:

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(a) Section 203(a) (D.C. Official Code § 50-2302.03(a)) is amended by striking the phrase “not to exceed \$300” and inserting the phrase “of not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(b) Section 302(a) (D.C. Official Code § 50-2303.02(a)) is amended by striking the phrase “not to exceed \$300” and inserting the phrase “of not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

Sec. 276. The Removal and Disposition of Abandoned and Other Unlawfully Parked Vehicles Reform Act of 2003, effective October 28, 2003 (D.C. Law 15-35; D.C. Official Code § 50-2421.01 *et seq.*), is amended as follows:

(a) Section 4(e) (D.C. Official Code § 50-2421.04(e)) is amended by striking the phrase “of not more than \$500” and inserting the phrase “of not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(b) Section 9(c) (D.C. Official Code § 50-2421.09(c)) is amended by striking the phrase “of not more than \$500” and inserting the phrase “of not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(c) Section 10(d) (D.C. Official Code § 50-2421.10(d)) is amended by striking the phrase “not to exceed \$5,000” and inserting the phrase “of not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

Sec. 277. Section 3 of An Act To authorize the Commissioners of the District of Columbia to provide for the parking of automobiles in the Municipal Center, approved June 6, 1940 (54 Stat. 241; D.C. Official Code § 50-2632(c)), is amended by striking the phrase “not to exceed \$25” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

## SUBTITLE D. CONFORMING AMENDMENTS TO ENACTED TITLES

Sec. 281. Title 16 of the District of Columbia Official Code is amended as follows:

(a) Section 16-1005 is amended as follows:

(1) Subsection (f) is amended by striking the phrase “not exceeding \$1,000” and inserting the phrase “of not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

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(2) Subsection (g) is amended by striking the phrase “not exceeding \$1,000” and inserting the phrase “of not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(b) Section 16-1024(b) is amended as follows:

(1) Paragraph (1) is amended by striking the phrase “not exceeding \$1,000” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

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

(A) Strike the phrase “not exceeding \$5,000” and insert the phrase “of not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(B) Strike the phrase “not exceeding \$500” and insert the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(c) Section 16-2336 is amended by striking the phrase “not more than \$250” and inserting the phrase “of not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(d) Section 16-2348(b) is amended by striking the phrase “not more than \$250” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(e) Section 16-2364 is amended by striking the phrase “not more than two hundred and fifty dollars (\$250)” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(f) Section 16-2394 is amended by striking the phrase “not more than \$250” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(g) Section 16-5103 is amended by striking the phrase “of up to \$500” and inserting the phrase “of not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.



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Sec. 282. Section 21-591(3) of the District of Columbia Official Code is amended by striking the phrase “not more than \$5000” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

Sec. 283. Title 23 of the District of Columbia Official Code is amended as follows:

(a) Section 23-542(b) is amended by striking the phrase “not more than \$10,000” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(b) Section 23-543(a)(2)(B) is amended by striking the phrase “not more than \$10,000” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(c) Section 23-703 is amended by striking the phrase “not exceeding \$5,000” and inserting the phrase “of not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(d) Section 23-1108(b) is amended by striking the phrase “not more than \$500” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(e) Section 23-1110(b)(4) is amended by striking the phrase “not more than the maximum provided for the misdemeanor for which such citation was issued” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(f) Section 23-1111 is amended by striking the phrase “nor more than \$100” and inserting the phrase “and not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(g) Section 23-1327(a) is amended as follows:

(1) Strike the phrase “not more than \$5,000” and insert the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(2) Strike the phrase “not more than the maximum provided for such misdemeanor” and insert the phrase “not more than the amount set forth in section 101 of

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the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)" in its place.

(3) Strike the phrase "not more than \$ 1,000" and insert the phrase "not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)" in its place.

(h) Section 23-1329(c) is amended by striking the phrase "not more than \$1,000" and inserting the phrase "not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)" in its place.

Sec. 284. Title 25 of the District of Columbia Official Code is amended as follows:

(a) Section 25-434(b) is amended by striking the phrase "not more than \$300" and inserting the phrase "not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)" in its place.

(b) Section 25-772(d) is amended by striking the phrase "of not more than \$500" and inserting the phrase "of not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)" in its place.

(c) Section 25-831 is amended as follows:

(1) Subsection (a) is amended by striking the phrase "of not more than \$1,000" and inserting the phrase "of not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)" in its place.

(2) Subsection (b) is amended by striking the phrase "not more than \$5,000" and inserting the phrase "not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)" in its place.

(d) Section 25-101(d) is amended by striking the phrase "of not more than \$500" and inserting the phrase "of not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)" in its place.

Sec. 285. Title 28 of the District of Columbia Official Code is amended as follows:

(a) Section 28-2305(b) is amended by striking the phrase "not more than \$200" and inserting the phrase "not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)" in its place.

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(b) Section 28-3313 is amended by striking the phrase “not more than \$1,000” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(c) Section 28-3817(g) is amended by striking the phrase “not more than \$5,000” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(d) Section 28-4505(h) is amended by striking the phrase “not more than \$5,000” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(e) Section 28-4506 is amended by striking the phrase “not exceeding \$50,000” and inserting the phrase “of not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(f) Section 28-4607(a) is amended by striking the phrase “not more than \$500” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

Sec. 286. Title 47 of the District of Columbia Official Code is amended as follows:

(a) Section 47-102 is amended by striking the phrase “not exceeding \$10,000” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(b) Section 47-391.03(i)(1)(B) is amended by striking the phrase “not more than \$1,000” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(c) Section 47-821(d)(2)(C) is amended by striking the phrase “not exceeding \$1,000” and inserting the phrase “of not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(d) Section 47-828 is amended by striking the phrase “not more than \$10,000” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(e) Section 47-850.02(d)(4) is amended by striking the phrase “not more than \$1,000” and inserting the phrase “not more than the amount set forth in section 101 of the

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Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)" in its place.

(f) Section 47-863(k)(4) is amended by striking the phrase "not more than \$1,000" and inserting the phrase "not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)" in its place.

(g) Section 47-861 is amended by striking the phrase "not to exceed \$10,000" and inserting the phrase "of not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)" in its place.

(h) Section 47-1805.04(e) is amended by striking the phrase "not exceeding \$1,000" and inserting the phrase "of not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)" in its place.

(i) Section 47-2014 is amended by striking the phrase "not more than \$500" and inserting the phrase "not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)" in its place.

(j) Section 47-2018(d) is amended by striking the phrase "not exceeding \$1,000" and inserting the phrase "of not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)" in its place.

(k) Section 47-2106(a) is amended by striking the phrase "not more than \$300" and inserting the phrase "not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)" in its place.

(l) Section 47-2406(f) is amended by striking the phrase "not more than \$10,000" and inserting the phrase "not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)" in its place.

(m) Section 47-2408 is amended as follows:

(1) Subsection (c) is amended by striking the phrase "not more than \$1,000" and inserting the phrase "not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)" in its place.

(2) Subsection (d) is amended by striking the phrase "not more than \$1,000" and inserting the phrase "not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)" in its place.

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(n) Section 47-2409(e) is amended by striking the phrase “not more than \$1,000” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(o) Section 47-2421 is amended by striking the phrase “not more than \$5,000” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(p) Section 47-2707 is amended by striking the phrase “nor more than \$200” and inserting the phrase “and not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(q) Section 47-2808(c) is amended by striking the phrase “not more than \$1,000” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(r) Section 47-2839.01(c) is amended by striking the phrase “of not more than \$1,000” and inserting the phrase “of not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(s) Section 47-2846 is amended by striking the phrase “not more than \$300” wherever it appears and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(t) Section 47-2850(c)(1) is amended by striking the phrase “not exceeding \$1,000” and inserting the phrase “of not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(u) Section 47-2883.04 is amended by striking the phrase “not exceeding \$300” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(v) Section 47-2884.16(a) is amended by striking the phrase “of not more than \$300” and inserting the phrase “of not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(w) Section 47-2885.20(a) is amended by striking the phrase “of not more than \$500” and inserting the phrase “of not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

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(x) Section 47-2886.14 is amended by striking the phrase “of not more than \$500” and inserting the phrase “of not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(y) Section 47-2887.14 is amended by striking the phrase “maximum fine of \$10,000” and inserting the phrase “a fine of not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(z) Section 47-3409 is amended by striking the phrase “of \$300” and inserting the phrase “of not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(aa) Section 47-3719(f) is amended by striking the phrase “not to exceed \$1,000” and inserting the phrase “of not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(bb) Section 47-4101 is amended as follows:

(1) Subsection (a) is amended by striking the phrase “not more than \$10,000” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(2) Subsection (b) is amended by striking the phrase “not more than \$5,000” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(cc) Section 47-4102 is amended as follows:

(1) Subsection (a) is amended by striking the phrase “not more than \$10,000” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(2) Subsection (b) is amended by striking the phrase “not more than \$5,000” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(dd) Section 47-4103 is amended as follows:

(1) Subsection (a) is amended by striking the phrase “not more than \$5,000” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

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(2) Subsection (b) is amended by striking the phrase “not more than \$3,000” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(ee) Section 47-4104 is amended by striking the phrase “not more than \$3,000” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(ff) Section 47-4105 is amended by striking the phrase “not more than \$3,000” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(gg) Section 47-4107 is amended as follows:

(1) Subsection (a) is amended by striking the phrase “not more than \$5,000” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(2) Subsection (b) is amended by striking the phrase “not more than \$5,000” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(hh) Section 47-4405(c) is amended by striking the phrase “not more than \$1,000” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(ii) Section 47-4406(f) is amended by striking the phrase “not more than \$1,000” and inserting the phrase “not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

### TITLE III -- CONFORMING AMENDMENTS FOR NEW CRIMINAL FINES

Sec. 301. Section 18-112 of the District of Columbia Official Code is amended by adding the following sentence at the end:

“In addition to any other penalty provided under this section, a person may be fined an amount not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214).”.

Sec. 302. Section 20-102 of the District of Columbia Official Code is amended by adding a new subsection (c) to read as follows:

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“(c) In addition to any other penalty provided under this section, a person may be fined an amount not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214).”.

Sec. 303. An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1189; codified in scattered cites of the D.C. Official Code), is amended as follows:

(a) Section 801 (D.C. Official Code § 22-2104) is amended by adding a new subsection (e) to read as follows:

“(e) In addition to any other penalty provided under this section, a person may be fined an amount not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214).”.

(b) Section 802 (D.C. Official Code § 22-2105) is amended by adding the following sentence at the end:

“In addition to any other penalty provided under this section, a person may be fined an amount not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214).”.

(c) Section 802a (D.C. Official Code § 22-2106) is amended by adding a new subsection (c) to read as follows:

“(c) In addition to any other penalty provided under this section, a person may be fined an amount not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214).”.

(d) Section 803 (D.C. Official Code § 22-401) is amended by adding the following sentence at the end:

“In addition to any other penalty provided under this section, a person may be fined an amount not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214).”.

(e) Section 804 (D.C. Official Code § 22-402) is amended by adding the following sentence at the end:

“In addition to any other penalty provided under this section, a person may be fined an amount not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214).”.

(f) Section 805 (D.C. Official Code § 22-403) is amended by adding the following sentence at the end:



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“In addition to any other penalty provided under this section, a person may be fined an amount not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214).”

(g) Section 807 (D.C. Official Code § 22-406) is amended by adding the following sentence at the end:

“In addition to any other penalty provided under this section, a person may be fined an amount not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214).”

(h) Section 810 (D.C. Official Code § 22-2801) is amended by adding the following at the end:

“In addition to any other penalty provided under this section, a person may be fined an amount not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214).”

(i) Section 812 (D.C. Official Code § 22-2001) is amended by adding the following sentence at the end:

“In addition to any other penalty provided under this section, a person may be fined an amount not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214).”

(j) Section 820 (D.C. Official Code § 22-301) is amended by adding the following sentence at the end:

“In addition to any other penalty provided under this section, a person may be fined an amount not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214).”

(k) Section 821 (D.C. Official Code § 22-302) is amended by adding the following sentence at the end:

“In addition to any other penalty provided under this section, a person may be fined an amount not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214).”

(l) Section 823 (D.C. Official Code § 22-801) is amended by adding a new subsection (c) to read as follows:

“(c) In addition to any other penalty provided under this section, a person may be fined an amount not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214).”

## ENROLLED ORIGINAL

(m) Section 846 (D.C. Official Code § 22-3319) is amended by adding the following sentence at the end:

“In addition to any other penalty provided under this section, a person may be fined an amount not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214).”

(n) Section 859 (D.C. Official Code § 22-1403) is amended by adding a new subsection (a-1) to read as follows:

“(a-1) In addition to any other penalty provided under this section, a person may be fined an amount not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214).”

(o) Section 860 (D.C. Official Code § 22-1404) is amended by adding the following at the end:

“In addition to any other penalty provided under this section, a person may be fined an amount not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214).”

(p) Section 865 (D.C. Official Code § 22-1704) is amended by striking the phrase “5 years” and inserting the phrase “5 years and, in addition, may be fined not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

(q) Section 870 (D.C. Official Code § 22-501) is amended by adding a new subsection (a-1) to read as follows:

“(a-1) In addition to any other penalty provided under this section, a person may be fined an amount not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214).”

(r) Section 875 (D.C. Official Code § 22-1901) is amended by adding the following sentence at the end:

“In addition to any other penalty provided under this section, a person may be fined an amount not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214).”

(s) Section 891 (D.C. Official Code § 22-3303) is amended by adding the following sentence at the end:

“In addition to any other penalty provided under this section, a person may be fined an amount not more than the amount set forth in section 101 of the Criminal Fine

## ENROLLED ORIGINAL

Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214).”.

(t) Section 907a (D.C. Official Code § 22-1804a) is amended by adding a new subsection (e) to read as follows:

“(e) In addition to any other penalty provided under this section, a person may be fined an amount not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214).”.

Sec. 304. Section 3(b) of the An Act To control the possession, sale, transfer and use of pistols and other dangerous weapons in the District of Columbia, to provide penalties, to prescribe rules of evidence, and for other purposes, approved July 8, 1932 (47 Stat. 651; D.C. Official Code § 22-4503(b)), is amended by adding a new paragraph (3) to read as follows:

“(3) In addition to any other penalty provided under this subsection, a person may be fined an amount not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214).”.

Sec. 305. Section 209(a) of the District of Columbia Law Enforcement Act of 1953, approved June 29, 1953 (67 Stat. 95; D.C. Official Code § 22-2501) is amended by striking the phrase “5 years” and inserting the phrase “5 years and, in addition, may be fined not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

Sec. 306. An Act In relation to pandering, to define and prohibit the same, and to provide for the Punishment thereof, approved June 25, 1910 (36 Stat. 833; D.C. Official Code § 22- 2705 *et seq.* ), is amended as follows:

(a) Section 4 (D.C. Code § 22-2708) is amended by adding the following sentence at the end:

“In addition to any other penalty provided under this section, a person may be fined an amount not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214).”.

(b) Section 5 (D.C. Code § 22-2709) is amended by adding the following sentence at the end:

“In addition to any other penalty provided under this section, a person may be fined an amount not more than the amount set forth in section 101 of the Criminal Fine

## ENROLLED ORIGINAL

Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214).”.

Sec. 307. The Omnibus Anti-Terrorism Act of 2002, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 22-3151 *et seq.*) is amended as follows:

(a) Section 104 (D.C. Official Code § 22-3154) is amended by adding a new subsection (c) to read as follows:

“(c) In addition to any other penalty provided under this section, a person may be fined an amount not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214).”.

(b) Section 105 (D.C. Official Code § 22-3155) is amended by adding a new subsection (c) to read as follows:

“(c) In addition to any other penalty provided under this section, a person may be fined an amount not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214).”.

Sec. 308. An Act To define the crime of bribery and to provide for its punishment, approved February 26, 1936 (49 Stat. 1143; D.C. Official Code 22-704) is amended by striking the phrase “5 years” and inserting the phrase “5 years. In addition to any other penalty provided under this section, a person may be fined an amount not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214)” in its place.

Sec. 309. An Act To control the possession, sale, transfer, and use of pistols and other dangerous weapons in the District of Columbia, to provide penalties, to prescribe rules of evidence, and for other purposes, approved July 8, 1932 (47 Stat. 650; D.C. Official Code § 22- 4501 *et seq.*), is amended as follows:

(a) Section 4 (D.C. Official Code § 22-4504) is amended by adding a new subsection (c) to read as follows:

“(c) In addition to any other penalty provided under this section, a person may be fined an amount not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214).”.

(b) Section 14 (D.C. Official Code § 22-4514) is amended by adding a new subsection (d) to read as follows:

“(d) In addition to any other penalty provided under this section, a person may be fined an amount not more than the amount set forth in section 101 of the Criminal Fine

## ENROLLED ORIGINAL

Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214).”.

(c) Section 15A(d) (D.C. Official Code § 22-4515a(d)) is amended by adding a new paragraph (4) to read as follows:

“(4) In addition to any other penalty provided under this section, a person may be fined an amount not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214).”.

Sec. 310. Section 2 of An Act To control the possession, sale, transfer, and use of pistols and other dangerous weapons in the District of Columbia, to provide penalties, to prescribe rules of evidence, and for other purposes, approved July 8, 1932 (47 Stat. 650; D.C. Official Code § 22-4502), is amended by adding a new subsection (e-1) to read as follows:

“(e-1) In addition to any other penalty provided under this section, a person may be fined an amount not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214).”.

Sec. 311. Title 23 of the District of Columbia Official Code is amended as follows:

(a) Section 23-1328 is amended by adding a new subsection (d) to read as follows:

“(d) In addition to any other penalty provided under this section, a person may be fined an amount not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214).”.

(b) Section 23-1329 is amended by adding a new subsection (a-1) to read as follows:

“(a-1) In addition to any other penalty provided under this section, a person may be fined an amount not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214).”.

Sec. 312. Section 3a of An Act To establish a Board of Indeterminate Sentence and Parole for the District of Columbia and to determine its functions, and for other purposes, approved July 15, 1932 (47 Stat. 697; D.C. Official Code § 24-403.01), is amended by adding a new subsection (g) to read as follows:

“(g) In addition to any other penalty provided under this section, a person may be fined an amount not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214).”.

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TITLE IV -- NON-RETROACTIVITY PROVISION

Sec. 401. Applicability of provisions; non-retroactivity.

This act shall apply only to the offenses committed on or after the effective date of this act.

TITLE V -- FISCAL IMPACT; EFFECTIVE DATE

Sec. 501. 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. 502. 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 60-day period of Congressional review as provided in section 602(c)(2) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(2)), and publication in the District of Columbia Register.

Chairman  
Council of the District of Columbia

Mayor  
District of Columbia  
APPROVED  
January 23, 2013

ENROLLED ORIGINAL

AN ACT

D.C. ACT 19-642

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 25, 2013

Codification  
District of Columbi  
Official Code  
2001 Edition  
  
Summer 2013

To amend Chapter 28 of Title 47 of the District of Columbia Official Code to change the time period in which a basic business license must be renewed from every 2 years to an option of every 2 or 4 years.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Basic Business License Renewal Amendment Act of 2012”.

Sec. 2. Chapter 28 of Title 47 of the District of Columbia Official Code is amended as follows:

(a) Section 47-2851.09(a)(2) is amended to read as follows:

Amend  
§ 47-2851.09

“(2) Notwithstanding any other provision of law, every license issued in accordance with this subchapter shall be valid for either 2 or 4 years from the date of issue, depending on which license term the applicant selects, unless earlier revoked or voluntarily relinquished, and licenses shall be issued on a staggered basis, using as the renewal date the date of incorporation if the business is incorporated, the date of organization if the business is unincorporated, or the birth date of the principal if the business is a sole proprietorship. The fee charged for a 4-year license renewal shall be twice that of a 2-year license renewal.”

(b) Section 47-2851.10(a) is amended by striking the phrase “30 days” and inserting the phrase “60 days” in its place.

Amend  
§ 47-2851.10

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.

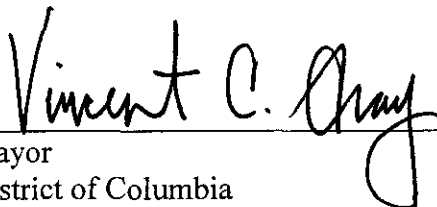
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act,

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 25, 2013



## ENROLLED ORIGINAL

## AN ACT

D.C. ACT 19-643

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 23, 2013

Codification  
 District of Columbia  
 Official Code  
 2001 Edition

Summer 2013

To authorize autonomous vehicles to operate on District roadways, to require the Department of Motor Vehicles to create an autonomous vehicle designation, and to establish safe operating protocols for autonomous vehicles.

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

Sec. 2. Definitions.

For the purposes of this act, the term:

New  
 § 50-2351

(1) "Autonomous vehicle" means a vehicle capable of navigating District roadways and interpreting traffic-control devices without a driver actively operating any of the vehicle's control systems. The term "autonomous vehicle" excludes a motor vehicle enabled with active safety systems or driver-assistance systems, including systems to provide electronic blind-spot assistance, crash avoidance, emergency braking, parking assistance, adaptive cruise control, lane-keep assistance, lane-departure warning, or traffic-jam and queuing assistance, unless the system alone or in combination with other systems enables the vehicle on which the technology is installed to drive without active control or monitoring by a human operator.

(2) "Driver" means a human operator of a motor vehicle with a valid driver's license.

(3) "Public roadway" means a street, road, or public thoroughfare that allows motor vehicles.

(4) "Traffic control device" means a traffic signal, traffic sign, electronic traffic sign, pavement marking, or other sign, device, or apparatus designed and installed to direct moving traffic.

Sec. 3. Autonomous vehicles permitted.

An autonomous vehicle may operate on a public roadway; provided, that the vehicle:

New  
 § 50-2352

(1) Has a manual override feature that allows a driver to assume control of the autonomous vehicle at any time;

## ENROLLED ORIGINAL

- (2) Has a driver seated in the control seat of the vehicle while in operation who is prepared to take control of the autonomous vehicle at any moment; and
- (3) Is capable of operating in compliance with the District's applicable traffic laws and motor vehicle laws and traffic control devices.

Sec. 4. Vehicle conversion; limited liability of original manufacturer.

New  
§ 50-2353

(a) The original manufacturer of a vehicle converted by a third party into an autonomous vehicle shall not be liable in any action resulting from a vehicle defect caused by the conversion of the vehicle, or by equipment installed by the converter, unless the alleged defect was present in the vehicle as originally manufactured.

(b) The conversion of vehicles to autonomous vehicles shall be limited to model years 2009 or later or vehicles built within 4 years of conversion, whichever vehicle is newer.

Sec. 5. Rules.

New  
§ 50-2354

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.*), shall issue rules on or before December 31, 2013, establishing a class of vehicles for autonomous vehicles and procedures and fees for the registration, titling, and issuance of permits to operate autonomous vehicles.

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. 7. Effective date.

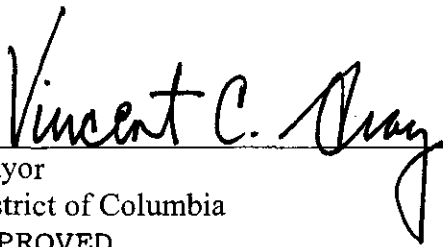
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act,

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 23, 2013

ENROLLED ORIGINAL

AN ACT  
D.C. ACT 19-644

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 25, 2013

Codification  
 District of Columbia  
 Official Code  
 2001 Edition

Summer 2013

To amend Chapter 28 of Title 47 of the District of Columbia Official Code to license and regulate the storage and collection of new and used tires.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "New and Used Tire Dealer License Act of 2012".

Sec. 2. Chapter 28 of Title 47 of the District of Columbia Official Code is amended as follows:

New  
 § 47-2832.02

(a) A new section 47-2832.02 is added to read as follows:

“§ 47-2832.02. Tire dealers.

“(a) The owners or managers of establishments where waste tires are generated shall pay a license fee as established by the Mayor.

“(b) Any license for a waste tire generator issued under this chapter shall be issued as a General Services and Repair endorsement to a basic business license under the basic business license system as set forth in subchapter I-A of this chapter.

“(c) No license shall be issued to any waste tire generator that fails to provide the Mayor with information concerning the site's location, size, and the approximate number of waste tires that have been accumulated at the site, which may not exceed 500.

“(d)(1) 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 pertaining to the collection and storage of waste tires, which shall include:

“(A) A prohibition on outdoor storage of waste tires;

“(B) Methods of collection, storage, and processing of waste tires;

and

“(C) Record-keeping procedures for waste tire generators.

“(2) The methods of collection, storage, and processing of waste tires shall consider the general location of waste tires being stored with regard to property boundaries and buildings, pest control, accessibility by firefighting equipment, and other considerations as they relate to public health and safety.

“(3) The record-keeping procedures for waste tire generators shall include the

## ENROLLED ORIGINAL

source and number or weight of tires received and the destination and number of tires or weight of tires or tire pieces shipped or otherwise disposed of. The records shall be maintained for at least 3 years following the end of the calendar year of such activity. Record keeping shall not be required for any charitable, fraternal, or other type of nonprofit organization or association that conducts programs that result in the voluntary cleanup of land, water resources, or collection for disposal of waste tires.

“(e) For the purposes of this section, the term:

“(1) “Waste tire” means any automobile, motorcycle, heavy equipment, or truck tire stored or offered for sale by a waste tire generator or otherwise retained by a waste tire generator after having replaced a customer’s tire with a new or used tire.

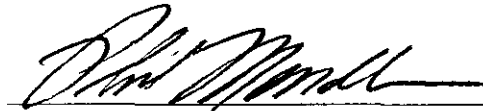
“(2) “Waste tire generator” means any person who buys, sells, or stores new or used tires for use on automobiles, motorcycles, heavy equipment, or trucks and which retains any of the customer’s used tires after replacement.”

Sec. 3. Fiscal impact statement.

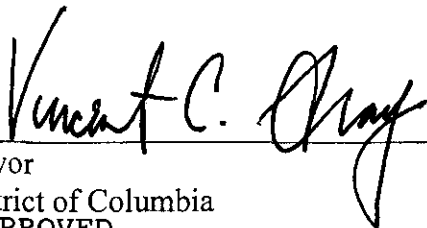
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

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



Chairman  
Council of the District of Columbia



Mayor  
District of Columbia  
APPROVED

January 25, 2013  
Codification District of Columbia Official Code

## ENROLLED ORIGINAL

AN ACT

D.C. ACT 19-645Codification  
District of Columbia  
Official Code  
2001 Edition

Summer 2013

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 25, 2013

To amend the Recreation Act of 1994 to authorize the Department of Parks and Recreation to issue fee-based use permits for the benefit, enjoyment, education, amusement, or convenience of the public, on property under the department's jurisdiction, to establish nutritional standards for food and beverages sold, offered, or provided on property under the department's jurisdiction, to require the department to give a preference to residents for participation in sports leagues, teams, games, and camps managed by the department for youth, adults, and seniors, and to require the Mayor to issue rules.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Department of Parks and Recreation Fee-based Use Permit Authority Amendment Act of 2012".

Sec. 2. The Recreation Act of 1994, effective March 23, 1995 (D.C. Law 10-246; D.C. Official Code § 10-301 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 10-301) is amended as follows:

Amend  
§ 10-301

(1) Designate existing paragraphs (1A), (1B), (1C), (1D), and (2) as, respectively, paragraphs (4), (6), (7), (8), and (9).

(2) New paragraphs (2) and (3) are added to read as follows:

“(2) “Department” means the Department of Parks and Recreation.

“(3) “Department activity” means an activity, event, class, program, operation, service, or product for the benefit, enjoyment, education, amusement, or convenience of the public.”

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

“(5) “Fee-based use permit” means a permit issued by the Department to a person for a fee-based Department activity. “

(b) Section 3 (D.C. Official Code § 10-302) is amended as follows:

Amend  
§ 10-302

## ENROLLED ORIGINAL

(1) Subsection (a) is amended by striking the phrase "Department of Recreation and Parks ("Department" or "Departmental")" and inserting the phrase "Department" in its place.

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

"(b-1) On a property under its jurisdiction, control, or use, the Department may charge reasonable prices for department activities and issue fee-based use permits in accordance with section 3a."

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

"(d) Nothing in this section shall be construed as limiting the Department's authority to issue permits pursuant to section 6a of An Act To vest in the Commissioners of the District of Columbia control of street parking in said District, effective March 16, 1995 (D.C. Law 10-226; D.C. Official Code § 10-137.01)."

(c) New sections 3a, 3b, and 3c are added to read as follows:

"Sec. 3a. Fee-based use permits.

"(a) The Department may issue a fee-based use permit on a property under its jurisdiction, control, or use, subject to such conditions as the Director may impose and only upon a determination that the use permit:

"(1) Will meet the mission of the Department; and

"(2) Will not adversely impact the use and enjoyment of the area by other members of the public.

"(b) Fee-based use permits shall not be issued solely for their revenue-producing potential."

"Sec. 3b. Nutrition at Department facilities.

"(a) Except as provided in subsection (b) of this section, all food and beverages sold, offered, or provided by the Department or its agents through vending machines, concessions, stores, or other food venues on buildings, grounds, or other facilities under the Department's jurisdiction, control, or use shall meet the requirements of either:

"(1) The United States Department of Agriculture's HealthierUS School Challenge program at the Gold Award Level for meals, competitive foods, and beverages as may be revised from time to time, notwithstanding any termination; or

"(2) The Alliance for a Healthier Generation's school competitive foods and beverage guidelines at the high school level, as may be revised from time to time, notwithstanding any termination.

"(b) The requirements of this section shall not apply to:

"(1) An event, such as a festival or carnival, if the Director exempts the event, in writing, from the requirements of this section and the food or beverages are not sold;

"(2) Foods or beverages offered or provided by Department employees for their own consumption;

## ENROLLED ORIGINAL

“(3) A farmers’ market or produce cart, stand, or truck; provided, that at least one-half of the items offered or provided is fresh fruits or vegetables;

“(4) Fund-raising activities held pursuant to section 3(b); or

“(5) Foods or beverages sold, offered, or provided by a person as an ancillary part of its participation in a permitted activity or event; provided, that the person has applied for and received a fee-based use permit in accordance with section 3a.”

“(c) (1) The Department shall seek to maximize its sponsorship of and the participation of eligible children and residents in federal nutrition programs.

“(2) On or before June 1 of each year, the Department shall provide the manager or designated employee of each of its facilities with training and information on how to connect residents to nutrition supports, including the Supplemental Nutrition Assistance Program, federal child nutrition programs, nutrition education programs, and emergency food.

“(d) The Department shall ensure that any foods or beverages sold, offered, or provided outside of federal nutrition programs do not negatively affect the participation of children and residents in federal nutrition programs.

“(e)(1) Food or beverages may only be advertised or marketed on Department property if the items meet the nutritional standards set forth in this section.

“(2) The requirements of this subsection shall apply to advertising:

“(A) On scoreboards;

“(B) On vending machines;

“(C) At concession stands;

“(D) On banners and signs;

“(E) Through the sponsorship of teams, programs, and events; and

“(F) Other forms of promotion, marketing, and advertising.

“Sec. 3c. Priority for Department programs and facilities.

“(a) The Department shall give preference to residents for enrollment and participation slots in sports leagues, teams, games, programs, and camps managed or sponsored by the Department for youth, adults, and seniors, before offering participation slots to non-residents.

“(b) Within 180 days of the effective date of the Department of Parks and Recreation Fee-based Use Permit Authority Amendment Act of 2012, passed on 2<sup>nd</sup> reading on December 18, 2012 (Enrolled version of Bill 19-758), the Department shall develop a plan to actively advertise and promote the activities listed in subsection (a) of this section to residents to encourage their participation.”

(d) Section 7a (D.C. Official Code § 10-307) is amended as follows:

(1) Designate the existing text as subsection (a).

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

Amend  
§ 10-307



## ENROLLED ORIGINAL

“(b)(1) Within 180 days of the effective date of the Department of Parks and Recreation Fee-based Use Permit Authority Amendment Act of 2012, passed on 2<sup>nd</sup> reading on December 18, 2012 (Enrolled version of Bill 19-758), the Mayor shall issue rules, which shall:

“(A) Ensure maximum permissible use of Department areas and facilities by appropriate distribution of users, with special attention to the balance of uses between Department programs, community uses, and fee-based uses;

“(B) Ensure equitable access to fee-based uses through provisions for modest, reduced, or waived fees;

“(C) Ensure proper, orderly, and equitable use through scheduling;

“(D) Ensure protection and preservation of areas and facilities by not overtaxing facilities;

“(E) Promote the health, safety, and welfare of users;

“(F) Establish clear procedures for obtaining permits and revocation of permits; and

“(G) Update the entire Department fee and permit schedules, maintaining a lower cost for residents.

“(2) The authority granted to the Department in section 3(b-1) and (d), section 3a, and section 3b shall not be exercised until the rules required by paragraph (1) of this subsection have been adopted.”.

### Sec. 3. Fiscal impact statement.

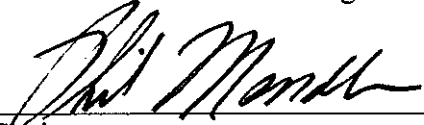
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

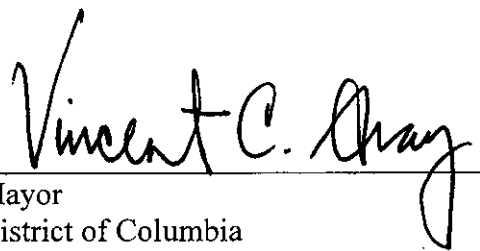
### Sec. 4. Effective date.

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 25, 2013

## ENROLLED ORIGINAL

AN ACT  
D.C. ACT 19-646

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA  
JANUARY 25, 2013

Codification  
 District of Columbia  
 Official Code  
 2001 Edition

Summer 2013

To amend the Compulsory/No-Fault Motor Vehicle Insurance Act of 1982 to require pre-litigation disclosure of any insurance agreement under which certain persons may be liable to satisfy all or part of the claim or to indemnify or reimburse for payments made to satisfy the claim by insurance companies in order to facilitate settlements and to reduce the amount of litigation in the Superior Court of the District of Columbia.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Pre-litigation Discovery of Insurance Coverage Amendment Act of 2012".

Sec. 2. The Compulsory/No-Fault Motor Vehicle Insurance Act of 1982, effective September 18, 1982 (D.C. Law 4-155; D.C. Official Code § 31-2401 *et seq.*), is amended by adding a new section 4a to read as follows:

"Sec. 4a. Pre-litigation discovery of insurance.

"(a) After a claimant makes a written claim for compensation or damages concerning a vehicle accident, and provides the documents described in subsection (b) or (c) of this section to an insurer, the claimant shall be entitled to obtain from the insurer documentation of the applicable limits of coverage in any insurance agreement under which the insurer may be liable to:

"(1) Satisfy all or part of the claim; or

"(2) Indemnify or reimburse for payments made to satisfy the claim.

"(b) For a claimant to obtain the documentation described in subsection (a) of this section from the insurer, the claimant shall provide the following, in writing, to the insurer:

"(1) The date of the vehicle accident;

"(2) The name and last known address of the alleged tortfeasor;

"(3) A copy of the vehicle accident report, if any;

"(4) The insurer's claim number, if available;

"(5) The claimant's health care bills and documentation of the claimant's loss of income, if any, resulting from the vehicle accident; and

"(6) The records of health care treatment for the claimant's injuries caused by

New  
 § 1-2403.01

## ENROLLED ORIGINAL

the vehicle accident.

“(c) If the claim is brought by the estate of an individual or a beneficiary of the individual, whose death resulted from a vehicle accident, the insurer must provide the documentation described in subsection (a) of this section if the claimant provides the following, in writing, to the insurer:

“(1) The date of the vehicle accident;

“(2) The name and last known address of the alleged tortfeasor;

“(3) A copy of the vehicle accident report, if any;

“(4) The insurer's claim number, if available;

“(5) A copy of the decedent's death certificate issued in the District of Columbia or another jurisdiction;

“(6) A copy of the letters of administration issued to appoint the personal representative of the decedent's estate in the District of Columbia or a substantially similar document issued by another jurisdiction;

“(7) The name of each beneficiary of the decedent, if known;

“(8) The relationship to the decedent of each known beneficiary of the decedent;

“(9) The health care bills for health care treatment, if any, of the decedent resulting from the vehicle accident; and

“(10) The records of health care treatment for injuries to the decedent caused by the vehicle accident.

“(d) After receipt of the documents pursuant to either subsection (b) or (c) of this section, the insurer shall respond in writing within 30 days of receipt of the request issued pursuant to subsection (a) of this section and shall disclose the limits of coverage, of all policies, regardless of whether the insurer contests the applicability of the policy to the claim.

“(e) Disclosure of documentation required under this section shall not constitute:

“(1) An admission that the asserted claim is subject to the applicable agreement between the insurer and the alleged tortfeasor; or

“(2) A waiver of any term or condition of the applicable agreement between the insurer and the alleged tortfeasor or any right of the insurer, including any potential defense concerning coverage or liability.

“(f) An insurer, and the employees and agents of an insurer, may not be civilly or criminally liable for disclosure of the required documentation.

“(g) Information concerning the insurance policy is not, by reason of disclosure pursuant to this section, admissible as evidence at trial.

“(h) For the purposes of this section, the term “vehicle accident” includes accidents involving bicyclists.”.

ENROLLED ORIGINAL

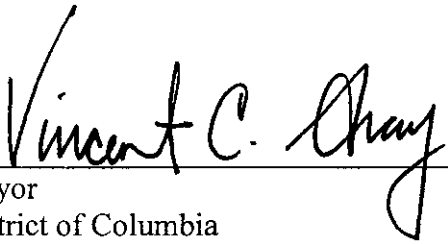
## Sec. 3. Fiscal impact statement.

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

## Sec. 4. Effective date.

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

  
\_\_\_\_\_  
Chairman  
Council of the District of Columbia

  
\_\_\_\_\_  
Mayor  
District of Columbia  
APPROVED  
January 25, 2013

ENROLLED ORIGINAL

AN ACT  
D.C. ACT 19-647

Codification  
District of Columbia  
Official Code  
2001 Edition  
  
Summer 2013

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA  
JANUARY 25, 2013

To amend Title 28 of the District of Columbia Official Code to revise the definition of consumer, to prohibit the willful use of falsehood, innuendo, or ambiguity, to prohibit representing that a transaction confers rights that it does not, to provide explicit new authorization for nonprofit organizations and public interest organizations to bring suit under the District’s consumer protection statute, to recognize a right of action for consumers that purchase goods and services for the purpose of testing and evaluating those goods and services, and to establish a unit pricing requirement for consumer commodities.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Consumer Protection Act of 2012”.

Sec. 2. Subtitle II of Title 28 of the District of Columbia Official Code is amended as follows:

(a) The table of contents is amended by adding a new chapter designation 52 to read as follows:

“52. Unit Pricing Requirement . . . . . 28-5201”.

(b) Chapter 39 is amended as follows:

(1) Section 28-3901 is amended as follows:

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

(i) Paragraph (2) is amended to read as follows:

“(2) “consumer” means:

“(A) When used as a noun, a person who, other than for purposes of resale, does or would purchase, lease (as lessee), or receive consumer goods or services, including as a co-obligor or surety, or does or would otherwise provide the economic demand for a trade practice;

“(B) When used as an adjective, describes anything, without exception, that:

“(i) A person does or would purchase, lease (as lessee), or receive and normally use for personal, household, or family purposes; or

## ENROLLED ORIGINAL

## “§ 28-5205. Exemptions.

“This chapter does not apply to:

“(1) Prepackaged food that contains separately identifiable items that are separated by physical division within the package;

“(2) Any item sold only by prescription;

“(3) Any item subject to the packaging or labeling requirements of the federal Bureau of Alcohol, Tobacco and Firearms or to any pricing requirements under federal law;

“(4) Any item actually being sold through a vending machine;

“(5) Any item delivered directly to a retail sales agency without passing through warehousing or other inventory facility used by the agency;

“(6) Commodities packaged in quantities of less than 28 grams (one ounce) or 29 milliliters (one fluid ounce) or when the total retail price is 50 cents or less;

“(7) When only one brand of a particular commodity in only one size is offered for sale in a particular retail establishment;

“(8) Variety packages;

“(9) Combination packages; or

“(10) A person with less than \$30 million in gross volume of sales of consumer commodities and to whom at least one of the following applies:

“(A) During the preceding calendar year, sold a gross volume of consumer commodities of less than \$750,000;

“(B) Is not part of a company which consists of 10 or more sales agencies in or out of the District of Columbia;

“(C) Derives less than 15% of its total revenues from consumer commodities subject to this chapter; or

“(D) Is owned and operated by not more than one individual and the members of the person’s immediate family.

## “§ 28-5206. Pricing.

“(a) The unit price shall be to the nearest cent when a dollar or more. If the unit price is under a dollar, it shall be listed:

“(1) To the tenth of a cent; or

“(2) To the whole cent.

“(b) The retail establishment shall have the option of listing the unit price as outlined in subsection (a)(1) or (2) of this section, but shall not use both methods of listing the unit price.

“(c) The retail establishment shall accurately and consistently use the same method of rounding up or down to compute the price to the whole cent.

## ENROLLED ORIGINAL

“§ 28-5207. Presentation of price.

“(a) In any retail establishment in which the unit price information is provided in accordance with the provisions of this chapter, that information may be displayed by means of a sign that offers the unit price for one or more brands or sizes of a given commodity by means of a sticker, stamp, sign, label, or tag affixed to the shelf upon which the commodity is displayed, or by means of a sticker, stamp, sign, label, or tag affixed to the consumer commodity.

“(b) Where a sign providing unit price information for one or more sizes or brands of a given commodity is used, that sign shall be displayed clearly and in a non-deceptive manner in a central location as close as practical to all items to which the sign refers.

“(c) If a single sign or tag includes the unit price information for more than one brand or size of a given commodity, the following information shall be provided:

“(1) The identity and the brand name of the commodity.

“(2) The quantity of the packaged commodity; provided, that more than one package size per brand is displayed.

“(3) The total retail sales price.

“(4) The price per appropriate unit, in accordance with § 28-5206.

“§ 28-5208. Uniformity.

“(a) If different brands or package sizes of the same consumer commodity are expressed in more than one unit of measure, the retail establishment shall unit price the items consistently.

“(b) When metric units appear on the consumer commodity in addition to other units of measure, the retail establishment may include both units of measure on any stamps, tags, labels, signs, or lists.

“§ 28-5209. Civil penalties.

“Any person who violates any provision of this chapter, or any regulation promulgated pursuant to this chapter, may be assessed a civil penalty not to exceed \$500 for each violation.

“§ 28-5210. Rules.

“The Mayor, pursuant to subchapter I of Chapter 5 of Title 2, may issue rules to implement the provisions of this chapter.”

### 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)).

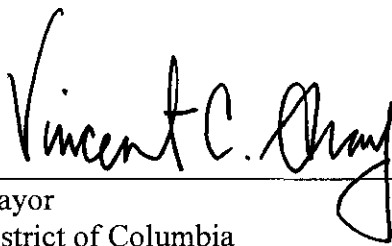


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Sec. 4. Effective date.

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

  
\_\_\_\_\_  
Chairman  
Council of the District of Columbia

  
\_\_\_\_\_  
Mayor  
District of Columbia  
APPROVED  
January 25, 2013

## ENROLLED ORIGINAL

AN ACT  
 D.C. ACT 19-648

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA  
 JANUARY 25, 2013

Codification  
 District of Columbia  
 Official Code  
 2001 Edition

Summer 2013

To authorize the Director of the Department of Employment Services to issue grants from funds appropriated to or received by the Department of Employment Services for workforce job development purposes.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Workforce Job Development Grant-Making Authority Act of 2012".

Sec. 2. Workforce job development grant-making authority.

(a) The Director of the Department of Employment Services ("DOES") may issue competitive grants to individuals and organizations from the funds made available to the DOES pursuant to local appropriations or, in coordination with the Workforce Investment Council, pursuant to the federal Workforce Investment Act of 1998, approved August 7, 1998 (112 Stat. 936; 29 U.S.C § 2822), for workforce development purposes, including increasing occupational skills, job retention, employment opportunities, and earnings of the District's workforce pursuant to:

- (1) Section 2 of the Youth Employment Act of 1979, effective January 5, 1980 (D.C. Law 3-46; D.C. Official Code § 32-241);
- (2) Section 2a of the Youth Employment Act of 1979, effective January 5, 1980 (D.C. Law 3-46; D.C. Official Code § 32-242);
- (3) Section 203 of the Way to Work Amendment Act of 2006, effective June 8, 2006 (D.C. Law 16-118; D.C. Official Code § 32-752);
- (4) Sections 2102 and 2103 of the Transitional Employment Program and Apprenticeship Initiative Establishment Act of 2005, effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code §§ 32-1331 and 32-1332); and
- (5) Section 11 of the Workforce Investment Implementation Act of 2000, effective July 18, 2000 (D.C. Law 13-150; D.C. Official Code § 32-1610).

(b) Notwithstanding the provisions of D.C. Official Code § 47-368.06, grants that may be issued pursuant to this section include grants that the Mayor, Director of the DOES, or an agency receives through an intra-District transfer, a memorandum of understanding, or a reprogramming from an agency lacking grant-making authority.

New  
 § 1-328.05

## ENROLLED ORIGINAL

(c) 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 act.

(d) By July 30, 2013, the Director of DOES shall submit to the Council a report providing an analysis of, and corrective actions for any problems pertaining to, the following issues related to contracting and procurement processing with DOES:

- (1) The procedures through which DOES processes and issues grants;
- (2) The average timeframe in which a contract is processed; and
- (3) The common delays to grant issuance.

Sec. 3. Sunset provision.

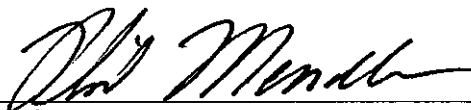
This act shall sunset 2 years after its effective date.

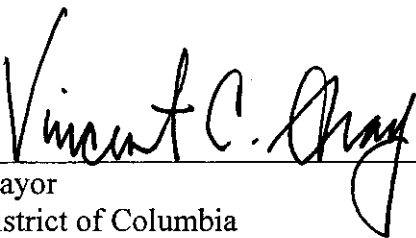
Sec. 4. Fiscal impact statement

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

Sec. 5. Effective date.

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

  
\_\_\_\_\_  
Chairman  
Council of the District of Columbia

  
\_\_\_\_\_  
Mayor  
District of Columbia  
APPROVED



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

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

on

**“Progress Report on the Fiscal Year 2012 Comprehensive Annual Financial Report (CAFR)  
Audit Recommendations”**

on

**Tuesday, June 11, 2013  
11:00 a.m., Room 412, John A. Wilson Building  
1350 Pennsylvania Avenue, NW  
Washington, DC 20004**

Council Chairman Phil Mendelson announces the scheduling of a public oversight hearing of the Committee of the Whole on a “Progress Report on the Fiscal Year 2012 Comprehensive Annual Financial Report (CAFR) Audit Recommendations.” The public oversight hearing will be held Tuesday, June 11, 2013, at 11:00 a.m. in the room 412, of the John A. Wilson Building, 1350 Pennsylvania Avenue, NW.

The purpose of this public oversight hearing is to receive testimony on the progress made by the District government on addressing significant deficiencies identified by the Independent Auditors’ Report on Internal Control Over Financial Reporting and on Compliance and Other Matters Based on an Audit of Financial Statements released in conjunction with the FY 2012 CAFR. These deficiencies were discussed at a February 6, 2013 hearing of the Committee which discussed the findings of the CAFR.

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](mailto:ecash@dccouncil.us) and provide their name, address, telephone number, and organizational affiliation, if any, by the close of business Friday, June 7, 2013. Persons wishing to testify are encouraged, but not required, to submit 15 copies of written testimony. If submitted by the close of business on June 7, 2013, the testimony will be distributed to Councilmembers before the hearing. Witnesses should limit their testimony to five minutes; less time will be allowed if there are a large number of witnesses.

If you are unable to testify at the hearing, written statements are encouraged and will be made a part of the official record. Copies of written statements should be submitted to the Committee of the Whole, Council of the District of Columbia, Suite 410 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004. The record will close at 5:00 p.m. on Tuesday, June 25, 2013.

COUNCIL OF THE DISTRICT OF COLUMBIA  
COMMITTEE OF THE WHOLE  
COMMITTEE ON EDUCATION  
NOTICE OF JOINT PUBLIC OVERSIGHT HEARING

1350 Pennsylvania Avenue, NW, Washington, DC 20004

ABBREVIATED/ REVISED

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CHAIRMAN PHIL MENDELSON  
AND  
COUNCILMEMBER DAVID CATANIA  
COMMITTEE OF THE WHOLE AND THE COMMITTEE ON EDUCATION  
ANNOUNCE A JOINT PUBLIC OVERSIGHT HEARING

on

TRUANCY REDUCTION IN THE D.C. PUBLIC SCHOOL SYSTEM

on

Thursday, February 28, 2013  
2:30 p.m., Hearing Room 123, John A. Wilson Building  
1350 Pennsylvania Avenue, NW  
Washington, DC 20004

Council Chairman Phil Mendelson and Councilmember David Catania announce the scheduling of a Joint Public Oversight Hearing of the Committee of the Whole and the Committee on Education to discuss truancy reduction in the District of Columbia Public School System (DCPS). The public oversight hearing is scheduled for Thursday, February 28, 2013 at 2:30 p.m., in hearing room 123 of the John A. Wilson Building. **This hearing notice has been revised and abbreviated per D.C. Council Rule 421(c)(3) to reflect the rescheduling of the February 25, 2013 hearing to February 28, 2013.**

The purpose of this public oversight hearing is to hear testimony regarding the progress of DCPS and supporting agencies in responding to the problem of truancy, and to ascertain what the government ought to do to reduce truancy. Experience shows that many of the District's students with high rates of truancy will never finish school and, as a result, will most likely struggle to be productive adults. A similar hearing was held on July 12 and November 8, 2012, and the Committees will continue to hold these oversight hearings. Even though truancy is not exclusive to DCPS, this hearing will focus on efforts regarding DCPS students.

Testimony at this hearing is by invitation only. Questions may be directed to Ms. Renee Johnson, Legislative Assistant, at (202) 724-8092, by fax at (202) 724-7139, or via e-mail at [rjohnson@dccouncil.us](mailto:rjohnson@dccouncil.us).

Written comments are encouraged and should be submitted to either Ms. Johnson, or to Ms. Nyasha Smith, Secretary to the Council, Room 5 of the Wilson Building, 1350 Pennsylvania Avenue, N.W. Washington, D.C. 20004. To be most useful, written comments should be submitted no later than 5pm, on Tuesday February 22, 2013. Regardless, all statements will be made part of the official record. The record will close at 5:00 p.m. on Thursday, March 6, 2013.

Council of the District of Columbia  
Committee on Economic Development  
**Notice of Public Roundtable**  
1350 Pennsylvania Avenue, N.W. Washington, DC 20004

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**COUNCILMEMBER MURIEL BOWSER, CHAIRPERSON  
COMMITTEE ON ECONOMIC DEVELOPMENT**

**ANNOUNCES A PUBLIC ROUNDTABLE ON**

**PROPOSED RESOLUTION 20-47, THE "SENSE OF THE COUNCIL REGARDING THE NEED FOR AN  
AFFORDABLE HOUSING POLICY AT THE WASHINGTON METROPOLITAN AREA TRANSIT  
AUTHORITY RESOLUTION OF 2013"**

**PROPOSED RESOLUTION 20-82, THE "SENSE OF THE COUNCIL IN SUPPORTING THE EXPANSION OF  
THE METRORAIL SYSTEM RESOLUTION OF 2013"**

**MARCH 8, 2013**

**2:00 PM**

**ROOM 412**

**JOHN A. WILSON BUILDING**

**1350 PENNSYLVANIA AVENUE, N.W.**

On March 8, 2013, Councilmember Muriel Bowser, Chairperson of the Committee on Economic Development, will hold a public roundtable on Proposed Resolution 20-47, the "Sense of the Council Regarding the Need for an Affordable Housing Policy at the Washington Metropolitan Area Transit Authority Resolution of 2013," and Proposed Resolution 20-82, the "Sense of the Council in Supporting the Expansion of the Metrorail System Resolution of 2013."

As the District's representative on the WMATA Board, and as Chair of the Council's committee with of affordable housing programs, Councilmember Bowser introduced PR20-47 to demonstrate the Council's belief that WMATA should develop a policy for including affordable housing whenever the transit agency develops its real estate holdings.

The need for more affordable housing is critical as rents and housing prices continue to increase in the District, and while many household incomes are decreasing or flat. WMATA has extensive land holdings, primarily in and around its 86 Metrorail stations. Some of that land is being developed by WMATA and its partners, and occasionally results in affordable units. But, more can be done.

The joint development process at WMATA follows documented policies and guidelines, which includes affordable housing as a goal. But, in the latest version revised by the Board in 2008, it makes the recommendation that the Board adopt a separate, comprehensive affordable housing policy. WMATA has not yet taken that step, even as comparable transit systems have. This

sense of the Council resolution would urge WMATA to take action on this important issue by adopting a comprehensive affordable housing policy.

PR20-82 is meant to serve as an endorsement of WMATA's recently issued Momentum Strategic Plan. Momentum, which is currently in draft form and will be subject to WMATA Board approval in the coming months, serves as a roadmap for steps that must be taken to ensure that the region continues to grow and prosper by having a transit system that grows with it.

The strategic plan makes a series of recommendations for major projects and initiatives effecting rail, bus, paratransit and other public transit services with milestones in 2025 and 2040. The total cost of all elements in the strategic plan is estimated to be more than \$26 billion. This would be in addition to the current "State of Good Repair" effort that WMATA is currently undertaking at a cost of \$5 billion over 6 years to recover from the massive backlog of deferred maintenance of its infrastructure.

Given the size and scope of the Momentum Strategic Plan coordination between the WMATA Compact jurisdictions, the general public and other key stakeholders will be vital to ensuring its effective implementation. A major component of that coordination is the identification of stable, long-term funding sources. It also requires seamless connectivity between the various transit services offered by WMATA and the Compact jurisdictions, as well as communications on important planning, land use and regulatory decisions.

While also making suggestions for how to improve it, passage of PR20-82 will demonstrate that the Council and District support the overall goals and are determined partners in making the Momentum Strategic Plan a reality.

The public roundtable will begin at 2:00 PM in Room 412 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W.

Individuals and representatives of organizations wishing to testify should contact Judah Gluckman, Legislative Counsel to the Committee on Economic Development, at (202) 724-8025, or [jgluckman@dccouncil.us](mailto:jgluckman@dccouncil.us) and furnish their name, address, telephone number, and organizational affiliation, if any, by the close of business Monday, March 7, 2013. Persons presenting testimony may be limited to 3 minutes in order to permit each witness an opportunity to be heard.

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 on Economic Development, Council of the District of Columbia, Suite 110 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004.



**COUNCIL OF THE DISTRICT OF COLUMBIA**  
**CONSIDERATION OF TEMPORARY LEGISLATION**

**B20-136**, “Board of Ethics and Government Accountability Temporary Amendment Act of 2013” and **B20-138**, “Prohibition on Government Employee Engagement in Political Activity Temporary Amendment Act of 2013” were adopted on first reading on February 19, 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 15<sup>th</sup> 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 31<sup>st</sup> 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

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**Reprog. 20-20:** Request to reprogram \$1,440,000 of Local Funds Budget Authority from the Child and Family Services Agency (CFSA) to the Department of Health (DOH was filed in the Office of the Secretary on February 15, 2013. This reprogramming ensures that DOH will be able to fund the animal shelter contract and support a community grant for clinical nutritional home delivery services for individuals living with cancer and other life-threatening diseases.

RECEIVED: 14 day review began February 19, 2013

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF PUBLIC HEARINGS  
CALENDAR

WEDNESDAY, FEBRUARY 27, 2013  
2000 14<sup>TH</sup> STREET, N.W., SUITE 400S,  
WASHINGTON, D.C. 20009

Ruthanne Miller, Chairperson  
Members:

Nick Alberti, Donald Brooks, Herman Jones, Mike Silverstein

- |  |                 |
|--|-----------------|
| <b>Show Cause Hearing (Status)</b><br><b>Case # 12-AUD-00029;</b> The NMD Group, LLC, t/a Uniontown Bar & Grill<br>2200 Martin Luther King Jr Ave SE, License #84348, Retailer CR, ANC 8A<br><b>Failed to File Quarterly Statements(4th Quarter 2011)</b>  | <b>9:30 AM</b>  |
| <b>Show Cause Hearing (Status)</b><br><b>Case # 12-AUD-00035;</b> Java Green Coffee & Tea, Inc., t/a Café Green<br>1513 17th Street NW, License #81752, Retailer CR, ANC 2B<br><b>Failed to File Quarterly Statements(1st Quarter 2012)</b>  | <b>9:30 AM</b>  |
| <b>Show Cause Hearing (Status)</b><br><b>Case # 12-CMP-00326;</b> Phillips Harborplace, Inc., t/a Phillips Flagship<br>900 Water Street SW, License #9229, Retailer CR, ANC 6D<br><b>Substantial Change in Operation(Providing a Nude Performance)</b>   | <b>9:30 AM</b>  |
| <b>Show Cause Hearing (Status)</b><br><b>Case # 12-CC-00034;</b> Twin T's, LLC, t/a DC Shenanigans (formerly<br>McNasty's), 2450 18th Street NW, License #88119, Retailer CT, ANC 1C<br><b>Sale to Minor, Failed to Require Production of Valid Identification</b>                               | <b>9:30 AM</b>  |
| <b>Show Cause Hearing</b><br><b>Case # 12-CMP-00279;</b> Solomon Enterprises, LLC, t/a Climax Restaurant &<br>Hookah Bar, 900 Florida Ave NW, License #88290, Retailer CT, ANC 1B<br><b>Violation of Settlement Agreement, Failed to Obtain a Summer Garden<br/>Endorsement, Noise Violation</b> | <b>10:00 AM</b> |

Board's Calendar  
Page -2- February 27, 2013

**Fact Finding Hearing** **11:00 AM**  
**Case # 12-251-00298;** Salma, LLC, t/a Red Lounge, 2013 14th Street NW  
License #76011, Retailer CR, ANC 1B  
**Simple Assault Inside of the Establishment**

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

**Protest Hearing** **1:30 PM**  
**Case # 12-PRO-00086;** Neighborhood Restaurant Group XVII, LLC, t/a (Trade  
Name to Be Determined), 1323 Connecticut Ave NW, License #90634, Retailer  
CR, ANC 2B  
**New Application**

**Show Cause Hearing** **2:30 PM**  
**Case # 12-251-00206;** Garay Corporation, t/a Corina's Restaurant, 831 Kennedy  
Street NW, License #79873, Retailer CR, ANC 4D  
**Operating After Board Approved Hours**

**Show Cause Hearing** **3:30 PM**  
**Case # 12-CMP-00434;** FHRY, Inc., t/a Dollar Plus Food Store, 1443 Howard  
Road SE, License #88380, Retailer B, ANC 8A  
**Failed to Post ABC Window Lettering in a Conspicuous Place**

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

**NOTICE OF PUBLIC HEARINGS  
CALENDAR**

**THURSDAY, FEBRUARY 28, 2013  
2000 14<sup>TH</sup> STREET, N.W., SUITE 400S,  
WASHINGTON, D.C. 20009**

**Ruthanne Miller, Chairperson  
Members:**

**Nick Alberti, Donald Brooks, Herman Jones, Mike Silverstein**

<b>Public Hearing</b> Alcohol Certification Provider Rulemaking, Section 211 of the DCMR	<b>10:00 AM</b>
<b>Public Hearing</b> Safety Plan Rulemaking; Section 720 of the DCMR	<b>11:00:M</b>
<b>Public Hearing</b> Full Service Grocery Store Definition Rulemaking; Section 199 of the DCMR	<b>1:30 PM</b>
<b>Public Hearing</b> Brew Pub and Wine Pub Hours Rulemaking; Section 705 of the DCMR	<b>3:30 PM</b>
<b>Public Hearing</b> Technical Amendment Rulemaking; Multiple Sections of the DCMR.	<b>4:30 PM</b>

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: February 22, 2013

Petition Date: April 8, 2013

Hearing Date: April 22, 2013

License No.: ABRA-013738

Licensee: Los Amigos of DC, Inc.

Trade Name: Alero Restaurant

License Class: Retailer’s Class “C” Restaurant

Address: 3500 Connecticut Avenue, NW

Contact: Victor Martinez, Owner 202-744-6417

WARD 3

ANC 3C

SMD 3C05

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

NATURE OF SUBSTANTIAL CHANGE

Request for Entertainment Endorsement to include acoustic guitarists, DJs, dancing and cover charge.

CURRENT HOURS OF OPERATION AND SALES/SERVICE/CONSUMPTION FOR PREMISES:

Sunday through Thursday 11:00am – 12:30am, Friday and Saturday 11:00am – 2am.

PROPOSED HOURS OF ENTERTAINMENT:

Sunday through Thursday 11:00am – 12:30am, Friday and Saturday 11:00am – 2am.

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: February 22, 2013  
 Petition Date: April 8, 2013  
 Roll Call Hearing Date: April 22, 2013  
 Protest Hearing Date: June 12, 2013

License No.: ABRA-091434  
 Licensee: Black Whiskey LLC  
 Trade Name: Black Whiskey  
 License Class: Retailer’s Class “C” Tavern  
 Address: 1410 14<sup>th</sup> Street, NW  
 Contact: Andrew Kline, 202-686-7600

WARD 2                      ANC 2F                      SMD 2F02

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 14<sup>th</sup> 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 on June 12, 2013.

NATURE OF OPERATION

New full service restaurant serving American cuisine with occasional DJ and Dancing. Number of seats and total occupancy load equals 99.

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

Sunday 11:30am –1am, Monday through Thursday 11:30am-2am and Friday & Saturday 11:30am-3am

HOURS OF ENTERTAINMENT FOR INSIDE PREMISES AND SUMMER GARDEN

Sunday 6pm-1am, Monday through Thursday 6pm-2am and Friday & Saturday 6pm-3am

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

Posting Date: February 22, 2013  
Petition Date: April 8, 2013  
Roll Call Hearing Date: April 22, 2013  
Protest Hearing Date: June 12, 2013

License No.: ABRA-091418  
Licensee: Mockingbird Hill, LLC  
Trade Name: Mockingbird Hill  
License Class: Retailer's Class "C" Tavern  
Address: 1843 7<sup>th</sup> Street NW  
Contact: Angelica Salame 240-515-5385

WARD 1      ANC 1B      SMD 1B01

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 14<sup>th</sup> 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 June 12, 2013.

**NATURE OF OPERATION**

A bar focusing on Spanish sherry wine and Spanish & American hams. Other bar snacks will be served. Total number of seats is 53.

**HOURS OF OPERATION/SALES/SERVICE & CONSUMPTION OF ALCOHOLIC BEVERAGES**

Sunday through Thursday 8 am to 2 am, Friday & Saturday 8 am to 3 am



ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: February 22, 2013
Petition Date: April 08, 2013
Roll Call Hearing Date: April 22, 2013

License No.: ABRA-060821
Licensee: Lucy Enterprises, Inc.
Trade Name: Tenley Mini Market
License Class: Retailer's Class "B" Grocery
Address: 4326 Wisconsin Ave. NW
Contact: Jung-Wha Park, Owner 240-475-9633

WARD 3 ANC 3E SMD 3E05

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

NATURE OF SUBSTANTIAL CHANGE

Request for License Class Change from Retailer's Class "B" Grocery to Retailer's Class "A" Liquor Store

CURRENT HOURS OF OPERATION:

Monday through Sunday 5:30am - 12:00am.

CURRENT HOURS OF ALCOHOL SALES/SERVICE/CONSUMPTION:

Monday through Sunday 7:00am - 12:00am.

**D.C. DEPARTMENT OF HEALTH  
Community Health Administration  
Preventive Health and Health Services  
Block Grant Public Advisory Committee**

Announces

**ANNUAL PUBLIC HEARING**

**Preventive Health and Health Services Block Grant**

The D.C. Department of Health (DOH), Community Health Administration (CHA) and the Preventive Health and Health Services Block Grant Advisory Committee are conducting a public hearing on the Preventive Health and Health Services Block Grant prior to submission of the Fiscal Year 2013 application to the Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (DHHS), U.S. Public Health Service.

The public hearing is being held to assure that all citizens have the opportunity to present their views concerning funding priorities. The Grant supports preventive health programs operated by the Department of Health and community-based organizations. Health areas receiving support in previous fiscal years included increasing access to health services, improving capacity to deliver health care services; reducing the incidence of preventable deaths and injuries, disabilities, chronic diseases and cancer; and improving the quality of life for all residents.

**The meeting will take place on Tuesday, March 5, 2013 from 4:00 pm to 7:00 pm at 899 North Capitol Street, NE, Community Health Administration, 3<sup>rd</sup> Floor Conference Room (306).**

Those who wish to present testimony are requested to provide a name, address, telephone number and organization name (when applicable) prior to the public hearing. Written testimonies no longer than (3) pages and double spaced may be submitted for the record until 4:45 p.m. on Monday, March 4<sup>th</sup> at 899 North Capitol Street, N.E., 3<sup>rd</sup> Floor. All oral presentations are limited to five minutes. An electronic copy of all oral testimonies and/or written submissions is also requested. Contact Sherry Billings at (202) 442-9173 or e-mail [sherry.billings@dc.gov](mailto:sherry.billings@dc.gov).

Parking is available under the building at a cost. There is limited neighborhood parking. Check WMATA <http://www.wmata.com/> for other transportation options. The nearest Metro stop is Union Station.

**BOARD OF ZONING ADJUSTMENT  
PUBLIC HEARING NOTICE  
TUESDAY, APRIL 23, 2013  
441 4<sup>TH</sup> STREET, N.W.  
JERRILY R. KRESS MEMORIAL HEARING ROOM, SUITE 220-SOUTH  
WASHINGTON, D.C. 20001**

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

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

**A.M.**

**WARD ONE**

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

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

**WARD THREE**

18535            **Application of Joel Starr and Melissa Moye**, pursuant to 11 DCMR §  
ANC-3C            3104.1, for a special exception under section 223, not meeting the side  
                         yard requirements (section 405), for a rear addition to an existing one-  
                         family row dwelling in the R-2 District at premises 3411 Quebec Street,  
                         N.W. (Square 2063, Lot 87).

**WARD SIX**

18537            **Application of John Merrick and Heather Phillips**, pursuant to 11  
ANC-6B            DCMR § 3104.1, for a special exception under section 223, not meeting  
                         the lot occupancy (section 403), side yard (section 405) and  
                         nonconforming structure (subsection 2001.3) requirements for an addition  
                         to an existing one-family semi-detached dwelling in the R-4 District at  
                         premises 525 5<sup>th</sup> Street, S.E. (Square 822, Lot 825).

BZA PUBLIC HEARING NOTICE

APRIL 23, 2013

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**WARD SEVEN**

18534            **Application of Dean Street Mews LLC**, pursuant to 11 DCMR § 3103.2,  
ANC-7C            for a variance from the lot area and lot width requirements under  
                         subsection 401.3, and a variance from the side yard requirements under  
                         section 405, to allow the construction of two semi-detached dwellings in  
                         the R-2 District at premises 4601 and 4603 Grant Street, N.E. (Square  
                         5145, Lots 10 and 11).

**WARD SIX**

18538            **Application of TC MidAtlantic Development IV Inc. on behalf of PNC**  
ANC-6D            **Realty Investors**, pursuant to 11 DCMR § 3103.2, for a variance from the  
                         court width requirements under subsection 776, to allow the construction  
                         of a new office building in the C-3-C District at premises 400 6th Street,  
                         S.W. (Square 494, Lot 31).

**WARD EIGHT**

18541            **Application of Lubertha Payne**, pursuant to 11 DCMR § 3104.1, for a  
ANC-8B            special exception for a child development center (11 children and 2 staff)  
                         under section 205, in the R-3 District at premises 620 Southern Avenue,  
                         S.E. (Square 6250, Lot 11).

**PLEASE NOTE:**

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

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

Except for the affected ANC, any person who desires to participate as a party in this case must clearly demonstrate that the person’s interests would likely be more significantly, distinctly, or uniquely affected by the proposed zoning action than other persons in the general public. **Persons seeking party status shall file with the Board, not less than 14 days prior to the date set for the hearing, a Form 140 – Party Status Application**

## BZA PUBLIC HEARING NOTICE

APRIL 23, 2013

PAGE NO. 3

**Form.** This form may be obtained from the Office of Zoning at the address stated below or downloaded from the Office of Zoning's website at: [www.dcoz.dc.gov](http://www.dcoz.dc.gov). All requests and comments should be submitted to the Board through the Director, Office of Zoning, 441 4<sup>th</sup> Street, NW, Suite 210, Washington, D.C. 20001. Please include the case number on all correspondence.

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

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

**BOARD OF ZONING ADJUSTMENT  
PUBLIC HEARING NOTICE  
TUESDAY, APRIL 30, 2013  
441 4<sup>TH</sup> STREET, N.W.  
JERRILY R. KRESS MEMORIAL HEARING ROOM, SUITE 220-SOUTH  
WASHINGTON, D.C. 20001**

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

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

**A.M.**

**WARD SIX**

18542            **Application of John M. Crain**, pursuant to 11 DCMR § 3104.1, for a  
ANC-6B            special exception to allow a rear addition to an existing one-family row  
dwelling under section 223, not meeting the lot occupancy (section 403),  
rear yard (section 404), and nonconforming structure (subsection 2001.3)  
requirements in the R-4 District at premises 452 New Jersey Avenue, S.E.  
(Square 694, Lot 803).

**WARD THREE**

18543            **Application of Yves Balcer**, pursuant to 11 DCMR § 3104.1, for a  
ANC-3D            special exception to allow an addition to an existing one-family detached  
dwelling under section 223, not meeting the rear yard (section 404), and  
side yard (section 405) requirements in the R-1-A District at premises  
5063 Overlook Road, N.W. (Square 1430, Lot 6).

**WARD SIX**

18545            **Application of Charles King**, pursuant to 11 DCMR § 3104.1, for a  
ANC-6C            special exception to allow a rear addition to an existing one-family semi-  
detached dwelling under section 223, not meeting the lot area (section  
401), lot occupancy (section 403), rear yard (section 404) and  
nonconforming structure (subsection 2001.3) requirements in the R-4  
District at premises 650 C Street, N.E. (Square 864, Lot 802).

**WARD SIX**

## BZA PUBLIC HEARING NOTICE

APRIL 30, 2013

PAGE NO. 2

18544            **Application of Penn Avenue Partnership LLC**, pursuant to 11 DCMR  
ANC-6B            §§ 3104.1 and 3103.2, for a special exception from the roof structure  
provisions under section 411, a variance from the off-street parking  
provisions under section 2101, a variance from the size of parking space  
requirements under section 2115, and a variance from the loading  
requirements under section 2201, to allow a residential project in the C-2-  
A District at 1550 Pennsylvania Avenue, S.E. (Square 1077, Lot 130).

**WARD THREE**

18539            **Appeal of 2101 Connecticut Avenue Cooperative Apartments, Inc.**,  
ANC-1C            pursuant to 11 DCMR §§ 3100 and 3101, from a December 5, 2012  
decision by the Department of Consumer and Regulatory Affairs to allow  
the conversion of an existing one-family dwelling into a 9 unit apartment  
building in the R-5-B District at 2014 Kalorama Road, N.W. (Square  
2537, Lot 301).

**WARD ONE**

18540            **Appeal of 2101 Connecticut Avenue Cooperative Apartments, Inc.**,  
ANC-1C            pursuant to 11 DCMR §§ 3100 and 3101, from a December 5, 2012  
decision by the Department of Consumer and Regulatory Affairs to allow  
the conversion of an existing one-family dwelling into a 8 unit apartment  
building in the R-5-B District at 2012 Kalorama Road, N.W. (Square  
2537, Lot 150).

**PLEASE NOTE:**

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

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

Except for the affected ANC, any person who desires to participate as a party in this case must clearly demonstrate that the person's interests would likely be more significantly,

BZA PUBLIC HEARING NOTICE

APRIL 30, 2013

PAGE NO. 3

distinctly, or uniquely affected by the proposed zoning action than other persons in the general public. **Persons seeking party status shall file with the Board, not less than 14 days prior to the date set for the hearing, a Form 140 – Party Status Application Form.** This form may be obtained from the Office of Zoning at the address stated below or downloaded from the Office of Zoning’s website at: [www.dcoz.dc.gov](http://www.dcoz.dc.gov). All requests and comments should be submitted to the Board through the Director, Office of Zoning, 441 4<sup>th</sup> Street, NW, Suite 210, Washington, D.C. 20001. Please include the case number on all correspondence.

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

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



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

**TIME AND PLACE:**           **Monday, April 22, 2013, @ 6:30 p.m.**  
  **Jerrily R. Kress Memorial Hearing Room**  
  **441 4<sup>th</sup> Street, N.W., Suite 220-S**  
  **Washington, D.C. 20001**

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

**Case No. 02-26B (The George Washington University – Lerner Health and Wellness Center – Modification to Permit One-Year Extension of Approval)**

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

**Application of The George Washington University**, pursuant to 11 DCMR § 3129, for modification of Z.C Order No. 02-26A.

The property that is the subject of this application is located at 2301 G Street, N.W. (Square 42, Lot 55). The property is located in the R-5-D Zone District and within the boundaries of the Foggy Bottom Campus Plan. The Lerner Health and Wellness Center was initially approved by the Board of Zoning Adjustment in BZA Order No. 16276 (1998), with additional users approved pursuant to Z.C. Order No. 02-26 (2004) and Z.C. Order No. 02-26A (2007).

Z.C. Order No. 02-26A reauthorized the expanded use of the Lerner Health and Wellness Center by: student, faculty and staff at the Mount Vernon Campus, members of the University's Board of Trustees, and students at School Without Walls; and further approved use by: up to 300 persons residing in St. Mary's Court or the Remington Condominium or belonging in St. Mary's Episcopal Church as well as University alumni who reside in the Foggy Bottom/West End area. Pursuant to Condition 3 of the Order, the expanded uses that were reauthorized and approved were permitted for a period of five years.

The University seeks approval for a one-year extension of the approved expanded uses. During that time, the University will conduct evaluation of the appropriate use of all of the University's athletic facilities and discuss the review with ANC 2A, the Campus Plan Advisory Committee, and other interested stakeholders. The University expects to return to the Commission after the completion of that review to address the appropriate use of the Lerner Center going forward.

**PLEASE NOTE:**

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

Z.C. NOTICE OF PUBLIC HEARING  
Z.C. CASE NO. 02-26B  
PAGE 2

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

Individuals and organizations interested in any application may testify at the public hearing or submit written comments to the Commission. All requests and comments should be submitted to the Commission through Sara Bardin, Director, Office of Zoning, 441 4<sup>th</sup> Street, NW, Suite 200-S, Washington, D.C. 20001. Please include the case number on all correspondence.

Individuals and organizations wishing party status in this case must request that status and should do so in writing not less than 14 days prior to the date set for the public hearing on the particular application in accordance with § 3106.2. A party has the right to cross-examine witnesses, to submit proposed findings of fact and conclusions of law, to receive a copy of the written decision of the Zoning Commission, and to exercise the other rights of parties as specified in the Zoning Regulations.

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.

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 § 3115.1 no later than seven (7) days before the date of the hearing. The report shall contain the information indicated in § 3115.1 (a) through (i).

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

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

**NOTICE OF FINAL RULEMAKING**

The Alcoholic Beverage Control Board (Board), pursuant to the authority set forth in D.C. Official Code § 25-351(a) (2012 Supp.) and Section 303 of Title 23 of the District of Columbia Municipal Regulations (DCMR), hereby gives notice of the adoption of final rules that replace existing Section 308 of Chapter 3 (Limitations on Licenses) of Title 23 (Alcoholic Beverages) of the DCMR to impose a three (3) year moratorium on the issuance of any new retailer's license class A, CT, CN, CX, DT, DN, and DX, in a portion of Glover Park which shall be known as the Glover Park Moratorium Zone. These rules also impose a cap of fourteen (14) on the number of class CR retailer's licenses permitted in the Glover Park Moratorium Zone. This represents an increase from the previous cap of twelve (12) class CR retailer's licenses, and will allow for the issuance of two (2) additional class CR retailer's licenses in the Glover Park Moratorium Zone. Lastly, the rules also lift the previous moratorium that existed on class B retailer's licenses in the Glover Park Moratorium Zone. The text of the final rules is substantially identical to the text of the notice published in the *D.C. Register* on July 27, 2012, at 59 DCR 8826.

On February 10, 2012, the Board received a resolution from Advisory Neighborhood Commission (ANC) 3B, adopted February 9, 2012, voting three (3) to one (1), with a quorum present, to renew the current Glover Park Moratorium Zone for a three (3) year period. The written request also sought the issuance of two (2) additional class CR retailer's licenses, and the removal of the moratorium on class B retailer's licenses. This resolution was supported by the Glover Park Citizens' Association by a majority vote on March 6, 2012.

The Board conducted a public hearing, pursuant to D.C. Official Code § 25-354 (2012 Supp.), on March 21, 2012, to consider the joint request of ANC 3B and GPCA. The Board heard testimony from Jackie Blumenthal, Vice-Chair of ANC 3B; Patricia Clark, President of GPCA; Bill Thomas, holder of a class CR retailer's license, located at 2348 Wisconsin Ave., N.W.; and Paul Holder, holder of a class CR retailer's license, located at 2340 Wisconsin Avenue, N.W.

At the hearing, ANC 3B testified that its support to renew the moratorium was based upon four reasons: (1) the moratorium is critical to addressing ongoing problems with peace, order, and quiet; (2) the moratorium helps maintain a balance of goods and services in the small commercial area; (3) the moratorium helps the neighborhood to address issues regarding parking and vehicular and pedestrian safety; and (4) the moratorium has been a highly effective tool for managing change.

Notwithstanding the request to renew the moratorium, ANC 3B also testified in support of the issuance of two (2) additional class CR retailer's licenses. ANC 3B stated that moratorium zones should not be perceived as limiting growth or preventing change. Instead, the Glover Park Moratorium Zone has allowed the community to manage change, provide stability, and promote commercial growth. Allowing two (2) additional class CR retailer's licenses is a result of that managed growth, brought about by the very existence of the moratorium.

ANC 3B further testified that within the last eight (8) years of the existing moratorium, Glover Park's commercial district experienced a radical transformation in relationship to dining and nightlife options. Glover Park has become a destination location for young, single people, who use residential parking spaces and create disturbances late into the night. Thus, allowing more than two (2) additional class CR retailer's licenses would only exacerbate the nightlife problems. Controlling the number of licenses has actually created a more diverse commercial development. Furthermore, ANC 3B indicated that those establishments that are committed to serving food, such as restaurants, present much less of a problem with regard to peace, order, and quiet, than other types of ABC-licensed establishments.

ANC 3B also testified that elimination of the moratorium on class B retailer's licenses would help to eradicate vacant retail spaces by allowing the community to encourage more off-site food options. The District of Columbia's Office of Planning described Glover Park as one of the most diversified, successful, and resilient neighborhood-serving commercial corridors in Washington, D.C. ANC 3B believes that the neighborhood's success is due to the prevention of overconcentration of ABC-licensed establishments in the moratorium zone.

Lastly, ANC 3B suggested a shorter moratorium renewal period of three (3) years instead of the previous five (5) years to allow the Board to assess the effectiveness of the proposed changes. This shorter moratorium period also allows the community and the Board the greatest degree of flexibility to adapt and adjust the moratorium in assessing the impact of these other changes.

The Glover Park Citizens' Association (GPCA) echoed ANC 3B's support of the renewed moratorium, and stated that it takes very seriously the responsibility of fostering change and growth, while protecting the essence of the neighborhood. Continuation of the moratorium helps to preserve economic diversity, minimize crime associated with late night patrons, and reduce the loss of available residential parking.

GPCA testified that it is necessary to continue the moratorium due to the continued problems the neighborhood experiences with vandalism, beer bottle and cigarette butt litter, rowdy intoxicated individuals, public urination, and late night disturbances. Many of these problems stem from people who patronize the ABC establishments located in the Glover Park Moratorium Zone.

GPCA noted that it was because of the ongoing concerns related to peace, order, and quiet, that many citizens residing in the Moratorium Zone expressed a desire to maintain the status quo, and allow for no new licenses. These constituents were concerned that if the moratorium was amended, even slightly, there would be an increase in the density of ABC-licensed establishments and the problems associated with that density would grow exponentially. One of the more significant problems resulting from the night life destination in Glover Park is the shortage of residential parking because demand outstrips supply.

The joint request to renew the moratorium was supported by written correspondence received from Martin Dickinson, Phyllis Torda, and Sherry and Raymond Kaskey, all of whom reside on Hall Place, N.W., in the Glover Park neighborhood. These residents support the existing moratorium due to the concerns they experience with regard to late night noise, reduced parking availability, and the increase in litter caused by the patrons and the active nightlife.

Two other individuals, both holders of ABC licenses in the Glover Park neighborhood, also testified at the March 21, 2012, public hearing in support of the moratorium. Mr. Holder stated that because the moratorium is already in effect, it would be irresponsible to hastily eliminate it. Under the current moratorium, Glover Park enjoys a balanced mix of ABC establishments that offer a cross-section of cuisines and ambience. He also stated that by extending the moratorium for only three (3) years, instead of the traditional five (5) years, the citizens can assess whether more licenses can eventually be supported by the neighborhood. Mr. Thomas testified that although he normally opposes moratoriums, the one in place in Glover Park has allowed the commercial district to grow naturally with the growth of the community.

The Board also received written testimony from Glover Park residents Alex Foster, Rebecca Johnson, John Camera, and ANC Commissioner Ben Thielen, who oppose the moratorium. They believe that eliminating the moratorium altogether will promote growth and diversity in the neighborhood. They are concerned that the limited addition of two (2) class CR retailer's licenses will be purchased by existing ABC licensed establishments, and thus thwart the effort to truly diversify the eateries in the community. Additionally, elimination of the moratorium in its entirety will create new possibilities for existing retail vacancies and any vacancies that may arise in the future. The opponents also argued that there will not be an increase in patron-related problems if the moratorium expires, and that if there are, issues concerning peace, order, and quiet should be and are mitigated by the operators of ABC-licensed establishments.

The Board took the views of these Glover Park residents into consideration but it found the proposal of both ANC 3B and GPCA to continue the moratorium while allowing for two (2) additional licenses to constitute a reasonable compromise.

In reaching its decision, the Board gave great weight to the written recommendations of ANC 3B as required by Section 13(d)(3) of the Advisory Neighborhood Councils Act of 1975, effective October 10, 1975(D.C. Law 1-21; D.C. Official Code § 1-309.10(d)(3) (2006 Repl. & 2012 Supp.)), and D.C. Official Code § 25-609 (2001 ed.). Specifically, the Board agrees with the testimony provided by both ANC 3B and the GPCA to: (1) warrant an extension of the existing moratorium for three (3) years; (2) allow for the issuance of two (2) additional class CR licenses; and (3) eliminate the moratorium on retailer's class B licenses.

The Board based its decision upon the appropriateness standards set forth in D.C. Official Code §§ 25-313 and 25-314 (2012 Supp.). Specifically, under D.C. Official Code § 25-313(b), the testimony presented at the hearing as well as the joint resolution submitted by ANC 3B and the GPCA revealed that problems still exist in the Glover Park Moratorium Zone with regard to peace, order, and quiet, justifying the need for the renewal of the moratorium zone.

The statements set forth above reflect the written reasons for the Board's decision as required by 23 DCMR § 303.1.

Pursuant to D.C. Official Code § 25-211(b)(2) (2012 Supp.), the proposed rules were transmitted to the Council of the District of Columbia (Council), for a ninety (90) day period of Council review on September 17, 2012. The proposed rules were approved by Council Resolution 19-

708, the “Glover Park Moratorium Zone Approval Resolution of 2012”, adopted by the Council at its December 4, 2012 legislative meeting. These final rules were adopted by the Board on January 30, 2013, on a vote of five (5) to zero (0) and they will become effective five (5) days after publication in the *D.C. Register*.

**Title 23 DCMR, Chapter 3 (Limitations on Licenses), is amended by replacing the existing Section 308 to read as follows:**

**308 GLOVER PARK MORATORIUM ZONE**

- 308.1 No new retailer’s license class A, CT, CN, CX, DN, DT, or DX shall be issued for a period of three (3) years from the effective date of this section in the area that extends approximately one thousand two hundred feet (1,200 ft.) in all directions from 2436 Wisconsin Avenue, N.W., Washington, D.C. 20007. The number of class CR retailer’s licenses permitted in this area shall not exceed fourteen (14). This area shall be known as the Glover Park Moratorium Zone.
- 308.2 The Glover Park Moratorium Zone is more specifically described as beginning at Tunlaw Road and Fulton Street; East on Fulton Street to Wisconsin Avenue; South on Wisconsin Avenue to Edmunds Street; East on Edmunds Street to Massachusetts Avenue; Southeast on Massachusetts Avenue to Observatory Circle; Southeast around Observatory Circle to Calvert Street; West on Calvert Street to Wisconsin Avenue; Southeast on both sides of Wisconsin Avenue to 35<sup>th</sup> Street; South on 35<sup>th</sup> Street to Whitehaven Parkway; West on Whitehaven Parkway to 37<sup>th</sup> Street; North on 37<sup>th</sup> Street to U Street; West on U Street to a point of intersection of Huidekoper Place and W Street; West on W Street to 39<sup>th</sup> Street; North on 39<sup>th</sup> Street to Davis Place; East on Davis Place to Tunlaw Road; North and Northwest on Tunlaw Road to Fulton Street.
- 308.3 All hotels, whether present or future, shall be exempt from the Glover Park Moratorium Zone.
- 308.4 Nothing in this section shall prohibit the Board from approving the transfer of ownership of a retailer’s license class A, CT, CN, CR, CX, DN, DT, or DX within the Glover Park Moratorium Zone that was in effect or for which an application was pending prior to the effective date of this section, subject to the requirements of Title 25 of the D.C. Official Code and this title.
- 308.5 Nothing in this section shall prohibit the Board from approving the transfer of a license from a location within the Glover Park Moratorium Zone to a new location within the Glover Park Moratorium Zone.
- 308.6 A license holder outside the Glover Park Moratorium Zone shall not be permitted to transfer its license to a location within the Glover Park Moratorium Zone.

- 308.7 Nothing in this section shall prohibit a valid protest of any transfer or change of a license class.
- 308.8 The moratorium shall have a prospective effect and shall not apply to any license granted prior to the effective date of this section or to any application for licensure pending on the effective date of this section.
- 308.9 This section shall expire three (3) years after the date of publication of the notice of final rulemaking.

**DEPARTMENT OF MENTAL HEALTH**

**NOTICE OF FINAL RULEMAKING**

The Director of the Department of Mental Health (Department), pursuant to the authority set forth in Sections 104 and 105 of the Department of Mental Health Establishment Amendment Act of 2001, effective December 18, 2001 (D.C. Law 14-56; D.C. Official Code §§ 7-1131.04 and 7-1131.05 (2008 Repl.)), hereby gives notice of a new Chapter 54 (Private Hospital Probable Cause Hearing - Reimbursement) to Subtitle A (Mental Health) of Title 22 (Health) of the District of Columbia Municipal Regulations (DCMR).

The purpose of this new rule is to establish the rate to reimburse private hospitals in the District of Columbia which, pursuant to a contract with the Department, ensure involuntary patients are safely present in court for probable cause hearings pursuant to D.C. Official Code §21-525 (2008 Repl.), and that the patient’s hospital psychiatrist or qualified psychologist is also present and prepared to testify at such a hearing. The Department recognizes that transportation, security, the testimony of the attendant doctors, and their absence from the hospital wards during time at court for a probable cause hearing, mean costs incurred by the hospital, and yet are a legal requirement for individuals who are under an order of involuntary hospitalization. Because it is beneficial to these individuals and to the District as a whole to be able to have private community hospitals accept these individuals when authorized by the Department, the Department recognizes the necessity to reimburse the hospitals for these costs.

The proposed rulemaking was published on January 4, 2013, in the *D.C. Register* at 60 DCR 0054. No comments were received and no changes have been made to the proposed rule as published. The Department of Mental Health took final action on the rule on February 11, 2013. This rule will become effective on the date of publication of this notice in the *D.C. Register*.

**Subtitle A, Mental Health, of Title 22 of the District of Columbia Municipal Regulations is amended by adding a new Chapter 54 to read as follows:**

**CHAPTER 54 PRIVATE HOSPITAL PROBABLE CAUSE HEARING — REIMBURSEMENT**

**5400 PURPOSE**

5400.1 This chapter establishes the reimbursement rate for private hospitals in the District of Columbia which, pursuant to a contract with the Department of Mental Health (Department), accept patients who are involuntarily hospitalized pursuant to D.C. Official Code §21-524 and as a result may have a probable cause hearing at the D.C. Superior Court, which in turn will require the hospital to safely transport the patient from the hospital to the hearing and back, and also provide expert testimony for the hearing.

5400.2 Nothing in this chapter grants to a private hospital the right to reimbursement for costs of supporting a patient’s probable cause hearing. Eligibility for



reimbursement for a probable cause hearing is determined solely by the contract between the Department and the private hospital, and is subject to the availability of appropriated funds.

**5401 REIMBURSEMENT RATE**

5401.1 The Private Hospital Probable Cause Hearing Rate is as set forth below:

SERVICE	RATE	UNIT
Probable Cause Hearing	\$650.00	Per Event

5401.2 The Department shall not provide any other reimbursement for any cost incurred by a private hospital with a contract with the Department beyond the event rate cited in this rule.

**5402 ELIGIBILITY**

5402.1 Only a private hospital located in the District of Columbia who has entered into a contract with the Department to accept involuntary patients authorized by the Department for hospitalization may incur expenses eligible for reimbursement in accordance with its contract with the Department and may bill the Department under this chapter.

5402.2 A private hospital submitting a claim under this chapter may only submit claims for probable cause hearings that have actually occurred; that is, the hearing was called by a judge or magistrate judge of the D.C. Superior Court and the patient and expert witness from the hospital were present and prepared to proceed.

5402.3 The private hospital must comply with all contractual requirements in order to submit a claim for a probable cause hearing, including but not limited to the following:

- (a) Ensuring the safe and timely transport of the patient to the D.C. Superior Court or to whatever location the court has determined the hearing is to be held, and safe transport of the patient in returning to the hospital, unless there is a finding at the hearing of no probable cause and the patient elects not to return to the hospital;
- (b) Ensuring the patient’s attending psychiatrist, qualified psychologist, or other expert witness, as determined by the Office of the Attorney General (OAG), cooperates with the representative from the OAG who will be representing the Department for the probable cause hearing to prepare for the hearing. Such preparation may include reviewing and providing copies of records, answering questions, communicating with other individuals involved in the care and treatment of the patient while he or she was in the community, and discussing testimony; and

(c) Ensuring the patient’s attending psychiatrist, qualified psychologist, or other expert witness, as determined by the Office of the Attorney General (OAG), is present for the probable cause hearing at the time the hearing is called by the court; that the witness has the original treatment records present when giving testimony at the hearing; and that the witness remains for the hearing until released by the court or the representative from the Office of the Attorney General.

**5403 SUBMISSION OF CLAIM; PAYMENT OF VOUCHER**

5403.1 The private hospital shall submit all claims for probable cause hearings by invoice, pursuant to this chapter and the terms of the contract between the Department and the private hospital.

5403.2 The private hospital shall submit appropriate documentation to support all claims under its contract with the Department.

5403.3 The Department will reimburse a private hospital for a probable cause hearing claim that is determined by the Department to be eligible for reimbursement pursuant to the terms of the contract between the Department and the private hospital, and the rules of this chapter, subject to the availability of appropriated funds.

**5404 AUDITS**

5404.1 A private hospital shall, upon the request of the Department, cooperate in any audit or investigation concerning the claims for a probable cause hearing.

**5499 DEFINITIONS**

5499.1 When used in this chapter, the following terms shall have the meaning ascribed:

**Private hospital** – a nongovernmental hospital or institution, or part thereof, in the District of Columbia, equipped and qualified to provide inpatient care and treatment for a person with a physical or mental illness.

**Probable cause hearing** – a judicial proceeding in the D.C. Superior Court pursuant to D.C. Official Code §21-525 (2008 Repl.).

**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)(2012 Supp.) 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 make technical amendments to Title 23 of the District of Columbia Municipal Regulations (DCMR) to conform to changes contained in the Omnibus Alcoholic Beverage Regulation Emergency Amendment Act of 2012 (Act), effective January 14, 2013 (D.C. Act 19-0597, 60 DCR 1001), as well as other administrative changes not related to the Act. The rulemaking clarifies that all retailer's license categories can apply to the Board for a stipulated license, and create a stipulated license fee of \$100. The rules also clarify that the annual fee for a wine pub permit is \$5,000 and that the holder of a wine pub permit can apply for a wine and beer purchasing permit. The rulemaking amends the corking requirements contained in Section 717 of Title 23 of the DCMR to conform to D.C. Official Code § 25-113(b)(5)(2012 Supp.), which allows customers to leave a restaurant with a partially consumed bottle of wine. The rules also conform to the Act's requirement that retailers may keep and maintain records on the licensed premises electronically. The rules clarify that Board may require a group of five or more individuals to appear in person. Finally, the rulemaking amends Section 1609 and Section 2000.3 of Title 23 of the DCMR to conform to the new settlement agreement and catering requirements contained in the Act.

These proposed rules were initially adopted by the Board on January 30, 2013 by a five (5) to zero (0) vote.

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.

Title 23 of the D.C. Municipal Regulations is amended as follows:

**Section 200, STIPULATED LICENSES, of Chapter 2, LICENSE AND PERMIT CATEGORIES, of Title 23, ALCOHOLIC BEVERAGES, of the DCMR, is amended by replacing Subsections 200.1 and 200.1(a) to read as follows:**

**200 STIPULATED LICENSES.**

- 200.1 The ABC Board will permit an applicant who has submitted a completed license application involving a Manufacturer's license, Wholesaler's license, or Retailer's license to apply for a stipulated

license under the following conditions:

- (a) The applicant must be applying for or must hold a Manufacturer’s license, Wholesaler’s license, or Retailer’s license; and

**Section 203, WINE AND BEER PURCHASING PERMIT, of Chapter 2, LICENSE AND PERMIT CATEGORIES, of Title 23, ALCOHOLIC BEVERAGES, of the DCMR, is amended by replacing Subsections 203.1, 203.2, and 203.3 to read as follows:**

**203 WINE AND BEER PURCHASING PERMIT.**

- 203.1 A wine and beer purchasing permit shall allow the holder of a Retailer's license Class A, Class B, brew pub, or wine pub license to sell wine and/or beer to the public at the premises of a Temporary or a Retailer's Class C or Class D license holder.
- 203.2 Beer or wine that is purchased at the authorized location from the Class A, Class B, brew pub, or wine pub licensee under the wine and beer purchasing permit shall not be opened or consumed at the authorized location.
- 203.3 A District off-premises retailer, brew pub, or wine pub authorized to sell containers of beer or wine at the authorized location may remove closed containers of beer and/or wine from the authorized premises but shall not be permitted to remove opened containers of beer and/or wine from the authorized premises. This subsection also applies to customers who purchase or receive alcoholic beverages at the authorized location.

**Section 209, PERMIT AND ENDORSEMENT FEES, of Chapter 2, LICENSE AND PERMIT CATEGORIES, of Title 23, ALCOHOLIC BEVERAGES, of the DCMR, is amended by adding a new Subsection 209.12 to read as follows:**

**209 PERMIT AND ENDORSEMENT FEES.**

- 209.12 The annual fee for a Wine Pub permit shall be five thousand dollars (\$ 5,000).

**Section 210, APPLICATION FEES, of Chapter 2, LICENSE AND PERMIT CATEGORIES, of Title 23, ALCOHOLIC BEVERAGES, of the DCMR, is amended by adding a new Subsection 210.7 to read as follows:**

**210 APPLICATION FEES.**

210.7 The fee for a stipulated license shall be one hundred dollars (\$ 100).

**Section 717, CORKING FEE, of Chapter 7, GENERAL OPERATING REQUIREMENTS, of Title 23, ALCOHOLIC BEVERAGES, of the DCMR, is amended by adding a new Subsection 717.3 to read as follows:**

**717 CORKING FEE.**

717.3 Notwithstanding § 717.1, the holder of a restaurant license (R) shall authorize the licensee to permit a patron to remove one partially consumed bottle of wine for consumption off-premises that the patron brought to the establishment. The partially consumed bottle of wine must be securely resealed by the licensee or its employees before removal from the premises. The partially consumed bottle shall be placed in a bag or other container that is secured in such a manner that it is visibly apparent if the container has been subsequently opened or tampered with, and a dated receipt shall be provided by the licensee and attached to the container.

**Section 1204, RETAILERS BOOKS AND RECORDS, of Chapter 12 RECORDS AND REPORTS, of Title 23, ALCOHOLIC BEVERAGES, of the DCMR, is amended by replacing Subsection 1204.1 to read as follows:**

**1204 RETAILERS BOOKS AND RECORDS.**

1204.1 Each holder of a Retailer's license shall keep and maintain upon the licensed premises, either physically or electronically, records which include invoices and delivery slips and which adequately and fully reflect all purchases, sales, and deliveries of all alcoholic beverages, except beer, made to it.

**Section 1605, FILING A PROTEST, of Chapter 16, CONTESTED HEARINGS, NON-CONTESTED HEARINGS, PROTEST HEARINGS, AND PROCEDURES, of Title 23, ALCOHOLIC BEVERAGES, of the DCMR, is amended by replacing Subsection 1605.4 to read as follows:**

**1605 FILING A PROTEST.**

1605.4 The Board may require protestants to appear in person before the Board for the purpose of determining that a sufficient number of individuals exist to have standing pursuant to D.C. Official Code §

25-601.

**Section 1609, COOPERATIVE OR VOLUNTARY AGREEMENTS of Chapter 16, CONTESTED HEARINGS, NON-CONTESTED HEARINGS, PROTEST HEARINGS, AND PROCEDURES, of Title 23, ALCOHOLIC BEVERAGES, of the DCMR, is amended by replacing Section 1609.1 to read as follows, and adding new Subsections 1609.6 and 1609.7 to read as follows:**

**1609 COOPERATIVE OR VOLUNTARY AGREEMENTS.**

- 1609.1 The terms of a settlement agreement submitted by the parties shall be consistent with District of Columbia law and shall be in compliance with D.C. Official Code §§ 25-446.01 and 25-446.02.
- 1609.6 The phrase “settlement agreement” found in Title 25 of the D.C. Official Code shall be deemed equivalent to the term “cooperative agreement”, or “voluntary agreement” used in Title 23 of the D.C. Municipal Regulations.”
- 1609.7 If the Board determines that a settlement agreement submitted by the parties does not comply with all applicable laws and regulations, or otherwise exceeds the Board’s expertise to enforce, the Board may condition approval of the settlement agreement on the parties’ acceptance of modifications of the agreement proposed by the Board. If the parties reject the modifications proposed by the Board, they may submit a new settlement agreement for Board review that complies with D.C. Official Code §§ 25-446.01 and 25-446.02 or proceed to a protest hearing.

**Section 2000, CATERER’S LICENSE, of Chapter 20, CATERER’S LICENSE, of Title 23, ALCOHOLIC BEVERAGES, of the DCMR, is amended by replacing Subsection 2000.3 to read as follows:**

**2000 CATERER’S LICENSE.**

- 2000.3 Holders of a caterer’s license may purchase alcoholic beverages from Wholesalers and holders of an off-premises license, class A, for catered events of one hundred (100) persons or less. Holders of a caterer’s license shall purchase alcoholic beverages from an off-premises license, class A, for catered events in excess of one hundred (100) persons except that holders of a caterer’s license may also purchase alcoholic beverages from Wholesalers for catered events in excess of one hundred (100) persons when the licensed caterer also holds another type of on-premise, retailer’s license.

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](mailto:martha.jenkins@dc.gov).

**WASHINGTON CONVENTION AND SPORTS AUTHORITY**

**NOTICE OF PROPOSED RULEMAKING**

The Board of Directors of the Washington Convention and Sports Authority (Authority), pursuant to Section 203 of the Washington Convention Center Authority Act of 1994, effective September 28, 1994 (D.C. Law 10-188; D.C. Official Code § 10-1202.03(3) and (6) (2008 Repl.;2012 Supp.)), as amended by the Fiscal Year 2010 Budget Support Act of 2009, effective March 3, 2010 (D.C. Law 18-111; D.C. Official Code § 10-1201.01 *et seq.* (2008 Repl.;2012 Supp.)) (the Act), hereby gives notice of its intent to amend Chapter 1 (“Washington Convention Center: Bylaws”) of Title 19 of the District of Columbia Municipal Regulations.

The rulemaking would amend the Authority’s by laws to reflect the Authority’s correct name and to permit members of the Authority’s Board of Directors to vote by proxy.

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

**Chapter 1 (“Washington Convention Center Authority: Bylaws”) of Title 19 of the District of Columbia Municipal Regulations (DCMR) is amended as follows:**

**The title of Chapter 1 is amended to read as follows:**

**CHAPTER 1 WASHINGTON CONVENTION AND SPORTS AUTHORITY: BYLAWS**

**Sections 101-199 are amended to read as follows:**

**CHAPTER 1 WASHINGTON CONVENTION AND SPORTS AUTHORITY: BYLAWS**

**101 OFFICE AND REGISTERED AGENT**

101.1 The Authority shall continuously maintain in the District of Columbia a registered office at such place as may be designated by the Board of Directors (the Board). The principal office of the Authority shall be in the District of Columbia, at such address as may from time to time be designated by the Board. The Authority may also have offices at such other places as the Board may from time to time designate.

101.2 The Authority shall continuously maintain within the District of Columbia a registered agent, which shall be designated by the Board.

**102 BOARD OF DIRECTORS**

102.1 The direction, control and management of the affairs and funds of the Authority shall be vested in the Board, which shall pursue such policies and activities as



shall be in accordance with the provisions of the Act and the relevant statutes of the United States and the District of Columbia. The Board will employ staff and adopt appropriate procedures to carry out its duties.

102.2 After notice, the Mayor of the District of Columbia shall remove any Member for failure to establish or maintain residency in the District of Columbia as required by the Act, or for misconduct or neglect of duty as defined by Section 199 of these bylaws.

102.3 A Member may resign at any time by giving notice thereof in writing to the Mayor, with a copy to the Chairperson. The Chairperson may resign at any time by giving notice thereof in writing to the Mayor, with copies to the Vice Chairperson and the Secretary.

### **103 MEETINGS OF THE BOARD**

103.1 The Chairperson of the Board shall preside at all meetings of the Board at which he or she is present, and shall perform such other duties as may be required of him or her by the Board.

103.2 The Vice Chairperson of the Board shall, in the absence of the Chairperson, preside at its meetings and shall perform such other duties as may be required of him or her by the Board.

103.3 Regular meetings of the Board shall be held no less than once every sixty (60) days at such time and place as the Chairperson shall determine. At least three (3) business days in advance of each regular meeting of the Board, notice shall be given to each Member and to the public. However, seven (7) business days' notice shall be given for regular meetings if, in the opinion of the Chairperson, the matters to be voted upon by the Board at such meeting could potentially have an adverse impact on the community.

103.4 Special meetings of the Board may be called at the discretion of the Chairperson or at the request of any six (6) Members. At least forty-eight (48) hours in advance of each special meeting of the Board, notice shall be given to each Member and to the public.

103.5 At least seven (7) calendar days before each meeting of the Board (special or regular) at which amendments to the bylaws are to be considered, notice shall be given to each Member and to the public.

103.6 Notice of a meeting of the Board shall specify the date, time and place of the meeting.

103.7 Notice must be either delivered personally to each Member, or mailed via the United States Postal Service (USPS), facsimile transmission or electronic mail to his or her business address. If such notice is given by USPS, it shall be deemed delivered when deposited in the United States mail properly addressed and with postage prepaid thereon. If such notice is sent by telecopy, electronic mail or delivered personally, it shall be deemed delivered when received. However, a

Member may waive notice of any regular or special meeting by written statement filed with the Board. Attendance at a meeting shall also constitute a waiver of notice.

103.8 Public notice shall be given by publication in the *D.C. Register* or in a newspaper of general circulation.

#### **104 QUORUM**

104.1 Six (6) Members shall constitute a quorum for the transaction of business at any meeting of the Board, except that if a quorum is not present at a meeting, a majority of the Members present may adjourn the meeting to another time, without further notice.

104.2 Except as otherwise provided by the Act or these bylaws, an affirmative vote of a majority of the Members present at a meeting at which a quorum exists shall be required for any valid Board action; provided, however, that no resolution authorizing the issuance of any bonds or adopting any budget or financial plan shall be deemed approved unless the Chief Financial Officer of the District of Columbia voted in favor of such action.

104.3 A Member may vote either in person or by proxy given to another Member. The proxy shall be executed in writing by the Member who is absent, shall name the Member to whom the proxy is given, and shall be delivered to the Secretary.

104.4 Each proxy shall specifically identify the meeting for which the proxy is valid.

104.5 A Member's proxy may be revoked by the Member at any time in writing.

104.6 No vacancy in membership, except a vacancy in the Office of Chief Financial Officer of the District of Columbia, shall impair the right of a quorum to exercise all rights and perform all duties of the Board.

104.7 Subject to the provisions of Section 105 below and at the discretion of the Chairperson, any or all Members may participate in a meeting of the Board, or a committee of the Board, by means of telephone conference or by any means of communication by which all persons participating in the meeting are able to hear one another, and such participation shall constitute presence in person at the meeting.

#### **105 OPEN MEETINGS**

105.1 All meetings of the Board at which action of any kind is taken shall be open to the public, and no official action shall be effective unless taken at such meeting.

105.2 A written transcript shall be kept for all such meetings and shall be made available to the public during normal business hours of the Authority. Copies of such written transcripts or copies of such transcriptions shall be available, upon request, to the public at a reasonable cost.

## **106 COMMITTEES**

106.1 The Board may, by resolution passed by a majority of the Members of the Board, designate one or more committees including standing committees; each such committee shall consist only of Members of the Board, which Members shall be appointed by the Chairperson of the Board.

106.2 The Board may remove any member of any committee at any time, with or without cause, and may designate one or more Members of the Board as alternate members of any committee, who may replace any absent or disqualified member of such committee at any meeting of the committee.

106.3 In the event that the Chairperson has not designated a committee chairperson, the committee shall appoint one of its own members as chairperson, who shall preside at all meetings and may also appoint a secretary (who need not be a member of the committee) who shall keep its records and who shall hold office at the pleasure of the committee.

106.4 Any such committee, to the extent permitted by the Act, shall have and may exercise such powers and authority to conduct investigations or recommend actions to the Board as shall be specified by resolution of the Board; provided that the principal functions of any such committees shall be to function as a liaison between the Board and the Authority's staff, consultants or other third parties and to gather information for purposes of aiding the Board in its decision making.

106.5 No committee shall have power or authority to:

- (a) fill vacancies on any committee;
- (b) adopt, amend, or repeal these bylaws;
- (c) sell, exchange, assign, convey, lease, transfer or otherwise dispose of any of the Authority's assets; or
- (d) take any action that is within the exclusive authority of the Board.

106.6 Regular meetings of such committees may be held without notice of the time, place or purposes thereof and shall be held at such times and places as the committee may from time to time determine.

106.7 Special meetings of such committees may be held upon notice of the time, place and purposes thereof. Until otherwise ordered by the committee, special meetings

shall be held at any time and place at the call of the Chairperson of the Board or chairperson of such committee.

- 106.8 At any regular or special meeting any such committee may exercise any or all of its powers, and any business which shall come before any regular or special meeting may be transacted there, provided a majority of the committee is present; but in every case the affirmative vote of a majority of all of the members of the committee shall be necessary to take any action.
- 106.9 Each committee shall keep regular minutes of its proceedings and distribute a copy thereof to each of the Members of the Board and the Secretary of the Authority after each committee meeting.
- 106.10 Before the Board or any of its committees acts upon any request for the use of excess funds totaling more than two hundred fifty thousand dollars (\$250,000) from the Washington Convention Center Marketing Fund, the Board shall afford the Washington Convention and Tourism Corporation an opportunity to review and comment upon the request.

## **107 OFFICERS**

- 107.1 The Officers of the Authority shall be a Chairperson, a Vice Chairperson, a Treasurer, a President and Chief Executive Officer, a Chief Financial Officer of the Authority, a Secretary, an Assistant Secretary, and such other officers as may from time to time be deemed advisable by the Board.
- 107.2 Unless otherwise provided in the Act or these bylaws, officers shall be chosen by a majority vote of the Board.
- 107.3 The Chairperson and Vice Chairperson shall be Members. The other Officers may, but need not, be Members. Any two or more offices may be held by the same person except the offices of Chairperson and Secretary.
- 107.4 Unless otherwise provided by the Act or these bylaws, the Officers of the Authority shall hold their offices for such terms as shall be determined from time to time by the Board.
- 107.5 Unless otherwise provided by the Act or these bylaws, the Officers of the Authority shall exercise such powers and perform such duties as shall be specified by the Board and, if not inconsistent therewith, as are customarily exercised by corporate officers holding such offices.
- 107.6 The Officers of the Authority shall hold office until their successors are chosen and qualified. Unless otherwise provided in the Act or these bylaws, any Officer of the Authority may be removed at any time by a majority of the Members in

office, with or without cause, and any vacancy occurring in any office of the Authority may be filled by the vote of a majority of the Members in office.

107.7 The Chairperson and such other Officers, employees and agents as may be authorized by the Board may enter into and execute, on behalf of the Authority, contracts, leases, debt obligations and all other forms of agreements or instruments, whether under seal or otherwise, permitted by law, the Act and these bylaws; except where such documents are required by law or the Act to be otherwise signed and executed, or where the signing and execution thereof shall be exclusively delegated to some other Officer or agent of the Authority.

107.8 All checks, drafts or other orders for the payment of money shall be signed by such Officer or Officers or such other person or persons as the Board may, from time to time, designate.

## **108 PRESIDENT AND CHIEF EXECUTIVE OFFICER**

108.1 The President and Chief Executive Officer shall have the duties described in the Act and such other duties as may be authorized by the Board for the effective and efficient management of the Authority.

## **109 CHIEF FINANCIAL OFFICER OF THE AUTHORITY**

109.1 The Chief Financial Officer of the Authority shall perform all duties customary to that office and, except as may be required in any instrument under which any bonds are issued by the Authority, shall be responsible for all corporate funds and securities, and shall keep full and accurate accounts of receipts and disbursements in the books of the Authority.

109.2 The Chief Financial Officer of the Authority shall be responsible for the deposit of all monies or other valuable effects in the name of the Authority in such depositories as shall be selected by the Board.

109.3 The Chief Financial Officer of the Authority or his or her delegate shall disburse the funds of the Authority in compliance with the provisions of the Act and as may be ordered by the Board or its delegate, taking proper vouchers for such disbursements, and shall periodically provide an account of the Authority's transactions and the financial condition to the Chairperson and the Board at its regular meetings or when the Board so requires.

109.4 The Assistant Chief Financial Officer of the Authority, if any be appointed, shall in the absence or disability of the Chief Financial Officer perform the duties and exercise the powers of the Chief Financial Officer, and shall perform such other duties as the Board shall prescribe.

**110 SECRETARY**

- 110.1 The Secretary shall be responsible for keeping an accurate record of the proceedings of all meetings of the Board and such other actions of the Authority as the Board shall direct. He or she shall give or cause to be given all notices in accordance with these bylaws or as required by law or the Act and, in general, perform all duties customary to the Office of Secretary.
- 110.2 The Secretary shall have authority to affix the corporate seal of the Authority to any instrument requiring it and, when so affixed, it may be attested by his or her signature or by the signature of the Assistant Secretary.
- 110.3 The General Counsel of the Authority shall be the Assistant Secretary. In the absence or disability of the Secretary, the Assistant Secretary shall perform the duties and exercise the powers of the Secretary. At all other times, the Assistant Secretary shall perform such of the Secretary's functions as the Secretary shall prescribe in writing.

**111 LIABILITY**

- 111.1 Each Member, Officer, or employee of the Authority who receives notice of any claim or potential claim against him or her based upon any act or omission within the scope of his or her official duties or employment shall promptly notify the President and Chief Executive Officer of such claim or potential claim.
- 111.2 The Authority shall intervene as a party in any claim against any Member based upon any act or omission of the Authority, which claim does not allege fraudulent or criminally prosecutable acts by the Member, and assert on behalf of the Member the defense of personal immunity, pursuant to Section 206(i) of the Act.
- 111.3 The Authority shall maintain insurance against liability to third parties covering each person against whom a claim is made based upon any act or omission within the scope of the person's official duties as a Member, Officer or employee of the Authority.
- 111.4 Nothing in this section shall preclude the Authority from taking disciplinary action against any employee or from asserting its own claim for lost or damaged property against any employee.

**112 AMENDMENTS**

- 112.1 These bylaws may be amended from time to time, in any manner not inconsistent with the Act, by the affirmative vote of a majority of the entire membership of the Board at any meeting of the Board, if notice of the substance of the proposed Amendment be contained in the notice of the meeting, or if such notice be waived as herein provided.

**113 SEAL AND FISCAL YEAR**

- 113.1 The seal of the Authority shall be circular in form and shall have inscribed thereon the words "Washington Convention and Sports Authority," "District of Columbia," and "Corporate Seal."
- 113.2 The fiscal year of the Authority shall begin on the first day of October and end on the last day of September in each year.

**114 APPROVAL OF CERTAIN CONTRACTS**

- 114.1 Before the Authority awards any contract that requires the approval of the District of Columbia Council in accordance with D.C. Official Code § 2-352.02, as such may be amended from time to time, and prior to the submission of any such contract to the Council, the Board shall first approve the contract by a resolution passed by a majority of the Members.

**199 DEFINITIONS**

When used in this chapter, the following words shall have the meanings ascribed:

**Act** - the Washington Convention Center Authority Act of 1994, effective September 28, 1994 (D.C. Law 10-188), as amended by the Fiscal Year 2010 Budget Support Act of 2009, effective March 3, 2010 (D.C. Law 18-111, D.C. Official Code §§ 10-1201.01 *et seq.*).

**Authority** - the Washington Convention and Sports Authority established by the Act.

**Member** - a Member of the Authority's Board of Directors.

**Misconduct** - any criminally prosecutable or fraudulent act by a Member in relation to the duties of his or her office that is willful in character.

**Neglect of duty** - the careless or intentional failure by a Member to exercise due diligence in the performance of his or her official duties.

Any person desiring to comment on the subject matter of this proposed rulemaking should file comments in writing not later than thirty (30) days after the date of publication of this notice in the *D.C. Register*. Comments should be filed with the Office of the General Counsel, Washington Convention and Sports Authority, Walter E. Washington Convention Center, 801 Mount Vernon Place, N.W., Washington, D.C. 20001. Copies of this notice may be obtained by writing to the foregoing address, by sending an e-mail to [rsmith@eventsdc.com](mailto:rsmith@eventsdc.com), or by calling the Office of the General Counsel at 202-249-3000.



**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA  
SECOND NOTICE OF PROPOSED RULEMAKING  
Z.C. Case No. 04-33F**

**(Text Amendments: PUDs and Inclusionary Zoning – Termination of Affordability  
Controls upon Foreclosure)**

The Zoning Commission for the District of Columbia (Commission), pursuant to the authority set forth in § 1 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797; D.C. Official Code § 6-641.01 (2008 Repl.)) hereby gives notice of its intent to amend §§ 2409, 2602, and 2603 of the Zoning Regulations of the District of Columbia, Title 11 of the District of Columbia Municipal Regulations (DCMR). The Commission previously gave notice of its emergency adoption of amendments to these provisions and its intent to adopt those amendments through a notice of emergency and proposed rulemaking published in the December 7, 2012 edition of the *D.C. Register* at 59 DCR 14073.

Among other things, the originally proposed amendments would add new §§ 2409.11 and 2602.10 that, under certain circumstances, provided for the automatic termination of affordable housing controls imposed by an order granting a planned unit development or by the Inclusionary Zoning regulations set forth in Chapter 26. One of the circumstances that would trigger automatic termination is when title to the mortgaged property is transferred by foreclosure or deed-in-lieu of foreclosure.

Through its Hearing Report dated January 14, 2013, the Office of Planning recommended restricting the termination of the affordability requirements in these circumstances to just the first mortgagee, based on the potential for harm from predatory lenders. The Commission approved that change and authorized the publication of this notice of proposed rulemaking. The Commission did not also take emergency action and therefore the broader version of the amendments will remain in effect until March 19, 2013 or upon the publication of a Notice of Final Rulemaking in the *D.C. Register*, whichever occurs first.

Final rulemaking action shall be taken in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

Chapter 24, **PLANNED UNIT DEVELOPMENT PROCEDURES**, § 2409, **IMPLEMENTATION**, is amended by adding new § 2409.10 and 2409.11 to read as follows:

2409.10        The Zoning Administrator shall not approve an application for a certificate of occupancy for a PUD if the order approving the PUD includes a condition requiring the provision of affordable housing unless the owner has executed monitoring and enforcement documents with the District of Columbia, which will bind the owner and all successors in title to abide by such terms as the District considers necessary to ensure that the affordable housing will be constructed, marketed, sold, re-sold, rented, and occupied, so as to be affordable to the target households during the specified control period and safeguarded regarding foreclosure.

2409.11 A condition in an order approving or modifying a PUD that requires the provision of affordable housing shall automatically terminate if title to the mortgaged property is transferred following foreclosure by, or deed-in-lieu of foreclosure to, a mortgagee in the first position, or a mortgage in the first position is assigned to the Secretary of the U.S. Department of Housing and Urban Development provided the owner has executed monitoring and enforcement documents per the requirements of § 2409.10.

Chapter 26, **INCLUSIONARY ZONING**, is amended as follows:

Section 2602, **APPLICABILITY**, is amended as follows:

By amending § 2602.4 to add a reference to new §§ 2602.10 and 2603.6, so that the provision will read as follows:

2602.4 Except as provided in §§ 2602.5, 2602.10, 2603.5, 2603.6, and 2607.1(c) or the Act, all inclusionary units created pursuant to this chapter shall be leased or sold only to eligible households for so long as the inclusionary development exists.

By adding a new § 2602.10 to read as follows:

2602.10 The requirements of this chapter shall automatically terminate if title to the mortgaged property is transferred following foreclosure by, or deed-in-lieu of foreclosure to, a mortgagee in the first position, or a mortgage in the first position is assigned to the Secretary of the U.S. Department of Housing and Urban Development.

Section 2603, **SET-ASIDE REQUIREMENTS**, is amended by adding a new § 2603.6 to read as follows:

2603.6 Notwithstanding § 2603.5, nothing shall prohibit the Mayor or the District of Columbia Housing Authority to acquire title to inclusionary units in a for-sale inclusionary development if any of the following circumstances exist:

- (a) There is a risk that title to the units will be transferred by foreclosure or deed-in-lieu of foreclosure, or that the units' mortgages will be assigned to the Secretary of the U.S. Department of Housing and Urban Development; or
- (b) Title to the units have been transferred by foreclosure or deed-in-lieu of foreclosure, or the units' mortgages have been assigned to the Secretary of the U.S. Department of Housing and Urban Development

All persons desiring to comment on the subject matter of the proposed rulemaking action should file comments in writing no later than thirty (30) days after the date of publication of this notice in the *D.C. Register*. Comments should be filed with Sharon Schellin, Secretary to the Zoning

Commission, Office of Zoning, 441 4<sup>th</sup> Street, N.W., Suite 210-S, Washington, D.C. 20001, or via email at [zcsubmission@dc.gov](mailto:zcsubmission@dc.gov). Ms. Schellin may also be contacted by telephone at 202-727-6311 or by email at [Sharon.Schellin@dc.gov](mailto:Sharon.Schellin@dc.gov). Copies of this proposed rulemaking action may be obtained at cost by writing to the above address.

**DEPARTMENT OF MOTOR VEHICLES****NOTICE OF EMERGENCY RULEMAKING**

The Director of the Department of Motor Vehicles, pursuant to the authority set forth in § 1825 of the Department of Motor Vehicles Establishment Act of 1998, effective March 26, 1999 (D.C. Law 12-175; D.C. Official Code § 50-904) (2009 Repl.); § 6 of the District of Columbia Traffic Act of 1925, effective March 3, 1925 (43 Stat. 1121; D.C. Official Code § 50-2201.03) (2009 Repl.); § 105 of the District of Columbia Traffic Adjudication Act of 1978, effective September 12, 1978 (D.C. Law. 2-104; D.C. Official Code § 50-2301.05) (2009 Repl.); and Mayor's Order 2007-168, dated July 23, 2007, hereby gives notice of the intent to adopt the following rulemaking that will amend Chapter 26 (Civil Fines for Moving and Non-Moving Infractions) of Title 18 (Vehicles and Traffic) of the District of Columbia Municipal Regulations (DCMR). The proposed emergency rules would extend the modification of fines for speeding by decreasing the fines for driving up to 10 mph in excess of the speed limit and 11 to 15 mph in excess of the speed limit and increasing the fine for driving over 25 mph in excess of the speed limit.

This emergency rulemaking is an extension of the emergency rulemaking that was adopted on November 2, 2012, became effective on November 5, 2012 and was published along with a Notice of Proposed Rulemaking in the *D.C. Register* on November 9, 2012 at 59 DCR 12903. That emergency rulemaking will expire on March 2, 2013.

On December 18, 2012, the Council of the District of Columbia (Council) passed Resolution 19-732, the Civil Fines for Moving Infractions Disapproval Resolution of 2012, which disapproved the proposed rulemaking. Also on December 18, 2012, the Council passed Bill 19-1108 (Act 19-635), the Safety-Based Traffic Enforcement Amendment Emergency Act of 2012, which set forth a different set of fines than the emergency and proposed rulemaking published on November 9, 2012. In addition, Section 106 of the Safety-Based Traffic Enforcement Amendment Emergency Act of 2012 required that the schedule of speeding fines may not be amended until the Council has approved proposed rules or proposed rules have been deemed approved. Pursuant to Section 401(b)(1) of the Safety-Based Traffic Enforcement Amendment Emergency Act of 2012, the applicable fine amounts set forth in that act shall not apply before April 1, 2013, leaving a gap between the expiration of the fines adopted in the Emergency Rulemaking on November 2, 2012 and the effective date of the fines set forth in the Safety-Based Traffic Enforcement Amendment Emergency Act of 2012.

This emergency rulemaking is necessitated by the above-stated gap and by the immediate need to promote the public welfare by instituting a more equitable fine schedule for a limited number of moving violations. The revenue from the revised fine schedule will be used to maintain critical services to the District's citizens and thereby preserve their health, safety, and welfare.

Pursuant to section 105(a)(1) of the District of Columbia Traffic Adjudication Act of 1978, effective September 12, 1978 (D.C. Law 2-104; D.C. Official Code §50-2301.05(a)(1), the proposed emergency rules were submitted to the Council and became effective upon the Council's approval of the rules on February 19, 2013. The rules will expire on March 31, 2013.

Subsection 2600.1 of Chapter 26, CIVIL FINES FOR MOVING AND NON-MOVING INFRACTIONS, of Title 18, VEHICLES AND TRAFFIC, of the DCMR is amended by striking the entries in the civil infractions table under the heading “Speeding”, and inserting the following entries in their place.

2600.1 \* \* \* \* \*

Speeding	
Up to 10 mph in excess of limit [§ 2200]	\$50
11 to 15 mph in excess of limit [§ 2200]	\$100
16 to 20 mph in excess of limit [§ 2200]	\$150
21 to 25 mph in excess of limit [§ 2200]	\$200
Over 25 mph in excess of limit [§ 2200]	\$300
Minimum; driving too slowly [§ 2200.10]	\$50
Unreasonable [§ 2200.3]	\$100

GOVERNMENT OF THE DISTRICT OF COLUMBIA

## ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2013-033  
February 12, 2013

**SUBJECT:** Amendment – Board of Zoning Adjustment

**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 pursuant to section 8 of An Act Providing for the zoning of the District of Columbia and the regulation of the location, height, bulk, and uses of buildings and other structures and of the uses of land in the District of Columbia, and for other purposes, approved June 20, 1938 (52 Stat. 799, D.C. Official Code § 6-641.07) (2012 Supp.)), which established the Board of Zoning Adjustment (“Board”), it is hereby **ORDERED** that:

1. Mayor's Order 2011-137, dated August 19, 2011, is hereby amended by striking the phrase “is appointed as a member of the Board of Zoning Adjustment, for a term to end September 30, 2013” and inserting the phrase “is appointed as a member of the Board of Zoning Adjustment, replacing Marc Loud, for a term to end September 30, 2012.”
2. **EFFECTIVE DATE:** This Order shall become effective immediately.

  
VINCENT C. GRAY  
MAYOR

ATTEST:   
CYNTHIA BROCK-SMITH  
SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

## ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2013-034  
February 12, 2013

**SUBJECT:** Appointment – Board of Zoning Adjustment

**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 pursuant to section 8 of An Act Providing for the zoning of the District of Columbia and the regulation of the location, height, bulk, and uses of buildings and other structures and of the uses of land in the District of Columbia, and for other purposes, approved June 20, 1938 (52 Stat. 799, D.C. Official Code § 6-641.07) (2012 Supp.)), which established the Board of Zoning Adjustment (“Board”), it is hereby **ORDERED** that:

1. **S. KATHRYN ALLEN**, who was nominated by the Mayor on October 24, 2012, and was approved by the Council of the District of Columbia pursuant to Proposed Resolution 20-0007 on February 5, 2013, is appointed as a member of the Board, replacing Rashida Y.V. MacMurray, for a term to end September 30, 2014.
2. **EFFECTIVE DATE:** This Order shall become effective immediately.

  
VINCENT C. GRAY  
MAYOR

ATTEST:   
CYNTHIA BROCK-SMITH  
SECRETARY OF THE DISTRICT OF COLUMBIA

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**

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**ADMINISTRATIVE ISSUANCE SYSTEM**

Mayor's Order 2013-035  
February 14, 2013

**SUBJECT:** Appointments – Health Benefit Exchange Authority Executive 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 6 of the Health Benefit Exchange Authority Establishment Act of 2011, effective March 2, 2012, D.C. Law 19-94, D.C. Official Code § 31-3171.01 *et seq.*, which established the District of Columbia Health Benefit Exchange Authority Executive Board (hereinafter referred to as “Board”), it is hereby **ORDERED** that:

1. **DIRECTOR WAYNE TURNAGE**, or his designee, is appointed as the Director of the Department of Health Care Finance *ex officio* member of the Board, and shall serve in that capacity at the pleasure of the Mayor.
2. **COMMISSIONER WILLIAM WHITE**, or his designee, is appointed as the Commissioner of the Department of Insurance, Securities and Banking *ex officio* member of the Board, and shall serve in that capacity at the pleasure of the Mayor.
3. **DR. SAUL LEVIN**, or his designee, is appointed as the Interim Director of the Department of Health *ex officio* member of the Board, and shall serve in that capacity at the pleasure of the Mayor.
4. **DIRECTOR DAVID BERNS**, or his designee, is appointed as the Director of the Department of Human Services *ex officio* member of the Board, and shall serve in that capacity at the pleasure of the Mayor.
5. **KEVIN WILLIAM LUCIA**, who was nominated by the Mayor on June 6, 2012, and approved by the Council of the District of Columbia on July 10, 2012 pursuant to Resolution #19-0496, is appointed as a voting member of the Board, for a 3-year term that begins July 17, 2012 and ends July 6, 2015.
6. **KHALID RASULI PITTS**, who was nominated by the Mayor on June 6, 2012, and approved by the Council of the District of Columbia on July 10, 2012




pursuant to Resolution #19-0497, is appointed as a voting member of the Board, for a 2-year term that begins July 17, 2012 and ends July 6, 2014.

7. **KATE SULLIVAN HARE**, who was nominated by the Mayor on June 6, 2012, and approved by the Council of the District of Columbia on July 10, 2012 pursuant to Resolution #19-0498, is appointed as a voting member of the Board, for a 2-year term that begins July 17, 2012 and ends July 6, 2014.
8. **LEIGHTON KU**, who was nominated by the Mayor on June 6, 2012, and approved by the Council of the District of Columbia on July 10, 2012 pursuant to Resolution #19-0499, is appointed as a voting member of the Board, for a 5-year term that begins July 17, 2012 and ends July 6, 2017.
9. **DIANE C. LEWIS**, who was nominated by the Mayor on June 6, 2012, and approved by the Council of the District of Columbia on July 10, 2012 pursuant to Resolution #19-0500, is appointed as a voting member of the Board, for a 4-year term that begins July 17, 2012 and ends July 6, 2016.
10. **HENRY JACOB AARON**, who was nominated by the Mayor on June 6, 2012, and approved by the Council of the District of Columbia on July 10, 2012 pursuant to Resolution #19-0501, is appointed as a voting member of the Board, for a 5-year term that begins July 17, 2012 and ends July 6, 2017.
11. **DR. MOHAMMAD N. AKHTER**, who was nominated by the Mayor on June 6, 2012, and approved by the Council of the District of Columbia on July 10, 2012 pursuant to Resolution #19-0502, is appointed as a voting member of the Board, for a 4-year term that begins July 17, 2012 and ends July 6, 2016.

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

  
VINCENT C. GRAY  
MAYOR

ATTEST:   
CYNTHIA BROCK-SMITH  
SECRETARY OF THE DISTRICT OF COLUMBIA

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**

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**ADMINISTRATIVE ISSUANCE SYSTEM**

Mayor's Order 2013-036  
February 15, 2013

**SUBJECT:** Issuance of a New District of Columbia License Plate


**ORIGINATING AGENCY:** Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(6) and (11) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(6) and (11) (2012 Supp.), and section 2(e) of title IV of the District of Columbia Revenue Act of 1937, approved August 17, 1937, 50 Stat. 673, 680, D.C. Official Code § 50-1501.02(f)(3) (2012 Supp.), it is hereby **ORDERED** that:

1. The Director of the Department of Motor Vehicles shall:
  - a. Issue a new standard identification tag (license plate) for display in accordance with 18 DCMR 422. The new standard tag shall bear the words "District of Columbia" in lieu of the current words "Washington, DC;" and
  - b. Make the "District of Columbia" tag available upon exhaustion of the current inventory of tags bearing the words "Washington, DC."
2. The Director of the Department of Motor Vehicles may periodically redesign the standard identification tag. A redesign may include changes to the size, color, design, and material of the tag.

3. **EFFECTIVE DATE:** This Order shall become effective immediately.

  
\_\_\_\_\_  
VINCENT C. GRAY  
MAYOR

ATTEST:   
\_\_\_\_\_  
CYNTHIA BROCK-SMITH  
SECRETARY OF THE DISTRICT OF COLUMBIA

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF MEETING  
CHANGE OF HOURS AGENDA

WEDNESDAY, FEBRUARY 27, 2013 AT 1:00 PM  
2000 14<sup>TH</sup> 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 10am-12am. No voluntary agreement. ANC 2B. **Benmoll Liquors**, 1700 U Street, NW, Retailer's A, Lic.#: 072334.
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 10am-9pm. No conflict with Voluntary Agreement. ANC 5B. **Whelan's Liquors**, 3903 12<sup>th</sup> Street, NW, Retailer's A, Lic.#: 072113.
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: Sunday through Thursday 10am-11pm, Friday and Saturday 10am-12am. No voluntary agreement. ANC 2B. **Rosebud Liquor**, 1711 17<sup>th</sup> Street, NW, Retailer's A, Lic.#: 060751.
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-10pm. No conflict with Voluntary Agreement. ANC 2F. **S&W Liquors**, 1428 9<sup>th</sup> Street, NW, Retailer's A, Lic.#: 010963.
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: Monday through Sunday 7am-12am. No voluntary agreement. ANC 4A. **Missouri Ave. Market**, 5900 Georgia Avenue, NW, Retailer's B, Lic.#: 023503.
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-12am. No voluntary agreement. ANC 4C. **Herman's Liquors**, 3712 14<sup>th</sup> Street, NW, Retailer's A, Lic.#: 082309.

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

**NOTICE OF MEETING  
INVESTIGATIVE AGENDA**

**WEDNESDAY, FEBRUARY 27, 2013  
2000 14<sup>TH</sup> STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009**

**On February 27, 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-AUD-00007 B Cafe/Brookland Cafe, 3740 12TH ST NE Retailer C Restaurant, License#: ABRA-083121

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2. Case#13-AUD-00014 Listranis Italian Gourmet, 5100 MACARTHUR BLVD N Retailer C Restaurant, License#:ABRA-026389

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3. Case#13-AUD-00015 Maggiano's, 5333 WISCONSIN AVE NW Retailer C Restaurant, License#: ABRA-072256

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4. Case#13-AUD-00016 Medaterra, 2614 CONNECTICUT AVE NW Retailer C Restaurant, License#: ABRA-026206

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5. Case#13-AUD-00017 My Brother's Place, 237 2ND ST NW Retailer C Restaurant, License#: ABRA-071593

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6. Case#13-AUD-00018 Odalis Restaurant, 827 KENNEDY ST NW Retailer C Restaurant, License#: ABRA-076432

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7. Case#13-AUD-00019 Siroc, 915 15TH ST NW Retailer C Restaurant, License#: ABRA-080975

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8. Case#13-AUD-00020 Wok and Roll, 604 H ST NW Retailer C Restaurant, License#: ABRA-060447

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9. Case#13-AUD-00021 Sisy's, 3911 14TH ST NW Retailer C Restaurant, License#: ABRA-076125

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10. Case#13-CMP-00037 Manchester Bar & Restaurant, 944 FLORIDA AVE NW Retailer C Tavern, License#: ABRA-075377

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11. Case#12-251-00379 Twelve Restaurant & Lounge, 1123 - 1125 H ST NE Retailer C Tavern, License#: ABRA-076366

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12. Case#12-CMP-00737 Rose's Luxury, 717 8TH ST SE Retailer C Restaurant, License#: ABRA-090884

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13. Case#12-251-00192(a) Tony & Joe's Seafood Place, 3000 K ST NW A Retailer C Restaurant, License#: ABRA-010762

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ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF MEETING  
AGENDA

WEDNESDAY, FEBRUARY 27, 2013 AT 1:00 PM  
2000 14<sup>TH</sup> 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. ***Current Hours of Operation and Hours of Alcoholic Beverage Sales:*** Sunday through Thursday 11:30am-1:30am, Friday and Saturday 11:30am-2:30am. ***Proposed Hours of Operation and Hours of Alcoholic Beverage Sales:*** Sunday through Thursday 10:30am-2am, Friday and Saturday 10:30am-3am. No pending investigative matters. No outstanding fines/citations. No settlement agreement. ANC 2E. ***Civil***, 5335 Wisconsin Avenue NW Retailer CT02, Lic.#: 90196.

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2. Review of refund request from Kebebus Kumessa, former owner of DK Foods, Inc., t/a Rainbow Market. ***Rainbow Market***, 626 Kennedy Street NW Retailer B, Lic.#: 82769.

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3. Review of Motion for Reinstatement, dated February 12, 2013, from Commissioner Matt Raymond of ANC 2F. The ANC was dismissed at the Roll Call Hearing for Faces Lounge for failure to appear. ***Faces Lounge***, 1414 14th Street NW Retailer CT01, Lic.#: 90739.

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4. Review of email, dated February 4, 2013, from Bertha Holiday requesting clarification for the Board requested modifications for the Costa Brava Settlement Agreement. ***Costa Brava***, 1837 1st Street NW Retailer CR02, Lic.#: 90223.

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5. Review of Settlement Agreement Amendment, dated December 20, 2012, between The Casbah and ANC 6A. ***The Casbah***, 1128 H Street NE Retailer CR01, Lic.#: 88779.\*

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6. Review of Settlement Agreement Amendment, dated January 14, 2013, between Arena Stage and ANC 6D. ***Arena Stage***, 1101 6th Street SW Retailer CX, Lic.#: 1729.\*

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7. Review of Settlement Agreement, dated February 11, 2013, between Gordon Biersch Brewery and ANC 6D. ***Gordon Biersch Brewery***, 100 M Street SE Retailer CR04, Lic.#: 90968.\*

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Board's Agenda - February 13, 2013 - Page 2

8. Review of Settlement Agreement Amendment, dated February 12, 2013, between Cashion's Eat Place and Kalorama Citizens Association. *Cashion's Eat Place*, 1819 Columbia Road NW Retailer CR01, Lic.#: 77276.\*
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9. Review and approval of the MPD RDO Final Rulemaking.
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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.**



**DC MAYOR'S OFFICE ON ASIAN AND PACIFIC ISLANDER AFFAIRS****DC MAYOR'S COMMISSION ON ASIAN AND  
PACIFIC ISLANDER AFFAIRS****NOTICE OF REGULAR MEETING**

The DC Mayor's Commission on Asian and Pacific Islander Affairs will be holding its regular meeting on Wednesday, February 27, 2013 at 6:30 pm.

The meetings will be tentatively held at either the OAPIA office or at an 11<sup>th</sup> floor conference at One Judiciary Square, 441 4<sup>th</sup> Street, NW, Suite 721 N, Washington, DC 20001. The location is closest to the Judiciary Square metro station on the red line of the Metro. All commission meetings are open to the public. If you have any questions about the commission or its meetings, please contact [oapia@dc.gov](mailto:oapia@dc.gov) or Andrew Chang at [andrew.chang@dc.gov](mailto:andrew.chang@dc.gov). Telephone: (202) 727-3120.

The DC Commission on Asian and Pacific Islander Affairs usually convenes monthly meetings to discuss current issues affecting the DC AAPI community.

Future meetings for the remainder of the year have been scheduled for the following dates:

March 27, 2013  
April 24, 2013  
May 22, 2013  
June 26, 2013  
September 25, 2013  
October 23, 2013  
November 20, 2013

**OFFICE OF THE ATTORNEY GENERAL****CHILD SUPPORT SERVICES DIVISION****NOTICE OF UPDATE REGARDING THE CHILD SUPPORT GUIDELINE SELF-SUPPORT RESERVE**

Section 16-916.01(g)(1)(A) of the District of Columbia Official Code provides that the self-support reserve for the Child Support Guideline is to be calculated at 133% of the United States Department of Health and Human Services poverty guideline per year for a single individual and updated by the Mayor every two years. The 2013 United States Department of Health and Human Services poverty guideline for a single person is \$11,490. Effective April 1, 2013, the new self-support reserve amount shall be \$15,282.

**DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS**  
**CONSTRUCTION CODES COORDINATING BOARD**

**NOTICE OF SPECIAL MEETING**

The Construction Codes Coordinating Board will be holding a special meeting on Thursday, March 7, 2013 at 9:30 am.

The meeting will be held at 1100 Fourth Street, SW, Fifth Floor Director's Conference Room, Washington, D.C. 20024. The location is on the Metro Green Line, at the Waterfront/SEU stop. Limited paid parking is available on site.

Draft board meeting agendas and Technical Advisory Group meeting schedules and agendas are available on the website of the Department of Consumer and Regulatory Affairs at [dcra.dc.gov](http://dcra.dc.gov), under the Permits/Zoning tab on the main page.

**DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS  
BUSINESS AND PROFESSIONAL LICENSING ADMINISTRATION  
SCHEDULED MEETINGS OF BOARDS AND COMMISSIONS**

**March 2013**

<b>CONTACT PERSON</b>	<b>BOARDS AND COMMISSIONS</b>	<b>DATE</b>	<b>TIME/ LOCATION</b>
Greta Cordeiro	Board of Accountancy	5	8:30 am-12:00pm
Leon Lewis	Board of Appraisers	20	8:30 am-4:00 pm
Leon Lewis	Board Architects and Interior Designers	8	8:30 am-1:00 pm
Sheldon Brown	Board of Barber and Cosmetology	11	10:00 am-2:00 pm
Sheldon Brown	Boxing and Wrestling Commission	12	7:00-pm-8:30 pm
Kevin Cyrus	Board of Funeral Directors	14	9:30am-2:00 pm
Greta Cordeiro	Board of Professional Engineering	28	9:30 am-1:30 pm
Leon Lewis	Real Estate Commission	12	8:30 am-1:00 pm
Pamela Hall	Board of Industrial Trades	19	1:00 pm-4:00 pm
	Asbestos Electrical Elevators Plumbing Refrigeration/Air Conditioning Steam and Other Operating Engineers		

Dates and Times are subject to change. All meetings are held at 1100 4<sup>th</sup> Street, SW, Suite E-300 A-B, Washington, D.C. 20024. Board agendas are available upon request.

For further information on this schedule, please call 202-442-4320.

**THE EAGLE ACADEMY PUBLIC CHARTER SCHOOL****NOTICE: FOR PROPOSALS TO PROVIDE SERVICES  
TO IMPROVE ACADEMIC PERFORMANCE FOR 2013**

The Eagle Academy Public Charter School, in accordance with section 2204(c) of the District of Columbia School Reform Act of 1995, solicits proposals to provide support services including direct training of instructional staff, identification and selection of specialized instructional materials, direct observation and instruction of professional staff, and comprehensive planning for improvement of third grade test scores. The organization must have at least three years of successful experience in improving test scores using ANET plus experience in improving scores on the DC CAS for third grade specifically. All proposals must reflect this expertise and experience.

Providers must state their credentials, provide appropriate licenses and document experience with the above requirements. No proposal will be considered without a fixed cost.

Term will be two months.

Proposals shall be received no later than 5:00 P.M., Friday, March 8, 2013. Proposals should be sent to Joe M. Smith, COO, CFO [info@eagleacademypcs.org](mailto:info@eagleacademypcs.org) P.O. Box 71567 Washington, DC 20024

## DEPARTMENT OF EMPLOYMENT SERVICES

## OFFICE OF YOUTH PROGRAMS

## CANCELLATION NOTICE

**In-School Youth Year-Round Workforce Development Programs NOFA and RFA**

The In-School Youth Year-Round Workforce Development Programs Notice of Funding Availability (NOFA) that was published in the DC Register on October 19, 2012 and the Request for Applications (RFA) that was released to the public Friday, October 26, 2012 are both hereby rescinded.

We are pleased to announce that DOES will re-issue a revised NOFA for the In-School Youth Year-Round Workforce Development Programs grant on **Friday, February 22, 2013**. The NOFA will be available for seven (7) days before the revised RFA is re-issued. The RFA will be available for an abbreviated time period of fourteen (14) days due to federal requirements. All applications and accompanying files submitted under the rescinded RFA will not be considered but may be resubmitted under the new RFA, if applicable.

Please direct all inquiries to:

Maryann Carroll  
DOES Contract, Grants and Compliance Officer  
(202) 671-1900  
doesgrants@dc.gov

Thank you again for your interest in serving the youth of the District of Columbia.

**DEPARTMENT OF EMPLOYMENT SERVICES****OFFICE OF YOUTH PROGRAMS****In-School Youth Year-Round Workforce Development Programs****NOTICE OF FUNDS AVAILABILITY**

The Department of Employment Services (DOES), in conjunction with the Workforce Investment Council (WIC), is soliciting applications to provide services to in-school youth through high-quality education and training programs. The program's goal is to assist youth in obtaining education and training that will lead to self-sufficiency and family-sustaining wages through achievement of key benchmarks including: attainment of a high school diploma; placement in employment, advanced training, or post-secondary education; and literacy and numeracy gains.

The Request for Application (RFA) will include two program tracks:

1. **Industry Awareness:** provide at-risk in-school youth with a mix of academic instruction and targeted work experiences in a high-demand industry sector that prepares them for high school graduation and direct entry into unsubsidized employment or advanced occupational training after graduation. Requires at least one private sector partner to sign on to the application.
2. **Postsecondary Preparation:** provide at-risk in-school youth with a mix of academic instruction and other supportive services that enable them to obtain a high school diploma and prepare them to successfully enroll and persist in post-secondary education leading to a degree, certificate, or other credential. Requires a postsecondary partner to sign on to the application.

Applicants may only submit one application under this RFA.

**Eligibility:** Applicant's primary vision and program focus must be serving children, youth, and/or families within the District of Columbia. Applicants that are eligible to apply for this grant include public or private non-profit or for-profit organizations with demonstrated effectiveness providing the requested services and meeting the needs of the target population, including: Non-profit, community-, or faith-based organizations; Community colleges or other institutions of higher education; Public or charter secondary schools; Trade associations or chambers of commerce; Private, for-profit service providers; or Labor unions, labor-management partnerships, or registered apprenticeship programs.

**Length of Awards:** The grant period will be for twelve months from the date of execution of a Grant Agreement with the District. At the discretion of DOES, in conjunction with the WIC, a maximum of four (4) one year option periods may be granted based on performance and the availability of funding. Option periods may consist of a year, a fraction thereof, or multiple successive fractions of a year.

**Available Funding for Awards:** The amount available for this award is approximately \$1,000,000.

**Anticipated Number of Awards:** DOES anticipates making at least two awards and may make multiple awards depending on funding availability. The Request for Applications (RFA) will be released on **Friday, March 1, 2013** and The RFA will be available on the DOES website, <http://does.dc.gov/page/does-grants> by contacting the DOES Grants Office at [doesgrants@dc.gov](mailto:doesgrants@dc.gov) and it will also be posted on the District's Grant Clearinghouse website at: <http://opgs.dc.gov/page/opgs-district-grants-clearinghouse>

For additional information regarding this grant opportunity, please contact the DOES Grants Office at [doesgrants@dc.gov](mailto:doesgrants@dc.gov)

**The deadline for submission is Friday, March 15, 2013, 2:00pm EST.**



**DISTRICT DEPARTMENT OF THE ENVIRONMENT****NOTICE OF FUNDING AVAILABILITY****Implementation of Sustainable DC Projects**

The District of Columbia Department of the Environment (DDOE) Natural Resources Administration (NRA), Watershed Protection Division (WPD), is soliciting applications from nonprofit organizations and educational institutions to assist DDOE with testing innovative sustainability initiatives that improve the environment, economy, and the community in an effort to make the District the healthiest, greenest, and most livable city in the nation. Six hundred fifty-six thousand one hundred seventy dollars (\$656,170.00) from the Sustainable DC Budget Challenge will be available on a competitive basis.

Applications are requested for the following projects:

**Building Capacity for Environmental and Sustainability Education in District of Columbia Schools****Developing and Implementing Tree Planting Plans on District Parks and Recreation and District of Columbia Public School Lands**

Beginning Friday, February 22, 2013, the full text of the Request for Applications will be available online at <http://www.dc.ddoe.gov>, and <http://www.opgd.dc.gov> under "District Grants Clearinghouse." It will also be available to be picked up from:

The District Department of the Environment  
1200 First Street, N.E., Fifth Floor  
Washington, D.C. 20002

You may request an electronic version of this Request for Applications to be sent by email by writing to Grace Manubay at: [grace.manubay@dc.gov](mailto:grace.manubay@dc.gov).

**The deadline for application submission is FRIDAY, MARCH 8, 2013, at FOUR-THIRTY (4:30) P.M.** Five hard copies must be submitted to the address above, and a complete electronic copy must be emailed to [grace.manubay@dc.gov](mailto:grace.manubay@dc.gov).

DISTRICT DEPARTMENT OF THE ENVIRONMENT

FISCAL YEAR 2013

PUBLIC NOTICE

Notice is hereby given that, pursuant to 40 C.F.R. Part 51.161, and D.C. Official Code §2-505, the Air Quality Division (AQD) of the District Department of the Environment (DDOE), located at 1200 First Street NE, 5<sup>th</sup> Floor, Washington, DC, intends to issue a permit (#6701) to American University to install and operate the following listed diesel-fired emergency generator engine located in Washington, DC. The contact person for the facility is Juan Allen, Chief Engineer, Central Plant Operations, at (202) 885-2336.

Emergency Generators to be Permitted

Equipment Location	Address	Engine Size	Engine Model	Permit No.
McKinley Building	4400 Massachusetts Ave. NW Washington, DC	242 kW (324 hp)	QSB7-G5 NR3	6701

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	
Pollutant	g/kW-hr
NMHC+NO <sub>x</sub>	4.0
CO	3.5
PM	0.20

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

The estimated emissions from each unit are as follows:

Pollutant	Emission Rate (lb/hr)	Maximum Annual Emissions (tons/yr)
Total Particulate Matter (PM -	0.0302	0.0075

Pollutant	Emission Rate (lb/hr)	Maximum Annual Emissions (tons/yr)
Total)		
Sulfur Oxides (SO <sub>x</sub> )	0.0000412	0.0000103
Nitrogen Oxides (NO <sub>x</sub> )	0.4157	0.1039
Volatile Organic Compounds (VOCs)	0.0031	0.0083
Carbon Monoxide (CO)	0.0896	0.0224

The application to operate the generator and 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 permits and any request for a public hearing should be addressed to:

Stephen S. Ours  
 Chief, Permitting Branch  
 Air Quality Division  
 District Department of the Environment  
 1200 First Street NE, 5<sup>th</sup> Floor  
 Washington, DC 20002  
[Stephen.Ours@dc.gov](mailto:Stephen.Ours@dc.gov)

**No written comments or hearing requests postmarked after March 25, 2013 will be accepted.**

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

## DISTRICT DEPARTMENT OF THE ENVIRONMENT

## FISCAL YEAR 2013

## PUBLIC NOTICE

Notice is hereby given that, pursuant to 40 C.F.R. Part 51.161, and D.C. Official Code §2-505, the Air Quality Division (AQD) of the District Department of the Environment (DDOE), located at 1200 First Street NE, 5<sup>th</sup> Floor, Washington, DC, intends to issue permit renewal #6115-R1 to the Cellco Partnership (DBA Verizon Wireless) to operate one (1) existing 130 kW natural gas emergency generator set at 1301 Delaware Avenue SW. The contact person for the facility is Matthew Melito, Director of Operations, at (301) 512-2000.

The renewal application to operate the generator set and the draft renewal 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, 5<sup>th</sup> Floor

Washington, DC 20002

[Stephen.Ours@dc.gov](mailto:Stephen.Ours@dc.gov)

**No written comments or hearing requests postmarked after March 25, 2013 will be accepted.**

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

## DISTRICT DEPARTMENT OF THE ENVIRONMENT

## FISCAL YEAR 2013

## PUBLIC NOTICE

Notice is hereby given that, pursuant to 40 C.F.R. Part 51.161, and D.C. Official Code §2-505, the Air Quality Division (AQD) of the District Department of the Environment (DDOE), located at 1200 First Street NE, 5<sup>th</sup> Floor, Washington, DC, intends to issue air quality permit #6709 to JBG/1920 N, L.L.C. to operate one (1) 91 HP diesel fired emergency fire pump at the JBG property, located at 1920 N Street NW, Washington DC 20036. The contact person for the facility is Brian Coulter, Managing Member, at (202) 497-5143.

Maximum annual potential emissions from the unit are expected to be as follows:

	<b>Maximum Annual Emissions</b>
<b>Pollutant</b>	<b>(tons/yr)</b>
Particulate Matter (PM) (Total) <sup>1</sup>	0.0004
Sulfur Oxides (SO <sub>x</sub> )	0.0004
Nitrogen Oxides (NO <sub>x</sub> )	0.0056
Volatile Organic Compounds (VOC)	0.0005
Carbon Monoxide (CO)	0.0012

The proposed emission limits are as follows:

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

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

Interested persons may submit written comments or may request a public hearing on this subject within 30 days of publication of this notice. The written comments must also include the person's name, telephone number, affiliation, if any, mailing address and a statement outlining

the air quality issues in dispute and any facts underscoring those air quality issues. All relevant comments will be considered in issuing the final permit.

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

Stephen S. Ours  
Chief, Permitting Branch  
Air Quality Division  
District Department of the Environment  
1200 First Street NE, 5<sup>th</sup> Floor  
Washington, DC 20002  
[Stephen.Ours@dc.gov](mailto:Stephen.Ours@dc.gov)

**No written comments postmarked after March 25, 2013 will be accepted.**

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

## DISTRICT DEPARTMENT OF THE ENVIRONMENT

## FISCAL YEAR 2013

## PUBLIC NOTICE

Notice is hereby given that, pursuant to 40 C.F.R. Part 51.161, and D.C. Official Code §2-505, the Air Quality Division (AQD) of the District Department of the Environment (DDOE), located at 1200 First Street NE, 5<sup>th</sup> Floor, Washington, DC, intends to issue air quality permit #6708 to JBG/1920 N, L.L.C. to operate one (1) 121 kW diesel fired emergency generator at the JBG/1920 N, L.L.C. property, located at 1920 N Street NW, Washington DC 20036. The contact person for the facility is Brian Coulter, Managing Member, at (202) 497-5143.

Maximum annual potential emissions from the unit are expected to be as follows:

	<b>Maximum Annual Emissions</b>
<b>Pollutant</b>	<b>(tons/yr)</b>
Particulate Matter (PM) (Total)	0.00072
Sulfur Oxides (SO <sub>x</sub> )	0.00066
Nitrogen Oxides (NO <sub>x</sub> )	0.01004
Volatile Organic Compounds (VOC)	0.00082
Carbon Monoxide (CO)	0.00216

The proposed emission limits are as follows:

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

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

Interested persons may submit written comments or may request a public hearing on this subject within 30 days of publication of this notice. The written comments must also include the person's name, telephone number, affiliation, if any, mailing address and a statement outlining

the air quality issues in dispute and any facts underscoring those air quality issues. All relevant comments will be considered in issuing the final permit.

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

Stephen S. Ours  
Chief, Permitting Branch  
Air Quality Division  
District Department of the Environment  
1200 First Street NE, 5<sup>th</sup> Floor  
Washington, DC 20002  
[Stephen.Ours@dc.gov](mailto:Stephen.Ours@dc.gov)

**No written comments postmarked after March 25, 2013 will be accepted.**

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



**DISTRICT DEPARTMENT OF THE ENVIRONMENT**

FISCAL YEAR 2013

**PUBLIC NOTICE**

Notice is hereby given that, pursuant to 40 C.F.R. Part 51.161, and D.C. Official Code §2-505, the Air Quality Division (AQD) of the District Department of the Environment (DDOE), located at 1200 First Street NE, 5<sup>th</sup> Floor, Washington, DC, intends to issue air quality permit #6711 to JBG/Jefferson Court L.L.C. to operate one (1) 200 kW diesel-fired emergency generator set at 1025 Thomas Jefferson Street NW, Washington, DC 20007. The contact person for the facility is Blair Pessetto, Property Manager, at (202) 808-2888.

Maximum annual potential emissions from the unit are expected to be as follows:

	<b>Maximum Annual Emissions</b>
<b>Pollutant</b>	<b>(tons/yr)</b>
Particulate Matter (PM) (Total) <sup>1</sup>	0.173
Sulfur Oxides (SO <sub>x</sub> )	0.161
Nitrogen Oxides (NO <sub>x</sub> )	2.44
Volatile Organic Compounds (VOC)	0.198
Carbon Monoxide (CO)	0.53

The proposed overall emission limits for the equipment are as follows:

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

<b>Pollutant Emission Limits (g/HP-hr)</b>		
NMHC+NO <sub>x</sub>	CO	PM
4.0	3.5	0.20

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

The permit application and supporting documentation, along with the draft permit are available for public inspection at AQD and copies may be made available between the hours of 8:15 A.M.

and 4:45 P.M. Monday through Friday. Interested parties wishing to view these documents should provide their names, addresses, telephone numbers and affiliation, if any, to Stephen S. Ours at (202) 535-1747.

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

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

Stephen S. Ours  
Chief, Permitting Branch  
Air Quality Division  
District Department of the Environment  
1200 First Street NE, 5<sup>th</sup> Floor  
Washington, DC 20002  
[Stephen.Ours@dc.gov](mailto:Stephen.Ours@dc.gov)

**No written comments postmarked after March 25, 2013 will be accepted.**

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

**DISTRICT OF COLUMBIA DEPARTMENT OF HEALTH  
COMMUNITY HEALTH ADMINISTRATION**

**NOTICE OF FUNDING AVAILABILITY  
Request for Applications # CHA-AREA030813**

**ARRA RETENTION EVALUATION AND ACTIVITIES (REA) GRANT  
PROVIDER RETENTION MINI-GRANTS PROGRAM**

The Government of the District of Columbia, Department of Health (DOH) Community Health Administration (CHA) is soliciting applications from eligible applicants for funding that is available under the federal American Reinvestment and Recovery Act (ARRA) State Primary Care Offices' Retention Evaluation and Activities (REA) cooperative agreement (U6AHP16590). The purpose of the cooperative agreement is to support research and activities to improve retention of providers employed at DC's community health centers, with an emphasis on providers that received ARRA-funded National Health Service Corps (NHSC) and DC Health Professional Loan Repayment Program (HPLRP) awards.

The sub-grants to be awarded through this Request for Applications (RFA) will serve as seed funding for eligible organizations to implement new or to enhance existing provider retention activities.

The list below of eligible applicant organizations is based solely on the CHA's Primary Care Bureau and Health Resources and Services Administration (HRSA) records of the individual providers that received NHSC or HPLRP contracts funded with American Recovery and Reinvestment Act (ARRA) appropriations. Only the non-profit organizations that employed these providers are eligible to apply for these funds. Records indicate that only the following legal entities are eligible to apply:

- Bread for the City
- Center for Child Protection and Family Support
- Children's National Medical Center's Children's Health Centers
- Community of Hope
- Family and Medical Counseling Services
- Howard University's Family Health Center
- Mary's Center for Maternal and Child Health
- Perry Family Health Center
- So Others Might Eat (SOME)
- Spanish Catholic
- Unity Health Care, Inc.

Up to five (5) sub-grants will be awarded. Award sizes will range from a minimum of \$5,000 up to a maximum of \$30,000. Funds are available for a program period of six (6) months (April through September 2013).

The release date for **RFA# CHA\_AREA030813** is **Friday, March 8, 2013** and the deadline for submission of applications is Monday, April 1, 2013 at 4:30 pm. The complete RFA will also be available for pick-up beginning March 8, 2013 at 899 N. Capitol Street NE, 3rd Floor, reception area and for download on the DC Grants Clearinghouse website at [www.opgs.dc.gov](http://www.opgs.dc.gov) under the District Grants Clearinghouse. **A Pre-Application Conference will be held via teleconference on Friday, March 15, 2012, from 2:00pm – 4:00 pm.** Pre-registration via an email to [HPLRP@dc.gov](mailto:HPLRP@dc.gov) containing the following information:

- Name of Organization
- Name(s) of Representative(s) Participating
- Contact Phone
- Contact Email

will be required to participate in the conference call. Call access information will be provided upon pre-registration. Only pre-registrants from the named organizations will be accepted to participate on the call.

If you have any questions, please contact Bryan Cheseman at [bryan.cheseman@dc.gov](mailto:bryan.cheseman@dc.gov) or at (202) 442-9339.

## DEPARTMENT OF HEALTH

## PUBLIC NOTICE

The District of Columbia Board of Nursing Home Administration (“Board”) hereby gives notice of its regular meetings for the calendar year 2013, pursuant to § 405 of the District of Columbia Health Occupation Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1204.05 (b)) (2001) (“Act”).

The Board will meet on a quarterly basis beginning in June 2013. The date of the 2013 meetings will be as follows:

June 12, 2013  
September 11, 2013  
December 11, 2013

The meetings will be held on the second Wednesday of the month from 9:45 am to 12:00 pm. The meeting will be open to the public from 9:45 am until 11:00 am to discuss various agenda items and any comments and/or concerns from the public. In accordance with Section 405(b) of the Open Meetings Amendment Act of 2010, the meeting will be closed from 11:00 am to 12:00 pm to plan, discuss, or hear reports concerning licensing issues, ongoing or planned investigations of practice complaints, and or violations of law or regulations.

The meeting will be held at 899 North Capitol Street, NE, Second Floor, Washington, DC 20002. Visit the Department of Health’s Events webpage at [www.doh.dc.gov/events](http://www.doh.dc.gov/events) to view the agenda.

**DEPARTMENT OF HEALTH****PUBLIC NOTICE**

The District of Columbia Board of Occupational Therapy (“Board”) hereby gives notice of its regular meeting pursuant to § 405 of the District of Columbia Health Occupation Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1204.05 (b)) (2001) (“Act”).

The regular quarterly meeting of the Board will be held on Monday, March 18, 2013 at 2:30PM. The Board will consider and discuss a variety of matters including proposed regulatory changes pertaining to the practice of occupational therapy and practices by occupational therapy assistants and occupational therapy aides. The meeting will be open to the public from 2:30PM until 3:00PM to discuss various agenda items and any comments and/or concerns from the public. In accordance with Section 405(b) of the Open Meetings Amendment Act of 2010, the meeting will be closed from 3:00PM until 5:00PM to plan, discuss, or hear reports concerning licensing issues, ongoing or planned investigations of practice complaints, and or violations of law or regulations.

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

**DEPARTMENT OF HEALTH****PUBLIC NOTICE**

The District of Columbia Board of Psychology (“Board”) hereby gives notice of a change in its regular meeting, pursuant to § 405 of the District of Columbia Health Occupation Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1204.05 (b)) (2001) (“Act”).

The Board’s regular meeting, scheduled to occur on the third Friday of the month, will be rescheduled in March 2013. The meeting will instead be held on Friday, March 22, 2013. The meeting will be open to the public from 9:30 am until 10:30 am to discuss various agenda items and any comments and/or concerns from the public. In accordance with Section 405(b) of the Open Meetings Amendment Act of 2010, the meeting will be closed from 10:30 am to 12:00 pm to plan, discuss, or hear reports concerning licensing issues, ongoing or planned investigations of practice complaints, and or violations of law or regulations.

The meeting will be held at 899 North Capitol Street, NE, Second Floor, Washington, DC 20002. Visit the Department of Health’s Events webpage at [www.doh.dc.gov/events](http://www.doh.dc.gov/events) to view the agenda.

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

February 26, 2013  
815 Florida Avenue, NW  
Washington, DC 20001

5:30 pm

AGENDA

- I. Call to order and verification of quorum.
- II. Presentation: Fiscal Year 2012 Audit results by CohnReznick.
- III. Vote to close meeting to discuss the approval of an Eligibility Resolution for the Lofts at Capitol Quarter project and bond transaction and a Final Bond Resolution for the Senior Housing at O 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 and the Senior Housing at O 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)).

- IV. Re-open meeting.
- V. Consent Agenda Item: Approval of revisions to the Agency's Procurement Manual that would allow the addition of law firms to the Agency's pre-qualified slates of outside counsel under certain circumstances other than during the Agency's normal procurement process.
- VI. Consideration of DCHFA Eligibility Resolution No. 2013-01 for the approval of the Lofts at Capitol Quarter project and bond transaction.
- VII. Consideration of DCHFA Final Bond Resolution No. 2013-02 for the approval of the Senior Housing at O project and bond transaction.
- VIII. Executive Director's Report.
- IX. Other Business.
- X. Adjournment.



**HOWARD ROAD ACADEMY****REQUEST FOR PROPOSALS****Marketing Services****After School Enrichment Services (Middle School)**

Howard Road Academy Public Charter School invites proposals for Marketing Services contracts and After School Enrichment Services (Middle School) contracts for 2012-2013. Bid specifications may be obtained at the address below. Any questions regarding this bid must be submitted in writing to [lhenderson@howardroadacademy.org](mailto:lhenderson@howardroadacademy.org) before the RFP deadline.

Dr. LaTonya Henderson  
Executive Director  
Howard Road Academy – Business Office  
2005 Martin Luther King Jr., Ave., SE  
Washington, DC 20020  
[lhenderson@howardroadacademy.org](mailto:lhenderson@howardroadacademy.org)

**Howard Road Academy will receive bids until March 4, 2013 and no later than 2:00 p.m.**

## DEPARTMENT OF HUMAN RESOURCES

## EXCEPTED SERVICE EMPLOYEES AS OF FEBRUARY 11, 2013

## NOTICE OF EXCEPTED SERVICE EMPLOYEES

D.C. Code § 1-609.03(c) requires that a list of Excepted Service positions established under the provision of § 1-609.03(a) along with the types of excepted service appointment, names, position titles, and grades of all persons appointed to these positions be published in the *D.C. Register*. In accordance with the foregoing, the following information is hereby published for the following positions.

OFFICE OF THE MAYOR				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Murphy	Christopher	Chief of Staff	11
Excepted Service	Goulet	Eric	Budget Director	11
Excepted Service	Flowers	Brian	General Counsel	11
Excepted Service	McGaw	John	Deputy Director	10
Excepted Service	Kaufman	Donald	Deputy General Counsel	10
Excepted Service	Bunn	Shiela	Deputy Chief of Staff	10
Excepted Service	Jackson	Janene	Dir, Pol & Legislative Affairs	10
Excepted Service	Glaude	Stephen	Director, Community and Religi	10
Excepted Service	Evans	Kenneth	Deputy Budget Director	10
Excepted Service	Murray	Christopher	Budget Analyst	09
Excepted Service	Gorman	Darryl	Dir Boards & Commissions	09
Excepted Service	Fimbres	Francisco	Director of Community Relation	09
Excepted Service	Evans	Patricia	Executive Director	09
Excepted Service	Constantino	Justin	Senior Budget Analyst	09
Excepted Service	Banta	Susan	Budget Officer	09
Excepted Service	Richardson	Jeffrey	Director	08

OFFICE OF THE MAYOR				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Ribeiro	Pedro	Director of Communications	08
Excepted Service	McCoy	Doxie	Senior Communications Officer	08
Excepted Service	Ferguson	Ursula	Correspondence Officer	08
Excepted Service	DeVillier	Mikelle	Deputy Dir of Boards & Comm	08
Excepted Service	Barnes	Lafayette	Program Analyst	08
Excepted Service	Barge	Lolita	Director of Legislative Support	08
Excepted Service	Pittman	James	Deputy Director	08
Excepted Service	Washington	Sterling	Director, GLBT	08
Excepted Service	Nutall	Dexter	Executive Assistant	07
Excepted Service	Mangum	Larry	Special Assistant	07
Excepted Service	Lowery	Terese	Exec Dir for Comm on Women	07
Excepted Service	Leistikow	Alexandra	Director of Scheduling	07
Excepted Service	Jennings	Cedric	Director	07
Excepted Service	Henry	Kristen	National Service Officer	07
Excepted Service	Bland	Stephanie	Special Assistant	07
Excepted Service	Rogers	Jonathan	Budget Analyst	07
Excepted Service	Atkins	Latisha	Deputy Director Neighborhood Engagement	07
Excepted Service	Anthony	Lavita	Executive Assistant	07
Excepted Service	Williamson	Jason	Neighborhood Corps Specialist	06
Excepted Service	Thompson	Tiffanie	Budget Analyst	06
Excepted Service	Oding	Alimayu	Visual Information Specialist	06
Excepted Service	Muhammad	Sedrick	Special Assistant	06

Excepted Service	Marus	Robert	Writer Editor	06
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OFFICE OF THE MAYOR				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Levine	Daryl	Special Assistant	06
Excepted Service	Hayworth	JohnPaul	Policy Analyst	06
Excepted Service	George	Deborah	Policy Analyst	06
Excepted Service	Fluker	Clarence	Comm. & Initiatives Specialist	06
Excepted Service	Coombs	John	Policy Analyst	06
Excepted Service	Brown	Jerry	Program Analyst	06
Excepted Service	Desjardins	Matthew	Communications Officer	06
Excepted Service	Williams	Marchim	Outreach & Service Specialist	05
Excepted Service	Wright	Brittney	Outreach & Service Specialist	05
Excepted Service	Watson	Leonard	Outreach & Service Specialist	05
Excepted Service	Norris	Rufus	Constituent Services Special.	05
Excepted Service	Kelly	Deborah	Contract & Reprogram. Special.	05
Excepted Service	Holman	Keith	Community Service Representative	05
Excepted Service	Hernandez Maduro	Frank	Outreach & Service Specialist	05
Excepted Service	Blue	Peter	Program Coordinator	05
Excepted Service	Loudermilk	Amy	Program Analyst	05
Excepted Service	Naughton	Ingrid	Program Analyst	05
Excepted Service	Teferi	Winta	Program Analyst	04
Excepted Service	Saki-Tay	Inez	Correspondence Mgmt. Spec.	03
Excepted Service	Latta	Aretha	Administrative Assistant	03
Excepted Service	Allen	Darin	Scheduling Specialist	03
Excepted Service	Weaver	Zachary	Policy Analyst	02

Excepted Service	Oliver	Paula	Staff Assistant	02
Excepted Service	Retland	David	Policy Analyst	02

OFFICE OF THE INSPECTOR GENERAL				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Branson	Karen	General Counsel	10
Excepted Service	Bruce	Blanche	Deputy Inspector General	10
Excepted Service	Burke	Roger	Chief of Staff	10
Excepted Service	Kennedy	Susan	Supvy Attorney Advisor	10
Excepted Service	King	Ronald	Supervisory Auditor	10
Excepted Service	Wright	Alvin	Asst Inspector General Inspector/Evaluation	10
Excepted Service	Lucchesi	Victoria	Deputy General Counsel	09
Excepted Service	Silverman	Stuart	Attorney	09
Excepted Service	Wolfgangbarger	Brentton	Supv Attorney Advisor	09
Excepted Service	Block	Elaine	Attorney-Advisor	08
Excepted Service	Muracco	Dominick	Attorney-Advisor	08
Excepted Service	Nguyen	Dangkhoa	Attorney Advisor	08
Excepted Service	Van Croft	Keith	Attorney-Advisor	08
Excepted Service	Williams	Burnette	Attorney-Advisor	08

OFFICE OF THE CITY ADMINISTRATOR				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Lew	Allen	City Administrator	11
Excepted Service	Graves	Warren	Chief of Staff	11
Excepted Service	Robinson	Anthony	Director	10

Excepted Service	Campbell	Natasha	Director, LRCB	10
Excepted Service	Kreiswirth	Barry	Senior Legal Advisor	09

OFFICE OF THE CITY ADMINISTRATOR				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Durso	Michael	Management & Prog Analysis Officer	08
Excepted Service	Love	Phyllis	Management & Prog Anal Ofcr	08
Excepted Service	Moss	J	Executive Assistant	07

DEPARTMENT OF GENERAL SERVICES				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Harper	Ollie	Dep. Dir. for Facilities Mgmt.	11
Excepted Service	Burrell	Scott	Chief Operations Officer	11
Excepted Service	Childs	Keith	Building Manager	08

OFFICE OF THE SECRETARY				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Ferrell Benavides	Aretha	Deputy Director	09
Excepted Service	Reid	Victor	Administrator, Ofc of Document	08
Excepted Service	Elwood	Patricia	Protocol Officer	08
Excepted Service	Phipps	Richard	Notary & Authent. Officer	07
Excepted Service	Davis	Clarence	Public Records Administrator	07
Excepted Service	Pierno	Robert	Special Assistant	05

DC DEPARTMENT OF HUMAN RESOURCES				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Williams	Kimberly	Deputy Director	11
Excepted Service	Seed	Sudie Mae	Management and Program Analyst	07

HOMELAND SECURITIES & EMERGENCY MANAGEMENT AGENCY				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Thomas	Jorhena	Fusion Center Manager	08
Excepted Service	Brannum	Robert	Community Outreach Specialist	06
Excepted Service	Boone	William	Emergency Oper & Info. Spec.	05

OFFICE ON AGING				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Moreno	Denise	Resource Allocation Officer	08
Excepted Service	Holodnak	Tiffany	Special Projects Coordinator	07

OFFICE ON LATINO AFFAIRS				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Sinisterra	Didier	Deputy Director on Latino Affairs	07

DEPARTMENT OF EMPLOYMENT SERVICES				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Reich	Stephanie	Chief of Staff	09
Excepted Service	Ward	Tracey	Executive Assistant	06
Excepted Service	Becks	Valencia	Outreach & Service Specialist	05
Excepted Service	Barragan	Juan	Outreach & Service Specialist	05
Excepted Service	Vance	Erna	Customer Relations Assistant	02
Excepted Service	Franklin	Anita	Customer Relations Assistant	02

OFFICE OF CABLE TELEVISION				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Washington	Lindsay	Producer	03

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Szegedy Maszak	Peter	Attorney Examiner	10
Excepted Service	Young	Ronald	Attorney Examiner	10
Excepted Service	Anderson	Keith	Rent Administrator	09
Excepted Service	Fields	Beatrix	Legislative Affairs Specialist	09
Excepted Service	Gutierrez	Sonia	Housing Program Coordinator	09
Excepted Service	Haynes-Franklin	Jessica	Chief of Staff	09
Excepted Service	Johnson	Denise	Realty Project Manager	08
Excepted Service	Allen	Sandy	Community Outreach Specialist	07



Excepted Service	Warner	Quinn	Resource Management Specialist	06
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DEPUTY MAYOR FOR PLANNING AND ECONOMIC DEVELOPMENT				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Sankaran	Senthilkumar	Special Assistant	10
Excepted Service	Miller	Mark	Chief Operating Officer	10
Excepted Service	Kenner	Brian	Special Assistant	10
Excepted Service	Zipper	David	Asst. Chief Operating Officer	09
Excepted Service	Greenberg	Judith	Special Assistant	09
Excepted Service	Tyus	Darnetta	Special Assistant	08
Excepted Service	Cross	Jason	Special Assistant	08
Excepted Service	Bailey	Milton	Special Assistant	08

DEPARTMENT OF SMALL AND LOCAL BUSINESS				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Summers	Robert	Chief of Staff	09

DEPARTMENT OF FORENSIC SCIENCES				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Houck	Max	Director	11
Excepted Service	Thomas	Herbert	Executive Assistant	07

METROPOLITIAN POLICE DEPARTMENT				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Durham	Alfred	Chief of Staff	11
Excepted Service	Crump	Gwendolyn	Director, Office of Corporate	09

Excepted Service	O'Meara	Kelly	Executive Director, Strategic	09
Excepted Service	Major	Jacob	Lieutenant	08
Excepted Service	Bromeland	Matthew	Special Assistant to the Chief	09

FIRE AND EMERGENCY MEDICAL SERVICES DEPARTMENT				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Collins	Lionel	Labor Management Liaison Officer	11
Excepted Service	Miramontes	David	Medical Director	11
Excepted Service	Walls	Lon	Communications Director	10
Excepted Service	Leonard	Edward	Supervisory IT Specialist	09
Excepted Service	Butler	Calvin	Community Relations Specialist	07

PS&J CLUSTER, OFFICE OF THE DEPUTY MAYOR				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Quander	Paul	Deputy Mayor	11
Excepted Service	Booth	Quincy	Chief of Staff	10
Excepted Service	Hook	Melissa	Justice Grants Administrator	09
Excepted Service	Stewart-Ponder	Gitana	Legislative & Policy Analyst	07
Excepted Service	Thompson	Emile	Legislative & Policy Analyst	07
Excepted Service	Compani	Cara	Program Analyst	05
Excepted Service	McCray	Tykisha	Staff Assistant	03

OFFICE OF THE CHIEF MEDICAL EXAMINER				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Fields	Beverly	Chief of Staff	10

OFFICE OF STATE SUPERINTENDENT OF EDUCATION				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Mahaley	Hosana	State Superintendent of Education	11
Excepted Service	Evans	Patricia	Executive Director	09
Excepted Service	Williams	Dartanion	Dep Dir. of Student Transport.	08
Excepted Service	Hayling-Williams	Charlayne	Program Analyst	07

OFFICE OF THE DEPUTY MAYOR FOR EDUCATION				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Leonard	Jennifer	Chief of Staff	09
Excepted Service	Salimi	Scheherazade	Educ Strategy Coord. (Non-Pub)	08
Excepted Service	Bleyer	Marc	Policy Analyst	08
Excepted Service	Smith	Eshauna	Special Assistant	07
Excepted Service	Fejeran	Celine	Program Analyst	07
Excepted Service	Starkes	Brandon	Special Assistant	05

DEPARTMENT OF PARKS AND RECREATION				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Shanklin	Sharia	Program Manager	08
Excepted Service	Robinson	Damiisa	Program Analyst	05
Excepted Service	Newman	Rachel	Writer Editor	05

DEPARTMENT OF HEALTH				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Pappas	Gregory	Senior Deputy Dir	11
Excepted Service	Snyder	Shaun	Senior Deputy Director	10
Excepted Service	Woldu	Feseha	Sr Dep Dir H'lth Reg & Licensure	10
Excepted Service	Wharton Boyd	Linda	Special Assistant	10
Excepted Service	Robinson	Sandra	Chief Operating Officer	10
Excepted Service	Amy	Brian	Senior Deputy Director	10
Excepted Service	Chichester	Colette	Chief of Staff	09

OFFICE OF THE DEPUTY MAYOR FOR HEALTH AND HUMAN SERVICES				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Otero	Beatriz	Dep Mayor for Health & Human Services	11
Excepted Service	Quinones	Ariana	Chief of Staff	10
Excepted Service	Joseph	Rachel	Special Assistant	07
Excepted Service	Nagda	Sonia	Special Assistant	07
Excepted Service	Gomez	Sandra	Administrative Support Specialist	03

DEPARTMENT OF HEALTH CARE FINANCE				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Nathan	Ganayswaran	Dep. Dir. for Medicaid Finance	11
Excepted Service	Elam	Linda	Deputy Director	11
Excepted Service	Vowels	Robert	Medical Officer	10
Excepted Service	McCabe	Heather	Special Assistant	10

DEPARTMENT OF HEALTH CARE FINANCE				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Chaudhuri	Sumita	Chief Operating Officer	10
Excepted Service	Rapp	Melisa	Chief of Staff	09
Excepted Service	Summers	Galek	Executive Assistant	07

DEPARTMENT OF HUMAN SERVICES				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Thompson	Sakina	Policy & Program Support Advisor	10
Excepted Service	Nabors-Jackson	Nikol	Chief Operating Officer	10

DEPARTMENT OF YOUTH AND REHABILITATION SERVICES				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Damme	Akihiro	Chief Information Officer	09
Excepted Service	Chambers	Dwayne	Social Services Officer	07

DISTRICT DEPARTMENT OF TRANSPORTATION				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Nicholson	Ronaldo	Chief Transportation Engineer	11
Excepted Service	Jackson	Carl	Assoc Dir for Prog Transp Svcs	10
Excepted Service	FitzGerald	Christopher	Community Service Representative	05
Excepted Service	Archie	Davena	Community Service Representative	05

DEPARTMENT OF THE ENVIRONMENT				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Anderson	Keith	Interim Director	10

DEPARTMENT OF PUBLIC WORKS				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Thomas	Carl	Clean City Coordinator	09
Excepted Service	Lee	Sandra	Outreach & Service Specialist	05
Excepted Service	Bulger	James	Outreach & Service Specialist	05

CHILD AND FAMILY SERVICES AGENCY				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Rosenberg	Michele	Chief of Staff	08

DEPARTMENT OF MENTAL HEALTH				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Canavan	Patrick	Health System Administrator	11

DEPARTMENT OF INSURANCE, SECURITIES AND BANKING				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	McPherson	Chester	Dep Comm for Market Operations	10

OFFICE OF MOTION PICTURE & TELEVISION				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Palmer	Crystal	Director	10
Excepted Service	Green	Leslie	Senior Communications Manager	08

DC TAXICAB COMMISSION				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	McInnis	Sharon	Licensing & Enforcement Ofcr.	08
Excepted Service	Waters	Neville	Public Affairs Specialist	05

OFFICE OF TENANT ADVOCATE				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Shreve	Johanna	Chief Tenant Advocate	09

OFFICE OF VETERAN AFFAIRS				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Cary	Matthew	Director, Veterans Affairs	09
Excepted Service	Fabrikant	Michael	Outreach & Service Specialist	05

**IDEA PUBLIC CHARTER SCHOOL**  
**REQUEST FOR PROPOSALS**

IDEA Public Charter School is seeking bid proposals from prospective vendors to supply grocery products for the 2013-14 school year.

The vendor will provide grocery items for the National School Lunch Program (NSLP) in accordance with requirements and specifications detailed in the Invitation for Bid. Prospective vendors can obtain a copy of the full Invitation for Bid beginning Friday, February 22, 2013 by requesting an electronic version from Nicole Seward:

[businessmanager@ideapcs.org](mailto:businessmanager@ideapcs.org)

Sealed Bids are due no later than 12 PM on Friday, March 15, 2013. Bids must be sent to IDEA Public Charter School at 1027 45<sup>th</sup> Street, NE – Washington, DC 20019; Attention: Nicole Seward, Business Manager. Thank you for your interest.



**KIPP DC PUBLIC CHARTER SCHOOL**

**NOTICE OF REQUESTS FOR PROPOSALS**

KIPP DC Public Charter School will receive bids for Commissioning Services until 5:00 pm on March 1, 2013. For a full RFP, please email Ryan Gever at [rgever@programmanagers.com](mailto:rgever@programmanagers.com).

KIPP DC Public Charter Schools will receive bids for Project Management Services for a New Public Charter High School Campus until 5:00pm on March 8, 2013. For a full RFP, please email Alex Shawe at [alex.shawe@kipdc.org](mailto:alex.shawe@kipdc.org).

**THE NOT-FOR-PROFIT HOSPITAL CORPORATION**

**BOARD OF DIRECTORS**

**NOTICE OF PUBLIC MEETING**

The regular monthly meetings of the Board of Directors of the Not-For-Profit Hospital Corporation, an independent instrumentality of the District of Columbia Government, are held at 9:00am in open session of the fourth Thursday of each month.

The following are dates and times for the regular monthly meetings to be held in calendar year 2013. All meetings are held at 1310 Southern Avenue, Southeast, Washington, DC 20032, conference room 5, unless otherwise indicated. Notice of a location of a meeting other than 1310 Southern Avenue, Southeast will be published in the D.C. Register and/or posted on the Not-For-Profit Hospital Corporation's website ([www.united-medicalcenter.com](http://www.united-medicalcenter.com)).

The Annual Meeting will be held at 1901 Mississippi Avenue, Southeast, Washington, DC, 20032 on November 14, 2013. A notice/draft agenda will be published in the D.C. Register for each meeting.

Thursday, January 24, 2013	9:00am	United Medical Center
Thursday, February 28, 2013	9:00am	United Medical Center
Thursday, March 28, 2013	9:00am	United Medical Center
Thursday, April 25, 2013	9:00am	United Medical Center
Thursday, May 23, 2013	9:00am	United Medical Center
Thursday, June 27, 2013	9:00am	United Medical Center
Thursday, July 25, 2013	9:00am	United Medical Center
Thursday, September 26, 2013	9:00am	United Medical Center
Thursday, October 24, 2013	9:00am	United Medical Center
Thursday, November 14, 2013	6:00pm	THEARC, 1901 Mississippi Avenue, SE

**THE NOT-FOR-PROFIT HOSPITAL CORPORATION****BOARD OF DIRECTORS****NOTICE OF PUBLIC MEETING**

The monthly Governing Board meeting of the Board of Directors of the Not-For-Profit Hospital Corporation, an independent instrumentality of the District of Columbia Government, will be held at 9:00 a.m. on Thursday, February 28, 2013, immediately followed by a closed session pursuant to D.C. Code § 2-575(b)(4A). The meeting will be held at 1310 Southern Avenue, SE, Washington, DC 20032, in Conference Room 5. Notice of a location or time change will be published in the D.C. Register and/or posted on the Not-For-Profit Hospital Corporation's website ([www.united-medicalcenter.com](http://www.united-medicalcenter.com)).

**DRAFT AGENDA**

- I. CALL TO ORDER**
- II. DETERMINATION OF A QUORUM**
- III. APPROVAL OF AGENDA**
- IV. CONSENT AGENDA**
  - A. READING AND APPROVAL OF MINUTES**
    - 1. January 24, 2013
  - B. EXECUTIVE REPORTS**
    - 1. Chief Medical Officer
    - 2. Chief Nursing Officer
    - 3. Quality, Patient Safety and Regulatory Compliance
    - 4. People Report (HR)
- V. NONCONSENT AGENDA**
  - A. EXECUTIVE REPORTS**
    - 1. Chief Financial Officer Report
    - 2. Chief Executive Officer Report
  - B. MEDICAL STAFF REPORT**
    - 1. Chief of Staff Report

**C. COMMITTEE REPORTS**

1. Finance Committee Report
2. Audit Committee Report
3. Strategic Planning Committee Report

**D. OTHER BUSINESS**

1. Old Business
2. New Business

**E. ANNOUNCEMENT**

1. The next Governing Board Meeting will be held 9:00am, March 28, 2013 at United Medical Center/Conference Room 5.

**F. ADJOURNMENT**

**G. EXECUTIVE SESSION**

1. Settlements (D.C. Official Code § 2-575(b)(4A))

**DISTRICT OF COLUMBIA PUBLIC CHARTER SCHOOL BOARD**

**Public Notice**

The District of Columbia Public Charter School Board (PCSB) hereby gives notice of its intent to accept applications for starting new charter schools in Washington, DC. Applications are due no later than March 1 and must be submitted in person to PCSB no later than 5:30 PM the day of the deadline. PCSB is located at 3333 14<sup>th</sup> St. NW, Suite 210

For more information call the Board's office at (202) 328-2660 or visit online at [www.dcpsb.org](http://www.dcpsb.org)

**REAL PROPERTY TAX APPEALS COMMISSION****NOTICE OF ADMINISTRATIVE MEETING**

The District of Columbia Real Property Tax Appeals Commission will hold an Administrative Meeting on Wednesday, March 6, 2013, at 2:00 pm in the Commission offices located at 441 4<sup>th</sup> Street, NW, Suite 360N, Washington, DC 20001. Below is the draft agenda for this meeting. A final agenda will be posted to RPTAC's website at <http://rptac.dc.gov>

For additional information, please contact: Carlynn Fuller Jenkins, Executive Director, at (202) 727-3596.

**DRAFT AGENDA**

- I. CALL TO ORDER**
- II. ASCERTAINMENT OF A QUORUM**
- III. REPORT BY THE CHAIRPERSON**
  - a. FY 2012 BUDGET OVERSIGHT**
  - b. UPCOMING OUTREACH EFFORTS**
- IV. REPORT OF THE VICE CHAIR**
  - a. FINAL RULE MAKING**
- V. REPORT BY THE EXECUTIVE DIRECTOR**
- VI. COMMENTS FROM THE PUBLIC – LIMITED TO 2 MINUTES**
- VII. ADJOURNMENT**

Individual who wish to submit comments as part of the official record should send copies of the written statements no later than 4:00 p.m., Friday, March 1, 2013, to:

Carlynn Fuller Jenkins, Executive Director  
Real Property Tax Appeals Commission  
441 4<sup>th</sup> Street NW, Suite 360N  
Washington, D.C. 20001  
202-727-6860  
Email: [Carlynn.fuller@dc.gov](mailto:Carlynn.fuller@dc.gov)

**OFFICE OF THE SECRETARY OF THE DISTRICT OF COLUMBIA****APPOINTMENTS OF NOTARIES PUBLIC**

Notice is hereby given that the following named persons have been recommended for appointment as Notaries Public in and for the District of Columbia, effective on or after March 15, 2013.

Comments on these potential appointments should be submitted, in writing, to the Office of Notary Commissions and Authentications, 441 4<sup>th</sup> Street, NW, Suite 810 South, Washington, D.C. 20001 within seven (7) days of the publication of this notice in the *D.C. Register* on February 22, 2013. Additional copies of this list are available at the above address or the website of the Office of the Secretary at [www.os.dc.gov](http://www.os.dc.gov).

D.C. Office of the Secretary  
 Recommended for appointment as a DC Notaries Public

Effective: March 15, 2013

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Adabi	Nima	Arent Fox LLP 1717 K Street, NW	20036
Anderson	Patricia Reynolds	Mortgage Insurance Companies of America 1425 K Street, NW, Suite 210	20005
Anderson	Angel R.	Milbank, Tweed, Hadley & McCloy, LLP 1850 K Street, NW, Suite 1100	20006
Angunawela	Sonia	FRB Federal Credit Union 20th & C Street, NW	20016
Ayele	Elfinesh	Self (Dual) 513 O Street, NW	20001
Banks	La'Von A.	Potomac Plaza Apartments 2475 Virginia Avenue, NW	20037
Bell	Tamari D.	Wells Fargo Bank, N.A. 1100 Connecticut Avenue, NW	20036
Benefield	Blaire	Capital Reporting Company 1821 Jefferson Place, NW	20036
Bennett	Sheila J.	Self 4239 Benning Road, NE	20019
Benton	Anna	FRB Federal Credit Union 20th & C Street, NW	20016
Bowles	Deborah A.	Bonner Kiernan Trebach & Crociata, LLP 1233 20th Street, NW, 8th Floor	20036
Coleman	Kimberly M.	Laws Offices of Rosenthal, O'Connell & Gormly, Chtd 5101 Wisconsin Avenue, NW, Suite 210	20016
Coleman	Rowena	Horning Management Company, LLC 1350 Connecticut Avenue, NW, Suite 800	20036



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Crouell	Eric	Bithgroup Technologies 889 North Capitol Street, NE	20002
Daniels	Annie	Self (Dual) 725 Crittenden Street, NE	20017
Davis	Keisha Nichole	AARP Legal Counsel for the Elderly 601 E Street, NW	20049
Davis	Shirley	PricewaterhouseCoopers LLP 1301 K Street, NW	20005
Doan	Barbara A.	Davis Polk & Wardwell LLP 901 15th Street, NW, 12th Floor	20005
Dury	Patricia	Boys Town 4801 Sargent Road, NE	20017
Elliott, Jr.	Robert William	Etitle Agency 1425 K Street, NW	20005
Fazzini	Anne Elizabeth	Husch Blackwell, LLP 750 17th Street, NW	20006
Feeney	Linda S.	Esquire Deposition Solutions 1425 K Street, NW, Suite 350	20005
Flanagin	Jennifer J.	Champion Title & Settlements, Inc. 1050 Connecticut Avenue, NW, 10th Floor	20036
Frazier	Tiffany A.	Self (Dual) 1600 Maryland Avenue, NE, Apt. 456	20002
Gels	Patty Artrip	U.S. District Court 333 Constitution Avenue, NW	20001
Gibian	Margaret	Law Offices of Joshua Kamens 437 New York Avenue, NW, Suite 710	20001
Gonzalez	Carlos	BB&T Bank 3101 14th Street, NW	20010

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Green-Creek	Cassandra Elizabeth	American University, AU Central  4400 Massachusetts Avenue, NW, Asbury 201	20016
Gutierrez	Elizabeth B.	American Red Cross 2025 E Street, NW	20006
Hamilton	Janet A.	Planet Depos 1100 Connecticut Avenue, NW, Suite 901	20036
Harris	Ingrid G.	N.I.H. Federal Credit Union 2200 Pennsylvania Avenue, NW, Suite 160E	20037
Hayes	Monica K.	Department of Justice 450 5th Street, NW	20044
Hester	Veronica	Bank of America 1001 Pennsylvania Avenue, NW	20004
Huston	Andrea P.	Alderson Court Reporting 1155 Connecticut Avenue, NW, Suite 200	20036
Ivory	Charlyne R.	Institute for Americas Future 1825 K Street, NW, Suite 400	20006
Izadpanah	Ali	Finca International 1101 14th Street, NW, 11th Floor	20005
Jackson	Brenda	TEFCU 2000 Bladensburg Road, NE	20018
Jacobs	Yolanda L.	American Iron and Steel Institute 25 Massachusetts Avenue, NW, Suite 800	20001
Jenkins	Ruth A.	Department of General Services 2000 14th Street, NW, 8th Floor	20009

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Johnston	Paola Eldridge	Laborers' International Union of North America 905 16th Street, NW	20006
Kamens	Joshua	Law Offices of Joshua Kamens 437 New York Avenue, NW, Suite 710	20001
Kilker	William Michael	Dominion Title Corporation 1725 I Street, NW, Suite 300	20006
Lewis	Donna M.	Self 7425 13th Street, NW	20012
Little	Janet S.	Drinker Biddle & Reath, LLP 1500 K Street, NW	20005
Manning	Wanda	Horning Management LLC 1350 Connecticut Avenue, NW, Suite 800	20036
Marble	Shaun	Monarch Title 210 7th Street, SE, Suite 100	20003
Marsengill	Samantha Ann	Champion Title & Settlements, Inc. 1050 Connecticut Avenue, NW, 10th Floor	20036
Moran	Sara Ann	American Bar Association 740 15th Street, NW	20005
Mungo	Dannielle	United States Postal Service 475 L'Enfant Plaza, SW, Room 6127	20260
Myers	Derrick Lamar	United States Postal Service 475 L'Enfant Plaza, SW, Room 6118	20260
Olson	Abby Leigh	The Washington Ballet 3515 Wisconsin Avenue, NW	20016
Pensack-Rinehart	Rachel	Storz Friedberg, LLC 1150 Connecticut Avenue, NW, Suite 700	20036

D.C. Office of the Secretary  
 Recommended for appointment as a DC Notaries Public

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Perkins	Thomas M.	Ocean Conservancy 1300 19th Street, NW, 8th Floor	20036
Phillips	Lisa G.	The Ferguson Group, LLC 1130 Connecticut Avenue, Suite 300	20036
Robertson	Michele R.	SK&A Structural Engineers, PLLC 1155 Connecticut Avenue, NW, Suite 800	20036
Sharpe	Sheila M	Citibank 1400 G Street, NW	20005
Shepard	Brendon M.	District Title 1150 Connecticut Avenue, NW, Suite 201	20036
Smith	Darsheika Giles	A & R Development 5039 Kimi Gray Court, SE	20019
Smith, III	John H.	The Ferguson Group, LLC 1130 Connecticut Avenue, Suite 300	20036
Song	Tony	BB&T 614 H Street, NW	20001
Stalp	Susan A.	Cornerstone Research 1919 Pennsylvania Avenue, NW	20006
Suero	Kemi Ariana	International Monetary Fund 1900 Pennsylvania Avenue, NW	20431
Taylor	Allison V.	Witt O'Brien's, LLC 1501 M Street, NW, 5th Floor	20005
Walters	Kiara	Self 5704 14th Street, NW	20011
Watkins	Shantel L.	Barnes & Thornburg, LLP 1717 Pennsylvania Avenue, NW, Suite 500	20006

**D.C. Office of the Secretary  
Recommended for appointment as a DC Notaries Public****Effective: March 15, 2013****Page 7**

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Wilcox	Stephen H.	Medstar Washington Hospital Center 110 Irving Street, NW	20010
Williams	Kimberly Simone	Medstar Georgetown University Hospital 3800 Reservoir Road, NW, CCC Bldg. Rm 3402	20007
Williams	Jarrell	Bank of America 55 M Street, SE	20003
Willis	Robyn Dorsey	Wilson-Epes Printing Co., Inc. 775 H Street, NE	20002
Yalcin	Odeth	Bergeson & Campbell, P.C. 2200 Pennsylvania Avenue, NW, Suite 100W	20037

**UNIVERSITY OF THE DISTRICT OF COLUMBIA**  
**FACILITIES COMMITTEE OF THE BOARD OF TRUSTEES**

**NOTICE OF PUBLIC MEETING**

The Facilities Committee of the Board of Trustees of the University of the District of Columbia will be meeting on Tuesday, February 26, 2013 at 5:30 p.m. The meeting will be held in the Board Room, Third Floor, Administration Building at the Van Ness Campus, 4200 Connecticut Avenue, N.W., Washington, D.C. 20008. Below is the planned agenda for the meeting. The final agenda will be posted to the University of the District of Columbia's website at [www.udc.edu](http://www.udc.edu).

For additional information, please contact: Beverly Franklin, Executive Secretary, at (202) 274-6258 or [bfranklin@udc.edu](mailto:bfranklin@udc.edu).

**Planned Agenda**

- I. Call to Order and Roll Call**
- II. Contracts**
- III. Closing**

**Adjournment**

*Expected Meeting Closure*

In accordance with Section 405(b) (2) of the Open Meetings Act of 2010, the Committee hereby gives notice that it may conduct an executive session for the purpose of discussing, establishing or instructing the public body's staff or negotiating agents concerning the position to be taken in negotiating the price and other material terms of a contract, including an employment contract, if an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.

**DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY**

**BOARD OF DIRECTORS**

**NOTICE OF PUBLIC MEETING**

**Audit Committee**

The Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) Audit Committee will be holding a meeting on Thursday, February 28, 2013 at 9:30 a.m. The meeting will be held in the Board Room (4<sup>th</sup> floor) at 5000 Overlook Avenue, S.W., Washington, D.C. 20032. Below is the draft agenda for this meeting. A final agenda will be posted to DC Water's website at [www.dcwater.com](http://www.dcwater.com).

For additional information please contact: Linda R. Manley, Board Secretary at (202) 787-2332 or [لمانley@dcwater.com](mailto:لمانley@dcwater.com).

**DRAFT AGENDA**

- |                                    |                  |
|------------------------------------|------------------|
| 1. Call to Order                   | Chairman         |
| 2. Auditor Communication           | External Auditor |
| 3. Review of Internal Audit Status | Internal Auditor |
| 4. Executive Session               | Chairman         |
| 5. Adjournment                     | Chairman         |

**DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY**

**BOARD OF DIRECTORS**

**NOTICE OF PUBLIC MEETING**

**Retail Water and Sewer Rates Committee**

The Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) Retail Water and Sewer Rates Committee will hold a meeting on Tuesday, February 26, 2013 at 9:30 a.m. The meeting will be held in the Board Room (4<sup>th</sup> floor) at 5000 Overlook Avenue, S.W., Washington, D.C. 20032. Below is the draft agenda for this meeting. A final agenda will be posted to DC Water’s website at [www.dewater.com](http://www.dewater.com).

For additional information, please contact Linda R. Manley, Board Secretary at (202) 787-2332 or [لمانley@dewater.com](mailto:لمانley@dewater.com).

**DRAFT AGENDA**

- |  |                         |
|--|-------------------------|
| 1. Call to Order                               | Committee Chairman      |
| 2. Monthly Update                              | Chief Financial Officer |
| 3. Committee Workplan                          | Chief Financial Officer |
| 4. Emerging Issues/Other Business              | Chief Financial Officer |
| 5. Agenda for March 26, 2013 Committee Meeting | Committee Chairman      |
| 6. Adjournment                                 | Committee Chairman      |



**DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY**

**BOARD OF DIRECTORS**

**NOTICE OF PUBLIC MEETING**

**Finance and Budget Committee**

The Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) Finance and Budget Committee will be holding a meeting on Thursday, February 28, 2013 at 11:00 a.m. The meeting will be held in the Board Room (4<sup>th</sup> floor) at 5000 Overlook Avenue, S.W., Washington, D.C. 20032. Below is the draft agenda for this meeting. A final agenda will be posted to DC Water’s website at [www.dewater.com](http://www.dewater.com).

For additional information please contact: Linda R. Manley, Board Secretary at (202) 787-2332 or [لمانley@dewater.com](mailto:لمانley@dewater.com).

**DRAFT AGENDA**

- |                                       |                              |
|---------------------------------------|------------------------------|
| 1. Call to Order                      | Chairman                     |
| 2. January 2013 Financial Report      | Director of Finance & Budget |
| 3. Action Items                       | Chairman                     |
| 4. Agenda for March Committee Meeting | Chairman                     |
| 5. Adjournment                        | Chairman                     |

**DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY**

**BOARD OF DIRECTORS**

**NOTICE OF PUBLIC MEETING**

**Strategic Planning Committee**

The Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) Strategic Planning Committee will hold a meeting on Tuesday, February 26, 2013 at 12:00 noon. The meeting will be held in the Board Room (4<sup>th</sup> floor) at 5000 Overlook Avenue, S.W., Washington, D.C. 20032. Below is the draft agenda for this meeting. A final agenda will be posted to DC Water’s website at [www.dcwater.com](http://www.dcwater.com).

For additional information, please contact Linda R. Manley, Board Secretary at (202) 787-2332 or [linda.manley@dcwater.com](mailto:linda.manley@dcwater.com).

**DRAFT AGENDA**

- |  |                       |
|--|-----------------------|
| <b>1. Call to Order</b>                                      | Committee Chairperson |
| <b>2. Presentation of the Updated Strategic Plan</b>         | General Manager       |
| <b>3. Committee Discussion of the Updated Strategic Plan</b> | Committee Chairperson |
| <b>4. Other Business</b>                                     | Committee Chairperson |
| <b>5. Adjournment</b>  | Committee Chairperson |

## GOVERNMENT OF THE DISTRICT OF COLUMBIA

## BOARD OF ZONING ADJUSTMENT

**Application No. 18436 of David Benson**, pursuant to 11 DCMR § 3103.2, for a variance from the lot area requirements under subsection 401.3, to allow the conversion of a flat (two-unit dwelling) to a three unit apartment house in the R-4 District at premises 2703 11<sup>th</sup> Street, N.W. (Square 2858, Lot 17).

**HEARING DATE:** February 12, 2013

**DECISION DATE:** February 12, 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”) 1B and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 1B, which is automatically a party to this application. The ANC did not participate in the application. The Office of Planning (“OP”) submitted a report recommending denial of the application. The Department of Transportation submitted a report of no objection to the application. Fifteen letters in support of the application were received into the record.

**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 § 401.3. No parties appeared at the public hearing in opposition to this application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the OP report filed in this case, the Board concludes that in seeking a variance from § 401.3, the applicant has met the burden of proving under 11 DCMR § 3103.2, that there exists an exceptional or extraordinary situation or condition related to the property that creates a practical difficulty for the owner in complying with the Zoning Regulations, and that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

Pursuant to 11 DCMR § 3100.5, the Board has determined to waive the requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions

BZA APPLICATION NO. 18436

PAGE NO. 2

of law. It is therefore **ORDERED** that this application (pursuant to Exhibit No. 9 – Plans) is hereby **GRANTED**.

**VOTE: 3-1-1** Robert E. Miller, Nicole C. Sorg and Jeffrey L. Hinkle to APPROVE.  
Lloyd J. Jordan opposed to the motion and 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:** February 13, 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, UNLESS THE BOARD ORDERS OTHERWISE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD.

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. 18455 of Lafon McCrae**, pursuant to 11 DCMR § 3103.2, for variances from the lot area and lot width requirements under subsection 401.3, to allow the construction of two semi-detached dwellings in the R-2 District at premises 4257 and 4259 Brooks Street, N.E. (Square 5087, Lots 930 and 937<sup>1</sup>).

**HEARING DATES:** December 11, 2012 and January 15, 2013

**DECISION DATE:** February 12, 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") 7D, and to owners of property within 200 feet of the site. The site is located within the jurisdiction of ANC 7D, which is automatically a party to this application. ANC 7D submitted a letter of support for the application. The ANC letter, which is dated January 8, 2013, indicated that at a duly noticed, regularly scheduled public meeting held on January 8, 2013 and at which a quorum of commissioners was present, the ANC voted to support the application.<sup>2</sup> (Exhibit 32.) The single member district member, ANC 7D06, also submitted a letter of support, dated December 30, 2012. (Exhibit 31.)

The Office of Planning ("OP") submitted a timely report in support of the application. (Exhibit 25.) The District Department of Transportation ("DDOT") submitted a report recommending "no objection." (Exhibit 24.)

Letters of support for the application were submitted by neighbors, Welford and Belinda Johnson, 4261 Brooks Street, N.E., and Karen Coulter, 4255 Brooks Street, N.E. (Exhibit 21.)

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

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<sup>1</sup> The Office of Planning raised two issues in its report, one regarding ownership of the two lots and the other whether zoning relief was required. In response to the Board's request for clarification of these two issues, at the public hearing on January 15, 2013, the Office of Planning testified that the two lots are under single ownership (of the Applicant) and that the requested zoning relief was required. (See, Exhibit 28.)

<sup>2</sup> The ANC letter also stated that when the Applicant's architect presented the project at the ANC meeting, he assured the ANC that the windows facing east and west would be offset to provide privacy to the current property owners and that the owner would keep the property properly maintained and build a taller privacy fence around the property to keep people from illegally dumping on it. (Exhibit 32.)

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strict application of the lot area and lot width requirements under § 401.3. No parties appeared at the public hearing in opposition to the application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the OP and ANC reports filed in this case, the Board concludes that in seeking the variance relief that the Applicant has met the burden of proving under 11 DCMR § 3103.2, that there exists an exceptional or extraordinary situation or condition related to the property that creates a practical difficulty for the owner in complying with the Zoning Regulations, and that the requested relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

Pursuant to 11 DCMR § 3100.5, the Board has determined to waive the requirements of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party and is appropriate in this case.

It is therefore **ORDERED** that the application is hereby **GRANTED, SUBJECT TO THE PLANS AT EXHIBIT 26.**

**VOTE:**           **3-0-2** (Lloyd L. Jordan, Nicole C. Sorg, and Jeffrey L. Hinkle, to Approve; no Zoning Commission member participating, and the third Mayoral appointee vacant.)

**BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT**

A majority of the Board members approved the issuance of this order.

**FINAL DATE OF ORDER:** February 19, 2013

PURSUANT TO 11 DCMR § 3125.9, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO § 3125.6.

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.

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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.

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA****ZONING COMMISSION ORDER NO. 12-07****Z.C. Case No. 12-07****Office of Planning****(Map Amendment @ Square 323 and Parcels 1, 2, and 3 of Square 349)****January 28, 2013**

The Zoning Commission for the District of Columbia (the "Commission"), pursuant to its authority under §§ 1 and 3 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797, as amended; D.C. Official Code §§ 6-641.01 and 6-641.03); and pursuant to proper notice, having held a public hearing on December 6, 2012 to consider an application from the District of Columbia Office of Planning ("Applicant" or "OP") for a map amendment to establish initial zoning of Square 323 and Parcels 1, 2, and 3 of Square 349, and having referred the proposed map amendment to the National Capital Planning Commission ("NCPC") for a 30-day period of review pursuant to § 492 of the District of Columbia Charter; hereby gives notice of the adoption of the following amendment to the Zoning Map incorporated into the Zoning Regulations of the District of Columbia (Title 11, DCMR), that changes the zoning of Square 323 and Parcels 1, 2, and 3 of Square 349, known as the Old Post Office and Old Post Office Pavilion or 1100 Pennsylvania Avenue, N.W. ("Subject Property") from unzoned to DD/C-4.

**FINDINGS OF FACT****Application**

1. On June 29, 2012, the Office of Zoning received an application from the Applicant requesting that the Commission zone the Subject Property, which was then unzoned, to the DD/C-4 Zone District. The Commission set down the application for a public hearing as a contested case at its July 9, 2012 public meeting<sup>1</sup>.
2. The General Services Administration is currently in negotiations with The Trump Organization for a long-term lease of the building and site for a major private business redevelopment. Because the property is presently unzoned, the required building permits and certificate of occupancy cannot be issued. (11 DCMR § 106.7.) Thus the need for the amendment arises.

**Hearing**

3. Notice of the public hearing on the application was given in accordance with the provisions of 11 DCMR §§ 3014 and 3015. On September 24, 2012, the Applicant requested postponement of the hearing and a waiver from the requirement to post the Pennsylvania Avenue frontage of the Subject Property, due to the inability to obtain

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<sup>1</sup> The Applicant also requested a related text amendment to the Zoning Regulations, but withdrew the request for the text amendment at the beginning of the hearing for this case.



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permission from the General Services Administration to post along that frontage. The request to postpone and the waiver of the posting requirements for the Pennsylvania Avenue frontage were granted by the Commission on September 24, the hearing was readvertised in accordance with §§ 3014 and 3015, and the hearing was conducted on December 6, 2012 in accordance with the provisions of § 3022.

4. At the conclusion of the hearing, the Commission took proposed action to approve the map amendment. Pursuant to § 492 of the District Charter, the Commission referred its proposed decision of approval to NCPC for review and comment.
5. The Commission took final action to approve the map amendment at its regularly scheduled meeting on January 28, 2013, with the Commissioners voting to approve it.

### **Government Reports**

6. OP filed a report with the Commission dated November 26, 2012, recommending approval of the application, noting that the proposed map amendment is not inconsistent with the Comprehensive Plan. (Exhibit ["Ex."] 14) OP filed a supplemental report dated January 14, 2013 stating that it was adopting the draft order submitted by counsel of the Trump Organization as its own.
7. The D.C. Department of Transportation ("DDOT") submitted a report November 28, 2012, in which it noted that "based on the review of the existing and future traffic conditions from operational and safety perspectives, it is DDOT's opinion that the proposed change in zoning would not have any adverse impacts on the transportation network." (Ex. 16)
8. Through a letter dated January 15, 2013, the NCPC Executive Director enclosed the NCPC's action on this application taken at its January 10, 2013 meeting. The action advises the Zoning Commission "that the proposed map amendment ... will not adversely affect the federal interest." (Ex. 27).<sup>2</sup>

### **Parties**

9. The Trump Organization ("Trump") submitted a request for party status in support of the proposed map amendment on November 20, 2012. (Ex. 13.) At the hearing, the Commission determined that as the preferred selected developer for the Old Post Office, Trump's interests were more directly, distinctively, and uniquely affected than that of the

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<sup>2</sup> The action also "notes" NCPC's opinion that the property will remain subject to NCPC's in-lieu of zoning authority and that the General Services Administration intends to be the exclusive permitting authority for the project. The Commission sees no need to respond to these observations, but its silence should not be construed as an expression of its concurrence.

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general public, and approved the request for party status as a party in support of the Application. There were no other parties in support or in opposition to the application.

### **History and Proposed Use of the Subject Property**

10. The Subject Property is located at 1100 Pennsylvania Avenue, N.W. and is owned by the United States of America.
11. The Subject Property is improved with the Old Post Office, a historic building constructed between 1892 and 1899 for use as the city post office for the District of Columbia and offices for the Postmaster General. The single lot on Square 323 is developed with a single building with 389,000 square feet of floor area, equal to a floor area ratio ("FAR") of 6.3, a building height of 135 feet, and a bell tower that reaches an approximate height of 315 feet. Parcels 1, 2, and 3 in Square 349 are developed with the "Annex" or "Old Post Office Pavilion," an addition to the Old Post Office constructed in the 1990s for retail and movie theater use. The Pavilion has been closed for many years, while the Old Post Office remains in use as a federal public building.
12. The Subject Property is unzoned.
13. The U.S. General Services Administration, which has jurisdiction over the Subject Property, is in negotiations with the Trump Organization for a long-term lease of the Subject Property for use as a luxury hotel.

### **The Subject Property and the Surrounding Neighborhood**

15. The Subject Property is located on the south side of Pennsylvania Avenue. Other squares south of Pennsylvania Avenue and developed with high-density office buildings, some with ground-floor and lower-level retail and service lease space. Properties north of Pennsylvania Avenue that are developed with high-density mixed office, retail, and residence uses are in the DD/C-4 and DD/C-5 Zone Districts.
16. The Subject Property is currently developed with a historic landmark. The existing site development would conform to the allowable lot occupancy and density in the C-4 Zone District, but would exceed the maximum height allowed as a matter of right by five feet. Provisions of the DD Overlay District would also provide guidance for additional office development, and encourage the provision of the appropriate amount of cultural and arts uses.

### **Appropriateness of Map Amendment**

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17. The Central Business District (C-4) is designed to contain residential and mixed uses developed to a high density. Office, retail, and hotel uses are allowed in this zone district as a matter of right to a maximum allowable density of 8.5 FAR and height of 130 feet, and to a 10.5 FAR and 130 feet through an approved planned unit development (“PUD”).
18. The C-5 (PAD) Zone District is located directly across Pennsylvania Avenue; however, C-5 is limited to the north side of Pennsylvania Avenue, consistent with the goals and mandates of the U.S. Congress in the Pennsylvania Avenue Development Corporation Act of 1972.
19. The DD Overlay District is applicable to subareas identified in the DC Comprehensive Plan including the Downtown Shopping District (Retail Core), the Pennsylvania Quarter and historic preservation areas, which may overlap. It is intended to help accomplish Comprehensive Plan land use and development policies related to the affected downtown sectors. The most important of these being the creation of a balanced mix of uses by means of incentives and requirements for critically important land uses identified in the Plan, including retail, hotel, residential, entertainment, arts, and cultural uses; guidance and regulation of office development which is traditionally favored by market forces over the other desired uses; and protection of historic buildings.
20. The appropriate zone to accommodate the existing and desired mix of retail, cultural, service, and hotel development on the Subject Property is a C-4 Zone District with the DD Overlay District.
21. The Comprehensive Plan Future Land Use Map designates the subject properties south of Pennsylvania Avenue as “federal,” which includes land and facilities owned, occupied, and used by the federal government (excluding parks and open space). The “federal” category generally denotes ownership rather than use.
22. Squares immediately north of Pennsylvania Avenue are designated High-Density Commercial which is used to define the Central Employment Area (“CEA”) and other major office employment centers on the downtown perimeter. It is characterized by office and mixed office/retail buildings greater than eight stories in height, although many lower scale buildings (including historic buildings) are scattered about. The corresponding zone districts include C-4.
23. The Comprehensive Plan Policy Map shows the Subject Property and most of the downtown in the CEA. The CEA hosts a wide variety of commercial uses, including those proposed for the Subject Property as part of the redevelopment.
24. Amending the Zoning Map to place the subject property in the DD/C-4 Zone District to permit redevelopment of the Subject Property furthers several Elements of the Comprehensive Plan:

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- a. Central Employment Area – Preservation and protection of historic resources and placement of appropriate uses in the Central Employment Area (Policies L U-1.1.4 and J.1.6); and
- b. Federal sites – Even where federal lands will remain in federal use, the impacts of new activities on local land use and transportation is critical (Policy LU – 1.2.3).

### CONCLUSIONS OF LAW

1. The Commission’s authority to amend the Zoning Map derives from Zoning Act of 1938, effective June 20, 1938 (52 Stat. 797, as amended,) (“Zoning Act”). Section 1 of the Zoning Act establishes the authority of the Commission to “promote the health, safety, morals, convenience, order, prosperity, or general welfare of the District of Columbia through regulation of the structures and uses on its land.” (D.C. Official Code § 6-641.01.)
2. Section 2 of the Zoning Act mandates that the Zoning Regulations shall be designed to “lessen congestion in the street,” and to “promote the distribution of the uses of land as would tend to create conditions favorable to...civic activity, and recreational, educational, and cultural opportunities.” (D.C. Official Code § 6-641.02.)
3. Section 3 of the Zoning Act establishes the authority of the Zoning Commission to amend the Zoning Maps of the District of Columbia. (D.C. Official Code § 6-641.03.)
4. The Commission concludes that the proposed map amendment is consistent with the purposes of the Zoning Act. The amendment will allow use of the Subject Property consistent with its designation on the Comprehensive Policy Map’s Central Employment Area.
5. In amending the Zoning Map, the Commission is constrained by the limitation of § 492(b)(1) of the District of Columbia Home Rule Act, that the Zoning Map be “not inconsistent” with the Comprehensive Plan. The Commission concludes that approval of the requested map amendment is not inconsistent with the Comprehensive Plan. The requested map amendment furthers the goals of the Comprehensive Plan, and promotes orderly development in conformity with the Zone Plan as embodied in the Zoning Regulations and Map.
6. Based upon the Findings of Fact and Conclusions of Law, the Commission concludes that the requested map amendment is in the best interest of the District of Columbia and will benefit the communities near which the Subject Property is located.

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7. The Zoning Commission is required under § 5 of the Office of Zoning Independence Act of 1990, effective September 20, 1990 (D.C. Law 8-163, D.C. Official Code § 6-623.04) to give great weight to OP recommendations. The Commission concurs with the OP's recommendation for approval, and has given the recommendation the great weight to which it is entitled.

### DECISION

In consideration of the Findings of Fact and Conclusions of Law contained in this Order, the Zoning Commission for the District of Columbia hereby **ORDERS APPROVAL** of the application for an amendment to the Zoning Map to change the status of the Subject Property from unzoned to the DD/C-4 Zone District.

The Applicant is required to comply fully with the provisions of the D.C. Human Rights Act of 1977, D.C. Law 2038, as amended, D.C. Official Code § 2-1404.01 *et seq.* ("Act"). This Order is conditioned upon full compliance with those provisions. In accordance with the 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 that 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. The failure or refusal of the Applicant to comply shall furnish grounds for denial or, if issued, revocation of any building permits or certificates of occupancy issued pursuant to this Order.

On December 6, 2012 upon the motion of Chairman Hood, as seconded by Commissioner Miller, the Zoning Commission **APPROVED** the map amendment application at the conclusion of its public hearing by a vote of **4-0-1** (Anthony J. Hood, Robert E. Miller, Peter G. May, and Michael G. Turnbull to approve; Marcie I. Cohen, not having participated, not voting).

On January 28, 2013, upon the motion Commissioner Miller of, as seconded by Chairman Hood, the Zoning Commission **ADOPTED** this Order at its public meeting by a vote of **4-0-1** (Anthony J. Hood, Robert E. Miller, Peter G. May, and Michael G. Turnbull to adopt; Marcie I. Cohen, not having participated, not voting).

In accordance with the provisions of 11 DCMR § 3028, this Order shall become effective upon publication in the *D.C. Register*; that is on February 22, 2013.

Notice: This decision may be formally revised before it is published in the District of Columbia Register. Parties should promptly notify this office of any errors so that they may be corrected before publishing the decision. This notice is not intended to provide an opportunity for a substantive challenge to the decision.

**Government of the District of Columbia**

**Public Employee Relations Board**

_____ )	
In the Matter of: )	
) )	
Fraternal Order of Police/Metropolitan Police )	
Department Labor Committee (on behalf of )	
Leah Culver, Rhonda Jackson, and )	
Angela Sanders), )	
) )	
Complainant, )	PERB Case No. 07-U-27
) )	
v. )	Opinion No. 1353
) )	
District of Columbia Metropolitan Police )	
Department. )	
) )	
Respondent. )	
_____ )	

**DECISION AND ORDER**

**I. Statement of the Case**

This matter is before the Board upon a Complaint brought by the Fraternal Order of Police (“Complainant” or “Union”) against the Metropolitan Police Department, Chief Cathy L. Lanier, Assistant Chief Peter Newsham, and Commander Hilton Burton<sup>1</sup> (“Respondent” or “Department”). The Complaint alleges the following facts:

From October 19 to 24, 2006, Commander [Hilton] Burton issued corrective actions, a PD Form 750, for dereliction of duty to Fourth District Desk Sergeants Culver, Jackson, and Sanders.

<sup>1</sup> The Executive Director has removed the names of the individual respondents from the caption consistent with the Board’s precedent requiring individual respondents named in their official capacities to be removed from the complaint for the reason that suits against District officials in their official capacities should be treated as suits against the District. See *F.O.P./Metro. Police Dep’t Labor Comm. v. D.C. Metro. Police Dep’t.*, 59 D.C. Reg. 6579, Slip Op. No. 1118 at pp. 4-5, PERB Case No. 08-U-19 (2011). The D.C. Superior Court upheld the Board’s dismissal of such respondents in *F.O.P. Metro. Police Dep’t Labor Comm. v. D.C. Pub. Employee Relations Bd.*, Civ. Case No. 2011 CA 007396 P (MPA) (D.C. Super. Ct. Jan. 9, 2013). The Union filed the instant Complaint before those cases were decided, but the Board reminds the Union that henceforth it must not name individual respondents in their official capacities in actions it brings before the Board.

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On November 8, 2006, a letter of complaint was submitted on behalf of Sergeants Culver, Jackson, and Sanders to Assistant Chief of Police William Ponton of the Department's Office of Professional Responsibility concerning various procedural errors in the corrective actions arising from Departmental General Orders and the Collective Bargaining Agreement between the Union and the Department.

On November 9, 2006, Sergeants Culver, Jackson, and Sanders appealed their respective corrective actions to Assistant Chief Newsham.

On November 13, 2006 Assistant Chief Newsham responded by ordering Commander Burton to rescind the corrective actions.

Assistant Chief Newsham also ordered the investigation reopened to ensure the correct disciplinary procedures were followed.

On November 27, 2006, Sergeants Culver, Jackson, and Sanders were issued corrective actions, a PD 750, for dereliction of duty.

The corrective actions issued November 27, 2006, relied upon the same facts and incidents that were cited in the rescinded corrective actions issued on October 19 and 24, 2006.

(Complaint ¶¶6-12) (citations to attachments omitted).

The Complaint asserts that "[t]he Department committed an Unfair Labor Practice by retaliating against Sergeants Culver, Jackson, and Sanders for appealing their disciplinary actions when it reopened and subsequently imposed the same corrective action that had already been issued and rescinded." (Complaint ¶ 15).

The case was referred to a Hearing Examiner, who held a hearing and issued a Report and Recommendation ("Report") in which he found that an unfair labor practice had not been proven. The Union did not file exceptions. The Hearing Examiner's Report is before the Board for disposition.

## **II. Background**

In September 2006, Hilton Burton, commander of the Department's Fourth District, learned of three problems at the Fourth District station. First, fuel keys normally kept at the station under the control of the desk sergeants were missing. Second, Commander Burton noticed on two occasions that no citizen complaint forms were on the counter, although they were supposed to be available there at all times. Third, he observed that a secured door that leads into the station was taped so that it would not be secure. (Tr. at pp. 262-68; Complainant's Post-Hearing Brief Ex. 7 at p. 31). Commander Burton directed that these improprieties be investigated. Sgt. Christopher Avery investigated and prepared dereliction reports (form PD

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750) and letters of prejudice for Commander Burton to sign. (Tr. at pp. 222-24). On October 19, 2006, Commander Burton issued dereliction reports (form PD 750) for the missing fuel keys and letters of prejudice for the missing complaint forms to three desk sergeants, Leah Culver, Rhonda Jackson, and Angela Sanders ("Grievants"). On October 24, Commander Burton issued official reprimands to the Grievants for allowing the security door to remain taped and thus unsecured. (Complaint Ex. 1).

On October 24, Fourth District Shop Steward Charlie Poole participated in a commander's conference on the disciplinary actions. Commander Burton testified that Officer Poole objected at the conference that the discipline had been imposed without investigation. Commander Burton further testified that he told Poole in response that the corrective actions would be rescinded and an investigation conducted. (Tr. at pp. 270-71).

Officer Poole filed with Assistant Chief Peter Newsham grievances dated November 7, 2006, on behalf of the Grievants. The grievances asserted:

On October 31, 2006 [Grievants] filed an article 10 (Release of Information) in an effort to appeal the three forms of corrective actions [they] received on or about October 24, 2006. Officer Charlie Poole, Fraternal Order of Police Representative, for [Grievants] requested all relevant documentation as it pertains to those administrative investigations. When Officer Poole made the request he advised Lieutenant Selika Brooks the reason the investigative package was needed, she replied that the corrective actions would be removed from [their] personnel files and that a letter be drafted in accordance with the Collective Bargaining Agreement.

Later on November 3, 2006 Commander Hilton Burton advised Officer Charlie Poole that he would be removing the corrective actions, which had already been served, from [Grievants'] personnel file[s]. Commander Burton further stated that he would be initiating an administrative investigation and drawing IS numbers even though the discipline had been served.

(Complaint, Ex. 3). The grievances cited collective bargaining agreement ("CBA") provisions prohibiting reprisals against employees exercising rights under the CBA and providing that discipline may be imposed only for cause. The grievances alleged that after the investigative packages were requested, "Commander Hilton Burton initiated an administrative investigation based upon the fact [the Grievants] invoked [their] rights under the Collective Bargaining Agreement." (Complaint Ex. 3). The grievances requested that the administrative investigation be ended and that all references to the corrective actions be removed from the Grievants' personnel files. *Id.*

Assistant Chief Newsham granted the grievances and ordered Commander Burton to destroy all copies of the October 19 and October 24 corrective actions. *Id.* Assistant Chief



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Newsham testified at the hearing that he found that the objection that there had been no investigation was reasonable and directed that there be an investigation of the misconduct. He further testified that the alleged misconduct by the Grievants should be investigated because, if the misconduct had occurred, it should be corrected and that it was his understanding that Officer Poole agreed with proceeding in that manner. (Tr. at pp. 87-88, 107).

On November 16, 2006 the Union submitted a request dated November 8, 2006, that the Office of Professional Responsibility conduct an internal investigation of the corrective actions imposed by Commander Burton. (Complainant's Post-Hearing Brief Ex. 7 at p. 5; Complaint Ex. 2)

After further investigation of the charges against the Grievants, Commander Burton reissued the dereliction reports for the missing fuel keys on November 27. (Tr. at pp. 274-76; Complaint Ex. 4). Additionally, on December 13 he reissued the letter of prejudice for the missing complaint forms (Tr. at pp. 80 & 277). The reprimands for the unsecured security door were not reissued. (Report at p. 2).

The Union did not file a grievance appealing the re-imposition of the corrective actions. It filed the instant unfair labor practice complaint on March 26, 2007.

## **II. Discussion**

The Union's argument in its post-hearing brief is under two headings. Under the first heading, the Union argues the Grievants were subjected to retaliation, and under the second heading the Union argues that the Grievants were subjected to double jeopardy.

### **A. Retaliation**

The first heading of the argument section of the Union's brief is: "The Department Has Committed an Unfair Labor Practice By Reissuing Discipline In Retaliation to the Desk Sergeants' Grievances." (Complainant's Post-Hearing Brief at p. 8). Concerning the elements of an unfair labor practice claim for retaliation, the Hearing Examiner noted, "As the Complainant states (and the Respondent agrees), the PERB precedent for a prima facie case against the Respondent for retaliation entails proof of: 1) the existence of protected activity, 2) employer knowledge of such activity, 3) anti-union animus and/or an act of retaliation for union activities, and 4) a nexus concerning the timing of the events." (Report at p. 3). Two protected activities are asserted in Complainant's Post-Hearing Brief, the Union's request for an internal investigation and the grievances.

#### **1. The Internal Investigation**

With regard to the internal investigation, the Complainant argues:

[T]he timing of when the Commander approved certain discipline clearly strengthens the Union's position that he retaliated against the Desk Sergeants. Commander Burton appeared for an interview at OIA on December 14, 2006, where he was questioned about his

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actions concerning the discipline he issued for Desk Sergeants Jackson, Culver and Sanders. [Union Exhibit 7] at 30-35. Only five (5) days later, on December 19, 2006, Commander Burton officially approved the reissuance of discipline against the desk sergeants in retaliation to the OPC forms investigation. See Union Exhibit 2, p. 1. As such, the anti-union elements and timing elements have easily been established in this case.

(Complainants' Post-Hearing Brief at pp. 14-15).

Notwithstanding this argument, the Union neither pleaded nor proved that the reissuance of the discipline for the complaint forms came after Commander Burton learned of the investigation. The complaint has no allegation regarding the reissuance of corrective action for the complaint forms. The only act that the complaint alleges is retaliatory—and the only act the complaint seeks to have rescinded—is the November 27 reissuance of the corrective action regarding the fuel keys. (Complaint ¶¶ 11, 12, 16(b)). Further, at the hearing the Union did not prove that discipline for the complaint forms was issued on December 19 but rather on December 13, before Commander Burton's interview. (Tr. at p. 80). Complainant's Exhibit 2, which the Complainant cites in support of the December 19 date, is a memorandum dated *October* 19, 2006 regarding the original letter of prejudice. (Tr. at p. 23). The Hearing Examiner concluded: "Commander Burton became aware that the FOP had filed a complaint against him with Internal Affairs on December 14, 2006. Commander Burton had re-issued the desk sergeants' discipline for . . . the missing OPC complaint forms on December 13, 2006—thus, again, time-wise, he could not have been reacting in retaliation because of the complaint against him at Internal Affairs." (Report at p. 4). Therefore, the Complainant did not establish a nexus concerning the timing of the internal investigation and the reissuance of corrective action for the complaint forms.

## 2. Grievances

With regard to the Complainant's claim of retaliation based on the filing of the grievances, it is undisputed that the filing of the grievances was a protected activity. (Report at p. 3). Commander Burton decided to conduct a formal investigation *before* the grievances were filed (*Id.* at p. 4; Tr. at p. 271; Complaint, Ex. 3), but Commander Burton and Assistant Chief Newsham knew the Grievants had filed grievances before the reissuance of the corrective actions (Report at p. 3; Tr. at pp. 88, 106-7, & 279). As the first, second, and fourth elements of Complainants' *prima facie* case were met, the question of whether the reissuance of the corrective actions was a retaliation for the filing of the grievances turns on the application of the test formulated by *Wright Line and Lamoreux*, 251 N.L.R.B. 1083, 1089 (1980), *enforced*, 662 F.2d 899 (1st Cir. 1981), and adopted by this Board: "[T]he moving or complaining party has the initial burden of establishing a *prima facie* case by showing that the union or other protected

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Page 6

activity was a 'motivating factor' in the employer's disputed action. That accomplished, the burden then shifts to the employer to demonstrate that the same disputed action would have taken place notwithstanding the protected activity." *AFSCME, Local 2401 v. D.C. Dep't of Human Servs.*, 48 D.C. Reg. 3207, Slip Op. No. 644 at pp. 5-6, PERB Case No. 98-U-05 (2001) (See Report at p. 3).

The Union maintains that an analysis of "the totality of the circumstances," and of two circumstances in particular, demonstrates that the grievances were a motivating factor in the reissuance of the discipline.

As the first circumstance, the Union claimed that Assistant Chief Newsham did not have authority to open an investigation after discipline had been rescinded. In support of this claim, the Union points out that Sgt. Delroy Burton testified that this case was the only time in his experience when a disciplinary matter "proceed[ed] to another phase of discipline" after a grievance remedy had been granted. (Complainant's Post-Hearing Brief at p. 11; Tr. at pp. 169-70).

Sgt. Burton acknowledged, however, "my experience with union matters is not extensive." (Tr. at p. 171). Although he may not have had experience with such a procedure, it is by no means unknown in employment law for an agency recognizing that a disciplinary action has a procedural defect<sup>2</sup> to rescind the disciplinary action, correct the deficiency, and re-impose the same discipline for the same offense. See *Jenkins v. Macy*, 357 F.2d 62, 66-67 (8th Cir. 1966); *Kaye v. Bd. of Trs. of San Diego Pub. Law Library*, 101 Cal. Rptr. 3d 456, 460 (Cal. App. 2009); *City of Bettendorf v. Kelling*, 465 N.W.2d 299, 301 (Iowa App. 1990) ("[T]he City had the right, once it discovered procedural errors in the implementation of its discipline, to withdraw its discipline without prejudicing its right to reevaluate and, if it deemed necessary, to reissue the discipline."); *Usun v. LSU Health Sciences Center Med. Center of La. at New Orleans*, 845 So. 2d 491, 496 (La. App. 2003) ("If a termination is reversed or rescinded due to procedural defects, the employer can re-use the same conduct to support a subsequent termination."); *D.C. Dep't of Consumer & Regulatory Affairs v. AFGE, Local 2725*, Slip Op. No. 1249 at p. 2; PERB Case No. 10-A-06 (Mar. 27, 2012). The witness's unfamiliarity with such procedures is not evidence for a lack of authority on the part of Assistant Chief Newsham.

The Union's other argument for the assistant chief's lack of authority is a mischaracterization of his testimony as precluding an investigation in this situation. The Union asserts, "Assistant Chief Newsham also testified that absent the occurrence of newly discovered evidence, the Department's investigation should, in fact, precede the issuance of discipline. [Tr.]

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<sup>2</sup> The Complainant concedes that the Respondent was curing a procedural defect in the discipline of the Grievants. (Complainant's Post-Hearing Brief at p. 18).

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PERB Case No. 07-U-27  
Page 7

at 118.” (Complainant’s Post-Hearing Brief at p.11). The Union argues that, notwithstanding Newsham’s testimony that absent newly discovered evidence investigation should precede discipline, “he personally ordered that an investigation be conducted after the fact.” (*Id.*) The testimony the Union cites was not nearly as restrictive as the Union characterizes it. Assistant Chief Newsham was only giving an example of a circumstance when an investigation may be reopened.<sup>3</sup> Moreover, Assistant Chief Newsham’s testimony reflects that his actions were taken so that an investigation would precede discipline. He testified: “I think it’s not fair to give discipline without investigation, so that’s what I was trying to ensure, that the investigation was done.” (Tr. at p. 118). As the Complaint itself puts it, “Assistant Chief Newsham . . . ordered Commander Burton to rescind the corrective actions. Assistant Chief Newsham also ordered the investigation reopened to ensure the correct disciplinary procedures were followed.” (Complaint ¶¶ 10 & 11).

The second circumstance allegedly demonstrating that the grievances were a motivating factor is the sparse investigation done after the rescission of the disciplinary actions. The Hearing Examiner, considering the totality of the circumstances, found otherwise: “The Hearing Examiner, on the totality of the circumstances, cannot find that the Complainant has met the burden of proving that Respondent acted to retaliate against the desk sergeants because they had engaged in protected activity.” (Report at p. 3). Based on a review of the record and a consideration of the Union’s arguments in this regard, the Board finds the Hearing Examiner’s conclusion reasonable and supported by the record. Therefore, the Union failed to establish a *prima facie* case of retaliation.

### B. Double Jeopardy

Following its presentation of the retaliation argument discussed above, Complainant’s Post-Hearing Brief presents a second argument under the heading “The Department Has Interfered with Certain Union Member’s Rights By Conducting an Investigation After Discipline Had Already Been Issued in Violation of the Protection Against Double Jeopardy.” (Complainant’s Post-Hearing Brief at p.15).

The D.C. Court of Appeals has explained how the expression “double jeopardy” from constitutional and criminal law<sup>4</sup> has been used in the context of cases such as the case at bar:

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<sup>3</sup> “HEARING EXAMINER: Okay, let me clarify the answer. The answer is that an investigation should, in all cases, precede the issuance of discipline, and that if an investigation has been held and discipline is issued, then there’s no grounds for another investigation. Is that accurate?”

“THE WITNESS: Well, I would say, you know, there’s probably some circumstances under which you may want to reopen an investigation, if we get some additional evidence that was not -- you were not able to get back at the time the investigation was done.” (Tr. at p. 118).

<sup>4</sup> “. . . nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb. . . .” U.S. Const. amend. V.

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PERB Case No. 07-U-27  
Page 8

“The term ‘double jeopardy’ is used by the parties and the agency to describe the administrative law principle that precludes an agency from taking any adverse action against an employee who has previously been disciplined or subjected to some adverse action for the same incident. *See Adamek v. United States Postal Service*, 11 MSPB 482, 13 M.S.P.R. 224, 226 (1982). There is no contention that the double jeopardy provision in the United States Constitution applies in employee discipline matters.” *Office of D.C. Controller v. Frost*, 638 A.2d 657, 664 n.13 (D.C. 1994). If the Union is contending that the U.S. Constitution applies in employee discipline matters, as its brief at times seems to suggest, then the Board has no jurisdiction over this claim. *Hunter v. AFSCME, Dist. Council 20, Local 2087*, 59 D.C. Reg. 3983, Slip Op. No. 1201 at p. 3, 05-U-22 (2011).

In addition to the Constitution, the Union also seems to base its double jeopardy claim on the CBA: “Here, the double jeopardy principle is crystallized in the parties’ fundamental fairness guarantee of the collective bargaining agreement, which incorporates the . . . D.C. Code provision that requires discipline to be imposed only for cause. *See* D.C. Code § 1-616.51. . . .” (Complainant’s Post-Hearing Brief at p.16). An alleged violation of the CBA does not state an unfair labor practice prohibited by the Comprehensive Merit Personnel Act. *F.O.P./Metro. Police Dep’t Labor Comm. v. D.C. Metro. Police Dep’t*, 46 D.C. Reg. 7605, Slip Op. No. 384 at p. 3, PERB Case No. 94-U-23 (1994).

The novel question of whether this alleged violation of the CBA (double jeopardy) also constitutes an unfair labor practice in violation of the Comprehensive Merit Personnel Act was neither argued in the Complainant’s brief nor presented by the facts of the case. The Hearing Examiner found “that the second discipline was the only final discipline that was ever imposed in this case.” (Report at p. 5). This finding is reasonable and supported by the record.

Therefore, the Board adopts the recommendation of the Hearing Examiner “that the Complainant has not proven that the Respondent committed an Unfair Labor Practice on the facts in this case.”

### ORDER

#### **IT IS HEREBY ORDERED THAT:**

1. The Complaint is dismissed.
2. Pursuant to Board Rule 559.1, this Decision and Order is final upon issuance.

#### **BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD**

Washington, D.C.

January 31, 2013

Decision and Order  
PERB Case No. 07-U-27  
Page 9

**CERTIFICATE OF SERVICE**

This is to certify that the attached Decision and Order in PERB Case No. 07-U-27 is being transmitted via U.S. Mail to the following parties on this the 1st day of February, 2013.



Adessa Barker  
Administrative Assistant

Marc L. Wilhite  
Pressler & Senftle P.C.  
1432 K St. NW, 12th Floor  
Washington, DC 20005

**VIA U.S. MAIL**

Mark Viehmeyer  
Metropolitan Police Department  
300 Indiana Ave. NW, room 4126  
Washington, DC 20001

**VIA U.S. MAIL**

Notice: This decision may be formally revised before it is published in the District of Columbia Register. Parties should promptly notify this office of any errors so that they may be corrected before publishing the decision. This notice is not intended to provide an opportunity for a substantive challenge to the decision.

**Government of the District of Columbia  
Public Employee Relations Board**

In the Matter of:	)	
	)	
American Federation of	)	
Government Employees, Local # 1000,	)	
	)	PERB Case No. 12-RC-01
Petitioner,	)	
	)	Opinion No. 1354
v.	)	
	)	
District of Columbia, Department of	)	
Employment Services,	)	
	)	
Respondent.	)	

**DECISION AND ORDER**

In a letter dated, December 6, 2012, the Executive Director notified the Petitioner that pursuant to Rule 501.13, the Recognition Petition in the above-captioned matter was not filed in accordance with Rule 501.6(c) as it did not contain the name, title, address, and telephone number of the person signing. In fact, no one had signed the Recognition Petition.

In accordance with Rule 501.4, the notice allowed the Petitioner ten (10) days from the date of the notice to cure the deficiency.

Rule 501.13 provides that “[f]ailure to cure deficiencies shall result in dismissal without further notice.” More than ten (10) days have passed since the notice, and as of January 31, 2012, the Petitioner has not cured the deficiency. Additionally, counsel for the Petitioner has advised that he has no objection to the dismissal of the petition. Therefore, pursuant to Rules 501.13 and 502.10(b), the petition is dismissed.

Decision and Order  
PERB Case No. 12-RC-01  
Page 2

**ORDER**

**IT IS HEREBY ORDERED THAT:**

1. The Recognition Petition in PERB Case No. 12-RC-01 is dismissed.
2. Pursuant to Board Rule 559.2, this Decision and Order is final upon issuance.

**BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD**

Washington, D.C.

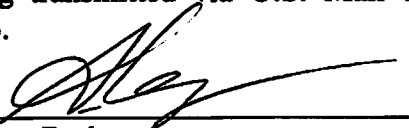
January 31, 2013



Decision and Order  
PERB Case No. 12-RC-01  
Page 3

**CERTIFICATE OF SERVICE**

This is to certify that the attached Decision and Order in PERB Case No. 12-RC-01 is being transmitted via U.S. Mail to the following parties on this the 1st day of February, 2013.



Adessa Barker  
Administrative Assistant

American Federation of Government Employees,  
Local 1000  
4058 Minnesota Ave. SE, suite 2501  
Washington, DC 20019

**VIA U.S. MAIL**

John Walker  
444 North Capitol St. NW, suite 841  
Washington, DC 20001

**VIA U.S. MAIL**

James T. Langford  
441 4th St. NW, suite 820 North  
Washington, DC 20001

**VIA U.S. MAIL**

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**Government of the District of Columbia  
Public Employee Relations Board**

_____	)	
In the Matter of:	)	
	)	
Calvin B. Stover	)	
	)	PERB Case No. 12-U-06
Complainant,	)	
	)	Opinion No. 1355
v.	)	
	)	
The Board of Trustees for the	)	
University of the District of Columbia,	)	
	)	
Respondent.	)	
_____	)	

**DECISION AND ORDER**

**I. Statement of the Case**

On October 28, 2011, Calvin Stover ("Complainant") filed an Unfair Labor Practice Complaint ("Complaint") against the Board of Trustees for the University of the District of Columbia ("Respondent" or "Employer"). Pursuant to Board Rule 501.13, the Executive Director notified the Complainant of deficiencies in the Complaint and provided additional time to the Complainant to correct them. The Complainant did not submit any additional information to correct the deficiencies. On January 18, 2012, Respondent filed its Answer to Complaint of Unfair Labor Practices ("Answer").

The Complaint alleges that Respondent committed unfair labor practices, when it retaliated against and wrongfully terminated the Complainant in violation of the D.C. Code § 1-615.51, *et seq.* (Complaint at 1).

The Answer denies the Complaint's allegations. In addition, the Answer asserts the affirmative defense that the Board lacks jurisdiction and the Complaint fails to assert claims for which relief may be granted. (Answer at 3).

**II. Discussion**

In January 2011, Complainant was appointed Respondent's Assistant Vice President of

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PERB Case No. 12-U-06  
Page 2 of 2

Human Resources. (Complaint at 2). That position is not in any bargaining unit. On July 1, 2011, the Complainant was terminated. *Id.* The Complaint alleges retaliation and wrongful termination for protected disclosures made by the Complainant in accordance with the D.C. Code § 1-615.51, *et seq.* (Complaint at 5-6).

The Comprehensive Merit Personnel Act ("CMPA") is the statutory authority for the Board. The Board is only empowered to hear and decide legal matters that are covered by the CMPA. The Board has primary jurisdiction to determine whether a particular act or omission constitutes an unfair labor practice under the CMPA. D.C. Code § 1-605.02. (2001 ed.). See *Hawkins v. Hall*, 537 A.2d 571 (D.C. Cir. 1981).

In order to determine the Board's jurisdiction, it is necessary to determine whether the allegations, if proven, would violate the D.C. Code § 1-617.04(a). While a Complainant need not prove his or her case on the pleadings, allegations must be pled or asserted that, if proven, would establish the alleged statutory violations. See *Virginia Dade v. National Association of Government Employees, Service Employees International Union, Local R3-06*, 46 D.C. Reg. 6876, Slip Op. No. 491, PERB Case No. 96-U-22 (1996); *Gregory Miller v. American Federation of Government Employees, Local 63, AFL-CIO and D.C. Department of Public Works*, 48 D.C. Reg. 6560, Slip Op. No. 371, PERB Case Nos. 93-S-02 and 93-U-25 (1994).

The Complaint alleges retaliation and termination for conduct in violation of the D.C. Code § 1-615.51, *et seq.* In addition, Mr. Stover is a non-bargaining unit employee, and his Complaint does not allege any violation of the CMPA. Consequently, the Complaint's alleged facts, viewed in the light most favorable to Complainant, do not raise any question as to whether the Employer, either directly or indirectly, took any action prohibited by §1-617.04(a). The Complaint's allegations fail to allege a cause of action under the CMPA over which the Board possesses jurisdictional authority.

As a result, Mr. Stover's Unfair Labor Practice Complaint is dismissed on the basis of failure to state a cause of action. Furthermore, the Executive Director notified the Complainant of filing deficiencies of the Complaint. The Complainant failed to correct these deficiencies. In accordance with Board Rule 501.13, a "[f]ailure to cure deficiencies shall result in dismissal without further notice." Therefore, the Complaint would have been dismissed for failing to cure procedural deficiencies, if the Board had jurisdiction to decide the Complaint.

### ORDER

#### **IT IS HEREBY ORDERED THAT:**

1. The Complaint filed by Mr. Stover is dismissed with prejudice.
2. Pursuant to Board Rule 559.1, this Decision and Order is final upon issuance.

**BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD**

February 1, 2013

**CERTIFICATE OF SERVICE**

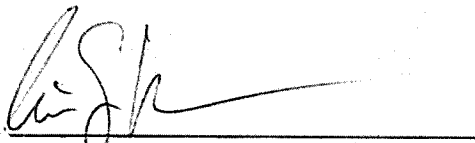
This is to certify that the attached Decision and Order in PERB Case No. 12-U-06 was transmitted via U.S. Mail to the following parties on February 1, 2013.

Calvin B. Stover  
490 Taylor Street, N.E.  
#J42  
Washington, D.C. 20017

**U.S. MAIL**

Andrea M. Bagwell  
Deputy General Counsel  
University of the District of Columbia  
4200 Connecticut Avenues, N.W.,  
Building 39, Suite 301-L  
Washington, D.C. 20008

**U.S. MAIL**



Erica J. Balkum, Esq.  
Attorney-Advisor  
Public Employee Relations Board  
1100 4th Street, SW  
Suite E630  
Washington, DC 20024  
Telephone: (202) 727-1822  
Facsimile: (202) 727-9116

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**Government of the District of Columbia  
Public Employee Relations Board**

In the Matter of:	)	
	)	PERB Case Nos. 09-U-41
	)	09-U-42
Fraternal Order of Police/Metropolitan	)	09-U-43
Police Department Labor Committee,	)	09-U-44
	)	10-U-01
Complainant,	)	10-U-14
	)	
v.	)	
	)	Opinion No. 1361
District of Columbia	)	
Metropolitan Police Department,	)	
	)	
Respondent.	)	

**DECISION AND ORDER**

**I. Statement of the Case**

On June 29, 2009, Complainant Fraternal Order of Police/Metropolitan Police Department Labor Committee (“FOP” or “Complainant”) filed four pleadings styled “Unfair Labor Practice Complaint and Request for Preliminary Relief,” alleging violations of the Comprehensive Merit Personnel Act (“CMPA”) by Respondent District of Columbia Metropolitan Police Department (“MPD” or “Respondent”). The four unfair labor practice complaints were assigned the case numbers 09-U-41, 09-U-42, 09-U-43, and 09-U-44. On September 30, 2009, the Board issued decisions and orders in these four cases (slip opinions 972, 974, 985, and 986). In these decisions and orders, the Board denied FOP’s requests for preliminary relief, consolidated the four cases, and referred the cases to a hearing examiner. On November 23, 2009, PERB Case No. 10-U-01 was administratively consolidated with the other unfair labor practice complaints. On April 10, 2010, PERB Case No. 10-U-14 was administratively consolidated with the group.

Hearings in the consolidated cases were held on January 25-28, February 1-4, and February 23, 2010. The parties submitted post-hearing briefs, and on October 4, 2010, Hearing Examiner Sean Rogers issued a Report and Recommendation (“Report”). FOP and MPD filed exceptions to the Report (“FOP Exceptions” and “MPD Exceptions”), and FOP filed an Opposition to Respondent’s Exceptions (“FOP Opposition”). On January 30, 2013, FOP filed a

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PERB Case No. 10-U-01, *et al.*  
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Line Withdrawing Complainant’s Exceptions to Hearing Examiner’s Report and Recommendations. The Report, MPD Exceptions, and FOP Opposition are now before the Board for disposition.

**II. Findings of Fact**

The six unfair labor practice complaints arise from a common set of facts. (Report at 9). In his Report, the Hearing Examiner found the following facts.

On May 30, 2009, an MPD officer shot and wounded a suspect, who then barricaded himself into an apartment building. (Report at 9). Officers from the Seventh District, the Special Operations Division, and the Emergency Response Team (“ERT”) responded to the barricade situation, and the ERT took command. *Id.* Throughout the incident, members of the ERT utilized radio communications to coordinate their actions. *Id.*

ERT Captain Jeffrey Herold assumed the role of Incident Commander, and ERT Lieutenant Scott Dignan assumed the role of Operations Section Chief. Herold was in command of the barricade situation, while Dignan was responsible for radio communication with the ERT team members at the barricade site, who would be responsible to taking the suspect into custody. *Id.* For radio communication purposes, Herold was designated as “ERT One,” and Dignan was designated as “Command” or “ERT Two.” *Id.* Two other ERT members, Sergeant Chambers and Sergeant Pope, were designated as “Alpha One” and “Delta One.” *Id.*

Dignan and The Hearing Examiner found that a 14:33 minute recording of ERT radio communications among Pope and Dignan “reveals the following dialogues relevant to these cases:”

- 08:31: Command to Alpha One, be advised I’m being ordered to give you the go to deploy gas. Copy?
- 08:49: Alpha One to ERT Two, if you deploy that gas and we are not prepared for that, we are not prepared to [inaudible] just yet, please standby for just five more minutes.
- 09:00: [ERT Two] Copy, I just need communication from you because I’m getting, ah, issues down here, I just need you to keep me informed so I can inform them because, I’m getting – pressured.
- 09:13: [Alpha One] I understand ERT Two, ‘cause I’m trying to put a couple of things in place here. If you can give me a couple of minutes, I’ll be happy to brief you.

\* \* \*

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PERB Case No. 10-U-01, *et al.*  
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09:40: Alpha One to ERT Two, would you let command know that we have been in contact with him again, and if they will please just give us a couple of minutes, I'm gonna try to resolve this...

09:50: [ERT Two]...I'll advise

\* \* \*

10:17: [Delta One replies to Charlie One]...also can you advise ERT One, Two, the Command and the Chief they're in a, ah, bad situation. I can see 'em from the front door here. So, if anything happens, they're in the line of fire.

10:37: [Charlie One] I'll tell them to move out of the way...

(Report at 10).

After the barricade incident was resolved, ERT members attended a debriefing by Lieutenant Dignan. *Id.* Officer Wendell Cunningham, an ERT sniper and FOP Vice Chairman, did not attend the debriefing. *Id.* Later, several bargaining unit ERT members who had been at the debriefing told Cunningham that Dignan said that the authorization to deploy gas at the barricade came from Mayor Fenty. (Report at 10-11). Cunningham testified that multiple bargaining unit ERT members told him they were concerned about the "pressure" to deploy gas and the high-ranking MPD officials who were in the line of fire at the scene of the barricade. (Report at 11).

Two days later, Cunningham met with FOP Chairman Kristopher Baumann, and suggested they look at the issues raised by the bargaining unit ERT members regarding the barricade situation. *Id.* Cunningham testified that he was responsible for overseeing the FOP Safety Committee, as well as FOP's other committees. *Id.* Baumann agreed that FOP should investigate the safety issues raised and told Cunningham "to see if we could get a copy of the tape" of the ERT radio communications. *Id.*

From his home e-mail account, Cunningham e-mailed a request for a recording of the barricade incident radio transmissions to the Office of Unified Communications ("OUC"). *Id.* Baumann instructed Cunningham to engage the FOP Safety Committee on the safety issues raised at the barricade. *Id.* OUC released a recording to Cunningham containing only the ERT side of the radio transmissions. (Report at 12). To pick up the recording from OUC, Cunningham signed and dated an OUC form that had been previously filled out for him by an OUC employee. *Id.*

On June 5, 2010, Baumann e-mailed portions of the recording to a reporter at the Washington Examiner. *Id.* The next day, Baumann e-mailed the same recording to a reporter at the Washington Post. *Id.* When MPD headquarters learned that the media had copies of the

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recording, it assigned Internal Affairs Bureau (“IAB”) Lieutenant Dean Welch to investigate. (Report at 13).

At the start of Welch’s interview with Cunningham, Welch asked Cunningham to sign a confidentiality agreement stating, in pertinent part, that:

You are being interviewed in connection with a confidential investigation. Therefore, you are hereby ordered not to discuss the contents of this interview with anyone other than the persons present in the interview. The only exception to this order allows you to discuss the matter with an attorney, if you choose to do so. Further, you are hereby ordered NOT to divulge, to anyone other than the persons present in this interview (with the exception of your attorney) the contents of any material (written, tape recorded, or otherwise) provided to you in connection with this confidential investigation. You are hereby further advised that violations of this order may result in disciplinary action against you.

(Report at 13). Cunningham objected to the form’s confidentiality restrictions, and informed Welch that he would be speaking to Baumann about the interview. *Id.* According to Cunningham, Welch had Cunningham note his objection on the record, and the interview continued. *Id.* At a subsequent interview, Cunningham informed Welch that he had discussed the interview with Baumann and had showed Baumann the OUC form Cunningham had signed to receive the ERT recording. (Report at 14).

Based on Cunningham’s interviews, Welch e-mailed Baumann stating “I need you to contact me in reference to scheduling an interview concerning an administrative investigation I am conducting.” (Report at 15). Baumann received and read the e-mail during a break in an unrelated FOP grievance arbitration hearing, where he was testifying on behalf of FOP. *Id.*

While in the lobby waiting for his interview with Welch, Baumann had a conversation with IAB Lieutenant Paul Charity. *Id.* According to Baumann, he informed Charity that when Baumann was in his role as FOP Chairman, he could say and do things that he could not do as a regular MPD officer. (Report at 16). According to Charity, Baumann stated that he was immune from all MPD policy. *Id.* Charity left and Welch conducted the IAB interview. *Id.*

Baumann protested the timing of the IAB interview because it prevented him from attending the funeral of Stephen Johns, the security guard killed in the line-of-duty at the U.S. Holocaust Memorial Museum. (Report at 17). When Welch informed Baumann that the IAB interview involved the barricade incident, Baumann stated that he was not at the barricade, and that any questions Welch asked might involve his role as FOP Chairman and therefore violated Article 9<sup>1</sup> of the parties’ collective bargaining agreement (“CBA”). *Id.* Baumann asserted that

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<sup>1</sup> Article 9, Section 4 states:

5. The Labor Committee Chairman shall be entitled to use up to forty (40) hours each week for the purpose of carrying out his representational responsibilities under this Agreement and applicable law. The Labor Committee Chairman shall respond to inquiries by the Department’s



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his knowledge of the barricade incident was related to his representational duties as FOP Chairman, and involved internal FOP issues. *Id.* Welch ended the interview and awaited instructions from his supervisors on whether he could question Baumann. (Report at 18).

At the second interview, Baumann asserted that he had a legal privilege that relieved him of the obligation to answer Welch's questions about his duties as FOP Chairman. *Id.* Further, Baumann stated that Article 9 of the parties' CBA prevented IAB from asking questions about his representational activities. *Id.* Welch insisted that Baumann must answer his questions based on MPD General Order 120.21, which provides for the removal of officers who fail to obey orders and directives of the Chief of Police. *Id.* Under protest, Baumann answered Welch's questions regarding how Baumann came into possession of the ERT recording and its release to the media. *Id.*

Welch forwarded his investigative report and recommendations to the Chief of Police. (Report at 14, 18). Welch recommended that MPD sustain the misconduct allegations that Cunningham obtained the ERT recording without proper authorization, and that Cunningham released confidential information from the IAB investigation to Baumann. (Report at 14). Further, Welch recommended sustaining a misconduct allegation that Cunningham's conduct was conduct unbecoming an officer, detrimental to good discipline, and would adversely affect Cunningham or MPD's ability to perform effectively. *Id.*

As a result, MPD served Cunningham with a proposed 5 day suspension for the charge of violating General Order 120.21 through "conduct unbecoming an officer." *Id.* The first specification of that charge asserted that Cunningham requested a copy of the ERT radio transmissions under false pretenses. *Id.* The second specification asserted that Cunningham violated the IAB interview confidentiality order by discussing the interview with Baumann and showing Baumann the OUC release form. MPD found Cunningham guilty of the charge and specifications, and sustained the 5 day suspension. *Id.* FOP appealed to the Chief of Police, who denied the appeal, but dismissed the second specification and reduced the discipline to a 3 day suspension. *Id.*

With regard to Baumann, Welch recommended sustaining the misconduct allegations that Baumann obtained the ERT recording without proper authorization. (Report at 18). Further, because Baumann released the recording to the media four days before beginning a FOP Safety Committee investigation, Welch found that the recording was provided to the media as a means to discredit MPD and its officials. *Id.* Additionally, Welch recommended sustaining a misconduct allegation that Baumann's conduct was conduct unbecoming an officer, detrimental to good discipline, and would adversely affect Baumann or MPD's ability to perform effectively. *Id.*

As a result, MPD served Baumann with a proposed 5 day suspension. *Id.* The first charge stated that Baumann violated General Order 120.21 through "failure to obey orders and directives." *Id.* The specification under that charge asserted that Baumann released a copy of

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Labor Relations Representatives regarding the type and number of representational activities engaged in for a particular period; such inquires to be reasonable in number and nature.

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the ERT radio transmissions to the media without authorization. (Report at 19). The second charge stated that Baumann violated General Order 120.21 by failing to obey or observe the rules, regulations, and orders related to discipline and performance. *Id.* The specification under the second charge asserted that Baumann released the ERT recording to the media prior to initiating a safety investigation consistent with his role as FOP Chairman, and intended to discredit MPD. *Id.* MPD found Baumann guilty of the charges and specifications, and sustained the 5 day suspension. *Id.* The Chief of Police denied FOP's appeal, but dismissed the second charge and specification, and reduced the discipline to a 3 day suspension. *Id.*

The Hearing Examiner noted that as of October 2010, MPD had not imposed the 3 day suspensions on Baumann or Cunningham. *Id.*

### III. Hearing Examiner's Report and Recommendation

In his Report, the Hearing Examiner noted that the relevant facts, evidence, and testimony in the six unfair labor practice complaints are "very simple and clear," and that his Report would "focus only on the substantive, relevant facts, and material evidence and testimony while setting aside the meritless claims and arguments advanced by the parties." (Report at 20).

The Board will affirm a hearing examiner's findings of fact if they are reasonable, supported by the record, and consistent with Board precedent. *American Federation of Government Employees, Local 1403 v. D.C. Office of the Attorney General*, 59 D.C. Reg. 3511, Slip Op. No. 873 at p. 3; PERB Case Nos. 05-U-32 and 05-UC-01 (2011). Issues of fact concerning the probative value of evidence and credibility resolutions are reserved to the Hearing Examiner. *Hatton v. Fraternal Order of Police/Dep't of Corrections Labor Committee*, 47 D.C. Reg. 769, Slip Op. No. 451 at p. 4, PERB Case No. 95-U-02 (1995).

#### A. PERB Case No. 09-U-41

In PERB Case No. 09-U-41, FOP asserted that MPD violated D.C. Code § 1-617.04(a) when it interfered with, restrained, intimidated, and retaliated against FOP Chairman Baumann by interrupting him with an e-mail from IAB while he was testifying in his representational capacity at an arbitration. (Report at 21). Further FOP alleged that this interruption constituted a repudiation of CBA Article 9. *Id.* Following MPD's decision to suspend Baumann for his alleged misconduct during the barricade incident, FOP amended its complaint in PERB Case No. 09-U-41 to allege a pattern of interference, retaliation, and coercion against Baumann and the FOP. *Id.*

MPD contended that FOP failed to establish a *prima facie* case of retaliation concerning Baumann's testimony at the arbitration and the IAB e-mail. (Report at 22). While MPD concedes that Baumann was engaged in protected activity while testifying at the arbitration, it alleges that FOP failed to prove that IAB, and specifically Welch, knew that Baumann was testifying, had a Blackberry, and would receive the IAB e-mail during the arbitration. *Id.* Further, MPD alleges that the relief for a unilateral change in a term or condition specifically covered by a CBA does not lie within PERB's statutory authority. (Report at 23). MPD states

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that there is no evidence supporting the claim that MPD repudiated the CBA or that FOP demanded to bargain over any alleged unilateral change. *Id.*

Regarding Baumann's 3 day suspension, MPD alleges that even if Baumann were engaged in protected activity when releasing the ERT recording to the media, the discipline was for a legitimate business reason. *Id.* According to MPD, the ERT radio communications were secure, could not be intercepted, related to two on-going criminal investigations, and contained ERT tactical information which should not be publicly revealed. *Id.*

In his Report, the Hearing Examiner found no evidence to support FOP's allegation that MPD repudiated the CBA when it e-mailed Chairman Baumann with notice of the IAB interview. (Report at 24). Further, the Hearing Examiner determined that the parties' CBA was still in effect, and that FOP's initial Complaint in 09-U-41 alleges a violation of the CBA, not the CMPA. *Id.* Citing to *AFGE Local 2741 v. D.C. Dep't of Recreation and Parks*, 46 D.C. Reg. 6502, Slip Op. No. 588, PERB Case No. 98-U-15 (1999)<sup>2</sup>, the Hearing Examiner concluded that the Board lacks jurisdiction over alleged violations of a CBA. (Report at 24). Therefore, the Hearing Examiner granted MPD's Motion to Dismiss PERB Case No. 09-U-41. *Id.*

Next, the Hearing Examiner considered FOP's allegation in the amended complaint that MPD's disciplinary action against Chairman Baumann was motivated by anti-union animus and constituted retaliation, intimidation, or coercion in violation of D.C. Code § 1-617.04(a). (Report at 25). Applying the *Wright Line* test, the Hearing Examiner concluded that Chairman Baumann was at all times acting in his representational capacity as FOP Chairman, and that the timing of FOP Safety Committee investigation was irrelevant. (Report at 26). Further, the Hearing Examiner concluded that Baumann acted on workplace safety concerns raised by bargaining unit members, which are a condition of employment. *Id.* Based on these conclusions, the Hearing Examiner determined that Baumann's release of the ERT recordings to the media was protected activity and protected speech, and therefore FOP had proven a *prima facie* case that Baumann's discipline was based on anti-union animus and retaliation. (Report at 26-27).

Under *Wright Line*, the burden then shifted to MPD to prove that it would still have disciplined Baumann in the absence of the protected activity. (Report at 27). MPD advanced several justifications of its discipline of Baumann: that the ERT recording was obtained through deliberate subterfuge between Cunningham and Baumann; that the recording's release would have been blocked by the two ongoing criminal investigations of the barricade incident; and that the release of the recording was reckless because it contained secure ERT radio communications and confidential tactical information. (Report at 27-29).

The Hearing Examiner found no basis in the record for MPD's allegation that the ERT recording was obtained through deliberate subterfuge between Baumann and Cunningham. *Id.* Additionally, the Hearing Examiner rejected MPD's contention that Baumann's discipline was

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<sup>2</sup> In *AFGE Local 2741*, the Board held that "[w]here the parties have agreed to allow their negotiated agreement to establish the obligations that govern the very acts and conduct alleged in the complaint as statutory violations of the CMPA, the Board lacks jurisdiction over the complaint allegations."

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justified because the recording's release would have been blocked by ongoing criminal investigations. *Id.* In support of this conclusion, the Hearing Examiner found that Welch's IAB investigation established that both investigators involved in the criminal investigations released the recordings to Cunningham. (Report at 27, *citing* Union Exhibit 19). Further, no witnesses confirmed MPD's allegation that the ERT recording contained secure or confidential tactical information. (Report at 26). The Hearing Examiner found it particularly compelling that "MPD could have called as witnesses, but did not call, the ERT Team members at the barricade who could have testified with particularity about confidential ERT tactical information on the recording." (Report at 28).

In addition to rejecting MPD's justification for Baumann's discipline, the Hearing Examiner further rejected the specifics of the disciplinary action. (Report at 29). In her appeal decision, Chief Lanier stated in part:

After a thorough review of the record, I have decided to deny your appeal. However, I have decided to dismiss the prejudicial conduct charge and reduce the penalty in this case to a three (3)-day suspension without pay.

(Report at 29). The Hearing Examiner concluded that the language of Chief Lanier's decision is "arguably double-talk," and "denies Baumann's appeal and yet, she dismisses the second charge without explanation." *Id.* Further, the Hearing Examiner found that "Lanier's dismissal of the second charge is an attempt to avoid the obvious interference into internal union business and to masks or deflect the intimidation and coercion for union activity which the entire disciplinary action represents." *Id.* Therefore, the Hearing Examiner concluded that as Baumann was engaged in protected activity and speech, MPD's discipline violates the CMPA and must be rescinded. *Id.*

MPD filed Exceptions to the Hearing Examiner's conclusion that the disciplinary action violated the CMPA, and FOP filed an Opposition to MPD's Exceptions on this point. This determination will be discussed below.

B. PERB Case No. 09-U-42

In PERB Case No. 09-U-42, FOP alleged that MPD violated D.C. Code § 1-617.04(a) by subjecting FOP officers to IAB interrogations. (Report at 30). The Hearing Examiner noted that in support of this contention, FOP asserted that Baumann's activities and speech are protected by the labor relations privileges reflected in the CMPA, and that the parties' CBA only permits inquiries by MPD's labor relations department, not IAB officers. *Id.* Further, FOP alleged that MPD violated the CMPA by scheduling Baumann's IAB interview so that he could not attend the funeral of Stephen Johns. (Report at 32).

In response, MPD stated that the IAB interviews were narrowly targeted to test FOP's claims about the FOP Safety Committee investigation, and that FOP failed to establish facts that MPD violated Baumann's rights under the CMPA. (Report at 31).

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In his report, the Hearing Examiner dismissed FOP's allegation that the IAB interview was scheduled to conflict with the Stephen Johns funeral as "ungrounded in and unrelated to any legal theory in the record," as well as unsupported by record evidence or PERB precedent. (Report at 32). The Board agrees, and affirms this conclusion as reasonable and supported by the record.

The Hearing Examiner concluded that FOP's allegations in PERB Case No. 09-U-42 hinge on its interpretation of Article 9, Section 4, Paragraph 5 of the parties' CBA, which states that the FOP Chairman "shall be entitled to use up to forty (40) hours each week for the purpose of carrying out his representational responsibilities under this Agreement and applicable law," and that he:

shall respond to inquiries by the Department's Labor Relations Representatives regarding the type and number of representational activities engaged in for a particular period; such inquires to be reasonable in number and in nature.

(Report at 32). The Hearing Examiner concluded that the CBA is silent regarding Baumann's obligation to respond to IAB inquiries related to his performance of sworn police officer duties and responsibilities. (Report at 33). Further, the Hearing Examiner found that whether that silence establishes that Baumann "is subject to IAB orders to report for an interview and must respond to IAB investigators only as regards his sworn police officer duties and responsibilities is a matter of contract interpretation which is beyond the scope of the Hearing Examiner's jurisdiction." *Id.* Finally, the Hearing Examiner concluded that the record established that IAB did not engage in any conduct which violated Baumann's assertion of a labor relations privilege based on his role as FOP Chairman. (Report at 33). Therefore, the Hearing Examiner granted MPD's motion to dismiss the Complaint in PERB Case No. 09-U-43. (Report at 34).

The parties did not except to the Hearing Examiner's conclusion regarding Baumann's assertion of a labor relations privilege. The Board finds that the Hearing Examiner's findings are reasonable, supported by the record, and consistent with Board precedent. FOP's allegations in PERB Case No. 09-U-42 depend on an interpretation of the parties' CBA. Disputes concerning contract interpretation and alleged contract violations should be properly resolved through negotiated grievance procedures. *See American Federation of Government Employees v. D.C. Dep't of Corrections*, 48 D.C. Reg. 6549, Slip Op. No. 59 at p. 4, PERB Case No. 83-U-03 (1983). Further, the Board does not have the authority to interpret a CBA to determine the merits of a cause of action...that may be otherwise properly within its jurisdiction. *See American Federation of Government Employees, Local 2725 v. D.C. Housing Authority*, 46 D.C. Reg. 672, Slip Op. No. 488 at p. 2, PERB Case No. 96-U-19 (1996). Therefore, the Board affirms the Hearing Examiner's recommendation, and MPD's motion to dismiss is granted.

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C. PERB Case No. 09-U-43

The Hearing Examiner found that PERB Case No. 09-U-43 involves the same facts described in PERB Case No. 09-U-41 relating to the IAB e-mail read by Chairman Baumann during a break in his testimony at the arbitration hearing. (Report at 34). Specifically, FOP asserts that Chairman Baumann was engaged in protected union activity while testifying at the arbitration, that MPD knew Baumann was testifying at the arbitration hearing when the IAB e-mail was sent, that the MPD e-mail showed express anti-union animus towards Baumann as an FOP witness at the hearing, and that MPD attempted to interfere with or restrain Baumann by initiating the IAB investigation while Baumann was the sole FOP witness at the arbitration hearing. *Id.*

In its Motion to Dismiss PERB Case No. 09-U-43, MPD asserted that this dispute should be resolved through the grievance arbitration procedure in the parties' CBA, and that PERB does not have jurisdiction. (Report at 34-35).

The Hearing Examiner concluded that FOP failed to meet its burden of proof to show that MPD violated the CMPA when Welch sent the IAB interview notification e-mail to Baumann. (Report at 35). The Hearing Examiner stated that while Baumann was unquestionably engaged in protected activity while testifying at the arbitration hearing, there was no evidence in the record to show that Welch knew Baumann was testifying at the arbitration hearing when the e-mail was sent, or knew that Baumann had a Blackberry and would check his e-mails during the hearing. *Id.* In support of his conclusion, the Hearing Examiner credited Welch's testimony on "how he came to send the June 17, 2009, e-mail to Baumann" as "credible, forthright, and candid," while FOP's allegations of Welch's motivation were "vague, speculative, and nothing more than inferences without support in the record." *Id.* The Hearing Examiner recommended that MPD's Motion to Dismiss PERB Case No. 09-U-43 be granted. (Report at 35).

Neither party filed exceptions to the Hearing Examiner's conclusions in PERB Case No. 09-U-43. The Board finds that the Hearing Examiner's findings are reasonable, supported by the record, and consistent with Board precedent. Issues of fact concerning the probative value of evidence and credibility resolutions are the province of the hearing examiner. *Hatton*, Slip Op. No. 451 at p.4. The Hearing Examiner's determination that no evidence existed to show Welch knew Baumann was testifying at the arbitration hearing when the e-mail was sent, or knew that Baumann had a Blackberry and would check his e-mails during the hearing was based upon the record and testimony from Welch. The Board will not question the Hearing Examiner's findings and credibility determinations. (Report at 35). Therefore, the Board affirms the Hearing Examiner's recommendation, and MPD's motion to dismiss is granted.

D. PERB Case No. 09-U-44

The facts of this complaint arise from Baumann's conversation with IAB Lieutenant Charity while waiting for his IAB interview with Welch. (Report at 36). In this Complaint, the Hearing Examiner summarized FOP's allegations as 1) MPD interfered, restrained, or coerced

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Baumann by having Charity require Baumann to report to IAB for an interview with Welch; 2) MPD violated Baumann's CMPA rights through Charity's conversation with Baumann when he threatened to discipline Baumann, thereby chilling Baumann's exercised of his protected representational rights; and 3) MPD repudiated Article 9 of the parties' CBA through Charity's communication with Baumann. *Id.*

In his Report, the Hearing Examiner noted that Baumann and Charity's testimony regarding critical facts of their conversation varied significantly. (Report at 36). Specifically, both men testified that the other was "agitated" and that they were "calm." *Id.* The Hearing Examiner found that "the testimony of each witness on the other's affect is, for the most part, self-serving and, on balance, unreliable." *Id.* To determine if Charity's conduct violated the CMPA, the Hearing Examiner made a credibility determination concerning the witnesses' testimony about their conversation in the IAB waiting room. *Id.* The Hearing Examiner concluded that Baumann's demeanor while testifying about the conversation was "candid and wholly credible," while Charity was "guarded," "elliptical," and "vague." (Report at 37). Despite Charity's demeanor, the Hearing Examiner could not conclude that Charity was not credible, and on balance, the Hearing Examiner found that neither witness "testified with sufficient credible force and material weight to determine what each really said to the other." *Id.*

The Hearing Examiner concluded that regardless of the conversation between Baumann and Charity, MPD took no action against Baumann based on his statements. (Report at 37). Further, the conversation was not witnessed by any bargaining unit members, which would have established that Charity's alleged threats against Baumann constituted an attack on FOP's status as exclusive representative. *Id.* Ultimately, the Hearing Examiner found that FOP failed to prove that MPD violated the CMPA through Charity's conversation with Baumann in the IAB waiting room. (Report at 37-38).

Additionally, for the same reasons stated in his discussion of PERB Case No. 09-U-41, the Hearing Examiner rejected FOP's allegation that Charity's actions represented a repudiation of the CMPA. (Report at 38). Further, relying on his reasoning in PERB Case Nos. 09-U-41, 09-U-42, and 09-U-43, the Hearing Examiner found that PERB lacked jurisdiction over the alleged unfair labor practice violation because FOP alleges a CBA violation to be resolved by the CBA's grievance and arbitration procedures. *Id.* Therefore, the Hearing Examiner granted MPD's Motion to Dismiss PERB Case No. 09-U-44. *Id.*

Neither party filed exceptions to the Hearing Examiner's conclusions that Charity's actions did not repudiate the CMPA, or that PERB lacks jurisdiction because FOP alleges a violation of the parties' CBA. The Board finds that the Hearing Examiner's findings are reasonable, supported by the record, and consistent with Board precedent. Issues of fact concerning the probative value of evidence and credibility resolutions are the province of the hearing examiner. *Hatton*, Slip Op. No. 451 at p.4. The Hearing Examiner's determination that no evidence existed to show that Charity's statements to Baumann violated the CMPA was based upon the record and testimony from Charity and Baumann. The Board will not question the Hearing Examiner's findings and credibility determinations. (Report at 37-38).

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Additionally, FOP's allegations in PERB Case No. 09-U-44 turn on an alleged violation of the parties' CBA. Disputes concerning alleged contract violations should be properly resolved through negotiated grievance procedures. *See American Federation of Government Employees, Slip Op. No. 59 at p. 4.* Further, the Board does not have the authority to interpret a CBA to determine the merits of a cause of action...that may be otherwise properly within its jurisdiction. *See American Federation of Government Employees, Local 2725, Slip Op. No. 488 at p. 2.* Therefore, the Board affirms the Hearing Examiner's recommendations, and MPD's motion to dismiss is granted.

E. PERB Case No. 10-U-01

In PERB Case No. 10-U-01, FOP alleged that MPD repudiated Article 17 of the parties' CBA and unilaterally altered the past practice regarding the Joint Safety Committee by failing to recognize the Joint Safety Committee, in violation of D.C. Code § 1-617.04(a). (Report at 38). The Hearing Examiner stated:

FOP bases this ULP on ¶ 9 of MPD's August 26, 2009 *Answer to FOP's July 24, 2009 Complaint* in Federal District Court for the District of Columbia (DCDC) concerning alleged MPD violations of the *DC Whistleblower Protection Act* and the *DC Police Investigations Concerning First Amendment Activities Act of 2004*.

(Report at 38). Paragraph 9 of MPD's *Answer to FOP's DCDC Complaint* states:

Defendants lack knowledge and information sufficient to admit or deny the existence of a FOP Safety Committee and the nature of its activities, if any. Defendant denies that any such FOP Safety Committee is a constituent part of the MPD Joint Safety Committee.

(Report at 39).

In its Motion to Dismiss PERB Case No. 10-U-01, MPD contended that the unfair labor practice complaint alleged a violation of CBA Article 17, which must be resolved through the CBA's grievance and arbitration procedure. (Report at 39).

In his Report, the Hearing Examiner concluded that while the plain language of the Complaint in PERB Case No. 10-U-01 asserts that MPD's actions allegedly constituted a breach of the CBA, FOP produced no evidence to support its claim. (Report at 39). Further, for the same reasons advanced in his consideration of PERB Case Nos. 09-U-41, 09-U-42, 09-U-43, and 09-U-44, the Hearing Examiner determined that the alleged unfair labor practice complaint alleged a violation of the parties' CBA, not the CMPA. *Id.* Therefore, the Hearing Examiner granted MPD's Motion to Dismiss PERB Case No. 10-U-01. *Id.*



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The parties did not file exceptions to the Hearing Examiner's conclusions in PERB Case No. 10-U-01. The Board finds that the Hearing Examiner's findings are reasonable, supported by the record, and consistent with Board precedent. Issues of fact concerning the probative value of evidence and credibility resolutions are the province of the hearing examiner. *Hatton*, Slip Op. No. 451 at p.4. The Hearing Examiner's determination that FOP failed to produce evidence to support its unfair labor practice complaint was based on the record. (Report at 39). Additionally, FOP alleged a violation of Article 17 of the parties' CBA, which is beyond the scope of the Board's jurisdiction without evidence to support an unfair labor practice charge. *See American Federation of Government Employees*, Slip Op. No. 59 at p. 4. Therefore, the Hearing Examiner's recommendation is affirmed, and MPD's motion to dismiss is granted.

F. PERB Case No. 10-U-14

In PERB Case No. 10-U-14, FOP alleged that MPD interfered with, coerced, or restrained Vice Chairman Cunningham in the exercise of his CMPA rights by proposing discipline against him for communicating with Baumann regarding Cunningham's IAB interview, and that the proposed discipline was in retaliation for Cunningham's exercise of protected union activity and speech. (Report at 40).

The Hearing Examiner noted Cunningham's testimony that Welch did not advise him that he could not speak to Baumann. (Report at 40). Further, Cunningham testified that he was entitled to speak with Baumann about any topic touching on union functions, and that Cunningham discussed his IAB interview with Baumann and shared a copy of the OUC form Cunningham signed when acquiring the ERT recording. *Id.* Based upon the IAB investigation, MPD proposed a 5-day suspension for Cunningham for conduct unbecoming an officer, specifically for requesting the ERT recording under false pretenses, and sharing information from the IAB interview with Baumann. (Report at 40-41). Chief Lanier denied FOP's appeal of the suspension, but reduced the suspension to 3 days and dismissed the "sharing information" specification. (Report at 41).

In his Report, the Hearing Examiner stated that FOP did not include an argument in support of its allegations in PERB Case No. 10-U-14, "except the parenthetical number '(10-U-14)' beside the caption of FOP's argument in PERB Case No. 09-U-42." (Report at 41).

MPD alleged that it is clear IAB investigations are confidential, and interviews may not be discussed with anyone except union representatives and attorneys. *Id.* MPD maintained that FOP's attempt to cast Cunningham's actions as a union activity is disingenuous. *Id.* Further, MPD alleged that no unfair labor practice was committed because MPD never imposed the proposed suspension. *Id.* Finally, MPD contended that Baumann and Cunningham's actions in procuring the ERT transmission under false pretenses and releasing it to the media are not protected activities because both parties participated in the misconduct. *Id.*

In his findings in PERB Case No. 09-U-42, the Hearing Examiner determined that there is no credible evidence of subterfuge between Cunningham and Baumann in Cunningham's acquiring the ERT recording. (Report at 41). The Hearing Examiner reiterated this finding in

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his consideration of 10-U-14, concluding that Cunningham acted alone in obtaining the ERT recording, and dismissing MPD's allegation of misconduct. (Report at 42).

Further, the Hearing Examiner determined that the IAB interview about Cunningham's discussions with Baumann about the barricade incident constituted interference, intimidation, and coercion in violation of the CMPA. *Id.* The Hearing Examiner concluded that IAB's confidentiality requirement violates D.C. Code § 1-617.04(a) because it interferes with internal union business, protected representational activities, and protected speech. (Report at 43). Additionally, "under the unique facts of this case," the Hearing Examiner found that MPD's discipline of Cunningham, based on the second specification of conduct unbecoming a police officer, constituted interference, intimidation, and coercion of Cunningham in the exercise of his CMPA rights. *Id.* As Chief Lanier's denial of Cunningham's appeal sustained this illegal discipline, the Hearing Examiner concluded that the disciplinary action must be withdrawn, and Cunningham made whole. (Report at 44).

MPD filed Exceptions to the Hearing Examiner's conclusion that the disciplinary action and Cunningham's questioning during the IAB interview violated the CMPA. FOP filed an Opposition to MPD's Exceptions on these points. These determinations will be discussed below.

G. Summary of Hearing Examiner's Recommendations

The Hearing Examiner recommended that:

1. MPD's Motion to Dismiss PERB Case No. 09-U-41 is granted, and FOP's ULP Complaint dismissed with prejudice as to FOP's claims in its initial Complaint that MPD repudiated Article 9 of the parties' CBA. FOP's claims in its Amended Complaint, that Baumann was disciplined in violation of the CMPA, is sustained.
2. MPD's Motion to Dismiss PERB Case No. 09-U-42 is granted, and FOP's ULP Complaint is dismissed with prejudice.
3. MPD's Motion to Dismiss PERB Case No. 09-U-43 is granted, and FOP's ULP Complaint is dismissed with prejudice.
4. MPD's Motion to Dismiss PERB Case No. 09-U-44 is granted, and FOP's ULP Complaint is dismissed with prejudice.
5. MPD's Motion to Dismiss PERB Case No. 10-U-01 is granted, and FOP's ULP Complaint is dismissed with prejudice.
6. FOP's ULP Complaint that Cunningham was disciplined in violation of the CMPA is sustained.

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#### H. Recommended Remedies

In his Report, the Hearing Examiner noted that FOP's unfair labor practice complaints requested "many forms of relief as remedy for MPD's CMPA violations which are arguably extraordinary." (Report at 46). Examples of this "extraordinary" relief are "requests to impose discipline against MPD officials," and "orders to prohibit MPD officials from holding positions that would require contract or authority over FOP bargaining unit members." *Id.* The Hearing Examiner concluded that these requested remedies are "arguably specious," and rejected them as beyond the scope of PERB's jurisdiction. *Id.*

The Board upholds this conclusion as reasonable, supported by the record, and consistent with PERB precedent. The Board's remedial authority is provided under D.C. Code § 1-605.2(3) and D.C. Code § 1-617.13. Under D.C. Code § 1-605.2(3), the Board may "[d]ecide whether unfair labor practices have been committed and issue an appropriate remedial order. D.C. Code § 1-617.13 permits the Board to:

Withdraw or decertify recognition of a labor organization; direct a new representation election; recommend that disciplinary action be taken against an employee or group of employees by an appropriate agency head; reinstate, with or without back pay, or otherwise make whole, the employment or tenure of any employee, who the Board finds has suffered adverse economic effects in violation of this subchapter, through for adequate cause under the provisions of subchapter XVI-A of this subchapter; compel bargaining in good faith; compel a labor organization or the District to desist from conduct prohibited under this subchapter; or direct compliance with the provisions of this subchapter.

Additionally, the Board may order the payment of reasonable costs. D.C. Code § 1-617.13(a) and (c). The remedies requested by FOP clearly exceed the scope of the Board's remedial authority, and therefore must be denied.

The Hearing Examiner granted FOP's request for reasonable costs as in the interest of justice, finding that MPD's violations in PERB Case Nos. 09-U-41 and 10-U-14 were egregious, and that MPD officials knew or should have known that their actions violated the CMPA. (Report at 46).

The Board finds that the grant of reasonable costs is reasonable, supported by the record, and consistent with Board precedent. D.C. Code § 1-617.13(d) provides that "[t]he Board shall have the authority to require the payment of reasonable costs incurred by a party to a dispute from the other party or parties as the Board may determine." The Board addressed the criteria for determining whether costs should be awarded in *AFSCME, D.C. Council 20, Local 2776 v. District of Columbia Department of Finance and Revenue*, 73 D.C. Reg. 5658, Slip Op. No. 245 at pp. 4-5, PERB Case No. 98-U-02 (2000):

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First, any such award of costs necessarily assumes that the party to whom the payment is to be made was successful in at least a significant part of the case, and that the costs in question are attributable to that part. Second, it is clear on the fact of the statute that it is only those costs that are "reasonable" that may be ordered reimbursed...Last, and this is the [crux] of the matter, we believe such an award must be shown to be in the interest of justice.

Just what characteristics of a case will warrant the finding that an award of costs will be in the interest of justice cannot be exhaustively catalogued...What we can say here is that among the situation in which such an award is appropriate are those in which the losing party's claim or position was wholly without merit, those in which the successfully challenged action was undertaken in bad faith, and those in which a reasonably foreseeable result of the successfully challenged conduct is the undermining of the union among the employees for whom it is the exclusive representative.

The Hearing Examiner found that MPD's violations in PERB Case Nos. 09-U-41 and 10-U-14 were egregious, and that MPD officials knew or should have known that their actions violated the CMPA. (Report at 46). MPD's actions in this regard were wholly without merit in this regard, and an award of costs is in the interest of justice.

The Hearing Examiner denied FOP's request for attorney fees because PERB has no power to order the payment of such fees. (Report at 46). The Board affirms this conclusion as consistent with Board precedent. *American Federation of Government Employees, Local 631 v. D.C. Dep't of Public Works*, 59 D.C. Reg. 5981, Slip Op. No. 1001 at p. 2, PERB Case No. 05-U-43 (2009).

To remedy MPD's violations in PERB Case Nos. 09-U-41 and 10-U-14, the Hearing Examiner recommended that the Board order MPD to:

1. Cease and desist from interfering, restraining, or coercing FOP in the exercise of its rights guaranteed by D.C. Code § 1-617, et seq., by disciplining FOP officials for engaging in protected union representational activities and speech when they are acting in a representational capacity;
2. Immediately withdraw *in toto*, and with prejudice, the disciplinary action against FOP Chairman Kristopher Baumann, expunge all personnel records concerning the disciplinary action, and reimburse him for any lost salary and benefits;
3. Immediately withdraw *in toto*, and with prejudice as regards the second specification, the disciplinary action against FOP Vice Chairman Wendell

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Cunningham, expunge all personnel records concerning the disciplinary action, and reimburse him for any lost salary and benefits;

4. Post for 30 days a notice, where notices to employees are ordinarily posted in the workplace, stating that the MPD has violated D.C. Code § 1-617.04(a)(1) when MPD Chief Cathy Lanier disciplined FOP Chairman Kristopher Baumann and FOP Vice Chairman Wendell Cunningham when they were engaged in protected union representational activities and speech;
5. Pay FOP's costs in the litigation of PERB Case Nos. 09-U-41, as regards the Amended Complaint, and 10-U-14; and
6. Any other relief that the Board deems appropriate.

(Report at 46-47). The Board finds that these proposed remedies are reasonable, supported by the record, and consistent with Board precedent. Therefore, these remedies are adopted by the Board.

#### IV. Exceptions

FOP and MPD filed exceptions to various parts of the Hearing Examiner's Report and Recommendation, and FOP filed an Opposition to MPD's Exceptions. FOP's Exceptions were subsequently withdrawn.

##### A. MPD's Exceptions

MPD filed exceptions to the Hearing Examiner's conclusion that there was no evidence of deliberate subterfuge by Baumann and Cunningham in securing the ERT recordings. (MPD Exceptions at 1). Further, MPD disputes the Hearing Examiner's finding that Cunningham was disciplined for his communication with Baumann regarding the IAB interview, and that the questioning of Cunningham at the IAB interview violated the CMPA. (MPD Exceptions at 1-2).

In his Report, the Hearing Examiner concluded that MPD's allegation that Cunningham and Baumann engaged in deliberate subterfuge when obtaining the ERT recording was "unsupported by any evidence in the record." (Report at 27). Additionally, the Hearing Examiner found that the recordings were not secure, and that there was no evidence to show that the recordings contained tactical information. *Id.* In their Exceptions, MPD asserts that these conclusions are directly contradicted by the evidence in the record. (MPD Exceptions at 3).

First, MPD asserts that although Baumann and Cunningham testified that they obtained the ERT recording to assist the FOP Safety Committee in performing its investigation, "the request was notably devoid of any such representations," and the request did not refer to union activity or FOP. (MPD Exceptions at 4). Further, Cunningham used his D.C. government e-mail address on the OUC request form, and the request was not made on FOP letterhead, "as such requests were usually made." *Id.* Cunningham signed the form "Wendell Cunningham of ERT,"

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did not identify himself to OUC as an FOP official, and informed the officer in charge of the barricade criminal investigation that he requested the recording for training purposes. (MPD Exceptions at 5-6).

Next, MPD alleges that, contrary to the Hearing Examiner's conclusion, the ERT recording contained secure and confidential communications. (MPD Exceptions at 8). MPD asserts that ERT transmissions cannot be made or received using a typical police radio, and cites to testimony from Assistant Chief Durham, who demonstrated during the hearing that communications cannot be intercepted without the appropriate encryption device. *Id.* This asserting was supported by Chief Lanier, who testified that ERT communications were secure from interception by iPhone applications and could not be monitored by the general public. (MPD Exceptions at 9). Finally, MPD cites to testimony that provided examples of tactical transmissions on the ERT recording, particularly with regard to the use of mirrors and bean bag rounds. (MPD Exceptions at 10).

MPD goes on to allege that because Baumann and Cunningham engaged in subterfuge to obtain the ERT recording containing secure tactical communications, and released that recording to the media, the discipline imposed was appropriate. (MPD Exceptions at 11). MPD's Exceptions assert that the Hearing Examiner misconstrued the evidence in the record, and that his recommendation to rescind the disciplinary actions against Cunningham "goes beyond the issue before him." (MPD Exceptions at 12). Citing Chief Lanier's response to Cunningham's appeal of his 5 day suspension<sup>3</sup>, MPD states that it is clear that "none of the suspension time was related to Vice Chairman Cunningham's communications with Chairman Baumann." (MPD Exceptions at 13).

Additionally, MPD contends that the Hearing Examiner's consideration of allegations relating to the IAB confidentiality agreement and Cunningham's questioning at the IAB interview are unsupported and untimely. (MPD Exceptions at 13). MPD states that Cunningham's IAB interview took place on June 9, 2009, but PERB Case No. 10-U-14 was filed 225 days later, on January 20, 2010. (MPD Exceptions at 14). MPD cites to PERB Rule 520.4, which requires unfair labor practice complaints to be filed no later than 120 days after the date on which the alleged violations occur. *Id.*

Finally, MPD disputes the Hearing Examiner's finding that MPD committed an unfair labor practice by questioning Cunningham at the IAB interviews. (MPD Exceptions at 14). Specifically, MPD takes exception to the Hearing Examiner's conclusion that "MPD's IAB confidentiality requirement as to discussion between Cunningham and Baumann violates D.C.

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<sup>3</sup> MPD quotes the following from Chief Lanier's response to Cunningham's appeal:

If the true purpose for obtaining the tapes was for a Safety Committee investigation, you should have advised OUC and Investigator King of that fact, and done so in your official capacity as the FOP Vice Chairman, and not "Wendell Cunningham of ERT." Since you did not do this, a preponderance of the evidence suggests that you obtained the recording for the purpose of providing it to Officer Baumann.

(MPD Exceptions at 13; citing Union Exhibit 56).

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Code § 1-617.04(a) because the confidentiality requirement interferes with and amounts to intimidation of internal union business, and protected representational activities and speech.” (MPD Exceptions at 14; citing Report at 43).

MPD alleges that there is no controlling case law or statutory authority to support the Hearing Examiner’s conclusion that there is a labor relations privilege. (MPD Exceptions at 14-15). Further, MPD contends that Cunningham did not object or assert any privilege with regard to the IAB questioning, and provided answers to all questions. (MPD Exceptions at 16).

#### B. FOP’s Opposition to MPD’s Exceptions

FOP opposes MPD’s Exceptions to the Hearing Examiner’s Report and Recommendation on the grounds that mere disagreement with the Hearing Examiner’s factual findings is not a valid reason to overturn his conclusions, and that the Hearing Examiner’s findings are supported by the record. (FOP Opposition at 2-3).

In support of its first contention, FOP states PERB precedent that a disagreement with a Hearing Examiner’s factual findings based on competing evidence is not a valid exception. (FOP Opposition at 3; *citing Hoggard v. District of Columbia Public Schools*, 46 D.C. Reg. 4837, Slip Op. No. 496, PERB Case No. 95-U-20 (1996)).

FOP cites numerous examples from the hearing transcript to support its contention that Baumann and Cunningham did not engage in subterfuge when requesting the ERT recording. (*See* FOP Opposition at 5-9). Additionally, FOP highlights testimony to further its allegation that the ERT recording was not secure or confidential, and that it did not contain tactical information. (*See* FOP Opposition at 9-13).

Next, FOP alleges that the discipline of Baumann and Cunningham was not appropriate, and that the Hearing Examiner’s rejection of the suspensions was supported by the record. (FOP Opposition at 14-16). Further, FOP addresses MPD’s allegation that PERB Case No. 10-U-14 was not timely filed by stating that this allegation was raised for the first time in MPD’s Exceptions and is therefore waived. (FOP Opposition at 16-17).

Finally, FOP contends that questioning Cunningham regarding representational activities at the IAB interview violated the labor relations privilege. (FOP Opposition at 18). FOP states that “while Hearing Examiner Rogers may not have cited case law in his Report explaining the labor relations privilege, Hearing Examiner Rogers was provided with extensive briefing on the labor relations privilege prior to issuing his report.” (FOP Opposition at 19). FOP cites to several cases from the New York Superior Court supporting its interpretation of the labor relations privilege. (*See* FOP Opposition at 18-19).

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### C. Board's Ruling on FOP and MPD's Exceptions

MPD's exception to the Hearing Examiner's conclusion that there was no evidence of deliberate subterfuge by Baumann and Cunningham in securing the ERT recordings constitutes a disagreement with the Hearing Examiner's factual findings. The Board rejects challenges to a hearing examiner's findings based on competing evidence, the probative weight accorded evidence, and credibility determinations. *American Federation of Government Employees*, Slip Op. No. 588. In its Exceptions, MPD asks the Board to overturn the Hearing Examiner's conclusions based upon competing evidence. (See MPD Exceptions at 4-6). Therefore, this exception is denied.

In its Exceptions, MPD contends that the Hearing Examiner's consideration of allegations relating to the IAB confidentiality agreement and Cunningham's questioning at the IAB interview are unsupported and untimely. (MPD Exceptions at 13). In response, FOP alleges that MPD's allegation was not timely filed because it was raised for the first time in MPD's Exceptions and is therefore waived. (FOP Opposition at 16-17). It is a well-settled legal principle that a party may not raise an argument for the first time on appeal. See *Goodman v. D.C. Rental Housing Comm.*, 573 A.2d 1293, 1301 (D.C. 1990). MPD's timeliness argument may not be raised for the first time on appeal to this Board. See *Fraternal Order of Police/Dep't of Corrections Labor Comm. v. D.C. Dep't of Corrections*, 59 D.C. Reg. 9795, Slip Op. No. 1271 at p 6-7, PERB Case No. 10-A-20 (2012). Therefore, this exception is denied.

Finally, MPD disputes the Hearing Examiner's finding that MPD committed an unfair labor practice by questioning Cunningham at the IAB interviews. (MPD Exceptions at 14). In support of this exception, MPD alleges that there is no controlling case law or statutory authority to support the Hearing Examiner's conclusion that there is a labor relations privilege. (MPD Exceptions at 14-15). Further, MPD contends that Cunningham did not object or assert any privilege with regard to the IAB questioning, and provided answers to all questions. (MPD Exceptions at 16).

In response, FOP asserts that "while Hearing Examiner Rogers may not have cited case law in his Report explaining the labor relations privilege, Hearing Examiner Rogers was provided with extensive briefing on the labor relations privilege prior to issuing his report." (FOP Opposition at 19).

In this exception, MPD asks the Board to overturn the Hearing Examiner's conclusions based upon competing evidence regarding Cunningham's conduct at the IAB hearing, and alternative case law. (See MPD Exceptions at 14-16). As stated *supra*, The Board rejects challenges to a hearing examiner's findings based on competing evidence, the probative weight accorded evidence, and credibility determinations. *American Federation of Government Employees*, Slip Op. No. 588. Therefore, this exception is denied.

### V. Conclusion



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The Board adopts the Hearing Examiner's Report and Recommendation as reasonable, supported by the record, and consistent with Board precedent.

**ORDER**

**IT IS HEREBY ORDERED THAT:**

1. MPD's Motion to Dismiss PERB Case No. 09-U-41 is granted, with the exception of the allegation that Baumann was disciplined in violation of the CMPA, which is sustained;
2. MPD's Motion to Dismiss PERB Case No. 09-U-42 is granted. FOP's ULP Complaint is dismissed with prejudice;
3. MPD's Motion to Dismiss PERB Case No. 09-U-43 is granted. FOP's ULP Complaint is dismissed with prejudice;
4. MPD's Motion to Dismiss PERB Case No. 09-U-44 is granted. FOP's ULP Complaint is dismissed with prejudice;
5. MPD's Motion to Dismiss PERB Case No. 10-U-01 is granted. FOP's ULP Complaint is dismissed with prejudice;
6. FOP's ULP Complaint in PERB Case No. 10-U-14 is sustained;
7. MPD will cease and desist from interfering, restraining, or coercing FOP in the exercise of its rights guaranteed by D.C. Code § 1-617, *et seq.*, by disciplining FOP officials for engaging in protected union representational activities and speech when they are acting in a representational capacity;
8. MPD will immediately withdraw *in toto*, and with prejudice, the disciplinary action against FOP Chairman Kristopher Baumann, expunge all personnel records concerning the disciplinary action, and reimburse him for any lost salary and benefits;
9. MPD will immediately withdraw *in toto*, and with prejudice as regards the second specification, the disciplinary action against FOP Vice Chairman Wendell Cunningham, expunge all personnel records concerning the disciplinary action, and reimburse him for any lost salary and benefits;
10. MPD shall conspicuously post within ten (10) days from the issuance of this Decision and Order the attached Notice where notices to bargaining unit members are normally posted. The Notice shall remain posted for thirty (30) consecutive days;

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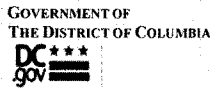
11. MPD shall notify the Public Employee Relations Board, in writing, within fourteen (14) days from the issuance of this Decision and Order that the Notice has been posted accordingly;
12. MPD will pay FOP's costs in the litigation of PERB Case Nos. 09-U-41, as regards the Amended Complaint, and 10-U-14; and
13. Pursuant to Board Rule 559.1, this Decision and Order is final upon issuance.

**BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD**  
Washington, D.C.

January 31, 2013



Public Employee Relations Board



1100 4<sup>th</sup> Street S.W.  
Suite E630  
Washington, D.C. 20024  
Business: (202) 727-1822  
Fax: (202) 727-9116  
Email: [perb@dc.gov](mailto:perb@dc.gov)

# NOTICE

**TO ALL EMPLOYEES OF THE DISTRICT OF COLUMBIA METROPOLITAN POLICE DEPARTMENT ("MPD"), THIS OFFICIAL NOTICE IS POSTED BY ORDER OF THE DISTRICT OF COLUMBIA PUBLIC EMPLOYEE RELATIONS BOARD PURSUANT TO ITS DECISION AND ORDER IN SLIP OPINION NO. 1361, PERB CASE NOS. 09-U-41, 09-U-42, 09-U-43, 09-U-44, 10-U-01, AND 10-U-14 (JAN. 31, 2013)**

**WE HEREBY NOTIFY** our employees that the District of Columbia Public Employee Relations Board has found that we violated the law and has ordered MPD to post this notice.

**WE WILL** cease and desist from violating D.C. Code § 1-617.04, et seq., by the actions and conduct set forth in Slip Opinion No. 1361.

**WE WILL** cease and desist from interfering, restraining, or coercing employees in the exercise of rights guaranteed by the Labor-Management subchapter of the Comprehensive Merit Personnel Act ("CMPA").

**WE WILL NOT**, in any like or related manner, interfere, restrain or coerce employees in their exercise of rights guaranteed by the Labor-Management subchapter of the CMPA.

**WE WILL NOT**, in any like or related manner, discipline Fraternal Order of Police/Metropolitan Police Department Labor Committee officials for engaging in protected union representational activities and speech when they are acting in a representational capacity.

District of Columbia Metropolitan Police Department

Date: \_\_\_\_\_ By: \_\_\_\_\_

**This Notice must remain posted for thirty (30) consecutive days from the date of posting and must not be altered, defaced or covered by any other material.**

If employees have any questions concerning this Notice or compliance with any of its provisions, they may communicate directly with the Public Employee Relations Board, whose address is: 1100 4<sup>th</sup> Street, SW, Suite E630; Washington, D.C. 20024. Phone: (202) 727-1822.

**BY NOTICE OF THE PUBLIC EMPLOYEE RELATIONS BOARD**  
Washington, D.C.

February 4, 2013

**CERTIFICATE OF SERVICE**

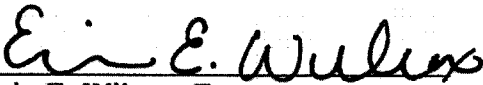
This is to certify that the attached Decision and Order in PERB Case No. 10-U-01, *et al.*, was transmitted via File & ServeXpress and e-mail to the following parties on this the 4<sup>th</sup> day of February, 2013.

Mr. Daniel McCartin, Esq.  
Conti Fenn & Lawrence LLC  
36 S. Charles St.  
Suite 2501  
Baltimore, MD 21201  
dan@lawcfl.com

**FILE & SERVEXPRESS and E-MAIL**

Mr. Jonathan O'Neill, Esq.  
DC OLRCB  
441 4<sup>th</sup> St, NW  
Suite 820 North  
Washington, D.C. 20001  
jonathan.o'neill@dc.gov

**FILE & SERVEXPRESS and E-MAIL**

  
Erin E. Wilcox, Esq.  
Attorney-Advisor

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