

***District of Columbia***

**REGISTER**

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**HIGHLIGHTS**

- D.C. Council passes Law 21-100, Presidential Primary Ballot Access Temporary Amendment Act of 2016
- D.C. Council enacts Act 21-358, Primary Election Filing Requirement Emergency Amendment Act of 2016
- Board of Elections publishes fictitious sample ballots for the June 14, 2016 Primary Election
- Department of Energy and Environment announces funding availability for identifying green infrastructure sites
- Department of Housing and Community Development solicits offers for the development of 25 District-owned properties
- D.C. Water and Sewer Authority schedules a public hearing on the proposed Fiscal Year 2017 and 2018 water and sewer retail rates and fees
- Department of Youth Rehabilitation Services announces funding availability for the Community Programming Initiative for Fiscal Year 2017

# DISTRICT OF COLUMBIA REGISTER

## Publication Authority and Policy

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MAYOR

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ADMINISTRATOR

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## COUNCIL OF THE DISTRICT OF COLUMBIA

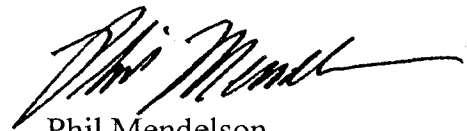
## NOTICE

## D.C. LAW 21-94

**"Tip's Way Designation Act of 2016"**

As required by Section 412(a) of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 21-134 on first and second readings January 5, 2016, and February 2, 2016, respectively. Following the signature of the Mayor on February 18, 2016, as required by Section 404(e) of the Charter, the bill became Act 21-315 and was published in the February 26, 2016 edition of the D.C. Register (Vol. 63, page 2201). Act 21-315 was transmitted to Congress on February 24, 2016 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 21-315 is now D.C. Law 21-94, effective April 6, 2016.



Phil Mendelson  
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

February 24, 25, 26, 29

March 1, 2, 3, 4, 7, 8, 9, 10, 11, 14, 15, 16, 17, 18, 21, 22, 23, 24, 25, 28, 29, 30, 31

April 1, 4, 5

## COUNCIL OF THE DISTRICT OF COLUMBIA

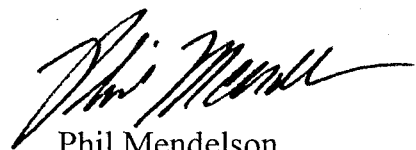
## NOTICE

## D.C. LAW 21-95

**"LGBTQ Cultural Competency Continuing  
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As required by Section 412(a) of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 21-168 on first and second readings January 5, 2016, and February 2, 2016, respectively. Following the signature of the Mayor on February 18, 2016, as required by Section 404(e) of the Charter, the bill became Act 21-316 and was published in the February 26, 2016 edition of the D.C. Register (Vol. 63, page 2203). Act 21-316 was transmitted to Congress on February 24, 2016 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 21-316 is now D.C. Law 21-95, effective April 6, 2016.



Phil Mendelson  
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

February	24, 25, 26, 29
March	1, 2, 3, 4, 7, 8, 9, 10, 11, 14, 15, 16, 17, 18, 21, 22, 23, 24, 25, 28, 29, 30, 31
April	1, 4, 5

## COUNCIL OF THE DISTRICT OF COLUMBIA

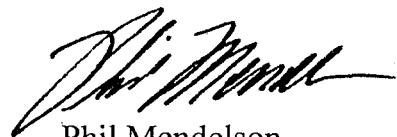
## NOTICE

## D.C. LAW 21-96

**"Emery Heights Community Center  
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As required by Section 412(a) of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 21-374 on first and second readings January 5, 2016, and February 2, 2016, respectively. Following the signature of the Mayor on February 18, 2016, as required by Section 404(e) of the Charter, the bill became Act 21-317 and was published in the February 26, 2016 edition of the D.C. Register (Vol. 63, page 2206). Act 21-317 was transmitted to Congress on February 24, 2016 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 21-317 is now D.C. Law 21-96, effective April 6, 2016.



Phil Mendelson  
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

February	24, 25, 26, 29
March	1, 2, 3, 4, 7, 8, 9, 10, 11, 14, 15, 16, 17, 18, 21, 22, 23, 24, 25, 28, 29, 30, 31
April	1, 4, 5

## COUNCIL OF THE DISTRICT OF COLUMBIA


## NOTICE

## D.C. LAW 21-97

**"Private Security Camera Incentive Program  
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As required by Section 412(a) of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 21-498 on first and second readings January 5, 2016, and February 2, 2016, respectively. Following the signature of the Mayor on February 18, 2016, as required by Section 404(e) of the Charter, the bill became Act 21-318 and was published in the February 26, 2016 edition of the D.C. Register (Vol. 63, page 2208). Act 21-318 was transmitted to Congress on February 24, 2016 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 21-318 is now D.C. Law 21-97, effective April 6, 2016.



Phil Mendelson  
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

February	24, 25, 26, 29
March	1, 2, 3, 4, 7, 8, 9, 10, 11, 14, 15, 16, 17, 18, 21, 22, 23, 24, 25, 28, 29, 30, 31
April	1, 4, 5

## COUNCIL OF THE DISTRICT OF COLUMBIA

## NOTICE

## D.C. LAW 21-98

**"Marijuana Possession Decriminalization Clarification  
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As required by Section 412(a) of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 21-550 on first and second readings January 5, 2016, and February 2, 2016, respectively. Following the signature of the Mayor on February 18, 2016, as required by Section 404(e) of the Charter, the bill became Act 21-319 and was published in the February 26, 2016 edition of the D.C. Register (Vol. 63, page 2211). Act 21-319 was transmitted to Congress on February 24, 2016 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 21-319 is now D.C. Law 21-98, effective April 6, 2016.



Phil Mendelson  
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

February	24, 25, 26, 29
March	1, 2, 3, 4, 7, 8, 9, 10, 11, 14, 15, 16, 17, 18, 21, 22, 23, 24, 25, 28, 29, 30, 31
April	1, 4, 5

## COUNCIL OF THE DISTRICT OF COLUMBIA

## NOTICE

## D.C. LAW 21-99

**"Certificate of Good Standing Filing Requirement  
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As required by Section 412(a) of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 21-558 on first and second readings January 5, 2016, and February 2, 2016, respectively. Following the signature of the Mayor on February 18, 2016, as required by Section 404(e) of the Charter, the bill became Act 21-320 and was published in the February 26, 2016 edition of the D.C. Register (Vol. 63, page 2215). Act 21-320 was transmitted to Congress on February 24, 2016 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 21-320 is now D.C. Law 21-99, effective April 6, 2016.



Phil Mendelson  
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

February 24, 25, 26, 29

March 1, 2, 3, 4, 7, 8, 9, 10, 11, 14, 15, 16, 17, 18, 21, 22, 23, 24, 25, 28, 29, 30, 31

April 1, 4, 5

## COUNCIL OF THE DISTRICT OF COLUMBIA


## NOTICE

## D.C. LAW 21-100

**"Presidential Primary Ballot Access Temporary  
Amendment Act of 2016"**

As required by Section 412(a) of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 21-560 on first and second readings January 5, 2016, and February 2, 2016, respectively. Following the signature of the Mayor on February 18, 2016, as required by Section 404(e) of the Charter, the bill became Act 21-321 and was published in the February 26, 2016 edition of the D.C. Register (Vol. 63, page 2218). Act 21-321 was transmitted to Congress on February 24, 2016 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 21-321 is now D.C. Law 21-100, effective April 6, 2016.



Phil Mendelson  
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

February	24, 25, 26, 29
March	1, 2, 3, 4, 7, 8, 9, 10, 11, 14, 15, 16, 17, 18, 21, 22, 23, 24, 25, 28, 29, 30, 31
April	1, 4, 5



## COUNCIL OF THE DISTRICT OF COLUMBIA

## NOTICE

## D.C. LAW 21-101

**"Wage Theft Prevention Clarification Temporary  
Amendment Act of 2016"**

As required by Section 412(a) of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 21-562 on first and second readings January 5, 2016, and February 2, 2016, respectively. Following the signature of the Mayor on February 18, 2016, as required by Section 404(e) of the Charter, the bill became Act 21-322 and was published in the February 26, 2016 edition of the D.C. Register (Vol. 63, page 2220). Act 21-322 was transmitted to Congress on February 24, 2016 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 21-322 is now D.C. Law 21-101, effective April 6, 2016.



Phil Mendelson  
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

February	24, 25, 26, 29
March	1, 2, 3, 4, 7, 8, 9, 10, 11, 14, 15, 16, 17, 18, 21, 22, 23, 24, 25, 28, 29, 30, 31
April	1, 4, 5

ENROLLED ORIGINAL

AN ACT

**D.C. ACT 21-358**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**APRIL 19, 2016**

To amend, on an emergency basis, the District of Columbia Election Code of 1955 to change the procedures for presidential primary ballot access and clarify that the approved political party's presidential primary plan shall be transmitted to the Board of Elections no later than 24 hours after March 16; and to amend the Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011 to eliminate the requirement to file with the Director of Campaign Finance and with the principal campaign committee, if applicable, reports of receipts and expenditures 8 days before the June 2016 primary election.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Primary Election Filing Requirement Emergency Amendment Act of 2016".

Sec. 2. Section 5(b)(2) of the District of Columbia Election Code of 1955, approved August 12, 1955 (69 Stat. 700; D.C. Official Code § 1-1001.05(b)(2)), is amended to read as follows:

“(2) No person shall be listed on the ballot as a candidate for nomination for President in such primary unless:

“(A) No later than March 16 of each presidential election year, there shall have been filed with the Board a petition on behalf of the person signed by at least 1,000, or 1%, whichever is less, of the qualified electors of the District of Columbia who are registered under section 7, and are of the same political party as the nominee; or

“(B) The person has complied with the rules of the political party to be listed on the ballot, and if the party rules provide for candidate qualification by means other than gathering petition signatures as described in subparagraph (A) of this paragraph, the political party shall certify to the Board no later than 24 hours after March 16 of each presidential election year the names of candidates for nomination who have qualified by such means.”.

ENROLLED ORIGINAL

Sec. 3. The Presidential Primary Ballot Access Emergency Amendment Act of 2016, effective January 27, 2016 (D.C. Act 21-290; 63 DCR 1205), is repealed.


Sec. 4. Section 2 of the Presidential Primary Ballot Access Temporary Amendment Act of 2016, enacted on February 18, 2016 (D.C. Act 21-321; 63 DCR 2218), is amended by striking the phrase "to the Board no later than" and inserting the phrase "to the Board no later than 24 hours after" in its place.

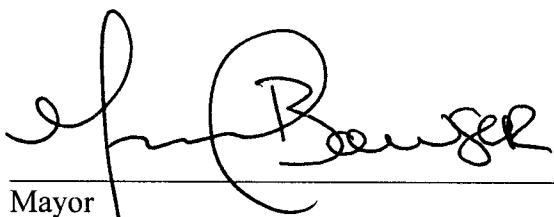
Sec. 5. Section 309(b) of the Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011, effective April 27, 2012 (D.C. Law 19-124; D.C. Official Code §1-1163.09(b)), is amended by striking the phrase "and 8 days before an election,".

Sec. 6. Applicability.  
Sections 2, 3, and 4 shall apply as of March 15, 2016.

Sec. 7. Fiscal impact statement.  
The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 8. 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  
April 19, 2016

**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](http://www.dccouncil.us).

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**COUNCIL OF THE DISTRICT OF COLUMBIA** **PROPOSED LEGISLATION**

**BILLS**

B21-711            Wage Theft Prevention Revision Amendment Act of 2016

Intro. 4-19-16 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Business, Consumer, and Regulatory Affairs

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B21-712            Fair Shot Minimum Wage Amendment Act of 2016

Intro. 4-19-16 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Business, Consumer, and Regulatory Affairs

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**PROPOSED RESOLUTIONS**

PR21-659            District of Columbia Housing Finance Agency Todd A. Lee Confirmation Resolution of 2016

Intro. 4-19-16 by Chairman Mendelson at the request of The District of Columbia Housing Finance Agency and referred to the Committee on Housing and Community Development

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PR21-660            International Spy Museum Revenue Bonds Project Approval Resolution of 2016

Intro. 4-20-16 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Finance and Revenue

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PR21-663      Breath Alcohol Testing Program Rulemaking Approval Resolution of 2016  
Intro. 4-21-16 by Chairman Mendelson at the request of the Mayor and referred  
to the Committee on Judiciary

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PR21-664      Radon Contractor Proficiency Requirements Approval Resolution of 2016  
Intro. 4-21-16 by Chairman Mendelson at the request of the Mayor and referred  
to the Committee on Transportation and the Environment

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**Council of the District of Columbia  
COMMITTEE ON THE JUDICIARY  
NOTICE OF PUBLIC ROUNDTABLE  
1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004**

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**COUNCILMEMBER KENYAN R. MCDUFFIE, CHAIRPERSON  
COMMITTEE ON THE JUDICIARY**

**ANNOUNCES A PUBLIC ROUNDTABLE ON**

**PROPOSED RESOLUTION 21-0642, THE “DISTRICT OF COLUMBIA  
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY SHOMARI WADE  
CONFIRMATION RESOLUTION OF 2016”**

**AND**

**PROPOSED RESOLUTION 21-0657, THE “DISTRICT OF COLUMBIA BOARD OF  
ETHICS AND GOVERNMENT ACCOUNTABILITY NORMA HUTCHESON  
CONFIRMATION RESOLUTION OF 2016”**

**Tuesday, May 10, 2016, 1 p.m.  
Room 120, John A. Wilson Building  
1350 Pennsylvania Ave., N.W.  
Washington, D.C. 20004**

On May 10, 2016, Councilmember Kenyan R. McDuffie, Chairperson of the Committee on the Judiciary, will convene a public roundtable to consider Proposed Resolution 21-0642, the “District of Columbia Board of Ethics and Government Accountability Shomari Wade Confirmation Resolution of 2016” and Proposed Resolution 21-0657, the “District of Columbia Board of Ethics and Government Accountability Norma Hutcheson Confirmation Resolution of 2016”. The roundtable will be held in Room 120 of the John A. Wilson Building, 1350 Pennsylvania Ave., N.W., at 1:00 p.m.

The stated purposes of PR21-0642 and PR21-0657 are to confirm Shomari Wade and Norma Hutcheson to the Board of Ethics and Government Accountability.

The Committee invites the public to testify or to submit written testimony. Anyone wishing to testify at the roundtable should contact Diamond Wade, Legislative Aide, at (202) 727-8204, or via e-mail at [dwade@dccouncil.us](mailto:dwade@dccouncil.us), and provide their name, telephone number, organizational affiliation, and title (if any) **by close of business, May 6, 2016**. Representatives of organizations will be allowed a maximum of five minutes for oral testimony, and individuals will be allowed a maximum of three minutes. Witnesses should bring **fifteen single-sided copies** of their written

testimony and, if possible, also submit a copy of their testimony electronically to [dwade@dccouncil.us](mailto:dwade@dccouncil.us).

For witnesses who are unable to testify at the roundtable, written statements will be made part of the official record. Copies of written statements should be submitted either to the Committee or to Nyasha Smith, Secretary to the Council, 1350 Pennsylvania Avenue, N.W., Suite 5, Washington, D.C. 20004. **The record will close at the end of the business day on May 20, 2016.**

**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 reprogrammings are available in Legislative Services, Room 10.  
Telephone: 724-8050

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**Reprog. 21-182:** Request to reprogram \$500,000 of Pay-As-You-Go (Paygo) Capital funds budget authority and allotment within the Department of Parks and Recreation (DPR) was filed in the Office of the Secretary on April, 21, 2016. This reprogramming will ensure that the budget is disbursed from the appropriate fund.

RECEIVED: 14 day review begins April 22, 2016



**ALCOHOLIC BEVERAGE REGULATION  
ADMINISTRATION**

**ON**

**\*\*4/29/2016\*\***

**\*\*READVERTISEMENT**

Notice is hereby given that:

License Number: ABRA-097652

License Class/Type: C Restaurant

Applicant: Big Night Productions, LLC

Trade Name: Bar Civita

ANC: 3C02

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

**2605 - 2607 24TH ST NW**

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

**\*\*6/13/2016\*\***

**A HEARING WILL BE HELD ON:**

**\*\*6/27/2016\*\***

**AT 10:00 a.m., 2000 14th STREET, NW, 4th FLOOR, WASHINGTON, DC 20009**

<b>Days</b>	<b>Hours of Operation</b>	<b>Hours of Sales/Service</b>
Sunday:	8 am - 2 am	10 am -2 am
Monday:	8 am - 2 am	8 am - 2 am
Tuesday:	8 am - 2 am	8 am - 2 am
Wednesday:	8 am - 2 am	8 am - 2 am
Thursday:	8 am - 2 am	8 am - 2 am
Friday:	8 am - 3 am	8 am - 3 am
Saturday:	8 am - 3 am	8 am - 3 am

**ENDORSEMENTS: Entertainment Sidewalk Cafe**

FOR FURTHER INFORMATION CALL: (202) 442-4423

**ALCOHOLIC BEVERAGE REGULATION  
ADMINISTRATION**

**ON**

**\*\*4/15/2016\*\***

**\*\*RESCIND**

**Notice is hereby given that:**

**License Number: ABRA-097652**

**License Class/Type: C Restaurant**

**Applicant: Big Night Productions, LLC**

**Trade Name: Bar Civita**

**ANC: 3C02**

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

**2605 - 2607 24TH ST NW**

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

**\*\*5/31/2016\*\***

**A HEARING WILL BE HELD ON:**

**\*\*6/13/2016\*\***

**AT 10:00 a.m., 2000 14th STREET, NW, 4th FLOOR, WASHINGTON, DC 20009**

<b>Days</b>	<b>Hours of Operation</b>	<b>Hours of Sales/Service</b>
Sunday:	8 am - 2 am	10 am -2 am
Monday:	8 am - 2 am	8 am - 2 am
Tuesday:	8 am - 2 am	8 am - 2 am
Wednesday:	8 am - 2 am	8 am - 2 am
Thursday:	8 am - 2 am	8 am - 2 am
Friday:	8 am - 3 am	8 am - 3 am
Saturday:	8 am - 3 am	8 am - 3 am

**ENDORSEMENTS: Entertainment Sidewalk Cafe**

**FOR FURTHER INFORMATION CALL: (202) 442-4423**

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
4/29/2016**

Notice is hereby given that:

License Number: ABRA-083793

License Class/Type: D Restaurant

Applicant: BGR DuPont, LLC

Trade Name: BGR The Burger Joint

ANC: 2B02

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

**1528 CONNECTICUT AVE NW**

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

**6/13/2016**

**A HEARING WILL BE HELD ON:**

**6/27/2016**

**AT 10:00 a.m., 2000 14th STREET, NW, 4th FLOOR, WASHINGTON, DC 20009**

<b>Days</b>	<b>Hours of Operation</b>	<b>Hours of Sales/Service</b>
Sunday:	11 am - 11:30 pm	11 am - 11:30 pm
Monday:	11 am - 11:30 pm	11 am - 11:30 pm
Tuesday:	11 am - 11:30 pm	11 am - 11:30 pm
Wednesday:	11 am - 11:30 pm	11 am - 11:30 pm
Thursday:	11 am - 11:30 pm	11 am - 11:30 pm
Friday:	11 am - 2 am	11 am - 2 am
Saturday:	11 am - 2 am	11 am - 2 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
4/29/2016**

Notice is hereby given that:

License Number: ABRA-020640

License Class/Type: C Restaurant

Applicant: Shamiana, LLC

Trade Name: Heritage India/Malgudi

ANC: 3B02

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

**2400 WISCONSIN AVE NW**

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

**6/13/2016**

**A HEARING WILL BE HELD ON:**

**6/27/2016**

**AT 10:00 a.m., 2000 14th STREET, NW, 4th FLOOR, WASHINGTON, DC 20009**

<b>Days</b>	<b>Hours of Operation</b>	<b>Hours of Sales/Service</b>
Sunday:	11 am - 2 am	11 am -2 am
Monday:	11 am - 2 am	11 am - 2 am
Tuesday:	11 am - 2 am	11 am - 2 am
Wednesday:	11 am - 2 am	11 am - 2 am
Thursday:	11 am - 2 am	11 am - 2 am
Friday:	11 am - 3 am	11 am - 3 am
Saturday:	11 am - 3 am	11 am - 3 am

**ENDORSEMENTS:**

FOR FURTHER INFORMATION CALL: (202) 442-4423

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
4/29/2016**

Notice is hereby given that:

License Number: ABRA-060194

License Class/Type: C Restaurant

Applicant: Legal Sea Foods, LLC.

Trade Name: Legal Sea Foods

ANC: 2C01

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

**702 - 708 7th ST NW**

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

**6/13/2016**

**A HEARING WILL BE HELD ON:**

**6/27/2016**

**AT 10:00 a.m., 2000 14th STREET, NW, 4th FLOOR, WASHINGTON, DC 20009**

<b>Days</b>	<b>Hours of Operation</b>	<b>Hours of Sales/Service</b>
Sunday:	8am - 2 am	8am -2 am
Monday:	8am - 2 am	8am - 2 am
Tuesday:	8am - 2 am	8am - 2 am
Wednesday:	8am - 2 am	8am - 2 am
Thursday:	8am - 2 am	8 am - 2 am
Friday:	8am - 3 am	8am - 3 am
Saturday:	8am - 3 am	8am - 3 am

**ENDORSEMENTS:**

FOR FURTHER INFORMATION CALL: (202) 442-4423

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
4/29/2016**

Notice is hereby given that:

License Number: ABRA-078003

License Class/Type: C Restaurant

Applicant: Corduroy, LLC

Trade Name: Corduroy

ANC: 2F06

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

**1122 9TH ST NW**

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

**6/13/2016**

**A HEARING WILL BE HELD ON:**

**6/27/2016**

**AT 10:00 a.m., 2000 14th STREET, NW, 4th FLOOR, WASHINGTON, DC 20009**

<b>Days</b>	<b>Hours of Operation</b>	<b>Hours of Sales/Service</b>
Sunday:	11 am - 2 am	11 am -2 am
Monday:	11 am - 2 am	11 am - 2 am
Tuesday:	11 am - 2 am	11 am - 2 am
Wednesday:	11 am - 2 am	11 am - 2 am
Thursday:	11 am - 2 am	11 am - 2 am
Friday:	11 am - 3 am	11 am - 3 am
Saturday:	11 am - 3 am	11 am - 3 am

**ENDORSEMENTS:**

FOR FURTHER INFORMATION CALL: (202) 442-4423

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
4/29/2016**

Notice is hereby given that:

License Number: ABRA-087559

License Class/Type: C Restaurant

Applicant: Mari Vanna DC, LLC c/o Dmitri Chernov

Trade Name: Mari Vanna Restaurant

ANC: 2B05

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

**1141 CONNECTICUT AVE NW**

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

**6/13/2016**

**A HEARING WILL BE HELD ON:**

**6/27/2016**

**AT 10:00 a.m., 2000 14th STREET, NW, 4th FLOOR, WASHINGTON, DC 20009**

<b>Days</b>	<b>Hours of Operation</b>	<b>Hours of Sales/Service</b>
Sunday:	9 am - 2 am	10 am - 2 am
Monday:	9 am - 2 am	9 am - 2 am
Tuesday:	9 am - 2 am	9 am - 2 am
Wednesday:	9 am - 2 am	9 am - 2 am
Thursday:	9 am - 2 am	9 am - 2 am
Friday:	9 am - 2:30 am	9 am - 2:30 am
Saturday:	9 am - 2:30 am	9 am - 2:30 am

**ENDORSEMENTS: Entertainment**

FOR FURTHER INFORMATION CALL: (202) 442-4423

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
4/29/2016**

Notice is hereby given that:

License Number: ABRA-087595

License Class/Type: C Restaurant

Applicant: P25, LLC

Trade Name: Piola

ANC: 1B04

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

**2208 14TH ST NW**

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

**6/13/2016**

**A HEARING WILL BE HELD ON:**

**6/27/2016**

**AT 10:00 a.m., 2000 14th STREET, NW, 4th FLOOR, WASHINGTON, DC 20009**

<b>Days</b>	<b>Hours of Operation</b>	<b>Hours of Sales/Service</b>
Sunday:	11 am - 12 am	11 am -12 am
Monday:	11 am - 12 am	11 am - 12 am
Tuesday:	11 am - 12 am	11 am - 12 am
Wednesday:	11 am - 12 am	11 am - 12 am
Thursday:	11 am - 12 am	11 am - 12 am
Friday:	11 am - 2 am	11 am - 2 am
Saturday:	11 am - 2 am	11 am - 2 am

**ENDORSEMENTS: Summer Garden**

FOR FURTHER INFORMATION CALL: (202) 442-4423



**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
4/29/2016**

Notice is hereby given that:

License Number: ABRA-090863

License Class/Type: C Restaurant

Applicant: Baby Wale, LLC

Trade Name: Baby Wale

ANC: 2F06

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

**1124 9TH ST NW**

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

**6/13/2016**

**A HEARING WILL BE HELD ON:**

**6/27/2016**

**AT 10:00 a.m., 2000 14th STREET, NW, 4th FLOOR, WASHINGTON, DC 20009**

<b>Days</b>	<b>Hours of Operation</b>	<b>Hours of Sales/Service</b>
Sunday:	11 am - 2 am	11 am -2 am
Monday:	11 am - 2 am	11 am - 2 am
Tuesday:	11 am - 2 am	11 am - 2 am
Wednesday:	11 am - 2 am	11 am - 2 am
Thursday:	11 am - 2 am	11 am - 2 am
Friday:	11 am - 3 am	11 am - 3 am
Saturday:	11 am - 3 am	11 am - 3 am

**ENDORSEMENTS: Dancing Entertainment**

FOR FURTHER INFORMATION CALL: (202) 442-4423

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
4/29/2016**

Notice is hereby given that:

License Number: ABRA-090968

License Class/Type: C Restaurant

Applicant: BIG RIVER BREWERIES, INC

Trade Name: Gordon Biersch Brewery Restaurant

ANC: 6D07

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

**100 M ST SE**

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

**6/13/2016**

**A HEARING WILL BE HELD ON:**

**6/27/2016**

**AT 10:00 a.m., 2000 14th STREET, NW, 4th FLOOR, WASHINGTON, DC 20009**

<b>Days</b>	<b>Hours of Operation</b>	<b>Hours of Sales/Service</b>
Sunday:	8 am - 2 am	8 am - 2 am
Monday:	8 am - 2 am	8 am - 2 am
Tuesday:	8 am - 2 am	8 am - 2 am
Wednesday:	8 am - 2 am	8 am - 2 am
Thursday:	8 am - 2 am	8 am - 2 am
Friday:	8 am - 3 am	8 am - 3 am
Saturday:	8 am - 3 am	8 am - 3 am

**ENDORSEMENTS: Brewpub Entertainment Sidewalk Cafe Summer Garden**

FOR FURTHER INFORMATION CALL: (202) 442-4423

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
4/29/2016**

Notice is hereby given that:

License Number: ABRA-092844

License Class/Type: C Restaurant

Applicant: STK, LLC

Trade Name: STK

ANC: 2B07

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

**1250 CONNECTICUT AVE NW**

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

**6/13/2016**

**A HEARING WILL BE HELD ON:**

**6/27/2016**

**AT 10:00 a.m., 2000 14th STREET, NW, 4th FLOOR, WASHINGTON, DC 20009**

<b>Days</b>	<b>Hours of Operation</b>	<b>Hours of Sales/Service</b>
Sunday:	11am - 2am	11am -2am
Monday:	11am - 2am	11am - 2am
Tuesday:	11am - 2am	11am - 2am
Wednesday:	11am - 2am	11am - 2am
Thursday:	11am - 2am	11am - 2am
Friday:	11am - 3am	11am - 3am
Saturday:	11am - 3am	11am - 3am

**ENDORSEMENTS: Entertainment**

FOR FURTHER INFORMATION CALL: (202) 442-4423

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
4/29/2016**

Notice is hereby given that:

License Number: ABRA-088282

License Class/Type: D Restaurant

Applicant: Nimellis Pizzeria, LLC

Trade Name: Cafe Romeo's

ANC: 3B02

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

**2132 WISCONSIN AVE NW**

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

**6/13/2016**

**A HEARING WILL BE HELD ON:**

**6/27/2016**

**AT 10:00 a.m., 2000 14th STREET, NW, 4th FLOOR, WASHINGTON, DC 20009**

<b>Days</b>	<b>Hours of Operation</b>	<b>Hours of Sales/Service</b>
Sunday:	11 am - 12 am	11 am -12 am
Monday:	11 am - 3 am	11 am - 2 am
Tuesday:	11 am - 3 am	11 am - 2 am
Wednesday:	11 am - 3 am	11 am - 2 am
Thursday:	11 am - 3 am	11 am - 2 am
Friday:	11 am - 4 am	11 am - 3 am
Saturday:	11 am - 4 am	11 am - 3 am

**ENDORSEMENTS: Summer Garden**

FOR FURTHER INFORMATION CALL: (202) 442-4423

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
4/29/2016**

Notice is hereby given that:

License Number: ABRA-102211

License Class/Type: D Restaurant

Applicant: Red City, Inc.

Trade Name: Little China Cafe

ANC: 3D05

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

**4830 MACARTHUR BLVD NW**

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

**6/13/2016**

**A HEARING WILL BE HELD ON:**

**6/27/2016**

**AT 10:00 a.m., 2000 14th STREET, NW, 4th FLOOR, WASHINGTON, DC 20009**

<b>Days</b>	<b>Hours of Operation</b>	<b>Hours of Sales/Service</b>
Sunday:	12 pm - 10 pm	12 pm - 10 pm
Monday:	11 am - 10 pm	11 am - 10 pm
Tuesday:	11 am - 10 pm	11 am - 10 pm
Wednesday:	11 am - 10 pm	11 am - 10 pm
Thursday:	11 am - 10 pm	11 am - 10 pm
Friday:	11 am - 10 pm	11 am - 10 pm
Saturday:	11 am - 10 pm	11 am - 10 pm

**ENDORSEMENTS: Summer Garden**

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: April 29, 2016
Petition Date: June 13, 2016
Hearing Date: June 27, 2016
Protest Hearing: September 7, 2016

License No.: ABRA-102224
Licensee: JJS LLC
Trade Name: Free State
License Class: Retailer's Class "C" Tavern
Address: 700 5th Street, N.W.
Contact: Brian C. Leonard: 301-467-4284

WARD 2

ANC 2C

SMD 2C03

Notice is hereby given that this applicant has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such license on the hearing date at 10:00 am, 2000 14th Street, N.W., 400 South, Washington, DC 20009. 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 4:30pm on September 7, 2016

NATURE OF OPERATION

Small, new neighborhood Tavern serving craft beer, cocktails, wine, and pre-packaged snacks. Requesting an Entertainment Endorsement to offer live entertainment. Total Occupancy Load is 120.

HOURS OF OPERATON AND ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION

Sunday 10 am - 2 am, Monday through Thursday 8 am - 2 am, Friday and Saturday 8 am - 3 am

HOUR OF LIVE ENTERTAINMENT

Sunday through Thursday 6 pm - 2 am, Friday and Saturday 6 pm - 3 am

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
4/29/2016**

Notice is hereby given that:

License Number: ABRA-101370

License Class/Type: C Restaurant

Applicant: Bhujn, LLC

Trade Name: Heritage Restaurant and Bar

ANC: 1C07

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

**2305 18TH ST NW**

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

**6/13/2016**

**A HEARING WILL BE HELD ON:**

**6/27/2016**

**AT 10:00 a.m., 2000 14th STREET, NW, 4th FLOOR, WASHINGTON, DC 20009**

<b>Days</b>	<b>Hours of Operation</b>	<b>Hours of Sales/Service</b>
Sunday:	11:30 am - 1 am	11:30 am - 1 am
Monday:	11:30 am - 1 am	11:30 am - 1 am
Tuesday:	11:30 am - 1 am	11:30 am - 1 am
Wednesday:	11:30 am - 1 am	11:30 am - 1 am
Thursday:	11:30 am - 1 am	11:30 am - 1 am
Friday:	10 am - 2 am	10 am - 2 am
Saturday:	10 am - 2 am	10 am - 2 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
4/29/2016**

Notice is hereby given that:

License Number: ABRA-099728

License Class/Type: C Hotel

Applicant: RLJ HP Washington DC Lessee, LLC

Trade Name: Hyatt Place DC

ANC: 2B05

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

**1522 K ST NW**

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

**6/13/2016**

**A HEARING WILL BE HELD ON:**

**6/27/2016**

**AT 10:00 a.m., 2000 14th STREET, NW, 4th FLOOR, WASHINGTON, DC 20009**

<b>Days</b>	<b>Hours of Operation</b>	<b>Hours of Sales/Service</b>
Sunday:	24 - HOURS	8 am - 12 am
Monday:	24 - HOURS	8 am - 12 am
Tuesday:	24 - HOURS	8 am - 12 am
Wednesday:	24 - HOURS	8 am - 12 am
Thursday:	24 - HOURS	8 am - 12 am
Friday:	24 - HOURS	8 am - 12 am
Saturday:	24 - HOURS	8 am - 12 am

**ENDORSEMENTS: Summer Garden**

FOR FURTHER INFORMATION CALL: (202) 442-4423



## ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

## NOTICE OF PUBLIC HEARING

Posting Date: April 29, 2016  
Petition Date: June 13, 2016  
Hearing Date: June 27, 2016

License No.: ABRA-093795  
Licensee: Ivy City Tavern, Inc.  
Trade Name: Ivy City Tavern  
License Class: Retailer's Class "C" Tavern  
Address: 1356 Okie Street, N.E.  
Contact: Johnathan Farmer: 202-744-9496

WARD 5

ANC 5D

SMD 5D01

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

**LICENSEE REQUESTS THE FOLLOWING SUBSTANTIAL CHANGE TO ITS NATURE OF OPERATIONS:**

Requests to increase Total Occupancy Load to 530 with seating for 223. Current approved Total Occupancy Load is 80 and total seating is 45.

**HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION**

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

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
4/29/2016**

Notice is hereby given that:

License Number: ABRA-084082

License Class/Type: C Restaurant

Applicant: Khan's BBQ Inc.

Trade Name: Khan's

ANC: 6A02

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

**1125 H ST NE**

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

**6/13/2016**

**A HEARING WILL BE HELD ON:**

**6/27/2016**

**AT 10:00 a.m., 2000 14th STREET, NW, 4th FLOOR, WASHINGTON, DC 20009**

<b>Days</b>	<b>Hours of Operation</b>	<b>Hours of Sales/Service</b>
Sunday:	7am - 2am	10am - 2am
Monday:	7am - 2am	10am - 2am
Tuesday:	7am - 2am	10am - 2am
Wednesday:	7 am - 2am	10 am - 2am
Thursday:	7am - 3:30am	10am - 2am
Friday:	7am - 3:30am	10am - 3am
Saturday:	7am - 3:30am	10am - 3am

**ENDORSEMENT(S): Entertainment Sidewalk Cafe**

FOR FURTHER INFORMATION CALL: (202) 442-4423

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
4/29/2016**

Notice is hereby given that:

License Number: ABRA-088102

License Class/Type: C Restaurant

Applicant: Chicken Tortilla, Inc.

Trade Name: Ocopa

ANC: 6A06

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

**1324 H ST NE**

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

**6/13/2016**

**A HEARING WILL BE HELD ON:**

**6/27/2016**

**AT 10:00 a.m., 2000 14th STREET, NW, 4th FLOOR, WASHINGTON, DC 20009**

<b>Days</b>	<b>Hours of Operation</b>	<b>Hours of Sales/Service</b>
Sunday:	8 am - 2 am	11 am - 1:30 am
Monday:	8 am - 2 am	11 am - 1:30 am
Tuesday:	8 am - 2 am	11 am - 1:30 am
Wednesday:	8 am - 2 am	11 am - 1:30 am
Thursday:	8 am - 2 am	11 am - 1:30 am
Friday:	8 am - 2 am	11 am - 1:30 am
Saturday:	8 am - 2 am	11 am - 1:30 am

**ENDORSEMENT(S): Dancing Entertainment Summer Garden**

FOR FURTHER INFORMATION CALL: (202) 442-4423

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

Posting Date: April 29, 2016  
Petition Date: June 13, 2016  
Hearing Date: June 27, 2016  
Protest Hearing: September 7, 2016

License No.: ABRA-102178  
Licensee: Piassa, Inc.  
Trade Name: Piassa Ethiopian Cuisine & Cafe  
License Class: Retailer's Class "C" Tavern  
Address: 1336 9<sup>th</sup> Street, N.W.  
Contact: Joseph Teshame: 703 675-2526

WARD 2

ANC 2F

SMD 2F06

Notice is hereby given that this applicant has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such license on the hearing date at 10:00 am, 2000 14<sup>th</sup> Street, N.W., 400 South, 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 1:30pm on September 7, 2016

**NATURE OF OPERATION**

New Café serving traditional Ethiopian and American food. Occasional live entertainment. Total Occupancy Load is 35. Summer Garden with 15 seats.

**HOURS OF OPERATON FOR INSIDE PREMISES AND SUMMER GARDEN**

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

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

Sunday 10 am – 1:30 am, Monday through Thursday 8 am – 1:30 am, Friday and Saturday 8 am – 2:30 am

**HOUR OF LIVE ENTERTAINMENT INSIDE PREMISES**

Sunday through Thursday 6 pm – 2 am, Friday and Saturday 6 pm – 3 am

**HOUR OF LIVE ENTERTAINMENT FOR SUMMER GARDEN**

Sunday through Saturday 6 pm – 12 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: April 29, 2016
Petition Date: June 13, 2016
Hearing Date: June 27, 2016

License No.: ABRA-092192
Licensee: Fernando Postigo
Trade Name: Sol Mexican Grill
License Class: Retailer's Class "C" Tavern
Address: 1251 H Street, N.E.
Contact: Fernando Postigo: 202-351-9117

WARD 6 ANC 6A SMD 6A02

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

LICENSEE REQUESTS THE FOLLOWING SUBSTANTIAL CHANGE TO ITS NATURE OF OPERATIONS:

Requests a Change of Hours of Sales, Operation, and Live Entertainment.

CURRENT HOURS OF OPERATION

Sunday through Thursday 11am-11pm, Friday & Saturday 11am-3am

CURRENT HOURS OF ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION

Sunday through Thursday 11am-10:45pm, Friday & Saturday 11am-2am

HOURS OF LIVE ENTERTAINMENT

Sunday through Thursday No Entertainment, Friday & Saturday: 6pm-1am

PROPOSED HOURS OF OPERATION

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

PROPOSED HOURS OF ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION

Sunday through Thursday 11am-1:45am, Friday & Saturday 11am-2:45am

PROPOSED HOURS OF LIVE ENTERTAINMENT

Sunday through Thursday 6pm-1am, Friday & Saturday: 6pm-2am

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

Posting Date: April 22, 2016  
Petition Date: June 6, 2016  
Hearing Date: June 20, 2016  
Protest Date: September 7, 2016

License No.: ABRA-102009  
Licensee: Coffee House Holdings, Inc.  
Trade Name: Starbucks Coffee #726  
License Class: Retailer's Class "D" Restaurant  
Address: 801 18<sup>th</sup> Street, N.W.  
Contact: Stephen O'Brien: (202) 625-7700

WARD 2

ANC 2B

SMD 2B06

Notice is hereby given that this licensee 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 14<sup>th</sup> 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 on September 7, 2016 at 1:30pm.

**NATURE OF OPERATION**

A coffee shop serving breakfast all day, along with savory small plates and desserts paired with wine and beer selections. Sidewalk Cafe with an occupancy load of 59 seats.

**HOURS OF OPERATION FOR PREMISES**

Sunday through Saturday 5:00 am – 11:00 pm

**HOURS OF ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION FOR PREMISES**

Sunday 12:00 pm – 11:00 pm, Monday through Friday 2:00 pm- 11:00 pm, Saturday 12:00 pm – 11:00 pm

**HOURS OF OPERATION FOR SIDEWALK CAFE**

Sunday 11:00 am- 3:00 pm, Monday through Friday 9:00 am- 6:30 pm, Saturday 11:00 am – 3:00 pm

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

Sunday 12:00 pm- 3:00 pm, Monday through Friday 2:00 pm- 6:30 pm, Saturday 12:00 pm– 3:00 pm

## ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

## NOTICE OF PUBLIC HEARING

**\*\*RESCIND**

Posting Date: April 22, 2016  
Petition Date: June 6, 2016  
Hearing Date: June 20, 2016  
Protest Date: September 7, 2016

License No.: ABRA-102480  
Licensee: Coffee House Holdings, Inc.  
Trade Name: Starbucks Coffee #728  
License Class: Retailer's Class "D" Restaurant  
Address: 1401 New York Avenue, N.W.  
Contact: Stephen O'Brien: (202) 625-7700

WARD 2

ANC 2C

SMD 2C01

Notice is hereby given that this licensee 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 14<sup>th</sup> 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 on September 7, 2016 at 1:30pm.

**NATURE OF OPERATION**

A coffee shop serving breakfast all day, along with savory small plates and desserts paired with wine and beer selections.

**HOURS OF OPERATION**

Sunday through Saturday 5:00 am – 11:00 pm

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

Sunday 12:00 pm – 11:00 pm, Monday through Friday 2:00 pm- 11:00 pm, Saturday 12:00 pm – 11:00 pm

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

**\*\*RESCIND**

Posting Date: April 22, 2016  
Petition Date: June 6, 2016  
Hearing Date: June 20, 2016  
Protest Date: September 7, 2016

License No.: ABRA-102023  
Licensee: Coffee House Holdings, Inc.  
Trade Name: Starbucks Coffee #23832  
License Class: Retailer’s Class “D” Restaurant  
Address: 625 H Street, N.E.  
Contact: Stephen O’Brien: (202) 625-7700

WARD 6

ANC 6C

SMD 6C05

Notice is hereby given that this licensee 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 14<sup>th</sup> 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 on September 7, 2016 at 1:30pm.

**NATURE OF OPERATION**

A coffee shop serving breakfast all day, along with savory small plates and desserts paired with wine and beer selections.

**HOURS OF OPERATION**

Sunday through Saturday 5:00 am – 11:00 pm

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

Sunday 12:00 pm – 11:00 pm, Monday through Friday 2:00 pm – 11:00 pm, Saturday 12:00 pm – 11:00 pm



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

Posting Date: April 29, 2016  
Petition Date: June 13, 2016  
Hearing Date: June 27, 2016

License No.: ABRA-095107  
Licensee: The Pitch, LLC  
Trade Name: The Pitch  
License Class: Retailer's Class "C" Tavern  
Address: 4015 Georgia Avenue, N.W.  
Contact: Jeff Jackson: (202) 251-1566

WARD 4

ANC 4C

SMD 4C07

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

**NATURE OF SUBSTANTIAL CHANGE**

Applicant requested a Summer Garden endorsement with seating for 20.

**CURRENT HOURS OF OPERATION ON PREMISE**

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

**CURRENT HOURS OF ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION ON PREMISE**

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

**PROPOSED HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALE/SERVICE/CONSUMPTION FOR SUMMER GARDEN**

Monday through Thursday 8 am – 10 pm, Friday and Saturday 8 am – 12 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: April 29, 2016
Petition Date: June 13, 2016
Hearing Date: June 27, 2016

License No.: ABRA-102576
Licensee: Tillman Group, LLC
Trade Name: Vieux Carre
License Class: Retailer's Class "C" Tavern
Address: 1413 K Street, N.W.
Contact: Andrew Kline: 202-686-7600

WARD 2

ANC 2F

SMD 2F05

Notice is hereby given that this applicant has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such license on the hearing date at 10:00 am, 2000 14th Street, N.W., 400 South, Washington, DC 20009. Petition and/or request to appear before the Board must be filed on or before the petition date. The Protest Hearing Date is scheduled on June 27, 2016 at 1:30 pm.

NATURE OF OPERATION:

Restaurant serving Southern-style BBQ. Requesting Entertainment Endorsement for Live Entertainment and Cover Charge. Total Occupancy Load is 350 with seating for 55. No nude Performances.

HOURS OF OPERATON

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

HOURS OF ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION

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

HOURS OF LIVE ENTERTAINMENT

Sunday through Thursday 6pm-2am, Friday and Saturday: 6pm-3am

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

Notice is hereby given that, pursuant to the requirements of D.C. Official Code Section 42-3171.03 (a)(1), the District of Columbia Department of Housing and Community Development (DHCD) has scheduled a public hearing on Thursday, June 2, 2016 at 6 p.m. at DHCD 1<sup>st</sup> Floor Conference Room, 1800 Martin Luther King Avenue, SE, Washington, DC 20020, to consider the proposed disposition of the seventeen vacant lots noted below.

SSL	Property Address	Property Type	Ward	Zoning	Historic District	Neighborhood
4540 0222	Kramer Street, NE	Vacant Lot	6	R-4	No	Rosedale
4540 0223	Kramer Street, NE	Vacant Lot	6	R-4	No	Rosedale
4540 0224	Kramer Street, NE	Vacant Lot	6	R-4	No	Rosedale
4540 0225	Kramer Street, NE	Vacant Lot	6	R-4	No	Rosedale
4540 0226	Kramer Street, NE	Vacant Lot	6	R-4	No	Rosedale
4540 0227	1613 Kramer St NE	Vacant Lot	6	R-4	No	Rosedale
4540 0228	1615 Kramer St NE	Vacant Lot	6	R-4	No	Rosedale
4540 0229	1617 Kramer St NE	Vacant Lot	6	R-4	No	Rosedale
4540 0230	1619 Kramer St NE	Vacant Lot	6	R-4	No	Rosedale
4540 0231	1621 Kramer St NE	Vacant Lot	6	R-4	No	Rosedale
4540 0232	Kramer Street, NE	Vacant Lot	6	R-4	No	Rosedale
4540 0233	Kramer Street, NE	Vacant Lot	6	R-4	No	Rosedale
4540 0086	Kramer Street, NE	Vacant Lot	6	R-4	No	Rosedale
4540 0825	1631 Kramer St NE	Vacant Lot	6	R-4	No	Rosedale
4540 0826	1629 Kramer St NE	Vacant Lot	6	R-4	No	Rosedale
4540 0827	1627 Kramer St NE	Vacant Lot	6	R-4	No	Rosedale
4540 0828	1633 Kramer St NE	Vacant Lot	6	R-4	No	Rosedale

The above properties were included in a Solicitation for Offers issued by DHCD to the general public on November 12, 2014. The above properties were awarded to Mi Casa, Inc., through a competitive selection process.

A project summary of Mi Casa, Inc.'s proposal will be posted on the DHCD website.

The public hearing is being conducted in order to assure that citizens (1) are informed about the selling of the properties identified above to the named buyer, and (2) and have the opportunity to present publicly their views concerning such sale.

If you would like to present oral testimony, you are encouraged to register in advance either by e-mailing Andrea Lee at [Andrea.Lee@dc.gov](mailto:Andrea.Lee@dc.gov), or by calling 202-478-1355. Please provide your name, address, telephone number, and organization affiliation, if any. Telecommunications Device for the Deaf (TDD) relay service is available by calling (800) 201-7165. A sign language interpreter and language translation services are available upon request by calling Pamela Hillsman at 202-442-7251. If you require language translation, please specify which language (Spanish, Vietnamese, Chinese-Mandarin/Cantonese, Amharic, or French). Language translation

services will be provided to pre-registered persons only. Deadline for requiring services of an interpreter is 7 days prior to the hearing. Bilingual staff will provide services on an availability basis to walk-ins without registration.

Written statements may be submitted at the hearing, or until 4:45 p.m., Friday, June 3, 2016, and should be addressed to: Polly Donaldson, Director, DC Department of Housing and Community Development, ATTN: PADD, 1800 Martin Luther King Jr., Avenue, SE, Washington, D.C. 20020.

## DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

## NOTICE OF PUBLIC HEARING

Wednesday, May 11, 2016

6:30 p.m.

Department of Employment Services  
4058 Minnesota Avenue, N.E., Suite 1300 (Community Room)  
Washington, D.C. 20019

The Board of Directors of the District of Columbia Water and Sewer Authority (the Board), in accordance with Section 216 of the Water and Sewer Authority Establishment and Department of Public Works Reorganization Act of 1996, effective April 18, 1996, (D.C. Law 11-111; D.C. Official Code § 34-2202.16 (2012 Repl. & 2015 Supp.)) will conduct a public hearing at the above stated date, time, and place, to receive comments on proposed rules, which, if adopted, would amend Section 112 (Fees) of Chapter 1 (Water Supply); and Sections 4100 (Rates for Water Service) and 4101 (Rates for Sewer Service) of Chapter 41 (Retail Water and Sewer Rates) of Title 21 (Water and Sanitation) of the District of Columbia Municipal Regulations (DCMR). The proposed rules were published at 63 DCR 103 in the January 1, 2016 edition of the *D.C. Register*.

Each individual or representative of an organization who wishes to present testimony at the public hearing is requested to furnish his or her name, address, telephone number and name of the organization (if any) by calling (202) 787-2330 or emailing the request to [Lmanley@dcwater.com](mailto:Lmanley@dcwater.com) no later than 5:00 p.m., Monday May 9, 2016. Other persons wishing to present testimony may testify after those on the witness list. Persons making presentations are urged to address their statements to relevant issues.

Oral presentations by individuals will be limited to five (5) minutes. Oral presentations made by representatives of an organization will not be longer than ten (10) minutes. Statements should summarize extensive written materials so there will be time for all interested persons to be heard. Oral presentations will be heard and considered, but for accuracy of the record, all statements should be submitted in writing. The hearing will end when all persons wishing to make comments have been heard.

Written testimony may be submitted by mail to Linda R. Manley, Secretary to the Board, District of Columbia Water and Sewer Authority, 5000 Overlook Ave., S.W., Washington, D.C. 20032, or by email to [Lmanley@dcwater.com](mailto:Lmanley@dcwater.com). Such written testimony is to be clearly marked "Written Testimony for Public Hearing, May 11, 2016" and received by 5:00 p.m. Monday, May 9, 2016.

Below is the draft agenda for this meeting. A final agenda will be posted to DC Water's website at [www.dewater.com](http://www.dewater.com).

**AGENDA**

1. Call to Order .....Matthew Brown, Chairman
2. Opening Statement.....Matthew Brown, Chairman
3. DC Water Management Presentation.....George Hawkins, General Manager  
Proposed FY 2017 & 2018 Retail Rates, Fees                      Mark Kim, Chief Financial Officer  
& Charges
4. Presentation by Independent Consultant..... Amawalk Consulting  
Proposed FY 2017 & 2018 Retail Rates, Fees & Charges
5. Public Witnesses
  - Pre-registered Speakers
  - Other comments (time permitting)
6. Closing Statement .....Matthew Brown, Chairman
7. Adjournment .....Matthew Brown, Chairman

**BOARD OF ZONING ADJUSTMENT  
REVISED PUBLIC HEARING NOTICE**

**TUESDAY, JUNE 14, 2016**

**441 4<sup>TH</sup> STREET, N.W.**

**JERRILY R. KRESS MEMORIAL HEARING ROOM, SUITE 220-SOUTH  
 WASHINGTON, D.C. 20001**

<b>Cases added:</b> 19149	<b>Cases revised:</b> N/A	<b>Cases removed:</b> N/A
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**TO CONSIDER THE FOLLOWING:** The Board of Zoning Adjustment will adhere to the following schedule, but reserves the right to hear items on the agenda out of turn.

**TIME: 9:30 A.M.**

**WARD THREE**

19272  
 ANC-3F      **Application of Alejandro Rosenberg**, pursuant to 11 DCMR § 3103.2, for variances from the lot occupancy requirements under § 403, the rear yard requirements under § 404, the open court requirements under § 406, the nonconforming structure requirements under § 2001.3, and the parking space size requirements under § 2115, to allow the construction of deck addition to an existing one-family dwelling in the R-1-B District at premises 3522 Davenport Street, N.W. (Square 1978, Lot 37).

**WARD THREE**

19274  
 ANC-3D      **Appeal of ANC 3D**, pursuant to 11 DCMR §§ 3100 and 3101, from a March 24, 2016 zoning determination by the Zoning Administrator, Department of Consumer and Regulatory Affairs, regarding parking considerations for a proposed addition within the Spring Valley Shopping Center in the R-5-B District at premises 4800 block of Massachusetts Avenue N.W. (Square 1500, Lots 1-3).

**WARD SIX**

19275  
 ANC-6B      **Appeal of ANC 6B**, pursuant to 11 DCMR §§ 3100 and 3101, from a February 5, 2016 decision by the Zoning Administrator, Department of Consumer and Regulatory Affairs, to issue Certificate of Occupancy No. CO1601252, to permit general office space for counseling in the C-2-A District at premises 201 15th Street S.E. (Square 1060, Lot 47).

## BZA PUBLIC HEARING NOTICE

JUNE 14, 2016

PAGE NO. 2

**WARD SIX**

19276  
ANC-6A           **Application of James and Erica Hunter**, pursuant to 11 DCMR § 3104.1, for a special exception under § 223, not meeting the lot occupancy requirements under § 403.2, and the nonconforming structure requirements under § 2001.3, and special exceptions from the height requirements under §§ 400.23 and 400.24, to construct a third-floor addition to an existing two-story, one-family dwelling in the R-4 District at premises 1234 Duncan Place N.E. (Square 1008, Lot 78).

**WARD SIX**

19277  
ANC-5B           **Application of Orpel Tucker (Sanders)**, pursuant to 11 DCMR § 3104.1, for a special exception from the child development center requirements under § 201.1, to operate a child development center for 30 children and 14 staff in the R-1-B District at premises 3302 18th Street N.E. (Square 4143, Lot 800).

**WARD THREE****THIS CASE HAS BEEN ADMINISTRATIVELY MOVED FROM THE JUNE 7, 2016 PUBLIC HEARING:**

19264  
ANC-3D           **Application of Frances Seymour**, pursuant to 11 DCMR § 3104.1, for a special exception from the accessory dwelling requirements under § 202.10, to establish an accessory dwelling within an existing rear structure in the R-1-B District at premises 5517 Carolina Place N.W. (Square 1449, Lot 97).

**WARD TWO****THIS CASE HAS BEEN ADMINISTRATIVELY MOVED FROM THE JUNE 7, 2016 PUBLIC HEARING:**

19269  
ANC-2E           **Application of Cavit Ozturk**, pursuant to 11 DCMR § 3103.2, for a variance from the FAR requirements under § 771, to allow the construction of a rear addition to an existing commercial building in the C-2-A District at premises 1826 Wisconsin Avenue, N.W. (Square 1298, Lot 830).

**WARD ONE****THIS CASE HAS BEEN POSTPONED FROM THE APRIL 12, 2016 AND JUNE 7, 2016 PUBLIC HEARINGS:**

19224  
ANC-1C           **Appeal of ANC 1C**, pursuant to 11 DCMR §§ 3100 and 3101, from an October 22, 2015 decision by the Zoning Administrator, Department of Consumer and Regulatory Affairs, to issue Building Permit No. B1502005, to convert a one-family dwelling into a four-unit residential building in the R-5-B District at premises 1835 Ontario Place N.W. (Square 2584, Lot 818).



## BZA PUBLIC HEARING NOTICE

JUNE 14, 2016

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WARD ONE**THIS CASE HAS BEEN POSTPONED FROM THE APRIL 12, 2016 AND JUNE 7, 2016 PUBLIC HEARINGS:**

19225            **Appeal of Frederick W. McCarthy III**, pursuant to 11 DCMR §§ 3100 and  
ANC-1C           3101, from an October 22, 2015 decision by the Zoning Administrator,  
Department of Consumer and Regulatory Affairs, to issue Building Permit No.  
B1502005, to convert a one-family dwelling into a four-unit residential building  
in the R-5-B District at premises 1835 Ontario Place N.W. (Square 2584, Lot  
818).

WARD SEVEN**THIS CASE WAS POSTPONED FROM THE HEARINGS OF DECEMBER 22, 2015,  
JANUARY 26, 2016, FEBRUARY 23, 2016, AND APRIL 12, 2016 AT THE APPLICANT'S  
REQUEST:**

19149            **Application of Romi Satoh**, pursuant to 11 DCMR § 3103.2, for a variance  
ANC-7D           from the off-street parking requirements under § 2101.1, to allow an existing  
church to use a separate lot for 13 parking spaces in the R-2 District at premises  
4619 Quarles Street, N.E. (Square 5165, Lot 47).

**PLEASE NOTE:**

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

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

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

## BZA PUBLIC HEARING NOTICE

JUNE 14, 2016

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and comments should be submitted to the Board through the Director, Office of Zoning, 441 4<sup>th</sup> Street, NW, Suite 210, Washington, D.C. 20001. Please include the case number on all correspondence.

*\*Note that party status is not permitted in Foreign Missions cases.*

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

**MARNIQUE Y. HEATH, CHAIRMAN, FREDERICK L. HILL, VICE CHAIRPERSON, JEFFREY L. HINKLE, ANITA BUTANI D'SOUZA, AND A MEMBER OF THE ZONING COMMISSION, CLIFFORD W. MOY, SECRETARY TO THE BZA, SARA A. BARDIN, DIRECTOR, OFFICE OF ZONING.**

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

**TIME AND PLACE:** **Monday, June 20, 2016, @ 6:30 p.m.**  
**Jerrily R. Kress Memorial Hearing Room**  
**441 4<sup>th</sup> Street, N.W., Suite 220-South**  
**Washington, D.C. 20001**

**FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:**

**CASE NO. 15-28 (Foulger-Pratt Development, LLC – Consolidated Review and Approval of a Planned Unit Development and PUD-Related Map Amendment @ Square 772)**

**THIS CASE IS OF INTEREST TO ANC 6C**

On October 30, 2015, the Office of Zoning received an application from Foulger-Pratt Development, LLC (the “Applicant”) requesting approval of a consolidated planned unit development (“PUD”) and a PUD-related map amendment to facilitate the development of 301-331 N Street, N.E. (Square 772, Lots 20-23 & 800) for a mixed-use project. The Office of Planning submitted its report in support of setting the application down for a public hearing on January 29, 2016. On February 8, 2016, the Commission voted to set down the application for a public hearing. The Applicant filed its prehearing statement on March 28, 2016.

The property that is the subject of this application consists of approximately 69,240 square feet of land area. The property is located on the south side of N Street, N.E. between 3<sup>rd</sup> and 4<sup>th</sup> Streets, N.E. The property is located in the C-M-1 Zone District. The Applicant seeks a PUD-related map amendment to the C-3-C Zone District. The property is located in the mixed-use Medium-Density Commercial/Medium-Density Residential/Production, Distribution and Repair land use category on the Future Land Use Map of the District of Columbia Comprehensive Plan.

The Applicant proposes to develop the property into a project of two integrated buildings with a mix of uses. The east building will contain residential and ground floor retail uses, and the west building will contain residential, hotel, office, and ground-floor retail uses. In total, the project will contain approximately 366 residential units, approximately 175 hotel rooms, and approximately 250 underground parking spaces. The overall floor area ratio of the project will be approximately 6.65, and the maximum building height will be 120 feet.

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

**How to participate as a witness.**

Interested persons or representatives of organizations may be heard at the public hearing. The Commission also requests that all witnesses prepare their testimony in writing, submit the written

testimony prior to giving statements, and limit oral presentations to summaries of the most important points. The applicable time limits for oral testimony are described below. Written statements, in lieu of personal appearances or oral presentation, may be submitted for inclusion in the record.

**How to participate as a party.**

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

A party has the right to cross-examine witnesses, to submit proposed findings of fact and conclusions of law, to receive a copy of the written decision of the Zoning Commission, and to exercise the other rights of parties as specified in the Zoning Regulations.

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

**If an affected Advisory Neighborhood Commission (ANC), pursuant to 11 DCMR § 3012.5, intends to participate at the hearing, the ANC shall also submit the information cited in § 3012.5 (a) through (i). The written report of the ANC shall be filed no later than seven (7) days before the date of the hearing.**

All individuals, organizations, or associations wishing to testify in this case are encouraged to inform the Office of Zoning their intent to testify prior to the hearing date. This can be done by mail sent to the address stated below, e-mail ([donna.hanousek@dc.gov](mailto:donna.hanousek@dc.gov)), or by calling (202) 727-0789.

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

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

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

Written statements, in lieu of oral testimony, may be submitted for inclusion in the record. The public is encouraged to submit written testimony through the Interactive Zoning Information

System (IZIS) at <http://app.dcoz.dc.gov/Login.aspx>; however, written statements may also be submitted by mail to 441 4<sup>th</sup> Street, N.W., Suite 200-S, Washington, DC 20001; by e-mail to [zcsubmissions@dc.gov](mailto:zcsubmissions@dc.gov); or by fax to (202) 727-6072. Please include the case number on your submission. **FOR FURTHER INFORMATION, YOU MAY CONTACT THE OFFICE OF ZONING AT (202) 727-6311.**

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

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

**TIME AND PLACE:** **Thursday, June 16, 2016, @ 6:30 p.m.**  
**Jerrily R. Kress Memorial Hearing Room**  
**441 4<sup>th</sup> Street, N.W., Suite 220**  
**Washington, D.C. 20001**

**FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:**

**Z.C. Case No. 15-29 (Jemal’s Gateway DC, LLC – Consolidated PUD & Related Map Amendment @ Square 2960, Lot 17)**

**THIS CASE IS OF INTEREST TO ANCs 4A and 4B**

On November 4, 2015, the Office of Zoning received an application from Jemal’s Gateway DC, LLC (the "Applicant") requesting approval of a consolidated planned unit development ("PUD") and related zoning map amendment from the C-2-A/R-1-B Zone Districts to the C-2-B Zone District for property located at Square 2960, Lot 17 (the "Property"). The Office of Planning submitted a report to the Zoning Commission, dated January 15, 2016. At its February 8, 2016 public meeting, the Zoning Commission voted to set down the application for a public hearing. The Applicant provided its prehearing statement on March 24, 2016.

The Property that is the subject of this application is bounded by Eastern Avenue, N.W. to the northeast, Georgia Avenue and Alaska Avenue, N.W., to the east, Kalima Road, N.W. to the south, and a private road and private property to the west. The Property has a land area of approximately 87,522 square feet and is presently improved with two one-story buildings and related surface parking. The Property is located in Ward 4 and is within the boundaries of Advisory Neighborhood Commission ("ANC") 4A.

The Applicant proposes to construct a mixed-use multi-family building composed of retail and residential uses, with a full-service grocery store at the ground level. The PUD will have a density of approximately 3.12 floor area ratio ("FAR") and will include a total of approximately 273,308 square feet of gross floor area. Approximately 189,099 square feet of gross floor area will be devoted to residential use and approximately 56,079 square feet of gross floor area will be devoted to retail use. Of the total residential gross floor area, approximately 4% will be devoted to low-income households earning up to 50% of the area medium income ("AMI"), and approximately 4% will be devoted to moderate-income households earning up to 80% of the AMI.

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

**How to participate as a witness.**

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

**How to participate as a party.**

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

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

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

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

All individuals, organizations, or associations wishing to testify in this case are encouraged to inform the Office of Zoning their intent to testify prior to the hearing date. This can be done by mail sent to the address stated below, e-mail ([donna.hanousek@dc.gov](mailto:donna.hanousek@dc.gov)), or by calling (202) 727-0789.

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

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

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

Written statements, in lieu of oral testimony, may be submitted for inclusion in the record. The public is encouraged to submit written testimony through the Interactive Zoning Information System (IZIS) at <http://app.dcoz.dc.gov/Login.aspx>; however, written statements may also be submitted by mail to 441 4<sup>th</sup> Street, N.W., Suite 200-S, Washington, DC 20001; by e-mail to [zcsubmissions@dc.gov](mailto:zcsubmissions@dc.gov); or by fax to (202) 727-6072. Please include the case number on your submission. **FOR FURTHER INFORMATION, YOU MAY CONTACT THE OFFICE OF ZONING AT (202) 727-6311.**

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



OFFICE OF ADMINISTRATIVE HEARINGS

NOTICE OF FINAL RULEMAKING

The Chief Administrative Law Judge of the Office of Administrative Hearings (OAH), pursuant to the authority set forth in Sections 8(a)(7) and 8(b)(7) of the Office of Administrative Hearings Establishment Act of 2001, effective March 6, 2002 (D.C. Law 14-76; D.C. Official Code §§ 2-1831.05(a)(7) and (b)(7) (2012 Repl.)), hereby gives notice of the adoption of the following rulemaking to amend Chapter 28 (Office of Administrative Hearings Rules of Practice and Procedure) and Chapter 29 (Office of Administrative Hearings: Rules for DCPS, Rental Housing, Public Benefits, and Unemployment Insurance Cases) of Title 1 (Mayor and Executive Agencies) of the District of Columbia Municipal Regulations (DCMR).

These rules are a comprehensive revision of the existing OAH Rules of Procedure. They simplify and standardize the language of the previous OAH rules and make several changes to existing OAH practices.

A Notice of Emergency and Proposed Rulemaking was published in the *D.C. Register* on November 6, 2015 at 62 DCR 014365. Comments were received and changes were made, and a Notice of Second Emergency and Proposed Rulemaking was published in the *D.C. Register* on February 19, 2016 at 63 DCR 001919. No comments were received, and no changes have been made from the last proposed rulemaking.

The rules were adopted as final on March 23, 2016 and will become effective upon publication of this notice in the *D.C. Register*.

**Chapter 28, OFFICE OF ADMINISTRATIVE HEARINGS RULES OF PRACTICE AND PROCEDURE of Title 1 DCMR, MAYOR AND EXECUTIVE AGENCIES, is repealed in its entirety and replaced with:**

**CHAPTER 28 OFFICE OF ADMINISTRATIVE HEARINGS RULES OF PRACTICE AND PROCEDURE**

**Sections**

- 2800 SCOPE OF CHAPTER**
- 2801 APPLICABILITY OF DISTRICT OF COLUMBIA SUPERIOR COURT RULES OF CIVIL PROCEDURE**
- 2802 BEGINNING A CASE AT OAH**
- 2803 BEGINNING A CIVIL FINE CASE**
- 2804 ANSWERS IN CIVIL FINE CASES**
- 2805 DEFAULTS IN CIVIL FINE CASES**
- 2806 PAYMENT PLANS IN CIVIL INFRACTIONS ACT CASES**
- 2807 ABATEMENT COST REQUESTS**
- 2808 BEGINNING A CASE BY REQUESTING A HEARING**
- 2809 FILING OF PAPERS**

- 2810 IDENTIFICATION OF PARTIES  
 2811 HOW TO SERVE A PAPER  
 2812 CALCULATING DEADLINES  
 2813 MOTIONS PROCEDURE  
 2814 REPRESENTATIONS TO OAH  
 2815 MEDIATION  
 2816 SUBSTITUTION, ADDITION, AND INTERVENTION OF PARTIES  
 2817 VOLUNTARY DISMISSALS OF CASES  
 2818 INVOLUNTARY DISMISSALS AND DEFAULTS  
 2819 SUMMARY ADJUDICATION  
 2820 CONSOLIDATION AND SEPARATE HEARINGS  
 2821 HEARINGS AND EVIDENCE  
 2822 BURDEN OF PROOF  
 2823 LANGUAGE INTERPRETATION  
 2824 SUBPOENAS FOR WITNESSES AND FOR DOCUMENTS AT  
 HEARINGS  
 2825 DISCOVERY  
 2826 SANCTIONS  
 2827 TRANSCRIPTS; CITATION AND COSTS  
 2828 REQUESTING RECONSIDERATION, A NEW HEARING, OR RELIEF  
 FROM A FINAL ORDER  
 2829 CLERICAL MISTAKES  
 2830 APPEALS  
 2831 INABILITY OF AN ADMINISTRATIVE LAW JUDGE TO PROCEED  
 2832 RECUSAL; ETHICS COMPLIANCE  
 2833 REPRESENTATION BY ATTORNEYS AND LAW STUDENTS  
 2834 WITHDRAWAL OF APPEARANCE BY AN ATTORNEY  
 2835 REPRESENTATION BY NON-ATTORNEYS  
 2836 A PANEL OF THREE ADMINISTRATIVE LAW JUDGES  
 2837 AMICUS CURIAE OR “FRIEND OF THE COURT” SUBMISSIONS  
 2838 COURTROOM PROCEDURE  
 2839 AGENCY CASELOAD PROJECTIONS  
 2840 CHIEF ADMINISTRATIVE LAW JUDGE RESPONSIBILITIES  
 2841 FILING AND SERVICE BY E-MAIL; OTHER ELECTRONIC  
 SUBMISSIONS  
 2899 GENERAL DEFINITIONS  
  
 2800 SCOPE OF CHAPTER  
  
 2800.1 This chapter contains general rules of procedure for the Office of Administrative  
 Hearings (OAH). Chapter 29 of these Rules contains rules for rental housing,  
 public benefits, and unemployment insurance cases.  
  
 2800.2 These Rules do not extend or limit the jurisdiction of OAH.

- 2800.3 These Rules shall be used to secure the fair, speedy, and inexpensive determination of every case.
- 2800.4 No Administrative Law Judge shall maintain standing, chamber, or other individual rules. However, an Administrative Law Judge may issue procedural orders in individual cases.
- 2800.5 These Rules (Chapters 28 and 29) may be cited as “OAH Rule \_\_\_\_\_,” without reference to the District of Columbia Municipal Regulations (DCMR).
- 2800.6 These Rules control all procedures at OAH. No procedural rules adopted by any other District of Columbia government agency apply in cases at OAH.
- 2800.7 These Rules apply to all cases filed on or after January 1, 2011. If it is just and practical, these Rules also apply in any case pending on that date.

**2801 APPLICABILITY OF DISTRICT OF COLUMBIA SUPERIOR COURT RULES OF CIVIL PROCEDURE**

- 2801.1 Where these Rules do not address a procedural issue, an Administrative Law Judge may be guided by the District of Columbia Superior Court Rules of Civil Procedure to decide the issue.

**2802 BEGINNING A CASE AT OAH**

- 2802.1 The Government may begin a case at OAH by filing a Notice of Infraction or Notice of Violation as described in Section 2803.
- 2802.2 Any party also may begin a case at OAH by filing a request for a hearing as described in Section 2808.
- 2802.3 Rules for how to begin rental housing, public benefits and unemployment insurance cases are in Chapter 29.

**2803 BEGINNING A CIVIL FINE CASE**

- 2803.1 Sections 2803 through 2807 establish procedures for cases in which the Government seeks payment of a civil fine.
- 2803.2 When the Government is seeking a civil fine, it must file a Notice of Infraction or a Notice of Violation, as authorized by law, at the OAH. The Government may not file a Notice of Infraction, under the Civil Infractions Act, without complying with Subsection 2803.5, and may not file a Notice of Violation, under the Litter Control Administration Act, without complying with Subsection 2803.8.

- 2803.3 The Government must provide a copy of the Notice of Infraction or Notice of Violation to the Respondent (the person or entity that the Government wants to pay the fine) in the manner specified in the Civil Infractions Act, the Litter Control Administration Act, the District of Columbia Taxicab Commission Establishment Act of 1985 (DCTC Act), or other applicable law.
- 2803.4 If a Respondent files an answer before the Government files a Notice of Infraction or a Notice of Violation, OAH will open a case. The Administrative Law Judge may require the Government to file the original Notice of Infraction or Notice of Violation.
- 2803.5 In a Civil Infractions Act case filed on or after October 1, 2010, if the Government sends a Notice of Infraction to the Respondent by first-class mail, the Government may not file the Notice of Infraction until at least fifteen (15) calendar days after the date that it mailed the Notice of Infraction. When it files the Notice of Infraction, the Government also must file an affidavit, on a form approved by the Chief Administrative Law Judge, verifying that the United States Postal Service (USPS) did not return the Notice of Infraction to the Government.
- 2803.6 If the USPS returns a Notice of Infraction to the Government after it has filed the affidavit required by Subsections 2803.5 or 2803.11(b), the Government must notify OAH by filing a new affidavit, on a form approved by the Chief Administrative Law Judge.
- 2803.7 If the USPS returns the Notice of Infraction to the Government, the Government may file proof of any alternative service of the Notice of Infraction.
- 2803.8 In a Litter Control Administration Act case, if the Government sends a Notice of Violation to a Respondent by certified mail, the Government must file a copy of a signed certified mail receipt or other proof that the USPS delivered the Notice of Violation to the Respondent's address. If the USPS returns the certified mail to the Government, the Government may file proof of any alternative service of the Notice of Violation.
- 2803.9 When it files a Notice of Infraction or a Notice of Violation, the Government must file a copy of all exhibits it expects to offer at any hearing in the case and must provide a copy of each exhibit to the Respondent. An Administrative Law Judge may allow the Government to use exhibits that it did not file or provide in accordance with this subsection if there is no prejudice to the Respondent.
- 2803.10 OAH may dismiss or may refuse to accept for filing any Notice of Infraction or Notice of Violation that does not comply with the applicable law or these Rules.
- 2803.11 When the District of Columbia Taxicab Commission (DCTC) is seeking civil fines or sanctions under the "District of Columbia Taxicab Commission Establishment Act of 1985," effective March 25, 1986, as amended (D.C. Law 6-97; D.C. Official Code §§ 50-301 *et seq.*) ("DCTC Act"),

- (a) DCTC may file a Notice of Infraction by entering it in the automatic ticket database presently maintained by the Department of Motor Vehicles (DMV). The day the Notice of Infraction data is entered into the DMV database shall be deemed the date of filing of the Notice of Infraction with OAH;
- (b) If DCTC serves a Notice of Infraction by first-class mail, DCTC may not file the Notice of Infraction with OAH until at least fifteen (15) calendar days after the date it mailed the Notice of Infraction. When it files the Notice of Infraction with OAH, DCTC must also file an affidavit, on a form approved by the Chief Administrative Law Judge, verifying that the USPS did not return the Notice of Infraction to DCTC;
- (c) If DCTC issues a Notice of summary or proposed denial, revocation, suspension or modification of a license, a Notice to cease and desist, or a Notice to take action, DCTC shall file the Notice with OAH promptly and serve it in the manner provided under the DCTC Act and implementing regulations. OAH will schedule a hearing as required by law or on the request of the Respondent;
- (d) If DCTC takes other actions under the DCTC Act or implementing regulations appealable to OAH, DCTC shall file the relevant Notice, Order, or Action with OAH and serve it in the manner provided under the DCTC Act and implementing regulations. If the DCTC Act and implementing regulations do not specify a manner of service, DCTC shall follow Subsection (b) above.

2803.12 When a Notice of Infraction is issued from a hand-held electronic device, no signature of an issuing officer shall be required; provided, that the officer's printed name, department, and badge number appear legibly on the face of the Notice of Infraction.

#### **2804 ANSWERS IN CIVIL FINE CASES**

2804.1 To answer a Notice of Infraction or a Notice of Violation (both "Notice"), a Respondent should file the Respondent's copy of the Notice at OAH, or in DCTC cases filed in the DMV automatic ticket database, the Respondent shall answer according to the instructions on the back of the Notice of Infraction. The Respondent shall indicate on the Notice whether the Respondent's answer is Admit, Admit with Explanation, or Deny.

2804.2 If a Respondent does not file the Respondent's copy of the Notice, a written answer will be sufficient if it contains both the number of the Notice and a statement whether the Respondent's answer is Admit, Deny, or Admit with Explanation.

- 2804.3 A Respondent is not required to send a copy of the answer to the Government. OAH will send the Government a copy of every answer of Deny or Admit with Explanation. In DCTC cases filed in the DMV automatic ticket database, the Government has access to answers of Deny or Admit with Explanation in that database.
- 2804.4 A Respondent whose answer is Admit shall pay the fine specified on the Notice when filing the answer.
- 2804.5 If a Respondent's answer is Deny, OAH ordinarily will schedule a hearing and will notify the Respondent and Government, in writing, of the hearing date and time. The hearing order will contain additional information about procedures for the hearing. In DCTC cases filed in the DMV automatic ticket database, OAH will notify DCTC in writing of the hearing date and time selected by Respondent or by calendaring the hearing in the DMV database. In DCTC cases filed in the DMV database, if Respondent did not select the date and time of the hearing, OAH shall notify the Respondent in writing of the date and time of the hearing.
- 2804.6 If a Respondent's answer is Deny, after notice and opportunity to respond, an Administrative Law Judge may decide a case based on the papers submitted, without an in-person hearing, if a hearing is unnecessary.
- 2804.7 At least five (5) calendar days before any hearing date, the Respondent shall file at OAH copies of all exhibits that the Respondent intends to ask the Administrative Law Judge to consider at the hearing. At the same time, the Respondent shall send copies of those exhibits to the Government. In DCTC cases filed in the DMV automatic ticket database, the Respondent may file copies of all such exhibits in the DMV database without sending copies to DCTC. An Administrative Law Judge may allow a Respondent to use exhibits at a hearing that the Respondent did not file or provide to the Government before the hearing if there is no prejudice to the Government.
- 2804.8 If a Respondent's answer is Admit with Explanation, a Respondent shall submit a written explanation stating why the Respondent believes the Administrative Law Judge should reduce or suspend the fine or any penalty. The Respondent also shall submit any papers, photographs, or other materials supporting the Respondent's explanation. In DCTC cases filed in the DMV automatic ticket database, Respondent may file any materials supporting the answer of Admit with Explanation through the DMV database.
- 2804.9 OAH will send a copy of an answer of Admit with Explanation and supporting materials to the Government, and will allow the Government twenty-one (21) calendar days to reply. The Government must send the Respondent a copy of everything the Government files in reply. In DCTC cases filed in the DMV automatic ticket database, the Government has access to the answer of Admit with Explanation and Respondent's supporting materials through the DMV database.

Any reply by DCTC must be filed in the DMV database and also provided to the Respondent.

- 2804.10 The Administrative Law Judge shall decide Admit with Explanation cases by considering all the materials filed by the parties, including the exhibits filed with the Notice, Respondent's explanation and supporting materials, and the Government's reply and supporting materials. The Administrative Law Judge will not hold a hearing, unless the parties' materials are not sufficient to allow him or her to decide the case.
- 2804.11 In an Admit with Explanation case, the Administrative Law Judge shall dismiss the Notice if he or she determines that the Respondent did not commit or is not responsible for the violation charged.
- 2804.12 In all civil fine cases, an Administrative Law Judge shall not impose a fine that exceeds the fine amount the Government requests.
- 2804.13 In a case involving (a) a denial, revocation, suspension, or modification of a license issued under the DCTC statute; or (b) any other order or action authorized under the DCTC Act, other than a Notice of Infraction, OAH will schedule a hearing as required by law or on the request of the Respondent. If the Respondent requests a hearing, OAH shall schedule the hearing as required by law or as soon as practicable. If the Respondent does not appear for a hearing, the Administrative Law Judge may suspend the hearing and close the case.

## **2805 DEFAULTS IN CIVIL FINE CASES**

- 2805.1 This section contains rules for deciding civil fine cases in which the Respondent does not file an answer. There are separate procedures for Civil Infractions Act cases, Litter Control Administration Act cases, and other cases, because the law establishes different requirements for each of those cases.
- 2805.2 In a Civil Infractions Act case filed on or before September 30, 2010, if a Respondent fails to answer a Notice of Infraction within the time allowed by law, the Government must issue a second Notice of Infraction, as required by the Civil Infractions Act. OAH also may issue a notice of default. The notice of default shall inform the Respondent of any penalty provided by law, and shall direct the Government to issue a second Notice of Infraction.
- 2805.3 In a Civil Infractions Act case filed on or before September 30, 2010, if the Government fails to file a second Notice of Infraction within thirty (30) calendar days after a notice of default is served, an Administrative Law Judge may dismiss the charge against the Respondent.

2805.4 In a Civil Infractions Act case filed on or before September 30, 2010, if a Respondent fails to answer a second Notice of Infraction within the time allowed by law, an Administrative Law Judge shall determine whether:

- (a) The Government has submitted evidence of proper service; and
- (b) Each Notice of Infraction meets all legal requirements on its face.

If so, the Administrative Law Judge shall find the Respondent in default and shall impose the legally authorized fine and penalty. If not, the Administrative Law Judge shall dismiss both Notices of Infraction without prejudice.

2805.5 In a Civil Infractions Act case filed on or after October 1, 2010, and in a Litter Control Administration Act case, if a Respondent fails to answer within the time allowed by law, an Administrative Law Judge shall determine whether:

- (a) The Government has submitted evidence of proper service; and
- (b) The Notice of Infraction or Notice of Violation meets all legal requirements on its face.

If so, the Administrative Law Judge shall find the Respondent in default and shall impose the legally authorized fine and penalty. If not, the Administrative Law Judge shall dismiss the Notice of Infraction or Notice of Violation without prejudice.

2805.6 In a Civil Infractions Act case filed on or after October 1, 2010, or in DCTC cases filed under Subsection 2803.11(b), if the USPS returns an order finding the Respondent in default to the Clerk's Office, for reasons that call into question the accuracy of any affidavit filed under Subsection 2803.5 or Subsection 2803.11(b), (for example, "no such address," "addressee unknown"), an Administrative Law Judge shall issue an order requiring the Government to show why the default order should not be vacated. If the Government does not respond with sufficient evidence showing that it mailed the Notice of Infraction to a valid address for the Respondent, the default order shall be vacated and the Notice of Infraction shall be dismissed.

2805.7 In default cases brought under the DCTC Act or acts other than the Civil Infractions Act or the Litter Control Administration Act, the procedure shall be consistent with the applicable law and shall ensure that:

- (a) There is sufficient evidence of proper service on the Respondent; and
- (b) The charging document meets all legal requirements on its face.



A Respondent who fails to answer shall be held in default and must pay the legally authorized fine and penalty. If the Administrative Law Judge does not find the Respondent in default, the Administrative Law Judge shall dismiss the Notice without prejudice.

## **2806 PAYMENT PLANS IN CIVIL INFRACTIONS ACT CASES**

- 2806.1 If an Administrative Law Judge has imposed monetary sanctions under the Civil Infractions Act, a Respondent may request to pay the monetary sanctions in installments. An Administrative Law Judge may permit installment payments for no more than six months beyond the date of the final order and may charge a fee of one percent (1%) per month of the outstanding amount.
- 2806.2 In requesting a payment plan under this section, a Respondent shall state, in writing, the reasons for seeking a payment plan, the length of time requested, and why Respondent cannot afford to pay the entire monetary sanction in a lump sum.
- 2806.3 A Respondent must file with OAH and serve on the Government a request for a payment plan within thirty (30) calendar days of the service of the final order.
- 2806.4 The Government may file with OAH a response to a request for a payment plan within five (5) calendar days of the service of the request.

## **2807 ABATEMENT COST REQUESTS**

- 2807.1 Before or after an Administrative Law Judge has issued a final order finding a Respondent liable for a violation of the Litter Control Administration Act, the Government may file a motion to require the Respondent to pay abatement costs. The Government must file the motion, with an itemization, not later than one hundred twenty (120) calendar days after service of a final order.
- 2807.2 A Respondent may request a hearing on the Government's motion. The request must be in writing and must be filed within thirty (30) calendar days after the Government serves its motion.
- 2807.3 If a Respondent timely requests a hearing on the Government's motion, the presiding Administrative Law Judge shall hold a hearing on the issue of abatement costs, which may be consolidated with any hearing on the violation. If an Administrative Law Judge has held a separate hearing on the violation and found the Respondent liable for the violation, or if the Respondent has admitted liability, or if an Administrative Law Judge has found the Respondent in default, the Respondent may not have another hearing on liability for the violation.
- 2807.4 If a Respondent does not file a timely request for a hearing on the Government's motion, the Administrative Law Judge may:

- (a) Decide, based on the papers filed, whether the Government is entitled to recover abatement costs and their amount; or
- (b) Before deciding the issue, order the Government and the Respondent to appear for a hearing on the issue.

**2808 BEGINNING A CASE BY REQUESTING A HEARING**

- 2808.1 Unless a statute or these Rules describe a different way to begin a case, a party seeking a hearing at OAH must file a request for hearing in writing.
- 2808.2 The request for hearing need not follow any specific format, although blank forms are available from the Clerk's office. A request for hearing should contain the following information:
- (a) A short description of your dispute;
  - (b) A description of what you want the judge to do;
  - (c) Any key dates that are involved;
  - (d) A copy of any ruling or decision that you are disputing or appealing;
  - (e) Your full name, address, and telephone and fax numbers; and
  - (f) If known, the full name, address, and telephone and fax numbers of every other party involved in the dispute.
- 2808.3 Parties must pay close attention to any deadlines for filing hearing requests. The deadlines are set by statute, regulations, or agency rules other than these Rules, and not by OAH.
- 2808.4 A party requesting a hearing in a Child Support Services Division (CSSD) enforcement action must file a copy of the Order of Condemnation or other proof that CSSD has issued an Order of Condemnation.
- 2808.5 Any hearing request to appeal a proposed tax assessment, other than a proposed real property tax assessment, must be filed with OAH and sent to the District of Columbia Office of Tax and Revenue. The hearing request should state the type of tax (for example, personal, business, or franchise), tax year(s), and amount of tax appealed. The hearing request should include a copy of the proposed tax assessment.
- 2808.6 Any hearing request to appeal a decision concerning a Certificate of Need must be filed with OAH and sent to the Director of the State Health Planning and Development Agency (SHPDA) in the Department of Health. SHPDA must

transfer the agency record of the proceedings to OAH within thirty (30) calendar days of service of the request for hearing.

## **2809 FILING OF PAPERS**

2809.1 A “paper” means any pleading, motion, exhibit or witness list, or any other written submission filed with OAH.

2809.2 Any paper filed at OAH must be legible and signed by a party or a party’s representative. A conformed signature, as defined in Section 2899, will only be accepted on a paper filed by email as authorized by Section 2841.

2809.3 To file any paper at OAH, a person must bring, mail, fax, email, or have the paper delivered to the Clerk’s office during regular business hours from 9:00 a.m. to 5:00 p.m. on a business day. A paper is filed on the day the Clerk’s office receives it during business hours, except as provided in Subsection 2809.5 below. Any paper filed by email must comply with Section 2841.

2809.4 The filing date of a fax transmission will be determined as follows:

- (a) The filing date is the date on which the fax is received in the Clerk’s office between the hours of 9:00 a.m. and 5:00 p.m. If a paper is received on a date or at a time when the Clerk’s office is not open, the paper shall be deemed to have been filed when the Clerk’s office is next open.
- (b) A party filing a paper by fax is responsible for delay, disruption, interruption of electronic signals, and legibility of the paper, and accepts the risk that the paper may not be filed.
- (c) Any incomplete or illegible fax will not be considered received unless a hard copy of the fax is filed or a complete and legible fax is received within three (3) calendar days of the first transmission. In a response to a motion, the Administrative Law Judge may extend this time.

## **2810 IDENTIFICATION OF PARTIES**

2810.1 Any paper filed at OAH should contain the name, address, telephone number, and fax number, if any, of the person who files it.

2810.2 Any paper filed at OAH by an attorney or other representative must identify the represented party and must contain the District of Columbia Bar number, if any, of the attorney.

2810.3 A party, attorney, or representative must notify the Clerk and all other parties in writing of any change in address, telephone number, or fax number within three (3) calendar days of the change.

2810.4 The most recent contact information provided by a party, attorney, or other representative under this Section shall be considered correct. A party or representative who does not keep an address current may fail to receive orders and may lose the case as a result.

2810.5 The Clerk may reject, or an Administrative Law Judge may strike, any paper that does not comply with this section.

## **2811 HOW TO SERVE A PAPER**

2811.1 “Service” of a paper or to “serve” a paper means to send or deliver it as set forth in this section.

2811.2 Every paper filed at OAH shall be served on the other parties or their attorneys or representatives no later than the day it is filed with OAH. Exceptions may be identified in these Rules, by statute, or by OAH order.

2811.3 Unless otherwise ordered by an Administrative Law Judge or agreed by the parties, service shall be by delivering a copy, mailing a copy, faxing a copy, or sending a copy by commercial carrier.

2811.4 Service by delivery means:

- (a) Handing a copy to the party or a representative;
- (b) Leaving it at the party’s or representative’s place of business with an employee; or
- (c) Leaving it at the party’s residence with an adult who lives there.

2811.5 Service by mail means mailing a properly addressed copy with first-class postage by depositing it with the United States Postal Service.

2811.6 Service by fax means faxing a legible copy to the correct fax number and receiving confirmation of transmission.

2811.7 Service by commercial carrier means giving a copy properly addressed to the commercial carrier with the cost of delivery pre-paid for delivery within three (3) calendar days.

2811.8 Parties may agree, in writing, to other means of service and may withdraw their agreement in writing.

2811.9 Any paper filed must include a signed statement that the paper was served on the parties. Such a statement is known as a “certificate of service.” The certificate of

service shall identify the individual serving the paper, the parties served and their addresses, the way it was served, and the date served.

2811.10 The Clerk may reject, or an Administrative Law Judge may strike, a paper if a party fails to file a certificate of service with the paper.

2811.11 Actual receipt of a paper shall bar any claim of defective service except for a claim of late service.

## **2812 CALCULATING DEADLINES**

2812.1 This section applies to all time periods established by these Rules, by an order, or by any applicable law.

2812.2 In computing any time period measured in days, the day of the act, event, or default from which the period begins to run shall not be included.

2812.3 For any time period measured in days, the last day of the period shall be included unless OAH is closed on that day. In that case, the period runs until the end of the next day on which OAH is open.

2812.4 In computing any time period measured in hours, no hours shall be excluded from the computation, except as provided in this subsection:

- (a) If any period expires before 10:00 a.m. on any day OAH is open, the period shall be extended to 10:00 a.m. on that day.
- (b) If any period expires after 4:00 p.m. on any day, the period shall be extended to 10:00 a.m. on the next day OAH is open.
- (c) If any period expires on a day OAH is closed, the period shall be extended to 10:00 a.m. on the next day OAH is open.

2812.5 When a party may or must act within a specified time period after service, and service is made by United States mail, commercial carrier, or District of Columbia Government inter-agency mail, five (5) calendar days are added after the period would otherwise expire, unless a statute or regulation provides otherwise.

2812.6 When a party may or must act within a specified time period, an Administrative Law Judge for good cause shown may reduce the time or extend it, even after the period has expired, except for any period prescribed by law, or any period provided under Sections 2806 and 2828.

2812.7 Any reference to “days” in an OAH order means calendar days unless specifically designated as business days in the order.

**2813 MOTIONS PROCEDURE**

2813.1 A “motion” is a request for an Administrative Law Judge to take some action.

2813.2 Unless made during a hearing, all motions shall be in writing. Without permission from an Administrative Law Judge, no motion or brief shall exceed twenty (20) double-spaced typed pages in length, excluding exhibits. The font size shall be a minimum of twelve (12) points, with no less than one-inch (1”) margins. The first page of every motion should contain: the parties’ names, the case number, and the name of the presiding Administrative Law Judge, if known. Every motion shall state the legal and factual reasons for the motion and shall say what the party wants the Administrative Law Judge to do.

2813.3 When a motion is based on information not on the record, a party may support or oppose the motion with affidavits, declarations, or other papers. An Administrative Law Judge may order a party to file supporting affidavits, declarations, or other papers.

2813.4 Except as otherwise ordered by an Administrative Law Judge, a separate memorandum of points and authorities need not be filed with a motion.

2813.5 Before filing any motion (except a motion for summary adjudication, to dismiss, for reconsideration, relief from final order, or for sanctions), a party must make a good faith effort to ask all other parties if they agree to the motion.

(a) A “good faith effort” means a reasonable attempt, considering all the circumstances, to contact a party or representative in person, by telephone, by fax, by email, or by other means.

(b) Contact by mail is a good faith effort only if no other means is reasonably available (for example, not having another party’s telephone number or email address).

(c) By itself, serving a party with the motion is not a good faith effort.

(d) When this subsection requires a good faith effort, the motion must describe that effort and say whether all other parties agreed to the motion.

(e) If a party fails to comply with this Subsection, an Administrative Law Judge may deny the motion without prejudice.

2813.6 Unless otherwise provided by these rules or ordered by an Administrative Law Judge, all parties opposing a motion shall have eleven (11) calendar days from the service of the motion to file and serve a response. No further filings related to the motion are permitted unless ordered by an Administrative Law Judge.

- 2813.7 The Administrative Law Judge may decide any motion without holding a hearing.
- 2813.8 Parties and counsel should not assume that a motion to extend time, to continue a hearing, or to seek other relief will be granted. If a party does not receive notice from OAH, it is the party's obligation to contact OAH to determine whether an Administrative Law Judge has acted on the motion.

## **2814 REPRESENTATIONS TO OAH**

- 2814.1 A party or representative who files a paper with OAH certifies in good faith that:
- (a) The party or representative has read the paper;
  - (b) The party or representative is not presenting it for any improper purpose, such as to harass, to cause unnecessary delay, or to increase the cost of litigation needlessly;
  - (c) Any legal claims are consistent with existing law or a good faith argument to change existing law; and
  - (d) Any factual claims have or are likely to have evidentiary support.
- 2814.2 If, after notice and an opportunity to respond, an Administrative Law Judge determines that an attorney or representative has violated this section, the Administrative Law Judge may impose sanctions, including those authorized by Subsections 2833.7 and 2835.12.

## **2815 MEDIATION**

- 2815.1 Mediation is a process of assisted, informal negotiation which uses a neutral third party, the mediator, to aid the parties in exploring the possibility of settlement. No party may be compelled to accept a settlement or other resolution of the dispute in mediation.
- 2815.2 At any time during case proceedings, an Administrative Law Judge may refer a case for mediation to a qualified mediator with or without the consent of the parties. Any party may request an Administrative Law Judge to refer a case for mediation.
- 2815.3 Mediations are confidential and closed to the public. Mediations may not be recorded electronically or in any other manner, with or without the consent of the parties. Evidence of anything that occurs during mediation sessions and documents prepared exclusively for or during mediation, may not be introduced into evidence or otherwise disclosed to the presiding Administrative Law Judge. Nothing in this subsection prohibits the introduction or disclosure of information or evidence that any party obtained outside of mediation.

- 2815.4 The mediator may speak privately with any party or any representative during the mediation process.
- 2815.5 The mediator shall not disclose anything that occurs at mediation to the presiding Administrative Law Judge except to report without elaboration:
- (a) Whether the parties reached an agreement; and, if not
  - (b) Whether he or she believes further mediation would be productive.
- 2815.6 The mediator may not be called to testify, participate in discovery, or otherwise provide information in any subsequent proceeding related to the mediation.
- 2815.7 An Administrative Law Judge who conducts mediation may not be the Administrative Law Judge in any subsequent proceedings for the case, but, with the consent of the parties, may issue an order on procedural matters concerning the mediation or reflecting any agreement reached during the mediation.
- 2815.8 All parties or their representatives must appear for any mediation session. Any representative who appears must have authority to resolve the case.
- 2815.9 If a party or representative fails to appear at a scheduled mediation session without good cause, the mediator shall notify the presiding Administrative Law Judge who may impose sanctions.

## **2816 SUBSTITUTION, ADDITION, AND INTERVENTION OF PARTIES**

- 2816.1 After proper notice and an opportunity to be heard, an Administrative Law Judge may substitute a person or entity for a named party, or may add parties to a case.
- 2816.2 Anyone who has an interest in the subject matter of a pending case and contends that the representation of his or her interest is inadequate may file a motion to intervene. After proper notice and an opportunity to be heard, an Administrative Law Judge may allow an interested person or entity to intervene.
- 2816.3 If an Administrative Law Judge grants a motion for leave to intervene, the intervenor may participate to the extent allowed by the Administrative Law Judge.
- 2816.4 No person or entity may intervene as a co-Petitioner with the Government in any enforcement action where the Government seeks a fine unless a statute allows it.
- 2816.5 A person or entity to which the Government has properly delegated a governmental function may request to intervene, but may not be substituted for the Government.



**2817 VOLUNTARY DISMISSALS OF CASES**

- 2817.1 The party initiating the case may move to dismiss the case at any time, and the Administrative Law Judge may grant the motion without waiting for a response from the opposing side.
- 2817.2 An opposing party who objects to the voluntary dismissal of a case may file a motion for reconsideration as provided in Section 2828.
- 2817.3 The parties may file a joint motion for dismissal of a case with or without prejudice.
- 2817.4 Dismissal under this Section shall be without prejudice, unless an Administrative Law Judge orders otherwise. A dismissal with prejudice may occur:
- (a) If the party requesting dismissal has previously dismissed the claim;
  - (b) If the motion for dismissal is made pursuant to a settlement that does not specifically require dismissal without prejudice; or
  - (c) In order to prevent harm to the other side.

**2818 INVOLUNTARY DISMISSALS AND DEFAULTS**

- 2818.1 Except as provided in Subsection 2818.2, if the party initiating a case fails to comply with an Administrative Law Judge's order or these Rules or otherwise fails to prosecute the case, the Administrative Law Judge may, on his or her own motion or on the motion of the opposing party, dismiss all or part of the case. Dismissal will ordinarily be with prejudice unless the Administrative Law Judge finds good cause to dismiss without prejudice.
- 2818.2 Dismissals for defective service will ordinarily be without prejudice, unless the Administrative Law Judge decides otherwise.
- 2818.3 If an attorney, representative, or unrepresented party fails, without good cause, to appear at a hearing, the Administrative Law Judge may dismiss the case, enter an order of default, decide the case on the merits, or impose other sanctions.
- 2818.4 If an attorney, representative, or unrepresented party fails, without good cause, to appear at a pretrial, settlement, or status conference, the Administrative Law Judge may determine the appropriate sanction, which may include dismissal or entry of default.

**2819 SUMMARY ADJUDICATION**

2819.1 A party may request that an Administrative Law Judge decide a case summarily, without an evidentiary hearing. Such a motion must include sufficient evidence of undisputed facts and citation of controlling legal authority.

## **2820 CONSOLIDATION AND SEPARATE HEARINGS**

2820.1 When cases involve a common question of law or fact, or when multiple Notices of Violation or Notices of Infraction have been issued to the same Respondent, an Administrative Law Judge may, in his or her discretion:

- (a) Consolidate the cases for all or any purposes; or
- (b) Order a joint hearing on all or any issues.

An Administrative Law Judge may do so on motion of a party or on his or her own motion.

2820.2 An Administrative Law Judge may order a separate hearing on any issue in a case where appropriate.

## **2821 HEARINGS AND EVIDENCE**

2821.1 The presiding Administrative Law Judge shall determine whether a hearing is required by law in any case.

2821.2 At least five (5) calendar days before any evidentiary hearing (except in unemployment compensation cases governed by Subsection 2983.1), a party shall serve on all other parties and file with the Clerk the following:

- (a) A list of the witnesses, other than a party or a charging inspector, whom the party intends to call to testify; and
- (b) A copy of each exhibit that the party intends to offer into evidence, other than exhibits that were served with the Notice of Violation, Notice of Infraction, or Answer or are to be used solely for impeachment or rebuttal.

2821.3 The Administrative Law Judge may exclude any witnesses or exhibits not disclosed under Subsection 2821.2 if he or she finds that the opposing party has been prejudiced by the failure to disclose or if there has been a knowing failure to disclose.

2821.4 Hearings ordinarily will be held only in an OAH courtroom. Hearings may be held in any other location only as required by law or in exceptional circumstances with approval of the Chief Administrative Law Judge. For good cause shown, and subject to appropriate safeguards, an Administrative Law Judge may permit a

party to appear at a hearing from a remote location by telephone, videoconferencing, or similar means.

- 2821.5 Parties shall have the following rights at a hearing:
- (a) To testify and to have other witnesses testify for them;
  - (b) To cross-examine witnesses called by another party;
  - (c) To request that any prospective witness be excluded from the courtroom;
  - (d) To examine all exhibits offered into evidence by another party;
  - (e) To object to the admission of any testimony or other evidence;
  - (f) To subpoena witnesses, as provided in Section 2824; and
  - (g) To appear with a representative, as provided in Sections 2833 and 2835.
- 2821.6 At a hearing, all parties may present evidence. "Evidence" includes testimony by the parties and by any witnesses that a party may present. Evidence also includes papers, photographs, or any other items that a party believes may help the Administrative Law Judge decide the case. The Administrative Law Judge shall decide what evidence shall become part of the record.
- 2821.7 Testimony in any hearing ordinarily will be given in open court. An Administrative Law Judge may exclude testimony given by any other means, unless otherwise permitted by statute or these Rules.
- 2821.8 For good cause shown, and subject to appropriate safeguards, an Administrative Law Judge may permit witness testimony from a remote location by telephone, videoconferencing, or similar means. Requests for such testimony will ordinarily be granted where the witness does not reside or work in the greater District of Columbia Metropolitan area.
- 2821.9 For good cause shown, an Administrative Law Judge may permit a witness to submit written testimony in advance of the hearing, subject to cross-examination and redirect examination at the hearing.
- 2821.10 For good cause shown, an Administrative Law Judge may allow parties to submit pre-recorded testimony subject to appropriate safeguards including cross-examination.
- 2821.11 All witnesses must testify under oath or under penalty of perjury. Nothing in this subsection forbids the admission of an affidavit or other sworn written statement.

- 2821.12 Hearsay evidence (generally, a statement by a person not present in the courtroom) is admissible. When hearsay evidence is admitted, the Administrative Law Judge shall assess the reliability of the evidence to determine the weight it should be assigned. An Administrative Law Judge shall consider the speaker's absence in evaluating the evidence.
- 2821.13 In determining the admissibility and weight of evidence, an Administrative Law Judge may use the Federal Rules of Evidence for guidance, but they shall not be binding.
- 2821.14 An Administrative Law Judge may limit or exclude testimonial or documentary evidence to avoid surprise or prejudice to other parties, repetition, or delay.
- 2821.15 Whenever any applicable law or order requires or permits the filing of an affidavit or other writing signed under oath, the signer may submit a written declaration in substantially the following form:
- “I declare under penalty of perjury, that the foregoing is true and correct. Signed on (date).”
- “Signature”
- 2821.16 All Administrative Law Judges and the Clerk are authorized to administer oaths.

## **2822 BURDEN OF PROOF**

- 2822.1 Unless otherwise established by law, the proponent of an order shall have the burden of proof, that is, the requirement to persuade the Administrative Law Judge on every contested factual issue.
- 2822.2 Unless otherwise established by law, the burden of production, that is, the requirement to introduce evidence first, shall be as follows:
- (a) Whenever a party challenges the Government's denial of an application for a license, permit, or public benefit, the Government shall have the burden of producing sufficient evidence to establish the reasons for the denial;
  - (b) Whenever the Government suspends, revokes, or terminates a license, permit, or public benefit, or proposes to do so, the Government shall have the burden of producing sufficient evidence to establish the reasons for its action;
  - (c) The party asserting an affirmative defense identified in District of Columbia Superior Court Civil Rule 8(c) shall have the burden of producing sufficient evidence to establish that defense; and

(d) The party asserting an exception to the requirements or prohibitions of any statute or rule shall have the burden of producing sufficient evidence to establish that exception.

2822.3 Otherwise, an Administrative Law Judge shall allocate the burden of producing evidence to promote fairness, equity, substantial justice, and sound judicial administration.

2822.4 If the party with the burden of production fails to appear, the party with the burden of proof still must meet its burden, unless otherwise provided by law.

2822.5 If a party has presented all of its evidence on an issue on which it has the burden of proof, and the presiding Administrative Law Judge concludes that the party has failed to meet its burden, the Administrative Law Judge may find against that party on that issue without awaiting the close of all the evidence in that case.

### **2823 LANGUAGE INTERPRETATION**

2823.1 OAH will provide oral or sign language interpretation services upon request for persons seeking information or participating in a hearing. An Administrative Law Judge may order the use of such services at a hearing.

2823.2 A person who needs those services for a hearing shall request them as early as possible to avoid delay.

2823.3 Upon request by a party with impaired vision, OAH will provide official documents in Braille or large print within seven business days.

2823.4 An interpreter at a hearing shall swear or affirm under penalty of perjury to interpret accurately, completely, and impartially.

### **2824 SUBPOENAS FOR WITNESSES AND FOR DOCUMENTS AT HEARINGS**

2824.1 Except as provided in Subsection 2824.5 below (unemployment compensation and rental housing cases), a subpoena for the appearance of witnesses and production of documents at a hearing shall only be issued by an Administrative Law Judge.

2824.2 A party may request a subpoena in writing or an Administrative Law Judge may issue a subpoena without a party's request.

2824.3 Any request that an Administrative Law Judge issue a subpoena should include a copy of the proposed subpoena and shall state the relevance of the requested testimony or documents. Subpoenas and forms to request a subpoena are available from the Clerk.

- 2824.4 Unless otherwise provided by law or order of an Administrative Law Judge, any request for a subpoena shall be filed no later than five calendar days prior to the hearing.
- 2824.5 In unemployment compensation and rental housing cases, the Clerk shall, without an order of the Administrative Law Judge, issue certain subpoenas at the request of a party as follows:
- (a) For subpoenas in unemployment compensation cases, refer to Section 2984.
  - (b) For subpoenas in rental housing cases, refer to Section 2934.
  - (c) When the Clerk issues a subpoena authorized by this Subsection, the Clerk shall sign it, but otherwise leave it blank. The party requesting the subpoena shall fill in the remaining information on the subpoena form.
  - (e) If a party in an unemployment insurance or rental housing case wants to obtain any subpoena not authorized by this Subsection, the party shall request an Administrative Law Judge to issue that subpoena in accordance with Subsections 2824.1 through 2824.4.
- 2824.6 It is the responsibility of the requesting party to serve a subpoena in a timely fashion. Any person, including a party, who is at least eighteen (18) years of age, may serve a subpoena.
- 2824.7 Service of a subpoena for a witness to appear at a hearing shall be made by personally delivering the subpoena to the witness. Unless otherwise ordered by an Administrative Law Judge, service shall be made at least four (calendar days before the hearing.
- 2824.8 A subpoena for the production of documents at a hearing shall be directed to either an individual, a corporation, the Government, or another entity.
- 2824.9 A subpoena for the production of documents at a hearing shall be served by any of the following means:
- (a) Handing it to the person or to a representative of the person or entity;
  - (b) Leaving it at a person's office with a responsible adult, or if no one is available, leaving it in a conspicuous place in the office;
  - (c) Leaving it with a responsible adult at an entity's office that is connected to the case;

- (d) Mailing it to the last known address of the person;
- (e) Mailing it to the last known address of an entity's office connected to the case; or
- (f) Delivering it by any other means, including electronic means, if consented to in writing by the person or entity served, or as ordered by an Administrative Law Judge.

2824.10 A person or entity ordered to produce documents at a hearing:

- (a) Need not appear in person at the hearing unless ordered by an Administrative Law Judge to do so;
- (b) Shall produce the documents as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the subpoena; and
- (c) Shall expressly make any claims of privilege or protection with a description of the documents not produced that is sufficient to enable the requesting party to contest the claim.

2824.11 A subpoena may be served at any place within the District of Columbia, or at any place outside the District of Columbia that is within twenty-five (25) miles of the place of the hearing.

2824.12 To prove service of a subpoena, a party shall file a written statement or shall provide in-court testimony describing the date and manner of service, and names of the persons served.

2824.13 An Administrative Law Judge may quash or modify a subpoena if it:

- (a) Was issued under Subsections 2824.5, 2934.1 or 2984.1, but does not meet the requirements of those subsections;
- (b) Was improperly served;
- (c) Fails to allow reasonable time for compliance;
- (d) Requires a person who is not a party or an officer of a party to travel to a hearing more than twenty-five (25) miles from where that person resides, is employed, or regularly transacts business, except that such a person may be ordered to appear by telephone;
- (e) Requires disclosure of a privileged or other protected information; or

(f) Subjects a person or entity to undue burden or expense.

2824.14 If a person or entity disobeys a subpoena, an Administrative Law Judge may order compliance with the subpoena. If a person subject to the order fails to comply, the Administrative Law Judge may impose monetary sanctions. In addition, a party may apply to the Superior Court of the District of Columbia for an order to show cause why that person should not be held in civil contempt.

## **2825 DISCOVERY**

2825.1 Discovery is generally not permitted. An Administrative Law Judge may authorize discovery for good cause shown, but interrogatories and depositions are disfavored.

2825.2 A party may move for an Administrative Law Judge to issue a subpoena to require any non-party to provide documents prior to the hearing.

2825.3 Any motion for discovery shall explain the relevance of the information that is sought and shall describe all attempts to obtain consent from the opposing party, including a description of all discovery to which the opposing party has agreed.

2825.4 Unless otherwise ordered by an Administrative Law Judge, any motion for discovery must be filed at least twenty (20) calendar days before the date of any scheduled evidentiary hearing.

2825.5 An Administrative Law Judge may impose appropriate sanctions if a party fails to comply with a discovery request, including prohibiting the party from offering evidence and ordering that specific facts are established.

## **2826 SANCTIONS**

2826.1 Before issuing an order imposing any sanctions under the Act, the presiding Administrative Law Judge shall allow the party subject to the sanction an opportunity to be heard. Any order imposing a sanction shall be in writing.

## **2827 TRANSCRIPTS; CITATION AND COSTS**

2827.1 All proceedings, except for mediations, shall be recorded. The recording is the official record of what occurred at the proceeding.

2827.2 Any party may obtain a copy of the recording of a hearing at the party's expense.

2827.3 Transcripts of the recording of the proceedings shall be prepared by a qualified reporter or transcriber who shall personally certify that he or she is not a party or counsel to a party or otherwise related to or employed by a party or counsel in the case; that he or she has no material interest in the outcome of the case; and that the transcript represents the testimony and proceedings of the case as recorded.



- 2827.4 In filings, a party may only rely upon a transcript prepared according to this Section.
- 2827.5 Unless otherwise stipulated by the parties or ordered by an Administrative Law Judge, if a party cites to a portion of a transcript, the entire transcript of the case must be filed at OAH, and a copy must be served on all parties.
- 2827.6 OAH only provides transcripts to appellate tribunals. In any case in which a party files a petition for review in the District of Columbia Court of Appeals, OAH will arrange for the preparation and filing of a transcript without charge only if the Court of Appeals has permitted the Petitioner to proceed *in forma pauperis*. In all other cases, OAH will arrange for preparation and filing of a transcript only after OAH receives payment for the cost of preparing the transcript.

**2828 REQUESTING RECONSIDERATION, A NEW HEARING, OR RELIEF FROM A FINAL ORDER**

- 2828.1 This section contains Rules about how to ask an Administrative Law Judge to change a final order after it has been issued or to request a new hearing whether or not a final order has been issued. Errors or omissions are not a sufficient basis for a new hearing or to change an order if the errors are harmless.
- 2828.2 No motion filed under this section stays the final order or otherwise affects a party's obligations to comply with the final order, unless an Administrative Law Judge orders otherwise.
- 2828.3 Within ten (10) calendar days after a final order has been served, any party may file a motion asking the Administrative Law Judge to change the final order. Such a motion is a "motion for reconsideration or for a new hearing." The movant shall state whether an appeal has been filed. If an appeal has been filed, OAH has no jurisdiction to decide the motion absent a remand for that purpose.
- 2828.4 If any party files a motion for reconsideration or for a new hearing within the ten (10) calendar day deadline, the time for seeking judicial review of a final order does not start to run until the Administrative Law Judge rules on the motion, or the motion is denied as a matter of law under Subsection 2828.15.
- 2828.5 If any party files a motion for reconsideration or for a new hearing before a final order is issued or within the ten (10) calendar day deadline of Subsection 2828.3, and where substantial justice requires, the Administrative Law Judge may change the final order or schedule a new hearing for any reason including, but not limited to, the following:
- (a) The party filing the motion did not attend the hearing, has a good reason for not doing so, and states an adequate claim or defense;

- (b) The party filing the motion did not file a required answer to a Notice of Infraction or Notice of Violation or did not file some other required document, has a good reason for not doing so, and states an adequate claim or defense;
- (c) The final order contains an error of law;
- (d) The final order's findings of fact are not supported by the evidence; or
- (e) New evidence has been discovered that previously was not reasonably available to the party filing the motion.

2828.6 An Administrative Law Judge shall treat any motion asking for a change in a final order as a motion for reconsideration or for a new hearing if it is filed within the ten (10) calendar day deadline specified in Subsection 2828.3, regardless of the title that a party gives to that motion.

2828.7 After the ten (10) calendar day deadline, a party may file a motion asking the Administrative Law Judge to change the final order. A motion filed under this Subsection is a "motion for relief from the final order." The movant shall state whether an appeal has been filed. If an appeal has been filed, OAH has no jurisdiction to decide the motion absent a remand for that purpose.

2828.8 Any motion for relief from the final order has no effect on the deadline for seeking judicial review of the final order.

2828.9 Any motion for relief from the final order must be filed within one hundred twenty (120) calendar days after service of the final order.

2828.10 On a motion for relief from the final order, an Administrative Law Judge may change the final order only if no appeal has been filed, and only for one or more of the following reasons:

- (a) Mistake, inadvertence, surprise, or excusable neglect;
- (b) Newly discovered evidence that by due diligence could not have been discovered in time to file a motion for reconsideration or for a new hearing within the ten (10) calendar day deadline;
- (c) Fraud, misrepresentation, or other misconduct of an adverse party;
- (d) The final order is void;

- (e) A prior judgment on which the final order is based has been reversed or otherwise vacated, or it is no longer equitable that the judgment should have prospective application;
- (f) The party filing the motion did not attend the hearing, has a good reason for not doing so, and states an adequate claim or defense;
- (g) The party filing the motion did not file a required answer to a Notice of Infraction, or Notice of Violation or did not file some other required document, has a good reason for not doing so, and states an adequate claim or defense; or
- (h) For good cause shown, the Government may ask that a final order issued in its favor be set aside.

2828.11 An Administrative Law Judge shall treat any motion asking for a change in a final order as a motion for relief from the final order, if the motion is not filed within the ten (10) calendar day deadline specified in Subsection 2828.3, regardless of the title that a party gives to that motion.

2828.12 Any party filing any motion under this section must include a short and plain statement of all the reasons why the Administrative Law Judge should change the final order.

2828.13 An opposing party is not required to file a response to any motion under this section, unless an Administrative Law Judge orders a response. Before granting any motion under the section, an Administrative Law Judge must issue an order allowing the opposing party an opportunity to respond to the motion.

2828.14 If an Administrative Law Judge grants a motion filed under this section, he or she may:

- (a) Order further submissions from the parties;
- (b) Order the parties to appear for a hearing; or
- (c) Issue a new final order that may or may not change the result in the case.

2828.15 An Administrative Law Judge should rule on any motion filed under this Section within forty-five (45) calendar days of its filing. If an Administrative Law Judge has not done so, the motion is denied as a matter of law. An Administrative Law Judge may extend the period once for an additional thirty (30) calendar days by issuing an order before the first forty-five (45) day period expires. After expiration of any applicable deadline, the Administrative Law Judge, in his or her discretion, may issue a statement of reasons for denying the motion, but any such

statement has no effect on the time for seeking judicial review or filing any other appeal.

2828.16 If the motion has been denied as a matter of law under Subsection 2828.15, OAH shall send written notice to the parties.

## **2829 CLERICAL MISTAKES**

2829.1 At any time, an Administrative Law Judge or the Clerk, in consultation with an Administrative Law Judge, may correct clerical, typographical, numerical, or technical mistakes in the record and errors from oversight or omission.

2829.2 An Administrative Law Judge may order that notice of such corrections be given to the parties.

2829.3 If a party has filed a request for appellate review, such mistakes may be corrected before the record is transmitted to the reviewing court, and thereafter may be corrected with leave of the reviewing court.

## **2830 APPEALS**

2830.1 Every appealable order shall include a statement of appeal rights and shall be served on the parties and their representatives.

2830.2 The filing of an appeal or a petition for review does not stay (or delay) the date a final order goes into effect.

2830.3 Any party may file a motion to stay a final order pending appeal. A motion for a stay must include the reasons for granting the stay. Any party may file a motion to stay the effective date of a final order.

2830.4 In determining whether to grant a stay, the Administrative Law Judge may consider the following factors: whether the party filing the motion is likely to succeed on the merits, whether denial of the stay will cause irreparable injury, whether and to what degree granting the stay will harm other parties, and whether the public interest favors granting a stay.

## **2831 INABILITY OF AN ADMINISTRATIVE LAW JUDGE TO PROCEED**

2831.1 If a hearing has commenced or is completed and the assigned Administrative Law Judge is unable to proceed, another Administrative Law Judge may proceed in the case. The successor Administrative Law Judge must certify that he or she is familiar with the record.

2831.2 If a recording of the hearing is unavailable, the successor Administrative Law Judge shall, if requested by any party, recall a witness whose testimony is material and disputed.

2831.3 The successor Administrative Law Judge shall serve the parties with a proposed final order and allow the parties to file exceptions and present argument before issuing a final order.

## **2832 RECUSAL; ETHICS COMPLIANCE**

2832.1 An Administrative Law Judge shall recuse himself or herself in accordance with the standards applicable to judges of the Superior Court of the District of Columbia.

2832.2 Administrative Law Judges shall at all times be in compliance with the OAH Code of Judicial Ethics, which shall be available to the public.

## **2833 REPRESENTATION BY ATTORNEYS AND LAW STUDENTS**

2833.1 An attorney may represent any party before OAH. Unless otherwise provided by statute or these Rules, only attorneys who are active members in good standing of the District of Columbia Bar, or who are authorized to practice law in the District of Columbia pursuant to Rules 49(c)(1), (4), (8), or (9) of the District of Columbia Court of Appeals, may appear before OAH as a representative of a party.

2833.2 An attorney who is not a member of the District of Columbia Bar, and who is not authorized to practice law in the District of Columbia pursuant to Rules 49(c)(1), (4), (8), or (9) of the District of Columbia Court of Appeals, may appear before OAH after the filing and granting of a motion to appear *pro hac vice*, in which the attorney shall declare under penalty of perjury that:

- (a) I have not applied for admission *pro hac vice* in more than five (5) cases in OAH or in the courts of the District of Columbia during this calendar year. I have applied for admission *pro hac vice* in OAH and in the courts of the District of Columbia \_\_\_\_\_ (list number) times previously in this calendar year;
- (b) I am a member in good standing of the bar of the highest court(s) of the State(s) of \_\_\_\_\_ (list all states);
- (c) There are no disciplinary complaints pending against me for violation of the rules of the courts of those states;
- (d) I am not currently suspended or disbarred from practice in any court;
- (e) I do not practice or hold out to practice law in the District of Columbia;

- (f) I am familiar with OAH's Rules found at 1 DCMR 28 and 29;
- (g) I am applying for admission *pro hac vice* for the following reason(s):  
\_\_\_\_\_ (list all reasons);
- (h) I acknowledge the jurisdiction of OAH and the courts of the District of Columbia over my professional conduct, and agree to be bound by the District of Columbia Court of Appeals Rules of Professional Conduct, in this matter, if I am admitted *pro hac vice*; and
- (i) I have informed my client that I am not a member of the District of Columbia Bar, and my client has consented to my representation in this case.

2833.3 For good cause shown, the presiding Administrative Law Judge may revoke the *pro hac vice* admission of any attorney.

2833.4 Current law students who have successfully completed forty-two (42) credit hours of law school may appear before OAH, except that a law student who has been denied admission to practice before the District of Columbia Court of Appeals pursuant to its Rule 48 may not appear before OAH. An Administrative Law Judge may terminate a law student's representation under this Subsection at any time, for any reason, without notice or hearing. A law student practicing under this subsection shall:

- (a) Be enrolled in a law school approved by the American Bar Association;
- (b) Have the consent and oversight of a supervising attorney assigned to the law student;
- (c) Sign and file a Notice of Appearance in the case with the supervising attorney;
- (d) Have the written permission of the client, which must be filed in the record;
- (e) Not file any paper unless the law student and supervising attorney sign it;
- (f) Not appear at any proceeding without the supervising attorney;
- (g) Neither ask for nor receive a fee of any kind for any services provided under this rule, except for the payment of any regular salary made to the law student; and

- (h) Comply with any limitations ordered by the presiding Administrative Law Judge.

2833.5 An attorney supervising a law student who appears pursuant to Subsection 2833.4 shall:

- (a) Be an active member in good standing of the District of Columbia Bar;
- (b) Assume full responsibility for supervising the law student;
- (c) Sign and file a Notice of Appearance in the case with the law student;
- (d) Assist the law student in preparation of the case, to the extent necessary in the supervising lawyer's professional judgment to insure that the law student's participation is effective on behalf of the person represented;
- (e) Appear at all proceedings with the law student; and
- (f) Review and sign any paper filed by the law student.

2833.6 In addition to these Rules, the District of Columbia Rules of Professional Conduct shall govern the conduct of all attorneys and law students appearing before OAH.

2833.7 The Chief Administrative Law Judge or presiding Administrative Law Judge may enter an order restricting the practice of any attorney appearing before OAH for good cause. Such restrictions may include, without limitation:

- (a) Disqualification from a particular case;
- (b) Suspension or disqualification from practice before OAH;
- (c) A requirement that an attorney obtain ethics or other professional training or counseling; or
- (d) A requirement that an attorney appear only when accompanied by another attorney with particular skills or a particular level of experience.

2833.8 The attorney shall be given notice and opportunity to be heard either before the imposition of a restriction, or as soon thereafter as is practicable.

2833.9 An Administrative Law Judge's authority under Subsection 2833.7 is limited to restricting the practice of an attorney in a pending case based on the conduct of the attorney in that case. Nothing in this section limits the authority of the Chief Administrative Law Judge to enter a separate order restricting an attorney's practice before OAH.

- 2833.10 Any attorney appearing before OAH in a representative capacity under this Section shall provide under his or her signature, the attorney's District of Columbia bar number, office address, and telephone and fax numbers. Conformed signatures shall not be accepted under this subsection. Persons appearing (or applying to appear) under Subsections 2833.2 or 2833.4 shall state, immediately under their signature, the subsection under which they are appearing (or applying to appear), their office address, and telephone and fax numbers. Persons appearing under Subsection 2833.2 shall state the jurisdiction of their admission and shall provide the bar number, if any, from that jurisdiction, and their office address, and telephone and fax numbers.
- 2833.11 A member of any bar may not qualify as a non-attorney representative under Section 2835. An attorney representing a party may testify only as permitted by Rule 3.7 of the District of Columbia Rules of Professional Conduct.
- 2833.12 Notwithstanding anything to the contrary in these Rules, no person who has been punished for unauthorized practice of law or who is subject to an injunction pursuant to Rule 49(e)(2) of the Rules of the District of Columbia Court of Appeals may represent a party.

#### **2834 WITHDRAWAL OF APPEARANCE BY AN ATTORNEY**

- 2834.1 An attorney may withdraw an appearance before a hearing date has been set if:
- (a) Another attorney simultaneously enters or has already entered an appearance on behalf of the client; and
  - (b) The attorney files a consent to the withdrawal that the client has signed.
- 2834.2 If a hearing date has been set, or if the client's written consent is not obtained, or if the client is not represented by another attorney, an attorney must move to withdraw an appearance and receive permission from the presiding Administrative Law Judge to withdraw from the case. Unless the client is represented by another attorney or the motion is made orally in front of the client and the Administrative Law Judge, the attorney shall certify that:
- (a) The attorney has served the client a notice advising the client to obtain other counsel, or if the client intends to represent himself or herself, or intends to object to the withdrawal, to notify the Administrative Law Judge in writing within fifteen (15) days of service of the notice or before the next hearing date, whichever is earlier; and
  - (b) The attorney has served the client with a copy of the motion with a certificate of service listing the client's last known address.



2834.3 Except when an Administrative Law Judge has granted an oral motion to withdraw in the presence of the client, the order granting permission for the attorney to withdraw shall be served on the client. If no new counsel has entered an appearance or the client has not notified the Administrative Law Judge of an intention to represent himself or herself, the order shall instruct the client to arrange promptly for new counsel or be prepared to represent himself or herself.

2834.4 The presiding Administrative Law Judge may deny an attorney's motion to withdraw if the withdrawal would unduly delay the case, be unduly prejudicial to any party, or otherwise not be in the interests of justice.

### **2835 REPRESENTATION BY NON-ATTORNEYS**

2835.1 An individual may represent himself or herself in proceedings before OAH.

2835.2 Any person representing a party as permitted by this section shall obtain the consent of the party.

2835.3 A family member or domestic partner may represent a party provided that person does not accept compensation in any form.

2835.4 In addition to an attorney authorized by Section 2833, an authorized agency employee may represent an agency before OAH.

2835.5 If required by law, an Administrative Law Judge shall permit a party to be represented by another person who is not an attorney.

2835.6 An authorized officer, director, partner, or employee may represent a corporation, partnership, limited partnership, or other private legal entity before OAH.

2835.7 An individual or any representative of any entity listed in Subsection 2835.6 may represent a party if the party has or had a contractual relationship with that individual or entity that is substantially related to the subject matter of the case (such as a landlord/tenant relationship in a civil fine case or owner/property manager relationship) and that relationship existed before the case arose.

2835.8 In unemployment compensation cases, additional Rules for representation can be found in Section 2982.

2835.9 In public benefits cases, additional Rules for representation can be found in Section 2972.

2835.10 In rental housing cases, additional Rules for representation can be found in Section 2935.

- 2835.11 Any person authorized by the United States Tax Court to represent a party before that court may represent a party before OAH in any case arising under D.C. Official Code § 2-1831.03(b)(4), and on the same basis as would be permitted by the United States Tax Court.
- 2835.12 The Chief Administrative Law Judge or presiding Administrative Law Judge may enter an order restricting the practice of any non-attorney representative appearing at OAH.
- 2835.13 The non-attorney representative shall be given notice and opportunity to be heard either before the imposition of a restriction, or as soon thereafter as is practicable.
- 2835.14 An Administrative Law Judge's authority under Subsection 2835.12 is limited to restricting the practice of a non-attorney representative in a pending case based on the conduct of the non-attorney representative in that case. Nothing in this section limits the authority of the Chief Administrative Law Judge to enter a separate order restricting a non-attorney representative's practice before OAH.

### **2837 AMICUS CURIAE OR "FRIEND OF THE COURT" SUBMISSIONS**

- 2837.1 Any non-party having an interest in the issues in a case pending before OAH may move for leave to file an *amicus curiae* submission, or an Administrative Law Judge may invite such a submission. The motion shall explain why the *amicus curiae* submission would be helpful to OAH.

### **2838 COURTROOM PROCEDURE**

- 2838.1 Unless otherwise prohibited by law or duly ordered by an Administrative Law Judge, proceedings at OAH shall be open to the public.
- 2838.2 Administrative Law Judges and OAH non-judicial staff may observe any proceedings at OAH. They must preserve any confidential information that may arise in those proceedings.
- 2838.3 Electronic devices that make noise, including cell phones, are prohibited unless set for silent operation.
- 2838.4 Audio and video recording, broadcasting, and photography are prohibited anywhere at OAH unless authorized by the Chief Administrative Law Judge. The presiding Administrative Law Judge may allow anyone to draw during proceedings in a hearing room so long as it does not disrupt those proceedings.
- 2838.5 Weapons, dangerous implements, and illegal drugs are prohibited at OAH and are subject to confiscation. The prohibition against weapons does not apply to authorized service weapons carried by law enforcement officers unless they are parties to a case.

2838.6 Dangerous or toxic items, including but not limited to chemicals and sharp objects, that pose a threat to health or safety are prohibited at OAH. Any party who wants to use such an item as evidence must file a motion and obtain the approval of the presiding Administrative Law Judge prior to the hearing before bringing the item to OAH.

2838.7 Except for those animals assisting persons with disabilities, animals are prohibited at OAH.

2838.8 Any person who presents a threat to safety or who is disrupting OAH operations or proceedings may be removed.

### **2839 AGENCY CASELOAD PROJECTIONS**

2839.1 To measure changes in an agency's caseload as required by Section 16(e) of the Act, the agency shall compare the number of cases reported in the Chief Administrative Law Judge's annual summary to the number of cases it anticipates filing at OAH in the current or following fiscal year.

### **2840 CHIEF ADMINISTRATIVE LAW JUDGE RESPONSIBILITIES**

2840.1 The Chief Administrative Law Judge or his or her designee may administer an oath of office to an Administrative Law Judge or other OAH employee.

2840.2 The Chief Administrative Law Judge shall review these Rules within thirty-six (36) months of their final promulgation, and, in his or her discretion, may issue revised rules for public comment and promulgation after the review.

### **2841 FILING AND SERVICE BY E-MAIL; OTHER ELECTRONIC SUBMISSIONS**

2841.1 This section permits any party to file papers by e-mail with OAH and the Government to file data electronically. It also permits OAH to serve orders and notices by e-mail.

2841.2 The filing of any paper by e-mail following the procedures set forth in this section constitutes filing for all purposes under these Rules.

2841.3 All papers to be filed by e-mail should be in portable document format (PDF). The papers should be attached to an e-mail, and not contained in the body of the e-mail itself.

2841.4 No party may file by email a motion, brief, or memorandum exceeding forty (40) pages, including attachments. No party may file exhibits exceeding forty (40) pages by one or more emails. OAH may reject any email filings that do not conform to this subsection.

- 2841.5 A party filing any paper by e-mail is responsible for any delay, disruption, interruption of electronic signals, legibility and completeness of the paper, and accepts the risk that the paper may not be filed.
- 2841.6 Pursuant to Section 2810, every paper filed by e-mail must contain:
- (a) The name, mailing address, telephone number, and e-mail address of the person filing it;
  - (b) The case number assigned by OAH, or a statement that a case number has not yet been assigned;
  - (c) A brief description of the paper (for example, “request for hearing in a Medicaid matter,” “motion for new hearing date for an unemployment hearing,” “exhibits/documents for hearing in rental housing case”); and
  - (d) A filing that does not contain this information is subject to rejection. A cover page that can be used to satisfy this requirement is available from the Clerk’s Office. The brief description of the paper also should be placed in the “subject” line of the e-mail.
- 2841.7 Every filing made by email must contain a signature, which can be either a signature image or a conformed signature. No party or party’s representative may file any paper with a conformed signature unless that party or representative has previously filed a paper with an original signature or signature image in the same case. A paper filed by email by an unrepresented party, that does not contain a signature as required by this subsection, shall not be rejected on that basis alone.
- 2841.8 Once an original signature or signature image is on file in a case, any subsequently filed paper in that case with a conformed signature shall be treated as having an original signature for all purposes.
- 2841.9 Filings must be e-mailed to [oah.filing@dc.gov](mailto:oah.filing@dc.gov).
- 2841.10 The filing date for an e-mail filing received between 9:00 a.m. and 5:00 p.m. on any OAH business day will be the date it is received in the correct OAH electronic mailbox. The filing date for an e-mail filing received at other times will be the next day that the Clerk’s Office is open for business. The date and time recorded in the correct OAH electronic mailbox shall be conclusive proof of when it was received.
- 2841.11 The certification requirement of Section 2814 applies to all papers filed by e-mail.
- 2841.12 A party must send a copy of anything filed by e-mail (except a request for a hearing that begins a case) to all other parties, and must include a certificate of

service as required by Subsection 2811.9. A party may not send the copy by e-mail unless the other party consents, pursuant to Section 2811.

- 2841.13 The five (5) additional days added to the response times by Subsection 2812.5 does not apply to orders, notices, or papers served by e-mail, even if they are also served by other means.
- 2841.14 Unless otherwise ordered, a party who files or serves any paper by e-mail shall keep the original until after the case is concluded and the time for any appeals has expired. The party shall make the originals available for inspection upon request of another party after prior reasonable notice filed with OAH. This section does not limit the authority of an Administrative Law Judge to order production of the original.
- 2841.15 Parties agreeing to service by e-mail are responsible for monitoring their e-mail accounts and for opening the e-mails.
- 2841.16 The Clerk may serve orders and notices by e-mail to any party who provides an email address and consents, in writing or on the record, to receiving papers by e-mail. The party is responsible for ensuring that the Clerk has an accurate, up-to-date e-mail address. In an emergency, without a party's advance consent, the Clerk may serve orders and notices by e-mail in addition to any other authorized method of service.
- 2841.17 If the Government seeks to begin a case at OAH by filing a Notice of Infraction or a Notice of Violation pursuant to Section 2803, the Government may transfer to OAH data from the Notice of Infraction or the Notice of Violation by electronic means, pursuant to prior technical arrangements with OAH. Such electronic transfer by itself neither begins a case nor satisfies the Government's obligations under Section 2803. The Government shall file the Notice of Infraction or Notice of Violation and its attachments, substantially in the form provided to the Respondent, as well as the proof of service.

## 2899 GENERAL DEFINITIONS

For the purposes of this chapter the term:

**Act** means the Office of Administrative Hearings Establishment Act of 2001, D.C. Official Code §§ 2-1831.01, *et seq.*

**Agency** shall have the meaning provided that term in D.C. Official Code § 2-502(3).

**Civil Infractions Act** means the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985, D.C. Official Code §§ 2-1801.01, *et seq.*

**Clerk** means the OAH Clerk of Court or authorized designee.

**Commercial carrier** means a business that accepts and delivers parcels, such as Federal Express or the United Parcel Service.

**Conformed Signature** means that a typed substitution for a signature is being used with the understanding that the original version of the document contains one or more authentic, original signatures. A conformed signature appears as:

*/S/ (name of person who signed the document)*

Example 1:                    /S/ John Doe

- or -

Example 2:                    /S/  
                                      John Doe

**Electronic Signature** means an electronic symbol or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record.

**Government** means the District of Columbia, or any government agency authorized by law to prosecute cases before OAH and whose administrative litigation falls under the jurisdiction of OAH, but does not include OAH.

**Litter Control Administration Act** means the Litter Control Administration Act of 1985, D.C. Official Code §§ 8-801, *et seq.*

**Paper** means pleadings, motions, exhibit and witness lists, or any other written submission filed with OAH.

**Party** means persons or entities who begin a case at OAH or the persons or entities on the other side.

**Presiding Administrative Law Judge** means an Administrative Law Judge assigned to a particular case.

**Signature Image** means that a scanned version of an original signature has been copied and pasted into a PDF document.

**Chapter 29, OFFICE OF ADMINISTRATIVE HEARINGS: RULES FOR DCPS, RENTAL HOUSING, PUBLIC BENEFITS, AND UNEMPLOYMENT INSURANCE**

CASES, of Title 1 DCMR, MAYOR AND EXECUTIVE AGENCIES, is repealed in its entirety and replaced with:

CHAPTER 29 OFFICE OF ADMINISTRATIVE HEARINGS: RULES FOR DCPS, RENTAL HOUSING, PUBLIC BENEFITS, AND UNEMPLOYMENT INSURANCE CASES

Sections

- 2900 DCPS HEARINGS – SCOPE
- 2901 DCPS STUDENT DISCIPLINE CASES – REFERRALS
- 2902 DCPS STUDENT DISCIPLINE CASES – HEARINGS
- 2903 DCPS STUDENT DISCIPLINE CASES – DECISIONS
- 2904 DCPS STUDENT DISCIPLINE CASES – RECONSIDERATION
- 2905 DCPS CONTESTED RESIDENCY CASES – REFERRALS
- 2906 DCPS CONTESTED RESIDENCY CASES – BEGINNING A CASE
- 2907 DCPS CONTESTED RESIDENCY CASES – HEARINGS
- 2908 DCPS CONTESTED RESIDENCY CASES – FINAL ORDERS
- 2909 DCPS CASES – CONFIDENTIALITY OF THE RECORD
- 2920 RENTAL HOUSING CASES – SCOPE
- 2921 RENTAL HOUSING CASES – BEGINNING A CASE
- 2922 RENTAL HOUSING CASES – PARTIES
- 2923 RENTAL HOUSING CASES – SENDING NOTICE
- 2924 RENTAL HOUSING CASES – SERVICE
- 2925 RENTAL HOUSING CASES – CALCULATING DEADLINES
- 2926 RENTAL HOUSING CASES – CONCILIATION, ARBITRATION, AND MEDIATION
- 2927 RENTAL HOUSING CASES – SUBSTITUTION OR ADDITION OF PARTIES
- 2928 RENTAL HOUSING CASES – INTERVENORS
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**2900 DCPS HEARINGS – SCOPE**

- 2900.1 Sections 2900 through 2909 govern procedures in cases referred to OAH by the District of Columbia Public Schools (DCPS).
- 2900.2 For procedural issues not covered in Sections 2900 through 2909, the rules in Chapter 28 apply.
- 2900.3 OAH is not required to follow any other procedural rules adopted by DCPS in cases referred to OAH by DCPS.

**2901 DCPS STUDENT DISCIPLINE CASES – REFERRALS**

- 2901.1 DCPS may refer a student discipline case to OAH, for an Administrative Law Judge to hold a hearing and to decide:
  - (a) The material facts;
  - (b) Whether required due process procedures, including notice and the opportunity to respond to the charges, have been followed or have been waived, including whether there was prejudicial failure to follow procedures identified in 5-B DCMR § 2505; and



- (c) Whether the facts show that the student committed any of the violations upon which a proposed disciplinary action is based and the proper Tier for any violation, as specified in 5-B DCMR § 2502.

2901.2 DCPS shall refer a student discipline case by filing with OAH a copy of the notice of recommended action provided to the adult student, or a minor student's parent or guardian. DCPS shall provide the adult student or minor student's parent or guardian with a hearing notice that states the date, time and location for the hearing and shall include the parent's rights at the hearing. The notice shall include the parent's rights at the hearing and state the consequences of failing to attend the hearing.

## **2902 DCPS STUDENT DISCIPLINE CASES – HEARINGS**

2902.1 An adult student, or a minor student's parent or guardian, may request DCPS or OAH to postpone the hearing for not more than five school days if necessary to prepare for the hearing or provide for the attendance of necessary parties or witnesses.

2902.2 The parties may, but are not required, to file exhibits and witness lists in advance of the hearing.

2902.3 DCPS shall allow an adult student, or a minor student's parent or guardian, or a student's attorney, to inspect and copy the student's disciplinary file before the hearing upon request and consistent with any applicable laws or regulations.

2902.4 DCPS shall make the student's disciplinary file electronically available to OAH. OAH shall make copies of the disciplinary file available at the hearing to DCPS and the adult student or the minor student's parent or guardian. Either party may move to introduce all or part of the disciplinary file into evidence at the hearing.

2902.5 The parties shall have all rights set forth in Subsection 2821.5 at a hearing.

2902.6 In addition to the representatives listed in Sections 2833 and 2835, an adult student or a minor student's parent or guardian may select another person to represent a student at a hearing. Such a representative is subject to Subsections 2835.12 through 2835.14.

2902.7 The hearing shall be closed to the public unless the adult student or the minor student's parent or guardian requests the hearing be open to the public.

2902.8 A party who fails to appear for a scheduled hearing may ask OAH, in writing, for a new hearing date. The request must be filed within one (1) school day after the scheduled hearing date. The Administrative Law Judge may grant a new hearing date for good cause shown.

**2903 DCPS STUDENT DISCIPLINE CASES – DECISIONS**

- 2903.1 After the close of the record in a student discipline case, the Administrative Law Judge shall issue Findings of Fact and Conclusions of Law on the issues identified in Subsection 2901.1.
- 2903.2 The Administrative Law Judge shall issue the findings of fact and conclusions of law within one school day after the close of the record. OAH shall provide a copy to DCPS, and to the adult student or minor student's parent, and any authorized representative.
- 2903.3 In all student discipline cases, DCPS shall be bound by the Administrative Law Judge's Findings of Fact and Conclusions of Law and shall have no authority to reverse or modify the findings of fact and conclusions of law.
- 2903.4 If the Administrative Law Judge concludes that the student committed any of the violations upon which the disciplinary action is based, the Administrative Law Judge shall make a recommendation for the appropriate discipline within the Tier found to be proper considering the factors in 14 DCMR § 2500.9. OAH will return the case to DCPS for it to decide the appropriate discipline.
- 2903.5 If the Administrative Law Judge concludes that due process was denied or that the student did not commit any of the violations upon which the disciplinary action is based, OAH will return the case to DCPS for appropriate action.
- 2903.6 Because OAH must return these cases to DCPS for further action, the Administrative Law Judge's decision is not a final disposition of the matter, and a statement of appeal rights is not required by Subsection 2830.1.

**2904 DCPS STUDENT DISCIPLINE CASES – RECONSIDERATION**

- 2904.1 Section 2828 of these rules shall not apply to DCPS cases. Any party may file a written motion to reconsider the findings of fact and conclusions of law no later than one school day of the date the decision is issued if DCPS has not issued a final notice of disciplinary action. A copy of any such motion must be served on the opposing party. The presiding ALJ shall decide the motion within one school day.
- 2904.2 If any party files a motion for reconsideration or for a new hearing the Administrative Law Judge may change the findings of fact and conclusions of law or grant a new hearing where substantial justice requires, or for any reason including, but not limited to, the following:
- (a) The party filing the motion did not attend the hearing, has a good reason for not doing so, and states an adequate claim or defense;

- (b) The findings of fact and conclusions of law contain an error of law;
- (c) The findings of fact and conclusions are not supported by the evidence; or
- (d) New evidence has been discovered that previously was not reasonably available to the party filing the motion.

2904.3 If the adult student or minor student's parent or guardian did not receive actual notice of the hearing and DCPS has issued a final notice of disciplinary action, the adult student or minor student's parent or guardian may file a request for reconsideration with DCPS and request that DCPS vacate the final notice and refer the case back to OAH for a hearing and to vacate the Findings of Fact and Conclusions of Law. When it decides such a request, DCPS may order a new hearing or DCPS may ask for OAH to decide whether to grant a new hearing.

#### **2905 DCPS CONTESTED RESIDENCY CASES – REFERRALS**

2905.1 DCPS may refer a contested residency case to OAH for a final decision.

#### **2906 DCPS CONTESTED RESIDENCY CASES – BEGINNING A CASE**

2906.1 DCPS shall refer a contested residency case to OAH by filing a copy of the exclusion letter given to the parent or guardian and the request for review that it received, along with a statement that DCPS requests OAH to hear and to decide the case.

#### **2907 DCPS CONTESTED RESIDENCY CASES – HEARINGS**

2907.1 In all contested residency cases, OAH shall set the hearing date and issue the hearing notice.

2907.2 The rules in Chapter 28 apply to all hearings in contested residency cases, except that parties should file and serve the witness lists and exhibit lists required by Subsection 2821.2 no later than five (5) days before the hearing date. All exhibits filed by DCPS shall be marked with numbers for identification beginning with 200.

2907.3 In contested residency cases, the parent, custodian, or guardian who is claiming District of Columbia residency has the burden of proving their residency status for the purpose of deciding whether the student may enroll in a District of Columbia public school tuition free.

#### **2908 DCPS CONTESTED RESIDENCY CASES – FINAL ORDERS**

2908.1 The presiding Administrative Law Judge shall issue a final order in all contested residency cases, which shall include the statement of appeal rights required by Subsection 2830.1.

**2909 DCPS CASES – CONFIDENTIALITY OF THE RECORD**

2909.1 The OAH record in any case referred by DCPS is confidential. Only the following persons may have access to that record:

- (a) The adult student;
- (b) The minor student’s parent, guardian, or representative;
- (c) Any person who has the written consent of the adult student or the minor student’s parent or guardian; and
- (d) School officials with a legitimate interest.

**2920 RENTAL HOUSING CASES – SCOPE**

2920.1 Sections 2920 through 2941 govern procedures in rental housing cases at OAH.

2920.2 For procedural issues not covered in Sections 2920 through 2941, the Rules in Chapter 28 apply.

**2921 RENTAL HOUSING CASES – BEGINNING A CASE**

2921.1 A party may begin a rental housing case by filing a petition with the Rent Administrator in accordance with 14 DCMR § 3901.

2921.2 The timeliness of the filing of any petition shall be measured from the date the Rent Administrator accepts it for filing.

2921.3 The Rent Administrator may refuse to accept a petition for filing as provided in 14 DCMR § 3901.

2921.4 After filing, the Rent Administrator shall forward the petition and all accompanying papers to OAH, together with a copy of the registration statement for the housing accommodation.

2921.5 When OAH receives a petition from the Rent Administrator, OAH shall open the case. The parties then shall file all papers and attachments at OAH in accordance with Section 2809.

**2922 RENTAL HOUSING CASES – PARTIES**

- 2922.1 Any petition that is filed on behalf of more than one person or entity shall individually name each person or entity.
- 2922.2 Any tenant association may file and shall be granted party status to prosecute or defend a petition on behalf of any one or more of its members who have provided the association with written authorization to represent them in the action, or to seek on behalf of all members any injunctive relief available under the Rental Housing Act. No further inquiry into the membership of the association shall be permitted.
- 2922.3 Any tenant association that is a party to the action pursuant to Subsection 2922.2 shall be listed in the caption.
- 2922.4 The housing provider as listed on the registration statement, if any, shall be a party, and shall be named in the caption. If a managing agent represents the housing provider in the proceeding, the managing agent also shall be a party, and shall be identified as the managing agent and named in the caption.

### **2923 RENTAL HOUSING CASES – SENDING NOTICE**

- 2923.1 OAH shall notify the parties by first-class mail of proceedings.
- 2923.2 OAH shall mail a copy of any tenant petition, by first-class mail, to any adverse party named in the tenant petition and to the housing provider listed on the registration statement for the housing accommodation.
- 2923.3 A housing provider who files a petition shall provide for each tenant in the housing accommodation one copy of the petition and one envelope addressed to each tenant by name, address, and rental unit, with first class mail postage prepaid. The envelope shall bear OAH's return address unless the housing provider files a hardship petition or voluntary agreement. The envelopes for those petitions shall bear the return address of the Rent Administrator.
- 2923.4 If a housing provider files a petition for a building with ten (10) or more rental units, the housing provider shall provide a hard copy and computer file of a service list containing the name, address, and rental unit for each tenant. The computer file shall be in Microsoft Word format, arranged so that the list may be printed onto labels measuring one inch (1") by two and five-eighths inches (2<sup>5/8</sup>”).

### **2924 RENTAL HOUSING CASES – SERVICE**

- 2924.1 Every paper filed at OAH in a rental housing case must be served in accordance with § 904 of the Rental Housing Act, D.C. Official Code § 42-3509.04, which allows papers to be served by one of the following methods:

- (a) By handing the paper to the person, by leaving it at the person's place of business with some responsible person in charge, or by leaving it at the person's usual place of residence with a person of suitable age and discretion;
- (b) By telegram, when the content of the information or document is given to a telegraph company properly addressed and prepaid;
- (c) By mail or deposit with the United States Postal Service properly stamped and addressed; or
- (d) By any other means that is in conformity with an order of the Rental Housing Commission or OAH in any proceeding.

**2925 RENTAL HOUSING CASES – CALCULATING DEADLINES**

- 2925.1 The Rules governing calculating deadlines are found in Section 2812. The timeliness of any appeal to the Commission shall be governed by the Rental Housing Commission Rules in 14 DCMR § 3802.

**2926 RENTAL HOUSING CASES – CONCILIATION, ARBITRATION, AND MEDIATION**

- 2926.1 The parties may request conciliation or arbitration of any dispute by the RAD in accordance with its regulations.
- 2926.2 The parties may request, or an Administrative Law Judge may order, mediation of any dispute pursuant to Section 2815.

**2927 RENTAL HOUSING CASES – SUBSTITUTION OR ADDITION OF PARTIES**

- 2927.1 An Administrative Law Judge may substitute or add a party under Subsection 2816.1 if: a party dies; a party entity is dissolved or reorganized; a party entity's ownership or interest changes; or an amended registration statement for the housing accommodation is filed under 14 DCMR § 4103.
- 2927.2 If a party has been incorrectly named, the Administrative Law Judge may substitute or add the correct party under Subsection 2816.1.

**2928 RENTAL HOUSING CASES – INTERVENORS**

- 2928.1 Motions for intervention are governed by Subsections 2816.2 and 2816.3.

**2929 RENTAL HOUSING CASES – AMENDMENT OF PETITIONS, CONSOLIDATION OF PETITIONS AND EXPANDING THE SCOPE OF A PROCEEDING**

- 2929.1 An Administrative Law Judge may consolidate (join) two (2) or more petitions if they present identical or similar issues, involve the same rental unit or housing accommodation, or involve other circumstances in which consolidation would be expedient and would not prejudice the parties. A party may file a motion to consolidate or an Administrative Law Judge may consolidate cases on his or her own motion.
- 2929.2 If the Administrative Law Judge determines that the issues raised in a tenant petition may affect other tenants or all tenants in the housing accommodation, the Administrative Law Judge may expand the scope of the proceeding to include all affected tenants.
- 2929.3 Before expanding the scope of the proceeding, the Administrative Law Judge shall provide notice to the affected tenants and the housing provider.
- 2929.4 That notice shall state the issues to be decided and shall advise the tenants that they have a right to participate in the proceedings and that any decision shall be binding on them.
- 2929.5 Tenants and the housing provider may present any arguments in support of or opposition to expanding the scope of the proceeding.
- 2929.6 A party may amend a petition to add additional allegations after the petition has been transferred to OAH, but before the hearing concludes, by moving to amend the petition with the presiding administrative law judge. The movant shall set forth the allegations to be added and the factual basis for those allegations. No written motion to amend will be considered unless it recites that the movant sought to obtain the consent of parties affected, and that such consent was granted or denied, including the identity of the party or parties who declined to consent. If the movant does not obtain a response from the opposing party, the movant must demonstrate that the movant made a good faith effort in accordance with Rule 2813.5.
- 2929.7 In determining whether a motion to amend a petition should be granted, the Administrative Law Judge will consider: (1) the number of requests to amend; (2) the length of time that the case has been pending; (3) the presence of bad faith or dilatory reasons for the request; (4) the merit of the proffered amendment; (5) any prejudice to the non-moving party; and (6) the orderly administration of justice.

**2930 RENTAL HOUSING CASES – HEARINGS**

2930.1 A petition received by OAH will be treated as a request for a hearing. OAH will schedule a status conference, a hearing, or mediation. OAH shall notify the parties of the hearing date and of their right to obtain a lawyer at least fifteen (15) calendar days before a hearing.

2930.2 An Administrative Law Judge may dismiss any petition or any claim in a petition without holding a hearing if the Rental Housing Act does not provide relief for the claim(s). The Administrative Law Judge shall first give the parties notice and an opportunity to respond.

**2931 RENTAL HOUSING CASES – RENT ADMINISTRATOR’S SHOW CAUSE ORDERS**

2931.1 If the Rent Administrator concludes after investigation that a housing provider has violated the Rental Housing Act, the Rent Administrator may file an order to show cause with OAH and shall serve the housing provider with a copy of the order to show cause.

2931.2 The order to show cause shall specify the Sections of the Rental Housing Act or rules that the housing provider has allegedly violated, and shall describe the evidence that supports the Rent Administrator’s assertions and the proposed corrective action or sanction.

2931.3 Once the Rent Administrator files the order to show cause, the case shall proceed under this chapter.

**2932 RENTAL HOUSING CASES – BURDEN OF PROOF**

2932.1 The proponent of an order shall have the burden of proof. The tenant has the burden to prove the claims alleged in the tenant petition except that the housing provider has the burden to prove entitlement to any exemption under the Rental Housing Act. When the housing provider files a petition, the housing provider has the burden to prove the claims.

2932.2 Unless otherwise provided by law, a party must prove each fact essential to his or her claim by a preponderance of the evidence so that the Administrative Law Judge finds that it is more likely than not that each fact is proven.

2932.3 In show cause hearings, the burden of proof shall rest on the Rent Administrator.

2932.4 In retaliation cases, the tenant has the burden of proving that retaliation occurred or that a presumption applies. If a presumption applies, then the housing provider has the burden to rebut the presumption by clear and convincing evidence.

2932.5 In security deposit cases, if the tenant seeks an order to have the security deposit returned, the tenant shall prove the amount of the security deposit paid and that



the security deposit was not returned. If the housing provider seeks an order to withhold all or a portion of the security deposit, the housing provider shall prove the reasons for the withholding.

**2933 RENTAL HOUSING CASES – PAPERS FILED WITH THE RAD OR OTHER AGENCIES**

2933.1 Any party who wishes the Administrative Law Judge to consider a document that is on file with the RAD or any other District of Columbia agency must introduce a copy of that document into evidence. The Administrative Law Judge shall admit the document into evidence if he or she finds that it is relevant and is an accurate copy of a document on file with the RAD or other agency.

2933.2 A party can establish that a document is an accurate copy of a document on file with RAD or other agency by one of the following methods:

- (a) Providing a copy with a legible original file stamp;
- (b) Providing a copy with a legible copy of the original file stamp;
- (c) Providing a copy certified by the Rent Administrator or an authorized employee of RAD;
- (d) Providing testimony or other evidence that the Administrative Law Judge finds satisfactory; or
- (e) If all parties consent to the admission of the document into evidence.

**2934 RENTAL HOUSING CASES – SUBPOENAS**

2934.1 In rental housing cases, the Clerk shall issue no more than three subpoenas to the tenant side and no more than three subpoenas to the housing provider side under Subsection 2824.5 to compel:

- (a) The appearance at a hearing of any witnesses, including housing inspectors, with knowledge of conditions, repairs, or maintenance in a party's rental unit or any common areas for the three year period immediately before the filing of the petition with the Rent Administrator;
- (b) The production at or before a hearing of all records not created by a government agency, relating to conditions, repairs, or maintenance to a party's rental unit or any common areas for the three year period immediately before the filing of the petition with the Rent Administrator;
- (c) The production at or before a hearing of housing violation notices in the possession of the Department of Consumer and Regulatory Affairs

relating to a party's rental unit or any common areas for the three year period immediately before the filing of the petition with the Rent Administrator.

- (d) The production at or before a hearing of all records in a housing provider's possession relating to any rent increases demanded or implemented for a party's rental unit for the three year period immediately before the filing of the petition with the Rent Administrator.

2934.2 Section 2824 applies to all other subpoenas for witnesses and documents at hearings in rental housing cases. Section 2825 applies to discovery.

### **2935 RENTAL HOUSING CASES – REPRESENTATION**

2935.1 Persons authorized to appear before OAH by Sections 2833 and 2835 may represent parties in rental housing cases.

2935.2 A tenant association may represent one or more tenants in any proceeding as follows:

- (a) A statement must be filed with OAH stating that the tenant consents to representation by the tenant association and the tenant association consents to represent the tenant;
- (b) A tenant or a tenant association may revoke the consent by filing a statement to that effect;
- (c) A tenant association shall designate one or more members or attorneys to represent the association and any of the tenants it represents;
- (d) A tenant association may elect to proceed only in a representative capacity without being listed as a party or listed in the caption.

2935.3 The provisions of Sections 2833 and 2835 concerning discipline of persons appearing before OAH apply to all representatives in rental housing cases.

2935.4 If an Administrative Law Judge decides that a proceeding is so complex, or the potential liability so great that a party should be represented by a lawyer, the Administrative Law Judge shall explain to the party the advantages of obtaining a lawyer and offer to continue the case to give the party an opportunity to obtain a lawyer.

### **2936 RENTAL HOUSING CASES – APPEALS BEFORE A FINAL ORDER**

2936.1 An Administrative Law Judge's rulings in a proceeding ordinarily may not be appealed to the Commission until a final order is issued. Before a final order is

issued, a party may appeal an order of the Administrative Law Judge only if the Administrative Law Judge certifies the ruling for appeal to the Commission.

2936.2 A party may move the Administrative Law Judge to certify to the Commission an appeal of any ruling other than a final order. Such an appeal is an “interlocutory appeal.”

2936.3 The Administrative Law Judge shall certify a ruling for interlocutory appeal only if he or she determines that the issue presented is of such importance to the proceeding that it requires the immediate attention of the Commission, and only if the following are shown:

(a) The ruling involves an important question of law or policy requiring interpretation of the Rental Housing Act, and about which there is substantial basis for difference of opinion; and

(b) Either of the following applies:

(1) An immediate ruling will materially advance the completion of the proceeding; or

(2) Denial of an immediate ruling will cause undue harm to the parties or the public.

2936.4 A party seeking review by interlocutory appeal shall file a motion for certification within five (5) calendar days of service of a ruling by the Administrative Law Judge. The opposing party shall have five (5) calendar days in which to respond. Unless extended by a written order, the Administrative Law Judge shall rule on the motion within ten (10) calendar days following the filing of any response.

2936.5 If the Administrative Law Judge declines to certify a ruling, the Commission may review that ruling on appeal from a final order.

2936.6 The Administrative Law Judge may stay the proceeding while an interlocutory appeal is pending.

## **2937 RENTAL HOUSING CASES – FINAL ORDERS**

2937.1 OAH shall serve all final orders on the parties by first-class mail. OAH also shall serve all final orders on the Rent Administrator and the Commission.

## **2938 RENTAL HOUSING CASES – REQUESTING RECONSIDERATION, A NEW HEARING, OR RELIEF FROM A FINAL ORDER**

2938.1 Motions for reconsideration, a new hearing, or relief from a final order shall be decided according to the Rules found in Section 2828, except OAH Rule 2828.15

shall not apply in rental housing cases. In a rental housing case, an Administrative Law Judge should rule on any motion filed under this section within ninety (90) calendar days of its filing. If an Administrative Law Judge has not done so, the motion is denied as a matter of law. After a motion is deemed denied, the Administrative Law Judge, in his or her discretion, may issue a statement of reasons for denying the motion, but any such statement has no effect on the time for seeking judicial review or filing any other appeal.

2938.2 If any party files a motion for reconsideration or for a new hearing within the ten (10) calendar day deadline specified in Subsection 2828.3, an Order will not be final for purposes of appeal to the Rental Housing Commission until the Administrative Law Judge rules on the motion or the motion is denied as a matter of law under Subsection 2938.1.

2938.3 Any motion for relief from final order has no effect on the deadline for appealing to the Rental Housing Commission. If an appeal has been filed, OAH has no jurisdiction to decide a motion for relief from final order absent a remand from the Commission for that purpose.

2938.4 If the motion has been denied as a matter of law under Subsection 2938.1, OAH shall send written notice to the parties.

## **2939 RENTAL HOUSING CASES – OFFICIAL RECORD OF A PROCEEDING**

2939.1 The official record of a proceeding shall consist of the following:

- (a) The final order and any other orders or notices of the Administrative Law Judge;
- (b) The recordings or any transcripts of the proceedings before the Administrative Law Judge;
- (c) All papers and exhibits offered into evidence at the hearing; and
- (d) All papers filed by the parties or the Rent Administrator at OAH.

2939.2 Documents attached to a petition or other filings must be offered and received in evidence at a hearing before the Administrative Law Judge can use them to establish facts.

## **2940 RENTAL HOUSING CASES – ATTORNEY’S FEES**

2940.1 All motions for an award of attorney’s fees shall be filed within thirty (30) calendar days of service of the final order. But if a timely motion for reconsideration is filed, a motion for an award of attorney’s fees shall be filed

within thirty (30) days of the service date of the order deciding the motion or within thirty (30) days of the deemed denial date.

2940.2 Standards for the award of attorney fees are found in Title 14 of the Rental Housing Commission Rules.

**2941 RENTAL HOUSING CASES – INTEREST ON SECURITY DEPOSITS**

2941.1 In any case in which a tenant claims entitlement to interest on a security deposit under D.C. Official Code § 42-3502.17(b), the tenant must produce evidence of the amount of the security deposit that was given to the housing provider, the date on which it was given, and amount of interest, if any, paid to the tenant.

2941.2 If the tenant does so, then the housing provider must produce evidence of the amount of interest that was earned on the security deposit.

2941.3 If the housing provider fails to produce evidence of the amount of interest that was earned, or the security deposit was not held in an interest bearing account, the Administrative Law Judge shall compute interest by applying the Superior Court of the District of Columbia judgment rate prevailing on January 1st and on July 1st for each six (6)-month period (or part thereof) of the tenancy.

**2970 PUBLIC BENEFITS CASES – SCOPE**

2970.1 Sections 2970 through 2978 contain the Rules for OAH hearings requested by individuals, other than service providers, concerning the following kinds of benefits:

- (a) Medicaid, Healthcare Alliance, or other healthcare programs administered by the District of Columbia;
- (b) Temporary Assistance for Needy Families (TANF);
- (c) Supplemental Nutrition Assistance Program (SNAP) (formerly Food Stamps);
- (d) Interim Disability Assistance;
- (e) Shelter and services for homeless persons;
- (f) Rental Assistance programs;
- (g) General Assistance for Children;
- (h) Child Care Subsidy;

- (i) Program on Work, Employment, and Responsibility (POWER);
- (j) Burial Assistance;
- (k) Any other benefits provided by the Department of Human Services;
- (l) Low Income Home Energy Assistance Program benefits provided by the District of Columbia Energy Office; and
- (m) Vocational Rehabilitation Services.

2970.2 Sections 2970 through 2978 also apply to hearings requested by the Department of Human Services when it seeks to disqualify someone from receiving SNAP (formerly Food Stamps) benefits due to an intentional program violation.

2970.3 If Sections 2970 through 2978 do not address a procedural issue, the Rules in Chapter 28 apply.

2970.4 If there is a conflict between any federal law or regulation and anything in these Rules, the federal law or regulation shall control.

2970.5 If there is a conflict between any District of Columbia statute and anything in these Rules, the District of Columbia statute shall control.

2970.6 If there is a conflict between any other agency's procedural rules or regulations and these Rules, these Rules shall control.

## **2971 PUBLIC BENEFITS CASES – BEGINNING A CASE**

2971.1 A person can request a hearing in writing, in person, or by telephone.

2971.2 Hearing request forms shall be available at OAH, at all service centers of the Department of Human Services, at the Department of Health Care Finance, at the District Department of the Environment, and at the Division of Early Childhood Education at the Office of the State Superintendent of Education, and at the Department on Disability Services, Rehabilitation Services Administration.

2971.3 A hearing request must describe the type of benefits and the action or inaction to which the person objects. The request also must contain the name, address, and telephone number of the person requesting a hearing; provided, however, a person who requests a hearing under the Homeless Services Reform Act may provide an e-mail address at which they can receive any papers in the case, including notices and orders, if they do not have a street address where they can receive mail.

2971.4 A person may bring, mail, or fax a written hearing request to:

- (a) The Department of Human Services;
- (b) The Department of Health Care Finance for a hearing concerning Medicaid, Healthcare Alliance, or other healthcare programs administered by the District of Columbia;
- (c) The District Department of the Environment for a hearing concerning Low Income Home Energy Assistance Program benefits (LIHEAP);
- (d) A shelter or other service provider for a hearing under the Homeless Services Reform Act;
- (e) The Division of Early Childhood Education at the Office of the State Superintendent of Education for a hearing concerning child care benefits; or
- (e) The Department on Disability Services, Rehabilitation Services Administration for a hearing concerning vocational rehabilitation services; or
- (g) OAH.

2971.5 To request a hearing in person, a person may come to:

- (a) A Department of Human Services service center;
- (b) The Department of Health Care Finance, or the Office of the Health Care Ombudsman and Bill of Rights, for a hearing concerning Medicaid, Healthcare Alliance, or other healthcare programs administered by the District of Columbia, or the Aging and Disability Resource Center for a hearing concerning the Elderly and Persons with Physical Disabilities (EPD) waiver program;
- (c) The District Department of the Environment, for a hearing concerning Low Income Home Energy Assistance Program benefits (LIHEAP);
- (d) The Division of Early Childhood Education at the Office of the State Superintendent of Education, for a hearing concerning child care benefits;
- (e) The Department on Disability Services, Rehabilitation Services Administration for a hearing concerning vocational rehabilitation services; or
- (f) OAH.

2971.6 To request a hearing by telephone, a person may call:

- (a) The Department of Human Services;
- (b) The Department of Health Care Finance, for a hearing concerning Medicaid, Healthcare Alliance, or other healthcare programs administered by the District of Columbia;
- (c) The Division of Early Childhood Education at the Office of the State Superintendent of Education; or
- (d) The Department on Disability Services, Rehabilitation Services Administration for a hearing concerning vocational rehabilitation services; or
- (e) OAH.

2971.7 If the Government receives a written hearing request, it must file the request with OAH within three (3) calendar days of receiving it.

2971.8 If the Government receives an oral or telephone hearing request, it must prepare and file a hearing request form with OAH within three (3) calendar days of receiving the request.

2971.9 If OAH receives a written hearing request from an individual, it will send the request to any agency or service provider whose decision is being challenged.

2971.10 If OAH receives an oral or telephone hearing request from an individual, it will complete a written summary of the request and send it to any agency or service provider whose decision is being challenged.

2971.11 The Department of Human Services can request a hearing concerning a claim that a SNAP (formerly Food Stamps) recipient should be disqualified from receiving benefits due to an intentional program violation by filing a hearing request form approved by the Chief Administrative Law Judge.

## **2972 PUBLIC BENEFITS CASES – REPRESENTATIVES**

2972.1 An applicant for, or recipient of, public benefits may be represented by an attorney, a relative, a friend, or any other representative who is not employed by the District of Columbia government.

2972.2 Any person who is not a lawyer who requests a hearing on behalf of someone else must file a statement, signed by the person, authorizing that non-lawyer to be a representative. A hearing request is subject to dismissal unless that statement is filed. Before dismissing a case under this subsection, an Administrative Law Judge shall notify the representative of this requirement.



- 2972.3 As required by the District of Columbia Public Assistance Act, D.C. Official Code § 4-210.10, if the public benefits applicant or recipient who requested the hearing is not represented by a lawyer, a Government agency or service provider may not be represented by a lawyer at any hearing involving the following public benefit programs:
- (a) Medicaid, Healthcare Alliance or other healthcare programs administered by the District of Columbia;
  - (b) Temporary Assistance for Needy Families (TANF);
  - (c) SNAP (formerly Food Stamps);
  - (d) Interim Disability Assistance;
  - (e) General Assistance for Children; and
  - (f) Program on Work Employment and Responsibility (POWER).
- 2972.4 A Government agency or service provider may be represented by a lawyer at a hearing involving any other public benefit program regardless of whether the person who requested a hearing is represented by a lawyer.
- 2972.5 The practice of lawyers or other party representatives is governed by Sections 2833 and 2835.

### **2973 PUBLIC BENEFITS CASES – ADMINISTRATIVE REVIEWS**

- 2973.1 An administrative review is an informal meeting between the person who has requested a hearing at OAH and a representative of the agency or service provider whose action or inaction is being challenged by that person. The purpose of an administrative review is to determine whether the agency's or service provider's position is valid and, if possible, to achieve an informal solution.
- 2973.2 An agency or service provider shall offer each person who requests a hearing at OAH an opportunity for an administrative review, if required by law. At least five calendar days before the hearing date, the agency or service provider shall file and send to all parties and their representatives a status report, which says whether an administrative review was held, and the results of any review.
- 2973.3 In cases involving shelter or other services for homeless persons, as required by the Homeless Services Reform Act of 2005, D.C. Official Code §§ 4-1601.01, *et seq.*, the Department of Human Services shall conduct the administrative review.

2973.4 As required by law, the agency or service provider shall make the case file available to the person who requested the hearing.

**2974 PUBLIC BENEFITS CASES – SUBPOENAS**

2974.1 Any party may file a request in writing for an Administrative Law Judge to issue a subpoena to require a witness to attend a hearing.

2974.2 The Administrative Law Judge shall issue a subpoena under this section if it is likely that the witness will be able to provide testimony that will be helpful in deciding the case, and if requiring the witness to appear will not be unduly burdensome, or otherwise contrary to law.

2974.3 Any party also may request a subpoena to require a witness to bring documents, photographs, or other things to the hearing. The Administrative Law Judge will issue a subpoena if it is likely that the requested items will be helpful in deciding the case, and if requiring those items to be produced will not be unduly burdensome, or otherwise contrary to law.

2974.4 A form to be used to request a subpoena is available from OAH.

2974.5 If an Administrative Law Judge issues a subpoena, the party requesting the subpoena must deliver it pursuant to Subsections 2824.6 through 2824.9 and 2824.11. Unless otherwise ordered by an Administrative Law Judge, delivery shall be made at least two days before the hearing.

**2975 PUBLIC BENEFITS CASES – HEARING DATES**

2975.1 After a hearing request is filed, an Administrative Law Judge ordinarily will schedule a hearing. If any applicable law requires that an administrative review be completed before a hearing takes place, a hearing will not be scheduled until the administrative review has been completed.

2975.2 An Administrative Law Judge may schedule a status conference or other preliminary hearing in order to simplify the issues in the case, identify the parties' legal and factual positions, rule on any preliminary legal issues, or for any other purpose.

2975.3 Any party may ask an Administrative Law Judge for a different hearing date. Copies of a request form will be sent with every hearing notice and are available from OAH.

2975.4 Only an Administrative Law Judge can change a hearing date.

**2976 PUBLIC BENEFITS CASES – HEARINGS AND EVIDENCE**

- 2976.1 At each hearing, the Administrative Law Judge shall decide the order in which the parties will present their cases.
- 2976.2 If a party who requests a hearing fails to attend the hearing without good cause, the Administrative Law Judge may dismiss the case without prejudice. “Good cause” includes, but is not limited to: serious illness, an accident, a childcare problem, severe weather conditions, or other emergency.
- 2976.3 If the agency or service provider whose action or inaction is being challenged fails to attend the hearing, the Administrative Law Judge may rule in favor of the person who requested the hearing.
- 2976.4 In a SNAP (formerly Food Stamps) Intentional Program Violation case, the Government must prove its case even if the other party fails to attend the hearing.
- 2976.5 Parties shall have the following rights at a hearing:
- (a) To testify and to have other witnesses testify for them;
  - (b) To cross-examine witnesses called by another party;
  - (c) To request that any prospective witness be excluded from the courtroom;
  - (d) To examine all exhibits offered into evidence by another party;
  - (e) To object to the admission of any testimony or other evidence;
  - (f) To subpoena witnesses, as provided in Section 2974; and
  - (g) To appear with a representative, as provided in Section 2972.
- 2976.6 At a hearing, all parties may present evidence. “Evidence” includes testimony by the parties and any witnesses that a party may present. Evidence also includes documents, photographs, or any other items that a party believes may help the Administrative Law Judge decide the case. The Administrative Law Judge shall decide what evidence becomes part of the record.
- 2976.7 At least five calendar days before the hearing date, each party shall file with OAH a list of witnesses and copies of any documents, photographs, or other items that the party wants the Administrative Law Judge to consider at the hearing. Copies must be sent to the other party in the following manner:
- (a) Any agency or service provider must send copies to all other parties;
  - (b) If an individual is represented by a person other than a family member, the representative shall send copies to all other parties;

- (c) If a shelter makes free copying services available to a shelter resident, the shelter resident must make and deliver a copy to the shelter director;
- (d) For all other individuals, OAH will deliver copies by interagency mail to the appropriate agency.

2976.8 If anything is not filed according to the requirements of Subsection 2976.7, and the other party shows that it has been prejudiced, the Administrative Law Judge shall have the discretion to set a new hearing date to allow the other party to prepare.

2976.9 If any party demonstrates that it has been prejudiced by the unexpected appearance of a witness, the Administrative Law Judge shall have the discretion to set a new hearing date to allow the other party to prepare for the witness testimony. If a witness was named on the witness list in the manner provided in Subsection 2976.7, the Administrative Law Judge shall find that there has been no prejudice.

#### **2977 PUBLIC BENEFITS CASES – DEADLINES**

2977.1 As required by Federal law, 7 C.F.R. § 273.15(c), decisions in cases involving SNAP (formerly Food Stamps) benefits shall be issued and served on the parties within 60 calendar days of receipt of the hearing request, except that in Intentional Program Violation cases, as required by 7 C.F.R. § 273.16(e)(2)(iv), the decisions shall be issued and served within ninety (90) calendar days after a hearing notice has been issued.

2977.2 As required by the District of Columbia Public Assistance Act, D.C. Official Code § 4-210.12(a), decisions shall be issued and served on the parties within sixty (60) calendar days of receipt of the hearing request in cases involving the following public benefit programs: Temporary Assistance for Needy Families (TANF); Interim Disability Assistance; General Assistance for Children; Program on Work, Employment and Responsibility (POWER); and Medicaid.

2977.3 As required by the Homeless Services Reform Act of 2005, decisions in cases involving shelter or other services provided for homeless persons shall be issued and served on the parties within fifteen (15) calendar days of the completion of the hearing.

2977.4 As required by Federal law, 34 C.F.R. § 361.57(e)(1), to the extent a hearing concerning vocational rehabilitation services is required in a case involving the District of Columbia Department on Disability Services, Rehabilitation Services Administration, the Administrative Law Judge shall hold the hearing within sixty (60) calendar days of the hearing request, unless the case is informally resolved, a

mediation agreement is reached, or the parties agree to a specific extension of time.

2977.5 As required by Federal law, 34 C.F.R. § 361.57(e)(3), decisions shall be issued and served on the parties within thirty (30) calendar days of the conclusion of the hearing in cases concerning vocational rehabilitation services involving the District of Columbia Department on Disability Services, Rehabilitation Services Administration, unless the case is informally resolved, a mediation agreement is reached, or the parties agree to a specific extension of time.

2977.6 If a postponement of the hearing date is granted to the party requesting a hearing, the deadline for the issuance and service of the decision shall be extended for as many days as the hearing is postponed. In Intentional Program Violation cases, the deadline shall be extended only if the Respondent requested the postponement.

**2978 PUBLIC BENEFITS CASES – REQUESTING RECONSIDERATION, A NEW HEARING, OR RELIEF FROM A FINAL ORDER**

2978.1 Motions for reconsideration, a new hearing, or relief from a final order shall be decided according to the Rules found in Section 2828.

**2980 UNEMPLOYMENT INSURANCE CASES – SCOPE**

2980.1 Sections 2980 through 2986 contain the Rules for OAH hearings of appeals of decisions of the District of Columbia Department of Employment Services (DOES) concerning unemployment compensation insurance.

2980.2 If Sections 2980 through 2986 do not address a procedural issue, the Rules in Chapter 28 apply.

2980.3 If there is a conflict between any federal law or regulation and anything in these Rules, the federal law or regulation shall control.

2980.4 If there is a conflict between any District of Columbia statute and anything in these Rules, the District of Columbia statute shall control.

2980.5 If there is a conflict between any other agency's procedural rules or regulations and these Rules, these Rules shall control.

**2981 UNEMPLOYMENT INSURANCE CASES – BEGINNING A CASE**

2981.1 A party requesting a hearing to appeal a DOES Claims Examiner's Determination in an unemployment compensation case shall file a copy of the determination that the party is appealing with the hearing request. If the party does not file a copy of the determination, OAH will issue an order directing the party to file a copy of the

determination in order to establish OAH's jurisdiction. If the copy is not provided, OAH may dismiss the case.

2981.2 In unemployment compensation cases, OAH may extend the deadline for filing a hearing request upon a showing of excusable neglect or good cause.

2981.3 All other procedures for requesting a hearing are governed by Section 2808.

## **2982 UNEMPLOYMENT INSURANCE CASES – REPRESENTATIVES**

2982.1 An authorized agent employed by a firm whose usual business includes providing representation in unemployment compensation cases may represent any party.

2982.2 The practice of lawyers or other party representatives is governed by Sections 2833 and 2835.

## **2983 UNEMPLOYMENT INSURANCE CASES – FILING OF PAPERS**

2983.1 In cases concerning unemployment compensation:

(a) When a request for hearing is mailed to OAH, if the envelope containing the request bears a legible United States Postal Service postmark or if there is other proof of the mailing date, the request shall be considered filed on the mailing date. The filing date cannot be established by a private postage meter postmark alone.

(b) When a request for hearing is delivered to OAH by commercial carrier, the filing date is the date the commercial carrier received the request for delivery to the Clerk's office, so long as the cost of delivery is prepaid and delivery is to occur within three (3) calendar days of the commercial carrier's receipt. The date of commercial carrier's receipt shall be established by a document or other record prepared by the commercial carrier in the normal course of business.

2983.2 All other procedures for filing papers are governed by Section 2809.

## **2984 UNEMPLOYMENT INSURANCE CASES – SUBPOENAS**

2984.1 In unemployment compensation cases, the Clerk shall issue no more than three subpoenas to each party under Subsection 2824.5 to compel:

(a) The appearance at a hearing of persons who have direct knowledge of Claimant's separation from employment; or

- (b) The production at a hearing of documents, dated no earlier than six (6) months before the date of separation, in the other party's possession that directly relate to Claimant's separation from employment.

2984.2 Service of a subpoena for a witness to appear at a hearing shall be made by personally delivering the subpoena to the witness. Unless otherwise ordered by an Administrative Law Judge, service shall be made at least two calendar days before the hearing.

2984.3 All other procedures for subpoenas are governed by Section 2824.

## **2985 UNEMPLOYMENT INSURANCE CASES – HEARINGS AND EVIDENCE**

2985.1 At least three (3) business days before a hearing in an unemployment compensation case, a party shall serve on all other parties and file with the Clerk the following:

- (a) A list of the witnesses, other than a party, whom the party intends to call to testify; and
- (b) A copy of each exhibit that the party intends to offer into evidence, other than exhibits to be used solely for impeachment or rebuttal.

2985.2 All other procedures for hearings are governed by Section 2821.

## **2986 UNEMPLOYMENT INSURANCE CASES – REQUESTING RECONSIDERATION, A NEW HEARING, OR RELIEF FROM A FINAL ORDER**

2986.1 Motions for reconsideration, a new hearing, or relief from a final order shall be decided according to the Rules found in Section 2828.

## **2999 DEFINITIONS**

2999.1 Unless otherwise provided, the definitions in Chapter 28 apply to this chapter.

2999.2 For purposes of this chapter, the term:

**Commission** means the Rental Housing Commission.

**Contested residency case** means a case in which an adult student or a minor student's parent or guardian has filed, pursuant to 5-E DCMR § 2009.3, a request for review of a decision by DCPS that a student is not entitled to tuition-free education because the student is not a resident of the District of Columbia.

**DCPS** means District of Columbia Public Schools.

**Disciplinary file** means any and all tangible evidence, in DCPS's possession, which forms the basis for the school's decision to propose the specific disciplinary action, including, but not limited to, student, staff and other witness statements, incident reports, photographs, police reports, and security camera footage. Nothing in these rules prohibits DCPS from redacting any information it deems confidential or protected.

**RAD** means the Rental Accommodations Division of the Department of Housing and Community Development.

**Rent Administrator** means the Rent Administrator of the RAD.

**Rental Housing Act** means the Rental Housing Act of 1985, effective July 17, 1985 (D.C. Law 6-10; D.C. Official Code §§ 42-3501.01, *et seq.*).

**Rental housing cases** means cases initiated pursuant to the Rental Housing Act, but does not include petitions for declaratory orders pursuant to the Rental Housing Conversion and Sale Act of 1980.

**School day** means a day that school is open, whether or not students are attending, but does not include any day that OAH is closed.

**Service Provider** means a person or entity that furnishes assistance to members of the public through a contract with or grant from the Government.

**Student discipline case** means a case in which DCPS seeks to expel a student or to suspend a student for at least eleven (11) days.



**DEPARTMENT ON DISABILITY SERVICES AND  
DEPARTMENT OF HEALTH CARE FINANCE**

**NOTICE OF FINAL RULEMAKING**

The Director of the Department on Disability Services (DDS), pursuant to the authority set forth in Title I of the Department on Disability Services Establishment Act of 2006, effective March 14, 2007 (D.C. Law 16-264; D.C. Official Code § 7-761.01 *et seq.* (2012 Repl.)), and the Director of the Department of Health Care Finance (DHCF), pursuant to the authority set forth in An Act to enable the District of Columbia to receive federal financial assistance under Title XIX of the Social Security Act for a medical assistance program, and for other purposes, approved December 27, 1967 (81 Stat. 774; D.C. Official Code § 1-307.02 (2014 Repl. & 2015 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 give notice of the adoption of a new Section 1940 entitled “Waiting List,” of Chapter 19 (Home and Community-Based Services Waiver for Individuals with Intellectual and Developmental Disabilities) of Title 29 (Public Welfare) of the District of Columbia Municipal Regulations (DCMR).

These final rules establish a waiting list for people who are otherwise eligible for services and supports and requesting services and supports through enrollment in the District of Columbia Medicaid program’s Home and Community-Based Services (HCBS) Waiver for Persons with Intellectual and Developmental Disabilities (IDD). These rules also establish the procedures for an eligible person to be placed on the waiting list, to be assigned a priority status, to be removed from the waiting list, and to be reviewed at least quarterly while on the waiting list.

This final rulemaking is consistent with the provisions of the Department on Disability Services Reporting, Waiting List, and Assessment Amendment Act of 2009 (D.C. Law 18-111; D.C. Official Code § 7-761.05(7) (2012 Repl.)), and the District of Columbia Medicaid Home and Community-Based Services Waiver for Persons with Intellectual and Developmental Disabilities, No. DC.0307.R03.00, as approved November 20, 2012. An amendment to the HCBS IDD waiver was approved by the Council through the Medicaid Assistance Program Amendment Act of 2014, effective February 26, 2015 (D.C. Law 20-155; D.C. Official Code § 1-307.02(a)(8)(E) (2015 Supp.)). CMS approved the amendment to the HCBS IDD waiver effective September 24, 2015.

A Notice of Emergency and Proposed Rulemaking, which was published in the *D.C. Register* on February 12, 2016, at 63 DCR 001698, was adopted on February 3, 2016, and became effective on that date. The emergency rules are superseded by publication of this Notice of Final Rulemaking in the *D.C. Register*. Neither DDS nor DHCF received any comments to the emergency and proposed rules. The Directors of DDS and DHCF adopted these rules as final on April 12, 2016, and they shall become effective on the date of publication of this notice in the *D.C. Register*.

**Chapter 19, HOME AND COMMUNITY-BASED SERVICES WAIVER FOR INDIVIDUALS WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES, of Title 29 DCMR, PUBLIC WELFARE, is amended as follows:**

**A new Section 1940 is adopted to read as follows:**

**1940 WAITING LIST**

- 1940.1 The Department on Disability Services (DDS), through its Developmental Disabilities Administration (DDA), may establish a waiting list for people who are otherwise eligible for and requesting services and supports through enrollment in the District of Columbia Medicaid program's Home and Community-Based Services Waiver for Persons with Intellectual and Developmental Disabilities (HCBS IDD waiver), consistent with the approved HCBS IDD waiver, No. DC.0307.R03.00, as approved November 20, 2012, and in accordance with the requirements of the Department on Disability Services Establishment Act (D.C. Law 16-264; D.C. Official Code § 7-761.05(7) (2012 Repl.)), and as further amended.
- 1940.2 A person is considered "eligible" if he or she meets the requirements for DDA services as set forth in D.C. Official Code §§ 7-1301.01 *et seq.*, and the eligibility criteria for participation in the HCBS IDD waiver program, which are found in the approved HCBS IDD waiver application, and are linked to the Intermediate Care Facility for Individuals with Intellectual Disabilities (ICF/IID) level of care criteria, and are set forth in 29 DCMR §§ 1902.1 to 1902.4. Waiver eligibility criteria require that a person be: (1) a District of Columbia resident currently receiving services from DDS/DDA; (2) a Medicaid recipient with income up to three hundred percent (300%) of Supplemental Security Income; and (3) a Medicaid recipient who meets an ICF/IID level of care criteria.
- 1940.3 All eligible people requesting supports, services, and HCBS IDD waiver enrollment shall be treated in a manner that is consistent with the terms of the HCBS IDD waiver, in accordance with the order of priority specified below.
- 1940.4 An eligible person seeking HCBS supports and services may do so through application to the HCBS IDD waiver program. The HCBS IDD waiver program is approved by the federal Centers for Medicare and Medicaid Services (CMS) to serve up to a set number of participants each year based on the approved HCBS IDD waiver application, as may be amended. If HCBS IDD waiver openings are not available because the maximum number of participants is being served, taking into account reserved capacity, DDA will establish a waiting list for deferred HCBS IDD waiver enrollment.
- 1940.5 Consistent with CMS requirements and based on the availability of appropriated funds for these services, DDA will make every reasonable effort to ensure that eligible people on the waiting list will be enrolled and begin to receive HCBS

IDD waiver supports and services as quickly as feasible given the availability of waiver slots and the order of priority established by the terms of the waiver and these rules and the availability of funds.

- 1940.6 The application of each eligible person who applies for HCBS IDD waiver supports and services will be reviewed by DDA using the DDA Level of Need Assessment and Screening Tool (LON), or its successor.
- 1940.7 Based on the HCBS IDD waiver requirements and subject to the availability of appropriated funds for these services, eligible people on the waiting list for supports and services funded through the HCBS IDD waiver will be removed from the waiting list and be enrolled and begin to receive HCBS waiver supports and services in the following priority order, based upon the results of the Level of Need, or its successor, assessment:
- (a) An eligible person determined to have a priority need for HCBS IDD waiver services will be enrolled and receive them before all other eligible people;
  - (b) An eligible person determined to have an emergency need for HCBS IDD waiver services will be enrolled and receive them after all identified priority needs have been met and before all other remaining eligible people;
  - (c) An eligible person determined to have an urgent need for HCBS IDD waiver services will be enrolled and receive them after all identified priority and emergency needs have been met and before all other remaining eligible people; and
  - (d) An eligible person determined to have a non-urgent need for HCBS IDD waiver services will be enrolled and receive them only after all identified priority, emergency and urgent needs have been met; there is available enrollment space in the waiver; and sufficient appropriated resources are available.
- 1940.8 Priority Need: The following eligible people would be considered to have a “priority need” for enrollment in the HCBS IDD waiver:
- (a) A person who has no family or other natural support system to meet his/her assessed need for twenty-four (24) hour residential support;
  - (b) Any identified Evans class member, as defined in § 1940.99, who chooses HCBS IDD waiver services; and
  - (c) Any person who is a ward of the District of Columbia who has aged out of the DC Child and Family Services Agency (CFSA) and has been in an out-of-home placement, and for whom returning to a parental/natural

home is not an option.

- 1940.9      Emergency Need: A person is considered to have an “emergency need” for enrollment in the HCBS IDD waiver if the health and safety of the person or others is in imminent danger and the situation cannot be resolved absent the provision of such services available from the HCBS IDD waiver program. Criteria for determining an emergency need include, but are not limited to:
- (a)      There is clear evidence of abuse, neglect, or exploitation;
  - (b)      The person’s primary caregiver is deceased and the person lacks an alternative primary caregiver; or
  - (c)      The person is homeless or at imminent risk of becoming homeless as these terms are defined in the Homeless Services Reform Act of 2005, effective October 22, 2005 (D.C. Law 16-35; D.C. Official Code § 4-751.01(18) and (23) (2012 Repl.)).
- 1940.10      Urgent Need: A person is considered to have an “urgent need” for enrollment in the HCBS IDD waiver if he or she is at significant risk of having his or her basic needs go unmet. Basic needs include the need for shelter, to eat, maintain one’s health and to be free from harm, injury or threats to one’s person or property.
- 1940.11      Non-Urgent Need: A person is considered to have a “non-urgent need” for enrollment in the HCBS IDD waiver if he or she:
- (a)      Meets eligibility criteria for supports through the HCBS IDD waiver; and
  - (b)      Does not meet any of the priority, emergency, or urgent needs criteria.
- 1940.12      For people with the same priority status, when there are openings available in the HCBS IDD waiver DDA shall review all candidates and, based upon their needs as determined by the LON, shall make a determination of order of placement. Length of time on the waiting list shall be a factor considered, but is not solely considered to determine order of placement.
- 1940.13      Based on funding availability, DDA will provide immediate non-waiver services to people on the waiting list who have been identified as having a priority or emergency need:
- (a)      If the person is homeless or at imminent risk of becoming homeless as these terms are defined in D.C. Official Code §§ 4-751.01(18) and (23); or
  - (b)      If there is reasonable belief that person is in imminent danger, or would be subject to abuse or neglect if the person does not receive immediate support or services.

- 1940.14 The application of each person on the waiting list will be reviewed by DDA at least quarterly to determine any change in the support needs of the person, the person's family, and other relevant circumstances affecting the support needs of the person. A review of a change in priority status will also be initiated within five (5) business days of the request by the person, or any member of his or her support team.
- 1940.15 Once a person's application has been approved for HCBS IDD waiver enrollment, the person will be assigned a service coordinator, who shall assist the person with completing his/her HCBS IDD waiver application and with development of the person's Individual Service Plan and HCBS IDD waiver Plan of Care.
- 1940.16 If the person is seeking out of home residential services through enrollment in the HCBS IDD waiver program, the person must be Medicaid-eligible and the person and his or her caregiver must be willing to accept available residential opportunities if necessary that meet the person's primary needs at the time of assessment.
- 1940.17 DDA will refer and assist people on the waiting list to identify, apply for and, when appropriate, obtain services from other District of Columbia or community based agencies for which they might be eligible, including services through the Medicaid State Plan.
- 1940.18 A person may be removed from the waiting list for HCBS IDD waiver service for any of the following reasons:
- (a) The person or his or her substitute decision-maker requests removal;
  - (b) The person is no longer eligible for services from DDA; or
  - (c) If, as part of the quarterly review of the person's priority status, the person's service coordinator is unable to reach the person or his or her family after three (3) documented attempts each at least one week apart. However, the service coordinator must first send a written notice by certified mail to the last known address notifying the person/family of DDA's intent to remove the person's name from the waiting list. For purposes of this provision, DDA need not make contact in order to remove the person from the waiting list but need only send written notice to the last address provided by the person/family.
- 1940.19 Each person on the waiting list and his or her legal representative shall be provided sufficient information and opportunity to request an agency review of any DDA decision with which they disagree relating to the person's placement on the waiting list, priority status or removal from the waiting list for reasons other than enrollment and initiation of HCBS IDD waiver services.

- 1940.20 The agency review contemplated by this provision is an informal process by which the person and his or her legal representative may seek reconsideration of a DDA decision by the DDS Deputy Director for DDA, or his or her designee, and requires a written request for reconsideration setting forth the factual and legal basis for the disagreement relating to the person's placement on the waiting list, determination of order of priority status, or removal from the waiting list. Request for agency review must be made within thirty (30) days plus five (5) for mailing) from the date the written notice in §§ 1940.22 and 1940.23 was mailed, unless there is good cause for a late request.
- 1940.21 Each person placed on the waiting list or removed from the waiting list for reasons other than enrollment and initiation of HCBS IDD waiver services shall be entitled to a fair hearing at the Office of Administrative Hearings (OAH) in accordance with 42 CFR 43, D.C. Official Code §§ 4-210.01 *et seq.*, and 29 DCMR §§ 1909.1 to 1909.3. Each person on the waiting list and their legal representative shall have thirty (30) calendar days from receipt of the written notice in §§ 1940.22 and 1940.23 to demand a fair hearing.
- 1940.22 DDA shall provide to each person on the waiting list and their legal representative timely and adequate written notice of the DDA decision to place the person on the waiting list or to remove the person from the waiting list (for reasons other than enrollment and initiation of HCBS IDD waiver services).
- (a) Timely means that the written notice is sent by first-class U.S. Mail, postage prepaid, within five (5) business days of the decision to the last known address for the person and their legal representative as included in the completed application or entered in the DDA database for the person.
- (b) Adequate means that the written notice includes:
- (1) A statement of the action taken by DDA;
  - (2) The reason for the action and, if the action is placement on the waiting list, the person's rank on the waiting list and estimate of how long the person can expect to wait for HCBS IDD waiver supports and services;
  - (3) That the person can contact his or her service coordinator at any time to report a change in his or her circumstances and request a review of his or her priority status;
  - (4) An explanation of the person's right to an informal agency review and/ or fair hearing at the OAH;
  - (5) The method by which the person may request an informal agency review or demand a fair hearing;

- (6) That the informal agency review is not required and does not toll the time that a person has to file with OAH; and that the person may immediately file a fair hearing request with OAH;
- (7) That the person may represent himself or herself, or use legal counsel, a relative, a friend or other person for assistance; and
- (8) Referral information for area legal services organizations.

1940.23 In addition to the written notice provided under § 1940.21, DDA shall send each person on the waiting list and their legal representative written notice of the DDA's decision to continue the person's placement on the waiting list beyond the first six (6) months, and twice annually thereafter.

1940.24 DDS shall publish an annual report on the waiting list during the prior fiscal year, which shall include a demographic profile of people on the waiting list; aggregate information on the level of need and requested supports and services of people on the waiting list; information about the length of time people have been on the waiting list; provide projected annual costs to meet the aggregate needs of all people on the waiting list; and discuss methods to reduce the waiting list and maximum waiting period.

## 1940.99 DEFINITIONS

When used in this section, the following terms and phrases shall have the meanings ascribed:

**Aged Out** – Refers to the threshold age when people receiving services from certain agencies are no longer eligible such services, but may then become eligible for services and supports from DDA. These include wards of the state that are residentially funded by the Children and Family Services Agency and, upon turning the age of twenty two (22), if they choose to continue to receive supports and meet the eligibility criteria for DDA, DDA provides those supports.

**CMS** - The Centers for Medicare and Medicaid Services is the federal agency under Title XIX of the Social Security Act responsible for approving HCBS waiver applications and monitoring the operation of waiver programs in the states and the District of Columbia.

**Department on Disability Services (DDS)** - The agency that provides services to District of Columbia residents with intellectual and other disabilities through its Developmental Disabilities Administration and Rehabilitation Services Administration.

**Evans class member** – Refers to any person who was a former resident of Forest Haven and therefore is identified as a member of the class as defined in the Order to Amend Class Action Order in *Evans v. Washington*, Civil Action No. 76-0293 (D.D.C. filed Jan. 19, 1977).

**Home and Community-Based Services Waiver for Individuals with Intellectual and Developmental Disabilities (HCBS IDD waiver)** - The HCBS IDD waiver is a District of Columbia Medicaid program as approved by the Council of the District of Columbia and CMS that funds home and community-based services and supports as an alternative to receiving services in an Intermediate Care Facility for Individuals with Intellectual Disabilities (ICF/IID).

**HCBS IDD Waiver Waiting List** - The list of people who have been reviewed and assessed by DDA, have been assigned a priority ranking, and are waiting for an opening in the DDA HCBS waiver program to be enrolled and receive services.

**Intermediate Care Facility for Individuals With Intellectual Disabilities (ICF/IID)** - ICFs/IID are Medicaid State Plan funded residential settings that provide all residential (room and board), day/vocational, therapeutic, habilitative, supervision and transportation services as specified in the person's Person Support Plan. ICF/IID homes are certified and licensed by the D.C. Department of Health.

**ICF/IID Level of Care Criteria** – These criteria establish the diagnostic and functional eligibility criteria for HCBS IDD waiver services and are set forth in 29 DCMR §§ 1902.1 to 1902.4, as amended.

**Reserved Capacity** - Reserve capacity is a number of waiver slots set aside for people who are currently in an ICF/IID settings who want to move to smaller, integrated residential settings through the waiver, as well as a commitment to wards of the State who are transitioning from the Children and Family Services Agency (CFSA) to adult services in DDS/DDA that are placed in out-of-home services to assure a seamless transfer to adult services.

**Residential Supports** - A broad term used to describe options for people who need housing supports (*i.e.* rent, food, utilities and supplies) outside of the family or person's home in addition to paid staff supports, clinical services or other HCBS waiver services. Residential supports are included if a person chooses to receive services through the Medicaid State Plan ICF/IID program. Residential supports are not included in the HCBS IDD waiver program (except for Host Home and Live-in Caregiver Services, in part), and therefore must be requested and managed separately from HCBS IDD waiver enrollment. Residential supports for persons



participating in the HCBS IDD waiver program are one hundred percent (100%) dependent upon local funding, and should be combined with housing vouchers, food stamps, cash benefits, wages and other sources of housing subsidies to maximize the capacity of DDA to support all people who need such support.

## DEPARTMENT OF HEALTH CARE FINANCE

NOTICE OF FINAL RULEMAKING

The Director of the Department of Health Care Finance (DHCF), pursuant to the authority set forth in An Act to enable the District of Columbia to receive federal financial assistance under Title XIX of the Social Security Act for a medical assistance program, and for other purposes, approved December 27, 1967 (81 Stat. 774; D.C. Official Code § 1-307.02 (2014 Repl. & 2015 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 of amendments to Section 1929, entitled “Residential Habilitation Services,” of Chapter 19 (Home and Community-Based Services Waiver for Individuals with Intellectual and Developmental Disabilities) of Title 29 (Public Welfare) of the District of Columbia Municipal Regulations (DCMR).

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

The ID/DD Waiver was approved by the Council of the District of Columbia (Council) and renewed by the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), for a five-year period beginning November 20, 2012. An amendment to the ID/DD Waiver was approved by the Council through the Medicaid Assistance Program Amendment Act of 2014, effective February 26, 2015 (D.C. Law 20-155; D.C. Official Code § 1-307.02(a)(8)(E) (2015 Supp.)). CMS approved the amendment to the ID/DD Waiver effective September 24, 2015.

Residential habilitation services provide essential supports whereby groups of individuals share a home managed by a provider agency. A Notice of Emergency and Proposed Rulemaking for 29 DCMR § 1929 (Residential Habilitation Services) was published in the *D.C. Register* on February 19, 2016, at 63 DCR 001994, which amended the previously published final rules by: (1) clarifying words and phrases to reflect more person-centered language and to simplify interpretation of the rule; (2) requiring the use of Department on Disability Services approved person-centered thinking and discovery tools; (3) clarifying requirements for daily progress notes; (4) modifying the rate methodology to account for time spent by staff during transportation, reducing the number of hours for direct support staff time during the day shift Monday through Friday, increasing the occupancy rate, and correcting an error in the rate model formula; (5) requiring that supports be aimed at skill building and include opportunities for community integration and competitive integrated employment; (6) adding wellness to the list of professional services; (7) clarifying requirements of minimum daily ratios; and (8) explaining when companion services may be used with residential habilitation services. The emergency rulemaking was adopted on February 11, 2016, and became effective on that date, and will remain in effect until June 10, 2016, or until publication of a Notice of Final Rulemaking in the *D.C. Register*, whichever occurs first. DHCF received no comments to the emergency and proposed rulemaking and no changes have been made.

The Director of DHCF adopted these rules as final on April 19, 2016, and they shall become effective on the date of publication of this notice in the *D.C. Register*.

**Chapter 19, HOME AND COMMUNITY-BASED SERVICES WAIVER FOR INDIVIDUALS WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES, of Title 29 DCMR, PUBLIC WELFARE, is amended as follows:**

**Section 1929, RESIDENTIAL HABILITATION SERVICES, is deleted in its entirety and a new Section 1929 is added to read as follows:**

**1929 RESIDENTIAL HABILITATION SERVICES**

- 1929.1 The purpose of this section is to establish standards governing Medicaid eligibility for residential habilitation services under the Home and Community-Based Services Waiver for Individuals with Intellectual and Developmental Disabilities (Waiver) and to establish conditions of participation for providers of residential habilitation services.
- 1929.2 Residential habilitation services are supports, provided in a home shared by at least four (4), but no more than six (6) persons. The service assists each person in: acquiring, retaining, and improving self-care, daily living, adaptive and other skills needed to reside successfully in a shared home within the community, based upon what is important to and for the person, as documented in his or her Individualized Support Plan (ISP) and reflected in his or her Person-Centered Thinking and Discovery tools.
- 1929.3 In order to be eligible for Medicaid reimbursement, residential habilitation services shall be:
- (a) Provided to a person with a demonstrated need for continuous training, assistance, and supervision; and
  - (b) Authorized in accordance with each person's ISP and Plan of Care.
- 1929.4 In order to be eligible for Medicaid reimbursement, the Waiver provider shall:
- (a) Use the Department on Disabilities Services (DDS) approved person-centered thinking tools and the person's Positive Personal Profile and Job Search and Community Participation Plan to develop a functional assessment that includes identifying what is important to and for the person, within the first month of the person residing in the home. This assessment shall be reviewed and revised annually or more frequently as needed;

- (b) Participate as a member of the person's support team, at his or her request, including making recommendations for the development of the ISP and Plan of Care;
- (c) Assist in the coordination of all services that a person may receive by ensuring that all recommended and accepted modifications to the ISP are included in the current program and health support plans of the residential provider;
- (d) Develop program and health support plans with measurable outcomes using the functional assessment, DDS approved person-centered thinking tools, Positive Person Profiles and Job Search and Community Participation Plan, the ISP, Plan of Care, and other information as appropriate, to enable the person to safely reside in, and be integrated as a member of, his or her community and maintain his or her health;
- (e) Propose modifications to the ISP and Plan of Care, as appropriate; and
- (f) Review the person's ISP and Plan of Care goals, DDS-approved person centered thinking tools, Positive Person Profiles and Job Search and Community Participation Plan, objectives, and activities at least quarterly and more often, as necessary, and submit quarterly reports to the person, family, as appropriate, guardian, and DDS Service Coordinator in accordance with the requirements described, under Section 1908 (Reporting Requirements) and Section 1909 (Records and Confidentiality of Information) of Chapter 19 of Title 29 DCMR.

## 1929.5

In order to be eligible for Medicaid reimbursement, each provider of residential habilitation services shall ensure that each person receives hands-on support, skill development, habilitation, and other supports, aimed at teaching the person to increase his or her skills and self-reliance. This shall include, but not be limited to, the following categories of support, unless the person has demonstrated independence and capacity in any of the following areas.

- (a) Eating and food preparation, including learning about healthy eating choices;
- (b) Personal hygiene;
- (c) Dressing;
- (d) Monitoring health and physical conditions;
- (e) Assistance with the administration of medication;
- (f) Communications;

- (g) Interpersonal and social skills including building and maintaining relationships;
- (h) Household chores;
- (i) Mobility;
- (j) Financial management;
- (k) Motor and perceptual skills;
- (l) Problem-solving and decision-making;
- (m) Human sexuality;
- (n) Providing opportunities to engage in community life, including but not limited to social, recreational, and religious activities utilizing community resources;
- (o) Ensuring that the person has appropriate and functioning adaptive equipment;
- (p) Providing opportunities for the person to seek employment and vocational supports to work in the community in a competitive and integrated setting, and
- (q) Other supports that are identified as important to or for the person in supports as identified in the person's ISP.

## 1929.6

In order to be eligible for Medicaid reimbursement, each provider of residential habilitation services shall ensure that each person receives the professional services required to meet his or her goals as identified in the person's ISP and Plan of Care. Professional services may include, but shall not be limited to, the following disciplines:

- (a) Medicine;
- (b) Dentistry;
- (c) Education;
- (d) Nutrition;
- (e) Nursing;

- (f) Occupational therapy;
- (g) Physical therapy;
- (h) Psychology;
- (i) Social work;
- (j) Speech, Hearing and Language therapy;
- (k) Recreation; and
- (l) Wellness.

1929.7 In order to be eligible for Medicaid reimbursement, each Waiver provider shall ensure that transportation services are provided in accordance with Section 1904 (Provider Qualifications) of Chapter 19 of Title 29 DCMR.

1929.8 In order to be eligible for Medicaid reimbursement, each new Waiver provider of residential habilitation services shall:

- (a) Comply with Sections 1904 (Provider Qualifications) and 1905 (Provider Enrollment Process) of Chapter 19 of Title 29 DCMR;
- (b) Provide verification of passing the DDS Provider Certification Review (PCR) for in-home support, supported living or respite services for the last three (3) years.
- (c) For providers with less than three (3) years of PCR certification, provide verification of a minimum of three (3) years of experience providing residential or respite services to the ID/DD population, evidence of certification or licensure from the jurisdiction in which the service was delivered, and evidence of PCR certification for each year that the provider was enrolled as a waiver provider in the District of Columbia, if applicable;
- (d) Ensure that each residence is accessible to public transportation and emergency vehicles;
- (e) Have an executed, signed, current Human Care Agreement with DDS, if required by DDS; and
- (f) Be licensed as a Group Home for a Person with an Intellectual Disability (GHPID) in the District of Columbia or a similarly licensed group home in other states.

- 1929.9 In order to be eligible for Medicaid reimbursement, current Waiver providers shall demonstrate that a satisfactory rating was received pursuant to the DDS Provider Certification Review policy and procedure available at <http://dds.dc.gov> and remain compliant with those requirements described under § 1929.8.
- 1929.10 In order to be eligible for Medicaid reimbursement, each GHPID located in the District of Columbia shall provide services to at least four (4), but no more than six (6), persons and shall meet the following requirements:
- (a) Be licensed pursuant to the Health Care and Community Residence Facility, Hospice and Home Care Licensure Act of 1983, effective February 24, 1984 (D.C. Law 5-48; D.C. Official Code §§ 44-501 *et seq.*), no later than sixty (60) days after approval as a Medicaid provider; and
  - (b) Comply with the requirements set forth in Chapter 35 of Title 22-B of the District of Columbia Municipal Regulations (DCMR).
- 1929.11 In order to be eligible for Medicaid reimbursement, each out-of-state group home shall serve at least four (4), but no more than six (6), persons.
- 1929.12 Each group home located out-of-state shall be licensed or certified in accordance with the host state's laws and regulations, consistent with the terms and conditions set forth in an agreement between the District of Columbia and the host state.
- 1929.13 Each out-of-state provider shall comply with the following additional requirements:
- (a) Submit to DDS a certificate of registration to transact business within the District of Columbia issued pursuant to D.C. Official Code §§ 29-105.3 *et seq.*;
  - (b) Remain in good standing in the jurisdiction where the program is located;
  - (c) Submit to DDS a copy of the annual certification or survey performed by the host state and provider's corrective action plan, if applicable; and
  - (d) Allow authorized agents of the District of Columbia government, federal government, and governmental officials of the host state, full access to all sites and records for audits and other reviews.
- 1929.14 In order to be eligible for Medicaid reimbursement, each Direct Support Professional (DSP) providing residential habilitation services as an agent or employee of a provider shall meet all of the requirements in Section 1906 (Requirements for Direct Support Professionals) of Chapter 19 of Title 29 DCMR.

- 1929.15 An acuity evaluation to set support levels shall be recommended by the Support Team and approved by the DDS Waiver Unit. DDS shall review current staffing levels, available health and behavioral records, and the results of the Level of Need Assessment and Screening Tool, or its successor, to determine if a person has a health, behavioral or functional acuity that requires increased supports. A person may be assessed at a support level that is consistent with their current staffing level, if other acuity indicators are not in place.
- 1929.16 The minimum daily ratio of on-duty direct care staff to persons enrolled in the Waiver and present in each GHPID must meet the minimum staffing ratio requirements set forth in Chapter 35 of Title 22-B DCMR and described in §§ 1929.24 and 1929.25 (reimbursement rates), unless it is determined by DDS to require a higher acuity level.
- 1929.17 In order to be eligible for Medicaid reimbursement, each provider of residential habilitation services shall maintain the following documents for monitoring and audit reviews:
- (a) A current written staffing plan;
  - (b) A written explanation of staffing responsibilities when back-up staff is unavailable and the lack of immediate care poses a serious threat to the person's health and welfare;
  - (c) Daily attendance rosters;
  - (d) The financial documents required pursuant to the DDS Personal Funds policy available at <http://dds.dc.gov>;
  - (e) The records of any nursing care provided pursuant to physician ordered protocols and procedures, charting, and other supports indicated in the physician's orders relating to development and management of the Health Management Care Plan; and
  - (f) Any documents required to be maintained pursuant to the DDS Health and Wellness Standards and Policy available at <http://dds.dc.gov>.
- 1929.18 Each provider shall comply with the requirements described under Section 1908 (Reporting Requirements), Section 1909 (Records and Confidentiality of Information), Section 1911 (Individual Rights), and Section 1938 (Home and Community-Based Settings Requirements) of Chapter 19 of Title 29 DCMR; except that the progress notes as described in Section 1909.2(m) shall be maintained on a daily basis.
- 1929.19 Residential habilitation services shall not be billed concurrently with the following Waiver services:



- (a) Environmental Accessibility Adaptation;
- (b) Vehicle Modifications;
- (c) Supported Living;
- (d) Respite;
- (e) Host Home;
- (f) Companion, except that Companion services can be used with Residential Habilitation services during regular daytime hours on Mondays through Fridays, not to exceed more than forty (40) hours per week, or in combination with any other waiver day or vocational support service, including Day Habilitation, Employment Readiness, Supported Employment and Individualized Day Supports not to exceed forty (40) hours per week;
- (g) In-Home Supports;
- (h) Personal Emergency Response System; and
- (i) Skilled Nursing.

1929.20 Residential habilitation services shall not be reimbursed by Medicaid when provided by a member of the person's family.

1929.21 Medicaid reimbursement for residential habilitation services shall not include:

- (a) Cost of room and board;
- (b) Cost of facility maintenance, upkeep, and improvement;
- (c) Activities for which payment is made by a source other than Medicaid;
- (d) Time when the person is in school or employed;
- (e) Payment for the same day that a person is receiving Medicaid reimbursable services such as acute care hospitalization, short and long-term rehabilitation or nursing home care; and
- (f) Payment for a day when the person has not been supported by the residential habilitation services provider for any part of a twenty-four (24) hour period.

- 1929.22 The reimbursement rate for residential habilitation services shall only include time when staff is awake and on duty and shall include:
- (a) All supervision provided by the direct support staff;
  - (b) All nursing provided in the residence for medication administration, physician ordered protocols and procedures, charting, other supports as per physician's orders, and maintenance of and training on the person's Health Management Care Plan;
  - (c) Transportation;
  - (d) Programmatic supplies and fees;
  - (e) Quality assurance costs, such as Incident Management Systems and staff development; and
  - (f) General administrative fees for Waiver services.
- 1929.23 The reimbursement rate for residential habilitation services shall be a daily rate.
- 1929.24 The reimbursement rate for residential habilitation services for a GHPID with four (4) persons shall be as follows:
- (a) The Basic Support Level 1 daily rate shall be two hundred and sixty-six dollars and seventy-eight cents (\$266.78) for a direct care staff support ratio of 1:4 for all awake and overnight hours;
  - (b) The Moderate Support Level 2 daily rate shall be three hundred seventy four dollars and eighty-seven cents (\$374.87) for a direct care staff support ratio of 1:4 for awake overnight and 2:4 during all awake hours when persons are in the home and adjusted for increased absenteeism;
  - (c) The Enhanced Moderate Support Level 3 daily rate shall be four hundred and twenty dollars and three cents (\$420.03) for a direct care staff support ratio of 2:4 staff awake overnight and 2:4 during all awake hours when persons are in the home and adjusted for increased absenteeism;
  - (d) The Intensive Support daily rate shall be five hundred and ten dollars and eighty-two cents (\$510.82) for a direct care staff support ratio of 2:4 staff awake overnight and 3:4 during all awake hours when persons are in the home and adjusted for increased absenteeism; and
  - (e) The Intensive Support daily rate shall be six hundred and six dollars and thirty-one cents (\$606.31) for twenty-four (24) hour licensed practical nursing services.

- 1929.25 The reimbursement rate for residential habilitation services for a GHPID with five (5) to six (6) persons shall be as follows:
- (a) The Basic Support Level 1 daily rate shall be two hundred and eighty-nine dollars and fourteen cents (\$289.14) for a direct care staff support ratio of 1:5 or 1:6 staff awake overnight and 2:5 or 2:6 during all awake hours when persons are in the home;
  - (b) The Moderate Support Level 2 daily rate shall be three hundred fifty-seven dollars and twenty-nine cents (\$357.29) for a direct care staff support ratio of 2:5 or 2:6 staff awake overnight and 2:5 or 2:6 during all awake hours when persons are in the home and adjusted for increased absenteeism;
  - (c) The Enhanced Moderate Support Level 3 daily rate shall be three hundred and ninety-seven dollars and ninety-two cents (\$397.92) for a staff support ratio of 2:5 or 2:6 staff awake overnight and 3:5 or 3:6 during all awake hours when persons are in the home and adjusted for increased absenteeism;
  - (d) The Intensive Support daily rate shall be four hundred and ninety-five dollars and ninety-eight cents (\$495.98) for increased direct care staff support for sleep hours to 2:5 or 2:6 for staff awake overnight support and 4:5 or 4:6 during all awake hours when persons are in the home and adjusted for increased absenteeism; and
  - (e) The Intensive Support daily rate shall be five hundred and seven dollars and seventeen cents (\$507.17) for twenty-four (24) hour licensed practical nursing services.
- 1929.26 The reimbursement rates assume a ninety-five percent (95%) annual occupancy, and unanticipated absence from day/vocational services or employment due to illness, and planned absence for holidays.
- 1929.27 Daily activities may include but are not limited to Day Habilitation, Employment Readiness, Individualized Day Supports, Companion, Supported Employment or employment.

DEPARTMENT OF HEALTH

NOTICE OF FINAL RULEMAKING

The Director of the Department of Health (“Department”), pursuant to the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code §§ 3-1201.01 *et seq.* (2012 Repl.)), as amended by the Trauma Technologists Licensure Amendment Act of 2013, effective January 25, 2014 (D.C. Law 20-64, 60 DCR 16533 (December 6, 2013)), and Mayor’s Order 98-140, dated August 20, 1998, hereby gives notice of the adoption of new Chapter 106 to Title 17 (Business, Occupations, and Professionals) of the District of Columbia Municipal Regulations (DCMR), entitled “Trauma Technologists,” and the adoption of an amendment to Section 3500 (Fees) of Chapter 35 (Licensing Fees) of Title 17 DCMR.

Adoption of Chapter 106 is necessary to establish rules specific to trauma technologists practicing in the District, including licensure, scope of practice, supervision, and continuing education, as well as to provide the duties of the advisory board of trauma technologists to the District of Columbia Board of Medicine.

This rulemaking was published in the *D.C. Register* as emergency and proposed rulemaking on December 25, 2015 at 62 DCR 16344. No comments were received. The Department adopts the final rulemaking with no changes to the emergency and proposed rulemaking.

**Title 17 DCMR, BUSINESS, OCCUPATIONS, AND PROFESSIONALS, is amended by adding a new Chapter 106, entitled TRAUMA TECHNOLOGISTS, to read as follows:**

**CHAPTER 106      TRAUMA TECHNOLOGISTS**

- 10600      GENERAL PROVISIONS**
- 10601      TERM OF LICENSE**
- 10602      RENEWAL OF LICENSE**
- 10603      LICENSURE REQUIREMENTS**
- 10604      TRANSITION TO LICENSURE**
- 10605      [RESERVED]**
- 10606      [RESERVED]**
- 10607      [RESERVED]**
- 10608      CONTINUING EDUCATION REQUIREMENTS**
- 10609      APPROVED CONTINUING EDUCATION PROGRAMS AND ACTIVITIES**
- 10610      [RESERVED]**
- 10611      [RESERVED]**
- 10612      [RESERVED]**
- 10613      SCOPE OF PRACTICE**
- 10614      SUPERVISING PHYSICIAN**
- 10615      TITLE PROTECTION**
- 10616      DUTIES OF ADVISORY COMMITTEE OF TRAUMA TECHNOLOGISTS**
- 10699      DEFINITIONS**

**10600 GENERAL PROVISIONS**

10600.1 This chapter shall apply to applicants for a license to practice as a trauma technologist.

10600.2 Chapters 40 (Health Occupations: General Rules) and 41 (Health Occupations: Administrative Procedures) shall supplement this chapter.

**10601 TERM OF LICENSE**

10601.1 Subject to § 10601.2, a license issued pursuant to this chapter shall expire at 12:00 midnight of December 31st of each even-numbered year.

10601.2 If the Director changes the renewal system pursuant to § 4006.3 of Chapter 40 of this title, a license issued pursuant to this chapter shall expire at 12:00 midnight of the last day of the month of the birthdate of the holder of the license or other date established by the Director.

**10602 RENEWAL OF LICENSE**

10602.1 The holder of a license to practice as a trauma technologist shall renew his or her license by submitting a completed application on the forms prescribed by the Board and paying the required fees prior to the expiration of the license.

10602.2 A licensed holder applying for renewal of a license to practice as a trauma technologist shall submit documentary evidence that, in addition to meeting the requirements of § 3-1205.04(r), he or she has successfully completed fifty (50) hours of Board-approved continuing medical education within two (2) years before the date the license expires. Continuing medical education may consist of critiques, didactic session, practical drills, workshops, seminars, or other Board-approved means.

**10603 LICENSURE REQUIREMENTS**

10603.1 An applicant shall furnish proof satisfactory to the Board in accordance with D.C. Official Code § 3-1205.04 (2012 Repl.) that the applicant has met the following requirements:

- (a) Successfully completed courses and training in anatomy and physiology, respiratory and cardiac care, wound treatment and closure, treatment of musculoskeletal injuries and burns, and other clinical aspects of emergency medical care from a trauma technology training program approved by the Board;
- (b) Successfully completed the written and practical examinations for trauma

technologists within twelve (12) months after completing the trauma technology training program; and

- (c)
- (1) Successfully completed and provided evidence of course completion of a life support training course, which includes all adult, child, and infant cardiopulmonary resuscitation and airway obstruction skills, from an agency approved by the Board, which teaches these skills in accordance with the current American Heart Association Guidelines for Basic Life Support at the health care provider level;
  - (2) Successfully completed and provided evidence of completion of a dedicated training program for trauma technologists in the armed forces and has been performing the functions of trauma technologists for at least five (5) years before the date of application for licensure; or
  - (3) Demonstrated to the satisfaction of the Board the completion of full-time work experience performed in the United States or Canada under the direct supervision of an emergency room physician licensed in the United States or Canada and consisting of at least one thousand three hundred (1,300) hours of performance as a trauma technologist in a Level 1 trauma facility as designated by the Director of the Department of Health pursuant to Chapters 27 and 28 of Subtitle B of Title 22 of the District of Columbia Municipal Regulations (22-B DCMR §§ 2700 *et seq.* and §§ 2800 *et seq.*), within the three (3) years preceding the date of application for licensure.

**10604            TRANSITION TO LICENSURE**

10604.1        All references to trauma technologists shall be deemed to refer to persons meeting the requirements for licensure in the District, regardless of whether they are licensed in fact, until January 25, 2016.

**10605            [RESERVED]**

**10606            [RESERVED]**

**10607            [RESERVED]**

**10608            CONTINUING EDUCATION REQUIREMENTS**

10608.1        This section shall apply to applicants for the renewal, reactivation, or reinstatement of a license for a term expiring December 31, 2016, and for

subsequent terms.

- 10608.2 An applicant for renewal of a license to practice as a trauma technologist shall submit proof pursuant to § 10608.5 of having completed during the two-year (2) period preceding the date the license expires approved continuing education units (CEUs) constituting fifty (50) hours of CEU credit as specified in § 10609.2.
- 10608.3 A continuing education credit may be granted only for a program or activity approved by the Board in accordance with § 10609.
- 10608.4 An applicant for reactivation of an inactive license or reinstatement of a license to practice as a trauma technologist shall submit proof pursuant to § 10608.5 of having completed during the two-year (2) period immediately preceding the date of application approved CEUs.
- 10608.5 An applicant under this section shall furnish proof of having completed required continuing education units by submitting with the application the following information:
- (a) The name of the program and its approval number;
  - (b) The dates on which the applicant attended the program or performed the activity;
  - (c) The hours of credit claimed; and
  - (d) Verification that the applicant has completed the required continuing education program.

**10609 APPROVED CONTINUING EDUCATION PROGRAMS AND ACTIVITIES**

- 10609.1 The Board, in its discretion, may approve continuing education programs and activities that contribute to the knowledge, skills, and professional performance and relationships that a trauma technologist uses to provide services to patients, the public or the profession and that meet the other requirements of this section.
- 10609.2 The Board may approve continuing education programs and activities for credit that are:
- (a) Designated for AMA Category 1 credit approved by the American Medical Association;
  - (b) Sponsored, co-sponsored, or accredited by a state medical board; or
  - (c) Specifically approved by the Board.

- 10609.3 An applicant shall have the burden of verifying whether a program or activity is approved by the Board pursuant to this section prior to attending the program or engaging in the activity.
- 10610 [RESERVED]**
- 10611 [RESERVED]**
- 10612 [RESERVED]**
- 10613 SCOPE OF PRACTICE**
- 10613.1 An individual shall be licensed by the Board of Medicine before practicing as a trauma technologist in the District of Columbia.
- 10613.2 An individual licensed to practice as a trauma technologist shall have the authority to:
- (a) Identify respiratory emergencies and perform critical interventions with oxygen therapy equipment, including bag valve masks;
  - (b) Identify circulatory emergencies and perform critical interventions, including cardiopulmonary resuscitation;
  - (c) Identify, assess, and treat, as required, various eye injuries, soft tissue injuries, ligament and tendon injuries, musculoskeletal injuries, environmental emergencies, and exposure and reactions to poisons;
  - (d) Provide topical application of a local anesthetic,
  - (e) Apply tourniquets, casts, immobilizers, and surgical dressings;
  - (f) Perform phlebotomy and insert intravenous catheters; and
  - (g) Suture lacerations and provide wound care.
- 10613.3 A trauma technologist shall not:
- (a) Perform any surgical procedure independently;
  - (b) Have prescriptive authority; or
  - (c) Write any progress notes or orders on hospitalized patients.
- 10613.4 Telecommunication by a physician licensed to practice in the District of



Columbia may suffice as a means for directing delegated acts for a trauma technologist who is under the indirect supervision of that physician.

**10614 SUPERVISING PHYSICIAN**

10614.1 To be authorized to supervise a trauma technologist, a physician must be currently licensed as a physician in the District. The license must be unrestricted and active.

10614.2 A supervising physician shall perform the critical portions of any procedure. Supervision shall be continuous, and shall require that the supervising physician be immediately available in the emergency room suite for delegated acts that the trauma technologist performs and to respond to any emergency until the patient is released from the emergency room suite and care has been transferred to another physician, or until the trauma technologist has completed his or her tasks and has been excused by the supervising physician.

10614.3 It is the responsibility of the supervising physician(s) and the trauma technologist(s) to ensure that:

- (a) The trauma technologist's scope of practice is clearly defined;
- (b) Delegation of medical tasks is appropriate to the trauma technologist's level of competence;
- (c) The relationship between the members of the team is defined;
- (d) That the relationship of, and access to, the supervising physician is clearly defined and understood by both the supervising physician and the trauma technologist; and
- (e) A process for evaluating the trauma technologist's performance is established.

**10615 TITLE PROTECTION**

10615.1 Unless authorized to practice as a trauma technologist, a person shall not use or imply the use of the words or terms "trauma technologist" or any similar title or description of services with the intent to represent that the person practices as a trauma technologist.

**10616 DUTIES OF ADVISORY COMMITTEE ON TRAUMA TECHNOLOGISTS**

10616.1 The Advisory Committee on Trauma Technologists shall consist of three (3) members appointed by the Mayor. Of the members of the Advisory Committee

on Trauma Technologists, two (2) shall be emergency room physicians licensed in the District with experience working with trauma technologists, and one shall be a trauma technologist who shall be deemed to be and shall become licensed in the District in accordance with this chapter. The Committee shall advise the Board on all matters pertaining to this chapter and shall meet at least annually to review the guidelines for the licensing and regulation of trauma technologists and shall make necessary revisions for submission to the Board.

10616.2 Upon request of the Board, the Committee shall review applications for a license to practice as a trauma technologist and make recommendations to the Board.

10616.3 Upon request of the Board, the Committee shall review complaints regarding trauma technologists referred by the Board and make recommendations to the Board regarding what action should be taken.

## 10699 DEFINITIONS

10699.1 As used in this chapter the following terms have the meanings ascribed:

**Board** - the Board of Medicine, established by § 203(a) of the Act, D.C. Official Code § 3-1202.03(a) (1) (2012 Repl.).

**Committee** - the Advisory Committee on Trauma Technologists, established by § 203 (a) of the Act. D.C. Official Code § 3-1202.03(a) (2012 Repl.).

**Immediately available** - physically present in the emergency room suite and capable of responding to the trauma technologist and the patient as medically appropriate.

**Practice by trauma technologists** - means the provision of emergency medical care to trauma patients in a Level 1 trauma facility as designated by the Director of the Department of Health pursuant to Chapters 27 and 28 of Subtitle B of Title 22 of the District of Columbia Municipal Regulations (22-B DCMR §§ 2700 *et seq.* and §§ 2800 *et seq.*), under either the direct or indirect supervision of a physician licensed to practice medicine in the District of Columbia.

**Trauma technologist** - a person licensed to practice as a trauma technologist under the Act, or meeting the requirements for licensure in the District, regardless of whether he or she are licensed in fact, until January 25, 2016.

**Emergency room suite** - includes the emergency room of any hospital or Level 1 trauma facility, as well as contiguous examination rooms, surgical suites and recovery rooms.

**Supervising physician** - a physician licensed by the Board who may delegate

specified duties to a licensed trauma technologist, and oversees and accepts responsibility for the trauma technologist.

10699.2 The definitions in § 4099 of Chapter 40 of this title and the Act are incorporated by reference into and are applicable to this chapter.

**Chapter 35, LICENSING FEES, of Title 17 DCMR, BUSINESS, OCCUPATIONS, AND PROFESSIONALS, is amended as follows:**

**Section 3500, FEES, Subsection 3500.1, is amended by adding a new paragraph to read as follows:**

TRAUMA TECHNOLOGISTS:	
Application Fee	\$85.00
License Fee	\$145.00
Paid Inactive Status	\$145.00
Renewal Fee	\$145.00
Late Renewal Fee	\$85.00
Document Duplication Fee	\$34.00
Verification of Records	\$34.00
Reinstatement Fee	\$229.00
Criminal Background Check	\$50.00

## DEPARTMENT OF HUMAN SERVICES

NOTICE OF FINAL RULEMAKING

The Director of the District of Columbia Department of Human Services (DHS), pursuant to authority set forth in Section 205(c) of the District of Columbia Public Assistance Act of 1982 (Public Assistance Act), effective April 6, 1982 (D.C. Law 4-101; D.C. Official Code § 4-202.05(c) (2015 Supp.)), and Mayor's Order 2011-118, dated July 14, 2011, hereby gives notice of the adoption of amendments to Chapter 58 (Temporary Assistance for Needy Families), of Title 29 (Public Welfare) of the District of Columbia Municipal Regulations (DCMR).

The purpose of the rulemaking is to amend the rule setting forth the District of Columbia's Temporary Assistance for Needy Families (TANF) sanction policy to: clarify ambiguous language about the period of non-participation required before the sanction process is initiated; change the first level of graduated sanctions from removal of the sanctioned individual from the assistance unit to a twenty percent (20%) reduction in the assistance unit's monthly benefit; and allow for case termination with notice and an opportunity for a hearing after a Customer has failed to remedy a level three (3) sanction for twelve (12) months. The revisions to the TANF sanction policy will promote clarity and assist in efficient administration of the program.

The Notice of Proposed Rulemaking was published in the *D.C. Register* on October 2, 2015, at 62 DCR 013038. DHS did not receive any comments from the public concerning the proposed rules during the thirty (30)-day comment period, which expired on November 1, 2015. The Proposed Rulemaking was submitted to the Council on September 24, 2015, for a forty-five (45)-day period of review as required by Section 205 of the Public Assistance Act. No changes have been made to the text of the rules since published and proposed.

As the 45-day review period expired without action by the Council to approve or disapprove the proposed rules, the proposed rules have been deemed approved. The rules were adopted as final on January 20, 2016 and shall take effect on May 1, 2016.

**Chapter 58, TEMPORARY ASSISTANCE FOR NEEDY FAMILIES, of Title 29 DCMR, PUBLIC WELFARE, is amended as follows:**

**Section 5812, SANCTIONS, Subsections 5812.1 and 5812.2, are amended to read as follows:**

- 5812.1 A non-exempt TANF customer (Customer) is required to comply with his or her negotiated TANF Individual Responsibility Plan (IRP) as approved by the Director or his or her designee, or meet his or her work requirements, as set forth in D.C. Official Code §§ 4-205.19b and 4-205.19d (2012 Repl.). DHS shall impose the appropriate graduated sanction on Customers who are in non-compliance with this requirement, as defined in § 5812.3, without good cause.

5812.2 TANF customers are assigned to a TANF Service Provider (Provider) with whom the Customer communicates with in regards to his or her efforts to work on and achieve the goals set out in their approved IRP. Providers shall report at least monthly to DHS each Customer's level of participation in working on their IRP. Providers shall report to DHS whether the Customer is:

- (a) Fully participating;
- (b) Partially participating and making efforts to improve their participation;
- (c) Participating at consistently low levels of participation and not working to improve their participation; or
- (d) Completely non-participating.

**Subsection 5812.8 is amended to read as follows:**

5812.8 When a Customer fails to meet the requirements of § 5812.1, DHS shall impose a graduated system of sanctions, which consist of the following three (3) levels:

- (a) Level One: a twenty percent (20%) reduction in the assistance unit's TANF benefits as determined in accordance with D.C. Official Code § 4-205.52 (2012 Repl.), is applied when a Customer fails to meet the requirements of § 5812.1;
- (b) Level Two: a fifty percent (50%) reduction in the assistance unit's TANF benefits as determined in accordance with D.C. Official Code § 4-205.52 (2012 Repl.), is applied when a Customer fails to meet the requirements of § 5812.1 a second time; and
- (c) Level Three: a full family sanction lasting at least one (1) month is applied when a Customer fails to meet the requirements of § 5812.1 a third time. To receive TANF benefits following a full family sanction, a Customer must complete an updated assessment, re-negotiate their IRP, and meet the requirements of § 5812.12. If the Customer fails to meet the requirements of § 5812.12 within twelve (12) months, the TANF case shall be terminated. DHS shall provide advance written notice to the Customer that the TANF case shall be terminated. This notice shall be provided in accordance with D.C. Official Code § 4-205.55 (2012 Repl.).

## DEPARTMENT OF FORENSIC SCIENCES

**NOTICE OF SECOND PROPOSED RULEMAKING**

The Director of the Department of Forensic Sciences (the Director), pursuant to the authority set forth in Section 16 of the Department of Forensic Sciences Establishment Act of 2011, effective August 17, 2011 (D.C. Law 19-18; D.C. Official Code §§ 5-1501.01 *et seq.* (2012 Repl.)), hereby gives notice of the intent to adopt a new Chapter 37 (Breath Alcohol Testing Program) of Title 28 (Corrections, Courts, and Criminal Justice) of the District of Columbia Municipal Regulations (DCMR), in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

This rulemaking establishes requirements for the certification, calibration, and maintenance of breath alcohol evidential instruments for providing forensic science services and training pertaining to forensic testing of breath for alcohol content. Additionally, this rulemaking defines the role and responsibilities of the Office of the Chief Medical Examiner's Breath Alcohol Program Manager and the process to obtain, and maintain, certification as a licensed operator and licensed technician. These rules are consistent with the admissibility criteria set forth in Section 3q of the Anti-Drunk Driving Act of 1982, effective April 20, 2013 (D.C. Law 19-260; D.C. Official Code § 50-2206.52 (2014 Repl.)).

A previous Notice of Proposed Rulemaking was published in the *D.C. Register* on June 27, 2014, at 61 DCR 6443. This Notice of Second Proposed Rulemaking amends the previous Notice of Proposed Rulemaking, including provisions on technician licenses, renewal of technician licenses, and revocation of technician licenses, and clarifying that a licensed operator or licensed technician is certified in accordance with Section 3q of the Anti-Drunk Driving Act of 1982, effective April 27, 2013 (D.C. Law 19-266; D.C. Official Code § 50-2206.52 (2014 Repl.)).

Pursuant to D.C. Official Code § 5-1501.15, this proposed rulemaking will be transmitted to the Council of the District of Columbia for a forty-five (45) day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess.

**Title 28 DCMR, CORRECTIONS, COURTS, AND CRIMINAL JUSTICE, is amended by adding a new Chapter 37, BREATH ALCOHOL TESTING PROGRAM, to read as follows:**

**CHAPTER 37 BREATH ALCOHOL PROGRAM****3700 BREATH ALCOHOL PROGRAM OVERSIGHT RESPONSIBILITIES**

3700.1 The Department of Forensic Sciences (DFS) is responsible for overseeing certain aspects of the District's Breath Alcohol Program, including:

- (a) Testing and certifying the accuracy of District evidential instruments used by District law enforcement personnel;

- (b) Developing a program for District law enforcement personnel to become trained and certified as operators of evidential instruments;
- (c) Developing policies and procedures for the operation and maintenance of all evidential instruments used by District law enforcement personnel; and
- (d) Developing policies and procedures for the maintenance of records demonstrating that the evidential instruments used by District law enforcement personnel are in proper operating condition.

3700.2 Pursuant to Section 8(c) of the Department of Forensic Sciences Establishment Act of 2011 (D.C. Law 19-18; D.C. Official Code § 5-1501.07(d)), the Director of DFS may delegate some or all of these responsibilities to the Office of the Chief Medical Examiner (OCME).

3700.3 Pursuant to a memorandum of agreement between DFS and OCME, the Director of DFS has delegated the administration of the District's Breath Alcohol Program to the OCME.

**3701 BREATH ALCOHOL PROGRAM MANAGER**

3701.1 The Director of OCME shall appoint a Breath Alcohol Program Manager (Program Manager), who shall be responsible for ensuring the proper implementation of OCME's responsibilities related to the District's Breath Alcohol Program.

3701.2 The primary functions of the Program Manager, or designee, are to:

- (a) Provide technical and administrative support for the District's Breath Alcohol Program;
- (b) Maintain all records that pertain to the calibration, certification, accuracy, and validity of, and data generated from, evidential instruments;
- (c) Maintain all records pertaining to the licensure of operators and technicians;
- (d) Maintain evidential instruments and affiliated equipment;
- (f) Establish standards for the testing and certification of evidential instruments;
- (e) Supervise data collection for the certification of evidential instruments;
- (g) Select site location(s) for evidential instruments, in consultation with the Metropolitan Police Department;

- (h) Provide testimony as an expert witness, either by affidavit or in person, or in any other manner approved by the court, regarding breath alcohol testing;
- (i) Adopt and, as needed, amend a manual setting forth standards and procedures for breath alcohol program administration, including standards and procedures for the calibration, certification, and maintenance of evidential instruments. This manual is currently titled the “Quality Management Manual Breath Alcohol Program” (Quality Manual);
- (j) Adopt and, as needed, amend a manual setting forth standards and procedures for operator training and licensing, including standards and procedures for basic evidential instrument operation, basic troubleshooting, and subject testing procedures. This manual is currently titled the “Basic Training Program for Breath Alcohol Operators” (Operator’s Manual); and
- (k) Adopt and, as needed, amend a manual setting forth standards and procedures for technician training and licensure. This manual is currently titled the “Technician Training Manual Breath Alcohol Program” (Technician Training Manual).

## **3702 RECORDS RETENTION AND INSPECTION**

- 3702.1 The Program Manager, or designee, shall maintain all records that pertain to the calibration, certification, accuracy, and validity of, and data generated from, evidential instruments used by the District’s Breath Alcohol Program, for a minimum of five (5) years.
- 3702.2 The Program Manager, or designee, shall provide copies of the records listed in § 3702.1 for inspection upon request from the following:
- (a) The Mayor; or the Mayor’s authorized representative;
  - (b) The Office of the United States Attorney for the District of Columbia;
  - (c) The Office of the Attorney General for the District of Columbia;
  - (d) The Metropolitan Police Department;
  - (e) The Office of the District of Columbia Auditor;
  - (f) The Office of the Inspector General; and
  - (g) Any other law enforcement agency with appropriate jurisdiction.



**3703 APPROVAL OF EVIDENTIAL INSTRUMENTS**

- 3703.1 The Program Manager, or designee, shall certify all evidential instruments used by licensed operators.
- 3703.2 Each evidential instrument shall be certified in accordance with the admissibility criteria set forth in Section 3q of the Anti-Drunk Driving Act of 1982, effective April 27, 2013 (D.C. Law 19-266; D.C. Official Code § 50-2206.52).
- 3703.3 The standards for testing and certifying an evidential instrument shall be set forth in the Quality Manual.
- 3703.4 An operator shall not use an evidential instrument to administer an evidential breath test unless the device has been certified by the Program Manager, or designee.

**3704 OPERATOR LICENSES**

- 3704.1 No individual shall operate an evidential instrument to test the alcohol content of breath unless the individual is licensed by the Program Manager, or designee, as an operator.
- 3704.2 Prior to initial licensure as an operator, an individual shall successfully complete a course of instruction that meets the criteria set forth in the Operator's Manual.
- 3704.3 Prior to initial licensure, an individual must also provide evidence that he or she has successfully completed a Standardized Field Sobriety Testing course taught in accordance with the curriculum established by the National Highway Traffic Safety Administration.
- 3704.4 The Program Manager, or designee, shall issue an operator license card to each individual that is approved for licensure as an operator. The license card shall include the full name of the operator, a unique license number, and the expiration date of the license. The Program Manager, or designee, shall also issue to the operator a unique personal identification number ("PIN"), which shall be associated with the license.
- 3704.5 An operator license shall be valid for two (2) years unless earlier revoked by the Program Manager, or designee.
- 3707.3 A licensed operator shall be considered a certified breath test operator for the purposes of Section 3q of the Anti-Drunk Driving Act of 1982, effective April 20, 2013 (D.C. Law 19-260; D.C. Official Code § 50-2206.52).

**3705 RENEWAL OF OPERATOR LICENSES**

3705.1 In order to be eligible for renewal of his or her operator license, an operator shall satisfactorily complete a course of instruction approved by the Program Manager, or designee, as referenced in the Operator Manual.

3705.2 Upon renewal of a license, the Program Manager, or designee, shall issue a new operator license card to the operator. The new license shall be valid for a period of two (2) years unless earlier revoked by the Program Manager, or designee.

**3706 REVOCATION OF OPERATOR LICENSES**

3706.1 The Program Manager, or designee, may revoke an operator's license and deactivate the associated PIN if:

- (a) An operator voluntarily surrenders his or her license;
- (b) An operator fails to properly perform his or her duties in a manner required by the Operator's Manual;
- (c) The operator transfers to a position where licensure as an operator is no longer desired;
- (d) The operator fails to renew his or her license before its expiration date;
- (e) An operator's employment with the agency under which the license was acquired is terminated; or
- (f) The operator fails to safeguard the scientific integrity of the Breath Alcohol Program.

3706.2 An individual with a revoked license shall not operate an evidential instrument.

**3707 TECHNICIAN LICENSES**

3707.1 No individual shall certify, calibrate, or maintain an evidential instrument, unless the person is licensed by the Program Manager, or designee, as a technician.

3707.2 Prior to initial licensure as a technician, an individual shall:

- (a) Obtain an operator license by successfully completing a course of instruction that meets the criteria set forth in the Operator's Manual; and
- (c) Meet the requirements for licensure as a technician as set forth in the Technician Training Manual.

- 3707.3 A technician license issued pursuant to this section shall be valid for two (2) years from the date it is issued, unless earlier revoked by the Program Manager, or designee.
- 3707.4 In order to maintain his or her licensure as a technician, the individual must also maintain a valid operator license in accordance with the Operator's Manual and the provisions of this chapter.
- 3707.3 A licensed technician shall be considered a certified technician for the purposes of Section 3q of the Anti-Drunk Driving Act of 1982, effective April 20, 2013 (D.C. Law 19-260; D.C. Official Code § 50-2206.52).

### **3708 RENEWAL OF TECHNICIAN LICENSES**

- 3708.1 In order to be eligible for renewal of his or her technician license, a technician shall have satisfactorily completed a course of instruction approved by the Program Manager, or designee, as referenced in the Technician Training Manual and have a valid operator license.
- 3708.2 A technician license renewed pursuant to this section shall be valid for two (2) years.

### **3709 REVOCATION OF TECHNICIAN LICENSES**

- 3709.1 The Program Manager, or designee, shall revoke a technician's license, and deactivate the associated PIN, if:
- (a) The technician is no longer actively engaged in the District's Breath Alcohol Program;
  - (b) The technician deceitfully obtained licensure;
  - (c) The technician fails to carry out responsibilities set forth in the Quality Manual; or
  - (d) The technician fails to maintain a valid operator license;
  - (e) The technician fails to renew his or her technician license before its expiration date; or
  - (f) The technician failed to safeguard the scientific integrity of the Breath Alcohol Program.

**3710 ACCEPTABLE RANGES FOR EVIDENTIAL BREATH TESTS**

- 3710.1 The reference standard used to conduct an accuracy check of an evidential instrument must agree within  $\pm 0.005$  grams of alcohol per two hundred ten (210) liters of breath of the predicted value.
- 3710.2 If the evidential instrument accuracy check falls outside of the acceptable range as defined in § 3710.1, the evidential instrument shall be disabled and a licensed operator shall not administer an evidential breath test with that instrument.
- 3710.3 Duplicate breath specimens shall be collected and the analytical results of the paired breath specimens must correlate within  $\pm 0.02$  grams of alcohol per two hundred ten (210) liters of breath of each other in order for a breath test to be considered valid.

**3711 DEFINITIONS**

- 3711.1 For the purposes of this section, the following terms shall have the meanings ascribed below:

**Accuracy check** – an evaluation made by an evidential instrument of a reference standard with a predicted value. The accuracy check occurs during the evidential breath test sequence.

**Certification** – the process by which reference standards are evaluated and a series of tests performed to verify the accuracy of the evidential instrument.

**DFS** – The Department of Forensic Sciences.

**Evidential instrument** – an analytical breath alcohol measuring device that has been issued a “Certificate of Instrument Accuracy” as defined by the Quality Manual and has been placed into field service to collect evidence.

**Licensed operator** – an individual licensed under this title by the Program Manager, or designee, as an operator.

**Licensed technician** – an individual licensed under this title by the Program Manager, or designee, as a technician.

**OCME** – The Office of the Chief Medical Examiner.

**Operator’s Manual** – the training manual for operators of evidential instruments, entitled “Basic Training Program for Breath Alcohol Operators,” maintained by the Program Manager, or designee.

**Predicted value** – a value produced by an evidential instrument for each evidential breath test based upon the barometric pressure compensation and the reference standard value.

**Quality Manual** – the manual for administration of the District’s Breath Alcohol Program, entitled “Quality Management Manual Breath Alcohol Program,” maintained by the Program Manager, or designee.

**Reference standard** – a commercial dry gas standard consisting of ethanol and balanced nitrogen traceable to the National Institute of Standards and Technology with a verified known value. The verified known value for evidential breath alcohol tests is 0.082g of alcohol per 210L of air.

**Subject** – an individual that is given an evidential breath test which is administered by a licensed operator.

**Subject test** – an evidential breath alcohol test of a subject that meets the criteria defined in the Operator’s Manual.

**Technician Training Manual** – the manual that defines the training program for technicians in the Breath Alcohol Program.

On behalf of the Director of the Department of Forensic Sciences, comments on these rules should be submitted in writing to Mikelle DeVillier, Office of the Chief Medical Examiner, Government of the District of Columbia, 401 E Street, SW, 6th Floor, Washington, D.C. 20024, or by email to [mikelle.devillier@dc.gov](mailto:mikelle.devillier@dc.gov), or online at [www.dcregs.dc.gov](http://www.dcregs.dc.gov), within thirty (30) days of the date of publication of this notice in the *D.C. Register*. Additional copies of the proposed rules are available from the above address.

## DISTRICT OF COLUMBIA OFFICE OF PUBLIC-PRIVATE PARTNERSHIPS

NOTICE OF PROPOSED RULEMAKING

The Director of the District of Columbia Office of Public-Private Partnerships (OP3), pursuant to the authority set forth the Public-Private Partnership Act of 2014, approved March 11, 2015 (D.C. Law 20-228; D.C. Official Code §§ 2-271.01 *et seq.* (2012 Repl. & 2015 Supp.)) (“P3 Act”) and the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code §§ 2-501 *et seq.* (2012 Repl.)), hereby gives notice of the intent to establish a new Chapter 48 (Public-Private Partnerships) of Title 27 (Contracts and Procurement) of the District of Columbia Municipal Regulations (DCMR).

The proposed rulemaking will establish the procedures for the operations of the District of Columbia Office of Public-Private Partnerships (DC OP3 or Office), including the procurement process for public-private partnerships (P3s) in the District of Columbia. The DC OP3 is charged with building collaborations between private sector businesses and District government in support of large-scale projects, such as infrastructure development and enhancements. The Office was established by the P3 Act to extend the utilization of P3s and expand economic opportunities for the District. These rules, which are the product of extensive public outreach and stakeholder feedback, lay out a clear, streamlined, and predictable framework for how the DC OP3 will operate, and the process by which P3s projects of all kinds will be procured in the District of Columbia. Transparency and fairness are prioritized to ensure the highest level of competition and to maximize the public interest in building infrastructure that is critical to the growth and economic development in all eight Wards of the District.

This rulemaking outlines the process for the development, solicitation, evaluation, award, delivery, and oversight of solicited and unsolicited public-private partnership (P3) projects. Additional requirements will be outlined in the procurement documents for each project and, further, non-binding guidance is provided in the Guidelines and Procedures published on the website of the District of Columbia Office of Public-Private Partnerships (DC OP3) at <http://op3.dc.gov>.

This rulemaking shall be submitted to the Council of the District of Columbia (Council) for a forty-five (45) day review period, excluding Saturdays, Sundays, legal holidays, and days of Council recess. Pursuant to § 301 of the P3 Act (D.C. Official Code § 2-274.01), the rulemaking shall be deemed approved if the Council does not approve or disapprove the proposed rules by resolution with this forty-five (45) day review period.

Final rulemaking action shall be taken in not less than thirty (30) days after the date of publication of this notice in the *D.C. Register*, or the completion of the forty-five (45) day Council review period for these rules, whichever is later.

**A new Chapter 48, PUBLIC-PRIVATE PARTNERSHIPS, in Title 27 DCMR, CONTRACTS AND PROCUREMENT, is established to read as follows:**

**CHAPTER 48 PUBLIC-PRIVATE PARTNERSHIPS****4800 GENERAL PROVISIONS**

- 4800.1 This chapter implements the provisions of the Public-Private Partnerships act of 2014, effective March 11, 2015 (D.C. Law 20-228; D.C. Official Code §§ 2-271.01 *et seq.*) (P3 Act).
- 4800.2 This chapter outlines the process for the development, solicitation, evaluation, award, delivery, and oversight of solicited and unsolicited public-private partnership (P3) projects. Additional requirements will be outlined in the procurement documents for each project and, further, non-binding guidance is provided in the Guidelines and Procedures published on the website of the District of Columbia Office of Public-Private Partnerships (DC OP3) at <http://op3.dc.gov>.
- 4800.3 All public and private entities involved in a P3 project shall be subject to all applicable District and federal laws unless otherwise stated in the P3 Act or this chapter.

**4801 SOLICITED PROCUREMENTS: REQUESTS FOR INFORMATION**

- 4801.1 **Generally:** The DC OP3 may issue a Request for Information (RFI) at the beginning of the P3 procurement process to obtain information and insight from the private sector regarding a potential P3 project.
- 4801.2 **Publication:** The DC OP3 will publish notice of RFIs in the *D.C. Register*, the DC OP3 website, and any other publications deemed appropriate.
- 4801.3 **Schedule:** Responses to an RFI will be accepted for a period of time to be determined by the DC OP3, and the deadline for responses will be included in the RFI.
- 4801.4 **Use of Responses to Request for Information:** The DC OP3 and the District may use any information or concepts within the responses to an RFI where a stipend is paid according to § 4804.10.

**4802 SOLICITED PROCUREMENTS: REQUESTS FOR QUALIFICATION**

- 4802.1 **Generally:** The DC OP3 may issue a request for qualifications (RFQ). The RFQ provides for a process of pre-qualification for private sector proposers to submit qualifications for a solicited project. The RFQ will be issued after the completion of the RFI process, if an RFI was issued.
- 4802.2 **Public Notice:** A notice of an RFQ for a P3 project will be published in the *D.C. Register*, posted on the DC OP3 website, and mailed to affected Advisory Neighborhood Commissions (ANCs). In addition, the notice of a RFQ will be

published in all publications deemed necessary by the DC OP3 to achieve the optimal level of private sector response and public awareness.

- 4802.3 **Schedule:** The DC OP3 will determine the time limit for submittal of qualifications based on the complexity and specialization of the project. The deadline for responses will be included in the RFQ.
- 4802.4 **Minimum Required for Pre-qualification:** The DC OP3 will determine requirements for the pre-qualification of a private entity. At a minimum, in order to be pre-qualified to submit a bid under a request for proposals, a private entity shall demonstrate:
- (a) The availability of sufficient sources of funding, capital, securities or other financial resources necessary to carry out the P3 project if selected;
  - (b) The availability and identification of key personnel that possess, either through its staff, subcontractors, a consortium or joint venture agreement, the managerial, organizational, technical capacity and experience working on projects of similar scope, scale and complexity as the type of project for which the proposer is submitting a bid;
  - (c) It is qualified to lawfully conduct business in the District; and
  - (d) No director, officer, partner, owner or other individual with direct and significant control over the policy or finances of the private entity has been convicted of corruption or fraud in any jurisdiction of the United States.
- 4802.5 **Other Requirements and Criteria for Pre-qualification:** The RFQ shall set forth any other requirements for pre-qualification and the criteria that the DC OP3 will use in determining which private entities qualify.
- 4802.6 **Certification of Pre-qualification:** The DC OP3 will determine if the pre-qualification process is appropriate for the P3 project for the District in regards to the project in question and, if that determination is in the affirmative, the DC OP3 will only issue a solicitation or Request for Proposals (RFP) to pre-qualified private entities.
- 4802.7 **Application Fee:** The DC OP3 may, if deemed appropriate, collect an application fee for prequalification not to exceed the actual direct cost of evaluation. The specific amount of the fee will be stated in the RFQ. This fee, if collected, shall be deposited in the Public-Private Partnerships Administration Fund (the Fund) for the use by the DC OP3 for costs associated with the review of response to RFQs.



4802.8 **Modification and Cancellation of Request for Qualification:** The DC OP3 will retain the ability to modify or cancel the RFQ process at any time for any reason.

4802.9 **Use of Responses to Request for Qualification:** The DC OP3 and the District may use any information or concepts within the responses to an RFQ where a stipend is paid according to § 4804.10.

### 4803 **SOLICITED PROCUREMENTS: REVIEW OF DRAFT REQUEST FOR PROPOSALS**

4803.1 **Generally:** The final step in the solicitation phase is the issuance of a Request for Proposals (RFP). Before issuing an RFP, the DC OP3 will develop a draft RFP for public comment. In addition, by law the draft RFP must be approved by the Council before it is formally issued.

4803.2 **Public Review of Draft Request for Proposals:** The first step in the RFP process is the development of a draft RFP by the DC OP3 for public comment. DC OP3 will publish the draft RFP on its website for public comment and will hold at least one public hearing on the proposed RFP. The hearing will be subject to the Open Meetings Act (D.C. Law 18-350; D.C. Official Code §§ 2-571 *et seq.*) and will be held at an accessible evening or weekend time and in an accessible location near the proposed P3 project. The DC OP3 will provide at least thirty (30) days' notice of the public hearing to affected ANCs and will publicize the hearing by placing a notice in the *D.C. Register* at least fifteen (15) days before the hearing.

4803.3 **Approval of Proposed Request for Proposals by the Council:** By law, each RFP must be approved by the Council before the RFP is issued by the DC OP3. The Council approval process will follow one of two tracks depending on the value and duration of the project. Each approval process starts with the Mayor submitting a resolution to the Council to approve the RFP. The two review tracks are outlined below.

- (a) **Proposals for Projects over \$50 million or 10 years:** Proposals for possible P3 projects that the DC OP3 estimates will cost fifty million dollars (\$50,000,000) or more (full life cycle cost) or extend for a contract term of ten (10) years or more will be deemed approved by the Council forty-five (45) calendar days after the Mayor submits the approval resolution, unless the Council votes to disapprove the resolution during that time period. The Council may also actively vote to approve the resolution at any time during the forty-five (45)-day period. The 45-calendar day review period begins on the first day (excluding Saturdays, Sundays and holidays) following the receipt by the Office of the Secretary of the Council of the proposed resolution.

- (b) **Proposals for Projects less than \$50 million or 10 years:** Proposals for possible P3 projects that are anticipated by the DC OP3 to cost less than fifty million dollars (\$50,000,000) (full life cycle cost) or extend for a contract term less than ten (10) years will be deemed approved by the Council ten (10) calendar days after the Mayor submits the approval resolution, unless during that ten (10)-day period a Councilmember introduces a resolution to approve or disapprove the proposed RFP. If a Councilmember introduces such a resolution the 10-day Council review period is extended to forty-five (45) calendar days and the RFP will be deemed approved by the Council at the end of the 45 calendar day period, unless the Council votes to disapprove the resolution during that time period. The Council may also actively vote to approve the resolution at any time during the 45-day period. The 10-day and 45-day time periods begin on the first day (excluding Saturdays, Sundays and holidays) following the receipt by the Office of the Secretary of the Council of the proposed resolution.
- (c) **Expiration of Approval:** The Council's approval of an RFP expires two (2) years after the date of approval.

If the DC OP3 determines that a P3 agreement cannot be entered into within the two-year period, the Mayor may submit to the Council a resolution requesting an extension of the time period. The resolution must be submitted at least sixty (60) days before the end of the two-year period. If the Council does not approve or disapprove the proposed extension resolution within thirty (30) days (excluding Saturdays, Sundays, legal holidays and days of Council recess) after receipt, the proposed resolution is deemed disapproved.

- (d) **Substantive Changes Requiring Approval:** Approved RFPs that require substantive change after approval will be resubmitted to the Council for re-approval. Those RFPs disapproved by the Council pursuant to § 110 of the P3 Act (D.C. Official Code § 2-273.05) may be resubmitted by the DC OP3 for approval with updates. Notice of non-substantive changes that are made to an RFP will be published in the *D.C. Register* and/or delivered to pre-qualified bidders if the RFQ process is utilized under § 4802.

#### 4804 SOLICITED PROCUREMENTS: SOLICITATION THROUGH REQUEST FOR PROPOSALS

4804.1 **Generally:** After the RFP has been approved by the Council, the DC OP3 will formally issue the RFP to solicit proposals from the private sector.

4804.2 **Public Notice:** Each RFP will be posted on the DC OP3 website. A notice of the issuance of the RFP will also be published in the *D.C. Register* and mailed to all

affected ANCs. Notice of the issuance may also be published on websites or in printed publications deemed appropriate by the DC OP3.

4804.3 **Schedule:** The deadline to respond with a proposal will be stated in the RFP. Potential proposers will be given at least thirty (30) days to respond, unless the DC OP3 determines that a shorter response period is appropriate. If the DC OP3 establishes a shorter response period, it shall describe the reason for the shorter response period in the RFP.

4804.4 **Requests for Proposals Requirements:** Each RFP will contain, at a minimum, the following information regarding the proposed P3 project:

- (a) A detailed description of the scope of the proposed P3 project;
- (b) The technical requirements, material terms and conditions applicable to the procurement and any resulting contract; and
- (c) The criteria for evaluation and selection of a proposal, which shall indicate the relative weight given to each criterion.

The DC OP3, working with the Owner Agency, may include more specific response requirements to address the unique aspects of the project.

4804.5 **Evaluation and Selection Criteria Requirements:** Each RFP issued by the DC OP3 will include a set of evaluation criteria by which proposals submitted by the private sector will be scored. A relative scoring weight will be assigned in the RFP to each criterion.

At a minimum, the following evaluation criteria will be included in each RFP:

- (a) Cost;
- (b) Delivery time;
- (c) Financial commitment required of public entities;
- (d) Capabilities, related experience, facilities or techniques of the proposer or unique combinations of these qualities that are integral factors for achieving the proposal objectives;
- (e) Value-for-money and public sector comparator analysis of the proposal;
- (f) Innovative methods, approaches, or concepts demonstrated by the proposal;
- (g) Scientific, technical or socioeconomic merits of the proposal;

- (h) Potential contribution of the proposal to the mission of the District;
- (i) How the proposal benefits the public; and
- (j) Other factors as the DC OP3 deems appropriate to obtain the best value for the District.

The DC OP3, working with the Owner Agency, will include more specific evaluation criteria to address the unique aspects of the project in question.

4804.6 **Format for Responses and Executive Summaries:** All responses to an RFP must follow the guidance and format outlined in the RFP, including that the proposal has an executive summary and identifies those aspects of the proposal that are confidential or proprietary according to § 4804.12.

4804.7 **Evaluation of Responses to Request for Proposals:** The DC OP3 will evaluate all responses to an RFP that are deemed to be responsive and meet the minimum requirements of the RFP. The evaluation of proposals will be based on the criteria stated in the RFP.

For most RFPs, the evaluation of responses to an RFP will be divided between two committees matching the two required packets outlined in the Guidelines. The two review committees will consist of:

- (a) **Technical Review Committee:** The technical review committee will review all technical aspects of the proposal including: proposed project scope, innovative use of technology, engineering and design, operation and maintenance of the project. Members of this committee will include technical staff from the Owner Agency and technical staff from associated District agencies.
- (b) **Financial Review Committee:** The financial review committee will review all financial aspects of each proposal including financing to be provided by the private partner, federal sources, and external sources and any fiscal obligations of the District to the project as proposed. Members of this committee will include financial staff from the Owner Agency, financial staff from associated District agencies, and a representative from the Mayor's Office of Budget and Finance.

In some instances where the DC OP3 deems it appropriate, a single committee will review both technical and financial aspects of each proposal. This will be stated in the RFP and separate packets for technical and financial aspects of proposals will not be required. The Director and Deputy Director of the DC OP3, as well as the Director (or his or her designee) of the Owner Agency will serve on both committees.

4804.8 **Selection of Preferred Bidder:** Based on the results of the evaluation committees, the DC OP3 will declare the proposer with the highest overall score the Preferred Bidder. The point of contact provided on the proposal will be notified by the DC OP3. The DC OP3 may also select a secondary bidder to be engaged in the event that an agreement is not reached between the District government and the preferred bidder. If it has been determined that a secondary bidder will also be selected, that secondary bidder will also be notified.

4804.9 **Publication of Responsive Executive Summaries:** Upon the closing of the response period, the DC OP3 will publish executive summaries of all responsive proposals on the DC OP3 website. The executive summary of each proposal will include the information outlined in the Guidelines and the following information:

- (a) The scoring for each proposal; and
- (b) The identity of the proposer including all listed members of the proposal team.

4804.10 **Payment of Stipends:** The DC OP3 may pay a stipend to an unsuccessful proposer in the following situations:

- (a) The DC OP3 cancels the procurement process fewer than thirty (30) days before the date the bid or proposal is due; or
- (b) An unsuccessful proposer submits a proposal that is responsive and meets all requirements established by the DC OP3 for the P3 project.

Each RFP will state whether the DC OP3 is offering a stipend as part of the procurement process. If a stipend is being offered, the RFP will also state the amount of the stipend and the specific terms and conditions under which the stipend will be paid.

Stipends will generally be used to generate meaningful competition and to compensate bidders for novel concepts or information that is utilized in a P3 agreement.

In consideration for paying the stipend fee, the District may use any ideas or information contained in the proposals in connection with any contract awarded for the project, or in connection with a subsequent procurement, without any obligation to pay any additional compensation to the unsuccessful proposers.

Notwithstanding the other provisions of this section, an unsuccessful proposer may elect to waive the stipend, and in such cases, the District shall not use ideas and information contained in the proposer's proposal; provided, that this restriction shall not prevent the District from using any idea or information if the

idea or information is also included in a proposal of an proposer that accepts the stipend.

4804.11 **Use of Responses to Request for Proposals:** The DC OP3 and the District may use any information or concepts within the responses to an RFP where a stipend is paid according to § 4804.10.

4804.12 **Confidential Information Included as Part of a Solicited Proposal:** The DC OP3 and Owner Agency understand the need for some information provided by private entities to remain confidential. In order to protect confidential or proprietary information, the proposer must identify those portions of its proposal, or other submitted materials, that it considers to be confidential or proprietary. For the confidential or proprietary information of a proposer to be exempt from public disclosure, the proposer must do all of the following when the proposal is submitted to the DC OP3:

- (a) Invoke exclusion on submission of the information or other materials for which protection is sought;
- (b) Identify, with conspicuous labeling, the data or other materials for which protection is sought;
- (c) State the reasons why protection is necessary; and
- (d) Fully comply with any applicable District law with respect to information that the proposer contends should be exempt from disclosure.

The DC OP3 will review information that a proposer designates as confidential or proprietary to determine if that designation is proper under applicable law. Where the proposer cannot justify the protection of information, DC OP3 may ask the proposer to revise its proposal accordingly. If an agreement cannot be reached between the proposer and the DC OP3 regarding the designation of information as confidential or proprietary, the proposer may withdraw its proposal from the procurement and all unused fees paid by the proposer will be returned to the proposer.

The DC OP3 and Owner Agency will not release or disclose any part of the proposal other than the executive summary and information required to be disclosed under §§ 108(f) and 114(a) of the P3 Act (D.C. Official Code §§ 2-273.03(f) and 2-273.09(a)) before the award of the P3 agreement and at the conclusion of any protest, appeal or other challenge to the award, absent an administrative or judicial order requiring such a disclosure. After the final award of the P3 agreement the Freedom of Information Act shall apply to the proposal except for statutory exclusions such as proprietary information.

**4805 UNSOLICITED PROCUREMENTS: SUBMISSION REQUIREMENTS**

- 4805.1 The DC OP3 may accept unsolicited proposals for P3s.
- 4805.2 **Time Periods for Acceptance of Unsolicited Proposals:** The DC OP3 will accept unsolicited proposals during limited time periods to ensure that the proposals can be fully reviewed within the time limits stated in the P3 Act. The time periods during which the DC OP3 will accept unsolicited proposals will be published in the Guidelines in the *D.C. Register*, the DC OP3 website and any other publications deemed appropriate.
- 4805.3 **Discussions with DC OP3 before Submission of Unsolicited Proposal:** Private entities are encouraged to contact the DC OP3 to arrange a meeting to discuss their ideas and concepts for unsolicited proposals before developing or submitting an unsolicited proposal. These meetings will be useful for all parties to determine the viability and desirability of a P3 project well before a proposal is written. This informal discussion process will aid the DC OP3 and private entities to maintain an environment of open communication needed to achieve the goals of the District P3 program.
- 4805.4 **Structure and Format of Unsolicited Proposals:** An unsolicited proposal must follow the format outlined in the Guidelines and must include a signature of the authorized corporate officer.
- 4806 UNSOLICITED PROCUREMENTS: PRELIMINARY EVALUATION**
- 4806.1 **Preliminary Evaluation of Unsolicited Proposals:** An unsolicited proposal will be screened in a two-step process that includes a preliminary evaluation and a comprehensive evaluation.
- 4806.2 **Preliminary Evaluation Criteria:** The DC OP3 will only undertake a preliminary evaluation of a received unsolicited proposal if the proposal:
- (a) Addresses a need identified in a District or regional planning document;
  - (b) Is independently developed and drafted by the proposer without District supervision;
  - (c) Shows that the proposed project could benefit the District;
  - (d) Includes a financing plan to allow the project to move forward pursuant to all applicable District budget and finance requirements;
  - (e) Includes sufficient detail and information for the DC OP3 to evaluate the proposal in an objective and timely manner under the comprehensive evaluation process outlined in § 4807; and

- (f) Adheres to the format outlined in the Guidelines, including that the proposal has an executive summary and identifies those aspects of the proposal that are confidential or proprietary according to § 4807.20.

4806.3 **Preliminary Evaluation Fee:** Private entities interested in submitting an unsolicited proposal are required to pay a non-negotiable Preliminary Evaluation Review Fee in an amount provided in the Guidelines at the time of submitting the proposal to the DC OP3 for review. This review fee will be deposited into the Fund to cover the costs of the preliminary evaluation only. Payment should be made by check or money order made out to the account listed in the Guidelines. If the fees paid to the DC OP3 exceed the DC OP3's total cost for the preliminary review, the DC OP3 will reimburse the remaining funds to the private entity at the end of the review period.

4806.4 **Preliminary Evaluation Results:** Within ninety (90) days after receiving an unsolicited proposal, the DC OP3 will complete its preliminary evaluation and report the result to the proposer. The result will be either "favorable" or "unfavorable". If the result is unfavorable, the DC OP3 will return the unsolicited proposal to the proposer without further action. A preliminary evaluation resulting in an unfavorable determination cannot be appealed by the proposer. If the result of the preliminary evaluation is favorable, the unsolicited proposal will proceed to the comprehensive evaluation stage.

**4807 UNSOLICITED PROCUREMENTS: REQUEST FOR ALTERNATIVE PROPOSALS AND COMPREHENSIVE EVALUATION**

4807.1 **Comprehensive Evaluation of Unsolicited Proposal:** If the result of the preliminary evaluation is favorable, the unsolicited proposal will enter the comprehensive evaluation phase.

4807.2 **Unsolicited Proposal Clarification:** During the Comprehensive Evaluation Review process the DC OP3 may communicate with the Original Unsolicited Proposer for clarification of the proposal. This process will not be an opportunity for changes to the unsolicited proposal; only for clarification of proposal aspects to allow an evaluation by the DC OP3.

4807.3 **Notification of the Unsolicited Proposer:** The DC OP3 will notify the Original Unsolicited Proposer that the unsolicited proposal has been deemed favorable. The DC OP3 will also notify the proposer of the alternative proposals process outlined in § 4807.4 and of the proposer's ability to submit a modified proposal as part of process outlined in § 4807.7.

4807.4 **Public Notice and Alternative Proposals:** The DC OP3 will publish the executive summary of Original Unsolicited Proposer's proposal and any non-proprietary aspects of the unsolicited proposal on the DC OP3 website. As part of its publication of the unsolicited proposal, the DC OP3 will also publish a request



for alternative proposals (RFAP) soliciting other private parties to submit alternate unsolicited proposals. The DC OP3 will also publish notice in the *D.C. Register* and in any other publication or on any website that the DC OP3 deems appropriate.

4807.5 **Schedule:** The DC OP3 will allow alternative unsolicited proposals to be submitted in response to the RFAP for at least thirty (30) days after the notice is published in the *D.C. Register*. In most cases, the response period will be longer than thirty (30) days in order to increase the competitive environment for the project. The response period will be expressly stated in the RFAP.

4807.6 **Requirements of Alternate Unsolicited Proposals:** An alternative unsolicited proposal must meet all the requirements of the original unsolicited proposal. That includes the completion of the unsolicited proposal form and any other requirements included in the public notice issued under § 4807.4.

Each alternative unsolicited proposer will be required to pay the preliminary evaluation fee described in § 4806.3 and the comprehensive evaluation fee described in § 4807.13.

4807.7 **Updated Submittals by the Original Unsolicited Proposer:** During the RFAP response period, the original unsolicited proposer may submit an amended proposal based upon the RFAP. The amended proposal may only update the original proposal and not constitute a completely new proposal. The original unsolicited proposer will not be required to pay an additional preliminary evaluation fee if it submits an amended proposal.

4807.8 **Comprehensive Evaluation:** After the end of the RFAP response period, the DC OP3 will evaluate the original unsolicited proposal and any alternative unsolicited proposals.

4807.9 **Comprehensive Evaluation Criteria:** The DC OP3 will evaluate the original unsolicited proposal and any alternative unsolicited proposals under the same criteria outlined in the RFAP including but not limited to the general criteria stated in § 4807.15.

4807.10 **Comprehensive Evaluation Period:** The DC OP3 will establish a time period for the comprehensive evaluation of the original unsolicited proposal and any alternative unsolicited proposals. The time period will be shared with all unsolicited proposers no more than ten (10) business days after the end of the RFAP response period. The DC OP3 may, at any time, revise the time period for review as needed.

4807.11 **Proposer Presentations:** The DC OP3 and Owner Agencies may communicate with unsolicited proposers or require them to give one or more oral presentations

to clarify their proposal and answer questions that will aid in the understanding and evaluation of the proposal.

4807.12 **Evaluation Committees:** The DC OP3 will evaluate all responses to an RFAP that are deemed to be responsive and meet the minimum requirements of the RFAP. The evaluation of proposals will be based on the criteria stated in the RFAP, including the general criteria stated in § 4807.15.

For most RFAPs, the evaluation of responses to an RFAP will be divided between two committees matching the two required packets outlined in the Guidelines. The two review committees will consist of:

- (a) **Technical Review Committee:** The technical review committee will review all technical aspects of the proposal including: proposed project scope, innovative use of technology, engineering and design, operation and maintenance of the project. Members of this committee will include technical staff from the Owner Agency and technical staff from associated District agencies.
- (b) **Financial Review Committee:** The financial review committee will review all financial aspects of each proposal including financing to be provided by the private partner, federal sources, and external sources and any fiscal obligations of the District to the project as proposed. Members of this committee will include financial staff from the Owner Agency, financial staff from associated District agencies, and a representative from the Mayor's Office of Budget and Finance.

In some instances where the DC OP3 deems it appropriate, a single committee will review both technical and financial aspects of each proposal. This will be stated in the RFAP and separate packets for technical and financial aspects of proposals will not be required.

The Director and Deputy Director of the DC OP3, as well as the Director (or his or her designee) of the Owner Agency will serve on both committees.

4807.13 **Comprehensive Evaluation Review Costs:** The original unsolicited proposer and any alternative unsolicited proposers will be required to pay a comprehensive evaluation fee. The fee will set by the DC OP3 based on all additional direct costs reasonably anticipated by the DC OP3 for the comprehensive evaluation. The amount the fee will be set forth in the public notice described in § 4807.4. Each alternate unsolicited proposer will be required to submit the fee to the DC OP3 with its alternative unsolicited proposal. The original unsolicited proposer must submit the fee to the DC OP3 by the end of the RFAP period (or with the submission of its amended proposal, if it submits an amended proposal). No Unsolicited Proposal will be reviewed without payment of the Comprehensive Evaluation Review fee.

These fees will be used to cover the costs of the comprehensive evaluation. If the fees paid to the DC OP3 exceed the DC OP3's total cost for the unsolicited review process, the DC OP3 will reimburse the remaining funds equally to all proposers at the end of the review period.

If any unsolicited proposer does not wish to pay the comprehensive evaluation fee, it may withdraw its proposal without penalty.

4807.14 **Use of Unsolicited Proposals:** The DC OP3 and the District may use any information or concepts within unsolicited responses where a stipend is paid according to § 4804.10.

4807.15 **Selection of a Preferred Bidder:** Based on the results of the evaluation committees, the DC OP3 may declare the proposer with the highest overall score the Preferred Bidder. The DC OP3 will select a preferred bidder and potentially a secondary bidder, only if the unsolicited proposal meets the requirements stated in the RFAP, which will include, at a minimum, the following:

- (a) Cost;
- (b) Delivery time;
- (c) Financial commitment required of public entities;
- (d) Capabilities, related experience, facilities or techniques of the proposer or unique combinations of these qualities that are integral factors for achieving the proposal objectives;
- (e) Value-for-money and public sector comparator analysis of the proposal;
- (f) Innovative methods, approaches, or concepts demonstrated by the proposal;
- (g) Scientific, technical or socioeconomic merits of the proposal;
- (h) Potential contribution of the proposal to the mission of the District, including how the proposal benefits the public;
- (i) The proposal must not duplicate an existing infrastructure project or services in a competitive way nor closely resemble a pending competitive proposal for a P3 or other procurement; and
- (j) Other factors as the DC OP3 deems appropriate to obtain the best value for the District.

- 4807.16      **OCFO Certification:** For the proposal to be selected, the Chief Financial Officer of the District of Columbia must also certify:
- (a)      The availability of any funds, debts, or assets that the District will contribute to the project;
  - (b)      That no provision of the proposal would violate the District Anti-Deficiency Act of 2002; and
  - (c)      That the project is not likely to have a significant adverse impact on the District's bond ratings.
- 4807.17      **OAG Certification:** For the proposal to be selected, the Attorney General of the District of Columbia must certify that:
- (a)      Proper indemnifications, including project insurance and bonding are included in the proposal; and
  - (b)      There are no interstate compact issues if the project involves multiple jurisdictions.
- 4807.18      **Notice of Selection of Preferred and Secondary Bidders:** When a Preferred Bidder has been selected, the point of contact provided on the proposal will be notified by the DC OP3. If it has been determined that a secondary bidder will also be selected, that secondary bidder will also be notified. The DC OP3 will provide public notice of this selection and intent to commence negotiations.
- 4807.19      **Communication during the Procurement Process:** While the DC OP3 encourages communication during the procurement process, including informal conversations regarding possible P3 projects and clarifications about the process, the point of contact listed in the procurement documents will serve as the sole official coordinator of communication with the party making the inquiry. To be relied upon by all parties, all official communication must be written.
- 4807.20      **Confidential Information Included as Part of an Unsolicited Proposal:** The DC OP3 and Owner Agency understand the need for some information provided by private entities to remain confidential. In order to protect confidential or proprietary information, the proposer must identify those portions of its proposal, or other submitted materials, that it considers to be confidential or proprietary. For the confidential or proprietary information of a proposer to be exempt from public disclosure, the proposer must do all of the following when the proposal is submitted to the DC OP3:
- (a)      Invoke exclusion on submission of the information or other materials for which protection is sought;

- (b) Identify, with conspicuous labeling, the data or other materials for which protection is sought;
- (c) State the reasons why protection is necessary; and
- (d) Fully comply with any applicable District law with respect to information that the proposer contends should be exempt from disclosure.

The DC OP3 will review information that a proposer designates as confidential or proprietary to determine if that designation is proper. Where the proposer cannot justify the protection of information, DC OP3 may ask the proposer to revise its proposal accordingly. If an agreement cannot be reached between the proposer and the DC OP3 regarding the designation of information as confidential or proprietary, the proposer may withdraw its proposal from the procurement and all unused fees paid by the proposer will be returned to the proposer.

The DC OP3 and Owner Agency will not release or disclose any part of the proposal other than the executive summary and information required to be disclosed under §§ 109(b) and 114(a) of the P3 Act (D.C. Official Code §§ 2-273.04(b) and 2-273.09(a)) before the award of the P3 agreement and at the conclusion of any protest, appeal or other challenge to the award, absent an administrative or judicial order requiring such a disclosure. After the final award of the P3 agreement the Freedom of Information Act shall apply to the proposal except for statutory exclusions such as proprietary information.

4807.21 **Termination of the Process:** The DC OP3 may terminate the unsolicited proposal procurement process at any time. In the event of such a termination, the DC OP3 will return the unused funds paid by unsolicited proposers for the comprehensive evaluation process equally to all proposers.

## 4808 RULES TO ENSURE ETHICAL CONDUCT

4808.1 **Generally:** The DC OP3 is committed to ensuring that all procurements for P3 projects are conducted in a fair, competitive and ethical manner without actual or apparent conflicts of interest.

4808.2 **Ethical Duty:** All parties responsible for the proper administration of the P3 procurement process on behalf of the District, both public and private, shall maintain a position of strict impartiality and refrain from any activity that would imply support of or opposition to a particular private entity, proposer, or operator of a P3 agreement. This requirement extends to all consultants and contractors engaged by the District.

4808.3 **Ethical Obligations under the Comprehensive Code of Conduct:** The DC OP3 will comply with and enforce all provisions of the District government's Code of Conduct, as defined in § 101 of the Board of Ethics and Government

Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011, effective April 27, 2012 (D.C. Law 19-124; D.C. Official Code § 1-1161.01), and Chapter 18 of the District Personnel Manual (6-B DCMR, Chapter 18) where applicable, including the following provisions:

- (a) **Duty of Loyalty:** District employees associated with any P3 procurement shall place loyalty to the law and ethical principles above any potential private gain.
- (b) **Financial Conflicts:** No District employees associated with any P3 procurement shall hold a financial interest that conflicts with the conscientious performance of the employee's duty.
- (c) **Private Gain:** No District employees associated with any P3 procurement shall use the employee's public office or position for private gain, whether for the employee's own personal gain, the gain of a family member or friend, or the gain of a private entity.
- (d) **Nonpublic Information:** No District employee associated with any P3 procurement shall engage in a financial transaction using nonpublic information acquired or allow the improper use of such information to further any private interest.
- (e) **Outside Employment:** No District employee associated with any P3 procurement shall engage in any outside employment or other activity, including seeking or negotiating for employment, incompatible with the responsibilities assigned to them under the P3 Act or that would capitalize on the employee's title or position.
- (f) **Gifts from Outside Sources:** No District employee associated with any P3 procurement shall solicit or accept any gift from a prohibited source or given because of the employee's official position unless the item is excluded from the definition of a gift or falls within one of the exceptions set forth in 6-B DCMR § 1803.
- (g) **Post-Employment Conflicts of Interest:** A former District employee associated with any P3 procurement shall not act on a particular matter that would create a conflict of interest if the employee participated personally and substantially in that matter as a government employee.
- (h) **Government Property:** No District employee associated with any P3 procurement shall use government property, or allow its use, for other than authorized purposes.
- (i) **Disclosure of Prior Employment:** As a means to evaluate real or potential conflicts of interest, each employee associated with any P3

procurement shall be required to disclose to the employee's employing agency upon appointment, such previous employment relationships, including full disclosure of any ongoing economic benefits to the employee from previous employment relationships.

**Additional Obligations:** The provisions in this section highlight several of the relevant obligations in the Comprehensive Code of Conduct. Reference to these particular obligations in no way limits the applicability of other District government ethics regulations, nor implies in any way that such other regulations will not be strictly enforced by the DC OP3.

4808.4 **Reporting Conflicts and Violations:** The DC OP3 requires District government employees and the employees of private entities associated with any P3 procurement to report actual or apparent conflicts of interest and credible violations of the District Code of Conduct and all other federal and District laws and regulations to the appropriate authorities.

(a) **District Employees:** District employees associated with any P3 procurement shall report actual or apparent conflicts of interest and credible violations of the District Code of Conduct and these guidelines immediately upon discovery to the employee's supervisor, the Board of Ethics and Government Accountability, or the appropriate authorities.

(b) **Private Entity Employees:** Employees of private entities associated with any District P3 procurement shall report actual or apparent conflicts of interest and credible violations of the District Code of Conduct and these guidelines immediately upon discovery to the DC OP3, the Board of Ethics and Government Accountability, or the appropriate authorities.

4808.5 **Mitigating Conflicts and Violations:** Upon receiving the report of an actual or apparent conflict of interest or credible violation of the District Code of Conduct or these guidelines, the appropriate authority must take steps to avoid, mitigate or correct the issue, including having the affected employee recuse him or herself or resign; disqualifying a contractor at any point during a procurement; rescinding or terminating a contract subsequent to contract award; cancelling a pending solicitation and initiating a new procurement. The analysis of these issues and recommendations on steps taken to mitigate or correct an issue shall be in writing.

## 4809 PUBLIC-PRIVATE PARTNERSHIP AGREEMENTS

4809.1 **Generally:** After the DC OP3 selects a preferred proposer through either a solicited or unsolicited procurement process, the Owner Agency will negotiate with the preferred proposer to enter into a P3 agreement as the Owner Agency will be the designated public entity for all agreements.

4809.2 **Requirements for the Public-Private Partnership Agreement:** Each P3 agreement must include the following elements:

- (a) An agreement term length clearly defined to include the estimated construction and operational period, as needed, not to exceed 99 years from the date of full execution of the agreement;
- (b) A complete description of the P3 facility to be developed and the functions and responsibilities to be performed by the District and the private entity;
- (c) Risk mitigation plans and responsibilities for facility operations and maintenance for both the private entity and the Owner Agency;
- (d) Type of property interest, if any, that the private entity will have in the project facility during both the construction and operations phases;
- (e) Terms regarding the planning, acquisition, financing, development, design, construction, reconstruction, rehabilitation, replacement, improvement, maintenance, management, operation, repair, leasing, and ownership of the P3 facility;
- (f) The rights that the District and the private entity have, if any, in revenue generated as a result of the agreement;
- (g) The minimum quality standards and key performance indicators applicable to the P3 project, including performance criteria, reporting requirements, incentives, cure periods, performance points systems, monitoring rights of the Owner Agency and the DC OP3 and penalties for failure to achieve these standards;
- (h) A maintenance plan for the full life cycle of the P3 project;
- (i) A hand-back plan that includes requirements regarding state of good repair of the facility;
- (j) Any compensation and/or revenue structure of the private entity, including the extent to which, and terms upon which, the private entity may charge fees to individuals and entities for the use of the P3 facility. Under the P3 Act, no new fees may be imposed nor may existing fees be amended unless authorized by a subsequent act of the Council;
- (k) A schedule for an annual independent audit report to be furnished by the private entity to the DC OP3 and Owner Agency covering all aspects of the agreement and the financial condition of the private party;



- (l) A requirement that the private entity maintain performance and payment bonds, or other security and risk-mitigation tools deemed suitable by the DC OP3 and Owner Agency;
- (m) Insurance requirements for any facility to be operated by the private entity. The insurance must be in an amount that ensures coverage of tort liability for the District and the private entity, and its employees;
- (n) Grounds for termination of the P3 agreement by the Owner Agency or the District government in general and the financial impact of that termination;
- (o) Grounds for termination of the P3 agreement by the private entity and the financial impact of that termination;
- (p) Procedures for amending the P3 agreement;
- (q) Provisions for the termination of the P3 agreement and the disposition of the P3 facility upon termination;
- (r) All rights and remedies available to the District government for material breach of the agreement by the private entity, up to and including material default;
- (s) Identification of funding sources to be used to fully fund the capital, operation, maintenance and other expenses under the P3 agreement;
- (t) Certification of compliance with applicable District and federal laws;
- (u) A plan for the sharing of refinancing gains between the private entity and the District in the event that the private partner generates a large financial benefit from the refinancing or restructuring of the P3 project; and,
- (v) Any additional provisions determined to be appropriate by the DC OP3 and Owner Agency.

4809.3 **Negotiation:** After the issuance of a notification that a preferred bidder and a secondary bidder have been selected as described in §§ 4804.8 or 4807.15, the DC OP3 and Owner Agency will commence negotiations with the preferred proposer.

4809.4 **Engagement of Secondary Bidder:** If negotiations with the preferred bidder fail to result in a P3 agreement after a reasonable period of time and good faith efforts by all parties as determined by the DC OP3 and Owner Agency, the DC OP3 and Owner Agency, in joint agreement, may terminate the negotiation with the preferred bidder and choose to terminate the solicitation or begin negotiations with the secondary bidder.

- 4809.5 **Facilities Plan Approval:** The DC OP3 and the Owner Agency will have the right to review and approve the private partner's plans for the development, operation, maintenance and financing of the P3 project facility before entering into any P3 agreement. Those plans, once approved, will become part of the P3 agreement. Any material change in any of these aspects of the facility during the term of the agreement will require approval by the DC OP3 or the Owner Agency.
- 4809.6 **Prohibition Regarding Non-Compete Provisions:** The P3 agreement may not contain a non-compete provision that would prevent or inhibit any public entity from performing its government function.
- 4809.7 **Access and Right to Inspect:** During the term of the P3 agreement, the DC OP3 and Owner Agency shall have the right to access and inspect the P3 project facility at any time upon reasonable notice.
- 4809.8 **External Funding:** The DC OP3, with the Owner Agency, may apply for and accept funds from the District or federal government, as well as other sources of financial support to fund P3 projects or otherwise advance the cause of innovative project delivery in the District.
- 4809.9 **Projects of Regional Scope:** The DC OP3 and the Owner Agency may enter into P3 agreements with other local and state government agencies that are regional in scope as long as that regional aspect of the project is expressed in the request for proposal submitted to the Council pursuant to § 4803.3.
- 4809.10 **Sovereign Immunity:** In no way shall a P3 agreement or any element of a P3 agreement be construed as a waiver of the sovereign immunity of the District government. Nor will a P3 agreement be viewed as a grant of sovereign immunity to any private entity.
- 4809.11 **Remedies:** A provision may be included in a P3 agreement providing that, in addition to any remedy available to the District, and any cure provisions within the agreement, in the event of a material default by the private partners, the District may elect to assume the responsibility and duties of the operator in the P3 project in partial or full capacity, and in this instance, the District or a designated public entity shall succeed to all of the rights, titles and interests in the P3 project.

The District Government may terminate, with cause, the P3 agreement and exercise any other rights and remedies that may be available to it under the law or in equity. If the District or a designated public entity elects to assume the responsibility and duties of a P3 project pursuant to this section, the District may develop or operate the P3 project, impose previously approved user fees, impose and collect lease payments and comply with any service contracts as if it were the operator.

The assumption of the operation of the P3 project shall not obligate the DC OP3 or the District government to pay any obligation of the operator from sources other than revenue from the project.

4809.12

**Compliance with Federal and District Laws:** Under any P3 agreement, the private sector partner will be required to comply, to the extent applicable, with all federal and District laws governing infrastructure projects. Some of these applicable laws include, but are not limited to, the following:

- (a) §§ 202 (Council contract review) and 415 (anti-collusion) and Titles VII (bonding) and X (appeals) of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code §§ 2-351.01 *et seq.*);
- (b) The First Source Employment Agreement Act of 1984, effective June 29, 1984 (D.C. Law 5-93; D.C. Official Code §§ 2-219.01 *et seq.*);
- (c) The Living Wage Act of 2006, effective June 8, 2006 (D.C. Law 16-118; D.C. Official Code §§ 2-220.01 *et seq.*), or the rate established by the use of a project labor agreement, notice of which must be provided by the DC OP3 and Owner Agency before soliciting bids or proposals for a P3;
- (d) The Small, Local, and Disadvantaged Business Enterprise Development and Assistance Act of 2005, effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code §§ 2-218.01 *et seq.*);
- (e) Subchapter II of Chapter 28 of Title 47 of the D.C. Official Code (Clean Hands Before Receiving a License or Permit);
- (f) The Green Building Act of 2006, effective March 8, 2007 (D.C. Law 16-234; D.C. Official Code §§ 6-1451.01 *et seq.*);
- (g) The Anacostia Waterfront Environmental Standards Act of 2008, effective March 26, 2008 (D.C. Law 17-138; D.C. Official Code §§ 2-1226.31 *et seq.*);
- (h) The Davis-Bacon Act of 1931, approved March 3, 1931 (46 Stat. 494; 40 U.S.C. §§ 3141 *et seq.*); and,
- (i) The Hotel Development Projects Labor Peace Agreement Act of 2002, effective April 2, 2003 (D.C. Law 14-266; D.C. Official Code § 32-851).

4809.13

**Repayment of Fees Paid by the Original Unsolicited Proposer:** If a P3 agreement is entered into with a proposer who is not the original unsolicited proposer, the DC OP3 may require, as a condition of entering into the P3 agreement, that the “winning” proposer repay the preliminary evaluation and

comprehensive evaluation Review Fees as well as any stipend authorized under § 4804.10 to the original unsolicited proposer. The District will not pay, or provide for the payment of, any additional proposal costs of the original unsolicited bidder.

4809.14 **Monitoring of P3 Agreement Performance:** The DC OP3 and Owner Agency will provide a performance monitoring plan for the agreement. The performance monitoring plan will provide detail on how the Owner Agency, with assistance from the DC OP3 as needed, will monitor the performance of the private entity for the full term of the agreement. This plan will include required skills for monitoring, monitoring schedules, performance schedules with possible performance-points systems anticipated changes in public budgeting due to this monitoring.

#### **4810 FINAL APPROVAL OF THE PUBLIC-PRIVATE PARTNERSHIP AGREEMENT**

4810.1 **Generally:** Before executing a P3 agreement, the DC OP3 must submit a report to the Council and provide public notice of the report. In addition, the agreement itself must be submitted to the Council for its review and approval.

4810.2 **Council Report Requirements:** The P3 Act requires that, before entering into a P3 agreement, the DC OP3 and Owner Agency must submit to the Council a report containing details of the planned P3. The report will include the following information:

- (a) The name of the private partner and the names of all members of the private partner;
- (b) Significant terms of the P3 agreement;
- (c) Overall project cost;
- (d) Total estimated cost to the District for the full life cycle of the project;
- (e) Results of the value-for-money analysis and public sector comparator;
- (f) Estimated time for project construction;
- (g) Method to be used to deliver the project;
- (h) A list of the District agencies participating in the project;
- (i) A list of the private entities that responded to the RFP or RFAP;

- (j) A description of how the proposals were scored during the evaluation process; and
- (k) A description of how the private entity was selected according to the criteria and methodology for evaluation of responses to the RFP or RFAP.

The DC OP3 will also post the summary on its website.

4810.3 **Council Approval of the Public-Private Partnership Agreement:** The P3 agreement also must be approved by the Council pursuant to § 451 of the District's Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 2-104.51). The P3 Agreement will be submitted to the Council with the project report.

## 4811 **RESERVED RIGHTS**

4811.1 The DC OP3 reserves the following rights as allowed by law:

- (a) To reject any and all proposals, at any stage of the procurement process and under either the solicited or unsolicited procurement processes for any reason at any time;
- (b) To terminate the review of any and all proposals, at any stage of the procurement process and under either the solicited or unsolicited procurement processes for any reason at any time;
- (c) To negotiate with a proposer, either solicited or unsolicited, at any time during the procurement process, without being bound to any provision in the proposal;
- (d) To request additional information or clarification regarding any proposal at any time;
- (e) To waive minor errors, omissions, or irregularities in a response to any requests and the right to determine if such occurrence is minor in nature;
- (f) To issue addenda to and/or cancel any procurement;
- (g) To revise, supplement, or withdraw all or any part of these Guidelines as needed; and
- (h) To modify the process and submission requirements for reviewing any proposal in connection with a re-lease, re-tendering, transfer or other disposition of a project pursuant to the provisions of an existing P3 agreement.

**4812 DISCLAIMERS**

- 4812.1 Neither the District of Columbia government, nor any agency, officer, employee, or agent of the District of Columbia government, shall be liable for, or reimburse, the costs that may be incurred by proposers either solicited or unsolicited, whether selected or not as the private sector partner, for negotiations, in developing and submitting proposals or in negotiating the P3 agreement.
- 4812.2 Any and all information made available to proposers is made for convenience purposes only and is without representation or warranty of any kind.
- 4812.3 Neither the District of Columbia government, nor any agency, officer, employee, or agent of the District of Columbia government, shall be liable to any proposer for the disclosure of all or a portion of a response to a request, nor unsolicited proposal submitted pursuant to these guidelines.

**4899 DEFINITIONS**

- 4899.1 For the purposes of these guidelines, the term:
- (a) **“Alternative Unsolicited Proposer”** means any proposers responding to the request for alternative unsolicited proposals under the unsolicited proposal procurement method.
  - (b) **“Capital Improvement Plans”** means the approved capital construction plans of a public entity.
  - (c) **“Confidential or Proprietary Information”** means trade secrets and commercial or financial information where disclosure would impair the competitive position of a proposer, including cost breakdowns, profit, indirect cost rates, intellectual property, and similar information.
  - (d) **“DC OP3, or Office”** means the Office of Public-Private Partnerships established by § 102 of the P3 Act (D.C. Official Code § 2-272.01).
  - (e) **“Original Unsolicited Proposer”** means the proposer who is the first to submit an unsolicited proposal to the DC OP3 regarding a particular P3 project.
  - (f) **“Owner Agency”** means the agency within the District government that will be the qualified public entity of the P3 agreement and project.
  - (g) **“P3 Act”** means the Public-Private Partnerships Act of 2014, effective March 11, 2015 (D.C. Law 20-228; D.C. Official Code §§ 2-271.01 *et seq.*)

- (h) **“Private Entity”** means a natural person, corporation, limited liability company, partnership, joint venture, or other private business entity.
- (i) **“Proposer”** means a private entity submitting a proposal in response to a request for proposals or request for alternative proposals issued by the Office or an unsolicited proposal for a P3.
- (j) **“Public Entity”** means a District government agency, department, board, commission, or instrumentality; or a similar governmental organization of a different government jurisdiction.
- (k) **“Public Sector Comparator”** means a risk-adjusted estimate of the total cost for the lifetime of a project, including all capital, operating, financing, and ancillary costs, if a P3 project were to be financed, built, and operated through a traditional government procurement method.
- (l) **“Public-Private Partnership”** means the method in the District for delivering a qualified project using a long-term, performance-based contractual agreement between a public entity and a private entity or entities where appropriate risks and benefits can be allocated in a cost-effective manner between the public and private entities in which:
  - (i) A private entity performs functions normally undertaken by the government, but the public entity remains ultimately accountable for the qualified project and its public function; and
  - (ii) The District may retain ownership or control in the project asset and the private entity may be given additional decision-making rights in determining how the asset is financed, developed, constructed, operated, and maintained over its life cycle.
- (m) **“Qualified Project”** means the planning, acquisition, financing, development, design, construction, reconstruction, rehabilitation, replacement, improvement, maintenance, management, operation, repair, leasing, or ownership of:
  - (i) Education facilities;
  - (ii) Transportation facilities, including streets, roads, highways, bridges, tunnels, parking lots or garages, public transit systems, and airports;
  - (iii) Cultural or recreational facilities, including parks, libraries, theaters, museums, convention centers, community centers, stadia, athletic facilities, golf courses, or similar facilities;

- (iv) A building or other facility that is beneficial to the public interest and is developed or operated by or for a public entity;
  - (v) Utility facilities, including sewer, water treatment, storm water management, energy producing or transmission, telecommunications, information technology, recycling, and solid waste management facilities;
  - (vi) Improvements necessary or desirable to any District-owned real estate;
  - (vii) Any other facility, the construction of which shall be beneficial to the public interest as determined by the Office.
- (n) **“Risk Register”** means the full accounting of all reasonable projects risks that will require a mitigation plan or structure within the P3 agreement.
  - (o) **“Submitter Agreement”** means the signed statement by a proposer that they understand and agree to all the public release of proposal information as per § 114 (4) of the P3 Act (D.C. Official Code § 2-272.01).
  - (p) **“Value-for-Money Analysis”** means a comparison of the risk-adjusted cost estimates over the lifetime of a proposed P3 project, including all capital, operating, financing, and ancillary costs, with a public cost comparator.

The DC OP3 encourages all interested stakeholders to provide input regarding this rulemaking and the Guidelines and Procedures, published on the DC OP3 website at <http://op3.dc.gov>, through <http://drafts.dc.gov>. Alternatively, comments, in writing, can be sent electronically to [op3@dc.gov](mailto:op3@dc.gov), or to Judah Gluckman, Deputy Director and Counsel, District of Columbia Office of Public-Private Partnerships, 1350 Pennsylvania Avenue, N.W., Suite 533, Washington, D.C. 20004, not later than thirty (30) days after publication of this notice in the *D.C. Register*. Additional copies of this proposal are available, at cost, by writing to the above address, and are available electronically, at no cost, on the Office’s website at <http://op3.dc.gov/>.

During the comment period, interested persons will also be afforded the opportunity to submit data and views orally to DC OP3. Such requests can be made by emailing [op3@dc.gov](mailto:op3@dc.gov) or calling (202) 724-2128. In addition, the DC OP3 may initiate such opportunities if the DC OP3 believes a person possesses information that is not publicly available and that would be useful in the rulemaking process. The time, location, names and affiliations (if any) of attendees, a written summary of significant oral comments, and any written material provided shall be made available to the public as part of the record of this rulemaking at <http://op3.dc.gov> prior to the issuance of a final rulemaking in this matter.



## DEPARTMENT OF HEALTH CARE FINANCE

**NOTICE OF SECOND 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 to receive federal financial assistance under Title XIX of the Social Security Act for a medical assistance program, and for other purposes, approved December 27, 1967 (81 Stat. 744; D.C. Official Code § 1-307.02 (2014 Repl. & 2015 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 a new Chapter 69 (Medicaid Reimbursement for Health Home Services), of Title 29 (Public Welfare), of the District of Columbia Municipal Regulations (DCMR).

The purpose of Chapter 69 is to establish requirements for Medicaid reimbursement for Health Home services. A Health Home is a service delivery model that focuses on providing comprehensive care coordination centered on improving the management of chronic behavioral and physical health conditions. Health Homes develop and organize person-centered care plans that facilitate access to physical health services, behavioral health care, community-based services and supports for persons determined eligible for Health Home services by the Department of Behavioral Health. Care coordination is provided through a team based approach and involves all relevant and necessary health care practitioners, family members, and other social support networks identified by the beneficiary. The Health Home is required to provide all Health Home services needed by its beneficiaries. The goal of the Health Home service delivery model is to reduce avoidable health care costs, specifically preventable hospital admissions, readmissions, and avoidable emergency room visits for the enrolled Health Home population.

Health Home services are Medicaid reimbursable at a per member/per month (PMPM) rate. These rules establish the reimbursement rate and requirements for reimbursement for the provision of Health Home services.

Emergency action is necessary for the immediate preservation of health, safety, and welfare of beneficiaries who are in need of comprehensive care coordination through the Medicaid Health Home State Plan benefit. The Health Home reimbursement rates included in these rules are needed at this time to ensure that Health Home providers receive payment for Health Home services delivered, and to ensure that Health Home providers can continue to deliver the level of Health Home services that beneficiaries require. To preserve beneficiaries' health, safety, and welfare, and to avoid any lapse in access to Health Home services, it is necessary that these rules be published on an emergency basis.

A Notice of Emergency and Proposed Rulemaking was published in the *D.C. Register* on January 8, 2016 at 63 DCR 000456. No comments were received but substantive changes have been made. A new Subsection 6901.6 has been added to Section 6901 requiring that all services meet quality standards or guidelines that adhere to applicable National Committee for Quality Assurance (NCQA); Centers for Medicare and Medicaid Services (CMS); and Department of

Health Care Finance (DHCF) guidance related to quality improvement activities. Subsection 6903.4 is amended to change the record retention requirement from six (6) years to ten (10) years, consistent with the provisions set forth in the Medicaid provider agreement. Finally, Section 6904 governing Audits and Review has been amended to reflect the current process for requesting an administrative review and appeal.

The emergency rulemaking was adopted on April 18, 2016 and became effective on that date. The emergency rules shall remain in effect for one hundred and twenty (120) days or until August 16, 2016, unless superseded by publication of a Notice of Final Rulemaking in the *D.C. Register*. The Director gives notice of the intent to take final rulemaking action to adopt these proposed rules in not less than thirty (30) days after the date of publication of this notice in the *D.C. Register*.

**Title 29 DCMR, PUBLIC WELFARE, is amended by adding a new Chapter 69 to read as follows:**

## **CHAPTER 69 MEDICAID REIMBURSEMENT FOR HEALTH HOME SERVICES**

### **6900 GENERAL PROVISIONS**

- 6900.1 The purpose of this chapter is to establish standards governing Medicaid reimbursement for Health Home services provided by Core Services Agencies (CSA) certified as Health Homes by the Department of Behavioral Health (DBH).
- 6900.2 A Health Home serves as the service coordinating entity for services offered to a beneficiary with a serious mental illness (SMI).
- 6900.3 Each Health Home shall comply with the certification standards set forth in 22-A DCMR § 2501.
- 6900.4 Each Health Home shall comply with all applicable provisions of District and federal law and rules pertaining to Title XIX of the Social Security Act, and all District and federal law and rules applicable to the service or activity provided pursuant to these rules.
- 6900.5 In accordance with Section 1902(a)(23) of the Social Security Act, DBH shall ensure that each beneficiary has free choice of qualified providers.

### **6901 PROGRAM SERVICES**

- 6901.1 Beneficiaries eligible to receive Health Home services shall be Medicaid beneficiaries who meet the requirements set forth in 22-A DCMR § 2504.
- 6901.2 Beneficiaries enrolled in both the Medicaid Elderly and Individuals with Physical Disabilities (EPD) Waiver and a Health Home, shall receive Comprehensive Care Management services, as described in 22-A DCMR § 2506, from a Health Home.

- 6901.3 Health Home services include the following services, as set forth in 22-A DCMR § 2505, and further defined in 22-A DCMR §§ 2506 – 2511:
- (a) Comprehensive Care Management;
  - (b) Care Coordination;
  - (c) Comprehensive Transitional Care;
  - (d) Health Promotion;
  - (e) Individual and Family Support Services; and
  - (f) Referral to Community and Social Support Services.
- 6901.4 DBH shall assign each beneficiary eligible to receive Health Home services into either a high- or low-acuity category as set forth in 22-A DCMR § 2514.
- 6901.5 Each Health Home provider shall provide the following services each month to every Health Home beneficiary:
- (a) To a high-acuity beneficiary, defined in 22-A DCMR § 2514.2:
    - (1) Two (2) Comprehensive Care Management services which include activities listed in 22-A DCMR § 2506.2;
    - (2) At least two (2) other Health Home services of any kind, as described in 22-A DCMR § 2507, § 2508, § 2509, § 2510 and § 2511; and
    - (3) At least one (1) of the services must be provided as a face-to-face service.
  - (b) To a low-acuity beneficiary, defined in 22-A DCMR § 2514.3:
    - (1) One (1) Comprehensive Care Management Services per month which include activities listed in 22-A DCMR § 2506.2; and
    - (2) At least one (1) other Health Home service of any kind, as described in 22-A DCMR § 2507, § 2508, § 2509, § 2510 and § 2511.
- 6901.6 All services provided as described in Section 6901 of this chapter, and in 22-A DCMR §§ 2500, *et seq.*, shall meet quality standards or guidelines that adhere to applicable National Committee for Quality Assurance (NCQA); Centers for

Medicare and Medicaid Services (CMS); and Department of Health Care Finance (DHCF) guidance related to quality improvement activities.

**6902 REIMBURSEMENT**

6902.1 Medicaid reimbursement for Health Home services is on a per member/per month (PMPM) reimbursement schedule. The month time period shall begin on the first (1<sup>st</sup>) of the month and end on the last day of the month.

6902.2 Health Homes are required to provide services in accordance with § 6901.4, and document the delivery of these services in DBH’s electronic record system called iCAMS, in order to receive the PMPM reimbursement rate.

6902.3 In order to qualify for the monthly rate, Health Homes shall document Health Home services provided as set forth in 22-A DCMR § 2515.3 and §§ 2516.3 – 4.

6902.4 Health Homes shall not bill the beneficiary or any member of the beneficiary’s family for Health Home services. Health Homes shall bill all known third-party payors prior to billing the Medicaid Program.

6902.5 Medicaid reimbursement for Health Home services shall be determined as follows:

SERVICE	CODE	BILLABLE UNIT OF SERVICE	RATE EFFECTIVE JAN. 1, 2016
Health Home Services: High-Acuity	S0281U1	Month	\$481.00
Health Home Services: Low-Acuity	S0281U2	Month	\$349.00

6902.6 DBH shall be responsible for payment of the District’s share or the local match for Health Home services. DHCF shall claim the federal share of financial participation for Health Home services.

6902.7 Medicaid reimbursement for Health Homes is not available for:

- (a) Room and board costs;
- (b) Inpatient services (including hospital, nursing facility services, Intermediate Care Facilities for Individuals with Intellectual Disabilities, and Institutions for Mental Diseases services);
- (c) Transportation services;

- (d) Vocational services;
- (e) School and educational services;
- (f) Socialization services;
- (g) Services which are not provided and documented in accordance with DBH-established Health Home service-specific standards; and
- (h) A person who is receiving Assertive Community Treatment (ACT) services.

6902.8 Only one Health Home will receive payment for delivering Health Home services to a beneficiary in a particular month.

6902.9 A Health Home may not bill Mental Health Rehabilitation Services (MHRS) Community Support for a beneficiary enrolled in a Health Home as set forth in 22-A DCMR § 2515.2.

### **6903 HEALTH HOME RECORD RETENTION, PROTECTION AND ACCESS**

6903.1 Health Home records shall contain sufficient information which readily identifies and supports Medicaid billing. As set forth in 22-A DCMR § 2516.3, Health Homes shall document each Health Home service and activity in the beneficiary's iCAMS record. Any claim for Health Home services shall be supported by written documentation which clearly identifies the following:

- (a) The specific service type rendered;
- (b) The date, duration, and actual time including the beginning and ending time, during which the services were rendered;
- (c) The name, title, and credentials of the person providing the services;
- (d) The setting in which the services were rendered;
- (a) A confirmation that the services delivered are contained in the beneficiary's comprehensive care plan;
- (b) Identification of any further actions required for the beneficiary's well-being raised as a result of the service provided;
- (f) A description of each encounter or service by the Health Home team member which is sufficient to document that the service was provided in accordance with this chapter; and

(g) Dated and authenticated entries, with their authors identified, which are legible and concise, including the printed name and the signature of the person rendering the service, diagnosis and clinical impression recorded in the terminology of the ICD-9 CM (or its subsequent revision), and the service provided.

6903.2 Each Health Home shall establish procedures for safeguarding beneficiary information pursuant to 42 C.F.R. § 431.305, and shall ensure, that except as otherwise provided by federal or District law or rules, the use or disclosure of beneficiary information shall be restricted to purposes related to the administration of the Medicaid Program, as set forth in 42 C.F.R. § 431.302.

6903.3 Each Health Home shall allow appropriate DHCF personnel and other authorized agents of the District of Columbia government and the federal government full access to Health Home records.

6903.4 Each Health Home shall maintain all records, including, but not limited to, financial records, medical and treatment records, and other documentation pertaining to costs, billings, payments received and made, and services provided, for ten (10) years or until all audits are completed, whichever is longer.

6903.5 In addition to the Health Home service documentation standards listed in §6903.1, a Health Home that is a public entity shall also maintain all documentation pertaining to costs necessary to perform cost reconciliation in accordance with OMB Circular A-87.

#### **6904 AUDITS AND REVIEWS**

6904.1 This section sets forth the requirements for audits and reviews of Health Home services. DHCF shall perform regular audits of Health Home providers to ensure that Medicaid payments are consistent with efficiency, economy and quality of care, and made in accordance with federal and District conditions of payment. The audits shall be conducted at least annually and when necessary to investigate and maintain program integrity. DHCF may delegate the authority contained herein to DBH pursuant to a written memorandum of agreement. Any written memorandum of agreement shall require that DBH comply with the provisions of this section as DHCF's designee.

6904.2 DHCF shall perform routine audits of claims, by statistically valid scientific sampling, to determine the appropriateness of Health Home services rendered and billed to Medicaid to ensure that Medicaid payments can be substantiated by documentation that meets the requirements set forth in this rule, and made in accordance with federal and District rules governing Medicaid.

- 6904.3 If DHCF determines that claims are to be denied, DHCF shall recoup those monies erroneously paid to a Health Home for denied claims, following the period of Administrative Review as set forth in this rule.
- 6904.4 DHCF shall issue a Proposed Notice of Medicaid Overpayment Recovery (PNR) to the Health Home, which sets forth the reasons for the recoupment, the amount to be recouped, and the procedures and timeframes for requesting an Administrative Review of the PNR.
- 6904.5 The Health Home will have thirty (30) calendar days from the date of the PNR to request an Administrative Review. The provider shall submit documentary evidence and/or written argument against the proposed action to DHCF in the request for an Administrative Review. If the provider fails to respond within thirty (30) calendar days, DHCF shall issue a Final Notice of Medicaid Overpayment Recovery (FNR), which shall include the procedures and timeframes for requesting an appeal.
- 6904.6 DHCF shall review the documentary evidence and/or written argument submitted by the Health Home against the proposed action described in the PNR. After this review, DHCF may cancel its proposed action, amend the reasons for the proposed recoupment and/or adjust the amount to be recouped. DHCF shall issue a FNR, which shall include the procedures and timeframes for requesting an appeal.
- 6904.7 Within fifteen (15) calendar days from date of the FNR, the Health Home may appeal the FNR by filing a written notice of appeal from the determination of recoupment with the Office of Administrative Hearings. The written notice requesting an appeal shall include a copy of the FNR, description of the item to be reviewed, the reason for review of the item, the relief requested, and any documentation in support of the relief requested.
- 6904.8 In lieu of the off-set of future Medicaid payments, the Health Home may choose to send a certified check made payable to the District of Columbia Treasurer in the amount of the funds to be recouped.
- 6904.9 Filing an appeal shall not stay any action to recover any overpayment.
- 6904.10 Each Health Home shall allow access during an onsite audit or review to DHCF, its designee, DBH, other authorized District of Columbia government officials, the Centers for Medicare and Medicaid Services (CMS), and representatives of the United States Department of Health and Human Services, to relevant records and program documentation.
- 6904.11 Each Health Home shall facilitate audits and reviews by maintaining the required records and by cooperating with the authorized personnel assigned to perform audits and reviews.

6905            **DEFINITIONS**

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

**Behavioral Health Care** – care that promotes the well-being of individuals by intervening and preventing incidents of mental illness, substance abuse, or other health concerns.

**Comprehensive Care Plan** – an individualized plan to provide health home services to address a beneficiary’s behavioral and physical chronic conditions, based on assessment of health risks and the beneficiary’s input and goals for improvement.

**Beneficiary** - a Medicaid recipient who has been determined to be eligible for the Health Home benefit, and/or who is enrolled in a Health Home.

**Core Services Agency** – a community-based provider that has entered into a Human Care Agreement with the Department of Behavioral Health to provide specific Mental Health Rehabilitation Services in accordance with the requirements of Chapter 34 of Title 22-A DCMR.

**Department of Behavioral Health** – the District of Columbia agency that regulates the District’s mental health and substance abuse treatment system for adults, children, and youth.

**Health Home** – an entity that is certified by the District of Columbia Department of Behavioral Health as having systems in place to deliver person-centered services that coordinate a beneficiary’s behavioral, primary, acute or other specialty medical health care services.

**Mental Health Rehabilitation Services** - palliative services provided by a Department of Behavioral Health-certified community mental health provider to beneficiaries in accordance with the District of Columbia Medicaid State Plan, the Department of Health Care Finance (DHCF)/ Department Interagency Agreement, and Chapter 34 of Title 22-A DCMR.

**Serious Mental Illness** – a diagnosable mental, behavioral, or emotional disorder (including those of biological etiology) which substantially impairs the mental health of the person or is of sufficient duration to meet diagnostic criteria specified within the Diagnostic and Statistical Manual of Mental Disorders, 4<sup>th</sup> Edition (DSM-IV) or its International Statistical Classification of Diseases and Related Health Problems, 9<sup>th</sup> Revision (ICD-9-CM) equivalent (and subsequent revisions) with the exception of DSM-IV "V" codes, substance abuse disorders, intellectual disabilities and



other developmental disorders, or seizure disorders, unless those exceptions co-occur with another diagnosable mental illness.

Comments on this proposed rulemaking shall be submitted in writing to Claudia Schlosberg, Senior Deputy Director, Department of Health Care Finance, 441 4th Street, N.W., 9th Floor, Washington, D.C. 20001, via email to [DHCFPubliccomments@dc.gov](mailto:DHCFPubliccomments@dc.gov), online at [www.dcregs.dc.gov](http://www.dcregs.dc.gov), or by telephone to (202) 442-9115, within thirty (30) days after the date of publication of this notice in the *D.C. Register*. Additional copies of these rules may be obtained from the above address.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**

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**ADMINISTRATIVE ISSUANCE SYSTEM**

Mayor's Order 2016-064  
April 14, 2016

**SUBJECT:** Appointment — Chesapeake Bay Program Citizens Advisory 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) (2014 Repl.), in accordance with the Chesapeake Bay Agreement of December 9, 1983 (signed by the Mayor of the District of Columbia, the Governors of Virginia, Pennsylvania, and Maryland, and the United States Environmental Protection Agency), the Federal Advisory Committee Act, 5 U.S.C. App. 2 § 1 *et seq.*, and pursuant to Article II, Section 1 of the Citizens Advisory Committee Bylaws, it is hereby **ORDERED** that:

1. The following persons are appointed to the Chesapeake Bay Program Citizens Advisory Committee:
  - a. **JULIE LAWSON** is appointed as a member, replacing Erica Rosenberg, for a term to end on March 7, 2018;
  - b. **CHRIS KARAKUL** is appointed as a member, replacing Angana Shah, for a term to end on August 3, 2018;
  - c. **WILLIAM MATUZESKI** is appointed as a member, replacing Dan Milstein, for a term to end on July 13, 2018; and
  - d. **JOANNA LEWIS** is appointed as a member, replacing William D. Martin, Jr. for a term to end on December 31, 2016.

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



MURIEL BOWSER  
MAYOR

ATTEST:   
LAUREN C. VAUGHAN  
SECRETARY OF THE DISTRICT OF COLUMBIA

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**

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**ADMINISTRATIVE ISSUANCE SYSTEM**

Mayor's Order 2016-065  
April 20, 2016

**SUBJECT:** Appointments — District of Columbia Police Officers Standards and Training 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 of 1973, 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 section 204(b) of the Metropolitan Police Department Application, Appointment and Training Requirements Act of 2000, effective October 4, 2000, D.C. Law 13-160, D.C. Official Code § 5-107.03(b) (2012 Repl.), it is hereby **ORDERED** that:

1. **MARK TUOHEY** is appointed as a member and Chairperson of the District of Columbia Police Officers Standards and Training Board, as the Mayor's designee, replacing Emile Thompson, to serve at the pleasure of the Mayor.
2. **EFFECTIVE DATE:** This Order shall become effective immediately.

  
MURIEL BOWSER  
MAYOR

ATTEST:

  
LAUREN C. VAUGHAN

SECRETARY OF THE DISTRICT OF COLUMBIA

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**

**ADMINISTRATIVE ISSUANCE SYSTEM**

Mayor's Order 2016-066  
April 20, 2016

**SUBJECT:** Appointments — Police and Firefighters Retirement and Relief Board

**ORIGINATING AGENCY:** Office of the Mayor


By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act of 1973, 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 section 122 of An Act To increase compensation for District of Columbia policemen, firefighters, and teachers; to increase annuities payable to retired teachers in the District of Columbia; to establish an equitable tax on real property in the District of Columbia; to provide for additional revenue for the District of Columbia; and for other purposes, approved September 3, 1974, Pub. L. 93-407, D.C. Official Code § 5-722 (2012 Repl. and 2015 Supp.), it is hereby **ORDERED** that:

1. **MARGARET RADABAUGH** is appointed as an alternate member and the alternate Chairperson of the Police and Firefighters Retirement and Relief Board, representing the District of Columbia Department of Human Resources (formerly the District of Columbia Office of Personnel), replacing Deron Lehman, and shall serve at the pleasure of the Mayor.
2. **EFFECTIVE DATE:** This Order shall become effective immediately.




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MURIEL BOWSER  
MAYOR

ATTEST: 

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LAUREN C. VAUGHAN  
SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA**ADMINISTRATIVE ISSUANCE SYSTEM**

Mayor's Order 2016-067  
April 20, 2016

**SUBJECT:** Reappointments and Appointments – Advisory Board on Veterans Affairs for the District of Columbia


**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 pursuant to Mayor's Order 2001-92, dated June 22, 2001, as amended by Mayor's Order 2002-142, dated August 19, 2002, it is hereby **ORDERED** that:

1. The following individuals are reappointed to the Advisory Board on Veterans Affairs (hereafter referred to as "**Board**"), and shall serve in that capacity at the pleasure of the Mayor:
  - a. **JACQUE PATTERSON**
  - b. **JOSEPH A. WYNN**
  
2. The following individuals are appointed to the Board, and shall serve in that capacity at the pleasure of the Mayor:
  - a. **JAMES SYDNOR**, replacing William Harley;
  - b. **LANE WILLAMS**, replacing Fatima Miller;
  - c. **LYMAR A. CURRY**, replacing Cecil C. Byrd, II;
  - d. **DARYL MCLENDON**, replacing David Ramirez;
  - e. **TONY GIANCOLA**, replacing Kathleen Hoppe;
  - f. **VANESSA GRANT**, filling a vacant position;
  - g. **DNASHA HARRISON**, replacing Prince Brooks;

- h. **ALLIEU B. KAMARA, Jr.**, replacing Geoffrey Millard;
  - i. **JESSE E. MOORE, Jr**, replacing David F. Addlestone;
  - j. **ANTOINETTE SCOTT**, replacing Sherwood D. Goldberg; and
  - k. **RICHARD WHITE**, filling a vacant position.
3. The following individuals are appointed to the Board as ex-officio, non-voting members and shall serve in that capacity at the pleasure of the Mayor:
- a. **VENTRIS GIBSON**, representing the Department of Human Resources;
  - b. **PHILLIP HONORE**, representing the Metropolitan Police Department; and
  - c. **LEJUAN STRICKLAND**, representing the Department of Employment Services.
4. **EFFECTIVE DATE:** This Order shall be effective immediately.

  
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**MURIEL BOWSER**  
**MAYOR**

**ATTEST:**   
 \_\_\_\_\_  
**LAUREN C. VAUGHAN**  
**SECRETARY OF THE DISTRICT OF COLUMBIA**

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2016-068  
April 20, 2016

**SUBJECT:** Appointment — District of Columbia Developmental Disabilities 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 of 1973, 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 2009-225, dated December 22, 2009, as amended by Mayor's Order 2013-154, dated August 26, 2013, it is hereby **ORDERED** that:

1. **THOMAS JARED MORRIS** is appointed to the District of Columbia Developmental Disabilities Fatality Review Committee as the designee representative for the Department on Disability Services, Developmental Disabilities Administration, replacing Laura Nuss, and shall only serve while employed in his official position at the pleasure of the Mayor.

2. **EFFECTIVE DATE:** This Order shall become effective immediately.

  
MURIEL BOWSER  
MAYOR

ATTEST:   
LAUREN C. VAUGHAN  
SECRETARY OF THE DISTRICT OF COLUMBIA



GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2016-069  
April 25, 2016

**SUBJECT:** Appointment – Interim Director, Department on Disability Services

**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 pursuant to section 103 of the Department on Disability Services Establishment Act of 2006, effective March 14, 2007, D.C. Law 16-264, D.C. Official Code § 7-761.03 (2015 Supp.), it is hereby **ORDERED** that:

1. **ANDREW REESE** is appointed Interim Director, Department on Disability Services, and shall serve in that capacity at the pleasure of the Mayor.
2. This Order supersedes Mayor's Order 2015-061, dated January 29, 2015.
3. **EFFECTIVE DATE:** This Order shall be effective *nunc pro tunc* to April 22, 2016.




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MURIEL BOWSER  
MAYOR

ATTEST: 

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LAUREN C. VAUGHAN  
SECRETARY OF THE DISTRICT OF COLUMBIA

**THE OFFICE OF ADMINISTRATIVE HEARINGS****DISTRICT OF COLUMBIA COMMISSION ON  
SELECTION AND TENURE OF  
ADMINISTRATIVE LAW JUDGES OF****NOTICE SEEKING COMMENTS REGARDING REAPPOINTMENT OF  
ADMINISTRATIVE LAW JUDGE**

The Commission on Selection and Tenure of Administrative Law Judges (“Commission”) seeks comments regarding the potential reappointment of Administrative Law Judge E. Savannah Little.

This is to notify members of the District of Columbia Bar and the general public, pursuant to section 3705.7 of Title 6 of the District of Columbia Municipal Regulations (“DCMR”), that the Commission has begun reviewing Administrative Law Judge Little’s qualifications for reappointment to the District of Columbia Office of Administrative Hearings. Administrative Law Judge Little has filed a statement with the Commission requesting reappointment to a six-year term upon the expiration of her six-year term on October 8, 2016.

Section 3705.21 of Title 6 of the DCMR provides:

In deciding whether to reappoint an Administrative Law Judge, the Commission shall consider all information it has received concerning the reappointment, and the voting members shall give significant weight to the recommendation of the Chief Administrative Law Judge, unless they determine that the recommendation is not founded on substantial evidence. The Commission shall reappoint the Administrative Law Judge if it finds that the Administrative Law Judge has satisfactorily performed the responsibilities of his or her office and is likely to continue to do so.

In addition to the specific qualifications contained in Section 3703 of Title 6 of the DCMR (*Appointment, Reappointment, Discipline and Removal of Administrative Law Judges by the Commission on Selection and Tenure of Administrative Law Judges*), applicable to all Administrative Law Judges, Section 3703.5 of Title 6 of the DCMR states: “An Administrative Law Judge shall possess judicial temperament, judgment, expertise and analytical and other skills necessary and desirable for an Administrative Law Judge.”

The Commission hereby requests that members of the Bar and other attorneys, litigants, interested organizations, and members of the public submit any information bearing on Administrative Law Judge Little’s qualifications, which they believe will aid the Commission in deciding whether to reappoint this Administrative Law Judge. The cooperation of the community at an early stage will greatly aid the Commission in fulfilling its responsibilities. The identity of any person submitting information shall be kept confidential unless expressly authorized by the person submitting the information.

All communications must be received by the Commission on or before May 22, 2016. All communications must be mailed or delivered in a sealed envelope marked “Confidential – ALJ Reappointments,” addressed to:

Commission on Selection and Tenure of Administrative Law Judges  
Office of Administrative Hearings  
District of Columbia Government  
441 4<sup>th</sup> Street, N.W.  
Suite 450N  
Washington, D.C. 20001

The members of the Commission are:

The Honorable Yvonne Williams  
Chief Administrative Law Judge Eugene A. Adams  
James W. Cooper, Esq.  
Nadine C. Wilburn, Esq.  
Joseph N. Onek, Esq.

**THE OFFICE OF ADMINISTRATIVE HEARINGS****DISTRICT OF COLUMBIA COMMISSION ON  
SELECTION AND TENURE OF  
ADMINISTRATIVE LAW JUDGES OF****NOTICE SEEKING COMMENTS REGARDING REAPPOINTMENT OF  
ADMINISTRATIVE LAW JUDGE**

The Commission on Selection and Tenure of Administrative Law Judges (“Commission”) seeks comments regarding the potential reappointment of Administrative Law Judge James C. Harmon, Jr..

This is to notify members of the District of Columbia Bar and the general public, pursuant to section 3705.7 of Title 6 of the District of Columbia Municipal Regulations (“DCMR”), that the Commission has begun reviewing Administrative Law Judge Harmon’s qualifications for reappointment to the District of Columbia Office of Administrative Hearings. Administrative Law Judge Harmon has filed a statement with the Commission requesting reappointment to a six-year term upon the expiration of his six-year term on October 1, 2016.

Section 3705.21 of Title 6 of the DCMR provides:

In deciding whether to reappoint an Administrative Law Judge, the Commission shall consider all information it has received concerning the reappointment, and the voting members shall give significant weight to the recommendation of the Chief Administrative Law Judge, unless they determine that the recommendation is not founded on substantial evidence. The Commission shall reappoint the Administrative Law Judge if it finds that the Administrative Law Judge has satisfactorily performed the responsibilities of his or her office and is likely to continue to do so.

In addition to the specific qualifications contained in Section 3703 of Title 6 of the DCMR (*Appointment, Reappointment, Discipline and Removal of Administrative Law Judges by the Commission on Selection and Tenure of Administrative Law Judges*), applicable to all Administrative Law Judges, Section 3703.5 of Title 6 of the DCMR states: “An Administrative Law Judge shall possess judicial temperament, judgment, expertise and analytical and other skills necessary and desirable for an Administrative Law Judge.”

The Commission hereby requests that members of the Bar and other attorneys, litigants, interested organizations, and members of the public submit any information bearing on Administrative Law Judge Harmon’s qualifications, which they believe will aid the Commission in deciding whether to reappoint this Administrative Law Judge. The cooperation of the community at an early stage will greatly aid the Commission in fulfilling its responsibilities. The identity of any person submitting information shall be kept confidential unless expressly authorized by the person submitting the information.

All communications must be received by the Commission on or before May 22, 2016. All communications must be mailed or delivered in a sealed envelope marked "Confidential – ALJ Reappointments," addressed to:

Commission on Selection and Tenure of Administrative Law Judges  
Office of Administrative Hearings  
District of Columbia Government  
441 4<sup>th</sup> Street, N.W.  
Suite 450N  
Washington, D.C. 20001

The members of the Commission are:

The Honorable Yvonne Williams  
Chief Administrative Law Judge Eugene A. Adams  
James W. Cooper, Esq.  
Nadine C. Wilburn, Esq.  
Joseph N. Onek, Esq.

**THE OFFICE OF ADMINISTRATIVE HEARINGS****DISTRICT OF COLUMBIA COMMISSION ON  
SELECTION AND TENURE OF  
ADMINISTRATIVE LAW JUDGES OF****NOTICE SEEKING COMMENTS REGARDING REAPPOINTMENT OF  
ADMINISTRATIVE LAW JUDGE**

The Commission on Selection and Tenure of Administrative Law Judges (“Commission”) seeks comments regarding the potential reappointment of Administrative Law Judge N. Denise Wilson-Taylor.

This is to notify members of the District of Columbia Bar and the general public, pursuant to section 3705.7 of Title 6 of the District of Columbia Municipal Regulations (“DCMR”), that the Commission has begun reviewing Administrative Law Judge Wilson-Taylor’s qualifications for reappointment to the District of Columbia Office of Administrative Hearings. Administrative Law Judge Wilson-Taylor has filed a statement with the Commission requesting reappointment to a six-year term upon the expiration of her six-year term on October 1, 2016.

Section 3705.21 of Title 6 of the DCMR provides:

In deciding whether to reappoint an Administrative Law Judge, the Commission shall consider all information it has received concerning the reappointment, and the voting members shall give significant weight to the recommendation of the Chief Administrative Law Judge, unless they determine that the recommendation is not founded on substantial evidence. The Commission shall reappoint the Administrative Law Judge if it finds that the Administrative Law Judge has satisfactorily performed the responsibilities of his or her office and is likely to continue to do so.

In addition to the specific qualifications contained in Section 3703 of Title 6 of the DCMR (*Appointment, Reappointment, Discipline and Removal of Administrative Law Judges by the Commission on Selection and Tenure of Administrative Law Judges*), applicable to all Administrative Law Judges, Section 3703.5 of Title 6 of the DCMR states: “An Administrative Law Judge shall possess judicial temperament, judgment, expertise and analytical and other skills necessary and desirable for an Administrative Law Judge.”

The Commission hereby requests that members of the Bar and other attorneys, litigants, interested organizations, and members of the public submit any information bearing on Administrative Law Judge Wilson-Taylor’s qualifications, which they believe will aid the Commission in deciding whether to reappoint this Administrative Law Judge. The cooperation of the community at an early stage will greatly aid the Commission in fulfilling its responsibilities. The identity of any person submitting information shall be kept confidential unless expressly authorized by the person submitting the information.

All communications must be received by the Commission on or before May 22, 2016. All communications must be mailed or delivered in a sealed envelope marked “Confidential – ALJ Reappointments,” addressed to:

Commission on Selection and Tenure of Administrative Law Judges  
Office of Administrative Hearings  
District of Columbia Government  
441 4<sup>th</sup> Street, N.W.  
Suite 450N  
Washington, D.C. 20001

The members of the Commission are:

The Honorable Yvonne Williams  
Chief Administrative Law Judge Eugene A. Adams  
James W. Cooper, Esq.  
Nadine C. Wilburn, Esq.  
Joseph N. Onek, Esq.

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF PUBLIC HEARINGS  
CALENDAR

WEDNESDAY, MAY 4, 2016  
2000 14<sup>TH</sup> STREET, N.W., SUITE 400S  
WASHINGTON, D.C. 20009

Donovan W. Anderson, Chairperson  
Members: Nick Alberti, Mike Silverstein,  
Ruthanne Miller, James Short

**Show Cause Hearing (Status)** **9:30 AM**  
**Case # 16-CC-00010;** Sugar, LLC, t/a Sugar, 2121 K Street NW, License  
#98866, Retailer CT, ANC 2A  
**Sale to Minor Violation (Six Counts)**

**Show Cause Hearing (Status)** **9:30 AM**  
**Case # 15-CMP-00696;** Irish H, LLC, t/a The Star and the Shamrock, 1341 H  
Street NE, License #81804, Retailer CT, ANC 6A  
**Operating after Hours**

**Show Cause Hearing (Status)** **9:30 AM**  
**Case # 15-CMP-00809;** Lucky 7, LLC, t/a Lucky 7 Liquors, 2314 Rhode Island  
Ave NE, License #90270, Retailer A, ANC 5C  
**Sold Fewer Than Six Miniature Bottles of Spirits**

**Show Cause Hearing (Status)** **9:30 AM**  
**Case # 15-251-00180;** 915 U, LLC, t/a Velvet Lounge, 915 U Street NW  
License #78443, Retailer CT, ANC 1B  
**Allowed the Establishment to be Used for an Unlawful or Disorderly  
Purpose**

**Show Cause Hearing (Status)** **9:30 AM**  
**Case # 15-CMP-00878;** Bee Hive, LLC, t/a Sticky Rice, 1222 H Street NE  
License #72783, Retailer CR, ANC 6A  
**No ABC Manager on Duty**



Board's Calendar

May 4, 2016

**Show Cause Hearing (Status) 9:30 AM**

**Case # 15-CMP-00811;** A & P Liquors, LLC, t/a Crown Liquors, 1325

Connecticut Ave NW, License #88121, Retailer A, ANC 2B

**Failed to Obtain Importation Permits**

**Show Cause Hearing (Status) 9:30 AM**

**Case # 15-CMP-01010;** Alexander Market, Inc., t/a Newton Food Mart, 3600

12th Street NE,, License #94313, Retailer B, ANC 5B

**No ABC Manager on Duty**

**Show Cause Hearing (Status) 9:30 AM**

**Case # 15-CMP-00978;** Addis Ethiopian Restaurant, LLC, t/a Addis Ethiopian Restaurant, 707 H Street NE, License #97534, Retailer CR, ANC 6C

**Operating after Hours, Substantial Change in Operation Without Board Approval(Three Counts), Violation of Settlement Agreement(Two Counts), Change of Trade Name Without Board Approval**

**Show Cause Hearing (Status) 9:30 AM**

**Case # 16-CMP-00114;** S & L, LLC, t/a Midnight Delicatessen, 4701 Georgia Ave NW, License #95044, Retailer B , ANC 4D

**Sold Go-Cups**

**Show Cause Hearing\* 10:00 AM**

**Case # 15-CMP-00751;** M & M Beer & Wine, Inc., t/a M & M Market, 3544 East Capitol Street NE, License #78461, Retailer B , ANC 7F

**Sold Go-Cups**

**Fact Finding Hearing\* 11:00 AM**

**Case # 15-CMP-00976;** Andy Lee Liquors., t/a New H Wine & Spirits, 914 H Street NE, License #93550, Retailer A, ANC 6A

**Operating under New Ownership Without Board Approval, Interfered with an Investigation, No ABC Manager on Duty**

**Fact Finding Hearing\* 11:30 AM**

**Case # Unlicensed Establishment,** D.C. Dragons Martial Arts Training Center 1731 Rhode Island Ave NE, ANC 5C

**Operated without Obtaining an ABC License or One Day Temporary License**

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

Board's Calendar

May 4, 2016

**Show Cause Hearing\***

**1:30 PM**

**Case # 15-251-00081;** Da Luft DC, Inc., t/a Da Luft Restaurant & Lounge  
1242 H Street NE, License #87780, Retailer CR, ANC 6A

**Interfered with an Investigation, Failed to Preserve a Crime Scene, Failed to Notify Board of Change in Corporation Structure**

**Show Cause Hearing\***

**2:30 PM**

**Case # 15-CC-00068;** Stop & Go, LLC, t/a Stop and Go Market, 3001 Sherman Ave NW, License #71763, Retailer B, ANC 1A

**Sale to Minor Violation, Failed to Take Steps Necessary to Ascertain Legal Drinking Age**

**Show Cause Hearing\***

**3:30 PM**

**Case # 15-CMP-00662;** Union Kitchen, LLC, t/a Union Kitchen, 538 3rd Street NE, License #98204, Retailer B, ANC 6C

**Failed too Take Steps Necessary to Ensure Property is Free of Litter**

**Fact Finding Hearing\***

**4:30 PM**

**Case # 16-251-00037;** The Fireplace Restaurant, Inc., t/a The Fireplace, 2161 P Street NW, License #14419, Retailer CT, ANC 2B

**Simple Assault**

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

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF MEETING  
INVESTIGATIVE AGENDA

WEDNESDAY, MAY 4, 2016  
2000 14<sup>TH</sup> STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

On May 4, 2016 at 4:00 pm, the Alcoholic Beverage Control Board will hold a closed meeting regarding the matters identified below. In accordance with Section 405(b) of the Open Meetings Amendment Act of 2010, the meeting will be closed “to plan, discuss, or hear reports concerning ongoing or planned investigations of alleged criminal or civil misconduct or violations of law or regulations.”

1. Case#16-CMP-00209 Sugar, 2121 K ST NW, Retailer C Tavern , License#: ABRA-098866

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2. Case#16-AUD-00039 Red Light, 1401 R ST NW, Retailer C Restaurant , License#: ABRA-090488

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3. Case#16-CMP-00217 Le Pain Quotidien, 433 MASSACHUSETTS AVE NW, Retailer D Restaurant , License#: ABRA-093865

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4. Case#16-CC-00025 Sonya's Market, 2833 11TH ST NW, Retailer B Retail - Grocery , License#: ABRA-097880

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5. Case#16-CMP-00211 Smith Point, 1338 WISCONSIN AVE NW, Retailer C Tavern , License#: ABRA-060131

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6. Case#16-251-00071 Sip, 1812 Hamlin ST NE, Retailer C Tavern , License#: ABRA-095164

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7. Case#16-CC-00030 Shadow Room, 2131 K ST NW, Retailer C Nightclub , License#: ABRA-075871

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8. Case#16-CMP-00277 RedRocks, 1348 H ST NE, Retailer C Restaurant , License#: ABRA-090997

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9. Case#16-AUD-00038 Stonefish Grill & Lounge, 1050 17TH ST NW, Retailer C Restaurant ,  
License#: ABRA-094562

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10. Case#16-CMP-00214 Midtown, 1219 CONNECTICUT AVE NW, Retailer C Nightclub ,  
License#: ABRA-072087

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11. Case#16-CC-00026 Gray's Market, 3306 GEORGIA AVE NW, Retailer B Retail - Grocery ,  
License#: ABRA-093808

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12. Case#16-CMP-00216 Nati Hookah Bar, 2839 GEORGIA AVE NW, Retailer C Tavern ,  
License#: ABRA-087508

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13. Case#16-CMP-00212 Shadow Room, 2131 K ST NW, Retailer C Nightclub , License#:  
ABRA-075871

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14. Case#16-CC-00032 Best D C Supermarket, 1507 U ST NW, Retailer A Retail - Liquor Store,  
License#: ABRA-075139

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15. Case#16-CMP-00233 Nile Market & Kitchen, 7815 GEORGIA AVE NW, Retailer C  
Restaurant , License#: ABRA-060432

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16. Case#16-251-00070 Dirty Martini Inn Bar/Dirty Bar, 1223 CONNECTICUT AVE NW,  
Retailer C Nightclub , License#: ABRA-083919

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17. Case#16-CMP-00237 Vita Restaurant and Lounge/Penthouse Nine, 1318 9TH ST NW,  
Retailer C Tavern , License#: ABRA-086037

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18. Case#16-CMP-00276 Sun Market, 415 RHODE ISLAND AVE NE, Retailer B Retail - Class  
B , License#: ABRA-083937

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19. Case#16-CMP-00215 Chinatown Coffee Company, 475 H ST NW, Retailer C Tavern ,  
License#: ABRA-083981

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ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF MEETING  
LICENSING AGENDA

WEDNESDAY, MAY 4, 2016 AT 1:00 PM  
2000 14<sup>TH</sup> STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

1. Review Application for Safekeeping of License – Original Request. ANC 6C. SMD 6C06. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. *Coast In Liquors*, 301 Florida Avenue NE, Retailer A Liquor Store, License No. 000014.
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2. Review Request to Extend Safekeeping status of License – 3rd Request. Original Safekeeping Date: 7/1/2005. ANC 5C. SMD 5C04. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. *Skylark Lounge (formerly)*, 1943 New York Avenue NE (formerly), Retailer CN, License No. 090611.
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3. Review Request to Extend Safekeeping status of License – 2nd Request. Original Safekeeping Date: 4/1/2009. ANC 1C. SMD 1C03. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. *Mr. Henry's*, 1836 Columbia Road NW (formerly), Retailer CR, License No. 017006.
- 

4. Review Request for Change of Hours of Entertainment. *Approved Hours of Operation and Alcoholic Beverage Sales and Consumption*: Sunday-Saturday 10am to 1:30am. *Approved Hours of Live Entertainment*: Friday 8pm to 12am. *Proposed Hours of Live Entertainment*: Sunday 11am to 11pm, Tuesday-Friday 8pm to 12am, Saturday 7pm to 12am. ANC 6B. SMD 6B02. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No conflict with Settlement Agreement. *Mr. Henry's*, 601 Pennsylvania Avenue SE, Retailer CR, License No. 000259.
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5. Review Application for Manager's License. *Frank B. Henry*-ABRA 102623.
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**\*In accordance with D.C. Official Code §2-574(b) of the Open Meetings Amendment Act, this portion of the meeting will be closed for deliberation and to consult with an attorney to obtain legal advice. The Board's vote will be held in an open session, and the public is permitted to attend.**

**CENTER CITY PUBLIC CHARTER SCHOOLS****REQUEST FOR PROPOSALS****Insurance Broker Services**

Center City Public Charter Schools is soliciting proposals from qualified vendors for the following:

**Center City PCS wishes to engage in Insurance Broker Services for the 2016-2017 School Year**

To obtain copies of full RFPs, please visit our website: [www.centercitypcs.org/contact/request-for-proposal](http://www.centercitypcs.org/contact/request-for-proposal). The full RFPs contain guidelines for submission, applicable qualifications, and deadlines.

Contact Person:

Jennifer Yi  
[jyi@centercitypcs.org](mailto:jyi@centercitypcs.org)

**E.L. HAYNES PUBLIC CHARTER SCHOOL****REQUEST FOR PROPOSALS****Landscaping and Snow Removal Services**

E.L. Haynes Public Charter School (“ELH”) is soliciting proposals from qualified vendors for landscaping and snow removal services. ELH seeks companies with demonstrated ability and experience in creating attractive landscapes and maintaining grounds using industry-accepted guidelines and standards throughout the year. Only proposals for all services included in the scope of work will be considered.

Proposals are due via email to Kristin Yochum no later than 5:00 PM on Friday, May 6, 2016. We will notify the final vendor of selection following the review process. The full RFP with bidding requirements can be obtained by contacting:

Kristin Yochum  
E.L. Haynes Public Charter School  
Phone: 202.667-4446 ext 3504  
Email: [kyochum@elhaynes.org](mailto:kyochum@elhaynes.org)

**EAGLE ACADEMY PUBLIC CHARTER SCHOOL****REQUEST FOR PROPOSALS****Facilities Management Services****Failure to meet the following requirements will invalidate the bid submission**

**Deadline for Proposals:** Responses by email only containing electronic copy of bid response sent to [bids@eagleacademypcs.org](mailto:bids@eagleacademypcs.org) must be received by **May 9, 2016 by 5:30 pm, EST.**

Bids will be accepted up to but no later than the time indicated on the RFP. All bids/proposals received after the time stated in the RFP will not be considered.

**All Questions concerning this RFP shall be directed only to:**

**Email address:** [bids@eagleacademypcs.org](mailto:bids@eagleacademypcs.org)

**No telephone correspondence is permitted**



**BOARD OF ELECTIONS****CERTIFICATION OF ANC/SMD VACANCY**

The District of Columbia Board of Elections hereby gives notice that there is a vacancy in one (1) Advisory Neighborhood Commission office, certified pursuant to D.C. Official Code § 1-309.06(d)(2); 2001 Ed; 2006 Repl. Vol.

**VACANT: 8B04**

Petition Circulation Period: **Monday, May 2, 2016 thru Monday, May 23, 2016**  
Petition Challenge Period: **Thursday, May 26, 2016 thru Thursday, June 2, 2016**

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Candidates seeking the Office of Advisory Neighborhood Commissioner, or their representatives, may pick up nominating petitions at the following location:

**D.C. Board of Elections  
441 - 4<sup>th</sup> Street, NW, Room 250N  
Washington, DC 20001**

For more information, the public may call **727-2525**.

**DISTRICT OF COLUMBIA**  
**BOARD OF ELECTIONS**

The District of Columbia Board of Elections pursuant to D.C. Official Code § 1-1001.05 (a)(5), 1-1021.01; 3 DCMR § 1201.1 hereby publishes the fictitious sample ballot. The fictitious sample ballot for the June 14, 2016 Primary Election can be accessed on the Board's website by using the following hyperlink:

[https://www.dcboee.org/election\\_info/election\\_year2016/SampleBallot.asp](https://www.dcboee.org/election_info/election_year2016/SampleBallot.asp)

For more information, please contact the Board at:

441 4<sup>th</sup> Street, NW, Suite 250 N  
Washington, DC 20001  
202-727-2525

## DISTRICT OF COLUMBIA BOARD OF ELECTIONS

## Final Notice of Polling Place Relocation

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The Board of Elections hereby gives public notice, in accordance with D.C. Official Code § 1-309.10, of final action taken at its April 18, 2016 meeting in relocating Precinct #92, Ward 7 Polling Place.

The public is advised that the proposed voting area for Precinct #92 will be changed from:

**Kenilworth Elementary School  
1300 44<sup>th</sup> Street, N.E.  
“Auditorium”**

and moved to:

**Zion Baptist Church-Eastland  
1234 Kenilworth Avenue, N.E.  
“Church Hall”**

**Please note that the relocation will be effective beginning with the upcoming June 14, 2016, Presidential Preference Primary Election.** All registered voters in the precinct will be individually notified of this change.

For further information, members of the public may contact the Board of Elections at 727-2525.

## DEPARTMENT OF ENERGY AND ENVIRONMENT

**NOTICE OF EXTENDED SOLICITATION FOR PUBLIC COMMENTS****Anacostia River Sediments: Draft Phase I Remedial Investigation Report**

This notice is to inform all interested members of the public that the Department of Energy and Environment (the Department) is extending the time for public review and comment on the Anacostia River Sediment Draft Phase I Remedial Investigation Report that was public noticed in the *D.C. Register* on March 18, 2016, at 63 DCR 004464. The public comment period was originally scheduled to close on May 2, 2016. The public comment period will now end on **May 10, 2016, at 11:59 pm.**

The Remedial Investigation seeks to identify the nature and extent of contamination found within the river's sediments. The Remedial Investigation includes sampling throughout the river conducted in accordance with a previously disseminated work plan. *See* 61 D.C. Reg. 898 (Jan. 31, 2014). The sampling results were analyzed by a technical consultant under contract with the Department to make findings and determinations about the state of contamination in the river. Those findings and determinations are detailed in the draft Phase I Remedial Investigation Report now available for public review and comment. While the first phase of the Remedial Investigation took a comprehensive look at the tidal Anacostia River, some data gaps remain, which will require additional investigation during the second phase, prior to the release of a Feasibility Study.

For purposes of this investigation, the Department is partnering with the National Park Service (NPS), which is the lead federal agency responsible for the investigation of contaminated sediments in the Anacostia River. In the interests of transparency and to provide an opportunity for public participation in this process at the earliest possible time, the agencies are releasing the Draft Phase I Remedial Investigation Report for public comment in advance of any review by either the Department or NPS. For that reason, the Draft Report may be revised based on future agency review of the Draft Report, as well as any comments received from the public.

A person may obtain a copy of the Draft Phase I Remedial Investigation Report by any of the following means:

**Download** from the Department's website, at <http://doee.dc.gov/anacostiasediment>;

**Visit** the Francis A. Gregory Neighborhood Library at 3660 Alabama Avenue SE, Washington, DC 20020 or the Rosedale Neighborhood Library at 1701 Gales Street NE, Washington, DC 20002 during normal business hours.

The Department is committed to considering fully and carefully all public comments received on the Draft Report prior to finalizing and issuing the Phase I Remedial Investigation Report. Interested persons may submit written comments on the Draft Report, which must include the person's name; telephone number; affiliation, if any; mailing address; a statement outlining their concerns; and any facts underscoring those concerns. To help with responding to comments, the

Department suggests submitting comments using the electronic comment form, which can be accessed at the above webpage.

Comments should be clearly marked “Anacostia Draft Phase I Remedial Investigation Report Comments” and either:

- 1) E-mailed to [DOEE.sedimentproject@dc.gov](mailto:DOEE.sedimentproject@dc.gov),
- 2) Mailed or hand-delivered to the Department of Energy and Environment, Dev Murali, 1200 First Street NE, 5<sup>th</sup> Floor, Washington, DC 20002, or
- 3) If reviewing at a library location, a comment form may be submitted to a representative at the library.

The Department will consider all timely received comments before finalizing the Phase I Remedial Investigation Report. All comments will be treated as public documents and will be made available for public viewing on the Department’s website. When the Department identifies a comment containing copyrighted material, the Department will provide a reference to that material on the website. If a comment is sent by e-mail, the e-mail address will be automatically captured and included as part of the comment that is placed in the public record and made available on the Department’s website. If the Department cannot read a comment due to technical difficulties, and the e-mail address contains an error, the Department may not be able to contact the commenter for clarification and may not be able to consider the comment.

## DEPARTMENT OF ENERGY AND ENVIRONMENT

NOTICE OF FUNDING AVAILABILITY**Grants for a Stormwater Retention Credit Purchase Agreement Program and a Program for Award of Funds to Identify Green Infrastructure Sites**

The Department of Energy and Environment (the Department) seeks eligible entities to 1) establish a Stormwater Retention Credit (SRC) purchase agreement program that specifies a price at which an SRC generator can sell SRCs from a Green Infrastructure (GI) project to the Department's grantee for a specified number of years and 2) establish a program to award funds to support the outreach and technical work required for SRC generators to identify and vet GI locations. The amount available for the project is expected to be approximately \$12,750,000.00. This amount is subject to availability of funding and approval by the appropriate agencies.

Beginning 4/29/2016, the full text of the Request for Applications (RFA) will be available on the Department's website. A person may obtain a copy of this RFA by any of the following means:

**Download** from the Department's website, [www.doe.dc.gov](http://www.doe.dc.gov). Select the *Resources* tab. Cursor over the pull-down list and select *Grants and Funding*. On the new page, cursor down to the announcement for this RFA. Click on *Read More* and download this RFA and related information from the *Attachments* section.

**Email** a request to [SRC.Purchase@dc.gov](mailto:SRC.Purchase@dc.gov) with "RE: RFA 2016-1606-SRC Purchase" in the subject line.

**Pick up a copy in person** from the Department's reception desk, located at 1200 First Street NE, 5th Floor, Washington, DC 20002. To make an appointment, call Brian Van Wye at (202) 741-2121 and mention this RFA by name.

**Write** the Department at 1200 First Street NE, 5th Floor, Washington, DC 20002, "Attn: Brian Van Wye RE: RFA 2016-1606-SRC Purchase" on the outside of the envelope.

**An informational conference call** and opportunity for question and answers will be held on May 12, 2016 at 1pm. The call number is (866) 741-7514 and conference code is 2014667.

**The deadline for application submissions is 06/10/2016, at 5:00 p.m.** Five hard copies must be submitted to the above address, and a complete electronic copy must be e-mailed to [SRC.Purchase@dc.gov](mailto:SRC.Purchase@dc.gov).

**Eligibility:** All the checked institutions below may apply for these grants:

-Nonprofit organizations, including those with IRS 501(c)(3) or 501(c)(4) determinations;

- Faith-based organizations;
- Government agencies
- Universities/educational institutions; and
- Private Enterprises.

For additional information regarding this RFA, write to: [SRC.Purchase@dc.gov](mailto:SRC.Purchase@dc.gov).

**DEPARTMENT OF ENERGY AND ENVIRONMENT****PUBLIC NOTICE****AIR QUALITY TITLE V OPERATING PERMIT AND  
GENERAL PERMIT FOR THE  
FORMER WALTER REED ARMY MEDICAL CENTER**

Notice is hereby given that the Department of the Army, Base Realignment and Closure Division has applied for a Title V air quality permit pursuant to the requirements of Title 20 of the District of Columbia Municipal Regulations, Chapters 2 and 3 (20 DCMR Chapters 2 and 3) to operate two dual fuel-fired (natural gas and No. 2 fuel oil) boilers (Boilers #2 is 90.9 MMBTU/hr heat input; Boiler #4 is 51.4 MMBTU/hr heat input), one natural gas-fired boiler (Boiler #3 is 75 MMBTU/hr heat input), nine diesel-fired emergency generator sets, one gasoline dispensing station, three underground storage tanks for No. 2 fuel oil or diesel fuel (two with 400,000 gallon capacities; one with 2,500 gallon capacity), and eleven aboveground storage tanks ranging in size from 100 gallons to 4,700 gallons, all containing diesel fuel. All of these units are existing sources and are located at the former Walter Reed Army Medical Center (WRAMC) at 6900 Georgia Avenue NW, Washington DC. The contact person for the facility is Erin Mauer, BRAC Environmental Coordinator, at (202) 812-7398.

With limitations placed in the permit, WRAMC has the potential to emit approximately 27.0 tons per year of oxides of nitrogen (NO<sub>x</sub>), 6.4 tons per year of volatile organic compounds (VOC), 23.6 tons per year of total particulate matter, 41.9 tons per year of sulfur dioxide (SO<sub>2</sub>), and 46.0 tons per year of carbon monoxide (CO). The NO<sub>x</sub> emissions exceed the major source threshold in the District of 25 tons per year of NO<sub>x</sub>. Therefore, the facility is classified as a major source of air pollution and is subject to 20 DCMR Chapter 3 and must obtain an operating permit under the regulation.

As part of this permitting process, the Department of Energy and Environment (DOEE) is proposing to establish an alternate visible emission standard for the facility's three boilers of 5% opacity (with certain exceptions standard for all equipment of this type) pursuant to 20 DCMR 606.3. WRAMC monitors visible emissions with the use of a continuous opacity monitoring system (COMS).

DOEE has reviewed the permit application and related documents and has made a preliminary determination that the applicant meets all applicable air quality requirements promulgated by the U.S. Environmental Protection Agency (EPA) and the District. Therefore, draft permit #004-R1 has been prepared.

The application, the draft permit, and all other materials submitted by the applicant [except those entitled to confidential treatment under 20 DCMR 301.1(c)] considered in making this preliminary determination are available for public review during normal business hours at the offices of the Department of Energy and Environment, 1200 First Street NE, 5<sup>th</sup> Floor, Washington DC 20002. Copies of the draft permit and related fact sheet are available at <http://doee.dc.gov/service/public-notice-hearings>.



A public hearing on this permitting action will not be held unless DOEE has received a request for such a hearing within 30 days of the publication of this notice. Interested parties may also submit written comments on the permitting action. Hearing requests or comments should be directed to Stephen S. Ours, DOEE Air Quality Division, 1200 First Street NE, 5<sup>th</sup> Floor, Washington DC 20002 or [stephen.ours@dc.gov](mailto:stephen.ours@dc.gov). Mr. Ours may also be contacted with any questions about this permitting action at (202) 535-1747 or [stephen.ours@dc.gov](mailto:stephen.ours@dc.gov). Comments or hearing requests submitted after May 31, 2016 will not be accepted.

**DEPARTMENT OF HEALTH**  
**HEALTH PROFESSIONAL LICENSING ADMINISTRATION**

**NOTICE OF MEETING**

Board of Medicine  
April 27, 2016

On APRIL 27, 2016 at 8:30 am, the Board of Medicine will hold a meeting to consider and discuss a range of matters impacting competency and safety in the practice of medicine.

In accordance with Section 405(b) of the Open Meetings Amendment Act of 2010, the meeting will be closed from 9:30 am until 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 open to the public from 8:30 am to 9:30 am to discuss various agenda items and any comments and/or concerns from the public. After which the Board will reconvene in closed session to continue its deliberations until 2:00 pm.

The meeting location is 899 North Capitol Street NE, 2<sup>nd</sup> Floor, Washington, DC 20002.

Meeting times and/or locations are subject to change – please visit the Board of Medicine website [www.doh.dc.gov/bomed](http://www.doh.dc.gov/bomed) and select BoMed Calendars and Agendas to view the agenda and any changes that may have occurred.

Interim Executive Director for the Board – Robin Y. Jenkins

**DEPARTMENT OF HEALTH****PUBLIC NOTICE**

The District of Columbia Board of Dentistry hereby gives notice, pursuant to § 405 of the District of Columbia Health Occupation Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1204.05 (b)) (2012 Repl.), of the change of its regularly scheduled monthly meeting time.

Beginning Wednesday, May 25, 2016, the District of Columbia Board of Dentistry is changing its regularly scheduled meeting time to 9:30 a.m. The open (public) session will begin at 9:30 a.m. and end at 10:30 a.m.

Following the open (public) session, the Board will meet in executive (closed/non-public) session to seek the advice of counsel to the board, pursuant to D.C. Official Code § 2-575(b)(4); to discuss disciplinary matters pursuant to D.C. Official Code § 2-575(b)(9); and to discuss ongoing or planned investigations pursuant to D.C. Official Code § 2-575(b)(14).

The District of Columbia Board of Dentistry meets on the third Wednesday of each month at 899 North Capitol Street, NE, 2<sup>nd</sup> Floor, Washington, D.C. 20002.

## DC DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

## NOTICE OF SOLICITATION FOR OFFERS

(Washington, DC) - On May 31, 2016, the DC Department of Housing and Community Development (DHCD) will release five Solicitations for Offers (SFOs) for the development of 25 District-owned properties in Wards 4, 5, 7 and 8.

Through the SFO, DHCD is seeking public offers to build development projects that promote vibrant, walk-able, mixed-use and mixed-income neighborhoods and combat blight in the District on the following sites:

Package	WARD	SSL	Address	Vacancy	Issue Date
1	4	2993 0800	809 Kennedy Street NW	LOT	May 31
1	4	2993 0030	813 Kennedy Street NW	LOT	May 31
2	5	0615 0075	14 Florida Avenue NW	LOT	May 31
2	5	0615 0148	10 Q Street NW	BLDG	May 31
2	5	0615 0149	6 Q Street NW	LOT	May 31
2	5	0615 0150	8 Q Street NW	LOT	May 31
2	5	0615 0151	4 Q Street NW	LOT	May 31
2	5	0615 0152	16 Florida Ave NW	LOT	May 31
2	5	0615 0806	12 Q Street NW	LOT	May 31
2	5	0615 0825	14 Q Street NW	LOT	May 31
3	7	5553 0029	2527 Minnesota Avenue SE	LOT	May 31
3	7	5553 0030	2529 Minnesota Avenue SE	LOT	May 31
3	7	5553 0031	2531 Minnesota Avenue SE	LOT	May 31
3	7	5553 0032	2533 Minnesota Avenue SE	LOT	May 31
3	7	5553 0033	2535 Minnesota Avenue SE	LOT	May 31
3	7	5553 0034	1303 27th Street SE	LOT	May 31
3	7	5553 0035	1305 27th Street SE	LOT	May 31
3	7	5553 0036	1307 27th Street SE	LOT	May 31
3	7	5553 0037	1309 27th Street SE	LOT	May 31
3	7	5553 0038	1311 27th Street SE	LOT	May 31
4	8	6208 0051	4244 6th Street SE	BLDG	May 31
4	8	6239 0060	62 Forrester Street SW	LOT	May 31
4	8	6239 0059	64 Forrester Street SW	LOT	May 31
4	8	6240 0803	157 Forrester Street SW	LOT	May 31
5	8	5936 0802	3401 13th Street SE	LOT	May 31

The Solicitation for Offer application materials will be available by May 31, 2016 on the DHCD website, [www.dhcd.dc.gov](http://www.dhcd.dc.gov).

A Pre-Bid meeting will be held at 10:00 a.m., Wednesday, June 22, 2016 at DHCD's Housing Resource Center. The deadline for submitting proposal applications is 4 p.m., Thursday, September 1, 2016.

For additional updates, information and questions, please go to our website <http://dhcd.dc.gov/service/property-acquisition-and-disposition> or contact [padd.sfo@dc.gov](mailto:padd.sfo@dc.gov).

## DEPARTMENT OF HUMAN RESOURCES

## EXCEPTED SERVICE EMPLOYEES AS OF APRIL 15, 2016

## NOTICE OF EXCEPTED SERVICE EMPLOYEES

D.C. Official Code § 1-609.03(C) Requires That A List Of Excepted Service Positions Established Under The Provision Of § 1-609.03(A) Along With The Types Of Excepted Service Appointment, Names, Position Titles, And Grades Of All Persons Appointed To These Positions Be Published In The D.C. Register. In Accordance With The Foregoing, The Following Information Is Hereby Published For The Following Positions.

<b>OFFICE OF THE MAYOR</b>				
<b>TYPE APPT</b>	<b>LAST NAME</b>	<b>FIRST NAME</b>	<b>TITLE</b>	<b>GRADE</b>
Excepted Service - Reg Appt	Akins	Lamont	Chief Of Staff, MOCA	07
Executive Service - Reg Appt	Alexander- Reid	Sheila	Director	E3
Excepted Service - Reg Appt	Anthony	Lavita	Executive Assistant	07
Excepted Service - Reg Appt	Barnes	Lafayette	Director Partnerships & Grants	10
Excepted Service - Reg Appt	Bassett	Kimberly	Exec Director For Commission On Women	07
Excepted Service - Reg Appt	Battle	Antoine	Outreach & Service Specialist	05
Excepted Service - Reg Appt	Benab	Yasmin	Outreach & Service Specialist	05
Excepted Service - Reg Appt	Bennett	Jordan	Public Affairs Specialist	05
Excepted Service - Reg Appt	Boucree	Catherine	Program Support Specialist	11
Executive Service - Reg Appt	Bowser	Muriel	Mayor	00
Excepted Service - Reg Appt	Brown	Ajan	Program Analyst	03

Excepted Service - Reg Appt	Case	Benjamin	Outreach & Service Specialist	05
Excepted Service - Reg Appt	Cavendish	Elizabeth	General Counsel	11
Excepted Service - Reg Appt	Christian	Hassan	Policy Analyst	05
Excepted Service - Reg Appt	Clark	Joshua	Associate Director Of Scheduling	03
Excepted Service - Reg Appt	Colbert	Derrick	Outreach & Service Specialist	05
Excepted Service - Reg Appt	Czin	Michael	Director Of Communications	10
Excepted Service - Reg Appt	Douglas	Danielle	Special Assistant	05
Excepted Service - Reg Appt	Doxen	Edward	Outreach & Service Specialist	05
Excepted Service - Reg Appt	Falcicchio	John	Chief Of Staff	11
Excepted Service - Reg Appt	Felder	Wendell	Outreach & Service Specialist	05
Excepted Service - Reg Appt	Fink	Jason	Director Of Scheduling	07
Excepted Service - Reg Appt	Foster	Latoya	Senior Communications Officer	08
Excepted Service - Reg Appt	Glenn	Aliyah	Special Assistant	05
Excepted Service - Reg Appt	Hawkins	James	Deputy General Counsel	10
Excepted Service - Reg Appt	Hines	Charon	Director, Community Affairs	10
Excepted Service - Reg Appt	Hunter	Delano	Chief Service Officer	09
Excepted Service - Reg Appt	Isaac	Donald	Director	06
Excepted Service - Reg Appt	Jackson	Gregory	Director Of Community Relations	09

Excepted Service - Reg Appt	Karnofsky	Alan	Associate Director	05
Excepted Service - Reg Appt	Laney	Terrance	Deputy Director	06
Excepted Service - Reg Appt	Langford	Craig	Digital Director	06
Excepted Service - Reg Appt	Lewis	Eva	Outreach & Service Specialist	05
Excepted Service - Reg Appt	Locher	Jeanne	Staff Assistant	02
Excepted Service - Reg Appt	Maggard	Ian	Outreach & Service Specialist	05
Excepted Service - Reg Appt	Mariman	Rachel	Outreach & Service Specialist	05
Excepted Service - Reg Appt	Mason	Erika	Associate Director Of Scheduling	03
Excepted Service - Reg Appt	Matthews	Michael	Outreach & Service Specialist	05
Excepted Service - Reg Appt	Mcauley	Phillip	Outreach & Service Specialist	05
Excepted Service - Reg Appt	Mcdowney	Carole	Clerical Assistant (OA)	02
Excepted Service - Reg Appt	Mcelroy	Willie	Community Emergency Response Specialist	11
Excepted Service - Reg Appt	Mims	Keisha	Outreach & Service Specialist	05
Excepted Service - Reg Appt	Oruh	Chioma	Deputy Director	06
Excepted Service - Reg Appt	Parker	Lindsey	Deputy Chief Of Staff	11
Excepted Service - Reg Appt	Pleitez	Diego	Scheduling Support Assistant	02
Excepted Service - Reg Appt	Rainge	Kennisha	Associate Director	05
Excepted Service - Reg Appt	Rivera	Keylin	Outreach & Service Specialist	05



Excepted Service - Reg Appt	Rojo	Luis	Outreach & Service Specialist	05
Executive Service - Reg Appt	Samba	Mamadou	Director Of African Affairs	E1
Excepted Service - Reg Appt	Sereke-Brhan	Heran	Program Analyst (Bilingual)	06
Excepted Service - Reg Appt	Slattery	James	Correspondence Officer	08
Excepted Service - Reg Appt	Spriggs	Sareeta	Deputy Director Of Grants & Operations	07
Excepted Service - Reg Appt	Stefani	Michael	Associate Director	05
Excepted Service - Reg Appt	Tondoneh Munu	Sward	Travelling Chief Of Staff	06
Excepted Service - Reg Appt	Walker	Steven	Director, Office Of Talent And Appointments	09
Excepted Service - Reg Appt	Williams	Malik	Outreach & Service Specialist	05

<b>AUDITOR, OFFICE OF THE DC</b>				
<b>TYPE APPT</b>	<b>LAST NAME</b>	<b>FIRST NAME</b>	<b>TITLE</b>	<b>GRADE</b>
Excepted Service - Reg Appt	Bellanca	Amy	General Counsel	09
Excepted Service - Term Appt	Patterson	Kathleen	DC Auditor	11
Excepted Service - Reg Appt	Perry	Lawrence	Deputy Auditor	10

<b>INSPECTOR GENERAL, OFC OF THE</b>				
<b>TYPE APPT</b>	<b>LAST NAME</b>	<b>FIRST NAME</b>	<b>TITLE</b>	<b>GRADE</b>
Excepted Service - Reg Appt	Branson	Karen	General Counsel	10
Excepted Service - Reg Appt	Farley	Edward	Assistant Ig Inspector/Evaluation	10
Excepted Service - Reg Appt	Hart	Lee	Deputy Inspector General	10
Excepted Service - Reg Appt	Karrasch	Benjamin	Attorney Advisor	08
Excepted Service - Reg Appt	Kenney	Martin	Assistant Ig Of Investigations	10
Excepted Service - Reg Appt	Lashley Jr.	Doyle	Attorney Advisor	08
Executive Service - Term Appt	Lucas	Daniel	Inspector General	E5
Excepted Service - Reg Appt	Lucchesi	Victoria	Deputy General Counsel	09
Excepted Service - Reg Appt	Silverman	Stuart	Attorney	09
Excepted Service - Reg Appt	Van Croft	Keith	Attorney Advisor	08
Excepted Service - Reg Appt	Weeks	Marcus	Supervisory Attorney Advisor	09
Excepted Service - Reg Appt	Williams	Burnette	Attorney Advisor	08
Excepted Service - Reg Appt	Wolfingbarger	Brentton	Supervisory Attorney Advisor	10

<b>CITY ADMINISTRATOR, OFC OF THE</b>				
<b>TYPE APPT</b>	<b>LAST NAME</b>	<b>FIRST NAME</b>	<b>TITLE</b>	<b>GRADE</b>
Excepted Service - Reg Appt	Brown	Matthew	Budget Director	11
Excepted Service - Reg Appt	Constantino	Justin	Deputy Budget Director	10
Excepted Service - Reg Appt	Gamblin	Anthony	Budget Analyst	05
Excepted Service - Reg Appt	Garrick	Sean	Executive Assistant	07
Excepted Service - Reg Appt	Hatton	Timothy	Budget Analyst	05
Excepted Service - Reg Appt	Holt	Kasmin	Performance Analyst	07
Excepted Service - Reg Appt	Kreiswirth	Barry	Senior Legal Advisor	10
Excepted Service - Reg Appt	McGaw	John	Deputy Director	10
Excepted Service - Reg Appt	Miller Gabriel	Seth	Dir, Office Of Public Private Partnerships	10
Excepted Service - Reg Appt	Murray	Christopher	Senior Budget Analyst	09
Excepted Service - Reg Appt	Reed	Jennifer	Chief Performance Officer	10
Excepted Service - Reg Appt	Rockett	Ayana	Program Analyst	07
Executive Service - Reg Appt	Sims	Lionel	Director, Lrcb	10
Excepted Service - Reg Appt	Young	Rashad	City Administrator	11

<b>CONTRACT APPEALS BOARD</b>				
<b>TYPE APPT</b>	<b>LAST NAME</b>	<b>FIRST NAME</b>	<b>TITLE</b>	<b>GRADE</b>
Excepted Service - Reg Appt	Tuttle	Thane	Clerk Of Court	09

<b>BOARD OF ETHICS AND GOVERNMENT</b>				
<b>TYPE APPT</b>	<b>LAST NAME</b>	<b>FIRST NAME</b>	<b>TITLE</b>	<b>GRADE</b>
Excepted Service - Reg Appt	Flowers	Brian	General Counsel	09
Excepted Service - Reg Appt	Hughes	Traci	Director Of Open Government	10
Excepted Service - Reg Appt	Sobin	Darrin	Director Of Government Ethics	10

<b>MAYOR'S OFF. OF LEGAL COUNSEL</b>				
<b>TYPE APPT</b>	<b>LAST NAME</b>	<b>FIRST NAME</b>	<b>TITLE</b>	<b>GRADE</b>
Excepted Service - Reg Appt	Evans	Gregory	Attorney Advisor	08
Excepted Service - Reg Appt	Evans	Ronnie	Special Assistant	05
Excepted Service - Reg Appt	Forman	Sarah	Attorney Advisor	08
Excepted Service - Reg Appt	Hughes	Bijan	Paralegal Specialist	07
Excepted Service - Reg Appt	Marsh	John	Paralegal Specialist	07
Excepted Service - Reg Appt	Ross	Ronald	Deputy Director Of Legal Counsel	10

Excepted Service - Reg Appt	Torres	Tatiana	Chief Of Staff	08
Excepted Service - Reg Appt	Tucker	Melissa	Attorney Advisor	08
Excepted Service - Reg Appt	Tuohey	Mark	Director	11

OFFICE OF THE SENIOR ADVISOR				
TYPE APPT	LAST NAME	FIRST NAME	TITLE	GRADE
Excepted Service - Reg Appt	Afoakwah	Kimberly	Associate Director	05
Excepted Service - Reg Appt	Barge	Lolita	Dir Of Legislative Support	08
Excepted Service - Reg Appt	Coombs	John	Deputy Director	08
Excepted Service - Reg Appt	Downing	Roberta	Deputy Director	08
Excepted Service - Reg Appt	Durant	Chan Tei	Associate Director	05
Excepted Service - Reg Appt	Estes	Maia	Dir, Pol & Legislative Affairs	11
Excepted Service - Reg Appt	Floyd	Sean	Special Assistant	05
Excepted Service - Reg Appt	George	Deborah	Policy Analyst	06
Excepted Service - Reg Appt	Herrell	Arlen	Associate Director	11
Excepted Service - Reg Appt	Hoffman	Desiree	Associate Director	05
Excepted Service - Reg Appt	Kinlow	Eugene	Director, Federal And Regional Affairs	10
Excepted Service - Reg Appt	Perry	Beverly	Senior Advisor	11

Excepted Service - Reg Appt	Powell	Randi	Associate Director	06
Excepted Service - Reg Appt	Talamante	Tomas	Associate Director	06

<b>DEPARTMENT OF GENERAL SERVICES</b>				
<b>TYPE APPT</b>	<b>LAST NAME</b>	<b>FIRST NAME</b>	<b>TITLE</b>	<b>GRADE</b>
Excepted Service - Reg Appt	Davis	Wilbert	Dep. Dir. For Facilities Mgmt.	11
Excepted Service - Reg Appt	Sherrod	Wanda	Special Assistant	09
Executive Service - Reg Appt	Weaver	Christopher	Director, Dept Of General Services	E5

<b>ASIAN PACIFIC ISLANDER AFFAIRS</b>				
<b>TYPE APPT</b>	<b>LAST NAME</b>	<b>FIRST NAME</b>	<b>TITLE</b>	<b>GRADE</b>
Executive Service - Reg Appt	Do	David	Executive Director	E1

<b>STATEHOOD INITIATIVES AGENCY</b>				
<b>TYPE APPT</b>	<b>LAST NAME</b>	<b>FIRST NAME</b>	<b>TITLE</b>	<b>GRADE</b>
Excepted Service - Temp Appt	Barnard	Rachel	Staff Assistant	02
Executive Service - Reg Appt	Szulgit	Karen	Staff Assistant	03
Excepted Service - Temp Appt	Tabiei	Omeed	Legislative Assistant	04

<b>SECRETARY, OFFICE OF THE</b>				
<b>TYPE APPT</b>	<b>LAST NAME</b>	<b>FIRST NAME</b>	<b>TITLE</b>	<b>GRADE</b>
Excepted Service - Reg Appt	Bulger	James	Staff Assistant	03
Excepted Service - Reg Appt	Elwood	Patricia	Protocol Officer	08
Excepted Service - Reg Appt	Gold	Judi	Notary & Authent. Officer	07
Excepted Service - Reg Appt	Holland	Joy	Deputy Secretary	09
Excepted Service - Reg Appt	Katz	Rebecca	Public Records Administrator	07
Excepted Service - Reg Appt	Reid	Victor	Administrator, Ofc Of Document	08
Excepted Service - Reg Appt	Savonis	Luke	Staff Assistant	03
Executive Service - Reg Appt	Vaughan	Lauren	Secretary Of The District	E3

<b>PLANNING, OFFICE OF</b>				
<b>TYPE APPT</b>	<b>LAST NAME</b>	<b>FIRST NAME</b>	<b>TITLE</b>	<b>GRADE</b>
Excepted Service - Reg Appt	Cidlowski	Laine	Food Policy Director	08
Executive Service - Reg Appt	Shaw	Eric	Director Of Planning	E4

<b>DEPT OF HUMAN RESOURCES</b>				
<b>TYPE APPT</b>	<b>LAST NAME</b>	<b>FIRST NAME</b>	<b>TITLE</b>	<b>GRADE</b>
Excepted Service - Term Appt	Ames	Christine	Capital City Fellow	04
Excepted Service - Term Appt	Belmont	Erik	Capital City Fellow	04
Excepted Service - Term Appt	Corbin-Armstrong	Jacqueline	Capital City Fellow	04
Excepted Service - Term Appt	Emilcar	Patrice	Capital City Fellow	04
Excepted Service - Term Appt	Ferris Haines	Katherine	Capital City Fellow	04
Excepted Service - Term Appt	Garrett	Tynekia	Capital City Fellow	04
Executive Service - Reg Appt	Gibson	Ventris	Director, Dept Of Human Resources	E5
Excepted Service - Term Appt	Hadjiloucas	Aphrodite	Capital City Fellow	04
Excepted Service - Reg Appt	Harris	Joshua	Management And Program Analyst	08
Excepted Service - Term Appt	Hawthorne	Sydney	Capital City Fellow	04
Excepted Service - Term Appt	Headd	Jessica	Capital City Fellow	04
Excepted Service - Term Appt	Horton	John	Capital City Fellow	04
Excepted Service - Term Appt	Koch	David	Capital City Fellow	04
Excepted Service - Term Appt	Mccarroll	Matthew	Capital City Fellow	04
Excepted Service - Term Appt	Nartowicz	Nikolas	Capital City Fellow	04
Excepted Service - Term Appt	Prats	Jennifer	Capital City Fellow	04



Excepted Service - Term Appt	Rouse	Evann	Capital City Fellow	04
Excepted Service - Reg Appt	Rucker	Clarissa	Public Affairs Specialist	08
Excepted Service - Reg Appt	Selman	David	Special Assistant	06
Excepted Service - Term Appt	Shy	Khalid	Capital City Fellow	04
Excepted Service - Term Appt	Vatnick	Tamara	Capital City Fellow	04
Excepted Service - Reg Appt	Williams	Ronald	Special Assistant	09

<b>ZONING, OFFICE OF</b>				
<b>TYPE APPT</b>	<b>LAST NAME</b>	<b>FIRST NAME</b>	<b>TITLE</b>	<b>GRADE</b>
Excepted Service - Reg Appt	Bardin	Sara	Director	10

<b>HOMELAND SECURITY &amp; EMA</b>				
<b>TYPE APPT</b>	<b>LAST NAME</b>	<b>FIRST NAME</b>	<b>TITLE</b>	<b>GRADE</b>
Excepted Service - Reg Appt	Brannum	Robert	Community Outreach Specialist	06
Executive Service - Reg Appt	Geldart	Chris	Director, Homeland Sec. & Ema	E5
Excepted Service - Reg Appt	Gilmore	Edward	Community Outreach Specialist	06

<b>ARTS &amp; HUMANITIES, COMM ON THE</b>				
<b>TYPE APPT</b>	<b>LAST NAME</b>	<b>FIRST NAME</b>	<b>TITLE</b>	<b>GRADE</b>
Executive Service - Reg Appt	Espinoza	Arthur	Executive Director	E1
Excepted Service - Reg Appt	Younger	Derek	Special Assistant	07

<b>AGING, OFFICE ON</b>				
<b>TYPE APPT</b>	<b>LAST NAME</b>	<b>FIRST NAME</b>	<b>TITLE</b>	<b>GRADE</b>
Excepted Service - Reg Appt	Newland	Laura	Director	10

<b>LATINO AFFAIRS, OFFICE ON</b>				
<b>TYPE APPT</b>	<b>LAST NAME</b>	<b>FIRST NAME</b>	<b>TITLE</b>	<b>GRADE</b>
Excepted Service - Reg Appt	Guity Guevara	Julio	Deputy Director	07
Executive Service - Reg Appt	Reyes Yanes	Jakeline	Director Of Latino Affairs	E1

<b>ATTORNEY GENERAL, OFC OF THE</b>				
<b>TYPE APPT</b>	<b>LAST NAME</b>	<b>FIRST NAME</b>	<b>TITLE</b>	<b>GRADE</b>
Excepted Service - Reg Appt	Marus	Robert	Director Of Communications	09

Excepted Service - Reg Appt	Pittman	James	Director Of Legislative Affair	09
Executive Service - Term Appt	Racine	Karl	Attorney Gen For Dc	E5
Excepted Service - Reg Appt	Williams	Lateefah	Community Development Specialist	08

<b>PUBLIC LIBRARY, DC</b>				
<b>TYPE APPT</b>	<b>LAST NAME</b>	<b>FIRST NAME</b>	<b>TITLE</b>	<b>GRADE</b>
Excepted Service - Term Appt	Butler	Jonathan	Director Of Business Operation	10
Excepted Service - Reg Appt	Reyes-Gavilan	Richard	Executive Director	11

<b>EMPLOYMENT SERVICES, DEPT OF</b>				
<b>TYPE APPT</b>	<b>LAST NAME</b>	<b>FIRST NAME</b>	<b>TITLE</b>	<b>GRADE</b>
Executive Service - Reg Appt	Carroll	Deborah	Director, Dept Of Employ. Services	E5
Excepted Service - Reg Appt	Davis	Crystal	Special Assistant	08
Excepted Service - Reg Appt	Morris	Unique	Special Assistant	09

<b>OFFICE OF THE TENANT ADVOCATE</b>				
<b>TYPE APPT</b>	<b>LAST NAME</b>	<b>FIRST NAME</b>	<b>TITLE</b>	<b>GRADE</b>
Excepted Service - Reg Appt	Shreve	Johanna	Chief Tenant Advocate	09

<b>CONSUMER AND REGULATORY AFFAIR</b>				
<b>TYPE APPT</b>	<b>LAST NAME</b>	<b>FIRST NAME</b>	<b>TITLE</b>	<b>GRADE</b>
Executive Service - Reg Appt	Bolling	Melinda	Director	E5
Excepted Service - Reg Appt	Parris	Lori	Deputy Director	10
Excepted Service - Reg Appt	Washington	Jason	Special Assistant	07

<b>OFFICE OF CABLE TELEVISION, FILM, MUSIC &amp; ENTERTAINMENT</b>				
<b>TYPE APPT</b>	<b>LAST NAME</b>	<b>FIRST NAME</b>	<b>TITLE</b>	<b>GRADE</b>
Executive Service - Reg Appt	Gates	Angie	Director	E2
Excepted Service - Reg Appt	Washington	Lindsay	Producer	03

<b>DEPT HOUSING AND COMM DVLPMT</b>				
<b>TYPE APPT</b>	<b>LAST NAME</b>	<b>FIRST NAME</b>	<b>TITLE</b>	<b>GRADE</b>
Excepted Service - Term Appt	Anderson	Keith	Rent Administrator	09
Excepted Service - Reg Appt	Cofield	Gwendolyn	Supvy. Public Affairs Special.	09
Executive Service - Reg Appt	Donaldson	Mary	Dir. Housing & Community Development	E5
Excepted Service - Reg Appt	Hubbard	Drew	Chief Administrative Officer	10
Excepted Service - Reg Appt	Roary	Booker	Staff Assistant	03

<b>ELECTIONS AND ETHICS, BOARD OF</b>				
<b>TYPE APPT</b>	<b>LAST NAME</b>	<b>FIRST NAME</b>	<b>TITLE</b>	<b>GRADE</b>
Executive Service - Term Appt	Stroud	Terri	Executive Director	10

<b>PLANNING AND ECONOMIC DEVELOPMENT</b>				
<b>TYPE APPT</b>	<b>LAST NAME</b>	<b>FIRST NAME</b>	<b>TITLE</b>	<b>GRADE</b>
Excepted Service - Reg Appt	Bekele	Tsegazeab	Special Assistant	07
Excepted Service - Reg Appt	Clarke	Randall	Special Assistant	08
Executive Service - Reg Appt	Kenner	Brian	Dep. Mayor, Plan. & Econ. Dev.	E5
Excepted Service - Reg Appt	Mcpeek	Joaquin	Communications Director	08
Excepted Service - Reg Appt	Olpadwala	Sarosh	Director, Real Estate	10
Excepted Service - Reg Appt	Townley	Dion	Outreach Coordinator	07
Excepted Service - Reg Appt	Trueblood	Andrew	Chief Of Staff	11
Excepted Service - Reg Appt	Tyus	Darnetta	Special Assistant	08
Excepted Service - Reg Appt	White	Timothy	Deputy Chief Of Staff	09

<b>DEPUTY MAYOR FOR GREATER ECONOMIC OPPORTUNITY</b>				
<b>TYPE APPT</b>	<b>LAST NAME</b>	<b>FIRST NAME</b>	<b>TITLE</b>	<b>GRADE</b>
Excepted Service - Reg Appt	Beasley	Amber	Director Of Operations	03
Excepted Service - Reg Appt	Branch	Rahman	Exec Director, Office Of African Affairs	07
Excepted Service - Reg Appt	Dugger	Tony	Executive Director, Commission	07
Excepted Service - Reg Appt	Fletcher	Tina	Community Engagement Director	07
Excepted Service - Reg Appt	Leach	Faith	Chief Of Staff	08
Excepted Service - Reg Appt	Nunez	Molly	Public Information Officer	05
Excepted Service - Reg Appt	Snowden	Courtney	Deputy Mayor For Greater Economic Opportunity	11

<b>DEPARTMENT OF SMALL AND LOCAL BUS DEVELOPMENT</b>				
<b>TYPE APPT</b>	<b>LAST NAME</b>	<b>FIRST NAME</b>	<b>TITLE</b>	<b>GRADE</b>
Excepted Service - Reg Appt	Edwards	Ronnie	Dep Dir For Business Opportunity	09
Executive Service - Reg Appt	Harvey	Ana	Dir. Small And Local Business Development	E2

<b>METROPOLITAN POLICE DEPARTMENT</b>				
<b>TYPE APPT</b>	<b>LAST NAME</b>	<b>FIRST NAME</b>	<b>TITLE</b>	<b>GRADE</b>
Excepted Service - Reg Appt	Fieselmann	Heidi	Special Assistant To The Chief	09

Excepted Service - Reg Appt	Major	Jacob	Lieutenant	09
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<b>FIRE AND EMERG. MEDICAL SVCS</b>				
<b>TYPE APPT</b>	<b>LAST NAME</b>	<b>FIRST NAME</b>	<b>TITLE</b>	<b>GRADE</b>
Excepted Service - Reg Appt	Buchanan	Douglas	Chief Communications Officer	08
Executive Service - Reg Appt	Dean	Gregory	Fire Chief	PS2
Excepted Service - Term Appt	Holman	Robert	Interim Medical Director	PS1
Excepted Service - Reg Appt	Lewis	Turna	Senior Advisor	09
Excepted Service - Reg Appt	Mauro	Amy	Chief Of Staff	10

<b>POLICE COMPLAINTS, OFFICE OF</b>				
<b>TYPE APPT</b>	<b>LAST NAME</b>	<b>FIRST NAME</b>	<b>TITLE</b>	<b>GRADE</b>
Excepted Service - Reg Appt	Howard	Rochelle	Deputy Director	10
Excepted Service - Term Appt	Tobin	Michael	Executive Director	11

<b>CORRECTIONS INFO COUNCIL</b>				
<b>TYPE APPT</b>	<b>LAST NAME</b>	<b>FIRST NAME</b>	<b>TITLE</b>	<b>GRADE</b>
Excepted Service - Reg Appt	Bonner	Michelle	Executive Director	09

<b>CRIMINAL JUSTICE COUNCIL</b>				
<b>TYPE APPT</b>	<b>LAST NAME</b>	<b>FIRST NAME</b>	<b>TITLE</b>	<b>GRADE</b>
Excepted Service - Reg Appt	Butler	Mannone	Executive Director	11
Excepted Service - Reg Appt	Chaudhry	Imran	Info Tech Spec	09
Excepted Service - Reg Appt	Colbert	Machah	It Spec. (Systems Admin.)	07
Excepted Service - Reg Appt	Howell	Charisma	Deputy Executive Director	09
Excepted Service - Reg Appt	Hussain	Safdar	It Spec. (Applic. Software)	07
Excepted Service - Reg Appt	Jackson	Robin	Special Asst	07
Excepted Service - Reg Appt	Jones	Christine	Strategic Analysis Specialist	06
Excepted Service - Reg Appt	Khan	Mohammad	It Spec. (Enterprise Arch.)	07
Excepted Service - Reg Appt	Moses	Colleen	It Specialist (Network Services.)	07

<b>CORRECTIONS, DEPARTMENT OF</b>				
<b>TYPE APPT</b>	<b>LAST NAME</b>	<b>FIRST NAME</b>	<b>TITLE</b>	<b>GRADE</b>
Excepted Service - Reg Appt	Darby-Gill	Enidsia	Staff Assistant	02
Executive Service - Reg Appt	Faust	Thomas	Dir., Dept. Of Corrections	E5
Excepted Service - Reg Appt	Mynett	Beth	Medical Officer	11
Executive Service - Reg Appt	Thornton	Charles	Director	E1



<b>JUSTICE GRANTS ADMINISTRATION</b>				
<b>TYPE APPT</b>	<b>LAST NAME</b>	<b>FIRST NAME</b>	<b>TITLE</b>	<b>GRADE</b>
Excepted Service - Reg Appt	Dyer	Christopher	Special Assistant	07
Excepted Service - Reg Appt	Garcia	Michelle	Director, Justice Grants Admin	09
<b>PS&amp;J CLUSTER, OFC OF DEP MAYOR</b>				
<b>TYPE APPT</b>	<b>LAST NAME</b>	<b>FIRST NAME</b>	<b>TITLE</b>	<b>GRADE</b>
Excepted Service - Reg Appt	Donahue	Kevin	Deputy City Administrator	11
Excepted Service - Reg Appt	Mein	John	Community Outreach Specialist	13
Excepted Service - Reg Appt	Thomas	Jorhena	Chief Of Staff	11

<b>DEPT OF FORENSIC SCIENCES</b>				
<b>TYPE APPT</b>	<b>LAST NAME</b>	<b>FIRST NAME</b>	<b>TITLE</b>	<b>GRADE</b>
Executive Service - Term Appt	Smith	Jenifer	Dir, Dept Of Forensic Sciences	E5

<b>ADMINISTRATIVE HEARINGS, OFC</b>				
<b>TYPE APPT</b>	<b>LAST NAME</b>	<b>FIRST NAME</b>	<b>TITLE</b>	<b>GRADE</b>
Excepted Service - Term Appt	Adams	Eugene	Chief Administrative Law Judge	11
Excepted Service - Reg Appt	Barber	Claudia	Administrative Law Judge	09

Excepted Service - Reg Appt	Beatty-Arthur	Sherri	Administrative Law Judge	09
Excepted Service - Reg Appt	Bruch	Eli	Administrative Law Judge	09
Excepted Service - Reg Appt	Cobbs	Nicholas	Administrative Law Judge	09
Excepted Service - Reg Appt	Crichlow	Claudia	Administrative Law Judge	09
Excepted Service - Reg Appt	Davenport	Joan	Administrative Law Judge	09
Excepted Service - Reg Appt	Ellis	Maia	Attorney-Advisor (General)	07
Excepted Service - Reg Appt	England	William	Administrative Law Judge	09
Excepted Service - Reg Appt	Figuroa	Elizabeth	Administrative Law Judge	09
Excepted Service - Reg Appt	Goode	Jesse	Administrative Law Judge	09
Excepted Service - Reg Appt	Goodie	Sharon	Administrative Law Judge	09
Excepted Service - Reg Appt	Gurkin	Danielle	Attorney-Advisor	07
Excepted Service - Reg Appt	Handy	Paul	Administrative Law Judge	09
Excepted Service - Reg Appt	Harmon	James	Administrative Law Judge	09
Excepted Service - Reg Appt	Harvey	Scott	Administrative Law Judge	09
Excepted Service - Reg Appt	Hines	Caryn	Administrative Law Judge	09
Excepted Service - Reg Appt	Jenkins	Audrey	Administrative Law Judge	09
Excepted Service - Reg Appt	Little	Elsie	Administrative Law Judge	09
Excepted Service - Reg Appt	Mangan	Margaret	Administrative Law Judge	09

Excepted Service - Reg Appt	Masulla	Mary	Administrative Law Judge	09
Excepted Service - Reg Appt	Mcclendon	Samuel	Administrative Law Judge	09
Excepted Service - Reg Appt	Mcdonald	Calonette	Administrative Law Judge	09
Excepted Service - Reg Appt	Meek	Leslie	Administrative Law Judge	09
Excepted Service - Reg Appt	Neal	Louis	Attorney-Advisor (General)	07
Excepted Service - Reg Appt	Nolen	Shawn	Attorney-Advisor (General)	07
Excepted Service - Reg Appt	Pierson	Erika	Administrative Law Judge	09
Excepted Service - Reg Appt	Rice	Eric	Executive Director	08
Excepted Service - Reg Appt	Rooney	John	Administrative Law Judge	09
Excepted Service - Reg Appt	Sharkey	Robert	Administrative Law Judge	09
Excepted Service - Reg Appt	Soni	Daljit	Attorney-Advisor (General)	07
Excepted Service - Reg Appt	Teal	Arabella	Administrative Law Judge	09
Excepted Service - Reg Appt	Torrez	Marya	Attorney-Advisor (General)	07
Excepted Service - Reg Appt	Tucker	Wanda	Administrative Law Judge	09
Excepted Service - Reg Appt	Vergeer	Vytas	Administrative Law Judge	09
Excepted Service - Reg Appt	Weberman	Bernard	Administrative Law Judge	09
Excepted Service - Reg Appt	Wilson Taylor	N	Administrative Law Judge	09
Excepted Service - Reg Appt	Yahner	Ann	Administrative Law Judge	09

<b>MEDICAL EXAMINER, OFC CHIEF</b>				
<b>TYPE APPT</b>	<b>LAST NAME</b>	<b>FIRST NAME</b>	<b>TITLE</b>	<b>GRADE</b>
Executive Service - Term Appt	Mitchell	Roger	Chief Medical Examiner	E5

<b>SENTENCING COMMISSION, DC</b>				
<b>TYPE APPT</b>	<b>LAST NAME</b>	<b>FIRST NAME</b>	<b>TITLE</b>	<b>GRADE</b>
Excepted Service - Reg Appt	Fry	Linden	Gen Counsel	08
Excepted Service - Reg Appt	Graham	Matthew	Research Analyst	06
Excepted Service - Reg Appt	Hebb	Mia	Staff Assistant	03
Excepted Service - Reg Appt	Maru	Robel	Data Management Specialist	03
Excepted Service - Reg Appt	Park	Jinwoo	Law Clerk	06
Excepted Service - Reg Appt	Redfern	Rachel	Attorney Advisor	08
Excepted Service - Reg Appt	Schmechel	Richard	Project Director	09
Excepted Service - Reg Appt	Serota	Michael	Attorney Advisor	08
Excepted Service - Reg Appt	Souvey	Barbara	Executive Director	09
Excepted Service - Reg Appt	Wesley	Latoya	Statistician	07

DC PUBLIC SCHOOLS				
TYPE APPT	LAST NAME	FIRST NAME	TITLE	GRADE
Executive Service - Reg Appt	Henderson	Kayatanya	Chancellor	E5

OFC. OF STATE SUPERINTENDENT				
TYPE APPT	LAST NAME	FIRST NAME	TITLE	GRADE
Excepted Service - Reg Appt	Anthony	Donna	Assistant Superintendent Of We	09
Excepted Service - Term Appt	Kang	Hanseul	State Superintendent Of Educ.	11
Excepted Service - Reg Appt	Kelly	Bridget	Special Assistant	08
Excepted Service - Reg Appt	Peabody	Patience	Director Of Communications And	15
Excepted Service - Reg Appt	Siu	Peter	Strategic Planning Manager	08
Excepted Service - Reg Appt	Young	Shana	Chief Of Staff	10

DC STATE BOARD OF EDUCATION				
TYPE APPT	LAST NAME	FIRST NAME	TITLE	GRADE
Excepted Service - Reg Appt	Hayworth	Johnpaul	Executive Director	08
Excepted Service - Reg Appt	Hubbard	Faith	Chief Student Advocate	08
Excepted Service - Reg Appt	Smith	Joyanna	Ombudsman	08

<b>DEPUTY MAYOR FOR EDUCATION</b>				
<b>TYPE APPT</b>	<b>LAST NAME</b>	<b>FIRST NAME</b>	<b>TITLE</b>	<b>GRADE</b>
Excepted Service - Reg Appt	Comey	Jennifer	Special Assistant	08
Excepted Service - Reg Appt	Inspektor	Yair	Program Analyst	07
Excepted Service - Reg Appt	Miller	Taneka	Policy Advisor	08
Executive Service - Reg Appt	Niles	Jennifer	Deputy Mayor For Education	E5
Excepted Service - Reg Appt	Steinle	Aurora	Senior Policy Analyst	07
Excepted Service - Reg Appt	Wells	Shayne	Special Assistant	05
Excepted Service - Reg Appt	Yeager	Margery	Chief Of Staff	09

<b>PARKS AND RECREATION, DEPT OF</b>				
<b>TYPE APPT</b>	<b>LAST NAME</b>	<b>FIRST NAME</b>	<b>TITLE</b>	<b>GRADE</b>
Executive Service - Reg Appt	Anderson	Keith	Director	E4

<b>DEPARTMENT OF HEALTH</b>				
<b>TYPE APPT</b>	<b>LAST NAME</b>	<b>FIRST NAME</b>	<b>TITLE</b>	<b>GRADE</b>
Executive Service - Reg Appt	Nesbitt	Laquandra	Director Department Of Health	E5
Excepted Service - Reg Appt	Watson	Jacqueline	Chief Of Staff	09

<b>HEALTH AND HUMAN SERVICES, OFC</b>				
<b>TYPE APPT</b>	<b>LAST NAME</b>	<b>FIRST NAME</b>	<b>TITLE</b>	<b>GRADE</b>
Excepted Service - Reg Appt	Cevasco	Jenna	Special Assistant	07
Excepted Service - Reg Appt	Donald	Brenda	Dep Mayor For Health & Hum Services	11
Excepted Service - Reg Appt	Joseph	Rachel	Chief Of Staff	10

<b>HEALTH BENEFIT EXCHANGE AUTHOR</b>				
<b>TYPE APPT</b>	<b>LAST NAME</b>	<b>FIRST NAME</b>	<b>TITLE</b>	<b>GRADE</b>
Excepted Service - Reg Appt	Curtis	Debra	Senior Deputy Director	11
Excepted Service - Reg Appt	Kofman	Mila	Executive Director (Hbx)	11

<b>HUMAN RIGHTS, OFFICE OF</b>				
<b>TYPE APPT</b>	<b>LAST NAME</b>	<b>FIRST NAME</b>	<b>TITLE</b>	<b>GRADE</b>
Executive Service - Reg Appt	Palacio	Monica	Director, Office Of Human Rights	E4

<b>DEPT OF HEALTH CARE FINANCE</b>				
<b>TYPE APPT</b>	<b>LAST NAME</b>	<b>FIRST NAME</b>	<b>TITLE</b>	<b>GRADE</b>
Excepted Service - Reg Appt	Rapp	Melisa	Chief Of Staff	09

Excepted Service - Reg Appt	Schlosberg	Claudia	Senior Deputy Director	11
Executive Service - Reg Appt	Turnage	Wayne	Director, Dept Of Healthcare Finance	E5

<b>DEPARTMENT OF HUMAN SERVICES</b>				
<b>TYPE APPT</b>	<b>LAST NAME</b>	<b>FIRST NAME</b>	<b>TITLE</b>	<b>GRADE</b>
Excepted Service - Reg Appt	Greenwalt	Kristy	Executive Director Interagency	11
Excepted Service - Reg Appt	Kershbaum	Sharon	Chief Operating Officer	10
Excepted Service - Reg Appt	Melder	Joseph	Chief Of Staff	09
Excepted Service - Reg Appt	Olakanmi	Ololade	Senior Advisor	09
Executive Service - Reg Appt	Zeilinger	Laura	Director	E5

<b>DISABILITY SERVICES</b>				
<b>TYPE APPT</b>	<b>LAST NAME</b>	<b>FIRST NAME</b>	<b>TITLE</b>	<b>GRADE</b>
Executive Service - Reg Appt	Nuss	Laura	Director	E5

<b>OFFICE OF DISABILITY RIGHTS</b>				
<b>TYPE APPT</b>	<b>LAST NAME</b>	<b>FIRST NAME</b>	<b>TITLE</b>	<b>GRADE</b>
Executive Service - Reg Appt	Taylor	Alexis	Director	E3



<b>YOUTH REHABILITATION SERVICES, DEPT OF</b>				
<b>TYPE APPT</b>	<b>LAST NAME</b>	<b>FIRST NAME</b>	<b>TITLE</b>	<b>GRADE</b>
Excepted Service - Reg Appt	Harlee-Harper	Linda	Deputy Director For Dyrs	10
Executive Service - Reg Appt	Lacey	Clinton	Director	E5

<b>TRANSPORTATION, DISTRICT DEPT</b>				
<b>TYPE APPT</b>	<b>LAST NAME</b>	<b>FIRST NAME</b>	<b>TITLE</b>	<b>GRADE</b>
Executive Service - Reg Appt	Dormsjo	Leif	Director, District Dept Of Transportation	E5
Excepted Service - Reg Appt	Foxworth	Rodney	Deputy Dir Neighborhood Engage	07
Excepted Service - Reg Appt	Gillis	Greer	Deputy Director	10
Excepted Service - Reg Appt	Mangum	Larry	Special Assistant	07
Excepted Service - Reg Appt	Turner	Adrea	Chief Of Staff	10

<b>DEPT OF ENERGY AND ENVIRONMENT</b>				
<b>TYPE APPT</b>	<b>LAST NAME</b>	<b>FIRST NAME</b>	<b>TITLE</b>	<b>GRADE</b>
Excepted Service - Reg Appt	Stutz	Benjamin	Special Assistant	08
Executive Service - Reg Appt	Wells	Thomas	Director	E5

<b>PUBLIC WORKS, DEPARTMENT OF</b>				
<b>TYPE APPT</b>	<b>LAST NAME</b>	<b>FIRST NAME</b>	<b>TITLE</b>	<b>GRADE</b>
Excepted Service - Reg Appt	Jones, Jr.	Tommie	Clean City Coordinator	09
Excepted Service - Reg Appt	Reynolds	Wilson	Solid Waste Coordinator	06
Executive Service - Reg Appt	Shorter	Christopher	Director	E5

<b>MOTOR VEHICLES, DEPARTMENT OF</b>				
<b>TYPE APPT</b>	<b>LAST NAME</b>	<b>FIRST NAME</b>	<b>TITLE</b>	<b>GRADE</b>
Executive Service - Reg Appt	Babers	Lucinda	Director	E4
Excepted Service - Reg Appt	Stewart	Gregori	Ticket Ombudsman	08

<b>ALCOHOLIC BEVERAGE REG ADMIN</b>				
<b>TYPE APPT</b>	<b>LAST NAME</b>	<b>FIRST NAME</b>	<b>TITLE</b>	<b>GRADE</b>
Excepted Service - Term Appt	Moosally	Frederick	Director, Abra	10

<b>CONTRACTING AND PROCUREMENT</b>				
<b>TYPE APPT</b>	<b>LAST NAME</b>	<b>FIRST NAME</b>	<b>TITLE</b>	<b>GRADE</b>
Executive Service - Term Appt	Schutter	George	Dir Contracting & Procurement	E4

<b>RISK MANAGEMENT, OFFICE OF</b>				
<b>TYPE APPT</b>	<b>LAST NAME</b>	<b>FIRST NAME</b>	<b>TITLE</b>	<b>GRADE</b>
Executive Service - Reg Appt	Ross	Jed	Director	E4

<b>CHILD AND FAMILY SERVICES AGCY</b>				
<b>TYPE APPT</b>	<b>LAST NAME</b>	<b>FIRST NAME</b>	<b>TITLE</b>	<b>GRADE</b>
Executive Service - Reg Appt	Davidson	Raymond	Director	E5

<b>BEHAVIORAL HEALTH, DEPT. OF</b>				
<b>TYPE APPT</b>	<b>LAST NAME</b>	<b>FIRST NAME</b>	<b>TITLE</b>	<b>GRADE</b>
Excepted Service - Reg Appt	Kyle	James	Health System Administrator	11
Executive Service - Reg Appt	Royster	Tanya	Interim Director	11

<b>INSURANCE, SECURITIES AND BANK</b>				
<b>TYPE APPT</b>	<b>LAST NAME</b>	<b>FIRST NAME</b>	<b>TITLE</b>	<b>GRADE</b>
Executive Service - Reg Appt	Taylor	Stephen	Commissioner Insurance Securities & Banking	E5

<b>TAXICAB COMMISSION, DC</b>				
<b>TYPE APPT</b>	<b>LAST NAME</b>	<b>FIRST NAME</b>	<b>TITLE</b>	<b>GRADE</b>
Excepted Service - Reg Appt	Chrappah	Ernest	Chairman Dc Taxicab Commission	10
Excepted Service - Reg Appt	Collins	Theford	Special Assistant	07

<b>CHIEF TECHNOLOGY OFFICER, OFC</b>				
<b>TYPE APPT</b>	<b>LAST NAME</b>	<b>FIRST NAME</b>	<b>TITLE</b>	<b>GRADE</b>
Excepted Service - Reg Appt	Bailey	Matthew	Supervisory It Specialist	15
Executive Service - Reg Appt	Vemulapalli	Archana	Director	11

<b>UNIFIED COMMUNICATIONS, OFC OF</b>				
<b>TYPE APPT</b>	<b>LAST NAME</b>	<b>FIRST NAME</b>	<b>TITLE</b>	<b>GRADE</b>
Executive Service - Reg Appt	Holmes	Karima	Director, OUC	E5

<b>VETERAN AFFAIRS, OFFICE OF</b>				
<b>TYPE APPT</b>	<b>LAST NAME</b>	<b>FIRST NAME</b>	<b>TITLE</b>	<b>GRADE</b>
Executive Service - Reg Appt	Lambert	Tammi	Director, Veterans Affairs	09

**IMAGINE HOPE COMMUNITY PUBLIC CHARTER SCHOOL****REQUEST FOR PROPOSALS**

Imagine Hope Community Charter School is seeking proposals from individuals or companies to provide the following services:

**TELEPHONE SERVICE, INTERNET SERVICE, IT EQUIPMENT, CELLULAR SERVICE AND LONG DISTANCE SERVICE** at the Lamond Campus located at: 6200 Kansas Avenue NE, Washington, DC 20011 *and* the Tolson Campus located at: 2917 8th Street, NE, Washington, DC 20017. The deadline for submissions is Tuesday, May 10, 2016 by 12:00 pm. **Only bid if you are an ERATE Vendor.** Bids received after this date and time will not be considered.

**Imagine Hope PCS reserves the right to cancel this RFP at any time.**

**Please e-mail proposals and supporting documents to:**

**Trina Williams**

**[trinawilliams.lamond@gmail.com](mailto:trinawilliams.lamond@gmail.com)**

**KINGSMAN ACADEMY PUBLIC CHARTER SCHOOL****REQUEST FOR PROPOSALS****Related Services & Student Transportation**

Kingsman Academy Public Charter School is seeking competitive proposals for the following services for the 2016-2017 school year: speech language therapy services; occupational therapy services; psychological evaluations; and student transportation. For details and information, email [rfp@kingsmanacademy.org](mailto:rfp@kingsmanacademy.org). Deadline for submissions is 5:00 pm on Friday, May 6, 2016. **No phone calls please.**

**KIPP DC PUBLIC CHARTER SCHOOLS**  
**REQUEST FOR PROPOSALS**

**Chromebook Cases**

KIPP DC is soliciting proposals from qualified vendors for Chromebook Cases. The RFP can be found on KIPP DC's website at <http://www.kippdc.org/procurement>. All proposals should be uploaded to the website no later than 5:00 P.M., EST, on May 6, 2016. Questions can be addressed to [adam.roberts@kippdc.org](mailto:adam.roberts@kippdc.org).

**A/V Equipment & Installation**

KIPP DC is soliciting proposals from qualified vendors for A/V Equipment & Installation. The RFP can be found on KIPP DC's website at <http://www.kippdc.org/procurement>. All proposals should be uploaded to the website no later than 5:00 P.M., EST, on May 6, 2016. Questions can be addressed to [eugene.han@kippdc.org](mailto:eugene.han@kippdc.org).

**MAYA ANGELOU PUBLIC CHARTER SCHOOL**  
**REQUEST FOR PROPOSALS**

**Telescoping Gym Bleachers and Basketball Scoreboard**

Proposals must be uploaded to:

<https://app.smartsheet.com/b/home?!x=ossAxvV1uQSVUrQnzvQHbg>

**All bids must be submitted no later than 12 noon on Friday, May 13, 2016**

**1. Overview of Facility**

- a. Maya Angelou Public Charter School (MAPCS) is located at 5600 East Capitol Street NE, Washington DC 20019. Our mission is to create learning communities in lower income urban areas where all students, particularly those who have not succeeded in traditional schools, can succeed academically and socially.

**2. Scope of Work**

- a. Provide a detailed bid, including materials, labor description, installation costs, etc.
- b. Provide telescoping bleachers meeting the following criteria:
  - i. All bleachers must be telescoping with five (5) rows similar to Hussey Seating Company model Maxam 26.
  - ii. Wall mounted
- c. Bleacher measurements:
  - i. Two (2) banks measuring 29 feet long
  - ii. Two (2) banks measuring 38 feet and 1.5 inches long
- d. Provide basketball scoreboard similar to Datktronics BB-2101-AR-PV with All Sport 5010 wireless control console.
- e. Delivery and installation of bleachers. (Note that demolition/removal of old bleachers is NOT required.)
- f. Delivery and installation of scoreboard.

**3. Evaluation Criteria**

- a. The following criteria will be used to evaluate each proposal:
  - i. Cost
  - ii. Functionality
  - iii. Quality of Materials
- b. The owner will evaluate each proposal. Cost will not be the sole factor. The owner reserves the right to reject any or all proposals.

**4. Bid Submissions**

- a. Bid shall include:
  - i. Costs of materials and installation



- ii. Lead time to obtain materials
- iii. Installation timeline
- b. **All bids will be accepted until 12 noon on May 13, 2016.**
- c. All bids must be submitted via SmartSheet link at <https://app.smartsheet.com/b/home?lx=ossAxvV1uQSVUrQnzvQHbg>.
- d. All costs attributable to the preparation of a proposal or any presentation required to supplement or clarify the proposal are borne by the bidder.
- e. All proposals will remain valid for a minimum of 90 days after the RFP closing date.

**5. Award**

- a. The owner will rank the proposals in terms of the requirements outlined in this RFP.
- b. The successful bidder shall enter into a contract to execute the proposed work and the contract shall incorporate all applicable provisions of this RFP.
- c. Maya Angelou Public Schools reserves the right, in its sole discretion, to award the contract to another bidder if the contract negotiations do not appear successful.

**6. Bid**

- a. In accordance with the provisions of the proposal, the undersigned hereby proposes to furnish all labor and materials to install telescoping bleachers and a basketball scoreboard at Maya Angelou Public Charter School located at 5600 East Capitol Street NE, Washington DC 20019.

**7. Questions**

- a. Vendors must submit any and all questions on the scope of work to gym-rfp@seeforever.org

BID PRICE: \$ \_\_\_\_\_

SIGNED: \_\_\_\_\_

TITLE: FULL NAME: (Please Print) \_\_\_\_\_

COMPANY NAME: \_\_\_\_\_

COMPANY ADDRESS: \_\_\_\_\_

PHONE NUMBER: \_\_\_\_\_

**OFFICE OF THE DEPUTY MAYOR FOR  
PLANNING AND ECONOMIC DEVELOPMENT**

**NOTICE OF PUBLICATION:  
SOLICITATION FOR DEVELOPMENT  
OF PARKING DECK AT 2<sup>ND</sup> & K STS NW**

The Government of the District of Columbia (the “District”), through the Office of the Deputy Mayor for Planning and Economic Development (“DMPED”), is requesting responses through a Request for Proposals (“RFP”) from qualified real estate development teams (“Developers”) for the disposition and development of the following site:

- **Parking Deck at 2<sup>nd</sup> & K Streets NW, Lots 830 and 834, and Air Rights Lot 7000 in Square 0560;**
  - Solicitation Format: RFP
  - Issuance Date: May 2, 2016

DMPED invites Developers to respond to this RFP for the development of the Parking Deck at 2<sup>nd</sup> and K Streets in the Mount Vernon Triangle neighborhood of Northwest Washington, DC. There will be a Pre-Response Conference and Site Visit held at the site, with details provided in the RFP publication. More information about the District’s vision for the site will be provided in the RFP publication.

For more information and project updates, please visit [dmped.dc.gov](http://dmped.dc.gov).

**REAL PROPERTY TAX APPEALS COMMISSION****NOTICE OF ADMINISTRATIVE MEETINGS**

The District of Columbia Real Property Tax Appeals Commission will hold its 2016 Administrative Meetings on the following dates:

- Wednesday, May 25, 2016
- Wednesday, July 27, 2016;
- Wednesday, September 28, 2016; and
- Wednesday, November 30, 2016

All meetings will start at 2:30 p.m. and will be held in the Commission offices located at 441 4<sup>th</sup> Street, NW, Suite 360N, Washington, DC 20001. Below is the draft agenda for all meetings. A final agenda will be posted to RPTAC's website at <http://rptac.dc.gov> prior to each meeting.

For additional information, please contact: Carlynn Fuller, Executive Director, at (202) 727-3596.

**DRAFT AGENDA**

- I. CALL TO ORDER**
- II. ASCERTAINMENT OF A QUORUM**
- III. REPORT BY THE CHAIRPERSON**
- IV. REPORT BY THE EXECUTIVE DIRECTOR**
- V. COMMENTS FROM THE PUBLIC – LIMITED TO 2 MINUTES**
- VI. ADJOURNMENT**

Individual who wish to submit comments as part of the official record should send copies of the written statements no later than 5:00 p.m. on the following dates:

For the May 25<sup>th</sup> meeting, the deadline is Monday, May 23, 2016

For the July 27<sup>th</sup> meeting the deadline is Monday, July 25, 2016

For the September 28<sup>th</sup> meeting, the deadline is Monday, September 26, 2016

For the November 30<sup>th</sup> meeting, the deadline is Monday, November 28, 2016

Written statements should be submitted to:

Carlynn Fuller, Executive Director  
Real Property Tax Appeals Commission  
441 4<sup>th</sup> Street NW, Suite 360N  
Washington, D.C. 20001  
202-727-6860  
Email: [Carlynn.fuller@dc.gov](mailto:Carlynn.fuller@dc.gov)

**OFFICE OF THE SECRETARY OF THE DISTRICT OF COLUMBIA**  
**RECOMMENDATIONS FOR APPOINTMENTS AS NOTARIES PUBLIC**

Notice is hereby given that the following named persons have been recommended for appointment as Notaries Public in and for the District of Columbia, effective on or after June 1, 2016.

Comments on these potential appointments should be submitted, in writing, to the Office of Notary Commissions and Authentications, 441 4<sup>th</sup> Street, NW, Suite 810 South, Washington, D.C. 20001 within seven (7) days of the publication of this notice in the *D.C. Register* on April 29, 2016. Additional copies of this list are available at the above address or the website of the Office of the Secretary at [www.os.dc.gov](http://www.os.dc.gov).

**D.C. Office of the Secretary  
Recommendations for appointment as DC Notaries Public**

**Effective: June 1, 2016**

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Allen	Lisa B.	Jane Moretz Edmisten and Associates 4530 Wisconsin Avenue, NW, Suite 20016 210	
Amare	Mulumbet	Wells Fargo Bank 1100 Connecticut Avenue, NW	20036
Anastasi	Donna M.	Deloitte 555 12th Street, NW, Suite 400	20004
Arakelian	Ashlee	Maglio, Christopher & Toale, PA 1775 Pennsylvania Avenue, NW	20006
Augello	Jeffrey B.	National Association of Home Builders 1201 15th Street, NW	20005
Backstrom	Shelley Lynn	Institute of Scrap Recycling Industries 1615 L Street, NW, Suite 600	20036
Badgett	Letoria	Wells Fargo 1545 Alabama Avenue, SE	20032
Balaban	Louis Richard	M & T Bank 2620 Connecticut Avenue, NW	20008
Baton	Lisa D.	Office of the Attorney General - Child Support Services Division 441 4th Street, NW	20001
Baurenfeind	Susan H.	National Association of Broadcasters 1771 N Street, NW	20036
Bhatia	Shalini K.	US Authentication Services 1629 K Street, NW, Suite 300	20006
Bhatia	Vikas K.	US Authentication Services 1629 K Street, NW, Suite 300	20006
Biron	Rachel	Nixon Peabody LLP 799 9th Street, NW, Suite 500	22203
Blackshear	Vonnie	So Others Might Eat 60 O Street, NW	20001

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Recommendations for appointment as DC Notaries Public**

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Blanchard	Stacie J.	Maglio, Christopher & Toale, PA 1775 Pennsylvania Avenue, NW	20006
Boakye-Agyeman	Doris	Parsons Corporation 100 M Street, SE, Suite 600	20003
Bock	Tonia Y.	Department of Veterans Affairs 810 Vermont Avenue, NW	20420
Brault	Melissa Giove	Sage Title LLC 4201 Connecticut Avenue, NW, Suite 460	20008
Brooks	Karen Coen	Capital Reporting/Free State Reporting, Inc. 1250 Eye Street, NW, Suite 1201	20005
Brown	Christopher M.	NALP 1220 19th Street, NW, Suite 401	20036
Calomiris	Carol Lynn	Settlement Professionals, LLC 5101 Wisconsin Avenue, NW, Suite 101	20016
Cangelosi	Terry	Americans for the Arts 1000 Vermont Avenue, NW, 6th Floor	20005
Chandler	van Orman	Self (Dual) 3312 Woodley Road, NW	20008
Chapson	Sophya	National Public Radio, Inc 1111 North Capitol Street, NW	20002
Charest	Symmons Helena	Bank Fund Staff Federal Credit Union 1725 I Street, NW, Suite 150	20006
Chauncey	Lisa A.	Boies, Schiller, & Flexner, LLP 5301 Wisconsin Avenue, NW, 8th Floor	20015
Cloutier	John	Self 1312 Massachusetts Avenue, NW	20005
Copa Montes	Fabiola M.	Wells Fargo 1301 Pennsylvania Avenue, NW	20004

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Recommendations for appointment as DC Notaries Public**

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Correa-Duggan	Carolyn	Planet Depos, LLC 1100 Connecticut Avenue, NW, Suite 950	20036
Daniels	Claudia	United States Postal Service 475 L'Enfant Plaza, SW, Suite 1507	20260
Diamandopoulos	Steven	Clark Construction Group, LLP 1120 23rd Street, NW	20037
Fahrenbach	Kendra M.	Amazon.com 601 New Jersey Avenue, NW, Suite 900	20001
Fenwick	Ann J.	D.C. Public Schools - Office of the General Counsel 1200 1st Street, NE, 10th Floor	20002
Fleming	Michaela I.	Georgetown University/GOCARD Services Darnall Hall, G-3 3800 Reservoir Road	22193
Gaddy	Nadine	USDA Forest Service 201 14th Street, SW	20024
Gerald	Carol M.	Wells Fargo Bank NA 20 M Street, SE	20003
Giarratana	Donna L.	Think Food Group 717 D Street, NW, 6th Floor	20004
Gibbs	Tasha J.	McDermott Will & Emery LLP 500 North Capitol Street, NW	20001
Green	Pamela M.	Shalom Baranes Associates, P.C. 1010 Wisconsin Avenue, NW	20007
Gross	Neal R.	Neal R. Gross & Company 1323 Rhode Island Avenue, NW	20001
Haines	Doreen A.	Metropolitan Police Department 6 DC Village Lane, SW, Building #1B	20032

**D.C. Office of the Secretary  
Recommendations for appointment as DC Notaries Public**

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Harris	Chanelle	Catholic Charities Archdiocese of Washington 924 G Street, NW	20001
Hatcher	Dimetrius	Dimetrius Hatcher, DBA State Farm Insurance Agency 4900 Massachusetts Avenue, NW, Suite 300	20016
Henderson	Angela	Blossomstransport 1462 4th Street, SW	20024
Henderson	Meredith Olivia	International Center for Language Studies 1133 15th Street, NW, Suite 600	20005
Hirsch	Adrea	The Law Firm of Andrea E. Hirsch 1650 Connecticut Avenue, NW, Suite 400	20009
Hurt	Joanna R.	McCarter & English 1015 15th Street, NW, 12th Floor	20005
Hurwitz	Ely	Enterprise Settlement Services 2176 Wisconsin Avenue, NW, Suite 100	20007
Interdonato	Carmela F.	Citigroup 1101 Pennsylvania Avenue, NW, Suite 1000	20004
Jackson	Dolores	Vorys, Sater, Seymour and Pease, LLP 1909 K Street, NW, 9th Floor	20006
Jackson	Tracey I.	Boies, Schiller, & Flexner, LLP 5301 Wisconsin Avenue, NW, 8th Floor	20015
Joachim	Carlene	Brennan Law Company 5100 Wisconsin Avenue, NW, Suite 515	20016
Kameneva	Ksenia	Kazakh Service Center 1725 I Street, NW, Suite 300	20006



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Recommendations for appointment as DC Notaries Public**

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Keenan	Debra R.	Ace-Federal Reporters 1625 I Street, NW, Suite 790	20006
Kiarash	Artabaz Atta	Solar Solution, LLC 4700 14th Street, NW	20011
LaBounty	Mary T.	Arent Fox, LLP 1717 K Street, NW	20006
Lee-Urquhart	Deborah D.	Federal Aviation Administration 800 Independence Avenue, SW, #128	20591
Lloyd	Meskerem Getachew	MedStar Georgetown University Hospital 3800 Reservoir Road, NW	20007
Locatelli	Rose	Crown Agents USA, Inc 1129 20th Street, NW	20036
Mak	Linda	Simeone & Miller, LLP 1130 Connecticut Avenue, NW, Suite 350	20036
Mauchly	Judith M.	The Barac Co. 6901 4th Street, NW	20012
McCabe	Laura T.	Davis, Polk & Wardwell 901 15th Street, NW, Suite 1200	20005
McCafferty	Robert F.	Fragomen, Del Rey, Bernsen & Loewy, LLP 1101 15th Street, NW, Suite 700	20005
McManaway	Kati C.	McDermott Will & Emery LLP 500 North Capital Street, NW	20003
Middleton	Jean Reddix	APLU 1307 New York Avenue, NW, #400	20005
Mobley	Pierpont M.	The JPM Group 3725 17th Street, NE	20018
Naim	Fariba	Financial Industry Regulatory Authority, Inc. 1735 K Street, NW	20006

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 Recommendations for appointment as DC Notaries Public

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Nardotti	Maria	PAHO/WHO Federal Credit Union 2112 F Street, NW, Suite 201	20037
Nordberg	Erica S.	Self 3601 Wisconsin Avenue, NW, Apt. 806	20016
Ohmke	Michelle	Edwards Jones Investments 1201 Connecticut Avenue, NW, Suite 850	20036
Peters	Ruby G.	American Association of University Women 1111 16th Street, NW	20036
Pierce	Keith A.	NRI Staffing 1015 18th Street, NW	20036
Pope	Cynthia F.	Gibson Dunn & Crutcher, LLP 1050 Connecticut Avenue, NW	20036
Ramos	Elssie	Bank Fund Staff Federal Credit Union 1725 I Street, NW, 4th Floor	20006
Randolph	Earll E.	NASA Federal Credit Union 300 E Street, SW, Suite GC-21	20546
Reynolds	Rachel	Enroll America 1001 G Street, NW, Floor 8	20001
Rich	Shelley L.	The George Washington University 2121 Eye Street, NW	20052
Robinson	Theresa	Self 4700 10th Street, NE	20017
Rodriguez	Myrna G.	KPMG LLP 1801 K Street, NW, Suite 1200	20006
Roseborough	Kenneth	Self 733 Hobart Place, NW, Box #14	20001
Salmi	Maria	Kalos Construction Company, Inc. 325 Vine Street, NW	20012

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Satkin	Paula	Derenberger & Page Reporting, Inc. 1430 S Street, NW	20009
Sciarillo	Keith Nolan	Williams & Connolly LLP 725 12th Street, NW	20005
Seidel	Ilene C.	Atlantic Closing and Escrow 5335 Wisconsin Avenue, NW, Suite 440	20015
Shimabukuro	Wendy Y.	LEO A DALY 1201 Connecticut Avenue, NW, 10th Floor	20036
Simmons	Danielle G.	Forest City 301 Water Street, SE	20003
Smith	Cathy L.	Washington Eye Center, Inc 601 F Street, NW	20004
Smith	Gloria A.	ACT 1401 K Street, NW	20020
Smith	Kathleen	Morrison & Foerster LLP 2000 Pennsylvania Avenue, NW	20006
Smith	Tyeisha M.	The Brawner Company 888 17th Street, NW, Suite 205	20006
Smith	Wilma	Sheppard Mullin Richter & Hampton, LLP 2099 Pennsylvania Avenue, NW, Suite 100	20006
Spezialetti	Leah A.	Cap8 Construction, LLC dba Cap8 Doors and Hardware, LLC 5788 2nd Street, NE	20011
Springer	Lisa	CoStar Group, Inc. 1331 L Street, NW	20005
Taubman	Allyson	Federal City Council 1156 15th Street, NW	20005
Trapkin	Susan Lippert	Fidelity National Title Insurance Company 1620 L Street, NW, 4th Floor	20036

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Waldron	Opal L.	Self 629 Kennedy Street, NE	20011
Watson	Maurice T.	Self (Dual) 2815 Rhode Island Avenue, NE	20018
Williams	Sudie	Self 2814 Erie Street, SE #C44	20020
Wright	Tonya Lanay	US Department of Housing and Urban Development-Office of the General Counsel 451 7th Street, SW, Room 10270	20410

**SHINING STARS MONTESSORI ACADEMY PUBLIC CHARTER SCHOOL****REQUEST FOR PROPOSALS**

Shining Stars Montessori Academy Public Charter School invites all interested and qualified vendors to submit proposals for the below services. Proposals are due no later than 5 PM, May 15, 2016. The RFP with bidding requirements and supporting documentation can be obtained by contacting [staffops@shiningstarspcs.org](mailto:staffops@shiningstarspcs.org).

- Accounting Services
- Advertising and Marketing Services
- Architecture and Design Services
- Assessment and Instructional Data Support and Services
- Business Insurance
- Classroom Furniture, Fixtures, and Equipment
- Computer Hardware and Software
- Computers
- Curriculum Materials
- Construction Services
- Custodial Services
- Utilities-Electricity, etc
- Employee Medical Benefits
- ELL Services
- Financial and Retirement Audit
- Financial Audit Services
- General Contracting Services
- HR Consulting Services
- HR Information Systems
- HVAC Services
- Information Technology Equipment and Services
- Instructional Support Services
- IT Supplies
- Janitorial Services
- Janitorial Supplies
- Landscaping Services
- Legal Services
- Math Consultant
- Office Furniture, Fixtures, and Equipment
- Office Supplies
- Outdoor/Play space Furniture, Fixtures and Equipment
- Payroll Services
- Pest Control
- Printer and Copier Services
- Professional Development and School Design

- Project Management Consulting Services
- Recruitment of Teacher Residents and/or Instructional Staff
- School Supplies
- Security Guard Services
- Security System Services
- Special Education and Therapeutic Services
- Special Education Assessment and Textbooks
- Student Data Management Systems
- Student Transportation Services
- Talent Recruitment and Development Services
- Temporary Staffing
- Translation Services
- Transportation Services
- Waste Management Services

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

**NOTICE OF GENERAL COMMISSION MEETING**

The District of Columbia Taxicab Commission will hold its regularly scheduled General Commission Meeting on Wednesday, May 11, 2016 at 10:00 am. The meeting will be held at our new office location: 2235 Shannon Place, SE, Washington, DC 20020, inside the Hearing Room, Suite 2032. Visitors to the building must show identification and pass through the metal detector. Allow ample time to find street parking or to use the pay-to-park lot adjacent to the building.

The final agenda will be posted no later than seven (7) days before the General Commission Meeting on the DCTC website at [www.dctaxi.dc.gov](http://www.dctaxi.dc.gov).

Members of the public are invited to participate in the Public Comment Period. You may present a statement to the Commission on any issue of concern; the Commission generally does not answer questions. Statements are limited to five (5) minutes for registered speakers. Time and agenda permitting, nonregistered speakers may be allowed 2 minutes to address the Commission. To register, please call 202-645-6002 no later than 3:30 p.m. on May 10, 2016. Registered speakers will be called first, in the order of registration. **Registered speakers must provide ten (10) printed copies of their typewritten statements to the Secretary to the Commission no later than the time they are called to the podium.**

**DRAFT AGENDA**

- I. Call to Order
- II. Commission Communication
- III. Commission Action Items
- IV. Government Communications and Presentations
- V. General Counsel's Report
- VI. Staff Reports
- VII. Public Comment Period
- VIII. Adjournment

## DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

## BOARD OF DIRECTORS

## NOTICE OF PUBLIC MEETING

The Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) will be holding a meeting on Thursday, May 5, 2016 at 9:30 a.m. The meeting will be held in the Board Room (4<sup>th</sup> floor) at 5000 Overlook Avenue, S.W., Washington, D.C. 20032. Below is the draft agenda for this meeting. A final agenda will be posted to DC Water's website at [www.dewater.com](http://www.dewater.com).

For additional information, please contact Linda R. Manley, Board Secretary at (202) 787-2332 or [linda.manley@dewater.com](mailto:linda.manley@dewater.com).

## DRAFT AGENDA

- |  |                       |
|--|-----------------------|
| 1. <b>Call to Order</b>                              | Board Chairman        |
| 2. <b>Roll Call</b>                                  | Board Secretary       |
| 3. <b>Approval of April 7, 2016 Meeting Minutes</b>  | Board Chairman        |
| 4. <b>Committee Reports</b>                          | Committee Chairperson |
| 5. <b>General Manager's Report</b>                   | General Manager       |
| 6. <b>Action Items</b><br>Joint-Use<br>Non Joint-Use | Board Chairman        |
| 7. <b>Other Business</b>                             | Board Chairman        |
| 8. <b>Adjournment</b>                                | Board Chairman        |



**DEPARTMENT OF YOUTH REHABILITATION SERVICES (DYRS)****NOTICE OF FUNDING AVAILABILITY****Capacity Building and Administrative Partner for the Delivery of the Department of Youth Rehabilitation Services Community Programming Initiative FY2017**

The District of Columbia, Department of Youth Rehabilitation Services is soliciting applications from qualified applicants to serve as Administrative Partner for the Department of Youth Rehabilitation Services Community Programming Initiative. The purpose of the Community Programming Initiative is to establish a community-based continuum of services that is local, accessible and focuses on positive youth development.

Eligibility: Any public or private, community-based non-profit agency, organization or institution located in the District of Columbia is eligible to apply. For-profit organizations are eligible but may not include profit in their grant application. For-profit organizations may also participate as subcontractors to eligible agencies

The purpose of this Request for Applications is to announce funding availability for qualified applicants to partner with DYRS in the development, implementation, and management of a comprehensive and coordinated system of programs and services for D.C. court-involved youth and families. DYRS is seeking one (1) Administrative Partner for Fiscal Year 2017 ("FY17" extends from October 1, 2016 – September 30, 2017) to oversee and support the delivery of community-based and Achievement Center-based services. While DYRS operates and manages care coordination and case management services for all youth committed to the agency, the partner shall provide capacity-building to the Community Programming Initiative, administrative partnership to DYRS, and technical support to the service providers. Additionally, the Administrative Partner will oversee and manage the day-to-day operations related to Service Coalition programs (i.e., youth referrals, weekly attendance reporting, monthly invoicing, and financial compliance and reporting), as well as organize and manage special events and programs that occur at the Achievement Centers.

The overall goal of the Community Programming Initiative is to help court-involved youth and their families achieve personal goals and milestones through the provision of a wide range of programs that emphasize individual strengths, personal accountability, public safety, skill development, family involvement and community support.

The Community Programming Initiative will serve as a bridge between youth, families, and the community through outreach, engagement, and other supportive services by implementing the service delivery models with the following three objectives in mind:

1. To advance the rehabilitation of DYRS youth by connecting them to services, supports, and resources that help them reach their goals and developmental milestones;
2. To enhance public safety by engaging youth in positive, developmentally appropriate, and structured activities that complement and enhance DYRS's methodologies for the care and supervision of young people; and

3. To create safer and stronger communities that support youth and families by investing directly in local organizational and human resources that are accessible and dedicated to strengthening young people and their families.

Length of Awards: DYRS will select one Administrative Partner, who will receive a grant agreement for the duration of FY17. DYRS reserves the right to extend any grant agreement for two (2), single-year extensions, pending funding availability and the Administrative Partner's satisfactory delivery of the proposed programming and services.

Availability of Funding for Awards: The total award for management of all Community Programming initiative programming and services is \$8,624,147. The Administrative Partner for FY17 may receive up to \$1,811,070 to carry out the functions and responsibilities of the partnership project. In addition, they will manage the award allocations for all program and service providers within the Initiative for which up to \$6,813,077 is allocated.

Anticipated Number of Awards: It is anticipated that DYRS will select one grantee to serve as the Capacity Building and Administrative Partner. Award numbers and amounts are subject to change.

The Request for Applications (RFA) will be released on Monday, May 2, 2016. The application submission deadline will be Friday, June 3, 2016 at 4:00 pm (EST). The RFA will be available on DYRS' website, <http://dyrs.dc.gov/page/doing-business-dyrs>.

The Department of Youth Rehabilitation Services will facilitate Mandatory Pre-Application Technical Assistance Workshops for grant applicants. Applicants are required to attend one of the two time slots offered for the Workshops to be held from 10:00 a.m. to 12:00 p.m. and 1:00 p.m. to 3:00 p.m. on Monday, May 16, 2016 at the Achievement Center located at 450 H St. NW Washington, D.C. 20001. No one will be admitted once the workshop has begun and attendance will be taken at the end of the workshop. Failure to attend the Pre-Application Technical Assistance Workshops will disqualify an application. Pre-registration for the Pre-Application Technical Assistance Workshop is required. Please RSVP to Melissa Milchman at [melissa.milchman@dc.gov](mailto:melissa.milchman@dc.gov) to reserve a space at either session.

For more information regarding this competition, please contact Melissa Milchman at [melissa.milchman@dc.gov](mailto:melissa.milchman@dc.gov) or 202-299-3996.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT**

**Application No. 19140 of Southwest Social Scene, Inc.**, as amended<sup>1</sup>, pursuant to 11 DCMR § 3103.2, for a variance from the off-street parking requirements under § 2101.1, to permit a private club in the C-M-2 District at premises 412 V Street N.E. (Square 3621, Lot 44).

**HEARING DATES:** December 15, 2015, February 2, 2016, February 23, 2016, and April 12, 2016<sup>2</sup>

**DECISION DATE:** April 12, 2016

**SUMMARY ORDER**

**REVIEW BY THE ZONING ADMINISTRATOR**

The application was accompanied by a memorandum, dated July 24, 2015, and a revised memorandum, dated November 18, 2015, from the Zoning Administrator, certifying the required relief. (Exhibits 5 (original) and 24 (revised).)

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") 5A and to owners of property located within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 5A, which is automatically a party to this application. The ANC did not submit a report to the record. At the hearing on April 12, 2016, the Applicant testified that the ANC had voted to defer to the recommendations of the Eckington Civic Association. The Eckington Civic Association voted 11-2 to support the application, based on a voluntary agreement entered into with the Applicant, and included in the record at Exhibit 36. The Office of Planning ("OP") submitted two reports in this case. In the first report, dated December 8, 2015, OP indicated it could not support the requested variance due to a lack of information in the application. OP stated that the application was incomplete, with missing information and a lack of analysis. (Exhibit 25.) In the second report, dated April 5, 2016, and in its testimony at the public hearing on April 12, 2016, OP recommended approval of the application for variance relief under § 2101.1. (Exhibit 34.) OP cited for its change of position

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<sup>1</sup> The Applicant amended its application by asking the Board to disregard its earlier request for parking on public space. The Applicant clarified that it was only seeking variance relief from providing parking on site. (Exhibits 32 and 31.) The caption has been changed accordingly.

<sup>2</sup> The Board continued the public hearing of December 15, 2015, to allow the Applicant to work with the Office of Planning and DDOT to provide additional information to meet the burden for variance relief. The case was also postponed from the public hearings of February 2 and 23, 2016 at the Applicant's request so it could provide supplemental information. (Exhibit 29.) The Board heard the merits of the case at the April 12, 2016 public hearing.

the fact that the Applicant had supplemented the record with sufficient additional information so that OP could evaluate the application.

The District Department of Transportation (“DDOT”) submitted two reports as well. The first DDOT report, dated December 8, 2015, indicated that DDOT could not support approval of the application due to a lack of information. (Exhibit 26.) In the second, supplemental DDOT report, dated April 5, 2016, DDOT indicated that it had no objection to the grant of the application for variance relief. (Exhibit 35.) DDOT requested that the Applicant continue to coordinate with DDOT on public space issues.

In addition to the aforementioned letter of support from the Eckington Civic Association (Exhibit 36), a letter of support for the application was submitted to the record by Councilmember Grosso. (Exhibit 22.)

As directed by 11 DCMR § 3119.2, the Board required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to § 3103.2, for a variance from the off-street parking requirements under § 2101.1, to permit a private club in the C-M-2 District. The only parties to the case were the ANC and the Applicant. 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 averse to any party.

Based upon the record before the Board, and having given great weight to the OP reports filed in this case, the Board concludes that in seeking a variance from 11 DCMR § 2101.1, the Applicant has met the burden of proof under 11 DCMR § 3103.2, that there exists an exceptional or extraordinary situation or condition related to the property that creates a practical difficulty for the owner in complying with the Zoning Regulations, and that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

Pursuant to 11 DCMR § 3100.5, the Board has determined to waive the requirement of 11 DCMR § 3125.5, 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, AND PURSUANT TO § 3125.8, SUBJECT TO THE APPROVED PLANS AT EXHIBIT 11 BUT FOR THE PARKING IN PUBLIC SPACE.**<sup>3</sup>

**VOTE:**       **5-0-0** (Frederick L. Hill, Michael G. Turnbull, Marnique Y. Heath, Anita Butani D’Souza, and Jeffrey L. Hinkle, to APPROVE.)

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<sup>3</sup> While the Board approved the application, it did not approve parking in public space, which was specifically rejected by DDOT.

**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:** April 18, 2016

PURSUANT TO 11 DCMR § 3125.9, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO § 3125.6.

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO § 3130.6 PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO § 3129.9, NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO §§ 3129.2 OR 3129.7, SHALL TOLL OR EXTEND THE TIME PERIOD.

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.

BZA APPLICATION NO. 19140

PAGE NO. 3

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT**

**Application No. 19164 of Christopher J. Wright**, as amended<sup>1</sup>, pursuant to 11 DCMR §§ 3103.2 and 3104.1, for variances from the lot occupancy requirements under § 403.2, the nonconforming open court requirements under § 406.1, and the nonconforming structure requirements under § 2001.3, and a special exception from the rooftop architectural element requirements under § 400.24(a), to construct a three-story flat in the R-4 District at premises 17 U Street N.W. (Square 3117, Lot 3).

**HEARING DATES:** January 16, March 1, and April 12, 2016<sup>2</sup>  
**DECISION DATE:** April 12, 2016

**SUMMARY ORDER**

**SELF-CERTIFIED**

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2. (Exhibits 5 (original), 32 (revised), and 44 (final revised).)<sup>3</sup> In granting the certified relief, the Board of Zoning Adjustment ("Board" or "BZA") made no finding that the relief is either necessary or sufficient. Instead, the Board expects the Zoning Administrator to undertake a thorough and independent review of the building permit and certificate of occupancy applications filed for this project and to deny any application for which additional or different zoning relief is needed.

The Board provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register* and by mail to Advisory Neighborhood Commission ("ANC") 5E and to owners of property located within 200 feet of the site. The site of this application is

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<sup>1</sup> The application was amended several times, first to add a special exception for height under § 400. (Exhibit 32). The case file also contains a memorandum from the Zoning Administrator that indicates that variances from § 400 (Height – number of stories), § 403.2 (Lot occupancy), § 406.1 (Open court), and § 2001.3 (Nonconforming structure) and special exception relief from § 400.23 (Height) and § 400.24 (Alteration of rooftop structures) were required. (Exhibit 40.) The final revised self-certification (Exhibit 44) amended the application and removed a request for variance relief from the height requirements under § 400 and added special exception relief under § 400.24 to what was previously requested. The Applicant also lowered the project from a four-story flat to a three-story flat. In addition, a request for rear yard relief was removed, per the advice of the Zoning Administrator's memorandum. The Applicant submitted revised architectural plans (Exhibit 45), Structural notes and sections (Exhibit 46), 1<sup>st</sup> and 2<sup>nd</sup> Floor Framing & Foundation Plans (Exhibit 47), and 3<sup>rd</sup> floor and roof framing plan and sections (Exhibit 48) together with a revised burden of proof statement (Exhibit 49.) The caption has been changed accordingly.

<sup>2</sup> This case was continued from the public hearings of January 26, 2016 and March 1, 2016.

<sup>3</sup> The case file also has a memorandum from the Zoning Administrator that indicated the required relief. (Exhibit 40.)

located within the jurisdiction of ANC 5E, which is automatically a party to this application. The ANC submitted a report in support of the application. The ANC's report indicated that at a regularly scheduled, properly noticed public meeting on November 17, 2015, at which a quorum was present, the ANC voted by voice vote with no opposition to support the application. (Exhibit 28.)

The Office of Planning ("OP") submitted three timely reports. In the original report, dated January 19, 2016, OP stated that it could not make a recommendation on the application. In that report, OP indicated that while it had several discussions with the Applicant and the Zoning Administrator's staff, there were issues that remained to be resolved before a recommendation could be provided. (Exhibit 33.) OP filed a supplemental report dated February 23, 2016, recommending denial of the application for zoning relief from the R-4 requirements for building height and number of stories.<sup>4</sup> (Exhibit 41.) After the Board's hearing on March 1, 2016, the Applicant submitted revised plans and amended the application so as to no longer request relief for height or number of stories. The Applicant also provided additional information regarding the property and the structural condition of the house, which allowed OP to better understand and evaluate the requested relief. In its final report dated April 5, 2016, OP indicated that it was recommending approval of variance relief from § 2001.3 for the expansion of an existing non-conforming structure (non-compliant in lot occupancy § 403 and open court § 406), § 406.1 to allow for the expansion of an existing nonconforming open court to allow for a third story expansion of an existing three-story structure, § 403.2 to permit construction of a rear spiral staircase in excess of the allowable lot occupancy percentage (proposed .35% increase), and for a special exception from § 400.24 (a) to allow for the alteration of an existing rooftop architectural element original to the building. OP noted in its report that the application is self-certified and not based on the Zoning Administrator's referral memo. (Exhibit 50.)

The District Department of Transportation ("DDOT") submitted a timely report indicating that it had no objection to the grant of the application. (Exhibit 27.)

### Variance Relief

As directed by 11 DCMR § 3119.2, the Board required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to § 3103.2 for area variances from the lot occupancy requirements under § 403.2, the nonconforming open court requirements under § 406.1, and the nonconforming structure requirements under § 2001.3, to

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<sup>4</sup> The OP February supplemental report noted that the Applicant had revised the application and requested different relief. The report was based on OP's understanding of the application at that time and was based on the Zoning Administrator's determination of the relief needed. Based on that, OP stated that it could not support variances to expand an existing nonconforming house by adding a fourth story in the R-4 District. OP stated that the Applicant revised the plans in response to the Zoning Administrator's determination that the lower level would be considered a basement and therefore a story. According to the OP supplemental report, the revised plans would return the front grade return to its original level, resulting, in the lower level being less than four feet in height and considered a cellar and thus not a story. However, the report was based on the relief the Zoning Administrator originally determined was needed. (Exhibit 41.)

construct a three-story flat in the R-4 District. The only parties to the case were the ANC and the Applicant. 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 averse 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 in seeking variances from 11 DCMR §§ 403.2, 406.1, and 2001.3, the Applicant has met the burden of proof under 11 DCMR § 3103.2, that there exists an exceptional or extraordinary situation or condition related to the property that creates a practical difficulty for the owner in complying with the Zoning Regulations, and that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

#### 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, for a special exception from the rooftop architectural element requirements under § 400.24(a) to construct a three-story flat in the R-4 District. No parties appeared at the public hearing in opposition to this application. Accordingly, a decision by the Board to grant this application would not be averse to any party.

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, pursuant to 11 DCMR §§ 3104.1 and 400.24(a), 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 § 3125.5, 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, AND PURSUANT TO § 3125.8, SUBJECT TO THE APPROVED REVISED PLANS AT EXHIBITS 45-48.**

**VOTE:**           **4-0-1** (Marnique Y. Heath, Frederick L. Hill, Jeffrey L. Hinkle and Michael G. Turnbull, to APPROVE; Anita Butani D'Souza, not participating or voting.)

#### **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:** April 20, 2016

PURSUANT TO 11 DCMR § 3125.9, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO § 3125.6.

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO § 3130.6 PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO § 3129.9, NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO §§ 3129.2 OR 3129.7, SHALL TOLL OR EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR § 3125, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 ET SEQ. (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT**

**Application No. 19235 of Canberra LLC**, pursuant to 11 DCMR § 3104.1, for a special exception from the use requirements under § 336, to convert an existing two-story dwelling into a three-unit apartment house in the R-4 District at premises 753 Columbia Road, N.W. (Square 2890, Lot 99). (Applicant's name was formerly "Hobart, LLC".)

**HEARING DATE:** March 29, 2016<sup>1</sup>

**DECISION DATE:** April 12, 2016

**SUMMARY ORDER**

**SELF-CERTIFIED**

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2. (Exhibit 7.) In granting the certified relief, the Board of Zoning Adjustment ("Board") made no finding that the relief is either necessary or sufficient. Instead, the Board expects the Zoning Administrator to undertake a thorough and independent review of the building permit and certificate of occupancy applications filed for this project and to deny any application for which additional or different zoning relief is needed.

The Board provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register* and by mail to Advisory Neighborhood Commission ("ANC") 1A and to owners of property 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. The ANC submitted a report, dated March 10, 2016, indicating that at a duly noticed and scheduled public meeting on March 9, 2016, at which a quorum was in attendance, the ANC voted 10-0-0 in support of the application. (Exhibit 34.)

The Office of Planning ("OP") submitted a timely report on March 21, 2016, recommending approval of the application (Exhibit 36) and testified in support of the application at the hearing. The D.C. Department of Transportation submitted a report expressing no objection to the application. (Exhibit 37.)

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<sup>1</sup> The instant application was heard in conjunction with BZA Application No. 19236 of Hobart, LLC because the properties are adjacent to one another and are part of a three-lot development to include 753 Columbia Rd., N.W. and 755 Columbia Rd., N.W. (19236). The third lot – 751 Columbia Rd., N.W. (Lot 805) - is not part of this application.

Two letters in support were submitted to the record from neighbors Warren Wills, Jr. - residing at 757 Columbia Road, N.W. (Exhibit 29), and Brian Szymanski – residing at 756 Columbia Road, N.W. (Exhibit 33). The latter letter was in support if the Board addressed concerns raised in the letter regarding the provision of adequate parking, the location of the trash and recycling bins being left out in front of the building, and limiting the height of the central bay shown in the plans.

One neighbor, Darren Jones, who resides to the south of the project at 767 Columbia Road, N.W., testified at the hearing of March 29, 2016. He expressed conditional support, provided that his concerns regarding adequate parking and trash collection were addressed. The Applicant presented additional information stating that the plan is to open the rear yards of all three lots and provide a total of six parking spaces – three standard and three compact spaces. With regard to trash collection, the Applicant indicated that it will have a private company pick up the trash from the rear yards of the properties where the trash will be located.

Mr. Jones testified that neither he, nor his neighbor, Mr. Wills (at 757 Columbia Road) had seen the shading study to address the impact of the project on their properties. The Applicant reviewed with Mr. Jones, the shadow study (Exhibit 41) which shows the impact of the entire project on the property on the west, noting that there is an empty lot to the east. After considering the Applicant's additional information, Mr. Jones indicated that his concerns were addressed.

At the conclusion of the hearing on March 29, 2016, the Board requested that the Applicant also discuss with Mr. Wills the fact that there will be a wall beside his property, show Mr. Wills the shadow studies, and have him submit an updated letter indicating that he is aware of the impact of the project on his property. The Board also requested that the Applicant submit into the record the side elevation plans.

In response to the Board's request, the Applicant filed the side elevation plans. (Exhibit 45.) Also, the adjacent neighbor, Mr. Wills, filed a supplemental letter, noting his understanding of the project and expressing continued support for the application. (Exhibit 43.)

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 special exception relief under § 336. The only parties to the application were the Applicant and the ANC which expressed support for the application. No parties appeared at the public hearing in opposition to this application. Accordingly, a decision by the Board to grant this application would not be averse to any party.

Based upon the record before the Board and having given great weight to the OP and ANC reports, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR §§ 3104.1 and 336, that the requested relief can be granted, 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 § 3125.5, 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, AND PURSUANT TO § 3125.8, SUBJECT TO THE APPROVED PLANS AT EXHIBIT 31 - ARCHITECTURAL PLANS AND ELEVATIONS, AND EXHIBIT 45 – SIDE ELEVATION.**

**VOTE: 5-0-0** (Marnique Y. Heath, Robert E. Miller, Frederick L. Hill, Anita Butani D'Souza, 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:** April 19, 2016

PURSUANT TO 11 DCMR § 3125.9, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO § 3125.6.

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO § 3130.6 AT LEAST 30 DAYS PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THAT SUCH REQUEST IS GRANTED. NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO §§ 3129.2 OR 3129.7, SHALL EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR § 3125, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT**

**Application No. 19236 of Hobart LLC**, pursuant to 11 DCMR § 3104.1, for a special exception from the use requirements under § 336, to convert an existing two-story dwelling into a three-unit apartment house in the R-4 District at premises 755 Columbia Road, N.W. (Square 2890, Lot 100).

**HEARING DATE:** March 29, 2016<sup>1</sup>

**DECISION DATE:** April 12, 2016

**SUMMARY ORDER**

**SELF-CERTIFIED**

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2. (Exhibit 8.) In granting the certified relief, the Board of Zoning Adjustment ("Board") made no finding that the relief is either necessary or sufficient. Instead, the Board expects the Zoning Administrator to undertake a thorough and independent review of the building permit and certificate of occupancy applications filed for this project and to deny any application for which additional or different zoning relief is needed.

The Board provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register* and by mail to Advisory Neighborhood Commission ("ANC") 1A and to owners of property 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. The ANC submitted a report, dated March 10, 2016, indicating that at a duly noticed and scheduled public meeting on March 9, 2016, at which a quorum was in attendance, the ANC voted 10-0-0 in support of the application. (Exhibit 27.)

The Office of Planning ("OP") submitted a timely report on March 21, 2016, recommending approval of the application (Exhibit 30) and testified in support of the application at the hearing. The D.C. Department of Transportation submitted a report expressing no objection to the application. (Exhibit 31.)

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<sup>1</sup> The instant application was heard in conjunction with BZA Application No. 19235 of Canberra LLC because the properties are adjacent to one another and are part of a three-lot development to include 755 Columbia Rd., N.W. and 753 Columbia Rd., N.W. (19235). The third lot – 751 Columbia Rd., N.W. (lot 805) -- is not part of this application.

Two letters in support were submitted to the record from neighbors Warren Wills, Jr. - residing at 757 Columbia Road, N.W. (Exhibit 23), and Brian Szymanski – residing at 756 Columbia Road, N.W. (Exhibit 26). The latter letter was in support if the Board addressed concerns raised in the letter regarding the provision of adequate parking, the location of the trash and recycling bins being left out in front of the building, and limiting the height of the central bay shown in the plans.

One neighbor, Darren Jones, who resides to the south of the project at 767 Columbia Road, N.W., testified at the hearing of March 29, 2016. He expressed conditional support, provided that his concerns regarding adequate parking and trash collection were addressed. The Applicant presented additional information stating that the plan is to open the rear yards of all three lots and provide a total of six parking spaces – three standard and three compact spaces. With regard to trash collection, the Applicant indicated that it will have a private company pick up the trash from the rear yards of the properties where the trash will be located.

Mr. Jones testified that neither he, nor his neighbor, Mr. Wills had seen the shading study to address the impact of the project on their properties. The Applicant reviewed with Mr. Jones the shadow study (Exhibit 41) which shows the impact of the entire project on the property on the west, noting that there is an empty lot to the east. After considering the Applicant's additional information, Mr. Jones indicated that his concerns were addressed.

At the conclusion of the hearing on March 29, 2016, the Board requested that the Applicant also discuss with Mr. Wills the fact that there will be a wall beside his property, show Mr. Wills the shadow studies, and have him submit an updated letter indicating that he is aware of the impact of the project on his property. The Board also requested that the Applicant submit into the record the side elevation plans.

In response to the Board's request, the Applicant filed the side elevation plans. (Exhibit 37.) Also, the adjacent neighbor, Mr. Wills, filed a supplemental letter, noting his understanding of the project and expressing continued support for the application. (Exhibit 35.)

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 special exception relief under § 336. The only parties to the application were the Applicant and the ANC which expressed support for the application. No parties appeared at the public hearing in opposition to this application. Accordingly, a decision by the Board to grant this application would not be averse to any party.

Based upon the record before the Board and having given great weight to the OP and ANC reports, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR §§ 3104.1 and 336, that the requested relief can be granted, 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 § 3125.5, 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, AND PURSUANT TO § 3125.8, SUBJECT TO THE APPROVED PLANS AT EXHIBITS 5 - ARCHITECTURAL PLANS AND ELEVATIONS, AND EXHIBIT 37 – SIDE ELEVATION.**

**VOTE: 5-0-0** (Marnique Y. Heath, Robert E. Miller, Frederick L. Hill, Anita Butani D’Souza, 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:** April 19, 2016

PURSUANT TO 11 DCMR § 3125.9, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO § 3125.6.

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO § 3130.6 AT LEAST 30 DAYS PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THAT SUCH REQUEST IS GRANTED. NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO §§ 3129.2 OR 3129.7, SHALL EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR § 3125, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL



APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT**

**Application No. 19239 of Deborah J. Jones-Miller**, pursuant to 11 DCMR § 3104.1, for a special exception from the use requirements under § 2003, to convert a dental office into 11 residential units in the R-2 District at premises 7723 Alaska Avenue N.W. (Square 2957, Lot 13).

**HEARING DATES:** April 5, 2016 and April 12, 2016<sup>1</sup>  
**DECISION DATE:** April 12, 2016

**SUMMARY ORDER**

**SELF-CERTIFIED**

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2. (Exhibit 4.) In granting the certified relief, the Board of Zoning Adjustment ("Board" or "BZA") made no finding that the relief is either necessary or sufficient. Instead, the Board expects the Zoning Administrator to undertake a thorough and independent review of the building permit and certificate of occupancy applications filed for this project and to deny any application for which additional or different zoning relief is needed.

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") 4A and to owners of property located within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 4A, which is automatically a party to this application. The ANC did not submit a report recommending either approval or denial of the application. The ANC submitted a letter dated March 2, 2016, that indicated that at a regularly scheduled, properly noticed public meeting on March 1, 2016, at which a quorum was present, the ANC voted 6-0 to ask for an extension of time for it to submit a report. (Exhibit 18.) At the April 12, 2016 hearing, the Applicant testified that it had presented the case before the ANC on April 5, 2016, there was no opposition to the application, and the ANC determined not to take a vote and submit a report. The Applicant stated that the ANC did not ask the Applicant to come back to the ANC for further consideration.

The Office of Planning ("OP") submitted a timely report recommending approval of the application. OP's report indicated that OP recommended no changes, modifications, or amendments to the design, pending the Applicant's provision of additional information regarding how trash would be handled at the site. (Exhibit 23.) The Applicant submitted a revised site plan showing the relocated trash enclosure and gave testimony as to how trash would be picked up. (Exhibit 25.)

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<sup>1</sup> This case was postponed from the public hearing of April 5, 2016 at the Applicant's request. (Exhibit 19.)

The District Department of Transportation (“DDOT”) submitted a timely report indicating that it had no objection to the grant of the application. (Exhibit 21.)

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 § 2003. No parties appeared at the public hearing in opposition to this application. Accordingly, a decision by the Board to grant this application would not be averse to any party.

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 and 2003, 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 § 3125.5, 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, AND PURSUANT TO § 3125.8, SUBJECT TO THE APPROVED PLANS AT EXHIBIT 7F AND REVISED SITE PLANS AT EXHIBIT 25.**

**VOTE:**       **5-0-0** (Marnique Y. Heath, Frederick L. Hill, Anita Butani D’Souza, Jeffrey L. Hinkle, and Peter G. May, 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:** April 20, 2016

PURSUANT TO 11 DCMR § 3125.9, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO § 3125.6.

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO § 3130.6 PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO § 3129.9, NO OTHER ACTION, INCLUDING THE FILING OR

BZA APPLICATION NO. 19239

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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.

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA  
NOTICE OF FILING**

**Z.C. Case No. 16-09**

**(1200 3<sup>rd</sup> Street, LLC – Consolidated PUD and Related Map Amendment @ Square 747)**

**April 21, 2016**

**THIS CASE IS OF INTEREST TO ANC 6C (affected ANC) and 5D (ANC across the street)**

On April 19, 2016, the Office of Zoning received an application 1200 3<sup>rd</sup> Street, LLC (the “Applicant”) for approval of a consolidated planned unit development (“PUD”) and related map amendment for the above-referenced property.

The property that is the subject of this application consists of Lot 8 in Square 747 in northeast Washington, D.C. (Ward 6), at 1200 3<sup>rd</sup> Street, N.E. The property is currently zoned C-M-3. The Applicant is proposing a PUD-related map amendment to rezone the property, for the purposes of this project, to the C-3-C Zone District.

The Applicant proposes to construct a mixed-use project with residential, hotel, and retail uses. The maximum height of the building will be 120 feet and the density will be 6.98 floor area ratio (“FAR”). The project will include approximately 650 residential units, 200 hotel rooms, 50,000 square feet of retail space, and approximately 353 parking spaces in a two-level, below-grade parking garage. The project will be constructed to the LEED-Silver requirements.

This case was filed electronically through the Interactive Zoning Information System (“IZIS”), which can be accessed through <http://dcoz.dc.gov>. For additional information, please contact Sharon S. Schellin, Secretary to the Zoning Commission at (202) 727-6311.

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