



District of Columbia

REGISTER

HIGHLIGHTS

- DC Council passes Law 20-114, Comprehensive Planning and Utilization of School Facilities Amendment Act of 2014
- Board of Elections establishes the maximum number of signatures for filing ballot measure petitions
- Department of Motor Vehicles proposes criteria for issuing limited purpose driver licenses, learner permits, provisional permits and identification cards
- Department of Insurance, Securities and Banking proposes guidelines for implementing the Loan Participation and Innovation Finance programs
- Public Service Commission solicits public input on the Triennial Underground Infrastructure Improvement Projects Plan
- District Department of the Environment extends public comment period for the draft revisions of the “Total Maximum Daily Load of Bacteria for Watersheds in the District of Columbia”

DISTRICT OF COLUMBIA REGISTER

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COUNCIL OF THE DISTRICT OF COLUMBIA**NOTICE****D.C. LAW 20-109****“Condominium Amendment Act of 2014”**

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 20-139 on first and second readings February 4, 2014, and March 4, 2014, respectively. Following the signature of the Mayor on April 28, 2014, pursuant to Section 404(e) of the Charter, the bill became Act 20-308 and was published in the May 2, 2014 edition of the D.C. Register (Vol. 61, page 4304). Act 20-308 was transmitted to Congress on May 9, 2014 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 20-308 is now D.C. Law 20-109, effective June 21, 2014.



PHIL MENDELSON
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

May 9,12,13,14,15,16,19,20,21,22,23,27,28,29,30

June 2,3,4,5,6,9,10,11,12,13,16,17,18,19,20

COUNCIL OF THE DISTRICT OF COLUMBIA**NOTICE****D.C. LAW 20-110****“Skyland Town Center Omnibus Act of 2014”**

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 20-382 on first and second readings March 4, 2014, and April 8, 2014, respectively. Following the signature of the Mayor on April 28, 2014, pursuant to Section 404(e) of the Charter, the bill became Act 20-309 and was published in the May 2, 2014 edition of the D.C. Register (Vol. 61, page 4315). Act 20-309 was transmitted to Congress on May 9, 2014 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 20-309 is now D.C. Law 20-110, effective June 21, 2014.



PHIL MENDELSON
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

May 9,12,13,14,15,16,19,20,21,22,23,27,28,29,30

June 2,3,4,5,6,9,10,11,12,13,16,17,18,19,20

COUNCIL OF THE DISTRICT OF COLUMBIA**NOTICE****D.C. LAW 20-111****“Driver’s Safety Clarification Temporary Amendment Act of 2014”**

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 20-693 on first and second readings March 4, 2014, and April 8, 2014, respectively. Following the signature of the Mayor on April 28, 2014, pursuant to Section 404(e) of the Charter, the bill became Act 20-310 and was published in the May 2, 2014 edition of the D.C. Register (Vol. 61, page 4326). Act 20-310 was transmitted to Congress on May 9, 2014 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 20-310 is now D.C. Law 20-111, effective June 21, 2014.



PHIL MENDELSON
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

May 9,12,13,14,15,16,19,20,21,22,23,27,28,29,30

June 2,3,4,5,6,9,10,11,12,13,16,17,18,19,20

COUNCIL OF THE DISTRICT OF COLUMBIA**NOTICE****D.C. LAW 20-112****“Transportation Infrastructure Mitigation Clarification
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Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 20-701 on first and second readings March 4, 2014, and April 8, 2014, respectively. Following the signature of the Mayor on April 28, 2014, pursuant to Section 404(e) of the Charter, the bill became Act 20-311 and was published in the May 2, 2014 edition of the D.C. Register (Vol. 61, page 4328). Act 20-311 was transmitted to Congress on May 9, 2014 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 20-311 is now D.C. Law 20-112, effective June 21, 2014.



PHIL MENDELSON
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

May 9,12,13,14,15,16,19,20,21,22,23,27,28,29,30

June 2,3,4,5,6,9,10,11,12,13,16,17,18,19,20

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 20-113

**“Department of Parks and Recreation Fee-based Use Permit
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Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 20-703 on first and second readings March 4, 2014, and April 8, 2014, respectively. Following the signature of the Mayor on April 28, 2014, pursuant to Section 404(e) of the Charter, the bill became Act 20-312 and was published in the May 2, 2014 edition of the D.C. Register (Vol. 61, page 4332). Act 20-312 was transmitted to Congress on May 9, 2014 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 20-312 is now D.C. Law 20-113, effective June 21, 2014.



PHIL MENDELSON
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

May 9,12,13,14,15,16,19,20,21,22,23,27,28,29,30

June 2,3,4,5,6,9,10,11,12,13,16,17,18,19,20

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 20-114

**“Comprehensive Planning and Utilization
of School Facilities Amendment Act of 2014”**

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 20-313 on first and second readings March 4, 2014, and April 8, 2014, respectively. Following the signature of the Mayor on April 28, 2014, pursuant to Section 404(e) of the Charter, the bill became Act 20-319 and was published in the May 9, 2014 edition of the D.C. Register (Vol. 61, page 4669). Act 20-319 was transmitted to Congress on May 9, 2014 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 20-319 is now D.C. Law 20-114, effective June 21, 2014.



PHIL MENDELSON
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

May 9,12,13,14,15,16,19,20,21,22,23,27,28,29,30

June 2,3,4,5,6,9,10,11,12,13,16,17,18,19,20

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 20-115

“Kelsey Gardens Redevelopment Temporary Act of 2014”

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 20-699 on first and second readings March 4, 2014, and April 8, 2014, respectively. Following the signature of the Mayor on April 28, 2014, pursuant to Section 404(e) of the Charter, the bill became Act 20-320 and was published in the May 9, 2014 edition of the D.C. Register (Vol. 61, page 4675). Act 20-320 was transmitted to Congress on May 9, 2014 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 20-320 is now D.C. Law 20-115, effective June 21, 2014.



PHIL MENDELSON
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

May 9,12,13,14,15,16,19,20,21,22,23,27,28,29,30

June 2,3,4,5,6,9,10,11,12,13,16,17,18,19,20

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 20-116

**“Tobacco Product Manufacturer Reserve Fund
Temporary Amendment Act of 2014”**

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 20-705 on first and second readings March 4, 2014, and April 8, 2014, respectively. Following the signature of the Mayor on April 28, 2014, pursuant to Section 404(e) of the Charter, the bill became Act 20-321 and was published in the May 9, 2014 edition of the D.C. Register (Vol. 61, page 4677). Act 20-321 was transmitted to Congress on May 9, 2014 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 20-321 is now D.C. Law 20-116, effective June 21, 2014.



PHIL MENDELSON
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

May 9,12,13,14,15,16,19,20,21,22,23,27,28,29,30

June 2,3,4,5,6,9,10,11,12,13,16,17,18,19,20

COUNCIL OF THE DISTRICT OF COLUMBIA**NOTICE****D.C. LAW 20-117****“Fiscal Year 2014 Budget Support Technical
Clarification Amendment Act of 2014”**

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 20-482 on first and second readings December 3, 2013, and February 4, 2014, respectively. Following the signature of the Mayor on March 7, 2014, pursuant to Section 404(e) of the Charter, the bill became Act 20-291 and was published in the March 14, 2014 edition of the D.C. Register (Vol. 61, page 2032). Act 20-291 was transmitted to Congress on March 19, 2014 for a 60-day review, in accordance with Section 602(c)(2) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 60-day Congressional review period has ended, and Act 20-291 is now D.C. Law 20-117, effective June 26, 2014.



PHIL MENDELSON
Chairman of the Council

Days Counted During the 60-day Congressional Review Period:

Mar. 19,20,21,24,25,26,27,28,31

Apr. 1,2,3,4,7,8,9,10,11,28,29,30

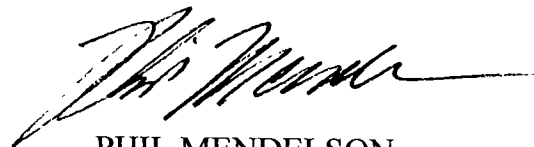
May 1,2,5,6,7,8,9,12,13,14,15,16,19,20,21,22,23,27,28,29,30

June 2,3,4,5,6,9,10,11,12,13,16,17,18,19,20,23,24,25

COUNCIL OF THE DISTRICT OF COLUMBIA**NOTICE****D.C. LAW 20-118****“Closing of a Portion of the Public Alley and Acceptance
of Dedication of Land for Alley Purposes in
Square 75, S.O. 12-03806, Act of 2014”**

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 20-615 on first and second readings April 8, 2014, and May 6, 2014, respectively. Following the signature of the Mayor on May 14, 2014, pursuant to Section 404(e) of the Charter, the bill became Act 20-324 and was published in the May 23, 2014 edition of the D.C. Register (Vol. 61, page 5194). Act 20-324 was transmitted to Congress on May 19, 2014 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 20-324 is now D.C. Law 20-118, effective July 1, 2014.



PHIL MENDELSON
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

May 19,20,21,22,23,27,28,29,30

June 2,3,4,5,6,9,10,11,12,13,16,17,18,19,20,23,24,25,26,27,30

COUNCIL OF THE DISTRICT OF COLUMBIA**NOTICE****D.C. LAW 20-119****“Child Development Home License Temporary Amendment Act of 2014”**

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 20-756 on first and second readings April 8, 2014, and May 6, 2014, respectively. Following the signature of the Mayor on May 14, 2014, pursuant to Section 404(e) of the Charter, the bill became Act 20-325 and was published in the May 23, 2014 edition of the D.C. Register (Vol. 61, page 5196). Act 20-325 was transmitted to Congress on May 19, 2014 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 20-325 is now D.C. Law 20-119, effective July 1, 2014.



PHIL MENDELSON
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

May 19,20,21,22,23,27,28,29,30

June 2,3,4,5,6,9,10,11,12,13,16,17,18,19,20,23,24,25,26,27,30

ENROLLED ORIGINAL

AN ACT

D.C. ACT 20-368

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JUNE 27, 2014

To adjust, on an emergency basis, certain allocations requested in the Fiscal Year 2014 Budget Request Act pursuant to the Omnibus Appropriations Act, 2009.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Fiscal Year 2014 Revised Budget Request Emergency Adjustment Act of 2014".

Sec. 2. Pursuant to section 817 of the Omnibus Appropriations Act, 2009, approved March 13, 2009 (123 Stat. 699; D.C. Official Code § 47-369.02), the Fiscal Year 2014 budgets for the following agencies shall be adjusted by the following amounts:

TITLE II—DISTRICT OF COLUMBIA FUNDS—SUMMARY OF EXPENSES

\$87,399,000 (of which \$31,264,000 shall be added to local funds (including \$4,054,000 in dedicated tax funds) and \$56,135,000 added to other funds), to be allocated as follows:

Government Direction and Support

The appropriation for Government Direction and Support is increased by \$2,200,000 (including \$200,000 in local funds and \$2,000,000 in other funds); to be allocated as follows:

(1) Office of the Chief Financial Officer. - \$2,000,000 (including \$2,000,000 added to be available in other funds); and

(2) Council of the District of Columbia. - \$200,000 is added to be available from local funds; provided, that these funds shall be used to procure an independent contractor to analyze the economic impact of the Mayor's proposed District of Columbia Soccer Stadium Development Act of 2014, as introduced on May 23, 2014 (D.C. Bill 20-805).

Economic Development and Regulation

The appropriation for Economic Development and Regulation is increased by \$36,381,000 (including \$35,381,000 in local funds and \$1,000,000 in other funds); to be allocated as follows:

(1) Office of Planning. - \$686,000 is added to be available from local funds;

(2) Office of Motion Picture and Television Development. - (\$4,271,000) is removed

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from local funds;

(3) Department of Insurance, Securities, and Banking. - \$1,000,000 (including \$1,000,000 added to be available in other funds); and

(4) Housing Production Trust Fund Subsidy. - \$38,966,000 is added to be available from local funds.

Public Safety and Justice

The appropriation for Public Safety and Justice is increased by \$1,230,000 (including \$1,230,000 in other funds); to be allocated as follows:

(1) Metropolitan Police Department. - \$200,000 (including \$200,000 in other funds); and

(3) Department of Corrections. - \$1,030,000 (including \$1,030,000 added to be available in other funds).

Public Education

The appropriation for Public Education is decreased by (\$3,704,000) (including (\$6,548,000) in local funds and \$2,844,000 in other funds); to be allocated as follows:

(1) District of Columbia Public Schools. - \$2,844,000 (including \$2,844,000 added to be available in other funds);

(2) District of Columbia Public Charter Schools. - (\$10,000,000) is removed from local funds;

(3) Office of the State Superintendent of Education. - \$2,452,000 is added to be available from local funds; and

(4) District of Columbia Public Library. - \$1,000,000 is added to be available from local funds.

Human Support Services

The appropriation for Human Support Services is increased by \$1,905,000 (including \$1,905,000 added to be available in other funds); to be allocated as follows:

(1) Department of Parks and Recreation. - \$1,905,000 (including \$1,905,000 added to be available in other funds).

Public Works

The appropriation for Public Works is increased by \$25,962,000 (including \$17,772,000 in local funds (including \$12,047,000 in dedicated tax funds) and \$8,190,000 in other funds); to be allocated as follows:

(1) Department of Public Works. - \$3,725,000 is added to be available from local funds;

(2) District Department of Transportation. - \$9,708,000 (including \$2,000,000 in local funds and \$7,708,000 added to be available in other funds); and

(3) Washington Metropolitan Area Transit Authority. - \$12,529,000 (including \$12,047,000 in local funds (including \$12,047,000 in dedicated tax funds) and \$482,000 added to be available from other funds).

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Financing and Other

The appropriation for Financing and Other is decreased by (\$15,541,000) (including (\$15,541,000) in local funds (including (\$7,993,000) in dedicated tax funds); to be allocated as follows:

- (1) Workforce Investments. - \$12,535,000 is added to be available from local funds;
- (2) District Retiree Health Contribution. – (\$20,708,000) is removed from local funds;
- (3) Convention Center Transfer Dedicated Taxes. – (\$7,993,000) is removed from in local funds (including (\$7,993,000) in dedicated tax funds);
- (4) Debt Service. – (\$8,718,000) is removed from local funds;
- (5) Emergency and Contingency Reserve Funds. - \$10,343,000 is added to be available in local funds; and
- (6) Non-Departmental. – (\$1,000,000) is removed from local funds.

Enterprise and Other

The appropriation for Enterprise and Other is increased by \$38,966,000 in other funds; to be allocated as follows:

- (1) Housing Production Trust Fund. - \$38,966,000 is added to be available from other funds; provided, that \$8,739,000 shall be used to provide affordable housing for very low-income persons with serious and persistent mental or emotional illness, or those at risk of developing such illness .

Sec. 3. \$51,821,000 is swept from available fund balance and utilized in accordance with Title IX, Subtitle B of the Fiscal Year 2015 Budget Support Act of 2014, passed on 1st reading on May 28, 2014 (Engrossed version of Bill 20-750).

Sec. 4. (a) The Chief Financial Officer shall rescind the follow amounts of Paygo or Local Transportation Fund allotment and budget authority, totaling \$13,988,768.38, from the following capital projects in Fiscal Year 2014:

RM0	HX403C	HOUSING INITIATIVES - DBH	9,327,178.83
AM0	RG001C	GENERAL IMPROVEMENTS	176,151.43
EB0	EB402C	PENNSYLVANIA AVENUE SE PROPERTIES	645,161.12
BD0	PLN37C	DISTRICT PUBLIC PLANS & STUDIES	1,671,474.00
BX0	AH7GPC	ARTS & HUMANITIES GRANTS & PROJECTS	2,168,803.00

(b) Of the amount rescinded in subsection (a) of this subsection, the Chief Financial Officer shall:

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(1) Recognize \$5,250,000 as Fiscal Year 2015 local funds revenue to be used in accordance with the Fiscal Year 2015 Budget Request Act of 2014, passed on 1st and final reading on May 28, 2014 (Enrolled version of Bill 20-750); and

(2) Recognize \$8,738,768 as Fiscal Year 2014 local funds revenue and deposit the amount in the Housing Production Trust Fund for use as provided by section 2.

Sec. 5. Remaining Fiscal Year 2014 unexpended revenue of \$108,228,647 shall be carried over into Fiscal Year 2015 as fund balance. This revenue shall be used in accordance with the Fiscal Year 2015 Budget Request Act of 2014 passed on 1st and final reading on May 28, 2014 (Enrolled version of Bill 20-750).

Sec. 6. 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. 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), 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

UNSIGNED

Mayor
District of Columbia
June 26, 2014

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A RESOLUTION

20-509

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 24, 2014

To declare the sense of the Council that the Washington Metropolitan Area Transit Authority (“WMATA”) Board of Directors should adopt a revised background screening policy and take additional steps to promote WMATA hiring returning citizens.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Sense of the Council on the Need for the Washington Metropolitan Area Transit Authority to Update its Personnel Policies to Encourage the Employment of Returning Citizens Resolution of 2014”.

Sec. 2. The Council finds that:

(1) Approximately 700,000 citizens are released from state and federal prisons in the United States annually, and more than half of them will be reincarcerated within 3 years.

(2) In the District, about 2,500 citizens are released from prison each year, and as many as 60,000 individuals living in the District (almost 1 in 10 residents) have a criminal record.

(3) Access to education, housing, and employment are significant challenges for returning citizens, and a key factor in recidivism rates.

(4) The Washington Metropolitan Area Transit Authority (“WMATA”) is an entity with more than 12,000 employees and is currently in the midst of a major effort to hire an additional 1,000 individuals.

(5) The positions at WMATA provide good, middle-class jobs, and frequently offer job training and opportunities for promotion so that preexisting skills or experience are not necessarily required.

(6) As an entity that interacts extensively with the public and must ensure the safety and security of its riders, as well as the protection of the public assets it controls, WMATA has instituted a background screening policy to determine the criminal records of all potential job applicants.

(7) WMATA’s screening policy automatically determines an individual’s eligibility to work for WMATA based on the type of position to which the individual applied, the type of crime for which the individual had previously been convicted, and how recently the conviction occurred.

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(8) The screening policy was amended in November 2011, resulting in a far more strict and punitive process that can permanently bar individuals from working for WMATA for relatively minor drug and other felony convictions, no matter how long ago they occurred.

(9) Current employees and contractors were recently fired from jobs at WMATA as a result of the revised screening policy, despite having previously disclosed their earlier convictions and having performed their duties in an exemplary fashion without complaint from supervisors.

(10) As a result, several recently discharged WMATA employees, with the assistance of the NAACP Legal Defense Fund, have filed complaints at the Equal Employment Opportunity Commission, alleging that WMATA's revised screening policy is not uniformly enforced and contravenes Federal Transit Administration regulations and Title VII of the Civil Rights Act.

Sec. 3. It is the sense of the Council that WMATA's Board of Directors should adopt a revised background screening policy that addresses these concerns by allowing officials in charge of hiring decisions flexibility to consider criminal records as one of several factors in a holistic review of job applicants. If done properly, revisions to WMATA's background screening policy would in no way endanger the safety and security of its riders and employees as well as the good stewardship of WMATA's public assets.

Sec. 4. It is the further sense of the Council that WMATA should take additional steps to actively recruit and hire more returning citizens given the challenges they face in finding employment, and these steps should be comparable WMATA's efforts to hire military veterans, minorities, and other disadvantaged groups. At a minimum, WMATA should track the number of returning citizens that apply for jobs, how many are hired, and what if any disparity there is between the performance of employees with and without criminal records.

Sec. 5. The Chairman shall transmit a copy of this resolution upon its adoption to the WMATA Board of Directors and its General Manager and Chief Executive Officer, Mr. Richard Sarles.

Sec. 6. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A RESOLUTION

20-510

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 24, 2014

To authorize and provide for the issuance, sale, and delivery in an aggregate principal amount not to exceed \$13 million of District of Columbia revenue bonds in one or more series and to authorize and provide for the loan of the proceeds of the bonds to assist The University of Georgia Foundation in the financing, refinancing, or reimbursing of costs associated with an authorized project pursuant to section 490 of the District of Columbia Home Rule Act.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "University of Georgia Foundation Revenue Bonds Project Approval Resolution of 2014".

Sec. 2. Definitions.

For the purpose of this resolution, the term:

(1) "Authorized Delegate" means the Mayor or the Deputy Mayor for Planning and Economic Development, or any officer or employee of the Executive Office of the Mayor to whom the Mayor has delegated or to whom the foregoing individuals have subdelegated any of the Mayor's functions under this resolution pursuant to section 422(6) of the Home Rule Act.

(2) "Bond Counsel" means a firm or firms of attorneys designated as bond counsel from time to time by the Mayor.

(3) "Bonds" means the District of Columbia revenue bonds, notes, or other obligations (including refunding bonds, notes, and other obligations), in one or more series, authorized to be issued pursuant to this resolution.

(4) "Borrower" means the owner, operator, manager, and user of the assets financed, refinanced, or reimbursed with proceeds from the Bonds, which shall be The University of Georgia Foundation, a corporation organized under the laws of the State of Georgia, and exempt from federal income taxes under 26 U.S.C § 501(a) as an organization described in 26 U.S.C. § 501(c)(3).

(5) "Chairman" means the Chairman of the Council of the District of Columbia.

(6) "Closing Documents" means all documents and agreements other than Financing Documents that may be necessary and appropriate to issue, sell, and deliver the Bonds and to make the Loan contemplated thereby, and includes agreements, certificates, letters, opinions, forms, receipts, and other similar instruments.

(7) "District" means the District of Columbia.

(8) "Financing Documents" means the documents other than Closing Documents that relate to the financing or refinancing of transactions to be effected through the issuance, sale,

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and delivery of the Bonds and the making of the Loan, including any offering document, and any required supplements to any such documents.

(9) "Home Rule Act" means the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 774; D.C. Official Code § 1-201.01 *et seq.*).

(10) "Issuance Costs" means all fees, costs, charges, and expenses paid or incurred in connection with the authorization, preparation, printing, issuance, sale, and delivery of the Bonds and the making of the Loan, including, but not limited to, underwriting, legal, accounting, rating agency, and all other fees, costs, charges, and expenses incurred in connection with the development and implementation of the Financing Documents, the Closing Documents, and those other documents necessary or appropriate in connection with the authorization, preparation, printing, issuance, sale, marketing, and delivery of the Bonds and the making of the Loan contemplated thereby, together with financing fees, costs, and expenses, including program fees and administrative fees charged by the District, fees paid to financial institutions and insurance companies, initial letter of credit fees (if any), compensation to financial advisors and other persons (other than full-time employees of the District) and entities performing services on behalf of or as agents for the District.

(11) "Loan" means the District's lending of proceeds from the sale, in one or more series, of the Bonds to the Borrower.

(12) "Project" means the financing, refinancing, or reimbursing of all or a portion of the Borrower's costs to:

(A) Acquire an existing three-story office building containing approximately 13,920 square feet of space located at 608 Massachusetts Avenue, NE, Washington, D.C. 20002-6006, Lot 60, Square 865, and the renovation thereof to provide student housing, classrooms, and related facilities;

(B) Pay interest on the Bonds during the renovation period; and

(C) Pay allowable Issuance Costs.

Sec. 3. Findings.

The Council finds that:

(1) Section 490 of the Home Rule Act provides that the Council may by resolution authorize the issuance of District revenue bonds, notes, or other obligations (including refunding bonds, notes, or other obligations) to borrow money to finance, refinance, or reimburse and to assist in the financing, refinancing, or reimbursing of undertakings in certain areas designated in section 490 and may effect the financing, refinancing, or reimbursement by loans made directly or indirectly to any individual or legal entity, by the purchase of any mortgage, note, or other security, or by the purchase, lease, or sale of any property.

(2) The Borrower has requested the District to issue, sell, and deliver revenue bonds, in one or more series, in an aggregate principal amount not to exceed \$13 million and to make the Loan for the purpose of financing, refinancing, or reimbursing costs of the Project.

(3) The Project is located in the District and will contribute to the health, education, safety, or welfare of, or the creation or preservation of jobs for, residents of the District, or to the economic development of the District.

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(4) The Project is an undertaking in the area of elementary, secondary and college and university facilities within the meaning of section 490 of the Home Rule Act.

(5) The authorization, issuance, sale, and delivery of the Bonds and the Loan to the Borrower are desirable, are in the public interest, will promote the purpose and intent of section 490 of the Home Rule Act, and will assist the Project.

Sec. 4. Bond authorization.

(a) The Mayor is authorized pursuant to the Home Rule Act and this resolution to assist in financing, refinancing, or reimbursing the costs of the Project by:

(1) The issuance, sale, and delivery of the Bonds, in one or more series, in an aggregate principal amount not to exceed \$13 million; and

(2) The making of the Loan.

(b) The Mayor is authorized to make the Loan to the Borrower for the purpose of financing, refinancing, or reimbursing the costs of the Project and establishing any fund with respect to the Bonds as required by the Financing Documents.

(c) The Mayor may charge a program fee to the Borrower, including, but not limited to, an amount sufficient to cover costs and expenses incurred by the District in connection with the issuance, sale, and delivery of each series of the Bonds, the District's participation in the monitoring of the use of the Bond proceeds and compliance with any public benefit agreements with the District, and maintaining official records of each bond transaction and assisting in the redemption, repurchase, and remarketing of the Bonds.

Sec. 5. Bond details.

(a) The Mayor is authorized to take any action reasonably necessary or appropriate in accordance with this resolution in connection with the preparation, execution, issuance, sale, delivery, security for, and payment of the Bonds of each series, including, but not limited to, determinations of:

(1) The final form, content, designation, and terms of the Bonds, including a determination that the Bonds may be issued in certificated or book-entry form;

(2) The principal amount of the Bonds to be issued and denominations of the Bonds;

(3) The rate or rates of interest or the method for determining the rate or rates of interest on the Bonds;

(4) The date or dates of issuance, sale, and delivery of, and the payment of interest on the Bonds, and the maturity date or dates of the Bonds;

(5) The terms under which the Bonds may be paid, optionally or mandatorily redeemed, accelerated, tendered, called, or put for redemption, repurchase, or remarketing before their respective stated maturities;

(6) Provisions for the registration, transfer, and exchange of the Bonds and the replacement of mutilated, lost, stolen, or destroyed Bonds;

(7) The creation of any reserve fund, sinking fund, or other fund with respect to the Bonds;

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(8) The time and place of payment of the Bonds;

(9) Procedures for monitoring the use of the proceeds received from the sale of the Bonds to ensure that the proceeds are properly applied to the Project and used to accomplish the purposes of the Home Rule Act and this resolution;

(10) Actions necessary to qualify the Bonds under blue sky laws of any jurisdiction where the Bonds are marketed; and

(11) The terms and types of credit enhancement under which the Bonds may be secured.

(b) The Bonds shall contain a legend, which shall provide that the Bonds are special obligations of the District, are without recourse to the District, are not a pledge of, and do not involve the faith and credit or the taxing power of the District, do not constitute a debt of the District, and do not constitute lending of the public credit for private undertakings as prohibited in section 602(a)(2) of the Home Rule Act.

(c) The Bonds shall be executed in the name of the District and on its behalf by the manual or facsimile signature of the Mayor, and attested by the Secretary of the District of Columbia by the Secretary of the District of Columbia's manual or facsimile signature. The Mayor's execution and delivery of the Bonds shall constitute conclusive evidence of the Mayor's approval, on behalf of the District, of the final form and content of the Bonds.

(d) The official seal of the District, or a facsimile of it, shall be impressed, printed, or otherwise reproduced on the Bonds.

(e) The Bonds of any series may be issued in accordance with the terms of a trust instrument to be entered into by the District and a trustee to be selected by the Borrower subject to the approval of the Mayor, and may be subject to the terms of one or more agreements entered into by the Mayor pursuant to section 490(a)(4) of the Home Rule Act.

(f) The Bonds may be issued at any time or from time to time in one or more issues and in one or more series.

Sec. 6. Sale of the Bonds.

(a) The Bonds of any series may be sold at negotiated or competitive sale at, above, or below par, to one or more persons or entities, and upon terms that the Mayor considers to be in the best interest of the District.

(b) The Mayor or an Authorized Delegate may execute, in connection with each sale of the Bonds, offering documents on behalf of the District, may deem final any such offering document on behalf of the District for purposes of compliance with federal laws and regulations governing such matters and may authorize the distribution of the documents in connection with the sale of the Bonds.

(c) The Mayor is authorized to deliver the executed and sealed Bonds, on behalf of the District, for authentication, and, after the Bonds have been authenticated, to deliver the Bonds to the original purchasers of the Bonds upon payment of the purchase price.

(d) The Bonds shall not be issued until the Mayor receives an approving opinion from Bond Counsel as to the validity of the Bonds of such series and, if the interest on the Bonds is expected to

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be exempt from federal income taxation, the treatment of the interest on the Bonds for purposes of federal income taxation.

Sec. 7. Payment and security.

(a) The principal of, premium, if any, and interest on, the Bonds shall be payable solely from proceeds received from the sale of the Bonds, income realized from the temporary investment of those proceeds, receipts and revenues realized by the District from the Loan, income realized from the temporary investment of those receipts and revenues prior to payment to the Bond owners, other moneys that, as provided in the Financing Documents, may be made available to the District for the payment of the Bonds, and other sources of payment (other than from the District), all as provided for in the Financing Documents.

(b) Payment of the Bonds shall be secured as provided in the Financing Documents and by an assignment by the District for the benefit of the Bond owners of certain of its rights under the Financing Documents and Closing Documents, including a security interest in certain collateral, if any, to the trustee for the Bonds pursuant to the Financing Documents.

(c) The trustee is authorized to deposit, invest, and disburse the proceeds received from the sale of the Bonds pursuant to the Financing Documents.

Sec. 8. Financing and Closing Documents.

(a) The Mayor is authorized to prescribe the final form and content of all Financing Documents and all Closing Documents that may be necessary or appropriate to issue, sell, and deliver the Bonds and to make the Loan to the Borrower.

(b) The Mayor is authorized to execute, in the name of the District and on its behalf, the Financing Documents and any Closing Documents to which the District is a party by the Mayor's manual or facsimile signature.

(c) If required, the official seal of the District, or a facsimile of it, shall be impressed, printed, or otherwise reproduced on the Financing Documents and the Closing Documents to which the District is a party.

(d) The Mayor's execution and delivery of the Financing Documents and the Closing Documents to which the District is a party shall constitute conclusive evidence of the Mayor's approval, on behalf of the District, of the final form and content of the executed Financing Documents and the executed Closing Documents.

(e) The Mayor is authorized to deliver the executed and sealed Financing Documents and Closing Documents, on behalf of the District, prior to or simultaneously with the issuance, sale, and delivery of the Bonds, and to ensure the due performance of the obligations of the District contained in the executed, sealed, and delivered Financing Documents and Closing Documents.

Sec. 9. Authorized delegation of authority.

To the extent permitted by District and federal laws, the Mayor may delegate to any Authorized Delegate the performance of any function authorized to be performed by the Mayor under this resolution.

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Sec. 10. Limited liability.

(a) The Bonds shall be special obligations of the District. The Bonds shall be without recourse to the District. The Bonds shall not be general obligations of the District, shall not be a pledge of or involve the faith and credit or the taxing power of the District, shall not constitute a debt of the District, and shall not constitute lending of the public credit for private undertakings as prohibited in section 602(a)(2) of the Home Rule Act.

(b) The Bonds shall not give rise to any pecuniary liability of the District and the District shall have no obligation with respect to the purchase of the Bonds.

(c) Nothing contained in the Bonds, in the Financing Documents, or in the Closing Documents shall create an obligation on the part of the District to make payments with respect to the Bonds from sources other than those listed for that purpose in section 7.

(d) The District shall have no liability for the payment of any Issuance Costs or for any transaction or event to be effected by the Financing Documents.

(e) All covenants, obligations, and agreements of the District contained in this resolution, the Bonds, and the executed, sealed, and delivered Financing Documents and Closing Documents to which the District is a party, shall be considered to be the covenants, obligations, and agreements of the District to the fullest extent authorized by law, and each of those covenants, obligations, and agreements shall be binding upon the District, subject to the limitations set forth in this resolution.

(f) No person, including, but not limited to, the Borrower and any Bond owner, shall have any claims against the District or any of its elected or appointed officials, officers, employees, or agents for monetary damages suffered as a result of the failure of the District or any of its elected or appointed officials, officers, employees or agents to perform any covenant, undertaking, or obligation under this resolution, the Bonds, the Financing Documents, or the Closing Documents, or as a result of the incorrectness of any representation in or omission from the Financing Documents or the Closing Documents, unless the District or its elected or appointed officials, officers, employees, or agents have acted in a willful and fraudulent manner.

Sec. 11. District officials.

(a) Except as otherwise provided in section 10(f), the elected or appointed officials, officers, employees, or agents of the District shall not be liable personally for the payment of the Bonds or be subject to any personal liability by reason of the issuance, sale or delivery of the Bonds, or for any representations, warranties, covenants, obligations, or agreements of the District contained in this resolution, the Bonds, the Financing Documents, or the Closing Documents.

(b) The signature, countersignature, facsimile signature, or facsimile countersignature of any official appearing on the Bonds, the Financing Documents, or the Closing Documents shall be valid and sufficient for all purposes notwithstanding the fact that the individual signatory ceases to hold that office before delivery of the Bonds, the Financing Documents, or the Closing Documents.

Sec.12. Maintenance of documents.

Copies of the specimen Bonds and of the final Financing Documents and Closing Documents shall be filed in the Office of the Secretary of the District of Columbia.

ENROLLED ORIGINAL**Sec. 13. Information reporting.**

Within 3 days after the Mayor's receipt of the transcript of proceedings relating to the issuance of the Bonds, the Mayor shall transmit a copy of the transcript to the Secretary to the Council.

Sec. 14. Disclaimer.

(a) The issuance of Bonds is in the discretion of the District. Nothing contained in this resolution, the Bonds, the Financing Documents, or the Closing Documents shall be construed as obligating the District to issue any Bonds for the benefit of the Borrower or to participate in or assist the Borrower in any way with financing, refinancing, or reimbursing the costs of the Project. The Borrower shall have no claims for damages or for any other legal or equitable relief against the District, its elected or appointed officials, officers, employees, or agents as a consequence of any failure to issue any Bonds for the benefit of the Borrower.

(b) The District reserves the right to issue the Bonds in the order or priority it determines in its sole and absolute discretion. The District gives no assurance and makes no representations that any portion of any limited amount of bonds or other obligations, the interest on which is excludable from gross income for federal income tax purposes, will be reserved or will be available at the time of the proposed issuance of the Bonds.

(c) The District, by adopting this resolution or by taking any other action in connection with financing, refinancing, or reimbursing costs of the Project, does not provide any assurance that the Project is viable or sound, that the Borrower is financially sound, or that amounts owing on the Bonds or pursuant to the Loan will be paid. Neither the Borrower, any purchaser of the Bonds, nor any other person shall rely upon the District with respect to these matters.

Sec. 15. Expiration.

If any Bonds are not issued, sold, and delivered to the original purchaser within 3 years of the date of this resolution, the authorization provided in this resolution with respect to the issuance, sale, and delivery of the Bonds shall expire.

Sec. 16. Severability.

If any particular provision of this resolution, or the application thereof to any person or circumstance is held invalid, the remainder of this resolution and the application of such provision to other persons or circumstances shall not be affected thereby. If any action or inaction contemplated under this resolution is determined to be contrary to the requirements of applicable law, such action or inaction shall not be necessary for the purpose of issuing the Bonds, and the validity of the Bonds shall not be adversely affected.

Sec. 17. Compliance with public approval requirement.

This approval shall constitute the approval of the Council as required in section 147(f) of the Internal Revenue Code of 1986, approved October 22, 1986 (100 Stat. 2635; 26 U.S.C. § 147(f)), and section 490(k) of the Home Rule Act, for the Project to be financed, refinanced, or reimbursed with the proceeds of the Bonds. This resolution approving the issuance of the Bonds for the Project

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has been adopted by the Council after a public hearing held at least 14 days after publication of notice in a newspaper of general circulation in the District.

Sec. 18. Transmittal.

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

Sec. 19. 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 Home Rule Act.

Sec. 20. Effective date.

This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

20-511

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 24, 2014

To authorize and provide for the issuance, sale, and delivery in an aggregate principal amount not to exceed \$8.2 million of District of Columbia revenue bonds in one or more series and to authorize and provide for the loan of the proceeds of such bonds to assist The Next Step Public Charter School, Inc. in the financing, refinancing, or reimbursing of costs associated with an authorized project pursuant to section 490 of the District of Columbia Home Rule Act.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Next Step Public Charter School, Inc. Revenue Bonds Project Approval Resolution of 2014".

Sec. 2. Definitions.

For the purpose of this resolution, the term:

(1) "Authorized Delegate" means the Mayor or the Deputy Mayor for Planning and Economic Development, or any officer or employee of the Executive Office of the Mayor to whom the Mayor has delegated or to whom the foregoing individuals have subdelegated any of the Mayor's functions under this resolution pursuant to section 422(6) of the Home Rule Act.

(2) "Bond Counsel" means a firm or firms of attorneys designated as bond counsel from time to time by the Mayor.

(3) "Bonds" means the District of Columbia revenue bonds, notes, or other obligations (including refunding bonds, notes, and other obligations), in one or more series, authorized to be issued pursuant to this resolution.

(4) "Borrower" means the owner, operator, manager, and user of the assets financed, refinanced, or reimbursed with proceeds from the Bonds, which shall be The Next Step Public Charter School, Inc., a corporation organized under the laws of the District of Columbia, and exempt from federal income taxes under 26 U.S.C § 501(a) as an organization described in 26 U.S.C. § 501(c)(3).

(5) "Chairman" means the Chairman of the Council of the District of Columbia.

(6) "Closing Documents" means all documents and agreements other than Financing Documents that may be necessary and appropriate to issue, sell, and deliver the Bonds and to make the Loan contemplated thereby, and includes agreements, certificates, letters, opinions, forms, receipts, and other similar instruments.

(7) "District" means the District of Columbia.

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(8) "Financing Documents" means the documents other than Closing Documents that relate to the financing or refinancing of transactions to be effected through the issuance, sale, and delivery of the Bonds and the making of the Loan, including any offering document, and any required supplements to any such documents.

(9) "Home Rule Act" means the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 774; D.C. Official Code § 1-201.01 *et seq.*).

(10) "Issuance Costs" means all fees, costs, charges, and expenses paid or incurred in connection with the authorization, preparation, printing, issuance, sale, and delivery of the Bonds and the making of the Loan, including, but not limited to, underwriting, legal, accounting, rating agency, and all other fees, costs, charges, and expenses incurred in connection with the development and implementation of the Financing Documents, the Closing Documents, and those other documents necessary or appropriate in connection with the authorization, preparation, printing, issuance, sale, marketing, and delivery of the Bonds and the making of the Loan contemplated thereby, together with financing fees, costs, and expenses, including program fees and administrative fees charged by the District, fees paid to financial institutions and insurance companies, initial letter of credit fees (if any), compensation to financial advisors and other persons (other than full-time employees of the District) and entities performing services on behalf of or as agents for the District.

(11) "Loan" means the District's lending of proceeds from the sale, in one or more series, of the Bonds to the Borrower.

(12) "Project" means the financing, refinancing, or reimbursing of all or a portion of the Borrower's costs to:

(A) Acquire the real property and improvements constituting the Borrower's public charter school facilities located at 3047 15th Street N.W., Washington, D.C. 20009, Lot 723, Square 2672; and

(B) Pay allowable Issuance Costs.

Sec. 3. Findings.

The Council finds that:

(1) Section 490 of the Home Rule Act provides that the Council may by resolution authorize the issuance of District revenue bonds, notes, or other obligations (including refunding bonds, notes, or other obligations) to borrow money to finance, refinance, or reimburse and to assist in the financing, refinancing, or reimbursing of undertakings in certain areas designated in section 490 and may effect the financing, refinancing, or reimbursement by loans made directly or indirectly to any individual or legal entity, by the purchase of any mortgage, note, or other security, or by the purchase, lease, or sale of any property.

(2) The Borrower has requested the District to issue, sell, and deliver revenue bonds, in one or more series, in an aggregate principal amount not to exceed \$8.2 million, and to make the Loan for the purpose of financing, refinancing, or reimbursing costs of the Project.

(3) The Project is located in the District and will contribute to the health, education, safety, or welfare of, or the creation or preservation of jobs for, residents of the District, or to economic development of the District.

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(4) The Project is an undertaking in the area of elementary, secondary and college and university facilities within the meaning of section 490 of the Home Rule Act.

(5) The authorization, issuance, sale, and delivery of the Bonds and the Loan to the Borrower are desirable, are in the public interest, will promote the purpose and intent of section 490 of the Home Rule Act, and will assist the Project.

Sec. 4. Bond authorization.

(a) The Mayor is authorized pursuant to the Home Rule Act and this resolution to assist in financing, refinancing, or reimbursing the costs of the Project by:

(1) The issuance, sale, and delivery of the Bonds, in one or more series, in an aggregate principal amount not to exceed \$8.2 million; and

(2) The making of the Loan.

(b) The Mayor is authorized to make the Loan to the Borrower for the purpose of financing, refinancing, or reimbursing the costs of the Project and establishing any fund with respect to the Bonds as required by the Financing Documents.

(c) The Mayor may charge a program fee to the Borrower, including, but not limited to, an amount sufficient to cover costs and expenses incurred by the District in connection with the issuance, sale, and delivery of each series of the Bonds, the District's participation in the monitoring of the use of the Bond proceeds and compliance with any public benefit agreements with the District, and maintaining official records of each bond transaction and assisting in the redemption, repurchase, and remarketing of the Bonds.

Sec. 5. Bond details.

(a) The Mayor is authorized to take any action reasonably necessary or appropriate in accordance with this resolution in connection with the preparation, execution, issuance, sale, delivery, security for, and payment of the Bonds of each series, including, but not limited to, determinations of:

(1) The final form, content, designation, and terms of the Bonds, including a determination that the Bonds may be issued in certificated or book-entry form;

(2) The principal amount of the Bonds to be issued and denominations of the Bonds;

(3) The rate or rates of interest or the method for determining the rate or rates of interest on the Bonds;

(4) The date or dates of issuance, sale, and delivery of, and the payment of interest on the Bonds, and the maturity date or dates of the Bonds;

(5) The terms under which the Bonds may be paid, optionally or mandatorily redeemed, accelerated, tendered, called, or put for redemption, repurchase, or remarketing before their respective stated maturities;

(6) Provisions for the registration, transfer, and exchange of the Bonds and the replacement of mutilated, lost, stolen, or destroyed Bonds;

(7) The creation of any reserve fund, sinking fund, or other fund with respect to the Bonds;

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(8) The time and place of payment of the Bonds;
(9) Procedures for monitoring the use of the proceeds received from the sale of the Bonds to ensure that the proceeds are properly applied to the Project and used to accomplish the purposes of the Home Rule Act and this resolution;

(10) Actions necessary to qualify the Bonds under blue sky laws of any jurisdiction where the Bonds are marketed; and

(11) The terms and types of credit enhancement under which the Bonds may be secured.

(b) The Bonds shall contain a legend, which shall provide that the Bonds are special obligations of the District, are without recourse to the District, are not a pledge of, and do not involve the faith and credit or the taxing power of the District, do not constitute a debt of the District, and do not constitute lending of the public credit for private undertakings as prohibited in section 602(a)(2) of the Home Rule Act.

(c) The Bonds shall be executed in the name of the District and on its behalf by the manual or facsimile signature of the Mayor, and attested by the Secretary of the District of Columbia by the Secretary of the District of Columbia's manual or facsimile signature. The Mayor's execution and delivery of the Bonds shall constitute conclusive evidence of the Mayor's approval, on behalf of the District, of the final form and content of the Bonds.

(d) The official seal of the District, or a facsimile of it, shall be impressed, printed, or otherwise reproduced on the Bonds.

(e) The Bonds of any series may be issued in accordance with the terms of a trust instrument to be entered into by the District and a trustee to be selected by the Borrower subject to the approval of the Mayor, and may be subject to the terms of one or more agreements entered into by the Mayor pursuant to section 490(a)(4) of the Home Rule Act.

(f) The Bonds may be issued at any time or from time to time in one or more issues and in one or more series.

Sec. 6. Sale of the Bonds.

(a) The Bonds of any series may be sold at negotiated or competitive sale at, above, or below par, to one or more persons or entities, and upon terms that the Mayor considers to be in the best interest of the District.

(b) The Mayor or an Authorized Delegate may execute, in connection with each sale of the Bonds, offering documents on behalf of the District, may deem final any such offering document on behalf of the District for purposes of compliance with federal laws and regulations governing such matters and may authorize the distribution of the documents in connection with the sale of the Bonds.

(c) The Mayor is authorized to deliver the executed and sealed Bonds, on behalf of the District, for authentication, and, after the Bonds have been authenticated, to deliver the Bonds to the original purchasers of the Bonds upon payment of the purchase price.

(d) The Bonds shall not be issued until the Mayor receives an approving opinion from Bond Counsel as to the validity of the Bonds of such series and, if the interest on the Bonds is expected to

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be exempt from federal income taxation, the treatment of the interest on the Bonds for purposes of federal income taxation.

Sec. 7. Payment and security.

(a) The principal of, premium, if any, and interest on, the Bonds shall be payable solely from proceeds received from the sale of the Bonds, income realized from the temporary investment of those proceeds, receipts and revenues realized by the District from the Loan, income realized from the temporary investment of those receipts and revenues prior to payment to the Bond owners, other moneys that, as provided in the Financing Documents, may be made available to the District for the payment of the Bonds, and other sources of payment (other than from the District), all as provided for in the Financing Documents.

(b) Payment of the Bonds shall be secured as provided in the Financing Documents and by an assignment by the District for the benefit of the Bond owners of certain of its rights under the Financing Documents and Closing Documents, including a security interest in certain collateral, if any, to the trustee for the Bonds pursuant to the Financing Documents.

(c) The trustee is authorized to deposit, invest, and disburse the proceeds received from the sale of the Bonds pursuant to the Financing Documents.

Sec. 8. Financing and Closing Documents.

(a) The Mayor is authorized to prescribe the final form and content of all Financing Documents and all Closing Documents that may be necessary or appropriate to issue, sell, and deliver the Bonds and to make the Loan to the Borrower.

(b) The Mayor is authorized to execute, in the name of the District and on its behalf, the Financing Documents and any Closing Documents to which the District is a party by the Mayor's manual or facsimile signature.

(c) If required, the official seal of the District, or a facsimile of it, shall be impressed, printed, or otherwise reproduced on the Financing Documents and the Closing Documents to which the District is a party.

(d) The Mayor's execution and delivery of the Financing Documents and the Closing Documents to which the District is a party shall constitute conclusive evidence of the Mayor's approval, on behalf of the District, of the final form and content of the executed Financing Documents and the executed Closing Documents.

(e) The Mayor is authorized to deliver the executed and sealed Financing Documents and Closing Documents, on behalf of the District, prior to or simultaneously with the issuance, sale, and delivery of the Bonds, and to ensure the due performance of the obligations of the District contained in the executed, sealed, and delivered Financing Documents and Closing Documents.

Sec. 9. Authorized delegation of authority.

To the extent permitted by District and federal laws, the Mayor may delegate to any Authorized Delegate the performance of any function authorized to be performed by the Mayor under this resolution.

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Sec. 10. Limited liability.

(a) The Bonds shall be special obligations of the District. The Bonds shall be without recourse to the District. The Bonds shall not be general obligations of the District, shall not be a pledge of or involve the faith and credit or the taxing power of the District, shall not constitute a debt of the District, and shall not constitute lending of the public credit for private undertakings as prohibited in section 602(a)(2) of the Home Rule Act.

(b) The Bonds shall not give rise to any pecuniary liability of the District and the District shall have no obligation with respect to the purchase of the Bonds.

(c) Nothing contained in the Bonds, in the Financing Documents, or in the Closing Documents shall create an obligation on the part of the District to make payments with respect to the Bonds from sources other than those listed for that purpose in section 7.

(d) The District shall have no liability for the payment of any Issuance Costs or for any transaction or event to be effected by the Financing Documents.

(e) All covenants, obligations, and agreements of the District contained in this resolution, the Bonds, and the executed, sealed, and delivered Financing Documents and Closing Documents to which the District is a party, shall be considered to be the covenants, obligations, and agreements of the District to the fullest extent authorized by law, and each of those covenants, obligations, and agreements shall be binding upon the District, subject to the limitations set forth in this resolution.

(f) No person, including, but not limited to, the Borrower and any Bond owner, shall have any claims against the District or any of its elected or appointed officials, officers, employees, or agents for monetary damages suffered as a result of the failure of the District or any of its elected or appointed officials, officers, employees or agents to perform any covenant, undertaking, or obligation under this resolution, the Bonds, the Financing Documents, or the Closing Documents, or as a result of the incorrectness of any representation in or omission from the Financing Documents or the Closing Documents, unless the District or its elected or appointed officials, officers, employees, or agents have acted in a willful and fraudulent manner.

Sec. 11. District officials.

(a) Except as otherwise provided in section 10(f), the elected or appointed officials, officers, employees, or agents of the District shall not be liable personally for the payment of the Bonds or be subject to any personal liability by reason of the issuance, sale or delivery of the Bonds, or for any representations, warranties, covenants, obligations, or agreements of the District contained in this resolution, the Bonds, the Financing Documents, or the Closing Documents.

(b) The signature, countersignature, facsimile signature, or facsimile countersignature of any official appearing on the Bonds, the Financing Documents, or the Closing Documents shall be valid and sufficient for all purposes notwithstanding the fact that the individual signatory ceases to hold that office before delivery of the Bonds, the Financing Documents, or the Closing Documents.

Sec.12. Maintenance of documents.

Copies of the specimen Bonds and of the final Financing Documents and Closing Documents shall be filed in the Office of the Secretary of the District of Columbia.

ENROLLED ORIGINAL**Sec. 13. Information reporting.**

Within 3 days after the Mayor's receipt of the transcript of proceedings relating to the issuance of the Bonds, the Mayor shall transmit a copy of the transcript to the Secretary to the Council.

Sec. 14. Disclaimer.

(a) The issuance of Bonds is in the discretion of the District. Nothing contained in this resolution, the Bonds, the Financing Documents, or the Closing Documents shall be construed as obligating the District to issue any Bonds for the benefit of the Borrower or to participate in or assist the Borrower in any way with financing, refinancing, or reimbursing the costs of the Project. The Borrower shall have no claims for damages or for any other legal or equitable relief against the District, its elected or appointed officials, officers, employees, or agents as a consequence of any failure to issue any Bonds for the benefit of the Borrower.

(b) The District reserves the right to issue the Bonds in the order or priority it determines in its sole and absolute discretion. The District gives no assurance and makes no representations that any portion of any limited amount of bonds or other obligations, the interest on which is excludable from gross income for federal income tax purposes, will be reserved or will be available at the time of the proposed issuance of the Bonds.

(c) The District, by adopting this resolution or by taking any other action in connection with financing, refinancing, or reimbursing costs of the Project, does not provide any assurance that the Project is viable or sound, that the Borrower is financially sound, or that amounts owing on the Bonds or pursuant to the Loan will be paid. Neither the Borrower, any purchaser of the Bonds, nor any other person shall rely upon the District with respect to these matters.

Sec. 15. Expiration.

If any Bonds are not issued, sold, and delivered to the original purchaser within 3 years of the date of this resolution, the authorization provided in this resolution with respect to the issuance, sale, and delivery of the Bonds shall expire.

Sec. 16. Severability.

If any particular provision of this resolution, or the application thereof to any person or circumstance is held invalid, the remainder of this resolution and the application of such provision to other persons or circumstances shall not be affected thereby. If any action or inaction contemplated under this resolution is determined to be contrary to the requirements of applicable law, such action or inaction shall not be necessary for the purpose of issuing the Bonds, and the validity of the Bonds shall not be adversely affected.

Sec. 17. Compliance with public approval requirement.

This approval shall constitute the approval of the Council as required in section 147(f) of the Internal Revenue Code of 1986, approved October 22, 1986 (100 Stat. 2635; 26 U.S.C. § 147(f)), and section 490(k) of the Home Rule Act, for the Project to be financed, refinanced, or reimbursed with the proceeds of the Bonds. This resolution approving the issuance of the Bonds for the Project

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has been adopted by the Council after a public hearing held at least fourteen 14 days after publication of notice in a newspaper of general circulation in the District.

Sec. 18. Transmittal.

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

Sec. 19. 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 Home Rule Act.

Sec. 20. Effective date.

This resolution shall take effect immediately.

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A RESOLUTION

20-512

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 24, 2014

To authorize and provide for the issuance, sale, and delivery in an aggregate principal amount not to exceed \$12 million of District of Columbia revenue bonds in one or more series and to authorize and provide for the loan of the proceeds of such bonds to assist the Children’s Defense Fund in the financing, refinancing, or reimbursing of costs associated with an authorized project pursuant to section 490 of the District of Columbia Home Rule Act.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Children’s Defense Fund Revenue Bonds Project Approval Resolution of 2014”.

Sec. 2. Definitions.

For the purpose of this resolution, the term:

(1) “Authorized Delegate” means the Mayor or the Deputy Mayor for Planning and Economic Development, or any officer or employee of the Executive Office of the Mayor to whom the Mayor has delegated or to whom the foregoing individuals have subdelegated any of the Mayor’s functions under this resolution pursuant to section 422(6) of the Home Rule Act.

(2) “Bond Counsel” means a firm or firms of attorneys designated as bond counsel from time to time by the Mayor.

(3) “Bonds” means the District of Columbia revenue bonds, notes, or other obligations (including refunding bonds, notes, and other obligations), in one or more series, authorized to be issued pursuant to this resolution.

(4) “Borrower” means the owner of the assets financed, refinanced, or reimbursed with proceeds from the Bonds, which shall be the Children’s Defense Fund, a nonprofit corporation organized and existing under the laws of the District of Columbia and exempt from federal income taxes under 26 U.S.C. § Section 501(a) as an organization described in 26 U.S.C. § 501(c)(3).

(5) “Chairman” means the Chairman of the Council of the District of Columbia.

(6) “Closing Documents” means all documents and agreements other than Financing Documents that may be necessary and appropriate to issue, sell, and deliver the Bonds and to make the Loan contemplated thereby, and includes agreements, certificates, letters, opinions, forms, receipts, and other similar instruments.

(7) “District” means the District of Columbia.

(8) “Financing Documents” means the documents other than Closing Documents that relate to the financing or refinancing of transactions to be effected through the issuance, sale,

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and delivery of the Bonds and the making of the Loan, including any offering document, and any required supplements to any such documents.

(9) "Home Rule Act" means the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 774; D.C. Official Code § 1-201.01 *et seq.*).

(10) "Issuance Costs" means all fees, costs, charges, and expenses paid or incurred in connection with the authorization, preparation, printing, issuance, sale, and delivery of the Bonds and the making of the Loan, including, but not limited to, underwriting, legal, accounting, rating agency, and all other fees, costs, charges, and expenses incurred in connection with the development and implementation of the Financing Documents, the Closing Documents, and those other documents necessary or appropriate in connection with the authorization, preparation, printing, issuance, sale, marketing, and delivery of the Bonds and the making of the Loan contemplated thereby, together with financing fees, costs, and expenses, including program fees and administrative fees charged by the District, fees paid to financial institutions and insurance companies, initial letter of credit fees (if any), compensation to financial advisors and other persons (other than full-time employees of the District) and entities performing services on behalf of or as agents for the District.

(11) "Loan" means the District's lending of proceeds from the sale, in one or more series, of the Bonds to the Borrower.

(12) "Project" means the financing, refinancing, or reimbursing of all or a portion of the Borrower's costs (including payments of principal of, and interest on, the bonds being refunded) to:

(A) Currently refinance or refund, including any pre-payment premium, the outstanding District of Columbia Variable Rate Demand / Fixed Rate Revenue Bonds (The Children's Defense Fund Issue) Series 1997 (the "Tax Exempt Series 1997 Bonds");

(B) Currently refinance or refund, including any pre-payment premium, the outstanding taxable obligations issued for the benefit of the Borrower (the "Taxable Obligations") (together, the Tax Exempt Series 1997 Bonds and the Taxable Obligations, the "Series 1997 Bonds");

(C) Renovate, improve, furnish, and equip, as necessary, the Borrower's headquarters facility located at 25 E Street, NW, Washington, D.C. 20001 (Lot 173, Square 628);

(D) Refinance, in whole or in part, existing indebtedness (apart from the Series 1997 Bonds);

(E) Pay Issuance Costs for the Bonds; and

(F) Fund any required debt service reserve fund, capitalized interest, bond insurance, or credit enhancement for the Bonds.

Sec. 3. Findings.

The Council finds that:

(1) Section 490 of the Home Rule Act provides that the Council may by resolution authorize the issuance of District revenue bonds, notes, or other obligations (including refunding bonds, notes, or other obligations) to borrow money to finance, refinance, or reimburse costs, and to assist in the financing, refinancing, or reimbursing of the costs of undertakings in certain areas

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designated in section 490 and may effect the financing, refinancing, or reimbursement by loans made directly or indirectly to any individual or legal entity, by the purchase of any mortgage, note, or other security, or by the purchase, lease, or sale of any property.

(2) The Borrower has requested the District to issue, sell, and deliver revenue bonds, in one or more series, in an aggregate principal amount not to exceed \$12 million and to make the Loan for the purpose of financing, refinancing, or reimbursing costs of the Project.

(3) The Project is located in the District and will contribute to the health, education, safety, or welfare of, or the creation or preservation of jobs for, residents of the District, or to the economic development of the District.

(4) The Project is an undertaking in the area of facilities used to house and equip operations related to the study, development, application, or production of children's social services and contributes to the health, education and welfare of residents of the District within the meaning of section 490 of the Home Rule Act.

(5) The authorization, issuance, sale, and delivery of the Bonds and the Loan to the Borrower are desirable, are in the public interest, will promote the purpose and intent of section 490 of the Home Rule Act, and will assist the Project.

Sec. 4. Bond authorization.

(a) The Mayor is authorized pursuant to the Home Rule Act and this resolution to assist in financing, refinancing, or reimbursing the costs of the Project by:

(1) The issuance, sale, and delivery of the Bonds, in one or more series, in an aggregate principal amount not to exceed \$12 million; and

(2) The making of the Loan.

(b) The Mayor is authorized to make the Loan to the Borrower for the purpose of financing, refinancing, or reimbursing the costs of the Project and establishing any fund with respect to the Bonds as required by the Financing Documents.

(c) The Mayor may charge a program fee to the Borrower, including, but not limited to, an amount sufficient to cover costs and expenses incurred by the District in connection with the issuance, sale, and delivery of each series of the Bonds, the District's participation in the monitoring of the use of the Bond proceeds and compliance with any public benefit agreements with the District, and maintaining official records of each bond transaction and assisting in the redemption, repurchase, and remarketing of the Bonds.

Sec. 5. Bond details.

(a) The Mayor is authorized to take any action reasonably necessary or appropriate in accordance with this resolution in connection with the preparation, execution, issuance, sale, delivery, security for, and payment of the Bonds of each series, including, but not limited to, determinations of:

(1) The final form, content, designation, and terms of the Bonds, including a determination that the Bonds may be issued in certificated or book-entry form;

(2) The principal amount of the Bonds to be issued and denominations of the Bonds;

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- (3) The rate or rates of interest or the method for determining the rate or rates of interest on the Bonds;
 - (4) The date or dates of issuance, sale, and delivery of, and the payment of interest on the Bonds, and the maturity date or dates of the Bonds;
 - (5) The terms under which the Bonds may be paid, optionally or mandatorily redeemed, accelerated, tendered, called, or put for redemption, repurchase, or remarketing before their respective stated maturities;
 - (6) Provisions for the registration, transfer, and exchange of the Bonds and the replacement of mutilated, lost, stolen, or destroyed Bonds;
 - (7) The creation of any reserve fund, sinking fund, or other fund with respect to the Bonds;
 - (8) The time and place of payment of the Bonds;
 - (9) Procedures for monitoring the use of the proceeds received from the sale of the Bonds to ensure that the proceeds are properly applied to the Project and used to accomplish the purposes of the Home Rule Act and this resolution;
 - (10) Actions necessary to qualify the Bonds under blue sky laws of any jurisdiction where the Bonds are marketed; and
 - (11) The terms and types of credit enhancement under which the Bonds may be secured.
- (b) The Bonds shall contain a legend, which shall provide that the Bonds are special obligations of the District, are without recourse to the District, are not a pledge of, and do not involve the faith and credit or the taxing power of the District, do not constitute a debt of the District, and do not constitute lending of the public credit for private undertakings as prohibited in section 602(a)(2) of the Home Rule Act.
- (c) The Bonds shall be executed in the name of the District and on its behalf by the manual or facsimile signature of the Mayor, and attested by the Secretary of the District of Columbia by the Secretary of the District of Columbia's manual or facsimile signature. The Mayor's execution and delivery of the Bonds shall constitute conclusive evidence of the Mayor's approval, on behalf of the District, of the final form and content of the Bonds.
- (d) The official seal of the District, or a facsimile of it, shall be impressed, printed, or otherwise reproduced on the Bonds.
- (e) The Bonds of any series may be issued in accordance with the terms of a trust instrument to be entered into by the District and a trustee to be selected by the Borrower subject to the approval of the Mayor, and may be subject to the terms of one or more agreements entered into by the Mayor pursuant to section 490(a)(4) of the Home Rule Act.
- (f) The Bonds may be issued at any time or from time to time in one or more issues and in one or more series.

Sec. 6. Sale of the Bonds.

- (a) The Bonds of any series may be sold at negotiated or competitive sale at, above, or below par, to one or more persons or entities, and upon terms that the Mayor considers to be in the best interest of the District.

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(b) The Mayor or an Authorized Delegate may execute, in connection with each sale of the Bonds, offering documents on behalf of the District, may deem final any such offering document on behalf of the District for purposes of compliance with federal laws and regulations governing such matters and may authorize the distribution of the documents in connection with the sale of the Bonds.

(c) The Mayor is authorized to deliver the executed and sealed Bonds, on behalf of the District, for authentication, and, after the Bonds have been authenticated, to deliver the Bonds to the original purchasers of the Bonds upon payment of the purchase price.

(d) The Bonds shall not be issued until the Mayor receives an approving opinion from Bond Counsel as to the validity of the Bonds of such series and, if the interest on the Bonds is expected to be exempt from federal income taxation, the treatment of the interest on the Bonds for purposes of federal income taxation.

Sec. 7. Payment and security.

(a) The principal of, premium, if any, and interest on, the Bonds shall be payable solely from proceeds received from the sale of the Bonds, income realized from the temporary investment of those proceeds, receipts and revenues realized by the District from the Loan, income realized from the temporary investment of those receipts and revenues prior to payment to the Bond owners, other moneys that, as provided in the Financing Documents, may be made available to the District for the payment of the Bonds, and other sources of payment (other than from the District), all as provided for in the Financing Documents.

(b) Payment of the Bonds shall be secured as provided in the Financing Documents and by an assignment by the District for the benefit of the Bond owners of certain of its rights under the Financing Documents and Closing Documents, including a security interest in certain collateral, if any, to the trustee for the Bonds pursuant to the Financing Documents.

(c) The trustee is authorized to deposit, invest, and disburse the proceeds received from the sale of the Bonds pursuant to the Financing Documents.

Sec. 8. Financing and Closing Documents.

(a) The Mayor is authorized to prescribe the final form and content of all Financing Documents and all Closing Documents to which the District is a party that may be necessary or appropriate to issue, sell, and deliver the Bonds and to make the Loan to the Borrower. Each of the Financing Documents and each of the Closing Documents to which the District is not a party shall be approved, as to form and content, by the Mayor.

(b) The Mayor is authorized to execute, in the name of the District and on its behalf, the Financing Documents and any Closing Documents to which the District is a party by the Mayor's manual or facsimile signature.

(c) If required, the official seal of the District, or a facsimile of it, shall be impressed, printed, or otherwise reproduced on the Financing Documents and the Closing Documents to which the District is a party.

(d) The Mayor's execution and delivery of the Financing Documents and the Closing Documents to which the District is a party shall constitute conclusive evidence of the Mayor's

ENROLLED ORIGINAL

approval, on behalf of the District, of the final form and content of said executed Financing Documents and said executed Closing Documents.

(e) The Mayor is authorized to deliver the executed and sealed Financing Documents and Closing Documents, on behalf of the District, prior to or simultaneously with the issuance, sale, and delivery of the Bonds, and to ensure the due performance of the obligations of the District contained in the executed, sealed, and delivered Financing Documents and Closing Documents.

Sec. 9. Authorized delegation of authority.

To the extent permitted by District and federal laws, the Mayor may delegate to any Authorized Delegate the performance of any function authorized to be performed by the Mayor under this resolution.

Sec. 10. Limited liability.

(a) The Bonds shall be special obligations of the District. The Bonds shall be without recourse to the District. The Bonds shall not be general obligations of the District, shall not be a pledge of or involve the faith and credit or the taxing power of the District, shall not constitute a debt of the District, and shall not constitute lending of the public credit for private undertakings as prohibited in section 602(a)(2) of the Home Rule Act.

(b) The Bonds shall not give rise to any pecuniary liability of the District and the District shall have no obligation with respect to the purchase of the Bonds.

(c) Nothing contained in the Bonds, in the Financing Documents, or in the Closing Documents shall create an obligation on the part of the District to make payments with respect to the Bonds from sources other than those listed for that purpose in section 7.

(d) The District shall have no liability for the payment of any Issuance Costs or for any transaction or event to be effected by the Financing Documents.

(e) All covenants, obligations, and agreements of the District contained in this resolution, the Bonds, and the executed, sealed, and delivered Financing Documents and Closing Documents to which the District is a party, shall be considered to be the covenants, obligations, and agreements of the District to the fullest extent authorized by law, and each of those covenants, obligations, and agreements shall be binding upon the District, subject to the limitations set forth in this resolution.

(f) No person, including, but not limited to, the Borrower and any Bond owner, shall have any claims against the District or any of its elected or appointed officials, officers, employees, or agents for monetary damages suffered as a result of the failure of the District or any of its elected or appointed officials, officers, employees, or agents to perform any covenant, undertaking, or obligation under this resolution, the Bonds, the Financing Documents, or the Closing Documents, or as a result of the incorrectness of any representation in or omission from the Financing Documents or the Closing Documents, unless the District or its elected or appointed officials, officers, employees, or agents have acted in a willful and fraudulent manner.

Sec. 11. District officials.

(a) Except as otherwise provided in section 10(f), the elected or appointed officials, officers, employees, or agents of the District shall not be liable personally for the payment of the Bonds or be

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subject to any personal liability by reason of the issuance, sale or delivery of the Bonds, or for any representations, warranties, covenants, obligations, or agreements of the District contained in this resolution, the Bonds, the Financing Documents, or the Closing Documents.

(b) The signature, countersignature, facsimile signature, or facsimile countersignature of any official appearing on the Bonds, the Financing Documents, or the Closing Documents shall be valid and sufficient for all purposes notwithstanding the fact that the individual signatory ceases to hold that office before delivery of the Bonds, the Financing Documents, or the Closing Documents.

Sec.12. Maintenance of documents.

Copies of the specimen Bonds and of the final Financing Documents and Closing Documents shall be filed in the Office of the Secretary of the District of Columbia.

Sec.13. Information reporting.

Within 3 days after the Mayor's receipt of the transcript of proceedings relating to the issuance of the Bonds, the Mayor shall transmit a copy of the transcript to the Secretary to the Council.

Sec. 14. Disclaimer.

(a) The issuance of Bonds is in the discretion of the District. Nothing contained in this resolution, the Bonds, the Financing Documents, or the Closing Documents shall be construed as obligating the District to issue any Bonds for the benefit of the Borrower or to participate in or assist the Borrower in any way with financing, refinancing, or reimbursing the costs of the Project. The Borrower shall have no claims for damages or for any other legal or equitable relief against the District, its elected or appointed officials, officers, employees, or agents as a consequence of any failure to issue any Bonds for the benefit of the Borrower.

(b) The District reserves the right to issue the Bonds in the order or priority it determines in its sole and absolute discretion. The District gives no assurance and makes no representations that any portion of any limited amount of bonds or other obligations, the interest on which is excludable from gross income for federal income tax purposes, will be reserved or will be available at the time of the proposed issuance of the Bonds.

(c) The District, by adopting this resolution or by taking any other action in connection with financing, refinancing, or reimbursing costs of the Project, does not provide any assurance that the Project is viable or sound, that the Borrower is financially sound, or that amounts owing on the Bonds or pursuant to the Loan will be paid. Neither the Borrower, any purchaser of the Bonds, nor any other person shall rely upon the District with respect to these matters.

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Sec. 15. Expiration.

If any Bonds are not issued, sold, and delivered to the original purchaser within 3 years of the date of this resolution, the authorization provided in this resolution with respect to the issuance, sale, and delivery of the Bonds shall expire.

Sec. 16. Severability.

If any particular provision of this resolution or the application thereof to any person or circumstance is held invalid, the remainder of this resolution and the application of such provision to other persons or circumstances shall not be affected thereby. If any action or inaction contemplated under this resolution is determined to be contrary to the requirements of applicable law, such action or inaction shall not be necessary for the purpose of issuing of the Bonds, and the validity of the Bonds shall not be adversely affected.

Sec. 17. Compliance with public approval requirement.

This approval shall constitute the approval of the Council as required in section 147 (f) of the Internal Revenue Code of 1986, approved October 22, 1986 (100 Stat. 2635; 26 U.S.C. § 147(f)), and section 490(k) of the Home Rule Act, for the Project to be financed, refinanced, or reimbursed with the proceeds of the Bonds. This resolution approving the issuance of the Bonds for the Project has been adopted by the Council after a public hearing held at least 14 days after publication of notice in a newspaper of general circulation in the District.

Sec. 18. Transmittal.

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

Sect. 19. 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 Home Rule Act.

Sec. 20. Effective date.

This resolution shall take effect immediately.

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A RESOLUTION

20-513

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 24, 2014

To approve multiyear Contract No. CFOPD-14-C-031 with Fast Enterprises, LLC to provide services, equipment, and implementation for the Modernized Integrated Tax System for the Office of Tax and Revenue.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Contract No. CFOPD-14-C-031, Modernized Integrated Tax System Approval Resolution of 2014".

Sec. 2. Pursuant to section 451(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code §1-204.51(c)(3)), and section 202 of the District of Columbia Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves multiyear contract No. CFOPD-14-C-031, which has a base period of 5 years and a cost not to exceed \$37.4 million, with Fast Enterprises, LLC, for services, equipment, and implementation for the Modernized Integrated Tax System for the Office of Chief Financial Officer, Office of Tax and Revenue.

Sec. 3. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

20-514

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 24, 2014

To declare the existence of an emergency with respect to the need to approve measures that are necessary to support action taken on the District's Fiscal Year 2015 proposed budget.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as "Fiscal Year 2015 Budget Support Emergency Declaration Resolution of 2014".

Sec. 2.(a) The Fiscal Year 2015 Budget Support Act of 2014 contains various measures necessary to support the Fiscal Year 2014 Budget and Financial Plan.

(b) There are several time-sensitive provisions contained in the Fiscal Year 2015 Budget Support Act of 2014 that need to be in place in advance of October 1, 2014.

(c) Other provisions in the emergency bill will retain the October 1, 2014, applicability date as provided in the permanent legislation, but should be enacted prior to October 1, 2014, to allow agencies and stakeholders to prepare for implementation.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Fiscal Year 2015 Budget Support Emergency Act of 2014 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

20-515

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 24, 2014

To declare the existence of an emergency with respect to the need to approve the employment contract of Dr. James E. Lyons, Sr., submitted by the University of the District of Columbia Board of Trustees to authorize a contract for a period beginning March 20, 2014, and ending on or before August 31, 2015.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Employment Contract of Dr. James E. Lyons, Sr., as Interim President of the University of the District of Columbia Emergency Declaration Resolution of 2014".

Sec. 2. There exists an immediate need to approve the employment contract of Interim President James E. Lyons, Sr., to ensure continued stability as the University of the District of Columbia moves forward with the implementation of its strategic plan while simultaneously recruiting a permanent Presidential appointment. The Board of Trustees of the University of the District of Columbia is proposing that the employment contract be retroactive from March 20, 2014.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Employment Contract of Dr. James E. Lyons, Sr., as Interim President of the University of the District of Columbia Emergency Act of 2014 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

20-516

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 24, 2014

To declare, on an emergency basis, the need to standardize the licensing and registration application requirements using the Nationwide Mortgage Licensing System and Registry, in order to ensure that the Department of Insurance, Securities, and Banking has the necessary statutory authority to use the NMLS for all non-depository financial service providers.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Nationwide Mortgage Licensing System Conformity Emergency Declaration Resolution of 2014”.

Sec. 2. (a) The Nationwide Mortgage Licensing System and Registry (“NMLS”) is a secure, web-based licensing system that allows applications for, and the maintenance and renewal of, state licenses in one or more states through a single record that is accessible to the general public.

(b) The NMLS provides improved coordination and information-sharing among regulators, enhanced consumer protection, and greater efficiency for industry.

(c) When the NMLS became operational in 2008, it was limited to mortgage brokers and lenders.

(d) In 2012, the NMLS expanded to include all non-depository financial service providers. However, the Department of Insurance, Securities, and Banking (“DISB”) only has the authority to use the NMLS for mortgage-related financial services.

(e) DISB currently processes about 3,400 non-depository licenses eligible for renewal in December of 2014.

(f) If DISB is unable to declare its participation in the expanded NMLS program by September 1, 2014, the next opportunity will not be until March 2015, and would require the manual input of the 3,400 renewals.

(g) However, because the Council is on recess from July 15th until September 15th, the Council must authorize the Department to declare its participation before the start of the summer recess if it is going to be able to participate in the expanded program this year.

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(h) Participation in the expanded NMLS program will improve regulatory efficiency, conserve financial and staff resources, and ease coordination with other participating state agencies.

(i) Participation in the expanded program will also provide a streamlined platform for the submission and maintenance of annual reports and financial statements, and the processing of criminal background checks and credit reports.

(j) The proposed legislation would authorize DISB to declare its participation by the July 1st deadline, allowing its participation in the expanded program, easing the financial burden as well as the inefficiency of a manual renewal process.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Nationwide Mortgage Licensing System Conformity Emergency Act of 2014 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

20-517

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 24, 2014

To declare, on an emergency basis, the need to amend the Small, Local, and Disadvantaged Business Enterprise Development and Assistance Act of 2005 to remove industrial revenue bonds from the definition of government-assisted project.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Small and Certified Business Enterprise Development and Assistance Clarification Emergency Declaration Resolution of 2014”.

Sec. 2. (a) On March 4, 2014, the Council approved the Small and Certified Business Enterprise Development and Assistance Amendment Act of 2014, effective June 10, 2014 (D.C. Law 20-108; D.C. Official Code § 2-218.01 *et seq.*) (“Act”). The Act clarifies the functions of the Department of Small and Local Business Development and the procedures for Certified Business Enterprises (“CBE”) by revising several provisions of the law.

(b) The Act defines “government-assisted projects” to include projects receiving various types of bond financing. The intent of the definition is to require CBE Agreements for projects that utilize District of Columbia funds.

(c) The Industrial Revenue Bond Program (“IRB Program”) is a federal government program whereby a private bank supports a project by issuing bonds at a tax-exempt rate.

(d) The District administers the IRB Program and collects a fee from the applicant for IRB bonds.

(e) IRB bonds are not issued utilizing District funds, nor are they backed by the full faith and credit of the District. The District is merely a conduit for the transactions.

(f) There are currently several IRB Program projects projected to close within the next 6 months, for which there is no enforceable CBE agreement in place.

(g) The proposed legislation will amend the definition of “government-assisted project” to exclude conduit transactions such as the IRB Program.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Small and Certified Business Enterprise Development and Assistance Clarification Emergency Amendment Act of 2014 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

20-518

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 24, 2014

To declare the existence of an emergency with respect to the need to extend Contract No. CFOPD-05-C-019 with ING Institutional Plan Services to continue to provide management, administration, investment, and trustee services for the District of Columbia's 401(a) Defined Contribution Pension Plan to the Office of the Chief Financial Officer, Office of Finance and Treasury, and to authorize payment for the services received and to be received under the contract.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Contract No. CFOPD-05-C-019 Approval and Payment Authorization Emergency Declaration Resolution of 2014".

Sec. 2. (a) There exists an immediate need to approve the extension of Contract No. CFOPD-05-C-019 with ING Institutional Plan Services to continue to provide management, administration, investment, and trustee services for the District of Columbia's 401(a) Defined Contribution Pension Plan to the Office of the Chief Financial Officer, Office of Finance and Treasury and to authorize payment for the services received and to be received under the contract.

(b) On July 12, 2013, the Contracting Officer executed modification No. 13, which partially exercised the second year of a 2-year option period from July 14, 2013, through October 31, 2013, in the amount of \$874,998.

(c) Modifications Nos. 14 through 20 partially exercised the second year of the option period from November 1, 2013, through June 30, 2014, at no cost.

(d) Proposed modification No. 21 would exercise the remainder of the second option period from July 1, 2014, through July 13, 2014, in the not to exceed amount of \$2,625,002, which with modification No. 13 equals a total amount of \$3.5 million.

(e) Council approval is necessary because modification No. 21 increases the contract to one of more than \$1 million during a 12-month period.

(f) Council approval is further necessary to allow the continuation of these vital services and to allow ING Institutional Plan Services to continue performance under the contract.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Contract No. CFOPD-05-C-019 Approval and Payment Authorization Emergency Act of 2014 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

20-519

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 24, 2014

To declare the existence of an emergency with respect to the need to reappoint Mr. Chris G. Gardiner to the Not-for-Profit Hospital Corporation Board of Directors.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Not-for-Profit Hospital Corporation Board of Directors Chris G. Gardiner Reappointment Emergency Declaration Resolution of 2014”.

Sec. 2. (a) Section 5113(a)(1)(B) of the Not-for-Profit Hospital Corporation Establishment Act effective September 14, 2011 (D.C. Law 19-21; D.C. Official Code § 44-951.04(a)(1)(B)) provides that 3 of the 14 members of the Not-for-Profit Hospital Corporation (“NFPHC”) Board shall be Council appointees.

(b) Mr. Gardiner has served as a Council appointee to the NFPHC Board since December of 2010 (R18-707, 58 DCR 203).

(c) Mr. Gardiner continues to be an invaluable member of the Board, serving as Vice-Chair of the Board, Chair of the Audit Committee, and Chair of several critical ad-hoc committees that the Board has occasionally needed.

(d) Mr. Gardiner’s 3 year term ended on December 21, 2013, and he has been serving in a 180-day holdover capacity since that time. His holdover period ends on or around June 19, 2014.

(e) The NFPHC is in the midst of implementation of its Board approved Strategic Plan and governance and oversight by the Board is a critical component of this process, which includes oversight of the search, selection and development of a strategic partner.

(f) Emergency approval of this reappointment resolution is necessary so that Mr. Gardiner can continue to serve as a NFPHC Board member without any gap in rights and privileges, including voting ability at the June 26, 2014 regular meeting of the NFPHC Board, and participation in critical strategic partnership discussions.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitutes emergency circumstances making it necessary that the Not-for-Profit Hospital Corporation Board of Directors Chris G. Gardiner Reappointment Emergency Approval Resolution of 2014 be adopted on an emergency basis.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

20-520

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 24, 2014

To reappoint, on an emergency basis, Mr. Chris G. Gardiner, to the Not-for-Profit Hospital Corporation Board of Directors.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Not-for-Profit Hospital Corporation Board of Directors Chris G. Gardiner Reappointment Emergency Approval Resolution of 2014”.

Sec. 2. The Council of the District of Columbia reappoints:

Mr. Chris G. Gardiner
Foxhall Crescent, N.W.
Washington, D.C. 20007

as a member of the Not-for-Profit Hospital Corporation Board of Directors, established by section 5115 of the Not-for-Profit Hospital Corporation Establishment Amendment Act of 2011, effective September 14, 2011 (D.C. Law 19-21; D.C. Official Code § 44-951.04), for a term to end December 21, 2016.

Sec. 3. The Secretary to the Council of the District of Columbia shall transmit a copy of this resolution, upon its adoption, to the appointee and to the Office of the Mayor.

Sec. 4. This resolution shall take effect immediately.

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A RESOLUTION

20-521

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 24, 2014

To declare the existence of an emergency with respect to the need to approve Contract No. NFPHC-208a (2012-2013) to provide workers’ compensation insurance to the Not-for-Profit Hospital Corporation; Contract No. NFPHC-208b (2013-2014) to provide workers’ compensation insurance to the Not-for-Profit Hospital Corporation; and to authorize payment for the services received and to be received under the contracts.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “NFPHC Omnibus Employee Workers’ Compensation Insurance Approval and Payment Authorization Emergency Declaration Resolution of 2014”.

Sec. 2. (a) The Not-for-Profit Hospital Corporation (“NFPHC”), through its insurance brokers, competitively bid employee workers’ compensation insurance for July 9, 2010 through July 9, 2011, and July 9, 2011 through July 9, 2012. For each of these periods, National Union Fire Insurance Company (“National”) of Pittsburgh, PA quoted the lowest price for the best coverage, and since each policy was under \$1,000,000.00 in a 12-month period, Council approval is not required.

(b) In early 2012, the NFPHC, through its insurance brokers, competitively bid the workers’ compensation insurance coverage for the subsequent 2012-2013 period. National quoted the lowest price for the best coverage and permitted installment payments without indemnifications, thereby allowing the NFPHC to comply with the federal and local Anti-Deficiency Acts.

(c) The NFPHC purchased the workers’ compensation policy from National for the July 9, 2012 through July 9, 2013 period.

(d) Approval is needed for NFPHC-208a because this policy, with a cost to NFPHC of \$1,057,121.00, was paid without proper Council approval.

(e) The NFPHC has taken necessary steps, including additional education of NFPHC employees, brokers and insurance vendors, to prevent future occurrences.

(f) In early 2013, the NFPHC, through its insurance brokers, competitively bid workers’ compensation insurance coverage for the 2013-2014 period. National quoted the lowest price for the best coverage and permitted installment payments without indemnifications, thereby allowing the NFPHC to comply with the federal and local Anti-Deficiency Acts.

ENROLLED ORIGINAL

(g) The NFPHC purchased the workers' compensation from National for the July 9, 2013-July 9, 2014 period.

(h) Approval is needed for NFPHC-208b because this policy, with a cost to NFPHC of \$1,065,272.00, is being paid without proper Council approval.

(i) The NFPHC has taken necessary steps, including additional education of NFPHC employees, brokers and insurance vendors, to prevent future occurrences.

(j) Emergency approval of the 2012-2013 policy and the 2013-2014 policy is necessary so that NFPHC can continue to provide workers' compensation insurance coverage for its employees. Without this approval, National cannot be paid for these critical services provided and to be provided in excess of \$999,999.99.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitutes emergency circumstances making it necessary that the NFPHC Omnibus Employee Workers' Compensation Insurance Approval and Payment Authorization Emergency Act of 2014 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

20-522

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 24, 2014

To declare the existence of an emergency with respect to the need to approve Contract No. NFPHC-207a (2012-2013) to provide general liability, professional entity liability, professional physician liability, and excess coverage insurance to the Not-for-Profit Hospital Corporation; Contract No. NFPHC-207b (2013-2014) to provide general liability, professional entity liability, professional physician liability, and excess coverage insurance to the Not-for-Profit Hospital Corporation; and to authorize payment for the services received and to be received under the contracts.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "NFPHC Omnibus Liability Insurance Approval and Payment Authorization Emergency Declaration Resolution of 2014".

Sec. 2. (a) The Not-for-Profit Hospital Corporation ("NFPHC"), through its insurance brokers, competitively bid general liability, professional entity liability, professional physician liability, and excess coverage insurance for November 23, 2010 through November 23, 2011, and November 23, 2011 through November 23, 2012. For each of these periods, Lexington Insurance Company quoted the lowest price for the best coverage, and since each policy was under \$1,000,000.00 in a 12-month period, Council approval was not required.

(b) In early 2012, the NFPHC, through its insurance brokers, competitively bid the liability insurance coverage for the subsequent 2012-2013 period. Hiscox Insurance Company Ltd. ("Hiscox") quoted the lowest price for the best coverage, and permitted installment payments without indemnifications, thereby allowing the NFPHC to comply with the federal and local Anti-Deficiency Acts.

(c) The NFPHC purchased the liability policy from Hiscox for the November 23, 2012 through November 23, 2013 period.

(d) Approval is needed for NFPHC-207a because this policy, with a cost to NFPHC of \$1,606,500.00, was paid without proper Council approval.

(e) The NFPHC has taken necessary steps, including additional education of NFPHC employees, brokers and insurance vendors, to prevent future occurrences.

(f) In early 2013, the NFPHC, through its insurance brokers, competitively bid liability insurance coverage for the 2013-2014 period. Hiscox quoted the lowest price for the best

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coverage, and continued to permit installment payments without indemnifications, thereby allowing the NFPHC to comply with the federal and local Anti-Deficiency Acts.

(g) The NFPHC purchased the liability policy from Hiscox for the November 23, 2013 through November 23, 2014 period.

(h) Approval is needed for NFPHC-207b because this policy, with a cost to NFPHC of \$1,606,500.00, is being paid without proper Council approval.

(i) The NFPHC has taken necessary steps, including additional education of NFPHC employees, brokers and insurance vendors, to prevent future occurrences.

(j) Emergency approval of the 2012-2013 policy and the 2013-2014 policy is necessary so that NFPHC can continue to provide liability insurance to its physicians, staff, and facilities. Without this approval, Hiscox cannot be paid for these critical services provided and to be provided in excess of \$999,999.99.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitutes emergency circumstances making it necessary that the NFPHC Omnibus Liability Insurance Approval and Payment Authorization Emergency Act of 2014 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

20-523

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 24, 2014

To declare the existence of an emergency with respect to the need to immediately approve measures designed to create a certified business enterprise and small business enterprise written waiver certification that adheres to the spirit and intent of the law.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as “Small and Certified Business Enterprise Development and Assistance Waiver Certification Emergency Declaration Resolution of 2014”.

Sec. 2. (a) Certain legitimate concerns were raised concerning the Department of Small and Local Business Development’s waiver grant of the recent re-issue of the DC Lottery contract solicitation.

(b) This created a tremendous sense of confusion and frustration and undermines the confidence of the public and the small business community in the law.

(c) In 2013 and up to January, 2014, there were 75 waiver requests submitted to the Department of Small and Local Business Development from various District agencies.

(d) This legislation is required to create a accountable, transparent, credible, and fair procurement process for all and that eliminates the perceived abuse of agency discretion.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Small and Certified Business Enterprise Development and Assistance Waiver Certification Emergency Amendment Act of 2014 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

20-524

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 24, 2014

To declare the existence of an emergency with respect to the need to authorize salary increases under the terms of the negotiated compensation collective bargaining agreement for employees in Compensation Unit 33 as set forth in the affected pay schedules.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Compensation Agreement between the District of Columbia Office of the Attorney General and American Federation of Government Employees, Local 1403, AFL-CIO (Compensation Unit 33) Emergency Declaration Resolution of 2014.”

Sec. 2. (a) The District of Columbia negotiated a compensation agreement for District of Columbia employees in Compensation Unit 33 that requires certain compensation increases over a period of 3 years. The Mayor proposes, as agreed with the Union, that the first such compensation increase is made effective October 1, 2013, which constitutes a change to the A-35 pay schedule and a resulting minimum increase of 1.5% in each bargaining unit member’s gross salary.

(b) To comply with section 1717(f)(1) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code §1-617.17(f)(1)), which provides that negotiations be completed prior to submission of a budget for the years covered by the agreement, this agreement must be acted on by Council immediately.

(c) To effectuate the terms of the compensation agreement in Fiscal Year 2014, the Mayor recommends that the Compensation Agreement between the District of Columbia and Compensation Unit 33 Emergency Approval Resolution of 2014 be approved on an emergency basis.

(d) Failure to effectuate the express terms of the negotiated agreement may result in undermining the confidence of union members in the District of Columbia Government and its leadership.

(e) Failure to act in an expedited manner may jeopardize the future relationship between labor and management in the District of Columbia and the success of collaborative efforts, as agreed under the terms of the negotiated agreement.

ENROLLED ORIGINAL

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Compensation Agreement between the District of Columbia and Office of the Attorney General and American Federation of Government Employees, Local 1403, AFL-CIO (Compensation Unit 33) Emergency Approval Resolution of 2014 be adopted on an emergency basis.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

20-525

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 24, 2014

To approve, on an emergency basis, the negotiated compensation collective bargaining agreement submitted by the Mayor for employees in Compensation Unit 33.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Compensation Agreement between the District of Columbia Office of the Attorney General and the American Federation of Government Employees, Local 1403, AFL-CIO (Compensation Unit 33) Emergency Approval Resolution of 2014".

Sec. 2. (a) Pursuant to section 1717(j) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Code § 1-617.17(j)), the Council approves the compensation agreement between the Office of the Attorney General and the American Federation of Government Employees, Local 1403, AFL-CIO (Compensation Unit 33), which was transmitted by the Mayor to the Council on May 23, 2014.

(b) This resolution applies to Compensation Unit 33/Series 905 bargaining unit employees employed by the District of Columbia.

Sec. 3. Transmittal.

The Secretary to the Council shall transmit a copy of this resolution, upon its adoption, to Compensation Unit 33 and to the Mayor.

Sec. 4. Fiscal impact statement.

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

Sec. 5. Effective date.

This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

20-526

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 24, 2014

To declare the existence of an emergency with respect to the need to declare as no longer required for public purposes the District-owned real property located at 3825-29 Georgia Avenue, N.W., known for tax and assessment purposes as Lot 0818 in Square 3028.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “3825-29 Georgia Avenue, N.W., Surplus Property Declaration Emergency Declaration Resolution of 2014”.

Sec. 2. Findings.

(a) On January 28, 2014, the Council of the District of Columbia, at the request of the Mayor, introduced the 3825-29 Georgia Avenue, N.W., Surplus Declaration and Approval Resolution of 2014 and the 3825-29 Georgia Avenue, N.W., Disposition Approval Resolution of 2014 to declare as surplus and approve the disposition of District-owned real property located at 3825-29 Georgia Avenue, N.W., and known for tax and assessment purposes as Lot 0818 in Square 3028 (the “Property”).

(b) On June 3, 2014, the Council approved the 3825-29 Georgia Avenue, N.W. Disposition Approval Resolution of 2014, effective June 3, 2014 (Res. 20-495).

(c) The 3825-29 Georgia Avenue, N.W., Surplus Declaration and Approval Resolution of 2014 was deemed disapproved on June 19, 2014.

(d) There is a need to approve the surplus declaration on an emergency basis to allow the Mayor to transfer the Property to the development team.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the 3825-29 Georgia Avenue, N.W., Surplus Property Declaration Emergency Resolution of 2014 be adopted on an emergency basis.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

20-527

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 24, 2014

To declare as no longer required for public purposes the District-owned real property located at 3825-29 Georgia Avenue, N.W., known for tax and assessment purposes as Lot 0818 in Square 3028.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “3825-29 Georgia Avenue, N.W., Surplus Property Declaration Emergency Resolution of 2014”.

Sec. 2. Findings.

(a) The property located at 3825-29 Georgia Avenue, N.W., known for tax and assessment purposes as Lot 0818, in Square 3028 (the “Property”), consists of approximately 5,757 square feet of land.

(b) The Property is no longer required for public purposes because the Property’s condition cannot viably accommodate a District agency use or other public use without cost-prohibitive new construction. The most pragmatic solution for reactivating this space is to declare the Property surplus and dispose of the Property for redevelopment.

(c) Pursuant to section 1(a-1)(4) of An Act Authorizing the sale of certain real estate in the District of Columbia no longer required for public purposes, approved August 5, 1939 (53 Stat. 1211; D.C. Official Code § 10-801(a-1)(4)), a public hearing was held on April 22, 2013, at the Petworth Neighborhood Library located at 4200 Kansas Avenue, N.W., regarding the finding that the Property is no longer required for public purposes.

Sec. 3. Pursuant to section 1(a-1) of the Act, the Council determines that the Property is no longer required for public purposes.

Sec. 4. Transmittal .

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

Sec. 5. Fiscal impact statement.

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

ENROLLED ORIGINAL

Sec. 6. Effective date.

This resolution shall take effect immediately.

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

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

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

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COUNCIL OF THE DISTRICT OF COLUMBIA	PROPOSED LEGISLATION
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PROPOSED RESOLUTIONS

PR20-928 District of Columbia Commission on Human Rights Motoko Aizawa Confirmation Resolution of 2014

Intro. 06-27-14 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Judiciary and Public Safety

PR20-929 District of Columbia Commission on Human Rights David Scruggs Confirmation Resolution of 2014

Intro. 06-27-14 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Judiciary and Public Safety

PR20-930 Board of Dietetics and Nutrition Melissa Emily Musiker Confirmation Resolution of 2014

Intro. 06-27-14 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Health

PR20-931 District of Columbia Board of Nursing Sukhjot Randhawa Confirmation Resolution of 2014

Intro. 06-27-14 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Health

PR20-932 District of Columbia Board of Nursing Ottamissiah Moore Confirmation Resolution of 2014

Intro. 06-27-14 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Health

PROPOSED RESOLUTIONS CON'T

PR20-933 District of Columbia Board of Nursing Cathy Borris-Hale Confirmation Resolution of 2014

Intro. 06-27-14 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Health

PR20-934 District of Columbia Board of Nursing Mary Ellen Husted Confirmation Resolution of 2014

Intro. 06-27-14 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Health

PR20-935 Real Property Tax Appeals Commission Mr. Donald L. Issac, Jr. Confirmation Resolution of 2014

Intro. 06-30-14 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Finance and Revenue

PR20-936 Board of Medicine Dr. Lawrence Manning Confirmation Resolution of 2014

Intro. 06-30-14 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Health

PR20-937 Board of Medicine Dr. Anitra P. Denson Confirmation Resolution of 2014

Intro. 06-30-14 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Health

PR20-938 Board of Medicine Dr. Andrea A. Anderson Confirmation Resolution of 2014

Intro. 06-30-14 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Health

PR20-939 Board of Medicine Dr. Janis Orłowski Confirmation Resolution of 2014

Intro. 06-30-14 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Health

PR20-940 Board of Medicine Dr. Brendan Furlong Confirmation Resolution of 2014

Intro. 06-30-14 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Health

COUNCIL OF THE DISTRICT OF COLUMBIA
Notice of Reprogramming Request

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

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

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

Reprog. 20-236: Request to reprogram \$257,510 of Pay-as-you-go (Paygo) Capital funds budget authority and allotment to the operating funds budget of the Department of General Services (DGS) was filed in the Office of the Secretary on June 27, 2014. This reprogramming is necessary to support the costs of the Protective Services Police Department's Access Control system for facilities leased by the District.

RECEIVED: 14 day review begins June 30, 2014

Reprog. 20-237: Request to reprogram \$855,000 of Fiscal Year 2014 Special Purpose Revenue funds budget authority within the Public Service Commission (PSC) was filed in the Office of the Secretary on June 27, 2014. This reprogramming ensures that PSC will be able to cover rental costs increase at the current location, pay for website hosting, and provide funding for education, training, and related travel and tuition reimbursement.

RECEIVED: 14 day review begins June 30, 2014

Reprog. 20-238: Request to reprogram \$1.00 of Capital funds budget authority and allotment within the District Department of Transportation (DDOT) was filed in the Office of the Secretary on June 27, 2014. This reprogramming is needed to properly align the Master Project 11th Street Bridge (HTF00A) with the Federal Highway Administration's (FHA) obligations for the current fiscal year and future spending.

RECEIVED: 14 day review begins June 30, 2014

Reprog. 20-239: Request to reprogram \$1,566,088 of Capital funds budget and allotment within the District Department of Transportation (DDOT) was filed in the Office of the Secretary on June 27, 2014. This reprogramming is needed to cover additional costs for the Curb and Sidewalk project (CAL16C).

RECEIVED: 14 day review begins June 30, 2014

Reprog. 20-240: Request to reprogram \$310,915 of Pay-as-you-go (Paygo) Capital funds budget authority and allotment to the operating funds budget of the Department of General Services (DGS) was filed in the Office of the Secretary on June 27, 2014. This reprogramming is necessary to enable the agency to purchase security camera for Hyde-Addison Elementary School (ES), Ellington High School (HS) for the Arts, Langdon ES, Stanton ES, Plummer ES, Kramer ES, and Payne ES, and for cameras on demountables at Kelly Miller Middle School (MS), Stoddert ES, Murch ES and Brightwood ES.

RECEIVED: 14 day review begins June 30, 2014

Reprog. 20-241: Request to reprogram \$5,070,425 to the operating funds budget of the Department of General Services (DGS) was filed in the Office of the Secretary on June 27, 2014. This reprogramming is necessary to enable DGS, on behalf of the District of Columbia government, to acquire title to the property under contract to be sold to the Washington Humane Society (WHS).

RECEIVED: 14 day review begins June 30, 2014

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF PUBLIC HEARINGS
CALENDAR

WEDNESDAY, JULY 16, 2014
2000 14TH STREET, N.W., SUITE 400S
WASHINGTON, D.C. 20009

Ruthanne Miller, Chairperson
Members: Nick Alberti, Donald Brooks, Herman Jones
Mike Silverstein, Hector Rodriguez, James Short

- Protest Hearing (Status)** **9:30 AM**
Case # 14-PRO-00047; City Corner, Inc., t/a City Corner Market, 2601
Sherman Ave NW, License #94587, Retailer B, ANC 1B
Application for a New License
- Show Cause Hearing (Status)** **9:30 AM**
Case # 12-CMP-00144(NCBO); Lion's Gate, Inc, t/a Lion's Fine Wine &
Spirits, 3614 Georgia Ave NW, License #88221, Retailer A, ANC 1A
Failed to Comply with Board Order No. 2014-001
- Show Cause Hearing (Status)** **9:30 AM**
Case # 14-CMP-00039; Thoi Foods, Inc., t/a Nam-Viet Pho 79, 3419
Connecticut Ave NW, License #25298, Retailer CR, ANC 3C
Failed to File Quarterly Statements (1st Quarter 2013)
- Show Cause Hearing (Status)** **9:30 AM**
Case # 14-CC-00016; Matabata, LLC, t/a Bodega, 3116 M Street NW
License #78301, Retailer CR, ANC 2E
**Sale to Minor Violation, Failed to Take Steps Necessary to Ascertain Legal
Drinking Age**
- Show Cause Hearing (Status)** **9:30 AM**
Case # 14-AUD-00020; Tropicalia Project, LLC, t/a Bossa Brazilian Bistro
2463 18th Street NW, License #84505, Retailer CR, ANC 1C
Failed to Meet Food Sales Requirements

Board's Calendar
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Show Cause Hearing (Status) **9:30 AM**
Case # 14-CC-00009; Bakhtar Group, Inc., t/a Malmaison, 3401 K Street NW
License #85367, Retailer CR, ANC 2E
No ABC Manager on Duty

Show Cause Hearing (Status) **9:30 AM**
Case # 13-CMP-00258; Café Europa, Inc., t/a Panache, 1725 Desales Street
NW, License #60754, Retailer CR, ANC 2B
No ABC Manager on Duty

Show Cause Hearing (Status) **9:30 AM**
Case # 14-UD-00010; Miriam's Café, LLC t/a Miriam's Cafeteria, 3931 14th
Street NW, License #75536, Retailer CR, ANC 4C
Failed to Maintain Books and Records

Show Cause Hearing (Status) **9:30 AM**
Case # 12-CMP-00688; Hak, LLC., t/a Midtown, 1219 Connecticut Ave NW
License #72087, Retailer CN, ANC 2B
**Sale to Minor, Failed to Take Steps Necessary to Asertain Legal Drinking
Age**

Fact Finding Hearing* **9:30 AM**
American Arab Communication & Translation Center, LLC, t/a Zenobia Lounge
1025 31st Street NW, License #85003, Retailer CR, ANC 2E
Request to place License in Safekeeping

Show Cause Hearing* **10:00 AM**
Case # 13-AUD-00055; Saigon Bistro, LLC, t/a Saigon Bistro, 2153 P Street
NW, License #81175, Retailer CR, ANC 2B
Failed to File Quarterly Statements (1st Quarter 2013)

Show Cause Hearing* **11:00 AM**
Case # 13-AUD-00064; Saigon Bistro, LLC, t/a Saigon Bistro, 2153 P Street
NW, License #81175, Retailer CR, ANC 2B
Failed to File Quarterly Statements (2nd Quarter 2013)

BOARD RECESS AT 12:00 PM
ADMINISTRATIVE AGENDA
1:00 PM

Board's Calendar
Page -3- July 10, 2014

Protest Hearing*

1:30 PM

Case # 14-PRO-00002; Par Bar, LLC, t/a H Street Country Club, 1335 H Street NE, License #76649, Retailer CT, ANC 6A

Termination of Settlement Agreement

This Hearing has been continued to September 24, 2014 at 4:30 pm., at the request of the Parties.

Protest Hearing*

1:30 PM

Case # 13-PRO-00097; The Popal Group, LLC, t/a Napoleon, 1847 Columbia Road NW, License #75836, Retailer CR, ANC 1C

Application to Renew the License

***The Board will hold a closed meeting for purposes of deliberating these hearings pursuant to D.C. Official Code §2-574(b)(13).**

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

Posting Date: July 11, 2014
Petition Date: August 25, 2014
Hearing Date: September 8, 2014
Protest Hearing Date: October 29, 2014

License No.: ABRA-095815
Licensee: Beau Thai Shaw, LLC
Trade Name: Beau Thai
License Class: Retailer's Class "C" Restaurant
Address: 1550 7th Street, NW
Contact: Andrew Kline 202-686-7600

WARD 6

ANC 6E

SMD 6E01

Notice is hereby given that this applicant has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such license on the hearing date at 10:00 am, 2000 14th Street, N.W., 400 South, Washington, DC 20009. Petitions and/or requests to appear before the Board must be filed on or before the petition date. The Protest Hearing Date is scheduled for October 29, 2014 at 1:30 pm.

NATURE OF OPERATION

This restaurant will be serving Thai Cuisine. No entertainment. No nude dancing. No nude performances.

HOURS OF OPERATION

Sunday through Thursday 7 am – 2 am
Friday and Saturday 7 am – 3 am

HOURS OF ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION

Sunday through Thursday 8 am – 2 am
Friday and Saturday 8 am – 3 am

HOURS OF OPERATION/ SIDEWALK CAFE

Sunday through Thursday 7 am – 2 am
Friday and Saturday 7 am – 3 am

**HOURS OF ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION/
SIDEWALK CAFE**

Sunday through Thursday 8 am – 2 am
Friday and Saturday 8 am – 3 am

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

Posting Date: July 11, 2014
Petition Date: August 25, 2014
Hearing Date: September 8, 2014

License No.: ABRA-088815
Licensee: Zembada Incorporated
Trade Name: Capitol Food Mart
License Class: Retailer's Class "B"
Address: 1634 North Capitol Street, NW
Contact: Bernard Dietz, 202-548-8000

WARD 5

ANC 5E

SMD 5E06

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 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 to change the hours of operating and alcoholic beverage sales.

CURRENT HOURS OF OPERATION

Sunday 9am-8pm, Monday through Saturday 8am-9pm

CURRENT HOURS OF ALCOHOLIC BEVERAGE SALES

Sunday 9am-8pm, Monday through Saturday, 9am-9pm

PROPOSED HOURS OF OPERATION

Sunday through Saturday 6am-12am

PROPOSED HOURS OF ALCOHOLIC BEVERAGE SALES

Sunday 9am-10pm, Monday through Saturday 7am-12am

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

Posting Date: July 11, 2014
Petition Date: August 25, 2014
Roll Call Hearing Date: September 8, 2014
Protest Hearing Date: October 29, 2014

License No.: ABRA-095739
Licensee: 418 7th St LLC
Trade Name: China Chilcano
License Class: Retailer's Class "C" Restaurant
Address: 418 7th Street, NW
Contact: Andrew Kline, 202-686-7600

WARD 2

ANC 2C

SMD 2C03

Notice is hereby given that this applicant has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the Roll Call Hearing Date at 10:00 am, 4th Floor, 2000 14th Street, N.W., Washington, DC 20009. Petitions and/or requests to appear before the Board must be filed on or before the Petition Date. The Protest Hearing Date is scheduled for October 29, 2014 at 1:30pm.

NATURE OF OPERATION

New restaurant serving Chinese Peruvian cuisine. Sidewalk Café with seating for 50 patrons. Total Occupancy Load is 250.

HOURS OF OPERATION FOR INSIDE PREMISES AND SIDEWALK CAFE

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

HOURS OF ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION FOR INSIDE PREMISES AND SIDEWALK CAFÉ

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

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

Posting Date: June 13, 2014
Petition Date: July 28, 2014
Roll Call Hearing Date: August 11, 2014
Protest Hearing Date: October 1, 2014

License No.: ABRA-095376
Licensee: Giant of Maryland LLC
Trade Name: Giant #2379
License Class: Retailer's Class "D" Restaurant
Address: 3336 Wisconsin Avenue NW
Contact: Stephen O'Brien, Esq., 202-625-7700

WARD 3

ANC 3C

SMD 3C07

Notice is hereby given that this applicant has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the Roll Call Hearing Date at 10:00 am, 4th Floor, 2000 14th Street, N.W., Washington, DC 20009. Petitions and/or requests to appear before the Board must be filed on or before the Petition Date. The Protest Hearing Date is scheduled for October 1, 2014 at 1:30pm.

NATURE OF OPERATION

New eat in café located within Giant selling food and alcoholic beverages for consumption on the premises.

HOURS OF OPERATION

24 hours

HOURS OF ALCOHOLIC BEVERAGE SALES/SERVICE AND CONSUMPTION

**Sunday through Saturday 10am-10pm

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

Posting Date: July 11, 2014
Petition Date: August 25, 2014
Hearing Date: September 8, 2014
Protest Hearing Date: October 29, 2014

License No.: ABRA-095794
Licensee: Hamiltonian Gallery, LLC
Trade Name: Hamiltonian Gallery
License Class: Retailer's Class "D" Multipurpose Facility
Address: 1353 U Street, NW
Contact.: Paul So 202 332-1116

WARD 1

ANC 1B

SMD 1B02

Notice is hereby given that this applicant has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such license on the Hearing Date at 10:00 am, 2000 14th Street, N.W., 400 South, Washington, DC 20009. Petitions and/or requests to appear before the Board must be filed on or before the Petition Date. The Protest Hearing Date is scheduled for October 22, 2014 at 4:30pm.

NATURE OF OPERATION

New, Multipurpose Facility. Exhibit art works by emerging contemporary artists from the DC metropolitan area. Light food snacks served with wine/beer. The gallery does occasionally rent out its space for other cultural events and professionals gatherings. Occupancy Load is 71

HOURS OF OPERATION

Sunday and Monday, CLOSED
Tuesday through Thursday, 12 pm- 6 pm
Friday and Saturday, 12 pm- 9 pm

HOURS OF SALES OF ALCOHOLIC BEVERAGES

Friday and Saturday, 6 pm- 9 pm

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
7/11/2014**

Notice is hereby given that:

License Number: ABRA-089019

License Class/Type: C Restaurant

Applicant: Meseret Ali & Yonas Chere

Trade Name: Merkato Ethiopian Restaurant

ANC: 1B

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

1909 9th ST NW, WASHINGTON, DC 20001

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

8/25/2014

HEARING WILL BE HELD ON

9/8/2014

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

ENDORSEMENTS: Entertainment

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	6am - 2am	12pm - 2am	6pm - 2am
Monday:	6am - 2am	12pm - 2am	6pm - 2am
Tuesday:	6am - 2am	12pm - 2am	6am - 2am
Wednesday:	6am - 2am	12pm - 2am	6am - 2am
Thursday:	6am - 2am	12pm - 2am	6am - 2am
Friday:	6am - 3am	12pm - 3am	6am - 3am
Saturday:	6am - 3am	12pm - 3am	6am - 3am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: July 11, 2014
Petition Date: August 25, 2014
Hearing Date: September 8, 2014
Protest Hearing Date: October 29, 2014

License No.: ABRA-095796
Licensee: B Washington, L.L.C.
Trade Name: Plan B Burger Bar
License Class: Retailer’s Class “C” Restaurant
Address: 801 Pennsylvania Avenue, NW
Contact: Stephen O’Brien 202-625-7700

WARD 2 ANC 2C SMD 2C03

Notice is hereby given that this applicant has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such license on the hearing date at 10:00 am, 2000 14th Street, N.W., 400 South, Washington, DC 20009. Petitions and/or requests to appear before the Board must be filed on or before the petition date. The Protest Hearing Date is scheduled for October 29, 2014 at 1:30 pm.

NATURE OF OPERATION

A full service restaurant focusing on beef dishes with alcoholic and non-alcoholic beverage service. DJs and live musicians may perform occasionally. No nude performances.

HOURS OF OPERATION/ HOURS OF ALCOHOLIC BEVERAGE

SALES/SERVICE/CONSUMPTION

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

HOURS OF OPERATION FOR THE SIDEWALK CAFÉ / HOURS OF ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION FOR THE SIDEWALK CAFE

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

HOURS OF ENTERTAINMENT/ SIDEWALK CAFE

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

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: July 11, 2014
Petition Date: August 25, 2014
Hearing Date: September 8, 2014

License No.: ABRA- 085626
Licensee: PGT LLC
Trade Name: Public Tenley
License Class: Retail Class "C" Restaurant
Address: 4611 41st Street, NW
Contact: Stephen O'Brien 202-625-7700

WARD 3

ANC 3E

SMD 3E01

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

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

Addition of a 2nd floor rooftop summer garden. Seating for 36 with standing room 54 for total capacity load of 90.

CURRENT HOURS OF OPERATION/ SUMMER GARDEN

Sunday through Thursday 10 am- 2 am
Friday through Saturday 10 am- 3 am

PROPOSED HOURS OF SALES/SERVICE/CONSUMPTION/ SUMMER GARDEN

Sunday through Thursday 10 am- 2 am
Friday through Saturday 10 am- 3 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Correction**

Posting Date: May 23, 2014
Petition Date: July 7, 2014
Hearing Date: July 21, 2012

License No.: ABRA-079370
Licensee: MDM, LLC
Trade Name: Takoma Station Tavern
License Class: Retailer’s Class “C” Tavern
Address: 6914 4th Street NW
Contact: David Boyd, 202-587-2773

WARD 4 ANC 4B SMD 4B02

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 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 CHANGES

Request to add a rooftop summer garden with seating for 25 patrons, a total load of 75.

HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES/SERVICE AND CONSUMPTION FOR INSIDE PREMISES

Sunday through Thursday 10am-2am and Friday & Saturday 10am-3am

CURRENT HOURS OF LIVE ENTERTAINMENT FOR INSIDE PREMISES ONLY

Sunday through Thursday, 10am-1:30am, Friday & Saturday 10am-2:30am

REQUESTED HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES/SERVICE AND CONSUMPTION FOR THE SUMMER GARDEN

Sunday through Thursday 10am-2am and Friday & Saturday 10am-3am

**BOARD OF ZONING ADJUSTMENT
PUBLIC HEARING NOTICE
TUESDAY, SEPTEMBER 23, 2014
441 4TH STREET, N.W.
JERRILY R. KRESS MEMORIAL HEARING ROOM, SUITE 220-SOUTH
WASHINGTON, D.C. 20001**

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

TIME: 9:30 A.M.

WARD FIVE

18821 **Application of Jemal's Hecht's LLC and Petco**, pursuant to 11 DCMR §
ANC-5D 3104.1, for special exceptions for animal boarding, pet grooming and pet
store under sections 802.21, 802.25, and 802.26, in the C-M-3 District, at
premises 1401 New York Avenue, N.E. (Square 4037, Lot 804).

WARD TWO

18824 **Application of Bryant Gardner**, pursuant to 11 DCMR § 3103.2, for
ANC-2B variances from the lot occupancy (section 403), rear yard (section 404),
closed court (section 406) and nonconforming structure (subsection
2001.3) requirements to allow the construction of a one-story rear garage
in the DC/R-5-B District at premises 1740 Church Street, N.W. (Square
156, Lot 312).

WARD FOUR

THIS APPLICATION WAS POSTPONED FROM THE JULY 8, 2014, PUBLIC HEARING SESSION:

18792 **Application of The Preparatory School of D.C.**, pursuant to 11 DCMR
ANC-4C § 3104.1, for a special exception for a private school (120 Students and 10
Staff) under section 206, in the R-1-B District at premises 4501 16th
Street, N.W. (Square 2702, Lot 805).

THIS APPLICATION WAS POSTPONED FROM THE JUNE 10, 2014, AND JULY 22, 2014, PUBLIC HEARING SESSIONS:

WARD SEVEN

BZA PUBLIC HEARING NOTICE

SEPTEMBER 23, 2014

PAGE NO. 2

18767 **Application of Darryl R. Clark**, pursuant to 11 DCMR §§ 3104.1, and
ANC-7C 3103.2, for a variance from the lot area requirements under section 401, a
 variance from the lot width requirements under section 401, a variance
 from the side yard requirements under section 405, a variance from the
 parking requirements under subsection 2101.1, and a special exception
 from the pervious surface requirements under section 412, to construct
 two new one-family semi-detached dwellings in the R-2 District at
 premises 305 and 307 55th Street, N.E. (Square 5250, Lots 68 and 70).

WARD SEVEN

18820 **Appeal of Senior Dwelling, Inc.**, pursuant to 11 DCMR §§ 3100 and
ANC-7C 3101, from a April 21, 2014, decision by the Zoning Administrator,
 Department of Consumer and Regulatory Affairs to revoke rooming house
 Certificates of Occupancy Nos. 169076 and 169061, in the R-2 District at
 premises 223 and 225 56th Place, N.E. (Square 5248, Lots 112 and 113).

PLEASE NOTE:

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

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

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

BZA PUBLIC HEARING NOTICE
SEPTEMBER 23, 2014
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FOR FURTHER INFORMATION, CONTACT THE OFFICE OF ZONING AT (202)
727-6311.

**LLOYD J. JORDAN, CHAIRMAN, S. KATHRYN ALLEN, VICE
CHAIRPERSON MARNIQUE Y. HEATH, 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, SEPTEMBER 30, 2014
441 4TH STREET, N.W.
JERRILY R. KRESS MEMORIAL HEARING ROOM, SUITE 220-SOUTH
WASHINGTON, D.C. 20001**

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

TIME: 9:30 A.M.

WARD SIX

18825 **Application of Christopher and Deborah Cushman**, pursuant to 11
ANC-6A DCMR § 3104.1, for a special exception to allow a rear addition to a one-
family row dwelling under section 223, not meeting the lot area (section
401.3), lot occupancy (section 403), side yard (section 405), and court
(section 406) requirements in the R-4 District at premises 1122 East
Capitol Street, N.E. (Square 988, Lot 69).

WARD THREE

18826 **Application of Lalit K. Gupta**, pursuant to 11 DCMR § 3104.1, for a
ANC-3C special exception to allow an accessory apartment within an existing one-
family detached dwelling under section 202.10, in the R-1-B District at
premises 2957 Newark Street, N.W. (Square 2070, Lot 39).

WARD THREE

THIS APPLICATION WAS POSTPONED FROM THE JUNE 24, 2014, PUBLIC HEARING SESSION:

18779 **Application of Christine Trankiem**, pursuant to 11 DCMR § 3103.2, for
ANC-3C variances from the lot occupancy (section 403), rear yard (section 404)
and nonconforming structure (section 2001.3) requirements to allow a rear
deck addition to an existing one-family row dwelling in the R-4 District at
premises 2761 Woodley Place, N.W. (Square 2206, Lot 121).

WARD THREE

THIS APPLICATION WAS POSTPONED FROM THE FEBRUARY 11, 2014 AND JULY 8, 2014, PUBLIC HEARING SESSIONS:

BZA PUBLIC HEARING NOTICE
SEPTEMBER 30, 2014
PAGE NO. 2

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

WARD TWO

**THIS APPLICATION WAS POSTPONED FROM THE JULY 22, 2014, PUBLIC
HEARING SESSION:**

18793 **Appeal of Advisory Neighborhood Commission 2A**, pursuant to 11
ANC-2A DCMR §§ 3100 and 3101, from a February 28, 2014, decision by the
Zoning Administrator, Department of Consumer and Regulatory Affairs to
permit the installation of signs on an under construction Hilton Garden Inn
in the CR District at premises 2201-2213 M Street, N.W. (Square 50, Lot
87).

PLEASE NOTE:

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

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

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

BZA PUBLIC HEARING NOTICE
SEPTEMBER 30, 2014
PAGE NO. 3

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

**LLOYD J. JORDAN, CHAIRMAN, S. KATHRYN ALLEN, VICE
CHAIRPERSON MARNIQUE Y. HEATH, 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**

DEPARTMENT OF BEHAVIORAL HEALTH

NOTICE OF FINAL RULEMAKING

The Director of the Department of Behavioral Health (“the Department”), pursuant to the authority set forth in Sections 5113, 5115, 5117 and 5118 of the “Department of Behavioral Health Establishment Act of 2013”, effective December 24, 2013 (D.C. Law 20-0061; D.C. Official Code §§7-1141.06 and 7-1141.07 (2014 Supp.)), hereby gives notice of an amendment to Chapter 73 (Department of Mental Health Peer Specialist Certification), of Subtitle A (Mental Health) of Title 22 (Health) of the District of Columbia Municipal Regulations (DCMR).

The amendments add new types of Peer Specialists, the “Certified Peer Specialist – Family” to include parents or legal guardians of children or youth who have received services from the public mental health system; “Certified Peer Specialist – Youth,” adults who as youth received services to assist other parents and youth to successfully navigate the public mental health system; and “Certified Peer Specialist – Recovery,” for adults with a history of substance abuse who are able to assist others with substance abuse issues. The delivery of mental health services and supports by certified peer specialists is an “evidence-based mental health model of care” recognized by the U.S. Department of Health and Human Services, Substance Abuse and Mental Health Services Administration (SAMHSA). These mental health services and supports are collectively referred to as “peer support services.” Additional amendments include updating references from the Department of Mental Health to the Department of Behavioral Health, the successor agency, and including the requirement that applicants must be residents of the District of Columbia.

Certified peer specialists, working for the Department of Behavioral Health-certified community mental health providers will be authorized to provide Medicaid-reimbursable mental health rehabilitation services to mental health consumers, when working under the supervision of a mental health professional.

The proposed rulemaking was published on April 25, 2014, in the *D.C. Register* at 61 DCR 004181. Comments were received from involved family groups about alternatives to the word “Specialist” in the title of “Certified Peer Specialist – Family.” The Department has considered the comments and will work with the involved family groups to achieve consensus about the best term. Pending such a consensus, the Department has determined to keep the term “Specialist” as it conforms to SAMHSA’s use of the term and the other types of Peer Specialists in the rule. Therefore no substantive changes were made to the proposed rules as originally published on April 25, 2014.

The Department of Behavioral Health took final action on the rule on June 9, 2014. This rule will become effective on the date of publication of this notice in the *D.C. Register*.

Chapter 73 (Department of Mental Health Peer Specialist Certification) of Subtitle A (Mental Health) of Title 22 (Health) of the DCMR is deleted in its entirety and replaced by the following:

**CHAPTER 73 DEPARTMENT OF BEHAVIORAL HEALTH PEER SPECIALIST
CERTIFICATION**

7300 PURPOSE AND APPLICATION

- 7300.1 These rules establish the Department of Behavioral Health’s (Department) requirements for training and certifying Peer Specialists (“Certified Peer Specialists”), who will be employed by Department-certified community mental health agencies to provide Medicaid reimbursable mental health rehabilitation services (MHRS) and other mental health supports and services to adult and children and youth mental health consumers and their families under the supervision of a qualified mental health professional in the District of Columbia (District).
- 7300.2 Medicaid-reimbursable MHRS shall be provided in accordance with the requirements of the District’s State Medicaid Plan, Chapter 34 of this subtitle, and the federal guidelines governing the provision of services by Certified Peer Specialists.
- 7300.3 Other mental health services and supports provided by Certified Peer Specialists to consumers or their families shall be provided in accordance with the requirements of this chapter, Chapter 34 of this subtitle, the consumer’s treatment plan, and other applicable guidance, under the supervision of a qualified health care professional. Such services shall be reimbursed through local funds in accordance with the MHRS provider’s Human Care Agreement (HCA).
- 7300.4 The MHRS and other mental health services and supports rendered by Certified Peer Specialists shall be referred to in this chapter as “Peer Support Services.”
- 7300.5 Certified Peer Specialists, certified in accordance with this chapter, must also meet all MHRS non-licensed staff requirements as specified in Section 3410 in Chapter 34 of this subtitle in order to be employed as a Certified Peer Specialist by a Department-certified mental health provider.
- 7300.6 The purposes of training and certifying Peer Specialists are to:
- (a) Ensure that Certified Peer Specialists receive the initial training and continuing education necessary to demonstrate minimum levels of competence in the provision of Peer Support Services;
 - (b) Ensure that Certified Peer Specialists receive supervision required to deliver mental health rehabilitation services in accordance with the requirements of federal and District law and the State Medicaid Plan; and
 - (c) Promote professional and ethical practice for Certified Peer Specialists by enforcing adherence to a code of ethics as set forth in Section 7306.

7300.7 These rules apply to individuals seeking certification as a Certified Peer Specialist, mental health providers who supervise or employ Certified Peer Specialists, and the Department.

7301 GENERAL PROVISIONS

7301.1 The Department's Office of Consumer and Family Affairs (OCFA) shall administer the certified peer specialist certification program (Certification Program).

7301.2 The Certification Program consists of structured training designed to provide applicants with the skills necessary to provide Peer Support Services. The training at a minimum includes the completion of seventy (70) hours of classroom work as described in Section 7307 and an eighty (80) hour supervised field practicum described in Section 7308.

7301.3 Applicants who desire to receive a specialty designation may be required to take additional training in accordance with the standards set by the Department.

7301.4 After successful completion of the classroom work and a field practicum, or appropriate waiver in accordance with Section 7305, an applicant shall take a written and oral examination. The OCFA shall develop the written and oral examination, which shall be administered in accordance with Section 7309.

7301.5 Applicants who complete the required classroom work, field practicum and receive a passing score on the written and oral examination will be granted certification by the Department as a peer specialist (Certified Peer Specialist).

7301.6 The Department may offer a specialty designation for Certified Peer Specialists in accordance with the identified needs of the Department. Certified Peer Specialists may qualify for the specialty designation upon completion of the Certified Peer Specialist program, additional training, and any other requirements established by the Department. Specialty designations may include:

- (a) Certified Peer Specialist – Family: an individual who is or has been a parent or legal guardian of a child or youth who is receiving or has received mental health services, and is able to provide services to children or youth and the parents or legal guardians currently receiving mental health services.
- (b) Certified Peer Specialist – Youth: an individual who was a consumer of mental health services before the age of twenty-two (22), and is able to provide services to children or youth currently receiving mental health services.

- (c) Certified Peer Specialist – Recovery: for those individuals with a history of substance abuse who are able to provide services to other individuals currently receiving services for substance abuse.

7301.7 The Department will provide notice to the public of upcoming training for Certified Peer Specialists, to include information on the application process and what, if any, specialty designations are being offered.

7302 PEER SPECIALIST CERTIFICATION COMMITTEE

7302.1 The Department shall establish a Peer Specialist Certification Committee (PSCC).

7302.2 The PSCC shall be comprised of nine (9) members. Four (4) of the members of PSCC shall be mental health consumers (Consumer Members), at least one (1) of whom must also be a Department employee. An additional two (2) of the members of the PSCC shall be parents or legal guardians of children or youth who were or currently are mental health consumers in the District. The remaining one third (1/3) or three (3) of the members of the PSCC shall be representatives from the mental health provider or advocacy communities (Public Members). All of the members of the PSCC must be residents of the District of Columbia.

7302.3 Each PSCC member shall be appointed by the Director of the Department or designee to serve for a three (3) year term.

7302.4 The nine (9) PSCC members shall be divided into three (3) membership classes, for purposes of ensuring that only one third (1/3) of the membership changes each year. Three (3) PSCC members shall be appointed to serve a one (1) year term (the “Class 1 members”); three (3) PSCC members shall be appointed to serve a two (2) year term (the “Class 2 members”); and three (3) PSCC members shall be appointed to serve a three (3) year term (the “Class 3 members”). There shall be at least one (1) Consumer Member in each membership class. At the expiration of the first term after the adoption of these rules, the Class 1 PSCC members shall serve three (3) year terms and Class 2 PSCC members shall serve three (3) year terms.

7302.5 Any PSCC member appointed to fill a vacancy shall be appointed only for the unexpired portion of that term. PSCC members may continue to serve beyond the end of their terms until they are reappointed or replaced.

7302.6 The PSCC shall select a presiding member at the beginning of each fiscal year. The presiding member shall:

- (a) Be responsible for ensuring that the PSCC carries out its responsibilities with respect to the administration of the Certification Program;

- (b) Convene periodic meetings of the PSCC to conduct the activities described in Subsection 7302.8 below; and
- (c) Serve as the chairperson for each PSCC meeting.

7302.7 The OCFA shall provide administrative support to the PSCC. Administrative support shall include:

- (a) Review of applications for the Certification Program to determine completeness;
- (b) Documenting the proceedings at all PSCC meetings; and
- (c) Documenting all recommendations to the Department regarding any of the PSCC activities described in Subsection 7302.8.

7302.8 The PSCC shall:

- (a) Review all applications for participation in the Certification Program;
- (b) Interview all candidates for the Certification Program;
- (c) Select candidates to participate in the Certification Program;
- (d) Review requests from applicants to waive some or all of the Certification Program requirements based upon prior training or experience;
- (e) Approve or deny requests from applicants to waive some or all of the Certification Program requirements;
- (f) Make recommendations to the Department about the training curriculum for the Certification Program training and subsequent amendments to the curriculum;
- (g) Make recommendations to the Department about the field practicum for the Certification Program and subsequent changes to the protocol for conducting the field practicum;
- (h) Make recommendations to the Department about appropriate continuing education courses for Certified Peer Specialists;
- (i) Make recommendations to the Department about recertification or revocation of Peer Specialist Certification; and
- (j) Establish by-laws reflecting its duties, authorities, composition, and manner of operations.

7302.9 Members of the PSCC shall serve voluntarily and without compensation.

7303 CORE COMPETENCIES

7303.1 The Department's peer specialist certification program is structured to provide participants with an opportunity to develop the following core competencies:

- (a) Interpersonal skills;
- (b) Practical assessment skills and fundamental knowledge of mental health and substance abuse disorders;
- (c) Supporting skills to assist the consumer to develop skills identified in the approved treatment plan;
- (d) Ability to document services provided including preparation of progress notes required by Subsection 3410.18 of Chapter 34 of this subtitle;
- (e) Computer skills;
- (f) Understanding the unique role of the peer, using self as a therapeutic presence;
- (g) Ethics and Professionalism;
- (h) Recovery and Wellness Recovery Action Planning (WRAP) or similar planning;
- (i) Advocacy skills; and
- (j) Cultural competency and sensitivity.

7303.2 Core competencies are developed through a combination of life experience, successful completion of required classroom work or the equivalent, and successful completion of the field practicum or the equivalent.

7304 PEER SPECIALIST QUALIFICATIONS

7304.1 Eligible applicants for the Peer Specialist Certification training shall:

- (a) Be a District resident who is at least eighteen (18) years of age;
- (b) Have at least a high school diploma or a general equivalency diploma (GED); and

- (c) Be either
 - (1) A self-disclosed current or previous consumer of mental health services or
 - (2) Be a parent or legal guardian of a child or youth consumer who was or is currently a consumer of mental health services (for Certified Peer Specialist – Family); and
- (d) Demonstrate either
 - (1) Personal recovery and ability to help others with their recovery; or
 - (2) An understanding of the public mental health system for a child or youth with serious emotional disturbance, and involvement with multiple public systems.

7305 APPLICATION PROCESS

- 7305.1 Applicants must submit a completed application to the OCFA in the format prescribed by the Department. The OCFA, in consultation with the PSCC shall announce when it is accepting applications. The application shall include:
- (a) Evidence of education, which may include, but is not limited to a copy of a high school diploma, general equivalency diploma or a diploma, or a certificate from an accredited institution;
 - (b) Completed personal essay on the topic(s) identified in the application; and
 - (c) Two (2) personal references.
- 7305.2 The OCFA shall review each application for completeness. Incomplete applications shall be returned to the applicant.
- 7305.3 Applications deemed complete by the OCFA shall be forwarded to the PSCC for review.
- 7305.4 After review of the complete applications, the PSCC shall schedule personal interviews with each applicant that submitted a complete application.
- 7305.5 The PSCC shall select candidates for the Peer Specialist Certification program from the applicants based upon the completed application, written essay, personal references, and the personal interview. Each applicant shall receive written notice of selection or non-selection.

- 7305.6 An applicant may request a waiver of the requirement to complete any or all of the classroom work and the field practicum based upon prior coursework or certification as a peer specialist or equivalent granted by the Department or another jurisdiction, or based upon prior or current work experience. An applicant requesting a waiver shall include a waiver request with the application and written essay.
- 7305.7 A waiver request shall:
- (a) Identify the core competency or competencies that the applicant already possesses;
 - (b) Include an explanation of the basis for the request to waive training relating to the core competency addressed by a particular course included in the training curriculum or the work experience that is covered by the field practicum; and
 - (c) Provide documentation of prior training, or verification by an instructor or fellow participant, certification or work experience that is cited as the basis for the request to waive classroom work or the field practicum.
- 7305.8 Waiver requests shall be submitted to the PSCC for consideration as part of the application package. The PSCC shall determine if a full or partial waiver shall be granted. The decision regarding a waiver request will be addressed in the written notice of selection or non-selection provided to each candidate.
- 7305.9 Applicants for the Certified Peer Specialist – Family and Certified Peer Specialist – Youth Certification Programs shall successfully pass all background checks required for working with children prior to the start of the Peer Specialist Certification training.

7306 CODE OF ETHICS

- 7306.1 The Department has adopted a code of ethics for Certified Peer Specialists. Each Certified Peer Specialist is required to comply with the code of ethics and shall sign a copy of the code of ethics.
- 7306.2 The code of ethics includes the following principles, which are intended to guide Certified Peer Specialists in their various professional roles, relationships, and levels of responsibility. Certified Peer Specialists shall:
- (a) Be responsible for helping fellow mental health consumers or fellow guardians or parents meet their own needs, wants, and goals in personal recovery or recovery of their children;

- (b) Maintain high standards of personal conduct in a manner that fosters their own personal recovery, or recovery of their family member;
- (c) Openly share with consumers and colleagues their personal recovery stories from mental illness or from involvement with a family member with mental illness and be able to identify and describe the supports that promote their personal recovery or the recovery of their family member;
- (d) At all times, respect the rights and dignity of those they serve;
- (e) Never intimidate, threaten, harass, or use undue influence, physical force or verbal abuse, or make unwarranted promises of benefits to the individuals they serve;
- (f) Not practice, condone, facilitate or collaborate in any form of discrimination in violation of federal or District law;
- (g) Respect the privacy and confidentiality of those they serve;
- (h) Advocate for the full integration of consumers into the communities of their choice and promote their inherent value to those communities;
- (i) Not enter into dual relationships or commitments that conflict with the interests of those they serve;
- (j) Comply with the Department's policies regarding the protection of consumers from abuse or neglect;
- (k) Not abuse substances;
- (l) Not work at a mental health agency where they or their child, ward or other relative is receiving mental health services; and
- (m) Not accept gifts of any value from consumers or family members of consumers they serve.

7307 REQUIRED CLASSROOM TRAINING

- 7307.1 All candidates must complete the seventy (70) hours of required classroom training. The required classroom training is delivered in modules by instructors designated by the Department or equivalent approved by the PSCC. Classroom training shall address the core competencies set forth in Section 7303.
- 7307.2 Instructors shall submit notice of successful completion of classroom training by a participant to OCFA.

7307.3 OCFA shall notify each candidate when all required classroom training is complete and the candidate is eligible to complete the field practicum.

7307.4 Candidates who have applied for and been accepted into a specialty designation program must complete, in addition to the required seventy (70) hours of classroom training, additional classroom training in accordance with the requirements set by the Department.

7308 FIELD PRACTICUM SUPERVISION AND ACTIVITIES

7308.1 Completion of the classroom work described in Section 7307 is a pre-requisite to participating in the eighty (80) hour field practicum, conducted in accordance with this section and with Department field practicum guidelines.

7308.2 The purpose of the field practicum is to provide candidates with an opportunity to apply the skills and knowledge acquired from the classroom work in a mental health service setting.

7308.3 The field practicum site shall be a certified Mental Health Rehabilitation Services (MHRS) provider. The field practicum site shall identify a qualified mental health practitioner to serve as the field practicum supervisor.

7308.4 The candidate's field practicum shall be supervised by a qualified mental health professional, who has completed peer specialist supervisory orientation offered by the Department.

7308.5 The field practicum supervisor shall:

- (a) Ensure that the consumer(s) (and his or her family if appropriate) receiving peer support services delivered by the candidate during the field practicum has consented to the delivery of such services by a candidate for certification as a peer specialist;
- (b) Ensure that peer support services delivered by the candidate during the field practicum are consistent with the Individualized Recovery Plan (IRP) or Individualized Plan of Care (IPC) for the consumer receiving the services; and
- (c) Ensure that the candidate has an opportunity to participate in treatment planning and care coordination activities during the field practicum.

7308.6 The field practicum supervisor shall maintain a log of all supervisory meetings with a candidate in accordance with the OCFA's guidelines.

7308.7 The field practicum supervisor shall provide the following supervision to a candidate during the field practicum:

- (a) A minimum of one (1) hour of face-to-face supervision with each candidate once a week with additional support as needed or requested;
- (b) Establish the field practicum objectives and guidelines for the candidate within the first week of the practicum;
- (c) Supervise the candidate throughout the field practicum overseeing the full range of field practice;
- (d) Document all supervision activities in accordance with the OCFA's guidelines; and
- (e) Maintain regular contact with the candidate and OCFA, as needed, relevant to progress in achieving field practicum objectives.

7308.8 During the field practicum, the candidate shall at a minimum complete the following:

- (a) Orientation to the field practicum site and its policies and procedures regarding the delivery of services;
- (b) Shadow a mental health staff during work with consumers on a significant activity, such as intake appointments, home visits, accompanying a consumer to court, medical appointments or related activities;
- (c) Work directly with mental health consumers or the parent/legal guardian or foster parent, as applicable; and
- (d) Participate as a full member of the interdisciplinary team providing services.

7308.9 After the candidate successfully completes the field practicum, the field practicum supervisor shall complete, sign, and submit the Practicum Verification Form to the OCFA within five (5) days.

7308.10 The field practicum supervisor shall communicate regularly with the OCFA during the field practicum and notify OCFA of any concerns about successful completion of the field practicum in advance. OCFA will work with the field practicum supervisor and the candidate to develop and implement interventions to address those concerns.

7308.11 The Field Practicum Supervisor shall notify OCFA, in writing, if the candidate fails to complete the field practicum.

7309 CERTIFICATION EXAMINATION

- 7309.1 Participants who have successfully completed the required classroom work and field practicum are eligible to take the certification examination. Participants who have received a full waiver of the classroom work and the field practicum are also eligible to take the certification examination.
- 7309.2 The OCFA shall administer the certification examination.
- 7309.3 A participant must achieve a total score of eighty five (85%) percent or better to pass the certification examination. The OCFA will notify participants of the results of the examination in writing within ten (10) days after the exam.
- 7309.4 Participants who do not pass the certification examination are eligible to re-take the examination within four (4) weeks after receipt of notice of failure from the OCFA.
- 7309.5 A participant who does not pass the certification examination after two (2) attempts may apply to complete some or all of the classroom work or the field practicum again. If the application is granted, the participant must complete the additional training prior to taking the certification examination again.

7310 AWARDING OF PEER SPECIALIST CERTIFICATION

- 7310.1 The OCFA shall verify that applicants have:
- (a) Successfully completed the required classroom work;
 - (b) Successfully completed a field practicum;
 - (c) Received a passing score on the certification examination; and
 - (d) Signed the Peer Specialist Code of Ethics.
- 7310.2 After verifying that an applicant has met the requirements of this chapter for certification as a mental health peer specialist, the OCFA shall issue certificates, signed by the Director of the Department to each Certified Peer Specialist as evidence of completion of the Certification Program.
- 7310.3 Those applicants who have completed the specialty designation shall receive a certificate with that designation (*e.g.*, Certified Peer Specialist – Family).
- 7310.4 Certification as a Certified Peer Specialist shall be valid for two (2) years from the date of issuance.

7311 MAINTAINING CERTIFICATION AND CONTINUING EDUCATION

7311.1 Certified Peer Specialists shall complete at least twenty (20) hours of continuing education units (CEUs) within the two (2)-year certification period to maintain certification and be eligible for recertification.

7311.2 OCFA shall publish an annual list of approved classes, seminars, conferences, workshops, and other activities related to mental health and recovery that qualify as acceptable CEU's for Certified Peer Specialists. Other courses may qualify for CEU credit with prior approval from OCFA.

7311.3 Certified Peer Specialists shall report attendance at approved classes to the OCFA. The OCFA shall maintain records of CEUs for each Certified Peer Specialist.

7312 RECERTIFICATION PROCESS

7312.1 OCFA shall send a notice to each Certified Peer Specialist about the pending expiration of his or her certification at least one hundred twenty (120) days prior to expiration.

7312.2 A Certified Peer Specialist shall submit an application for recertification in the format approved by the Department to the OCFA at least sixty (60) days prior to the expiration of certification. The application for recertification shall include information about CEUs completed during the certification period.

7312.3 The OCFA shall submit the recertification application to the PSCC for review as set forth in Subsection 7302.8(i).

7312.4 The PSCC shall make a written recommendation to the OCFA regarding recertification of a Certified Peer Specialist. The OCFA shall make the final determination regarding recertification of a Certified Peer Specialist.

7312.5 The Department may decline to renew certification as a Certified Peer Specialist in the following circumstances:

- (a) Violation of any principles of the code of ethics as set forth in Section 7306 above;
- (b) Failure to provide evidence of completed CEUs as required by Subsection 7311.1 above;
- (c) A determination that the individual is currently excluded, debarred, suspended, or otherwise ineligible to participate in the Federal healthcare programs, or Federal procurement or non-procurement programs, or has been convicted of a criminal offense that falls within the ambit of 42 U.S.C. § 1320a-7a but has not yet been excluded, debarred, suspended or otherwise declared ineligible; or

- (d) Any other set of facts which, in the exercise of the Director's reasonable judgment, substantially interferes with the Certified Peer Specialist's ability to perform essential job functions.
- 7312.6 The OCFA shall provide written notice to the Certified Peer Specialist about renewal of certification. A copy of the notification shall be provided to any mental health services agency that employs the Certified Peer Specialist.
- 7312.7 Recertification as a Certified Peer Specialist shall be valid for two (2) years from the date of the written notification issued by the OCFA.
- 7312.8 If the PSCC recommends that the certification not be renewed, it will provide the basis for the recommendation to the OCFA in writing, including any documentary evidence. The OCFA shall, in turn, provide written notice to the Certified Peer Specialist that:
- (a) A recommendation has been made to deny the recertification; and
- (b) The basis for that recommendation, including any written documentation.
- 7312.9 The Certified Peer Specialist may provide a response in writing to the OCFA within fifteen (15) days of receipt of the written notice with any objections, including any supporting documentation, to the recommendation of non-renewal.
- 7312.10 The OCFA will issue its final decision on the recertification within fifteen (15) days after the date on which the Certified Peer Specialist's response was received or due, whichever is earlier. If the certification is not renewed, a copy of the notification shall be provided to any mental health services agency that employs the Certified Peer Specialist.
- 7312.11 If the OCFA's final decision is to deny recertification, the Certified Peer Specialist's certification will expire on the original date of expiration.
- 7312.12 The Certified Peer Specialist may appeal a decision not to renew his or her certification to the Director of the Department. All appeals shall be in writing and must be submitted within ten (10) business days of the OCFA issuing its decision.
- 7312.13 Filing an appeal with the Director will not extend a certification beyond the original date of expiration. If an appeal is filed and the Director determines that the certification should be renewed, the period of recertification will begin from the date of the expiration of the original certification (if already expired) or from the date of the decision, if the original certification has not expired.

7313 REVOCATION OF CERTIFICATION

- 7313.1 The Department may elect to revoke certification as a Certified Peer Specialist for the same circumstances stated in Subsection 7312.5, including:
- (a) Violation of any principles of the code of ethics as set forth in Section 7306;
 - (b) Failure to provide evidence of completed CEUs as required by Subsection 7311.1;
 - (c) A determination that the individual is currently excluded, debarred, suspended, or otherwise ineligible to participate in the Federal healthcare programs, or Federal procurement or non-procurement programs, or has been convicted of a criminal offense that falls within the ambit of 42 U.S.C. § 1320a-7a but has not yet been excluded, debarred, suspended or otherwise declared ineligible; or
 - (d) Any other set of facts which, in the exercise of the Director's reasonable judgment, substantially interferes with the Certified Peer Specialist's ability to perform essential job functions.
- 7313.2 The PSCC will make a written recommendation, including any documentary evidence regarding revocation to OCFA's Director.
- 7313.3 The OCFA shall provide written notice to the Certified Peer Specialist that:
- (a) The PSCC has recommended his or her certification be revoked; and
 - (b) The basis for that recommendation, including any written documentation.
- 7313.4 The Certified Peer Specialist may provide a response in writing to the OCFA within thirty (30) days of receipt of the written notice with any objections, including any supporting documentation, to the recommendation for revocation.
- 7313.5 The OCFA will issue its final decision on the revocation in writing to the Certified Peer Specialist within thirty (30) days after the date on which the Certified Peer Specialist's response was received or due, whichever is earlier. If the certification is revoked, a copy of the notification shall be provided to any mental health services agency that employs the Certified Peer Specialist.
- 7313.6 Revocation shall be effective on the date of the OCFA decision.
- 7313.7 The Certified Peer Specialist may appeal the decision to revoke his or her certification to the Director of the Department. All appeals shall be in writing and must be submitted within ten (10) business days of the OCFA issuing its decision.

7313.8 If an appeal is filed and the Director determines that the certification is not to be revoked, the certification will be reinstated to the effective date of the revocation.

7314 CERTIFIED PEER SPECIALIST SUPERVISION

7314.1 Certified Peer Specialists shall participate on the treatment team and provide those components of MHRS identified in Chapter 34 of this subtitle as services that may be delivered by credentialed staff.

7314.2 A qualified practitioner shall provide clinical and administrative supervision to a Certified Peer Specialist. The qualified practitioner providing supervision shall be identified as a Peer Specialist Supervisor.

7314.3 The number of Certified Peer Specialists supervised by a Peer Specialist Supervisor shall be determined by each MHRS provider based upon the needs of the population served and program location. A full-time equivalent Peer Specialist Supervisor shall supervise no more than seven (7) full-time employees (FTE) peer specialists.

7314.4 Certified Peer Specialists shall receive at least six (6) hours of direct supervision and mentoring from the Peer Specialist Supervisor prior to working directly with consumers and before working off-site.

7314.5 Peer Specialist Supervisors shall maintain a log of supervisory meetings with each Certified Peer Specialist in accordance with the OCFA's guidelines.

7314.6 Peer Specialist Supervisors shall provide at least the following supervision to each Certified Peer Specialist:

- (a) Conduct at least (1) one face to-face meeting for a minimum of one (1) hour with each Certified Peer Specialist per week for the purposes of providing clinical supervision;
- (b) Provide additional supervision or supervisory meetings and support as needed or requested by the Certified Peer Specialist; and
- (c) Ensure that the Certified Peer Specialist completes required training for maintenance of certification.

7314.7 The Peer Specialist Supervisor shall:

- (a) Ensure that when Peer Support Services are identified as part of a consumer's Individualized Recovery Plan (IRP), the IRP:

- (1) Specifies individualized goals and objectives pertinent to the consumer's recovery and community integration in language that is outcome oriented and measurable;
 - (2) Identifies interventions directed to achieving the individualized goals and objectives;
 - (3) Specifies the Certified Peer Specialist's role in relating to the consumer and involved others; and
 - (4) Identifies both the specific components of MHRS that will be provided by the Certified Peer Specialist, and the frequency of delivery;
- (b) Ensure that the Certified Peer Specialist participates in treatment planning activities for consumers whose IRP's include or are expected to include Peer Support Services;
 - (c) Ensure that delivery of services is consistent with the requirements of the IRP; and
 - (d) Ensure that peer support services delivered by the certified peer specialist are coordinated with the other mental health services provided to the consumer.

7399**DEFINITIONS**

7399.1

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

Applicant – a person who has submitted an application to participate in the Peer Specialists Certification Program.

Candidate – an applicant whose application to participate in the Peer Specialists Certification Program has been approved.

Certification – a designation awarded by the Department of Behavioral Health to individuals who have successfully completed the requirements of the Peer Specialist Certification Program.

Certified Peer Specialists – peers who have completed the Peer Specialists Certification Program requirements and are approved to deliver Peer Support Services within the District's public mental health system.

District – District of Columbia.

Individualized Plan of Care or IPC -- the individualized plan of care for children and youth, which is the result of the Diagnostic/Assessment. The IPC is maintained by the consumer's CSA. The IPC includes the consumer's treatment goals, strengths, challenges, objectives, and interventions. The IPC is based on the consumer's identified needs as reflected by the Diagnostic/Assessment, the consumer's expressed needs, and referral information. The IPC shall include a statement of the specific, individualized objectives of each intervention, a description of the interventions, and specify the frequency, duration, and scope of each intervention activity. The IPC is the authorization of treatment, based on certification that the MHRS are medically necessary by the approving practitioner.

Individualized Recovery Plan or IRP - an individualized recovery plan for an adult consumer developed in accordance with the requirements of Chapter 34 of this subtitle. The IRP includes the consumer's treatment goals, strengths, challenges, objectives, and interventions. The IRP is based on the consumer's identified needs as reflected by the Diagnostic/Assessment of the consumer's expressed needs, and referral information.

Mental Health Provider - any entity, public or private, that is licensed or certified by the District of Columbia to provide mental health services or mental health supports or any entity, public or private, that has entered into an agreement with the Department to provide mental health services or mental health support.

Qualified Practitioner – includes (1) a psychiatrist; (ii) a psychologist; (iii) an independent clinical social worker; (iv) an advanced practice registered nurse; (v) a registered nurse; (vi) a licensed professional counselor; (vii) an independent social worker; and (viii) an addiction counselor.

Mental Health Rehabilitation Services or MHRS - rehabilitative or palliative mental health services administered by the Department and rendered by certified MHRS providers to eligible consumers who require such services intended for the maximum reduction of mental disability and restoration of a consumer to his or her best possible functional level.

Peers – individuals with psychiatric disabilities receiving or who have received mental health services.

Peer Support Services – MHRS that may be delivered by qualified credentialed staff but specifically delivered by Certified Peer Specialists.

Wellness Recovery Action Plan or WRAP – The Wellness Recovery Action Plan was developed by a group of people who experience mental health difficulties, and put into practice by Mary Ellen Copeland. It is a program

of self- management and recovery, and it is unique to every individual who uses it. A WRAP is designed by the consumer and may involve selected supporters (family and friends) and health care providers to assist and support the consumer through the work on the plan.

DISTRICT OF COLUMBIA BOARD OF ELECTIONS**NOTICE OF FINAL RULEMAKING**

The District of Columbia Board of Elections, pursuant to the authority set forth in D.C. Official Code § 1-1001.05 (a)(14) (2012 Repl.), hereby gives notice of final rulemaking action to adopt amendments to the following chapters in Title 3, "Elections and Ethics", of the District of Columbia Municipal Regulations (DCMR): Chapter 10, "Initiative and Referendum"; Chapter 11, "Recall of Elected Officials"; Chapter 14, "Candidates: Political Party Primaries for Presidential Preference and Convention Delegates"; Chapter 15, "Candidates: Electors of President and Vice-President"; Chapter 16, "Candidates: Delegate to the U.S. House of Representatives, Mayor, Chairman, Members of the Council of the District of Columbia, U.S. Senator, U.S. Representative, Members of the State Board of Education, and Advisory Neighborhood Commissioners"; and Chapter 17, "Candidates: Members and Officials of Local Committees of Political Parties and National Committee Persons."

The amendments to these chapters establish the maximum number of signatures that the Board will consider on nominating and ballot measure petitions, and provide that the Board will accept only the number of petition sheets that bear the maximum number of signatures allowed, and return the petition sheets containing signatures in excess of that number.

A Notice of Proposed Rulemaking with respect to these amendments was published in the *D.C. Register* on May 9, 2014, at 60 DCR 004723. No written comments on the proposed rules were received during the public comment period, and no substantive changes have been made to the regulations as proposed. The Board took final rulemaking action with respect to these amendments at a regular meeting on Wednesday, July 2, 2014.

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

Section 1003 (Signature Requirements) of Chapter 10 (Initiative and Referendum) of Title 3 (Elections and Ethics) of the District of Columbia Municipal Regulations (DCMR) is amended in its entirety to read as follows:

1003 SIGNATURE REQUIREMENTS

1003.1 In order for an initiative or referendum measure to obtain ballot access, it must be supported by a petition filed with the Board that contains the valid signatures of at least five percent (5%) of the registered qualified electors of the District of Columbia, provided that the total number of signatures submitted shall include at least five percent (5%) of the registered qualified electors in at least five (5) of the eight (8) election wards.

1003.2 The maximum number of signatures that the Board will accept for filing is two (2) times the minimum number of signatures as required by this section. Working from the first page of a petition that has been serially numbered pursuant to

Subsection 1005.2 of this chapter, the Board shall only accept for filing the maximum number of signatures that may be filed pursuant to this section.

- 1003.3 The Board shall use the latest official count of registered qualified electors made at least thirty (30) days prior to submission of the signatures for the particular initiative or referendum measure to determine the minimum number of signatures required for ballot access.

Section 1103 (Signature Requirements) of Chapter 11 (Recall of Elected Officials) of 3 DCMR is amended in its entirety to read as follows:

1103 SIGNATURE REQUIREMENTS

- 1103.1 In order for a recall measure to obtain ballot access, it must be supported by a petition filed with the Board that contains the valid signatures of at least ten percent (10%) of the registered qualified electors of the District of Columbia, provided that the total number of signatures submitted shall include ten percent (10%) of the registered electors in at least five (5) of the eight (8) election wards.
- 1103.2 A petition to recall an elected official from a ward shall contain the valid signatures of at least ten percent (10%) of the registered qualified electors of the ward from which the official was elected.
- 1103.3 A petition to recall an elected official from a Single-Member District shall contain the valid signatures of at least ten percent (10%) of the registered qualified electors of the Single-Member District from which the official was elected.
- 1103.4 The maximum number of signatures that the Board will accept for filing with respect to an office is two (2) times the minimum number of signatures as required for that office by this section. Working from the first page of a petition that has been serially numbered pursuant to Subsection 1105.2 of this chapter, the Board shall only accept for filing the maximum number of signatures that may be filed pursuant to this section.
- 1103.5 The Board shall use the latest official count of registered qualified electors made at least thirty (30) days prior to submission of the signatures for the particular recall measure to determine the minimum number of signatures required for ballot access.

Section 1403 (Signature Requirements) of Chapter 14 (Candidates: Political Party Primaries for Presidential Preference and Convention Delegates) of 3 DCMR is amended in its entirety to read as follows:

1403 SIGNATURE REQUIREMENTS

- 1403.1 To obtain ballot access, a candidate shall submit a nominating petition that contains, at a minimum, the lesser of:

- (a) One thousand (1,000) valid signatures of registered qualified electors who are registered in the same political party as the candidate(s); or
- (b) The valid signatures of one percent (1%) of registered qualified electors of the District who are registered in the same political party as the candidate(s) as shown by the records of the Board as of the 144th day before the date of the presidential preference primary.

1403.2 The maximum number of signatures that the Board will accept for filing is two (2) times the minimum number of signatures as required by this section. Working from the first page of a petition that has been serially numbered pursuant to Subsection 1405.1 of this chapter, the Board shall only accept for filing the maximum number of signatures that may be filed pursuant to this section.

Section 1503 (Signature Requirements) of Chapter 15 (Candidates: Electors of President and Vice-President) of 3 DCMR is amended in its entirety to read as follows:

1503 SIGNATURE REQUIREMENTS

1503.1 To obtain ballot access, a candidate shall submit a nominating petition that contains the valid signatures of at least one percent (1%) of the registered qualified electors of the District as shown by the records of the Board as of the 144th day before the date of the presidential election.

1503.2 The maximum number of signatures that the Board will accept for filing is two (2) times the minimum number of signatures as required by this section. Working from the first page of a petition that has been serially numbered pursuant to Subsection 1505.1 of this chapter, the Board shall only accept for filing the maximum number of signatures that may be filed pursuant to this section.

Section 1603 (Signature Requirements) of Chapter 16 (Candidates: Delegate to the U.S. House of Representatives, Mayor, Chairman, Members of the Council of the District of Columbia, U.S. Senator, U.S. Representative, Members of the State Board of Education, and Advisory Neighborhood Commissioners) of 3 DCMR is amended in its entirety to read as follows:

1603 SIGNATURE REQUIREMENTS

1603.1 To obtain primary election ballot access, a candidate for the office of Delegate, Mayor, Attorney General, Chairman of the Council, At-Large Member of the Council, U.S. Senator or U.S. Representative shall submit a nominating petition that contains, at a minimum, the lesser of:

- (a) Two thousand (2,000) valid signatures of registered qualified electors who are registered in the same political party as the candidate; or

- (b) The valid signatures of one percent (1%) of registered qualified electors of the District who are registered in the same political party as the candidate as shown by the records of the Board as of the 144th day before the date of the primary election.
- 1603.2 To obtain primary election ballot access, a candidate for the office of Member of the Council elected from a ward shall submit a nominating petition that contains, at a minimum, the lesser of:
- (a) Two hundred fifty (250) valid signatures of registered qualified electors who are registered in the same political party and ward as the candidate; or
- (b) The valid signatures of one percent (1%) of registered qualified electors of the District who are registered in the same political party and ward as the candidate as shown by the records of the Board as of the 144th day before the date of the primary election.
- 1603.3 To obtain general or special election (Direct Access Nomination) ballot access, a candidate for the office of Delegate, Mayor, Attorney General, Chairman of the Council, At-Large Member of the Council, U.S. Senator, or U.S. Representative shall submit a nominating petition that contains, at a minimum, the lesser of:
- (a) Three thousand (3,000) valid signatures of registered qualified electors in the District; or
- (b) The valid signatures of one and one-half per cent (1.5%) of registered qualified electors of the District as shown by the records of the Board as of the 144th day before the date of the election.
- 1603.4 To obtain general or special election (Direct Access Nomination) ballot access, a candidate for the office of Member of the Council from a ward shall submit a nominating petition that contains the valid signatures of at least five hundred (500) registered qualified electors who are registered in the same ward as the candidate.
- 1603.5 To obtain ballot access, a candidate for the office of Member of the State Board of Education elected at-large shall submit a nominating petition that contains the valid signatures of at least one thousand (1,000) registered qualified electors.
- 1603.6 To obtain ballot access, a candidate for the office of Member of the State Board of Education elected from a ward shall submit a nominating petition that contains the valid signatures of at least two hundred (200) registered qualified electors who are registered in the same ward as the candidate.

- 1603.7 To obtain ballot access, a candidate for the office of Advisory Neighborhood Commissioner shall submit a nominating petition that contains the valid signatures of at least twenty-five (25) registered qualified electors who are registered in the same single-member district as the candidate.
- 1603.8 The maximum number of signatures that the Board will accept for filing with respect to an office is two (2) times the minimum number of signatures as required for that office by this section. Working from the first page of a petition that has been serially numbered pursuant to Subsection 1605.1 of this chapter, the Board shall only accept for filing the maximum number of signatures that may be filed pursuant to this section.

Section 1703 (Signature Requirements) of Chapter 17 (Candidates: Members and Officials of Local Committees of Political Parties and National Committee Persons) of 3 DCMR is amended in its entirety to read as follows:

1703 SIGNATURE REQUIREMENTS

- 1703.1 To obtain ballot access, a candidate for the office of national committee person shall submit a nominating petition that contains, at a minimum, the lesser of:
- (a) Five hundred (500) valid signatures of registered qualified electors who are registered in the same political party as the candidate; or
 - (b) The valid signatures of one percent (1%) of registered qualified electors who are registered in the same political party as the candidate.
- 1703.2 To obtain ballot access, a candidate for the office of member or officer of a local party committee elected at-large shall submit a nominating petition that contains, at a minimum, the lesser of:
- (a) Five hundred (500) valid signatures of registered qualified electors who are registered in the same political party as the candidate; or
 - (b) The valid signatures of one percent (1%) of registered qualified electors who are registered in the same political party as the candidate.
- 1703.3 To obtain ballot access, a candidate for the office of member or officer of a local party committee elected from a ward shall submit a nominating petition that contains, at a minimum, the lesser of:
- (a) One hundred (100) valid signatures of registered qualified electors who are registered in the same political party and ward as the candidate; or
 - (b) The valid signatures of one percent (1%) of registered qualified electors who are registered in the same political party and ward as the candidate.

1703.4 The maximum number of signatures that the Board will accept for filing for an office is two (2) times the minimum number of signatures as required for that office by this section. Working from the first page of a petition that has been serially numbered pursuant to Subsection 1705.1 of this chapter, the Board shall only accept for filing the maximum number of signatures that may be filed pursuant to this section.

DEPARTMENT OF HEALTH CARE FINANCE

NOTICE OF PROPOSED RULEMAKING

The Director of the Department of Health Care Finance (DHCF), pursuant to the authority set forth in An Act to enable the District of Columbia to receive federal financial assistance under Title XIX of the Social Security Act for a medical assistance program, and for other purposes, approved December 27, 1967 (81 Stat. 744; D.C. Official Code § 1-307.02 (2012 Repl. & 2013 Supp.)) and Section 6(6) of the Department of Health Care Finance Establishment Act of 2007, effective February 27, 2008 (D.C. Law 17-109; D.C. Official Code § 7-771.05(6) (2012 Repl.)), hereby gives notice of the intent to adopt an amendment to Section 996, entitled “Provider of Durable Medical Equipment, Prosthetics and Orthotics Supplies” and add a new Section 997 to Chapter 9 (Medicaid Program), Title 29 (Public Welfare), of the District of Columbia Municipal Regulations (DCMR).

These proposed rules govern access, reimbursement, and limitations on Durable Medical Equipment, Prosthetics, Orthotics, and Supplies (DMEPOS) available under the District of Columbia’s Medicaid Program.

The U.S. Health and Human Services, Centers for Medicare and Medicaid Services (CMS) maintains an extensive regulatory framework for the delivery of DMEPOS to Medicare beneficiaries. The District of Columbia’s Medicaid standards for DMEPOS providers/suppliers rely heavily upon these Medicare requirements; however, until the development of this proposed rulemaking, there has not been a companion set of District regulations to coincide with the CMS service delivery framework. Therefore, the purpose of these rules is to provide a comprehensive regulatory framework for the delivery of DMEPOS to D.C. Medicaid beneficiaries and to align the DMEPOS provider/supplier regulation with the delivery standards and the Medicaid screening and enrollment regulations set forth in Chapter 94 of Title 29 District of Columbia Municipal Regulations.

A multidisciplinary workgroup comprising DHCF policy, program, clinical, and operations personnel developed these regulations during a nine-month process to respond to irregularities seen in DMEPOS utilization and claims data. Similar to the process undertaken to develop the DMEPOS provider standards in 2008, DHCF relied heavily upon Medicare standards when developing the framework to govern the delivery of covered items. By reviewing related cases from the District of Columbia’s Office of the Health Care Ombudsman and Bill of Rights, Medicare requirements, and legal standards employed in Virginia and Maryland, the team designed a DMEPOS delivery framework that reinforces quality of service and program integrity. Through this rulemaking, DHCF enhances the regulatory framework for DMEPOS delivery and offers providers/suppliers specific information that is necessary to ensure Medicaid beneficiaries receive necessary items and supplies efficiently.

The Director adopted these rules on March 11, 2014. The Director also gives notice of the intent to take final rulemaking action to adopt these proposed rules in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

Chapter 9, MEDICAID PROGRAM, of Title 29, PUBLIC WELFARE, of the District of Columbia Municipal Regulations is amended as follows:

Section 996, PROVIDER OF DURABLE MEDICAL EQUIPMENT, PROSTHETICS AND ORTHOTICS SUPPLIES, is deleted in its entirety and amended to read as follows:

996 PROVIDER OF DURABLE MEDICAL EQUIPMENT, PROSTHETICS, ORTHOTICS, AND SUPPLIES

996.1 A provider/supplier of Durable Medical Equipment, Prosthetics, Orthotics, and Supplies (DMEPOS) shall be governed by Chapter 94 of Title 29 District of Columbia Municipal Regulations (DCMR), the requirements set forth in this section, and the policies and procedures located in the D.C. Medicaid DMEPOS Provider/Supplier Billing Manual provided by the Department of Health Care Finance (DHCF).

996.2 A provider/supplier of DMEPOS shall:

- (a) Operate a business that furnishes Medicare-covered items in compliance with all applicable federal and District of Columbia licensure and regulatory requirements;
- (b) Be eligible to engage in DMEPOS business once the provider/supplier application has been submitted and approved and the provider/supplier has participated in the Medicaid DMEPOS New Provider/Supplier Training conducted by DHCF and signed a Medicaid Provider Agreement;
- (c) Maintain a physical facility that contains space for storing business records, including the supplier's delivery, maintenance, and beneficiary communication records;
- (d) Be prohibited from using a post office box as a primary business address;
- (e) Be open for business at least forty (40) hours per week in a week that does not contain a holiday a weekday holiday in for which DHCF is closed and be open for business at least thirty-two (32) hours per week in a week that does contain a weekday holiday for which DHCF is closed ;
- (f) Maintain a visible sign that states the name of the provider/supplier and the hours of operation;
- (g) Permit on-site inspections to be conducted by the Centers for Medicare and Medicaid Services (CMS), its agents, the Department of Health (DOH), DHCF or the agents of DOH or DHCF to determine supplier compliance with all applicable laws;

- (h) Promote and maintain a beneficiary's right to privacy when services include fittings of DMEPOS;
- (i) Provide patient education on the proper use of services and/or equipment;
- (j) Maintain a primary business telephone number listed under the name of the business locally and, if appropriate, a toll-free telephone number for Medicaid beneficiaries. The exclusive use of a beeper number, answering service, pager, telephone line connected to a facsimile machine, or wireless telephone does not satisfy the requirement to have a primary business telephone; and
- (k) Submit a document commonly known as a CMS Medicare Supplier Letter issued pursuant to 42 C.F.R. § 424.510 to evidence enrollment of the supplier in the Medicare program.

996.3 A provider/supplier shall maintain, at minimum, comprehensive liability insurance in the amount of three hundred thousand dollars (\$300,000.00) and shall provide proof of such insurance to DHCF with its initial application and annually thereafter.

996.4 Each applicant and provider/supplier shall post a continuous surety bond in the amount of fifty thousand dollars (\$50,000) against all DMEPOS claims, suits, judgments, or damages including court costs and attorneys' fees arising out of the negligence or omissions of the provider/supplier in the course of providing services to a Medicaid beneficiary or a person believed to be a Medicaid beneficiary. The number of bonds required shall be predicated upon each provider's DME National Provider/Supplier Identification Number (NPI). The DMEPOS provider/supplier categories are as follows:

- (a) An existing provider/supplier who is providing services in the D.C. Medicaid program;
- (b) A new applicant seeking to become a provider/supplier in the D.C. Medicaid program; or
- (c) A provider/supplier who is submitting a new application to change the ownership of an existing enrolled provider, pursuant to § 996.6.

996.5 A provider/supplier shall be required to re-enroll in the Medicaid DMEPOS Program at least once every three (3) years.

996.6 A provider/supplier shall be re-enrolled in the Medicaid DMEPOS Program immediately after any change in business ownership.

- 996.7 A provider/supplier shall be required to submit required certifications, licenses, permits or any other official information concerning the backgrounds of all employees, licensed or unlicensed, that will interact with Medicaid beneficiaries.
- 996.8 A provider/supplier shall submit the following information:
- (a) A list of all principals of the entity;
 - (b) A list of all stockholders owning or controlling ten percent (10%) or more of outstanding shares;
 - (c) The names of all board members and their affiliations;
 - (d) A roster of key personnel; and
 - (e) An organizational chart.
- 996.9 A provider/supplier shall maintain all Medicaid-related records for a period of ten (10) years after the date of service or sale.
- 996.10 A provider/supplier shall fill orders, fabricate, or fit items from its inventory or by contracting with other companies for the purchase of items necessary to fill the order.
- 996.11 At the time of product delivery or service, the provider/supplier shall provide the beneficiary with a contact telephone number for assistance.
- 996.12 A business formed within the geographical boundaries of the District of Columbia seeking enrollment in the District of Columbia Medicaid DMEPOS Program shall be considered an in-state business.
- 996.13 An in-state business shall submit a business license to DHCF.
- 996.14 A business formed outside of the geographical boundaries of the District of Columbia is considered an out-of-state business.
- 996.15 An out-of-state business shall be enrolled in a Medicaid program located within the state of its principal place of business before seeking enrollment in the District Medicaid DMEPOS Program.
- 996.16 An out-of-state business shall submit all of the following that apply:
- (a) A Certificate of Registration to transact business within the District of Columbia issued pursuant to D.C. Official Code § 47-2026.;

- (b) The name, business address, and telephone number of its registered agent for the out-of-state business;
- (c) Proof of a business address and a business telephone number within the District of Columbia listed under the name of the business for the purpose of providing Medicaid sales and services; and
- (d) The Medicaid enrollment provider/supplier number from the state where the out-of-state business' principal place of business is located.

996.17 DHCF shall review an applicant's signed and completed application within thirty (30) business days from its receipt by DHCF.

996.18 DHCF shall return a provider/supplier application package to the applicant when DHCF determines the provider/supplier application package to be incomplete or to contain incorrect information only two (2) times within a twelve (12) month period.

996.19 A DMEPOS Provider/Supplier Enrollment Application may be denied due to any one or more of the following factors:

- (a) The applicant has demonstrated an inability to provide services, conduct business, or operate a financially viable entity;
- (b) Current availability of similar services or supplies for beneficiaries taking into account geographic location and reasonable travel time;
- (c) Number of providers/suppliers of the same type of service or supplies enrolled in the same geographic area;
- (d) False representation or omission of any material fact by the applicant in making the application;
- (e) Exclusion, suspension, or termination of the applicant from any Medicaid program;
- (f) Exclusion, suspension, or termination of the applicant from any program managed by DHCF;
- (g) Conviction of the applicant for any criminal offense relating to the delivery of any goods or services for a Medicaid beneficiary;
- (h) Conviction of the applicant for any criminal offense relating to fraud, theft, embezzlement, fiduciary responsibility, or other financial misconduct;

- (i) Violation of federal or District of Columbia laws, rules, or regulations governing the D.C. Medicaid program by the applicant;
- (j) Violation of federal or state laws, rules, or regulations governing a Medicaid program in another state by the applicant;
- (k) The applicant has been previously been found by a licensing, certifying, or professional standards board to have violated the standards or conditions relating to licensure or certification of the services provided;
- (l) Exclusion, suspension, or termination of the applicant from any Medicare program; or
- (m) DHCF has returned a provider/supplier application package to the applicant that is incomplete or contains incorrect information at least two (2) times in the past twelve (12) months.

996.20 An applicant whose provider/supplier application has been denied may resubmit a provider/supplier enrollment application for review and a decision.

996.21 An applicant whose provider/supplier application has been approved to become a D.C. Medicaid DMEPOS Provider is deemed to be enrolled when the applicant has:

- (a) Successfully completed the DMEPOS Application that is approved by DHCF;
- (b) Signed a District of Columbia Medicaid Provider/Supplier Agreement that has been accepted by DHCF;
- (c) Participated in a mandatory Medicaid DMEPOS New Provider/Supplier Orientation conducted by DHCF or its agent; and
- (d) Received the D.C. Medicaid DMEPOS Provider/Supplier Billing Manual from DHCF or its agent.

996.22 DHCF may authorize a temporary enrollment of an applicant in the case of a special circumstance when a Medicaid beneficiary requires immediate service, supplies, or equipment, subject to the following limitations:

- (a) Temporary enrollment shall be for one specific occurrence involving an identifiable Medicaid beneficiary;
- (b) Temporary enrollment shall only be made available one time to a provider/supplier; or

- (c) Temporary enrollment may be allowed in situations when the D.C. Medicaid Program is not the primary payer.
- 996.23 A temporary provider/supplier may become eligible to apply for enrollment in the District of Columbia DMEPOS Program anytime during temporary eligibility or subsequently thereafter.
- 996.24 DHCF may adopt and include in the provider/supplier agreement other requirements and stipulations that it finds necessary to properly and efficiently administer the D.C. Medicaid Program.
- 996.25 DHCF may make, or cause to be made, payments for medical assistance and related services rendered to Medicaid beneficiaries only when:
- (a) The entity has a current Medicaid Provider/Supplier Agreement in effect with DHCF;
- (b) The entity is performing services and supplying goods in accordance with federal and District laws; and
- (c) The provider/supplier is eligible to provide the item or service on the date it is dispensed and the beneficiary is eligible to receive the item or service on the date the item or service is furnished.
- 996.26 Each provider/supplier shall be subject to the administrative procedures set forth in Chapter 13 of Title 29 of the DCMR during the provider's/supplier's participation in the District Medicaid DMEPOS Program.
- 996.27 In accordance with the requirements set forth in 42 C.F.R. § 455.470, DHCF may impose a temporary moratorium on the enrollment of DMEPOS providers/suppliers.
- 996.28 Any provider/supplier agreement for DMEPOS in existence on or before May 30, 2008 shall be considered to have expired on December 31, 2009, unless the provider/supplier agreement for DMEPOS contains an expiration date on or before January 1, 2010. Any provider/supplier of DMEPOS whose provider/supplier agreement expires on or before January 1, 2010 is eligible to submit a new provider/supplier agreement pursuant to the rules specified in Section 996 of Title 29 of the DCMR.

A new Section 997 is added to read as follows:

997 DURABLE MEDICAL EQUIPMENT, PROSTHETICS, ORTHOTICS, AND SUPPLIES

- 997.1 The Department of Health Care Finance (DHCF), the single state agency for the administration of medical assistance programs authorized under Titles XIX and XXI of the Social Security Act, shall ensure the provision of durable medical equipment, prosthetics, orthotics, and supplies (DMEPOS) to qualified Medicaid beneficiaries in accordance with the requirements of this section and the D. C. Medicaid DMEPOS Provider/Supplier Billing Manual. All providers/suppliers of DMEPOS shall be enrolled as such by DHCF in accordance with Provider and Supplier Screening and Enrollment regulations and policies and § 996 of Title 29 District of Columbia Municipal Regulations (DCMR).
- 997.2 DHCF shall ensure that each Medicaid beneficiary retains his/her freedom of choice of DMEPOS providers/suppliers, in accordance with 42 C.F.R. § 431.51.
- 997.3 In order for a beneficiary to receive DMEPOS, the following requirements shall be met:
- (a) The cost of the item shall be reasonable;
 - (b) The item shall be prescribed by a physician or other licensed practitioner of the healing arts operating within the scope of practice allowed under the District of Columbia Health Occupations Revision Act of 1985, as amended, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code §§ 3-1201.01 *et seq.*) and implementing rules, as well as all other applicable Federal and District laws;
 - (c) The prescribing clinician shall be enrolled as a provider in the District of Columbia Medicaid Program; and
 - (d) The prescribing clinician and DMEPOS provider/supplier shall provide their National Provider Identification (NPI) numbers on the prescription, DMEPOS Request and Prior Authorization Form (Form 719(A)), and claim.
- 997.4 The prescribing clinician shall ensure that Form 719(A) and any supporting documentation describe the beneficiary's condition and include, at minimum:
- (a) The diagnosis related to the need for the DMEPOS item;
 - (b) Any complicating medical conditions;
 - (c) A description of functional abilities and limitations, using assessments based on the standards described in § 997.8;
 - (d) The anticipated duration of the condition;
 - (e) Physical examination findings; and

- (f) The potential for rehabilitation, if applicable.
- 997.5 For a beneficiary ages birth through twenty-one (21), who is entitled to the early and periodic screening, diagnosis, and treatment (EPSDT) benefit, covered items shall be limited to DMEPOS that is included within the scope of the definition set forth in Section 1905(r) of the Social Security Act (42 U.S.C. § 1396d(r)).
- 997.6 DMEPOS shall require prior authorization by DHCF, or its designee, under the following circumstances:
- (a) DMEPOS items that exceed specific criteria and/or require prior authorization, as set forth in the D.C. Medicaid Provider/Supplier Billing Manual and/or D.C. Medicaid Fee Schedule, available online at www.dc-medicaid.com;
 - (b) DMEPOS items that are billed using miscellaneous codes or that require manual pricing;
 - (c) Items of durable medical equipment (DME) that exceed five-hundred dollars (\$500) in purchase price, unless exempted from the requirement as indicated on the fee schedule;
 - (d) Customized equipment; and
 - (e) DME, prosthetics, and orthotics, outside of the warranty period, that require repair or replacement.
- 997.7 For items that require prior authorization, in addition to providing the prescription described in § 997.3(b), the prescribing clinician shall also begin the prior authorization process by completing the clinical portion of Form 719(A) and providing the form to the DMEPOS provider/supplier for completion. The DMEPOS provider/supplier shall then present the completed Form 719(A), including the corresponding prescription, to DHCF or its designee, for approval. The DMEPOS provider/supplier also shall be responsible for collecting and submitting supporting documentation and invoices to DHCF, or its designee, for review and approval.
- 997.8 DHCF, or its designee, shall use national standards, such as InterQual, to assess reasonableness and necessity of all DMEPOS that requires prior authorization.
- 997.9 A supplier that delivers a DMEPOS item that is subject to prior authorization before DHCF, or its designee, has completed its review and issued an approval for the item shall not receive payment for the item.

- 997.10 Except for oxygen and oxygen equipment provided to children, qualified physicians or other practitioners of the healing arts operating within the scope of practice outlined in the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986, as amended (D.C. Law 6-99; D.C. Official Code §§ 3-1201.01 *et seq.*) and implementing rules, shall review a beneficiary's continued need for any DMEPOS item at least on an annual basis, or as otherwise appropriate based on a beneficiary's condition.
- 997.11 Information set forth in the D.C. Medicaid DMEPOS Provider/Supplier Billing Manual shall govern specific criteria for the following categories of DMEPOS items:
- (a) Mobility assistive equipment; and
 - (b) Oxygen and oxygen equipment.
- 997.12 In the event that a DMEPOS provider/supplier goes out-of-business, another enrolled DMEPOS provider/supplier that is capable of providing continuous DMEPOS services/items to a beneficiary shall complete a new Form 719(A), include a reference to the original prior authorization number on Form 719(A), and submit the form to DHCF, or its designee. The new DMEPOS provider/supplier shall not provide any new item to a beneficiary until DHCF, or its designee, has provided a new prior authorization number.
- 997.13 DMEPOS reimbursement shall be subject to the following standards:
- (a) DHCF shall establish maximum reimbursement rates for items included under the DMEPOS benefit and shall set forth these rates in the D.C. Medicaid Fee Schedule, available online at www.dc-medicaid.com.
 - (b) All rates for DMEPOS shall be subject to pricing analysis by DHCF, or its designee. The pricing analysis shall consider any, or all, of the following:
 - (1) Beneficiary's condition;
 - (2) Brand comparison;
 - (3) Anticipated duration of beneficiary's need for the item;
 - (4) Warranty coverage and conditions;
 - (5) Medicare local coverage and pricing determinations;
 - (6) Pricing under other jurisdictions' Medicaid programs;
 - (7) Usual and customary pricing; and/or

- (8) Discounts.
- (c) For any DMEPOS item that is determined to be covered under the District of Columbia's Medicaid program, but is not included on the D.C. Medicaid Fee Schedule, DHCF shall manually price the item using the process described in § 997.13(b).
- (d) For a beneficiary enrolled in both Medicare and Medicaid, a DMEPOS provider/supplier shall first bill the Medicare program when providing any item to the beneficiary. If Medicare denies the claim, the provider may then submit the remittance advice along with the claim to DHCF, or its designee. Under no circumstances shall a DMEPOS provider/supplier balance bill a dual eligible beneficiary. Failure to adhere to these requirements may subject the DMEPOS provider/supplier to termination of its Medicaid Provider Agreement.
- (e) If a prescribing clinician or DMEPOS provider/supplier receives a discount for an item ordered for use by a D.C. Medicaid beneficiary, the prescribing clinician and/or DMEPOS provider/supplier shall subtract the amount of the discount from the amount for which reimbursement is sought prior to submitting the claim to DHCF. Failure to comply with the requirements of this paragraph may result in denied claims, temporary suspension of payments, or termination of the Medicaid Provider Agreement.
- (f) A DMEPOS provider/supplier shall be required to provide original documentation reflecting all discounts that apply to the cost of any item provided to a Medicaid beneficiary.
- (g) A DMEPOS provider/supplier shall be required to produce proof of delivery (POD) for all items that are provided to a Medicaid beneficiary. POD may include:
- (1) Receipts that are signed by the beneficiary who requires DMEPOS, or his or her legal representative; or
 - (2) Delivery confirmation.
- (h) Except for items deemed necessary under the EPSDT benefit, the following shall not be covered under the D.C. Medicaid DMEPOS benefit:
- (1) Replacement of an item while it is still under warranty or before the item meets the associated life expectancy, unless prior authorization is obtained;

- (2) Ventilators;
- (3) Acquisition, maintenance, or repair of DME, prosthetic, and orthotic items that do not require prior authorization or are for general use in an institutional provider facility where a beneficiary resides;
- (4) Consumable medical supplies for general or non-beneficiary specific use in intermediate care facilities for individuals with intellectual disabilities (ICFs/IID);
- (5) Items solely for comfort and convenience of the beneficiary or his/her caregivers, such as air conditioners;
- (6) Home or vehicle modifications that may be covered under waiver programs operating pursuant to Section 1915(c) of the Social Security Act;
- (7) Rehabilitative equipment, for beneficiaries age twenty-two (22) and up, if designed to bring a beneficiary into an upright position to stimulate vestibular function or balance;
- (8) Items that are not suitable for, or are not primarily used in the home setting, including, but not limited to, car seats and non-rehabilitative strollers; and
- (9) Supplies and other DME items used by personnel of a home health agency during the course of a home visit.

997.14 To be eligible for Medicaid reimbursement, the delivery of DME shall be subject to the following requirements:

- (a) DME shall include equipment that:
 - (1) Can withstand repeated use;
 - (2) Is primarily and customarily used to serve a medical purpose;
 - (3) Generally not useful to a beneficiary in the absence of illness or injury;
 - (4) Is appropriate for use in the beneficiary's home; and
 - (5) Is expected to have a useful life of at least three (3) years.

- (b) For a beneficiary age 0 through 21, DME shall also include equipment used in natural environments;
- (c) For purposes of this section, for a beneficiary age twenty-two (22) and older, the home shall also include an assisted living center, home for the aged, or other senior living facility;
- (d) DME shall be obtained through rental if the beneficiary's medical condition is anticipated to last six (6) months or less. Rental rates shall include costs of maintenance and servicing rented items. Except for fees associated with maintaining and servicing oxygen equipment, DHCF shall not allow payment for maintenance and servicing of a rented item. Any provider/supplier of rental DME shall adhere to the following:
 - (1) Maintain and repair any DME item(s) being rented to D.C. Medicaid beneficiaries;
 - (2) Accept returns of substandard or unsuitable items; and
 - (3) Provide a replacement item that meets the specifications of the originally prescribed item to the beneficiary and in such a manner as to minimize the burden on the beneficiary.
- (e) The total reimbursement available for DME obtained through rental shall not exceed the purchase price of the item. At the time when rental payments meet the purchase price of the item, the item shall be considered purchased and shall become the property of the beneficiary;
- (f) DME shall be obtained through purchase under the following circumstances:
 - (1) If the beneficiary's medical condition is anticipated to last more than six (6) months and the equipment does not require frequent servicing and/or repair; or
 - (2) If the beneficiary's medical condition requires customized equipment.
- (g) DME that is purchased shall become the property of the beneficiary for whom it was prescribed;
- (h) In accordance with § 997.6(e), DHCF, or its designee, shall prior authorize any repairs to purchased equipment. A DME provider/supplier shall be required to submit to DHCF, or its designee, a copy of the warranty for the item needing repair within thirty (30) days of the date of the request for repair;

- (i) When DME is purchased for use by a beneficiary, and is under warranty, the provider/supplier of DME shall be required to pay reasonable charges for maintenance and servicing of the item;
- (j) A DME provider/supplier shall first seek to have a covered item maintained, serviced, or repaired by the manufacturer in accordance with the warranty;
- (k) DHCF shall reimburse a DME provider/supplier for charges related to parts and labor that are not otherwise covered under a manufacturer or supplier warranty;
- (l) When a beneficiary's DME item is undergoing repair, a DME provider/supplier may receive reimbursement for a substitute DME item, upon receipt of prior authorization by DHCF, or its designee. DHCF, or its designee, shall approve substitute DME items in two (2) month increments, except for substitute DME items provided during repair of customized equipment which shall be approved in six (6) month increments. Approval of substitute DME items is subject to the following conditions:
 - (1) The substitute DME item is reasonable and necessary;
 - (2) The frequency of use, or the number of units requested, of the substitute DME item is consistent with code definitions; and
 - (3) The total cost to rent the substitute DME item does not exceed the purchase price.
- (m) A DME provider/supplier who is responsible for maintaining, servicing, or repairing a customized item that requires repair or replacement shall perform the following:
 - (1) Obtain an estimated repair time from the manufacturer and provide the information to the Medicaid beneficiary and his/her caregivers; and
 - (2) Provide the beneficiary a substitute DME item with specifications that are as similar to the customized item as possible, if needed or requested, in accordance with prior authorization requirements.
- (n) A DME provider/supplier of substitute DME items shall not continue to bill DHCF for the substitute DME item once the beneficiary receives the repaired or replacement DME item;

- (o) Prior to or at the time of delivery of DME, the DMEPOS provider/supplier shall perform an on-site evaluation of the beneficiary's home, if applicable, in order to verify that the beneficiary can adequately maneuver the item that is provided considering the physical layout, doorway widths and thresholds, and surfaces. There shall be a written report of this evaluation, and the provider/supplier shall make it available upon DHCF's request. Documentation required under this section shall also be subject to the record keeping requirements of 29 DCMR § 996.9;
- (p) A prescribing clinician shall describe the clinical appropriateness of oxygen therapy by completing CMS Form 484 and submitting to DHCF, or its designee, along with any other required documentation. A beneficiary shall be eligible for oxygen therapy, including portable oxygen therapy, if his or her condition is supported by documentation of diagnosis and laboratory results reflecting any of the following conditions:
 - (1) Severe lung disease, including but not limited to chronic obstructive pulmonary disease (COPD), diffuse interstitial lung disease, cystic fibrosis, bronchiectasis, and widespread pulmonary neoplasm; or
 - (2) Hypoxia-related symptoms or findings that might be expected to improve with oxygen therapy, including but not limited to pulmonary hypertension, recurring congestive heart failure due to chronic cor pulmonale, erythrocytosis, impairment of the cognitive process, nocturnal restlessness, and morning headache;
- (q) Oxygen therapy shall be subject to the following:
 - (1) An authorization for oxygen therapy shall be valid for twelve (12) months for adults, beneficiaries twenty-two (22) and older, and six (6) months for children, ages zero (0) through age twenty-one (21); and
 - (2) A prescriber of oxygen therapy shall be required to see a beneficiary in person within a thirty (30) day period prior to the start of therapy in order to certify the need for the items/services.
- (r) Oxygen therapy shall not be covered for the following conditions:
 - (1) Angina pectoris in the absence of hypoxemia;
 - (2) Breathlessness without cor pulmonale or evidence of hypoxemia;
 - (3) Severe peripheral vascular disease resulting in clinically evident denaturation in one or more extremities;

- (4) Terminal illnesses that do not affect the lungs;
- (5) Treatment of headache, including migraine; and
- (6) Treatment of other health care conditions in which oxygen therapy is determined to be experimental or investigational; and
- (s) Diabetic testing meters shall be limited to those preferred items authorized pursuant to the D.C. Medicaid Diabetic Supplies program.

997.15 The delivery of prosthetics and orthotics shall be subject to the requirements as follows:

- (a) Prosthetics and orthotics shall include the following:
 - (1) Devices that can replace all or part of an internal body organ, including ostomy bags and supplies directly related to ostomy care, as described in § 997.15(b);
 - (2) Breast prostheses, including the surgical brassiere;
 - (3) Leg, arm, back, and neck braces;
 - (4) Artificial legs, arms, including stump cover or harness, where necessary;
 - (5) One pair of conventional eyeglasses or contact lenses furnished subsequent to cataract surgery that included insertion of an intraocular lens;
 - (6) Artificial eyes; and
 - (7) Therapeutic shoes, diabetic shoe inserts, splints, and supports;
- (b) Coverage of prosthetic and orthotic devices shall include replacements that are required based on a change in a beneficiary's physical condition or consumable nature of the item (*e.g.*, ostomy supplies).
- (c) Replacement of prosthetic and orthotic devices shall be covered only when prescribed by a clinician meeting the requirements of § 997.3(b).
- (d) Covered prosthetic and orthotic devices shall not include the following items:
 - (1) Intraocular lenses;

- (2) Supplies and equipment related to ostomy care that is furnished by home health agency personnel during the course of a home visit; and
- (3) Dental prostheses.

997.16 The delivery of supplies shall be subject to the requirements as follows:

- (a) Supplies shall only include items required for use for the treatment of specific illnesses, injuries, diseases, and/or disabilities and that meet the following:
 - (1) Serve a medical purpose;
 - (2) Are generally not useful to a beneficiary in the absence of illness or injury; and
 - (3) Are appropriate for use in the beneficiary's home.
- (b) Supplies include, but are not limited to:
 - (1) Lancets;
 - (2) Gloves;
 - (3) Bandages;
 - (4) Enteral products; and
 - (5) Incontinence supplies.

Section 999.1, DEFINITIONS, is amended by adding the following:

999.1 DEFINITIONS

Consumable – Items that are designed or intended to be used up and then replaced.

Discount - Any form of rebate, wholesale pricing, sale pricing, and similar adjustments to the manufacturer's suggested retail price for an item.

Institutional Facility or Provider - Medicaid enrolled hospitals, nursing facilities, and intermediate care facilities for individuals with intellectual disabilities.

Mobility Assistive Equipment –Ccanes, crutches, walkers, manual wheelchairs, and power wheelchairs.

Natural Environment - Settings that are natural or typical for an infant or toddler of the same age without a disability, which may include the home or community settings.

Comments on these proposed rules shall be submitted in writing to Linda Elam, Ph.D., M.P.H., Senior Deputy Director/State Medicaid Director, Department of Health Care Finance, One Judiciary Square, 441 4th Street, NW, Suite 900S, Washington, DC, 20001, via email at DHCFPubliccomments@dc.gov, online at www.dcregs.dc.gov, or by telephone at (202) 442-9115, within thirty (30) days after the date of publication of this notice in the *D.C. Register*. Additional copies of these proposed rules may be obtained from the above address.

DEPARTMENT OF MOTOR VEHICLES**NOTICE OF PROPOSED RULEMAKING**

The Director of the Department of Motor Vehicles (“Director”), pursuant to the authority set forth in Sections 1825 and 1826 of the Department of Motor Vehicles Establishment Act of 1998, effective March 26, 1999 (D.C. Law 12-175; D.C. Official Code §§ 50-904 and 50-905 (2012 Repl.)) and Sections 6, 7 and 8a of the District of Columbia Traffic Act of 1925, approved March 3, 1925 (43 Stat. 1121, 1125; D.C. Official Code §§ 50-2201.03, 50-1401.01 and 50-1401.03 (2012 Repl.)), hereby gives notice of the intent to adopt the following rulemaking that will amend Chapter 1 (Issuance of Drivers Licenses) of Title 18 (Vehicles and Traffic) of the District of Columbia Municipal Regulations (“DCMR”).

The proposed rules would ensure the District’s compliance with the federal requirements pertaining to issuance of licenses, permits and identification cards.

The Director of the Department of Motor Vehicles hereby gives notice of her intent to take final rulemaking action to adopt these proposed rules in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

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

Chapter 1, ISSUANCE OF DRIVER’S LICENSES, is amended so that the title reads as follows, “ISSUANCE OF DRIVER LICENSES”, and Section 100, PROVISIONS, is amended as follows:

Subsection 100.5 is added to read as follows:

100.5 Any person holding a valid learner permit, provisional permit, driver license, identification card, or its equivalent, from any jurisdiction must surrender it to the Department prior to obtaining a District of Columbia learner permit, provisional permit or operator license.

Subsection 100.6 is added to read as follows:

100.6 At the Director’s discretion, he or she is not required to comply with the provisions set forth in this chapter when issuing a learner permit, driver license or identification card to an employee of Federal or District of Columbia criminal justice agencies that require special licensing or identification to safeguard themselves in support of their official duties.

Section 102, DRIVING UNDER INSTRUCTION: LEARNERS PERMIT is amended so that the title reads as follows: DRIVING UNDER INSTRUCTION: LEARNER PERMIT AND PROVISIONAL PERMIT and said section is amended as follows:

Subsection 102.15 is added to read as follows:

102.15 Each permit shall include the same information as set forth in §§ 107.2 and 107.3 of this title.

Section 103, APPLICATION FOR A DRIVER LICENSE OR LEARNER PERMIT, is amended so that the title reads as follows: APPLICATION FOR A DRIVER LICENSE, LEARNER PERMIT OR PROVISIONAL PERMIT, and said section is amended as follows:

Subsection 103.2 is amended to read as follows:

103.2 Each application shall:

- (a) Provide the applicant's true and lawful name (which shall include the applicant's full and complete name, including any given middle name(s)); the applicant's date of birth; sex; social security number, if such a number was issued to the applicant, or, proof that the applicant is not eligible for a social security number; the residence address of the applicant; and a brief description of the applicant, including, but not necessarily limited to, the applicant's height, weight, color of eyes, and color of hair; and
- (b) Include a certification that the applicant does not have Alzheimer's disease, glaucoma, cataracts or eye disease; is not an insulin dependent diabetic; has not had seizures or loss of consciousness; and does not have any other mental or physical condition that would impair the ability to drive.

Subsection 103.4 is amended to read as follows:

103.4 Each applicant shall provide, as applicable, the documents set forth below in order to establish identity, date of birth, lawful status in the United States, social security number and address of principal residence as follows:

- (a) To establish identity, date of birth and lawful status, an applicant shall submit one of the following documents:
 - (1) Original valid, unexpired U.S. passport or passport card;
 - (2) Original or certified copy of U.S birth certificate or record of birth issued by the State Office of Vital Records or the equivalent agency in the applicant's location of birth;

- (3) Original or certified copy of the Consular Report of Birth Abroad (CRBA) issued by the U.S. Department of State;
 - (4) Original valid, unexpired Permanent Resident Card issued by the U.S. Department of Homeland Security;
 - (5) Original Certificate of Naturalization form issued by the U.S. Department of Homeland Security;
 - (6) Original Certificate of Citizenship form issued by the U.S. Department of Homeland Security;
 - (7) Original unexpired foreign passport with a valid, unexpired U.S. visa affixed accompanied by the approved I-94 form documenting the applicant's most recent admittance into the U.S.;
 - (8) Original unexpired employment authorization documents issued by the U.S. Department of Homeland Security;
 - (9) REAL ID driver license or identification card issued in compliance with 6 C.F.R. § 37; or
 - (10) Any other documents designated acceptable by the U.S. Department of Homeland Security by notice published in the Federal Register.
- (b) To establish proof of Social Security Number (SSN), an applicant shall submit an original of one of the following documents reflecting applicant's full name and full social security number:
- (1) Social Security card or Social Security Administration printout;
 - (2) W-2 form;
 - (3) SSA-1099 form;
 - (4) Non-SSA-1099 form; or
 - (5) Pay statement.
- (c) To establish proof of ineligibility for a SSN, an applicant shall submit an original letter from the Social Security Administration reflecting that the applicant is not eligible for a social security number.
- (d) To establish District of Columbia residency, an applicant shall submit an original of two of the documents set forth in (1)-(8), except as set forth in

(9)-(11). The address on the documents shall match the address on the application.

- (1) Utility bill (Water, Gas, Electric, Oil, or Cable) with name and address, issued within the last sixty (60) days;
- (2) Telephone bill reflecting applicant's name and current address, issued within the last sixty (60) days;
- (3) Deed or settlement agreement reflecting property address;
- (4) Unexpired lease or rental agreement with the name of the applicant listed as the lessee, permitted resident or renter (may be a photocopy);
- (5) Current District of Columbia Property Tax bill;
- (6) Unexpired homeowner's or renter's insurance policy reflecting name and address;
- (7) Official Mail received from a Federal or District of Columbia Agency, other than the District of Columbia Department of Motor Vehicles, that includes the applicant's first and last name and complete address, as well as the envelope and contents;
- (8) Bank statement issued within the last sixty (60) days reflecting name and address;
- (9) If unable to provide two of the documents listed above, submit a DC DMV Proof of Residency Form signed by the person owning or renting the property where the applicant is residing and a copy of this person's unexpired DC driver license or DC identification card and two of the documents listed above in the name of the person owning or renting the property.
- (10) For an identification card only, Department of Motor Vehicles' approved letter with picture from the Court Services and Offender Supervision Agency (CSOSA) or DC Department of Corrections issued within the last sixty (60) days certifying residency. A second document is not required.
- (11) For an identification card only, a District of Columbia Department of Motor Vehicles' approved letter from a certified social service provider. A second document is not required.

Subsection 103.5 is amended to read as follows:

- 103.5 If an applicant is unable to comply with the document requirements set forth in § 103.4(a) to show identity or date of birth due to circumstances beyond the applicant's control, the applicant may submit one of the alternate documents and the Department shall indicate in the applicant's record that an exceptions process was used:
- (a) Unexpired United States military or dependent identification card; or
 - (b) Department of Motor Vehicles' approved letter with picture from the Court Services and Offender Supervision Agency (CSOSA) or DC Department of Corrections issued within the last sixty (60) days certifying identity and date of birth.

Section 107, LICENSES ISSUED TO DRIVERS, is amended as follows:

Subsection 107.2 is amended to read as follows:

- 107.2 Each license shall include the licensee's true and full legal name (as required to be stated on the application), residence address, distinguishing number, as provided by § 7(b)(1) of the District of Columbia Traffic Act of 1925, effective March 3, 1925 (43 Stat. 1125; D.C. Official Code § 50-1401.01(b)(1)), date of birth, gender, weight, height, color of eyes, color of hair, expiration date, and either a facsimile of the signature of the licensee or a space upon which the licensee shall write his or her usual signature with a pen and ink immediately upon receipt of the license. No license shall be valid until it has been so signed by the licensee.

Subsection 107.4 is amended to read as follows:

- 107.4 The Director may, in his or her discretion, issue a temporary or limited term driver license to an applicant under the following circumstances:
- (a) While the Director is completing an investigation and determination of all facts relative to the applicant's eligibility to receive a driver license;
 - (b) After an applicant has renewed his or her driver license on the Department's website;
 - (c) If the applicant has temporary lawful status in the United States (1) for a period no shorter than six months; (2) for a period no longer than the expiration of the applicant's authorized stay in the United States, or, if there is no expiration date, for a period no longer than one year; and (3) no longer than the District's maximum driver license term; or

- (d) If the applicant has permanent resident status in the United States, but his or her Permanent Resident Card expires prior to the term set forth in §110.1 of this chapter.

Section 109, DUPLICATE OR MODIFIED LICENSES AND SPECIAL IDENTIFICATION CARDS, is amended as follows:

Subsection 109.1 is amended to read as follows:

- 109.1 If a learner's permit, a provisional permit, special identification card or driver license issued under the provisions of this chapter is lost or destroyed, the person to whom the permit, license, or special identification card was issued may obtain a duplicate, or substitute, upon furnishing proof satisfactory to the Director that the permit, license, or special identification card has been lost or destroyed, and payment of the required fee. The applicant may obtain a duplicate permit, card or license through the internet, unless since the prior issuance, there has been a material change in any personally identifiable information, as set forth in § 103.4(a) and (b). In that instance, the applicant will be required to seek renewal in-person. Any material change must be established through the applicant's presentation of an original source document.

Section 110, RENEWAL OF DRIVER LICENSES, is amended as follows:

Subsection 110.9 is amended to read as follows:

- 110.9 An applicant for the renewal of a driver license is required to renew a license in person at least once every other renewal period and, on alternate renewal periods, the applicant may apply by mail or through the internet provided the applicant meets the following requirements:
- (a) The applicant is not subject to re-examination pursuant to Subsection 110.4 or Section 111 of this chapter;
 - (b) The applicant certifies that the applicant meets the visual requirements of Section 105 and there has been no change in the applicant's vision;
 - (c) The driver license has not been expired in excess of three hundred and sixty five (365) days;
 - (d) The applicant is renewing for an eight (8) year period of time;
 - (e) Since the prior issuance, there has not been a material change in any personally identifiable information, as set forth in § 103.4(a) and (b). If there has been a material change in any personally identifiable information, the applicant will be required to seek renewal in-person and

establish the change through the presentation of a verifiable original source document that can be verified by the Department of Motor Vehicles.

Subsection 110.10 is added to read as follows:

- 110.10 In person renewal of a driver license shall be conducted as follows:
- (a) For a valid full-term driver license, an applicant must appear in-person no less frequently than every sixteen (16) years at which time an updated photograph shall be taken;
 - (b) In-person renewal of temporary or limited-term driver license pursuant to § 107.4(c) and (d):
 - (1) The applicant must present valid documentary evidence verifiable through the U.S. Department of Homeland Security that the status by which the applicant qualified for the temporary or limited-term driver's license or identification card is still in effect, or
 - (2) The applicant presents valid documentary evidence verifiable through the U.S. Department of Homeland Security that he or she continues to qualify for lawful status in the United States.

Section 112, SPECIAL IDENTIFICATION CARDS, is amended as follows:

Subsection 112.2 is amended to read as follows:

- 112.2 The special identification card shall only be issued to residents of the District over age fifteen (15), upon the payment of a fee and the submission of an application that includes the information required by §§ 103.2, 103.4 and 103.5 of this chapter, except that residents released from a federal or state correctional or detention facility within the previous six (6) months may obtain an identification card upon the facility entering into a written agreement with the Director, in which the facility agrees to provide information acceptable to the Director.

Subsection 112.10 is repealed.

- 112.10 [REPEALED]

Subsection 112.15 is amended to read as follows:

- 112.15 Each special identification card shall include the same information as set forth in §§ 107.2 and 107.3 of this title.

Subsection 112.16 is added to read as follows:

112.16 The special identification card shall be renewed under the same terms and conditions for a driver license as set forth in §§ 107.4, 110.9(d)-(e) and 110.10.

All persons desiring to comment on the subject matter of this proposed rulemaking should file comments, in writing, to David Glasser, General Counsel, D.C. Department of Motor Vehicles, 95 M Street, S.W., Suite 300, Washington, D.C. 20024 or online at www.dcregs.dc.gov. Comments must be received not later than thirty (30) days after the publication of this notice in the *D.C. Register*. Copies of this proposal may be obtained, at cost, by writing to the above address.

DEPARTMENT OF MOTOR VEHICLES

NOTICE OF PROPOSED RULEMAKING

The Director of the Department of Motor Vehicles (“Director”), pursuant to the authority set forth in Sections 6, 7, 8a of the District of Columbia Traffic Act of 1925, approved March 3, 1925 (43 Stat. 1121; D.C. Official Code §§ 50-2201.03, 50-1401.01 and 50-1401.03 (2012 Repl.)), Section 8c of the District of Columbia Traffic Act of 1925, approved March 3, 1925 (43 Stat. 1121; D.C. Official Code § 50-1401.05 (2014 Supp.)), and Mayor’s Order 2014-153, dated June 27, 2014, hereby gives notice of the intent to adopt the following rulemaking that will amend Chapter 1 (Issuance of Drivers Licenses) of Title 18 (Vehicles and Traffic) of the District of Columbia Municipal Regulations (“DCMR”).

The proposed rules would set forth the criteria for issuance of a Limited Purpose Driver License, Learner Permit, Provisional Permit or Identification Card.

Pursuant to Section 8c of the District of Columbia Traffic Act of 1925, approved March 3, 1925 (43 Stat. 1121; D.C. Official Code § 50-1401.05 (2014 Supp.)) this rulemaking shall be submitted to the Council of the District of Columbia for a forty-five (45) day review period, excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve or disapprove the proposed rules, in whole or in part, by resolution within this 45-day period, the proposed rules shall be deemed approved.

Final rulemaking action may be taken thirty (30) days after the date of publication of this notice in the *D.C. Register*, or the completion of the forty-five (45) day Council review period for these rules, whichever is later.

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

Chapter 1, ISSUANCE OF DRIVER’S LICENSES, is amended as follows:

A new Section 114, LIMITED PURPOSE DRIVER LICENSE, LEARNER PERMIT, PROVISIONAL PERMIT OR IDENTIFICATION CARD, is added to read as follows:

114 LIMITED PURPOSE DRIVER LICENSE, LEARNER PERMIT, PROVISIONAL PERMIT OR IDENTIFICATION CARD

114.1 Each application shall:

- (a) State the applicant’s true and lawful name (which shall include the applicant’s full and complete name, including any given middle name or names); the applicant’s date of birth; sex; the residence address of the applicant; that the applicant has resided in the District of Columbia for longer than six (6) months; that the applicant either has not been assigned a social security number, has been assigned a social security number but cannot establish legal presence in the United States at the time of

application or is ineligible to obtain a social security number; a brief description of the applicant, including, but not necessarily limited to, the applicant's height, weight, color of eyes, and color of hair; and

- (b) Include a certification that the applicant: does not have Alzheimer's disease, glaucoma, cataracts or eye disease; is not an insulin dependent diabetic; has not had seizures or loss of consciousness; and does not have any other mental or physical condition that would impair the ability to drive.

114.2 Each application shall also include any other information that the Director may require in order to determine the competency, eligibility, or identity of the applicant.

114.3 Each applicant shall provide one of the following documents set forth below in order to establish identity and date of birth, including a certified translation if the document is not in English:

- (a) Original valid, unexpired passport;
- (b) Original valid unexpired Consular Identification Card issued by Mexico, Guatemala, Ecuador or any other country approved by the Department of Motor Vehicles;
- (c) Unexpired United States military or dependent identification card;
- (d) Certified copy of birth certificate; or
- (e) For an identification card only, Department of Motor Vehicles' approved letter with picture from the Court Services and Offender Supervision Agency (CSOSA) or DC Department of Corrections certifying identity and date of birth.

114.4 If an applicant is unable to provide the documentation required by § 114.3, the applicant shall submit two of the following, including a certified translation if the document is not in English:

- (a) Certified copy of foreign jurisdiction issued birth certificate;
- (b) Foreign jurisdiction issued driver license or identification card;
- (c) Certified school record; or
- (d) Any other documents adopted as acceptable by the Department of Motor Vehicles through written approval.

- 114.5 Except as stated otherwise, each applicant shall provide two of the documents set forth below in order to establish present residency:
- (a) Utility bill (Water, Gas, Electric, Oil, or Cable) with name and address, issued within the last sixty (60) days;
 - (b) Telephone bill reflecting applicant's name and current address, issued within the last sixty (60) days;
 - (c) Deed or settlement agreement reflecting property address;
 - (d) Unexpired lease or rental agreement with the name of the applicant listed as the lessee, permitted resident or renter (may be a photocopy);
 - (e) District of Columbia Property Tax bill issued within the last twelve months;
 - (f) Unexpired homeowner's or renter's insurance policy reflecting name and address;
 - (g) For an identification card only, Department of Motor Vehicles' approved letter with picture from the Court Services and Offender Supervision Agency (CSOSA) or DC Department of Corrections issued within the last sixty (60) days certifying residence address. A second document is not required;
 - (h) Official Mail received from a Federal or District of Columbia Agency within the last sixty (60) days, other than the District of Columbia Department of Motor Vehicles, that includes the applicant's first and last name and complete address, as well as the envelope and contents;
 - (i) Bank statement issued within the last sixty (60) days reflecting name and address;
 - (j) District of Columbia Department of Motor Vehicles' Proof of Residency Form signed by the person owning or renting the residence where the applicant resides and a copy of this person's unexpired District of Columbia driver license or identification card as well as two of the documents listed in (a)-(i) above in the name of the person owning or renting the residence; or
 - (k) For an identification card only, a District of Columbia Department of Motor Vehicles' approved letter from a certified social service provider issued within the last sixty (60) days. Does not require a second document to establish present residency.

114.6 Except as stated otherwise, each applicant shall provide two of the documents set forth below which are dated at least six (6) months prior to the date of application:

- (a) Utility bill (Water, Gas, Electric, Oil, or Cable) with name and address;
- (b) Telephone bill reflecting applicant's name and address;
- (c) Deed or settlement agreement reflecting property address;
- (d) Unexpired lease or rental agreement with the name of the applicant listed as the lessee, permitted resident or renter (may be a photocopy);
- (e) District of Columbia Property Tax bill;
- (f) Unexpired homeowner's or renter's insurance policy reflecting name and address;
- (g) Official Mail received from a Federal or District of Columbia Agency, other than the District of Columbia Department of Motor Vehicles, that includes the applicant's first and last name and complete address, as well as the envelope and contents;
- (h) Bank statement reflecting name and address;
- (i) District of Columbia Department of Motor Vehicles' Proof of Residency Form signed by the person owning or renting the residence where the applicant resides and a copy of this person's unexpired District of Columbia driver license or identification card as well as two of the documents listed in (a)-(i) above in the name of the person owning or renting the residence.
- (j) For an identification card only, a District of Columbia Department of Motor Vehicles' approved letter from a certified social service provider. A second document is not required.

114.7 Each limited purpose driver license, learner permit, provisional permit or identification card shall include the same information as set forth in §§ 107.2 and 107.3 of this title.

All persons desiring to comment on the subject matter of this proposed rulemaking should file comments, in writing, to David Glasser, General Counsel, D.C. Department of Motor Vehicles, 95 M Street, S.W., Suite 300, Washington, D.C. 20024 or online at www.dcregs.dc.gov. Comments must be received not later than thirty (30) days after the publication of this notice in the *D.C. Register*. Copies of this proposal may be obtained, at cost, by writing to the above address.

PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA

NOTICE OF PROPOSED RULEMAKING

RM27-2014-01, IN THE MATTER OF THE COMMISSION’S INVESTIGATION INTO THE RULES GOVERNING LOCAL EXCHANGE CARRIER QUALITY OF SERVICE STANDARDS FOR THE DISTRICT,

1. The Public Service Commission of the District of Columbia (“Commission”) hereby gives notice, pursuant to Sections 34-802, 2-505, and 34-2002(g) of the District of Columbia Code,¹ of its intent to amend Chapter 27, “Regulation of Telecommunications Service Providers” of Title 15, “Public Utilities and Cable Television”, of the District of Columbia Municipal Regulations (“DCMR”), in not less than 30 days from the date of publication of this Notice of Proposed Rulemaking (“NOPR”) in the *D.C. Register*.

2. The proposed amendments to Section 2720 of Title 15 of the DCMR update the retail quality of service measures that are applicable to telecommunications service providers that have more than 10,000 access lines. The proposed amendments add two new measures, a Trouble Clearing Time measure and a Repeat Trouble measure to evaluate the time needed to repair service-affecting but not out-of-service problems and to evaluate the percentage of repeated problems with a particular service line. The proposed amendments also include changing some reporting requirements, requiring aggregation of results and disaggregation of results both by the type of customer and the type of facility used to provide service.

3. Section 2720 is amended to read as follows:

2720 RETAIL QUALITY OF SERVICE MEASURES

2720.1 The rules in this section are reliability performance standards adopted by the Public Service Commission in accordance with D.C. Code § 34-706(e).

2720.2 All telecommunications service providers having more than ten thousand (10,000) access lines shall comply with and report on the following retail quality of service measures.

2720.3 Installation Commitments Met measure – This measure evaluates the percentage of times that a telecommunications service provider completed the installation of the customer’s local exchange service by the installation date. The installation date for business and residential customers is the close of business on the fifth business day following the date that the request for the installation was made. The following requirements apply:

- (a) The standard for this measure is ninety-five percent (95%) completion by the installation date per month;

¹ D.C. Official Code § 34-802 (2001 ed.); D.C. Official Code § 2-505 (2001 ed.).

- (b) Results for this measure shall be calculated by dividing the number of installation dates met by the total number of installation date commitments made. Results shall be stated as a percentage rounded to the hundredth decimal place using traditional mathematical rounding;
- (c) Data collected for this measure shall be aggregated and disaggregated into residential and business customer categories and into copper and fiber facilities and reported in aggregate and by the business customer/copper facility; business customer/fiber facility; residential customer/copper facility; and residential customer/fiber facility categories; and
- (d) If the installation date is missed due to customer fault, then it shall not be included in the sample to be measured. Customer fault means that access to the customer premises is unavailable during the five day window or installation at the customer's premise cannot be done because the premises is unsafe or if the customer requests a different installation date from the telecommunications service provider before the installation date.

2720.4

Trouble Reports Per One hundred (100) Lines measure – This measure evaluates the number of access lines per one hundred (100) access lines for which a customer reports a trouble. The following requirements apply:

- (a) The following types of access lines shall be included in the measurement:
 - (1) Residential access lines;
 - (2) Business single line and Centrex lines;
 - (3) Payphone lines; and
 - (4) Voice-grade PBX trunks.
- (b) Customer trouble reports for the following services shall not be included in the measurement:
 - (1) Dedicated non-switched services;
 - (2) Wide area telephone service;
 - (3) Integrated service digital network services;
 - (4) The special service portion of PBX service;
 - (5) Broadband services;

- (6) Voice mail and customer premises equipment;
 - (7) Inside wire; and
 - (8) Payphone equipment.
- (c) If a customer has multiple access lines and more than one (1) access line experiences a network service problem, then each access line shall be counted separately;
 - (d) The standard for this measure is four (4) troubles per one hundred (100) lines;
 - (e) Results for this measure shall be calculated by dividing the number of initial trouble reports by the total number of access lines. This figure is then multiplied by one hundred (100). Results shall be reported to the hundredth decimal place, rounded using traditional mathematical rounding principles; and
 - (f) Data collected for this measure shall be aggregated and disaggregated into residential and business customer categories and by copper and fiber facilities and reported in aggregate and by the business customer/copper facility; business customer/fiber facility; residential customer/copper facility; and residential customer/fiber facility categories.

2720.5

Out-of-service Clearing Time measure – This measure evaluates the percentage of customer troubles that are classified as out-of-service problems that are cleared within twenty-four (24) hours. The following requirements apply:

- (a) For purposes of starting the twenty-four (24) hour time clock to calculate the time period:
 - (1) If an outage report is received during normal business hours, then the time clock begins when the outage report is received by the telecommunications service provider;
 - (2) If an outage report is received outside of normal business hours, then the time clock begins at the beginning of the day on the next business day;
 - (3) If the telecommunications service provider is unable to gain access to the customer premises to repair the out-of-service condition, then the twenty-four (24) hour time clock is stopped until the provider can gain access to the property; and

- (4) Each telecommunications service provider shall establish its normal business hours in its customer bills and on a page that is readily accessible to consumers on its website.
- (b) The standard for this measure shall be eighty percent (80%) clearance within twenty-four (24) hours;
- (c) Results for this measure shall be calculated by dividing the number of out-of-service reports cleared within twenty-four (24) hours by the total number of out-of-service reports received. The result shall be reported as a percentage rounded to the hundredth decimal place using traditional mathematical rounding; and
- (d) Data collected for this measure shall be aggregated and disaggregated into residential and business customer categories and by copper and fiber facilities and reported in aggregate and by the business customer/copper facility; business customer/fiber facility; residential customer/copper facility; and residential customer/fiber facility categories.

2720.6

Trouble Clearing Time measure – This measure evaluates the percentage of customer trouble reports that are cleared within forty eight (48) hours.

- (a) The forty-eight (48) hour time period shall be calculated as follows:
 - (1) If a trouble report is received during normal business hours, then the time clock begins when the trouble report is received by the telecommunications service provider;
 - (2) If a trouble report is received outside of normal business hours, then the time clock begins at the beginning of the next business day; and
 - (3) If the telecommunications service provider is unable to gain access to the customer premises to repair the trouble condition, then the forty-eight (48) hour time clock is stopped until the provider can gain access to the property.
- (b) The standard for this measure shall be eighty percent (80%) clearance within forty-eight (48) hours;
- (c) Data collected for this measure shall be aggregated and disaggregated into residential and business customer categories and by copper and fiber facilities and reported in aggregate and by the business customer/copper facility; business customer/fiber facility; residential customer/copper facility; and residential customer/fiber facility categories; and

- (d) Results for this measure shall be calculated by dividing the number of trouble reports in each category that is cleared within forty-eight (48) hours by the total number of trouble reports received for that category. The result shall be reported as a percentage rounded to the hundredth decimal place using traditional mathematical rounding.

2720.7 Repeat Trouble measure – This measure evaluates the percentage of troubles that occur again within 30 calendar days. The following requirements apply:

- (a) The standard for this measure shall be ten percent repeat troubles per month;
- (b) Data collected for this measure shall be aggregated and disaggregated into residential and business customer categories and by copper and fiber facilities and reported in aggregate and by the business customer/copper facility; business customer/fiber facility; residential customer/copper facility; and residential customer/fiber facility categories; and
- (c) Results for this measure shall be calculated by dividing the number of repeat troubles for each category by the total number of trouble reports received for that category. The result shall be reported as a percentage rounded to the hundredth decimal place using traditional mathematical rounding.

2720.8 Data for all measures shall be collected and reported on a District of Columbia-wide basis.

2720.9 Exceptions - The measures shall not apply to the following services:

- (a) UNE-P;
- (b) UNE-L;
- (c) DS1;
- (d) DS0;
- (e) DS3;
- (f) EEL;
- (g) Resold services;
- (h) VoIP; and
- (i) Failures caused by collocation or interconnection problems.

- 2720.10 Reporting - Each telecommunications service provider shall collect and retain accurate data demonstrating their compliance with the measures in this chapter. Data is to be collected on a monthly basis in a format established by Commission order and these rules. The following applies to the data telecommunication service providers are required to provide:
- (a) Each telecommunications service provider shall submit its monthly reports to the Commission on a quarterly basis, with the months of January, February, and March being submitted on April 30; the months of April, May, and June being submitted on July 30; the months of July, August, and September being submitted on October 30; and the months of October, November, and December being submitted on January 30 of the next year;
 - (b) If a telecommunications service provider fails a measure in a quarterly report, the provider shall file an explanation for the failure and a plan to remedy the failure. If the failure was due to data clustering, customer error, or unforeseeable events, then the telecommunications service provider may request a waiver of the performance standard. The request for a waiver shall contain a detailed explanation of the reasons for granting such a waiver; and
 - (c) Each telecommunications service provider shall retain its reporting data for three (3) years in the event that the records are audited by the Commission.
- 2720.11 Penalties – Pursuant to D.C. Code § 34-706(e) and the Commission’s rules adopted pursuant to D.C. Code § 34-706(e), the Commission may impose a penalty of up to \$100,000 for each violation of these rules.

2799 Definitions

“**Repeat trouble**” - the same trouble that occurs again within 30 days.

4. Any person interested in commenting on the subject matter of this proposed rulemaking must submit comments and reply comments in writing no later than thirty (30) days and forty-five (45) days, respectively, from the date of publication of this Notice in the *D.C. Register*. Comments and reply comments are to be addressed to Brinda Westbrook-Sedgwick, Commission Secretary, Public Service Commission of the District of Columbia, 1333 H Street, N.W., West Tower, Suite 200, Washington D.C., 20005. After the comment period expires, the Commission will take final rulemaking action.

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

NOTICE OF EMERGENCY AND PROPOSED RULEMAKING

The Acting Commissioner of the Department of Insurance, Securities and Banking (“DISB”), pursuant to the authority set forth in Section 105(c) of the 21st Century Financial Modernization Act of 2000, effective June 9, 2001 (D.C. Law 13-308; D.C. Official Code § 26-551.05(c) (2012 Repl.)), hereby gives notice of his intent to adopt, on an emergency basis, the following amendment to add a new Chapter 29, entitled “The State Small Business Credit Initiative (“SSBCI”), to Subtitle C (Banking and Financial Institutions) of Title 26 (Insurance, Securities and Banking) of the District of Columbia Municipal Regulations (“DCMR”).

These rules are necessary to implement two new programs, the District of Columbia Loan Participation Program (Loan Participation Program) and the District of Columbia Innovation Finance Program (Innovation Finance Program), and combine the programs’ regulations in one place with the District of Columbia Collateral Support Program’s (Collateral Support Program) regulations. The Collateral Support Program’s regulations are currently in 27 DCMR § 851. All of these regulations will now be in Title 26 of the DCMR.

The Collateral Support Program, which the Department has already established, provides a cash collateral account to a financial institution in order to enhance the collateral coverage of a District of Columbia (“District”) small business that is otherwise qualified for a small business loan but is unable to meet the lender’s security requirements. The two new programs to be implemented will increase access to capital for small businesses. Under the Loan Participation Program, the District will acquire a participation interest in loans a financial institution makes to District small businesses in order to curtail short-term cash flow problems or compensate for a lack of equity or collateral resources. The Innovation Finance Program will provide capital to non-traditional commercial financial institutions that, in turn, co-invest in District small businesses seeking innovative financing as an alternative to traditional commercial financing. The three programs, (the “Collateral Support Program,” the “Loan Participation Program,” and the “Innovation Finance Program,” will be collectively known as the “District SSBCI Programs”).

This emergency rulemaking is necessary because the District SSBCI Programs advance a critical public purpose. SSBCI helps small businesses which, in turn, serve an important function in the economy of the District by providing a continuing source of increasing tax revenues and job opportunities. District small businesses and entrepreneurs have been adversely affected by the economic recession of 2008 and the credit crisis that followed. District small businesses continue to encounter reductions in the availability of credit and heightened requirements to obtain financing for working capital, expansion, and other business needs. The SSBCI comprises several financing programs as a response to the financing needs of District small businesses and entrepreneurs. The SSBCI seeks to catalyze the amount of capital that is invested in District small businesses and entrepreneurs, and to, thereby, enhance the District’s business activity, improve the District’s tax base, and promote the creation and retention of District jobs. Because

of these imperatives, this emergency and proposed rulemaking is necessary for the immediate preservation of the public's safety and welfare.

This emergency rulemaking was adopted on June 27, 2014, by the Acting Commissioner and became effective on that date. This emergency rulemaking will remain in effect for up to one hundred twenty (120) days after the date of adoption, expiring on October 24, 2014, unless earlier superseded by a notice of final rulemaking. The Acting Commissioner also gives notice of the intent to take final rulemaking action to adopt these rules in not less than thirty (30) days after the date of publication of this notice in the *D.C. Register*.

A new Chapter 29 is added to Subtitle C (Banking and Financial Institutions) of Title 26 (Insurance, Securities and Banking) of the DCMR to read as follows:

CHAPTER 29 STATE SMALL BUSINESS CREDIT INITIATIVE

2900 SCOPE

2900.1 Unless specified otherwise, these regulations shall apply to the Collateral Support Program, the Loan Participation Program, and the Innovation Finance Program, which are implemented pursuant to Section 105(a)(2), (3) and (12) of the 21st Century Financial Modernization Act of 2000, effective June 9, 2001 (D.C. Law 13-308; D.C. Official Code § 26-551.05 (a)(2), (a)(3) and (a)(12)).

2900.2 The Department of Insurance, Securities and Banking may, in its discretion, outsource the loan underwriting process to a qualified non-profit organization or financial institution.

2900.3 The Commissioner of the Department of Insurance, Securities and Banking may waive provisions of these rules upon good cause shown, provided the waiver is consistent with the State Small Business Credit Initiative ("SSBCI") requirements from the United States Department of the Treasury.

2900.4 All forms prescribed or authorized by this chapter can be found on the Department website at <http://disb.dc.gov/page/small-business-lending-state-small-business-credit-initiative-ssbci>.

2901 COLLATERAL SUPPORT PROGRAM

2901.1 The Collateral Support Program shall provide a cash collateral deposit to an Eligible Lender in order to enhance the collateral coverage of an Eligible Recipient that is otherwise qualified but unable to meet the Eligible Lender's security requirements. The cash collateral deposit will then be pledged as collateral on behalf of the Eligible Recipient.

2901.2 The Department of Insurance, Securities and Banking ("DISB") may deposit cash assets of up to fifty percent (50%) of the loan amount but no more than one

million dollars (\$1,000,000). The maximum term of an Enrolled Loan shall not exceed seven (7) years.

2902 ELIGIBLE LENDERS -- COLLATERAL SUPPORT PROGRAM

2902.1 An Eligible Lender for the Collateral Support Program shall be:

- (a) A federally insured commercial lender;
- (b) A federally insured credit union; or
- (c) A Community Development Financial Institution.

2902.2 An Eligible Lender shall enroll in the Collateral Support Program by providing to DISB:

- (a) A signed SSBCI Participation Agreement with DISB;
- (b) A certification that it is in compliance with the requirements of 31 C.F.R. § 1020.220;
- (c) A certification that, consistent with OMB Circular A-129, it has at least twenty percent (20%) of its own capital at risk in any loan enrolled in the District SSBCI Programs, unless a waiver is granted;
- (d) A certification that no principal of the lender has been convicted of a sex offense against a minor as such term is defined in Section 111 of the Sex Offender Registration and Notification Act (42 U.S.C. § 16911); and
- (e) Any other document necessary for the administration of the District SSBCI Programs or for compliance with the U.S. Treasury's SSBCI.

2903 ELIGIBLE RECIPIENTS – COLLATERAL SUPPORT PROGRAM

2903.1 An Eligible Recipient under the Collateral Support Program shall:

- (a) Be a non-public company that is registered in the District and is subject to tax under the laws of the District;
- (b) Have, or sign an agreement pledging that it will have within six (6) months after funding:
 - (1) Its principal offices within the District, demonstrated by a lease or a deed; and
 - (2) At least seventy-five percent (75%) of its employees, including those of its affiliates and subsidiaries, working in the District;

- (c) Have less than seven hundred and fifty (750) existing employees, including those of its affiliates and subsidiaries; and
- (d) Provide, or sign an agreement pledging that it will provide, within six (6) months after funding, at least twenty-five percent (25%) of its W-2 employee positions to District residents.

2903.2 If the funding from the District of Columbia is three hundred thousand dollars (\$300,000) or more, the requirement stated in § 2903.1(d) shall be met by an executed First Source Agreement.

2903.3 The provisions in § 2903.1 may be waived, and the deadlines extended, in whole or in part, by the Commissioner if the Eligible Recipient demonstrates a reasonable need for waiver and if a waiver will not violate the SSBCI Guidelines of the U.S. Department of the Treasury.

2903.4 The Eligible Recipient and any owner of the Eligible Recipient owning at least a twenty percent (20%) interest in the Eligible Recipient shall execute covenants pledging to continue to comply with Program requirements of maintaining its principal offices within the District and providing at least twenty-five percent (25%) of its W-2 employee positions to District residents.

2903.5 An Eligible Recipient shall not be:

- (a) An executive officer, director, or principal shareholder of the financial institution or qualified non-profit organizations enrolling the loan;
- (b) A member of the immediate family of an executive officer, director, or principal shareholder of the financial institution or qualified non-profit organization enrolling the loan;
- (c) A related interest of such an executive officer, director, principal shareholder, or member of the immediate family;
- (d) A business engaged in speculative activities that develop profits from fluctuations in price rather than through normal course of trade, such as wildcatting for oil or dealing in commodities futures, unless those activities are incidental to the regular activities of the business and part of a legitimate risk management strategy to guard against price fluctuations related to the regular activities of the business;
- (e) A business that earns more than half of its annual net revenue from lending activities, unless the business is a non-bank or non-bank holding company or Community Development Financial Institution;

- (f) A business engaged in pyramid sales, where a participant's primary incentive is based on the sales made by an ever-increasing number of participants; or
- (g) A business engaged in activities that are prohibited by federal or District of Columbia law.

2903.6 For the purpose of these Eligible Recipient restrictions, as described in § 2903.5 (a), (b) and (c) above, the terms “executive officer,” “director,” “principal shareholder,” “immediate family,” and “related interest” refer to the same relationship to a financial institution lender or qualified non-profit organization as the relationship described in 12 C.F.R. part 215, or any successor to such part.

2903.7 An Eligible Recipient under the Collateral Support Program shall certify that no principal of the Eligible Recipient has been convicted of a sex offense against a minor as such term is defined in Section 111 of the Sex Offender Registration and Notification Act (42 U.S.C. § 16911).

2903.8 For the purposes of the certifications required under § 2902.2(d) and § 2903.7, “principal” is defined as:

- (a) If a sole proprietorship, the proprietor;
- (b) If a partnership, each managing partner and each partner who holds twenty percent (20%) or more ownership interest in the partnership; and
- (c) If a corporation, limited liability company, association or a development company, each director, each of the five (5) most highly compensated executives, officers, or employees of the entity, and each direct or indirect holder of twenty percent (20%) or more of the ownership stock or stock equivalent of the entity.

2904 LOAN REQUIREMENTS – COLLATERAL SUPPORT PROGRAM

2904.1 Loans or investments facilitated by the Collateral Support Program shall be used for a business purpose, including working capital, inventory, expansion, renovations, start-up costs, and refinancing. The entire proceeds of the loan or investment shall be used within the District.

2904.2 The loan proceeds from the Collateral Support Program shall not be used:

- (a) To repay delinquent federal or District of Columbia income taxes unless the Eligible Recipient has a payment plan in place with the relevant taxing authority;
- (b) To repay taxes held in trust or escrow, for example, payroll or sales taxes;

- (c) To reimburse funds owed to any owner, including any equity injection or injection of capital for the business's continuance;
- (d) To purchase any portion of the ownership interest of any owner of the business;
- (e) To acquire or hold passive investments;
- (f) For refinancing of existing debt, other than a refinancing permitted by § 2904.10;
- (g) For legal or illegal gambling; or
- (h) For evangelizing, proselytizing, or lobbying.

2904.3 Personal guarantees must be given by any individual holding twenty percent (20%) or more ownership interest in the Eligible Recipient.

2904.4 An Eligible Lender shall file a loan for enrollment in the Collateral Support Program by:

- (a) Delivering to DISB, within five (5) business days before the Eligible Lender closes the loan, a copy of the District SSBCI Program Enrollment Form executed by an authorized officer of the Eligible Lender;
- (b) Providing DISB with any other documentation and information related to the loan that DISB requires; and
- (c) Complying with any other enrollment procedures that DISB may reasonably require in writing.

2904.5 The filing of a loan for enrollment shall be considered to occur on the date on which the Eligible Lender submits to DISB the documentation requested by DISB in § 2904.4.

2904.6 DISB shall review the loan and related transaction documents that memorialize the terms and conditions of the loan, and DISB shall issue a final approval if the loan, Eligible Lender, Eligible Recipient, and other aspects of the transaction are determined to comply and satisfy all applicable requirements.

2904.7 If DISB issues a final approval of the loan, the Eligible Lender and Eligible Recipient shall execute all documentation requested by DISB to memorialize the terms and conditions of the loan to be enrolled in the Collateral Support Program.

2904.8 The Eligible Lender, Eligible Recipient, and all other parties to the transaction shall execute all of the documents required to close or settle the transaction. The

terms, conditions, and material language of the executed documents shall be consistent with those upon which DISB issued a final approval.

- 2904.9 The loan shall be considered enrolled in the Collateral Support Program when DISB receives copies of all executed transaction documents that it previously approved and submits a funding request to Office of the Chief Financial Officer.
- 2904.10 A loan or line of credit refinanced from a different lender may be enrolled in the Collateral Support Program. Loans or lines of credit with the same lender or its affiliate may be refinanced and enrolled in the Collateral Support Program if such loans and lines of credit meet the following conditions:
- (a) The new loan or line of credit includes the advancement of new monies to a small business borrower (excluding closing costs);
 - (b) The new credit supported with Collateral Support Program funding is based on new underwriting of the small business's ability to repay and a new approval by the Eligible Lender;
 - (c) The proceeds from the new credit are only used to satisfy the outstanding balance of a loan or line of credit that has already matured or otherwise terminated and the prior debt was used for an eligible business purpose, as defined above; and
 - (d) The new credit has not been extended for the sole purpose of refinancing existing debt owed to the same financial institution lender.
- 2904.11 If the outstanding balance of a loan that is not a line of credit is reduced to zero (0), that loan shall no longer be considered an Enrolled Loan in the Collateral Support Program.
- 2904.12 If a loan that is a line of credit has an outstanding balance of zero (0) for twelve (12) consecutive months, it will no longer be considered an Enrolled Loan in the Collateral Support Program, unless, before the expiration of the twelve (12) month period, the Eligible Lender has reaffirmed in writing to the Eligible Recipient that the line of credit will remain open and the Eligible Recipient has acknowledged that reaffirmation in writing to the Eligible Lender and DISB.
- 2904.13 To renew an enrolled line of credit or extend the maturity date of an enrolled line of credit:
- (a) An Eligible Lender shall send notice to DISB of the renewal or extension;
 - (b) The Eligible Recipient shall consent to the extension in writing; and
 - (c) DISB shall receive a new enrollment form.

- 2904.14 If an enrolled line of credit is not renewed or extended, it shall no longer be considered enrolled in the Collateral Support Program after its maturity date has passed.
- 2904.15 If an enrolled line of credit has an outstanding balance of zero (0) for twelve (12) consecutive months, it shall no longer be enrolled in the Collateral Support Program, unless, before the expiration of the twelve (12) month period, the Eligible Lender has reaffirmed in writing to the Eligible Recipient that the line of credit shall remain open and the Eligible Recipient has acknowledged that reaffirmation in writing to the Eligible Lender and DISB.

2905 CASH COLLATERAL ACCOUNTS

- 2905.1 All Collateral Support Program funds transferred to a cash collateral account shall be the property of, and solely controlled by, DISB. Interest or income earned on the funds shall be credited to the cash collateral account.
- 2905.2 DISB may withdraw at any time from a cash collateral account all interest or income that has been credited to the cash collateral account. DISB may use interest or income withdrawals for any purpose in connection with the SSBCI Programs.
- 2905.3 The cash collateral account shall be reduced proportionately with the principal reduction of the loan, on an annual basis or sooner if the loan is paid off.
- 2905.4 Each cash collateral account for a participating Eligible Lender shall be established in the name of DISB and maintained at that Eligible Lender or at another designated insured depository financial institution in a segregated account. This account shall be identified as "DISB SSBCI Fund - Collateral Support Program" or other name that DISB determines.
- 2905.5 The cash collateral accounts shall be interest bearing. Participating Eligible Lenders shall not charge DISB any fees related to the Collateral Support Program transactions, for the maintenance of a cash collateral account, or any other related fees.
- 2905.6 After an Eligible Lender charges off all or part of a loan enrolled in the Collateral Support Program, and after making other efforts to collect upon the Enrolled Loan, including but not limited to seeking judgment and levying against collateral, the Eligible Lender may file a claim with DISB.
- 2905.7 The Eligible Lender may file the claim by submitting a completed claim form, executed by an authorized officer of the Eligible Lender, along with any additional information that DISB requires.

- 2905.8 The Eligible Lender's claim may include:
- (a) The amount of the enrolled principal left unpaid by Eligible Lender's collection efforts;
 - (b) Up to ninety (90) days of accrued interest; and
 - (c) Fifty percent (50%) of the reasonable, documented out-of-pocket expenses incurred by the Eligible Lender, but not paid by the Eligible Recipient, in pursuing collection efforts, including the preservation of collateral.
- 2905.9 The total amount of the Eligible Lender's claim may not exceed the amount of funds in the cash collateral account for that particular loan.
- 2905.10 Upon receipt and acceptance by DISB of a claim filed by the Eligible Lender, DISB shall promptly pay the claim as submitted solely from funds in the cash collateral account for that particular loan.
- 2905.11 If after DISB pays the claim, the Eligible Lender recovers from an Eligible Recipient any amount for which payment of the claim was made, the Eligible Lender shall promptly pay to DISB the amount recovered, less its reasonable, documented out-of-pocket expenses.
- 2905.12 The Eligible Lender shall retain documentation in its files of its out-of-pocket expenses. The Eligible Lender shall only be required to pay to DISB amounts in excess of the amount needed to fully cover the Eligible Lender's loss on a loan under the Collateral Support Program.
- 2905.13 DISB may charge a closing fee of up to four percent (4%) of the balance of the cash collateral account at closing and an annual fee of up to four percent (4%) of the annual balance of the cash collateral account.
- 2905.14 If a participating Eligible Lender discontinues using the Collateral Support Program and no additional loans are being made under the Collateral Support Program, DISB shall make withdrawals against each cash collateral account proportionately to the outstanding balance of the loan until each loan has been repaid. At that time, DISB shall withdraw all remaining funds in the account.

2906 REPORTING REQUIREMENTS -- COLLATERAL SUPPORT PROGRAM

- 2906.1 Each Eligible Lender and Eligible Recipient shall make the following reports:
- (a) If an Enrolled Loan account becomes delinquent and falls sixty (60) days past due, the Eligible Lender shall notify DISB in writing within ten (10) business days of the delinquency.

- (b) The Eligible Lender shall submit to DISB annually, within thirty (30) days after the year-end, a report listing borrowers and outstanding balances of all Enrolled Loans as of the end of that preceding year.
- (1) In computing the aggregate outstanding balances of all Enrolled Loans, the balance of any loan shall be no greater than the covered amount of the loan as enrolled.
 - (2) For lines of credit, the outstanding balance shall be the enrolled line of credit amount.
 - (3) The report shall include the following information, in addition to any other information DISB reasonably requests:
 - (A) Name of Eligible Recipient;
 - (B) Amount of loan;
 - (C) Amount of Enrolled Loan;
 - (D) Type of loan (Term or Line);
 - (E) Outstanding balance of loan;
 - (F) If a term loan, the lesser of the outstanding balance or the Enrolled Loan amount and the enrollment date;
 - (G) If a line of credit, the enrolled line of credit amount and the maturity date;
 - (H) Payment history related to Enrolled Loan; and
 - (I) Lender's most recently completed internal loan review and quality rating for an Eligible Recipient.
- (c) Each Eligible Recipient shall submit the following information to DISB within sixty (60) days after the year-end and at any other time reasonably requested by DISB:
- (1) The Eligible Recipient's annual revenues in the prior fiscal year;
 - (2) The number of the Eligible Recipient's full-time and part-time equivalent employees, including those who are District residents by ward, and number of jobs created and retained as a result of the loan for the Eligible Recipient; and

- (3) Any additional documentation and information DISB reasonably requires.

2906.2 Failure to file a complete annual report or comply with any required covenants under § 2901 through § 2906 of this chapter may result in a fine of twenty-five dollars (\$25.00) per day for each violation. This fine shall not exceed one percent (1%) of the Enrolled Loan for each violation. It shall be payable by the Eligible Recipient and any owner of the Eligible Recipient who owns at least twenty percent (20%) interest in the Eligible Recipient.

2906.3 DISB may, in its sole discretion, terminate its obligation to enroll loans under the Collateral Support Program by issuing a notice of termination to an Eligible Lender. The termination shall apply on the effective date specified in the notice of termination, except that the termination shall not apply to any Enrolled Loan that is made on or before the date on which the Eligible Lender receives the notice of termination.

2907-2909 RESERVED

2910 LOAN PARTICIPATION PROGRAM

2910.1 The Loan Participation Program shall purchase participation interests in loans, including principal and interest, made by an Eligible Lender to certain Eligible Recipients that exhibit short-term cash flow deficiencies or lack equity or sufficient collateral resources.

2910.2 DISB may purchase up to fifty percent (50%) of the loan amount but no more than one million dollars (\$1,000,000). The maximum term of an Enrolled Loan shall not exceed seven (7) years. DISB may purchase participation interests at subsidized interest rates or may assume a subordinated lien position in the event of default.

2911 ELIGIBLE LENDERS -- LOAN PARTICIPATION PROGRAM

2911.1 An Eligible Lender for the Loan Participation Program shall be:

- (a) A federally insured commercial lender;
- (b) A federally insured credit union; or
- (c) A Community Development Financial Institution.

2911.2 An Eligible Lender shall enroll in the Loan Participation Program by providing to DISB:

- (a) A signed State Small Business Credit Initiative Participation Agreement with DISB;
- (b) A certification that it is in compliance with the requirements of 31 C.F.R. § 1020.220;
- (c) A certification that, consistent with OMB Circular A-129, it has at least twenty percent (20%) of its own capital at risk in any loan enrolled in the District SSBCI Programs, unless a waiver is granted;
- (d) A certification that no principal of the lender has been convicted of a sex offense against a minor as such term is defined in Section 111 of the Sex Offender Registration and Notification Act (42 U.S.C. § 16911); and
- (e) Any other document necessary for the administration of the District SSBCI Programs or for compliance with the U.S. Treasury's SSBCI.

2912 ELIGIBLE RECIPIENTS – LOAN PARTICIPATION PROGRAM

2912.1 An Eligible Recipient under the Loan Participation Program shall:

- (a) Be a non-public company that is registered in the District and is subject to tax under the laws of the District;
- (b) Have, or sign an agreement pledging that it will have within six (6) months after funding:
 - (1) Its principal offices within the District, demonstrated by a lease or a deed; and
 - (2) At least seventy-five percent (75%) of its employees, including those of its affiliates and subsidiaries, working in the District;
- (c) Have less than seven hundred and fifty (750) existing employees, including those of its affiliates and subsidiaries; and
- (d) Provide, or sign an agreement pledging that it will provide, within six (6) months after funding, at least twenty-five percent (25%) of its W-2 employee positions to District residents.

2912.2 If the funding from the District of Columbia is three hundred thousand dollars (\$300,000) or more, the requirement stated in § 2912.1(d) shall be met by an executed First Source Agreement.

2912.3 The provisions of §§ 2911.1 – 2912.2 may be waived, and the deadlines extended, in whole or in part, by the Commissioner if the Eligible Recipient

demonstrates a reasonable need for waiver and if such waiver will not violate the SSBCI Guidelines of the U.S. Department of the Treasury.

2912.4 The Eligible Recipient and any owner of the Eligible Recipient owning at least twenty percent (20%) interest in the Eligible Recipient shall execute covenants, pledging to continue to comply with the Program requirements of maintaining its principal offices within the District and providing at least twenty-five percent (25%) of its W-2 employee positions to District residents.

2912.5 An Eligible Recipient shall not be:

- (a) An executive officer, director, or principal shareholder of the financial institution or qualified non-profit organization enrolling the loan;
- (b) A member of the immediate family of an executive officer, director, or principal shareholder of the financial institution or qualified non-profit organization enrolling the loan;
- (c) A related interest of such an executive officer, director, principal shareholder, or member of the immediate family;
- (d) A business engaged in speculative activities that develop profits from fluctuations in price rather than through normal course of trade, such as wildcatting for oil or dealing in commodities futures, unless those activities are incidental to the regular activities of the business and part of a legitimate risk management strategy to guard against price fluctuations related to the regular activities of the business;
- (e) A business that earns more than half of its annual net revenue from lending activities, unless the business is a non-bank or non-bank holding company or Community Development Financial Institution;
- (f) A business engaged in pyramid sales, where a participant's primary incentive is based on the sales made by an ever-increasing number of participants; or
- (g) A business engaged in activities that are prohibited by federal or District of Columbia law.

2912.6 For the purpose of these Eligible Recipient restrictions, as described in § 2912.5 (a), (b) and (c) above, the terms “executive officer,” “director,” “principal shareholder,” “immediate family,” and “related interest” refer to the same relationship to a financial institution lender or qualified non-profit organization as the relationship described in 12 C.F.R. part 215, or any successor to such part.

- 2912.7 Eligible Recipients under the Loan Participation Program shall certify that no principal of the Eligible Recipient has been convicted of a sex offense against a minor as such term is defined in Section 111 of the Sex Offender Registration and Notification Act (42 U.S.C. § 16911).
- 2912.8 For the purposes of the certification required in § 2911.2(d) and § 2912.7, “principal” is defined as:
- (a) If a sole proprietorship, the proprietor;
 - (b) If a partnership, each managing partner and each partner who holds twenty percent (20%) or more ownership interest in the partnership; or
 - (c) If a corporation, limited liability company, association or a development company, each director, each of the five (5) most highly compensated executives, officers, or employees of the entity, and each direct or indirect holder of twenty percent (20%) or more of the ownership stock or stock equivalent of the entity.

2913 LOAN REQUIREMENTS – LOAN PARTICIPATION PROGRAM

- 2913.1 Loans facilitated by the Loan Participation Program shall be used for a business purpose, including working capital, inventory, expansion, renovations, start-up costs, and refinancing. The entire proceeds of the loan or investment shall be used within the District.
- 2913.2 The loan proceeds from the Loan Participation Program shall not be used:
- (a) To repay delinquent federal or District of Columbia income taxes unless the Eligible Recipient has a payment plan in place with the relevant taxing authority;
 - (b) To repay taxes held in trust or escrow, for example, payroll or sales taxes;
 - (c) To reimburse funds owed to any owner, including any equity injection or injection of capital for the business’s continuance;
 - (d) To purchase any portion of the ownership interest of any owner of the business;
 - (e) To acquire or hold passive investments;
 - (f) For refinancing of existing debt, other than a refinancing permitted by § 2914.13;
 - (g) For legal or illegal gambling; or

- (h) For evangelizing, proselytizing, or lobbying.
- 2913.3 Personal guarantees are required from any individual holding twenty percent (20%) or more ownership interest in the Eligible Recipient.
- 2913.4 An Eligible Lender shall file a loan for enrollment in the Loan Participation Program by:
- (a) Delivering to DISB, within five (5) business days before the Eligible Lender closes the loan, a copy of the District SSBCI Program Enrollment executed by an authorized officer of the Eligible Lender;
 - (b) Providing DISB with any other documentation or information related to the loan that DISB requires; and
 - (c) Complying with any other enrollment procedures that DISB may reasonably require in writing.
- 2913.5 The filing of a loan for enrollment shall be considered to occur on the date on which the Eligible Lender submits to DISB the documentation requested by DISB in § 2913.4.
- 2913.6 DISB shall review the loan and related transaction documents that memorialize the terms and conditions of the loan, and DISB shall issue a final approval if the loan, Eligible Lender, Eligible Recipient, and other aspects of the transaction are determined to comply and satisfy all applicable requirements.
- 2913.7 If DISB issues a final approval of the loan, the Eligible Lender and Eligible Recipient shall execute all documentation requested by DISB to memorialize the terms and conditions of the loan to be enrolled in the Loan Participation Program.
- 2913.8 The Eligible Lender, Eligible Recipient, and all other parties to the transaction shall execute all of the documents required to close or settle the transaction. The terms, conditions, and material language of the executed documents shall be consistent with those upon which DISB issued a final approval.
- 2913.9 The loan shall be considered enrolled in the Loan Participation Program when DISB receives copies of all executed transaction documents that it previously approved and submits a funding request to Office of the Chief Financial Officer.

2914 PARTICIPATION REQUIREMENTS – LOAN PARTICIPATION PROGRAM

- 2914.1 To enroll a loan in the Loan Participation Program, the Eligible Lender shall elect on the prescribed District SSBCI Enrollment Form, or such other form required by DISB, the applicable Loan Participation Program category.
- 2914.2 Under the Standard Loan Participation category, DISB acquires a percentage participation of the Enrolled Loan from the Eligible Lender to an Eligible Recipient in consideration for DISB receiving interest accruing at a rate equal to the rate at which an Eligible Recipient pays an Eligible Lender pursuant to the terms of the Loan Participation Program documents.
- 2914.3 If the Eligible Recipient defaults in payment to the Eligible Lender, or to DISB pursuant to the terms of the Loan Participation Program documents for a Standard Loan Participation, DISB shall receive the proportional benefit of all amounts received from the Eligible Recipient or realized from the Eligible Recipient's collateral following the default.
- 2914.4 To qualify for a Standard Loan Participation category, an Eligible Recipient need not meet any of the five (5) additional enrollment criteria described in § 2914.11.
- 2914.5 Under the Interest Subsidy Loan Participation category, DISB acquires a percentage participation of the Enrolled Loan from an Eligible Lender to an Eligible Recipient in consideration for DISB receiving interest accruing at a rate equal to half of the percentage per annum charged by the Eligible Lender on the Enrolled Loan to the Eligible Recipient.
- 2914.6 If the Eligible Recipient defaults in payment to the Eligible Lender, or to DISB pursuant to the terms of the Loan Participation Program documents for an Interest Subsidy Loan Participation, DISB shall receive the proportional benefit of all amounts received from the Eligible Recipient or realized from the Eligible Recipient's collateral following the default.
- 2914.7 To qualify for an Interest Subsidy Loan Participation category, an Eligible Recipient shall meet at least one (1) but not more than four (4) of the five (5) additional enrollment criteria described in § 2914.11.
- 2914.8 Under the Interest Subsidy Subordinated Loan Participation category, DISB acquires a percentage participation of the Enrolled Loan from an Eligible Lender to an Eligible Recipient in consideration for DISB receiving interest accruing at a rate equal to half of the percentage per annum charged by the Eligible Lender on the Enrolled Loan to the Eligible Recipient.
- 2914.9 If the Eligible Recipient defaults in payment to the Eligible Lender, or to DISB pursuant to the terms of the Loan Participation Program documents for an Interest Subsidy Subordinated Loan Participation, the amounts owed by the Eligible Recipient to DISB with respect to a loan participation shall be subordinated to amounts owed by the Eligible Recipient to the Eligible Lender.

2914.10 To qualify for an Interest Subsidy Subordinated Loan Participation, an Eligible Recipient shall meet at least two (2) and up to five (5) of the additional enrollment criteria described in § 2914.11. Qualification under this category may be subject to additional criteria, as determined by the Commissioner, to include:

- (a) A minimum equity contribution of ten percent (10%), which may not be borrowed;
- (b) A debt service coverage ratio of one and two-tenths (1.2) (a lower minimum debt service coverage ratio may be allowed with reasonable explanation);
- (c) Financial statements for the three (3) immediately preceding fiscal years, demonstrating at least one year of profitability; and
- (d) A credit score of six hundred and sixty (660) or higher (lower credit scores may be allowed with a reasonable explanation).

2914.11 Additional enrollment criteria for qualification under the enrollment categories described in §§ 2914.1 – 2914.10 above are as follows:

- (a) Employment of District residents:
 - (1) An Eligible Recipient shall employ District residents in at least forty percent (40%) of the Eligible Recipient's total full-time equivalent positions.
 - (2) In lieu of the employment required in paragraph (1) of this subsection, the Eligible Recipient shall sign an agreement pledging that the Eligible Recipient will hire District residents in at least forty percent (40%) of the Eligible Recipient's total full-time equivalent positions within six (6) months after funding.
 - (3) An Eligible Recipient shall maintain forty percent (40%) full-time equivalent District employees for the duration of the Enrolled Loan.
 - (4) The six (6) month period for compliance may be extended at the discretion of the Commissioner if the Eligible Recipient demonstrates a reasonable need for extension.
- (b) An Eligible Recipient shall sign an agreement to allocate at least ten percent (10%) of all new and future hires to be targeted new hires as defined by the Federal Work Opportunities Tax Credit, 26 U.S. C. § 51(d). The agreement shall endure for the duration of the Enrolled Loan.

- (c) An Eligible Recipient shall:
 - (1) Be a certified business enterprise, as identified under D.C. Official Code §§ 2-218 *et seq.* or pledge to become a certified business enterprise within six (6) months of funding; or
 - (2) Have more than fifty percent (50%) of its business enterprise minority-owned or woman-owned.
- (d) An Eligible Recipient shall have its principal office located in a census tract where the poverty rate exceeds twenty percent (20%).
- (e) A loan will be made to an Eligible Recipient that has its principal office located in a retail priority area as identified under D.C. Official Code § 2-1217.73.

2914.12 The Eligible Recipient and any owner of the Eligible Recipient owning at least twenty percent (20%) interest in the Eligible Recipient shall execute covenants, pledging to continue to comply with each additional enrollment criteria as described under § 2914.11 for the enrollment option chosen by the Eligible Recipient.

2914.13 A loan or line of credit refinanced from a different lender may be enrolled in the Loan Participation Program. Loans or lines of credit with the same lender or its affiliate may be refinanced and enrolled in the Loan Participation Program if such loans and lines of credit meet the following conditions:

- (a) The new loan or line of credit includes the advancement of new monies to a small business borrower (excluding closing costs);
- (b) The new credit supported with Loan Participation Program funding is based on new underwriting of the small business's ability to repay and a new approval by the Eligible Lender;
- (c) The proceeds from the new credit is only to be used to satisfy the outstanding balance of a loan or line of credit that has already matured or otherwise termed and the prior debt was used for an eligible business purpose, as defined by above; and
- (d) The new credit has not been extended for the sole purpose of refinancing existing debt owed to the same financial institution lender.

2914.14 If the loan is not a line of credit and has no outstanding balance, that loan will no longer be considered an Enrolled Loan in the Loan Participation Program.

- 2914.15 To renew an enrolled line of credit or extend the maturity date of an enrolled line of credit:
- (a) An Eligible Lender shall send notice to DISB of the renewal or extension;
 - (b) The Eligible Recipient shall consent to the extension in writing; and
 - (c) DISB shall receive a new enrollment form.
- 2914.16 If an enrolled line of credit is not renewed or extended it shall no longer be considered enrolled in the Loan Participation Program after its maturity date has passed.
- 2914.17 If an enrolled line of credit has no outstanding balance for twelve (12) consecutive months, it will no longer be enrolled in the Loan Participation Program unless, before the expiration of the twelve (12) month period, the Eligible Lender has reaffirmed in writing to the Eligible Recipient that the line of credit will remain open and the Eligible Recipient has acknowledged that reaffirmation in writing to the Eligible Lender and DISB.
- 2914.18 DISB shall be the legal and equitable owner of the DISB share of a loan enrolled in the Loan Participation Program and all security and documents related to the DISB share of the loan.
- 2914.19 The enrollment of a loan by the Eligible Lender in the Loan Participation Program constitutes a sale by the Eligible Lender to DISB of the DISB share in the Enrolled Loan and security and related documents. This sale is not, however, an extension of credit by DISB to the Eligible Lender.
- 2914.20 DISB shall not disburse monies related to its purchase of a portion of a loan enrolled in the Loan Participation Program at or prior to the closing of the loan by an Eligible Lender and Eligible Recipient. Monies DISB pays to the Eligible Lender shall not be disbursed by the Eligible Lender to an Eligible Recipient without the Eligible Recipient's full execution of all of the Loan Participation Program documents.
- 2914.21 For each Enrolled Loan for which DISB owns a participation share the Eligible Lender shall:
- (a) Negotiate, control, manage and service the Enrolled Loan;
 - (b) Enforce or refrain from enforcing the loan documents;
 - (c) Give consents, approvals or waivers in connection with the loan documents;

- (d) Acquire additional security for the Enrolled Loan; and
- (e) Take or refrain from taking any action and make any determination provided for in the loan documents.

2914.22 The Eligible Lender and DISB shall share all principal and interest payments and other collections under any loan enrolled by the Eligible Lender in the Loan Participation Program in proportion to their respective percentage interests in the loan, with appropriate provisions made for any differences in interest rates and payment schedules of the Eligible Lender and DISB.

2914.23 The Eligible Lender shall collect all payments made under any loan enrolled by the Eligible Lender in the Loan Participation Program and remit the principal and interest amounts due to DISB within ten (10) business days following the Eligible Lender's receipt of such payments from the Eligible Recipient.

2914.24 The remittance shall be paid by certified check or money order payable by the Eligible Lender to DISB. The Eligible Lender shall provide all detail reasonably requested by DISB regarding the breakdown of individual payments, including itemization of the principal and interest.

2915 REPORTING REQUIREMENTS – LOAN PARTICIPATION PROGRAM

2915.1 Each Eligible Lender and Eligible Recipient shall make the following reports:

- (a) If an Enrolled Loan account becomes delinquent and falls sixty (60) days past its due date, the Eligible Lender shall notify DISB in writing within ten (10) business days of the delinquency.
- (b) The Eligible Lender shall submit to DISB annually, within thirty (30) days after the year-end, a report listing borrowers and outstanding balances of all Enrolled Loans as of the end of that preceding year.
 - (1) In computing the aggregate outstanding balances of all Enrolled Loans, the balance of any loan shall be no greater than the covered amount of the loan as enrolled.
 - (2) For lines of credit, the outstanding balance shall be the enrolled line of credit amount.
 - (3) The report shall include the following information, in addition to any other information DISB reasonably requests:
 - (A) Name of Eligible Recipient;
 - (B) Amount of loan;

- (C) Amount of Enrolled Loan;
- (D) Type of loan (Term or Line);
- (E) Outstanding balance of loan;
- (F) If a term loan, the enrollment date and the lesser of the outstanding balance or the Enrolled Loan amount;
- (G) If a line of credit, the enrolled line of credit amount and the maturity date;
- (H) Payment history related to Enrolled Loan; and
- (I) Lender’s most recently completed internal loan review and quality rating for an Eligible Recipient.

(c) Each Eligible Recipient shall submit the following information to DISB within sixty (60) days after the year-end and at any other time DISB reasonably requests:

- (1) The Eligible Recipient’s annual revenues in the prior fiscal year;
- (2) The number of the Eligible Recipient’s full-time and part-time equivalent employees, including those who are District residents by ward, and number of jobs created and retained as a result of the loan for the Eligible Recipient; and
- (3) Any additional documentation and information DISB reasonably requires.

2915.2 Failure to file a complete annual report or comply with any required covenants under §§ 2910 through 2915 of this chapter may result in a fine of twenty-five dollars (\$25.00) per day for each violation. This fine shall not exceed one percent (1%) of the Enrolled Loan for each violation. It shall be payable by the Eligible Recipient and any owner of the Eligible Recipient who owns at least twenty percent (20%) interest in the Eligible Recipient.

2915.3 DISB may terminate its obligation to enroll loans under the Loan Participation Program. The termination shall apply on the effective date specified in the notice of termination, except that the termination shall not apply to any Enrolled Loan that is made on or before the date on which the Eligible Lender receives the notice of termination.

2916-2919 RESERVED

2920 INNOVATION FINANCE PROGRAM

- 2920.1 The Innovation Finance Program shall provide capital to Innovation Finance Companies, which shall be co-invested into Eligible Recipients seeking innovative financing alternatives to traditional commercial financing.
- 2920.2 DISB may provide capital of up to fifty percent (50%) of the investment but no more than five hundred thousand dollars (\$500,000). Where applicable, principal and interest repayments on an investment may be deferred until the occurrence of a liquidity event, as described in §§ 2920.3 – 2920.5.
- 2920.3 A liquidity event shall occur in any transaction in which the Innovation Finance Company receives: cash or equity securities having a “readily determinable fair value,” as defined by the Financial Accounting Standards Board Accounting Standards Codification, as amended (“marketable securities”), in exchange for securities of the Eligible Recipient (or any securities into which such securities are converted or for which such securities are exchanged).
- 2920.4 Any payment to an Innovation Finance Company, including dividends and payments of principal or interest, shall be considered a liquidity event.
- 2920.5 Share exchanges and other similar transactions shall not be considered liquidity events to the extent that DISB’s interest in the Eligible Recipient is not tendered for cash or a marketable security. The liquidity horizon shall not exceed ten (10) years.
- 2920.6 An Innovation Finance Company’s failure to liquidate its investment in an Eligible Recipient and to pay the District its pro-rata share of the initial investment and return on investment shall be included in the loan documents or limited partnership agreement between DISB and the Innovation Finance Company as an event of default.

2921 INNOVATION FINANCE COMPANY -- INNOVATION FINANCE PROGRAM

- 2921.1 An Innovation Finance Company shall demonstrate to the Commissioner that it has a track record of positive return on investment and be an entity in one of the following categories:
- (a) Certified by the U.S. Treasury Department’s CDFI Fund as a Community Development Financial Institution;
 - (b) Registered as a Business Development Company, as defined under the Investment Company Act of 1940;
 - (c) Certified by the U.S. Small Business Administration as a Small Business Investment Company (SBIC), New Market Venture Capital Company, or Rural Business Investment Company; or

- (d) Any other entity that has at least five million (\$5,000,000) of assets under management and demonstrates to the Commissioner that it has qualified management and staff.

2921.2 An Innovation Finance Company shall enroll in the Innovation Finance Program by providing to DISB:

- (a) An application for enrollment;
- (b) A signed Innovation Finance Program Participation Agreement with DISB;
- (c) A certification that it is in compliance with the requirements of the District of Columbia and federal securities laws;
- (d) A certification that, consistent with OMB Circular A-129, it has at least twenty percent (20%) of its own capital at risk in any investment enrolled in the Innovation Finance Program, unless a waiver is granted;
- (e) A certification that no principal of the Innovation Finance Company has been convicted of a sex offense against a minor as such term is defined in Section 111 of the Sex Offender Registration and Notification Act (42 U.S.C. § 16911); and
- (f) Any other document DISB determines is necessary for the administration of the District SSBCI Programs or for compliance with the U.S. Treasury's SSBCI.

2922 ELIGIBLE RECIPIENTS AND INVESTMENT REQUIREMENTS – INNOVATION FINANCE PROGRAM

2922.1 If an Innovation Finance Company files an investment for enrollment in the Innovation Finance Program, the Innovation Finance Company shall elect which category of enrollment it qualifies for and shall submit written evidence demonstrating that the investment qualifies under the category.

2922.2 Enrollment Category 1: Standard Co-Investment. To qualify for a Standard Co-Investment, an Eligible Recipient shall:

- (a) Be a non-public company that is registered in the District and is subject to tax under the laws of the District;
- (b) Have, or sign an agreement pledging that it will have within six (6) months after funding:

- (1) Its principal offices within the District, demonstrated by a lease or a deed; and
- (2) At least seventy-five percent (75%) of its employees, including those of its affiliates and subsidiaries, working in the District;
- (c) Have less than seven hundred and fifty (750) existing employees, including those of its affiliates and subsidiaries; and
- (d) Provide, or sign an agreement pledging that it will provide, within six (6) months after funding, at least twenty-five percent (25%) of its W-2 employee positions to District residents.

2922.3 If the funding from the District of Columbia is three hundred thousand dollars (\$300,000) or more, the requirement stated in § 2922.2(d) shall be met by an executed First Source Agreement.

2922.4 The provisions of § 2922.2 may be waived, and the deadlines extended, in whole or in part, by the Commissioner if the Eligible Recipient demonstrates a reasonable need for waiver and if the waiver will not violate the SSBCI Guidelines of the U.S. Department of the Treasury.

2922.5 The Eligible Recipient and any owner of the Eligible Recipient owning at least a twenty percent (20%) interest in the Eligible Recipient shall execute covenants, pledging to continue to comply with the Program requirements of maintaining its principal offices within the District and to providing at least twenty-five percent (25%) of its W-2 employee positions to District residents.

2922.6 In addition to its own pro rata share in the total return on investment (ROI) on a performing investment, the Innovation Finance Company shall receive a maximum of twenty-five percent (25%) of DISB's pro rata share of the total ROI.

2922.7 Enrollment Category 2: Enhanced Co-Investment. To qualify for Enhanced Co-Investment, an Eligible Recipient shall:

- (a) Be a non-public company that is registered in the District and is subject to tax under the laws of the District;
- (b) Have, or sign an agreement pledging that it will have within six (6) months after funding:
 - (1) Its principal offices within the District, demonstrated by a lease or a deed; and
 - (2) At least seventy-five percent (75%) of its employees, including those of its affiliates and subsidiaries, working in the District;

- (c) Have less than seven hundred and fifty (750) existing employees, including those of its affiliates and subsidiaries; and
- (d) Provide, or sign an agreement pledging that it will provide within six (6) months after funding, at least twenty-five percent (25%) of its W-2 employee positions to District residents.

2922.8 If the funding from the District of Columbia is three hundred thousand dollars (\$300,000) or more, the requirement stated in § 2922.7(d) shall be met by an executed First Source Agreement.

2922.9 The provisions under § 2922.7 may be waived, and the deadlines extended, in whole or in part, by the Commissioner if the Eligible Recipient demonstrates a reasonable need for waiver and if such waiver will not violate the SSBCI Guidelines of the U.S. Department of the Treasury.

2922.10 An Eligible Recipient of Enhanced Co-Investment shall also sign an agreement to comply with at least one (1), but not more than three (3), of the following additional enrollment criteria for which an enhanced co-investment return of five percent (5%) shall be provided for each:

- (a) Employment of District residents.
 - (1) The Eligible Recipient shall employ District residents in at least forty percent (40%) of the Eligible Recipient's total full-time equivalent positions or sign an agreement pledging that the Eligible Recipient will hire District residents in at least forty percent (40%) of the Eligible Recipient's total full-time equivalent positions within six (6) months after funding; and
 - (2) The Eligible Recipient shall maintain forty percent (40%) full-time equivalent District employees for the duration of the Enrolled Loan;
- (b) The Eligible Recipient shall sign an agreement to allocate at least ten percent (10%) of all new and future hires to be targeted new hires as defined by the Federal Work Opportunities Tax Credit Act, 26 U.S.C. § 51(d). The agreement shall endure for the duration of the Enrolled Investment;
- (c) The Eligible Recipient shall meet at least one of the following:
 - (1) Be a certified business enterprise, as identified under D.C. Official Code §§ 2-218 *et seq.*, or pledge to become a certified business enterprise within six (6) months of funding; or

- (2) Has more than fifty percent (50%) of the business enterprise of the Eligible Recipient minority-owned or woman-owned;
 - (d) The Eligible Recipient shall have its principal office located in a census tract where the poverty rate exceeds 20%; and
 - (e) The Eligible Recipient shall have its principal office located on retail priority areas as identified under D.C. Official Code § 2-1217.73.
- 2922.11 The Eligible Recipient of Enhanced Co-Investment, and any owner of the Eligible Recipient owning at least twenty percent (20%) interest in the Eligible Recipient shall execute covenants pledging to continue to comply with the additional enrollment criteria as described under § 2922.10 for the enrollment category chosen by the Eligible Recipient.
- 2922.12 In addition to its own pro rata share in the total ROI on a performing investment, the Innovation Finance Company shall receive the minimum twenty-five percent (25%) share of DISB's pro rata share of the total ROI and shall receive an additional five percent (5%), up to a total of forty percent (40%) of DISB's pro rata share of the total ROI, for each of the economic development goals stated in § 2921.10 that are met.
- 2922.13 In both categories of enrollment, DISB shall receive the proportional benefit of all amounts received from the Eligible Recipient or realized from the Eligible Recipient's collateral following default or loss.
- 2922.14 An Enrolled Investment may be used to refinance a loan or line of credit from a different lender under the Innovation Finance Program.
- 2922.15 An Eligible Recipient shall not be:
- (a) An executive officer, director, or principal shareholder of the Innovation Finance Company enrolling the investment;
 - (b) A member of the immediate family of an executive officer, director, or principal shareholder of the Innovation Finance Company enrolling the investment;
 - (c) A related interest of an executive officer, director, principal shareholder, or member of the immediate family;
 - (d) A business engaged in speculative activities that develop profits from fluctuations in price rather than through the normal course of trade, such as wildcatting for oil or dealing in commodities futures, unless those activities are incidental to the regular activities of the business and part of

a legitimate risk management strategy to guard against price fluctuations related to the regular activities of the business;

- (e) A business that earns more than half of its annual net revenue from lending activities, unless the business is a non-bank or non-bank holding company or community development financial institution;
- (f) A business engaged in pyramid sales, where a participant's primary incentive is based on the sales made by an ever-increasing number of participants; or
- (g) A business engaged in activities that are prohibited by federal or District of Columbia law.

2922.16 For the purpose of these Eligible Recipient restrictions, as described in § 2922.13(a) (b) and (c) above, the terms “executive officer,” “director,” “principal shareholder,” “immediate family,” and “related interest” refer to the same relationship to an Innovation Finance Company as the relationship described in 12 C.F. R. part 215 or any successor to such part.

2922.17 An Eligible Recipients under the Innovation Finance Program shall certify that no principal of the Eligible Recipient has been convicted of a sex offense against a minor as such term is defined in Section 111 of the Sex Offender Registration and Notification Act (42 U.S.C. § 16911).

2922.18 For the purposes of the certification required under § 2921.2(e) and § 2922.17, “principal” is defined as:

- (a) If a sole proprietorship, the proprietor;
- (b) If a partnership, each managing partner and each partner who holds twenty percent (20%) or more ownership interest in the partnership; or
- (c) If a corporation, limited liability company, association or a development company, each director, each of the five (5) most highly compensated executives, officers, or employees of the entity, and each direct or indirect holder of twenty percent (20%) or more of the ownership stock or stock equivalent of the entity.

2922.19 An Eligible Recipient shall use the investments facilitated by the Innovation Finance Program for a business purpose, including working capital, inventory, expansion, renovations, start-up costs, and refinancing. The entire proceeds of the investment shall be used within the District.

2922.20 The investment from the Innovation Finance Program shall not be used:

- (a) To repay delinquent federal or District of Columbia income taxes unless the Eligible Recipient has a payment plan in place with the relevant taxing authority;
- (b) To repay taxes held in trust or escrow, for example, payroll or sales taxes;
- (c) To reimburse funds owed to any owner, including any equity injection or injection of capital for the business's continuance;
- (d) To purchase any portion of the ownership interest of any owner of the business;
- (e) To acquire or hold passive investments;
- (f) For legal or illegal gambling; or
- (g) For evangelizing, proselytizing, or lobbying.

2922.21 An Innovation Finance Company shall file an investment for enrollment in the Innovation Finance Program by:

- (a) Delivering to DISB, within thirty (30) business days before funding, a copy of the District SSBCI Program Enrollment Form executed by an authorized officer of the Innovation Finance Company;
- (b) Providing DISB with any other documentation and information related to the investment that DISB requires; and
- (c) Complying with any other enrollment procedures that DISB may reasonably require in writing.

2922.22 The filing of an investment for enrollment shall be considered to occur on the date on which the Innovation Finance Company submits to DISB the documentation requested by DISB in § 2922.21.

2922.23 DISB shall review the investment and related transaction documents that memorialize the terms and conditions of the investment, and DISB shall issue a final approval if the investment, Innovation Finance Company, Eligible Recipient, and other aspects of the transaction are determined to comply and satisfy all applicable requirements.

2922.24 The Innovation Finance Company and Eligible Recipient shall execute all documentation requested by DISB to memorialize the terms and conditions of the investment to be enrolled in the Innovation Finance Program.

- 2922.25 The Innovation Finance Company, Eligible Recipient, and all other parties to the transaction shall execute all of the documents required to close or settle the transaction. The terms, conditions, and material language of the executed documents shall be consistent with those upon which DISB issued a final approval.
- 2922.26 The investment shall be considered enrolled in the Finance Innovation Program when DISB receives copies of all executed transaction documents that it previously approved and submits a funding request to Office of the Chief Financial Officer.
- 2922.27 DISB shall not commit capital from SSBCI Program Funds to an Innovation Finance Company until the Innovation Finance Company receives from other investors a matching commitment of at least the same amount to be invested by the District. Draws against SSBCI Program Fund commitments shall not exceed the Program Fund's pro rata share of the aggregate commitments to the Innovation Finance Program funds from all investors.

2923 REPORTING REQUIREMENTS – INNOVATION FINANCE PROGRAM

- 2923.1 Each Eligible Recipient under the Innovation Finance Program shall annually submit the following information to DISB within sixty (60) days after the year-end and at any other time DISB reasonably requests:
- (a) The Eligible Recipient's annual revenues, if any, in the prior fiscal year;
 - (b) The number of the Eligible Recipient's full-time and part-time equivalent employees, including those who are District residents by ward, and the number of jobs created and retained as a result of the investment for the Eligible Recipient; and
 - (c) Any additional documentation and information DISB reasonably requires.
- 2923.2 Failure to file a complete annual report or comply with any required covenants under § 2920 through § 2923 of this chapter shall result in a fine of twenty-five dollars (\$25.00) per day for each violation. This fine shall not exceed one percent (1%) of the Enrolled Investment for each violation. It shall be payable by the Eligible Recipient and any owner of the Eligible Recipient, owning at least twenty percent (20%) interest in the Eligible Recipient.
- 2923.3 DISB may terminate its obligation to enroll investments under the Innovation Finance Program by issuing a notice of termination to an Innovation Finance Company. The termination shall apply on the effective date specified in the notice of termination, except that the termination shall not apply to any Enrolled Loan or Enrolled Investment that is made on or before the date on which the notice of termination is received by the Innovation Finance Company.

2924-2998 **RESERVED**

2999 **DEFINITIONS**

Capital: A loan, line of credit, any credit facility, or investment made in exchange for an interest in the ownership of the entity receiving the investment.

Community Development Financial Institution: A financial institution certified by the U.S. Department of the Treasury as a Community Development Financial Institution.

Eligible Lender: Any federally insured commercial lender, federally insured credit union, or Community Development Financial Institution.

Enrolled Investment: An investment enrolled in one or more SSBCI Programs.

Enrolled Loan: A loan, line of credit, or other facility enrolled in one or more SSBCI Programs.

Full-Time Equivalent: Employee count based on a 2000-hour year. This count includes seasonal and part-time employees based on the proportion of a 2000-hour year worked.

Innovation Finance Company: Any Community Development Financial Institution, Business Development Company, Small Business Investment Company, New Market Venture Capital Company, Rural Business Investment Company, or any entity that has \$5,000,000 of assets under management and can demonstrate qualified management and staff.

Liquidity Horizon: The time required to exit the investment.

All persons interested in commenting 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 in writing to Dena C. Reed, General Counsel, Office of the General Counsel, Department of Insurance, Securities and Banking, 810 First Street, NE, Suite 701, Washington, DC 20002, or denac.reed@dc.gov. Copies of the proposed rules may be obtained from the Department at the same address or 202.442.7772.

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2014-154
June 30, 2014

SUBJECT: Reappointment – D.C. Children and Youth Investment Trust Corporation
Board of Directors


ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2012 Repl.), pursuant to section 2404(2) of the Children and Youth Initiative Establishment Act of 1999, effective October 20, 1999, D.C. Law 13-38, 46 DCR 6373, and in accordance with sections 4.03 and 4.04 of Article IV of the By-Laws of the D.C. Children and Youth Investment Trust Corporation, it is hereby **ORDERED** that:

1. **MEGAN MARTIN** is reappointed as a voting member to the D.C. Children and Youth Investment Trust Corporation Board, for a term to end two years from the effective date of this Order.
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 2014-155
July 1, 2014


SUBJECT: Reappointment and Appointments – Board of Barber and Cosmetology

ORIGINATING AGENCY: Office of the Mayor


By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2012 Repl.), and in accordance with section 1002 of the Non-Health Related Occupations and Professions Licensure Act of 1998, effective April 20, 1999, D.C. Law 12-261, D.C. Official Code § 47-2853.06(c) (2012 Repl. and 2014 Supp.), it is hereby **ORDERED** that:

1. **NORAH CRITZOS**, who was nominated by the Mayor on April 14, 2014 and, following a forty-five day period of review by the Council of the District of Columbia, whose nomination was deemed approved pursuant to Proposed Resolution 20-0735 on June 21, 2014, is reappointed as a licensed cosmetologist member of the Board of Barber and Cosmetology (“Board”), for a term to end December 13, 2016.
2. **OLIVIA FRENCH**, who was nominated by the Mayor on April 14, 2014 and, following a forty-five day period of review by the Council of the District of Columbia, whose nomination was deemed approved pursuant to Proposed Resolution 20-0736 on June 21, 2014, is appointed as a specialty cosmetologist member of the Board, for a term to end December 13, 2016.
3. **TAMMY MUSSELWHITE**, who was nominated by the Mayor on April 14, 2014 and, following a forty-five day period of review by the Council of the District of Columbia, whose nomination was deemed approved pursuant to Proposed Resolution 20-0737 on June 21, 2014, is appointed as a consumer member of the Board, for a term to end December 13, 2016.
4. **ERIC DOYLE**, who was nominated by the Mayor on April 14, 2014 and, following a forty-five day period of review by the Council of the District of Columbia, whose nomination was deemed approved pursuant to Proposed Resolution 20-0738 on June 21, 2014, is appointed as a body artist member of the Board, for a term to end December 13, 2016.

- 5. **CYNTHIA M. WILKINS**, who was nominated by the Mayor on April 29, 2014 and, following a forty-five day period of review by the Council of the District of Columbia, whose nomination was deemed approved pursuant to Proposed Resolution 20-0748 on June 21, 2014, is appointed as a specialty cosmetologist member of the Board, for a term to end December 13, 2016.
- 6. **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 2014-156
July 2, 2014

SUBJECT: Appointment – Interim Fire Chief, D.C. Fire and Emergency Medical Services Department


ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2012 Repl.) and pursuant to section 5 of the Omnibus Executive Service System, Police and Fire Systems, and Retirement Modifications for Chief of Police Cathy L. Lanier and Fire Chief Dennis L. Rubin Amendment Act of 2008, effective May 13, 2008, D.C. Law 17-154, D.C. Official Code § 5-402 (2012 Repl. and 2014 Supp.), it is hereby **ORDERED** that:

1. **EUGENE A. JONES** is appointed Interim Fire Chief, D.C. Fire and Emergency Medical Services Department, and shall serve in that capacity at the pleasure of the Mayor.
2. This Order supersedes Mayor's Order 2011-73, dated April 14, 2011.
3. **EFFECTIVE DATE:** This Order shall become effective on July 3, 2014.



 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 2014-157
July 3, 2014

SUBJECT: Reappointments – District of Columbia Law Commission


ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. No. 93-198, D.C. Official Code § 1-204.22(2) (2012 Repl.), and in accordance with section 3 of the District of Columbia Uniform Law Commission Act of 2010, effective March 12, 2011, D.C. Law 18-313, D.C. Official Code § 3-1432 (2012 Repl.), it is hereby **ORDERED** that:

1. **BRIAN K. FLOWERS, JAMES C. MCKAY and JOHN J. MCAVOY** are reappointed as members of the District of Columbia Uniform Law Commission, for terms each to end July 1, 2017.
2. **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
INVESTIGATIVE AGENDA**

**WEDNESDAY, JULY 16, 2014
2000 14TH STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009**

On July 16, 2014 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#14-AUD-00051 The Westin Grand Washington, DC, 2350 M ST NW Retailer C Hotel, License#: ABRA-075025

2. Case#14-CMP-00254 Old Glory, 3139 M ST NW Retailer C Restaurant, License#: ABRA-076435

3. Case#14-AUD-00052 Veranda, 1100 P ST NW Retailer C Restaurant, License#: ABRA-073443

4. Case#14-CMP-00249 Cafe 8, 424 8TH ST SE Retailer C Restaurant, License#: ABRA-077797

5. Case#14-251-00162 Leopold's Kafe Konditorei/L2, 3315 Cady's Alley AL NW Retailer C Restaurant, License#: ABRA-025268

6. Case#14-AUD-00050 The Argonaut, 1433 H ST NE Retailer C Restaurant, License#: ABRA-072672

7. Case#14-AUD-00047 Ritz Carlton Georgetown, 3100 SOUTH ST ST NW Retailer C Hotel, License#: ABRA-060660

8. Case#14-CC-00074 J.W. Marriott Hotel, 1331 PENNSYLVANIA AVE NW A Retailer C Hotel, License#: ABRA-060171

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9. Case#14-CMP-00253 RIS, 2275 L ST NW Retailer C Restaurant, License#: ABRA-076803
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10. Case#14-CC-00086 Fairmont Liquor & Grocery, 2633 SHERMAN AVE NW Retailer A Retail - Liquor Store, License#: ABRA-080900
-
11. Case#14-AUD-00048 Scion Restaurant, 2100 P ST NW Retailer C Restaurant, License#: ABRA-082174
-
12. Case#14-251-00166 The Brixton, 901 U ST NW Retailer C Tavern, License#: ABRA-082871
-
13. Case#14-251-00167 The Brixton, 901 U ST NW Retailer C Tavern, License#: ABRA-082871
-
14. Case#14-251-00112 Eye Bar/Garden of Eden, 1716 I ST NW Retailer C Nightclub, License#: ABRA-083133
-
15. Case#14-CMP-00247 Ethiopic Restaurant, 401 H ST NE Retailer C Restaurant, License#: ABRA-083149
-
16. Case#14-AUD-00049 Serendipity 3, 3148 - 3150 M ST NW Retailer C Restaurant, License#: ABRA-086034
-
17. Case#14-AUD-00053 YO! SUSHI, 50 MASSACHUSETTS AVE NE Retailer C Restaurant, License#: ABRA-089282
-
18. Case#14-AUD-00046 Rinconcito Tex-Mex Restaurant, 1326 PARK RD NW Retailer C Restaurant, License#: ABRA-089715
-
19. Case#14-CMP-00238 Heritage India/ The Zanzibar, 1901 PENNSYLVANIA AVE NW Retailer C Restaurant, License#: ABRA-090050
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ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF MEETING
LEGAL AGENDA

WEDNESDAY, JULY 16, 2014 AT 1:00 PM
2000 14th STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

1. Review of Request to store invoices off site dated July 3, 2014 from Rebecca Silberman, Operations Manager for Upshur Restaurant, LLC. *Crane & Turtle*, 828 Upshur Street NW, Retailer CR, Lic#: 92948.

2. Review of Settlement Agreement dated July 5, 2014 between ANC 6C and Shawarmaji, LLC. *Micho's*, 500 H Street NE, Retailer CR, Lic#: 94784.

3. Review of seven (7) request from E & J Gallo to provide retailers with products valued at more than \$50 and less than \$500.

*** In accordance with D.C. Official Code §2-574(b) Open Meetings Act, this portion of the meeting will be closed for deliberation and to consult with an attorney to obtain legal advice. The Board's vote will be held in an open session, and the public is permitted to attend**

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF MEETING
LICENSING AGENDA

WEDNESDAY, JULY 16, 2014 AT 1:00 PM
2000 14th STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

1. Review application request for Change of Hours. *Approved Hours of Operation, Alcoholic Beverage Sales and Consumption*: Sunday 10:00am to 2:00am. Monday-Thursday 8:00am to 2:00am. Friday and Saturday 8:00am to 3:00am. *Proposed Hours of Operation, Sales and Consumption*: Sunday-Thursday 6:00am to 2:00am. Friday and Saturday 6:00am to 3:00am. ANC 2A. SMD 2A02. No outstanding fines or citations. Pending Enforcement matter(s). No Settlement Agreement. *The Fairmont Washington, DC*, 2401 M Street NW, Retailer CH01, License No. 060618.
-

2. Review application for Manager's License. *Beakal Melaku*-ABRA 095304.

***In accordance with D.C. Official Code §2-574(b) of the Open Meetings Amendment Act, this portion of the meeting will be closed for deliberation and to consult with an attorney to obtain legal advice. The Board's vote will be held in an open session, and the public is permitted to attend.**

ACHIEVEMENT PREP PUBLIC CHARTER SCHOOL
REQUEST FOR PROPOSAL

Multiple Services

1. RFP for Accounting Services. APrep is seeking competitive bids for finance and accounting services. Firms will be required to perform finance and accounting services including but not limited to chart of accounts and general ledger, fund accounting, bank and credit card reconciliation, financial reports, financial statements and analysis, audit support, accounts receivable, federal grants management, board meeting support, bookkeeping services, account payable, payroll and benefits, E-Rate management. Firm must be familiar with charter school operations. Bids must include evidence of experience in field, qualifications and estimated fees. Please send proposals to bids@achievementprep.org and include "RFP Acct. Svcs" in heading. Proposals must be received no later than the close of business Friday, July 25, 2014.
2. RFP for Data Management Services. APrep is seeking competitive bids for data management services. Firms will be required to perform the following services but not limited to; the review set-up of student information system, end of the close-out and start of the year set-up, student accounting procedures and regulations, training for school staff, uploading student information into SIS from outside databases, uploading enrollment data for enrollment audit, updates for new students and withdrawals, and attendance data. Running reports, creation of report cards, meal counts, analyze SIS for standard statistical reports and ad-hoc reports for state agency and charter authorizer. Firm must be familiar with charter school operations. Bids must include evidence of experience in field, qualifications and estimated fees. Please send proposals to bids@achievementprep.org and include "RFP Data Svcs" in heading. Proposals must be received no later than the close of business Friday, July 25, 2014.
3. RFP for Special Education Service Providers. APrep is seeking competitive bids for Special Education Services, including but not limited to The vendor of special education services will perform the following services; consultative and psychological assessment services, maintain telephone and personal contact with clients, and perform all services in accordance with professional standards set by the American Psychological Association These services are to be offered at A Prep during school hours to students who require specialized services. Bids must include evidence of experience in field, qualifications and estimated fees. Please send proposals to bids@achievementprep.org and include "RFP SPED" in heading. Proposals must be received no later than the close of business Friday, July 25, 2014.
4. RFP for Janitorial Service, Day Porter. APrep is seeking competitive bids for a Day Porter, including but not limited to sweeping and cleaning after meal services, trash disposal in cafeteria and classroom, cleaning of restrooms, restocking consumables, repairs and tasks such as light plumbing, minor electrical tasks, setup/breakdowns for events, light painting, etc. Bids must include evidence of experience in the industry,

qualifications and estimated fees. Please send proposals to bids@achievementprep.org and include “RFP Day Porter” in heading. Proposals must be received no later than the close of business Friday, July 25, 2014.

Achievement Prep reserves the right to cancel the abovementioned RFPs at any time. Please find RFP specifications at www.achievementprep.org under News.

**DISTRICT OF COLUMBIA COMMISSION ON
SELECTION AND TENURE OF
ADMINISTRATIVE LAW JUDGES OF
THE OFFICE OF ADMINISTRATIVE HEARINGS**

**NOTICE SEEKING COMMENTS REGARDING REAPPOINTMENT OF
ADMINISTRATIVE LAW JUDGE**

The Commission on Selection and Tenure of Administrative Law Judges (“Commission”) seeks comments regarding the potential reappointment of Administrative Law Judge John T. Rooney.

This is to notify members of the District of Columbia Bar and the general public, pursuant to section 3705.7 of Title 6 of the District of Columbia Municipal Regulations (“DCMR”), that the Commission has begun reviewing Administrative Law Judge Rooney’s qualifications for reappointment to the District of Columbia Office of Administrative Hearings. Administrative Law Judge Rooney has filed a statement with the Commission requesting reappointment to a six-year term upon the expiration of his six-year term on January 8, 2015.

Section 3705.21 of Title 6 of the DCMR provides:

In deciding whether to reappoint an Administrative Law Judge, the Commission shall consider all information it has received concerning the reappointment, and the voting members shall give significant weight to the recommendation of the Chief Administrative Law Judge, unless they determine that the recommendation is not founded on substantial evidence. The Commission shall reappoint the Administrative Law Judge if it finds that the Administrative Law Judge has satisfactorily performed the responsibilities of his or her office and is likely to continue to do so.

In addition to the specific qualifications contained in Section 3703 of Title 6 of the DCMR (*Appointment, Reappointment, Discipline and Removal of Administrative Law Judges by the Commission on Selection and Tenure of Administrative Law Judges*), applicable to all Administrative Law Judges, Section 3703.5 of Title 6 of the DCMR states: “An Administrative Law Judge shall possess judicial temperament, judgment, expertise and analytical and other skills necessary and desirable for an Administrative Law Judge.”

The Commission hereby requests that members of the Bar and other attorneys, litigants, interested organizations, and members of the public submit any information bearing on Administrative Law Judge Rooney’s qualifications, which they believe will aid the Commission in deciding whether to reappoint this Administrative Law Judge. The cooperation of the community at an early stage will greatly aid the Commission in fulfilling its responsibilities. The identity of any person submitting information shall be kept confidential unless expressly authorized by the person submitting the information.

All communications must be received by the Commission on or before August 10, 2014. All communications must be mailed or delivered in a sealed envelope marked “Confidential – ALJ Reappointments,” addressed to:

Commission on Selection and Tenure of Administrative Law Judges
Office of Administrative Hearings
District of Columbia Government
441 4th Street, N.W.
Suite 450N
Washington, D.C. 20001

The members of the Commission are:

The Honorable Yvonne Williams
James W. Cooper, Esq.
Joseph N. Onek, Esq.
Acting Chief Administrative Law Judge Wanda R. Tucker
Nadine C. Wilburn, Esq.

BRIYA PUBLIC CHARTER SCHOOL
REQUEST FOR PROPOSAL

Briya Public Charter School (Briya) is seeking separate proposals from **Qualified Contractors** to:

- * Renovate 370 square feet of office and classroom space
- * Relocate existing reception area
- * Install new millwork and interior storefront framing and glazing.
- * Relocate existing suite door
- * Reconfigure shared work rooms

Specifications may be obtained by contacting bbletzinger@briya.org or calling Bill Bletzinger at (202) 420-7070.

Construction to begin Friday, August 1, 2014 and be completed by Tuesday, August 26, 2014. Proposals should include relevant experience, potential partners, references and program costs. **BRIYA RESERVES THE RIGHT TO CANCEL THIS RFP AT ANY TIME.**

Proposals will be accepted until 4:00 PM, Friday July 18, 2014 via email to bbletzinger@briya.org. Proposals received after 4:00PM will not be considered. Contract to be awarded no later than Monday, July 21, 2014.

DC BILINGUAL PUBLIC CHARTER SCHOOL**REQUEST FOR PROPOSALS****For Special Education Services**

DC Bilingual PCS seeks bids for Occupational Therapy, Speech and Language Pathologist, Physical Therapist, Behavioral Analyst, Assistive Technology Evaluation, and Audiologist. The proposal can be found at <http://dcbilingual.org/who-were-looking>. All bids not addressing all areas as outlined in the RFP will not be considered.

For more information, please contact Hannah Buie, School Operations Manager, 1420 Columbia Rd NW, Washington DC 20009, by phone at 202-332-4200 x1120, or by email at hbuie@centronia.org.

The deadline for application submission is July 28, 2014 no later than 4:00pm.

DISTRICT DEPARTMENT OF THE ENVIRONMENT

FISCAL YEAR 2014

PUBLIC NOTICE

Notice is hereby given that, pursuant to 40 C.F.R. Part 51.161, and D.C. Official Code §2-505, the Air Quality Division (AQD) of the District Department of the Environment (DDOE), located at 1200 First Street NE, 5th Floor, Washington, DC, intends to issue air quality permit #5978-R2 to the Architect of the Capitol to operate one (1) existing 350 kW diesel-fired emergency generator set at the Library of Congress Thomas Jefferson Building located at 10 First Street SE, Washington, DC 20540. The contact person for the facility is James Styers at (202) 226-6636.

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

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

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

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

No written comments postmarked after August 11, 2014 will be accepted.

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

DISTRICT DEPARTMENT OF THE ENVIRONMENT

FISCAL YEAR 2014

PUBLIC NOTICE

Notice is hereby given that, pursuant to 40 C.F.R. Part 51.161, and D.C. Official Code §2-505, the Air Quality Division (AQD) of the District Department of the Environment (DDOE), located at 1200 First Street NE, 5th Floor, Washington, DC, intends to issue air quality permit #6881 to Wardman West Residential, L.L.C. to construct and operate one (1) 685 kW diesel-fired emergency generator set with a 1,046 HP engine at its property located at 2700 Woodley Road NW, Washington DC 20008. The contact person for the facility is A. Leslie Ludwig, Managing Member, at (240) 333-3762

The proposed emission limits are as follows:

- a. Emissions shall not exceed those found in the following table, as measured according to the procedures set forth in 40 CFR 89, Subpart E. [40 CFR 60.4205(b), 40 CFR 60.4202(a)(2) and 40 CFR 89.112(a)]

Pollutant Emission Limits (g/kW-hr)		
NMHC+NO _x	CO	PM
6.4	3.5	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 maximum emissions from the emergency generator are as follows:

Pollutant	Maximum Annual Emissions (tons/yr)
Carbon Monoxide (CO)	0.25
Oxides of Nitrogen (NO _x)	3.18
Total Particulate Matter , (PM Total)	0.02
Oxides of Sulfur (SO _x)	0.00317
Volatile Organic Compounds (VOCs)	0.03

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

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

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

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

No written comments or hearing requests postmarked after August 11, 2014 will be accepted.

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

DISTRICT DEPARTMENT OF THE ENVIRONMENT

FISCAL YEAR 2014

PUBLIC NOTICE

Notice is hereby given that, pursuant to 40 C.F.R. Part 51.161, and D.C. Official Code §2-505, the Air Quality Division (AQD) of the District Department of the Environment (DDOE), located at 1200 First Street NE, 5th Floor, Washington, DC, intends to issue air quality permit #6911 to Florida Avenue Residential LLC (the Permittee) to construct and operate an 80 kW (108 HP) natural gas fired emergency generator set at 1921 8th Street NW, Washington, DC 20001. The contact person for the facility is Will Leibner at (240)333-3648.

Emissions:

Maximum annual potential emissions from the unit are expected to be as follows:

Pollutant	Maximum Annual Emissions (tons/yr)
Total Particulate Matter (PM Total)	0.005
Sulfur Oxides (SO _x)	0.0002
Nitrogen Oxides (NO _x)	0.3
Volatile Organic Compounds (VOC)	0.07
Carbon Monoxide (CO)	2.9

The proposed overall emission limits for the equipment are as follows:

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

Pollutant Emission Limits (g/HP-hr)	
NO_x + HC	CO
10	387

- 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, 5th Floor
Washington, DC 20002
Stephen.Ours@dc.gov

No written comments postmarked after August 11, 2014 will be accepted.

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

DISTRICT DEPARTMENT OF THE ENVIRONMENT

FISCAL YEAR 2014

PUBLIC NOTICE

Notice is hereby given that, pursuant to 40 C.F.R. Part 51.161, and D.C. Official Code §2-505, the Air Quality Division (AQD) of the District Department of the Environment (DDOE), located at 1200 First Street NE, 5th Floor, Washington, DC, intends to issue air quality permit #6912 to Florida Avenue Residential LLC (the Permittee) to construct and operate an 80 kW (108 HP) natural gas fired emergency generator set at 1924 8th Street NW, Washington, DC 20001. The contact person for the facility is Will Leibner at (240) 333-3648.

Emissions:

Maximum annual potential emissions from the unit are expected to be as follows:

Pollutant	Maximum Annual Emissions (tons/yr)
Total Particulate Matter (PM Total)	0.005
Sulfur Oxides (SOx)	0.0002
Nitrogen Oxides (NOx)	0.3
Volatile Organic Compounds (VOC)	0.07
Carbon Monoxide (CO)	2.9

The proposed overall emission limits for the equipment are as follows:

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

Pollutant Emission Limits (g/HP-hr)	
NO_x + HC	CO
10	387

- 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, 5th Floor
Washington, DC 20002
Stephen.Ours@dc.gov

No written comments postmarked after August 11, 2014 will be accepted.

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

DISTRICT DEPARTMENT OF THE ENVIRONMENT

FISCAL YEAR 2014

PUBLIC NOTICE

Notice is hereby given that, pursuant to 40 C.F.R. Part 51.161, and D.C. Official Code §2-505, the Air Quality Division (AQD) of the District Department of the Environment (DDOE), located at 1200 First Street NE, 5th Floor, Washington, DC, intends to issue air quality permit #6933 to Howard University to construct and operate one (1) 150 kW emergency generator set with a 237 hp (177 kWm) diesel engine at WHUT-TV, located at 2222 4th Street NW, Washington DC 20059. The contact person for the facility is Dave R. Tomlinson at (202) 806-1006.

The proposed emission limits for the equipment are as follows:

- a. Emissions from the unit shall not exceed those in the following table, as measured according to procedures set forth in 40 CFR 89, subpart E. [40 CFR 60.4205(b), 40 CFR 60.4202(a)(2), and 40 CFR 89.112(a)]:

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

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

The estimated emissions from the Emergency Generator are as follows:

Pollutant	Maximum Annual Emissions (tons/yr)
Carbon Monoxide (CO)	0.104
Oxides of Nitrogen (NO _x)	0.325
Total Particulate Matter (PM Total)	0.0117
Sulfur Dioxide (SO _x)	0.000628
Volatile Organic Compounds (VOCs)	0.0130

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

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

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

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

No written comments or hearing requests postmarked after August 11, 2014 will be accepted.

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

THE DISTRICT DEPARTMENT OF THE ENVIRONMENT

**NOTICE OF PUBLIC COMMENT PERIOD EXTENSION
FOR
DRAFT REVISIONS TO THE TOTAL MAXIMUM DAILY LOAD OF BACTERIA FOR
WATERSHEDS IN THE DISTRICT OF COLUMBIA**

This notice is to inform all interested members of the public that the Director of the District Department of the Environment (DDOE) is extending the time for public review and comment on the *Draft Revisions to the 2004 Final Total Maximum Daily Load for Fecal Coliform Bacteria in Upper Potomac River, Middle Potomac River, Lower Potomac River, Battery Kemble Creek, Foundry Branch, and Dalecarlia Tributary in the District of Columbia* that was public noticed in the DC Register on May 30, 2014 at 61 DCR 005583. The public comment period was originally scheduled to close on July 3, 2014. The public comment period will now close **at midnight on July 25, 2014**. DDOE and EPA will consider all relevant comments received on or before July 25, 2014 in making a final decision in this matter.

Members of the public may review copies of the draft appendices that are on file at the Martin Luther King, Jr. Library, 901 G. Street., NW, Washington, DC 20001, during normal business hours. You may also contact Mr. George Onyullo by mail at DDOE, 1200 First Street, NE, 5th Floor, Washington, DC 20002, via email (george.onyullo@dc.gov), or by telephone at 202-727-6529. Copies of the draft appendices for each TMDL revision are also posted electronically at <http://ddoe.dc.gov/service/public-notices-hearings>.

A public hearing focusing only on the Potomac-based revisions may be held within the above stated 21- day extended comment period, if requested by interested parties.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY

Office of Government Ethics

BEGA – Advisory Opinion – Redacted – 1188-001

VIA EMAIL TO:

July 2, 2014

[REDACTED]
[REDACTED]
Department of Forensic Sciences
[REDACTED]

Dear [REDACTED]:

This responds to your request for advice concerning whether a proposed outside employment opportunity would be consistent with your ethical obligations as a government employee. Based upon the information you provided in your email of May 9, 2014, your conversation on the following day, and subsequent emails with a member of my staff, I conclude that your proposed outside employment is not permissible.

You state that you are the [REDACTED] for the District of Columbia Department of Forensic Sciences (“DFS”) and, as such, you conduct audits of the operations at DFS to assure that DFS is in compliance with national standards. You are a career executive in the field of forensic science and biometric systems. You began your career training with the Federal Bureau of Investigation (“FBI”) in the forensic discipline of Firearms Identification. You then moved on to the Metropolitan Police Department (“MPD”), where you were in charge of the forensic firearm and latent fingerprint disciplines, biometric facial recognition and fingerprint identification systems, the District of Columbia Automated Fingerprint Identification System (“AFIS”) server, and operations for criminal and civilian fingerprint processing. You then moved on to DFS, where you have served as the [REDACTED] since January, 2013.

You state that you have been approached with an opportunity for compensated outside employment with the American National Standards Institute-American Society of Quality (“ANSI-ASQ”) National Accreditation Board. ANSI-ASQ would provide you training to become an approved external inspector. As an external inspector, you would conduct audits of departments of forensic science outside of the District of Columbia, on your personal time. As an external inspector, you would perform the same services that you perform for the District of Columbia DFS as the [REDACTED], but you would perform those services for jurisdictions other than the District of Columbia.

The applicable provision of the Code of Conduct that informs my decision is found in Chapter 18, Title 6B of the D.C. Municipal Regulations.¹ DPM § 1800.3(n) reads:

*DPM § 1800.3(n) Employees shall not take actions **creating the appearance that they are violating the law or the ethical standards** set forth in this chapter. Whether particular circumstances create an appearance that the law or these standards have been violated shall be determined from the perspective of a reasonable person with knowledge of the relevant facts.*

ANSI-ASQ is one of only three National Accreditation Boards that accredit departments of forensic science in the United States. ANSI-ASQ is currently under contract with DFS to perform DFS's required audits through 2017, and thus is considered a "prohibited source" as that term is defined in both the Ethics Act² and the DPM.³ You state that, although you serve as a [REDACTED], you have no role in the selection of the National Accreditation Board with which DFS chooses to contract. Despite the fact that you have no role in the selection, due to your position within DFS as [REDACTED], engaging in outside employment with a prohibited source such as ANSI-ASQ, in my view, creates the appearance that you would be violating the standards of the DPM. This view is supported by federal authority on the same issue.

The United States Office of Government Ethics ("OGE") opined in a legal advisory that a government employee, despite having no role "in procurement, in management, or in any discretionary position within [an] agency," can still create the appearance of a conflict by holding outside employment with a private entity that performs work for the employee's agency.⁴ In the legal advisory, OGE concurred with the finding of the employee's agency, that allowing an agency employee to hold outside employment with a company that performs work for the agency "caused unfavorable criticism and impaired the public confidence in the integrity of [the agency's] procurement process."⁵

The DPM uses the perspective of a reasonable person as the burden of proof necessary to establish the appearance of a violation of the standards in the DPM. In this instance, I believe a reasonable person would find that your proposed outside employment with ANSI-ASQ, an entity that contracts with DFS, creates, at the least, the appearance of a violation of the DPM. For this reason, your proposed outside employment is prohibited.

In addition to the prohibition concerning the appearance of a violation of the standards in the DPM, your proposed outside employment opportunity may also implicate DPM § 1807.2 which states:

¹ Hereinafter, Title 6B of the D.C. Municipal Regulations will be referred to as the District Personnel Manual or DPM.

² The Ethics Act defines "prohibited source" as any person that: (A) [h]as or is seeking to obtain contractual or other business or financial relations with the District government; (B) [c]onducts operations or activities that are subject to regulation by the District government; or (C) [h]as an interest that may be favorably affected by the performance or non-performance of the employee's official responsibilities. D.C. Official Code § 1-1161.01(46).

³ The DPM defines "prohibited source" as any person or entity who: (1) [i]s seeking official action by the employee's agency; (2) [d]oes business or seeks to do business with the employee's agency; (3) [c]onducts activities regulated by the employee's agency; (4) [h]as interests that may be substantially affected by the performance or nonperformance of the employee's official duties; or (5) [i]s an organization in which a majority of its members are described in subparagraphs (1) through (4) of this subsection. DPM § 1803.4(b).

⁴ U.S. Office of Government Ethics Legal Advisory, 82x4, Letter to a Private Attorney dated March 10, 1982.

⁵ Id.

DPM § 1807.2 A District government employee may receive compensation for engaging in...consultative activities...that are not prohibited by law, regulation, or agency standards...

And DPM § 1807.4, which states:

*DPM § 1807.4 If the employee receives compensation or anything of monetary value for engaging in an activity under Subsection 1807.2 of this section, **the subject matter shall not be devoted substantially to the responsibilities, programs, or operations of his or her agency, to his or her official duties or responsibilities, or to information obtained from his or her government employment.***

Your proposed outside employment opportunity, serving as an external auditor for ANSI-ASQ, would constitute engaging in the consultative activities referenced in DPM 1807.2. Because you would be compensated for these consultative activities, the subject matter of these activities must not be devoted substantially to the responsibilities, programs, or operations of your agency, as prohibited by DPM § 1807.4.

In your situation, because you essentially serve as DFS' internal auditor, to receive compensation for consulting as an external auditor for outside jurisdictions would clearly require you to engage in activities that are devoted substantially to the operations of your agency. Although these provisions would also likely prohibit your proposed outside employment activity, we have no reason to explore them in this opinion because, as discussed above, your proposed outside employment opportunity is already prohibited by DPM § 1800.3(n).

Please be advised that this advice is provided to you pursuant to section 219 of the Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011 ("Ethics Act"), effective April 27, 2012 (D.C. Law 19-124, D.C. Official Code § 1-1161.01 *et seq.*), which empowers me to provide such guidance. This advice is binding.

If you disagree with my conclusions herein, you may appeal this decision to the three-member Board of Ethics for reconsideration pursuant to D.C. Official Code § 1-1162.19.

Finally, you are advised that the Ethics Act requires this opinion to be published in the District of Columbia Register within 30 days of its issuance, but that your identity will not be disclosed unless and until you consent to such disclosure in writing, should you wish to do so.

Please let me know if you have any questions or wish to discuss this matter further. I may be reached at 202-481-3411, or by email at darrin.sobin@dc.gov.

Sincerely,

_____/s/_____

DARRIN P. SOBIN

Director of Government Ethics

Board of Ethics and Government Accountability

#1188-001

DEPARTMENT OF HEALTH**PUBLIC NOTICE**

The District of Columbia Board of Veterinary Medicine (“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)) (2012 Repl.) (“Act”).

The Board will be in recess in August 2014 and its regularly scheduled meeting on the third Thursday of the month will be canceled. The regular meeting of the Board will resume on Thursday, September 18, 2014. The meeting will be open to the public from 9:30 am until 10:00 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, D.C. Official Code § 2-575(b), the meeting will be closed from 10:00 am to 12:30 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 Events link at <http://doh.dc.gov/events> for additional information.

DEPARTMENT OF HUMAN RESOURCES

EXCEPTED SERVICE EMPLOYEES AS OF JUNE 10, 2014

NOTICE OF EXCEPTED SERVICE EMPLOYEES

D.C. Official Code § 1-609.03(c) requires that a list of Excepted Service positions established under the provision of § 1-609.03(a) along with the types of excepted service appointment, names, position titles, and grades of all persons appointed to these positions be published in the *D.C. Register*. In accordance with the foregoing, the following information is hereby published for the following positions.

OFFICE OF THE MAYOR				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Murphy	Christopher	Chief of Staff	11
Excepted Service	Goulet	Eric	Budget Director	11
Excepted Service	Flowers	Brian	General Counsel	11
Excepted Service	Jackson	Janene	Dir., Pol & Legislative Affairs	11
Excepted Service	Bunn	Sheila	Deputy Chief of Staff	10
Excepted Service	Evans	Kenneth	Deputy Budget Director	10
Excepted Service	Glaude	Stephen	Director, Community and Religion	10
Excepted Service	Ribeiro	Pedro	Director of Communications	10
Excepted Service	Kaufman	Donald	Deputy General Counsel	10
Excepted Service	McGaw	John	Deputy Director	10
Excepted Service	Banta	Susan	Budget Officer	09
Excepted Service	Constantino	Justin	Senior Budget Analyst	09
Excepted Service	Fimbres	Francisco	Director of Community Relation	09
Excepted Service	Gorman	Darryl	Dir. Boards & Commissions	09
Excepted Service	Murray	Christopher	Budget Analyst	09
Excepted Service	Richardson	Jeffrey	Executive Director	09
Excepted Service	Barge	Lolita	Director of Legislative Support	08
Excepted Service	Barnes	Lafayette	Program Analyst	08

OFFICE OF THE MAYOR				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Ferguson	Ursula	Correspondence Officer	08
Excepted Service	McCoy	Doxie	Senior Communications Officer	08
Excepted Service	Pittman	James	Deputy Director	08
Excepted Service	Washington	Sterling	Director	08
Excepted Service	Anthony	Lavita	Executive Assistant	07
Excepted Service	Atkins	Latisha	Deputy Dir. Neighborhood Engage	07
Excepted Service	Harris	Stephanie	Special Assistant	07
Excepted Service	Coombs	John	Policy Analyst	07
Excepted Service	Henry	Kristen	National Service Officer	07
Excepted Service	Jennings	Cedric	Director	07
Excepted Service	Mangum	Larry	Special Assistant	07
Excepted Service	Rogers	Jonathan	Budget Analyst	07
Excepted Service	Thompson	Tiffanie	Budget Analyst	07
Excepted Service	Desjardins	Matthew	Comm. & Initiatives Specialist	06
Excepted Service	George	Deborah	Policy Analyst	06
Excepted Service	Hayworth	JohnPaul	Policy Analyst	06
Excepted Service	Levine	Daryl	Special Assistant	06
Excepted Service	Marus	Robert	Writer Editor	06
Excepted Service	Muhammad	Sedrick	Special Assistant	06
Excepted Service	Nutall	Dexter	Executive Assistant	06
Excepted Service	Sereke-Brhan	Heran	Program Analyst	06
Excepted Service	Williamson	Jason	Neighborhood Corps Specialist	06
Excepted Service	Adams	Lisa	Policy Analyst	05

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	Hernandez Maduro	Frank	Community Relations Specialist	05
Excepted Service	Holman	Keith	Community Service Representative	05
Excepted Service	Kelly	Deborah	Contract & Reprogram. Special.	05
Excepted Service	Loudermilk	Amy	Program Analyst	05
Excepted Service	Norris	Rufus	Constituent Services Special.	05
Excepted Service	Fabrikant	Michael	Outreach & Service Specialist	05
Excepted Service	Walker	David	Staff Assistant	05
Excepted Service	Watson	Leonard	Outreach & Service Specialist	05
Excepted Service	Williams	Marchim	Outreach & Service Specialist	05
Excepted Service	Allen	Darin	Scheduling Specialist	03
Excepted Service	Onwuche	Charles	Outreach & Service Specialist	05
Excepted Service	Latta	Aretha	Administrative Assistant	03
Excepted Service	Pierce	Ashley	Scheduling Support Assistant	03
Excepted Service	Johnson	Stephanie	Administrative Support Specialist	03
Excepted Service	Weaver	Zachary	Policy Analyst	02

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	Campbell	Natasha	Director, OLR CB	10
Excepted Service	Robinson	Anthony	Director	10

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	Love	Phyllis	Management & Program Analyst Officer	08
Excepted Service	Moss	J Laverne	Executive Assistant	07

OFFICE OF THE INSPECTOR GENERAL				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Branson	Karen	General Counsel	10
Excepted Service	Bruce	Blanche	Deputy Inspector General	10
Excepted Service	Burke	Roger	Chief of Staff	10
Excepted Service	Kennedy	Susan	Supvy Attorney Advisor	10
Excepted Service	King	Ronald	Supervisory Auditor	10
Excepted Service	Sweeney	Brian	Supvy Criminal Investigator	10
Excepted Service	Wright	Alvin	Asst IG Inspector/Evaluation	10
Excepted Service	Lucchesi	Victoria	Deputy Gen Counsel	09
Excepted Service	Silverman	Stuart	Attorney	09
Excepted Service	Weeks	Marcus	Attorney-Advisor	09
Excepted Service	Wolfingbarger	Brentton	Supv Attorney Advisor	09
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

DEPARTMENT OF GENERAL SERVICES				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Burrell	Scott	Chief Operations Officer	11
Excepted Service	Harper	Ollie	Dep. Dir. for Facilities Mgmt.	11
Excepted Service	Bellamy	Sandy	Management and Program Analyst	08

OFFICE OF THE SECRETARY				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Ferrell Benavides	Aretha	Deputy Director	09
Excepted Service	Elwood	Patricia	Protocol Officer	08
Excepted Service	Reid	Victor	Administrator, Ofc of Document	08
Excepted Service	Anderson	Sharon	Special Assistant	07
Excepted Service	Davis	Clarence	Public Records Administrator	07
Excepted Service	Phipps	Richard	Notary & Authent. Officer	07

DEPARTMENT OF CORRECTIONS				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Mynett	Beth	Medical Officer	11
Excepted Service	Brown	Jerry	Program Analyst	06
Excepted Service	Darby	Enidsia	Staff Assistant	02

DC DEPARTMENT OF HUMAN RESOURCES				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Williams	Kimberly	Deputy Director	11
Excepted Service	Seed	Sudie Mae	Management and Program Analyst	07

HOMELAND SECURITIES & EMERGENCY MANAGEMENT AGENCY				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Thomas	Jorhena	Fusion Center Operations Manager	08
Excepted Service	Brannum	Robert	Community Outreach Specialist	06
Excepted Service	Boone	William	Emergency Oper & Info. Spec.	05

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	Luparello	F. Thomas	Interim Director	11
Excepted Service	Reich	Stephanie	Chief Operating Officer	09
Excepted Service	Barragan	Juan	Outreach & Service Specialist	05
Excepted Service	Becks	Valencia	Outreach & Service Specialist	05

OFFICE OF CABLE TELEVISION				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Washington	Lindsay	Producer	03

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Sabbakham	Rabbiah	Interim Director	11

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	McKoin	Claudia	Attorney Examiner	10
Excepted Service	Anderson	Keith	Rent Administrator	09
Excepted Service	Fields	Beatrix	Legislative Affairs Specialist	09

OFFICE OF PLANNING				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Levy	David	Special Assistant for Substance	09

DEPUTY MAYOR FOR PLANNING AND ECONOMIC DEVELOPMENT				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Nichols	Richard	Chief of Staff	11
Excepted Service	Palmer	Crystal	Special Assistant	10
Excepted Service	Miller	Mark	Chief Operating Officer	10
Excepted Service	Trueblood	Andrew	Deputy Chief of Staff	09
Excepted Service	Ellis	Gary	Special Assistant	08
Excepted Service	Tyus	Darnetta	Special Assistant	08

DEPARTMENT OF SMALL AND LOCAL BUSINESS				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Edwards	Ronnie	Deputy Director for Business Operations	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	Maguire	Christopher	Deputy Director	11
Excepted Service	Funk	Christine	General Counsel	10

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	Bromeland	Matthew	Special Assistant to the Chief	09
Excepted Service	Crump	Gwendolyn	Director, Office of Corporate Communications	09
Excepted Service	Major	Jacob	Lieutenant	09
Excepted Service	O'Meara	Kelly	Executive Director, Strategic Change Division	09

FIRE AND EMERGENCY MEDICAL SERVICES DEPARTMENT				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Miramontes	David	Medical Director	11
Excepted Service	Jones	Eugene	Assistant Fire Chief of Operations	10
Excepted Service	Lewis	Turna	Labor Management Liaison Specialist	10
Excepted Service	Andre	Karen	Labor Management Liaison Officer	09
Excepted Service	Roque	Sarah	Public Health Analyst	07

PS&J CLUSTER, OFFICE OF THE DEPUTY MAYOR				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Quander	Paul	Deputy Mayor	11
Excepted Service	Booth	Quincy	Chief of Staff	10
Excepted Service	Hook	Melissa	Justice Grants Administrator	09
Excepted Service	Stewart-Ponder	Gitana	Legislative & Policy Analyst	07
Excepted Service	Thompson	Emile	Legislative & Policy Analyst	07
Excepted Service	Compani	Cara	Program Analyst	05
Excepted Service	McCray	Tykisha	Staff Assistant	03

OFFICE OF THE CHIEF MEDICAL EXAMINER				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Fields	Beverly	Chief of Staff	10

OFFICE OF STATE SUPERINTENDENT OF EDUCATION				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Aguierre	Jesus	Interim State Superintendent of Education	11
Excepted Service	Calderon	Miriam	Special Assistant	08

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	Salimi	Scheherazade	Chief of Staff	09
Excepted Service	Greenberg	Judith	Special Assistant	09

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	Comey	Jennifer	Special Assistant	08
Excepted Service	Bluestone	Abigail	Program Analyst	07
Excepted Service	Fejeran	Celine	Program Analyst	07

DEPARTMENT OF PARKS AND RECREATION				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Shanklin	Sharia	Interim Director	11
Excepted Service	Newman	Rachel	Writer Editor	05

DEPARTMENT OF HEALTH				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Kharfen	Michael	Senior Deputy Director	11
Excepted Service	Springer	Ryan	Senior Deputy Director CHA	11
Excepted Service	Mehta	Rikin	Senior Deputy Director Health Reg	10
Excepted Service	Amy	Brian	Senior Deputy Director	10
Excepted Service	Shorter	Chris	Chief Operating Officer	10
Excepted Service	Chichester	Colette	Chief of Staff	09

OFFICE OF HUMAN RIGHTS				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Palacio	Monica	Acting Director	10

DEPARTMENT OF HUMAN SERVICES				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Greenwalt	Kristy	Executive Director Interagency Council	11
Excepted Service	Nabors-Jackson	Nikol	Chief Operating Officer	10
Excepted Service	Thompson	Sakina	Policy & Prog Support Advisor	10

OFFICE OF THE DEPUTY MAYOR FOR HEALTH AND HUMAN SERVICES				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Otero	Beatriz	Dep Mayor for Health & Human Services	11
Excepted Service	Quinones	Ariana	Chief of Staff	10
Excepted Service	Joseph	Rachel	Special Assistant	07
Excepted Service	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	Vowels	Robert	Medical Officer	10
Excepted Service	Rapp	Melisa	Chief of Staff	09

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	Brown	Matthew	Acting Director	11
Excepted Service	Kreiswirth	Barry	Senior Legal Advisor	10
Excepted Service	Powell	Jeffrey	Interim Deputy Director	10

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	FitzGerald	Christopher	Community Service Representative	05
Excepted Service	Archie	Davena	Community Service Representative	05

DEPARTMENT OF PUBLIC WORKS				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Thomas	Carl	Clean City Coordinator	09
Excepted Service	Lee	Sandra	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 BEHAVIORIAL HEALTH (formerly 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
Excepted Service	Buckson	Frances	Senior Deputy Director, APRA	11
Excepted Service	Jones	Phyllis	Chief of Staff	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	Interim Director	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	Bagley	Pierre	Director	10

DC TAXICAB COMMISSION				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Linton	Ron	Chairman DC Taxicab Commission	10

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

DEPARTMENT OF YOUTH REHABILITATION SRVICES				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Forbes	Jill	Correctional Institution Administration	10

**INTEGRATED DESIGN & ELECTRONICS ACADEMY (IDEA) PUBLIC CHARTER
SCHOOL**

REQUEST FOR PROPOSALS- MULTIPLE

IDEA Public Charter School is soliciting multi-year bid proposals from qualified vendors to provide various services and products for the 2014-2015 school year *with a possible extension of (4) one year renewals*. A synopsis of the services and products sought are provided below. The full RFP, containing guidelines for submission, applicable qualifications and bid specifications, can be obtained by visiting our website: www.ideapcs.org. The full RFP's will be available beginning on Friday, July 11, 2014.

Proposal Submission

A Portable Document Format (pdf) election version of your proposal must be received by the school no later than 2:00 p.m. EST on July 23, 2014. Proposals should be emailed to :

Ms. Nicole Seward, Vice President of Operations, sewardn@ideapcs.org

No phone call submission or late responses please. Interviews, samples, demonstrations will be scheduled at our request after the review of the proposals only.

- A. **Occupational Therapy**- Conduct occupational and vocational evaluations provide occupational therapy and vocational consultative services.
- B. **Speech/Language Services**- Conduct speech/language evaluations, reevaluations; provide speech/language services.
- C. **School Security Contractor**- Security officers needed to provide a safe, secure learning and working environment, including the physical security of the building and grounds, along with the safety of the staff, students, and visitors of the school.
- D. **Accounting and Business Solutions**- Conduct month-end and year- end financial analysis; prepare monthly financial statements; assist with annual budget preparation; Federal/OSSE grants management
- E. **Student Data Management Service** – Monthly and annual student data management to include: student data compliance submissions and other various and sundry tasks related to the data management of the school.
- F. **Auditing**- Perform annual independent audit of financial records, and prepare Form 990 (must be on DC Public Charter School Board approved auditors list).
- G. **Custodial Services**- Perform complete custodial services of interior and exterior of the school facility.
- H. **Special Education Legal Services**- Represent the school in due process complaints under IDEA 2014.

IDEAL ACADEMY PUBLIC CHARTER SCHOOL**INVITATION FOR BID****Food Services**

The Ideal Academy Public Charter School will receive bids until July 31, 2014 at 5pm for the delivery of meals to children enrolled at the school for the 2014-2015 school year with a possible extension of (4) one year renewals. All meals must meet, but are not restricted to, minimum National School Breakfast, Lunch, and Snack meal pattern requirements. Meal pattern requirements and all necessary forms may be obtained from:

Miguel Abreu
6130 N. Capitol Street, NW
Washington, DC 20011
202-729-6660

KIPP DC PUBLIC CHARTER SCHOOL**REQUEST FOR PROPOSALS****Laptop Rental Services**

KIPP DC is soliciting proposals from qualified vendors for laptop rental services. The competitive Request for Proposal can be found on KIPP DC's website at <http://www.kippdc.org/public-information/>.

Proposals are due no later than 5:00 P.M., EST, July 18, 2014. No proposals will be accepted after the deadline. Questions can be addressed to Chelsea.rock@kippdc.org.

MERIDIAN PUBLIC CHARTER SCHOOL

REQUEST FOR PROPOSAL

Food Service Management Services

Meridian Public Charter School is advertising the opportunity to bid on the delivery of breakfast, lunch, snack and/or CACFP supper meals to children enrolled at the school for the 2014-2015 school year with a possible extension of (4) one year renewals. All meals must meet at a minimum, but are not restricted to, the USDA National School Breakfast, Lunch, Afterschool Snack and At Risk Supper meal pattern requirements. Additional specifications outlined in the Request for Proposals (RFP) such as; student data, days of service, meal quality, etc. may be obtained beginning on Friday, July 11, 2014 from:

Darin A. Knicely
(202) 387-9830
DKnicely@meridian-dc.org

Bids will be accepted at the above address on Thursday, July 31, 2014 no later than 3:00 P.M.

All bids not addressing all areas as outlined in the (RFP) will not be considered.



[BAZ/8/14](#)

DEPUTY MAYOR FOR PLANNING AND ECONOMIC DEVELOPMENT
MEETING NOTICE AND AGENDA

Pursuant to D.C. Official Code § 10-1906, the Walter Reed Local Redevelopment Authority and Community Advisory Committee will hold a public meeting at the following time and location:

July 21, 2014
6:30pm – 8:00pm

Fort Stevens Recreation Center
Multipurpose Room #150
1327 Van Buren Street, N.W., D.C. 20012

Meeting Agenda

- I. Opening remarks

- II. LRA project overview and update
 - a. DGS/FEMS/Sorg Architects Presentation on Building 18 – Engine Co. 22
 - b. Master Developer Negotiations
 - c. Economic Development Conveyance Negotiations
 - d. Community Amenities
 - e. Interim Use Guidelines
 - f. Citi Open Tournament Interim Use
 - g. Historic Preservation

- III. Master Development Team overview and update

- IV. Questions

For questions, please contact Martine Combal, Walter Reed Local Redevelopment Authority Director at 202-727-6365 or martine.combal@dc.gov.

NOTICE OF COMMUNITY HEARINGS**PUBLIC INPUT SOUGHT ON TRIENNIAL UNDERGROUND
INFRASTRUCTURE IMPROVEMENT PROJECTS PLAN (THE “TRIENNIAL
PLAN”)****FORMAL CASE NO. 1116, IN THE MATTER OF THE APPLICATIONS FOR
APPROVAL OF TRIENNIAL UNDERGROUND INFRASTRUCTURE
IMPROVEMENT PROJECTS PLAN**

This Notice informs the public that the Public Service Commission of the District of Columbia (“Commission”) seeks input on the Potomac Electric Power Company (“Pepco”) and the District of Columbia Department of Transportation (“DDOT”) joint Application requesting (a) authority to implement a project to underground certain electric distribution feeders in the District of Columbia, to commence with the first three years of the undergrounding project (2015-2017), and (b) approval of the Underground Project Charge to be assessed by Pepco with respect to the costs it incurs for the underground project. The entire undergrounding project is expected to extend for a period of 7-10 years at a total cost of approximately \$1 billion.

- Pursuant to the Electric Company Infrastructure Improvement Financing Act of 2013 (“Act”), the Underground Project Charge is a non-by-passable distribution surcharge to be collected by Pepco from all customers, except low income customers served under Pepco’s Residential Aid Discount Rider, at Pepco’s authorized rate of return, for costs associated with the undergrounding project. Pepco has requested that the Underground Project Charge be permitted to become effective January 1, 2015, or on a later date as may be directed by the Commission in accordance with the Act.
- The Underground Project Charge represents a total increase of approximately 0.6 cents per day in the first year, 1.6 cents per day in the second year, and 2.8 cents per day in the third year for a typical residential customer who uses 695 kWh per month. Over the three year period, the requested rates are designed to collect \$43.5 million in total revenues. This charge represents the revenue requirement for construction and relocation costs including total plant closings and operation and maintenance costs for the initial three years of approximately \$223.2 million.
- The Application includes the triennial Underground Infrastructure Improvement Projects Plan (the “Triennial Plan”). The Triennial Plan identifies 21 electric distribution feeders that Pepco and DDOT propose to underground in the first three years of the project (2015-2017). Included as part of this work are an additional 8 feeders whose services will be transferred to one of the 21 feeders being undergrounded, and 16 feeders which currently share some overhead facilities with feeders that will be undergrounded, and which will be undergrounded along some portion of the shared length at the same time. In total,

FC 1116 – Community Hearings

all or parts of 45 feeders will be undergrounded in the first three years. The feeders proposed for undergrounding are located in Wards 3, 4, 5, 7, and 8. Pepco will underground the mainline and primary lateral portions of the feeders, and will not underground the secondary portion of the feeders.

- As part of the process to determine which feeders to underground, Pepco ranked every overhead feeder in the District of Columbia on a number of criteria, including the number and duration of outages and customer minutes of interruption on each feeder for the years 2010-2012 (including storm outage data). Based on this historical feeder performance data, as well as other reliability enhancement work and safety, value of service and community impact, Pepco selected the feeders identified for undergrounding in the Triennial Plan.
- As further described in the Triennial Plan, DDOT will undertake the construction and other civil work necessary to place conduit underground. Pepco will install the circuits and other electric distribution system improvements needed to underground the feeders. The Triennial Plan describes the location of the feeders, the civil and electrical improvements to be made to the feeders, and the itemized feeder cost estimates.
- The costs proposed to be recovered by Pepco through the Underground Project Charge are only those costs to be incurred by Pepco. The Act requires an additional application to be made for approval of a financing plan pursuant to which the District of Columbia will issue bonds to fund the cost of the work to be performed by DDOT and related costs. Those bonds will be secured by a separate surcharge to be imposed on customer electric bills. The Commission will issue a public notice following its receipt of the financing application, currently expected on or about August 1, 2014.

The Commission published a Public Notice on June 27, 2014, regarding this application in the *D.C. Register* to allow interested persons to intervene in Formal Case No. 1116, the formal case established to adjudicate Pepco and DDOT's application. The Public Notice can be accessed online at www.dcpsc.org or viewed at the public libraries listed in the notice. A hard copy of the Public Notice can be obtained by calling (202) 626-5150.

FC 1116 – Community Hearings

The Commission will convene seven (7) community hearings at the following locations on the specified dates to receive comments from residents in the affected communities:

July 21, 2014 - 10:00 a.m.

D.C. Public Service Commission
Hearing Room
1333 H Street, NW, 7th Floor East Tower
Washington, DC 20005

July 22, 2014 - 10:00 a.m.

St. Columba Church
4201 Albemarle Street, NW
Washington, DC 20016

July 23, 2014 - 6:30 p.m.

Kingsbury School (Great Room)
5000 14 St., NW
Washington, DC 20011

July 24, 2014 - 6:00 p.m.

UDC/Bertie Backus School
5171 South Dakota Avenue, NE
Washington, DC 20017

July 28, 2014 – 2:00 p.m.

Our Lady of Perpetual Help (Panorama Room)
1600 Morris Road, SE
Washington, DC 20020

July 29, 2014 - 2:00 p.m.

Francis Gregory Library
3660 Alabama Avenue, SE
Washington, DC 20020

July 29, 2014 - 6:00 p.m.

DC Public Service Commission
Hearing Room
1333 H Street, NW, 7th Floor East Tower
Washington, DC 20005

FC 1116 – Community Hearings

Those who wish to testify at the community hearings should contact the Commission Secretary by the close of business three (3) business days prior to the date of the hearing by calling (202) 626-5150. Representatives of organizations shall be permitted a maximum of five (5) minutes for oral presentations. Individuals shall be permitted a maximum of three (3) minutes for oral presentations. If an organization or an individual is unable to offer comments at the community hearings, written statements may be submitted to the Public Service Commission of the District of Columbia, 1333 H Street, NW, Suite 200, West Tower, Washington D.C. 20005.

Any person who is deaf or hearing-impaired, and cannot readily understand or communicate in spoken English, and persons with disabilities who need special accommodations in order to participate in the hearing, must contact the Commission Secretary by close of seven (7) business days prior to the date of the hearing. Persons who wish to testify in Spanish, Chinese, Amharic, or Korean must also contact the Commission Secretary by close of business three (3) business days before the day of the hearing. **The number to call to request special accommodations and interpretation services is (202) 626-5150.**

PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA

**NOTICE OF PROPOSED ISSUANCE OF STOCK OR EVIDENCES OF
INDEBTEDNESS****FORMAL CASE NO. 1122, IN THE MATTER OF THE APPLICATION OF
WASHINGTON GAS LIGHT COMPANY FOR A CERTIFICATE OF AUTHORITY
AUTHORIZING IT TO ISSUE DEBT SECURITIES AND PREFERRED STOCK**

1. The Public Service Commission of the District of Columbia (“Commission”) hereby gives notice,¹ pursuant to D.C. Code §§ 2-505, 34-502 and 34-503 (2001), that it intends, in not less than 30 days from the date of publication of this Notice in the *D.C. Register*, to take final action on the Application of Washington Gas Light Company (“WGL” or “Company”) for a certificate authorizing the Company to issue and sell debt securities or preferred stock in an aggregate amount not to exceed \$725.0 million.²

2. In its Application, filed on June 30, 2014, WGL requests authority to issue up to \$725.0 million of long-term debt or preferred stock, and any combination thereof, during the three-year period beginning October 1, 2014 and ending on September 30, 2017.³ The Company states that it plans to use the proceeds from the financing for four primary purposes: (1) for the refunding of maturing long-term debt; (2) for advance refunding of long-term debt as market conditions permit; (3) for general corporate purposes, including capital expenditures, acquisition of property, working capital requirements and retirement of short-term debt; and (4) for the reimbursement of funds actually expended for any of those purposes.⁴ WGL also seeks expedited review of its Application under the Commission’s expedited review process in Chapter 35 of the

¹ On May 16, 2014, the Commission announced a change in the nomenclature used to give public notice of its processing of applications for tariff changes from “Notice of Proposed Rulemaking” and “Notice of Final Rulemaking” to “Notice of Proposed Tariff” and “Notice of Approved Tariff,” respectively. 61 D.C. Reg. 5150 (2014). The Commission is using a similar new nomenclature in this matter as well because the subject matter here, processing of applications for issuing stock or evidences of indebtedness, is governed by the same Commission rules as the applications for proposed tariff changes (15 DCMR §§ 3500-3505 (2000)). Therefore, going forward, these published notices will be titled “Notice of Proposed Issuance of Stock or Evidences of Indebtedness” and “Notice of Approved Issuance of Stock or Evidences of Indebtedness.”

² *Formal Case No. 1122, In the Matter of the Application of Washington Gas Light Company for a Certificate of Authority Authorizing it to Issue Debt Securities and Preferred Stock* (“*Formal Case No. 1122*”); Washington Gas Light Company’s Application for Authority to Issue Debt Securities and Preferred Stock, filed June 30, 2014 (“WGL’s Application”).

³ WGL’s Application at 2.

⁴ WGL’s Application at 2-3.

Commission's rules (15 DCMR §§ 3500-3505 (2000)).⁵

3. WGL's Application and supporting documentation are on file with the Commission and may be reviewed at the Office of the Commission Secretary, 1333 H Street, N.W., Second Floor, West Tower, Washington, D.C. 20005, between the hours of 9:00 a.m. and 5:30 p.m., Monday through Friday, or may be viewed on the Commission's website by visiting www.dcpsec.org. and, under the "eDocket System" tab, selecting "Search Current Dockets" and typing "FC 1122" in the field labeled "Select Case Number." Copies of the Application are available, upon request, at a per-page reproduction fee.

4. Any person desiring to comment on the Application or object to the expedited handling of the Application shall file written comments or objections stating the reasons for the objections no later than 30 days from the date of publication of this Notice in the *D.C. Register* addressed to Brinda Westbrook-Sedgwick, Commission Secretary, at the address listed in the preceding paragraph. Any responses to comments or objections shall be filed within 35 days from the date of publication of this Notice in the *D.C. Register*. Once the comment period expires, the Commission will take final action.

⁵ WGL's Application at 1, 7.

DISTRICT OF COLUMBIA RETIREMENT BOARD

INVESTMENT COMMITTEE

NOTICE OF CLOSED MEETING

July 17, 2014
10:00 a.m.

DCRB Board Room
900 7th Street, N.W.
Washington, D.C 20001

On July 17, 2014, at 10:00 a.m., the District of Columbia Retirement Board (DCRB) will hold a closed investment committee meeting regarding investment matters. In accordance with D.C. Code § 2-575(b)(1), (2), and (11) and § 1-909.05(e), the investment committee meeting will be closed to deliberate and make decisions on investments matters, the disclosure of which would jeopardize the ability of the DCRB to implement investment decisions or to achieve investment objectives.

The meeting will be held in the Board Room at 900 7th Street, N.W., Washington, D.C 20001.

For additional information, please contact Deborah Reaves, Executive Assistant/Office Manager at (202) 343-3200 or Deborah.Reaves@dc.gov.

DISTRICT OF COLUMBIA RETIREMENT BOARD**NOTICE OF OPEN PUBLIC MEETING**

July 17, 2014
1:00 p.m.

900 7th Street, N.W.
2nd Floor, DCRB Boardroom
Washington, D.C. 20001

The District of Columbia Retirement Board (DCRB) will hold an Open meeting on July 17, 2014, at 1:00 p.m. The meeting will be held at 900 7th Street, N.W., 2nd floor, DCRB Boardroom, Washington, D.C. 20001. A general agenda for the Open Board meeting is outlined below.

Please call one (1) business day prior to the meeting to ensure the meeting has not been cancelled or rescheduled. For additional information, please contact Deborah Reaves, Executive Assistant/Office Manager at (202) 343-3200 or Deborah.reaves@dc.gov.

AGENDA

- | | | |
|-------|-----------------------------------|-----------------|
| I. | Call to Order and Roll Call | Chairman Bress |
| II. | Approval of Board Meeting Minutes | Chairman Bress |
| III. | Chairman's Comments | Chairman Bress |
| IV. | Executive Director's Report | Mr. Stanchfield |
| V. | Investment Committee Report | Ms. Blum |
| VI. | Operations Committee Report | Mr. Ross |
| VII. | Benefits Committee Report | Mr. Smith |
| VIII. | Legislative Committee Report | Mr. Blanchard |
| IX. | Audit Committee Report | Mr. Hankins |
| X. | Other Business | Chairman Bress |
| XI. | Adjournment | |

UNIVERSITY OF THE DISTRICT OF COLUMBIA
EXECUTIVE COMMITTEE OF THE BOARD OF TRUSTEES

NOTICE OF PUBLIC MEETING

The Executive Committee of the Board of Trustees of the University of the District of Columbia will be meeting on Tuesday, July 15, 2014 at 5:30 p.m. The meeting will be held in the Board Room, Third Floor, Building 39 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.

For additional information, please contact: Beverly Franklin, Executive Secretary, at (202) 274-6258 or bfranklin@udc.edu.

Planned Agenda

- I. Call to Order and Roll Call**
- II. Policies**
 - a. Sponsored Programs**
 - b. Discrimination and Harassment**
- III. Faculty Reduction in Force**
- IV. Executive Appointments**
- V. Closing**

Adjournment

Expected Meeting Closure

In accordance with Section 2-575 (b) (10) of the Open Meetings Act of 2010, the Board of Trustees hereby gives notice that it may conduct an executive session, for the purpose of discussing the appointment, employment, assignment, promotion, performance evaluation, compensation, discipline, demotion, removal, or resignation of government appointees, employees, or officials.

WASHINGTON YU YING PUBLIC CHARTER SCHOOL
REQUESTS FOR PROPOSALS

Washington Yu Ying Public Charter School seeks bids for:

General Maintenance on Yu Ying's Campus: Washington Yu Ying is seeking competitive bids for general maintenance on and around Yu Ying's campus. General maintenance will include, but is not limited to, painting projects, landscaping, and snow removal.

Bids should include evidence of experience in field, qualifications, and estimated fees. Please send proposals to RFP@washingtoneyu Ying.org no later than COB Friday July 25, 2014.

Specialized PE Instructor: Washington Yu Ying is seeking competitive bids for a specialized PE instructor. We are seeking a part-time physical activity instructor to teach elementary school students martial arts and yoga.

Bids should include evidence of experience in field, qualifications, and estimated fees. Please send proposals to RFP@washingtoneyu Ying.org no later than COB Friday July 25, 2014

Food Service Management: Washington Yu Ying is looking for competitive bids for the delivery of breakfast, lunch, snack and/or CACFP supper meals to students enrolled at the school for the 2014-2015 school year with a possible extension of (4) one year renewals. All meals must meet at a minimum, but are not restricted to, the USDA National School Breakfast, Lunch, Afterschool Snack and At Risk Supper meal pattern requirements. Additional specifications outlined in the Request for Proposals (RFP) such as; student data, days of service, meal quality, etc. may be obtained beginning on July 11, 2014 from:

Beth Yurasko

202.635.1950

RFP@washingtoneyu Ying.org

Proposals will be accepted at 220 Taylor Rd, NE, Washington, DC 20017 on 8/1/2014 no later than 4:00 PM

All bids not addressing all areas as outlined in the RFP will not be considered.

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY**BOARD OF DIRECTORS****NOTICE OF PUBLIC MEETING****Environmental Quality and Sewerage Services Committee**

The Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) Environmental Quality and Sewerage Services Committee will be holding a meeting on Thursday, July 17, 2014 at 9:30 a.m. The meeting will be held in the Board Room (4th floor) at 5000 Overlook Avenue, S.W., Washington, D.C. 20032. Below is the draft agenda for this meeting. A final agenda will be posted to DC Water's website at www.dewater.com.

For additional information, please contact Linda R. Manley, Board Secretary at (202) 787-2332 or linda.manley@dewater.com.

DRAFT AGENDA

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|--|--|
| 1. Call to Order | Committee Chairperson |
| 2. AWTP Status Updates
1. BPAWTP Performance | Assistant General Manager,
Plant Operations |
| 3. Status Updates | Chief Engineer |
| 4. Project Status Updates | Director, Engineering &
Technical Services |
| 5. Action Items
- Joint Use
- Non-Joint Use | Chief Engineer |
| 6. Emerging Items/Other Business | |
| 7. Adjournment | Committee Chairperson |

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY**BOARD OF DIRECTORS****NOTICE OF PUBLIC MEETING****Water Quality and Water Services Committee**

The Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) Water Quality and Water Services Committee will be holding a meeting on Thursday, July 17, 2014 at 11:30 a.m. The meeting will be held in the Board Room (4th floor) at 5000 Overlook Avenue, S.W., Washington, D.C. 20032. Below is the draft agenda for this meeting. A final agenda will be posted to DC Water's website at www.dewater.com.

For additional information, please contact Linda R. Manley, Board Secretary at (202) 787-2332 or linda.manley@dewater.com.

DRAFT AGENDA

- | | |
|--|--|
| 1. Call to Order | Committee Chairperson |
| 2. Water Quality Monitoring | Assistant General Manager, Consumer Ser. |
| 3. Action Items | Assistant General Manager, Consumer Ser. |
| 4. Emerging Issues/Other Business | Assistant General Manager, Consumer Ser |
| 5. Adjournment | Committee Chairperson |

WILLIAM E. DOAR, JR. PUBLIC CHARTER SCHOOL**FOR THE PERFORMING ARTS****REQUEST FOR PROPOSALS**

The William E. Doar Jr. Public Charter School for the Performing Arts, in compliance with Section 2204 (c) of the District of Columbia School Reform Act of 1995 (“Act”), hereby solicits expressions of interest from Vendors or Consultants for the following tasks and services:

1. Evening Cleaning Service – 40,000 sq. feet over two floors. To include cleaning supplies, equipment, replacement of toilet paper, hand soap, urinal cakes, etc. Organization must be bonded and insured and all employees must pass background checks.
2. Security Service for one site. 2 major entrances/exits between two floors. Additional Security patrols needed for arrival and dismissal.
3. Accounting/Bookkeeping Service - Monthly and annual accounting services to include: monthly reconciliation, financial statement preparation, adjusting journal entries, audit preparation, state and federal tax return preparation and other various and sundry tasks related to the accounting and bookkeeping of the School. Respondents can reply to all or part of this RFP.
4. W. E. Doar Jr. Public Charter school is soliciting certified special education teachers to provide inclusion specialized instruction, write IEP goals, documentation and follow Special Education Law for students from Pre Kindergarten to 8th grade.
W. E. Doar Jr. Public Charter School is soliciting certified speech-language and occupational therapists for special education students in grades Pre-K to 8th grades.
5. Student Data Management Services – Ensure functionality of student information system in order to support school operations. Complete all data reporting requirements for school. Contact data analysis in support of school leadership.
6. Human Resources Services/Recruitment: Seeks Human Resources outsourcing firm to provide all aspects of human resources from hiring, recruitment of senior staff members and teaching staff, policy development, process improvement, state and federal law compliance, benefits administration and employee training. Respondents can reply to all or part of this RFP.
7. Food Service – one site: up to 500 students. Vendor needed for school year only – August through June. Must be able to provide bag lunches and unitized meals upon request. All other meals should be able to be served family style. Must be able to provide other catering services as needed. Will entertain one year or five year contracts.

8. Music Education Services – Soliciting proposals from high quality music education organizations to provide full time music instruction to grade Pre-K through 8th. To obtain copies of the full RFP, contact Rita Lawson. The full RFP contains guidelines for submission, applicable qualification and deadlines. Contact person: Rita Lawson via email at rlawson@wedjschool.us.
9. Theater Education Services – Soliciting proposals from high quality theater education organizations to provide full time theater instruction to grade Pre-K through 8th. To obtain copies of the full RFP, contact Rita Lawson. The full RFP contains guidelines for submission, applicable qualification and deadlines. Contact person: Rita Lawson via email at rlawson@wedjschool.us.
10. Annual Audit- This will include the A-133 audit of the non-profit organization. Auditors must be on the PCSB's Approved Auditors List. Providers must state their credentials, provide appropriate licenses and specify a timeline to conduct the audit so that William E. Doar Jr. PCS is in compliance with PCSB's regulations.
11. School Improvement Services – Seeking a proven school turnaround provider to lead targeted school improvement efforts with the goals of : raising students test scores on the DC CAS, increasing the school's overall PMF Score, ensuring best practice school design and program implementation, including preparation for transition to PARCC exams.
12. Attorney – Legal Services
13. School Assessment – Student assessment and professional development for teachers.

Location is 705 Edgewood Street NE, Washington DC 20017

Proposal Submission

A Portable Document Format (pdf) election version of your proposal must be received by the school no later than 2:00 p.m. EST on July 25, 2014 unless otherwise stated in associated RFP's. Proposals should be emailed to Ms. Rita Lawson, VP of Business Operations - rlawson@wedjschool.us

For information regarding the school please see: www.wedjschool.us

No phone call submission or late responses please. Interviews, samples, demonstrations will be scheduled at our request after the review of the proposals only.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 18556 of Derek S. Mattioli, pursuant to 11 DCMR § 3103.2, for a variance from the lot occupancy requirements under § 403, a variance from the rear yard requirements under § 404, a variance from the court requirements under § 406, and a variance from the nonconforming structure provisions under § 2001.3 to allow a rear addition to an existing row dwelling in the R-4 District at premises 1375 Massachusetts Avenue, S.E. (Square 1037, Lot 102).¹

HEARING DATES: September 10, 2013
DECISION DATE: September 10, 2013

DECISION AND ORDER

This application was submitted on March 7, 2013 by Derek Mattioli (the “Applicant”), the owner of the property that is the subject of the application. The application requested area variances from the minimum requirements under the Zoning Regulations for lot occupancy (§ 403), rear yard (§ 404.1), court width (§ 406.1), and enlargement of a nonconforming structure (§ 2001.3) to allow a rear porch addition to a nonconforming one-family row dwelling that does not comply with the minimum lot occupancy requirement in the R-4 zone at 1375 Massachusetts Avenue, S.E. (Square 1037, Lot 102). Following a public hearing, the Board voted to deny the application.

PRELIMINARY MATTERS

Notice of Application and Notice of Hearing. By memoranda dated March 11, 2013, the Office of Zoning provided notice of the application to the Office of Planning (“OP”); the District Department of Transportation (“DDOT”); the Councilmember for Ward 6; Advisory Neighborhood Commission (“ANC”) 6B, the ANC in which the subject property is located; and Single Member District/ANC 6B08. Pursuant to 11 DCMR § 3112.14, on March 22, 2013 the Office of Zoning mailed letters providing notice of the hearing to the Applicant, ANC 6B, and the owners of all property within 200 feet of the subject property. Notice was published in the *District of Columbia Register* on March 22, 2013 (60 DCR 4196) and on June 14, 2013 (60 DCR 8945).

¹ This caption has been modified to reflect the relief finally requested by the Applicant. The application initially sought special exceptions pursuant to §§ 404.1, 406.1, and 2001.3, consistent with a referral from the Office of the Zoning Administrator dated February 6, 2013. That referral was corrected by a subsequent memorandum from the Office of the Zoning Administrator, dated March 18, 2013, which stated that review of the Applicant’s plans indicated that approval was required as variances from the specified provisions.

BZA APPLICATION NO. 18556**PAGE NO. 2**

Party Status. The Applicant and ANC 6B were automatically parties in this proceeding. The Board granted a request for party status in opposition to the application submitted by Mark O'Donnell, a resident of Massachusetts Avenue near the subject property.

Applicant's Case. The Applicant provided evidence and testimony in support of his request for variance relief to allow a rear porch addition to his row dwelling. The Applicant contended that the porch addition, which was already constructed and replaced a smaller porch, did not create any adverse impacts on adjoining properties but provided "additional living and work areas and enhance[d] the functionality of the first floor of the dwelling." According to the Applicant, the area occupied by the new porch was "unusable for any other purpose due to its small size and the proximity of trash storage on that level" by the Applicant and his neighbors. (Exhibit 32.)

OP Report. By memorandum dated July 16, 2013, the Office of Planning recommended denial of the application. According to OP, the Applicant had not demonstrated any exceptional situation related to the property that would result in practical difficulty, and the enclosed porch proposed by the Applicant would cause substantial detriment to the public good as well as impairment to the zone plan. (Exhibit 30.)

DDOT. By memorandum dated April 4, 2013, the District Department of Transportation indicated no objection to approval of the application. (Exhibit 21.)

ANC Report. By letter dated May 17, 2013, ANC 6B indicated that, at a properly noticed public meeting, held May 14, 2013 with a quorum present, the ANC voted 4-2-3 to take no position on the Applicant's request for zoning relief. (Exhibit 27.)

Party in opposition. The party in opposition asserted that the Applicant's rear porch addition should not be approved because it would block light and air to nearby residences, which are "already too densely packed." According to the party in opposition, the Applicant could not demonstrate exceptional circumstances or practical difficulties "to justify his requests for zoning variances," and thus approval of the requested variances would encourage owners of other properties in the vicinity also to "build on virtually 100 percent of the block." (Exhibit 26.)

Persons in support. The Board received letters in support of the application from some persons living in the vicinity of the subject property. The letters stated that the Applicant's porch addition was visible from the back porches of other nearby residences but was not objectionable.

Persons in opposition. The Board also received a letter and heard testimony from persons in opposition to the application. By letter dated June 3, 2013, the Capitol Hill Restoration Society ("CHRS") urged denial of the requested variances, indicating that its zoning committee had voted to oppose the application on the ground that the Applicant "has failed to prove all of the tests" for variance relief since his "property has no exception[al] condition or uniqueness because there are many properties along Massachusetts Avenue ... that are identical to the subject property" and the Applicant "has no difficulty in complying in all ways with the zoning

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regulations, and can put the property to sufficient use without the variances.” The CHRS zoning committee also concluded that “granting this application would undermine the R-4 zoning on Capitol Hill,” citing the 96% lot occupancy proposed by the Applicant. (Exhibit 29.)

FINDINGS OF FACT

1. The subject property is located on the south side of Massachusetts Avenue near its intersection with 14th Streets, S.E. (Square 1037, Lot 102). Square 1037 is generally triangular, defined by Massachusetts Avenue on the north, 13th Street on the west, and Independence Avenue on the south. The eastern portion of the square becomes narrower as it approaches 14th Street.
2. The subject property is generally rectangular, although slightly irregular in shape. The lot is 20 feet wide at the front and approximately 17 feet wide at the rear, with a depth of 41 feet on the west lot line and approximately 39.5 on the east lot line. The lot is improved with a one-family row dwelling, constructed in 1909, that is approximately 30 feet deep.
3. A paved walkway, approximately three feet wide, abuts the rear lot line. The walkway is used by the Applicant and the residents of nearby dwellings to provide rear access to the properties and to store trash and recycling bins.
4. The subject property is nonconforming with respect to lot area, lot occupancy, and rear yard. Lot area is 818 square feet, where a minimum of 1,800 square feet is required. (11 DCMR § 401.1.) Considering only the row dwelling, without any rear porch, lot occupancy is 88%, where a maximum of 60% is permitted, and the rear yard is approximately 10 feet, where a minimum of 20 feet is required. (11 DCMR §§ 403.2, 404.1.) However, the nonconforming nature of the property is not unusual among properties in the same square or in the general vicinity.
5. The Applicant’s residence abuts similar row dwellings. Properties in the vicinity are also improved with row dwellings. The lots on the eastern end of the square, especially those facing Massachusetts Avenue, are smaller than other nearby properties. While the subject property is one of the smallest in the square, OP report indicates that 73% of the lots in the same square are nonconforming with respect to lot area.
6. The Applicant’s residence contains 1,214 square feet of floor area, which OP states is “comparable to the floor area of homes located on similarly-sized lots.”
7. The Applicant’s residence previously had a covered rear porch addition that was approximately four feet wide and had a setback of 4.16 feet from the rear property line. The prior addition extended across the eastern half of the width of the dwelling.
8. The Applicant seeks variance relief to allow a rear porch addition to the row dwelling. As proposed, the one-story porch would be supported by posts approximately six feet high,

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accessible from the first level of the house above the basement entry. The porch would have a roof and would be enclosed with screens. The porch would be approximately 6.67 feet deep and 18 feet wide, with an area of approximately 120 square feet.

9. The rear porch addition planned by the Applicant has already been built. According to the Applicant, the porch was built by a licensed contractor who obtained a building permit. However, the building permit authorized a deck that conformed to the zoning regulations whereas the actual work went beyond the scope of what DCRA authorized, which lead to a DCRA enforcement action. The Applicant stated that the porch was completed in 2009 at the cost of \$20,000. (Exhibit 32.)
10. With the porch addition, the rear yard at the subject property is reduced to 1.2 feet. Lot occupancy increased to 96%. The porch, as constructed, also created open courts on both sides of the dwelling that do not meet the minimum zoning requirements for court width. The courts are 0.75 feet wide on the west and one foot wide on the east, where a minimum of six feet is required on both sides. (11 DCMR § 406.1.)
11. The already completed rear porch addition is visible from Independence Avenue at the entrance to the walkway at the rear of the subject property.
12. The subject property and surrounding properties are located in the R-4 district, which is designed to include those areas now developed primarily with row dwellings, but within which there have been a substantial number of conversions of the dwellings into dwellings for two or more families. (11 DCMR § 330.1.) The “primary purpose” of the R-4 district is “the stabilization of remaining one-family dwellings.” (11 DCMR § 330.2.)
13. The property is located within the Capitol Hill historic district.

CONCLUSIONS OF LAW AND OPINION

The Applicant seeks area variances from the minimum requirements under the Zoning Regulations for lot occupancy (§ 403), rear yard (§ 404.1), court width (§ 406.1), and enlargement of a nonconforming structure (§ 2001.3) to allow a rear porch addition to a nonconforming one-family row dwelling that does not comply with the minimum lot occupancy requirement in the R-4 zone at 1375 Massachusetts Avenue, S.E. (Square 1037, Lot 102). The Board is authorized under § 8 of the Zoning Act to grant variance relief where, “by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the original adoption of the regulations or by reason of exceptional topographical conditions or other extraordinary or exceptional situation or condition of a specific piece of property,” the strict application of the Zoning Regulations would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of the property, provided that relief can be granted without substantial detriment to the public good and without substantially

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impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map. (*See* 11 DCMR § 3103.2.)

Based on the findings of fact, the Board finds that the application does not satisfy the requirements for the requested variance relief. The Board does not find that the subject property is faced with an exceptional situation or condition, or that the strict application of the Zoning Regulations would create a practical difficulty to the Applicant as the owner of the property. As noted by the Applicant, the subject property is nonconforming in several respects, which reflects the creation and development of the subject property before the Zoning Regulations went into effect. However, the nonconforming nature of the property is not unusual among properties in the same square or in the general vicinity, and does not itself create an exceptional situation or condition. The Board does not credit the Applicant's contention that the lot is extraordinarily small and shallow. The subject property is relatively small but is generally rectangular in shape, without significant changes in grade. The building on the subject property is similar to the buildings on the abutting lots, as well as to many other buildings in the vicinity. According to the Office of Planning, which found no exceptional situation or practical difficulty in this application, "it is common for properties in the Capitol Hill Historic District to be smaller than required by the Zoning Regulations" and the Applicant's dwelling is comparable in size to neighboring dwellings on similar lots.

The Applicant contended that the strict application of the Zoning Regulations would result in practical difficulty by not allowing the porch addition, which the Applicant claimed gives access to "fresh air that is not affected by trash storage prior to collection" as the residence now has "a livable and usable back lot area while continuing to maintain space underneath for garbage cans." However, the Board concurs with the Office of Planning that the rear addition is not needed, in this instance, to improve circulation, "which can often be problematic in older homes," or to address building code issues. Because the Applicant's porch does not provide conditioned space, the addition does not significantly increase the living area of the dwelling.

Nor does the Board credit the Applicant's contention that the rear yard is not otherwise usable. Without the addition, the rear yard at the subject property is not exceptionally small. While existing conditions, including the need to store trash and recycling containers, may limit the utility of the space, the Applicant has not shown an inability to make the rear yard a usable space. The Board concludes that the Applicant did not demonstrate any practical difficulty arising from the strict application of the Zoning Regulations that would warrant approval of the requested area variances.

The Board finds no merit in the Applicant's contention that the cost of removing the illegally constructed porch addition constitutes practical difficulty for purposes of a request for variance relief. Although a building permit was obtained for a matter of right project, the construction went beyond that permissible under the Zoning Regulations. As noted by the Office of Planning, "[h]ad a building permit [for the constructed deck] been applied for, the applicant would have

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been aware of the extent of relief necessary in order to proceed with the project in a legitimate manner.”

The Board concurs with OP’s conclusion that approval of the application would cause substantial detriment to the public good. The addition, as built, almost completely eliminated any rear yard setback separating the dwelling on the subject property from the public walkway that abuts the rear lot line. The enclosed porch addition is also out of character with other rear additions along the alley, which are primarily open decks used to provide outdoor recreational space.

The Board concurs with OP’s conclusion that approval of the requested zoning relief would substantially impair the intent, purpose, and integrity of the Zoning Regulations, because the porch addition “impairs the intent of the regulations both to provide open space on residential lots and to prevent further additions on overbuilt lots.” As OP notes, the “lot occupancy provisions are intended to provide some open area on even the smallest of lots,” but the porch addition “provides little separation between dwellings adjacent to the walkway and no useable outdoor space on an otherwise small lot.” The Board finds that approval of variance relief under the circumstances – where the Applicant did not demonstrate an exceptional situation or practical difficulty arising from the strict application of the Zoning Regulations that would warrant the significant degree of variance relief needed to permit the porch addition – would substantially impair the intent, purpose, and integrity of the Zoning Regulations.

The Applicant cited a number of prior orders in support of his contentions that the Board has taken into account the need for more living space and improved functionality in granting variances to other Capitol Hill homeowners with exceptionally small houses and lots, and has granted variances to legitimize construction that had already taken place. A review of those orders indicates nothing that requires approval of this application. While in some instances the prior applications included similar requests for relief, each case is distinguishable from this application in some respect, because the circumstances of each application are different.

The Board is required to give “great weight” to the recommendation of the Office of Planning. (D.C. Official Code § 6-623.04 (2001).) In this case, as discussed above, the Board concurs with OP’s recommendation that the application should be denied.

The Board is also required to give “great weight” to the issues and concerns raised by the affected ANC. (Section 13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code § 1-309.10(d) (2001)).) In this case, ANC 6B declined to take a position on the Applicant’s request for zoning relief. Accordingly, the ANC raised no issues or concerns to which the Board can give great weight.

Based on the findings of fact and conclusion of law, the Board concludes that the Applicant has not satisfied the burden of proof with respect to the request for area variances from the minimum requirements under the Zoning Regulations for lot occupancy (§ 403), rear yard (§ 404.1), court width (§ 406.1), and enlargement of a nonconforming structure (§ 2001.3) to allow a rear porch

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addition to a nonconforming one-family row dwelling that does not comply with the minimum lot occupancy requirement in the R-4 zone at 1375 Massachusetts Avenue, S.E. (Square 1037, Lot 102). Accordingly, it is **ORDERED** that the application is **DENIED**.

VOTE: 4-0-1 (Lloyd J. Jordan, S. Kathryn Allen, Jeffrey L. Hinkle, and Peter G. May to Deny; one Board seat vacant.)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

The majority of the Board members approved the issuance of this order.

FINAL DATE OF ORDER: June 30, 2014

PURSUANT TO 11 DCMR § 3125.9, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO § 3125.6.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Application No. 18632 of Madison Investments, LLC,¹ pursuant to 11 DCMR § 3103.2, for variance relief from the requirements regarding public space at the ground level (§ 633), lot occupancy on the first and second story (§ 634), and rear yard setback (§ 636.2); and, pursuant to 11 DCMR § 3104.1, for special exception relief from the parking requirement for historic structures (§ 2120.6) and the ARTS Overlay setback requirement (§ 1902.2) to allow the Applicant to renovate two historic structures and build a new residential building with ground floor retail in the CR/ARTS District at premises 1921-1923 14th Street, N.W. (Lot 180, Square 237), 1925 14th Street, N.W. (Lot 196, Square 237), and 1351 Wallach Place, N.W. (Lot 806, Square 237).

HEARING DATE: October 8, 2013
DECISION DATE: October 29, 2013

DECISION AND ORDER

On July 11, 2013, Madison Investments, LLC (the "Applicant"), the contract purchaser of 1921-1923 14th Street N.W. (Lot 180, Square 237), 1925 14th Street N.W. (Lot 196, Square 237), and 1351 Wallach Place N.W. (Lot 806, Square 237) (the "Subject Property"), filed a self-certified application with the Board of Zoning Adjustment (the "Board") for zoning relief. After a public hearing, the Board voted to approve the application with conditions.

PRELIMINARY MATTERS

Notice of Application and Notice of Public Hearing. By memoranda dated July 16, 2013, the Office of Zoning provided notice of the application to the Office of Planning ("OP"); the District Department of Transportation ("DDOT"); the Councilmember for Ward 1; Advisory Neighborhood Commission ("ANC") 1B, the ANC in which the Subject Property is located; Single Member District, ANC 1B12; and the State Historic Preservation Officer. Pursuant to 11 DCMR § 3113.13, notice of the hearing was sent to the Applicant, ANC 1B, and the owners of all property within 200 feet of the Subject Property. Notice of the hearing was published in the *D.C. Register* on August 2, 2013 at 60 DCR 11200. The Applicant posted placards at the subject property regarding the application and public hearing and timely submitted an affidavit to the Board to this effect.

Party Status. The Applicant and ANC 1B were automatically parties to this proceeding. Aileen Johnson, a resident of the property at 1343 Wallach Place, N.W., submitted a request for party status, (Exhibit 25) but withdrew her request at the hearing.

¹ The Applicant was originally named as 14th & U Residential, LLC, and was amended to Madison Investments, LLC in a supplemental submission by the Applicant. (Exhibit 24.)

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The Applicant's Case. The Applicant provided evidence and testimony describing the proposed development and asserted that the application satisfied the requirements for variance and special exception relief. The Applicant presented three witnesses in support of the application: Jeff Goins, Partner at PGN Architects; Emily Eig, President of EHT Traceries; and Erwin Andres, Principal at Gorove/Slade. The Board qualified Emily Eig as an expert in Historic Preservation and Erwin Andres as an expert in Traffic Engineering and Transportation Planning and Analysis.

OP Report. By memorandum dated October 1, 2013, OP indicated that it was not opposed to granting the requested relief. (Exhibit 28.)

ANC Report. By letter dated October 3, 2013, ANC 1B indicated that at its regularly scheduled, properly noticed meeting on October 3, 2013, with a quorum present, it voted 7-0-0, in support of the application. (Exhibit 32.)

DDOT Report. By memorandum dated October 3, 2013, DDOT indicated no objection to the application, emphasizing that "[t]he site's proximity to the U Street/African-American Civil War Memorial Cardozo Metro Station, 13 Metrobus lines and one Circulator route, Capital Bikeshare stations, quality of pedestrian and bicycle infrastructure in the subject area, commitment to a strong TDM program, and provision of adequate bicycle parking will lead to low levels of auto ownership and use." DDOT also concluded that the project, in conjunction with the Applicant's mitigation measures, limit the likelihood of residents owning vehicles and the demand for parking. (Exhibit 31.)

Persons in Opposition. Wallach Place residents, Melissa and Leif Hockstad, submitted a letter in opposition, citing concerns about existing parking issues in the area. (Exhibit 30.) Three other residents of Wallach Place – Michael Hochman, Dan Wittels and Guy Podgornik – testified in opposition at the hearing regarding their difficulty parking in the neighborhood. After the hearing, Michael Hochman rescinded his opposition and submitted a letter in support of the project and the requested zoning relief. (Exhibit 41.)

Persons in Support. The Applicant submitted 82 letters in support of the Application, 12 of which were from Wallach Place residents. (Exhibit 36.) Ward One Councilmember Jim Graham also submitted a letter of support. (Exhibit 33.)

FINDINGS OF FACT

The Subject Property and Surrounding Area

1. The Subject Property is located at 1921-1923 14th Street, N.W. (Lot 180, Square 237), 1925 14th Street, N.W. (Lot 196, Square 237), and 1351 Wallach Place, N.W., at the northeast corner of 14th Street and Wallach Place, N.W. (Lot 806, Square 237).
2. Square 237 is bounded on the north by U Street, on the east by 13th Street, on the south by

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T Street, and on the west by 14th Street. Wallach Place runs east-west and bisects the square.

3. The Subject Property contains approximately 9,540 square feet of land area and abuts several narrow rights-of-way.
4. The Subject Property has approximately 90 feet of street frontage along 14th Street, N.W. and approximately 106 feet of frontage along Wallach Place, N.W.
5. The Subject Property is mapped in the Mixed Use (Commercial Residential (CR)) District and within the Uptown Arts-Mixed Use (ARTS) Overlay District.
6. The CR District is a mixed-use commercial residential district. The purpose of the CR District is to encourage a diversity of compatible land uses that may include a mixture of residential, office, retail, recreational, light industrial, and other miscellaneous uses. (11 DCMR § 600.1.) The CR District is intended to "help create major new residential and mixed use areas" and "encourage the preservation and rehabilitation of structures of historic or architectural merit in the District of Columbia." (11 DCMR § 600.3.)
7. The purpose of the ARTS Overlay District is to "encourage pedestrian activity, especially in retail, entertainment, and residential uses," to "strengthen the design character and identity of the area by means of physical design standards," and to "encourage adaptive reuse of older buildings in the area and an attractive combination of old and new buildings." (11 DCMR § 1900.2.)
8. The Subject Property is partially improved with two vacant, historic structures and a parking lot. The first building is a three-story structure previously having the address of 1921-1923 14th Street (the "Historic 14th Street Building"). The Historic 14th Street Building was most recently used as a barber shop and dentist's office, continuing its long history of commercial use. The second building is a two-story apartment building previously having the address 1351 Wallach Place (the "Wallach Place Apartment Building"). The lot previously having the address 1925 14th Street was most recently used as a parking lot with a one-story framed structure.
9. The Subject Property is located within the Greater U Street Historic District. Both the Historic 14th Street Building and the Wallach Place Apartment Building are listed on the D.C. Inventory of Historic Sites.
10. The Subject Property is served by Metrobus routes 52, 53 and 54 along 14th Street, and routes 90, 92, 93, 96, and X3 at the intersection of 14th Street & U Street, N.W. The D.C. Circulator (DC98) also stops at 14th Street and U Street, N.W.
11. The Subject Property is within close proximity to a number of the District's bikesharing and carsharing programs. Capital Bikeshare stations are located at 14th Street and V Street,

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N.W. (27 docks) and at 14th Street and R Street, N.W. (15 docks). Several Zipcar spaces are located near the Subject Property, including a 24-vehicle lot at 14th and Corcoran as well as spaces at 13th Street and T Street, N.W., 1929 12th Street, N.W. and 13th and U Street, N.W.

12. The Subject Property is located approximately 1.5 blocks (.2 miles) from the U Street / African-American Civil War Memorial / Cardozo Metrorail Station entrance at 13th and U Street, N.W.
13. The Subject Property has a Walk Score of 100, the highest possible rating, as calculated by WalkScore.com. The Subject Property also has a Bike Score of 95.
14. At least 38 of the 46 residential properties located on Wallach Place have a parking pad or an existing garage at the rear of the property.
15. The Subject Property is located in an area with a high water table, which creates poor soil conditions for excavation and underground construction.
16. The Subject Property is contaminated by oils, solvents and chemicals due to the extended use as an automotive repair shop. The Applicant will incur burdensome environmental remediation including excavation and removal of contaminated soil as well as hauling and dumping fees.

The Applicant's Project

17. The Applicant proposes to rehabilitate and renovate the existing historic structures on the Subject Property and to construct a residential building with ground floor retail and service uses. The space between the Historic Buildings will be filled in with a three-story structure (the "Infill Structure").
18. The Applicant's proposed Infill Structure between the two historic structures was designed based on recommendations from the architect for the project and a historic preservation consultant, as well as informal discussions with the Historic Preservation Office, in order to enhance the historic preservation effort.
19. The Infill Structure will occupy 10% of the lot and increase the development's lot occupancy from 80% to 90%.
20. The existing parking lot and one-story framed structure will be razed.
21. The development will include a total of approximately 58,466 square feet of gross floor area, which will be comprised of 56 residential units and approximately 9,398 square feet of retail space. The residential units will primarily consist of studio and one-bedroom apartments.

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22. The development will also provide 36 bicycle parking spaces, including covered and secure long term bicycle spaces in the building and additional short term spaces.
23. The proposed project provides no space for the public at ground level. Section 633 requires that 10% of the total lot area, 954 square feet in this case, be devoted to public use.
24. To accommodate the public space requirement with the available frontage along 14th Street, substantial design changes would be required, including the relocation and orientation of the stairway and elevator core, as well as the reconfiguration of the size, shape, and number of units.
25. The first story, which is devoted primarily to commercial use but preserves the residential use in the Wallach Place Apartment Building, occupies 100% of the lot. The second story, devoted primarily to residential use and a courtyard, occupies 90% of the lot.
26. The maximum lot occupancy permitted is 80% for residential uses and 100% for commercial uses in the CR/ARTS District pursuant to § 1909.1(d). Both stories contain residential uses and thus are not in compliance with the 80% lot occupancy requirement.
27. Replacing the residential use in the Historic Wallach Place Apartment Building with a commercial use would allow for 90% lot occupancy as a matter of right; however, introducing retail use in the building would create difficulties with respect to design, layout and configuration and such a use would not be consistent with the residential character of Wallach Place, N.W.
28. All other floors comply with the lot occupancy requirement.
29. The proposed project will not provide a rear yard. Because a rear yard must extend the full width of the lot, the location of the Wallach Place Apartment Building constitutes an existing nonconformity with respect to rear yard. Subsection 636.2 requires the proposed project to provide a rear yard setback of 25 feet.
30. Providing a rear yard on the Subject Property would require razing three-quarters of the Wallach Place Apartment Building. Because this structure is listed on the D.C. Inventory of Historic Sites, razing the structure would require a raze permit that must be reviewed by the Mayor or the Mayor's agent ("hereinafter "Mayor's Agent") based on the requirements and criteria enumerated in D.C. Official Code § 6-1104 (2012 Repl.).
31. In order to authorize clearance of the permit, the Mayor's Agent must make a finding that the permit is "necessary in the public interest, or that the failure to issue a permit will result in unreasonable economic hardship to the owner." (D.C. Official Code § 6-1104(e).)

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32. The Applicant did not believe that it could make either of the requisite showings in order to proceed with the substantial demolition required for a matter-of-right project and the Board finds that this was a reasonable conclusion.
33. Pursuant to § 2120.3, an addition to a historic resource is exempt from the requirement to provide additional parking as a result of a change of use under § 2100.4 and of an increase in intensity of use under § 2100.6; however, parking is required for any addition where the gross floor area of the historic resource is being increased by 50% or more, and the parking requirement attributable to the increase in gross floor area is at least four spaces.
34. Subsection 2101.1 requires that residential building in the CR District provide one parking space for each three dwelling units. Subsection 2102.2 also requires that, in the CR District, retail establishments in excess of 3,000 square feet must provide one parking space for each additional 750 square feet of gross floor area.
35. Accordingly, because the project provides 56 dwelling units in the addition and 6,472 square feet of new retail space in the addition, 22 parking spaces are required.
36. The proposal provides no parking spaces.
37. To construct a parking garage below the Historic Buildings, the Applicant would need to underpin, excavate below, and permanently support the structures. This process would jeopardize the structural integrity of the historic buildings, according to the testimony of a Historic Preservation specialist.
38. Providing a one-story underground parking garage in the narrow portion of the lot not encumbered by the Historic Buildings results in a parking garage with undesirable parking geometries, a highly inefficient use of space, and a significant cost of construction per parking space.
39. To provide additional levels of below-grade parking, the Applicant would encounter difficulties with groundwater and poor soil conditions of the Subject Property.
40. Due to the slope of the Property, the only feasible place to locate the ramp for an underground parking garage is at the southern end of the Property adjacent to the historic Wallach Place Apartment Building.
41. The Applicant has committed to incorporating a number of transportation demand measures into operation of the building, as set forth in the Transportation Management Plan. (Exhibit 29, exhibit I.)
42. In the CR/ARTS Overlay, if a building is located on a lot that abuts a street, alley, or zone district boundary with a Residence District, no part of the building may project above a

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plane drawn at a 45 degree angle from a line located 65 feet directly above the property line on each such street, alley, or zone district boundary line. 11 DCMR § 1902.2.

43. The eastern property line of 1351 Wallach Place and 1925 14th Street are subject to this additional height restriction.
44. A small portion of the top floor projects above that plane, in violation of the setback requirement.
45. The Applicant has carefully designed the structure – including the "U" shape courtyard facing Wallach Place, with deference to the historic structures on the Property, and concentration of massing along the 14th Street – to ensure that proper light and air are available to neighboring properties.

CONCLUSIONS OF LAW**Variance Relief**

The Board is authorized under § 8 of the Zoning Act of 1938, D.C. Official Code § 6-631.07 (g)(3) (2012 Repl.) to grant variance relief from the strict application of the Zoning Regulations. As noted by the District of Columbia Court of Appeals:

An applicant must show, first, that the property is unique because of some physical aspect or “other extraordinary or exceptional situation or condition” inherent in the property; second, that strict application of the zoning regulations will cause undue hardship or practical difficulty to the applicant; and third, that granting the variance will do no harm to the public good or to the zone plan.

Capitol Hill Restoration Society v. District of Columbia Bd. of Zoning Adjustment, 534 A.2d 939, 941 (D.C.1987). The Court of Appeals has also held that "an exceptional or extraordinary situation or condition" may encompass the buildings on a property, not merely the land itself, and may arise due to a "confluence of factors." See *Clerics of St. Viator v. District of Columbia Bd. of Zoning Adjustment*, 320 A.2d 291, 294 (D.C. 1974); *Gilmartin v. District of Columbia Bd. of Zoning Adjustment*, 579 A.2d 1164, 1168 (D.C. 1990).

The Applicant seeks a variance from the requirements regarding public space at the ground level under § 633, lot occupancy on the first and second story under § 634, and rear yard setback under § 636.2. The Board concludes that the Applicant has met its burden of proof for the requested area variances in this case.

Exceptional Circumstance

The Board, concurring with the Office of Planning, concludes that the presence of historic structures on the site create an exceptional circumstance in this case. The Subject Property includes two structures that are listed on the D.C. Inventory of Historic Sites, the Historic 14th

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Street Building and the Wallach Place Apartment Building. The Applicant proposes to rehabilitate, renovate, and incorporate these historic structures into the new development. Accordingly, the Board finds that there is an exceptional circumstance inherent in the Subject Property.

Practical Difficulty

The Board concludes that as a result of the exceptional condition of the Subject Property, the strict application of the open space, lot occupancy, and rear yard requirements will cause practical difficulties for the Applicant.

Public space at ground level requirement (§ 633)

The Board concludes that the landmark status of the existing Historic Buildings creates a practical difficulty in meeting the requirement that 10% of its lot area be devoted to public space. The existing Historic Buildings, comprise a large portion of the street frontage on Wallach Place. As explained in the findings of fact, the Applicant reasonably concluded that it could not meet any of the criteria that would permit the Mayor's Agent to clear the substantial demolition needed to satisfy the public space requirement. Further, consistent with the recommendations of the Historic Preservation Office, which advises the body that advises the Mayor's Agent, the Applicant agreed to fill in the space between the two Historic Buildings with the proposed Infill Structure. There is no remaining frontage along Wallach Place in which to provide the public space required. Similarly, the existing Historic 14th Street Building occupies 30 feet of frontage along 14th Street, and the available frontage along 14th Street is further reduced by the residential lobby. The remaining frontage along 14th Street cannot accommodate the minimum of 954 square feet needed without substantial design changes to the location and layout of key features, including the location and orientation of the stairway and elevator core. Therefore, strict application of the public space at ground level requirement would result in a practical difficulty.

Lot occupancy on the first and second story (§ 631)

The Board concludes that the exceptional conditions makes strict compliance with the lot occupancy requirements on the first and second story practically difficult. The first story has a lot occupancy of 100%, which would be permitted as a matter of right if the entire first floor were devoted to retail use. The roughly 10% of this floor devoted to residential use is intended to maintain the historically residential nature of Wallach Place and the Wallach Place Apartment Building. The conversion of these historic residences to retail use would present significant challenges with respect to design, layout, and configuration.

The second story has a lot occupancy of 90%, which is a 10% deviation from the 80% lot occupancy requirement for residential use. The need for lot occupancy relief on the second story is largely due to development constraints as a result of the existing historic buildings being preserved and HPO's recommendation to infill the space between the two historic structures.

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Because the efforts to preserve and maintain the Historic Buildings on the Subject Property create notable challenges in terms of lot occupancy, the Board finds that compliance with this requirement would result in practical difficulties.

Rear yard setback (§ 636.2)

The Board concludes that the exceptional circumstances make strict application of the rear yard setback requirement a practical difficulty. Regardless of the manner in which the Subject Property is developed, compliance with the rear yard requirement would require demolition of a portion of the Wallach Place Apartment Building. As noted, the Applicant did not seek a permit to undertake the necessary demolition of the landmarked Wallach Place Apartment Building because of its reasonable belief that it would be unable to satisfy the statutory criteria. This conclusion was corroborated by the testimony of the Applicant's historic preservation specialist. Thus, the Board finds that strict application of the rear yard requirement would result in a practical difficulty to the Applicant.

No Detriment to the Public Good or Zone Plan

The Board concludes that there will be no substantial detriment to the public good and no substantial impairment to the intent, purpose, and integrity of the zone plan by granting the relief requested. The decrease in public space is offset by the preference for a pedestrian-friendly and active retail streetscape created by the proposed project. The massing and setback of the proposed structure allows for sufficient light and air to all residential units and neighboring properties. Although no rear yard is provided, the Property is a corner lot, surrounded on three sides by 14th Street, Wallach Place, and a public alley. The substantial space surrounding the lot serves the purpose of the rear yard with respect to light and air. Furthermore, the substantial setback of the upper floors allows for additional light and air to the units abutting the alley and neighboring properties. Further, variance relief from the rear yard requirement also allows the Applicant to preserve the historic Wallach Place Apartment Building. Therefore, the Board finds that the relief required for the proposed project will not have a detrimental impact on the public good, nor will the relief substantially impair the intent of the zoning regulations.

Accordingly, the Board concludes that the Applicant has met the burden of proof for area variances from the requirements for public space under § 633, lot occupancy under § 634, and rear yard under § 636.2.

Special Exception Relief

The Applicant also seeks special exception relief from the parking requirement for historic structures (§ 2120.6) and the ARTS Overlay setback requirement (§ 1902.2). The Board is authorized under § 8 of the Zoning Act of 1938, D.C. Official Code § 6-631.07(g)(3) (2012 Repl.) to grant special exceptions, as provided in the Zoning Regulations, where, in the judgment of the Board, the special exception will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not tend to affect adversely the use of

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neighboring properties, subject to specific conditions. (See 11 DCMR § 3104.1.) In addition to the general requirement for special exception relief under § 3104.1, the Applicant must satisfy any specific regulatory requirements for the requested special exception.

"The Board's discretion to grant special exceptions is limited to a determination whether the exception sought meets the requirements of the regulation.... In sum, the applicant must make the requisite showing, and once he has, the Board ordinarily must grant his application." See *Stewart v. District of Columbia Bd. of Zoning Adjustment*, 305 A.2d 516, 518 (D.C. 1973). The Board concludes that the requested special exceptions from the parking requirement for historic structures and ARTS Overlay setback requirement are in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and do not tend to affect adversely the use of neighboring property. The specific regulatory requirements for special exception relief from the parking requirement for historic structures and from the ARTS Overlay setback requirement will be addressed in turn.

Parking Requirement for Historic Structures (§ 2120.6)

Pursuant to § 2120.6, the Board may grant special exception relief from all or part of the parking requirements of § 2120 if the owner of the property demonstrates that, as a result of the nature or location of the historic resource, providing the required parking would result in significant architectural or structural difficulty in maintaining the historic integrity and appearance of the historic resource. Under this provision, the Board may only grant the amount of relief needed to alleviate the difficulty proved. The Applicant must also show compliance with the general requirements for special exception relief, and accordingly, § 2120.6 provides four factors that the Board must consider in determining whether the requested relief can be granted without adversely affecting the use of neighboring property, as required by § 3104.1.

Subsection 2120.6: The Board of Zoning Adjustment may grant relief from all or part of the parking requirements of this section if the owner of the property demonstrates that, as a result of the nature or location of the historic resource, providing the required parking will result in significant architectural or structural difficulty in maintaining the historic integrity and appearance of the historic resource.

Maintaining two historic buildings on the Subject Property constrains the footprint of the proposed design and creates difficulties in providing the required parking at the ground level. Further, the Applicant cannot provide parking beneath the Historic Buildings due to the difficulty of underpinning, excavating, permanently supporting, and constructing parking beneath them. The Applicant also analyzed the feasibility of constructing a single below-grade level of parking on the remaining narrow lot unencumbered by the Historic Buildings. The Applicant argues and the Board agrees that it is not a viable option. Providing a one-story underground parking garage results in an architecturally and structurally challenging layout, which would result in a narrow entry, limited maneuverability, and an inefficient use of space. Additional problems include sight distance into the alley, the creation of a speed ramp, and safety concerns for vehicles, pedestrians, and bikers. Furthermore, if an underground parking garage were required, the speed

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ramp would create a substantial risk for the property across the alley. As described by the project architect, relocating or setting the parking garage ramp further back on the lot, or to the north, is not a viable option due to the topography of the lot and resulting increase to the slope of the ramp. Finally, additional levels of below-grade parking cannot be provided, under the Historic Buildings or otherwise, because the Property is located in an area with a high water table.

Subsection 2120.6: The Board shall grant only the amount of relief needed to alleviate the difficulty proved.

The Board concludes that the Applicant has shown that providing any amount of parking spaces on the Subject Property would result in significant difficulty due to the attempts to protect the historic structures on the lot. The difficulty proved necessitates granting complete relief from the requirement to provide 22 parking spaces.

Subsection 2120.6: The applicant shall also demonstrate compliance with the general special exception standard set forth in § 3104 and shall address each of the following criteria as part of its presentation to the Board:

- (a) Maximum number of students, employees, guests, customers, or clients who can reasonably be expected to use the proposed building or structure at one time;
- (b) Amount of traffic congestion existing and/or that the redevelopment of the historic resource can reasonably be expected to add to the neighborhood;
- (c) Quantity of existing public, commercial, or private parking, other than curb parking, on the property or in the neighborhood that can reasonably be expected to be available when the redevelopment is complete; and
- (d) Proximity to public transportation, particularly Metrorail stations, and availability of either public transportation service in the area, or a ride sharing program approved by the District of Columbia Department of Transportation.

As to the general requirement, the Board concludes that the proposed project will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not tend to affect adversely the use of neighboring properties. The Board will discuss, in turn, how each of the four considerations listed in § 2120.1(a)-(d) support its determination.

Paragraph 2120.6 (a): Maximum number of students, employees, guests, customers, or clients who can reasonably be expected to use the proposed building or structure at one time;

As indicated by the Applicant, the project will consist of 56 residential units, primarily studio and one-bedroom units, as well as ground-floor retail space. The Applicant testified that, due to the location, unit mix, unit size, and anticipated tenants, the residents of this project will not be likely to own cars and will utilize public transportation. The retail component will be largely

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occupied by neighborhood-serving retail leased at a decreased rent to attract the type of establishment desired by the neighboring community. Neighborhood-serving retail will target nearby residents rather than attracting patrons from other parts of the city. Thus, patrons will likely arrive by foot or through non-automobile modes of transportation and will not need off-street parking. Aspects of the Applicant's Transportation Management Plan – including 36 covered bicycle parking spaces – will further facilitate non-automotive transportation and decrease demand for off street parking. As a result, the Board finds that the maximum number of residents, guests, and customers using the property at one time will not create an adverse impact the surrounding neighborhood by creating a need for additional parking.

Paragraph 2120.6(b): Amount of traffic congestion existing and/or that the redevelopment of the historic resource can reasonably be expected to add to the neighborhood;

The Board concludes that the amount of added traffic congestion, if any, created by the project will not adversely affect the neighboring properties. As supported by the technical memorandum prepared by the Applicant's traffic engineer, the need for parking at the Subject Property is lessened by the ample transit services in the vicinity. DDOT also concluded that the available transit options, in conjunction with the Applicant's mitigation measures, would limit the likelihood of residents owning vehicles and the demand for parking. The Board acknowledges that the current parking utilization is high, but finds that the Applicant has demonstrated that there will not be a detrimental impact to street parking conditions due to the close proximity to the U Street Metrorail Station and aggressive Transportation Management Plan.

Paragraph 2120.6(c): Quantity of existing public, commercial, or private parking, other than curb parking, on the property or in the neighborhood that can reasonably be expected to be available when the redevelopment is complete;

Though public and street parking are limited in the neighborhood, a majority of private Wallach Place residences have parking pads or existing garages at the rear of their properties. Further, the Board finds that the Applicant's Transportation Management Plan and the wealth of public transit options in the area serve to mitigate the potential impact from the limited amount of public or commercial parking. Therefore, the Board concludes that the parking expected to be available when the redevelopment is complete will be sufficient and will not cause an adverse impact on the neighborhood.

Paragraph 2120.6(d): Proximity to public transportation, particularly Metrorail stations, and availability of either public transportation service in the area, or a ride sharing program approved by the District of Columbia Department of Transportation.

The Subject Property is located in a transit rich area with a variety of mass transit and other transportation options available to residents and visitors. The Subject Property is located approximately 1.5 blocks (.2 miles) from the U Street Metro entrance and is serviced by several public transportation services, including Metrobus and the D.C. Circulator bus system, as well as

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biking and pedestrian networks. In addition, the Subject Property is within close proximity to a number of the District's bikesharing and carsharing programs. Capital Bikeshare stations are located at 14th Street and V Street, N.W. (27 docks) and 14th Street and R Street, N.W. (15 docks). A number of Zipcar spaces are located within walking distance including a 24 vehicle lot at 14th and Corcoran, as well as spaces at 13th Street and T Street, N.W., 1929 12th Street, N.W. and 13th and U Street, N.W. The Subject Property has a Walk Score of 100, the highest possible score, and a Bike Score of 95.

For these reasons, the Board concludes that the Applicant has demonstrated that providing the required parking would result in significant difficulty in maintaining the historic integrity of the Historic Buildings and that complete relief from the parking requirement is necessary. The Board also finds that the requested relief will be in harmony with the Zoning Regulations and Zoning Maps and that the relief can be granted without adversely affecting the use of the neighboring property. Accordingly, the Board concludes that the Applicant has satisfied the requirements for special exception relief under § 2120.6 and § 3104.1.

ARTS Overlay setback requirement (§ 1902.2)

As noted, § 1902.2 provides that in the CR/ARTS Overlay, if a building located on a lot that abuts a street, alley, or zone district boundary with a Residence District, no part of the building may project above a plane drawn at a 45 degree angle from a line located 65 feet directly above the property line on each such street, alley, or zone district boundary line. Because a small portion of the top floor projects above that plane, the Applicant seeks a special exception from the requirement.

Pursuant to § 1906.1 of the Zoning Regulations, the Board may grant relief from the requirements of the ARTS Overlay as a special exception, provided that the general special exception standard and the specific criteria of § 1906.1(a)-(d) are met. Also pursuant to § 1906.1, the Board need only apply criteria (c) and (d) when relevant to the relief sought. The Board finds that the Applicant has met the criteria provided in § 1906.1 and § 3104.1 of the Zoning Regulations, discussed as follows.

Paragraph 1906.1(a): The uses, buildings, or features at the size, intensity, and locations proposed, will substantially advance the purposes of the ARTS Overlay District and will not adversely affect neighboring property or be detrimental to the health, safety, convenience, or general welfare of persons living, working, or visiting in the area.

The purposes of the ARTS Overlay District, listed in § 1900.2, include to “strengthen the design character and identity of the area by means of physical design standards” and to “encourage adaptive reuse of older buildings in the area and an attractive combination of old and new buildings.” The Board finds that the proposed redevelopment advances both of these goals. The Applicant has given careful consideration to physical design standards and has designed the structure in a "U" shape, with a courtyard facing Wallach Place, to ensure that proper light and air are available to neighboring properties. Additionally, the Applicant has incorporated two

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Historic Buildings into the development and seeks to create an attractive combination of old and new structures. In deference to the Historic 14th Street Building and Wallach Place Apartment Building on the Subject Property, the massing of the new structure is concentrated on the north end of the lot and on 14th Street, N.W.

Paragraph 1906.1(b): Exceptional circumstances affecting the property make compliance with the requirements of this chapter difficult or impossible, or the development provides alternative public benefits in lieu of the excepted uses or features that are of comparable value to the public in achieving the purposes of this chapter and of the Comprehensive Plan.

The Subject Property is uniquely affected by the presence of two historic properties that will be incorporated into the new structure. The Board finds that the Applicant's attempt to preserve these historic structures, especially the air space above them, makes compliance with the setback requirement difficult. Further, conforming to this ARTS Overlay requirement with respect to the top floor creates a practical difficulty for the Applicant because the roof structure, which houses the elevator shaft and mechanical equipment, must be sufficiently setback from 14th Street based on roof structure requirements in the CR District. Redesigning the structure to comply with the ARTS setback requirement would potentially create difficulties in complying with these CR District setback requirements.

In addition, the features of the proposed structure provide substantial benefits to the public and help achieve the intentions of the ARTS Overlay and Comprehensive Plan. The development encourages pedestrian activity, creates retail space, and expands the area's housing supply, in furtherance of the purposes of the ARTS Overlay District found in § 1900.2.

Paragraph 1906.1(c): The architectural design concept of the project will enhance the urban design features of the immediate vicinity in which it is located; provided, if a historic district or historic landmark is involved, the Board shall refer the application to the State Historic Preservation Officer for review and report.

The design concept of this project was developed to advance the goals of the ARTS Overlay District by integrating the historic structures on the property and by providing sufficient light and air access for neighboring properties. Because historic landmarks are involved, the application was referred to the State Historic Preservation Office, and the Applicant's design concept has been developed in collaboration with the Historic Preservation Office Staff with a specific focus on the preservation and rehabilitation of the Historic Buildings. The proposed setback and massing of the project complies with its goal of preserving the Historic Buildings and provides an Infill Structure between the Historic Buildings, and respects the air space above the Historic Buildings.

Paragraph 1906.1(d): Vehicular access and egress are located and designed so as to minimize conflict with principal pedestrian ways, to function efficiently, and to create no dangerous or otherwise objectionable traffic conditions.

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The Board need only apply this requirement when it is relevant to the relief sought. The Board finds that a special exception from the setback requirement will have no impact on vehicular access and egress, therefore this factor is not relevant to the relief and need not be applied in this case.

OP and ANC Reports

The Board is required to give “great weight” to the recommendation of the Office of Planning. (D.C. Official Code § 6-623.04 (2012 Repl.)) In this case for the reasons discussed the Board concurs with OP’s recommendation to approve the application.

The Board is also required to give “great weight” to the issues and concerns raised by the affected ANC in its written report. (Section 13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code 1-309.10(d) (2012 Repl.))). Similarly, the Board concurs with ANC 1B’s recommendation to grant the requested relief.

CONCLUSION

Based upon the findings of fact and conclusions of law, the Board concludes that the Applicant has met the burden of proof for variance relief pursuant to 11 DCMR § 3103.2 from the requirements regarding public space at the ground level (§ 633), lot occupancy on the first and second story (§ 634), and rear yard setback (§ 636.2); and for special exception relief, pursuant to 11 DCMR § 3104, from the parking requirement for historic structures (§ 2120.6) and the ARTS Overlay setback requirement (§ 1902.2) to allow the Applicant to renovate two historic structures and build a new residential building with ground floor retail in the CR/ARTS District at premises 1921-1923 14th Street, N.W. (Lot 180, Square 237), 1925 14th Street, N.W. (Lot 196, Square 237), and 1351 Wallach Place, N.W. (Lot 806, Square 237).

Accordingly, it is therefore **ORDERED** that the application is hereby **GRANTED**, subject to revised plans (Exhibit 37) and **SUBJECT** to the following **CONDITIONS**:

1. The Applicant shall restrict those residential units, subject to the parking relief requested, from applying for residential parking permit (RPP) stickers from the District of Columbia. In accordance with the above stated restriction, the Applicant shall include language in the leases or sales documents and record a covenant that includes the restriction.
2. The Applicant shall provide the new occupant of each residential unit a \$100 car sharing membership, or a \$150 Capital Bikeshare membership, or a \$200 *SmartTrip* card.
3. The Applicant shall provide 36 covered and secure long term bicycle spaces in the building and additional short term spaces.

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4. The Applicant shall install a digital display in the lobby showing real-time transit information.
5. The Applicant shall designate a member of the property management team as the Transportation Management Coordinator (TMC) to ensure that information identifying programs and incentives for using alternative modes of transportation is disseminated to tenants of the building. The TMC shall also be tasked with assisting residents in need of parking to find alternate parking facilities in the area.
6. The Applicant shall have the flexibility to modify the design and internal layout of the building to address any comments from the Historic Preservation Office and the Historic Preservation Review Board during review of the project so long as the modifications do not require any additional areas of zoning relief.

VOTE: **3-0-2** (Lloyd J. Jordan, S. Kathryn Allen, and Anthony J. Hood (by absentee vote) to Approve; Jeffrey L. Hinkle not participating, not voting; one Board seat vacant.)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

A majority of the Board members approved the issuance of this order.

FINAL DATE OF ORDER: July 7, 2014

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.

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AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

PURSUANT TO 11 DCMR § 3205, THE PERSON WHO OWNS, CONTROLS, OCCUPIES, MAINTAINS, OR USES THE SUBJECT PROPERTY, OR ANY PART THEREOF, SHALL COMPLY WITH THE CONDITIONS IN THIS ORDER, AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT. FAILURE TO ABIDE BY THE CONDITIONS IN THIS ORDER, IN WHOLE OR IN PART SHALL BE GROUNDS FOR THE REVOCATION OF ANY BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Application No. 18788 of MEDC, LLC d/b/a Massage Envy Spas, pursuant to 11 DCMR § 3104.1, for a special exception for a massage establishment under section 731, in the C-2-A District at premises 4620 Wisconsin Avenue, N.W., Suite B (Square 1732, Lot 45).

HEARING DATE: July 8, 2014

DECISION DATE: July 8, 2014

SUMMARY ORDER

SELF-CERTIFIED

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2.

The Board provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register* and by mail to Advisory Neighborhood Commission (“ANC”) 3E, and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 3E, which is automatically a party to this application. ANC 3E submitted a resolution not opposing the application. The Office of Planning (“OP”) submitted a report and testified at the hearing in support of the application.

As directed by 11 DCMR § 3119.2, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to § 3104.1, for a special exception under subsection 731. No parties appeared at the public hearing in opposition to this application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the OP and ANC reports, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR §§ 3104.1 and 731, that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

Pursuant to 11 DCMR § 3100.5, the Board has determined to waive the requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. It is therefore **ORDERED** that this application (pursuant to Exhibit 7 - Plans) be **GRANTED**.

VOTE: **5-0-0** (Lloyd J. Jordan, Jeffrey L. Hinkle, S. Kathryn Allen, Marnique Y. Heath and Peter G. May to APPROVE.

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BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

The majority of the Board members approved the issuance of this order.

FINAL DATE OF ORDER: July 8, 2014

PURSUANT TO 11 DCMR § 3125.9, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO § 3125.6.

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO § 3130.6 AT LEAST 30 DAYS PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THAT SUCH REQUEST IS GRANTED. NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO §§ 3129.2 OR 3129.7, SHALL EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR § 3125, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Application No. 18789 of Richard Honig, pursuant to 11 DCMR § 3104.1, for a special exception for a rear screened porch addition to an existing one-family detached dwelling under section 223, not meeting the rear yard (section 404) requirements in the R-1-B District at premises 3918 Jenifer Street, N.W. (Square 1753, Lot 16).

HEARING DATE: July 8, 2014

DECISION DATE: July 8, 2014

SUMMARY ORDER

SELF-CERTIFIED

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2.

The Board provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register* and by mail to Advisory Neighborhood Commission (“ANC”) 3E, and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 3E, which is automatically a party to this application. ANC 3E submitted a letter in support of the application. The Office of Planning (“OP”) submitted a report and testified at the hearing in support of the application.

As directed by 11 DCMR § 3119.2, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to § 3104.1, for a special exception under subsection 223. No parties appeared at the public hearing in opposition to this application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the OP and ANC reports, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR §§ 3104.1 and 223, that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

Pursuant to 11 DCMR § 3100.5, the Board has determined to waive the requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. It is therefore **ORDERED** that this application (pursuant to Exhibit 3 - Plans) be **GRANTED** subject to the following **CONDITION**:

The Applicant shall install a rain barrel on the new downspout attached to the addition.

VOTE: **5-0-0** (Lloyd J. Jordan, S. Kathryn Allen, Marnique Y. Heath, Jeffrey L. Hinkle and Peter G. May to APPROVE.

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

The majority of the Board members approved the issuance of this order.

FINAL DATE OF ORDER: July 8, 2014

PURSUANT TO 11 DCMR § 3125.9, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO § 3125.6.

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO § 3130.6 AT LEAST 30 DAYS PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THAT SUCH REQUEST IS GRANTED. NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO §§ 3129.2 OR 3129.7, SHALL EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR § 3205, THE PERSON WHO OWNS, CONTROLS, OCCUPIES, MAINTAINS, OR USES THE SUBJECT PROPERTY, OR ANY PART THERETO, SHALL COMPLY WITH THE CONDITIONS IN THIS ORDER, AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT. FAILURE TO ABIDE BY THE CONDITIONS IN THIS ORDER, IN WHOLE OR IN PART SHALL BE GROUNDS FOR THE REVOCATION OF ANY BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

PURSUANT TO 11 DCMR § 3125, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION,

FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA**NOTICE OF FILING**

**Z.C. Case No. 08-07A
(Four Points, LLC and Curtis Properties, Inc. – 2nd-Stage PUD and PUD
Modification @ 2255 Martin Luther King, Jr., Avenue, S.E.)
July 1, 2014**

THIS CASE IS OF INTEREST TO ANC 8A

On June 30, 2014, the Office of Zoning received an application from Four Points, LLC and Curtis Properties, Inc. (together, the “Applicant”) for approval of a second-stage planned unit development (“PUD”) and modification to a previously approved PUD for the above-referenced property.

The property that is the subject of this application consists of Lot 839 and part of Lot 906 in Square 5785 in Southeast Washington, D.C. (Ward 8), which is located at 2255 Martin Luther King, Jr. Avenue, S.E. The property is zoned, for the purposes of this project, C-3-A, through a PUD-related map amendment.

The Applicant proposes to develop a six-story, residential building with approximately 71 residential units, 80% of which will be devoted to those earning up to 60% of the area median income (“AMI”). The project, originally approved for 65 units in 65,000 square feet of space, will have an increase in size to 68,263 square feet. The density will increase from 2.57 floor area ratio (“FAR”) to 2.85 FAR, the lot occupancy will increase from 43% to 47%, and the building height will increase from 60 feet to 65 feet. Automobile parking will be reduced from 33 to 26 parking spaces, while bicycle parking spaces will increase from 22 to 37 spaces.

This case was filed electronically through the Interactive Zoning Information System (“IZIS”), which can be accessed through <http://dcoz.dc.gov>. For additional information, please contact Sharon S. Schellin, Secretary to the Zoning Commission at (202) 727-6311.

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