



District of Columbia

REGISTER

HIGHLIGHTS

- D.C. Council enacts Act 20-514, Promoting Economic Growth and Job Creation through Technology Act of 2014
- D.C. Council enacts Act 20-516, Dignity for Homeless Families Amendment Act of 2014
- Office of the District of Columbia Auditor releases the Fiscal Year 2014 Advisory Neighborhood Commission Security Fund Annual Financial Report
- Department of Human Services adjusts payment levels for the TANF, General Assistance for Children, IDA, and POWER public benefit programs
- Office of Open Government establishes procedures for enforcing the Open Meetings Act
- Department of Housing and Community Development updates assistance levels for the Home Purchase Assistance Program
- Public Service Commission announces availability of Washington Gas Light Company's 2014 Annual Report on the Replacement and Encapsulation Program

DISTRICT OF COLUMBIA REGISTER

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ENROLLED ORIGINAL

AN ACT

D.C. ACT 20-514

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 22, 2014

To amend Chapter 18 of Title 47 of the District of Columbia Official Code to establish the tax rate for a capital gain from a sale or exchange of an investment in a Qualified High Technology Company that meets the specified requirements.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Promoting Economic Growth and Job Creation through Technology Act of 2014”.

Sec. 2. Chapter 18 of Title 47 of the District of Columbia Official Code is amended as follows:

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

“47-1817.07a. Tax on capital gain from the sale or exchange of a Qualified High Technology Company investment.”.

(b) A new section 47-1817.07a is added to read as follows:

“§ 47-1817.07a. Tax on capital gain from the sale or exchange of a Qualified High Technology Company investment.

“For tax years beginning after December 31, 2018, notwithstanding any other provision of this chapter and in lieu of the tax imposed by §§ 47-1806.03(a)(7)(A), 47-1807.02(a)(4), and 47-1808.03(a)(4), the tax on a capital gain from the sale or exchange of an investment in a Qualified High Technology Company, as defined in § 47-1817.01(5)(A), shall be at the rate of 3% if:

“(1) The investment was made after the effective date of the Promoting Economic Growth and Job Creation through Technology Act of 2014, passed on 2nd reading on December 2, 2014 (Enrolled version of Bill 20-945);

“(2) The investment was held by the investor for at least 24 continuous months;

“(3) At the time of the investment, the stock of the Qualified High Technology Company was not publicly traded; and

“(4) The investment is in common or preferred stock of the Qualified High Technology Company.”.

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Sec. 3. Applicability.

This act, to the extent it reduces revenues below the financial plan, shall apply as of January 1, 2019, or upon the implementation of the provisions in D.C. Official Code § 47-181(c)(17) in effect on the effective date of this act, whichever is later; provided, that the priority list in D.C. Official Code § 47-181(c) is maintained.

Sec. 4. Fiscal impact statement.

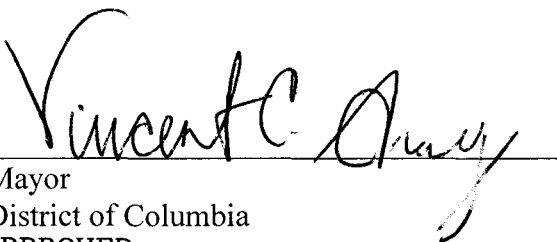
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
December 22, 2014

ENROLLED ORIGINAL

AN ACT

D.C. ACT 20-515

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 12, 2014

To amend An Act Providing for the removal of snow and ice from the paved sidewalks of the District of Columbia to establish fines to enforce snow removal requirements; to exempt seniors and persons with disabilities from receiving a fine, to require the Mayor to inform property owners in writing of the obligations and potential fines, and to require the Mayor to issue rules to implement the provisions of this act.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Winter Sidewalk Safety Amendment Act of 2014”.

Sec. 2. An Act Providing for the removal of snow and ice from the paved sidewalks of the District of Columbia, approved September 16, 1922 (42 Stat. 845; D.C. Official Code § 9-601 *et seq.*), is amended as follows:

(a) Section 1 (D.C. Official Code § 9-601) is amended to read as follows:

“Sec. 1. Removal from sidewalks by owner of abutting property.

“(a) The owner of a residential or commercial property that fronts or abuts a paved sidewalk shall, within the first 8 hours of daylight after the ceasing to fall of any snow or sleet, remove and clear away, or cause to be removed and cleared away, snow or sleet that is in front of or abuts a building or lot of land to provide a path that is the entire width of the sidewalk, up to 36 inches wide; provided, that a residential or commercial property owner may delegate this responsibility to a tenant, occupant, lessee, or other individual by written agreement.

“(b) If snow or sleet cannot be removed without causing injury to the paved sidewalk, then the owner of the residential or commercial property shall, within the first 8 hours of daylight after the ceasing to fall of any snow or sleet, make the sidewalk reasonably safe for travel by covering the unremoved snow or sleet with a coating of sand, sawdust, or other proper substance as necessary to render the sidewalk safe for pedestrian travel.”.

(b) Section 4 (D.C. Official Code § 9-604) is repealed.

(c) Section 5 (D.C. Official Code § 9-605) is repealed.

(d) Section 6 (D.C. Official Code § 9-606) is amended to read as follows:

“Sec. 6. Failure of owner to remove – Fines.

“(a)(1) Upon finding of a violation of section 1, the Mayor may issue a notice of infraction to a residential or commercial property.

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“(2) A person authorized to issue a notice of infraction for a violation of section 1 shall not issue the notice to a residential property owner for a violation unless the violation continues to exist 24 hours after the snow or sleet has ceased to fall.

“(3) For a residential property, the fine for a violation of section 1 shall be no more than \$25.

“(4) For a commercial property, the fine for a violation of section 1 shall be \$150.

“(b) Notwithstanding a residential or commercial property owner’s delegation of the owner’s responsibility to comply with section 1, the owner shall remain liable for payment of a fine issued in accordance with this section; provided, that a property owner may seek reimbursement in the amount of the fine from a tenant, occupant, lessee, or other individual pursuant to the delegation of the owner’s responsibility in a written agreement.

“(c) No property owner shall be fined more than once per day per property for a violation of this act.

“(d)(1) A residential property owner who is 65 years of age or older or who has a disability shall not be found in violation of this act, and shall qualify for an exemption.

“(2) For the purposes of this subsection, a residential property owner shall qualify as having a disability if the owner has been determined to have a disability pursuant to a government assistance program or has evidence from a medical doctor that he or she is unable to, or should not, undertake the physical activity required to remove sleet or snow.

“(e) On or before December 1st of each year, the Mayor shall publicize through public media the obligation to remove sleet or snow pursuant to section 1 and the penalties that might be enforced for failure to comply.

“(f) Infractions of this act shall be adjudicated pursuant to the Litter Control Administrative Act of 1985, effective March 25, 1986 (D.C. Law 6-100; D.C. Official Code § 8-801 *et seq.*).”.

(d) A new section 8 is added to read as follows:

“Sec. 8. Rules.

“On or before July 1, 2015, the Mayor, pursuant to the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), shall issue rules to implement the provisions of this act. The rules shall include a process whereby a senior or resident with a disability may self-certify his or her exemption from an infraction. Through rulemaking, the Mayor may also modify the schedule of fines listed in section 6. The Mayor shall submit a proposed modification to the schedule of fines to the Council for a 30-day period of review, excluding Saturdays, Sundays, holidays, and days of Council recess. If the Council does not disapprove the modification by resolution within the 30-day period, the modification shall be deemed approved.”.

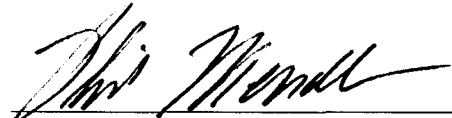
Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report and the fiscal impact statement of the Budget Director dated November 18, 2014, as the fiscal impact statements required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

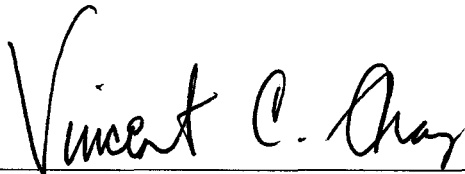
ENROLLED ORIGINAL

Sec. 4. Effective date.

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
December 12, 2014

ENROLLED ORIGINAL

AN ACT

D.C. ACT 20-516

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 13, 2014

To amend the Homeless Services Reform Act of 2005 to define the term “private room” and to clarify the rights of homeless families to access shelter services.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Dignity for Homeless Families Amendment Act of 2014”.

Sec. 2. The Homeless Services Reform Act of 2005, effective October 22, 2005 (D.C. Law 16-35; D.C. Official Code § 4-751.01 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 4-751.01) is amended by adding a new paragraph (28A) to read as follows:

“(28A) “Private room” means a part or division of a building that has:

“(A) Four non-portable walls that meet the ceiling and floor at the edges so as to be continuous and uninterrupted; provided, that the room may contain a window if the window is capable of shutting and comes with an opaque covering such as blinds or shades;

“(B) A door that locks from both the inside and outside as its main point of access;

“(C) Sufficient insulation from sound so that family members sheltered in the room may have a conversation at a normal conversational volume and not be heard from the exterior;

“(D) Lighting within the room that the occupants can turn on or off as desired; and

“(E) Access to on-site hot shower facilities.”.

(b) Subsection 7(d) (D.C. Official Code § 4-753.01(d)) is amended by adding a new paragraph (3) to read as follows:

“(3) This subsection shall be applicable to all forms of shelter provided to families.”.

(c) Section 9 (D.C. Official Code § 4-754.11) is amended as follows:

(1) The existing text is designated as subsection (a).

(2) The newly designated subsection (a) is amended by striking the phrase “Clients served within the Continuum of Care” and inserting the phrase “All clients served within the Continuum of Care” in its place.

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

“(b) Families placed in shelter shall have the right to:

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“(1) Be placed in apartment-style shelters or in shelters that are private rooms pursuant to section 7(d)(2);

“(2) Access to the assigned shelter unit 24 hours a day, 7 days a week;

“(3) Maintain their belongings in the assigned shelter unit; and

“(4) Continuous shelter each night without any requirement to reapply unless terminated, suspended, or transferred pursuant to sections 20 through 24.”.

(d) Section 28(a) (D.C. Official Code § 4-755.01(a) is amended by striking the phrase “as authorized by section 9(5)” and inserting the phrase “, which shall meet the requirements of this act” in its place.

Sec. 3. Applicability.

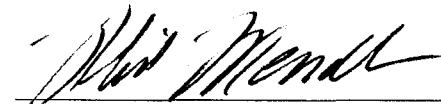
This act shall take apply upon the inclusion of its fiscal effect in an approved budget and financial plan, as certified by the Chief Financial Officer to the Budget Director of the Council in a certification published by the Council in the District of Columbia Register.

Sec. 4. Fiscal impact statement.

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

Sec. 5. Effective date.

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



Chairman

Council of the District of Columbia

UNSIGNED

Mayor

District of Columbia

December 12, 2014

ENROLLED ORIGINAL

AN ACT

D.C. ACT 20-517

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 18, 2014

To symbolically designate U Street, N.W., between 5th Street, N.W., and 6th Street, N.W., in Ward 1, as Lawrence Guyot Way.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Lawrence Guyot Way Designation Act of 2014".

Sec. 2. Pursuant to sections 401 and 403a of the Street and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Official Code §§ 9-204.01 and 9-204.03a) ("Act"), and notwithstanding the requirements of sections 407 and 408 (D.C. Official Code §§ 9-204.07 and 9-204.08) of the Act, the Council symbolically designates U Street, N.W., between 5th Street, N.W., and 6th Street, N.W., in Ward 1, as "Lawrence Guyot Way".

Sec. 3. Transmittal.

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

Sec. 4. Fiscal impact statement.

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

Sec. 5. Effective date.

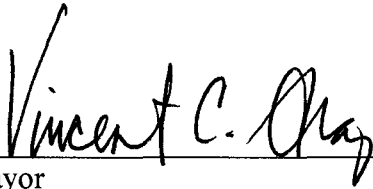
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

ENROLLED ORIGINAL

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
December 18, 2014

ENROLLED ORIGINAL

AN ACT

D.C. ACT 20-518

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 18, 2014

To symbolically designate the 1100 block of Chicago Street, S.E., between Martin Luther King, Jr., Avenue, S.E., and Railroad Avenue, S.E., in Ward 8, as Percy Battle Way.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Percy Battle Way Designation Act of 2014”.

Sec. 2. Pursuant to sections 401 and 403a of the Street and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Official Code §§ 9-204.01 and 9-204.03a) (“Act”), and notwithstanding the requirements of sections 407 and 408 (D.C. Official Code §§ 9-204.07 and 9-204.08), of the Act, the Council symbolically designates the 1100 block of Chicago Street, S.E., between Martin Luther King, Jr. Avenue, S.E., and Railroad Avenue, S.E., in Ward 8, as “Percy Battle Way”.

Sec. 3. Transmittal.

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

Sec. 4. Fiscal impact statement.

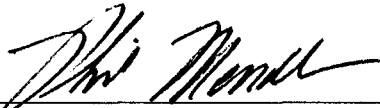
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code §1-206.02(c)(3)).

Sec. 5. Effective date.

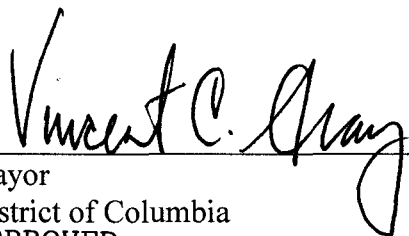
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

ENROLLED ORIGINAL

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
December 18, 2014

ENROLLED ORIGINAL

AN ACT

D.C. ACT 20-519

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 18, 2014

To enact the Uniform Certificate of Title for Vessels Act, to modernize and standardize the law concerning the titling of vessels, to provide clear procedures for security interests in vessels, to facilitate interstate transfers of vessels, and to protect consumers from buying unsafe boats; and to repeal the Uniform Commercial Code Bulk Sales provisions.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Uniform Certificate of Title for Vessels Act of 2014".

Sec. 2. Definitions.

(a) For the purposes of this act, the term:

(1) "Agreement" shall have the same meaning as provided in D.C. Official Code § 28:1-201(b)(3).

(2) "Barge" means a vessel that is not self-propelled or fitted for propulsion by sail, paddle, oar, or similar device.

(3) "Builder's certificate" means a certificate of the facts of build of a vessel described in 46 C.F.R. § 67.99.

(4) "Buyer" means a person that buys or contracts to buy a vessel.

(5) "Buyer in ordinary course of business" shall have the same meaning as provided in D.C. Official Code § 28:1-201(b)(9).

(6) "Cancel", with respect to a certificate of title, means to make the certificate of title ineffective.

(7) "Certificate of origin" means a record created by a manufacturer or importer as the manufacturer's or importer's proof of identity of a vessel. The term includes a manufacturer's certificate or statement of origin and an importer's certificate or statement of origin. The term does not include a builder's certificate.

(8) "Certificate of title" means a record, created by the Harbor Master pursuant to this act or by a governmental agency of another jurisdiction under the laws of that jurisdiction, that is designated as a certificate of title by the office or agency and is evidence of ownership of a vessel.

(9) "Conspicuous" shall have the same meaning as provided in D.C. Official Code § 28:1-201(b)(10).

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(10) "Consumer goods" shall have the same meaning as provided in D.C. Official Code § 28:9-102(a)(23).

(11) "Dealer" means a person, including a manufacturer, in the business of selling vessels.

(12) "Debtor" shall have the same meaning as provided in D.C. Official Code § 28:9-102(a)(28).

(13) "Documented vessel" means a vessel covered by a certificate of documentation issued pursuant to 46 U.S.C. § 12105. The term does not include a foreign-documented vessel.

(14) "Electronic" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

(15) "Electronic certificate of title" means a certificate of title consisting of information that is stored solely in an electronic medium and is retrievable in perceivable form.

(16) "Foreign-documented vessel" means a vessel the ownership of which is recorded in a registry maintained by a country other than the United States which identifies each person that has an ownership interest in a vessel and includes a unique alphanumeric designation for the vessel.

(17) "Good faith" means honesty in fact and the observance of reasonable commercial standards of fair dealing.

(18) "Harbor Master" means the official of the Metropolitan Police Department who commands the Harbor Unit or its successor, and his or her authorized representatives, including any police officer acting for the Harbor Master.

(19) "Hull damaged" means compromised with respect to the integrity of a vessel's hull by a collision, allision, lightning strike, fire, explosion, running aground, or similar occurrence, or the sinking of a vessel in a manner that creates a significant risk to the integrity of the vessel's hull.

(20) "Hull identification number" means the alphanumeric designation assigned to a vessel pursuant to 33 C.F.R. Part 181.

(21) "Knowledge" shall have the same meaning as provided in D.C. Official Code § 28:1-202.

(22) "Lease" shall have the same meaning as provided in D.C. Official Code § 28:2A-103(a)(10).

(23) "Lessor" shall have the same meaning as provided in D.C. Official Code § 28:2A-103(a)(16).

(24) "Lien creditor", with respect to a vessel, means:

(A) A creditor that has acquired a lien on the vessel by attachment, levy, or the like;

(B) An assignee for benefit of creditors from the time of assignment;

(C) A trustee in bankruptcy from the date of the filing of the petition; or

(D) A receiver in equity from the time of appointment.

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(25) "Notice" shall have the same meaning as provided in D.C. Official Code § 28:1-202.

(26) "Owner" means a person that has legal title to a vessel.

(27) "Owner of record" means the owner indicated in the files of the Harbor Master or, if the files indicate more than one owner, the one first indicated.

(28) "Person" means an individual, estate, business or nonprofit entity, public corporation, government or governmental subdivision, agency, or instrumentality, or any other legal entity.

(29) "Purchase" means to take by sale, lease, mortgage, pledge, consensual lien, security interest, gift, or any other voluntary transaction that creates an interest in a vessel.

(30) "Purchaser" means a person that takes by purchase.

(31) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(32) "Representative" shall have the same meaning as provided in D.C. Official Code § 28:1-201(b)(33).

(33) "Sale" shall have the same meaning as provided in D.C. Official Code § 28:2-106(1).

(34) "Secured party", with respect to a vessel, means a person:

(A) In whose favor a security interest is created or provided for under a security agreement whether or not any obligation to be secured is outstanding;

(B) That is a consignor under Article 9 of Subtitle I of Title 28 of the D.C. Official Code; or

(C) That holds a security interest arising under D.C. Official Code § 28:2-401, § 28:2-505, § 28:2-711(3), or § 28:2A-508(e).

(35) "Secured party of record" means the secured party whose name is indicated as the name of the secured party in the files of the Harbor Master or, if the files indicate more than one secured party, the one first indicated.

(36) "Security agreement" shall have the same meaning as provided in D.C. Official Code § 28:9-102(a)(74).

(37) "Security interest" means an interest in a vessel that secures payment or performance of an obligation if the interest is created by contract or arises under D.C. Official Code §§ 28:2-401, § 28:2-505, § 28:2-711(3), or § 28:2A-508(e). The term includes any interest of a consignor in a vessel in a transaction that is subject to Article 9 of Subtitle I of Title 28 of the D.C. Official Code. The term does not include the special property interest of a buyer of a vessel on identification of that vessel to a contract for sale under D.C. Official Code § 28:2-501, but a buyer also may acquire a security interest by complying with Article 9 of Subtitle I of Title 28 of the D.C. Official Code. Except as otherwise provided in D.C. Official Code § 28:2-505, the right of a seller or lessor of a vessel under Article 2 or 2A of Subtitle I of Title 28 of the D.C. Official Code to retain or acquire possession of the vessel is not a security interest, but a seller or lessor also may acquire a security interest by complying with Article 9 of Subtitle I of Title 28 of the D.C. Official Code. The retention or reservation of title by a seller of a vessel

ENROLLED ORIGINAL

notwithstanding shipment or delivery to the buyer under D.C. Official Code § 28:2-401 is limited in effect to a reservation of a security interest. Whether a transaction in the form of a lease creates a security interest is determined by D.C. Official Code § 28:1-203.

(38) "Seller" shall have the same meaning as provided in D.C. Official Code § 28:2-103(1)(d).

(39) "Send" shall have the same meaning as provided in D.C. Official Code § 28:1-201(b)(36).

(40) "Sign" means, with present intent to authenticate or adopt a record, to:

(A) Make or adopt a tangible symbol; or

(B) Attach to or logically associate with the record an electronic symbol, sound, or process.

(41) "State" means a state of the United States, the District, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

(42) "State of principal use" means the state on whose waters a vessel is or will be used, operated, navigated, or employed more than on the waters of any other state during a calendar year.

(43) "Title brand" means a designation of previous damage, use, or condition that must be indicated on a certificate of title.

(44) "Transfer of ownership" means a voluntary or involuntary conveyance of an interest in a vessel.

(45) "Value" shall have the same meaning as provided in D.C. Official Code § 28:1-204.

(46) "Vessel" means any watercraft used or capable of being used as a means of transportation on water, except:

(A) A seaplane;

(B) An amphibious vehicle for which a certificate of title is issued pursuant to Title IV of the District of Columbia Revenue Act of 1937, approved August 17, 1937 (50 Stat. 679; D.C. Official Code § 50-1501 *et seq.*), or a similar statute of another state;

(C) A stationary floating structure that:

(i) Does not have and is not designed to have a mode of propulsion of its own;

(ii) Is dependent for utilities upon a continuous utility hookup to a source originating on shore; and

(iii) Has a permanent, continuous hookup to a shoreside sewage system;

(D) Watercraft owned by the United States, a state, or a foreign government or a political subdivision of any of them; and

(E) Watercraft used solely as a lifeboat on another watercraft.

(47) "Vessel number" means the alphanumeric designation for a vessel issued pursuant to 46 U.S.C. § 12301.

ENROLLED ORIGINAL

(48) “Written certificate of title” means a certificate of title consisting of information inscribed on a tangible medium.

(b) The definitions in subsection (a) of this section do not apply to any state or federal law governing licensing, numbering, or registration if the same term is used in that law.

Sec. 3. Scope.

Except as otherwise provided in section 29, this act shall apply to any transaction, certificate of title, or record relating to a vessel, even if the transaction, certificate of title, or record was entered into or created before January 1, 2016.

Sec. 4. Supplemental principles of law and equity.

Unless displaced by a provision of this act, the principles of law and equity shall supplement the provisions of this act.

Sec. 5. Law governing vessel covered by certificate of title.

(a) The local law of the jurisdiction under whose certificate of title a vessel is covered governs all issues relating to the certificate of title from the time the vessel becomes covered by the certificate of title until the vessel becomes covered by another certificate of title or becomes a documented vessel, even if no other relationship exists between the jurisdiction and the vessel or its owner.

(b) A vessel becomes covered by a certificate of title when an application for the certificate of title and the applicable fee are delivered to the Harbor Master in accordance with this act or to the governmental agency that creates a certificate of title in another jurisdiction in accordance with the law of that jurisdiction.

Sec. 6. Certificate of title required.

(a) Except as otherwise provided in subsections (b) and (c) of this section, the owner of a vessel for which the District is the state of principal use shall deliver to the Harbor Master an application for a certificate of title for the vessel, with the applicable fee, not later than 20 days after the later of:

- (1) The date of a transfer of ownership; or
- (2) The date the District becomes the state of principal use.

(b) An application for a certificate of title is not required for:

- (1) A documented vessel;
- (2) A foreign-documented vessel;
- (3) A barge;
- (4) A vessel before delivery if the vessel is under construction or completed pursuant to contract; or
- (5) A vessel held by a dealer for sale or lease.

(c) The Harbor Master may not issue, transfer, or renew a certificate of number for a vessel issued pursuant to the requirements of 46 U.S.C. § 12301 unless the Harbor Master has

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created a certificate of title for the vessel, or an application for a certificate of title for the vessel and the applicable fee have been delivered to the Harbor Master.

Sec. 7. Application for certificate of title.

(a) Except as otherwise provided in sections 10, 15, 19, 20, 21, and 22, only an owner may apply for a certificate of title.

(b) An application for a certificate of title must be signed by the applicant and contain:

(1) The applicant's name, the street address of the applicant's principal residence, and, if different, the applicant's mailing address;

(2) The name and mailing address of each other owner of the vessel;

(3) The social security number or taxpayer identification number of each owner;

(4) The hull identification number for the vessel or, if none, an application for the issuance of a hull identification number for the vessel;

(5) The vessel number for the vessel or, if none issued by the Harbor Master, an application for a vessel number;

(6) A description of the vessel as required by the Harbor Master, which must include:

(A) The official number for the vessel, if any, assigned by the United States Coast Guard;

(B) The name of the manufacturer, builder, or maker;

(C) The model year or the year in which the manufacture or build of the vessel was completed;

(D) The overall length of the vessel;

(E) The vessel type;

(F) The hull material;

(G) The propulsion type;

(H) The engine drive type, if any; and

(I) The fuel type, if any;

(7) An indication of all security interests in the vessel known to the applicant and the name and mailing address of each secured party;

(8) A statement that the vessel is not a documented vessel or a foreign-documented vessel;

(9) Any title brand known to the applicant and, if known, the jurisdiction under whose law the title brand was created;

(10) If the applicant knows that the vessel is hull damaged, a statement that the vessel is hull damaged;

(11) If the application is made in connection with a transfer of ownership, the transferor's name, street address, and, if different from the street address, the mailing address, the sales price, if any, and the date of the transfer; and

ENROLLED ORIGINAL

(12) If the vessel previously was registered or titled in another jurisdiction, a statement identifying each jurisdiction known to the applicant in which the vessel was registered or titled.

(c) In addition to the information required by subsection (b) of this section, an application for a certificate of title may contain an electronic communication address of the owner, transferor, or secured party.

(d) Except as otherwise provided in section 19, 20, 21, or 22, an application for a certificate of title must be accompanied by:

(1) A certificate of title signed by the owner shown on the certificate of title that:

(A) Identifies the applicant as the owner of the vessel; or

(B) Is accompanied by a record that identifies the applicant as the owner;

or

(2) If there is no certificate of title:

(A) If the vessel was at one time a documented vessel, a record issued by the United States Coast Guard that shows the vessel is no longer a documented vessel and identifies the applicant as the owner;

(B) If the vessel was at one time a foreign-documented vessel, a record issued by the foreign country that shows the vessel is no longer a foreign-documented vessel and identifies the applicant as the owner; or

(C) In all other cases, a certificate of origin, bill of sale, or other record that, to the satisfaction of the Harbor Master, identifies the applicant as the owner.

(e) A record submitted in connection with an application is part of the application. The Harbor Master shall maintain the record in its files.

(f) The Harbor Master may require that an application for a certificate of title be accompanied by payment or evidence of payment of all fees and taxes payable by the applicant under law of the District other than this act in connection with the application or the acquisition or use of the vessel.

Sec. 8. Creation and cancellation of certificate of title.

(a) Unless an application for a certificate of title is rejected under subsection (c) or (d) of this section, the Harbor Master shall create a certificate of title for the vessel in accordance with subsection (b) of this section not later than 20 days after delivery to it of an application that complies with section 7.

(b) If the Harbor Master creates electronic certificates of title, the Harbor Master shall create an electronic certificate of title unless the secured party of record or, if none, the owner of record, requests in the application that the Harbor Master create a written certificate of title.

(c) Except as otherwise provided in subsection (d) of this section, the Harbor Master may reject an application for a certificate of title only if:

(1) The application does not comply with section 7;

(2) The application does not contain documentation sufficient for the Harbor Master to determine whether the applicant is entitled to a certificate of title;

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(3) There is a reasonable basis for concluding that the application is fraudulent or issuance of a certificate of title would facilitate a fraudulent or illegal act; or

(4) The application does not comply with the law of the District other than this act.

(d) The Harbor Master shall reject an application for a certificate of title for a vessel that is a documented vessel or a foreign-documented vessel.

(e) The Harbor Master may cancel a certificate of title created by it only if the Harbor Master:

(1) Could have rejected the application for the certificate of title under subsection (c) of this section;

(2) Is required to cancel the certificate of title under another provision of this act; or

(3) Receives satisfactory evidence that the vessel is a documented vessel or a foreign-documented vessel.

Sec. 9. Content of certificate of title.

(a) A certificate of title must contain:

(1) The date the certificate of title was created;

(2) The name of the owner of record and, if not all owners are listed, an indication that there are additional owners indicated in the files of the Harbor Master;

(3) The mailing address of the owner of record;

(4) The hull identification number;

(5) The information listed in section 7(b)(6);

(6) Except as otherwise provided in section 15(b), the name and mailing address of the secured party of record, if any, and if not all secured parties are listed, an indication that there are other security interests indicated in the files of the Harbor Master; and

(7) All title brands indicated in the files of the Harbor Master covering the vessel, including brands indicated on a certificate of title created by a governmental agency of another jurisdiction and delivered to the Harbor Master.

(b) This act does not preclude the Harbor Master from noting on a certificate of title the name and mailing address of a secured party that is not a secured party of record.

(c) For each title brand indicated on a certificate of title, the certificate of title must identify the jurisdiction under whose law the title brand was created or the jurisdiction that created the certificate of title on which the title brand was indicated. If the meaning of a title brand is not easily ascertainable or cannot be accommodated on the certificate of title, the certificate of title may state: "Previously branded in (insert the jurisdiction under whose law the title brand was created or whose certificate of title previously indicated the title brand)."

(d) If the files of the Harbor Master indicate that a vessel previously was registered or titled in a foreign country, the Harbor Master shall indicate on the certificate of title that the vessel was registered or titled in that country.

ENROLLED ORIGINAL

(e) A written certificate of title must contain a form that all owners indicated on the certificate of title may sign to evidence consent to a transfer of an ownership interest to another person. The form must indicate that the making of a false statement is punishable by criminal penalties. The form must include a statement that the statements made are true and correct to the best of each owner's knowledge, information, and belief.

(f) A written certificate of title must contain a form for the owner of record to indicate, in connection with a transfer of an ownership interest, that the vessel is hull damaged.

(g) A written certificate of title must contain a form for a secured party to indicate release of its security interest.

Sec. 10. Title brand.

(a) Unless subsection (c) of this section applies, at or before the time the owner of record transfers an ownership interest in a hull-damaged vessel that is covered by a certificate of title created by the Harbor Master, if the damage occurred while that person was an owner of the vessel and the person has notice of the damage at the time of the transfer, the owner shall:

(1) Deliver to the Harbor Master an application for a new certificate of title that complies with section 7 and includes the title brand designation "Hull Damaged"; or

(2) Indicate on the certificate in the place designated for that purpose that the vessel is hull damaged and deliver the certificate to the transferee.

(b) Not later than 20 days after delivery to the Harbor Master of the application under subsection (a)(1) of this section or the certificate of title under subsection (a)(2) of this section, the Harbor Master shall create a new certificate that indicates that the vessel is branded "Hull Damaged".

(c) Before an insurer transfers an ownership interest in a hull-damaged vessel that is covered by a certificate of title created by the Harbor Master, the insurer shall deliver to the Harbor Master an application for a new certificate of title that complies with section 6 and includes the title brand designation "Hull Damaged". Not later than 20 days after delivery of the application to the Harbor Master, the Harbor Master shall create a new certificate of title that indicates that the vessel is branded "Hull Damaged".

(d) An owner of record that fails to comply with subsection (a) of this section, a person that solicits or colludes in a failure by an owner of record to comply with subsection (a) of this section, or an insurer that fails to comply with subsection (c) of this section shall be subject to a civil penalty of \$1,000.

Sec. 11. Maintenance of and access to files.

(a) For each record relating to a certificate of title submitted to the Harbor Master, the Harbor Master shall:

(1) Ascertain or assign the hull identification number for the vessel;

(2) Maintain the hull identification number and all the information submitted with the application pursuant to section 7(b) to which the record relates, including the date and time the record was delivered to the Harbor Master;

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(3) Maintain the files for public inspection subject to subsection (e) of this section; and

(4) Index the files of the Harbor Master as required by subsection (b) of this section.

(b) The Harbor Master shall maintain in its files the information contained in all certificates of title created pursuant to this act. The information in the files of the Harbor Master must be searchable by the hull identification number of the vessel, the vessel number, the name of the owner of record, and any other method used by the Harbor Master.

(c) The Harbor Master shall maintain in its files, for each vessel for which it has created a certificate of title, all title brands known to the Harbor Master, the name of each secured party known to the Harbor Master, the name of each person known to the Harbor Master to be claiming an ownership interest, and all stolen-property reports the Harbor Master has received.

(d) Upon request, for safety, security, or law-enforcement purposes, the Harbor Master shall provide to federal, state, or local government the information in its files relating to any vessel for which the Harbor Master has issued a certificate of title.

(e) Except as otherwise provided by the law of the District other than this act, the information required under section 9 is a public record. The information provided under section 7(b)(3) is not a public record.

Sec. 12. Action required on creation of certificate of title.

(a) On creation of a written certificate of title, the Harbor Master promptly shall send the certificate of title to the secured party of record or, if none, to the owner of record, at the address indicated for that person in the files of the Harbor Master. On creation of an electronic certificate of title, the Harbor Master promptly shall send a record evidencing the certificate of title to the owner of record and, if there is one, to the secured party of record, at the address indicated for that person in the files of the Harbor Master. The Harbor Master may send the record to the person's mailing address or, if indicated in the files of the Harbor Master, an electronic address.

(b) If the Harbor Master creates a written certificate of title, any electronic certificate of title for the vessel is canceled and replaced by the written certificate of title. The Harbor Master shall maintain in the files of the Harbor Master the date and time of cancellation.

(c) Before the Harbor Master creates an electronic certificate of title, any written certificate of title for the vessel must be surrendered to the Harbor Master. If the Harbor Master creates an electronic certificate of title, the Harbor Master shall destroy or otherwise cancel the written certificate of title for the vessel which has been surrendered to the Harbor Master and maintain in the files of the Harbor Master the date and time of destruction or other cancellation. If a written certificate of title being canceled is not destroyed, the Harbor Master shall indicate on the face of the certificate of title that it has been canceled.

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Sec. 13. Effect of certificate of title.

A certificate of title is prima facie evidence of the accuracy of the information in the record that constitutes the certificate of title.

Sec. 14. Effect of possession of certificate of title; judicial process.

Possession of a certificate of title does not by itself provide a right to obtain possession of a vessel. Garnishment, attachment, levy, replevin, or other judicial process against the certificate of title is not effective to determine possessory rights to the vessel. This act does not prohibit enforcement under law of the District other than this act of a security interest in, levy on, or foreclosure of a statutory or common-law lien on a vessel. Absence of an indication of a statutory or common-law lien on a certificate of title does not invalidate the lien.

Sec. 15. Perfection of security interest.

(a) Except as otherwise provided in this section or section 29, a security interest in a vessel may be perfected only by delivery to the Harbor Master of an application for a certificate of title that identifies the secured party and otherwise complies with section 7. The security interest is perfected on the later of delivery to the Harbor Master of the application and the applicable fee or attachment of the security interest under D.C. Official Code § 28:9-203.

(b) If the interest of a person named as owner, lessor, consignor, or bailor in an application for a certificate of title delivered to the Harbor Master is a security interest, the application sufficiently identifies the person as a secured party. Identification on the application for a certificate of title of a person as owner, lessor, consignor, or bailor is not by itself a factor in determining whether the person's interest is a security interest.

(c) If the Harbor Master has created a certificate of title for a vessel, a security interest in the vessel may be perfected by delivery to the Harbor Master of an application, on a form the Harbor Master may require, to have the security interest added to the certificate of title. The application must be signed by an owner of the vessel or by the secured party and must include:

- (1) The name of the owner of record;
- (2) The name and mailing address of the secured party;
- (3) The hull identification number for the vessel; and

(4) If the Harbor Master has created a written certificate of title for the vessel, the certificate of title.

(d) A security interest perfected under subsection (c) of this section is perfected on the later of delivery to the Harbor Master of the application and all applicable fees or attachment of the security interest under D.C. Official Code § 28:9-203.

(e) On delivery of an application that complies with subsection (c) of this section and payment of all applicable fees, the Harbor Master shall create a new certificate of title pursuant to section 8 and deliver the new certificate of title or a record evidencing an electronic certificate of title pursuant to section 12(a). The Harbor Master shall maintain in the files of the Harbor Master the date and time of delivery of the application to the Harbor Master.

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(f) If a secured party assigns a perfected security interest in a vessel, the receipt by the Harbor Master of a statement providing the name of the assignee as secured party shall not be required to continue the perfected status of the security interest against creditors of and transferees from the original debtor. A purchaser of a vessel subject to a security interest that obtains a release from the secured party indicated in the files of the Harbor Master or on the certificate of title takes free of the security interest and of the rights of a transferee unless the transfer is indicated in the files of the Harbor Master or on the certificate of title.

(g) This section shall not apply to a security interest:

(1) Created in a vessel by a person during any period in which the vessel is inventory held for sale or lease by the person or is leased by the person as lessor if the person is in the business of selling vessels;

(2) In a barge for which no application for a certificate of title has been delivered to the Harbor Master; or

(3) In a vessel before delivery if the vessel is under construction, or completed, pursuant to contract and for which no application for a certificate of title has been delivered to the Harbor Master.

(h) This subsection applies if a certificate of documentation for a documented vessel is deleted or canceled. If a security interest in the vessel was valid immediately before deletion or cancellation against a third party as a result of compliance with 46 U.S.C. § 31321, the security interest is and remains perfected until the earlier of 4 months after cancellation of the certificate of documentation or the time the security interest becomes perfected under this act.

(i) A security interest in a vessel arising under D.C. Official Code § 28:2-401, § 28:2-505, § 28:2-711(3), or § 28:2A-508(e) is perfected when it attaches but becomes unperfected when the debtor obtains possession of the vessel, unless before the debtor obtains possession the security interest is perfected pursuant to subsection (a) or (c) of this section.

(j) A security interest in a vessel as proceeds of other collateral is perfected to the extent provided in D.C. Official Code § 28:9-315.

(k) A security interest in a vessel perfected under the law of another jurisdiction is perfected to the extent provided in D.C. Official Code § 28:9-316(d).

Sec. 16. Termination statement.

(a) A secured party indicated in the files of the Harbor Master as having a security interest in a vessel shall deliver a termination statement to the Harbor Master and, on the debtor's request, to the debtor, by the earlier of:

(1) Twenty days after the secured party receives a signed demand from an owner for a termination statement and there is no obligation secured by the vessel subject to the security interest and no commitment to make an advance, incur an obligation, or otherwise give value secured by the vessel; or

(2) If the vessel is consumer goods, 30 days after there is no obligation secured by the vessel and no commitment to make an advance, incur an obligation, or otherwise give value secured by the vessel.

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(b) If a written certificate of title has been created and delivered to a secured party and a termination statement is required under subsection (a) of this section, the secured party, not later than the date required by subsection (a) of this section, shall deliver the certificate of title to the debtor or to the Harbor Master with the statement. If the certificate of title is lost, stolen, mutilated, destroyed, or is otherwise unavailable or illegible, the secured party shall deliver with the statement, not later than the date required by subsection (a) of this section, an application for a replacement certificate of title meeting the requirements of section 22.

(c) On delivery to the Harbor Master of a termination statement authorized by the secured party, the security interest to which the statement relates shall cease to be perfected. If the security interest to which the statement relates was indicated on the certificate of title, the Harbor Master shall create a new certificate of title and deliver the new certificate of title or a record evidencing an electronic certificate of title. The Harbor Master shall maintain in its files the date and time of delivery to the Harbor Master of the statement.

(d) A secured party that fails to comply with this section is liable for any loss that the secured party had reason to know might result from its failure to comply and that could not reasonably have been prevented and for the cost of an application for a certificate of title under section 7 or 22.

Sec. 17. Transfer of ownership.

(a) On voluntary transfer of an ownership interest in a vessel covered by a certificate of title, the following shall apply:

(1) If the certificate of title is a written certificate of title and the transferor's interest is noted on the certificate of title, the transferor promptly shall sign the certificate of title and deliver it to the transferee. If the transferor does not have possession of the certificate of title, the person in possession of the certificate of title shall have a duty to facilitate the transferor's compliance with this paragraph. A secured party shall not have a duty to facilitate the transferor's compliance with this paragraph if the proposed transfer is prohibited by the security agreement.

(2) If the certificate of title is an electronic certificate of title, the transferor promptly shall sign and deliver to the transferee a record evidencing the transfer of ownership to the transferee.

(3) The transferee has a right enforceable by specific performance to require the transferor comply with paragraph (1) or (2) of this subsection.

(b) The creation of a certificate of title identifying the transferee as owner of record satisfies the requirements of subsection (a) of this section.

(c) A failure to comply with subsection (a) of this section or to apply for a new certificate of title shall not render a transfer of ownership of a vessel ineffective between the parties. Except as otherwise provided in sections 18, 19, 23(a), or 24, a transfer of ownership without compliance with subsection (a) of this section is not effective against another person claiming an interest in the vessel.

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(d) A transferor that complies with subsection (a) of this section is not liable as owner of the vessel for an event occurring after the transfer, regardless of whether the transferee applies for a new certificate of title.

Sec. 18. Effect of missing or incorrect information.

Except as otherwise provided in D.C. Official Code § 28:9-337, a certificate of title or other record required or authorized by this act is effective even if it contains incorrect information or does not contain required information.

Sec. 19. Transfer of ownership by secured party's transfer statement.

(a) In For the purposes of this section, "secured party's transfer statement" means a record signed by the secured party of record stating:

- (1) That there has been a default on an obligation secured by the vessel;
- (2) The secured party of record is exercising or has exercised post-default remedies with respect to the vessel;
- (3) By reason of the exercise, the secured party of record has the right to transfer the ownership interest of an owner, and the name of the owner;
- (4) The name and last-known mailing address of the owner of record and the secured party of record;
- (5) The name of the transferee;
- (6) Other information required by section 7(b); and
- (7) One of the following:
 - (A) The certificate of title is an electronic certificate of title;
 - (B) The secured party does not have possession of the written certificate of title created in the name of the owner of record; or
 - (C) The secured party is delivering the written certificate of title to the Harbor Master with the secured party's transfer statement.

(b) Unless the Harbor Master rejects a secured party's transfer statement for a reason stated in section 8(c), not later than 20 days after delivery to the Harbor Master of the statement and payment of fees and taxes payable under the law of the District other than this act in connection with the statement or the acquisition or use of the vessel, the Harbor Master shall:

- (1) Accept the statement;
- (2) Amend the files of the Harbor Master to reflect the transfer; and
- (3) If the name of the owner whose ownership interest is being transferred is indicated on the certificate of title:
 - (A) Cancel the certificate of title even if the certificate of title has not been delivered to the Harbor Master;
 - (B) Create a new certificate of title indicating the transferee as owner; and
 - (C) Deliver the new certificate of title or a record evidencing an electronic certificate of title.

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(c) An application under subsection (a) of this section or the creation of a certificate of title under subsection (b) of this section is not by itself a disposition of the vessel and does not by itself relieve the secured party of its duties under Article 9 of Subtitle I of Title 28 of the D.C. Official Code.

Sec. 20. Transfer by operation of law.

(a) For the purpose of this section:

(1) "By operation of law" means pursuant to a law or judicial order affecting ownership of a vessel:

(A) Because of death, divorce or other family law proceeding, merger, consolidation, dissolution, or bankruptcy;

(B) Through the exercise of the rights of a lien creditor or a person having a lien created by statute or rule of law; or

(C) Through other legal process.

(2) "Transfer-by-law statement" means a record signed by a transferee stating that by operation of law the transferee has acquired or has the right to acquire an ownership interest in a vessel.

(b) A transfer-by-law statement must contain:

(1) The name and last known mailing address of the owner of record and the transferee and the other information required by section 7(b);

(2) Documentation sufficient to establish the transferee's ownership interest or right to acquire the ownership interest;

(3) A statement that:

(A) The certificate of title is an electronic certificate of title;

(B) The transferee does not have possession of the written certificate of title created in the name of the owner of record; or

(C) The transferee is delivering the written certificate of title to the Harbor Master with the transfer-by-law statement; and

(4) Except for a transfer described in subsection (a)(1)(A) of this section, evidence that notification of the transfer and the intent to file the transfer-by-law statement has been sent to all persons indicated in the files of the Harbor Master as having an interest, including a security interest, in the vessel.

(c) Unless the Harbor Master rejects a transfer-by-law statement for a reason stated in section 8(c) or because the statement does not include documentation satisfactory to the Harbor Master as to the transferee's ownership interest or right to acquire the ownership interest, not later than 20 days after delivery to the Harbor Master of the statement and payment of fees and taxes payable under the law of the District other than this act in connection with the statement or with the acquisition or use of the vessel, the Harbor Master shall:

(1) Accept the statement;

(2) Amend the files of the Harbor Master to reflect the transfer; and

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(3) If the name of the owner whose ownership interest is being transferred is indicated on the certificate of title:

(A) Cancel the certificate of title even if the certificate of title has not been delivered to the Harbor Master;

(B) Create a new certificate of title indicating the transferee as owner;

(C) Indicate on the new certificate of title any security interest indicated on the canceled certificate of title, unless a court order provides otherwise; and

(D) Deliver the new certificate of title or a record evidencing an electronic certificate of title.

(d) This section shall not apply to a transfer of an interest in a vessel by a secured party under part 6 of Article 9 of Subtitle I of Title 28 of the D.C. Official Code.

Sec. 21. Application for transfer of ownership or termination of security interest without certificate of title.

(a) Except as otherwise provided in section 19 or 20, if the Harbor Master receives, unaccompanied by a signed certificate of title, an application for a new certificate of title that includes an indication of a transfer of ownership or a termination statement, the Harbor Master may create a new certificate of title under this section only if:

(1) All other requirements under sections 7 and 8 are met;

(2) The applicant provides an affidavit stating facts showing the applicant is entitled to a transfer of ownership or termination statement;

(3) The applicant provides the Harbor Master with satisfactory evidence that notification of the application has been sent to the owner of record and all persons indicated in the files of the Harbor Master as having an interest, including a security interest, in the vessel, at least 45 days have passed since the notification was sent, and the Harbor Master has not received an objection from any of those persons; and

(4) The applicant submits any other information required by the Harbor Master as evidence of the applicant's ownership or right to terminate the security interest, and the Harbor Master has no credible information indicating theft, fraud, or an undisclosed or unsatisfied security interest, lien, or other claim to an interest in the vessel.

(b) The Harbor Master may indicate in a certificate of title created under subsection (a) of this section that the certificate of title was created without submission of a signed certificate of title or termination statement. Unless credible information indicating theft, fraud, or an undisclosed or unsatisfied security interest, lien, or other claim to an interest in the vessel is delivered to the Harbor Master not later than one year after creation of the certificate of title, on request in a form and manner required by the Harbor Master, the Harbor Master shall remove the indication from the certificate of title.

(c) Unless the Harbor Master determines that the value of a vessel is less than \$5,000, before the Harbor Master creates a certificate of title under subsection (a) of this section, the Harbor Master may require the applicant to post a bond or provide an equivalent source of indemnity or security. The bond, indemnity, or other security may not exceed twice the value of

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the vessel as determined by the Harbor Master. The bond, indemnity, or other security must be in a form required by the Harbor Master and provide for indemnification of any owner, purchaser, or other claimant for any expense, loss, delay, or damage, including reasonable attorney's fees and costs, but not including incidental or consequential damages, resulting from creation or amendment of the certificate of title.

(d) Unless the Harbor Master receives a claim for indemnity not later than one year after creation of a certificate of title under subsection (a) of this section, on request in a form and manner required by the Harbor Master, the Harbor Master shall release any bond, indemnity, or other security.

Sec. 22. Replacement certificate of title.

(a) If a written certificate of title is lost, stolen, mutilated, destroyed, or otherwise becomes unavailable or illegible, the secured party of record or, if no secured party is indicated in the files of the Harbor Master, the owner of record may apply for and, by furnishing information satisfactory to the Harbor Master, obtain a replacement certificate of title in the name of the owner of record.

(b) An applicant for a replacement certificate of title must sign the application, and, except as otherwise permitted by the Harbor Master, the application must comply with section 7. The application must include the existing certificate of title unless the certificate of title is lost, stolen, mutilated, destroyed, or otherwise unavailable.

(c) A replacement certificate of title created by the Harbor Master must comply with section 9 and indicate on the face of the certificate of title that it is a replacement certificate of title.

(d) If a person receiving a replacement certificate of title subsequently obtains possession of the original written certificate of title, the person promptly shall destroy the original certificate of title.

Sec. 23. Rights of purchaser other than secured party.

(a) A buyer in ordinary course of business has the protections afforded by D.C. Official Code §§ 28:2-403(2) and 28:9-320(a) even if an existing certificate of title was not signed and delivered to the buyer or a new certificate of title listing the buyer as owner of record was not created.

(b) Except as otherwise provided in sections 17 and 24, the rights of a purchaser of a vessel that is not a buyer in ordinary course of business or a lien creditor are governed by Subtitle I of Title 28 of the D.C. Official Code.

Sec. 24. Rights of secured party.

(a) Subject to subsection (b) of this section, the effect of perfection and nonperfection of a security interest and the priority of a perfected or unperfected security interest with respect to the rights of a purchaser or creditor, including a lien creditor, is governed by Subtitle I of Title 28 of the D.C. Official Code.

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(b) If, while a security interest in a vessel is perfected by any method under this act, the Harbor Master creates a certificate of title that does not indicate that the vessel is subject to the security interest or contain a statement that it may be subject to security interests not indicated on the certificate of title:

(1) A buyer of the vessel, other than a person in the business of selling or leasing vessels of that kind, takes free of the security interest if the buyer, acting in good faith and without knowledge of the security interest, gives value and receives possession of the vessel; and

(2) The security interest is subordinate to a conflicting security interest in the vessel that is perfected under section 15 after creation of the certificate of title and without the conflicting secured party's knowledge of the security interest.

Sec. 25. Duties of Harbor Master.

(a) The Harbor Master shall retain the evidence used to establish the accuracy of the information in its files relating to the current ownership of a vessel and the information on the certificate of title.

(b) The Harbor Master shall retain in its files all information regarding a security interest in a vessel for at least 10 years after the Harbor Master receives a termination statement regarding the security interest. The information shall be accessible by the hull identification number for the vessel and any other methods provided by the Harbor Master.

(c) If a person submits a record to the Harbor Master, or submits information that is accepted by the Harbor Master, and requests an acknowledgment of the filing or submission, the Harbor Master shall send to the person an acknowledgment showing the hull identification number of the vessel to which the record or submission relates, the information in the filed record or submission, and the date and time the record was received or the submission accepted. A request under this section shall contain the hull identification number and be delivered by means authorized by the Harbor Master.

(d) The Harbor Master shall send or otherwise make available in a record the following information to any person that requests it and pays the applicable fee:

(1) Whether the files of the Harbor Master indicate, as of a date and time specified by the Harbor Master, but not a date earlier than 3 days before the Harbor Master received the request, any certificate of title, security interest, termination statement, or title brand that relates to a vessel:

(A) Identified by a hull identification number designated in the request;

(B) Identified by a vessel number designated in the request; or

(C) Owned by a person designated in the request;

(2) With respect to the vessel:

(A) The name and address of any owner as indicated in the files of the Harbor Master or on the certificate of title;

(B) The name and address of any secured party as indicated in the files of the Harbor Master or on the certificate of title, and the effective date of the information; and

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(C) A copy of any termination statement indicated in the files of the Harbor Master and the effective date of the termination statement; and

(3) With respect to the vessel, a copy of any certificate of origin, secured party transfer statement, transfer-by-law statement under section 20, and other evidence of previous or current transfers of ownership.

(e) In responding to a request under this section, the Harbor Master may provide the requested information in any medium. On request, the Harbor Master shall send the requested information in a record that bears the seal of the Harbor Master and is attested to by an appropriate official.

Sec. 26. Rules.

(a) The Mayor may promulgate rules to carry out the provisions of this act pursuant to the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1203; D.C. Official Code § 2-501 *et seq.*), and to set fees, taxes, and other charges with respect to the titling, registration, and numbering of vessels, and otherwise to amend the Harbor Regulations (Article 29 of the Police Regulations of the District of Columbia, effective April 26, 1940, as amended; 19 DCMR Chapter 10).

(b) The Mayor may promulgate the rules to take effect on or after January 1, 2016.

Sec. 27. Uniformity of application and construction.

In applying and construing this uniform act, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

Sec. 28. Relation to Electronic Signatures in Global and National Commerce Act.

This act modifies, limits, and supersedes the federal Electronic Signatures in Global and National Commerce Act, approved June 30, 2000 (114 Stat. 464; 15 U.S.C. § 7001, *et seq.*), but does not modify, limit, or supersede section 101(c) of that act, 15 U.S.C. § 7001(c), or authorize electronic delivery of any of the notices described in section 103(b) of that act, 15 U.S.C. § 7003(b).

Sec. 29. Savings clause.

(a) The rights, duties, and interests flowing from a transaction, certificate of title, or record relating to a vessel that was validly entered into or created before January 1, 2016, and would be subject to this act if it had been entered into or created on or after January 1, 2016, remain valid on and after January 1, 2016.

(b) This act does not affect an action or proceeding commenced before January 1, 2016.

(c) Except as otherwise provided in subsection (d) of this section, a security interest that is enforceable immediately before January 1, 2016, and would have priority over the rights of a person that becomes a lien creditor at that time is a perfected security interest under this act.

(d) A security interest perfected immediately before January 1, 2016, remains perfected until the earlier of:

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(1) The time perfection would have ceased under the law under which the security interest was perfected; or

(2) Three years after January 1, 2016.

(e) This act shall not affect the priority of a security interest in a vessel if immediately before January 1, 2016, the security interest is enforceable and perfected, and that priority is established.

Sec. 30. Conforming amendments.

(a) Section 895 of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1335; D.C. Official Code § 22-4401), is repealed.

(b) Article 29 of the Police Regulations of the District of Columbia, effective April 26, 1940, as amended (19 DCMR Chapter 10) is amended as follows:

(1) Section 2 (19 DCMR § 1099) is amended by repealing subsections (g-1), (n-1), and (z).

(2) Sections 4-a to 4-m (19 DCMR §§ 1006-1018) are repealed.

(3) Section 4-p (19 DCMR § 1021) is amended to read as follows:

“Sec. 4-p. Penalty.

“(a) Any person willfully violating any of the provisions of sections 4-n or 4-o shall upon conviction be punished by a fine of not more than five hundred dollars (\$500) or be imprisoned for not more than one (1) year, or both.

“(b) Prosecutions for violations of sections 4-n and 4-o shall be by the Attorney General for the District of Columbia in the name of the District of Columbia.”.

Sec. 31. Repeal of the Bulk Sales provisions of the Uniform Commercial Code.

Article 6 of Subtitle I of Title 28 of the District of Columbia Official Code is repealed.

Sec. 32. Applicability.

This act shall apply as of January 1, 2016.

Sec. 33. Fiscal impact statement.

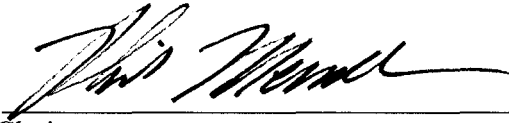
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3))

Sec. 34. Effective date.

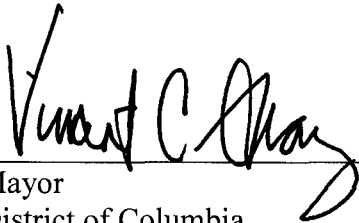
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
December 18, 2014

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AN ACT

D.C. ACT 20-520

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 18, 2014

To amend the Recreation Act of 1994 to clarify that the Department of Parks and Recreation's implementation of its nutritional requirements is not contingent upon the agency's promulgation of unrelated regulations concerning field and facility permitting.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Department of Parks and Recreation Fee-based Use Permit Authority Clarification Amendment Act of 2014".

Sec. 2. Section 7a(b)(2) of the Recreation Act of 1994, effective March 23, 1995 (D.C. Law 10-246; D.C. Official Code § 10-307(b)(2)), is amended by striking the phrase "section 3(b-1) and (d), section 3a, and section 3b" and inserting the phrase "section 3(b-1) and (d) and section 3a" in its place.

Sec. 3. Fiscal impact statement.

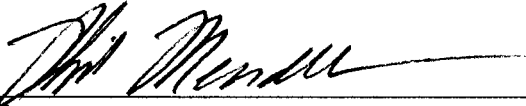
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

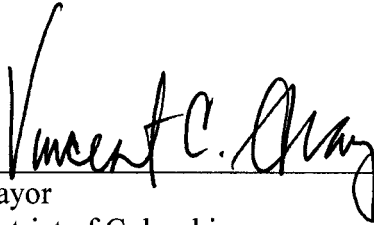
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as provided in 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973

ENROLLED ORIGINAL

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
December 18, 2014

ENROLLED ORIGINAL

AN ACT

D.C. ACT 20-521

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 18, 2014

To symbolically designate the T-shaped alley in Square 1272 exiting on to Volta Place, N.W., in Ward 2, as Cashell Alley.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Cashell Alley Designation Act of 2014”.

Sec. 2. Pursuant to sections 401 and 403a of the Street and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Official Code §§ 9-204.01 and 9-204.03a) (“Act”), and notwithstanding the requirements of sections 403, 407, and 408 (D.C. Official Code §§ 9-204.03, 9-204.07, and 9-204.08), of the Act, the Council symbolically designates the T-shaped alley in Square 1272 exiting onto Volta Place, N.W., in Ward 2, as “Cashell Alley”.

Sec. 3. Transmittal.

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

Sec. 4. Fiscal impact statement.

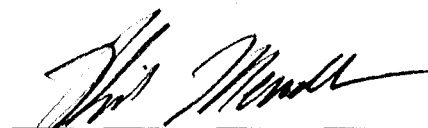
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code §1-206.02(c)(3)).

Sec. 5. Effective date.

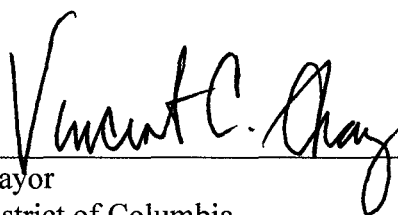
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

ENROLLED ORIGINAL

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
December 18, 2014

ENROLLED ORIGINAL

AN ACT

D.C. ACT 20-522

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 18, 2014

To amend, on a temporary basis, section 47-1812.08 of the District of Columbia Official Code to exclude the standard deduction from withholding calculations for an employer.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Standard Deduction Withholding Clarification Temporary Act of 2014".

Sec. 2. Section 47-1812.08(b) of the District of Columbia Official Code is amended by adding a new paragraph (1A) to read as follows:

"(1A) Notwithstanding which method of determination for withholding set forth in paragraph (1) of this subsection is used, no allowance for the standard deduction shall be permitted."

Sec. 3. Fiscal impact statement.

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

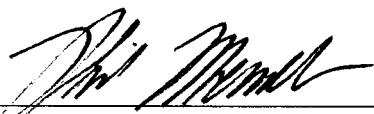
Sec. 4. Effective date.

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

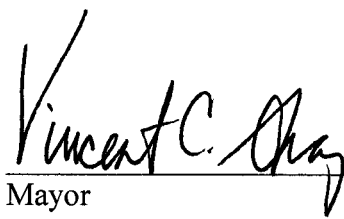
ENROLLED ORIGINAL

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

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
December 18, 2014

ENROLLED ORIGINAL

AN ACT

D.C. ACT 20-523

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 18, 2014

To amend, on an emergency basis, the District of Columbia Health Occupations Revision Act of 1985 to extend the transition period for persons currently meeting the requirements for licensure as trauma technologists in the District.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Trauma Technologists Licensure Emergency Amendment Act of 2014".

Sec. 2. Section 653 of the District of Columbia Health Occupations Revision Act of 1985, effective January 25, 2014 (D.C. Law 20-64; D.C. Official Code § 3-1206.53), is amended by striking the phrase "12 months" and inserting the phrase "24 months" in its place.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

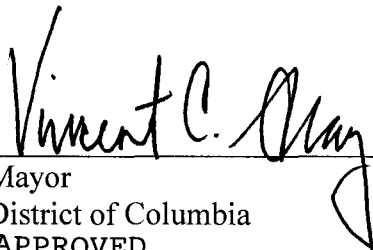
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than

ENROLLED ORIGINAL

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
December 18, 2014

ENROLLED ORIGINAL

AN ACT

D.C. ACT 20-524

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 18, 2014

To amend, on an emergency basis, the Omnibus Public Safety Agency Reform Amendment Act of 2004 to clarify when the period of time during which the Metropolitan Police Department may commence a disciplinary procedure against an employee begins to run and to add additional tolling provisions for criminal investigations occurring in any jurisdiction within the United States and investigations by the Office of the Inspector General and the Office of the District of Columbia Auditor; and to amend the District of Columbia Government Comprehensive Merit Personnel Act of 1978 and An Act Relating to the Metropolitan police of the District of Columbia to allow the Chief of Police to appoint to command ranks from among the Metropolitan Police Department's lieutenants.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Metropolitan Police Department Commencement of Discipline and Command Staff Appointment Emergency Amendment Act of 2014".

TITLE I – COMMENCEMENT OF DISCIPLINE

Sec. 101. Section 502 of the Omnibus Public Safety Agency Reform Amendment Act of 2004, effective September 30, 2004 (D.C. Law 15-194; D.C. Official Code § 5-1031), is amended as follows:

(a) Subsection (a) is amended by striking the phrase "or the Metropolitan Police Department" wherever it appears.

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

"(a-1)(1) Except as provided in subsection (b) of this section, no corrective or adverse action against any sworn member or civilian employee of the Metropolitan Police Department shall be commenced more than 90 days, not including Saturdays, Sundays, or legal holidays, after the date that the Metropolitan Police Department had notice of the act or occurrence allegedly constituting cause.

"(2) For the purposes of paragraph (1) of this subsection, the Metropolitan Police Department has notice of the act or occurrence allegedly constituting cause on the date that the Metropolitan Police Department generates an internal investigation system tracking number for the act or occurrence."

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

ENROLLED ORIGINAL

“(b) If the act or occurrence allegedly constituting cause is the subject of a criminal investigation by the Metropolitan Police Department or any law enforcement agency with jurisdiction within the United States, the Office of the United States Attorney for the District of Columbia, or the Office of the Attorney General, or is the subject of an investigation by the Office of the Inspector General, the Office of the District of Columbia Auditor, or the Office of Police Complaints, the 90-day period for commencing a corrective or adverse action under subsection (a) or (a-1) of this section shall be tolled until the conclusion of the investigation.”.

TITLE II – COMMAND STAFF APPOINTMENT

Sec. 201. The District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-601.01 *et seq.*), is amended as follows:

(a) Section 801(d-1) (D.C. Official Code § 1-608.01(d-1)) is amended by striking the phrase “the Assistant and Deputy Chiefs of Police and inspectors shall be selected from among the captains of the force and shall be returned to the rank of captain when the Mayor so determines” and inserting the phrase “the Assistant Chiefs of Police, Deputy Chiefs of Police, and inspectors shall be selected from among the lieutenants and captains of the force and shall be returned to the same civil service rank when the Mayor so determines” in its place.

(b) Section 3203(c) (D.C. Official Code § 1-632.03(c)) is amended by striking the phrase “the Assistant and Deputy Chiefs of Police and inspectors shall be selected from among the captains of the force and shall be returned to the rank of captain when the Mayor so determines” and inserting the phrase “the Assistant Chiefs of Police, Deputy Chiefs of Police, and inspectors shall be selected from among the lieutenants and captains of the force and shall be returned to the same civil service rank when the Mayor so determines” in its place.

Sec. 202. Section 1(a) of An Act Relating to the Metropolitan police of the District of Columbia, approved February 28, 1901 (31 Stat. 819; D.C. Official Code § 5-105.01(a)), is amended by striking the phrase “provided further, that the Assistant and Deputy Chiefs of Police and inspectors shall be selected from among the captains of the force and shall be returned to the rank of captain when the Mayor so determines” and inserting the phrase “provided further, that the Assistant Chiefs of Police, Deputy Chiefs of Police, and inspectors shall be selected from among the lieutenants and captains of the force and shall be returned to the same civil service rank when the Mayor so determines” in its place.

TITLE III – FISCAL IMPACT; EFFECTIVE DATE

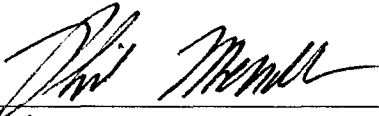
Sec. 301. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report for the Metropolitan Police Department Commencement of Discipline and Command Staff Appointment Amendment Act of 2014, passed on 2nd reading on November 18, 2014 (Enrolled version of Bill 20-810), 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)).

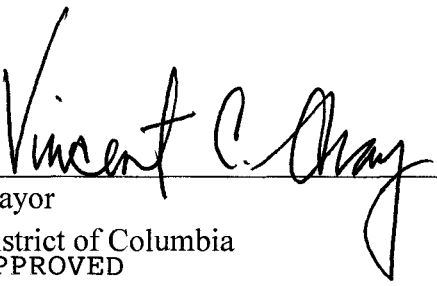
ENROLLED ORIGINAL

Sec. 302. Effective date.

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
December 18, 2014

ENROLLED ORIGINAL

AN ACT

D.C. ACT 20-525

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 18, 2014

To prohibit, on an emergency basis, employers from testing potential employees for marijuana use during the hiring process, unless otherwise required by law.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Prohibition of Pre-Employment Marijuana Testing Emergency Act of 2014".

Sec. 2. (a) An employer may only test a prospective employee for marijuana use after a conditional offer of employment has been extended, unless otherwise required by law.

(b) Nothing in this act shall be construed to:

- (1) Affect employee compliance with employer workplace drug policies;
- (2) Require an employer to permit or accommodate the use, consumption, possession, transfer, display, transportation, sale, or growing of marijuana in the workplace or at any time during employment;
- (3) Interfere with federal employment contracts; or
- (4) Prevent the employer from denying a position based on a positive test for marijuana.

(c) For the purposes of this section, the term:

(1) "Employer" shall have the same meaning as provided in section 2(6) of the District of Columbia Occupational Safety and Health Act of 1988, effective March 16, 1989 (D.C. Law 7-186; D.C. Official Code § 32-1101(6)).

(2) "Prospective employee" means any individual applying for employment with an employer.

Sec. 3. Reporting.

Within 6 months after the effective date of this act, the Mayor shall:

- (1) Establish a public information campaign aimed at educating the public on the impact of marijuana use and abuse;
- (2) Report to Council the type, frequency, provider, and school grade level of health education programs in public schools related to substance abuse, including programs designed to address alcohol, tobacco, and marijuana use; and

ENROLLED ORIGINAL


(3) Evaluate the effectiveness of the District government's treatment programs regarding the use and abuse of marijuana.

Sec. 4. Fiscal impact statement.

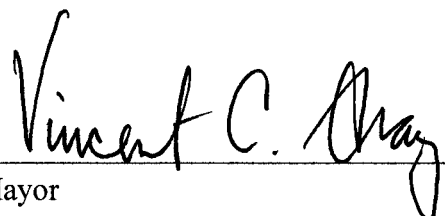
The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02 (c)(3)).

Sec. 5. Effective date.

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
December 18, 2014

ENROLLED ORIGINAL

AN ACT

D.C. ACT 20-526

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 18, 2014

To amend, on an emergency basis, section 47-4658 of the District of Columbia Official Code to clarify the real property tax abatement for Lot 808 in Square 5041 and Lot 811 in Square 5056.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Parkside Parcel E and J Mixed-Income Apartments Tax Abatement Emergency Amendment Act of 2014".

Sec. 2. Section 47-4658 of the District of Columbia Official Code is amended as follows:

(a) The heading is amended by striking the phrase "Parkside Parcel E and J Mixed-Income Apartments;".

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

"(a) Subject to subsection (b) of this section, the real property described as Lot 808 in Square 5041 and Lot 811 in Square 5056 shall be allowed an annual real property tax abatement equal to the amount of the real property taxes assessed and imposed by Chapter 8 of this title of up to a total maximum amount for each lot of \$300,000 per year for 10 property tax years commencing for Lot 808 and Lot 811 at the beginning of the first month following the date that specific lot is issued a final certificate of occupancy ("commencement date") and ending for each lot at the end of the 10th full real property tax year following the lot's commencement date."

(b) Subsections (c) and (d) are amended to read as follows:

"(c) Notwithstanding any other provision of law and provided that the final certificate of occupancy is issued on or before September 20, 2018, upon the issuance of a final certificate for Lot 808 or Lot 811, any fees or deposits charged to and paid by the owner of that specific lot for the development of Lot 808 or Lot 811, including private space or building permit fees or public space permit fees ("related fees"), shall be refunded and any prospective related fees forgiven.

"(d) The tax abatements and fees and deposits exemptions provided pursuant to this section shall be in addition to, and not in lieu of, any other tax relief or assistance from any other source applicable to the development of Lot 808 or Lot 811."

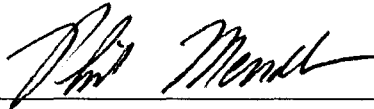
Sec. 3. Fiscal impact statement.

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

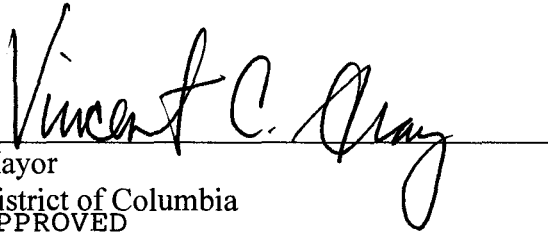
ENROLLED ORIGINAL

Sec. 4. Effective date.

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
December 18, 2014

ENROLLED ORIGINAL

AN ACT

D.C. ACT 20-527

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 18, 2014

To approve, on an emergency basis, Modification No. 4 to Contract No. CW24705 with Tri-Gas & Oil, Inc., to provide biodiesel fuel and to authorize payment for the services received and to be received under the contract.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Modification No. 4 to Contract No. CW24705 Approval and Payment Authorization Emergency Act of 2014".

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves Modification No. 4 to Contract No. CW24705 with Tri-Gas & Oil, Inc., to provide biodiesel fuel and authorizes payment in the estimated amount of \$2 million for services received and to be received under the contract.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

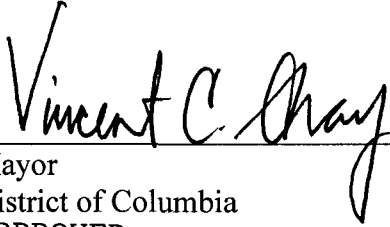
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in

ENROLLED ORIGINAL

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
December 19, 2014

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

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

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

COUNCIL OF THE DISTRICT OF COLUMBIA
LEGISLATION

PROPOSED

RESOLUTION

PR20-1195 Sense of the Council that Black Lives Matter Resolution of 2014

Intro. 12-16-14 by Councilmembers Alexander, Bonds, Bowser, Catania, Cheh, Graham, Evans, McDuffie, Grosso, Orange, and Wells, and Chairman Mendelson and Retained by the Council

COUNCIL OF THE DISTRICT OF COLUMBIA
CONSIDERATION OF TEMPORARY LEGISLATION

B20-1007, “Nuisance Abatement Notice Temporary Act of 2014”, **B20-1022**, “Not-For-Profit Hospital Corporation Certificate of Need Exemption Temporary Amendment Act of 2014”, **B20-1032**, “UDC Fundraising Extension Temporary Act of 2014”, **B20-1034**, “Classroom Animal for Educational Purposes Clarification Second Temporary Amendment Act of 2014”, **B20-1038**, “The Apprenticeship Modernization Temporary Amendment Act of 2014”, **B20-1044**, “Fiscal Year 2015 Revised Budget Request Adjustment Temporary Act of 2014”, **B20-1054**, “District of Columbia Lots 36, 41 and 802 in Square 3942 and Parcels 01430107 and 01430110 Eminent Domain Authorization Temporary Act of 2014”, **B20-1056**, “Market-based Sourcing Inter alia Clarification Temporary Act of 2014”, and **B20-1058**, “Ticket Sale Regulation Temporary Amendment Act of 2014” were adopted on first reading on December 17, 2014. These temporary measures were considered in accordance with Council Rule 413. A final reading on these measures will occur on January 6, 2015.

OFFICE OF THE DISTRICT OF COLUMBIA AUDITOR

**Advisory Neighborhood Commission Security Fund
Annual Financial Report for Fiscal Year 2014**

December 12, 2014

Audit Team:

Hussein Aden, Senior Financial Auditor

A Report by the Office of the District of Columbia Auditor
Lawrence Perry, Acting District of Columbia Auditor

Purpose

As required by law¹, the Office of the District of Columbia Auditor presents the Advisory Neighborhood Commission (ANC) Security Fund Annual Financial Report for Fiscal Year 2014.

Historical Background of the Fund

The Advisory Neighborhood Commission Security Fund (Fund) was established for the purpose of insuring Advisory Neighborhood Commissions against unauthorized expenditures or loss of funds². The Fund does not cover any loss as the result of an expenditure authorized by a vote of a Commission. The Fund is held in the custody of a Board of Trustees (Trustees) composed of the Secretary of the District of Columbia, the General Counsel to the Council of the District of Columbia, and the District of Columbia Auditor.

A Commission is eligible to participate in the Fund if the Treasurer and the Chairperson of the Commission agree, on a form provided by the Trustees, to be personally liable to the Fund for any sum paid out by the Fund as a result of the Treasurer or Chairperson's wrongful misappropriation or loss of Commission monies. An ANC becomes a participant of the Fund and is eligible to recover losses upon payment to the Fund of an annual contribution at the beginning of the fiscal year in an amount to be determined by the Trustees.

D.C. law requires the assets of the Fund to be held in an interest bearing account located in the District of Columbia³. In addition, the law requires that the Fund publish an annual report in the District of Columbia register no later than 90 days after the end of each fiscal year⁴.

ANC 5B lost approximately \$30,000 due to unauthorized expenditures made by their elected Chairman between August 2010 and April 2011. To recover the losses associated with the unauthorized expenditures, ANC 5B, a participant of the ANC Security Fund at the time, requested a reimbursement totaling \$15,467.67 from the ANC Security Fund Board of Trustees. On December 7, 2011, the Board approved the request and authorized the transfer of \$15,467.67 from the Fund to the ANC 5B (see Attachment I).

¹D.C. Code § 1-309.14(f) (2012).

²D.C. Code § 1-309.14(a) (2012).

³D.C. Code § 1-309.14(e) (2012).

⁴D.C. Code § 1-309.14(f) (2012).

In a related action, the former Chairman of ANC 5B has been ordered by the court to make payments to the Security Fund, to reimburse it for the \$15,467.67 distributed to ANC 5B. These payments are ongoing and totaled \$2,055.74 in FY 14 and \$3,000 in FY 15.

**Advisory Neighborhood Commission Security Fund
Commercial Savings Account Fund Activities & Balance
Fiscal Year 2014**

	FY 2014	FY 2013
Beginning Balance	\$58,509.59	\$69,957.29
Deposits	3,040.74	4,000.00
Interest	35.97	62.97
Withdrawal/ Adjustment	0.00	-15,510.675
 Total Fund Balance	 <u>\$61,586.30</u>	 <u>\$58,509.59</u>

On October 1, 2013, the beginning balance of the Advisory Neighborhood Commission Security Fund was \$58,509.59. Deposits of \$3,076.71⁶ and no disbursements during FY 2014 resulted in a Fund balance of \$61,586.30, as of September 30, 2014.

The Fund is insured by federal depository insurance up to \$250,000. To document the Fund's activity, at the end of each quarter and after receiving the quarterly bank statement, the Auditor reconciles and records all Fund activity and balances into the District of Columbia Financial System. Additionally, a quarterly and annual reconciliation/closing report of the Fund's activity and balance is submitted to the District of Columbia's Chief Financial Officer (see Attachment II).

To view attachments to this report, please visit:

<http://dcauditor.org/sites/default/files/DCA092015.pdf>

⁵ This amount includes the \$15,467.67 authorized by the ANC Security Fund Board of Trustees for transfer to ANC 5B to reimburse the ANC for money misappropriated by the former Chairman. Although the transfer was authorized in December 2011, the money was not actually transferred until February 2013.

⁶ The \$3,076.71 includes: \$85 ANC annual security fund participation fee (\$25 per ANC), \$35-97 earned interest, and \$2,055.74 court mandated settlement payments to the Fund.

COUNCIL OF THE DISTRICT OF COLUMBIA
Notice of Reprogramming Requests

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

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

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

Reprog. 20-288: Request to reprogram \$6,077,067 of Fiscal Year 2015 Local funds budget authority from the District of Columbia Public Charter Schools (DCPS) and the Department of General Services (DGS) to the Deputy Mayor for Planning and Economic Development (DMPED) was filed in the Office of the Secretary on December 16, 2014. This reprogramming ensures that DMPED will be able to support the financing cost of the DC United Soccer Stadium.

RECEIVED: 14 day review begins December 17, 2014

Reprog. 20-289: Request to reprogram \$32,626,849 of Capital funds budget authority and allotment from the Department of General Services (DGS), the Office on Aging (Aging), the Metropolitan Police Department (MPD), the Fire and Emergency Medical Services Department (FEMS), the Department of Corrections (DOC), the District of Columbia Public Schools (DCPS), the Public Charter School Board (PCSB), the Department of Parks and Recreation (DPR), the Department of Health (DOH), the Department of Youth Rehabilitation Services (DYES), the Office of the Chief Financial Officer (OCFO), the Office of Planning (OP), the Commission on the Arts and Humanities (CAH), the District of Columbia Public Library (DCPL), the Department of Consumer and Regulatory Affairs (DCRA), the Department of Public Works, (DPW), the Department of Transportation (DDOT), the Department of the Environment (DDOE), the Department of Health Care Finance (DHCF), the Department of Housing and Community Development (DHCD), the Deputy Mayor for Planning and Economic Development (DMPED), the Sentencing and Criminal Code Revision Commission (SCCRC),

the Department of Behavioral Health (DBH), the Office of the Chief Technology Officer (OCTO), and the Office of the Deputy Mayor for Education (DME) to the Department of General Services (DGS) was filed in the Office of the Secretary on December 16, 2014. This reprogramming is to support the costs of the District's new soccer stadium.

RECEIVED: 14 day review begins December 17, 2014

Reprog. 20-290:

Request to reprogram \$2,000,000 of Capital funds budget authority and allotment from the District Department of Transportation (DDOT) to the Reverse Pay-As-You-Go (Paygo) capital project and subsequently to the Local funds budget of the Office of the Deputy Mayor for Planning and Economic Development (DMPED) was filed in the Office of the Secretary on December 16, 2014. This reprogramming will support the operating costs of the DC United Soccer Stadium.

RECEIVED: 14 day review begins December 17, 2014

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: December 26, 2014
Petition Date: February 9, 2015
Hearing Date: February 23, 2015
Protest Date: May 6, 2015

License No.: ABRA-097189
Licensee: BIP Penn Ave., LLC
Trade Name: Black Iron Pizza
License Class: Retailer's Class "C" Restaurant
Address: 1299 Pennsylvania Ave., N.W.
Contact: Andrew Kline, Esq., 202-686-7600

WARD 2

ANC 2C

SMD 2C01

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 hearing date at 10:00 am, 4th Floor, 2000 14th Street, N.W., Washington, DC 20009. Petition and/or request to appear before the Board must be filed on or before the petition date. The Protest Hearing Date is scheduled for 1:30 pm on May 6, 2015.

NATURE OF OPERATION

Restaurant serving American food, specializing in pizza. Seating capacity of 42, sidewalk café with 20 seats and total occupancy load of 99. No entertainment, no dancing and no nude performances.

HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION INSIDE PREMISES AND IN SIDEWALK CAFE

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

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: December 26, 2014
Petition Date: February 9, 2015
Roll Call Hearing Date: February 23, 2015
Protest Hearing Date: May 6, 2015

License No.: ABRA-097501
Licensee: Small Fry, Inc.
Trade Name: Union Drinkery
License Class: Retailer's Class "C" Tavern
Address: 3216 Georgia Ave., N.W.
Contact: Michael Fonseca, 202-625-7700

WARD 1 ANC 1A SMD 1A09

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 Roll Call Hearing Date at 10:00 am, 2000 14th Street, N.W., 400 South, Washington, DC 20009. Petitions and/or requests to appear before the Board must be filed on or before the Petition Date. The Protest Hearing Date is scheduled on May 6, 2015 at 4:30pm.

NATURE OF OPERATION

New neighborhood restaurant/lounge offering light snacks and recorded music. No nude performances. Total Occupancy Load of 97 with seating for 86 inside the premises. Summer Garden with seating for 63.

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

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

DISTRICT OF COLUMBIA PUBLIC CHARTER SCHOOL BOARD**NOTIFICATION OF CHARTER AMENDMENT**

The District of Columbia Public Charter School Board (“PCSB”) hereby gives notice, dated Tuesday, December 23, 2014, of Sela Public Charter School’s intent to amend its grade levels. A public hearing on the matter will occur during PCSB’s regularly scheduled board meeting on Monday, January 26, 2015 at 6:30pm. Subsequently, a vote on the matter will be held on February 23, 2015 at 6:30pm.

For further information, please contact Ms. Laterica Quinn, Equity and Fidelity Specialist, at 202-328-2660. Please contact 202-328-2660 or email public.comment@dcpsb.org to submit public comment.

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS

NOTICE OF FINAL RULEMAKING

The Director of the Department of Consumer and Regulatory Affairs, pursuant to the authority set forth in the Second Omnibus Regulatory Reform Amendment Act of 1998, effective April 20, 1999 (D.C. Law 12-261; D.C. Official Code §§ 47-2853.10(a)(11) and (12) (2012 Repl.)), and Mayor's Order 2000-70, dated May 2, 2000, hereby gives notice of the intent to adopt, in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*, amendments to Chapter 23 (Real Estate Appraisers) of Title 17 (Business, Occupations, and Professions) of the District of Columbia Municipal Regulations (DCMR).

This rulemaking amends certain education requirements for licensure as an appraiser in the District, amends the eligibility standards for licensees seeking to serve as a supervising appraiser, place restrictions on continuing education credit, and establishes a new standard for distance learning.

This rulemaking is necessitated by a notification from the Appraisal Subcommittee (ASC) of the Federal Financial Institutions Examination Council that the District must update its real estate appraiser professional license regulations to reflect upcoming changes to industry standards, which take effect on January 1, 2015, pursuant to the Dodd-Frank Wall Street Reform and Consumer Protection Act (Pub. L. 111-203; H.R. 4173).

The ASC was established to provide oversight of the real estate appraisal process as it relates to federally-related real estate transactions and it oversees the appraiser regulatory programs established by the states, territories, and the District of Columbia. If the District's appraisal policies and practices were found to be inconsistent with Title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (FIRREA) (12 U.S.C. §§ 3331-3351), the District's real estate appraisal licensure program could be subject to de-recognition by the ASC. In such an event, the ASC and all agencies, instrumentalities, and federally-recognized entities under FIRREA would be barred from recognizing the District's appraiser certifications and licenses.

Notice of Proposed Rulemaking was published on October 31, 2014 at 61 DCR 11427. No comments were received and no substantive changes were made to rules. The Director adopted the rules as final on [date] and they will be effective upon publication of this notice in the *D.C. Register*.

Chapter 23, REAL ESTATE APPRAISERS, of Title 17 DCMR, BUSINESS, OCCUPATIONS, AND PROFESSIONS, is amended as follows:

Section 2302, PRELICENSURE EDUCATION REQUIREMENTS, is amended as follows:

Subsections 2302.2, 2302.3, and 2302.4 are amended to read as follows:

- 2302.2 Applicants for the Licensed Residential Real Property Appraiser classification shall have obtained the following education:
- (a) A two (2)-year associate's degree or higher, or not less than thirty (30) semester credit hours of college-level education, in any field of study, from an accredited college, junior college, community college, or university; and
 - (b) One hundred fifty (150) classroom hours of courses in subjects related to real estate appraisal as specified in § 2302.10; or
 - (c) A degree in Real Estate from an accredited college or university whose curriculum has been approved by the Appraisal Qualifications Board (AQB).
- 2302.3 Applicants for the Certified Residential Real Property Appraiser classification shall have obtained the following education:
- (a) A baccalaureate degree or higher, in any field of study, from an accredited college or university; and
 - (b) Two hundred (200) classroom hours in subjects related to real estate appraisal as specified in § 2302.10. The two hundred (200) classroom hours may include the one hundred fifty (150) classroom hour requirement for the Licensed Real Property Appraiser classification; or
 - (c) A degree in Real Estate from an accredited college or university whose curriculum has been approved by the AQB.
- 2302.4 Applicants for the Certified General Real Property Appraiser classification shall have obtained the following education:
- (a) A baccalaureate degree or higher, in any field of study, from an accredited college or university; and
 - (b) Three hundred (300) classroom hours of courses in subjects related to real estate appraisal as specified in § 2302.10. The three hundred (300) hours may include the one hundred fifty (150) classroom hours required for the Licensed Residential Appraiser classification or the two hundred (200) classroom hours required for the Certified Residential Real Property Appraiser Classification; or
 - (c) A degree in Real Estate from an accredited college or university whose curriculum has been approved by the AQB.

Section 2303, ACCREDITATION AND CERTIFICATION OF PRELICENSE EDUCATION PROGRAMS, is amended as follows:

Subsection 2303.8 is amended to read as follows:

- 2303.8 Distance learning courses may be acceptable for prelicensure or precertification credit if the course meets the following conditions:
 - (a) The course is presented by an accredited college or university, or an organization whose course delivery mechanism has been approved in accordance with AQB criteria;
 - (b) An individual successfully completes a written and proctored examination, which may include computer-based testing;
 - (c) The subject matter is appraisal related, and the course content substantially complies with the AQB’s guidelines for curriculum content; and
 - (d) The length of the course is a minimum of fifteen (15) classroom hours, which shall be equivalent to in-class continuous instruction and attendance formats.

Section 2307, ACCREDITATION AND CERTIFICATION OF PRELICENSE EDUCATION PROGRAMS, is amended as follows:

Subsection 2307.2 is amended to read as follows:

- 2307.2 A candidate shall complete the educational and experience requirements prior to sitting for the examination.

Section 2310, ACCREDITATION AND CERTIFICATION OF PRELICENSE EDUCATION PROGRAMS, is amended as follows:

Subsection 2310.3 is amended to read as follows:

- 2310.3 A licensee shall not receive additional credit for his or her completion of any continuing education course that is the same or substantially similar to a course for which he or she has previously received credit during the same license cycle.

Section 2323, APPRAISER TRAINEE, is amended to read as follows:

2323 APPRAISER TRAINEE

- 2323.1 The Board may issue an appraiser trainee license to an applicant who has completed prelicensure education as follows:

- (a) Seventy-five (75) classroom hours of instruction that shall include thirty (30) hours in basic appraisal principles, thirty (30) hours in basic appraisal procedures, and the fifteen (15) hour National USPAP course or its equivalent; and
- (b) A course of instruction, approved by the Board, which covers the requirements and responsibilities of supervisory appraisers and appraiser trainees.

2323.2 The Board shall approve prelicensure education that meets the following requirements:

- (a) The content of the curriculum offered in the courses, seminars, workshops, or conferences used by an applicant to meet the prelicensure education requirements shall follow the guidelines established by the AQB in the publication, "AQB Guide Note 1 (GN-1)."
- (b) A classroom hour is equal to fifty (50) minutes of each sixty (60) minute segment and includes time devoted to tests which are considered to be part of the course;
- (c) The minimum length of the educational offering is fifteen (15) hours and the individual successfully completes an examination pertinent to that educational offering;
- (d) All qualifying education shall have been obtained from, and certified by, one or more of the following:
 - (1) Colleges or universities;
 - (2) Community or junior colleges;
 - (3) Real estate appraisal or real estate related organizations;
 - (4) State or federal agencies or commissions;
 - (5) Proprietary schools; or
 - (6) Other providers approved by the Board or the Educational Licensure Commission; and
- (e) All qualifying education shall have been obtained within the five (5)-year period immediately preceding application for licensure.

2323.3 There are no examination or experience requirements for the appraiser trainee classification.

- 2323.4 Within four (4) years of the issuance of his or her license, the appraiser trainee shall pass one (1) of the following examinations approved by the Board:
- (a) The licensed residential real property appraiser examination;
 - (b) Certified residential real property appraiser examination; or
 - (c) Certified general real property appraiser examination.
- 2323.5 The appraiser trainee shall be subject to direct supervision by a supervising appraiser.
- 2323.6 To be eligible as a supervising appraiser, an individual must meet the following requirements:
- (a) The supervising appraiser shall be licensed as a Certified Residential Real Property Appraiser or a Certified General Real Property Appraiser in the District;
 - (b) The supervising appraiser shall have been licensed as a Certified Residential Real Property Appraiser or a Certified General Real Property Appraiser, in the District or another jurisdiction, for at least three (3) years;
 - (c) The supervising appraiser shall be in good standing, and shall not have been subject to any disciplinary action that impacted his or her ability to lawfully engage in appraisal practice, in the District or another jurisdiction, within the last three (3) years; and
 - (d) The supervising appraiser shall complete a course of instruction, approved by the Board in accordance with AQB guidelines, which covers the requirements and responsibilities of supervisory appraisers and appraiser trainees.
- 2323.7 The supervising appraiser shall be responsible for the training and supervision of the trainee by:
- (1) Accepting responsibility for appraisal reports prepared by the appraiser trainee by signing and certifying that the report complies with the USPAP;
 - (2) Reviewing the appraiser trainee reports; and
 - (3) Personally inspecting each appraised property with the appraiser trainee until the supervising appraiser determines that the appraiser trainee is competent in accordance with the competency provision of the USPAP for the property type.

- 2323.8 The appraiser trainee may have more than one (1) supervising appraiser, but a supervising appraiser may not have more than three (3) appraisal trainees.
- 2323.9 The appraiser trainee shall maintain a separate appraisal log for each supervising appraiser, and each log shall include at least the following information for each appraisal record:
- (a) Type of property;
 - (b) Date of report;
 - (c) Client name and address;
 - (d) Address of appraised property;
 - (e) Description of work performed, scope of review, and supervision of the supervising appraiser;
 - (f) Number of actual work hours; and
 - (g) Signature and license number of the supervising appraiser.
- 2323.10 The supervising appraiser and the appraiser trainee shall be jointly responsible for ensuring that the appraiser log is accurate, current, and in compliance with § 2323.9.
- 2323.11 An applicant for renewal of an appraiser trainee license shall submit proof of having completed all continuing education credits required pursuant to § 2310.2 of this chapter.
- 2323.12 The appraiser trainee shall be entitled to obtain copies of appraisal reports that he or she prepared.
- 2323.13 The supervising appraiser shall keep copies of appraisal reports for a period of at least five (5) years or at least two (2) years after the final disposition of any judicial proceedings in which testimony was given, whichever period expires last.

DEPARTMENT ON DISABILITY SERVICES

NOTICE OF FINAL RULEMAKING

The Director of the Department on Disability Services, pursuant to the authority set forth in Section 109 of the Department on Disability Services Establishment Act of 2006, effective March 14, 2007 (D.C. Law 16-264; D.C. Official Code § 7-761.09 (2012 Repl.)), and Mayor's Order 2007-68, dated March 20, 2007, hereby gives notice of the adoption of amendments to Chapter 1 (Vocational Rehabilitation Services) of Title 29 (Public Welfare) of the District of Columbia Municipal Regulations (DCMR).

This final rulemaking amends the financial sponsorship provisions of the post-secondary and education training regulations of DDS's Rehabilitation Services Administration (DDS/RSA) and is necessary for the following reasons: 1) to maximize the public funding available to DDS/RSA; 2) to facilitate and ensure that DDS/RSA uses its limited financial resources to serve the maximum number of eligible individuals, including those at non-local educational placements, who need post-secondary education or training to achieve sustainable, competitive employment; 3) to clarify DDS/RSA's preference for local educational services; 4) by encouraging local educational services, to improve outcomes for people receiving these service by providing for continuity of the local support network; 5) to clarify the amount DDS/RSA will fund for both local and non-local educational services; and 6) to broaden the definition of Washington D.C. Metropolitan Area.

A Notice of Emergency and Proposed Rulemaking was published in the *D.C. Register* on September 12, 2014, at 61 DCR 009395. DDS received four sets of comments from the public concerning the emergency and proposed rules during the thirty (30) day comment period, which expired on October 14, 2014, and received a fifth set of comments shortly after October 14, 2014. During the thirty (30) day comment period, DDS learned that submissions to the email address identified in the Notice of Emergency and Proposed Rulemaking were undeliverable. As a result, a Notice of Extension of Public Comment Period for the Emergency and Proposed Rulemaking was published in the *D.C. Register* on October 24, 2014, at 61 DCR 011250. DDS/RSA did not receive any public comments during the second thirty (30) day comment period, which expired on November 24, 2014. DDS considered all of the public comments it received and made minor clarifying or technical changes based on them.

The Director adopted these rules as final on December 8, 2014, and they shall become effective upon publication of this notice in the *D.C. Register*.

Section 122, POST-SECONDARY EDUCATION AND TRAINING, of Chapter 1, VOCATIONAL REHABILITATION SERVICES, of Title 29, PUBLIC WELFARE, of the DCMR is amended as follows:

Subsection 122.6 is amended to read as follows:

122.6

- (a) If either a public or private institution located in the Area offers an academic program necessary to achieve the consumer's vocational goal, but the consumer chooses to attend a post-secondary institution (whether public or private) that is located outside of the Area, the Rehabilitation Services Administration's support for tuition shall be based on:
 - (1) The tuition rate published by the University of the District of Columbia for the applicable number of credit hours and academic term; or
 - (2) The published tuition rate for the necessary training program that is available within the Area if the training program is not based on credit hours.
- (b) If there is no public or private institution located in the Area that offers an academic program necessary to achieve the consumer's vocational goal, the Rehabilitation Services Administration will pay the full tuition and fees, room and board, and related transportation costs for the out of state institution necessary to achieve the consumer's vocational goal, subject to all relevant provisions of this chapter.

Subsection 122.7 is amended to read as follows:

122.7

- (a) The individual shall be responsible for educational/training costs in excess of the payment rates and restrictions established in this chapter.
- (b) Daily transportation associated with educational/training costs shall be paid in accordance with the Rehabilitation Services Administration written policy, procedures and protocols.
- (c) Non-daily transportation associated with educational/training costs shall be paid by the Rehabilitation Services Administration if such costs are not covered through the financial needs test under § 124, or when an exceptional circumstance is established under § 122.9. Non-daily transportation will be paid using the most cost-effective means of travel subject to the following conditions:
 - (1) When an individual resides in on-campus housing, the Rehabilitation Services Administration will pay for non-daily transportation at the beginning and end of each academic term/semester, and otherwise when on-campus college/university housing is closed during the academic calendar year in which the individual is actively enrolled and engaged in a program of study; or

- (2) When an individual resides in off-campus housing, the Rehabilitation Services Administration will pay for non-daily transportation at the beginning and end of each academic term/semester in which the individual is actively enrolled and engaged in a program of study.

Subsection 122.9 is amended to read as follows:

122.9 The Rehabilitation Services Administration shall not fund on or off-campus room and board, except in exceptional circumstances. Exceptional circumstances shall be documented annually, comply with § 122.11, and be limited to the following:

- (a) Room and board are necessary to accommodate a client's disabilities, as documented annually by a professional with expertise in the area of the individual's disability, and the individual is actively engaged in an educational or training program; or
- (b) Room and board are necessary for the individual receiving services outside of the Washington, D.C. Metropolitan Area, as follows:
 - (1) If an individual is enrolled and actively engaged in a college/university or vocational certificate program of study and that same or similar program is not available at any post-secondary institution (whether public or private) within the Washington, D.C. Metropolitan Area; or
 - (2) If an individual is enrolled and actively engaged in a training program of one year or less in duration, and the same or similar training program is not available within the Washington, D.C. Metropolitan Area.

Section 199 is amended to include the definition for "Washington D.C. Metropolitan Area" to read as follows:

Washington D.C. Metropolitan Area – for purposes of receiving services under this Chapter, the Washington D.C. Metropolitan Area is defined as areas in the District of Columbia, Maryland and Virginia accessible by public transportation, including cities accessible by the Washington Metropolitan Area Transit Authority (Metro), Maryland Area Regional Commuter (MARC), and the Virginia Railway Express (VRE).

**DEPARTMENT OF HUMAN SERVICES
ECONOMIC SECURITY ADMINISTRATION**

NOTICE OF FINAL RULEMAKING

The Interim Director of the Department of Human Services (DHS), pursuant to the authority set forth in Section 552 of the District of Columbia Public Assistance Act of 1982, effective April 6, 1982 (D.C. Law 4-101; D.C. Official Code § 4-205.52 (2012 Repl.)), Mayor's Reorganization Plan No. 3 of 1986, and the authority set forth in Mayor's Order 97-53, dated March 19, 1997, hereby gives notice of the intent to take final rulemaking action adopting amendments to Chapters 72 (Standards of Assistance and Payment Levels in Public Assistance Programs) and 58 (Temporary Assistance of Needy Families) of Title 29 (Public Welfare) of the District of Columbia Municipal Regulations (DCMR).

The rules establish new payment levels for recipients of Temporary Assistance for Needy Families (TANF) benefits (D.C. Official Code § 4-205.52), General Assistance for Children (GAC) (D.C. Official Code § 4-205.05a), Interim Disability Assistance (IDA) (D.C. Official Code § 4-204.07), and Program on Work, Employment and Responsibility (POWER) (D.C. Official Code § 4-205.78), those who have received a TANF benefit for in excess of sixty (60) months (whether or not consecutive), and also amends 29 DCMR § 5814.5 to refer to the new payment levels enumerated in Chapter 72.

The purpose of the rule is to modify the District of Columbia's (District) public assistance payment levels for District of Columbia residents who have been participating in the TANF, GAC, IDA, and POWER public benefit programs. The rules increase payment levels by one and half percent (1.5%) in accordance with the published increase in the Consumer Price Index (CPI). The rules also decrease the payment level for customers who have received a TANF grant for greater than sixty (60) months (whether or not consecutive). The rates are based on a decrease of forty-one and seven tenth percent (41.7%) of the payment levels for TANF recipients from the previous payment level. In addition, the rules modify specific sections of 29 DCMR § 5814.5 to direct the application of the modified payment levels for TANF benefits, pursuant to Chapter 72.

DHS adopted these rules as Emergency Rules on September 30, 2014, and rules took effect on October 1, 2014. The Notice of Emergency and Proposed Rulemaking was published in the *D.C. Register* on November 7, 2014, at 61 DCR 11677. DHS did not receive any comments from the public concerning the proposed rules during the thirty (30)-day comment period, which expired on December 6, 2014. No changes have been made to the text of the rules since published as proposed.

The final rules were adopted on December 12, 2014, and shall supersede the emergency rules upon publication of this Notice of Final Rulemaking in the *D.C. Register*. These final rules will be effective upon publication of this notice in the *D.C. Register*.

Section 7200, STANDARDS OF ASSISTANCE AND PAYMENT LEVELS, of Chapter 72, STANDARDS OF ASSISTANCE AND PAYMENT LEVELS IN PUBLIC ASSISTANCE PROGRAMS, of Title 29 DCMR, PUBLIC WELFARE, is amended to read as follows:

7200 STANDARDS OF ASSISTANCE AND PAYMENT LEVELS

7200.1 For the purposes of payments under TANF (D.C. Official Code § 205.52), POWER (D.C. Official Code § 4-205.78), General Assistance for Children (D.C. Official Code § 4-205.05a) and Interim Disability Assistance (D.C. Official Code § 4-204.07), effective October 1, 2007, the District of Columbia's payments levels are adjusted as set forth in § 7200.2.

7200.2 Pursuant to D.C. Official Code § 4-205.52(d), the payment levels set forth in this subsection shall apply to public assistance payments made after October 1, 2014.

Family Size	Standards of Assistance	Payment Level
1	\$ 450	\$274
2	560	\$341
3	712	\$434
4	870	\$531
5	1,002	\$611
6	1,178	\$719
7	1,352	\$824
8	1,494	\$910
9	1,642	\$1,002
10	1,786	\$1,088
11	1,884	\$1,148
12	2,024	\$1,234
13	2,116	\$1,290
14	2,232	\$1,360
15	2,316	\$1,412
16	2,432	\$1,483
17	2,668	\$1,626
18	2,730	\$1,664
19	2,786	\$1,698

7200.3 Pursuant to Section 552 of the District of Columbia Public Assistance Act of 1982, effective April 6, 1982 (D.C. Law 4-101; D.C. Official Code § 4-205.52), a TANF recipient who has received TANF benefits for more than sixty (60) months, whether or not consecutive months, shall be eligible to receive no more than the payment levels as set forth in § 7200.4.

7200.4 Effective October 1, 2014, the payment levels set forth in this subsection shall

apply to recipients who have received TANF benefits for more than 60 months:

Family Size	Standards of Assistance	Payment Level
1	\$ 450	\$95
2	560	\$120
3	712	\$152
4	870	\$186
5	1,002	\$214
6	1,178	\$252
7	1,352	\$289
8	1,494	\$319
9	1,642	\$351
10	1,786	\$381
11	1,884	\$402
12	2,024	\$432
13	2,116	\$452
14	2,232	\$476
15	2,316	\$494
16	2,432	\$519
17	2,668	\$569
18	2,730	\$582
19	2,786	\$594

Section 5814, INCOME DISREGARDS, of Chapter 58, TEMPORARY ASSISTANCE FOR NEEDY FAMILIES, of Title 29 DCMR, PUBLIC WELFARE, is amended as follows:

Subsection 5814.5 is amended to read as follows:

5814.5 After application of these disregards in § 5814.4, the remaining income shall be compared to the Standard of Assistance for a family unit. The Standard of Assistance shall be defined as specified in the District of Columbia Public Assistance Act of 1982, as amended. If less than the Standard of Assistance, the income shall be compared to the payment standard. The payment standard shall be defined as specified in the District of Columbia Public Assistance Act of 1982, as amended. The payment levels set forth in Chapter 72 of Title 29 DCMR shall apply to payments made as of October 1, 2014.

**DISTRICT OF COLUMBIA
OFFICE OF OPEN GOVERNMENT**

NOTICE OF FINAL RULEMAKING

The Director of the Office of Open Government, pursuant to the authority set forth in § 503(a)(4) of the District of Columbia Administrative Procedure Act, effective March 31, 2011 (D.C. Law 18-350; D.C. Official Code § 2-593 (2012 Repl.)), hereby gives notice of adoption of the following new rules under Chapter 104 (Office of Open Government) of Title 3 (Elections and Ethics) of the District of Columbia Municipal Regulations (DCMR).

The rules create a new Chapter 104, entitled Office of Open Government, that establishes procedures for enforcing the Open Meetings Act (D.C. Law 18-350; D.C. Official Code §§ 2-571 *et seq.* (2012 Repl. & 2014 Supp.)).¹

A Notice of Proposed Rulemaking was published October 31, 2014 at 61 DCR 11483. One comment was received in connection with publication of the Proposed Rulemaking. One technical change was made to Subsection 10406.4, adding “reckless” to qualify conduct giving rise to legal action for violation of the Open Meetings Act (D.C. Law 18-350; D.C. Official Code §§ 2-571 *et seq.* (2012 Repl. & 2014 Supp.)).

The Director took final rulemaking action to adopt the rules on December 17, 2014. The rules shall become effective on publication of this Notice of Final Rulemaking in the *D.C. Register*.

Title 3, ELECTIONS AND ETHICS, of the DCMR is amended as follows:

A new Chapter 104 is added to read as follows:

CHAPTER 104 OFFICE OF OPEN GOVERNMENT

10400 FILING AND PRESENTATION OF COMPLAINTS

10400.1 Any person who does not receive proper notice of any meeting and or records of meetings of a public body in accordance with the provisions of the Open Meetings Act (D.C. Law 18-350; D.C. Official Code §§ 2-571 *et seq.* (2014)), may submit a complaint under the provisions of this Chapter. A public body shall be presumed to have given proper notice of any meeting, if a meeting is timely published and posted at set forth in the Open Meeting Act (D.C. Law 18-350; D.C. Official Code §§ 2-571 *et seq.* (2012 Repl. & 2014 Supp.)).

10400.2 A complaint shall be submitted by the complainant to the Director within sixty (60) days following the date that the complainant knew or reasonably should have known of the alleged violation.

¹ D.C. Official Code §§ 2-574 (3)(F) *et seq.* (2012 Repl.)) excludes Advisory Neighborhood Commissions as Public Bodies.

- 10400.3 A complaint that a Public Body has violated the Open Meetings Act in a past meeting (or, in a Prospective Complaint, may do so at a future meeting) may be submitted to the Director. A complaint may refer to one or more meetings.
- 10400.4 Complaints may be submitted in writing or in person at the Office of Open Government, Board of Ethics and Government Accountability at 441 4th Street, NW, Suite 830 South; by U.S. Postal; or by electronic means. Complaints submitted by mail should be marked on the outside envelope “Open Meetings Complaint.” Complaints may be submitted by email at opengovoffice@dc.gov, and should state “Open Meetings Complaint” in the subject line or heading of the communication. A complaint form may be accessed and submitted on the Office of Open Government Website at: OPEN-DC.gov. The submission of complaints via the Office of Open Government Website is encouraged so that information is complete, but is not required.
- 10400.5 Complaints should include the complainant’s name, and at least one of the following: mailing address, email address, or phone number.
- 10400.6 Complaints should include details of the meeting complained of, including the Public Body, the date, and to the extent possible the specific provision(s) of the Open Meetings Act alleged to have been violated. If record(s) could substantiate the complaint, the complaint should identify the supporting record(s); including the location of the record(s). Audio and video records should be accompanied by relevant timestamp information.
- 10400.7 The Director will confirm receipt of a complaint within five (5) businesses days upon receipt of the complaint.

10401 PROCESSING OF COMPLAINTS

- 10401.1 The Director will review a complaint within fourteen (14) business days and take one or more of the following actions:
- (a) Request additional information from the complainant or Public Body;
 - (b) Dismiss the complaint;
 - (c) Issue an Advisory Opinion;
 - (d) Attempt to conciliate the complaint.
- 10401.2 A complainant may request at any time prior to any of the above actions being taken by the Director, that his/her request be withdrawn from further review. Any such request to withdraw the complaint must be made in writing with “Open Meetings Complaint Withdrawal” on the envelope or in the subject line or heading of electronic correspondence sent to opengovoffice@dc.gov.

10402 DISMISSAL OF COMPLAINTS

10402.1 The Director may dismiss a complaint on one or more of the following grounds:

- (a) The complaint does not raise issues within the Director’s authority under the Open Meetings Act;
- (b) The action complained of does not violate the Open Meetings Act;
- (c) The complainant declined to provide information the Director reasonably believed necessary to evaluate the complaint (or failed to respond in thirty (30) days to such a request);
- (d) The complaint becomes moot due to action taken by the Public Body.

10402.2 The Director will return a dismissed complaint to the requestor with an explanation of the reason(s) for dismissal.

10403 REVIEW OF COMPLAINTS

10403.1 In making findings and determinations under this chapter, the Director, or designee, shall consider the alleged violation; and including, but not limited to the following factors:

- (a) The nature, content, language or subject matter of the complaint;
- (b) The nature, content, language or subject matter of prior or contemporaneous complaints by the person making the complaint; and
- (c) The nature, content, language or subject matter of other verbal and written communications to any Public Body or any official of a Public Body from the person making the complaint.

10403.2 Upon review of the complaint, the Director may confirm the action of the public body, and settle the complaint without issuing a written advisory opinion if after construing all allegations most favorably to the complainant, that (a) the Public Body has not violated the Open Meetings Act; or (b) the Public Body has committed a technical violation of the Open Meetings Act that constitutes a harmless error that does not infringe the complainant’s rights under the Open Meetings Act.

10404 CONCILIATION OF COMPLAINTS

10404.1 Upon receipt of complaint, the Director will first seek to resolve disputes through conciliation.

- 10404.2 The goal of conciliation is to arrive at an acceptable resolution of the complaint through discussion and exchange of views. The Director will not issue an Advisory Opinion on a complaint resolved through conciliation.
- 10404.3 In the conciliation discussion, the Director (or the Director's designee) serves as facilitator.
- 10404.4 If conciliation is not successful, the Director may dismiss the complaint, investigate further, issue an Advisory Opinion or take any other step permitted in these regulations.

10405 INVESTIGATION OF COMPLAINTS

- 10405.1 The Director will complete the investigation of a complaint as quickly as possible.
- 10405.2 The Director may transmit a complaint to the Public Body complained of. The Public Body shall, in good faith, make every effort to respond within thirty (30) days. If the Public Body does not respond within thirty (30) days, the Director may issue an Advisory Opinion based on the information available from the complaint and any other relevant sources. In the case of Prospective Complaints, the Director may request a reasonable earlier deadline for a response from the Public Body.
- 10405.3 The Director may grant the Public Body one extension of up to five (5) business days in which to respond to the complaint. Any subsequent extensions may only be granted with the agreement of the complainant.
- 10405.4 The response from the Public Body must address the complaint and any other questions raised by the Director. A response that denies one or more violations of the Open Meetings Act should include an explanation. A response that admits one or more violations of the Open Meetings Act should include a plan of corrective action. The response must be signed by an individual (officer, counsel, staff) authorized to represent the Public Body.
- 10405.5 The Director will maintain the confidentiality of records of a closed meeting of a Public Body, providing they are submitted with clear markings of the portions to be kept sealed.
- 10405.6 The Public Body must provide a copy of its response at the same time to the Director and the complainant. The complainant's copy may omit records of a closed meeting.
- 10405.7 The Director may request further information from either the Public Body or the complainant, to be provided within a reasonable time, and in no event less than five (5) business days. The Director may request representatives of the Public Body and the complainant to attend an informal conference to discuss the complaint.

10405.8 The Director may dismiss a complaint for lack of cooperation in the investigation of the complaint by the complainant.

10406 ADVISORY OPINIONS

10406.1 Based on results of investigation, the Director will issue an Advisory Opinion addressing the complaint that a Public Body violated the Open Meetings Act. An Advisory Opinion explains the Director's findings of fact and understanding of the law. Where the Director concludes there was a violation, the Advisory Opinion will explain corrective actions completed or a schedule for completion. The advisory opinion is binding.

10406.2 The Director will issue an Advisory Opinion within thirty (30) days of the later of the following: receipt of the response from the Public Body; the last due date for any additional information requested; or the date of any informal conference.

10406.3 The Director will send the Advisory Opinion to the complainant and the Public Body, and will make it available to the public by posting on the Office of Open Government Website.

10406.4 If it is determined after investigation that a Public Body has willfully or recklessly disregarded the provisions of the Open Meetings Act and or the requirements of this chapter, the Director shall bring suit in the Superior Court of the District of Columbia as provided under D.C. Official Code § 2-579 (2012 Repl. & 2014 Supp.).

10407 PROSPECTIVE COMPLAINT PROCEDURES

10407.1 The Director may accept a complaint that a Public Body appears likely to take an action that will violate the Open Meetings Act.

10407.2 Prospective Complaints should be submitted in the same manner as indicated in Section 10400, and will be processed in general in the same manner as, other complaints, with reasonable modifications of deadlines so as to provide a timely response.

10407.3 The Director will take reasonable steps to reach prompt conclusions that may resolve the complaint and minimize future violations of the Open Meetings Act.

10408 PUBLIC BODY REQUESTS FOR ADVISORY OPINIONS

10408.1 The Director may issue an Advisory Opinion on the application of the Open Meetings Act at the request of a Public Body, as provided in D.C. Official Code § 2-579(g) (2012 Repl. & 2014 Supp.).

10408.2 A request for an Advisory Opinion by a Public Body or member may be submitted in writing to the Office of Open Government, Board of Ethics and Government Accountability, at 441 4th Street, NW, Suite 830 South, Washington D.C. 20001; by U.S. Postal; or by electronic means. Requests for Advisory Opinions submitted by mail should be marked on the outside envelope “Advisory Opinion Request”. Requests may be submitted by email at opengovoffice@dc.gov, and should state “Advisory Opinion Request” in the subject line or heading of the communication.

10408.3 The Director will issue a written Advisory Opinion, and may upon approval of the requesting Public Body, post the opinion with the appropriate redactions to ensure confidentiality.

10408.4 The Director will review requests from Public Bodies as promptly as possible, and issue Advisory Opinions within thirty (30) days.

10409 TRAINING

10409.1 The Office of Boards and Commissions shall refer all Public Body members and administrative points of contact for public bodies to the Office of Open Government for annual mandatory training on the requirements of the Open Meetings Act and related regulations.

10409.2 As required by D.C. Official Code § 2-580 (2012 Repl. & 2014 Supp.), the Director, together with the Office of Boards and Commissions, shall implement processes to ensure Public Bodies and staff complete annual training.

10409.3 The Director will establish procedures for assuring completion of training by members of Public Bodies and assigned staff subject to the Open Meetings Act within 60 (sixty) days of initially assuming relevant responsibilities.

104.99 DEFINITIONS

10499.1 “**Advisory Opinion**” means (i) an opinion issued by the Director upon investigation of a complaint alleging violation of the Open Meetings Act or (ii) an opinion issued by the Director following a request from a Public Body regarding its compliance with the Open Meetings Act.

10499.2 “**Director**” means the head of the Open Government Office as provided in D.C. Official Code § 2-594.

10499.3 “**Prospective Complaint**” means a complaint about a future action of a Public Body that appears, to a complainant, likely to violate the Open Meetings Act.

10499.4 “**Public Body**” has the meaning given in D.C. Official Code § 2-574(3).

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

NOTICE OF PROPOSED RULEMAKING

The Alcoholic Beverage Control Board (Board), pursuant to the authority set forth in the Omnibus Alcoholic Beverage Amendment Act of 2004, effective September 30, 2004 (D.C. Law 15-187; D.C. Official Code § 25-211(b) 2012 Repl. & 2014 Supp.), and Mayor's Order 2001-96, dated June 28, 2001, as revised by Mayor's Order 2001-102, dated July 23, 2001, hereby gives notice of its intent to adopt the following proposed rules that make amendments to Chapters 2 (License and Permit Categories), 4 (General Licensing Requirements), 5, (License Applications), 7 (General Operating Requirements), 8 (Enforcement, Infractions, and Penalties), 10 (Endorsements), 12 (Records and Reports), 17 (Procedural Requirements for Board Hearings), and 18 (Petition Procedures) of Title 23 (Alcoholic Beverages) of the District of Columbia Municipal Regulations (DCMR).

The proposed amendments to Chapter 2 (License and Permit Categories) establish a licensure renewal period for alcohol certification provider permits and updates other license renewal periods. In Chapter 4 (General Licensing Requirements), the rules clarify those circumstances that the Board may rescind its previously issued license approval. Additionally, the rulemaking no longer permits a license located in a moratorium zone to be kept in safekeeping for the length of the moratorium.

The proposed rules make several amendments to Chapter 7 (General Operating Requirements). Licensees who remove their licenses from safekeeping after two years must provide the Board with detailed plans of its return to operations, including its anticipated re-opening date. The rules clarify that licensees are required to register with the Board to sell and serve alcoholic beverages until 4 a.m. on January 1st and other District and federal holidays. The rules create a pub crawl license. The rulemaking clarifies that the holder of a manufacturer's license can file and be approved by the Board for a one-day substantial change application. The rules also establish requirements for on-premises retailers to provide bottle service to seated patrons.

The proposed rulemaking for Chapters 8 (Enforcement, Infractions, and Penalties), 10 (Endorsements), and 12 (Records and Reports), clarifies several sections regarding those circumstances where the Board will issue a cease and desist order as a result of the licensee's non-compliance with other District requirements. The rules further clarify that a licensee may provide entertainment only during the hours permitted under its entertainment endorsement. The rules also clarify that licensed restaurants and hotels are responsible for maintaining three years of sufficient documentation to allow the Board to verify the correctness of information contained on the licensee's submitted quarterly reports.

Lastly, the proposed rules make several amendments to Chapter 17 (Procedural Requirements for Board Hearings). Service of papers may now be done electronically. The computation of time has been clarified regarding the calculation of hours and days. Additionally, the rules include new language regarding the Chair's authority to schedule and conduct hearings. The proposed rules also create new requirements for the submission of documentary evidence, post-hearing

pleadings, and the protest information form.

These proposed rules were adopted by the Board on October 15, 2014 by a six (6) to zero (0) vote. Directions for submitting comments may be found at the end of this Notice. A public hearing on the proposed rules will be held following publication.

The Board also gives notice of its intent to take final rulemaking action to adopt these rules on a permanent basis in not less than thirty (30) days after the date of publication of this notice in the *D.C. Register*. Pursuant to D.C. Official Code § 25-211(b)(2), these proposed rules are also being transmitted to the Council of the District of Columbia (Council) for a ninety (90) day period of review. The final rules shall not become effective absent approval by the Council.

Title 23 DCMR, ALCOHOLIC BEVERAGES, is amended as follows:

Section 207, LICENSURE PERIODS, of Chapter 2, LICENSE AND PERMIT CATEGORIES, of Title 23, ALCOHOLIC BEVERAGES, of the DCMR, is amended by replacing Subsection 207.2 to read as follows:

207 LICENSURE PERIODS

207.2 The three year renewal period for each license listed below shall occur sequentially every three years starting with the following dates:

License Class	Licensure Period	Ending Year
Manufacturer A	Apr. 1 to Mar. 31	2015
Wholesaler A	Apr. 1 to Mar. 31	2015
Retailer A	Apr. 1 to Mar. 31	2015
Manufacturer B	Apr. 1 to Mar 31	2017
Wholesaler B	Oct. 1 to Sept. 30	2014
Retailer B	Oct. 1 to Sept. 30	2014
Retailer CR	Apr. 1 to Mar. 31	2016
Retailer CT	Oct. 1 to Sept. 30	2016
Retailer CN	Oct. 1 to Sept. 30	2016
Retailer CH	Apr. 1 to Mar. 31	2016
Multipurpose facility CX	Apr. 1 to Mar. 31	2016
Common Carrier CX	Apr. 1 to Mar 31	2016
Retailer Arena CX	Apr. 1 to Mar 31	2016
Retailer DR	Apr. 1 to Mar. 31	2016
Retailer DT	Oct. 1 to Sept. 30	2016
Retailer DN	Oct. 1 to Sept. 30	2016
Retailer DH	Apr. 1 to Mar. 31	2016
Multipurpose facility DX	Apr. 1 to Mar. 31	2016
Common carrier DX	Apr. 1 to Mar 31	2016
Caterer	Apr. 1 to Mar 31	2016
Solicitor	July 1 to June 30	2017

License Class	Licensure Period	Ending Year
Club CX	Apr. 1 to Mar 31	2016
Club DX	Apr. 1 to Mar 31	2016
Farm winery retail	Oct. 1 to Sept. 30	2015
Alcohol certification provider permit	July 1 to June 30	2017

Section 213, EXEMPTION FROM LICENSING REQUIREMENT is amended to read as follows:

213 EXEMPTION FROM LICENSING REQUIREMENT

213.1 A license shall not be required for any event where alcoholic beverages are provided gratuitously for on-premises consumption on the host’s own premises. A license shall not be required if the operator of the premises does not provide service for the consumption of alcoholic beverages which are provided gratuitously to guests on the premises. Notwithstanding the foregoing, if the operator of the premises rents out the facility or provides entertainment, food or nonalcoholic beverages for compensation, a license shall be required.

213.2 An applicant for a new license shall not permit the consumption of alcoholic beverages on the premises unless the applicant has obtained a stipulated or temporary license. The applicant for a new license may also permit a licensed caterer to host an event on the premises so long as the caterer retains the responsibility for the event, including control over the modes of ingress and egress into the establishment, bar and security staff, and the service of alcoholic beverages.

Section 405, LICENSE APPROVAL BEFORE ISSUANCE OF CERTIFICATE OF OCCUPANCY, of Chapter 4, GENERAL LICENSING REQUIREMENTS, is amended by adding a new Subsection 405.5 to read as follows:

405 LICENSE APPROVAL BEFORE ISSUANCE OF CERTIFICATE OF OCCUPANCY

405.5 Notwithstanding § 405.4, the Board may, after holding a hearing, rescind its previously issued approval to an applicant under this section when: (1) the license is still pending issuance after two or more years, and (2) the applicant no longer has legal authority to operate at the approved location.

Section 500, APPLICATION FORMAT AND CONTENTS, of Chapter 5, LICENSE APPLICATIONS, is amended by adding new Subsections 500.2 and 500.3 to read as follows:

500 APPLICATION FORMAT AND CONTENTS

- 500.2 The Board may deem an application abandoned or withdrawn if an applicant fails to provide all of the documents required to process the application within forty-five (45) days of the submission of the application.
- 500.3 The Board may require an applicant to submit additional documents and information needed to properly process an application. The Board may deem an application abandoned or withdrawn if an applicant fails to provide any additional documents within fifteen (15) days of the request.

Section 704, SURRENDER OF LICENSE, of Chapter 7, GENERAL OPERATING REQUIREMENTS, is amended by deleting Subsection 704.3 in its entirety and renumbering existing Subsection 704.4 as 704.3 to read as follows:

704 SURRENDER OF LICENSE

- 704.3 Whenever a license has been in safekeeping with the Board for longer than two years, the licensee shall upon requesting the removal of the license from safekeeping, submit for Board approval detailed plans of its operations upon reopening and shall notify the Board of the anticipated reopening date.

Section 705, HOURS OF SALES AND DELIVERY FOR OFF-PREMISES RETAIL LICENSEES, is amended by replacing Subsection 705.11 to read as follows:

705 HOURS OF SALES AND DELIVERY FOR OFF-PREMISES RETAIL LICENSEES

- 705.11 A licensee under an on-premises retailer's license that provides written notification and a public safety plan to the Board at least thirty (30) days in advance may sell and serve alcoholic beverages until 4:00 a.m. and operate twenty-four (24) hours during the dates set forth in D.C. Official Code Section 25-723(c)(1) unless the licensee has a settlement agreement that restricts the establishment's closing hours.

Section 712, PUB CRAWLS, is amended by replacing Subsection 712.1 to read as follows:

712 PUB CRAWLS

- 712.1 A promoter/organizer of a "Pub Crawl" shall be required to obtain a Pub Crawl license. The promoter/organizer shall submit an application for a Pub Crawl license at least thirty (30) days prior to the applicant's first scheduled event. For purposes of this section a "Pub Crawl" shall be defined as an organized group of establishments within walking distance which participate in the promotion of the event featuring the sale or service of alcoholic beverages during a specified time period. The fee for the Pub Crawl license shall be two-hundred and fifty dollars (\$250) per application.

Section 716, ONE DAY SUBSTANTIAL CHANGES, is amended by replacing Subsection 716.1 to read as follows:

716 ONE DAY SUBSTANTIAL CHANGES

716.1 The holder of an on-premises retailer's license or a manufacturer's license may file a one-day substantial change request with the Board to sell or serve alcoholic beverages, have entertainment, extended hours of operation, a cover charge, dancing, or operate at a location not permitted by the applicant's license as part of a specific event. The one-day substantial change request may be granted, in the Board's discretion, unless the activities sought by the applicant are otherwise prohibited by the applicant's ABC license.

A new Section 721, BOTTLE SERVICE, is added to read as follows:

721 BOTTLE SERVICE

721.1 The holder of a retailer's license shall be permitted to provide bottle service of alcoholic beverage to one or more seated patrons.

721.2 Notwithstanding this provision, the bottle of wine or spirits provided to seated patrons shall not be unsealed or initially opened by the licensee until it has been delivered to and can be visually observed by one or more of the seated patrons.

721.3 Open bottles of wine or spirits may not be removed from the presence of the seated patrons to whom the bottle service was provided, by one of more members of the seated patrons or by any other patron.

Section 800, ABRA CIVIL PENALTY SCHEDULE, of Chapter 8, ENFORCEMENT, INFRACTIONS, AND PENALTIES, is amended to add the following penalty:

800 ABRA CIVIL PENALTY SCHEDULE

Section	Description	Violation	Warning
23 DCMR 1207.10	Failure to provide sufficient documentation	Primary	Y

A new Section 808, CEASE AND DESIST ORDERS, is added to read as follows:

808 CEASE AND DESIST ORDERS

808.1 The Board, in its discretion, may issue a cease and desist order immediately suspending a licensee's liquor license when one of the following has occurred: (1) the licensee has been issued a notice of summary suspension by the Department of Health, (2) the licensee's basic business license has expired, (3) the licensee's

certificate of occupancy has been revoked or expired, (4) the licensee’s sales tax certificate has been suspended or revoked by the Office of Tax and Revenue, (5) the corporation, limited liability company, or partnership owning the liquor license is no longer in good standing to operate in the District, (6) the licensee has failed to pay a Board ordered fine or a citation by the payment deadline, or (7) where payment was made to ABRA with a check returned unpaid.

Section 1001, ENTERTAINMENT ENDORSEMENT APPLICATION, of Chapter 10 ENDORSEMENTS, is amended by adding a new Subsection 1001.8 to read as follows:

1001 ENTERTAINMENT ENDORSEMENT APPLICATION

1001.8 A licensee shall provide entertainment only during the hours permitted under its Board approved entertainment endorsement. It shall be a violation of this subsection for an applicant to provide entertainment during hours not permitted by its entertainment endorsement.

Section 1207, QUARTERLY STATEMENTS AND ANNUAL REPORTS OF RESTAURANTS AND HOTELS, of Chapter 12, RECORDS AND REPORTS, is amended by adding a new Subsection 1207.10 to read as follows:

1207 QUARTERLY STATEMENTS AND ANNUAL REPORTS OF RESTAURANTS AND HOTELS

1207.10 A Retailer’s license Class CR, CH, DR, or DH shall be responsible for ensuring that it maintains for three (3) years sufficient documentation to allow the Board to verify the correctness of the information contained on the licensee’s submitted quarterly reports. Failure of the licensee to maintain sufficient documentation to allow the Board to verify the correctness of the information contained on the licensee’s submitted quarterly reports shall be a violation of this subsection.

Section 1702, COMPUTATION OF TIME FOR FILINGS, of Chapter 17, PROCEDURAL REQUIREMENTS FOR BOARD HEARINGS, is replaced in its entirety to read as follows:

1702. COMPUTATION OF TIME FOR FILINGS

1702.1 Whenever a party to a proceeding under this chapter has the right or is required to perform some act within a specified time period after the service of notice upon the party, and the notice is served upon that party by mail, three (3) days shall be added to the prescribed period.

1702.2 Except as otherwise provided by law, any time period prescribed by this chapter may, for good cause shown, be extended by the Board with notice to all parties.

1702.3 For purposes of computing time that is stated in days or a longer unit of time,

exclude the day of the event that triggers the computation of time.

1702.4 For purposes of computing time that is stated in days or a longer unit of time, every day, including intermediate Saturdays, Sundays and legal holidays is counted. Count the last day of the period, but if the last day is a Saturday, Sunday or legal holiday, the period continues to run until the end of the next day that is not a Saturday, Sunday or legal holiday.

1702.5 For purposes of computing time that is stated in hours, begin counting every hour immediately at the conclusion of the event that triggers the period, including hours during intermediate Saturdays, Sundays and legal holidays. If the time period would end on a Saturday, Sunday, or legal holiday, the time period continues to run until the same time on the next day that is not a Saturday, Sunday, or legal holiday.

1702.6 Unless a different time is set by a statute, regulation or Board Order, the last day of a specified time period is at midnight for electronic filing, and at the close of business on the last day for filing by any other means.

Section 1703, SERVICE OF PAPERS, of Chapter 17, PROCEDURAL REQUIREMENTS FOR BOARD HEARINGS, is amended by replacing Subsection 1703.2 to read as follows:

1703 SERVICE OF PAPERS

1703.2 When a party has appeared through a representative, who has filed a written notice of appearance pursuant to § 1707.1, service shall be made upon the representative of record.

Section 1703, SERVICE OF PAPERS, is amended by replacing Subsection 1703.4 to read as follows:

1703 SERVICE OF PAPERS

1703.4 Service upon a party may be made in the following manner:

- (a) By personal delivery;
- (b) By use of a process server;
- (c) By registered or certified mail;
- (d) By electronic mail; or
- (e) As otherwise authorized by law.

Section 1710, SCHEDULING AND CONDUCT OF HEARINGS: GENERAL

PROVISIONS, is amended by deleting existing Subsection 1710.4 and adding new subsections to read as follows:

1710 SCHEDULING AND CONDUCT OF HEARINGS

- 1710.4 The Chairperson of the Board shall preside over all proceedings conducted by the Board under the authority of Title 25 of the D.C. Official Code.
- 1710.5 The Chairperson of the Board shall conduct all proceedings in accordance with the provisions of this chapter, Title 25 of the D.C. Official Code, and the District of Columbia Administrative Procedures Act.
- 1710.6 The Chairperson of the Board shall have the authority to:
- (a) Open and close a meeting or hearing;
 - (b) Administer oaths and affirmations;
 - (c) Regulate the course of the hearing and the conduct of the parties and their counsel;
 - (d) Receive relevant evidence of the hearing and the conduct of the parties and their counsel or representative;
 - (e) Take any other action in accordance with the above provisions in furtherance of a fair and orderly hearing.
- 1710.7 In the event the Chairperson is unable or unavailable to preside over a hearing or meeting, the Chairperson shall designate a Member of the Board to act as the Presiding Officer in the Chairperson's absence.

Section 1711, EVIDENCE: GENERAL RULES, is amended by adding new subsections to read as follows:

1711 EVIDENCE: GENERAL RULES

- 1711.5 In all protest hearings before the Board, the Applicant shall have the burden of proof to show by substantial evidence in the record that the licensing action meets the appropriate standards in accordance with D.C. Official Code § 25-313.
- 1711.6 In all show cause proceedings before the Board, the District of Columbia shall have the burden of proof to show by substantial evidence in the record that the respondent has committed a violation of Title 25 or these regulations.
- 1711.7 In all protest hearings before the Board, the applicant shall open and close the case insofar as presentation of evidence and argument are concerned.

1711.8 In all show cause proceedings before the Board, the District of Columbia shall open and close the case insofar as presentation of evidence and argument are concerned.

Section 1713, DOCUMENTARY EVIDENCE, is amended by adding new subsections to read as follows:

1713 DOCUMENTARY EVIDENCE

1713.5 All exhibits that a party intends to introduce at hearing must be identified on an Exhibit Form accompanying the Protest Information Form and copies of the exhibits must be attached to the Form.

1713.6 Exhibits reasonably anticipated to be used for impeachment need not be included on the Exhibit Form or attached.

1713.7 If a document is readily available to the general public, a party need only provide a complete citation to the source of the document and how the document may be accessed.

1713.8 The Board may exclude at the hearing any exhibits not disclosed on the Exhibit Form if the Board finds that the opposing party has been prejudiced by the failure to disclose or if there has been a knowing failure to disclose.

1713.9 The Board shall have the discretion to receive documentary evidence from the parties not already listed or attached to the Exhibit Form upon a finding of good cause.

1713.10 The Investigative Report and attachments shall be part of the Board's record and it shall not be necessary for the parties to formally move the admission of the Investigative Report or portions of it into the evidentiary record.

1713.11 The Exhibit Form and any attachments shall be served on all parties and the Board's Office of General Counsel seven (7) days prior to the hearing.

1713.12 If a power point presentation or similar presentation is used by the parties, a paper copy of the exhibit shall be filed with the Board.

Section 1716, MOTIONS, is amended by deleting Subsection 1716.5 in its entirety.

Section 1717, POST-HEARING SUBMISSIONS, is amended by replacing Subsection 1717.1 to read as follows:

1717 POST-HEARING SUBMISSIONS

- 1717.1 No document or other information shall be accepted for the record after the close of a hearing except as follow:
- (a) Unless accompanied by a Motion to re-open the record demonstrating good cause and the lack of prejudice to any party;
 - (b) Until all parties are afforded due notice and an opportunity to rebut the information; or
 - (c) Upon official notice of a material fact not appearing in the evidence in the record, in accordance with D.C. Official Code § 2-509(b).

Section 1718, DECISIONS OF THE BOARD, is amended by deleting Subsection 1718.4 in its entirety:

Section 1721, TRANSCRIPTS OF HEARINGS, is amended by deleting Subsection 1721.2 in its entirety:

A new Section 1722, PROTEST INFORMATION FORMS, is added to read as follows:

1722 PROTEST INFORMATION FORMS

- 1722.1 All parties who have been granted standing to a protest proceeding shall file a Protest Information Form.
- 1722.2 The Protest Information Form shall identify the specific issues that will be the subject of the protest hearing, the witnesses who are expected to testify, the exhibits the party intends to offer into evidence, with attached exhibit form, the list of material facts or issues to which the parties have agreed to stipulate, and the relief sought.
- 1722.3 The Protest Information Form must be signed by the party's representative or by the party if the party is proceeding *pro se*.
- 1722.4 The Protest Information Form must contain a copy of the resume for any witness for whom a party intends to seek expert status.
- 1722.5 The Board may exclude at the hearing any witnesses or exhibits not disclosed on the Protest Information Form if the Board finds that the opposing party has been prejudiced by the failure to disclose or if there has been a knowing failure to disclose.
- 1722.6 The Board shall have the discretion to receive documentary evidence from the parties not already listed or attached to the Protest Information Form upon a finding of good cause.

1722.7 The Protest Information Form and any attachments shall be served on all parties and the Board's Office of General Counsel seven (7) days prior to the hearing.

Section 1801, PROTEST PETITIONS, of Chapter 18 PETITION PROCEDURES, is amended by deleting Subsection 1801.3 in its entirety.

Copies of the proposed rulemaking can be obtained by contacting Martha Jenkins, General Counsel, Alcoholic Beverage Regulation Administration, 2000 14th Street, N.W., 4th Floor, Washington, D.C. 20009. All persons desiring to comment on the emergency and proposed rulemaking must submit their written comments, not later than thirty (30) days after the date of the publication of this notice in the *D.C. Register*, to the above address or via email to martha.jenkins@dc.gov.

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

NOTICE OF PROPOSED RULEMAKING

The Alcoholic Beverage Control Board (Board), pursuant to the authority set forth in the Omnibus Alcoholic Beverage Amendment Act of 2004, effective September 30, 2004 (D.C. Law 15-187; D.C. Official Code § 25-211(b) 2012 Repl. & 2014 Supp.), and Mayor's Order 2001-96, dated June 28, 2001, as revised by Mayor's Order 2001-102, dated July 23, 2001, hereby gives notice of its intent to adopt the following proposed rules to amend and reorganize Chapter 16 (Contested Hearings, Non-Contested Hearings, Protest Hearings and Procedures) of Title 23 (Alcoholic Beverages) of the District of Columbia Municipal Regulations (DCMR).

These proposed rules were adopted by the Board on October 15, 2014 by a six (6) to zero (0) vote. A public hearing on the proposed rules will be held following publication of a hearing notice in the *D. C. Register*.

Pursuant to D.C. Official Code § 25-211(b)(2), these proposed rules are also being transmitted to the Council of the District of Columbia (Council) for a ninety (90) day period of review. The final rules shall not become effective absent approval by the Council.

The Board also gives notice of its intent to take final rulemaking action to adopt these rules on a permanent basis in not less than thirty (30) days after the date of publication of this notice in the *D.C. Register*. Directions for submitting comments may be found at the end of this Notice.

Title 23 DCMR, ALCOHOLIC BEVERAGES, is amended by replacing Chapter 16 in its entirety with the following:

**CHAPTER 16, CONTESTED HEARINGS, NON-CONTESTED HEARINGS,
PROTEST HEARINGS, AND PROCEDURES.**

1600. General Provisions

Subchapter I. Protest Provisions

1601. Administrative Review

1602. Filing a Protest

1603. Roll Call Hearing

1604. Protest Status Hearing

1605. Party Standing

1606. Party Dismissal

1607. Establishment of Geographic Boundaries

1608. Settlement Conferences

1609. Mediation

1610. Settlement Agreements

Subchapter II. Contested Hearings

1611. Show Cause Hearings

1612. Protest Hearings

1613. Summary Suspension and Summary Revocation Hearings

Subchapter III. Non-Contested Hearings

1614. Fact-Finding Hearings

1615. Moratorium Hearings

1600 GENERAL PROVISIONS

- 1600.1 The provisions of this chapter shall govern the following items: (a) Administrative review hearings, roll call hearings, or status hearings regarding the issuance, transfer, or renewal of a license, or the making of substantial changes to a licensee's business operations under authority of the Act; (b) Protest hearings regarding the issuance, transfer or renewal of a license, or the making of substantial changes to a licensee's business operations under authority of the Act; (c) Fact-finding hearings on any matter governed by the Act regarding an applicant for a license or a licensee; and (d) Show cause hearings, summary suspension hearings or summary revocation hearings regarding the revocation or suspension of a license issued under the Act.
- 1600.2 The Board may, for good cause shown and in the interest of justice or to prevent hardship, waive any provision of this chapter which is not required by the Act in any proceeding after duly advising the parties of its intention to do so.
- 1600.3 The following hearings held before the Board shall be considered to be contested cases: (a) Protest hearings; (b) Show cause hearings; (c) Summary suspension or summary revocation hearings; (d) Cease and desist hearings; and (e) Safekeeping hearings.
- 1600.4 The following hearings held before the Board shall not be considered to be contested cases: (a) Fact-finding hearings; and (b) Moratorium hearings and other rulemaking hearings.
- 1600.5 The provisions of this chapter are intended to be consistent with the District of Columbia Administrative Procedure Act (D.C. Official Code §§ 2-501 *et seq.*). If there is any conflict between this chapter and the District of Columbia Administrative Procedure Act, the District of Columbia Administrative Procedure Act shall govern.

1600.6 If there is any conflict within this chapter, provisions of specific application shall supersede those of general application.

SUBCHAPTER I. PROTEST PROVISIONS

1601 ADMINISTRATIVE REVIEW

1601.1 The phrase “administrative review” found in Title 25 of the D.C. Official Code shall be considered synonymous with the phrase “roll call hearing” and shall have the same meaning in these regulations.

1602 FILING A PROTEST

1602.1 Only those individuals or entities listed in D.C. Official Code § 25-601 may file a protest against:

- (a) The issuance of a new license;
- (b) The renewal of an existing license;
- (c) The transfer of a license to a new location;
- (d) Substantial changes to the nature of the operations of a licensed establishment; and
- (e) Changes in license classes.

1602.2 All protests shall be in writing, shall be received by the Board prior to the end of the protest period, and shall state, as grounds for the protest, why the matter being objected to is inappropriate under one (1) or more of the appropriateness standards set out in D.C. Official Code §§ 25-313 and 25-314 and § 400 of this title.

1602.3 All protests shall be signed by the protestant and contain the protestant's full name, email address if one exists, and mailing address.

1602.4 The Board may require protestants to appear in person before the Board for the purpose of determining that a sufficient number of individuals exist to have standing pursuant to D.C. Official Code § 25-601.

1602.5 In addition to, or instead of, filing a protest, any person may circulate or sign Protest Petitions in opposition to any of the licensing actions listed in § 1602.1.

1603 ROLL CALL HEARING

- 1603.1 The roll call hearing is a non-adversarial hearing conducted by the Board's agent to identify timely filed protests received during the protest period, confer standing to protestant groups, and to set a date for mediation, the status hearing, and the protest hearing. For purposes of this section, the Board's agent shall be defined as an ABRA Office of the General Counsel employee at or above the Grade 12 level, excluding the ABRA General Counsel.
- 1603.2 Each applicant and each person or group submitting a protest shall attend the roll call hearing in person or appear through a designated representative.
- 1603.3 Failure to appear in person or through a designated representative at the roll call hearing may result in denial of the license application or dismissal of a protest, unless, in the discretion of the Board, good cause is shown for the failure to appear: Examples of good cause for failure to appear include, but are not limited to:
- (a) Sudden, severe illness or accident;
 - (b) Death or sudden illness in the immediate family, such as spouse, partner children, parents, siblings;
 - (c) Incarceration;
 - (d) Severe inclement weather; or
 - (e) Arriving after the roll call hearing has concluded.
- 1603.4 A recommendation by the Board's Agent to dismiss a license application or dismiss a protest for failure to attend the roll call hearing shall be forwarded to the Board for issuance of a written Order. A request for reinstatement of the license application or the protest must be filed with the Board within ten (10) days after receipt of the Order. In reviewing the request for reinstatement of the license application or the protest, the Board shall consider whether, in the discretion of the Board, the party has shown good cause for his or her failure to appear at the roll call hearing.
- 1603.5 At the roll call hearing, the Board's agent shall have the authority to:
- (a) Regulate the course of the hearing;
 - (b) Request the persons appearing at the hearing to identify themselves, and provide contact information including email addresses;
 - (c) Request or accept written documentation from the parties including letters of representation;

- (d) Identify the parties with standing and the filed protest issues, if undisputed;
- (e) Approve a joint request from the parties to schedule mediation;
- (f) Adjourn a hearing and establish the date when the hearing will be continued; and
- (g) Take any other action authorized by, or necessary under, this section.

1603.6 Upon the scheduling of the roll call hearing, all parties shall be prohibited from participating in any ex parte communication with the Board’s agent relevant to the merits of the proceeding. This shall include any oral or written communication not in the public hearing record with respect to which reasonable prior notice is not given to all parties to the proceeding.

1603.7 The roll call hearing shall be open to the public and transcribed by a certified court reporter.

1604 PROTEST STATUS HEARING

1604.1 The protest status hearing is a proceeding held by the Board at which the parties address any unresolved legal issues from the Roll Call hearing or address motions or pleadings previously filed with the Board.

1604.2 At the protest status hearing, the parties also inform the Board of their progress in reaching a settlement agreement. The Board in its discretion may set another status hearing if the Board determines that the parties are close to reaching a settlement agreement or that mediation might be helpful.

1604.3 The protest status hearing shall be open to the public and transcribed by a certified court reporter.

1605 PARTY STANDING OF A GROUP OF FIVE OR MORE RESIDENTS OR PROPERTY OWNERS

1605.1 A protestant group of five or more residents or property owners of the District sharing common ground will be granted standing once five or more individuals of the group have appeared at either the roll call hearing or at the protest status hearing.

1605.2 Members of a protestant group of five or more residents or property owners may submit written statements of designation of a representation. A member of a protestant Group of Five or More Individuals may be represented by a designated representative before the Board once the protestant Group of Five or More Individuals has been granted standing.

1605.3 A Group of Five or More Individuals will be defined by the members set forth in the protest or protest petition.

1606 PARTY DISMISSAL

1606.1 In the event that an applicant or a protestant is dismissed and not reinstated by the Board for good cause after failing to appear at either an administrative review, roll call hearing, status hearing, or protest hearing, the Board may deny the license application and/or dismiss the protest.

1606.2 In the event that an applicant's request to renew its license is dismissed and not reinstated by the Board, the applicant shall be permitted to re-submit a second renewal application upon the filing of a late fee of \$1,000.

1606.3 The re-filed second renewal application shall be submitted to ABRA within ten (10) calendar days of receipt of the Board's order dismissing the license application or not reinstating the license application in the event that a request for reinstatement was filed by the applicant. In the event that the applicant fails to resubmit its second renewal application within ten (10) calendar days, the Board shall issue a cease and desist order to the applicant notifying the business to immediately cease the sale and/or service of alcoholic beverages.

1606.4 In the event that a second renewal application is re-filed by an applicant within ten (10) calendar days, any protestants that appeared at the administrative hearing, roll call hearing, or status hearing where the applicant was dismissed for failure to appear shall not be required to refile a previously submitted valid protest letter.

1606.5 In the event that an applicant's re-filed second renewal application is dismissed for failure to appear at a hearing and not reinstated by the Board, the license renewal application shall be denied. The applicant shall be required to file a new license application, unless prohibited by a liquor license moratorium, and shall not be permitted to file a third license renewal application. The Board shall issue a cease and desist order to the applicant notifying the business to immediately cease the sale and/or service of alcoholic beverages. The cease and desist order shall be sent to the applicant after ten (10) calendar days of the applicant's receipt of the Board's order dismissing the license application or not reinstating the license application in the event that a request for reinstatement was filed by the applicant.

1606.6 In the event that an applicant's request to terminate or amend its settlement agreement is dismissed and not reinstated by the Board, the applicant shall not be permitted to file a subsequent request to terminate or amend its settlement agreement until the next three-year renewal period.

1607 ESTABLISHMENT OF GEOGRAPHIC BOUNDARIES

- 1607.1 Upon recognition by the Board of a properly filed protest at a roll call hearing, the applicant shall be required to select one of the geographic areas listed below that the applicant proposes be considered in determining the appropriateness of the establishment. The applicant shall submit the proposed boundaries to the Board and the protestants no later than ten (10) calendar days after the roll call hearing.
- 1607.2 Upon recognition by the Board of a properly filed protest at a roll call hearing, the applicant shall be required to select one of the geographic areas listed below that the applicant proposes be considered in determining the appropriateness of the establishment. The applicant shall submit the proposed boundaries to the Board and the protestants no later than ten (10) calendar days after the roll call hearing. The applicant shall be deemed to have selected the "section" geographic area if it fails to submit boundaries to the Board within the ten (10) calendar day period.
- 1607.3 Any protestant may object to the area and boundaries proposed by an applicant by filing a written objection with the Board no later than thirty (30) calendar days after receipt of the applicant's proposed boundaries. The objection shall also be served on the applicant by any of the means set forth in § 1703. The objection shall state in detail the following:
- (a) The reasons for objecting to the boundaries proposed by the applicant;
 - (b) The boundaries proposed by the objector; and
 - (c) The reasons why the objector's boundaries should be adopted by the Board.
- 1607.4 The applicant's submission shall be served on the objector by any of the means set out in § 1703 and received by the Board no later than eight (8) calendar days after receipt of the applicant's submission.
- 1607.5 Any objector or applicant who makes a submission to the Board pursuant to §§ 1607.1, 1607.2, 1607.3, or 1607.4, may forward written argument or documentary evidence to the Board in support of the boundaries he or she proposes.
- 1607.6 The Board, pursuant to D.C. Official Code § 25-312(b), shall determine, on a case-by-case basis, the size of the area relevant for the appropriateness review. In making this determination, the Board shall consider the overall characteristics of the area, including population, density, and general commercial and residential activities.
- 1607.7 For the purpose of determining the appropriateness of a license, the geographic areas to be considered by the Board shall be measured pursuant to § 101.1 and shall be as follows:

- (a) A “locality,” which shall be the immediate neighborhood of the establishment and whose boundary shall be at a distance of six hundred feet (600 ft.) from the establishment;
- (b) A “section,” whose boundary shall be at an area larger than the immediate neighborhood and whose boundary shall be at a distance of twelve hundred feet (1,200 ft.) from the establishment; and
- (c) A “portion,” whose boundary shall be at an area larger than a “section” and whose boundary shall be at a distance of eighteen hundred feet (1,800 ft.) from the establishment.

1607.8 In determining the area to be considered, the Board shall consider the report of the Board's investigators concerning the overall characteristics of the alternative areas, including the following:

- (a) The population and density of the areas surrounding the establishment;
- (b) The general commercial and residential activities in the areas surrounding the establishment; and
- (c) Geographical factors, such as parks, rail lines, major thoroughfares, bodies of water, cemeteries, and unimproved or unused property, which may tend to define physically an area to be considered.

1607.9 In determining the area to be considered, the Board shall also consider the evidence and testimony of a party proposing a particular area of consideration, when the proposal is based on an assertion of:

- (a) Historical patterns of commercial or residential activity leading to an identification of a given area as a distinct, generally-recognized neighborhood, or larger area; or
- (b) Any other reason not included in § 1607.2.

1607.10 The Board shall make a final decision on the boundaries without a hearing and based on the submissions received from the applicant and the objector.

1607.11 The Board's final decision shall be made and announced at the first status hearing for the application at issue.

1608 SETTLEMENT CONFERENCES

1608.1 The phrase “settlement conference” found in Title 25 of the D.C. Official Code shall be considered synonymous with the phrase “mediation” and shall have the same meaning in these regulations.

1609 MEDIATION

- 1609.1 Whenever a protest is filed, all parties shall attend mediation on a mutually convenient date prior to the scheduled protest status hearing or the protest hearing. The date of the mediation may be arranged at the roll call hearing or may be arranged at any other time.
- 1609.2 The parties at a mediation may enter into a settlement agreement, as provided for in § 1610, and shall submit, on or before the date of the scheduled protest status hearing or the protest hearing, the settlement agreement to the Board for approval.
- 1609.3 If the parties fail to reach a settlement agreement on one or more of the protest issues, they shall so state at the scheduled protest status hearing or the protest hearing and the Board shall thereupon proceed with a protest hearing as to all unresolved issues of fact.

1610 SETTLEMENT AGREEMENTS

- 1610.1 The terms of a settlement agreement submitted by the parties shall be consistent with District of Columbia law and shall be in compliance with D.C. Official Code §§ 25-446.01 and 25-446.02.
- 1610.2 The Board may initiate a “Notice to Show Cause Hearing” upon evidence that the holder of a license has violated the material terms of the agreement. Upon a determination that the licensee has materially violated the agreement, the Board may suspend or revoke the license or impose any other penalty authorized by the Act or this title.
- 1610.3 A request to amend a cooperative/voluntary agreement shall be considered by the Board pursuant to the substantial change and notice procedures set forth in D.C. Official Code §§ 25-404 and 25-762.
- 1610.4 Upon finding that a licensee has materially violated certain conditions required by the Board, as authorized by this section, the Board may also fine a licensee pursuant to the range of fines set forth in D.C. Official Code § 25-830.
- 1610.5 The phrase “cooperative agreement” often used in agreements reached between applicants and protestants that are submitted to the Board for approval shall be considered synonymous with the phrase “voluntary agreement” and shall have the same meaning in these regulations.
- 1610.6 The phrase “settlement agreement” found in Title 25 of the D.C. Official Code shall be deemed equivalent to the term “cooperative agreement”, or “voluntary agreement” used in Title 23 of the D.C. Municipal Regulations.

1610.7 If the Board determines that a settlement agreement submitted by the parties does not comply with all applicable laws and regulations, or otherwise exceeds the Board's expertise to enforce, the Board may condition approval of the settlement agreement on the parties' acceptance of modifications of the agreement proposed by the Board. If the parties reject the modifications proposed by the Board, they may submit a new settlement agreement for Board review that complies with D.C. Official Code §§ 25-446.01 and 25-446.02 and is within the Board's expertise to enforce, or proceed to a protest hearing.

1610.8 Settlement agreements must be submitted by the parties to the Board for the Board's consideration no later than ninety (90) days after the execution of the settlement agreement by parties who are signatories to the settlement agreement.

SUBCHAPTER II. CONTESTED HEARINGS

1611 SHOW CAUSE HEARINGS

1611.1 Whenever the Board has reasonable cause to believe that any license or permit should be fined, revoked, or suspended pursuant to Chapter 8 of Title 25 of the D.C. Official Code, it shall notify the person to whom the license or permit was issued by personal service or certified mail at the last address recorded by that person with the Board, citing that person to appear before the Board not less than thirty (30) days thereafter. The notice shall state the time and place set by the Board for the hearing.

1611.2 The licensee or permittee shall appear in his or her defense in person and may have representation by counsel or other designated representative, and shall be entitled to offer evidence before the Board with respect to the charges.

1611.3 If the person whose license or permit is sought to be fined, revoked, or suspended waives the hearing or fails to appear at the time and place set for the hearing, the Board may proceed ex parte, unless the Board extends the time for the hearing.

1611.4 The Board shall make its findings of fact based upon the evidence which has been presented to it.

1611.5 The Board may, in its discretion, accept from both (1) the licensee or permittee and (2) the Office of the Attorney General or the prosecuting entity an offer in compromise and settlement to resolve the charges brought at the show cause hearing by the District of Columbia against the licensee. An offer in compromise and settlement may be tendered to the Board at any time prior to the issuance of a decision by the Board on the contested matter.

1611.6 An offer submitted by the parties and accepted by the Board shall constitute a waiver of appeal and judicial review.

1611.7 Any fines collected by the Board shall be paid forthwith, unless otherwise ordered by the Board, to the D.C. Treasurer and credited to the General Fund.

1611.8 The issuance of an advisory opinion by the Board pursuant to § 1902 of this title may also result in the issuance of a show cause notice under this section.

1612 PROTEST HEARINGS

1612.1 Whenever any objection is filed to any of the licensing actions set out in § 1602.1, whether by protest or by submission of Protest Petitions, the Board shall hold an adjudicatory proceeding, known as a “protest hearing,” for the purpose of receiving evidence and testimony regarding the appropriateness of the licensing action.

1612.2 The parties to a protest hearing shall be the applicant or licensee and the protestants. For the purpose of this section, “protestant” shall mean any eligible person, group, ANC, government agency or organization with standing under D.C. Official Code § 25-601 that has submitted a written protest or who has submitted a circulated Protest Petition.

1612.3 At the protest hearing, an applicant or licensee may give a brief opening statement summarizing the evidence and testimony he or she intends to produce regarding the appropriateness of the application or license at issue. Thereafter, the protestant may give a brief opening statement summarizing the evidence he or she intends to present to rebut or overcome the evidence and argument presented by the applicant or licensee.

1612.4 At the conclusion of the opening statements, the Board shall call its own witnesses, if any, who shall testify to the results of their investigation into the appropriateness of the establishment.

1612.5 At the conclusion of testimony by the Board's witnesses, if any, the applicant shall call its witnesses to give testimony and present evidence regarding the appropriateness of the establishment, as set forth in § 400 of this title.

1612.6 At the conclusion of testimony by the applicant's witnesses, the protestant shall call witnesses to give testimony and present evidence.

1612.7 All witnesses shall testify under oath and shall be subject to questioning by the Board and to cross-examination by the opposing party.

1612.8 In any case where there is more than one (1) protestant, the Board, in its discretion, may request that the protestants designate one (1) person to conduct the protestants' case, to give the opening and closing statements, and to cross-examine the applicant's witnesses.

1613 SUMMARY SUSPENSION AND SUMMARY REVOCATION HEARINGS

- 1613.1 In rendering a decision on a summary suspension hearing, the Board may suspend or restrict the license of the licensee. Additionally, the Board may keep the licensee in the summary suspension proceeding to monitor the licensee to make a determination if the conditions placed by the Board on the licensee are effective. The Board shall schedule a show cause hearing to revoke the license if it determines that the operations of the licensee present an imminent danger to the health and safety of the public pursuant to D.C. Official Code §§ 25-826 and 25-827.
- 1613.2 In rendering a decision on a summary revocation hearing, the Board may revoke, suspend, or restrict an applicant's license.

SUBCHAPTER III. NON-CONTESTED HEARINGS**1614 FACT-FINDING HEARINGS**

- 1614.1 Prior to rendering a final decision on a licensing request or an ABRA Investigative Report, the Board may hold a fact-finding hearing to obtain further information from an applicant or licensee.
- 1614.2 A licensee shall not be fined, suspended, or revoked at a fact-finding hearing. However, information provided at a fact-finding hearing may result in the issuance of a show cause notice pursuant to § 1611 or other enforcement action permitted under the Act or this title.

1615 MORATORIUM HEARINGS

- 1615.1 The Board shall hold moratorium hearings pursuant to the requirements set forth in D.C. Official Code §§ 25-353 and 25-354.

Copies of the proposed rulemaking can be obtained by contacting Martha Jenkins, General Counsel, Alcoholic Beverage Regulation Administration, 2000 14th Street, N.W., 4th Floor, Washington, D.C. 20009. All persons desiring to comment on the emergency and proposed rulemaking must submit their written comments, not later than thirty (30) days after the date of the publication of this notice in the *D.C. Register*, to the above address or via email to martha.jenkins@dc.gov.

DISTRICT OF COLUMBIA PUBLIC LIBRARY**NOTICE OF PROPOSED RULEMAKING**

The District of Columbia Public Library Board of Trustees, pursuant to the authority set forth in An Act To establish and provide for the maintenance of a free public library and reading room in the District of Columbia, approved June 3, 1896, as amended (29 Stat. 244, ch. 315, § 5; D.C. Official Code § 39-105 (2012 Supp.)); Section 3205 (jjj) 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 § 39-105 (2012 Supp.)); Section 2 of the District of Columbia Public Library Board of Trustees Appointment Amendment Act of 1985, effective September 5, 1985 (D.C. Law 6-17; D.C. Official Code § 39-105 (2012 Supp.)); and the Procurement Reform Amendment Act of 1996, effective April 12, 1997, as amended (D.C. Law 11-259; 44 DCR 1423 (March 14, 1997)); Section 156 of An Act Making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1999, and for other purposes, approved October 21, 1998 (112 Stat. 2681, Pub. L. 105-277; codified at D.C. Official Code § 39-105 (2012 Repl.)); hereby gives notice of its intent to amend the following Section 805 of Chapter 8 (Public Library) of Title 19 (Amusements, Parks, and Recreation) of the District of Columbia Municipal Regulations (DCMR).

The Board of Library Trustees has appointed the Executive Director, through D.C. Official Code § 39-105(a)(10)(2012 Repl.), to establish rules and manage the day-to-day operations of the library. The amendment will update the rules to reflect the current policies at the District of Columbia Public Library (DCPL).

The Executive-Director of the DCPL approved these rules on November 12, 2014 and intends to take final rulemaking action to adopt the rules as final in not less than thirty (30) days after the date of publication of this notice in the *D.C. Register*.

Chapter 8, PUBLIC LIBRARY, of Title 19, AMUSEMENT, PARKS AND RECREATION, is amended as follows:

Section 805, USE OF MEETING ROOMS: MARTIN LUTHER KING MEMORIAL LIBRARY, Subsections 805.7, 805.13 – 805.15, 805.20, 805.22, and 805.25, are amended to read as follows:

- 805.7 Food is not permitted in meeting rooms unless there is prior authorization. Drinking with covered cups is allowed in all meeting rooms.
- 805.13 [REPEALED].
- 805.14 [REPEALED].
- 805.15 [REPEALED].
- 805.20 The room capacities are as follows:

- (a) Room A-3 = 5-35 persons
- (b) Room A-5 = 50-250 persons
- (c) Room A-9 = 10-40 persons
- (d) Room A-10 = 25-60 persons
- (e) Room 221 = 4-15 persons

805.22 Reservations should be made online at dclibrary.org/services/instructions. A library card is required to make a reservation. Customers who need of guidance with the online reservation process may contact the Public Services Office at 202-727-1221.

805.25 The library provides a listing of meetings, locations, and times of meetings in the Great Hall. No other signs shall be permitted.

Any person desiring to comment on the subject matter of this proposed rulemaking should file comments in writing not later than thirty (30) days after the date of the publication of this notice in the *D.C. Register*. Comments should be submitted to Grace Perry-Gaiter, DCPL, General Counsel, Martin Luther King Jr. Memorial Library, 901 G Street, N.W., 4th Floor, Washington, D.C. 20001. Telephone: (202) 727-1134. Copies of the proposed rulemaking may be obtained by writing to the address stated above.

DISTRICT OF COLUMBIA PUBLIC LIBRARY**NOTICE OF PROPOSED RULEMAKING**

The District of Columbia Public Library Board of Trustees, pursuant to the authority set forth in An Act To establish and provide for the maintenance of a free public library and reading room in the District of Columbia, approved June 3, 1896, as amended (29 Stat. 244, ch. 315, § 5; D.C. Official Code § 39-105 (2012 Supp.)); Section 3205 (jjj) 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 § 39-105 (2012 Supp.)); Section 2 of the District of Columbia Public Library Board of Trustees Appointment Amendment Act of 1985, effective September 5, 1985 (D.C. Law 6-17; D.C. Official Code § 39-105 (2012 Supp.)); and the Procurement Reform Amendment Act of 1996, effective April 12, 1997, as amended (D.C. Law 11-259; 44 DCR 1423 (March 14, 1997)); Section 156 of An Act Making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1999, and for other purposes, approved October 21, 1998 (112 Stat. 2681, Pub. L. 105-277; codified at D.C. Official Code § 39-105 (2012 Repl.)); hereby gives notice of its intent to amend the following Section 807 of Chapter 8 (Public Library) of Title 19 (Amusements, Parks, and Recreation) of the District of Columbia Municipal Regulations (DCMR).

The Board of Library Trustees has appointed the Executive-Director, through D.C. Official Code § 39-105(a)(10) (2012 Repl.), to establish rules and manage the day-to-day operations of the library. The amendment will update the rules to reflect the current policies at the D.C. Public Library.

The Executive-Director of the District of Columbia Public Library (DCPL) approved these rules on November 12, 2014 and intends to take final rulemaking action to adopt the rules as final in not less than thirty (30) days after the date of publication of this notice in the *D.C. Register*.

Chapter 8, PUBLIC LIBRARY, of Title 19 DCMR, AMUSEMENT, PARKS, AND RECREATION, is amended as follows:**Section 807, FUND RAISING ACTIVITIES ON LIBRARY PREMISES, Subsection 807.3 is amended to read as follows:**

- 807.3 The following library-related organizations shall be allowed to use library buildings and grounds for fund-raising purposes:
- (a) Friends of the library groups;
 - (b) Library advocacy groups, such as the citizens advocates for libraries and the D.C. Library Association; and
 - (c) D.C. Public Library Foundation.

Any person desiring to comment on the subject matter of this proposed rulemaking should file comments in writing not later than thirty (30) days after the date of the publication of this notice in the *D.C. Register*. Comments should be submitted to Grace Perry-Gaiter, DCPL, General Counsel, Martin Luther King Jr. Memorial Library, 901 G Street, N.W., 4th Floor, Washington, D.C. 20001. Telephone: (202) 727-1134. Copies of the proposed rulemaking may be obtained by writing to the address stated above.

DISTRICT OF COLUMBIA PUBLIC LIBRARY**NOTICE OF PROPOSED RULEMAKING**

The District of Columbia Public Library Board of Trustees, pursuant to the authority set forth in An Act To establish and provide for the maintenance of a free public library and reading room in the District of Columbia, approved June 3, 1896, as amended (29 Stat. 244, ch. 315, § 5; D.C. Official Code § 39-105 (2012 Supp.)); Section 3205 (jjj) 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 § 39-105 (2012 Supp.)); Section 2 of the District of Columbia Public Library Board of Trustees Appointment Amendment Act of 1985, effective September 5, 1985 (D.C. Law 6-17; D.C. Official Code § 39-105 (2012 Supp.)); and the Procurement Reform Amendment Act of 1996, effective April 12, 1997, as amended (D.C. Law 11-259; 44 DCR 1423 (March 14, 1997)); Section 156 of An Act Making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1999, and for other purposes, approved October 21, 1998 (112 Stat. 2681, Pub. L. 105-277; codified at D.C. Official Code § 39-105 (2012 Repl.)); hereby gives notice of its intent to amend the following Section 819 of Chapter 8 (Public Library) of Title 19 (Amusements, Parks, and Recreation) of the District of Columbia Municipal Regulations (DCMR).

The Board of Library Trustees has appointed the Executive-Director, through D.C. Official Code §39-105(a)(10) (2012 Repl.) to establish rules and manage the day-to-day operations of the library. The proposed rulemaking would allow the District of Columbia Public Library (DCPL) to prohibit the carrying and use of firearms in the library.

The Executive-Director of the DCPL approved these rules on November 12, 2014 and intends to take final rulemaking action to adopt the rules as final in not less than thirty (30) days after the date of publication of this notice in the *D.C. Register*.

Chapter 8, PUBLIC LIBRARY, of Title 19 DCMR, AMUSEMENT, PARKS, AND RECREATION is amended by adding a new Section 819 to read as follows,

819 WEAPONS

- 819.1 In accordance with D.C. Official Code § 22-4503.02 and D.C. Official Code § 22-4502.01, no person shall carry or possess firearms on and/or within 1000 feet of D.C. Public Library property.
- 819.2 The exceptions granted in D.C. Official Code § 22-4502.1 shall apply to this section.
- 819.3 No person shall carry or possess knives, razors or blades longer than three (3) inches on D.C. Public Library property.

Any person desiring to comment on the subject matter of this proposed rulemaking should file comments in writing not later than thirty (30) days after the date of the publication of this notice in the *D.C. Register*. Comments should be submitted to Grace Perry-Gaiter, DCPL, General Counsel, Martin Luther King Jr. Memorial Library, 901 G Street, N.W., 4th Floor, Washington, D.C. 20001. Telephone: (202) 727-1134. Copies of the proposed rulemaking may be obtained by writing to the address stated above.

DISTRICT OF COLUMBIA PUBLIC LIBRARY**NOTICE OF PROPOSED RULEMAKING**

The District of Columbia Public Library Board of Trustees, pursuant to the authority set forth in An Act To establish and provide for the maintenance of a free public library and reading room in the District of Columbia, approved June 3, 1896, as amended (29 Stat. 244, ch. 315, § 5; D.C. Official Code § 39-105 (2012 Supp.)); Section 3205 (jjj) 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 § 39-105 (2012 Supp.)); Section 2 of the District of Columbia Public Library Board of Trustees Appointment Amendment Act of 1985, effective September 5, 1985 (D.C. Law 6-17; D.C. Official Code § 39-105 (2012 Supp.)); and the Procurement Reform Amendment Act of 1996, effective April 12, 1997, as amended (D.C. Law 11-259; 44 DCR 1423 (March 14, 1997)); Section 156 of An Act Making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1999, and for other purposes, approved October 21, 1998 (112 Stat. 2681, Pub. L. 105-277; codified at D.C. Official Code § 39-105 (2012 Repl.)); hereby gives notice of its intent to amend the following Section 4306 of Chapter 43 (District of Columbia Public Library: Procurement) of Title 19 (Amusements, Parks, and Recreation) of the District of Columbia Municipal Regulations (DCMR).

The Board of Library Trustees has appointed the Executive-Director, through D.C. Official Code § 39-105(a)(10) (2012 Repl.), to establish rules and manage the day-to-day operations of the library. The amendment will update the rules to reflect the current policies at the D.C. Public Library (DCPL).

The Executive-Director of the DCPL approved these rules on November 12, 2014 and intends to take final rulemaking action to adopt the rules as final in not less than thirty (30) days after the date of publication of this notice in the *D.C. Register*.

Section 4306 of Chapter 43, DISTRICT OF COLUMBIA PUBLIC LIBRARY: PROCUREMENT), of Title 19, AMUSEMENT, PARKS, AND RECREATION is amended to read as follows:

4306 NON-COMPETITIVE SIMPLIFIED PROCUREMENTS

- 4306.1 A procurement for ten thousand dollars (\$10,000) or less shall be considered a small purchase and may be made without obtaining competition if the contracting officer determines the price to be fair and reasonable.
- 4306.2 Small purchase requirements shall be reserved for local, small or disadvantaged businesses to the maximum extent practicable.
- 4306.3 Small purchase requirements shall be spread equitably among suppliers to ensure usage of as many suppliers as possible and to provide procurement opportunities to as many suppliers as possible.

4306.4 [REPEALED].

Any person desiring to comment on the subject matter of this proposed rulemaking should file comments in writing not later than thirty (30) days after the date of the publication of this notice in the *D.C. Register*. Comments should be submitted to Grace Perry-Gaiter, DCPL, General Counsel, Martin Luther King Jr. Memorial Library, 901 G Street, N.W., 4th Floor, Washington, D.C. 20001. Telephone: (202) 727-1134. Copies of the proposed rulemaking may be obtained by writing to the address stated above.

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

NOTICE OF PROPOSED RULEMAKING

The Executive Director of the District of Columbia Lottery and Charitable Games Control Board, pursuant to the authority set forth under Section 4 of the Law to Legalize Lotteries, Daily Numbers, and Bingo and Raffles for Charitable Purposes in the District of Columbia, effective March 10, 1981 (D.C. Law 3-172; D.C. Official Code § 3-1306 (2012 Repl.)); District of Columbia Financial Responsibility and Management Assistance Authority Order, issued September 21, 1996, and Office of the Chief Financial Officer Financial Management Control Order No. 96-22, issued November 18, 1996, hereby gives notice of the intent to adopt the following amendments to Chapter 9 (Description of On-Line Games) and Chapter 99 (Definitions) of Title 30 (Lottery and Charitable Games) of the District of Columbia Municipal Regulations (DCMR).

This rulemaking implements the multi-jurisdictional Lottery game called LUCKY FOR LIFE™. The game expects to launch on February 15, 2014.

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

Title 30, LOTTERY AND CHARITABLE GAMES, of the DCMR is amended as follows:

Add a new Section 973, DESCRIPTION OF THE LUCKY FOR LIFE GAME™, to Chapter 9, DESCRIPTION OF ONLINE GAMES, to read as follows:

973 DESCRIPTION OF THE LUCKY FOR LIFE GAME™

973.1 Lucky For Life™ is a five (5) out of forty-eight (48) plus one (1) out of eighteen (18) lottery draw game which pays the jackpot and set prizes. Drawings are on each Monday and Thursday.

973.2 The price of each Lucky For Life play shall be (\$2.00).

Add a new Section 974, LUCKY FOR LIFE PLAY RESTRICTIONS AND PLAY STYLES, to Chapter 9, DESCRIPTION OF ONLINE GAMES, to read as follows:

974 LUCKY FOR LIFE PLAY RESTRICTIONS AND PLAY STYLES

974.1 Contribution to Prize Pool. A Party Lottery may offer Game Tickets as a prize or as part of an authorized promotion provided that all such Game Ticket sales are assessed and reported to the prize pool at the full gross sales amount.

- 974.2 Ineligible Players. Game Tickets Lucky For Life tickets shall not be purchased, and a prize won by any such ticket or share, either in whole or in part, shall not be paid to:
- (a) A Party Lottery employee, officer, director, board member or commissioner.
 - (b) A contractor or consultant under agreement with any Party Lottery to perform audit and security procedures.
 - (c) An employee of the independent certified public accounting firm under contract with any New England Lottery to oversee Drawing Events.
 - (d) An employee of a Party Lottery's on-line vendor.
 - (e) An employee of a Party Lottery's advertising or public relations provider.
 - (f) An immediate family member (parent, stepparent, child, stepchild, spouse, sibling or person engaged in a domestic partnership or civil union) of an individual described in Subsections a, b, c, d, e, or f residing as a member of the same household in the principal place of residence of any such person.
 - (g) Those persons designated herein as ineligible to play the game in one (1) Party Lottery jurisdiction shall also be ineligible to play the game in all other Party Lottery jurisdictions selling the game.
- 974.3 A Lucky For Life ticket may not be cancelled or voided by returning the ticket to the Agent or Agency. A ticket accepted by the Agent as a returned ticket, and that cannot be resold, shall be deemed as owned by the bearer thereof. This prohibition also applies to a ticket that may be printed in error by the Agent.
- 974.4 A Lucky For Life ticket, subject to the validation requirements as detailed in Sections 603, 605, 975.17, 975.19, and 975.20 of these regulations, shall be the only proof of a Bet (or Plays), and the submission of a Winning Ticket to the Agency or an Agent shall be the sole method of claiming a prize or prizes.
- 974.5 A Selection Slip has no pecuniary or prize value and shall not constitute evidence of a ticket purchase or of numbers selected. Under no circumstances shall a claim be paid for a prize without a Winning Ticket.
- 974.6 Disclosure of Lucky For Life game winner and player information shall be in accordance with the District of Columbia's laws and regulations as well as Section 614 of Title 30 of the D.C. Municipal Regulations.
- 974.7 Players may submit a completed Selection Slip to any Agent to have a game ticket

issued. Selection Slips shall be available at no cost to the player and shall have no pecuniary or prize value, or constitute evidence of purchase or number selections. The use of facsimiles of Selection Slips, copies of Selection Slips, or other materials that are inserted into the terminal's Selection Slip reader that are not printed or approved by the Agency, are not permitted. Agents shall not permit any device to be connected to a terminal to enter bets, plays, or wagers, except as approved by the Agency.

- 974.8 Players may convey their number selections to any Agent to obtain a game ticket. Such number selections shall be manually entered into the terminal by the Agent.
- 974.9 Players may either request a Quick Pick game ticket from an Agent or may select the Quick Pick option on the Selection Slip and submit the completed Selection Slip to any Agent. Quick Pick shall be differentiated from customer selected numbers in that Quick Pick shall refer to the random selection of numbers made by the Central Computer System rather than by the player.
- 974.10 Players may select their own numbers by completing a Selection Slip or by conveying their number selections directly to any Agent. Customer selected numbers shall be differentiated from Quick Pick in that customer selected numbers shall refer to number selections made by the player rather than the Central Computer System.
- 974.11 In connection with the winning numbers drawn, the holder of a Winning Ticket may win only one (1) prize per Play, board or panel, and shall be entitled only to the prize won by those numbers in the highest matching prize category.
- 974.12 A prize shall be claimed within one hundred eighty (180) days after the drawing in which the prize was won commencing with the day following the drawing, unless a shorter period of time has been authorized by the Executive Director.
- 974.13 It shall be the player's sole responsibility to verify the accuracy of the bet(s) (or plays) and the other data printed on the Lucky For Life ticket. The placing of bets or wagers is done at the player's own risk through the Agent.

Add a new Section 975, LUCKY FOR LIFE PRIZE LIABILITY LIMITS, PRIZE PAYOUTS, AND PRIZE LEVELS to Chapter 9, DESCRIPTION OF ONLINE GAMES, to read as follows:

975 LUCKY FOR LIFE PRIZE LIABILITY LIMITS, PRIZE PAYOUTS, AND PRIZE LEVELS

- 975.1 There are 10 prize levels in the Game.
- 975.2 Except as provided in Sections 973, 974, 975, or 976 of these regulations, the top prize (Prize Level #1) shall be annuitized and based on a top prize liability that

will be split equally among the number of winning tickets.

- 975.3 A top prize winner may request the cash option, the amount of which is to be established by the New England Lotteries for a defined period of Drawing Events. Notice of the amount of and changes to the cash option shall be posted on the Lucky For Life game's website and/or published in a manner determined by the Agency at least thirty (30) days prior to the first Drawing Event to which it is applicable (the "Published Notice"). Under certain circumstances, as defined in Subsection 975.6 of these regulations, the top prize is required to be paid in a single lump sum cash payment and no annuitized payment option is available.
- 975.4 If there is one (1) top prize winner, the annuitized prize value will be seven thousand dollars (\$7,000.00) per week for life. As an alternative to the annuitized payment option, the top prize winner may request the top prize cash option in the amount set forth in the Published Notice.
- 975.5 If there are between two (2) and fourteen (14) top prize winners, the annuitized payment option, based on an annuitized prize value of seven thousand dollars (\$7,000.00) per week, will be divided by the total number of top prize winners. The minimum annuitized prize value for this category will be five hundred dollars (\$500.00) a week for life. Any of these two (2) to fourteen (14) top prize winners may choose the cash option as an alternative to the annuitized payment option. The amount of the cash option for this category will be the amount of the top prize cash option set forth in the Published Notice divided by the total number of top prize winners. The minimum cash option for this category will be the amount set forth in the Published Notice.
- 975.6 If there are fifteen (15) or more top prize winners, the top prize liability shall be capped at seven million one hundred twenty-five thousand dollars (\$7,125,000.00), shall be split equally among all top prize winners, and shall be paid in one (1) lump sum cash payment, without an annuitized payment option. The minimum prize value for this category shall not be less than any lower tier prize paid in that respective Drawing Event.
- 975.7 Winner(s) of the top prize who do not request the cash option shall be paid their appropriate top prize share on a weekly basis, or according to such other schedule of payments set at the discretion of the Agency, as permitted in Sections 973, 974, 975, or 976 of these regulations, for a minimum period of twenty (20) years. The first Top Prize payment will be made when the prize is claimed at the Agency's Headquarters or other location designated by the Executive Director.
- 975.8 Except as provided in Subsections 975.3, 975.4, or 975.5 of these regulations, the second prize (Prize Level #2) winner will be paid twenty-five thousand dollars (\$25,000.00) a year for life. A second prize winner may request the cash option, the amount of which is to be established by the New England Lotteries for a defined period of Drawing Events. Notice of the amount of and changes to the

cash option shall be posted on the Lucky for Life website and/or by the Agency. Under certain circumstances, as defined in Subsection 975.10 of these regulations, the second prize is required to be paid in a single lump sum cash payment and no annuitized payment option is available.

- 975.9 If there are between one (1) and twenty (20) second prize winner(s), the annuitized prize value will be twenty-five thousand dollars (\$25,000.00) per year for life. Any of these one (1) to twenty (20) second prize winner(s) may choose the second prize cash option as an alternative to the annuitized payment option. The amount of the cash option for this category will be set forth in the Published Notice.
- 975.10 If there are twenty-one (21) or more second prize winners, the second prize liability shall be capped at nine million four hundred thousand dollars (\$9,400,000.00), shall be split equally among all second prize winners, and shall be paid in a single lump sum cash payment, without an annuitized payment option. The minimum prize value for this category shall not be less than any lower tier prize paid in that respective Drawing Event.
- 975.11 The winner(s) of the second prize who do not request the cash option shall be paid their appropriate second prize share on an annual basis for a minimum period of twenty (20) years. The initial second prize payment will be made when the prize is claimed at the Agency's Headquarters or other location designated by the Executive Director; subsequent second prize payments will be made annually thereafter.
- 975.12 For a single bet or wager, the measuring life of a prize winner used to determine the duration over which the prize is paid, shall be the natural life of the individual determined by the Agency to be the prize Winner. If the prize under a single bet or wager is being claimed by more than one (1) natural person or by a legal entity, the measuring life for that prize winner shall be twenty (20) years.
- 975.13 If paid in a lump sum cash or single cash payment, prize amounts will be rounded to the nearest whole dollar.
- 975.14 Except as provided in Sections 973, 974, 975, or 976 of these regulations, the third prize (Prize Level #3) will be paid as a five thousand dollar (\$5,000.00) set prize. If there are more than one thousand (1,000) winners of this prize level in a single Drawing Event, the total prize liability of five million dollars (\$5,000,000.00) (\$5,000.00 x 1,000) will be split equally among the winners.
- 975.15 Under no circumstances, will the value of the third prize fall below a minimum prize value of two hundred dollars (\$200.00) per winner, regardless of the number of Winners.
- 975.16 The holder of a Winning Ticket shall be entitled only to the prize won by

matching the winning numbers in the highest matching prize category.

- 975.17 All Winning Tickets, including the top prize and second prize Winning Tickets, shall be paid in accordance with District of Columbia jurisdictional law, D.C. Official Code §§ 3-1301 *et seq.*, and Title 30 of the District of Columbia's Municipal Regulations.
- 975.18 The Agency shall withhold taxes and other required withholdings in accordance with applicable federal and District laws.
- 975.19 To be a valid Winning Ticket and eligible to receive a prize, a Winning Ticket shall satisfy all the requirements established for the validation of Winning Tickets sold through the Agency's Central Computer System, and any other requirements adopted by the Agency and New England Lottery Directors.
- 975.20 The Agency shall not be responsible for game tickets that are altered in any manner.
- 975.21 Except in the case of a cash option payment or a lump sum cash payment paid in accordance with Sections 973, 974, 975, or 976 of these regulations, annuitized prize payments shall be made for the measuring life of the top prize or second prize winner.
- 975.22 All annuitized payments shall be made for a minimum of twenty (20) years. The measuring life as defined in Subsection 975.12 of these regulations shall be determined at the time the top prize or second prize is claimed.
- (a) No rights of any person to a prize or a portion of a prize shall be assignable.
 - (b) In the event annuitized prize payments are assigned by a court order, the measuring life at the time the top prize or second prize was claimed shall not change and limit or extend the number of annuitized payments due any assignee, court-ordered or otherwise.
 - (b) In the event of the death of a top prize or second prize winner during the annuity payment period, the Agency, with the approval of the New England Lotteries, upon petition of the estate of that winner (the "Estate") to the Agency, and subject to the Agency's jurisdictional laws, may accelerate the payment of all the remaining lottery proceeds to the Estate.
 - (1) If the annuitant dies during the annuity payment period, but before the guaranteed prize amount has been paid, the Estate shall receive the remaining payments equal to the minimum guaranteed prize amount.

- (2) If the annuitant dies during the annuity payment period, but after the minimum guaranteed prize amount has been paid, all payments shall stop.

975.23 All low-tier set prizes (all prizes except the top prize and second prize) shall be paid in one (1) single cash payment through the Agency. Prizes shall be rounded to the nearest whole dollar. The Agency may begin paying low-tier cash prizes after receiving authorization to pay from the Clearinghouse Lottery.

975.24 The following table details the Game’s statistical information.

Odds of Winning, Prize Payouts and Prize Funding as a Percentage of Sales.

Prize Level	Matches Set #1 (5 of 48)	Matches Set #2 (1 of 18)	Odds of Winning: 1/	Prize	% Sales
1	5	1	30,821,472.000	\$7,000/Week for Life*	10.2201%
2	5	0	1,813,027.765	\$25,000/Year for Life*	11.6380%
3	4	1	143,355.684	\$5,000*	1.7439%
4	4	0	8,432.687	\$200	1.1859%
5	3	1	3,413.231	\$150	2.1973%
6	3	0	200.778	\$20	4.9806%
7	2	1	249.749	\$25	5.0050%
8	2	0	14.691	\$3	10.2103%
9	1	1	49.950	\$6	6.0060%
10	0	1	32.019	\$4	6.2463%
				Total Payout	59.4335%

Average Chance of Winning: 1 in 7.769

*Prize amounts may be split if there are multiple winners, in accordance with the provisions established in Subsections 975.6, 975.10, and 975.14 of these regulations. Split prizes may be lower than the published prize amounts.

Add a new Section 976, LUCKY FOR LIFE DISPUTES AND APPLICABLE LAW, to Chapter 9, DESCRIPTION OF ONLINE GAMES, to read as follows:

976 LUCKY FOR LIFE DISPUTES AND APPLICABLE LAW.

- 976.1 In purchasing a Lucky For Life ticket, the following provisions apply:
- (a) The purchaser agrees to comply with and abide by the Agency's rules, regulations, guidelines, jurisdictional laws and final decisions, as well as all rules established for the conduct of the Lucky For Life Game.
 - (b) Decisions made by the New England Lotteries, Agency, and Executive Director, including the declaration of prizes, the payment thereof, and the interpretation of these regulations, shall be final and binding on all purchasers and on every person making a claim in respect thereof. In the event of conflict, however, between these regulations and the Agency's jurisdictional laws, the Agency's jurisdictional laws shall control.
 - (c) Any claims or litigation relating to Lucky For Life tickets and/or prizes:
 - (1) Shall be subject to and resolved in accordance with the laws, rules and regulations of the Agency and jurisdiction in which the ticket was purchased;
 - (2) Must be brought in and strictly limited to the courts located within the jurisdiction of the District of Columbia; and
 - (3) Shall only be brought against the Agency in the jurisdiction where such ticket was purchased.

Section 9900, DEFINITIONS, of Chapter 99, DEFINITIONS, is amended by adding the following terms and definitions:

“New England Lotteries” – means the Lotteries responsible for and offering the Lucky For Life Game.

“Party Lottery” – means a Lottery offering or participating in the Lucky For Life on-line game.

“Clearinghouse Lottery” – means the Party Lottery or other duly authorized entity who is responsible for collecting and transferring prize payouts for the Lucky For Life game on behalf of all Party Lotteries.

“Lucky Ball” – means the number selected from the second set of numbers in each Lucky For Life Drawing.

All persons desiring to comment on the subject matter of this proposed rulemaking should file comments in writing not later thirty (30) days after the date of publication of this notice in the *D.C. Register*. Comments should be filed with the Antar Johnson, Senior Counsel, Lottery and Charitable Games Control Board, 2235 Shannon Place, S.E., Washington, D.C. 20020, or e-mailed to antar.johnson@dc.gov, or filed online at www.dcregs.gov. Additional copies of these proposed rules may be obtained at the address stated above.

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 and 7 of the District of Columbia Traffic Act of 1925, approved March 3, 1925 (43 Stat. 1121; D.C. Official Code §§ 50-2201.03 and 50-1401.01 (2012 Repl. & 2014 Supp.)), hereby gives notice of the intent to adopt the following rulemaking that will amend Chapters 1 (Issuance of Driver Licenses) and 4 (Motor Vehicle Title and Registration) of Title 18 (Vehicles and Traffic) of the District of Columbia Municipal Regulations (DCMR).

The proposed rules allow the Department of Motor Vehicles to enter into reciprocity agreements with foreign governments to exempt citizens of such countries from the written knowledge and road tests, provides an opportunity for an individual to donate to the District of Columbia donor registry, and adds a provision to allow for third parties to perform title and registration functions for new vehicles.

The Director also gives notice of her 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*.

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

Chapter 1, ISSUANCE OF DRIVER'S LICENSES, is amended as follows:

Section 100, PROVISIONS, is amended as follows:

A new Subsection 100.7 is added to read as follows:

100.7

- (a) The Director of the Department of Motor Vehicles is authorized to negotiate and enter into an agreement with a foreign country that exempts the citizens of such foreign country from the written knowledge test and the road test required in 18 DCMR § 104 so long as the citizen holds a valid operator permit of an equivalent class issued by such foreign country.
- (b) No such agreement shall be entered into unless the foreign country offers the same reciprocity to persons holding a valid operator license of an equivalent class issued by the District of Columbia and the Director determines that the laws of such foreign country relating to the operation of motor vehicles are sufficiently similar to such laws of the District such that driving safety shall not be compromised.

- (c) The provisions of this subsection notwithstanding, the Department shall not be authorized to enter into any reciprocal agreement with any foreign country that is designated as a state sponsor of terrorism by the United States Department of State.
- (d) The exemption provided for in this subsection shall not be an exemption from any other legal requirement for the issuance of an operator permit.
- (e) This subsection shall not apply to citizens of foreign countries applying for a commercial driver license or motorcycle endorsement.

Section 108, INDICATIONS OF ANATOMICAL GIFTS ON LICENSES AND SPECIAL IDENTIFICATION CARDS, is amended as follows:

Subsection 108 is amended by striking the phrase “learner’s permit” wherever it appears and inserting the phrase “learner permit” in its place, and by striking the phrase “operator’s license” wherever it appears and inserting the phrase “driver license” in its place.

A new Subsection 108.10 is added to read as follows:

108.10 An applicant for a new or renewed license, permit or identification card shall have the opportunity to donate \$1 or more to the District of Columbia donor registry established pursuant to Section 20 of the Uniform Anatomical Gift Revision Act of 2008, effective April 15, 2008 (D.C. Law 17-145; D.C. Official Code § 7-1531.19).

Chapter 4, MOTOR VEHICLE TITLE AND REGISTRATION, is amended as follows:

A new Section 437, THIRD PARTY TITLING AND REGISTRATION, is added as follows:

- 437.1 The Department of Motor Vehicles (“Department”) may certify third parties to perform motor vehicle title and registration functions pertaining to new vehicle sales in accordance with the laws of the District of Columbia.
- 437.2 A third party shall not engage in any activity pursuant to this chapter unless the Department issues a certificate allowing the party to engage in the business and the certificate is in good standing.
- 437.3 The Department shall supervise and regulate all parties required by this section to obtain a certificate, including successful completion of a training course by a third party or designated employees or agents of a third party who will perform the functions set forth in § 437.1.

- 437.4 A third party shall apply for certification pursuant to this chapter in writing on a form prescribed by the Department. The third party shall include with the application all documents and fees as determined by the Department.
- 437.5 The application shall be under oath and shall contain, at a minimum:
- (a) The name and residence address of the applicant; if the applicant is a partnership, the name and residence address of each partner; or if the applicant is a corporation, the name and residence address of each principal officer and any stockholder holding more than ten percent (10 %) of the corporation;
 - (b) The name and residence address of any individual who will be performing the functions set forth in § 437.1.
 - (c) The principal place of business of the applicant;
 - (d) The established place of business at or from which the business is to be conducted; and
- 437.6 The Director may add new application requirements as he or she reasonably determines to be necessary.
- 437.7 A third party who applies for certification pursuant to this section shall submit with the application a bond in a form to be approved by the Department and in an amount of at least twenty-five thousand (\$25,000) dollars.
- (a) A surety company authorized to transact business in the jurisdiction where the third party is located shall execute the bond with the applicant as principal obligor on the bond and the District of Columbia as obligee. The surety company shall notify the Department by certified or registered mail if the bond is cancelled. The bond shall be conditioned on the applicant faithfully complying with all of the provisions of law. The bond shall be not be cancellable and shall remain in effect for forty-five (45) days after the Department's termination of a third party's certification to perform title and registration functions or the third party voluntarily gives up its certificate to perform title and registration functions.
 - (b) The bond inures to the benefit of any person who suffers loss because of any of the following:
 - (1) Nonpayment of any fee or tax paid to the third party by that person;
 - (2) Insolvency, bankruptcy or discontinuance of business; or

- (3) Failure of the third party to comply with its duties pursuant to this section.
- 437.8 The bond requirement of this section does not apply to a Department or Agency of the District of Columbia.
- 437.9 An applicant and each partner, officer, director, agent, or stockholder owning ten percent or more of a corporation seeking certification pursuant to this chapter shall provide a full set of fingerprints and a fee as determined by the Department in order to conduct a criminal background investigation.
- 437.10 If the third party adds a partner, officer, director, agent, or stockholder who owns ten percent or more of the corporation and who was not included in the criminal background investigation on a prior application, the third party shall notify the Department within ten days of the change and provide a full set of fingerprints for the purpose of a criminal background check, along with a fee as determined by the Department in order to conduct a criminal background investigation.
- 437.11 The criminal background investigation does not apply to a Department or Agency of the District of Columbia.
- 437.12 The Department shall deny an application for a certificate if:
- (a) There is a false statement or misrepresentation in the application;
 - (b) A third party, partner, officer, director, agent, or stockholder owning ten percent (10%) or more of a corporation seeking certification has been convicted, as defined in § 9901 of this title, of a felony in any state, territory or possession of the United States or any foreign country, regardless of whether civil rights have been restored or been convicted, as defined in § 9901 of this title, of a misdemeanor involving dishonesty, false statement, perjury, or moral turpitude;
 - (c) The application is not complete; or
 - (d) The bond is not submitted with the application.
- 437.13 If an application for certification is denied, the Department shall advise the applicant in writing by personal service or certified or registered mail of the denial and the grounds for denial.
- 437.14 Once a third party is certified, the Department shall furnish it the necessary title and registration documents, license plates, and registration, new vehicle inspection and parking stickers.

- 437.15 A certified third party shall notify the Department within one (1) business day by email or facsimile, as well as by certified or registered mail when an individual listed pursuant to § 437.5(b) is no longer performing the functions set forth in § 437.1.
- 437.16 Subsequent to certification, any individual not listed in § 437.5(b) must successfully complete a Department training course prior to performing the functions set forth in § 437.1.
- 437.17 A certified third party shall submit to the Department all statutorily and regulatory prescribed title and registration fees it collects as well as any other documentation or information pertaining to the titling and registration in the manner prescribed by the Department.
- 437.18 Subsequent to issuance of a certification, the Department shall:
- (a) Conduct investigations it deems necessary;
 - (b) Conduct audits and require that the third party submit to it, at such intervals as it determines an audit by the Department or a certified public accountant licensed by the jurisdiction where the third party is located;
 - (c) Make on-site inspections during regular business hours and at such locations as it deems appropriate to determine compliance by the third party with this section; and
 - (d) Require that a certified third party or employees or agents of a certified third party shall take part in all Department required continuing training programs.
- 437.19 A third party who is certified pursuant to this section shall maintain records for three (3) years. Those records shall include:
- (a) Collection of and disbursement of excise taxes;
 - (b) Collection of and disbursement of titling and registration fees;
 - (c) Collection and disbursement of any other fees collected for the Department; and
 - (d) Documentation pertaining to the distribution of the items described in § 437.3.
- 437.20 The records noted in § 437.18 shall identify the:
- (a) Customer's file number, if any;

- (b) Customer's name and address;
- (c) Vehicle's make, year, vehicle identification number; and
- (d) Type of transaction.

437.21 The certified third party shall safeguard all inventory provided to it by the Department and shall notify the Department within twenty-four (24) hours if inventory is lost or stolen.

437.22 The Department shall revoke the certification of a third party granted pursuant to this section for any of the following reasons:

- (a) There is a false statement or misrepresentation in the application;
- (b) Violation of this section;
- (c) Allowing an unauthorized person to issue a title or registration or collect fees required to be paid to the Department under this section;
- (d) Failure to maintain the bond required by this section;
- (e) A third party, partner, officer, director, agent, or stockholder owning ten percent or more of a corporation seeking certification having been convicted, as defined in § 9901 of this title, of a felony in any state, territory or possession of the United States or any foreign country, regardless of whether civil rights have been restored or been convicted, as defined in § 9901 of this title, of a misdemeanor involving dishonesty, false statement, perjury, or moral turpitude;
- (f) Insolvency, bankruptcy or discontinuance of business; or
- (g) Failure to protect personal information as set forth in 18 U.S.C. §§ 2721 *et seq.* or D.C. Official Code § 50-1401.01b.

437.23 The Department shall advise the third party in writing by personal service or certified or registered mail of the revocation of the certification.

437.24 A third party whose application is denied or whose certification is revoked may petition the Department in writing within thirty (30) days of the date of the letter for a hearing before the Department's Vehicle Services Administrator. There shall be no right of appeal from the Administrator's decision.

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 HEALTH CARE FINANCE

NOTICE OF EMERGENCY AND PROPOSED RULEMAKING

The Director of the Department of Health Care Finance, pursuant to the authority set forth in An Act to enable the District of Columbia to receive federal financial assistance under Title XIX of the Social Security Act for a medical assistance program, and for other purposes, approved December 27, 1967 (81 Stat. 774; D.C. Official Code § 1-307.02 (2012 Repl. & 2014 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 adoption, on an emergency basis, of an amendment to Section 903 (Outpatient Hospital Services Reimbursement Methodology) under Chapter 9 (Medicaid Program) of Title 29 (Public Welfare) of the District of Columbia Municipal Regulations (DCMR).

This emergency and proposed rule amends the payment system by the District of Columbia Medicaid program for reimbursement of outpatient hospital services.

Effective Fiscal Year (FY) 2015, beginning October 1, 2014, all hospitals that deliver outpatient services and are enrolled as providers under the District Medicaid program will be reimbursed for outpatient services by a prospective payment system (PPS) under the Enhanced Ambulatory Patient Grouping (EAPG) classification system. The EAPG based reimbursement methodology will reimburse providers of outpatient hospital services based on the patient's severity of illness and risk of mortality as well as the hospital's resource needs. The emergency and proposed rulemaking will also identify which providers are subject to the revised reimbursement system; delineate coverage and payment for specific services; and establish exceptions to service reimbursement under the payment system.

This emergency rulemaking is necessitated by the immediate need to ensure that District residents have continued access to quality outpatient hospital care services. Emergency action is necessary for the immediate preservation of the health, safety and welfare of persons receiving these services.

The corresponding amendment to the District of Columbia State Plan for Medical Assistance (State Plan) was approved by the Council of the District of Columbia (Council) through the Medicaid Assistance Program Emergency Amendment Act of 2014, signed July 14, 2014 (D.C. Act 20-377; 61 DCR 007598 (August 1, 2014)). The amendment must also be approved by the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS). These rules shall become effective for outpatient hospital services rendered on or after October 1, 2014, if the corresponding State Plan Amendment has been approved by CMS with an effective date of October 1, 2014, or the effective date established by CMS in its approval of the corresponding State Plan Amendment. If approved, DHCF shall publish a final notice which sets forth the effective date of the rules.

The emergency rulemaking was adopted on September 19, 2014 and shall become effective for services rendered on or after October 1, 2014. The emergency rules will remain in effect for one hundred and twenty (120) days or until January 17, 2015, unless superseded by publication of a Notice of Final Rulemaking in the *D.C. Register*. The Director also gives notice of the intent to

take final rulemaking action to adopt this emergency and proposed rule not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

Section 903, OUTPATIENT AND EMERGENCY ROOM SERVICES, of Chapter 9, MEDICAID PROGRAM, Title 29 DCMR, PUBLIC WELFARE, is amended to read as follows:

903 GENERAL PROVISIONS

- 903.1 The purpose of this section is to set forth the requirements governing Medicaid reimbursement of outpatient hospital services.
- 903.2 All hospitals that deliver outpatient hospital services to Medicaid eligible individuals and are enrolled as providers under the Department of Health Care Finance's (DHCF) Medicaid program shall be reimbursed under a prospective payment system (PPS) under the Enhanced Ambulatory Patient Grouping (EAPG) classification system.
- 903.3 The EAPG payment system shall be applicable to the following hospitals enrolled as Medicaid providers:
- (a) In-District General Hospitals;
 - (b) Specialty Hospitals; and
 - (c) Out-of-District Hospitals with the exception of Maryland hospitals.
- 903.4 The EAPG is a visit-based classification system that uses a grouping algorithm for outpatient services to characterize the amount and type of resources used during a hospital outpatient visit for patients with similar clinical characteristics.
- 903.5 Except as provided in Subsection 903.7, DHCF shall update the EAPG grouper/pricer software version every two (2) years, or more often when necessary. These updates shall be effective on October 1st of the applicable year. The first update shall be implemented in FY 2017, beginning on October 1, 2016.
- 903.6 DHCF shall use the national relative weights of the EAPG grouper/pricer software and update the EAPG relative weights at a minimum of every two (2) years to coincide with the grouper version upgrades, or more frequently as needed.
- 903.7 DHCF shall update the EAPG grouper /pricer software on a quarterly basis to accommodate changes in the national Current Procedural Terminology (CPT)/HealthCare Common Procedure Coding System (HCPCS) code sets.
- 903.8 The EAPG payment system shall apply to all hospital claims for dates of service on or after October 1, 2014.

- 903.9 Payment for an outpatient hospital claim under the EAPG payment system shall be based on the following formula:
Adjusted EAPG relative weight x policy adjustor (if applicable)
x
Conversion factor
- 903.10 Each EAPG shall be assigned a national relative weight, which shall be adjusted by the applicable payment mechanisms including discounting, packaging, and/or consolidation.
- 903.11 DHCF may also use policy adjustors, as appropriate, to ensure that Medicaid beneficiaries maintain access to certain services and adequate provider networks based on review and analysis.
- 903.12 Effective October 1, 2014, a pediatric policy adjustor in the amount of 1.25 shall be applied to the national weight for all outpatient visits for children under the age of twenty-one (21). Thereafter, the policy adjustor rate shall be evaluated during the annual rate review.
- 903.13 The EAPG payment system shall utilize one of the following conversion factors:
- (a) An In-District rehabilitation hospital factor;
 - (b) A District-wide conversion factor for other in-District and out-of-District hospitals (except Maryland hospitals); or
 - (c) A District-wide conversion factor increased by two percent (2%) for outpatient services provided by hospitals located in an Economic Development Zone (EDZ).
- 903.14 A factor that is two percent (2%) higher than the District-wide conversion factor shall be applicable to hospitals whose primary location is in an area identified as an Economic Development Zone and certified by the District Department of Small and Local Business Development as a Developmental Zone Enterprise (DZE) pursuant to D.C. Official Code § 2-218.37.
- 903.15 The conversion factors shall be dependent upon DHCF's budget target, and shall be calculated using outpatient hospital paid claims data from DHCF's most recent and available fiscal year.
- 903.16 The base year data for the conversion factors effective Fiscal Year 2015, beginning on October 1, 2014, shall be historical claims data for outpatient hospital services from the DHCF Fiscal Year 2013, for dates of service beginning on October 1, 2012 through September 30, 2013.

- 903.17 The base year shall change when the EAPG payment system is rebased and recalibrated with a grouper version and EAPG relative weights update every other year.
- 903.18 DHCF shall utilize a budget target for Fiscal Year 2015 which will be based on seventy-seven percent (77 %) of Fiscal Year 2013 costs that will be inflated to Fiscal Year 2015 using the CMS Inpatient Prospective Payment System (IPPS) Hospital Market Basket Rate.
- 903.19 DHCF shall reduce the budget target for Fiscal Year 2015 by five percent (5%) in anticipation of more complete and accurate coding by hospitals upon implementation of the EAPG payment system.
- 903.20 The budget target shall be subject to change each year. Initially, DHCF shall monitor claim payments at least biannually during DHCF Fiscal Years 2015 and 2016 to ensure that expenditures do not significantly exceed or fall below the budget target and shall make adjustments to the conversion factors as necessary. DHCF shall provide written notification to the hospitals of the initial conversion factors and any future adjustments to the conversion factors.
- 903.21 DHCF shall analyze claims data annually to determine the need for an update of the conversion factors. The conversion factors in subsequent years shall be based on budget implications or other factors deemed necessary by DHCF.
- 903.22 New hospitals shall receive the District-wide conversion factor on an interim basis until the conversion factor annual review during which conversion factors for all hospitals shall be analyzed and subject to adjustment. Any changes in rates shall be effective on October 1 of each year.
- 903.23 Each CPT/HCPCS procedure code on a claim line shall be assigned to the appropriate EAPG at the claim line level. The total reimbursement amount shall be the sum of all claim lines.
- 903.24 Prospective payments using the EAPG classification system shall be considered final and there shall be no retrospective cost settlements.
- 903.25 Coverage and payment for specific services shall be made as follows:
- (a) Payment of laboratory and radiology shall be processed and paid by EAPG, subject to consolidation, packaging, or discounting;
 - (b) Physical therapy, occupational therapy, speech therapy, and hospital dental services shall be processed and paid by EAPGs, subject to consolidation, discounting, and packaging; and
 - (c) Observation services shall be processed and paid by EAPG. In order to receive reimbursement for services with an observation status, claims shall

include at least eight (8) consecutive hours (billed as units of service). Any hours in excess of forty-eight (48) shall not be covered.

- 903.26 All DHCF policies for outpatient hospital services requiring prior authorization shall be applicable under the EAPG payment system.
- 903.27 Exceptions to reimbursement under the EAPG payment system shall include the following:
- (a) Vaccines for children that are currently paid under the federal government's Vaccine for Children (VFC) program;
 - (b) Professional services provided by physicians; and
 - (c) Claims originating from Maryland hospitals, St. Elizabeths Hospital, and managed care organizations.
- 903.28 With the exception of Specialty hospitals and Maryland hospitals, outpatient diagnostic services provided by a hospital one (1) to three (3) days prior to an inpatient admission at the same hospital shall not be covered under the EAPG payment system and shall be considered as part of the inpatient stay.
- 903.29 With the exception of Specialty hospitals and Maryland hospitals, outpatient diagnostic services that occur on the same day as an inpatient admission at the same hospital shall be considered part of the inpatient stay.
- 903.30 The EAPG payment system shall be utilized for any Medicaid payment adjustments for Provider Preventable Conditions as set forth in Chapter 92 of Title 29 of the District of Columbia Municipal Regulations.

9299 DEFINITIONS

- 9299.1 For purposes of this section, the following terms shall have the meanings ascribed:

Base year – The standardized year on which rates for all hospitals for outpatient hospital services are calculated to derive a prospective payment system.

Budget target - The total amount that DHCF anticipates spending on all hospital outpatient claims during a fiscal year.

Conversion Factor – The dollar value based on DHCF's budget target, multiplied by the final EAPG weight for each EAPG on a claim to determine the total allowable payment for a visit.

Consolidation – Collapsing multiple significant procedures into one EAPG during the same visit which used to determine payment under the EAPG classification system reimbursement methodology.

Discounting - The reduction in payment for an EAPG when significant procedures or ancillary services are repeated during the same visit or in the presence of certain CPT/HCPCS modifiers.

Department of Health Care Finance – The single state agency responsible for the administration of the District of Columbia’s Medicaid program.

DHCF Fiscal year – The period between October 1st and September 30th; used to calculate the District’s annual budget.

Enhanced Ambulatory Patient Grouping (EAPG) – A group of outpatient procedures, encounters, or ancillary services reflecting similar patient characteristics and resource use; incorporates the use of diagnosis codes Current Procedural Terminology (CPT)/Healthcare Common Procedure Coding System (HCPCS) procedure codes, and other outpatient data submitted on the claim.

EAPG Grouper/Pricer Software – A system designed by 3M Health Information Systems to process HCPCS/CPT and diagnosis code information in order to assign patient visits at the procedure code level to the appropriate EAPG and apply appropriate bundling, packaging, and discounting logic to calculate payments for outpatient visits.

EAPG Relative Weight - The national relative weights calculated by 3M Health Information Systems.

EAPG Adjusted Relative Weight – The weight assigned to the patient grouping after discounting, packaging, or consolidation.

General Hospital - A hospital that has the facilities and provides the services that are necessary for the general medical and surgical care of patients, including the provision of emergency care by an emergency department in accordance with 22-B DCMR§ 2099 .

Grouper Version - Numeric identifier used by 3M Health Information Systems to distinguish any updates made to the software.

In-District Hospital - Any hospital defined in accordance with 22-B DCMR § 2099 that is located within the District of Columbia.

New Hospital - A hospital without an existing Medicaid provider agreement that is enrolled to provide Medicaid services after September 30, 2014.

Observation Status – Services rendered after a physician writes an order to evaluate the patient for services and before an order for inpatient admission is prescribed.

Outpatient Hospital Services – Preventative, diagnostic, therapeutic, rehabilitative, or palliative services rendered in accordance with 42 C.F.R. § 440.20(a).

Out-of-District Hospital - Any hospital that is not located within the District of Columbia. The term does not include hospitals located in the State of Maryland and specialty hospitals identified under 22-B DCMR § 2099.

Packaging – Including payment for certain services in the EAPG payment, along with services that are ancillary to a significant procedure or medical visit.

Specialty Hospital - A hospital that meets the definition of “special hospital” as set forth in 22-B DCMR § 2099 as follows: (a) defines a program of specialized services, such as obstetrics, mental health, orthopedics, long term acute care, rehabilitative services or pediatric services; (b) admits only patients with medical or surgical needs within the defined program; and (c) has the facilities for and provides those specialized services.

Visit – A basic unit of payment for an outpatient prospective payment system.

Comments on these rules should be submitted in writing to Claudia Schlosberg, J.D, Senior Director/Interim Medicaid Director, Department of Health Care Finance, Government of the District of Columbia, 441 4th Street, NW, Suite 900, Washington DC 20001, via telephone on (202) 442-8742, via email at DHCFPubliccomments@dc.gov, or online at www.dcregs.dc.gov, within thirty (30) days of the date of publication of this notice in the *D.C. Register*. Additional copies of these rules are available from the above address.

DEPARTMENT OF HEALTH CARE FINANCE

NOTICE OF EMERGENCY AND 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 (District) to receive federal financial assistance under Title XIX of the Social Security Act for a medical assistance program, and for other purposes approved December 27, 1967 (81 Stat.774; D.C. Official Code § 1-307.02 (2012 Repl. & 2014 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 adoption, on an emergency basis, of an amendment to Section 938 (Increased Reimbursement for Eligible Primary Care Services) of Chapter 9 (Medicaid Program) of Title 29 (Public Welfare) of the District of Columbia Municipal Regulations (DCMR).

This emergency and proposed rule extends authorization for increased Medicaid reimbursement rates for specific primary care services, such as evaluation and management (E&M) services and immunization administration provided by certain Medicaid providers enrolled in the fee-for-service (FFS) program. The Health Care and Education Reconciliation Act of 2010, approved January 5, 2010 (Pub.L. 111-152; 124 Stat. 1029)(codified as amended in scattered sections of 42 U.S.C.), required the Medicaid program to increase Medicaid reimbursement for specific primary care services furnished by certain physicians in calendar years 2013 and 2014. Primary care services such as E&M services and immunization administration services are a core part of a state's Medicaid benefit package. E&M services play an important role in the coordination of care of patients with chronic disease by establishing a regular source of care or "medical home." Immunization administration services include the administration of vaccines and toxoids. The administration of vaccines and toxoids serve to reduce and eliminate the incidence of vaccine-preventable diseases affecting District residents. Accordingly, DHCF shall extend increased Medicaid reimbursement for specific primary care services furnished by certain physicians through Fiscal Year 2015. DHCF projects an increase of \$2.9 million in federal expenditures for this nine month extension in Fiscal Year 2015.

Emergency action is necessary for the immediate preservation of the health, safety and welfare of persons receiving primary care services. This emergency and proposed rulemaking will ensure that District residents have continued access to quality primary care services, such as evaluation and management (E&M) services, furnished by physicians and other qualified non-physician providers.

The corresponding State Plan Amendment (SPA) to the District of Columbia State Plan for Medical Assistance (State Plan) must be approved by the Council of the District of Columbia (Council) and the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS). These rules are contingent upon approval of the corresponding SPA by CMS, which sets an effective date January 1, 2015. If the corresponding SPA is approved, DHCF will publish a notice setting forth the effective date.

The emergency rulemaking was adopted on December 10, 2014 and will become effective for services rendered on or after January 1, 2015. The emergency rules shall remain in effect for one hundred and twenty (120) days or until April 9, 2015 unless superseded by publication of a Notice of Final Rulemaking in the *D.C. Register*. The Director also gives notice of the intent to adopt this proposed rule not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

Section 938 of Chapter 9, MEDICAID PROGRAM, of Title 29 DCMR, PUBLIC WELFARE, is amended to read as follows:

938 INCREASED REIMBURSEMENT FOR ELIGIBLE PRIMARY CARE SERVICES

- 938.1 Except as provided in Subsection 938.2, primary care services eligible for increased reimbursement under the Healthcare Common Procedure Coding System (HCPCS) shall include evaluation and management (E&M) services billed under codes 99201 through 99499; and Current Procedural Terminology (CPT) vaccine administration codes 90460, 90461, 90471, 90472, 90473, and 90474, or their successor codes. DHCF shall publish a list of all eligible codes on its provider website at www.dc-medicaid.com.
- 938.2 Services billed under codes that were not reimbursable under the DHCF fee schedule as of January 1, 2013 shall be ineligible for reimbursement. DHCF shall publish a list of ineligible codes on its provider website at www.dc-medicaid.com.
- 938.3 An eligible primary care physician shall receive increased reimbursement for eligible primary care services, provided the following requirements are met:
- (a) A physician provides a written self-attestation that the physician has a specialty designation of family medicine, general internal medicine, or pediatric medicine; and
 - (b) A primary care physician provides a written self-attestation of the following:
 - (1) That he or she has Board-certification in family medicine, general internal medicine, pediatric medicine, or in a subspecialty of family medicine; general internal medicine or pediatric medicine as designated by the American Board of Medical Specialties (ABMS); the American Board of Physician Specialties (ABPS); or the American Osteopathic Association (AOA); or
 - (2) He or she has provided E&M and vaccine administration services under the codes described in Subsection 938.1 that equal at least sixty percent (60%) of all the Medicaid services that the physician bills during either of the following:

- (i) The most recently completed calendar year; or
 - (ii) The month prior to the month that DHCF receives the self-attestation form referenced in Subsections 938.4 through 938.9, for a physician enrolled in Medicaid for less than a full calendar year.

- 938.4 An Advanced Practice Registered Nurse (APRN) shall receive increased reimbursement for eligible primary care services billed pursuant to the FPS fee schedule, provided the APRN provides eligible primary care services under the direct supervision of a physician who:
 - (a) Meets the eligibility requirements of Subsection 938.3;
 - (b) Assumes professional responsibility for the services provided by the APRN; and
 - (c) Has submitted a self-attestation form, as described in Subsections 938.3 through 938.9, which identifies the APRN as a practitioner under the physician's direct supervision.

- 938.5 To receive reimbursement under this rule from January 1, 2013 through September 30, 2015, an eligible physician shall provide DHCF with a self-attestation that the physician meets the requirements of Subsection 938.3 using a form prescribed by DHCF.

- 938.6 Except as provided in Subsection 938.7, reimbursement under this rule shall commence from the date that DHCF receives the self-attestation form from an eligible provider, as described in Subsections 938.3 through 938.9.

- 938.7 Reimbursement for eligible services provided on or after January 1, 2015, shall be made in accordance with the corresponding State Plan Amendment as approved by the Centers for Medicare and Medicaid Services (CMS), provided an eligible physician who is participating in Medicaid on the effective date of these rules shall submit the self-attestation form, as described by Subsections 938.3 through 938.6, to DHCF no later than July 1, 2015.

- 938.8 An eligible physician, who has submitted a self-attestation form as required by Subsection 938.3, is obligated to inform DHCF in writing of any changes that alter the physician's eligibility for reimbursement under this rule.

- 938.9 An APRN who provides eligible primary care services under the direct supervision of an eligible physician shall be exempt from the self-attestation form requirement.

- 938.10 For eligible primary care services rendered by an eligible physician, FPS

Medicaid reimbursement shall be made at the lower of the physician's billed charges or the applicable reimbursement rate, as defined in Subsection 938.13.

- 938.11 For eligible primary care services rendered by an APRN, FFS Medicaid reimbursement shall be made in accordance with the approved State Plan using the applicable rate, as defined in Subsection 938.13.
- 938.12 Reimbursement rates established pursuant to this section apply to eligible primary care services billed as fee-for-service that are furnished on and after the effective date of the corresponding State Plan Amendment as approved by CMS and ending on September 30, 2015.
- 938.13 The applicable rates for eligible primary care services shall be as follows:
- (a) For eligible E&M services:
 - (1) The applicable rate for services furnished for the period beginning with the effective date of the corresponding State Plan Amendment as approved by the Centers for Medicare and Medicaid Services (CMS) through December 31, 2013 shall be the higher of the Medicare Part B fee schedule rate that is applicable to the non-- facility site of service in effect on January 1, 2013 or the rate that would be derived using the CY 2009 conversion factor and the CY 2013 Medicare relative value units (RVUs);
 - (2) The applicable rate for services furnished for the period beginning January 1, 2014 through December 31, 2014 shall be the higher of the Medicare Part B fee schedule rate that is applicable to the Medicare Part B fee schedule rate that is applicable to the non-facility site of service in effect on January 1, 2014 or the rate that would be derived using the CY 2009 conversion factor and the CY 2014 Medicare relative value units (RVUs); and
 - (3) The applicable rate for services furnished for the period beginning January 1, 2015 through September 30, 2015 shall be the higher of the Medicare Part B fee schedule rate that is applicable to the non-facility site of service in effect on January 1, 2015 or the rate that would be derived using the CY 2009 conversation factor and the CY 2015 Medicare relative value units (RVUs).
 - (b) For eligible vaccine administration services:
 - (1) The applicable rate for services furnished for the period

beginning with the effective date of the corresponding State Plan Amendment as approved by the Centers for Medicare and Medicaid Services (CMS) through December 31, 2013 shall be the Regional Maximum Administration Fee in effect in CY 2013; and

- (2) The applicable rate for services furnished for the period beginning January 1, 2014 through December 31, 2014 shall be the Regional Maximum Administration Fee in effect in CY 2014; and
- (3) The applicable rate for services furnished for the period beginning January 1, 2015 through September 30, 2015 shall be the Regional Maximum Administration Fee in effect in CY 2015.

- (c) DHCF shall publish the applicable rates for eligible primary care services each calendar year on its provider website at www.dc-medicaid.com/.

938.14 The eligibility of each physician or APRN shall be subject to verification that the physician or APRN has complied with the requirements set forth in this rule.

938.15 Any administrative action with respect to an eligible physician or APRN found in violation of the rule, shall comply with the requirements set forth in Chapter 13 of Title 29 DCMR.

Comments on the emergency and proposed rule shall be submitted, in writing, to Claudia Schlosberg, J.D., Senior Deputy Director/State Medicaid Director, Department of Health Care Finance, 441 4th Street, NW, Suite 900S, Washington, D.C. 20001, via telephone on (202) 442-8742, via email at DHCFPubliccomments@dc.gov, or online at www.dcregs.dc.gov, within thirty (30) days after the date of publication of this notice in the *D.C. Register*. Copies of the proposed rule may be obtained from the above address.

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2014-295
December 09, 2014

SUBJECT: Reappointment and Appointments – Commission on Asian and Pacific Islander Community Development

ORIGINATING AGENCY: Office of the Mayor

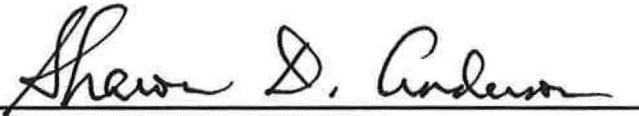
By virtue of the authority vested in me as Mayor of the District of Columbia pursuant to section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2012 Repl.), and pursuant to section 305 of the Fiscal Year 2002 Budget Support Act of 2001, effective October 3, 2001, D.C. Law 14-28, D.C. Official § 2-1374 (2012 Repl.), it is hereby **ORDERED** that:

1. **MARTHA M. WATANABE**, who was nominated by the Mayor on July 11, 2014 and deemed approved by the Council on November 8, 2014, pursuant to Proposed Resolution 20-0999, is reappointed to the Commission on Asian and Pacific Islander Community Development (“Commission”) for a term to end April 17, 2016.
2. **BENJAMIN M. BAHK**, who was nominated by the Mayor on July 11, 2014 and deemed approved by the Council on November 8, 2014, pursuant to Proposed Resolution 20-1001, is appointed to the Commission for a term to end April 17, 2017.
3. **DR. ERICK A. HOSAKA**, who was nominated by the Mayor on July 11, 2014 and deemed approved by the Council on November 8, 2014, pursuant to Proposed Resolution 20-1000, is appointed to the Commission for a term to end April 17, 2017.
4. **SURJEET K. AHLUWALIA**, who was nominated by the Mayor on July 11, 2014 and deemed approved by the Council on November 8, 2014, pursuant to Proposed Resolution 20-0978, is appointed to the Commission for a term to end April 17, 2017.

5. **EFFECTIVE DATE:** This Order shall become effective immediately.



VINCENT C. GRAY
MAYOR

ATTEST: 

SHARON D. ANDERSON
INTERIM SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2014-296
December 09, 2014

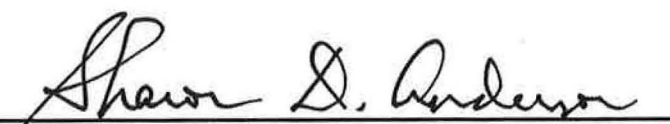
SUBJECT: Reappointments – Board of Professional Counseling

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia pursuant to section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2012 Repl.), and in accordance with section 213 of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986, DC Law 6-99, D.C. Official Code § 3-1202.13 (2012 Repl.), it is hereby **ORDERED** that:

1. **VICTORIA SARDI-BROWN**, who was nominated by the Mayor on July 11, 2014, and deemed approved by the Council of the District of Columbia on November 8, 2014 pursuant to Proposed Resolution 20-0979, is reappointed as an educator engaged in teaching and counseling member, to the Board of Professional Counseling ("**Board**"), for a term to end July 1, 2016.
2. **ARTHUR BLECHER**, who was nominated by the Mayor on July 11, 2014, and deemed approved by the Council of the District of Columbia on November 8, 2014 pursuant to Proposed Resolution 20-0995, is reappointed as a licensed professional counselor member, to the Board, for a term to end July 1, 2015.
3. **LAURIE FERRERI**, who was nominated by the Mayor on July 11, 2014, and deemed approved by the Council of the District of Columbia on November 8, 2014 pursuant to Proposed Resolution 20-0996, is reappointed as a licensed professional counselor member, to the Board, for a term to end July 1, 2017.
4. **EFFECTIVE DATE:** This Order shall become effective immediately.


VINCENT C. GRAY
MAYOR

ATTEST: 
SHARON D. ANDERSON
INTERIM SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2014-297
December 09, 2014

SUBJECT: Appointment – District of Columbia Housing Authority Board of Commissioners

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 12 of the District of Columbia Housing Authority Act of 1999, effective March 9, 2000, D.C. Law 13-105, D.C. Official Code § 6-211 (2012 Repl.), it is hereby **ORDERED** that:

1. **TERRI ALLYN THOMPSON** is appointed as the Chairperson of the District of Columbia Housing Authority Board of Commissioners, replacing Pedro Alfonso, and shall serve in that capacity at the pleasure of the Mayor.
2. **EFFECTIVE DATE:** This Order shall be effective December 11, 2014.


VINCENT C. GRAY
MAYOR

ATTEST:


SHARON D. ANDERSON

INTERIM SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA**ADMINISTRATIVE ISSUANCE SYSTEM**

Mayor's Order 2014-298
December 09, 2014

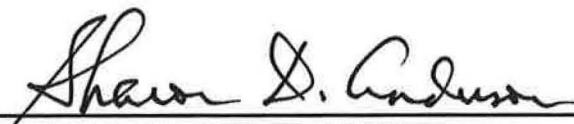
SUBJECT: Reappointments – Board of Podiatry

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia pursuant to section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2012 Repl.), and in accordance with section 210 of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986, D.C. Law 6-99, D.C. Official Code § 3-1202.10 (2012 Repl.), it is hereby **ORDERED** that:

1. **BARBARA J. CLARK**, who was nominated by the Mayor on July 11, 2014 and deemed approved by the Council of the District of Columbia pursuant to Proposed Resolution 20-0985 on November 8, 2014, is reappointed as a consumer member of the Board of Podiatry (“Board”), for a term to end April 16, 2016.
2. **STUART B. SIBEL**, who was nominated by the Mayor on July 11, 2014 and deemed approved by the Council of the District of Columbia pursuant to Proposed Resolution 20-0980 on November 8, 2014, is reappointed as a licensed podiatrist member of the Board, for a term to end April 16, 2017.
3. **EFFECTIVE DATE:** This Order shall become effective immediately.


VINCENT C. GRAY
MAYOR

ATTEST: 
SHARON D. ANDERSON
INTERIM SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA**ADMINISTRATIVE ISSUANCE SYSTEM**

Mayor's Order 2014-299
December 09, 2014

SUBJECT: Reappointment and Appointment – Board of Physical Therapy

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia pursuant to section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2012 Repl.), and in accordance with section 209 of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986, D.C. Law 6-99, D.C. Official Code § 3-1202.09 (2012 Repl.), it is hereby **ORDERED** that:

1. **SENORA SIMPSON**, who was nominated by the Mayor on July 11, 2014 and deemed approved by the Council of the District of Columbia pursuant to Proposed Resolution 20-0991 on November 8, 2014, is reappointed as a licensed physical therapist member of the Board of Physical Therapy ("**Board**"), for a term to end April 16, 2015.
2. **DR. TIMOTHY VIDALE**, who was nominated by the Mayor on September 16, 2014 and deemed approved by the Council of the District of Columbia pursuant to Proposed Resolution 20-1016 on November 8, 2014, is appointed as a licensed physical therapist member of the Board, replacing Pamela Robinson, for a term to end April 16, 2016.
3. **EFFECTIVE DATE:** This Order shall become effective immediately.


VINCENT C. GRAY
MAYOR

ATTEST:


SHARON D. ANDERSON

INTERIM SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2014-300
December 09, 2014

SUBJECT: Reappointments – Board of Social Work

ORIGINATING AGENCY: Office of the Mayor


By virtue of the authority vested in me as Mayor of the District of Columbia pursuant to section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2012 Repl.), and in accordance with section 212 of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986, D.C. Law 6-99, D.C. Official Code § 3-1202.12 (2012 Repl.), it is hereby **ORDERED** that:

1. **MICHELLE Y. ROSE**, who was nominated by the Mayor on October 3, 2014 and whose nomination was deemed approved by the Council of the District of Columbia pursuant to Proposed Resolution 20-1073 on November 22, 2014, is reappointed as a consumer member of the Board of Social Work (“Board”), for a term to end March 3, 2017.
2. **ANNE M. SELEE**, who was nominated by the Mayor on October 3, 2014 and whose nomination was deemed approved by the Council of the District of Columbia pursuant to Proposed Resolution 20-1071 on November 22, 2014, is reappointed as a licensed graduate social worker member of the Board, for a term to end March 3, 2016.
3. **VELVA R. T. SPRIGGS**, who was nominated by the Mayor on October 3, 2014 and whose nomination was deemed approved by the Council of the District of Columbia pursuant to Proposed Resolution 20-1072 on November 22, 2014, is reappointed as a licensed independent social worker member of the Board, for a term to end March 3, 2017.

4. **EFFECTIVE DATE:** This Order shall become effective immediately.



VINCENT C. GRAY
MAYOR

ATTEST: 

SHARON D. ANDERSON
INTERIM SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2014-301
December 09, 2014

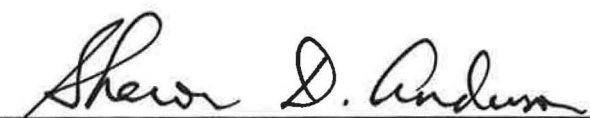
SUBJECT: Reappointments – Board of Architecture and Interior Designers

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia pursuant to section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2012 Repl.), and in accordance with section 1002(b) of the Second Omnibus Regulatory Reform Amendment Act of 1998, effective April 20, 1999, D.C. Law 12-261, D.C. Official Code § 47-2853.06(a) (2012 Repl. and 2014 Supp.), it is hereby **ORDERED** that:

1. **LUCY S. ADAMS**, who was nominated by the Mayor on September 16, 2014, and was deemed approved by the Council of the District of Columbia pursuant to Proposed Resolution 20-1005 on November 8, 2014, is reappointed as a licensed interior designer member of the Board of Architecture and Interior Designers ("**Board**"), for a term to end November 13, 2017.
2. **RONNIE MCGHEE**, who was nominated by the Mayor on July 11, 2014, and was deemed approved by the Council of the District of Columbia pursuant to Proposed Resolution 20-0984 on November 8, 2014, is reappointed as a licensed interior architect member of the Board, for a term to end November 13, 2017.
3. **EFFECTIVE DATE:** This Order shall become effective immediately.


VINCENT C. GRAY
MAYOR

ATTEST: 
SHARON D. ANDERSON
INTERIM SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA**ADMINISTRATIVE ISSUANCE SYSTEM**

Mayor's Order 2014-302
December 09, 2014

SUBJECT: Appointment – Board of Dentistry

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia pursuant to section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2012 Repl.), and in accordance with section 201 of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986, D.C. Law 6-99, D.C. Official Code § 3-1202.01 (2014 Supp.), it is hereby **ORDERED** that:

1. **DR. JOHN R. BAILEY**, who was nominated by the Mayor on September 16, 2014, and whose nomination was deemed approved by the Council of the District of Columbia pursuant to Proposed Resolution 20-1015 on November 8, 2014, is appointed as a licensed dentist member of the Board of Dentistry, replacing Dr. Robert Caldwell, for a term to end November 30, 2016.
2. **EFFECTIVE DATE:** This Order shall become effective immediately.


VINCENT C. GRAY
MAYOR

ATTEST:


SHARON D. ANDERSON

INTERIM SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2014-303
December 09, 2014

SUBJECT: Reappointments – Health Benefit Exchange Authority Executive Board

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia pursuant to section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2012 Repl.), and in accordance with section 6 of the Health Benefit Exchange Authority Establishment Act of 2011, effective March 2, 2012, D.C. Law 19-94, D.C. Official § 31-3171.05 (2012 Repl.), it is hereby **ORDERED** that:

1. **KHALID RASULI PITTS**, who was nominated by the Mayor on July 9, 2014, and whose nomination was deemed approved by the Council on November 8, 2014, pursuant to Proposed Resolution 20-0973, is reappointed as a voting member to the Health Benefit Exchange Authority Executive Board (“Board”) for a term to end July 6, 2018.
2. **KATE SULLIVAN HARE**, who was nominated by the Mayor on July 9, 2014, and whose nomination was deemed approved by the Council on November 8, 2014, pursuant to Proposed Resolution 20-0974, is reappointed as a voting member to the Board for a term to end July 6, 2018.
3. **EFFECTIVE DATE:** This Order shall become effective immediately.


VINCENT C. GRAY
MAYOR

ATTEST:


SHARON D. ANDERSON

INTERIM SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2014-304

December 09, 2014

SUBJECT: Reappointments and Appointment – Board of Nursing**ORIGINATING AGENCY:** Office of the Mayor

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

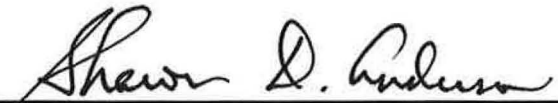
1. **MARY ELLEN HUSTED**, who was nominated by the Mayor on June 27, 2014 and was deemed approved by the Council of the District of Columbia pursuant to Proposed Resolution 20-0934 on October 31, 2014, is reappointed as a Registered Nurse member of the Board of Nursing ("**Board**"), for a term to end July 21, 2017.
2. **CATHY BORRIS-HALE**, who was nominated by the Mayor on June 27, 2014, and was deemed approved by the Council of the District of Columbia pursuant to Proposed Resolution 20-0933 on October 31, 2014, is reappointed as a Registered Nurse member of the Board, for a term to end July 21, 2017.
3. **OTTAMISSIAH MOORE**, who was nominated by the Mayor on June 27, 2014, and was deemed approved by the Council of the District of Columbia pursuant to Proposed Resolution 20-0932 on October 31, 2014, is reappointed as a Licensed Practical Nurse member of the Board, for a term to end July 21, 2017.
4. **SUKHJIT RANDHAWA**, who was nominated by the Mayor on June 27, 2014, and was deemed approved by the Council of the District of Columbia pursuant to Proposed Resolution 20-0931 on October 31, 2014, is reappointed as a Registered Nurse member of the Board, for a term to end July 21, 2017.

- 5. **MARGARET A. GREEN**, who was nominated by the Mayor on September 19, 2014 and was deemed approved by the Council of the District of Columbia pursuant to Proposed Resolution 20-1033 on November 8, 2014, is appointed as a licensed practical nurse member of the Board of Nursing, for a term to end July 21, 2016.

- 6. **EFFECTIVE DATE:** This Order shall become effective immediately.



VINCENT C. GRAY
MAYOR

ATTEST: 

SHARON D. ANDERSON
INTERIM SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2014-305
December 09, 2014

SUBJECT: Appointment – Open Government Advisory Group

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) (2014 Repl.), and in accordance with Mayor's Order 2014-250, dated October 29, 2014, it is hereby **ORDERED** that:

1. **DAVID TSENG** is appointed to the Open Government Advisory Group as a designee of the Chief Financial Officer of the District of Columbia, replacing Treva Saunders, and shall serve at the pleasure of the Chief Financial Officer of the District of Columbia.
2. **EFFECTIVE DATE:** This Order shall become effective immediately.



VINCENT C. GRAY
MAYOR

ATTEST:



SHARON D. ANDERSON

INTERIM SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA**ADMINISTRATIVE ISSUANCE SYSTEM**

Mayor's Order 2014-306
December 09, 2014

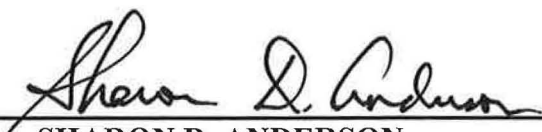
SUBJECT: Reappointments – Real Estate Commission

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia pursuant to section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2012 Repl.), and in accordance with section 1002(h) 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(h) (2014 Supp.), and Mayor's Order 2009-11, dated February 2, 2009, it is hereby **ORDERED** that:

1. **ULANI D. PRATER GULSTONE**, who was nominated by the Mayor on September 16, 2014, and whose nomination was deemed approved by the Council of the District of Columbia pursuant to Proposed Resolution 20-1010 on November 8, 2014, is reappointed as an attorney member of the Real Estate Commission ("**Commission**"), for a term to end December 13, 2017.
2. **MONIQUE NICHOL OWENS**, who was nominated by the Mayor on September 16, 2014, and whose nomination was deemed approved by the Council of the District of Columbia pursuant to Proposed Resolution 20-1011 on November 8, 2014, is reappointed as a licensed real estate salesperson member of the Commission, for a term to end December 13, 2017.
3. **EFFECTIVE DATE:** This Order shall become effective immediately.


VINCENT C. GRAY
MAYOR

ATTEST: 
SHARON D. ANDERSON
INTERIM SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA**ADMINISTRATIVE ISSUANCE SYSTEM**

Mayor's Order 2014-307
December 09, 2014

SUBJECT: Reappointment – Real Property Tax Appeals Commission

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia pursuant to section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2012 Repl.), and in accordance with section 2(b)(3) of the Real Property Tax Appeals Commission Establishment Act of 2010, effective April 8, 2011, D.C. Law 18-363, D.C. Official Code § 47-825.01a (2012 Repl. and 2014 Supp.), it is hereby **ORDERED** that:

1. **DONALD L. ISAAC, JR.**, who was nominated by the Mayor on June 30, 2014 and approved by the Council of the District of Columbia pursuant to Resolution 20-0662, on October 28, 2014, is reappointed as a part-time member of the Real Property Tax Appeals Commission for a term to end April 30, 2018.
2. **EFFECTIVE DATE:** This Order shall become effective immediately.


VINCENT C. GRAY
MAYOR

ATTEST:


SHARON D. ANDERSON

INTERIM SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2014-308
December 09, 2014

SUBJECT: Reappointments and Appointment – Board of Industrial Trades

ORIGINATING AGENCY: Office of the Mayor

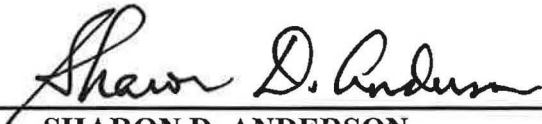
By virtue of the authority vested in me as Mayor of the District of Columbia pursuant to section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2012 Repl.), and in accordance with section 1002(d) of the Second Omnibus Regulatory Reform Amendment Act of 1998, effective April 20, 1999, D.C. Law 12-261, D.C. Official Code § 47-2853.06(d) (2014 Supp.), which established the Board of Industrial Trades, it is hereby **ORDERED** that:

1. **CONSTANTIN C. RODOUSAKIS**, who was nominated by the Mayor on July 11, 2014, and whose nomination was deemed approved by the Council of the District of Columbia on November 8, 2014 pursuant to Proposed Resolution 20-0983, is reappointed as a licensed electrician member of the Board of Industrial Trades (“Board”), for a term to end June 26, 2017.
2. **SHELL CARTER DAVIS, III**, who was nominated by the Mayor on September 22, 2014, and whose nomination was deemed approved by the Council of the District of Columbia on November 22, 2014 pursuant to Proposed Resolution 20-1047, is reappointed as a licensed plumber member of the Board, for a term to end June 26, 2017.
3. **RICHARD D. JACKSON**, who was nominated by the Mayor on September 22, 2014, and whose nomination was deemed approved by the Council of the District of Columbia on November 22, 2014 pursuant to Proposed Resolution 20-1048, is reappointed as a licensed plumber member of the Board, for a term to end June 26, 2017.
4. **KEITH JONES**, who was nominated by the Mayor on September 16, 2014, and whose nomination was deemed approved by the Council of the District of Columbia on November 8, 2014 pursuant to Proposed Resolution 20-1009, is appointed as a licensed steam and other operating engineer member of the Board, replacing Michael Wayne Hogue, for a term to end June 26, 2015.

5. **EFFECTIVE DATE:** This Order shall become effective immediately.



VINCENT C. GRAY
MAYOR

ATTEST: 

SHARON D. ANDERSON
INTERIM SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA**ADMINISTRATIVE ISSUANCE SYSTEM**

Mayor's Order 2014-309

December 09, 2014

SUBJECT: Reappointments – Board of Respiratory Care**ORIGINATING AGENCY:** Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia pursuant to section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2012 Repl.), section 2(f) of the Confirmation Act of 1978, effective March 3, 1979, D.C. Law 2-142, D.C. Official Code § 1-523.01(f) (2012 Repl.), and in accordance with section 214 of the District of Columbia Health Occupations Revision Act of 1985, effective March 14, 1995, D.C. Law 10-203, D.C. Official Code § 3-1202.14 (2012 Repl.), it is hereby **ORDERED** that:

1. **JEAN WILLIAMS**, who was nominated by the Mayor on June 25, 2014 and was deemed approved on October 31, 2014 by the Council of the District of Columbia pursuant to Proposed Resolution 20-0907, is reappointed as a licensed respiratory therapist member of the Board of Respiratory Care (“Board”), for a term to end July 17, 2016.
2. **CAROLYN A. WILLIAMS**, who was nominated by the Mayor on June 25, 2014 and was deemed approved on October 31, 2014 by the Council of the District of Columbia pursuant to Proposed Resolution 20-0908, is reappointed as a licensed respiratory therapist member of the Board, for a term to end July 17, 2017.
3. **EFFECTIVE DATE:** This Order shall become effective immediately.



VINCENT C. GRAY
MAYOR

ATTEST: 

SHARON D. ANDERSON

INTERIM SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2014-310
December 09, 2014


SUBJECT: Delegation -- Authority to the Director of the Office of Boards and Commissions to Administer Oaths

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by sections 422(2), (6) and (11) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code §§ 1-204.22(2), (6) and (11) (2012 Repl.), section 2 of the District of Columbia Administration of Oaths, Public Assistance Technical Clarification, and Police Service and Fire Service Schedule Approval Act of 1982, effective May 19, 1982, D.C. Law 4-108, D. C. Official Code § 1-301.22 (2012 Repl.), and section 408 of the District of Columbia Comprehensive Merit Personnel Act of 1978, effective March 3, 1979, D.C. Law 2-139, D.C. Official Code § 1-604.08 (2012 Repl.), it is hereby **ORDERED** that:

1. The Director of the Office of Boards Commission is delegated the authority vested in the Mayor to administer oaths, including the oath of office for individuals appointed to District of Columbia boards and commissions, as part of the Director's official responsibilities.
2. **EFFECTIVE DATE:** This Order shall be effective *nunc pro tunc* to July 2, 2012.


VINCENT C. GRAY
MAYOR

ATTEST: 
SHARON D. ANDERSON
INTERIM SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2014-311
December 12, 2014


SUBJECT: Delegation of Authority under Title III of D.C. Law 15-353, the Child and Youth, Safety and Health Omnibus Amendment Act of 2004

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(6) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code §§ 1-204.22(6) (2012 Repl.), and in accordance with Title III of the Child and Youth, Safety and Health Omnibus Amendment Act of 2004, effective April 13, 2005 (D.C. Law 15-353, D.C. Official Code § 7-875.01 *et seq.*) (2012 Repl.) (the "Act"), it is hereby **ORDERED** that:

1. The Director of the Department of Health is delegated the Mayor's authority under Title III of the Act, including the authority to promulgate and establish uniform, age-appropriate health screening requirements, as provided in section 304 of the Act and the authority to issue rules to implement the Act, as provided in section 306 of the Act.
2. **EFFECTIVE DATE:** This Order shall be effective immediately and shall supersede all prior Orders to the extent of any inconsistency.


VINCENT C. GRAY
MAYOR

ATTEST: 
SHARON D. ANDERSON
INTERIM SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA**ADMINISTRATIVE ISSUANCE SYSTEM**

Mayor's Order 2014-312
December 12, 2014

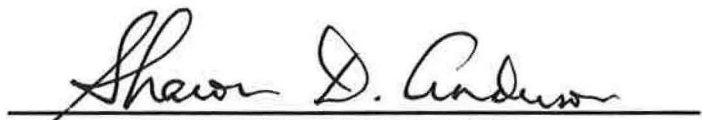
SUBJECT: Reappointment – Rental Housing Commission

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2012 Repl.), and in accordance with section 201 of the Rental Housing Act of 1985, effective July 17, 1985, D.C. Law 6-10, D.C. Official Code § 42-3502.01 (2012 Repl.), it is hereby **ORDERED** that:

1. **PETER SZEGEDY-MASZAK**, who was nominated by the Mayor on June 25, 2014 and approved by the Council of the District of Columbia pursuant to Resolution 20-0699 on December 2, 2014, is reappointed as a member of the Rental Housing Commission, for a term to end July 18, 2017.
2. **EFFECTIVE DATE:** This Order shall become effective immediately.


VINCENT C. GRAY
MAYOR

ATTEST: 
SHARON D. ANDERSON
INTERIM SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2014-313
December 12, 2014

SUBJECT: Appointments – Metropolitan Washington Regional Ryan White Planning Council

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2012 Repl.), and pursuant to sections 2602(a)(1) and (b)(1) of the Public Health Service Act of 1944, as amended by section 101 of the Ryan White Comprehensive AIDS Resources Emergency Act of 1990, approved August 18, 1990, 104 Stat. 576, Pub. L. 101-381, 42 U.S.C. § 300ff-12(a)(1) and (b)(1), and Mayor's Order 2008-75, dated May 16, 2008, as amended by Mayor's Order 2010-35, dated February 12, 2010, and Mayor's Order 2012-63, dated April 30, 2012, it is hereby **ORDERED** that:

- 1. **APPOINTMENTS:** The following persons are appointed to the Metropolitan Washington Regional Ryan White Planning Council as *ex officio* members and shall serve at the pleasure of the Mayor:

MICHAEL KHARFEN
SAFERE DIAWARA

- 2. **EFFECTIVE DATE:** This Order shall become effective immediately.



 VINCENT C. GRAY
 MAYOR

ATTEST: 

 SHARON D. ANDERSON

INTERIM SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA**ADMINISTRATIVE ISSUANCE SYSTEM**

Mayor's Order 2014-314
December 12, 2014

SUBJECT: Appointments – Public Employee Relations Board

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2012 Repl.), and pursuant to section 501(c) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, approved March 3, 1979, D.C. Law 2-139, D.C. Official Code § 1-605.01(c) (2012 Repl. and 2014 Supp.), it is hereby **ORDERED** that:

1. **ANN HOFFMAN**, who was nominated by the Mayor on October 14, 2014 and approved by the Council of the District of Columbia pursuant to Resolution 20-0694, on December 2, 2014, is appointed as a neutral public member of the Public Employee Relations Board (“Board”), for a term to end December 12, 2016.
2. **YVONNE DIXON**, who was nominated by the Mayor on October 14, 2014 and approved by the Council of the District of Columbia pursuant to Resolution 20-0695, on December 2, 2014, is appointed as an ad hoc management member of the Board, for an unexpired term to end December 12, 2014 and for a new term to end December 12, 2017.
3. **EFFECTIVE DATE:** This Order shall become effective immediately.



VINCENT C. GRAY
MAYOR

ATTEST:



SHARON D. ANDERSON

INTERIM SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA**ADMINISTRATIVE ISSUANCE SYSTEM**

Mayor's Order 2014-315
December 12, 2014

SUBJECT: Reappointment – Commission on the Arts and Humanities

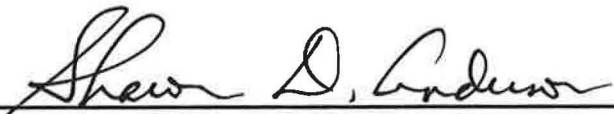
ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia pursuant to section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2012 Repl.), section 2(f) of the Confirmation Act of 1978, effective March 3, 1979, D.C. Law 2-142, D.C. Official Code § 1-523.01(f) (2012 Repl.), and in accordance with sections 4(a) and (b) of the Commission on the Arts and Humanities Act, effective October 21, 1975, D.C. Law 1-22, D.C. Official Code §§ 39-203(a) and (b) (2012 Repl.), it is hereby **ORDERED** that:

1. **SUSAN CLAMPITT**, who was nominated by the Mayor on September 26, 2014, and was deemed approved by the Council on November 22, 2014 pursuant to Proposed Resolution 20-1053, is reappointed as a member of the Commission on the Arts and Humanities, for a term to end June 30, 2017.
2. **EFFECTIVE DATE:** This Order shall become effective immediately.



VINCENT C. GRAY
MAYOR

ATTEST: 

SHARON D. ANDERSON
INTERIM SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2014-316
December 12, 2014

SUBJECT: Reappointments – Commission on African Affairs

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.), section 2(f) of the Confirmation Act of 1978, effective March 3, 1979, D.C. Law 2-142, D.C. Official Code § 1-523.01(f) (2012 Repl.), and pursuant to section 5 of the Office and Commission on African Affairs Act of 2006, effective June 8, 2006, D.C. Law 16-111, D.C. Official Code § 2-1394 (2012 Repl.), it is hereby **ORDERED** that:

1. **LOIDE ROSA JORGE**, who was nominated by the Mayor on July 11, 2014, and whose nomination was deemed approved by the Council of the District of Columbia on November 8, 2014 pursuant to Proposed Resolution 20-0992, is reappointed to the Commission on African Affairs ("**Commission**"), as a public voting member, for a term to end October 27, 2017.
2. **LAFAYETTE BARNES**, who was nominated by the Mayor on July 11, 2014, and whose nomination was deemed approved by the Council of the District of Columbia on November 8, 2014 pursuant to Proposed Resolution 20-0993, is reappointed to the Commission, as a public voting member, for a term to end October 27, 2017.
3. **CHIME ASONYE**, who was nominated by the Mayor on July 11, 2014, and whose nomination was deemed approved by the Council of the District of Columbia on November 8, 2014 pursuant to Proposed Resolution 20-0994, is reappointed to the Commission, as a public voting member, for a term to end October 27, 2017.

4. **EFFECTIVE DATE:** This Order shall become effective immediately.



VINCENT C. GRAY
MAYOR

ATTEST: 

SHARON D. ANDERSON
INTERIM SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA**ADMINISTRATIVE ISSUANCE SYSTEM**

Mayor's Order 2014-317
December 12, 2014

SUBJECT: Reappointments – Board of Optometry

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia pursuant to section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2012 Repl.), section 2(f) of the Confirmation Act of 1978, effective March 3, 1979, D.C. Law 2-142, D.C. Official Code § 1-523.01(f) (2012 Repl.), and in accordance with section 207 of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986, D.C. Law 6-99, D.C. Official Code § 3-1202.07 (2012 Repl.), it is hereby **ORDERED** that:

1. **DAVID A. REED**, who was nominated by the Mayor on July 11, 2014 and deemed approved on November 8, 2014 by the Council of the District of Columbia pursuant to Proposed Resolution 20-1003, is reappointed as a licensed optometrist member of the Board of Optometry ("**Board**"), for a term to end March 12, 2016.
2. **LISA A. JOHNSON**, who was nominated by the Mayor on July 11, 2014 and deemed approved on November 8, 2014 by the Council of the District of Columbia pursuant to Proposed Resolution 20-1002, is reappointed as a licensed optometrist member of the Board, for a term to end March 12, 2017.
3. **EFFECTIVE DATE:** This Order shall become effective immediately.


VINCENT C. GRAY
MAYOR

ATTEST:


SHARON D. ANDERSON

INTERIM SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2014-318

December 12, 2014

SUBJECT: Appointment – Advisory Committee to the Office of Administrative Hearings

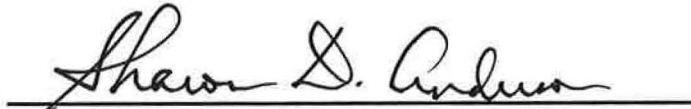
ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act of 1973, 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 20 of the Office of Administrative Hearings Establishment Act of 2001, effective March 6, 2002, D.C. Law 14-76, D.C. Official Code § 2-1831.17 (2012 Repl.), it is hereby **ORDERED** that:

1. **MAKITA WEAVER** is appointed as a member of the Advisory Committee to the Office of Administrative Hearings, representing the District of Columbia Bar, replacing James Cooper, and shall serve at the pleasure of the Mayor.
2. **EFFECTIVE DATE:** This Order shall become effective immediately.


VINCENT C. GRAY
MAYOR

ATTEST:



SHARON D. ANDERSON

INTERIM SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2014-319
December 16, 2014

SUBJECT: Reappointments and Appointment – Commission on African-American Affairs

ORIGINATING AGENCY: Office of the Mayor


By virtue of the authority vested in me as Mayor of the District of Columbia pursuant to section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2012 Repl.), section 2(f) of the Confirmation Act of 1978, effective March 3, 1979, D.C. Law 2-142, D.C. Official Code § 1-523.01(f) (2012 Repl.), and in accordance with the Commission on African-American Affairs Establishment Act of 2012, effective March 14, 2012, D.C. Law 19-106, D.C. Official Code § 3-1441 *et seq.* (2012 Repl.), it is hereby **ORDERED** that:

1. **DIANNE DALE**, who was nominated by the Mayor on September 16, 2014, and whose nomination was deemed approved by the Council of the District of Columbia on November 8, 2014, pursuant to Proposed Resolution 20-1012, is reappointed as a public voting member of the Commission on African-American Affairs (“Commission”), for a term to end July 8, 2017.
2. **REVEREND ANTHONY MOTLEY**, who was nominated by the Mayor on September 16, 2014, and whose nomination was deemed approved by the Council of the District of Columbia on November 8, 2014, pursuant to Proposed Resolution 20-1013, is reappointed as a public voting member of the Commission, for a term to end July 8, 2017.
3. **MICHAEL L. CHAMBERS, II**, who was nominated by the Mayor on September 16, 2014, and whose nomination was deemed approved by the Council of the District of Columbia on November 8, 2014, pursuant to Proposed Resolution 20-1014, is appointed as a public voting member of the Commission, replacing Absalom F. Jordan, for a term to end July 8, 2017.

4. **EFFECTIVE DATE:** This Order shall become effective immediately.



VINCENT C. GRAY
MAYOR

ATTEST: 

SHARON D. ANDERSON
INTERIM SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2014-320
December 18, 2014

SUBJECT: Acceptance of Donation for District of Columbia Public Schools Athletic Facility That Includes Donor Logo

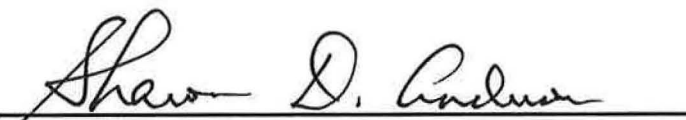
ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia (the "Mayor") pursuant to section 422(11) 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(11) (2012 Repl.), and section 115 of the District of Columbia Appropriations Act, 2003, approved February 20, 2003, 117 Stat. 123, Pub. L. 108-7, D.C. Official Code § 1-329.01 (2012 Repl.), it is hereby **ORDERED** that:

1. Notwithstanding Mayor's Memorandum 2012-3, dated May 16, 2012, specifically subsection IX.B and any other applicable provision therein, the District of Columbia Public Schools may accept a donation of a new sport court and updated outdoor lighting at Jefferson Middle School that includes logos of the Donors on the sport court and/or on signage associated with the court.
2. **EFFECTIVE DATE:** This Order shall be effective immediately.



VINCENT C. GRAY
MAYOR

ATTEST: 

SHARON D. ANDERSON
INTERIM SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2014-321
December 18, 2014

SUBJECT: Appointment – Mayor's Advisory Committee on Child Abuse and Neglect

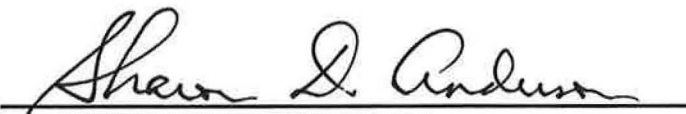
ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(11) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(11) (2012 Repl.), and in accordance with Mayor's Order 2012-164, dated October 3, 2012, as amended by Mayor's Order 2014-074, dated April 9, 2014, it is hereby **ORDERED** that:

1. **STEPHANIE MINOR-HARPER** is appointed as a member of the Mayor's Advisory Committee on Child Abuse and Neglect, representing the DC Superior Court Family Court Division, and shall serve in that capacity at the pleasure of the Mayor.
2. **EFFECTIVE DATE:** This Order shall become effective immediately.



VINCENT C. GRAY
MAYOR

ATTEST: 

SHARON D. ANDERSON
INTERIM SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2014-322

December 18, 2014

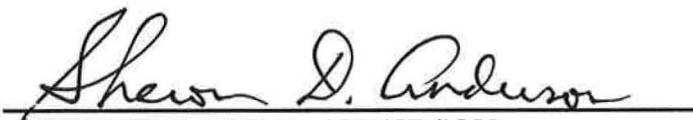
SUBJECT: Reappointment – District of Columbia Housing Finance Agency Board of Directors

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia pursuant to section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2012 Repl.), and in accordance with section 202 of the District of Columbia Housing Finance Agency Act, effective March 3, 1979, D.C. Law 2-135, D.C. Official Code § 42-2702.02 (2012 Repl.), it is hereby **ORDERED** that:

1. **DEREK FORD**, who was nominated by the Mayor on June 25, 2014 and approved by the Council of the District of Columbia pursuant to Resolution 20-0700 on December 2, 2014, is reappointed to the District of Columbia Housing Finance Agency Board of Directors, as a member, with experience in mortgage lending, for a term to end June 28, 2016.
2. **EFFECTIVE DATE:** This Order shall become effective immediately.


VINCENT C. GRAY
MAYOR

ATTEST: 
SHARON D. ANDERSON
INTERIM SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2014-323
December 18, 2014

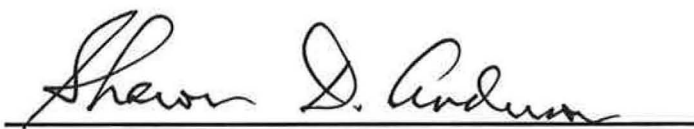
SUBJECT: Appointment -- Board of Dentistry

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia pursuant to section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2012 Repl.), and in accordance with section 201 of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986, D.C. Law 6-99, D.C. Official Code § 3-1202.01 (2014 Supp.), it is hereby **ORDERED** that:

1. **DIANNE J. SMITH**, who was nominated by the Mayor on October 23, 2014, and whose nomination was deemed approved by the Council of the District of Columbia pursuant to Proposed Resolution 20-1112 on December 13, 2014, is appointed as a consumer member of the Board of Dentistry, replacing Annie Ponds, for a term to end November 30, 2015.
2. **EFFECTIVE DATE:** This Order shall become effective immediately.


VINCENT C. GRAY
MAYOR

ATTEST: 
SHARON D. ANDERSON
INTERIM SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2014-324
December 19, 2014

SUBJECT: Designation of Special Event Areas for the National Hockey League 2015 Winter Classic


ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(11) of the District of Columbia Home Rule Act, approved December 23, 1973, 87 Stat. 790, Pub. L. No. 93-198, D.C. Official Code § 1-204.22(11) (2012 Repl.), and consistent with the provisions of 19 D.C. Municipal Regulations § 1301.8, it is hereby **ORDERED** that:

1. This Order applies to certain special event activities associated with the National Hockey League 2015 Winter Classic that is scheduled to be held at Nationals Park on January 1, 2015 (January 2, 2015 if postponed due to inclement weather) (the **"2015 Winter Classic"**).
2. On the day of the 2015 Winter Classic, the land area defined in the Lease Agreement dated March 6, 2006, by and between the Washington Convention and Sports Authority, as successor in interest to the District of Columbia Sports and Entertainment Commission, and the Washington Nationals Stadium, LLC (**"Lessee"**), successor in interest to Baseball Expos, L.P., as the "Baseball Stadium Site" (more particularly defined in Exhibit A to the Lease Agreement as the area of land consisting of approximately nineteen (19) acres, bounded by N Street, S.E., Potomac Avenue, S.E., South Capitol Street, and First Street, S.E.), is designated as a Special Event Area to which the provisions of 19 DCMR § 1301 shall not apply, for the purposes described in this Order.
3. On the day of the 2015 Winter Classic, N Street, S.E., between South Capitol Street and First Street, S.E., Half Street, S.E., between M Street, S.E., and N Street, S.E., and First Street, S.E. between M Street, S.E., and Potomac Avenue, S.E., are designated as Special Event Areas to which the provisions of 19 DCMR § 1301 shall not apply, for the purposes described in this Order.
4. Streets within the Special Event Areas designated by paragraph 3 of this Order may be closed to non-emergency vehicular traffic starting eight (8) hours before the commencement of the 2015 Winter Classic game, and continuing until three (3) hours after the 2015 Winter Classic game ends.

5. No sidewalk space within the Special Events Areas designated by paragraphs 2 and 3 may be closed to pedestrian traffic, unless specifically authorized by the City Administrator.
6. All building, health, life, and safety requirements shall remain applicable to the Special Event Areas designated by this Order.
7. Persons authorized to vend in the Nationals Park Vending Zone pursuant to 24 DCMR § 530 shall continue to be authorized to vend in the Special Events Areas designated by this Order. In addition, the Department of Consumer and Regulatory Affairs may issue additional, special event vending permits within the Special Events Areas.
8. The District Department of Transportation may authorize additional lane closures and sidewalk closures in association with the 2015 Winter Classic for bus loading zones, television and radio broadcast vehicle parking, and other activities associated with the 2015 Winter Classic.
9. The City Administrator shall inform the Metropolitan Police Department, Fire and Emergency Medical Services Department, Homeland Security and Emergency Management Agency, and District Department of Transportation of all street closures under this Order.
10. **EFFECTIVE DATE:** This Order shall become effective immediately.


VINCENT C. GRAY
MAYOR

ATTEST: 
SHARON D. ANDERSON
INTERIM SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2014-325
December 19, 2014

SUBJECT: Appointment – Green Building Advisory Council


ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia pursuant to section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2012 Repl.), and in accordance with section 10 of the Green Building Act of 2006, effective March 8, 2007, D.C. Law 16-234, D.C. Official Code § 6-1451.09 (2014 Supp.), it is hereby **ORDERED** that:

1. **EUGENIA GREGORIO** is appointed to the Green Building Advisory Council, as a private sector representative, replacing Ethan Landis, 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: 

SHARON D. ANDERSON
INTERIM SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2014-326
December 19, 2014

SUBJECT: Amendments (Mayor's Orders 2014-236 and 2014-139) and Appointments – District of Columbia Innovation and Technology Inclusion Council

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2012 Repl.), and in accordance with Mayor's Order 2014-139, dated June 11, 2014, it is hereby **ORDERED** that:

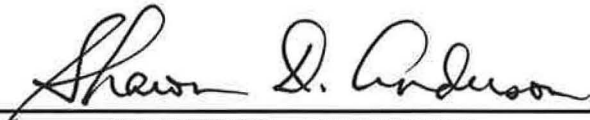
- I. Section I of Mayor's Order 2014-236, dated October 10, 2014 is amended to correct the name of **TRAVIS DOUGHTERY** to read as **TRAVIS DOUGHERTY** and to correct the name of **CARLOS MARTIN DE CAMPOS** to read as **CARLOS MARTIN DEL CAMPO**.
- II. Section IV of Mayor's Order 2014-139, dated June 11, 2014, is amended by inserting a new subsection H to read as follows:
 - H. Additional voting members to represent the District government may be appointed by the Mayor as deemed necessary and appropriate.
- III. The following persons are appointed as public members of the District of Columbia Innovation and Technology Inclusion Council ("**Council**") for a four-year term to end September 22, 2018:

DR. WAYNE CURTIS
DR. BARRON HARVEY
- IV. **ERIN HORNE-MCKINNEY** is appointed as an *ex officio* member of the Council, as a designee of the Deputy Mayor for Planning and Economic Development, and shall serve in that capacity at the pleasure of the Mayor.
- V. **JOYCELYN JAMES** is appointed as an *ex officio* member of the Council and shall serve in that capacity at the pleasure of the Mayor.

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



VINCENT C. GRAY
MAYOR

ATTEST: 

SHARON D. ANDERSON
INTERIM SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2014-327
December 19, 2014

SUBJECT: Reappointment and Appointments – Child Fatality Review Committee

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 4604 of the Child Fatality Review Committee Establishment Act of 2001, effective October 3, 2001, D.C. Law 14-28, D.C. Official Code § 4-1371.04 (2012 Repl.), it is hereby **ORDERED** that:

1. **LIONEL C. SIMS, JR.**, is reappointed to the Child Fatality Review Committee (“**Committee**”), as the designee representative of the Mayor’s Committee on Child Abuse and Neglect and shall serve in that capacity at the pleasure of the Mayor, so long as he continues in his official capacity with the District.
2. **MICHAEL KELLY** is appointed to the Committee as the designee representative of the Department of Housing and Community Development, replacing Thomas Stanback, and shall serve in that capacity at the pleasure of the Mayor, so long as he continues in his official capacity with the District.
3. **CORY CHANDLER** is appointed to the Committee, as the designee representative of the Office of the Attorney General, replacing Lionel C. Sims, Jr., and shall serve in that capacity at the pleasure of the Mayor, so long as he continues in his official capacity with the District.
4. **SAKINA THOMPSON** is appointed to the Committee, as the designee representative of the Department of Human Services, and shall serve in that capacity at the pleasure of the Mayor, so long as she continues in her official capacity with the District.

5. **EFFECTIVE DATE:** This Order shall become effective immediately.



VINCENT C. GRAY
MAYOR

ATTEST: 

SHARON D. ANDERSON
INTERIM SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM


Mayor's Order 2014-328


December 19, 2014

SUBJECT: Reappointment – Board of Professional Counseling**ORIGINATING AGENCY:** Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia pursuant to section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2012 Repl.), and in accordance with section 213 of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986, DC Law 6-99, D.C. Official Code § 3-1202.13 (2012 Repl.), it is hereby **ORDERED** that:

1. **LUGARDA PARRA-BENCOMO**, who was nominated by the Mayor on October 14, 2014, and deemed approved by the Council of the District of Columbia on December 6, 2014 pursuant to Proposed Resolution 20-1101, is reappointed as a member with at least five years of experience in the field of addiction counseling, to the Board of Professional Counseling, for a term to end July 1, 2017.
2. **EFFECTIVE DATE:** This Order shall become effective immediately.


VINCENT C. GRAY
MAYOR

ATTEST: 
SHARON D. ANDERSON
INTERIM SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA**ADMINISTRATIVE ISSUANCE SYSTEM**


Mayor's Order 2014-329
December 19, 2014

SUBJECT: Reappointment – Board of Veterinary Medicine

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia pursuant to section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(22) (2012 Repl.), and in accordance with section 102(i) of the District of Columbia Health Occupations Revision Act of 1985, effective March 26, 2014, D.C. Law 20-96, D.C. Official Code § 3-1202.21 (2014 Supp.), it is hereby **ORDERED** that:

1. **DR. LEANNE LIPTON**, who was nominated by the Mayor on September 16, 2014, and whose nomination was deemed approved by the Council of the District of Columbia pursuant to Proposed Resolution 20-1007 on November 8, 2014, is reappointed as a licensed veterinarian member of the Board of Veterinary Medicine, for a term to end April 16, 2017.
2. **EFFECTIVE DATE:** This Order shall become effective immediately.



VINCENT C. GRAY
MAYOR

ATTEST:



SHARON D. ANDERSON

INTERIM SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2014-330
December 19, 2014

SUBJECT: Appointment – Commission on Asian and Pacific Islander Community Development


ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia pursuant to section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2012 Repl.), and pursuant to section 305 of the Fiscal Year 2002 Budget Support Act of 2001, effective October 3, 2001, D.C. Law 14-28, D.C. Official § 2-1374 (2012 Repl.), it is hereby **ORDERED** that:

1. **JED WULFEKOTTE**, who was nominated by the Mayor on October 15, 2014 and deemed approved by the Council of the District of Columbia on December 6, 2014 pursuant to Proposed Resolution 20-1102, is appointed to the Commission on Asian and Pacific Islander Community Development, for a term to end April 17, 2017.
2. **EFFECTIVE DATE:** This Order shall become effective immediately.



VINCENT C. GRAY
MAYOR

ATTEST: 

SHARON D. ANDERSON
INTERIM SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2014-331
December 19, 2014

SUBJECT: Reappointments – Board of Chiropractic


ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia pursuant to section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2012 Repl.), and in accordance with section 216 of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986, D.C. Law 6-99, D.C. Official Code § 3-1202.16 (2012 Repl.), it is hereby **ORDERED** that:

1. **DR. KEITA VANTERPOOL**, who was nominated by the Mayor on October 23, 2014 and whose nomination was deemed approved by the Council of the District of Columbia pursuant to Proposed Resolution 20-1109 on December 13, 2014, is reappointed as a doctor of chiropractic member, and Chairperson of the Board of Chiropractic ("**Board**"), for a term to end October 23, 2017.
2. **DR. MIYA CORLISS BAZLEY**, who was nominated by the Mayor on October 23, 2014 and whose nomination was deemed approved by the Council of the District of Columbia pursuant to Proposed Resolution 20-1110 on December 13, 2014, is reappointed as a doctor of chiropractic member of the Board, for a term to end October 23, 2017.
3. **EFFECTIVE DATE:** This Order shall become effective immediately.



VINCENT C. GRAY
MAYOR

ATTEST: 

SHARON D. ANDERSON
INTERIM SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2014-332
December 19, 2014

SUBJECT: Reappointments – Commission on Aging

ORIGINATING AGENCY: Office of the Mayor

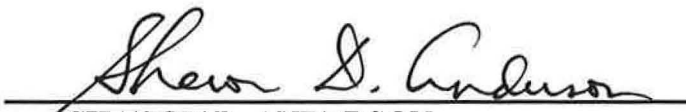
By virtue of the authority vested in me as Mayor of the District of Columbia pursuant to section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2012 Repl.), and in accordance with section 402 of the District of Columbia Act on the Aging, effective October 29, 1975, D.C. Law 1-24, D.C. Official Code § 7-504.02 (2012 Repl.), it is hereby **ORDERED** that:

1. **NATHANIEL WILSON** is reappointed as a member of the Commission on Aging (“**Commission**”), for a term to end October 28, 2017.
2. **ROMAINE THOMAS** is reappointed as a member of the Commission, for a term to end October 28, 2017.
3. **BARBARA S. HAIR** is reappointed as a member of the Commission, for a term to end October 28, 2017.
4. **RONALD SWANDA** is reappointed as a member of the Commission, for a term to end October 28, 2017.
5. **GRACE J. LEWIS** is reappointed as a member of the Commission, for a term to end October 28, 2017.

6. **EFFECTIVE DATE:** This Order shall become effective immediately.



VINCENT C. GRAY
MAYOR

ATTEST: 

SHARON D. ANDERSON
INTERIM SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

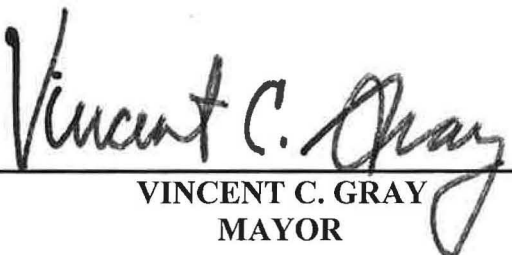
Mayor's Order 2014-333
December 19, 2014

SUBJECT: Reappointment and Appointment – Healthy Youth and Schools
Commission

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2012 Supp.), and pursuant to section 702 of the Healthy Schools Act of 2010, effective July 27, 2010, D.C. Law 18-209, D.C. Official Code § 38-827.02 (2012 Repl.), it is hereby **ORDERED** that:

1. **LAUREN S. BIEL** is reappointed to the Healthy Youth and Schools Commission (“**Commission**”), as a general member, for a term to end May 1, 2017.
2. **AUDREY WILLIAMS** is recognized as a member appointed to the Commission by the Chair of the District of Columbia Public Charter School Board, replacing Naomi R. DeVeaux, for the remainder of an unexpired term to end May 1, 2015.
3. **EFFECTIVE DATE:** This Order shall become effective immediately.



VINCENT C. GRAY
MAYOR

ATTEST:



SHARON D. ANDERSON

INTERIM SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2014-334
December 19, 2014

SUBJECT: Reappointment – District of Columbia Recreational Trails Advisory
Committee


ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia pursuant to section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2012 Repl.), and in accordance with Mayor's Order 1996-84, dated June 20, 1996, it is hereby **ORDERED** that:

1. **TODD J. PIANTEDOSI** is reappointed as a member of the District of Columbia Recreational Trails Advisory Committee for a term to end September 10, 2017.
2. **EFFECTIVE DATE:** This Order shall become effective immediately.



VINCENT C. GRAY
MAYOR

ATTEST: 

SHARON D. ANDERSON
INTERIM SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA**ADMINISTRATIVE ISSUANCE SYSTEM**

Mayor's Order 2014-335
December 19, 2014

SUBJECT: Reappointment and Appointment – Advisory Committee to the Office of Gay, Lesbian, Bisexual and Transgender Affairs


ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia pursuant to section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2012 Repl.), and section 3(b) of the Office of Gay, Lesbian, Bisexual and Transgender Affairs Act of 2006, effective April 4, 2006, D.C. Law 16-89, D.C. Official Code § 2-1382(b) (2012 Repl.), and in accordance with Mayor's Order 2006-52, dated May 3, 2006, it is hereby **ORDERED** that:

1. **RONALD SWANDA** is reappointed as a member of the Advisory Committee to the Office of Gay, Lesbian, Bisexual and Transgender Affairs ("**Advisory Committee**"), for a term to end June 30, 2016.
2. **CHARLES CLYMER** is appointed as a member of the Advisory Committee, replacing Megan Wallace, for a term to end June 30, 2015.
3. **EFFECTIVE DATE:** This Order shall become effective immediately.



VINCENT C. GRAY
MAYOR

ATTEST: 

SHARON D. ANDERSON
INTERIM SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2014-336
December 19, 2014

SUBJECT: Reappointments and Appointment – Metropolitan Washington Regional
Ryan White Planning Council

ORIGINATING AGENCY: Office of the Mayor


By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2012 Repl.), pursuant to sections 2602(a)(1) and (b)(1) of the Public Health Service Act of 1944, as amended by section 101 of the Ryan White Comprehensive AIDS Resources Emergency Act of 1990, approved August 18, 1990, 104 Stat. 576, Pub. L. 101-381, 42 U.S.C. § 300ff-12(a)(1) and (b)(1), and in accordance with Mayor's Order 2008-75, dated May 16, 2008, as amended by Mayor's Order 2010-35, dated February 12, 2010, and Mayor's Order 2012-63, dated April 30, 2012, it is hereby **ORDERED** that:

1. **JUSTIN GOFORTH** is reappointed to the Metropolitan Washington Regional Ryan White Planning Council ("Council"), for a term to end November 15, 2016.
2. **LORA MORROW** is reappointed to the Council, for a term to end November 15, 2016.
3. **JOHN WEDDLES** is appointed to the Council, as a representative of the Department of Health Care Finance, and shall serve in that capacity at the pleasure of the Mayor.

4. **EFFECTIVE DATE:** This Order shall become effective immediately.



VINCENT C. GRAY
MAYOR

ATTEST: 

SHARON D. ANDERSON
INTERIM SECRETARY OF THE DISTRICT OF COLUMBIA

ACADEMY OF HOPE ADULT PUBLIC CHARTER SCHOOL**REQUESTS FOR PROPOSALS**

Academy of Hope Adult Public Charter School solicits expressions of interest in the form of proposals with references from qualified vendors for each of the services listed below.

Business Services:

1. Basic Literacy Partners
2. Performance Information Management System

Please visit www.aohdc.org for full details. Questions and proposals may be e-mailed to aoh@aohdc.org with the subject line in the type of service. Deadline for submissions is **12:00 pm January 4th**. Appointments for presentations will be scheduled at the discretion of the school office **after** receipt of proposals only.

E-mail is the preferred method for responding but you can also mail proposals and supporting documents to the following address:

Academy of Hope Adult Public Charter School
601 Edgewood St. NE, Ste. 25
Washington, DC 20017

Mayor's Advisory Committee on Child Abuse and Neglect**2015 MONTHLY MEETING SCHEDULE**

This notice outlines the schedule of the regular meetings of the Board of Commissioners of the Mayor's Advisory Committee on Child Abuse and Neglect (MACCAN). The meetings are held in open session and the public is invited to attend. The meetings are held at The District of Columbia Child and Family Services Agency (CFSA), 200 I Street SE, Washington, DC, 20003, room 1001-A. For further information, please contact CFSA at 202-724-7100.

DATE	TIME	ROOM NUMBER
Tuesday, February 24, 2015	10:30 AM	Room 1001-A
Tuesday, April 28, 2015	10:30 AM	Room 1001-A
Tuesday, June 30, 2015	10:30 AM	Room 1001-A
Tuesday, August 25, 2015	10:30 AM	Room 1001-A
Tuesday, October 27, 2015	10:30 AM	Room 1001-A
Tuesday, December 1, 2015	10:30 AM	Room 1001-A

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

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

AGENDA

**January 16th, 2015
9:00 A.M.**

- 1) Meeting Call to Order
- 2) Attendees
- 3) Comments from the Public
- 4) Minutes: Review draft
- 5) Old Business
- 6) New Business
- 7) Pursuant to § 2-575(4) (a), (9) and (13) the Board will enter executive session to receive advice from counsel, review application(s) for licensure and discuss disciplinary matters.
- 8) Action on applications discussed in executive session
- 9) Adjournment

Next Scheduled Meeting – TBD 2015
Location: 1100 4th Street SW, Conference Room E300

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OCCUPATIONAL AND PROFESSIONAL LICENSING DIVISION

NOTICE OF PUBLIC MEETING

Board of Architecture & Interior Design,
1100 4th Street, SW, Room 300B, Washington, DC. 20024

AGENDA

January 9th, 2015

1. Call to Order - 9:30 a.m.
2. Attendees
3. Comments from the Public
 - Julia M. Lent, Managing Director, Government Affairs, (ASLA) (Tentative)
4. Executive Session (Closed to the Public) – Roll Call of Board Members
 - A. Review of Applications
 - B. Legal Counsel Report
 - C. Review – Commentary on Proposed Legislation (Chapter 28 of Title 47).
5. Minutes – Review Draft, December 12th, 2014
6. Approval of Applications
7. Review of Complaints/Legal Matters
8. Review of Interior Design Continuing Education Provider Submissions
9. Old Business
 - a) Review - proposed changes to the IDP, BEA and BEFA programs.
10. New Business
 - a) NCARB - (none)
 - b) NCIDQ – Vote – on NCIDQ Delegate
 - b) NCARB – review Chairman’s letter addressing “Scope of Practice” and “Responsible Control.”
11. Review of Correspondence
12. Adjourn

Next Scheduled Regular Meeting, January 9th, 2015
1100 4th Street, SW, Room 300B, Washington, DC 20024

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

NOTICE OF PUBLIC MEETING

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

**Meeting Agenda
January 5, 2015
10:00 a.m.**

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

Next Scheduled Board Meeting – February 2, 2015

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

NOTICE OF PUBLIC MEETING

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

Meeting Agenda

**January 8, 2015
11:00 A.M.**

1. Call to Order – 11:00 a.m.
2. Members Present
3. Staff Present
4. Comments from the Public
5. Executive Session (Closed to the Public)
6. Review of Correspondence
7. Draft Minutes, December 4, 2014
8. New Business
9. Old Business
10. Adjourn
11. Next Scheduled Board Meeting – February 5, 2015 at 11:00 a.m.

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OCCUPATIONAL AND PROFESSIONAL LICENSING DIVISION

Board of Industrial Trades
1100 4th Street SW, Room 300
Washington, DC 20024

AGENDA

January 20, 2015
1:00 P.M -3:30 P.M.

- I. Call to Order
- II. Ascertainment of Quorum
- III. Adoption of the Agenda
- IV. Acknowledgment of Adoption of the Minutes
- V. Report from the Chairperson
- VI. Executive Session
Executive Session (non-public) to Discuss Ongoing, Confidential Preliminary Investigations pursuant to D.C. Official Code § 2-575(b)(14), to deliberate on a decision in which the Industrial Trades Board will exercise quasi-judicial functions pursuant to D.C. Official Code § 2-575(b)(13).
- VII. Opportunity for Public Comments
- VIII. New Business
- IX. Old Business
 - DCMR updates
 - Recommendations from Committee(s)
- X. Adjournment

Next Scheduled Board Meeting: February 17, 2015 @ 1:00 PM to 3:30 PM
Room 300 1100 4th Street, Washington, DC 20024

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

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

Agenda

**January 22, 2015
9:30 A.M.**

- 1) Meeting Call to Order
- 2) Attendees
- 3) Comments from the Public
- 4) Minutes: Review draft of 18 December 2014
- 5) Old Business
- 6) New Business
- 7) Executive Session
 - a) Pursuant to § 2-575(13) the Board will enter executive session to review application(s) for licensure
 - b) Pursuant to § 2-575(9) the Board will enter executive session to discuss a possible disciplinary action
- 8) Application Committee Report
- 9) Adjournment

Next Scheduled Meeting – Thursday, February 26, 2014
Location: 1100 4th Street SW, Conference Room E300

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

NOTICE OF PUBLIC MEETING

**District of Columbia Real Estate Appraisers
1100 4th Street SW, Room 300 B
Washington, DC 20024**

AGENDA

**January 15, 2015
10:00 A.M.**

1. Call to Order – 10:00 a.m.
2. Attendance (Start of Public Session) – 10:30 a.m.
3. Executive Session (Closed to the Public) – 10:00 – 10:30 a.m.
 - A. Legal Committee Recommendations
 - B. Legal Counsel Report
 - C. Application Review
4. Comments from the Public
5. Minutes - Draft
6. Recommendations
 - A. Review - Applications for Licensure
 - B. Legal Committee Report
 - C. Education Committee Report
 - D. Budget Report
 - E. 2014 Calendar
 - F. Correspondence
7. Old Business
8. New Business
9. Adjourn

Next Scheduled Regular Meeting, Thursday, February 18, 2015
1100 4th Street, SW, Room 300B, Washington, DC 20024

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
D.C. BOXING AND WRESTLING COMMISSION

1100 4th Street SW-Suite E500, SW

Washington, DC. 20024

January 13, 2015

7:00 P.M.

Website: http://www.pearsonvue.com/dc/boxing_wrestling/

AGENDA

CALL TO ORDER & ROLL CALL

COMMENTS FROM THE PUBLIC & GUEST INTRODUCTIONS

REVIEW OF MINUTES

- Approval of Minutes

OLD BUSINESS

1. Officials Training: January 10th
2. 52nd WBC Convention, Las Vegas, NV
3. Gym Equipment Distribution Update
- 4.

NEW BUSINESS

1. Upcoming Amateur Events
- 2.

ADJORNMENT

NEXT REGULAR SCHEDULED MEETING IS FEBRUARY 10, 2015

**DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
BUSINESS AND PROFESSIONAL LICENSING ADMINISTRATION**

SCHEDULED MEETINGS OF BOARDS AND COMMISSIONS

January 2015

CONTACT PERSON	BOARDS AND COMMISSIONS	DATE	TIME/ LOCATION
Jason Sockwell	Board of Accountancy	16	8:30 am-12:00pm
Patrice Richardson	Board of Appraisers	15	8:30 am-4:00 pm
Jason Sockwell	Board Architects and Interior Designers	9	8:30 am-1:00 pm
Cynthia Briggs	Board of Barber and Cosmetology	5	10:00 am-2:00 pm
Sheldon Brown	Boxing and Wrestling Commission	13	7:00-pm-8:30 pm
Kevin Cyrus	Board of Funeral Directors	8	11:00am-3:00 pm
Lori Fowler	Board of Professional Engineering	22	9:30 am-1:30 pm
Leon Lewis	Real Estate Commission	13	8:30 am-1:00 pm
Pamela Hall	Board of Industrial Trades	20	1:00 pm-4:00 pm
	Asbestos Electrical Elevators Plumbing Refrigeration/Air Conditioning Steam and Other Operating Engineers		

Dates and Times are subject to change.

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

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

NOTICE OF PUBLIC MEETING

District of Columbia Real Estate Commission

1100 4th Street, S.W., Room 300B
Washington, D.C. 20024

AGENDA

January 13, 2015

1. Call to Order - 9:30 a.m.
 2. Executive Session (Closed to the Public) – 9:30 am-10:30 am
 - A. Legal Committee Recommendations
 - B. Review – Applications for Licensure
 - C. Legal Counsel Report
 3. Attendance (Start of Public Session) – 10:30 a.m.
 4. Comments from the Public
 5. Minutes - Draft, December 9, 2014
 6. Recommendations
 - A. Review - Applications for Licensure
 - B. Legal Committee Report
 - C. Education Committee Report
 - D. Budget Report
 - E. 2015 Calendar
 - F. Correspondence
 7. Old Business
 8. New Business
 9. Adjourn
- Next Scheduled Regular Meeting, February 10, 2015
1100 4th Street, SW, Room 300B, Washington, DC 20024

DISTRICT DEPARTMENT OF THE ENVIRONMENT

FISCAL YEAR 2015

PUBLIC NOTICE

Notice is hereby given that, pursuant to 40 C.F.R. Part 51.161, D.C. Official Code §2-505, and 20 DCMR § 210, the Air Quality Division (AQD) of the District Department of the Environment (DDOE), located at 1200 First Street NE, 5th Floor, Washington, DC, intends to issue an air quality permit (#6943) to Gallaudet University to construct and operate one (1) 42.00 MMBtu per hour dual fuel (natural gas and No. 2 fuel oil) fired boiler (burner model number LNICM11A-GO-30) at Gallaudet University, Central Utilities Building, located at 800 Florida Avenue NE, Washington, DC 20002. The contact person for the facility is Amon Brown, Interim Director, Office of Administration, Gallaudet University, at (202) 651-5007. The facility's mailing address is 800 Florida Avenue NE, Washington, DC 20002.

Emissions:

Maximum emissions from the unit operating 24 hours per day for 365 days per year burning natural gas are expected to be as follows:

	Maximum Annual Emissions
Pollutant	(tons/yr)
Total Particulate Matter (PM Total)	0.883
Sulfur Dioxide (SO ₂)	0.108
Nitrogen Oxides (NO _x)	5.335
Volatile Organic Compounds (VOC)	4.599
Carbon Monoxide (CO)	6.807

Alternatively, although use of No. 2 fuel oil is severely limited to periods of gas supply emergencies, periods of gas curtailment, and periodic testing, as a worst case estimate, assuming that the No. 2 fuel oil were the only fuel used, maximum annual emissions (24 hours per day, 365 days per year) would be as follows:

	Maximum Annual Emissions
Pollutant	(tons/yr)
Total Particulate Matter (PM Total)	2.631
Sulfur Dioxide (SO ₂)	0.284
Nitrogen Oxides (NO _x)	22.07
Volatile Organic Compounds (VOC)	6.991
Carbon Monoxide (CO)	6.807

The proposed overall emission limits for the equipment are as follows:

- a. The 42.00 million BTU per hour dual fuel–fired boiler (identified as Boiler #1) shall not emit pollutants in excess of those specified in the following table [20 DCMR 201]:

Pollutant	Short-Term Limit (Natural Gas) (lb/hr)	Short-Term Limit (No. 2 Fuel Oil) (lb/hr)
Carbon Monoxide (CO)	1.554	1.554
Oxides of Nitrogen (NO _x)	1.22	5.04
Total Particulate Matter (PM Total)*	0.202	0.601
Volatile Organic Compounds (VOC)	1.05	1.596
Sulfur Dioxide (SO ₂)	0.066	0.066

*PM Total includes both filterable and condensable fractions.

- b. Visible emissions shall not be emitted into the outdoor atmosphere from the boiler, 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. In addition to complying with Condition (b), the Permittee shall not discharge from the unit any emissions that exhibit greater than 20 percent opacity (6-minute average), except for one 6-minute period per hour of not more than 27 percent opacity. [40 CFR 60.43c(c)]
- d. 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]
- e. Total suspended particulate matter emissions from the boiler shall not exceed 0.072 pound per million BTU. [20 DCMR 600.1]
- f. Emissions shall not exceed those achieved with the performance of annual combustion adjustments on the boiler. To show compliance with this condition, the Permittee shall, each calendar year, perform adjustments of the combustion processes of the boiler with the following characteristics [20 DCMR 805.8(a) and (b)]:
 - i. Inspection, adjustment, cleaning or replacement of fuel burning equipment, including the burners and moving parts necessary for proper operation as specified by the manufacturer;
 - ii. Inspection of the flame pattern or characteristics and adjustments necessary to minimize total emissions of NO_x and, to the extent practicable, minimize emissions of CO;

- iii. Inspection of the air-to-fuel ratio control system and adjustments necessary to ensure proper calibration and operation as specified by the manufacturer; and
- iv. Adjustments shall be made such that the maximum emission rate for any contaminant does not exceed the maximum allowable emission rate as set forth in this section.

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

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

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

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

No written comments or hearing requests postmarked after January 26, 2015 will be accepted.

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

DISTRICT DEPARTMENT OF THE ENVIRONMENT

FISCAL YEAR 2015

PUBLIC NOTICE

Notice is hereby given that, pursuant to 40 C.F.R. Part 51.161, D.C. Official Code §2-505, and 20 DCMR § 210, the Air Quality Division (AQD) of the District Department of the Environment (DDOE), located at 1200 First Street NE, 5th Floor, Washington, DC, intends to issue an air quality permit (#6953) to Georgetown University to construct and operate a 200 kW Cummins Power Generation emergency generator set with a 324 hp diesel fired engine at the Village C Building of Georgetown University, located at 3700 O Street NW, Washington, DC 20057. The contact person for facility is Gregory Simmons, Associate Vice President, Facilities Operations, Design and Construction, at 202 594-6523. The applicant’s mailing address is 3700 O Street NW, Washington, DC 20057.

Emissions:

Maximum emissions from the 200 kW emergency generator, operating five hundred (500) hours per year, is expected to be as follows:

Pollutant	Maximum Annual Emissions (tons/yr)
Total Particulate Matter (PM Total)	0.01
Sulfur Dioxide (SO ₂)	0.17
Nitrogen Oxides (NO _x)	0.48
Volatile Organic Compounds (VOC)	0.20
Carbon Monoxide (CO)	0.13

The proposed overall 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 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
4.0	3.5	0.20

- b. Visible emissions shall not be emitted into the outdoor atmosphere from this generator, except that discharges not exceeding forty percent (40%) opacity (unaveraged) shall be permitted for two (2) minutes in any sixty (60) minute period and for an aggregate of twelve (12) minutes in any twenty-four hour (24 hr.) period during start-up, cleaning, adjustment of combustion controls, or malfunction of the equipment [20 DCMR 606.1]

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

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

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

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

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

No written comments or hearing requests postmarked after January 26, 2015 will be accepted.

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

DISTRICT DEPARTMENT OF THE ENVIRONMENT

FISCAL YEAR 2015

PUBLIC NOTICE

Notice is hereby given that, pursuant to 40 C.F.R. Part 51.161, D.C. Official Code §2-505, and 20 DCMR §210, the Air Quality Division (AQD) of the District Department of the Environment (DDOE), located at 1200 First Street NE, 5th Floor, Washington, DC, intends to issue Permit #6966 to The George Washington University, to operate one diesel-fired emergency generator set located in Washington, DC. The contact person for the facility is Janine Helwig, Environmental Management Engineer, at (202) 994-5141.

Emergency Generator to be Permitted

Equipment Location	Address	Generator Size	Engine Size	Permit No.
The George Washington University, District House	2121 House NW Washington DC 20052	600 kW	900 bhp	6966

The proposed emission limits are as follows:

- a. Emissions from this unit shall not exceed those 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 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. In addition to Condition II(b) exhaust opacity, measured and calculated as set forth in 40 CFR 86, Subpart 1, shall not exceed [40 CFR 60.4205(b), 40 CFR 60.4202(a), and 40 CFR 89.113]:
 - 1. 20 percent during the acceleration mode;
 - 2. 15 percent during the lugging mode;
 - 3. 40 percent during the peaks in either the acceleration or lugging modes. *Note that this condition is streamlined with the requirements of 20 DCMR 606.1.*

- d. 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 set are as follows:

Pollutant	Maximum Annual Emissions (tons/yr)
Carbon Monoxide (CO)	0.177
Oxides of Nitrogen (NO _x)	2.16
Volatile Organic Compounds (VOC)	0.0037
Total Particulate Matter (PM Total)	0.0129
Sulfur Dioxide (SO _x)	0.00273

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

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

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

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

No written comments or hearing requests postmarked after January 26, 2015 will be accepted.

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

DEPARTMENT OF HEALTH CARE FINANCE

PUBLIC NOTICE

In accordance with 42 C.F.R. § 447.205, the Department of Health Care Finance is providing public notice of an amendment to the State Plan for Medical Assistance (State Plan). The District is extending authorization for increased Medicaid reimbursement for specific primary care services provided by eligible primary care physicians enrolled in the fee-for-service program. The Health Care and Education Reconciliation Act of 2010, approved January 5, 2010 (Pub.L. 111-152; 124 Stat. 1029) (codified as amended in scattered sections of 42 U.S.C.), required the Medicaid program to increase Medicaid reimbursement for specific primary care services furnished by certain physicians in calendar years 2013 and 2014. The proposed State Plan Amendment, if approved by the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS) will extend these payments through September 30, 2015.

Comments may be submitted in writing to Claudia Schlosberg, J.D., Interim Medicaid Director, Department of Health Care Finance, Government of the District of Columbia, 441 4th Street, NW, Suite 900, South, Washington DC 20001, via telephone on (202) 442-8742, via email at DHCFPubliccomments@dc.gov, or online at www.dcregs.dc.gov, within thirty (30) days of the date of publication of this notice in the *D.C. Register*. Copies of the State Plan Amendments (SPAs) are available by contacting the DHCF Health Care Policy and Research Administration, Division of Regulation and Policy Management, via telephone at (202) 442-9115 or e-mail Karla Andrews at karla.andrews@dc.gov.

DEPARTMENT OF HEALTH**PUBLIC NOTICE**

The District of Columbia Board of Social Work (“Board”) hereby gives notice of a cancellation of its regular meeting, pursuant to § 405 of the District of Columbia Health Occupation Revision Act of 1985, D.C. Official Code § 3-1204.05 (b)) (2012 Repl.).

Due to holiday schedule, the Board’s regular meeting scheduled for Monday, December 22, 2014, will be cancelled. The Board’s next regular meeting will be held at its usual fourth Monday of the month, on Monday, January 26, 2015. The meeting will be open to the public from 9:30 AM until 11:00 AM to discuss various agenda items and any comments and/or concerns from the public. In accordance with Section 405(b) of the Open Meetings Act of 2010, D.C. Official Code § 2-574(b), the meeting will be closed from 11:00 AM to 2:00 PM to plan, discuss, or hear reports concerning licensing issues, ongoing or planned investigations of practice complaints, and or violations of law or regulations.

The meeting will be held at 899 North Capitol Street, NE, Second Floor, Washington, DC 20002. Visit the Department of Health’s Events webpage at www.doh.dc.gov/events to view the agenda.

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
HOME PURCHASE ASSISTANCE PROGRAM (HPAP)

Effective on Friday, December 26, 2014

Below is the HPAP Homebuyer Assistance Table. Please note that closing cost assistance for all eligible households will be up to \$4,000.

The per client gap financing assistance will cap at \$50,000. The closing cost assistance is distinct from and in addition to gap financing assistance, which is shown below.

Maximum Assistance	Household Size							
	1	2	3	4	5	6	7	8
Per household less than or equal to:								
Very low income households								
\$50,000	\$37,450	\$42,800	\$48,150	\$53,500	\$57,800	\$62,100	\$66,350	\$70,650
Low income households								
\$40,000	\$38,200	\$43,650	\$49,100	\$54,570	\$58,950	\$63,300	\$67,650	\$72,050
	\$42,000	\$48,000	\$54,000	\$60,000	\$64,800	\$69,600	\$74,400	\$79,200
	\$44,800	\$51,200	\$57,600	\$64,000	\$69,150	\$74,250	\$79,400	\$84,500
	\$47,950	\$54,800	\$61,650	\$68,000	\$72,800	\$77,100	\$81,350	\$85,650
\$35,000	\$49,000	\$56,000	\$63,000	\$70,000	\$74,400	\$78,750	\$83,150	\$87,500
	\$49,700	\$56,800	\$63,900	\$71,000	\$75,450	\$79,900	\$84,300	\$88,750
	\$50,400	\$57,600	\$64,800	\$72,000	\$76,500	\$81,000	\$85,500	\$90,000
	\$51,800	\$59,200	\$66,600	\$74,000	\$78,650	\$83,250	\$87,900	\$92,500
	\$52,500	\$60,000	\$67,500	\$75,000	\$79,700	\$84,400	\$89,100	\$93,750
\$25,000	\$53,900	\$61,600	\$69,300	\$77,000	\$81,800	\$86,650	\$91,450	\$96,250
	\$54,600	\$62,400	\$70,200	\$78,000	\$82,900	\$87,750	\$92,650	\$97,500
	\$59,900	\$68,500	\$77,050	\$85,600	\$90,950	\$96,300	\$101,650	\$107,000
Moderate income households								
\$20,000	\$60,200	\$68,800	\$77,400	\$86,000	\$92,450	-----	-----	-----
	\$62,300	\$71,200	\$80,100	\$89,000	\$94,600	-----	-----	-----
	\$65,100	\$74,400	\$83,700	\$93,000	\$98,800	\$98,800	-----	-----
	\$74,900	\$85,600	\$96,300	\$107,000	\$113,650	\$113,650	\$113,650	\$113,650
\$10,000	\$76,300	\$87,200	\$98,100	\$109,000	\$115,800	\$115,800	\$115,800	\$115,800
	\$82,400	\$94,200	\$105,950	\$117,700	\$125,100	\$125,100	\$125,100	\$125,100

The amount of financial assistance provided to a very low, low or moderate income household shall be the combined total of Gap Financing Assistance and Closing Costs Assistance.

The income limits established shall be periodically reviewed and revised as needed by the Department of Housing and Community Development to stay current with the household incomes in the Washington, DC area. This chart will periodically be updated, provided that the current median income established by the Secretary of the U.S. Department of Housing and Urban Development for the Washington, DC Metropolitan Statistical Area is available.

D.C. DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT**NOTICE FOR LEVEL OF ASSISTANCE FOR THE
HOME PURCHASE ASSISTANCE PROGRAM**

The D.C. Department of Housing and Community Development, pursuant to the authority in Chapter 25, Title 14, DCMR, Section 2503 and Section 2510 of the rules for the Home Purchase Assistance Program (HPAP), hereby gives notice that it has established the income limits and homebuyer assistance for participation of very low income, low income and moderate income households in the HPAP.

The income limits have been determined based on the area median income of \$107,000 established by the Secretary of the U.S. Department of Housing and Urban Development for 2014, for the Washington, DC metropolitan statistical area. The amounts have been calculated based on Section 2510 of the HPAP Program rules. The "Homebuyer Assistance Table" reflects the amount of assistance for home purchases through gap financing for first-time homebuyers in an amount up to **\$50,000 plus \$4,000** for closing cost assistance. The assistance provided is based on household income and size and shall be effective upon publication of this Notice in the D.C. Register.

The assistance table shall be effective on Friday, December 26, 2014, at this time new applications and applicants that currently hold an **active** Notice of Eligibility also known as NOE, without an approved sales contract from the Greater Washington Urban League, Inc. are eligible for the new assistance. To share concerns and questions, contact a Community Based Organization. Contact information can be found on www.dhcd.dc.gov.

KIPP DC PUBLIC CHARTER SCHOOL**REQUEST FOR PROPOSALS****School Leader Retreat Venue**

KIPP DC, a public charter school, is looking for a location with overnight accommodations for 60 people to host a school leader retreat in October or November of 2015. Proposals will be accepted until 5:00pm, EST on Friday, January 9, 2015. For a full RFP and/or more details, please email Rachel Yost at **BOTH** Rachel.Yost@kipfdc.org and procurement@kipfdc.org.

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:

January 12, 2015
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
- III. Community Pool
- IV. Transportation Impact Study
- V. Zoning Update
- VI. Master Development Team overview and update
- VII. Questions

For questions, please contact Martine Combal, Walter Reed Local Redevelopment Authority Director at 202-727-6365 or martine.combal@dc.gov.

PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA**COMMISSION MEETINGS**

THE PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA (“COMMISSION”) HEREBY GIVES NOTICE, PURSUANT TO D.C. OFFICIAL CODE SECTION 2-576, OF THE COMMISSION’S 2015 SCHEDULE OF MEETINGS TO CONSIDER FORMAL CASE MATTERS AND OTHER APPLICATIONS THAT REQUIRE THE COMMISSION’S ACTION. THE PROPOSED AGENDA AND TIME FOR EACH MEETING WILL BE POSTED ON THE COMMISSION’S WEBSITE (www.depsc.org) AND IN THE COMMISSION SECRETARY’S OFFICE NOT LESS THAN 48 HOURS BEFORE EACH MEETING. THE MEETINGS ARE SCHEDULED TO CONVENE AT 11:00 A.M. AND WILL BE HELD IN THE COMMISSION’S HEARING ROOM, 1333 “H” STREET, NW, 7TH FLOOR, EAST TOWER, WASHINGTON, D.C. 20005:

JANUARY 14, 2015
JANUARY 28, 2015

JULY 8, 2015
JULY 22, 2015

FEBRUARY 11, 2015
FEBRUARY 25, 2015

AUGUST 12, 2015
AUGUST 26, 2015

MARCH 11, 2015
MARCH 25, 2015

SEPTEMBER 9, 2015
SEPTEMBER 23, 2015

APRIL 8, 2015
APRIL 22, 2015

OCTOBER 15, 2015
OCTOBER 28, 2015

MAY 13, 2015
MAY 27, 2015

NOVEMBER 12, 2015
NOVEMBER 25, 2015

JUNE 10, 2015
JUNE 25, 2015

DECEMBER 9, 2015
DECEMBER 23, 2015

PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA

PUBLIC NOTICE

GT97-3, IN THE MATTER OF THE APPLICATION OF WASHINGTON GAS LIGHT COMPANY FOR AUTHORITY TO AMEND ITS RATE SCHEDULE NO. 6,

GT06-1, IN THE MATTER OF THE APPLICATION OF WASHINGTON GAS LIGHT COMPANY FOR AUTHORITY TO AMEND GENERAL SERVICE PROVISION NO. 23, and

FORMAL CASE NO. 1027, IN THE MATTER OF THE EMERGENCY PETITION OF THE OFFICE OF THE PEOPLE'S COUNSEL FOR AN EXPEDITED INVESTIGATION OF THE DISTRIBUTION SYSTEM OF WASHINGTON GAS LIGHT COMPANY

1. The Public Service Commission of the District of Columbia ("Commission") hereby gives notice that, on December 15, 2014, the Washington Gas Light Company ("WGL") filed its 2014 Annual Report on Replacement and Encapsulation Program ("Program").¹ The Program was approved in Order No. 15627.² Pursuant to Order No. 16065, WGL is required to file its annual report on December 15, 2014.³ WGL also filed an Update on Gas Composition Report ("Updated Gas Composition Report")⁴ on December 15, 2014, as required by Order No. 17617.⁵

2. In the 2014 Annual Report, WGL provides several tables providing details of the individual projects to be completed under the Program. The first table provides a cumulative total by project.⁶ The next five (5) tables break down the projects by calendar year, with calendar year 2010 being the first year of the Program, and calendar year 2014 being the fifth year of the Program.⁷ Next, WGL identifies the locations of the projects for completion in the

¹ *Formal Case No. 1027, In the Matter of the Emergency Petition of the Office of the People's Counsel for an Expedited Investigation of the Distribution System of Washington Gas Light Company, GT97-3, GT06-1 ("Formal Case No. 1027, GT97-3, GT06-1")*, Annual Report on Replacement and Remediation Program ("2014 Annual Report"), filed December 15, 2014.

² *Formal Case No. 1027, GT97-3, GT06-1*, Order No. 15627, rel. December 16, 2009; *see also* Order No. 17203, rel. July 31, 2013.

³ Order No. 16065, ¶ 7.

⁴ *Formal Case No. 1027, GT97-3, GT06-1*, Washington Gas Light Company's Update on Gas Composition, filed December 15, 2014.

⁵ *Formal Case No. 1027, GT97-3, GT06-1*, Order No. 17617, rel. September 4, 2014.

⁶ 2014 Annual Report, Attachment 1 at 1-6. The 2014 Annual Report contains two attachments that are not labeled as such.

⁷ 2014 Annual Report, Attachment 1 at 7-20.

sixth year of the Program.⁸ For the last two (2) years of the Program, WGL provides a table identifying the project locations by quadrant.⁹ Finally, WGL provides a table required by Order No. 17635 that explains discrepancies between estimated and actual costs under the Program.¹⁰

3. In Order No. 17617, the Commission directed WGL to provide an annual update to its report on the gas composition in WGL's distribution system. WGL's Updated Gas Composition Report discusses the composition of the natural gas at WGL's gate stations. WGL also provides several graphs showing the C5+ and BTU averages for the five (5) gate stations.¹¹

4. All persons interested in commenting on the 2014 Annual Report on Replacement and Encapsulation Program and the Updated Gas Composition Report may submit written comments and reply comments no later than 30 and 45 days, respectively, after the issuance of this Notice. 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. Copies of the 2014 Annual Report on Replacement and Encapsulation Program and the Updated Gas Composition Report may be obtained by visiting the Commission's website at www.dcpsc.org. Once at the website, open the "eDocket" tab, click on "Search database" and input "FC 1027" as the case number and "384" and "385" as the item numbers. Copies may also be purchased at cost by contacting the Commission Secretary at (202) 626-5150 or PSC-CommissionSecretary@dc.gov.

⁸ 2014 Annual Report, Attachment 1 at 21.

⁹ 2014 Annual Report, Attachment 1 at 22.

¹⁰ 2014 Annual Report, Attachment 2.

¹¹ Updated Gas Composition Report, Attachment.

PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA

PUBLIC NOTICE

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. By this Public Notice, the Public Service Commission of the District of Columbia ("Commission") informs interested persons of an extension of time to file reply comments in Response to a Notice of Proposed Rulemaking ("NOPR") published in this proceeding on July 11, 2014 in *D.C. Register*,¹ a Public Notice published in the *D.C. Register* on August 8, 2014,² a Public Notice published in the *D.C. Register* on October 10, 2014,³ and a Public Notice published in the *D.C. Register* on November 7, 2014.⁴ The NOPR seeks to amend 15 DCMR § 2720, the retail quality of service rules applicable to telecommunications service providers.

2. Through this Public Notice, the Commission extends the reply comment period from December 22, 2014, to March 6, 2015.

3. All persons interested in filing reply comments on the subject matter of the NOPR shall file reply comments with Brinda Westbrook-Sedgwick, Commission Secretary, Public Service Commission of the District of Columbia, 1333 H Street, NW, West Tower, Suite 200, Washington, DC 20005. Copies of the NOPR may be obtained by visiting the Commission's website at www.dcpssc.org or at cost, by contacting the Commission Secretary at the above address.

¹ 61 *D.C. Reg.* 7057 (July 11, 2014).

² 61 *D.C. Reg.* 8195 (August 8, 2014).

³ 61 *D.C. Reg.* 10665 (October 10, 2014).

⁴ 61 *D.C. Reg.* 11746 (November 7, 2014).

THURGOOD MARSHALL ACADEMY PUBLIC CHARTER HIGH SCHOOL**NOTICE OF REQUEST FOR PROPOSALS****Recruitment Services**

Thurgood Marshall Academy—a nonprofit, college-preparatory, public charter high school—seeks an experienced executive search firm to provide consulting services to support the recruitment of a new Executive Director.

To obtain an electronic copy of the full Request for Proposal (RFP), send an email to search@tmapchs.org with the subject heading *TMA Executive Director Search RFP*.

By submitting a bid, every bidder affirms that neither the bidder nor its subcontractors (if any) are an excluded party by or disbarred from doing business with/receiving funds from either the US federal government or the government of the District of Columbia. Bidders also agree to the provisions of Thurgood Marshall Academy's General Conditions Statement, available on the school's Web site under the About tab, Employment Opportunities page (<http://thurgoodmarshallacademy.org/about/employment-opportunities/>).

Any changes regarding the RFP process will be posted exclusively on the Employment Opportunities page of the school's Web site (found at the URL above).

Further information about Thurgood Marshall Academy—including the school's nondiscrimination policy—may be found at www.thurgoodmarshallacademy.org. For further information regarding the RFP, contact Andy Rosenberg at arosenberg@thornrun.com or David Schlossman at dschlossman@tmapchs.org; 202-276-4722.

The deadline for submissions is January 2, 2015, at 5:00 pm Washington, DC time.

Prospective firms should e-mail one electronic submission—including a signed contract with the effective date to be entered by Thurgood Marshall Academy—to search@tmapchs.org. Submissions should not exceed 4MB.

WASHINGTON CONVENTION CENTER (WCC)
ADVISORY COMMITTEE

NOTICE OF PUBLIC MEETINGS

The 2015 regular meetings of the Washington Convention Center (WCC) Advisory Committee are scheduled at **5:00 p.m. on the third Thursday of alternating months** as listed below:

Thursday, January 15th

Thursday, March 19th

Thursday, May 21st

Thursday, July 16th

Thursday, September 17th

Thursday, November 19th

Unless notified otherwise, all regular Committee meetings will be held at the following location:

**Walter E. Washington Convention Center
801 Mount Vernon Place, NW**

~~~

**Dr. Charlene Drew Jarvis Board Room  
(*East Mezzanine Level*)**

For additional information, please contact:

Theresa DuBois  
External Affairs Manager and  
Liaison to the WCC Advisory Committee  
Washington Convention and Sports Authority  
(T/A) Events DC

202.249.3042  
theresa.dubois@eventsdc.com



**D.C. BOARD OF ZONING ADJUSTMENT****Chairman's Motion and Follow-up Announcement for Closed Meetings for  
Legal Advice and Deliberating but Not Voting****Month of **JANUARY** 2015 Roll Call Vote**

“In accordance with Section 405(c) of the Open Meetings Act, D.C. Official Code Section 2-575(c), I move that the Board of Zoning Adjustment hold closed meetings on the Mondays

of:

- January 5th;
- January 12th; and
- January 26th.

These meetings start at 4:00 p.m. and are held for the purpose of obtaining legal advice from our counsel and deliberating upon, but not voting on the cases scheduled to be publicly heard or decided by the Board on the day after each such closed meeting. Those cases are identified on the Board's public hearing agendas for January 6th, January 13th, and January 27th.

A closed meeting for these purposes is permitted by Sections 405(b)(4) and (b)(13) of the Act.

Is there a second?

(Once Seconded): Will the Secretary please take a roll call vote on the motion?

(As it appears the Motion has passed): I request that the Office of Zoning provide notice of these closed meetings in accordance with the Act.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT**

**Application No. 18837 of Karl B. and Julie C. Moeller**, pursuant to 11 DCMR § 3103.2, for variances from § 2507.1, for the conversion, alteration, restoration, repair and use of a one-story structure for human habitation as a flat (two-family dwelling) on an alley lot and for alley access to the street which is not at least 30 feet in width under § 2507.2, in the R-4 District at premises 429 12th Street, S.E. (rear) (Square 992, Lot 818).

**HEARING DATES:** October 21, 2014 and December 9, 2014  
**DECISION DATE:** December 9, 2014

**SUMMARY ORDER**

**SELF-CERTIFIED<sup>1</sup>**

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2. (Exhibit 5.)

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 the Applicant, Advisory Neighborhood Commission (“ANC”) 6B, and to all owners of property within 200 feet of the property that is the subject of this application. The subject property is located within the jurisdiction of ANC 6B, which is automatically a party to this application. The ANC submitted a timely report in support of the application. The ANC’s report indicated that at a regularly scheduled, duly noticed meeting held on October 14, 2014, with a quorum present, the ANC met and considered the application and voted 5-3-0 in support of the Applicant’s request for variance relief from §2507.1 and 8-0-0 in support of the Applicant’s request for variance relief from § 2507.2. (Exhibit 37.)

The Office of Planning (“OP”) submitted two timely reports. In the original report, OP recommended denial of the application (Exhibit 27), but in its subsequent, supplemental report and in its testimony at the public hearing, OP revised its earlier opinion after meeting with the Applicant and reviewing the additional information the Applicant submitted regarding data about expenses associated with different uses on the subject property that was requested by the Board and indicated it was not opposed to the variances requested in the application. (Exhibit 43.) The District’s Department of Transportation (“DDOT”) submitted a timely report indicating it had no objection to the application. (Exhibit 30.)

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<sup>1</sup> The application was self-certified, but the Applicant also went to the Zoning Administrator to review the relief being requested. The Zoning Administrator in a letter dated December 2, 2014, agreed with the Applicant’s request for relief as originally advertised. (Exhibit 45.)

BZA APPLICATION NO. 18837

PAGE NO. 2

Letters and a petition of support signed by 40 neighbors were submitted for the record. (Exhibits 26G and 34.) In addition, a letter from the Capitol Hill Restoration Society in support of the project was submitted for the record. (Exhibit 26H.)

As directed by 11 DCMR § 3119.2, the Board required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case for variances under § 3103.2 from the strict application of the alley lot (§ 2507.1) and alley access (§ 2507.2) requirements for the conversion, alteration, restoration, repair and use of a one-story structure for human habitation as a flat (two-family dwelling) on an alley lot (§ 2507.1), and for alley access to the street which is not at least 30 feet in width (§ 2507.2) in the R-4 District. No parties appeared at the public hearing in opposition to the application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board, and having given great weight to the ANC and OP reports filed in this case, the Board concludes that the Applicant has met the burden of proof pursuant to 11 DCMR § 3103.2 for variances under §§ 2507.1 and 2507.2, that there exists an exceptional or extraordinary situation or condition related to the property that creates a practical difficulty or undue hardship for the owner in complying with the Zoning Regulations, and that the requested relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

Pursuant to 11 DCMR § 3100.5, the Board has determined to waive the requirements of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party and is appropriate in this case.

It is therefore **ORDERED** that the application is hereby **GRANTED SUBJECT TO THE REVISED APPROVED PLANS AT EXHIBITS 26F1 AND 26F2**.

**VOTE:**           **4-1-0** (Marcie I. Cohen, Marnique Y. Heath, S. Kathryn Allen, and Jeffrey L. Hinkle to APPROVE; Lloyd L. Jordan, opposed.)

**BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT**

A majority of the Board members approved the issuance of this order.

**FINAL DATE OF ORDER:** December 16, 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

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SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO § 3130.6 PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO § 3129.9, NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO §§ 3129.2 OR 3129.7, SHALL TOLL OR EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR § 3125, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF 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**

**Order No. 18864/18403-A of Roslyn Taylor, Motion for Modification of Order No. 18403**, pursuant to § 3129.7 of the Zoning Regulations, to allow the expansion of a child development center (29 children and 10 staff)<sup>1</sup> in the R-1-B District at premises 4428 Ord Street, N.E. (Square 5117, Lot 838).

The original application, was pursuant to 11 DCMR § 3104.1, for a special exception under section 205 to allow a child development center (12 Children and 6 Teachers) in the R-1-B District at premises 4428 Ord Street, N.E. (Square 5117, Lot 838).

|                                               |                    |
|-----------------------------------------------|--------------------|
| <b>HEARING DATE</b> (Application 18403):      | September 18, 2012 |
| <b>DECISION DATE</b> (Application 18403):     | September 18, 2012 |
| <b>FINAL ORDER ISSUANCE DATE</b> (No. 18403): | September 19, 2012 |
| <b>HEARING DATE FOR MODIFICATION:</b>         | December 2, 2014   |
| <b>MODIFICATION DECISION DATE:</b>            | December 2, 2014   |

**SUMMARY ORDER ON REQUEST FOR MODIFICATION**

**BACKGROUND**

On September 18, 2012, the Board of Zoning Adjustment (the “Board” or “BZA”) approved Roslyn Taylor’s (the “Applicant”) original request, pursuant to 11 DCMR § 3104.1, for a special exception under § 205 to allow a child development center (12 Children and six Teachers) in the R-1-B District at premises 4428 Ord Street, N.E. (Square 5117, Lot 838). The approval was given without a term limit or any additional enumerated conditions.

BZA Order No. 18403, approving the original request, was issued on September 19, 2012. (Exhibit 7, Case No. 18864.)

**WAIVER OF REQUIREMENT TO FILE NEW APPLICATION AND GRANT OF EXTENSION OF ORDER NO. 18403**

On August 27, 2014, the Applicant submitted the current application, Case No. 18864, for a Modification to BZA Case No. 18403 to allow the expansion to the existing child development center in the R-1 District at premises 4428 Ord Street, N.E. (Square 5117, Lot 838). Order No. 18403 was issued September 19, 2012, and

<sup>1</sup> In its request the Applicant asked for a modification of the underlying approval of a child development center for 27 children and eight to nine staff. On its own motion, the Board, in granting the requested relief, raised the approved number of children to 29 and staff to 10. The caption has been amended accordingly and these numbers are also reflected in the conditions to this order.

**BZA APPLICATION NO. 18864/18403-A****PAGE NO. 2**

based on the language in the final paragraphs in that Order, the Order remained valid until September 18, 2014, when according to the Office of the Attorney General (“OAG”), the Order expired. At the end of Order No. 18403, there are several final paragraphs which are part of the Order, one of which states:

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO § 3130.6 PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO § 3129.9, NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO §§ 3129.2 OR 3129.7, SHALL TOLL OR EXTEND THE TIME PERIOD.

According to the paragraph in question, by September 19, 2014, the Applicant was to have filed plans to secure any permits for construction and have established the child development center. The record reflects that the child development center was established and, according to the Applicant, has been in continuous operation since that approval was given. The Board granted the approval in Case No. 18403 without conditioning its approval with a term limit.

In Case No. 18864, which was filed August 28, 2014, before Order No. 18403 would expire, the Applicant couched its request as a modification to the prior approval in Case No. 18403, to allow for expansion of the child development center that has continuously operated in that space since the approval of Case No. 18403. According to the Office of the Attorney General (“OAG”), due to the terms of the final paragraph cited above, Order No. 18403 should be deemed to have expired on September 19, 2014, and as, pursuant to 11 DCMR § 3129.9, filing a modification request would not toll the expiration of the earlier Order, the Applicant should have filed this case as a new application or requested an extension of time to toll the expiration of Order No. 18403 so the Board could consider the modification request.

Subsection 3129.9 states that “the filing of any modification request under this section shall not act to toll the expiration of the underlying order and the grant of any such modification shall not extend the validity of any such order.” Pursuant to that subsection, filing the request for modification of Case No. 18403 would not toll the expiration of Order No. 18403.

The Applicant argued that the Order should not be deemed to have expired, as the child development center existed and was continuously operating under the earlier approval

**BZA APPLICATION NO. 18864/18403-A****PAGE NO. 3**

and there were no term limits placed on its operation.<sup>2</sup> All that the Applicant sought to do here was to expand an existing child development center operation which had no term limits placed on its operation.

At the public hearing on this application, the Board, on its own motion and by consensus, waived any untimeliness requiring the Applicant to file a new application and extended the validity of Order No. 18403 so it could hear the case as a modification request.

**MOTION FOR MODIFICATION**

On August 27, 2014, the Applicant filed an Application No. 18864 for a Modification to BZA Case No. 18403 to allow the expansion to the existing child development center in the R-1 District at premises 4428 Ord Street, N.E. (Square 5117, Lot 838). The Applicant submitted updated architectural plans (Exhibit 11, Case No. 18864) with its request to modify the previously approved special exception to expand the number of children from the currently permitted 12 to 27 and the number of staff from the currently permitted six to eight or nine.<sup>3</sup>

According to the Applicant, pursuant to the approval granted in BZA Order No. 18403, the Applicant has provided home-based child care at the subject property for 12 children through a program known as Lia's Rainbow Center ("Lia's Rainbow"). Children who participate in Lia's Rainbow range in age from newborns to six years old. The child care schedule is designed to accommodate a variety of work schedules, including child care for parents who attend school during the day and evening, as well as those who work evening and overnight shifts. Over the past two years, there has been significant and growing demand for child care at Lia's Rainbow, and the Applicant therefore is seeking a modification of the original approval to (i) increase the number of children permitted at the child development center from 12 to 27, (ii) increase the number of teachers permitted in the child development center from six to eight or nine, and (iii) construct a small addition to the existing house on the subject property to accommodate the expanded child development center. (Exhibit 5, Case No. 18864.)

Pursuant to § 3129.7, the Board conducted a public hearing on the requested modification on December 2, 2014. OP filed a report dated November 25, 2014, recommending approval of the requested modification to Order No. 18403, subject to six conditions, and appeared at the hearing.<sup>4</sup> (Exhibit 25, Case No. 18864.) The

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<sup>2</sup> There was no discussion of whether the Applicant had previously filed plans to secure a building permit with the Department of Consumer and Regulatory Affairs within the two-year period, thereby leaving the Order valid based on the alternative language in the final paragraph in Order No. 18403.

<sup>3</sup> On its own motion, the Board in granting the requested relief raised the approved number of children to 29 and staff to 10.

<sup>4</sup> In its report, OP noted that it had reviewed the proposed construction's compliance with the zoning regulations and concluded that because the addition could be constructed by-right, there was no need for Board action on it. (Exhibit 25, Case No. 18864.)

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affected ANC, ANC 7D, which was a party in support to Case No. 18403, filed a letter dated September 19, 2014, noting its unanimous vote in support of the modification request, at its regularly scheduled public meeting held on September 9, 2014, at which a quorum was present. (Exhibit 23F, Case No. 18864.) Nine letters of support from neighboring property owners and District organizations were also submitted for the record. (Exhibit 23G, Case No. 18864.) A letter of support for the expansion of the child development center was submitted from the Office of the State Superintendent of Education. (Exhibit 23E, Case No. 18864.) The District Department of Transportation (“DDOT”) submitted a report indicating no objection to the expansion of the child development center.

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 § 3129, that the requested modification can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map. No parties opposed this modification. Accordingly, a decision of the Board to grant this modification would not be adverse to any party.

The Board concludes that the Applicant’s proposed Modification seeking to expand the child development center approved in Case No. 18403 is well supported and consistent with requirements of § 3129.7 of the Zoning Regulations and represents a modification that does not change the material facts the Board relied upon in approving the original application.

Pursuant to 11 DCMR § 3100.5, the Board has determined to waive the requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law.

It is therefore **ORDERED** that this application (No. 18664) for modification of the approval granted in Case No. 18403 be **GRANTED, SUBJECT TO THE FOLLOWING CONDITIONS:**

1. The hours of operation shall be from 7:00 a.m. to 6:00 a.m.
2. The number of enrolled children shall not exceed 29.
3. The number of staff shall not exceed 10.
4. Outdoor activities shall be supervised and conclude by 8:00 p.m.
5. Trash shall be kept on-site in a sealed, odor-free container and collected once a week by a commercial service.
6. Staff shall monitor the dropping off and picking up of the children.



**BZA APPLICATION NO. 18864/18403-A**

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In all other respects, Order No. 18403 remains unchanged.

**VOTE ON ORIGINAL APPLICATION ON SEPTEMBER 18, 2012: 4-0-1**

(Lloyd J. Jordan, and Marcie I. Cohen, Nicole C. Sorg and Jeffrey L. Hinkle to APPROVE; Rashida Y.V. MacMurray not present, not voting.)

**VOTE TO WAIVE UNTIMLINESS OF APPLICATION NO. 18864, EXTEND VALIDITY OF ORDER NO. 18403, AND TO MODIFY ORDER NO. 18403 ON DECEMBER 2, 2014: 4-0-1**

(Lloyd J. Jordan, S. Kathryn Allen, Jeffrey L. Hinkle, and Peter G. May to APPROVE; Marnique Y. Heath, not present or voting.)

**BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT**

A majority of the Board members approved the issuance of this summary order.

**FINAL DATE OF ORDER:** December 11, 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. 18875 of The Holladay Corporation**, pursuant to 11 DCMR §§ 3104.1 and 3103.2, for variance relief from the rear yard (§ 774) and loading requirements (§ 2201), and special exception approval for roof structures not meeting the single enclosure and uniform height requirements (§ 411.11) and for construction on a lot greater than 12,000 square feet (§ 1330.1(c)), to permit the construction of new residential units in the GA/C-2-A District at 713-735 Lamont Street, N.W. (Square 2893, Lots 875 and 879).

**HEARING DATE:** December 9, 2014  
**DECISION DATE:** December 9, 2014

**SUMMARY ORDER**

**SELF-CERTIFIED**

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2. (Exhibit 9.)

The Board of Zoning Adjustment ("Board" or "BZA") provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register* and by mail to Advisory Neighborhood Commission ("ANC") 1A and to owners of property located within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 1A, which is automatically a party to this application. ANC 1A submitted a report of support for the application, indicating that at a public meeting on November 12, 2014, at which a quorum of Commissioners were present, the ANC voted 9-0-0 in support of the application. (Exhibit 26.)

The Office of Planning ("OP") submitted a timely report recommending approval of the application, (Exhibit 31), and testified in support of the application at the hearing. The District Department of Transportation ("DDOT") submitted a timely report, indicating that it had no objection to the application. (Exhibit 30.)

Although the Board received one letter indicating concerns regarding a portion of the application (Exhibit 33), no person or organization appeared in opposition to the application at the public hearing. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

**Variance Relief**

As directed by 11 DCMR § 3119.2, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to § 3103.2 for variances from the rear yard requirement of § 774 and the loading requirement of § 2201. Based upon the record before the Board, and having given great weight to the ANC and OP reports, the Board concludes that the Applicant has met the burden of proof

**BZA APPLICATION NO. 18875****PAGE NO. 2**

under 11 DCMR § 3103.2 that there exists an exceptional or extraordinary situation or condition related to the property that creates a practical difficulty for the owner in complying with Zoning Regulations, and that the requested relief can be created without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

Special Exception Relief

As directed by 11 DCMR § 3119.2, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to §§ 3104.1, 411.11, and 1330.1 for special exception approval for the proposed roof structures and for construction on a lot greater than 12,000 square feet in area. Based upon the record before the Board, and having given great weight to the ANC and OP reports, the Board concludes that the Applicant has met the burden of proof under 11 DCMR §§ 3104.1, 411.11, and 1330.1, and 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.

Inclusionary Zoning Applicability

During the hearing, the Board requested that the Applicant and OP confirm the applicability of the inclusionary zoning regulations of Title 11, Chapter 26 (“IZ”), to the Project, and memorialize their applicability in the Order. The Board hereby finds the following:

- Building A, which was described in the application but is not a subject of the application, consists of approximately eight residential multi-family dwelling units. Accordingly, under Subsection 2602.1(b), Building A does not meet the threshold requirement of 10 or more units and does not trigger IZ.
- Building B consists of approximately 76 residential multi-family dwelling units created through the conversion of an existing nonresidential building to residential use. However, the redevelopment will not increase the gross floor area of the existing building. Accordingly, under Subsection 2602.1(c)(3), Building B does not trigger IZ because it does not increase the gross floor area of an existing building.
- Building C consists of approximately 141 residential multi-family dwelling units created through new construction. Pursuant to Subsection 2602.1(c)(1), Building C triggers IZ. The final affordable requirement for Building C shall be determined during the building permit review of Building C based on a review of the final plans.

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Finally, the Board concludes that although Buildings A and B are located on lots that are contiguous to Building C, IZ is not triggered for Building A or Building B under Subsection 2602.1(c)(2) because Building A and Building B are not composed of new one-family dwellings, row dwellings, or flats but rather standalone residential multi-family dwellings.

Pursuant to 11 DCMR § 3100.5, the Board has determined to waive the requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party and is appropriate in this case.

It is therefore **ORDERED THAT THIS APPLICATION IS HEREBY GRANTED SUBJECT TO THE APPROVED PLANS AT EXHIBITS 29A1 – 29A2.**

**VOTE: 5-0-0** (Lloyd J. Jordan, S. Kathryn Allen, Marnique Y. Heath, Jeffrey L. Hinkle, and Marcie I. Cohen to APPROVE.)

**BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT**

A majority of the Board members approved the issuance of this order.

**FINAL DATE OF ORDER:** December 18, 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

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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. 18899 of Ron Rogers**, pursuant to 11 DCMR § 3104.1, for a special exception under § 223, not meeting the lot occupancy requirements (§ 403.2), to allow the construction of a deck in the R-5-A District at premises 3509 Patterson Street, N.W. (Square 5318, Lot 193).

**HEARING DATE:** Applicant waived right to a public hearing

**DECISION DATE:** December 9, 2014 (Expedited Review Calendar).

**SUMMARY ORDER**

**REVIEW BY THE ZONING ADMINISTRATOR**

This application was accompanied by a memorandum, dated October 1, 2014, from the Zoning Administrator certifying the required relief. (Exhibit 24.)

Pursuant to 11 DCMR § 3118, this application was tentatively placed on the expedited review calendar of the Board of Zoning Adjustment (the "Board") for decision without hearing as a result of the applicant's waiver of its right to a hearing. (Exhibit 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") 7E, and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 7E, which is automatically a party to this application. The ANC did not file a report. The Office of Planning ("OP") submitted a timely report and testified at the hearing in support of the application. (Exhibit 41.) The District Department of Transportation ("DDOT") submitted a report of no objection to the application. (Exhibit 38.) Two neighbors of the Applicant filed letters in support of the application. (Exhibits 35 and 36.)

No objections to expedited calendar consideration were made by any person or entity entitled to do by §§ 2118.6 and 2118.7. The matter was therefore called on the Board's expedited calendar for the date referenced above and the Board voted to grant 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 §§ 223 and 403.2. No parties appeared at the public meeting in opposition to this application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

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Based upon the record before the Board and having given great weight to the OP report, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR §§ 3104.1, 223 and 403.2, 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. The waiver will not prejudice the rights of any party and is appropriate in this case. It is therefore **ORDERED** that this application is hereby **GRANTED, SUBJECT TO THE APPROVED PLANS AT EXHIBITS 4 TO 14.**

**VOTE:**       **5-0-0** (Lloyd J. Jordan, Marcie I. Cohen, S. Kathryn Allen, Marnique Y. Heath, and Jeffrey L. Hinkle to APPROVE).

**BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT**

A majority of the Board members approved the issuance of this order.

**FINAL DATE OF ORDER:** December 16, 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

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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. 18901 of Thomas Reed**, pursuant to 11 DCMR § 3104.1, for a special exception under § 223, not meeting the lot area requirements (§ 401.3), the lot occupancy requirements (§ 403.2), the court width requirements (§ 406.1), and the nonconforming structure requirements (§ 2001.3) to allow the construction of a second story addition to the rear portion of an existing single-family dwelling in the R-4 District at premises 131 Kentucky Avenue, S.E. (Square 1014, Lot 24).

**HEARING DATE:** Applicant waived right to a public hearing

**DECISION DATE:** December 9, 2014 (Expedited Review Calendar).

**SUMMARY ORDER**

**SELF-CERTIFIED**

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2. (Exhibit 6.)

Pursuant to 11 DCMR § 3118, this application was tentatively placed on the Board of Zoning Adjustment (“Board”) expedited review calendar for decision without hearing as a result of the applicant’s waiver of its right to a hearing.

The Board of Zoning Adjustment (the “Board”) provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register* and by mail to Advisory Neighborhood Commission (“ANC”) 6B, and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 6B, which is automatically a party to this application. The ANC submitted a report indicating that at a regularly scheduled and properly noticed meeting on November 12, 2014, at which a quorum was in attendance, ANC 6B voted 8-0-0 to support the application. (Exhibit 25.) The Office of Planning (“OP”) submitted a timely report and testified at the hearing in support of the application. (Exhibit 27.) The District Department of Transportation (“DDOT”) did not file a report. Gary M. Paterson, Chair of the Zoning Committee of the Capitol Hill Restoration Society, submitted a letter in support of the application. (Exhibit 28.)

No objections to expedited calendar consideration were made by any person or entity entitled to do by §§ 2118.6 and 2118.7. The matter was therefore called on the Board’s expedited calendar for the date referenced above and the Board voted to grant the application.

**BZA APPLICATION NO. 18901****PAGE NO. 2**

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 §§ 223, 401.3, 403.2, 406.1, and 2001.3. No parties appeared at the public meeting 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, 223, 401.3, 403.2, 406.1 and 2001.3, 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. The waiver will not prejudice the rights of any party and is appropriate in this case. It is therefore **ORDERED** that this application is hereby **GRANTED, SUBJECT TO THE APPROVED PLANS AT EXHIBIT 8.**

**VOTE:**           **5-0-0** (Lloyd J. Jordan, S. Kathryn Allen, Marnique Y. Heath, Jeffrey L. Hinkle, and Marcie I. Cohen to APPROVE).

**BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT**

A majority of the Board members approved the issuance of this order.

**FINAL DATE OF ORDER:** December 9, 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.

**BZA APPLICATION NO. 18901****PAGE NO. 3**

PURSUANT TO 11 DCMR § 3125, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA  
ZONING COMMISSION ORDER NO. 03-12S/03-13S  
Z.C. CASE NO. 03-12S/03-13S**

**Square 769, LLC and District of Columbia Housing Authority  
(Two-Year Time Extension for Planned Unit Development @ Square 769)  
November 10, 2014**

Pursuant to notice, a public meeting of the Zoning Commission for the District of Columbia ("Commission") was held on November 10, 2014. At the meeting, the Commission approved a request from Square 769, LLC and the District of Columbia Housing Authority (collectively the "Applicant") for a time extension for an approved planned unit development ("PUD") for the southern portion of Square 769 to be known as 250 M Street, S.E. (the "Property"), pursuant to Chapters 1 and 24 of the District of Columbia Zoning Regulations, Title 11 of the District of Columbia Municipal Regulations ("DCMR").

**FINDINGS OF FACT**

1. Pursuant to Z.C. Order No. 03-12/03-13, the Commission granted preliminary and consolidated approval for property located in the southeast quadrant of Washington, D.C. and generally bounded by Virginia Avenue on the north, 7<sup>th</sup> Street on the east, M Street on the south, and 2<sup>nd</sup> Street on the west. The property consists of approximately 927,000 square feet of land area. The approved overall project includes a maximum of 1,747 residential units, 708,302 square feet of office space, 51,000 square feet of retail space, 1,780 off-street parking spaces, and an approved community center building.
2. The overall development as approved pursuant to Z.C. Order No. 03-12/03-13 included the preliminary approval for the office building to be constructed on the southern portion of Square 769 to be known as 250 M Street, S.E. The approved office building, which is the subject of this extension request, will include a total gross floor area of approximately 234,182 square feet and be constructed to a maximum height of 130 feet, not including roof structures.
3. On May 14, 2007, the Commission approved Z.C. Case No. 03-12C/03-13C, granting second-stage approval of the office building. Pursuant to Z.C. Order No. 03-12F/03-13F, which became final and effective on September 26, 2008, the Commission approved a modification to its second-stage approval of the office building at 250 M Street. The Commission extended approval of the modified building pursuant to Z.C. Order Nos. 03-12K/03-13K and 03-12N/03-13N, such that the Applicant was required to file a building permit application for the office building no later than September 26, 2014, with construction to begin no later than September 26, 2015.
4. By letter dated and received by the Commission on September 25, 2014, the Applicant filed a request to extend the validity of the PUD approval for a period of two years. The request would require that an application for a building permit for the office building must be filed no later than September 26, 2016, and construction must be started no later than September 26, 2017. The Applicant's request was supported by a letter from the

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Applicant's financial mortgage broker (Exhibit ["Ex."] 1C) setting forth details of the Applicant's inability to obtain project financing; a letter from the Applicant's leasing broker (Ex. 1D) setting forth details of the broker's efforts to market the approved building to potential tenants; a letter from the Capitol Riverfront Business Improvement District ("BID") (Ex. 1E) setting forth its reasons for supporting the project; a report published by Jones Lang LaSalle (Ex. 1F) tracking activity in the office market during the first quarter of 2014 and indicating the difficulty in attracting new office tenants; and a report published by Newmark Grubb Knight Frank (Ex. 1G) tracking the District's office market in the second quarter of 2014 and indicating the weak leasing market and high office vacancy rates.

5. The Applicant submitted evidence that the project has experienced delay beyond the Applicant's reasonable control. The Applicant's mortgage broker indicated that it submitted financing requests to several lenders including Wells Fargo, BB&T Bank, Bank of America, and SunTrust. However, no lender thus far has been interested in financing the proposed office building "on-spec," and lenders are now requiring buildings to be at least 70% pre-leased prior to making loan commitments.
6. The Applicant also submitted a letter from its leasing broker indicating that it has actively marketed the approved office building to potential tenants through industry events, brochures, a detailed website, and other marketing materials and engagements. The leasing broker indicated that it has worked diligently to find one or more lead office tenant(s) willing to pre-lease 70% of the office component of the building. The leasing broker has monitored and aggressively competed in all appropriate bids and private lease solicitations, has hosted numerous brokerage events and symposiums, and has coordinated with the brokerage community and the Capitol Riverfront BID to stay abreast of any large potential tenants.
7. The Applicant also submitted a letter from the Capitol Riverfront BID indicating that it has been working since 2007 to create a vibrant, economically strong neighborhood with a complementary mix of uses to attract potential office tenants to the building. (Ex. 1E.) The BID worked with the Applicant to present the project to numerous leads, including non-profits, engineering firms, educational institutions, and government and quasi-government prospects.
8. The Applicant has also taken additional steps to move forward with the office building, including the following: consolidated the prior existing lots into new assessment and taxation lots; completed construction documents for the office building, which documents have been filed and approved by a third party permit reviewer; submitted plans to DC Water for review and approval; rebranded the office building to "250 M at Canal Park" for marketing purposes; participated in broker tours and project presentations; responded to Request for Proposals for major tenants; completed and submitted an Environmental Impact Screening Form for the project, which was approved; undertook substantive

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infrastructure work along 2<sup>nd</sup> Place related to the construction of Canal Park, which infrastructure improvements will serve future improvements at the Property; and, because a portion of the Property was a former Shell gas station, Shell's environmental consultant, Groundwater Environmental Services ("GES") submitted a Corrective Action Plan and Health and Safety Plan, which was approved by the D.C. Department of the Environment and GES continues to monitor the wells by conducting on-site testing of groundwater and soil.

9. The Commission finds that the office real estate market has been subject to a severe downturn in financing and sales. This change in the real estate market has rendered it impossible for the Applicant to obtain project financing, despite the Applicant's good faith efforts. Based upon the supporting materials included with the Applicant's extension request, the Commission finds that the Applicant has been unable to obtain project financing for the approved PUD project from the numerous lending institutions that it contacted. Thus, the project cannot move forward at this time, despite the Applicant's diligent, good faith efforts, because of changes in the economic and market conditions beyond the Applicant's control. Therefore, the Commission finds that this extension request satisfies the sole criterion for good cause shown as set forth in § 2408.11(a) of the Zoning Regulations.
10. On September 25, 2014, the Applicant served a copy of the request on Advisory Neighborhood Commission ("ANC") 6D, which was the only other party to this case. ANC 6D submitted a letter, dated October 26, 2014 (Ex. 4), indicating that at its regularly scheduled and properly noticed public meeting on October 20, 2014, with a quorum present, ANC 6D voted 6-1 in support of the requested PUD extension.
11. The Office of Planning ("OP") submitted a report dated November 3, 2014, indicating that the Applicant meets the standards of § 2408.10 and 2408.11(a) of the Zoning Regulations. (Ex. 5.) OP thus recommended that the Commission approve the requested two-year PUD extension.
12. Because the Applicant demonstrated good cause with substantial evidence pursuant to § 2408.11(a) of the Zoning Regulations, the Commission finds that the request for the two-year time extension of the approved PUD should be granted.
13. Based on the OP report, the Commission finds that there has been no detrimental change in the condition of the Property since approval of the PUD that would indicate that the application should not be granted.

#### **CONCLUSIONS OF LAW**

1. The Commission may extend the validity of a PUD for good cause shown upon a request made before the expiration of the approval, provided: (a) the request is served on all

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- parties to the application by the applicant, and all parties are allowed 30 days to respond; (b) there is no substantial change in any material fact upon which the Commission based its original approval of the PUD that would undermine the Commission's justification for approving the original PUD; and (c) the applicant demonstrates with substantial evidence that there is good cause for such extension as provided in § 2408.11. (11 DCMR § 2408.10.) Subsection 2408.11 provides the following criteria for good cause shown: (a) an inability to obtain sufficient project financing for the PUD, following an applicant's diligent good faith efforts to obtain such financing, because of changes in economic and market conditions beyond the applicant's reasonable control; (b) an inability to secure all required governmental agency approvals for a PUD by the expiration date of the PUD order because of delays in the governmental agency approval process that are beyond the applicant's reasonable control; or (c) the existence of pending litigation or such other condition or factor beyond the applicant's reasonable control which renders the applicant unable to comply with the time limits of the PUD order.
2. The Commission concludes that the application complied with the notice requirements of 11 DCMR § 2408.10(a) by serving all parties with a copy of the application and allowing them 30 days to respond.
  3. The Commission concludes there has been no substantial change in any material fact that would undermine the Commission's justification for approving the original PUD.
  4. The Commission is required under § 13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code § 1-309.10(d)) to give great weight to the affected ANC's written recommendations. ANC 6D submitted a letter in support of the requested extension. (Ex. 4.) The Commission carefully considered the report in its deliberations and has given ANC 6D's recommendation great weight in approving this application.
  5. The Commission is required under § 5 of the Office of Zoning Independence Act of 1990, effective September 20, 1990 (D.C. Law 8-163, D.C. Official Code § 6-623.04) to give great weight to OP recommendations. OP submitted a report indicating that the Applicant meets the standards of § 2408.10 and 2408.11(a) of the Zoning Regulations and therefore recommended that the Commission approve the requested extension. (Ex. 5.) The Commission carefully considered the OP recommendation in its deliberation and has given OP's recommendation great weight in approving this application.
  6. The Commission finds that the Applicant presented substantial evidence of good cause for the extension based on the criteria established by 11 DMCR § 2408.11(a). Specifically, the Applicant has been unable to obtain sufficient project financing for the PUD, following the Applicant's diligent good faith efforts, because of changes in economic and market conditions beyond the Applicant's reasonable control.

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7. Subsection 2408.12 of the Zoning Regulations provides that the Commission must hold a public hearing on a request for an extension of the validity of a PUD only if, in the determination of the Commission, there is a material factual conflict that has been generated by the parties to the PUD concerning any of the criteria set forth in § 2408.11.
8. The Commission concludes that a hearing is not necessary for this request since there are not any material factual conflicts generated by the parties concerning any of the criteria set forth in § 2408.11 of the Zoning Regulations.
9. The Commission concludes that its decision is in the best interest of the District of Columbia and is consistent with the intent and purpose of the Zoning Regulations.

### DECISION

In consideration of the Findings of Fact and Conclusions of Law herein, the Zoning Commission for the District of Columbia hereby **ORDERS APPROVAL** of the application for a two-year time extension of for the approved planned unit development ("PUD") for the southern portion of Square 769 to be known as 250 M Street, S.E. approved in Z.C. Case No. 03-12N/03-13N, subject to the following condition:

The District of Columbia Housing Authority shall provide an update on the overall PUD status, including projections for delivery of the remaining affordable housing units, as part of Zoning Commission cases 03-12Q/03-13Q and 03-12R/03-13R.

The project approved by the Commission shall be valid until September 26, 2016, within which time an application shall be filed for a building permit, as specified in § 2409.1 of the Zoning Regulations. Construction must commence no later than September 26, 2017.

The Applicant is required to comply fully with the provisions of the Human Rights Act of 1977, D.C. Law 2-38, as amended, and this order is conditioned upon full compliance with those provisions. In accordance with the D.C. Human Rights Act of 1977, as amended, D.C. Official Code § 2-1401.01 et seq., ("Act") the District of Columbia does not discriminate on the basis of actual or perceived: race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identify or expression, familial status, family responsibilities, matriculation, political affiliation, disability, source of income, genetic information, or place of residence or business. Sexual harassment is a form of sex discrimination that is also prohibited by the Act. In addition, harassment based on any of the above protected categories is also prohibited by the Act. Discrimination in violation of the Act will not be tolerated. Violators will be subject to disciplinary action.

On November 10, 2014, upon the motion made by Commissioner Turnbull as seconded by Commissioner Miller, the Zoning Commission **ADOPTED** this Order at its public meeting by a



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vote of **5-0-0** (Anthony J. Hood, Marcie I. Cohen, Peter G. May, Robert E. Miller, and Michael G. Turnbull to adopt).

In accordance with the provisions of 11 DCMR §3028.8, this Order shall become final and effective upon publication in the *D.C. Register*; that is, on December 26, 2014.

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA**  
**ZONING COMMISSION ORDER NO. 12-15A**  
**Z.C. Case No. 12-15A**  
**Gallaudet University**  
**(Amendment to Campus Plan and Further Processing @ Parcel 141/69)**  
**November 20, 2014**

This case is an application by Gallaudet University, pursuant to 11 DCMR §§ 3104.1, 210, and 411.11, for special exception review and approval of an amendment to the Gallaudet University Campus Plan, approved January 28, 2013, and further processing of the Campus Plan in order to permit construction of a new dormitory for the Model Secondary School for the Deaf. The application also requests approval of special exception relief to allow more than one roof structure enclosure on the new dormitory. The boundaries of the Gallaudet University Campus Plan are, generally, Florida Avenue, N.E. to the south; West Virginia Avenue, N.E. to the east; Mt. Olivet Road, N.E. and Corcoran Street, N.E. to the north; and Brentwood Parkway and 5<sup>th</sup> and 6<sup>th</sup> Streets, N.E. to the west. The boundaries encompass approximately 95.5 acres within the D/R-4 and C-M-1 Zone Districts. In accordance with 11 DCMR §§ 210 and 3035, this case has been heard by the Zoning Commission for the District of Columbia ("Commission") under the rules of the Board of Zoning Adjustment, at Chapter 31 of 11 DCMR. For the reasons stated below, the Commission hereby approves the application subject to conditions.

**HEARING DATE:** November 20, 2014  
**DECISION DATE:** November 20, 2014 (Bench Decision)

**SUMMARY ORDER**

The Commission provided proper and timely notice of a public hearing on this application by publication in the *D.C. Register*, and by mail to the Applicant, Advisory Neighborhood Commissions ("ANC") 5D, 6A, and 6C, and to owners of property within 200 feet of the property that is the subject of this application. The application was also referred to the Office of Planning ("OP") for review and report.

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2.

The subject property is located within the jurisdiction of ANC 5D. The Single Member District commissioner for ANC 5D01 submitted a written statement in support of the application, noting that there was not a quorum present at the following ANC 5D meeting such that ANC 5D was unable to take a vote. ANC 6A and ANC 6C are located to the south of the Gallaudet campus, across Florida Avenue, N.E. ANC 6A submitted a written statement in support of the application. Due to the location of the dormitory on the north portion of the campus, ANC 6C declined to participate in this zoning process.

OP submitted a written report (Exhibit 22) and testified in support of the application. The District Department of Transportation ("DDOT") submitted a written report (Exhibit 20) and testified in support of the application. The DDOT report stated no objection to the application

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subject to the condition that the Applicant provide at least 40 long-term bicycle parking spaces and at least 10 short-term inverted u-style bicycle racks. At the public hearing, the Applicant explained the lack of need for so many bicycle parking spaces and DDOT agreed to support a reduction in bicycle racks to four long-term bicycle parking spaces in the building and two short-term inverted u-style bicycle racks near the main entrance to the dormitory.

As directed by 11 DCMR § 3119.2, the Commission required the Applicant to satisfy the burden of proving the elements which are necessary to establish the case for a special exception under 11 DCMR §§ 210 and 411.11. No person or entity requested party status and no ANC party expressed opposition to the application. Accordingly, a decision by the Commission to grant this application would not be adverse to any party, and, therefore, this Order need not be accompanied by findings of fact and conclusions of law as would otherwise be required by D.C. Official Code § 2-509(e). Accordingly, pursuant to 11 DCMR § 3100.5, the Commission waived the requirement of 11 DCMR § 3125.3 that orders of the Commission be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party, and is not prohibited by law.

Based upon the record before the Commission, the Commission concludes that the Applicant has met the burden of proof, under 11 DCMR §§ 3104.1, 3035, 210, and 411.11, which includes demonstrating that requested relief will be in harmony with the general purpose and intent of the Zoning Regulations and Map and will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map. It is therefore **ORDERED** that the application be GRANTED, subject to the following conditions:

1. The Applicant shall use pervious paving for the new parking spaces shown on Sheet 7 of the plans at Exhibit 19;
2. The Applicant shall provide four secure long-term bicycle parking spaces; and
3. The Applicant shall install two short-term inverted u-style bicycle racks near the main entrance to the dormitory.

The 2012-2022 Campus Plan shall be amended in accordance with the plans and materials submitted by the Applicant marked as Exhibits 18 (pp. 4 and 5), 19, and 21 of the record, as modified by the guidelines, conditions, and standards of 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

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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.

**VOTE: 5-0-0 (Robert E. Miller, Michael G. Turnbull, Anthony J. Hood, Marcie I. Cohen, and Peter G. May to approve)**

**BY ORDER OF THE D.C. ZONING COMMISSION**

**The majority of the Commission members approved the issuance of this Order.**

**FINAL DATE OF ORDER: December 18, 2014**

**District of Columbia REGISTER – December 26, 2014 – Vol. 61 - No. 53    013072 – 013319**