

District of Columbia

REGISTER

HIGHLIGHTS

- D.C. Council schedules a public hearing on Bill 23-0201, Office of the Caribbean Affairs Establishment Act of 2019
- D.C. Council schedules a public oversight roundtable on the “Contracting and Procurement Practices at the Department of General Services and the Office of Contracting and Procurement”
- Department of Consumer and Regulatory Affairs adopts the internationally recognized anti-doping standards for all combative sports contestants in the District
- Office of the State Superintendent of Education announces availability of grants to promote healthy eating, physical activity, and wellness programming in the District’s early child care community
- Office of the State Superintendent of Education announces availability of grants to increase the number of schools with garden programs
- Department of Health schedules a public hearing on the proposed work plan for the District of Columbia Preventive Health and Health Services Block Grant

DISTRICT OF COLUMBIA REGISTER

Publication Authority and Policy

The District of Columbia Office of Documents and Administrative Issuances publishes the *District of Columbia Register* (ISSN 0419-439X) every Friday under the authority of the *District of Columbia Documents Act*, D.C. Law 2-153, effective March 6, 1979, D.C. Official Code § 611 *et seq.* (2012 Repl.). The policies which govern the publication of the *Register* are set forth in the Rules of the Office of Documents and Administrative Issuances (1 DCMR §§300, *et seq.*). The Rules of the Office of Documents and Administrative Issuances are available online at dcregs.dc.gov. Rulemaking documents are also subject to the requirements of the *D.C. Administrative Procedure Act*, D.C. Official Code §§2-501 *et seq.* (2012 Repl.).

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CONTENTS

ACTIONS OF THE COUNCIL OF THE DISTRICT OF COLUMBIA

D.C. LAWS

L22-315 District Government Employee Residency Amendment Act of 2018 006582

D.C. ACTS

A23-50 Fair Elections Emergency Amendment Act of 2019 [B23-282]006583 - 006587

RESOLUTIONS

Res 23-82 Multiyear Contract No. DCAM-18-NC-0093F Approval and Payment Authorization Emergency Declaration Resolution of 2019..... 006588

Res 23-83 Multiyear Contract No. DCAM-18-NC-0093F Emergency Approval and Payment Authorization Resolution of 2019 006589

Res 23-88 Director of the Office of Veterans Affairs Elliot J. Tommingo Confirmation Resolution of 2019 006590

Res 23-89 Director of the Office of Nightlife and Culture Shawn Townsend Confirmation Resolution of 2019 006591

BILLS INTRODUCED AND PROPOSED RESOLUTIONS

Notice of Intent to Act on New Legislation -

Bills B23-301 through B23-304 and Proposed Resolutions PR23-319, PR23-320, and PR23-323 through PR23-335006592 - 006595

COUNCIL HEARINGS

Notice of Public Hearings -

B23-0073 Attorney General Civil Rights Enforcement Clarification Amendment Act of 2019 006596

B23-0201 Office of the Caribbean Affairs Establishment Act of 2019 006597

Notice of Public Oversight Roundtable -

Contracting and Procurement Practices at the Department of General Services and the Office of Contracting and Procurement.....006598 - 006599

ACTIONS OF THE COUNCIL OF THE DISTRICT OF COLUMBIA CONT'D

COUNCIL HEARINGS CONT'D

Notice of Public Roundtables -

PR 23-160	Real Property Tax Appeals Commission John Woods Jr. Confirmation Resolution of 2019	006600
PR 23-161	Real Property Tax Appeals Commission Trent T. Williams Confirmation Resolution of 2019.....	006600
PR 23-162	Real Property Tax Appeals Commission Stacie Scott Turner Confirmation Resolution of 2019	006600
PR 23-316	Real Property Tax Appeals Commission Richard G. Amato Confirmation Resolution of 2019	006600
PR23-0249	Contract Appeals Board Nicholas Majett Confirmation Resolution of 2019	006601 - 006602

OTHER COUNCIL ACTIONS

Consideration of Temporary Legislation -

B23-306	Legitimate Theater Sidewalk Café Authorization Temporary Amendment Act of 2019.....	006603
B23-206	Fiscal Year 2019 Revised Local Budget Temporary Act of 2019.....	006603

Notice of Grant Budget Modifications -

GBM 23-35	FY 2019 Grant Budget Modifications of April 11, 2019.....	006604
GBM 23-36	FY 2019 Grant Budget Modifications of April 9, 2019.....	006604
GBM 23-37	FY 2019 Grant Budget Modifications of April 12, 2019.....	006604

Notice of Intent to Consider Legislation (Abbreviated) -

PR 23-0321	Local Rent Supplement Program Contract No. 2018-LRSP-01A Approval Resolution of 2019	006605
PR 23-0322	Local Rent Supplement Program Contract No. 2018-LRSP-02A Approval Resolution of 2019	006605

ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES

PUBLIC HEARINGS

Alcoholic Beverage Regulation Administration -

Alice - ANC 1B - New	006606
Rosebud - ANC 3B - Substantial Changes.....	006607
Shilling Canning Company - ANC 6D - Renewal	006608
Tall Ship Providence - ANC 6D - New.....	006609

ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES CONT'D

PUBLIC HEARINGS CONT'D

Health, Department of (DC Health) -
 Public Health Integrated Advisory Committee -
 DC Preventive Health and Health
 Services Block Grant - June 5, 2019.....006610

Public Charter School Board, DC -
 Notification of Charter Amendment - Briya Public
 Charter School - New Location - June 17, 2019 006611

Notification of Charter Amendment - District of
 Columbia International School (DCI) - Graduation
 Requirements Revision - June 17, 2019..... 006612

Zoning Adjustment, Office of - July 17, 2019 - Public Hearings

20061	MDP 1353 Wisconsin LLC - ANC 2E.....	006613 - 006616
20064	Mount Sinai Baptist Church - ANC 5E.....	006613 - 006616
20065	Dilan Investments LLC - ANC 5C.....	006613 - 006616
20066	William Stewart - ANC 5D.....	006613 - 006616
20067	National Children’s Center Inc. - ANC 8C.....	006613 - 006616
20069	Deidra Barksdale - ANC 5E.....	006613 - 006616
20070	Peter Roushdy and Kelly Franklin - ANC 3B.....	006613 - 006616

Zoning Commission - Cases -

15-20C	TSBC Owner I, LLC.....	006617 - 006619
19-02	Milestone East Capitol 2, LLC, et al.....	006620 - 006622
19-03	Masjid Muhammad, Inc.	006623 - 006626

FINAL RULEMAKING

Consumer and Regulatory Affairs, Department of -
 Amend 19 DCMR (Amusements, Parks, and Recreation),
 Ch. 20 (Boxing and Wrestling: General Rules), and
 Ch. 24 (Mixed Martial Arts Uniform Rules),
 to adopt the internationally recognized anti-doping
 standards for all combative sports contestants in the District006627 - 006631

Elections, DC Board of -
 Amend 3 DCMR (Elections and Ethics),
 Ch. 3 (Advisory Opinions of the Board),
 Ch. 37 (Investigations and Hearings),
 to add Ch. 42 (The Fair Elections Program), and
 to add Ch. 43 (The Verification Process), to modify
 the Board’s regulations to conform to the
 Campaign Finance Reform and Conflict of Interest
 Public Disclosure Amendment Act of 2011.....006632 - 006669

ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES CONT'D

FINAL RULEMAKING CONT'D

Health Care Finance, Department of -
Amend 29 DCMR (Public Welfare),
Ch. 18 (Health Care Benefit Grants),
Sec. 1807 (Application Submission),
to revise procedures for awarding grants006670 - 006672

Open Government, Office of -
Amend 3 DCMR (Elections and Ethics),
Ch. 104 (Office of Open Government),
Sections 10400 - 10410 and Sec. 10499 (Definitions),
to authorize appeals for reconsideration of Open Meetings
Act advisory opinions in prescribed circumstances and
ensure compliance with the Open Meetings Act.....006673 - 006682

PROPOSED RULEMAKING

Public Employee Relations Board -
Amend 6 DCMR (Personnel),
Subtitle B (Government Personnel),
Ch. 5 (Rules of the Public Employee Relations Board),
to extend the public comment period for the
Proposed Rulemaking published on May 3, 2019
at 66 DCR 5660, to July 1, 2019006683

EMERGENCY RULEMAKING

Consumer and Regulatory Affairs, Department of -
Amend 12 DCMR (Construction Codes Supplement of 2013),
Subtitle A (Building Code Supplement of 2013),
Ch. 1 (Administration and Enforcement),
Sec. 101 (General),
Sec. 102 (Applicability);
Ch. 3 (Use and Occupancy Classification),
Sec. 308 (Institutional Group I)006684 - 006689

Subtitle B (Residential Code Supplement of 2013),
Appendix M (Home Day Care),
Sec. M101(General),
Sec. M103 (Means of Egress).....006684 - 006689

Subtitle F (Plumbing Code Supplement of 2013),
Ch. 11 (Storm Drainage),
Sec. 1115 (Rainwater Collection and Distribution Systems)006684 - 006689

ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES CONT'D

EMERGENCY RULEMAKING CONT'D

Consumer and Regulatory Affairs, Department of - cont'd
 Amend 12 DCMR (Construction Codes Supplement of 2013) - cont'd
 Subtitle H (Fire Code Supplement of 2013),
 Ch. 3 (General Requirements),
 Sec. 319 (Day Care Facilities in Dwelling Units);
 Appendix K (Home Day Care),
 Sec. K101 (General) and
 Sec. K103 (Means of Egress)006684 - 006689

to update the provisions for child development homes;
 Fifth Emergency Rulemaking to extend the Emergency
 Rulemaking published on February 1, 2019 at 66 DCR 1508.....006684 - 006689

**NOTICES, OPINIONS, AND ORDERS
MAYOR'S ORDERS**

2019-042 Appointment – Child Fatality Review Committee
 (Robert Matthews)..... 006690

2019-043 Reappointment and Appointments – Police and
 Firefighters Retirement Relief Board (9 members).....006691 - 006692

2019-044 Appointments – Domestic Violence Fatality Review
 Board (Beverly Jackson and Aiyana Maat).....006693 - 006694

2019-045 Appointments – Juvenile Justice Advisory Group
 (Audrey Eiseman and Lashelle Richmond)..... 006695

2019-046 Reappointment and Appointment – Humanities Council of
 Washington, D.C. (Antoinette Ford, Marjan Shallal,
 Christine M. Warnke, Joyce Wellman, and Linda Chastang)..... 006696

2019-047 Appointments – Multimodal Accessibility Advisory Council
 (Stephanie Franklin and Susie McFadden)..... 006697

2019-048 Appointments and Reappointments – Sustainable Energy
 Utility Advisory Board (6 members).....006698 - 006699

**NOTICES, OPINIONS, AND ORDERS CONT'D
BOARDS, COMMISSIONS, AND AGENCIES**

Alcoholic Beverage Regulation Administration -
 ABC Board's Calendar - June 5, 2019.....006700 - 006701
 ABC Board's Cancellation Agenda - June 5, 2019 006702
 ABC Board's Licensing Agenda - June 5, 2019.....006703 - 006705

ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES CONT'D

NOTICES, OPINIONS, AND ORDERS CONT'D
BOARDS, COMMISSIONS, AND AGENCIES CONT'D

AppleTree Early Learning Public Charter School and AppleTree Institute -
Request for Proposals - Occupational Therapy Services006706

DC International Public Charter School -
Request for Proposals - Vended Meals006707

Disability Rights, Office of -
DC Commission on Persons with Disabilities (DCCPD)
Commission Meeting - May 23, 2019.....006708 - 006709

Early Childhood Academy Public Charter School -
Request for Proposals - Janitorial Services and Special
Education Services006710

Education, Office of the Deputy Mayor for -
Commission on Out of School Time Grants and Youth
Outcomes Meeting - June 13, 2019.....006711 - 006712

Education, Office of the State Superintendent of -
Notice of Funding Availability -
Fiscal Year 2020 - Healthy Tots Wellness Grant.....006713 - 006715
Fiscal Year 2020 - School Garden Grant006716 - 006718

Energy and Environment, Department of -
Intent to Issue Air Quality Permits -
#6261-R2, U.S. Army Corps of Engineers,
#6262-R2, & Baltimore District, Washington Aqueduct,
#6263-R2 McMillan Water Treatment Plant (WTP),
2500 1st Street NW006719 - 006720

#6264-R2 U.S. Army Corps of Engineers,
Baltimore District, Washington Aqueduct,
Dalecarlia Water Treatment Plant,
5900 MacArthur Boulevard NW006721 - 006722

#6334-R2, U.S. Army Corps of Engineers,
#6335-R2, & Washington Aqueduct,
#6336-R2 Dalecarlia Water Treatment Plant,
5900 MacArthur Blvd NW006723 - 006725

ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES CONT'D

NOTICES, OPINIONS, AND ORDERS CONT'D
BOARDS, COMMISSIONS, AND AGENCIES CONT'D

Health, Department of (DC Health) -
 Notice of Funding Availability - HIV/AIDS, Hepatitis,
 STD and TB Administration (HAHSTA) - Innovative
 Approaches to Pregnancy Prevention -
 HAHSTA_ IAPP_06.07.19 (RFA) (Revised).....006726 - 006727

State Health Planning and Development Agency -
 Notice of Information Hearing - June 6, 2019 006728

Historic Preservation Review Board -
 Historic Landmark and Historic District Designations - Case -
 17-18 Wardman Flats,
 Square 519, Lots 38-54, 64-73 and Condos 2001-2010 006729

IDEA Public Charter School -
 Request for Proposals - Legal Expenses 006730

Maya Angelou Public Charter School -
 Request for Proposals - Vended Meals 006731

Mundo Verde Public Charter School -
 Request for Proposals -
 Furniture and Student Cubbies 006732
 School Information System 006733

Public Employee Relations Board - Opinions -
 1705 PERB Case No. 19-A-02 - Metropolitan Police
 Department v. Fraternal Order of Police/Metropolitan
 Police Department Labor Committee.....006734 - 006742

1706 PERB Case No. 18-U-33MFR - Fraternal Order of
 Police/Metropolitan Police Department Labor
 Committee v. Metropolitan Police Department
 (Motion for Reconsideration).....006743 - 006746

1707 PERB Case No. 19-A-03 - Metropolitan Police
 Department v. Fraternal Order of Police/Metropolitan
 Police Department Labor Committee.....006747 - 006755

Sentencing Commission, DC -
 Notice of Public Meeting - May 21, 2019..... 006756

University of the District of Columbia -
 Board of Trustees - Public Meeting - June 4, 2019 006757

ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES CONT'D

**NOTICES, OPINIONS, AND ORDERS CONT'D
BOARDS, COMMISSIONS, AND AGENCIES CONT'D**

Washington Global Public Charter School -

Request for Proposals -

Special Education Services	006758
Facility Management Services	006758
Janitorial Services	006758

Washington Leadership Academy Public Charter School -

Request for Proposals - Special Education Services	006759
--	--------

Zoning Adjustment, Board of - Cases -

19954	Nation's Mosque - ANC 5E - Order.....	006760 - 006762
19968	District Properties.com - ANC 7F - Order.....	006763 - 006765
19990	Thomas Houston - ANC 7C - Order	006766 - 006769
20005	Laura Takacs and Bob Payne - ANC 6B - Order.....	006770 - 006772

Zoning Adjustment, Board of - July 17, 2019 - Public Meeting Notice

19406A	Paige Reffe - ANC 3C	006773 - 006775
20068	William Pecau and Linda Berkeley - ANC 2E.....	006773 - 006775

COUNCIL OF THE DISTRICT OF COLUMBIA


NOTICE

D.C. LAW 22-315

"District Government Employee Residency Amendment Act of 2018"

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 22-212 on first and second readings December 4, 2018, and December 18, 2018, respectively, pursuant to Section 404(e) of the Charter, the bill became Act 22-631 and was published in the February 15, 2019 edition of the D.C. Register (Vol. 66, page 1983). Act 22-631 was transmitted to Congress on February 28, 2019 for a 60-day review, in accordance with Section 602(c)(2) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 60-day Congressional review period has ended, and Act 22-631 is now D.C. Law 22-315, effective May 23, 2019.



Phil Mendelson
Chairman of the Council

Days Counted During the 60-day Congressional Review Period:

February	28
March	1, 4, 5, 6, 7, 8, 11, 12, 13, 14, 15, 18, 19, 20, 21, 22, 25, 26, 27, 28, 29
April	1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 15, 16, 17, 18, 19, 22, 23, 24, 25, 26, 29, 30
May	1, 2, 3, 6, 7, 8, 9, 10, 13, 14, 15, 16, 17, 20, 21, 22

ENROLLED ORIGINAL

AN ACT
D.C. ACT 23-50

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MAY 22, 2019

To amend, on an emergency basis, the Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011 to set a minimum value for a qualified small-dollar contribution that can be matched under the Fair Elections Program, to clarify the definition of “uncontested election”, to provide an additional reporting date on which an election is held for the office sought, to allow candidates seeking certification to file, at any time, for certification and receive any base amount and initial disbursement of matching payments to which the candidate is entitled, to clarify the requirements for information provided by contributors when contributing and the form for receipts or confirmations retained by the candidate, to clarify the disbursement process, to provide guidance as to which non-participating candidates may participate in Fair Elections Program debates, and to clarify the process for donating campaign equipment to unaffiliated non-profit organizations.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Fair Elections Emergency Amendment Act of 2019”.

Sec. 2. 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 *et seq.*), is amended as follows:

(a) Section 101 (D.C. Official Code § 1-1161.01) is amended as follows:

(1) Paragraph (47A) is amended by striking the phrase “a deposit of money” and inserting the phrase “a deposit of money, including in cash or in kind, with a value of \$5 or more” in its place.

(2) Paragraph (53) is amended by striking the phrase “candidate.” and inserting the phrase “candidate and no other candidate.” in its place.

(b) Section 309(b-1) (D.C. Official Code § 1-1163.09(b-1)) is amended as follows:

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

“(1) In addition to the reports required by subsection (a) of this section, candidates seeking certification and participating candidates shall submit reports of qualified small-dollar contributions and contributions from non-District resident individuals that include the

ENROLLED ORIGINAL

information required by section 332b(b) on the 10th day of the October preceding the date on which an election is held for the office sought and on such other dates as the Director of Campaign Finance shall establish by rulemaking.”.

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

“(3) Candidates seeking certification may file for certification pursuant to section 332c(a)(2) and receive the base amount and initial disbursement of matching payments to which they are eligible pursuant to sections 332d and 332e, respectively, at any time.”.

(c) Section 332b (D.C. Official Code § 1-1163.32b) is amended as follows:

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

(A) The lead-in language is amended by striking the phrase “physical or digital receipt to the contributor, with a copy to be retained by the candidate. The receipt” and inserting the phrase “physical or electronic confirmation or receipt, as the candidate prefers. The candidate shall retain the information in paragraphs (1) and (2) of this subsection. The confirmation or receipt to the candidate” in its place.

(B) Paragraph (1) is amended by striking the phrase “digital or physical signature, printed name, home address, telephone number,” and inserting the phrase “physical or electronic signature or other indicia of identity (such as an affirmation checkbox), printed or typed name, address,” in its place.

(C) Paragraph (2) is amended by striking the phrase “A written and signed oath or affirmation declaring” and inserting the phrase “An indication, including by clicking a checkbox or button, that the contributor has sworn or affirmed” in its place.

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

“(b-1) Notwithstanding subsection (b)(2) of this section:

“(1) If a contributor agrees to make contributions to a candidate that recur automatically on a periodic basis, the contributor’s initial indication made pursuant to subsection (b)(2) of this section or paragraph (2) of this subsection is sufficient to indicate continuous assent, and the contributor need not provide an indication pursuant to subsection (b)(2) of this section or paragraph (2) of this subsection for each recurring contribution.

“(2) If a contributor makes a contribution to a candidate over the phone, the indication required by subsection (b)(2) of this section may be provided by the contributor orally.”.

(d) Section 332c (D.C. Official Code § 1-1163.32c) is amended as follows:

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

(A) The lead-in language is amended by striking the phrase “5 days” and inserting the phrase “10 business days” in its place.

(B) Paragraph (2)(B) is amended by striking the phrase “5 business days” and inserting the phrase “10 business days after the candidate receives the determination” in its place.

(2) Subsection (d) is amended by striking the phrase “5 business days” and inserting the phrase “10 business days” in its place.

ENROLLED ORIGINAL

(e) Section 332d (D.C. Official Code § 1-1163.32d) is amended as follows:

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

“(a)(1)(A) Within 5 days after a participating candidate is certified under section 332c(b), the Director of Campaign Finance shall direct the Office of the Chief Financial Officer to disburse to the participating candidate half of the base amount described in paragraph (2) of this subsection. The Office of the Chief Financial Officer shall disburse the funds within 5 business days after receiving direction to do so from the Director of Campaign Finance.

“(B) Within 5 days after the participating candidate qualifies for the ballot, the Director of Campaign Finance shall direct the Office of the Chief Financial Officer to disburse to the participating candidate the other half of the base amount described in paragraph (2) of this subsection. The Office of the Chief Financial Officer shall disburse the funds within 5 business days after receiving direction to do so from the Director of Campaign Finance.”.

(2) The lead-in language of subsection (b)(2) is amended to read as follows:

“(2) If an uncontested election becomes a contested election after a participating candidate is certified under section 332c(b), the Director of Campaign Finance shall direct, no later than 5 days after the uncontested election becomes a contested election, the Office of the Chief Financial Officer to disburse to the participating candidate, and the Office of the Chief Financial Officer shall disburse, within 5 business days after receiving direction to do so from the Director of Campaign Finance:”.

(f) Section 332e (D.C. Official Code § 1-1163.32e) is amended as follows:

(1) Subsection (a) is amended by striking the phrase “Qualified-small-dollar” and inserting the phrase “Qualified small-dollar” in its place.

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

“(e) Within 5 days after the receipt of a report made under section 309(a) and (b-1), the Director of Campaign Finance shall direct the Office of the Chief Financial Officer to disburse payments under this section. The Office of the Chief Financial Officer shall disburse the payments within 5 business days after receiving direction to do so from the Director of Campaign Finance.”.

(3) Subsection (f) is amended by striking the phrase “5 business days” and inserting the phrase “10 business days” in its place.

(g) Section 332f(d)(7) (D.C. Official Code § 1-1163.32f(d)(7)) is amended by striking the phrase “section 332k” and inserting the phrase “section 332l” in its place.

(h) Section 332g(b) (D.C. Official Code § 1-1163.32g(b)) is amended by adding a new paragraph (4) to read as follows:

“(4) Any candidate who has qualified for ballot access for a covered office listed in paragraph (1) of this subsection, in accordance with the procedures required by the Elections Board pursuant to section 8 of the Election Code, and who is not a participating candidate, may participate in a debate for that covered office held pursuant to this section.”.

(i) Section 332h (D.C. Official Code § 1-1163.32h) is amended as follows:

ENROLLED ORIGINAL

(1) The section heading is amended by striking the phrase “turning over equipment to the Office of Campaign Finance” and inserting the phrase “donating equipment” in its place.

(2) Subsection (a) is amended by striking the phrase “turn over any equipment purchased by the campaign to the Office of Campaign Finance.” both times it appears and inserting the phrase “donate any equipment purchased by the campaign to a non-profit organization, within the meaning of section 501(c)(3) of the Internal Revenue Code and operating in good standing in the District for a minimum of one calendar year before the date of any donation, that is unaffiliated with the candidate, the candidate’s immediate family, the principal campaign committee, the principal campaign committee chair and treasurer, the immediate family of the principal campaign committee chair and treasurer, and any board of directors or similar governing body on which sits the candidate, the candidate’s immediately family, or the principal campaign committee chair or treasurer.” in its place.

(3) Subsection (b)(1) is amended by striking the phrase “turn over any equipment purchased by the campaign to the Office of Campaign Finance.” and inserting the phrase “donate any equipment purchased by the campaign to a non-profit organization, within the meaning of section 501(c)(3) of the Internal Revenue Code and operating in good standing in the District for a minimum of one calendar year before the date of any donation, that is unaffiliated with the candidate, the candidate’s immediate family, the principal campaign committee, the principal campaign committee chair and treasurer, the immediate family of the principal campaign committee chair and treasurer, and any board of directors or similar governing body on which sits the candidate, the candidate’s immediately family, or the principal campaign committee chair or treasurer.” in its place.

(4) Subsection (d) is repealed.

(j) Section 332j(a)(1)(H) (D.C. Official Code § 1-1163.32j(a)(1)(H)) is amended by striking the phrase “funds of the” and inserting the phrase “funds that the” in its place.

(k) Section 332l(a)(2) (D.C. Official Code § 1-1163.32l(a)(2)) is amended to read as follows:

“(2) Rules relating to the donation of equipment.”.

Sec. 3. 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. 4. Effective date.

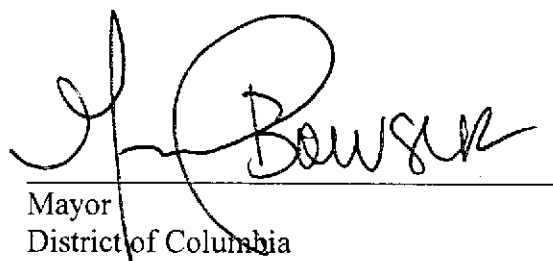
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

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
May 22, 2019

ENROLLED ORIGINAL

A RESOLUTION

23-82

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 7, 2019

To declare the existence of an emergency with respect to the need to approve multiyear Contract No. DCAM-18-NC-0093F with Jerome L. Taylor Trucking, Inc., to provide District-wide recycling hauling services at District of Columbia Municipal Facilities Trailer services.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Multiyear Contract No. DCAM-18-NC-0093F Approval and Payment Authorization Emergency Declaration Resolution of 2019”.

Sec. 2. (a) There exists an immediate need to approve multiyear Contract No. DCAM-18-NC-0093F with Jerome L. Taylor Trucking, Inc., for recycling hauling services to be provided at properties, identified as Aggregate Award Group 6, to include the District of Columbia Municipal Facilities Trailer services in Wards 1 through 8, in the not-to-exceed amount of \$304,480 for a 2-year base period from November 7, 2018, through November 6, 2020.

(b) Recycling hauling services are necessary to ensure the collection and removal of recyclables and waste materials in a cost effective and environmentally safe and secure manner within the District of Columbia. A letter contract that is currently in place will expire on May 31, 2019, and the contract requires execution prior to the expiration of the letter contract. There is an immediate need for the Council to approve the contract and allow for the execution of the contract to avoid a lapse in recycling hauling service.

(c) The 2-year base period of the contract exceeds 12 months and thus Council approval of the contract is required pursuant to section 451(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51(c)(3)).

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Multiyear Contract No. DCAM-18-NC-0093F Emergency Approval and Payment Authorization Resolution of 2019 be adopted on an emergency basis.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

23-83

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 7, 2019

To approve, on an emergency basis, multiyear Contract No. DCAM-18-NC-0093F with Jerome L. Taylor Trucking, Inc., to provide District-wide recycling hauling services at District of Columbia Municipal Facilities Trailer services.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Multiyear Contract No. DCAM-18-NC-0093F Emergency Approval and Payment Authorization Resolution of 2019”.

Sec. 2. Pursuant to section 451(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51(c)(3)), the Council approves Contract No. DCAM-18-NC-0093F with Jerome L. Taylor Trucking, Inc., to provide District-wide recycling hauling services at District of Columbia Municipal Facilities Trailer services and authorizes payment in the not-to-exceed amount of \$304,480 for the 2-year base period from November 7, 2018, through November 6, 2020.

Sec 3. Transmittal.

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

Sec. 4. Fiscal impact statement.

The Council adopts the fiscal statement provided by the Office of the Chief Financial Officer 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. 5. Effective date.

This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

23-88

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 7, 2019

To confirm the appointment of Mr. Elliot J. Tommingo as the Director of the Office of Veterans Affairs.

RESOLVED, BY COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Director of the Office of Veterans Affairs Elliot J. Tommingo Confirmation Resolution of 2019”.

Sec. 2. The Council of the District of Columbia confirms the appointment of:

Mr. Elliot J. Tommingo
(Ward 6)

as the Director of the Office of Veterans Affairs, established by section 703 of the Office of Veterans Affairs Establishment Act of 2001, effective October 3, 2001 (D.C. Law 14-28; D.C. Official Code § 49-1002), and in accordance with section 2 of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01), to serve at the pleasure of the Mayor.

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

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

23-89

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 7, 2019

To confirm the appointment of Mr. Shawn Townsend as the Director of the Office of Nightlife and Culture.

RESOLVED, BY COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Director of the Office of Nightlife and Culture Shawn Townsend Confirmation Resolution of 2019”.

Sec. 2. The Council of the District of Columbia confirms the appointment of:

Mr. Shawn Townsend
(Ward 5)

as the Director of the Office of Nightlife and Culture, in accordance with section 3 of the Office of and Commission on Nightlife and Culture Establishment Act of 2018, effective December 13, 2018 (D.C. Law 22-191; D.C. Official Code § 3-662), and in accordance with section 2 of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01), to serve at the pleasure of the Mayor.

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

Sec. 4. This resolution shall take effect immediately.

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

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

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

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

- | | |
|---------|--|
| B23-301 | Child Development Center Notice To Quit Amendment Act of 2019

Intro. 5-7-19 by Councilmembers T. White, Nadeau, and R. White and referred sequentially to the Committee on Education and the Committee of the Whole |
| <hr/> | |
| B23-302 | Little Brown Bat Official State Mammal Designation Act of 2019

Intro. 5-17-19 by Councilmember Allen and referred to the Committee of the Whole |
| <hr/> | |
| B23-303 | Al and Mary Arrighi Way Designation Act of 2019

Intro. 5-17-19 by Councilmember Allen and referred to the Committee of the Whole |
| <hr/> | |
| B23-304 | Closing of a Public Alley in Square 1445, S.O. 11-01980, Act of 2019

Intro. 5-20-19 by Councilmember Cheh and referred to the Committee of the Whole |
| <hr/> | |

PROPOSED RESOLUTIONS

- PR23-319 Fields Trips and Student Travel Approval Resolution of 2019

Intro 5-17-19 by Chairman Mendelson at the request of the Mayor and referred sequentially to the Committee on Education and the Committee of the Whole
-
- PR23-320 Commission on Health Equity Christopher J. King Appointment Resolution of 2019

Intro. 5-20-19 by Chairman Mendelson and referred to the Committee of the Whole
-
- PR23-323 Board of Veterinary Medicine Blair Zevros Confirmation Resolution of 2019

Intro. 5-21-19 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Health
-
- PR23-324 Board of Veterinary Medicine Amy Dorr Confirmation Resolution of 2019

Intro. 5-21-19 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Health
-
- PR23-325 Board of Veterinary Medicine Daniel Teich Confirmation Resolution of 2019

Intro. 5-21-19 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Health
-
- PR23-326 Board of Nursing Margaret Green Confirmation Resolution of 2019

Intro. 5-21-19 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Health
-

- PR23-327 Board of Pharmacy Ashlee Parker Bow Confirmation Resolution of 2019
Intro. 5-21-19 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Health
-
- PR23-328 Board of Massage Therapy Joseph Reo Confirmation Resolution of 2019
Intro. 5-21-19 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Health
-
- PR23-329 Board of Massage Therapy Darlene Jackson Confirmation Resolution of 2019
Intro. 5-21-19 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Health
-
- PR23-330 Washington Convention and Sports Authority Board of Directors Alan Bubes Confirmation Resolution of 2019
Intro. 5-21-19 by Chairman Mendelson at the request of the Mayor and referred to the Committee of the Whole
-
- PR23-331 Washington Convention and Sports Authority Board of Directors Max Brown Confirmation Resolution of 2019
Intro. 5-21-19 by Chairman Mendelson at the request of the Mayor and referred to the Committee of the Whole
-
- PR23-332 Statewide Health Coordinating Council Brigette Courtot Confirmation Resolution of 2019
Intro. 5-21-19 by Chairman Mendelson at the request of the Mayor and referred to the Comm

- PR23-333 District of Columbia Board of Elections Karyn Greenfield Confirmation Resolution of 2019
Intro. 5-21-19 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Judiciary and Public Safety
-
- PR23-334 Board of Industrial Trades Tanya Lewis Confirmation Resolution of 2019
Intro. 5-21-19 by Chairman Mendelson at the request of the Mayor and referred to the Committee of the Whole
-
- PR23-335 Board of Chiropractic Stephanie Johnson Confirmation Resolution of 2019
Intro. 5-22-19 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Health
-

**Council of the District of Columbia
Committee on Government Operations
Notice of a Public Hearing**

John A. Wilson Building 1350 Pennsylvania Avenue, NW, Suite 117 Washington, DC 20004

**Councilmember Brandon T. Todd, Chair
Committee on Government Operations
Announces a Public Hearing**

on

**B23-0073 - Attorney General Civil Rights Enforcement Clarification Amendment
Act of 2019**

**Monday, July 8, 2019, 11:00 A.M.
John A. Wilson Building, Room 123
1350 Pennsylvania Avenue, N.W.
Washington, DC 20004**

Councilmember Brandon T. Todd announces the scheduling of a public hearing by the Committee on Government Operations on *B23-0073, the Attorney General Civil Rights Enforcement Clarification Amendment Act of 2019*. The public hearing is scheduled for Monday, July 8, 2019 at 11:00 a.m. in Room 123 of the John A. Wilson Building, 1350 Pennsylvania Ave., NW, Washington, DC 20004.

B23-0073 authorizes the Attorney General to bring civil actions under the Human Rights Act. It clarifies that the aggrieved party in a fair housing action, may retain his or her own counsel and it also clarifies when the Attorney General may seek to withdraw from representing the aggrieved party while continuing to represent the District of Columbia's interests.

Individuals and representatives of organizations who wish to testify at the public hearing are asked to contact Manny Geraldo of the Committee on Government Operations at (202) 724-6663 or by email at GovernmentOperations@dccouncil.us and provide their name(s), address, telephone number, email address, and organizational affiliation, if any, by close of business Friday, July 5, 2019. Each witness is requested to bring 10 copies of his/her written testimony. Representatives of organizations and government agencies will be limited to 5 minutes in order to permit each witness an opportunity to be heard. Individual witnesses will be limited to 3 minutes.

If you are unable to testify at the public hearing, written statements are encouraged and will be made a part of the official record. The official record will remain open until close of business Monday, July 22, 2019. Copies of written statements should be submitted to the Committee on Government Operations, Council of the District of Columbia, Suite 117 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004.

**Council of the District of Columbia
Committee on Government Operations
Notice of a Public Hearing**

John A. Wilson Building 1350 Pennsylvania Avenue, NW, Suite 117 Washington, DC 20004

**Councilmember Brandon T. Todd, Chair
Committee on Government Operations
Announces a Public Hearing**

on

B23-0201 - Office of the Caribbean Affairs Establishment Act of 2019

**Wednesday, June 19, 2019, 2:30 P.M.
John A. Wilson Building, Room 120
1350 Pennsylvania Avenue, N.W.
Washington, DC 20004**

Councilmember Brandon T. Todd announces the scheduling of a public hearing by the Committee on Government Operations on *B23-0201, the Office of the Caribbean Affairs Establishment Act of 2019*. The public hearing is scheduled for Wednesday, June 19, 2019 at 2:30 p.m. in Room 120 of the John A. Wilson Building, 1350 Pennsylvania Ave., NW, Washington, DC 20004.

B23-0201 establishes an Office on Caribbean Affairs to monitor the delivery of services and make policy recommendations that affect the District's Caribbean community.

Individuals and representatives of organizations who wish to testify at the public hearing are asked to contact Manny Geraldo of the Committee on Government Operations at (202) 724-6663 or by email at GovernmentOperations@dccouncil.us and provide their name(s), address, telephone number, email address, and organizational affiliation, if any, by close of business Wednesday, June 18, 2019. Each witness is requested to bring 10 copies of his/her written testimony. Representatives of organizations and government agencies will be limited to 5 minutes in order to permit each witness an opportunity to be heard. Individual witnesses will be limited to 3 minutes.

If you are unable to testify at the public hearing, written statements are encouraged and will be made a part of the official record. The official record will remain open until close of business Wednesday, July 3, 2019. Copies of written statements should be submitted to the Committee on Government Operations, Council of the District of Columbia, Suite 117 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004.

COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE ON FACILITIES AND PROCUREMENT
ROBERT C. WHITE, JR., CHAIR

NOTICE OF PUBLIC OVERSIGHT ROUNDTABLE

Contracting and Procurement Practices at the Department of General Services and the Office of Contracting and Procurement

Wednesday, June 19th, 2019, 10:00 AM
Room 500, John A. Wilson Building
1350 Pennsylvania Avenue, N.W.
Washington, DC 20004

On Wednesday, June 19th, 2019, Councilmember Robert C. White Jr., Chair of the Committee on Facilities and Procurement, will hold a Public Oversight Roundtable on Contracting and Procurement Practices at the Department of General Services and the Office of Contracting and Procurement. The Public Oversight Roundtable will take place in Room 500 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., at 10:00 AM.

The purpose of the roundtable is to identify best practices in contracting and procurement between the Department of General Services and the Office of Contracting and Procurement, to understand disparities in practices and procedures between the two agencies, and to identify areas for potential partnership or improvement. Among the topics to be covered at the hearing are small business opportunities, training, transparency, competition, technology, outreach, and compliance.

The Committee invites the public to testify in person or to submit written testimony. Anyone wishing to testify should contact the Committee via e-mail at facilities@dccouncil.us or at (202) 741-8593, and provide their name, phone number or e-mail, organizational affiliation, and title (if any) by **close of business on Tuesday, June 18th, 2019**. If you require translation or interpretation services, please notify the Committee at least one week prior to the date of the public hearing.

All public witnesses will be allowed a maximum of four minutes for oral testimony, while Advisory Neighborhood Commissioners will have a maximum of five minutes to testify. At the discretion of the Chair, the length of time provided for oral testimony may be reduced if there are a large number of witnesses. Witnesses are encouraged, but not required, to bring **twenty single-sided copies** of their testimony in writing and submit their written testimony electronically in advance to facilities@dccouncil.us.

Witnesses are advised that should the public roundtable extend beyond 12:00 p.m. or 6:00 p.m., the Committee will recess for a period of twenty minutes at each time. Should more than one hundred witnesses request to testify in person, the public roundtable will recess after the first one hundred witnesses and any witnesses signed up after the first one hundred will, at the discretion of the chair, be given the opportunity to either provide oral testimony when the roundtable reconvenes at a later date or submit written testimony for the record.

For witnesses who are unable to testify at the hearing, written testimony will be made part of the official record. Copies of written testimony should be submitted to the Committee at facilities@dccouncil.us or to Nyasha Smith, Secretary of the Council, 1350 Pennsylvania Avenue, N.W., Suite 5, Washington, DC 20004. **The record will close at the close of business on Wednesday, July 3rd, 2019.**

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

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

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

ANNOUNCES A PUBLIC ROUNDTABLE ON:

**PR 23-160, the “Real Property Tax Appeals Commission John Woods Jr. Confirmation Resolution of 2019”
PR 23-161, the “Real Property Tax Appeals Commission Trent T. Williams Confirmation Resolution of 2019”
PR 23-162, the “Real Property Tax Appeals Commission Stacie Scott Turner Confirmation Resolution of 2019”
PR 23-316, the “Real Property Tax Appeals Commission Richard G. Amato Confirmation Resolution of 2019”**

Wednesday, June 5, 2019

11:00 a.m.

**Room 123 - John A. Wilson Building
1350 Pennsylvania Avenue, NW, Washington, D.C. 20004**

Councilmember Jack Evans, Chairman of the Committee on Finance and Revenue, announces a public roundtable to be held on Wednesday, June 5, 2019 at 11:00 a.m. in Room 123, of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004.

PR 23-160, the “Real Property Tax Appeals Commission John Woods Jr. Confirmation Resolution of 2019” would confirm John T. Woods as a part-time commissioner of the Real Property Tax Appeals Commission, for a term to end April 30, 2023.

PR 23-161, the “Real Property Tax Appeals Commission Trent T. Williams Confirmation Resolution of 2019” would confirm Trent T. Williams as a part-time commissioner of the Real Property Tax Appeals Commission, for a term to end April 30, 2023.

PR 23-162, the “Real Property Tax Appeals Commission Stacie Scott Turner Confirmation Resolution of 2019” would reappoint Stacie Scott Turner as a full-time commissioner of the Real Property Tax Appeals Commission, for a term to end April 30, 2023.

PR 23-316, the “Real Property Tax Appeals Commission Richard G. Amato Confirmation Resolution of 2019” would reappoint Richard Amato as Vice Chair of the Real Property Tax Appeals Commission, for a term to end April 30, 2023.

The Committee invites the public to testify at the roundtable. Those who wish to testify should contact Sarina Loy, Committee Assistant at (202) 724-8058 or sloy@dccouncil.us, and provide your name, organizational affiliation (if any), and title with the organization by 10:30 a.m. on Tuesday, June 4, 2019. Witnesses should bring 15 copies of their written testimony to the roundtable. The Committee allows individuals 3 minutes to provide oral testimony in order to permit each witness an opportunity to be heard. Additional written statements are encouraged and will be made part of the official record. Written statements may be submitted by e-mail to sloy@dccouncil.us or mailed to: Council of the District of Columbia, 1350 Pennsylvania Ave., N.W., Suite 114, Washington D.C. 20004.

COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE ON FACILITIES AND PROCUREMENT

ROBERT C. WHITE, JR., CHAIR

NOTICE OF PUBLIC ROUNDTABLE**PR23-0249, the “Contract Appeals Board Nicholas Majett Confirmation Resolution of 2019”**

Thursday, June 13th, 2019, 10:00 AM
Room 123, John A. Wilson Building
1350 Pennsylvania Avenue, N.W.
Washington, DC 20004

On Thursday, June 13th, 2019, Councilmember Robert C. White Jr., Chair of the Committee on Facilities and Procurement, will hold a public roundtable on PR23-0249, the “Contract Appeals Board Nicholas Majett Confirmation Resolution of 2019”. The public roundtable will take place in Room 123 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., at 10:00 AM.

The stated purpose of PR23-0249, the “Contract Appeals Board Nicholas Majett Confirmation Resolution of 2019” is to confirm the appointment of Mr. Nicholas Majett to the Contract Appeals Board.

The Committee invites the public to testify in person or to submit written testimony. Anyone wishing to testify should contact the Committee via e-mail at facilities@dccouncil.us or at (202) 741-8593, and provide their name, phone number or e-mail, organizational affiliation, and title (if any) by **close of business on Wednesday, June 12th, 2019**. If you require translation or interpretation services, please notify the Committee at least one week prior to the date of the public hearing.

All public witnesses will be allowed a maximum of four minutes for oral testimony, while Advisory Neighborhood Commissioners will have a maximum of five minutes to testify. At the discretion of the Chair, the length of time provided for oral testimony may be reduced if there are a large number of witnesses. Witnesses are encouraged, but not required, to bring **twenty single-sided copies** of their testimony in writing and submit their written testimony electronically in advance to facilities@dccouncil.us.

Witnesses are advised that should the public roundtable extend beyond 12:00 p.m. or 6:00 p.m., the Committee will recess for a period of twenty minutes at each time. Should more than one hundred witnesses request to testify in person, the public roundtable will recess after the first one hundred witnesses and any witnesses signed up after the first one hundred will, at the discretion of the chair, be given the opportunity to either provide oral testimony when the roundtable reconvenes at a later date or submit written testimony for the record.

For witnesses who are unable to testify at the hearing, written testimony will be made part of the official record. Copies of written testimony should be submitted to the Committee at facilities@dccouncil.us or to Nyasha Smith, Secretary of the Council, 1350 Pennsylvania

Avenue, N.W., Suite 5, Washington, DC 20004. The record will close at the close of business on Thursday, June 27th, 2019.

COUNCIL OF THE DISTRICT OF COLUMBIA
CONSIDERATION OF TEMPORARY LEGISLATION

B23-306, Legitimate Theater Sidewalk Café Authorization Temporary Amendment Act of 2019 and **B23-206**, Fiscal Year 2019 Revised Local Budget Temporary Act of 2019 were adopted on first reading on May 28, 2019. These temporary measures were considered in accordance with Council Rule 413. A final reading on these measures will occur on June 4, 2019.

**COUNCIL OF THE DISTRICT OF COLUMBIA
Notice of Grant Budget Modifications**

Pursuant to the Consolidated Appropriations Act of 2017, approved May 5, 2017 (P.L. 115-31), the Council of the District of Columbia gives notice that the Mayor has transmitted the following Grant Budget Modification (GBM).

A GBM 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 GBM 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 the GBMs are available in the Legislative Services Division, Room 10.
Telephone: 724-8050

GBM 23-35: FY 2019 Grant Budget Modifications of April 11, 2019

RECEIVED: 14-day review begins May 24, 2019

GBM 23-36: FY 2019 Grant Budget Modifications of April 9, 2019

RECEIVED: 14-day review begins May 28, 2019

GBM 23-37: FY 2019 Grant Budget Modifications of April 12, 2019

RECEIVED: 14-day review begins May 28, 2019

COUNCIL OF THE DISTRICT OF COLUMBIA
1350 Pennsylvania Avenue, NW
Washington, DC 20004

ABBREVIATED NOTICE OF INTENT TO CONSIDER LEGISLATION

The Council of the District of Columbia hereby gives notice of its intention to take action in less than fifteen days on PR 23-0321, the “Local Rent Supplement Program Contract No. 2018-LRSP-01A Approval Resolution of 2019”, and PR 23-0322, the “Local Rent Supplement Program Contract No. 2018-LRSP-02A Approval Resolution of 2019”, to allow for the proposed resolutions to be considered at a regular legislative meeting on June 4, 2019.

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

Placard Posting Date: May 31, 2019
Protest Petition Deadline: July 15, 2019
Roll Call Hearing Date: July 29, 2019
Protest Hearing Date: September 25, 2019

License No.: ABRA-113822
Licensee: DC Rabbit Hole LLC
Trade Name: Alice
License Class: Retailer's Class "C" Tavern
Address: 1357 U Street, N.W.
Contact: Michael D. Fonseca, Esq.: (202) 625-7700

WARD 1

ANC 1B

SMD 1B12

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 **Roll Call Hearing date on July 29, 2019 at 10 a.m., 4th Floor, 2000 14th Street, N.W., Washington, DC 20009**. Petitions and/or requests to appear before the ABC Board must be filed on or before the Petition Deadline. The **Protest Hearing date** is scheduled on **September 25, 2019 at 1:30 p.m.**

NATURE OF OPERATION

A new Retailer's Class C Tavern with a seating capacity of 225 and a Total Occupancy Load of 325. Rooftop Summer Garden on the second floor with 70 seats. Licensee is requesting an Entertainment Endorsement to include Dancing and Cover Charge inside the premises only.

HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION FOR INSIDE PREMISES AND OUTSIDE IN SUMMER GARDEN

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

HOURS OF LIVE ENTERTAINMENT INSIDE ONLY

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

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

Placard Posting Date: May 31, 2019
Protest Petition Deadline: July 15, 2019
Roll Call Hearing Date: July 29, 2019

License No.: ABRA-113804
Licensee: Whiskey Phoenix, LLC
Trade Name: Rosebud
License Class: Retailer's Class "C" Restaurant
Address: 2348 Wisconsin Avenue, N.W.
Contact: William Thomas: (202) 262-5637

WARD 3

ANC 3B

SMD 3B02

Notice is hereby given that this licensee has requested Substantial Changes to their license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the **Roll Call Hearing date on July 29, 2019 at 10 a.m., 4th Floor, 2000 14th Street, N.W., Washington, DC 20009**. Petitions and/or requests to appear before the ABC Board must be filed on or before the Petition Deadline.

NATURE OF SUBSTANTIAL CHANGES

Applicant requests an Expansion of the premises from a Total Occupancy Load of 74 to 307 (seating will not exceed 184). Applicant also requests a Change of Hours, to add an Entertainment Endorsement with Dancing and Cover Charge, and to add a Distillery Pub Endorsement. Request for five Summer Gardens: 1st floor front with 26 seats, 1st floor rear with 16 seats, 2nd floor front with 7 seats, 2nd floor rear with 4 seats, and roof deck with 30 seats.

CURRENT HOURS OF OPERATION INSIDE PREMISES & FOR THE OUTDOOR SUMMER GARDENS

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

PROPOSED HOURS OF OPERATION INSIDE PREMISES & FOR THE OUTDOOR SUMMER GARDENS

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

PROPOSED HOURS OF ALCOHOLIC BEVERAGE SALES, SERVICE AND CONSUMPTION INSIDE PREMISES & FOR THE OUTDOOR SUMMER GARDENS

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

PROPOSED HOURS OF LIVE ENTERTAINMENT INSIDE PREMISES

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

PROPOSED HOURS OF LIVE ENTERTAINMENT FOR THE OUTDOOR SUMMER GARDENS

Sunday through Saturday 10am – 9pm

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
5/31/2019

Notice is hereby given that:

License Number: ABRA-106038

License Class/Type: C Restaurant

Applicant: Shillings' Cannery, LLC

Trade Name: Shilling Canning Company

ANC: 6D07

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

1331 4TH ST SE, WASHINGTON, DC 20003

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
7/15/2019

A HEARING WILL BE
7/29/2019

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

ENDORSEMENT(S): Entertainment

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

FOR FURTHER INFORMATION CALL: (202) 442-4423

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

Placard Posting Date: May 31, 2019
Protest Petition Deadline: July 15, 2019
Roll Call Hearing Date: July 29, 2019
Protest Hearing Date: September 25, 2019

License No.: ABRA-113871
Licensee: Tall Ship Providence Foundation
Trade Name: Tall Ship Providence
License Class: Retailer's Class "CX" Common Carrier
Address: 106 N. Lee Street, Suite 200, Alexandria, VA 22314
Contact: Stephen J. O'Brien, Esq.: (202) 625-7700

WARD 6

ANC 6D

SMD 6D04

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 **Roll Call Hearing date on July 29, 2019 at 10 a.m., 4th Floor, 2000 14th Street, N.W., Washington, DC 20009**. Petitions and/or requests to appear before the ABC Board must be filed on or before the Petition Deadline. The **Protest Hearing date** is scheduled on **September 25, 2019 at 4:30 p.m.**

NATURE OF OPERATION

New Class "CX" Common Carrier available for daily tours, weekly themed cruises, private charters, and education programs. Entertainment Endorsement requested to provide Live Entertainment. Total Occupancy Load of 50 with seating for 50 patrons.

HOURS OF OPERATION, ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION, AND LIVE ENTERTAINMENT

Sunday through Saturday 8am – 1am

DISTRICT OF COLUMBIA DEPARTMENT OF HEALTH (DC HEALTH)
and the
Public Health Integrated Advisory Committee

Announce a
Public Hearing

DC Preventive Health and Health Services Block Grant

Wednesday, June 5, 2019; 4:00 pm – 6:30 pm
Benning (Dorothy I. Height) Neighborhood Library
Large Meeting Room

The DC Department of Health (DC Health) and the Public Health Integrated Advisory Committee (PHIAC) are conducting a public hearing to solicit comments on the proposed work plan activities of the District of Columbia Preventive Health and Health Services Block Grant (PHHSBG) for the period 10/1/2019-9/30/2020. The PHHSBG, which is granted by the Centers for Disease Control and Prevention, is intended to support states in addressing gaps in resources for strategies to improve outcomes related to leading health indicators. This hearing is being held to ensure that all citizens have the opportunity to present their views concerning the proposed work plan. The agenda for this hearing includes:

1. **DC Preventive Health and Health Services Block Grant Work Plan Overview - (10/1/19-9/30/20)**

DC Health will present an overview of activities that address the following program areas: Improving Pediatric Asthma Outcomes; Public Health Infrastructure – Community Health Improvement Planning; Public Health Infrastructure – Health Care Delivery Quality Improvement; Multicomponent Obesity Prevention in Targeted Settings; Mental Health Support; and Sexual Assault Victim Services.

2. **Public Comment**

Community members are invited to share their oral or written comments at the hearing. General recommendations can be about community, family or individual needs you have observed or encountered in your neighborhood and/or close proximity.

Potential participants who plan to attend are asked to contact DC Health to provide name, address, email address, telephone number and organization name (when applicable) by **Monday, June 3, 2019 at 12:00 pm**. Oral comments should be no longer than five (5) minutes and written comments should be no longer than two (2) pages. You may contact DC Health by:

Email: PHIAC.doh@dc.gov or

Telephone: Angela Carole at (202)442-8984 or LaVerne Jones at (202)442-9151

You can also find out more information [here](#) on the Our Healthy DC, a platform that allows residents and organizations to communicate and work together online.

Transportation Options: Parking is available on site. Check WMATA <http://www.wmata.com/> for transit options. The nearest Metro station is the Minnesota Avenue Station.

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

The District of Columbia Public Charter School Board (DC PCSB) announces an opportunity for the public to submit comment on a written notification submitted by Briya Public Charter School (Briya PCS) on May 10, 2019 to relocate its current Mount Pleasant site to a new location effective for school year (SY) 2019-20.

Briya PCS is currently in its thirteenth year of operation educating adult students and their children in grades prekindergarten-3 (PK3) and PK4. Effective for SY 2019-20, the school plans to relocate from its existing Mount Pleasant facility at Bancroft Elementary School, 1755 Newton Street NW, to a new location at Sharpe Health School, 4300 13th Street NW. The school states this move will be temporary as Briya PCS looks for a permanent location for this site.

A public hearing will be held on June 17, 2019 and a vote will be held on July 22, 2019 at 6:30 p.m. The public comment period will end on June 28, 2019.

How to Submit Public Comment:

1. Submit written comment one of the following ways:
 - a. E-mail: public.comment@dcpsb.org
 - b. Postal mail: Attn: Public Comment, *DC Public Charter School Board, 3333 14th ST. NW., Suite 210, Washington, DC 20010
 - c. Hand Delivery/Courier*: Same as postal address above
2. Sign up to testify in-person at the public hearing on July 22, 2019 by emailing a request to public.comment@dcpsb.org by no later than 4 p.m. on Friday, July 19.

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

The District of Columbia Public Charter School Board (DC PCSB) announces an opportunity for the public to submit comment on a charter amendment request submitted by District of Columbia International School (DCI) on May 1, 2019 to revise its graduation requirements effective for school year (SY) 2019-20 and beyond.

DCI is currently in its fifth year of operation educating students in grades 6-11. In preparation for its first graduating class in SY 2019-20, DCI submitted an amendment application to clarify its graduation requirements, which includes several different pathways to earn a diploma. In addition to a traditional diploma track according to DC Municipal Regulations' baseline requirements, the school proposes to offer two additional types of International Baccalaureate (IB) diploma options and an "Arts Alternative Pathway" diploma.

A public hearing will be held on June 17, 2019 and a vote will be held on July 22, 2019 at 6:30 p.m. The public comment period will end on June 28, 2019.

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2. Sign up to testify in-person at the public hearing on July 22, 2019 by emailing a request to public.comment@dcpsb.org by no later than 4 p.m. on Friday, July 19.

**BOARD OF ZONING ADJUSTMENT
PUBLIC HEARING NOTICE
WEDNESDAY, JULY 17, 2019
441 4TH STREET, N.W.
JERRILY R. KRESS MEMORIAL HEARING ROOM, SUITE 220-SOUTH
WASHINGTON, D.C. 20001**

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

TIME: 9:30 A.M.

WARD TWO

20061 **Application of MDP 1353 Wisconsin LLC**, pursuant to 11 DCMR Subtitle
ANC 2E X, Chapter 10, for an area variance from the floor area ratio requirements of
 Subtitle G § 402.2, to renovate existing commercial retail space and to
 convert the existing residential units into office space in the MU-4 Zone at
 premises 1353-1355 Wisconsin Ave. N.W. (Square 1243, Lot 812).

WARD FIVE

20064 **Application of Mount Sinai Baptist Church**, pursuant to 11 DCMR Subtitle
ANC 5E X, Chapter 9, for a special exception under the use provisions of Subtitle U §
 320.1(b) to permit a new community service center in an existing attached
 building in the RF-1 Zone at premises 1608 3rd Street, N.W. (Square 520, Lot
 93).

WARD FIVE

20065 **Application of Dilan Investments LLC**, pursuant to 11 DCMR Subtitle X,
ANC 5C Chapter 9, for a special exception under Subtitle C § 703.2 from the minimum
 parking requirements of Subtitle C § 701.5, to raze the existing detached
 principal dwelling unit, and to construct a new ten-unit residential apartment
 building in the MU-4 Zone at premises 1818 Rhode Island Avenue, N.E.
 (Square 4208, Lot 7).

WARD FIVE

20066 **Application of William Stewart**, pursuant to 11 DCMR Subtitle X, Chapter
ANC 5D 9, for a special exception under Subtitle C § 703.2 from the minimum parking
 requirements of Subtitle C § 701.5, to raze an existing, detached commercial
 building, and to construct a new 41-unit residential apartment building in the
 MU-4 Zone at premises 1214-1216 Bladensburg Road, N.E. (Square 4078,
 Lot 880).

BZA PUBLIC HEARING NOTICE

JULY 17, 2019

PAGE NO. 2

WARD EIGHT

20067
ANC 8C **Application of National Children’s Center Inc.**, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under the use provisions of Subtitle U § 320.1(b)(1-3) to permit a new community service center in an existing building in the RF-1 Zone at premises 3400 Martin Luther King Jr. Avenue, S.E. (Square 5978, Lot 5).

WARD FIVE

20069
ANC 5E **Application of Deidra Barksdale**, pursuant to 11 DCMR Subtitle X, Chapter 9, for special exceptions from the general penthouse requirements of Subtitle C § 1500.4, and under Subtitle C § 1504 from the penthouse setback requirements of Subtitle C § 1502.1(c), to construct a new rooftop access penthouse on an existing, semi-detached flat in the RF-1 Zone at premises 100 S Street N.W. (Square 3104, Lot 804).

WARD THREE

20070
ANC 3B **Application of Peter Roushdy and Kelly Franklin**, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle D § 5201 from the lot occupancy requirements of Subtitle D § 304.1 to construct a rear deck addition to an existing, semi-detached principal dwelling unit in the R-3 Zone at premises 3764 Benton Street N.W. (Square 1301, Lot 672).

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 Subtitles X and Y of the District of Columbia Municipal Regulations, Title 11. Pursuant to Subtitle Y, Chapter 2 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.

BZA PUBLIC HEARING NOTICE

JULY 17, 2019

PAGE NO. 3

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

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

Do you need assistance to participate?

Amharic

ለሙከራ ዕርዳታ ያስፈልግዎታል?

የተለየ እርዳታ ካስፈለገዎት ወይም የቋንቋ እርዳታ አገልግሎቶች (ትርጉም ወይም ሙከራ ጎም)

ካስፈለገዎት እባክዎን ከስብሰባው አምስት ቀናት በፊት ዚ ሂልን በስልክ ቁጥር (202) 727-

0312 ወይም በኢሜል Zelalem.Hill@dc.gov ይገናኙ። እነኝህ አገልግሎቶች የሚሰጡት በነጻ ነው።

Chinese

您需要有人帮助参加活动吗?

如果您需要特殊便利设施或语言协助服务（翻译或口译），请在见面之前提前五天与 Zee Hill 联系，电话号码 (202) 727-0312，电子邮件

Zelalem.Hill@dc.gov。这些是免费提供的服务。

French

Avez-vous besoin d’assistance pour pouvoir participer ? Si vous avez besoin d’aménagements spéciaux ou d’une aide linguistique (traduction ou interprétation), veuillez contacter Zee Hill au (202) 727-0312 ou à Zelalem.Hill@dc.gov cinq jours avant la réunion. Ces services vous seront fournis gratuitement.

Korean

참여하시는데 도움이 필요하세요?

특별한 편의를 제공해 드려야 하거나, 언어 지원 서비스(번역 또는 통역)가 필요하시면,

회의 5일 전에 Zee Hill 씨께 (202) 727-0312로 전화 하시거나 Zelalem.Hill@dc.gov 로

이메일을 주시기 바랍니다. 이와 같은 서비스는 무료로 제공됩니다.

Spanish

¿Necesita ayuda para participar?

Si tiene necesidades especiales o si necesita servicios de ayuda en su idioma (de traducción o interpretación), por favor comuníquese con Zee Hill llamando al (202) 727-0312 o escribiendo a Zelalem.Hill@dc.gov cinco días antes de la sesión. Estos servicios serán proporcionados sin costo alguno.

BZA PUBLIC HEARING NOTICE

JULY 17, 2019

PAGE NO. 4

Vietnamese

Quý vị có cần trợ giúp gì để tham gia không?

Nếu quý vị cần thu xếp đặc biệt hoặc trợ giúp về ngôn ngữ (biên dịch hoặc thông dịch) xin vui lòng liên hệ với Zee Hill tại (202) 727-0312 hoặc Zelalem.Hill@dc.gov trước năm ngày. Các dịch vụ này hoàn toàn miễn phí.

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

FREDERICK L. HILL, CHAIRPERSON
LESYLLEÉ M. WHITE, MEMBER
LORNA L. JOHN, MEMBER
CARLTON HART, VICE-CHAIRPERSON,
NATIONAL CAPITAL PLANNING COMMISSION
A PARTICIPATING MEMBER OF THE ZONING COMMISSION
CLIFFORD W. MOY, SECRETARY TO THE BZA
SARA A. BARDIN, DIRECTOR, OFFICE OF ZONING

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 Subtitle Z § 404.1.

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

Except for an 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, or 14 days prior to a scheduled public meeting if seeking advanced party status consideration, a Form 140 – Party Status Application, a copy of which may be downloaded from the Office of Zoning's website at: <https://app.dcoz.dc.gov/Help/Forms.html>.** This form may also be obtained from the Office of Zoning at the address stated below.

Subtitle Z § 406.2 provides that the written report of an affected ANC shall be given great weight if received at any time prior to the date of a Commission meeting to consider final action, including any continuation thereof on the application, and sets forth the information that the report must contain. Pursuant to Subtitle Z § 406.3, if an ANC wishes to participate in the hearing, it must file a written report at least seven days in advance of the public hearing and provide the name of the person who is authorized by the ANC to represent it at 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), 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 Subtitle Z § 408.4, 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 4th Street, N.W., Suite 200-S, Washington, DC 20001; by e-mail to 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, ROBERT E. MILLER, PETER G. MAY, PETER A. SHAPIRO, 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.

Do you need assistance to participate? If you need special accommodations or need language assistance services (translation or interpretation), please contact Zee Hill at (202) 727-0312 or Zelalem.Hill@dc.gov five days in advance of the meeting. These services will be provided free of charge.

¿Necesita ayuda para participar? Si tiene necesidades especiales o si necesita servicios de ayuda en su idioma (de traducción o interpretación), por favor comuníquese con Zee Hill llamando al (202) 727-0312 o escribiendo a Zelalem.Hill@dc.gov cinco días antes de la sesión. Estos servicios serán proporcionados sin costo alguno.

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Quý vị có cần trợ giúp gì để tham gia không? Nếu quý vị cần thu xếp đặc biệt hoặc trợ giúp về ngôn ngữ (biên dịch hoặc thông dịch) xin vui lòng liên hệ với Zee Hill tại (202) 727-0312 hoặc Zelalem.Hill@dc.gov trước năm ngày. Các dịch vụ này hoàn toàn miễn phí.

ለሚገባዎት ዕርዳታ ያስፈልግዎታል? የተለየ እርዳታ ካስፈለገዎት ወይም የቋንቋ እርዳታ አገልግሎቶች (ትርጉም ወይም ማስተርጓሚ) ካስፈለገዎት እባክዎን ከስብሰባው አጭነት ቀናት በፊት ዚ ሂልን በስልክ ቁጥር (202) 727-0312 ወይም በኢሜል Zelalem.Hill@dc.gov ይገናኙ። እነኚህ አገልግሎቶች የሚገኙት በነጻ ነው።

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

TIME AND PLACE: Monday, July 22, 2019, @ 6:30 p.m.
Jerrily R. Kress Memorial Hearing Room
441 4th Street, N.W., Suite 220-South
Washington, D.C. 20001

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

CASE NO. 19-02 (Milestone East Capitol 2, LLC, et al. – Map Amendment @ Square 5411, Lot 802 [3610 Minnesota Avenue, S.E.]; Square 5412, Lot 801 [3501-3547 East Capitol Street, S.E.]; Square 5413, Lot 802 [127 35th Street, S.E.]; and Square 5413N, Lot 801 [3425 East Capitol Street, S.E.]

THIS CASE IS OF INTEREST TO ANC 7F

On January 7, 2019, Milestone East Capitol 2, LLC, Milestone East Capitol 3, LLC, Milestone East Capitol 4, LLC, and Milestone East Capitol 5, LLC (together, the “Applicant”) submitted an application (the “Application”) for approval of a map amendment to rezone Lot 802 in Square 5411, Lot 801 in Square 5412, Lot 802 in Square 5413, and Lot 801 in Square 5413N in southeast Washington, D.C. (Ward 7), with addresses of 3610 Minnesota Avenue, S.E., 3501-3547 East Capitol Street, S.E., 127 35th Street, S.E., and 3425 East Capitol Street, S.E. from the RA-1 zone to the RA-2 zone.

The RA-1 and RA-2 zones are intended to permit flexibility of design by permitting all types of urban residential development if they conform to the height, density, and area requirements established for these districts and to permit the construction of those institutional and semi-public buildings that would be compatible with adjoining residential uses and that are excluded from the more restrictive residential zones.

The RA-1 zone provides for areas predominantly developed with low- to moderate-density development, including detached dwellings, rowhouses, and low-rise apartments and allows a maximum height of 40 feet (and three stories), a maximum lot occupancy of 40%, and a maximum density of 0.90 floor area ratio (“FAR”).

The RA-2 zone provides for areas developed with predominantly moderate-density residential uses, and allows a maximum height of 50 feet, a maximum lot occupancy of 60%, and a maximum density of 1.8 FAR.

The Office of Planning submitted its report to the Office of Zoning on February 15, 2019. On February 25, 2019, the Zoning Commission voted 5-0-0 to approve set down of the Application for a public hearing. The Applicant filed its pre-hearing statement with the Commission on May 7, 2019.

This public hearing will be conducted in accordance with the contested case provisions of the Zoning Commission's Rules of Practice and Procedure, 11 DCMR Subtitle Z, Chapter 4.

How to participate as a witness.

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

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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), or by calling (202) 727-0789.

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- 3. Organizations 5 minutes each
- 4. Individuals 3 minutes each

Pursuant to Subtitle Z § 408.4, the Commission may increase or decrease the time allowed above, in which case, the presiding officer shall ensure reasonable balance in the allocation of time between proponents and opponents.

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ለሚተፍ ዕርዳታ ያስፈልግዎታል? የተለየ እርዳታ ካስፈለገዎት ወይም የቋንቋ እርዳታ አገልግሎቶች (ትርጉም ወይም ማስተርጓም) ካስፈለገዎት እባክዎን ከስብሰባው አምስት ቀናት በፊት ዚ ሂልን በስልክ ቁጥር (202) 727-0312 ወይም በኢሜል Zelalem.Hill@dc.gov ይገናኙ። እነኚህ አገልግሎቶች የሚሰጡት በነጻ ነው።

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

TIME AND PLACE: **Monday, July 15, 2019, @ 6:30 p.m.**
Jerrily R. Kress Memorial Hearing Room
441 4th Street, N.W., Suite 220
Washington, D.C. 20001

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

Z.C. Case No. 19-03 (Masjid Muhammad, Inc. - Map Amendment @ Square 5790, Lots 32-35, 39, 40, 47, 818, & 819)

THIS CASE IS OF INTEREST TO ANC 8A

On January 16, 2019, Masjid Muhammad, Inc. (“Masjid”) filed a petition requesting approval of a Zoning Map amendment to rezone property known as Lots 32-35, 39, 40, 47, 818, and 819 in Square 5790 (“Property”), from the MU-4 zone to the MU-5A zone. On March 1, 2019, the Office of Planning submitted a report in support of setting down the petition for a public hearing. At its public meeting of March 11, 2019, the Zoning Commission voted to set down the petition for a public hearing as a rulemaking. Masjid submitted its prehearing statement on March 14, 2019. On May 16, 2019, the Commission reconsidered its decision to set down the case as a rulemaking and instead decided to conduct the public hearing as a contested case.

The Property consists of approximately 46,859 square feet of land area bounded by approximately Chicago Street, S.E. to the northeast, Martin Luther King Jr. Avenue, S.E. to the southeast, Talbert Street, S.E. to the southwest, and 20-foot wide public alley to the northwest. The Property is currently developed with buildings that contain a mixture of uses such as medical offices, restaurant, private school and general offices as well as one vacant building. Across Chicago Street, S.E. to the northeast are row houses in the RA-1 zone and a portion of the Reunion Square PUD which has been approved for a four-story residential building. Across Martin Luther King Jr. Avenue, S.E. to the southeast is a five-story apartment building with ground floor retail in the MU-7 zone and the five-story Salvation Army mixed-use building, a one-story, car servicing building, and a three-story, apartment building in the MU-4 zone. To the southwest across Talbert Street, S.E. is a two-story building with ground floor retail and offices above in the MU-4 zone. Across the alley to the northwest are two-story detached dwellings, row dwellings and vacant properties in the RF-1 zone. Generally, the surrounding area includes a varied mix of housing, office, retail and institutional uses. The Property is designated Mixed Use (Medium Density Commercial/Medium Density Residential) on the Comprehensive Plan Future Land Use Map, and is designated Main Street Mixed Use Corridor on the Comprehensive Plan Generalized Policy Map.

Masjid seeks a Zoning Map amendment to rezone the Property from the MU-4 zone to the MU-5A zone. The existing MU-4 zone allows moderate-density mixed-use development located in low- and moderate-density residential areas with access to main roadways or rapid transit stops that include office employment centers, shopping centers, and moderate bulk mixed-use centers. The existing MU-4 zone has a maximum building height of 50 feet; a maximum density

of 2.5 FAR (3.0 with Inclusionary Zoning (“IZ”)), and a maximum residential lot occupancy of 60% (75% with IZ). The proposed MU-5A zone allows for medium-density, compact mixed-use development with an emphasis on residential use located on arterial streets, in uptown and regional centers, and at rapid transit stops. The proposed MU-5A zone has a maximum building height of 65 feet (70 feet with IZ); a maximum density of 3.5 FAR (4.2 with IZ), and a maximum residential lot occupancy of 80%.

The Zoning Commission has determined that this public hearing will be conducted in accordance with the contested case provisions of the Zoning Commission’s Rules of Practice and Procedure, 11-Z DCMR Chapter 4.

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-Z DCMR § 404.1.

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 DCMR Title 11-Z. If you are still unsure of what it means to participate as a party and would like more information on this, please contact the Office of Zoning at dcoz@dc.gov or at (202) 727-6311.

Except for an 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, or 14 days prior to a scheduled public meeting if seeking advanced party status consideration, a Form 140 – Party Status Application, a copy of which may be downloaded from the Office of Zoning’s website at: <https://app.dcoz.dc.gov/help/forms.html>.** This form may also be obtained from the Office of Zoning at the address stated below.

11-Z DCMR § 406.2 provides that the written report of an affected ANC shall be given great weight if received at any time prior to the date of a Commission meeting to consider final action, including any continuation thereof on the application, and sets forth the information that the report must contain. Pursuant to Subtitle Z § 406.3, if an ANC wishes to participate in the hearing, it must file a written report at least seven days in advance of the public hearing and provide the name of the person who is authorized by the ANC to represent it at 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), 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 11-Z DCMR § 408.4, the Commission may increase or decrease the time allowed above, in which case, the presiding officer shall ensure reasonable balance in the allocation of time between proponents and opponents.

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**DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
BOXING AND WRESTLING COMMISSION**

NOTICE OF FINAL RULEMAKING

The District of Columbia Boxing and Wrestling Commission (“Commission”), pursuant to the authority set forth in Section 7 of the District of Columbia Boxing and Wrestling Commission Act of 1975, effective October 8, 1975 (D.C. Law 1-20; D.C. Official Code § 3-606 (2016 Repl.)) (“Act”), hereby adopts the following amendments to Chapter 20 (Boxing and Wrestling: General Rules) and Chapter 24 (Mixed Martial Arts Uniform Rules) of Title 19 (Amusements, Parks, and Recreation) of the District of Columbia Municipal Regulations.

This rulemaking amends the general rules applicable to boxers, wrestlers, kickboxers, martial artists and mixed martial artists by adopting the internationally recognized anti-doping standards for all combative sports contestants in the District. It also amends the rules governing the number and length of rounds for mixed martial arts contest in order to allow flexibility to permit new styles of competition in the District.

A Notice of Emergency and Proposed Rulemaking was adopted on October 11, 2018 and was published into the *D.C. Register* on November 16, 2018 at 65 DCR 12841. No comments were submitted and no changes have been made to the text of the proposed rules as published with that notice.

These rules were adopted as final on December 18, 2018 and shall take effect upon publication of this notice in the *D.C. Register*.

Chapter 20, BOXING AND WRESTLING: GENERAL RULES, of Title 19 DCMR, AMUSEMENTS, PARKS, AND RECREATION, is amended as follows:

Section 2030, [RESERVED], is amended to read as follows:

2030 PROHIBITED DRUGS AND METHODS

2030.1 Unless a therapeutic use exemption (TUE) has been granted in accordance with this section, the Commission may take disciplinary action against a contestant’s license, or bar a contestant’s participation in any bout, if it finds that the contestant, at any time before or during a contest, has used any prohibited substance or prohibited method as established in the current version of The World Anti-Doping Code, The Prohibited List International Standard (Prohibited List) as adopted by World Anti-Doping Agency (WADA) (<https://www.wada-ama.org/en/resources/science-medicine/prohibited-list>) as of October 15, 2018. Any changes made to the Prohibited List after October 15, 2018 shall be voted on and approved by the District of Columbia Boxing and Wrestling Commission prior to adoption and publication in the *District of Columbia Register*.

- 2030.2 All contestants licensed by the commission may be required to submit to testing for prohibited substances at any time.
- 2030.3 Any contestant who has at any time tested positive for a prohibited substance or prohibited method that has been confirmed by any state athletic commission shall be required to provide a urine specimen for drug testing prior to competing in any bout.
- 2030.4 Contestants with documented medical conditions requiring the use of a prohibited substance or a prohibited method may be granted a TUE from the Commission.
- 2030.5 A TUE shall not be granted for any form of Testosterone Replacement Therapy, including any use of natural or synthetic testosterone to treat or replace testosterone deficiency in men, except as required by law.
- 2030.6 A contestant may request a TUE, no less than thirty (30) days prior to an event, by submitting a request form prescribed and provided by the Commission.
- 2030.7 Each of the following shall accompany the TUE request form:
- (a) Medical information, which shall include:
 - (1) Diagnosis and etiology based upon the treating physician's evaluation;
 - (2) An evaluation by licensed physician in the appropriate medical field;
 - (3) Patient medical history, which must be consistent with the standard of practice in the appropriate medical field relevant to the exemption requested;
 - (4) A physical exam, which must be consistent with the standard of practice in the appropriate medical field relevant to the exemption requested;
 - (5) A testing/laboratory evaluation, which must be consistent with the standard of practice in the appropriate medical field relevant to the exemption requested;
 - (6) Name of the prohibited substance or prohibited method;
 - (7) Dosage taken or to be taken;
 - (8) Method of administration; and

- (9) Duration of treatment.
- (b) A copy of the medical records in which the contestant's medical condition is well documented, and which must reflect that the condition existed prior to any test for a TUE request was performed.
- (c) An attestation of a licensed physician in the appropriate field of medicine that the contestant qualifies for an exemption in accordance with this section, and that the contestant is currently physically fit to compete safely.
- 2030.8 No less than five (5) days before a scheduled bout, a licensee requesting a TUE shall be subject to a pre-fight drug test by a certified laboratory designated by the Commission. If the laboratory determines that a value for the therapeutic agent in question is found to be out of the normal range, the contestant's medical provider should take action to correct the level by repeating the lab and/or adjusting medication appropriately, which must be documented in records submitted to the Commission.
- 2030.9 On the day of the bout, a licensee requesting a TUE shall be subject to drug testing for agent specific levels by a certified laboratory designated by the Commission.
- 2030.10 The Commission shall waive the time period specified in § 2030.6 for submitting a request, and may retroactively approve a request for TUE, in cases where emergency treatment or treatment of an acute medical condition was medically necessary.
- 2030.11 All costs of providing information to provide a complete TUE request process shall be the contestant's responsibility.
- 2030.12 Any request approved pursuant to this section shall be valid for one approved competition. If a contestant intends to compete in any future event or competition that may subject the contestant to drug testing by the Commission, the contestant must submit a separate request for a TUE for any prohibited substance in advance of such event or competition in accordance with the provisions of this section.
- 2030.13 The Commission may deny a request for a TUE without further action under the following circumstances:
- (a) The current licensure status of the contestant's treating physician cannot be verified;
- (b) The contestant failed to submit a complete request in accordance with § 2030.7; or

- (c) The contestant failed to comply with the drug testing requirements of §§ 2030.8 or 2030.9.
- 2030.14 If the Commission reasonably determines that a TUE request has been submitted for the purpose of enhancing the contestant's performance and/or giving the contestant an advantage over his/her competitor(s), the Commission shall deny the request.
- 2030.15 A TUE shall not be granted when the Commission reasonably concludes that denying the TUE request is in the best interests of protecting the public, or the health and safety of licensed contestants.
- 2030.16 If a request for TUE is denied pursuant to §§ 2030.14 or 2030.15, the Commission shall provide the licensee with a notice of the intended action and an opportunity for a hearing in accordance with § 2043 of this chapter.
- 2030.17 Information provided to or obtained by the Commission pursuant to this section, including the identity of persons providing such information and the reports or documents provided by health care providers and medical facilities pursuant to § 2030.7, as well as files, records, findings, opinions, recommendations, evaluations, and reports of the Commission, shall be confidential and shall only be subject to disclosure for the purposes of an administrative proceeding held pursuant to §§ 2030.16 and 2043 of this chapter.
- 2030.18 Information gathered by the Commission pursuant to this section shall not be used for any purpose other than making a determination of eligibility for a TUE. The information shall not be disclosed by any person under any circumstances, except that such data in the aggregate may be published in the annual report by the Commission.

Section 2043, NOTICE OF PROPOSED ACTION AND OPPORTUNITY FOR A HEARING, is amended as follows:

Subsection 2043.1 is amended to read as follows:

- 2043.1 Each applicant or licensee shall be notified and given an opportunity to be heard before the Commission takes any of the following actions:
- (a) Denies a license for any cause other than failure to pass a required test or physical examination;
 - (b) Suspends a license;
 - (c) Revokes a license;
 - (d) Restricts or places conditions upon a license;

- (e) Reprimands or censures a licensee;
- (f) Refuses to restore a license;
- (g) Refuses to renew a license for any cause other than failure to pay the prescribed fees;
- (h) Imposes a civil fine or penalty;
- (i) Orders a contestant's purse forfeited to the promoter; or
- (j) Denies a request for a therapeutic use exemption (TUE) pursuant to §§ 2030.14 or 2030.15.

Chapter 24, MIXED MARTIAL ARTS UNIFORM RULES, is amended as follows:

Section 2411, ROUND LENGTH, is amended to read as follows:

2411 ROUND LENGTH

- 2411.1 Except as provided for in § 2411.3, each non-championship mixed martial arts contest shall be three (3) rounds, of five (5) minutes duration, with a one (1)-minute rest period between each round.
- 2411.2 Except as provided for in § 2411.3, each championship mixed martial arts contest shall be five (5) rounds, of five (5) minutes duration, with a one (1)-minute rest period between each round.
- 2411.3 The number and duration of rounds for any mixed martial arts contest may be modified upon approval by the Commission.

DISTRICT OF COLUMBIA BOARD OF ELECTIONS

NOTICE OF FINAL RULEMAKING

The District of Columbia Board of Elections, pursuant to the authority set forth in the District of Columbia Election Code of 1955, approved August 12, 1955, as amended (69 Stat. 699; D.C. Official Code § 1-1001.05(a)(14) (2016 Repl.)), hereby gives notice of final rulemaking action to adopt amendments to Chapter 3 (Advisory Opinions of the Board), Chapter 37 (Investigations and Hearings), Chapter 42 (The Fair Elections Program), and Chapter 43 (The Verification Process), of Title 3 (Elections and Ethics) of the District of Columbia Municipal Regulations (DCMR).

These amendments will place the Board's regulations into conformity with the Campaign Finance Reform and Conflict of Interest Public Disclosure Amendment Act of 2011, effective April 27, 2012 (D.C. Law 19-124; 59 DCR 1862 (March 9, 2012)); as amended by the Fair Election Act of 2017, effective May 5, 2018 (D.C. Law 22-94; 65 DCR 2847 (March 23, 2018)). This rulemaking is necessary because the provisions of the aforementioned Act are in effect and require supporting regulations.

A Notice of Proposed Rulemaking was published in the *D.C. Register* on March 22, 2019, at 66 DCR 3342. No written comments on the proposed rules were received during the public comment period, and no substantive changes have been made to the regulations as proposed.

The Board adopted these amendments as final at a special meeting on Monday, May 20, 2019.

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

Chapter 3, ADVISORY OPINIONS OF THE BOARD, of Title 3 DCMR, ELECTIONS AND ETHICS, is amended as follows:

Subsections 300.1 and 300.2 of Section 300, ADVISORY OPINIONS, is amended to read as follows:

300.1 In accordance with the provisions of this chapter, any person or entity eligible under § 300.2 may request an advisory opinion from the Board, with respect to any specific transaction or activity, as to whether the transaction or activity would constitute a violation of any provision of the Campaign Finance Act, Election Act, or the Fair Elections Act.

300.2 Any of the following shall be eligible to request an advisory opinion of the Board:

- (a) An individual holding public office in the District of Columbia;
- (b) A candidate for nomination for election;
- (c) A candidate for election to public office in the District of Columbia;

- (d) A person who may be a potential registrant under the Campaign Finance Act;
- (e) A political committee as defined by the Campaign Finance Act;
- (f) A candidate requesting certification as a participant of the Fair Elections Act;
- (g) A certified participating candidate of the Fair Elections Act; or
- (h) A Fair Elections Committee as defined by the Campaign Finance Act.

Subsection 301.2 of Section 301, REQUESTS FOR ADVISORY OPINIONS, is amended to read as follows:

301.2 Upon receipt of a request for an advisory opinion relative to the Campaign Finance Act or the Fair Elections Act, the General Counsel shall transmit a copy of the request for an advisory opinion to the Director of Campaign Finance.

Chapter 37, INVESTIGATIONS AND HEARINGS, is amended as follows:

Subsection 3700.1 of Section 3700, INVESTIGATIONS IN GENERAL, is amended to read as follows:

3700.1 The provisions of this chapter shall establish the procedures for the conduct of all investigations by the Director of Campaign Finance (Director), and/or his or her designee, of alleged violations of Title III 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 *et seq.*), as amended, and Chapters 30 - 43 of this title.

Section 3704, FULL INVESTIGATIONS, is amended in its entirety to read as follows:

3704 FULL INVESTIGATIONS

3704.1 A full investigation regarding any alleged violation of the Act or Chapters 30-43 of this title shall commence upon a finding of reasonable cause by the Director, and notice to the respondent that a full investigation has commenced.

3704.2 The full investigation shall be conducted by evidence gathered and explored by the following:

- (a) Subpoena;
- (b) Depositions;

- (c) Interrogatories;
- (d) Interviews;
- (e) Audits;
- (f) Affidavits;
- (g) Documents; and
- (h) Other means deemed appropriate.

- 3704.3 The Director may require any person to submit in writing certain reports and answers to questions, as prescribed by the Director, relating to the administration and enforcement of the Act, and Chapters 30-43 of this title.
- 3704.4 Any person required by the Director to submit in writing certain reports or to answer questions under oath shall submit such reports and/or answers within seven (7) calendar days after receipt of the request.
- 3704.5 If any person required by the Director to submit in writing certain reports or to answer questions fails to submit such reports or answers within seven (7) calendar days after receipt of the request, the Director shall issue a subpoena in accordance with § 3707.
- 3704.6 All submissions of reports or answers shall be made under oath; provided, that the person is not represented by counsel.
- 3704.7 Within ninety (90) days of receipt of any complaint, the Director shall:
- (a) Cause evidence to be presented to the Board, if sufficient evidence exists constituting an apparent violation, pursuant to § 3706;
 - (b) Dismiss the complaint, if insufficient evidence exists to present the matter, pursuant to § 3705; or
 - (c) Impose civil penalties, pursuant to § 3711, upon a determination that a violation of the reporting and disclosure requirements prescribed by the Act and/or Chapters 30-43 of this title has occurred.
- 3704.8 The Director may seek, upon a showing of good cause, an extension of time as reasonably necessary to complete an investigation.

Subsection 3706.1 of Section 3706, INSTITUTION OF A CHARGE AND FORMAL HEARING, is amended to read as follows:

3706.1 Upon belief that sufficient evidence exists constituting an apparent violation of the Act and/or of Chapters 30-43 of this title, the Director shall institute a formal charge or complaint against the alleged violator pursuant to Chapter 4 of this title.

Subsection 3709.1 of Section 3709, INFORMAL HEARING FOR ALLEGED VIOLATIONS OF REPORTING AND DISCLOSURE REQUIREMENTS, is amended to read as follows:

3709.1 The Director may institute or conduct an informal hearing, including an order to show cause, on alleged violations of the reporting and disclosure requirements, prescribed by the Act and Chapters 30-43 of this title.

A new Chapter 42, THE FAIR ELECTIONS PROGRAM, is added in its entirety to read as follows:

CHAPTER 42 THE FAIR ELECTIONS PROGRAM

- 4200 THE FAIR ELECTIONS PROGRAM**
- 4201 REGISTRATION OF CANDIDATES IN THE FAIR ELECTIONS PROGRAM**
- 4202 MANDATORY TRAINING**
- 4203 PRINCIPAL CAMPAIGN COMMITTEE**
- 4204 MANDATORY ELECTRONIC FILING**
- 4205 LIMITATIONS ON CONTRIBUTIONS**
- 4206 CERTIFICATION, REVOCATION, AND RECISION AS A PARTICIPATING CANDIDATE**
- 4207 BASE AMOUNT PAYMENTS**
- 4208 MATCHING PAYMENTS FOR QUALIFIED SMALL-DOLLAR CONTRIBUTIONS**
- 4209 LIMITATIONS ON THE USE OF FAIR ELECTION PROGRAM FUNDS AND EXPENDITURES**
- 4210 DEBATE REQUIREMENT**
- 4211 REMITTING FUNDS AND TURNING OVER CAMPAIGN EQUIPMENT**
- 4212 FILING AND DEADLINES**
- 4213 REPORTING AND DISCLOSURE REQUIREMENTS**
- 4214 RECORDKEEPING**
- 4215 PENALTIES**
- 4216 COMPLAINTS**

4200 THE FAIR ELECTIONS PROGRAM

4200.1 The provisions of this chapter shall govern the procedures of the Office of Campaign Finance for the public financing of political campaigns provided by the Fair Elections Amendment Act of 2018 (the Fair Elections Act), as amended, and known as the Fair Elections Program.

- 4200.2 The Fair Elections Program established in the Office of Campaign Finance is voluntary.
- 4200.3 The Fair Elections Program applies to candidates for the covered offices of Mayor, Attorney General, Chairman of the Council, member of the Council, and member of the State Board of Education.
- 4200.4 Candidates seeking to participate in the Fair Elections Program must meet the threshold requirements under § 4205 of this chapter.
- 4200.5 The Office of Campaign Finance administers the Fair Elections Fund from which Base Amount and Matching Payments under § 4207 and § 4208 of this chapter.

4201 REGISTRATION OF CANDIDATES IN THE FAIR ELECTIONS PROGRAM

- 4201.1 An individual shall be considered a candidate when he or she:
- (a) Receives a campaign contribution;
 - (b) Makes campaign expenditure;
 - (c) Obtains nominating petitions;
 - (d) Authorizes any person to perform any of the above acts; or
 - (e) Fails to disavow in writing to the Director any of the above acts by any other person within ten (10) days after written notification by the Director.
- 4201.2 Each candidate shall, within five (5) days after becoming a candidate under § 4201.1, file a Statement of Candidacy form with the Office of Campaign Finance that indicates:
- (a) Whether a principal campaign committee will be designated; and
 - (b) Whether the candidate intends to seek certification as a participating candidate of the Fair Elections Program.
- 4201.3 Each candidate who indicates on the Statement of Candidacy that a principal campaign committee will be designated on his or her behalf shall provide the following information on the Statement of Candidacy form:
- (a) The name of the principal campaign committee;
 - (b) The names of any other authorized committees in § 3000.7; and

- (c) The names of the national bank(s) located in the District of Columbia that have been designated as the candidate's campaign depository.
- 4201.4 The candidate shall commence filing personal Reports of Receipts and Expenditures (R&E Report) in accordance with § 4212, unless reporting is otherwise exempted or waived pursuant to § 4201.5, and certify by oath or affirmation, subject to penalties of perjury, the following statements:
- (a) The candidate has used all reasonable diligence in the preparation of the report and the report is true and complete to the best of the candidate's knowledge; and
- (b) The candidate has used all reasonable due diligence to ensure that the candidate and the candidate's principal campaign committee are in compliance with the Fair Elections Program's requirements, and the authorized committees under § 3000.7 have advised their contributors of the obligations imposed on those contributors by the Fair Elections Act.
- 4201.5 A candidate who has designated a principal campaign committee may apply, on a Request for Candidate Waiver form, for a waiver from filing reports separate from the candidate's committee.
- 4201.6 The Director may grant a waiver of the filing and reporting requirements upon certification by a candidate that, within five (5) days after personally receiving any contribution, the candidate shall surrender possession of the contribution to the principal campaign committee without expending any of the proceeds from the contribution.
- 4201.7 A candidate who is granted a waiver shall not make any non-reimbursed expenditures for the campaign except in accordance with § 4201.8.
- 4201.8 A candidate may use personal funds to make expenditure to the candidate's designated principal campaign committee. The principal campaign committee shall report the expenditure as a contribution received from the candidate and, if accompanied by a written instrument attesting thereto, as a loan pursuant to § 4209.3.
- 4201.9 The waiver from filing and reporting shall continue in effect as long as the candidate complies with the conditions under which it was granted.
- 4201.10 Each individual who ceases to become a candidate seeking certification or a participating candidate shall immediately file a Statement of Candidate Withdrawal form upon termination of the candidacy.

4202 MANDATORY TRAINING

- 4202.1 The candidate and the treasurer of the candidate's principal campaign committee shall appear in person at the Office of Campaign Finance to attend a training program conducted by the Director.
- 4202.2 At the discretion of the Director, the Office of Campaign Finance may provide online training materials to supplement the in-person training program.
- 4202.3 Each candidate shall attend the Office of Campaign Finance training program within fifteen (15) calendar days of submitting the Statement of Candidacy form in accordance with § 4201, or as otherwise scheduled by the Office of Campaign Finance.
- 4202.4 The treasurer of the candidate's principal campaign committee shall attend the Office of Campaign Finance training program within fifteen (15) calendar days of submitting the Statement of Acceptance of Treasurer form in accordance with § 4203.9, or as otherwise scheduled by the Office of Campaign Finance.
- 4202.5 Each candidate and treasurer participating in the Office of Campaign Finance training program shall affirm by signature and oath to follow the District's campaign finance laws at the conclusion of the training program.
- 4202.6 The Director shall publish the names of all training program participants on the Office of Campaign Finance website for public viewing.

4203 PRINCIPAL CAMPAIGN COMMITTEE

- 4203.1 Candidates seeking certification and participating candidates of the Fair Elections Program shall designate one (1) principal campaign committee, per covered office, per election cycle.
- 4203.2 Only a candidate's designated principal campaign committee and its authorized committees shall accept contributions or make expenditures on behalf of that candidate.
- 4203.3 A candidate's designation of a committee on the candidate's Statement of Candidacy form filed under § 4201.2 constitutes agreement to form a political committee.
- 4203.4 Any political committee designated by a candidate on the Statement of Candidacy form filed under § 4201.2 to receive contributions or make expenditures on behalf of the candidate, shall include the name of the candidate for elective office in the District of Columbia in its name.

- 4203.5 Each Principal Campaign committee shall file a Statement of Organization form, prescribed by the Director of the Office of Campaign Finance (the Director) (OCF), within ten (10) days of organization.
- 4203.6 A Principal Campaign committee shall amend its Statement of Organization within ten (10) days of any change in the information previously reported on its Statement of Organization.
- 4203.7 If a Principal Campaign committee that has filed at least one (1) Statement of Organization disbands or determines that it will no longer receive contributions or make expenditures during a calendar year, it must so notify the Director immediately and file a final Report of Receipts & Expenditures (R&E Report).
- 4203.8 A Principal Campaign committee shall have a chairperson and a treasurer, and may elect to list a designated agent, in the Statement of Organization filed pursuant to § 4203.5.
- 4203.9 No person may simultaneously serve as the chairperson and treasurer of a Principal Campaign committee, except a candidate.
- 4203.10 A chairperson shall be required to file a Statement of Acceptance of Position of Chairperson form with the Director within five (5) days of assuming the office.
- 4203.11 A chairperson shall be required to file a Statement of Withdrawal of Position of Chairperson form with the Director within five (5) days of vacating the office.
- 4203.12 A treasurer shall be required to file a Statement of Acceptance of Position of Treasurer form with the Director within forty-eight (48) hours of assuming the office.
- 4203.13 A treasurer shall be required to appear in person at the Office of Campaign Finance to attend a training program pursuant to § 3001 of Chapter 30 within fifteen (15) calendar days of submitting the Statement of Acceptance of Treasurer form in accordance with § 4203.12, or as otherwise scheduled by OCF.
- 4203.14 A treasurer shall be required to file a Statement of Withdrawal of Position of Treasurer form with the Director within forty-eight (48) hours of vacating the office.
- 4203.15 When either the office of chairperson or treasurer is vacant, the Principal Campaign committee shall:
- (a) Designate a successor chairperson or treasurer within five (5) days of the vacancy; and

- (b) Amend its Statement of Organization within ten (10) days of the designation of the successor; provided that the successor officer agrees to accept the position.
- 4203.16 The treasurer of a Principal Campaign committee shall obtain and preserve receipted bills and records in accordance with § 3400.2 of Chapter 34 of this title.
- 4203.17 A Principal Campaign committee shall neither accept a contribution nor make expenditure while the office of treasurer is vacant, and no other person has been designated and agreed to perform the functions of treasurer.
- 4203.18 Each expenditure made for, or on behalf of, a Principal Campaign committee shall be authorized by either:
- (a) The chairperson;
- (b) The treasurer; or
- (c) Their designated agent, as listed on the Statement of Organization filed under § 4203.5.
- 4203.19 No expenditures may be made by a Principal Campaign committee except by check drawn payable to the person to whom the expenditure is being made on the account at a bank designated by the Principal Campaign committee as its depository in its Statement of Organization.
- 4203.20 A detailed account of each contribution or expenditure received or made on behalf of a Principal Campaign committee shall be submitted to the treasurer of such committee within five (5) days of the receipt of the contribution or the making of the expenditure upon the treasurer's demand.
- 4203.21 The detailed account submitted pursuant to § 4203.20 shall include:
- (a) The amount of the contribution or expenditure;
- (b) The name, telephone number, and address (including the occupation and principal place of business, if any) of the contributor or the person (including a business entity) to whom the expenditure was made;
- (c) The date of the contribution; and
- (d) In the case of an expenditure, the office sought by the candidate on whose behalf the expenditure was made, if applicable.
- 4203.22 All funds of a Principal Campaign committee shall be segregated from, and may not be commingled with, the candidate's, or anyone's personal funds.

- 4203.23 Each Principal Campaign committee accepting contributions or making expenditures shall:
- (a) Designate one or more national banks located in the District of Columbia as the committee's depository or depositories.
 - (b) Maintain a checking account or accounts at such depository or depositories; and
 - (c) Deposit any contribution received by the committee into that account or accounts.
- 4203.24 The principal campaign committee shall process contributions in the following manner:
- (a) Contributions received by check, money order, or other written instrument shall be cosigned directly to the principal campaign committee;
 - (b) All monetary contributions must be accepted and deposited, or rejected and returned to a contributor, within twenty (20) business days after receipt except contributions made in the form of cash must be accepted and deposited, or rejected and returned to a contributor, within ten (10) business days after receipt;
 - (c) All contributions that are accepted and deposited are subject to the contribution limits and prohibitions and must be reported to the Office of Campaign Finance. Except as provided in § 4207.9 of this chapter, if a candidate returns a contribution after it is deposited, the return must be reported to the Office of Campaign Finance;
 - (d) The proceeds of any monetary instruments listed in subsection (a) that have been cashed or redeemed by the candidate pursuant to § 4201.5 shall be disallowed by the principal campaign committee and returned by the candidate to the donor.
- 4203.25 No contributions shall be commingled with the candidate's personal funds or accounts
- 4203.26 Except as provided in § 4203.1 an existing committee shall not be designated as the principal campaign committee of a candidate for public office, including the designation of any previously designated principal campaign committee of a candidate, or a slate of candidates for election as officials of a political party, in any future election.

4204 MANDATORY ELECTRONIC FILING

- 4204.1 All Reports of Receipts and Expenditures filed with the Director of the Office of Campaign Finance shall be filed electronically at the OCF website, www.ocf.dc.gov, except as provided in § 3006.2 and § 4204.2. A paper filing of an R&E Report shall not be accepted and will be considered a failure to file.
- 4204.2 The Director may grant an exception to the electronic filing requirement in either of the following circumstances:
- (a) The filer submits a statement of actual hardship to the OCF at the time of registration demonstrating that the hardship will continue through the duration of the election cycle;
 - (b) The filer submits a statement of actual hardship to the OCF no less than fifteen (15) days before the applicable filing deadline; or
 - (c) The filer submits a statement to the OCF describing an emergency that occurred on or before the filing deadline preventing the electronic filing. The request for an exception based on emergency does not delay any reporting deadlines. If a penalty is imposed for failure to file or timely file, the penalty may be set aside or reduced in accordance with § 3711.2(f).
- 4204.3 The Director shall review and respond in writing to an application for an exception within three (3) business days after its receipt.
- 4204.4 The Office of Campaign Finance shall provide log-in information, including a Personal Identification Number (PIN), for access to the OCF Electronic Filing and Disclosure System to the following registrants:
- (a) Each candidate who files the Statement of Registration form unless a waiver from the filing and reporting requirements is granted pursuant to § 3004 and § 4200;
 - (b) The treasurer of each candidate's principal campaign committee which files the Statement of Organization form pursuant to § 3000.1 and § 4203.5.
- 4204.5 The filer of the Report of Receipts and Expenditures shall electronically verify each R&E Report through the use of the confidential PIN Number assigned by the Office of Campaign Finance.
- 4204.6 Each treasurer of a candidate's principal campaign committee who files the R&E Report shall electronically verify that the filer used all reasonable due diligence in

the preparation of the report and to the best of their knowledge, the report is true and complete.

4204.7 Each candidate who files the R&E Report shall electronically verify on each R&E Report the statements contained in § 3002.5 and § 4201.4.

4205 LIMITATIONS ON CONTRIBUTIONS

4205.1 A candidate seeking certification as a participating candidate or a participating candidate in the Fair Elections Program may only accept a qualified small-dollar contribution from a District resident individual or a contribution from a non-District resident individual, that, when aggregated with all other contributions received from that small-dollar District resident contributor or contributions received from that non-District resident individual, does not exceed, per election cycle:

- (a) In the case of a qualified small-dollar contribution from a District resident individual or contribution from a non-District resident individual in support of a candidate for Mayor, \$200;
- (b) In the case of a qualified small-dollar contribution from a District resident individual or contribution from a non-District resident individual in support of a candidate for Council Chairman or Attorney General, \$200;
- (c) In the case of a qualified small-dollar contribution from a District resident individual or contribution from a non-District resident individual in support of a candidate for member of the Council elected at-large, \$100;
- (d) In the case of a qualified small-dollar contribution from a District resident individual or contribution from a non-District resident individual in support of a candidate for member of the Council elected from a ward or for member of the State Board of Education elected at-large, \$50; and
- (e) In the case of a qualified small-dollar contribution from a District resident individual or contribution from a non-District resident individual in support of a candidate for member of the State Board of Education elected from a ward, \$20.

4205.2 Each qualified small-dollar contribution from a District resident and contribution from a non-District resident individual shall be acknowledged by a physical or digital receipt to the contributor, with a copy to be retained by the candidate. The receipt shall include:

- (a) The contributor's digital or physical signature, printed name, home address, telephone number, occupation and principal place of business, if any, and the name of the candidate to whom the contribution is made; and

- (b) A written and signed oath or affirmation declaring that the contributor:
- (1) Is making the contribution in the contributor's own name and from the contributor's own funds;
 - (2) Is making the contribution voluntarily and has not received anything of value in return for the contribution;
 - (3) In the case of a small-dollar contribution from a District resident, is a District resident individual;
 - (4) In the case of a contribution from a non-District resident individual, is a non-District resident individual; and
 - (5) Understands that a false statement is a violation of law.

4205.3 A candidate seeking certification and a participating candidate may accept qualified small-dollar contributions from District resident individuals and contributions from non-District resident individuals made by means of personal check, credit card, electronic payment account, or cash, provided, that contributions in the form of cash cannot, in the aggregate, exceed \$100 per small-dollar contributor District resident individual or non-District resident individual per seat per covered office per election cycle.

4205.4 A candidate seeking certification and a participating candidate may accept contributions from Fair Elections Committees that do not exceed \$1,500 per Fair Elections Committee, per election cycle.

4205.5 Contributions from Fair Elections Committees established, financed, maintained, or controlled by substantially the same group of individuals shall share a single contribution limitation.

4205.6 A candidate seeking certification and a participating candidate may accept qualified small-dollar contributions from District resident individuals who are minor children (individuals under 18 years of age), provided, that:

- (a) The decision to contribute is made knowingly and voluntarily by the minor child;
- (b) The funds, goods, or services contributed are owned or controlled exclusively by the minor child, such as income earned by the child, or a bank account opened and maintained exclusively in the child's name; and
- (c) The contribution was not made from the proceeds of a gift, the purpose of which was to provide funds to be contributed.

- 4205.7 Any contribution received from a minor child, except under § 4205.6, shall be attributed to the parents or legal guardians, subject to the contribution limits under § 4205.1.
- 4205.8 A candidate seeking certification and a participating candidate may accept a loan or advance from the candidate or member of the immediate family of a candidate, subject to the contribution limits of § 4209.1 (f) of this chapter. “Immediate family” means the spouse or domestic partner of a candidate and any parent, grandparent, brother, sister, or child of the candidate, and the spouse or domestic partner of any such parent, grandparent, brother, sister, or child.
- 4205.9 Each loan or advance from a candidate or member of the immediate family of a candidate shall be evidenced by a written instruction that fully discloses:
- (a) The terms of the loan or advance;
 - (b) The conditions of the loan or advance;
 - (c) The parties to the loan or advance; and
 - (d) Documentation regarding the source of the funds when the loan or advance is from the candidate.
- 4205.10 The amount of each loan or advance from a candidate or member of the candidate’s immediate family shall be included in computing and applying the limitations on contributions under § 4209.1(f), upon receipt by the principal campaign committee of the loan or advance from the candidate or an immediate family member; provided, that the standards for repayment are consistent with the repayment policies of lending institutions in the District of Columbia.
- 4205.11 Loans made in the regular course of the lender’s business shall not be deemed a contribution by the obligor on the loan and by any other person endorsing, cosigning, guaranteeing, or otherwise providing security or collateral for the loan and subject to the limitations on contributions under §§ 4205.1 and § 4209.1(f).
- 4205.12 A loan not made in the regular course of a lender’s business shall be deemed a contribution by the lender subject to the limitations on contributions under § 4205.1 and § 4209.11 (f).
- 4205.13 Any portion of a loan that is forgiven is a monetary contribution and any debt owed by a candidate that is forgiven or settled for less than the amount owed is a contribution, unless the debt was forgiven or settled by a creditor who has treated the outstanding debt in a commercially reasonable manner.

- 4205.14 Candidates seeking certification and participating candidates may not accept any contributions in excess of the applicable contributions limits or from sources prohibited under Chapter 42 of this title.
- 4205.15 Except as provided in § 4207.9 of this chapter, when a candidate knows or has reason to know that he or she has accepted a contribution, contributions, or aggregate contributions from a single source in excess of the applicable contribution limit, or from a source prohibited under Chapter 42 of this title, the candidate shall promptly return the excess portion or prohibited contribution, by bank check or certified check made out to the contributor.
- 4205.16 Where the return of the contribution to the contributor under Section § 4205.15 is impracticable, the candidate may pay to the Fund an amount equal to the amount of the prohibited contribution or the excess portion.

4206 CERTIFICATION, REVOCATION, AND RECISION AS A PARTICIPATING CANDIDATE

- 4206.1 For the purpose of this section, the term “qualifying period” means: (1) the period beginning on the day after the most recent general election for the covered office that the candidate is seeking and ending on the last day to file nominating petitions for the primary election, or for the general election for the covered office sought; or (2) the period beginning on the day the special election is called and ending on the last day to file nominating petitions for the covered office sought.
- 4206.2 To be certified by the Director of Campaign Finance as a participating candidate for a seat for a covered office in an election cycle, a candidate shall, during the qualifying period:
- (a) Obtain the following:
- (1) For a candidate for Mayor, qualified small-dollar contributions from at least 1,000 small-dollar individual resident contributors of the District, which in the aggregate, total \$40,000 or more; *
 - (2) For a candidate for Attorney General, qualified small-dollar contributions from at least 500 small-dollar individual resident contributors of the District, which, in the aggregate, total \$20,000 or more;
 - (3) For a candidate for Council Chairman, qualified small-dollar contributions from at least 300 small-dollar individual resident contributors of the District, which, in the aggregate, total \$15,000 or more;

- (4) For a candidate for an At-Large Council seat, qualified small-dollar contributions from at least 250 small-dollar individual resident contributors of the District, which, in the aggregate, total \$12,000 or more;
 - (5) For a candidate for a Ward Council seat and the At-Large State Board of Education seat, qualified small-dollar contributions from at least 150 small-dollar individual resident contributors of the District, which, in the aggregate, total \$5,000 or more; or
 - (6) For a candidate for a Ward State Board of Education seat, qualified small-dollar contributions from at least 50 small-dollar individual resident contributors of the District, which, in the aggregate, total \$1,000 or more; and
- (b) The candidate shall file an Affidavit on a form prescribed by the Director of the Office of Campaign Finance, and signed by the candidate and the treasurer of the candidate's principal campaign committee declaring that the candidate:
- (1) Has complied with and, if certified, will continue to comply with the Fair Elections Program requirements;
 - (2) If certified, will only run in that election cycle as a participating candidate;
 - (3) If certified will only run during that election cycle for the seat for the covered office for which the candidate is seeking certification, including in both the primary and general elections, as applicable;
 - (4) Has otherwise qualified, or will take steps to qualify, for ballot access in accordance with the procedures required by the Elections Board pursuant to Section 8 of the Election Code, such as by filing a declaration of candidacy under 3 DCMR § 3002 and a nominating petition containing the required number of valid signatures under 3 DCMR § 1605;
 - (5) Is current with respect to any fines or penalties owed for a violation of the Fair Elections Act; and
 - (6) Has responded and will respond to all inquiries of the Elections Board and the Director of Campaign Finance in a timely manner.

4206.3

No later than five (5) business days after a candidate attains compliance under § 4206.1 the Director of Campaign Finance shall determine whether the candidate meets the requirements for certification as a participating candidate, and:

- (a) If the requirements are met, certify the candidate as a participating candidate; or
- (b) If the requirements are not met, the Director shall notify the candidate in writing of the specific deficiencies and (1) provide an opportunity to cure the deficiencies within 5 business days, and (2) notify the candidate of the right to appeal the Director's determination in writing to the Board within five (5) business days. An appeal of the Director's determination to the Board shall be considered a complaint and proceed in accordance with the rules of Chapter 4 of this title.
- (c) The petition of appeal must state the grounds for reconsideration of the denial for certification as a participating candidate.

4206.4 The Director shall revoke a certification under § 4206.2 if a participating candidate once certified:

- (a) Fails to qualify for ballot access pursuant to the nominating petition process;
- (b) Does not continue to run as a participating candidate in that election cycle;
- (c) Does not run for the seat for the covered office for which the candidate was certified during that election cycle, including both the primary and the general elections, as applicable;
- (d) Terminates his or her candidacy; or
- (e) Fails to comply with the Fair Elections Program's requirements, including contribution and expenditure limits, and the debate requirement.

4206.5 If a certification is revoked under § 4206.3, the Director shall notify the candidate in writing of (1) the basis for the Director's revocation; and (2) the right to appeal the revocation in writing to the Board within five (5) business days. An appeal of a revocation to the Board shall be considered a complaint and proceed in accordance with the rules of Chapter 4 of this title.

4206.6 The participating candidate whose certification has been revoked shall remit to the Fair Elections Fund the remaining funds in the participating candidate's campaign accounts pursuant to § 4211.

4206.7 Following revocation of certification, including during a pending appeal of the revocation, the candidate is thereafter prohibited from spending program funds for any purpose other than the payment of previous liabilities incurred in qualified campaign expenditures.

- 4206.8 All program funds in excess of such liabilities previously incurred shall be promptly repaid to the Program; the amount to be repaid shall be determined by the Office of Campaign Finance. A repayment made shall not preclude a determination that an additional repayment is required pursuant to that or any other provision of the Act.
- 4206.9 A candidate who does not file an Affidavit under § 4206 or withdraws his or her affidavit prior to certification shall not qualify to participate in the Fair Elections Program.
- 4206.10 A candidate who does not elect to participate in the Fair Elections Program shall not be eligible to receive program funds and shall not be subject to the contribution and expenditure limitations under § 4209.
- 4206.11 A candidate who does not elect to participate in the Fair Elections Program may accept contributions from sources other than those prescribed under § 4209.1.

4207 BASE AMOUNT PAYMENTS

- 4207.1 Within five (5) business days after the participating candidate is certified, the participating candidate shall receive half of the base amount described in § 4207.3.
- 4207.2 Within five (5) business days after the participating candidate qualifies for the ballot, the participating candidate shall receive the other half of the base amount described in § 4207.3.
- 4207.3 The base amount shall be payable only in contested elections in the following amounts:
- (a) \$160,000 for the office of Mayor;
 - (b) \$40,000 for the office of Attorney General;
 - (c) \$40,000 for the office of Council Chairman;
 - (d) \$40,000 for the office of Councilmember elected At-Large and from a Ward; and
 - (e) \$10,000 for the office of State Board of Education elected at-large and from a ward.
- 4207.4 The participating candidate in an uncontested election, shall not receive the base amount described in § 4207.1 except as provided in § 4207.6.

- 4207.5 The participating candidate in an uncontested election shall be eligible to receive matching payments for qualified small-dollar contributions in accordance with § 4208.
- 4207.6 If an uncontested election becomes a contested election after a participating candidate is certified, the participating candidate shall receive, no later than five (5) days after the uncontested election becomes a contested election:
- (a) The first half of the base amount, if the participating candidate has not qualified for the ballot; or
 - (b) Both halves of the base amount, if the participating candidate has qualified for the ballot.
- 4207.7 If a contested election becomes an uncontested election after the participating candidate has received the first, but not the second half of the base amount, the participating candidate may retain any unspent base amount funds to repay:
- (a) Any authorized expenditures or the proper debts that were incurred in connection with the participating candidate's campaign; and
 - (b) Personal funds of the participating candidate or funds the candidate's immediate family contributed in accordance with § 4209.1(f).
- 4207.8 If a contested election becomes an uncontested election, a participating candidate who has not yet qualified for the ballot shall not receive the second half of the base amount upon ballot qualification.
- 4207.9 Funds shall be distributed to the participating candidate through the use of an electronic funds transfer or debit card.
- 4207.10 After a participating candidate has received base amount payments and matching payments from the Fair Elections Fund for an election, the candidate may not return a contribution, unless instructed by the Director to do so, until any required repayments to the Program have been made, except if the contribution:
- (a) Exceeds the contribution limit;
 - (b) Is otherwise illegal;
 - (c) Is returned because the contribution was received from a prohibited source or intermediary; or
 - (d) Was commingled in an account not belonging to the campaign committee.

4207.11 The Director shall notify a participating candidate in writing within five (5) business days where it is determined funds paid to the candidate were in excess of the aggregate amount for which the candidate qualified, and such candidate shall repay to the Fund an amount equal to the amount of the excess payments within thirty (30) calendar days of the notice.

4208 MATCHING PAYMENTS FOR QUALIFIED SMALL-DOLLAR CONTRIBUTIONS

4208.1 Qualified small-dollar contributions received in an election cycle from individual District residents before a candidate is certified as a participating candidate under § 4206.2 shall not be matched until the candidate is certified.

4208.2 After the candidate is certified as a participating candidate, the candidate shall receive matching payments from the Fair Elections Fund for the qualified small-dollar contributions from individual District residents that the candidate received in that election cycle before certification and those qualified small-dollar contributions from individual District residents received after certification, in an amount equal to five hundred percent (500%) of the amount of the qualified small-dollar contributions, subject to § 4208.4 of this chapter.

4208.3 Contributions from a non-District resident individual shall not be matched.

4208.4 The maximum amount participating candidates may receive in matching payments, shall be:

- (a) For candidates for Mayor and Council Chairman, one hundred ten percent (110%) of the average expenditures of the winning candidates for that covered office, respectively, in the prior four (4) election cycles (not including special elections);
- (b) For candidates for Attorney General, 110% of the average expenditures of the winning candidates for that covered office in all prior election cycles, until such time as four (4) election cycles have been held, after which time, 110% of the average expenditures of the winning candidates for that covered office, in the prior four (4) election cycles (not including special elections); and
- (c) For candidates for At-Large or Ward Councilmember and candidates for At-Large or Ward member of the State Board of Education, 110% of the average expenditures of all winning candidates for that covered office, respectively, in the prior two (2) election cycles (not including special elections).

- 4208.5 Contributions received after the participating candidate has reached the aggregate qualified small-dollar contribution limit for a seat for a covered office under § 4205.1 shall not be matched.
- 4208.6 The Director of Campaign Finance shall determine the maximum amount participating candidates may receive in matching payments for qualified small-dollar contributions from individual District residents after commencement of the qualifying period in an election cycle.
- 4208.7 Payments shall be made no later than five (5) business days after receipt of the participating candidate's R&E Report filed with the OCF in accordance with § 4212 and § 4213 and shall be distributed to participating candidates through the use of an electronic funds transfer or debit card.
- 4208.8 The Director shall notify a participating candidate in writing within five (5) business days where it is determined public funds paid to the candidate were in excess of the aggregate amount for which the candidate qualified, and such candidate shall repay to the Director an amount equal to the amount of the excess payments within thirty (30) calendar days of the notice.
- 4208.9 The Director of Campaign Finance shall provide a written explanation with respect to any denial of any payment and shall provide an opportunity to for the appeal of the denial in writing to the Board of Elections within five (5) business days.
- 4208.10 A participating candidate may petition the Board in writing for reconsideration of the denial of any payment.
- 4208.11 The petition must state the grounds for reconsideration.
- 4208.12 The Board shall review the determination that is the subject of the petition for review within five (5) business days of the filing of such petition.
- 4208.13 In the event the Board is unable to convene within five (5) business days, the Board may delegate to the chair of the Board or his or her designee authority to make a determination regarding the petition.
- 4208.14 If the petition is denied, the Board's notice shall inform the participant of the right to appeal the Board's determination.
- 4208.15 The participating candidate and his or her principal committee shall not include in any such petition any documentation or factual information not submitted to the Board prior to the determination under review unless the participating candidate can demonstrate good cause for the previous failure to submit such documentation or information and for any failure to communicate on a timely basis with the Board.

4208.16 The participating candidate may submit a petition for review of a payment or non-payment determination after the issuance of the participant's final audit report within thirty (30) days of issuance of the final audit report and only upon submission of information and/or documentation that was unavailable to the Board previously and is material to such determination, and a showing that the participant had good cause for the previous failure to provide such information and/or documentation.

4209 LIMITATIONS ON THE USE OF FAIR ELECTION PROGRAM FUNDS AND EXPENDITURES

4209.1 Except as provided in § 4209.5(b), a candidate seeking certification and a participating candidate shall not receive or expend any contribution in that election cycle other than:

- (a) Qualified small-dollar contributions from individual District residents;
- (b) Contributions from non-District resident individuals that comply with the limitations in § 4205.1;
- (c) Contributions from Fair Elections Committees that do not exceed \$1,500 per Fair Election Committee, per election cycle;
- (d) Base amount payments distributed by the Fair Elections Program;
- (e) Matching payments distributed by the Fair Elections Program; and
- (f) Personal funds of a candidate or the candidate's immediate family in the form of a contribution or loan that does not exceed, in the aggregate:
 - (1) For a candidate for Mayor, \$5,000; or
 - (2) For a candidate for Attorney General, Council Chairman, member of the Council, or member of the State Board of Education, \$2,500.

4209.2 The amounts described in § 4209.1(f) shall be adjusted by the Director of Campaign Finance each election cycle by the percentage increase in the Consumer Price Index for the Washington-Baltimore Metropolitan Area for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor, or any successor index for the prior calendar year.

4209.3 A candidate seeking certification who accepts a contribution from sources other than those described in § 4209.1 before the date the candidate is certified may not participate in the Fair Elections Program, unless within ten (10) days after certification, the participating candidate:

- (a) Returns the unexpended contribution to the contributor and provides evidence that the funds were actually received by the contributor and negotiated through the candidate's checking account as defined in § 3000.29 of this title;
- (b) Remits the unexpended contribution to the Fair Election Fund; or
- (c) If the contribution has been expended, and:
 - (1) The election is a contested election, the Office of Campaign Finance shall subtract the total amount of the expended contributions from the base amount to which the candidate would be eligible under § 4207; or
 - (2) The election is an uncontested election, the Office of Campaign Finance shall subtract the total amount of the expended contributions from the matching payments to which the candidate would be eligible under § 4208.

4209.4 A candidate seeking certification who expends contributions from sources other than those described in § 4209.1 in excess of the base amount to which a candidate for the seat for that covered office would be eligible under § 4207.3 may not participate in the Fair Elections Program.

4209.5 A participating candidate shall not make expenditures for the following:

- (a) Legal expenses not directly related to acts taken under this act or the Elections Code;
- (b) Payment of any penalty or fine imposed pursuant to Federal or District law;
- (c) Compensation to the participating candidate or a member of the participating candidate's immediate family, except for reimbursement of out-of-pocket expenses incurred for campaign purposes;
- (d) Clothing and other items or services related to the participating candidate's personal appearance;
- (e) Contributions, loans, or transfers to another candidate's political committee or a political action committee;
- (f) Gifts, which, for the purposes of this paragraph, shall not include printed campaign materials such as signs, brochures, buttons, or clothing; and

- (g) Any other purpose that does not support the nomination of election to office of the participating candidate as delineated in § 3013 of this title.

4209.6 Fair Elections Program funds may not be used for:

- (a) An expenditure for any purpose other than the furtherance of the participating candidate's nomination or election; or
- (b) An expenditure in violation of any law.

4209.7 An expenditure for the purpose of promoting or facilitating the nomination or election of a candidate, which is determined not to be an independent expenditure, is a contribution to, and an expenditure by, the candidate.

4209.8 In determining whether an expenditure is independent, the Director may consider, but not limited to, the following factors:

- (a) Whether the person or entity making the expenditure is also a current or former agent of a candidate;
- (b) Whether any person authorized to accept receipts or make expenditures for the person or entity making the expenditure is also a current or former agent of a candidate;
- (c) Whether a candidate has authorized, requested, suggested, fostered, or otherwise cooperated in any way in the formation or operation of the person or entity making the expenditure;
- (d) Whether the person or entity making the expenditure has been established, financed, maintained, or controlled a political committee authorized by the candidate;
- (e) Whether the candidate shares or rents space for a campaign-related purpose with or from the person or entity making the expenditure;
- (f) Whether the candidate has solicited or collected funds on behalf of the person or entity making the expenditure, during the same election cycle in which the expenditure is made;
- (g) Whether the candidate, or any public or private office held or entity controlled by the candidate, including any governmental agency, division, or office, has retained the professional services of the person making the expenditure, or a principal member or managerial employee of the entity making the expenditure, during the same election cycle in which the expenditure is made; and

- (h) Whether the candidate and the person or entity making the expenditure have each consulted or otherwise been in communication with the same third party or parties, if the candidate knew or should have known that the candidate's communication or relationship to the third party or parties would inform or result in expenditures to benefit the candidate.

4209.9 There shall be a rebuttable presumption that a contribution or expenditure is coordinated with a candidate, an agent of a candidate, or principal campaign committee of the candidate, if:

- (a) The contribution or expenditure is made based on information that the candidate, agent, or principal campaign committee of the candidate, provided to the particular person making the contribution or expenditure about its needs or plans, including information about campaign messaging or planned expenditures;
- (b) The person making the contribution or expenditure retains the professional services of a person who also provides the candidate, agent, or principal campaign committee of the candidate, with professional services related to campaign or fundraising strategy;
- (c) The person making the contribution or expenditure is a political committee, political action committee, or independent expenditure committee that was established or is or was staffed in a leadership role by an individual who works or previously worked in a senior position or in an advisory capacity or;
- (d) Who is a member of the candidate's immediate family or;
- (e) The contribution or expenditure is made for the purpose of financing, directly or indirectly, the election of a candidate or a political committee affiliated with that candidate, and that candidate has fundraised for the person making the expenditure.

4209.10 In-kind contributions are donations of goods, services or time instead of cash. Each in-kind contribution shall be assessed at the current local fair market value at the time of the contribution and shall be itemized and reported.

4210 DEBATE REQUIREMENT

4210.1 For the purpose of this section, "covered office" shall mean the offices of Mayor, Attorney General, Council Chairman, member of the Council elected at-large, and member of the State Board of Education elected at-large.

- 4210.2 For the purpose of this section, “program participating candidate” shall mean any candidate who has been certified by the Director of Campaign Finance as a participating candidate in the Fair Elections Program.
- 4210.3 For the purpose of this section, “non-participating candidate” shall mean a candidate who has not been certified by the Director of Campaign Finance as a participating candidate in the Fair Elections Program.
- 4210.4 The Director of Campaign Finance shall conduct at least one debate for each covered office in a contested primary, special, and general election in which at least one candidate for nomination or election is a program participating candidate. When there are no program participating candidates for a covered office, no debate shall be required for that particular office.
- 4210.5 For a contested primary election for a covered office, all partisan program participating candidates in that primary election shall participate in the debate. If there is at least one program participating candidate, then partisan non-participating candidates for a covered office who have obtained ballot access in their party’s primary election shall be invited to participate in the debate. Invited candidates shall indicate their acceptance of the debate invitation in writing on or before the deadline provided in the invitation.
- 4210.6 For a contested special election or general election for a covered office, all program participating candidates shall participate in the debate. If there is at least one program participating candidate, then non-participating candidates for election to a covered office shall be invited to participate in the debate. Invited candidates shall indicate their acceptance of the debate invitation in writing on or before the deadline provided in the invitation.
- 4210.7 An invited candidate who accepts an invitation to debate may later withdraw from participation in writing. An invited candidate’s debate withdrawal statement shall be presented to the public unedited and as soon as practicable.
- 4210.8 Any debate for each covered office shall have at least two opposing candidates participating in the debate. If there is only one program participating candidate and no invited candidates accept the invitation to debate, then the debate requirement shall be waived and no debate event will be scheduled. If the number of candidates participating in a scheduled debate becomes fewer than two, the debate requirement shall be waived for the program participating candidate and the debate event for that covered office shall be canceled.
- 4210.9 The Director, at his or her discretion, may seek a co-sponsor for any debate. For primary elections, debate co-sponsors may include partisan organizations affiliated with the party conducting the primary election. For special or general elections, debate co-sponsors shall be non-partisan organizations.

- 4210.10 Debate co-sponsorship shall be obtained by agreement with the co-sponsor organization and executed in writing, specifying the Director's and co-sponsor's individual responsibilities for carrying out the debate event(s). No co-sponsorship agreement shall be effective unless each debate co-sponsor agrees to the following:
- (a) The debate event(s) shall include at least two opposing candidates for the same office and in the event of a candidate's non-appearance at the debate, that the debate will be canceled;
 - (b) The debate event(s) shall be staged in a way that does not promote or advance one candidate over another;
 - (c) The debate event(s) shall allow the candidates to appear concurrently, in face to face conversations, with opportunities to respond to each other;
 - (d) The debate event(s) shall be conducted before the beginning of the in-person early voting period;
 - (e) The debate event, if recorded by the co-sponsor, shall not be edited and if broadcast, shall be broadcast in its entirety; and
 - (f) The venue for the debate shall be free from candidate or ballot measure signs, placards, buttons, or any materials which can reasonably be interpreted to persuade someone to vote for or against a particular candidate or ballot measure.

4211 REMITTING FUNDS AND TURNING OVER CAMPAIGN EQUIPMENT

- 4211.1 No later than sixty (60) days after a primary election in an election cycle for which a losing participating candidate was on the ballot, the losing participating candidate shall remit to the Director of Campaign Finance, for deposit in the Fair Elections Fund, the remaining funds in the participating candidate's campaign accounts. The losing participating candidate shall also turn over any equipment purchased with public funds by the campaign to the Office of Campaign Finance.
- 4211.2 No later than 60 days after a special election or general election in an election cycle for which a participating candidate was on the ballot, the participating candidate shall remit to the Director of Campaign Finance, for deposit in the Fair Elections Fund, the remaining funds in the participating candidate's campaign accounts. The losing participating candidate shall also turn over any equipment purchased with public funds by the campaign to the Office of Campaign Finance.
- 4211.3 No later than 60 days after a participating candidate's certification is revoked under § 4206.3, the participating candidate shall remit to the Director of Campaign Finance, for deposit in the Fair Elections Fund, the remaining funds in

the participating candidate's campaign accounts. The participating candidate whose certification has been revoked pursuant to § 4206.3 shall also turn over any equipment purchased with public funds by the campaign to the Office of Campaign Finance.

- 4211.4 If a participating candidate's certification is revoked under §§ 4206.3(b), (c) or, due to fraudulent activities, § 4206.3(e) the participating candidate shall be personally liable for any expended base amount or matching payments.
- 4211.5 Notwithstanding §§ 4211.1, 4211.2 and 4211.3, a participating candidate may withhold funds from the amount required to be remitted for an additional 180 days after the 60-day periods if the participating candidate requests an extension in writing and submits documentation of the funds to the Director of Campaign Finance no later than the last day of the 60-day period. The withheld funds shall only be used for the following purposes:
- (a) To repay any authorized expenditures or retire the proper debts that were incurred in connection with the participating candidate's campaign; and
 - (b) To repay personal funds of the participating candidate or the participating candidate's immediate family contributed under § 4209.1(f).
- 4211.6 The Office of Campaign Finance shall notify a participant in writing if it finds that the participant owes unspent campaign funds to the Program. The participant shall promptly pay to the Fund unspent campaign funds from an election; provided, however, that all unspent campaign funds for a participant shall be immediately due and payable to the Fair Elections Program Fund upon a determination by the Director that the participant has delayed the post-election audit process.
- 4211.7 The Office of Campaign Finance shall accept any equipment given to it by participating candidates.
- 4211.8 All data in equipment returned to the Office of Campaign Finance shall be removed, deleted, or wiped from the equipment in accordance with the procedures utilized by the Office of the Chief Technology Officer.
- 4211.9 Equipment and surplus property remitted to the Office of Campaign Finance pursuant to this section may be donated to a charitable organization, public college or university, or public school that satisfies the following requirements:
- (a) A nonprofit or charitable organization which has been in good standing in the District of Columbia for at least one year; or
 - (b) A public university or public college in the District of Columbia; or

(c) A public school within the District of Columbia public school system.

4211.10 Equipment rendered unusable, obsolete, or otherwise defunct will be recycled in accordance with procedures utilized by the Department of Energy & Environment, Department of Public Works and the Sustainable Solid Waste Management Amendment Act of 2014.

4211.11 For the purpose of this section, the term “equipment” means any furniture or electronic or battery-powered equipment purchased by a participating candidate’s campaign that cost at least \$50.

4212 FILING AND DEADLINES

4212.1 The Director of Campaign shall establish a schedule for candidates seeking certification and participating candidates to submit reports of qualified small-dollar contributions from District resident individuals and contributions from non-District resident individuals that include the information required under § 3008.

4212.2 Reports of Receipts and Expenditures (R&E Report) shall be filed with the Office of Campaign Finance on the following dates:

- (a) March 10, June 10, August 10, October 10, and December 10 in the seven (7) months preceding the date on which an election is held for which the candidate seeks office and the committee supports a candidate for office;
- (b) January 31, March 10, June 10, August 10, October 10, December 10, and the eighth (8th) day next preceding the date of any general or special election, in any year in which there is held an election for which the candidate seeks office and the committee supports a candidate for office;

4212.3 Participating candidates shall also file R&E Report in accordance with the following schedule:

- (a) On the tenth (10th) day of the second (2nd) month preceding the date of any election for a seat for a covered office;
- (b) On the tenth (10th) day of the first (1st) month preceding the date of any election for a seat for a covered office; and
- (c) Fourteen (14) days immediately preceding the date of any special or general election for a seat for a covered office.

4212.4 All R&E Reports shall contain all financial transactions through and including the fifth (5th) day preceding the filing deadline for each R&E Reports; provided, that the reporting period for the next R&E Reports shall commence on the day following the closing date of the prior R&E Report.

- 4212.5 All R&E Reports filed with the Director of the Office of Campaign Finance shall be filed electronically at the OCF website www.ocf.dc.gov, except as provided in § 3006.2. A paper filing of an R&E Report shall not be accepted and will be considered a failure to file.
- 4212.6 All R&E Reports filed with the Director shall include the following documents underlying the transactions reported during the respective coverage period for upload into the OCF E-Filing and Disclosure System:
- (a) Contribution Card (the signed or digital receipt of the contributor);
 - (b) Copy of Cancelled check, money order, or credit card transaction;
 - (c) Loan agreement; and
 - (d) Bank statements and deposit slips.

4213 REPORTING AND DISCLOSURE REQUIREMENTS

- 4213.1 Disclosure statements serve several different purposes:
- (a) They provide comprehensive disclosure of a candidate's campaign finances for prompt examination by the voting public and permit integration into the Office of Campaign Finance Online Filing System for purposes of additional disclosure, monitoring of campaign finances, and analysis mandated by the Act;
 - (b) They enable the Office of Campaign Finance to monitor candidate compliance with the Fair Elections Program requirements; and
 - (c) They enable candidates to make claims for public funds.
- 4213.2 The financial records of each committee of a candidate are subject to review by the Office of Campaign Finance for purposes of monitoring the candidate's compliance with the requirements of the Program.
- 4213.3 Each disclosure statement shall include the following information about the committee involved in the election:
- (a) The cash balance at the beginning and end of the reporting period;
 - (b) Total itemized and non-itemized contributions, loans, and other receipts accepted during the reporting period; and

- (c) Total itemized and non-itemized expenditures made during the reporting period.
- 4213.4 A separate disclosure statement shall be submitted for each committee involved in the election.
- 4213.5 All data reported in disclosure statements, amendments, and resubmissions shall be accurate as of the last day of the reporting period.
- 4213.6 The candidate shall report and itemize in each disclosure statement for each receipt of \$1.00, or more in the coverage period, the following information:
- (a) The name, address, telephone number, occupation (including self-employed, retired, a homemaker, or unemployed) and principal place of business, amount of contribution, and date of receipt of each qualified small contribution from an individual District resident;
 - (b) The name, address, telephone number, occupation (including self-employed, retired, a homemaker, or unemployed) and principal place of business, amount of contribution, and date of receipt of each small dollar contribution from a non-resident individual;
 - (c) The receipt of public funds, identifying the type, base amount or matching payments, the amount, and date of payment;
 - (d) The receipt of contributions from Fair Election Committees/Member organizations; and
 - (e) The receipt of contributions or loans from the candidate or the candidate's immediate family member, reporting the date of receipt, amount, name, address, telephone number, occupation and principal place of business.
- 4213.7 The candidate shall report and itemize in each disclosure statement for each expenditure made of \$1.00 or more during the reporting period:
- (a) The name and address of each person, including the candidate, who has made purchases on behalf of the committee during the reporting period with the expectation of being reimbursed by the committee;
 - (b) The date and amount of each such purchase;
 - (c) The name and address of the person or entity from whom the purchase has been made;
 - (d) The form of the purchase;

- (e) The purpose of the purchase;
- (f) The name of each person, including the candidate, whom the committee reimbursed for purchases made on behalf of the committee during the reporting period, each purchase being reimbursed, and the amount and form of each reimbursement; and
- (g) Such other information as the Director may require.

4213.8 Matchable contribution claims on small dollar contributions from individual District residents shall be invalid unless the participant has reported the contributor's occupation, employer, and business address, and provided a copy of the contributor's consent and Affidavit.

4213.9 If the candidate makes expenditure to a consultant or other person or entity who or which subcontracts for finished goods or services on behalf of the candidate, the disclosure statement shall include:

- (a) The expenditures made by the candidate to the consultant or other person or entity during the reporting period; and
- (b) For subcontracted goods and services, the name and address of the person or entity providing the services or goods, the amount(s) expended to that person or entity for subcontracted goods or services, and the purpose(s) of those goods and services; provided that, this disclosure shall be made in the manner provided by the Director.

4213.10 The candidate or treasurer shall verify that the disclosure statement is true and complete to the best of his or her knowledge, information and belief. The disclosure statement shall contain such signatures as may be required by the Director; provided that, to the extent a candidate is permitted to submit a disclosure statement in a non-electronic format, such disclosure statement will only be accepted by the Director if it contains an original signature from the candidate or the treasurer.

4213.11 The Director may, include in the public disclosure file, any document submitted with a disclosure statement, or requested by the Director, including, but not limited to copies of report filings, and submissions made by candidates after an election cycle.

4214 RECORDKEEPING

4214.1 To ensure financial accountability, this chapter governs the recordkeeping procedures for the following:

- (a) Candidates seeking certification;

(b) Certified participating candidates;

(c) Fair Elections Committees.

4214.2 Each person who is required to file records under § 4214.1 shall obtain and preserve, from the date of registration, detailed records of all contributions and expenditures disclosed in reports and statements filed with the Director, including the following:

(a) Check stubs;

(b) Bank statements;

(c) Canceled checks;

(d) Contributor cards and copies of donor checks;

(e) Credit card contributions, including merchant statements

(f) Deposit slips;

(g) Invoices;

(h) Receipts;

(i) Contracts;

(j) Subcontracts;

(k) Payroll records;

(l) Lease agreements;

(m) Petty cash journals, if applicable;

(n) Ledgers;

(o) Vouchers; and

(p) Loan documents including the source of the funds.

4214.3 All filers shall maintain the records required under § 4214.2 for a period of three (3) years from the date of the filing of the final Report of Receipts and Expenditures (R&E Report) under § 4212.

4214.4 The Director shall have access to:

- (a) All books, records, accounts, reports, surveys, and other documentation deemed necessary by the Director for the administration and enforcement of this title; and
- (b) All books, accounts, records, reports, surveys, and any other evidence or documentation within the custody of any organization, including subcontractors, agency, board, commission, department, or any instrumentality of the District of Columbia government, pertaining to the activities of any filer.

4214.5 All records, under this chapter, shall be made available for review and audit no later than ten (10) days after receipt of a written request by the Director, or fifteen (15) days after receipt in the case of a periodic audit, or thirty (30) days after receipt in the case of a full audit.

4215 PENALTIES

4215.1 Penalties for any violations of this chapter shall be imposed pursuant to § 3711 of Chapter 37 of this title.

4216 COMPLAINTS

4216.1 Complaints concerning violations of the Fair Elections Act or Program by any participating candidate shall be filed, investigated and adjudicated pursuant to the rules of Chapter 37 of this title.

Chapter 43, THE VERIFICATION PROCESS, of Title 3 DCMR, ELECTIONS AND ETHICS, is added in its entirety to read as follows:

CHAPTER 43 THE VERIFICATION PROCESS

- 4300 THE VERIFICATION PROCESS**
- 4301 DISCLOSURE STATEMENTS**
- 4302 SUPPORTING DOCUMENTATION**
- 4303 CONTRIBUTION CARDS**
- 4304 CREDIT CARDS**
- 4305 INVALID CLAIMS**
- 4306 AFFIRMATION REQUIREMENTS**
- 4307 DISPOSITION OF PUBLIC FINANCING EQUIPMENT**

4300 THE VERIFICATION PROCESS

4300.1 The provisions of this chapter shall govern the verification process of contributions received by committees of candidates seeking to participate, and certified to participate in the public financing program.

4300.2 The Fair Election Division is tasked with reviewing disclosure statements filed by campaigns. The unit has created a verification process that is used during the review of disclosure statements.

4300.3 The verification process is used to uncover instances of noncompliance with the Fair Elections Amendment Act of 2018. The process detects possible fraud and prevents improper payment of public funds.

4301 DISCLOSURE STATEMENTS

4301.1 Disclosure statements shall include (1) a report of the campaign's transactions during the reporting period; and (2) documentation of the activity.

4301.2 Statement reviews shall be conducted to uncover non-compliance. The scope of statement reviews shall include the review of all contributions.

4301.3 Payment reviews shall be conducted with the objective of validating claims for matching funds. The scope of payment reviews shall include the examination of all contributions claimed for matching funds and the review of reports and documentation submitted by committees.

4301.4 The criteria for validating the matching payments for the qualified small dollar contributions of individual District residents include:

- (a) The contribution was reported correctly, completely and timely;
- (b) The contribution was from a permissible source;
- (c) The contribution was properly and completely documented;
- (d) The contribution was compliant with applicable limits; and
- (e) No other issues have been detected.

4301.5 If a contribution claimed for matching is invalid for any of the reasons listed in § 4301.4, an invalid code is applied.

4301.6 A campaign shall only be paid for valid matching claims.

4302 SUPPORTING DOCUMENTATION

4302.1 The payment review process includes the review of reports and documentation submitted by committees. The documentation supports claims for public matching funds; documentation includes copies of cancelled checks, contribution cards (the signed receipt and Affidavit of the contributor), credit card processing documents, and bank statements and deposit slips.

- 4302.2 The initial review of reports and accompanying documentation is to validate payment requests. A second level review is completed and initial reviewer comments are addressed.
- 4302.3 The required documentation of payment by instrument type; must include:
- (a) Check – copy of cancelled check and contribution card;
 - (b) Cash – copy of contribution card;
 - (c) Money Order – copy of money order and contribution card;
 - (d) Credit Card processed online – copy of processing documentation and contribution card information; and
 - (e) Credit Card processed by the Campaign – copy of credit card contribution card and card processing documentation.
- 4302.4 If the check is a starter check, and the signature does not appear to be the reported contributor name, the committee will be required to submit a contribution card. A contribution card is also required for contributions made by e-check. Bank/cashier's/certified checks are to be treated as regular checks.
- 4302.5 The Office of Campaign Finance will also verify the receipt by the candidate and principal campaign committee of each qualified small dollar contribution from a District resident individual through the examination of cancelled checks, and the committee bank statements and deposit slips for the coverage period of the reported transaction.
- 4302.6 The claim for matching funds will not be matched where the examination of the cancelled checks, committee bank statements and deposit slips did not verify the actual receipt by deposit of the qualified small dollar contribution from a District resident individual.

4303 CONTRIBUTION CARDS

- 4303.1 The required Elements of a contribution card (receipt and affirmation of the contributor), include:
- (a) The Committee Name;
 - (b) The Instrument Code;
 - (c) The dedicated place for contributor name and address;
 - (d) The dedicated place for contributor employer and occupation information;

- (e) The affirmation statement; and
- (f) The dedicated place for signature and date.

4304 CREDIT CARDS

4304.1 The required Elements for documentation of a credit card transaction include:

- (a) The contribution card, if necessary , where the information detailed in § 4303.1 of this section is not requested in the credit card transaction;
- (b) The correct credit card affirmation statement (either online webpage affirmation or signed contribution card);
- (c) The “Approved” or “Settled Successfully” notation;
- (d) Street and Zip Code match;
- (e) The last 4 digits of the credit card number; and
- (f) The merchant account name is the name of the committee or the campaign has provided documentation to link the two together.

4304.2 The committee must provide a contribution card for credit card contributions that are processed manually

4304.3 Contribution cards are not required for credit card contributions made online where the information detailed in § 4303.1 of this chapter is included in the credit card transaction.

4305 INVALID CLAIMS

4305.1 Claims for matching funds will not be approved if:

- (a) The contribution is from an impermissible Source;
- (b) The contribution is not properly documented;
- (c) The contribution is improperly Reported
- (d) The contribution exceeds the contribution limits;
- (e) The contribution is not from an individual; or
- (f) The individual contributor is not a resident of the District of Columbia.

4306 AFFIRMATION REQUIREMENTS

- 4306.1 The contributor must sign a Receipt and Affirmation Statement Form as prescribed by the Fair Elections Program.
- 4306.2 Claims for matching funds will not be matched if the affirmation statement is not included in the receipt of the contributor.
- 4306.3 Claims for matching funds will not be matched if the affirmation statement is not included in the campaign's website where credit card contributions are processed online.
- 4306.4 Claims for matching funds will not be matched when the affirmation statement deviates from the exact prescribed language.
- 4306.5 Contributions made by check, cash, money order or credit cards processed by a campaign committee require the contributor's physical or digital signature if the contribution is collected on a digital or online platform.

4307 DISPOSITION OF PUBLIC FINANCING EQUIPMENT

- 4307.1 All equipment purchased with matching funds must be returned to the Office of Campaign Finance within sixty (60) days after a General or Special Election in an election cycle for which a participating candidate was on the ballot. Equipment is defined as any furniture or electronic or battery powered equipment purchased by a participating candidate's campaign that costs at least \$50.
- 4307.2 The Office of Campaign Finance shall enlist the services of the Department of General Services to store, provide an inventory of returned equipment and transmit the proceeds from any sales arising from the inventory to the Fair Election Fund. In the alternative, the Department of General Services shall facilitate the donation of the returned equipment to the District of Columbia Public Schools, a public university or public college in the District of Columbia, or a charitable organization or a non-profit organization that has been in good standing in the District of Columbia for at least one year preceding the receipt of the donation.

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. 744; D.C. Official Code § 1-307.02 (2016 Repl. & 2018 Supp.)) and Section 6(6) of the Department of Health Care Finance Establishment Act of 2007 (Act), effective February 27, 2008 (D.C. Law 17-109; D.C. Official Code § 7-771.05(6) (2018 Repl.)), hereby gives notice of the adoption of amendments to Chapter 18 (Health Care Benefit Grants) of Title 29 (Public Welfare) of the District of Columbia Municipal Regulations (DCMR).

DHCF is authorized under the Act to execute grants with governmental bodies, public and private agencies, institutions and organizations. Chapter 18 of Title 29 DCMR governs the standards for determining who may receive a grant and under what circumstances, and the procedures for awarding a grant.

DHCF is amending Section 1807 of this chapter, governing the submission of grant applications. First, DHCF is amending Subsection 1807.4 to add new language to require that applicants certify that all costs incurred under any grant agreement shall be in accordance with administrative, audit, and cost principles set forth in federal guidance. Second, DHCF is further amending Subsection 1807.4 to add new language to incorporate changes made to grant administration in the District by the “Fiscal Year 2016 Budget Support Act of 2015,” effective October 22, 2015 (D.C. Law 21-36; 62 DCR 10905 (August 14, 2015)). Finally, DHCF is amending Subsection 1807.4(a) to correct grammar.

A Notice of Emergency and Proposed Rulemaking was published in the *D.C. Register* on December 7, 2018 at 65 DCR 013386. No comments were received. DHCF is proposing one technical change to Subsection 1807.4(d). Federal guidance formerly contained in the Office of Management and Budget (OMB) Circular A-122, “Costs Principals for Non-Profit Organizations” was updated when OMB published final guidance in December 2013 that streamlined requirements from OMB Circular A-122. This final guidance is located in Title 2 of the Code of Federal Regulations. DHCF is proposing a technical correction to Subsection 1807.4(d) to provide the updated reference to the federal guidance.

This final rulemaking was adopted on May 5, 2019 and shall become effective upon publication of this rulemaking in the *D.C. Register*.

Chapter 18, HEALTH CARE BENEFIT GRANTS, of Title 29 DCMR, PUBLIC WELFARE, is amended as follows:

Subsection 1807.4 of Section 1807, APPLICATION SUBMISSION, is amended as follows:

1807.4 As part of the application packet, the applicant shall submit a Statement of Certification, signed by the duly authorized officer of the applicant organization, the truth of which is sworn or attested to by the applicant which states:

- (a) That the applicant has provided the individuals, by name, title, address, and phone number who are authorized to negotiate with the Department on behalf of the organization;
- (b) That the applicant is able to maintain adequate files and records and can and will meet all reporting requirements;
- (c) That all fiscal records are kept in accordance with Generally Accepted Accounting Principles (GAAP) and account for all funds, tangible assets, revenue, and expenditures whatsoever; that all fiscal records are accurate, complete, and current at all times; and that these records will be made available for audit and inspection as required;
- (d) That all costs incurred under this grant shall be in accordance with Title 2 of the Code of Federal Regulations Part 200, "Uniform Admin Requirements, Cost Principles, and Audit Requirements for Federal Awards";
- (e) That the applicant is in compliance with requirements set forth in D.C. Official Code § 1-328.15;
- (f) That the applicant is current on payment of all federal and District taxes, including Unemployment Insurance taxes and Workers' Compensation premiums. This statement of certification shall be accompanied by a certificate from the District of Columbia Office of Tax and Revenue (OTR) stating that the entity has complied with the filing requirements of District of Columbia tax laws and has paid taxes due to the District of Columbia, or is in compliance with any payment agreement with OTR;
- (g) That the applicant has the demonstrated administrative and financial capability to provide and manage the proposed services and ensure an adequate administrative, performance, and audit trail;
- (h) That, if required by the Department, the applicant is able to secure a bond, in an amount not less than the total amount of the funds awarded, against losses of money and other property caused by fraudulent or dishonest act committed by any employee, board member, officer, partner, shareholder, or trainee;
- (i) That the applicant is not proposed for debarment or presently debarred, suspended, or declared ineligible, as required by Executive Order 12549, "Debarment and Suspension," and implemented by 2 CFR § 180, for prospective participants in primary covered transactions and is not proposed for debarment or presently debarred as a result of any actions by the District of Columbia Contract Appeals Board, the Office of

Contracting and Procurement, or any other District contract regulating agency;

- (j) That the applicant has the financial resources and technical expertise necessary for the production, construction, equipment, and facilities adequate to perform the grant or subgrant, or the ability to obtain them;
- (k) That the applicant has the ability to comply with the required or proposed delivery or performance schedule, taking into consideration all existing and reasonably expected commercial and governmental business commitments;
- (l) That the applicant has a satisfactory record performing similar activities as detailed in the award or, if the grant award is intended to encourage the development and support of organizations without significant previous experience, that the applicant has otherwise established that it has the skills and resources necessary to perform the grant;
- (m) That the applicant has a satisfactory record of integrity and business ethics;
- (n) That the applicant has the necessary organization, experience, accounting and operational controls, and technical skills to implement the grant, or the ability to obtain them;
- (o) That the applicant is in compliance with the applicable District licensing and tax laws and regulations;
- (p) That the applicant complies with provisions of the Drug-Free Workplace Act;
- (q) That the applicant meets all other qualifications and eligibility criteria necessary to receive an award under applicable laws and regulations; and
- (r) That the applicant will, if successful, indemnify, defend, and hold harmless the Government of the District of Columbia and its authorized officers, employees, agents, and volunteers from any and all claims, actions, losses, damages, and/or liability arising out of this grant or subgrant from any cause whatsoever, including the acts, errors, or omissions of any person and for any costs or expenses incurred by the District on account of any claim therefore, except where such indemnification is prohibited by law.

OFFICE OF OPEN GOVERNMENT**NOTICE OF FINAL RULEMAKING**

The Director of Open Government (Director), of the Office of Open Government, pursuant to the authority set forth in Section 205c(a)(3) of the Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011, effective October 30, 2018 (D.C. Law 19-124; D.C. Official Code § 1-1162.05c(a)(3) (2016 Repl. & 2018 Supp.)), hereby gives notice of the adoption of the following amendments to Chapter 104 (Office of Open Government) to Title 3 (Elections and Ethics) of the District of Columbia Municipal Regulations (DCMR).

The rules make conforming changes to ensure that the Office of Open Government's rules are consistent with the newly added Section 205c to the Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011, effective October 30, 2018 (D.C. Law 19-124; D.C. Official Code § 1-1162.05c(c) (2016 Repl. & 2018 Supp.)). Subsection 205c(c) of D.C. Law 19-124 authorizes appeals for reconsideration of Open Meetings Act advisory opinions in prescribed circumstances. Additionally, the rulemaking makes clarifying and conforming amendments consistent with the Open Meetings Act, effective March 31, 2011 (D.C. Law 18-350; D.C. Official Code §§ 2-571 *et seq.* (2016 Repl. & 2018 Supp.)).

No comments have been received in response to the proposed rulemaking published in *the D.C. Register* on April 12, 2019 at 66 DCR 4804. One technical change was made to Subsection 10499.1, changing "D.C. Official Code § 2-594" to "D.C. Official Code § 1-1162.05b, to reflect the correct citation for the definition of "Director." The Director adopted the rules as final on May 16, 2019. The rules shall become effective on publication of this Notice of Final Rulemaking in the *D.C. Register*.

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

Chapter 104, OFFICE OF OPEN GOVERNMENT, is amended to read as follows:

CHAPTER 104 OFFICE OF OPEN GOVERNMENT**10400 FILING AND PRESENTATION OF COMPLAINTS**

- 10400.1 Any person who does not receive proper notice of any open meeting and or records of open meetings of a Public Body in accordance with the provisions of the Open Meetings Act (D.C. Law 18-350; D.C. Official Code §§ 2-571 *et seq.*) may submit a complaint under the provisions of this chapter. If a meeting is timely published and posted as set forth in the Open Meetings Act, the Public Body has given proper notice of a meeting.
- 10400.2 A Complainant shall submit a complaint to the Director within sixty (60) days following the date that the Complainant knew or reasonably should have known of the alleged violation. A complaint may refer to one or more open meetings.

- 10400.3 The Director may accept a Prospective Complaint that alleges the future action of a Public Body appears, to a Complainant, likely to violate the Open Meetings Act.
- 10400.4 The Director shall take reasonable steps to reach prompt conclusions on a Prospective Complaint and to minimize future violations of the Open Meetings Act.
- 10400.5 Complaints may be submitted in writing or in person at the Office of Open Government, Board of Ethics and Government Accountability by mail at 441 4th Street, N.W., Suite 830 South, Washington D.C. 20001; or by electronic means at opengovoffice@dc.gov. When submitting complaints by mail, the Complainant shall write "Open Meetings Act Complaint" on the outside of the envelope. Electronic complaints shall state "Open Meetings Act Complaint" in the subject line or heading of the communication. A Complainant may access and submit a complaint form on the Office of Open Government's website, OPEN.DC.GOV.
- 10400.6 Complainants may be submitted anonymously. If the Complainant requests anonymity, the Director shall honor Complainant's request to remain anonymous.
- 10400.7 A complaint shall include the Complainant's name, and at least one of the following: mailing address, email address, or phone number.
- 10400.8 Complaints shall include the following details regarding the meeting complained of:
- (a) The name of the Public Body;
 - (b) The date of the open meeting, and
 - (c) The specific provision(s) of the Open Meetings Act that the Complainant alleges have been violated.

If there are record(s) to substantiate the complaint, the complaint shall identify the supporting record(s) and the location of the record(s). Relevant timestamp information shall accompany audio and video records.

- 10400.9 The Director shall confirm receipt of a complaint within five (5) businesses days of the Director's receipt of the complaint.

10401 PROCESSING OF COMPLAINTS

- 10401.1 The Director shall review a complaint within fourteen (14) business days and may take one or more of the following actions:

- (a) Request additional information from the Complainant or Public Body to investigate the complaint;
- (b) Dismiss the complaint;
- (c) Conciliate the complaint; or
- (d) Initiate the issuance of an Advisory Opinion.

10401.2 A Complainant may withdraw a complaint at any time prior to the Director's issuance of an advisory opinion. A request to withdraw the complaint shall be made in writing with "Open Meetings Act Complaint Withdrawal" on the envelope or in the subject line or heading of electronic correspondence sent to opengovoffice@dc.gov.

10401.3 Prospective Complaints shall be processed in the same general manner as other complaints, with reasonable modifications of deadlines to provide a timely response.

10402 REVIEWS OF COMPLAINTS

10402.1 The Director shall consider, at a minimum, the following factors when issuing findings, determinations, and conclusions under this chapter:

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

10403 DISMISSALS OF COMPLAINTS

10403.1 The Director may dismiss a complaint on one or more of the following grounds:

- (a) The complaint does not raise issues within the Director's authority under the Open Meetings Act;
- (b) The action complained of does not violate the Open Meetings Act;
- (c) The Complainant declined to provide information the Director reasonably believed necessary to evaluate the complaint (or failed to respond within thirty (30) days to such a request);

- (d) The Complainant's failure to cooperate with the investigation;
- (e) The violation committed is a technical violation of the Open Meetings Act that constitutes a harmless error that does not infringe upon the Complainant's rights under the Open Meetings Act; and
- (f) The complaint becomes moot due to action taken by the Public Body.

10403.2 The Director shall return a dismissed complaint to the Complainant with an explanation of the reason(s) for dismissal.

10404 CONCILIATIONS OF COMPLAINTS

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

10404.2 The goal of conciliation is to arrive at an acceptable resolution of the complaint through discussion and exchange of views. The Director may only issue an Advisory Opinion on a complaint resolved through conciliation with the consent of the parties and for the sole purpose of instructing the public on the issue in dispute.

10404.3 In the conciliation discussion, the Director (or the Director's designee) serves as facilitator.

10404.4 If conciliation is not successful, the Director may dismiss the complaint, investigate further, issue an Advisory Opinion or take any other step permitted by the Open Meetings Act and in these regulations.

10405 INVESTIGATIONS OF COMPLAINTS

10405.1 The Director shall complete the investigation of a complaint within a reasonable time after the Director's receipt of the complaint and any subsequent requests for information from the Complainant or Public Body.

10405.2 The Director shall transmit a complaint to the Public Body named in the complaint. The Public Body shall respond to the complaint within thirty (30) days of receiving notice of the complaint from the Director. If the Public Body does not respond within thirty (30) days, the Director may issue an Advisory Opinion based on the information available from the complaint and any other relevant sources. In the case of Prospective Complaints, the Director may request an earlier deadline for a response from the Public Body.

10405.3 The Director may grant the Public Body one extension of up to five (5) business days in which to respond to the complaint. Any subsequent extensions may only be granted with the agreement of the Complainant.

- 10405.4 The response from the Public Body shall address the complaint and any other questions raised by the Director. A response that denies one or more violations of the Open Meetings Act shall include an explanation. A response that admits one or more violations of the Open Meetings Act shall include a plan of corrective action. An individual (officer, counsel, staff) with authorization to represent the Public Body shall sign the response.
- 10405.5 The Director shall maintain the confidentiality of records of a closed meeting of a Public Body, provided they are submitted with clear markings of the portions to be kept sealed.
- 10405.6 The Public Body shall provide a copy of its response to the Director and the Complainant at the same time. The copy of the response provided to the Complainant shall omit records of a closed meeting.
- 10405.7 The Director may request further information from either the Public Body or the Complainant, to be provided within a reasonable time, and in no event less than five (5) business days from the date of the request for further information. The Director may request representatives of the Public Body and the Complainant to attend an informal conference to discuss the complaint.
- 10405.8 If it is determined after investigation that a Public Body has violated or intends to violate the provisions of the Open Meetings Act, the Director may bring a lawsuit in the Superior Court of the District of Columbia for injunctive or declarative relief pursuant to D.C. Official Code § 2-579, without first issuing an Advisory Opinion.

10406 ADVISORY OPINIONS

- 10406.1 Based on results of the investigation, the Director shall issue an Advisory Opinion addressing the complaint that a Public Body violated the Open Meetings Act. The Director shall issue an Advisory Opinion within thirty (30) days of the later of the following: receipt of the response from the Public Body, the last due date for any additional information requested, or the date of any informal conference.
- 10406.2 An Advisory Opinion shall explain the Director's findings of fact and understanding of the law. Where the Director concludes there was a violation, the Advisory Opinion shall set forth corrective actions that the Public Body shall complete to avoid further legal action as set forth in an Advisory Opinion.
- 10406.3 If the corrective actions set forth in an Advisory Opinion are not taken or not completed in a timely matter, the Director may bring a lawsuit in the Superior Court of the District of Columbia for injunctive or declaratory relief pursuant to D.C. Official Code § 2-579.

10406.4 The Director shall provide copies of the Advisory Opinion to the Complainant and the Public Body and shall make it available to the public by posting it on the Office of Open Government Website and by publication in the *District of Columbia Register*.

10407 PUBLIC BODY REQUESTS FOR ADVISORY OPINIONS

10407.1 The Director may issue an Advisory Opinion on compliance with the Open Meetings Act on the Director's own initiative or at the request of a Public Official or employee, pursuant to D.C. Official Code §§ 2-579(g) and 1-1162.05(c)(1).

10407.2 A request for an Advisory Opinion by a Public Official or employee may be submitted in writing to the Office of Open Government, Board of Ethics and Government Accountability by mail at 441 4th Street, N.W., Suite 830 South, Washington D.C. 20001 or by electronic mail to opengovoffice@dc.gov. Requests for Advisory Opinions submitted by mail shall include the phrase "Advisory Opinion Request" on the outside envelope. Electronic mail requests shall state "Advisory Opinion Request" in the subject line or heading of the communication.

10407.3 The Director may publish an Advisory Opinion upon approval of the requesting Public Official or employee. When publishing an advisory opinion, the Director shall make appropriate redactions to ensure confidentiality.

10407.4 The Director shall review requests from Public Officials or employees and provide notice of the Director's intent to issue an Advisory Opinion to the requester within ten (10) business days of receiving the request. Once the Director provides notice of the intent to issue an Advisory Opinion, the Director shall issue the Advisory Opinion within thirty (30) days.

10407.5 A Public Official requester, employee requester, or any person aggrieved by an Advisory Opinion issued by the Director on his or her own initiative may appeal the Advisory Opinion to the Board for its consideration.

10407.6 The Board shall receive the request to appeal the opinion for consideration within ten (10) business days of the Director's issuance of an Advisory Opinion. The Advisory Opinion is final and not appealable after ten (10) business days.

10407.7 An appeal of an Advisory Opinion to the Board for consideration shall be in writing, signed by the party making the appeal, and shall include:

- (a) A copy of the Advisory Opinion;
- (b) A statement of circumstances, reasons or legal arguments in support of the request for consideration by the Board;

- (c) A statement requesting that the Board take a specific action; and
- (d) A draft Board Order.

- 10407.8 A request to appeal an Advisory Opinion to the Board for consideration shall be submitted in writing to the Board of Ethics and Government Accountability. The request for reconsideration may be sent by U.S. mail to 441 4th Street, N.W., Suite 830 South, Washington D.C. 20001 or by electronic mail to bega@dc.gov. Requests for reconsideration by the Board submitted by mail shall include the phrase “OMA Advisory Opinion Appeal” on the outside envelope. Electronic mail requests for reconsideration by the Board shall state “OMA Advisory Opinion Appeal” in the subject line or heading of the communication. The requester shall send a copy of the request for reconsideration of an Advisory Opinion by the Board to the Director at the same time it is sent to the Board.
- 10407.9 If the Director elects to file a response to a request to appeal an Advisory Opinion to the Board for consideration, the Director shall file the response to the Board within ten (10) business days of the Director’s receipt of a copy of the appeal.
- 10407.10 The Director may request an extension of time to file the response required by Subsection 1047.9, by sending a written request for extension of time to respond to the Board with a copy to the Public Official, employee, or party aggrieved by an Advisory Opinion that the Director has issued on his or her own initiative. The request for extension of time shall state the length of the extension and the reasons for the extension. The Board shall receive the request for extension of time within seven (7) business days of the Board’s receipt of a request for reconsideration of an Advisory Opinion. The Board (or its designee) shall respond to the Director’s request for an extension of time within seven (7) business days and provide a copy of the response to the Public Body member, employee, or aggrieved party.
- 10407.11 The Board shall issue a written decision on the appeal as soon as practicable. The Advisory Opinion is binding unless and until the Board disapproves of it in writing. If the Board does not issue a written decision on the appeal within six months of the Board’s receipt of the request for reconsideration of an Advisory Opinion, the Advisory Opinion is deemed approved. The Board’s decision is final and not subject to further appeal.

10408 RULES OF PARLIAMENTARY PROCEDURE

- 10408.1 Unless otherwise provided by law or its own by-laws, a public body, except for the District of Columbia Council, may conduct public meetings using the rules of parliamentary procedure set forth in the latest edition of Robert’s Rules of Order. A Public Body shall be clear and simple in its procedures and avoid invoking the finer points of parliamentary procedure when doing so would obscure the issues and confuse the public.

10408.2 The Director may provide advice and training on parliamentary procedure upon request.

10409 PUBLIC MEETING RECORDS

10409.1 The records for all regular, special, and emergency meetings shall contain a draft and final meeting agenda and a recording of the meeting in electronic form. The records of all closed/executive sessions shall include an electronic recording of the meeting.

10409.2 A Public Body's agenda shall contain the order of business for the meeting. The final agenda shall contain any changes adopted by the Public Body. The Public Body shall include the following statement at the end of all draft and final meeting agenda: "This meeting is governed by the Open Meetings Act. Please address any questions or complaints arising under this meeting to the Office of Open Government at opengovoffice@dc.gov."

10409.3 A Public Body shall make electronic meeting records available to the public upon request within seven (7) business days after the meeting.

10409.4 A Public Body may post transcripts in lieu of posting detailed meeting minutes. When posting transcripts in lieu of meeting minutes, transcripts of meetings shall be posted to the Public Body's website or the District of Columbia's website within seven (7) business days after the meeting. If transcripts will not be available within this time-frame, a Public Body shall post detailed meeting minutes within three (3) business days after the meeting, with a notation at the top of the document that full meeting minutes shall be posted on the next meeting date of the Public Body.

10409.5 A draft of the detailed meeting minutes shall be posted on the Public Body's website or the District government's website within three (3) business days of a meeting, with a notation at the top of the document that full meeting minutes shall be posted on the next meeting date of the Public Body.

10409.6 Detailed meeting minutes shall contain the following information:

- (a) The date, time, and place of the meeting or session;
- (b) The names of members of the Public Body recorded as either present or absent; and
- (c) Any motions, and amendments thereto, a record of all votes taken, and general description of all matters considered during the meeting.

10409.7 A Public Body conducting a meeting by electronic means shall ensure the meeting complies with the Open Meetings Act and take the following actions:

- (a) Provide a dial-in number for the public to participate in the meeting if the meeting is held by teleconference;
- (b) Provide login information if the meeting is held by web-conference;
- (c) Record the meeting by electronic means; and
- (d) Take all votes by roll call.

10409.8 A Public Body shall retain all electronic recordings of meetings and written minutes pursuant to District law and shall comply with the District of Columbia General Records Schedules concerning the disposition of its electronic meeting recordings and written meeting minutes.

10410 TRAINING

10410.1 Pursuant to D.C. Official Code § 2-580, the Mayor, in coordination with the Office of Open Government, shall:

- (a) Develop an Open Meetings Act training manual, within nine months of the adoption of these rules, for Public Body members and their assigned administrative points of contact; and
- (b) Annually advise all Public Body members and their assigned administrative points of contact of their responsibilities under the Opening Meetings Act and related regulations.

10410.2 The Director shall establish procedures for Public Body members and their assigned administrative points of contact to complete training on the Open Meetings Act within sixty (60) days of assuming their office or role.

10499 DEFINITIONS

10499.1

“Advisory Opinion” means (i) an opinion issued by the Director upon investigation of a complaint alleging violation of the Open Meetings Act; (ii) an opinion issued by the Director following a request from a Public Official or employee regarding its compliance with the Open Meetings Act; or (iii) an opinion issued by the Director on his or her own initiative.

“Board” means the Board of Ethics and Government Accountability established by D.C. Official Code § 1-1162.02(a).

“Director” means the head of the Office of Open Government as provided in D.C. Official Code § 1-1162.05b.

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

“Public Body” has the meaning given in D.C. Official Code § 2-574(3) and includes for the purposes of requesting an Advisory Opinion or appeal for consideration by the Board of an Advisory Opinion, a Public Body member or employee.

DISTRICT OF COLUMBIA PUBLIC EMPLOYEE RELATIONS BOARD**NOTICE OF EXTENSION OF PUBLIC COMMENT PERIOD**

The Public Employee Relations Board (Board), pursuant to the authority set forth in the District of Columbia Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-605.02(11) (2016 Repl.)) (CMPA), hereby gives notice that the comment period concerning the Notice of Proposed Rulemaking of Chapter 5 (Rules of the Public Employee Relations Board) of Title 6 (Personnel), Subtitle B (Government Personnel) of the District of Columbia Municipal Regulations (DCMR), will be extended and will now be due by Monday, July 1, 2019, at 11:59pm.

The proposed rules were published in the *District of Columbia Register* on May 3, 2019, at 66 DCR 5660, with a thirty (30)-day comment period. The comment period is being extended to allow the public additional time to submit comments.

All persons interested in commenting on the proposed rules may submit comments in writing, not later than July 1, 2019, to Clarene Martin, Executive Director, Public Employee Relations Board, 1100 4th Street, S.W., Suite 630 East, Washington, D.C. 20024, or via e-mail at perb@dc.gov. Comments may also be submitted through <https://www.dcregs.dc.gov/>. Copies of this proposed rulemaking are available upon written request to the address listed above and online at <http://www.perb.dc.gov/>.

**DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
CONSTRUCTION CODES COORDINATING BOARD**

NOTICE OF FIFTH EMERGENCY RULEMAKING

The Chairperson of the Construction Codes Coordinating Board (Chairperson), pursuant to the authority set forth in Section 10 of the Construction Codes Approval and Amendments Act of 1986 (Act), effective March 21, 1987 (D.C. Law 6-216; D.C. Official Code § 6-1409 (2018 Repl.)) and Mayor's Order 2009-22, dated February 25, 2009, as amended by Mayor's Order 2012-32, dated February 29, 2012, hereby gives notice of the adoption, on an emergency basis, of the following amendments to Title 12 (D.C. Construction Codes Supplement of 2013) of the District of Columbia Municipal Regulations (DCMR).

This fifth emergency rulemaking is necessitated by the immediate need to: (1) revise provisions in the 2013 District of Columbia Building Code, the 2013 District of Columbia Residential Code and the 2013 District of Columbia Fire Code to ensure that the fire and life safety regulations for child development homes and expanded child development homes in the District of Columbia apply to those facilities that are operated in dwelling units located within buildings containing one or two dwelling units which are not within the scope of the 2013 District of Columbia Residential Code; (2) revise a provision in the 2013 District of Columbia Plumbing Code to comply with the terms of a District of Columbia commitment to the federal Environmental Protection Agency, in connection with a long-term control plan consent decree, to identify and repeal regulations and guidelines that might impede the development of green infrastructure in the District of Columbia; and (3) to revise provisions in the 2013 District of Columbia Building Code to clarify that applications vested under a prior edition of the Construction Codes (pursuant to Section 123, 12-A DCMR) have the same rights as issued permits. Identical language was adopted in the previously published emergency and emergency and proposed rulemakings. The internal process for the final rulemaking is ongoing.

This Fifth Notice of Emergency Rulemaking was adopted on April 5, 2019 and shall remain in effect for up to one hundred and twenty (120) days from the adoption date unless earlier superseded by publication of a Notice of Final Rulemaking in the *D.C. Register*. A Fourth Notice of Emergency Rulemaking was adopted on December 6, 2018 and published on February 1, 2019 at 66 DCR 1508. A Third Notice of Emergency Rulemaking was adopted on August 8, 2018 and published on October 5, 2018 at 65 DCR 11058. A Second Notice of Emergency Rulemaking was adopted on April 11, 2018 and published on July 27, 2018 at 65 DCR 7870. The Notice of Emergency and Proposed Rulemaking was adopted on October 18, 2017 and published on January 5, 2018 at 65 DCR 61.

To clearly show the changes being made to the Construction Codes Supplement, additions are shown in underlined text and deletions are shown in ~~striketrough~~ text.

Title 12-A DCMR, BUILDING CODE SUPPLEMENT OF 2013, is amended as follows:

Chapter 1, ADMINISTRATION AND ENFORCEMENT, is amended as follows:

Section 101, GENERAL, is amended as follows:

Insert a new Section 101.2.5 in the 2013 District of Columbia Building Code to read as follows:

101.2.5 Home Day Care in Group R-3 Buildings. Day care homes in Group R-3 *dwelling*s shall comply with Appendix M of the *Residential Code* or meet the corresponding provisions of the *Building Code*.

Amend Section 101.3.3.1 in the 2013 District of Columbia Building Code to read as follows:

101.3.3.1 Home Day Care. Appendix M of the *Residential Code* shall apply to home day care in detached one- and two-family *dwelling*s or townhouses within the scope of the *Residential Code* or in R-3 *dwelling*s, including Child Development Homes where oversight is provided by the Office of the State Superintendent of Education or a successor agency, ~~where~~

- ~~1. The home day care is provided in *dwelling units* within (1) detached one and two family *dwelling*s or townhouses within the scope of the *Residential Code*;~~
- ~~2. The home day care is legally operated as a home occupation under the *Zoning Regulations*.~~

Section 102, APPLICABILITY, is amended as follows:

Revise Section 102.6 of the 2013 District of Columbia Building Code to read as follows:

102.6 Continuation of Legal Use and Occupancy. The legal use and occupancy of any *structure* existing on the effective date of the *Construction Codes*, ~~or~~ for which a permit has already been *approved*, or, pursuant to Section 123, an application vested under a prior edition of the *Construction Codes*, shall be permitted to continue without change.

Exceptions:

1. Provisions of the *Building Code*, the *Property Maintenance Code*, or the *Fire Code* that are specifically required to be applied retroactively.
2. Provisions of the *Construction Codes* deemed necessary by the *code official*, as defined in Section 103.1 of the *Building Code*, for the general safety, health and welfare of the occupants and the public.

Chapter 3, USE AND OCCUPANCY CLASSIFICATION, is amended as follows:

Section 308, INSTITUTIONAL GROUP I, is amended as follows:

Amend Section 308.6.3 in the 2013 District of Columbia Building Code to read as follows:

308.6.3 Five or fewer persons receiving care. A facility having five or fewer persons receiving *custodial care* in a facility other than a *dwelling unit* within the scope of Section 308.6.4 shall be classified as part of the primary occupancy.

Strike Section 308.6.4 in the 2013 District of Columbia Building Code in its entirety and insert new Section 308.6.4 in its place to read as follows:

308.6.4 Persons receiving custodial care in a dwelling unit. A facility providing custodial care in a *dwelling unit* within either (1) a detached one- or two-family *dwelling* or townhouse within the scope of the *Residential Code* or (2) an R-3 *dwelling*, shall comply with Appendix M of the *Residential Code*.

Title 12-B DCMR, RESIDENTIAL CODE SUPPLEMENT OF 2013, is amended as follows:

Appendix M, HOME DAY CARE, is amended as follows:

Section M101, GENERAL, is amended as follows:

Amend Section M101.1, Appendix M, of the 2013 District of Columbia Residential Code, to read as follows:

M101.1 General.

This appendix shall apply to ~~a home~~ day care facilities (a) operated within ~~existing~~ detached one- and two-family *dwelling*s and townhouses within the scope of the *Residential Code* and in *dwelling units* within R-3 *dwelling*s, and (b) occupied by persons of any age who receive custodial care (i) for less than 24 hours per day (ii) provided by individuals other than parents or guardians or relatives by blood, marriage, or adoption (iii) in a place other than the home of the person cared for. Appendix M does not apply to the following:

1. Day care facilities that are classified as Group E or Group I-4 under the *Building Code*.
2. Adult day care where any of the clients is incapable of self-preservation, unless such persons are cared for in rooms located on a *level of exit discharge* serving such rooms and each room has an exit door directly to the exterior.

3. A child day care facility within a *dwelling unit* that is located in a multi-family building classified as an R-2 occupancy.

Section M103, MEANS OF EGRESS, is amended as follows:

Strike Section M103.1.6, Appendix M of the 2013 District of Columbia Residential Code, in its entirety, and insert new Section M103.1.6 in its place to read as follows:

M103.1.6 Dwellings with Three or More Stories. Home day care shall not be provided above the second story in *dwellings* with three or more stories.

Exception: The third story is allowed to be used for home day care where the *dwelling* is equipped throughout with an automatic sprinkler system in accordance with Section R313 and the third story is provided with a means of *exit access* and a means of escape in compliance with Section R310.

Title 12-H DCMR, FIRE CODE SUPPLEMENT OF 2013, is amended as follows:

Chapter 3, GENERAL REQUIREMENTS, is amended as follows:

Section 319, DAY CARE FACILITIES IN DWELLING UNITS, is amended as follows:

Amend Section 319.2 in the 2013 District of Columbia Fire Code to read as follows:

319.2 Day care homes in 1- or 2-family homes or townhouses. Day care facilities that are operated in *dwelling units* within existing detached one- and two-family *dwellings* and townhouses within the scope of the *Residential Code*, or within R-3 *dwellings*, shall comply with the fire safety provisions in Appendix K. Appendix K does not apply to the following:

- ~~1. Day care facilities in a *dwelling unit* which is not the primary residence of the person operating the facility;~~
1. Day care facilities that are classified as Group E or Group I-4 under the *Building Code*.
2. Adult day care where any of the clients are *incapable of self-preservation*, unless such persons are cared for in rooms located on a *level of exit discharge* serving such rooms and each room has an *exit* door directly to the exterior.

Appendix K, HOME DAY CARE, is amended as follows:

Section K101, GENERAL, is amended as follows:

Amend Section K101.1 of Appendix K in the 2013 District of Columbia Fire Code to read as

follows:

K101.1 General.

This appendix shall apply to ~~home~~ day care facilities (a) operated in dwelling units within existing detached one- and two-family dwellings and townhouses within the scope of the *Residential Code* or within R-3 dwellings, and (b) occupied by persons of any age who receive custodial care (i) for less than 24 hours per day (ii) provided by individuals other than parents or guardians or relatives by blood, marriage, or adoption, and (iii) in a place other than the home of the person cared for. Appendix K does not apply to the following:

1. Day care facilities that are classified as Group E or Group I-4 under the *Building Code*.
2. Adult day care where any of the clients is *incapable of self-preservation*, unless such persons are cared for in rooms located on a *level of exit discharge* serving such rooms and each room has an *exit* door directly to the exterior.
3. A child day care facility within a *dwelling unit* that is located in a multi-family building classified as an R-2 occupancy.

Section K103, MEANS OF EGRESS, is amended as follows:

Strike Section K103.1.6, Appendix K of the 2013 District of Columbia Fire Code in its entirety and insert new Section K103.1.6 in its place to read as follows:

K103.1.6 Dwellings with three or more stories. Day care shall not be provided above the second story in dwellings with three or more stories.

Exception: The third story is allowed to be used for day care where the dwelling is equipped throughout with an automatic sprinkler system in accordance with Section R313 of the *Residential Code* or Section 903.2.8 of the *Fire Code*, as applicable, and the third story is provided with a means of *exit access* and a means of escape in compliance with Section R310 of the *Residential Code*.

Title 12-F DCMR, PLUMBING CODE SUPPLEMENT, is amended as follows:

Chapter 11, STORM DRAINAGE, is amended as follows:

Section 1115, RAINWATER COLLECTION AND DISTRIBUTION SYSTEMS, is amended as follows:

Amend Section 1115.11.1 of the 2013 District of Columbia Plumbing Code to read as follows:

1115.11.1 Collection surface. Rainwater shall be collected only from above-ground impervious roofing surfaces constructed from *approved* materials. Collection of water from vehicular parking, pedestrian, or other surfaces shall be prohibited except where the water is used exclusively for landscape irrigation or where water quality treatment measures that are adequate for any non-potable water the end use have been approved. ~~Overflow and bleed-off pipes from roof-mounted appliances including but not limited to evaporative coolers, water heaters and solar water heaters shall not discharge onto rainwater collection surfaces.~~

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2019-042
May 22, 2019

SUBJECT: Appointment — Child Fatality Review Committee

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2016 Repl.), and in accordance with sections 4603 and 4604 of the Child Fatality Review Committee Establishment Act of 2001, effective October 3, 2001, D.C. Law 14-28, D.C. Official Code § 4-1371.03, 4-1371.04 (2012 Repl. and 2018 Supp.), it hereby **ORDERED** that:

1. **ROBERT MATTHEWS** is appointed as the Child and Family Services Agency designee of the Child Fatality Review Committee, replacing Heather Stowe, to serve at the pleasure of the Mayor.
2. **EFFECTIVE DATE:** This Order shall become effective immediately.



 MURIEL BOWSER
 MAYOR

ATTEST: 

 KIMBERLY A. BASSETT
 ACTING SECRETARY OF STATE OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2019-043

May 22, 2019

SUBJECT: Reappointment and Appointments — Police and Firefighters Retirement Relief Board**ORIGINATING AGENCY:** Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2016 Repl.), and in accordance with section 122 of An Act To increase compensation for District of Columbia policemen, firemen, and teachers; to increase annuities payable to retired teachers in the District of Columbia; to establish an equitable tax on real property in the District of Columbia; to provide for additional revenue for the District of Columbia; and for other purposes, approved September 3, 1974, 88 Stat. 1041, Pub. L. 93-407, D.C. Official Code § 5-722 (2012 Repl. and 2018 Supp.), it is hereby **ORDERED** that:

1. **AUBREY P. MONGAL**, is reappointed as an employee of the District of Columbia and Metropolitan Police Department member of the Police and Firefighters Retirement and Relief Board ("**Board**"), serving at the pleasure of the Mayor.
2. The following persons are appointed as employees of the District of Columbia and Metropolitan Police Department alternate members of the Board, serving at the pleasure of the Mayor:
 - a. **STUART EMERMAN**, filling a vacant seat.
 - b. **MICHAEL GOTTERT**, filling a vacant seat.
 - c. **BRIAN GROGAN**, replacing Charnette I. Robinson.
 - d. **VENDETTE PARKER**, filling a vacant seat.
 - e. **MICHELLE RIDLEHOOVER**, replacing Dierdre N. Porter.
3. **RAYMOND GRETZ**, is appointed as an employee of the District of Columbia and Fire and Emergency Medical Services member of the Board, replacing Mark J. Wynn, serving at the pleasure of the Mayor.
4. **SHERROD THOMAS**, is appointed as an employee of the District of Columbia and Fire and Emergency Medical Services alternate member of the Board, filling a vacant seat, serving at the pleasure of the Mayor.

- 5. **CHAD FOSTER** is appointed as an employee of the District of Columbia and Office of the Attorney General alternate member, replacing Kevin Turner, serving at the pleasure of the Attorney General.

- 6. **EFFECTIVE DATE:** This Order shall become effective immediately.



MURIEL BOWSER
MAYOR

ATTEST: 

KIMBERLY A. BASSETT
SECRETARY OF STATE OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2019-044
May 23, 2019

SUBJECT: Appointments — Domestic Violence Fatality Review Board

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2016 Repl.), and pursuant to section 2 of the Uniform Interstate Enforcement of Domestic Violence Protection Orders Act of 2002, effective April 11, 2003, D.C. Law 14-296, D.C. Official Code § 16-1053 (2012 Repl.), and in accordance with section 2 of the Confirmation Act of 1978, effective March 3, 1979, D.C. Law 2-142; D.C. Official Code § 1-523.01 (2016 Repl. and 2018 Supp.), it is hereby **ORDERED** that:

1. **BEVERLY JACKSON** pursuant to the Domestic Violence Fatality Review Board Beverly Jackson Confirmation Resolution of 2019, effective April 22, 2019, is appointed as a community representative member of the Domestic Violence Fatality Review Board, replacing Erin Larkin, to fill the remainder of an unexpired term to end July 20, 2019, and for a new term to end July 20, 2022.
2. **AIYANA MAAT** is appointed as the designee from the District of Columbia Child and Family Services Agency to the Domestic Violence Fatality Review Board, to serve at the pleasure of the Mayor.

3. EFFECTIVE DATE:

- a. Section 1 of this Order shall be effective *nunc pro tunc* to April 22, 2019.
- b. Section 2 of this Order shall become effective immediately.



MURIEL BOWSER
MAYOR

ATTEST: 

KIMBERLY A. BASSETT
ACTING SECRETARY OF STATE OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2019-045
May 28, 2019

SUBJECT: Appointments — Juvenile Justice Advisory Group

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2016 Repl.), and in accordance with the Juvenile Justice and Delinquency Prevention Act of 1974, approved September 7, 1974, 88 Stat. 1109, Pub. L. 93-415, 42 U.S.C. § 5633(a)(3) and Mayor's Order 2009-13, dated February 9, 2009, it is hereby **ORDERED** that:

1. **AUDREY EISEMAN** is appointed as a public member of the Juvenile Justice Advisory Group, replacing Robert Reeg, to fill the remainder of an unexpired term to end September 15, 2019, and for a new term to end September 15, 2021.
2. **LASHELLE RICHMOND** is appointed as a representative of private non-profit organizations, including persons with a special focus on preserving and strengthening families, parent groups and parent self-help groups, youth development, delinquency preventions and treatment, neglected or dependent children, the quality of juvenile justice, education, and social services for children member of the Juvenile Justice Advisory Group, replacing Abrahm Neuser, to fill the reminder of an unexpired term to end September 15, 2019, and for a new term to end September 15, 2021.
3. **EFFECTIVE DATE:** This Order shall become effective immediately.


MURIEL BOWSER
MAYOR

ATTEST: 
KIMBERLY A. BASSETT
ACTING SECRETARY OF STATE OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2019-046
May 28, 2019

SUBJECT: Reappointment and Appointment — Humanities Council of Washington, D.C.

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) (2016 Repl.), and in accordance with the National Foundation on the Arts and Humanities Act of 1965, enacted September 29, 1965, Pub. L. No. 89-209, 79 Stat. 845 (1965), it is hereby **ORDERED** that:

1. The following persons are reappointed as members of the Humanities Council of Washington, DC (the "**Council**") for a term to end on June 1, 2021:
 - a. **ANTOINETTE FORD**
 - b. **MARJAN SHALLAL**
 - c. **CHRISTINE M. WARNKE**
 - d. **JOYCE WELLMAN**
2. **LINDA CHASTANG** is appointed as a member of the Council for a term to end on June 1, 2021.
3. **EFFECTIVE DATE:** This Order shall become effective immediately.



MURIEL BOWSER
MAYOR

ATTEST: 

 KIMBERLY A. BASSETT
 ACTING SECRETARY OF STATE OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2019-047
May 28, 2019

SUBJECT: Appointments — Multimodal Accessibility Advisory Council

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2016 Repl.), and in accordance with section 304 of the Transportation Reorganization Amendment Act of 2016, effective June 22, 2016, D.C. Law 21-124; D.C. Official Code § 50-2361.31 (2018 Supp.), it is hereby **ORDERED** that:

1. **STEPHANIE FRANKLIN** is appointed as the designee of the Director of the Office of Human Rights to the Multimodal Accessibility Advisory Council to serve at the pleasure of the Mayor.
2. **SUSIE MCFADDEN** is appointed as the designee of Director of the Office of Disability Rights to the Multimodal Accessibility Advisory Council to serve at the pleasure of the Mayor.
3. **EFFECTIVE DATE:** This order shall become effective immediately.



MURIEL BOWSER
MAYOR

ATTEST: 

KIMBERLY A. BASSETT

ACTING SECRETARY OF STATE OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2019-048

May 28, 2019

SUBJECT: Appointments and Reappointments — Sustainable Energy Utility
Advisory Board

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2016 Repl.), and in accordance with section 203(b)(1) of the Clean and Affordable Energy Amendment Act of 2008, effective October 22, 2008, D.C. Law 17-250; D.C. Official Code § 8-1774.03(b)(1) (2013 Repl. and 2017 Supp.), it is hereby **ORDERED** that:

1. The following members are reappointed to the Sustainable Energy Utility Advisory Board ("**Board**"):
 - a. **DONNA COOPER**, as a member representing the electric company, to serve for a term to end May 12, 2021.
 - b. **MILLIE KNOWLTON**, as a member representing the building construction industry, to serve for a term to end July 13, 2021.
2. The following members are appointed to the Board:
 - a. **NINA DODGE**, as the member representing an environmental group, replacing Bernice Corman, to serve for a term to end July 13, 2021.
 - b. **FARRAH SAINT-SURIN**, as the member representing the low-income community, replacing Jared Lang, to serve for a term to end July 13, 2021.
 - c. **NICOLE STEELE**, as a member representing the economic development community with particular expertise in the generation of green collar jobs, replacing Leni Berliner, to serve for a term to end July 13, 2021.
 - d. **SCOTT WILLIAMSON**, as the member representing the renewable energy industry, replacing Nicole Steele, to serve for a term to end July 13, 2021.

3. **EFFECTIVE DATE:** This Order shall become effective immediately.



MURIEL BOWSER
MAYOR

ATTEST: 

KIMBERLY A. BASSETT
ACTING SECRETARY OF STATE FOR THE DISTRICT OF COLUMBIA

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF PUBLIC HEARINGS
CALENDAR

WEDNESDAY, JUNE 5, 2019
2000 14TH STREET, N.W., SUITE 400S
WASHINGTON, D.C. 20009

Donovan W. Anderson, Chairperson
Members: Mike Silverstein,
James Short, Bobby Cato, Rema Wahabzadah

Protest Hearing (Status) **9:30 AM**
Case # 19-PRO-00020; La Goulu, Inc., t/a Montmartre/7th Hill, 327 7th Street SE, License #60422, Retailer CR, ANC 6B
Application to Renew the License

Show Cause Hearing (Status) **9:30 AM**
Case # 19-251-00032; Kiss, LLC, t/a Kiss Tavern, 637 T Street NW, License #104710, Retailer CT, ANC 1B
Operating After Hours, Failed to Carry or Refused to show Valid Identification, The Licensee or ABC Manager was under the Influence of Alcohol, Interfered with an Investigation, Violation of Settlement Agreement, Security Plan or Board Order No. (2017-169)

Show Cause Hearing* **10:00 AM**
Case # 19-CIT-00025; La Trattoria, LLC, t/a Siroc, 915 15th Street NW License #80975, Retailer CR, ANC 2F
No ABC Manager on Duty

Fact Finding Hearing* **11:00 AM**
Case # 19-251-00053; Meskerem Abebe, LLC, t/a Right Spot, 1917 9th Street NW, License #100631, Retailer CR, ANC 1B
Disorderly Conduct, Assault on a Police Officer

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

Show Cause Hearing* **1:30 PM**
Case # 18-CIT-00457; Ambi, Inc., t/a Quality Convenience Store, 2922 Martin

Board's Calendar

June 5, 2019

Luther King, Jr Ave SE, License #83074, Retailer B, ANC 8C

No ABC Manager on Duty

Protest Hearing*

2:30 PM

Case # 19-PRO-00017; Brothers Burger Bar, LLC, t/a Aroma, 707 H Street NE

License #112502, Retailer CR, ANC 6C

Application for a New License

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

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF MEETING
CANCELLATION AGENDA

WEDNESDAY, JUNE 5, 2019
2000 14TH STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

The ABC Board will be cancelling the following licenses for the reasons outlined below:

ABRA-078882 – **Mulebone** – Retail – C – Restaurant – 2121 14th Street NW
[Licensee did not pay safekeeping fee within 30 days and did not renew.]

ABRA-108399 - **Aloha CR3W Entertainment and Catering** – Caterer – 3607 Georgia Avenue
NW
[Licensee did not renew.]

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF MEETING
LICENSING AGENDA

WEDNESDAY, JUNE 5, 2019 AT 1:00 PM
2000 14TH STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

1. Review Application for Class Change from Retailer C Restaurant to Retailer C Tavern. ANC 1D. SMD 1D04. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. *Addis Paris Café*, 3103 Mt. Pleasant Street NW, Retailer CR, License No. 110083.

2. Review Application for Class Change from Retailer B to Retailer A Liquor Store. ANC 5D. SMD 5D01. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. *A. Litteri Inc.*, 517 Morse Street NE, Retailer B, License No. 001006.

3. Review Application for Change of Hours. *Approved Hours of Operation*: Sunday-Saturday 7am to 6pm. *Approved Hours of Alcoholic Beverage Sales*: Sunday-Saturday 9am to 6pm. *Proposed Hours of Operation*: Sunday-Saturday 7am to 12am. *Proposed Hours of Alcoholic Beverage Sales*: Sunday-Saturday 9am to 12am. ANC 7C. SMD 7C07. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. *Suburban Market*, 4600 Sheriff Road NE, Retailer B, License No. 108109.

4. Review Application for Change of Hours. *Approved Hours of Operation and Alcoholic Beverage Sales and Consumption*: Sunday-Saturday 11:30am to 11:30pm. *Proposed Hours of Operation*: Sunday-Thursday 6am to 2am, Friday-Saturday 6am to 3am. *Proposed Hours of Alcoholic Beverage Sales and Consumption*: Sunday-Thursday 8am to 2am, Friday-Saturday 8am to 3am. ANC 4B. SMD 4B04. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. *Seven Seas Restaurant*, 5915 Georgia Avenue NW, Retailer CR, License No. 000654.

5. Review Application for a Summer Garden with 6 seats and a Sidewalk Café with 6 seats. *Proposed Hours of Operation for Summer Garden and Sidewalk Café*: Sunday-Thursday 6am to 2am, Friday-Saturday 6am to 3am. *Proposed Hours of Alcoholic Beverage Sales and Consumption for Summer Garden and Sidewalk Café*: Sunday-Thursday 8am to 2am,

- Friday-Saturday 8am to 3am. ANC 4B. SMD 4B04. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. *Seven Seas Restaurant*, 5915 Georgia Avenue NW, Retailer CR, License No. 000654.
-
6. Review Application for Entertainment Endorsement with Dancing and Cover Charge inside premises only. ***Proposed Hours of Live Entertainment Inside Premises:*** Sunday-Thursday 8am to 2am, Friday-Saturday 8am to 3am. ANC 4B. SMD 4B04. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. *Seven Seas Restaurant*, 5915 Georgia Avenue NW, Retailer CR, License No. 000654.
-
7. Review Application for Summer Garden with seating for 24 patrons. ***Proposed Hours of Operation for Summer Garden:*** Saturday and Sunday 8am to 11pm, Monday-Friday 7am to 11pm. ***Proposed Hours of Alcoholic Beverage Sales and Consumption for Summer Garden:*** Sunday-Saturday 8am to 11pm. ANC 1A. SMD 1A09. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No conflict with Settlement Agreement. *Call Your Mother*, 3301 Georgia Avenue NW, Retailer CR, License No. 111895.
-
8. Review Application for Entertainment Endorsement. ***Proposed Hours of Live Entertainment Inside Premises:*** Sunday-Saturday 11am to 12am. ANC 2C. SMD 2C01. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. *Cranes*, 724 9th Street NW, Retailer CR, License No. 112800.
-
9. Review Application for Entertainment Endorsement, with Dancing and Cover Charge, inside the premises only. ***Proposed Hours of Live Entertainment Inside Premises:*** Sunday 10am to 2am, Monday-Thursday 8am to 2am, Friday-Saturday 8am to 3am. ANC 2F. SMD 2F08. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. *Eaton DC*, 1201 K Street NW, Retailer CH, License No. 095442.
-
10. Review Request to Expand Total Occupancy Load from 170 to 334, per the Certificate of Occupancy. ANC 1B. SMD 1B02. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. *Nellie's Restaurant & Sports Bar*, 900 U Street NW, Retailer CT, License No. 075240.
-

11. Review Request to expand operations to basement space that formerly served as storage, adding 28 seats and increasing occupancy load by 46. Additional request to expand the occupancy load of the first floor from 84 to 98 (seating will remain at 67). Overall Total Occupancy Load will expand from 84 to 144. ANC 5E. SMD 5E06. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No conflict with Settlement Agreement. *The Pub and the People*, 1648 North Capitol Street NW, Retailer CT, License No. 094089.

12. Review Application to add Cover Charge to existing Entertainment Endorsement. ANC 2F. SMD 2F08. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No conflict with Settlement Agreement. *American Son/Kintsugi/Wild Days/Allegory*, 1201 K Street NW, Retailer CR, License No. 108510.

***In accordance with D.C. Official Code §2-547(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.**

**APPLETREE EARLY LEARNING PUBLIC CHARTER SCHOOL AND
APPLETREE INSTITUTE**

REQUEST FOR PROPOSALS

Occupational Therapy Services SY 2019-2020

AppleTree Early Learning Public Charter School and AppleTree Institute is seeking an organization to provide **Occupational Therapy Service**. Please contact Kenyetta Singleton, Special Education Manager for details on the Request For Proposal (RFP). The deadline for responding to the RFP is June 28, 2019 at 4pm and can be submitted to Kenyetta Singleton at 1801 Mississippi Avenue SE, Washington, DC 20020, or e-mailed kenyetta.singleton@appletreeinstitute.org.

**DISTRICT OF COLUMBIA INTERNATIONAL PUBLIC CHARTER SCHOOL
REQUEST FOR PROPOSALS**

Vended Meals

District of Columbia International School is advertising the opportunity to bid on the delivery of breakfast, lunch, snack and/or CACFP supper program to children enrolled at the school for the 2019-2020 school year with a possible extension of (4) one year renewals. All meals must meet at a minimum, but are not restricted to, the USDA National School Breakfast, Lunch, Afterschool Snack and At Risk Supper meal pattern requirements. Additional specifications outlined in the Request for Proposal (RFP) such as; student data, days of service, meal quality, etc. may be obtained beginning on **May 31, 2019** from **Luisa Juarez** at rfp@dcinternationalschool.org

Proposals will be accepted at 1400 Main Drive NW Washington, DC 20012 on **June 24, 2019** not later than **12:00pm.**

All bids not addressing all areas as outlined in the RFP will not be considered.

OFFICE OF DISABILITY RIGHTS**DC COMMISSION ON PERSONS WITH DISABILITIES (DCCPD)
COMMISSION MEETING****Thursday, May 23rd, 2019 at 10:00 a.m. to 11:30 a.m.*****All Commission Meetings are available and open to the public to attend****Location:** Teleconference**Call-In Number:** (866) 628-2987**Passcode:** 8488992

All reasonable accommodation requests must be made at least five (5) business days prior to the scheduled meeting date. Please contact julia.wolhandler@dc.gov or 202-727-2890

Draft Agenda:

- 10:00 a.m.** Welcome and Call to Order: Kamilah Martin-Proctor, Chair
- 10:02 a.m.** Commissioners Roll-Call: Shakira Hemphill
- 10:04 a.m.** Public Members Roll-Call: Shakira Hemphill
- 10:06 a.m.** Reminder that all public comments and questions will be taken at the end of the meeting: Shakira Hemphill
- 10:08 a.m.** Approval of April 2019 Meeting Minutes (Formal Vote)
- 10:10 a.m.** **Information on Universal Pride – Andy Arias**
- 10:20 a.m.** **Updates:**
- DCFHV Accessibility Advisory Committee: Terrance
 - Developmental Disabilities Council: Ron
 - Call for Models with Disabilities: Julia
 - DC Housing Expo and Home Show, June 15: Julia

- Pride events:
- Olmstead Community Integration Conference, August 23: Julia
- Other Updates by Commissioners: Open to all Commissioners

10:30 a.m. Upcoming Statements

- Pride (June): Charlotte
- Special Olympics: Travis
- Difference In Sign Language Within Language: Travis

10:40 a.m. Public Comment Period

11:15 a.m. Adjourn

EARLY CHILDHOOD ACADEMY PUBLIC CHARTER SCHOOL (ECA)**REQUEST FOR PROPOSALS****New 38,000 sq. ft. facility**

- **Janitorial Services** - vendors licensed to provide daily evening janitorial services for the period August 1, 2019 – June 30, 2020.
- **Special Education Services** - vendors licensed to provide special education services (speech and language therapy, occupational therapy, physical therapy and counseling) for the period September 1, 2019 – June 30, 2020.

Bids can be submitted online or in-person until 4:30 pm on June 14, 2019. Send requests for a bid package to bids@ecapcs.org. Bids will be opened June 17, 2019.

OFFICE OF THE DEPUTY MAYOR FOR EDUCATION

NOTICE OF PUBLIC MEETING

COMMISSION ON OUT OF SCHOOL TIME GRANTS AND YOUTH
OUTCOMES

Commission on Out of School Time Grants and Youth Outcomes (OST Commission) Public Meeting Washington, DC – The Commission on Out of School Time Grants and Youth Outcomes will hold a public meeting on Thursday, June 13, 2019 from 6:30 pm to 8:00 pm at One Judiciary Square, 441 4th Street NW, Room 1107 South. The OST Commission will hear updates from the Office of Out of School Time Grants and Youth Outcomes and present the OST Strategic Plan that will be voted on at the next Commission meeting. Finally, the Commission will hear updates from the OST Commission’s standing committees.

Individuals and representatives of organizations who wish to comment at a public meeting are asked to notify the OST Office in advance by phone at (202) 481-3932 or by email at learn24@dc.gov. Individuals should furnish their names, addresses, telephone numbers, and organizational affiliation, if any, and if available, submit one electronic copy of their testimony by the close of business on Tuesday, June 11th at 5:00 pm.

Below is the draft agenda for the meeting.

- I. Call to Order
- II. Public Comment
- III. Announcement of a Quorum
- IV. Approval of the Agenda
- V. Approval of Minutes
- VI. Updates: Office of Out of School Time Grants and Youth Outcomes
- VII. Strategic Plan Discussion
- VIII. Standing Committee Updates
- IX. Adjournment

The Office of Out of School Time Grants and Youth Outcomes (OST Office) and the OST Commission support the equitable distribution of high-quality, out-of-school-time programs to District of Columbia youth through coordination among government agencies, grant-making, data collection and evaluation, and the provision of technical assistance to service providers. The OST Commission’s purpose is to develop a District-wide strategy for equitable access to out-of-school-time programs and to facilitate interagency planning and coordination for out-of-school time programs and funding.

Date: June 13, 2019
Time: 6:30 p.m. – 8:00 p.m.
Location: One Judiciary Square
Room 1107 South
441 4th Street, NW
Washington, DC 20001

Contact: Debra Eichenbaum
Grants Management Specialist
Office of Out of School Time Grants and Youth Outcomes
Office of the Deputy Mayor for Education
(202) 478-5913
Debra.eichenbaum@dc.gov

OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION**NOTICE OF FUNDING AVAILABILITY****FISCAL YEAR 2020 HEALTHY TOTS WELLNESS GRANT****Request for Application Release Date: Monday, June 17, 2019 at 12:00pm****Pre-Application Question Period Ends: Monday, July 8, 2019 at 3:00pm**

The Office of the State Superintendent of Education (OSSE) is soliciting applications to implement the Healthy Tots Wellness Grant. The Healthy Tots Wellness Grant Program is funded through the Healthy Tots Act Fund established by Section 4073 of the Healthy Tots Act of 2014, (D.C. Law 20-155; D.C. Official Code §§38-281, et. seq.), which is administered by OSSE's Division of Health and Wellness.

The purpose of the Healthy Tots Wellness Grant is to support the dissemination of healthy eating, physical activity, and wellness programming in the D.C. early child care community. OSSE is awarding funding to entities that can provide technical assistance and help implement programming at targeted community based child development facilities in the District of Columbia. The selected applicants will be required to build capacity and sustainable partnerships within the early learning community. Applicants will be awarded funding to implement programming in these five areas:

- Nutrition Education and Family Style Dining
- Gardening and/or Environmental Sustainability
- Farm to Childcare and Local Food Procurement
- Physical Activity and Education
- Staff Wellness and Center Wellness Policy

Eligibility and Selection Criteria: OSSE will accept applications from community-based organizations that can demonstrate expertise and success working with young children in one or more of these following areas:

- Nutrition Education
- Family Style Dining
- Gardening
- Environmental Sustainability
- Farm to Childcare
- Local Food Procurement
- Physical Activity and Education
- Staff Wellness
- Developing a Center Wellness Policy

OSSE will accept one application per organization, however a lead organization may partner with other organization(s) that can provides services in another program area to expand reach. Partner organizations can only appear on one application. Applicants must designate ONE fiscal sponsor to oversee administration and reporting of funds. Applicants may not designate more

than one fiscal sponsor. Applicants must OSSE approved resources for trainings. The grantee must identify and provide an overview of other resources that will be used.

OSSE will prioritize awarding grants to organizations that provide services to child care facilities that operate in wards 1, 4, 5, 7, or 8 and participate in CACFP. Targeted facilities need to be currently licensed by OSSE and accept child care subsidy as payment for at least 25% of existing infant and or toddler slots.

Applications will be scored in the following areas: program abstract, equity and inclusion, project vision and implementation plan, collaboration with partners and stakeholders, summary of qualifications, performance and impact, and cost-effectiveness of budget.

Length of Award: This grant period covers two fiscal years and is from October 1, 2019, to September 30, 2021, contingent upon funding availability and the grantee's satisfactory implementation of the proposed program. Year one spans from October 1, 2019 through September 30, 2020. Year two spans October 1st, 2020 through September 30, 2021. Applicants must re-apply for the second year funding.

Available Funding for Award: Each awarded organization may receive anywhere from \$50,000 to \$100,000 for each fiscal year in the grant period. Applicants must use allocated funding outlined in their budget timeline each fiscal year as funding cannot be rolled over to the next year in the grant period, or funding will lapse. Grant funds shall only be used to support activities authorized by the RFA, relevant statutes, and included in the applicant's submission.

Anticipated Number of Awards: OSSE anticipates awarding anywhere between 3-5 applicants, pending funding availability.

Application Process

An external review panel or panels will be convened to review, score, and rank each application. The review panel(s) will be composed of neutral, qualified, professional individuals selected for their expertise, knowledge or related experiences. The application will be scored against a rubric and each application will have multiple reviewers to ensure accurate scoring. Upon completion of its review, the panel(s) shall make recommendations for awards based on the scoring rubric(s). The State Superintendent or her designee will make all final award decisions. **Applications must be submitted by August 5, 2019 at 3 p.m.** OSSE estimates that it will award grants by September 15, 2019; however, this date may change.

To ensure an equal opportunity for all applicants, OSSE requests that applicants submit questions regarding the RFA electronically to Patrilie Hernandez, Patrilie.Hernandez@dc.gov by **3 p.m. on July 8, 2019**. Answers to submitted questions will be made available by **July 15, 2019**. Questions submitted after this deadline date will not receive responses. Responses to questions will be published on the FAQ page of the grant [website](#).

Applicants are strongly encouraged to participate in the Pre-Application Information Session on **Thursday, June 27, 2019 from 2:00 p.m. - 4:30 p.m.** A recording of the information session will be posted at a later date to the OSSE website.

Healthy Tots Wellness Grant Pre-Application Information Session

Date: Thursday, June 27, 2019

Time: 2:00 p.m. -4:30 p.m.

Location: Office of the State Superintendent of Education, 1050 First St NE, Room 324

Register Here: <https://www.eventbrite.com/e/2019-healthy-tots-wellness-grant-pre-application-session-tickets-62256129760>

For additional information regarding this grant program, please contact:

Patrilie Hernandez, MS

Management Analyst

Healthy Tots Act

Division of Health and Wellness

Office of the State Superintendent of Education

1050 First St NE, Sixth Floor

Washington, DC 20002

O: (202) 899-6076

E: patrilie.hernandez@dc.gov

The Request for Applications will be released **Monday, June 17, 2019 at 12:00 P.M.** through OSSE's Enterprise Grants Management System. The online system and training videos may be accessed by visiting <http://grants.osse.dc.gov>.

OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION (OSSE)**NOTICE OF FUNDING AVAILABILITY (NOFA)****FISCAL YEAR 2020 SCHOOL GARDEN GRANT (SGG)****RFA Release Date: June 21, 2019 12 P.M.**

The Office of the State Superintendent of Education (OSSE) Division of Health and Wellness is soliciting applications for the District of Columbia School Garden Grant, as authorized by the Healthy Schools Act of 2010 (HSA) (D.C. Law 18-209; D.C. Official Code § 38-821.01 *et seq.*).

The purpose of this grant is to:

- 1) Increase the number of students that engage in school gardens programs.
- 2) Increase the number of classroom teachers that are including garden-based teaching into their teaching practice.
- 3) Increase the number of schools with garden programs.
- 4) Institutionalize school garden programs to ensure staying power.

To achieve this, the focus of the grant is to fund staff that oversees all aspects of the school garden program including instruction, program management, and garden care.

Eligibility and Selection Criteria: OSSE will accept applications from public schools (i.e., schools within the District of Columbia Public Schools), public charter schools and school CBOs that support school garden programs. Public schools and public charter schools must have completed the 2018-19 school year school health profile, required by Section 602 of the HSA (D.C. Law 18-209; D.C. Official Code § 38-826.02). For more information about the school health profile, please contact [Avani Dhamsania](#).

Applying Public schools and public charter schools

Public schools and public charter schools may submit one application for each school campus. DCPS schools must apply through its Office of Federal Programs and Grants. For more information, please contact the Grant Administration Team directly at ofpg.grants@dc.gov with your intent to apply by July 15, 2019. Public schools and public charter schools must partner with a CBO that supports school garden programs focuses on school garden projects. A [Service Provider List](#) is available, this list includes organizations that have partnered with schools to support garden programs. Applying schools may choose to collaborate with any organization however, evidence supporting that the organization has the experience and capacity to support the project must be provided. A letter of commitment regarding the partnership is required from each organization.

Applying CBOs

A CBO may submit up to three applications, each application must encompass a minimum of one and a maximum of four school campuses. Applying CBOs must have experience supporting school garden programs. A letter of commitment regarding the partnership is required from each school.

Applications will be scored on the following selection criteria: project vision and implementation plan, curriculum integration plan, student and community involve plan, and cost effectiveness of budget.

In order to promote equitable opportunities and access to programming and services, competitive preference will be given to schools and applicants that partner with schools that have a STAR rating of 1 or 2 stars, and have not been a recipient of School Garden Grant for the past 5 years.

Length of Award: The grant period is two years beginning on Oct. 1, 2019 and ending on Sept. 30, 2021.

Available Funding for Award: The total amount of funding available for this award period is up to \$300,000. Eligible schools and organizations may apply for an award amount of up to \$35,000 per school. Grant funds shall only be used to support activities authorized by the RFA, relevant statutes, and included in the applicant's submission. OSSE will award up to 8 applicants.

Application Process: An external review panel or panels will be convened to review, score, and rank each application. The review panel(s) will be composed of neutral, qualified, professional individuals selected for their expertise, knowledge or related experiences. The application will be scored against a rubric and each application will have multiple reviewers to ensure accurate scoring. Upon completion of its review, the panel(s) shall make recommendations for awards based on the scoring rubric(s). The State Superintendent or her designee will make all final award decisions. Applications must be submitted by July 30, 2019 3 P.M. OSSE estimates that it will award grants by September 20, 2019; however, this date may change.

To ensure an equal opportunity for all applicants, OSSE requests that applicants submit questions regarding the RFA electronically to [Sam Ullery](#) by 5 PM on August 13, 2019. To ensure a fair process, questions submitted after the pre-application question deadline will not receive responses. Responses to questions will be published on the FAQ page listed under the [2019-20 School Garden Grant Documents](#) by August 21, 2019.

Applicants are strongly encouraged to participate in one of the webinar information sessions below. A recording of each information session will be available after June 28, 2019 at 1 P.M. Register [here](#) to view recordings or to participate in the live sessions:

- June 24, 2019 4-5 P.M.
- June 25, 2019 10-11 A.M.
- June 26, 2019 12-1 P.M.
- June 28, 2019 9-10 A.M.

The application will be available on June 21, 2019 at <http://grants.osse.dc.gov> . To receive more information or for a copy of this RFA, please contact:

Sam Ullery
School Grounds Specialist

Division of Health and Wellness
Office of the State Superintendent of Education
1050 First Street, NE
Washington, DC 20002
Desk: (202) 741-6485
Email: Sam.Ullery@dc.gov

DEPARTMENT OF ENERGY AND ENVIRONMENT**PUBLIC NOTICE**

Notice is hereby given that, pursuant to 20 DCMR §210, the Air Quality Division (AQD) of the Department of Energy and Environment (DOEE), located at 1200 First Street NE, 5th Floor, Washington DC, intends to issue Permit Nos. 6261-R2, 6262-R2, and 6263-R2 to the U.S. Army Corps of Engineers, Baltimore District, Washington Aqueduct, to operate three Cummins 600 kWe diesel-fired emergency generator sets, each powered by a 1,135 bhp engine, located at McMillan Water Treatment Plant (WTP), 2500 1st Street NW, Washington DC. The contact person for the facility is Shabir Choudhary, Section Chief, WEE Section, phone number: (202) 764-2771.

Emergency Generators to be Permitted

Equipment Location	Address	Generator (Engine) Size	Model Number	Serial Number	Permit No.
McMillan WTP	2500 1 st St. NW, Washington, DC 20001	600 kWe (1,135 hp)	KTA38-G1 Cummins	97208/1	6261-R2
McMillan WTP	2500 1 st St. NW, Washington, DC 20001	600 kWe (1,135 hp)	KTA38-G1 Cummins	97208/3	6262-R2
McMillan WTP	2500 1 st St. NW, Washington, DC 20001	600 kWe (1,135 hp)	KTA38-G1 Cummins	97208/2	6263-R2

The proposed emission limits are as follows:

- a. Visible emissions shall not be emitted into the outdoor atmosphere from the generator sets, except that discharges not exceeding forty percent (40%) opacity (unaveraged) shall be permitted for two (2) minutes in any sixty (60) minute period and for an aggregate of twelve (12) minutes in any twenty-four hour (24 hr.) period during start-up, cleaning, adjustment of combustion controls, or malfunction of the equipment [20 DCMR 606.1].
- b. An emission into the atmosphere of odorous or other air pollutants from any source in any quantity and of any characteristic, and duration which is, or is likely to be injurious to the public health or welfare, or which interferes with the reasonable enjoyment of life or property is prohibited. [20 DCMR 903.1]

The estimated maximum annual emissions from each of the generator sets are as follows:

Pollutant	Maximum Annual Emissions (tons/yr)
Carbon Monoxide (CO)	1.56
Oxides of Nitrogen (NO _x)	6.81

Pollutant	Maximum Annual Emissions (tons/yr)
Total Particulate Matter (PM Total)	0.20
Volatile Organic Compounds (VOCs)	0.20
Oxides of Sulfur (SO _x)	0.003

The applications to operate the generator sets and the draft permit document and supporting documents are available for public inspection at AQD and copies may be made available between the hours of 8:15 A.M. and 4:45 P.M. Monday through Friday. Interested parties wishing to view these documents should provide their names, addresses, telephone numbers and affiliation, if any, to Stephen S. Ours at (202) 535-1747.

Interested persons may submit written comments or may request a hearing on this subject within 30 days of publication of this notice. The written comments must also include the person's name, telephone number, affiliation, if any, mailing address and a statement outlining the air quality issues in dispute and any facts underscoring those air quality issues. All relevant comments will be considered in issuing the final permit.

Comments on the proposed permit and any request for a public hearing should be addressed to:

Stephen S. Ours
Chief, Permitting Branch
Air Quality Division
Department of Energy and Environment
1200 First Street NE, 5th Floor
Washington, DC 20002
Stephen.Ours@dc.gov

No comments or hearing requests submitted after July 1, 2019 will be accepted.

For more information, please contact Stephen S. Ours at (202) 535-1747.

DEPARTMENT OF ENERGY AND ENVIRONMENT**PUBLIC NOTICE**

Notice is hereby given that, pursuant to 20 DCMR §210, the Air Quality Division (AQD) of the Department of Energy and Environment (DOEE), located at 1200 First Street NE, 5th Floor, Washington DC, intends to issue an air quality permit (No. 6264-R2) to the U.S. Army Corps of Engineers, Baltimore District, Washington Aqueduct, to operate one 125 kWe SDMO Industries emergency generator set, powered by a 186 bhp diesel-fired engine, located at the Dalecarlia Water Treatment Plant, 5900 MacArthur Boulevard NW, Washington DC. The contact person for the facility is Shabir Choudhary, Section Chief, WEE Section, phone number: (202) 764-2771.

Emergency Generator to be Permitted

Equipment Location	Address	Generator (Engine) Size	Generator Model Number	Engine Serial Number	Permit No.
Dalecarlia WTP (Admin Building)	5900 MacArthur Boulevard, NW, Washington, DC 20016	125 kWe (186 hp)	J125UC	R523619	6264-R2

The proposed emission limits are as follows:

- a. Visible emissions shall not be emitted into the outdoor atmosphere from this generator set, except that discharges not exceeding forty percent (40%) opacity (unaveraged) shall be permitted for two (2) minutes in any sixty (60) minute period and for an aggregate of twelve (12) minutes in any twenty-four hour (24 hr.) period during start-up, cleaning, adjustment of combustion controls, or malfunction of the equipment [20 DCMR 606.1].
- b. An emission into the atmosphere of odorous or other air pollutants from any source in any quantity and of any characteristic, and duration which is, or is likely to be injurious to the public health or welfare, or which interferes with the reasonable enjoyment of life or property is prohibited. [20 DCMR 903.1]

The estimated maximum annual emissions from the emergency generator set are as follows:

Pollutant	Maximum Annual Emissions (tons/yr)
Carbon Monoxide (CO)	0.61
Oxides of Nitrogen (NO _x)	4.66
Total Particulate Matter (PM Total)	0.46
Volatile Organic Compounds (VOCs)	4.66
Oxides of Sulfur (SO _x)	0.10

The application to operate the generator set and the draft permit and supporting documents are available for public inspection at AQD and copies may be made available between the hours of 8:15 A.M. and 4:45 P.M. Monday through Friday. Interested parties wishing to view these documents should provide their names, addresses, telephone numbers and affiliation, if any, to Stephen S. Ours at (202) 535-1747.

Interested persons may submit written comments or may request a hearing on this subject within 30 days of publication of this notice. The written comments must also include the person's name, telephone number, affiliation, if any, mailing address and a statement outlining the air quality issues in dispute and any facts underscoring those air quality issues. All relevant comments will be considered in issuing the final permit.

Comments on the proposed permit and any request for a public hearing should be addressed to:

Stephen S. Ours
Chief, Permitting Branch
Air Quality Division
Department of Energy and Environment
1200 First Street NE, 5th Floor
Washington, DC 20002
Stephen.Ours@dc.gov

No comments or hearing requests submitted after July 1, 2019 will be accepted.

For more information, please contact Stephen S. Ours at (202) 535-1747.

DEPARTMENT OF ENERGY AND ENVIRONMENT**PUBLIC NOTICE**

Notice is hereby given that, pursuant to 20 DCMR §210, the Air Quality Division (AQD) of the Department of Energy and Environment (DOEE), located at 1200 First Street NE, 5th Floor, Washington DC, intends to issue permits (Nos. 6334-R2, 6335-R2 and 6336-R2) to the U.S. Army Corps of Engineers, Washington Aqueduct to operate three identical dual fuel-fired (natural gas and No. 2 fuel oil) boilers, rated at 5.24 MMBtu/hr heat input each, and located at the Dalecarlia Water Treatment Plant, 5900 MacArthur Boulevard NW, Washington DC 20016. The contact person for the facility is Shabir A. Choudhary, Section Chief, WEE Section, phone number: (202) 764-27271.

Boilers to be Permitted

Equipment Location	Emission Unit ID	Model Number	Serial Number	Natural Gas /No. 2 Fuel Oil Rating (MMBTU/hr)	Permit Number
Dalecarlia WTP 5900 MacArthur Blvd. NW Washington, DC	Hurst Boiler #1	S4-X-125-15	S625-15-27	5.24/5.24	6334-R2
Dalecarlia WTP 5900 MacArthur Blvd. NW Washington, DC	Hurst Boiler #2	S4-X-125-15	S625-15-28	5.24/5.24	6335-R2
Dalecarlia WTP 5900 MacArthur Blvd. NW Washington, DC	Hurst Boiler #3	S4-X-125-15	S625-15-26	5.24/5.24	6336-R2

Emissions:

The estimated maximum annual emissions from each of the three (3) 5.24 MMBtu/hr dual fuel-fired (natural gas and No. 2 fuel-oil) boilers, assuming 8,760 hours per year of operation at maximum capacity on the highest-polluting allowable fuel, are expected to be as follows:

Pollutant	Maximum Annual Emissions for Each Boiler (tons/yr)
Total Particulate Matter (PM Total)	0.54
Sulfur Dioxide (SO ₂)	1.18
Oxides of Nitrogen (NO _x)	3.28
Volatile Organic Compounds (VOC)	0.13
Carbon Monoxide (CO)	1.93

The proposed boiler emission limits are as follows:

- a. Each of the boilers (identified as Hurst Boiler #1, Hurst Boiler #2, and Hurst Boiler #3) shall not emit pollutants in excess of those specified in the following table [20 DCMR 201]:

Pollutant	Short-Term Limit (Natural Gas) (lb/hr)	Short-Term Limit (No. 2 Fuel oil) (lb/hr)
Carbon Monoxide (CO)	0.441	0.187
Oxides of Nitrogen (NO _x)	0.525	0.748
Total Particulate Matter (PM Total) ¹	0.040	0.123
Sulfur Dioxide (SO ₂)	0.003	0.269
Volatile Organic Compounds (VOC)	0.029	0.029

¹PM Total includes both filterable and condensable fractions.

- b. Visible emissions shall not be emitted into the outdoor atmosphere from the boilers, except that discharges not exceeding forty percent (40%) opacity (unaveraged) shall be permitted for two (2) minutes in any sixty (60) minute period and for an aggregate of twelve (12) minutes in any twenty-four hour (24 hr.) period during start-up, cleaning, adjustment of combustion controls, or malfunction of the equipment [20 DCMR 606.1]
- c. Total suspended particulate matter (TSP) emissions from the each of the boilers shall not be greater than 0.12 pounds per million BTU. [20 DCMR 600.1].
- d. An emission into the atmosphere of odorous or other air pollutants from any source in any quantity and of any characteristic, and duration which is, or is likely to be injurious to the public health or welfare, or which interferes with the reasonable enjoyment of life or property is prohibited. [20 DCMR 903.1]

The permit applications and supporting documentation, along with the draft permits are available for public inspection at AQD and copies may be made available between the hours of 8:15 A.M. and 4:45 P.M. Monday through Friday. Interested parties wishing to view these documents should provide their names, addresses, telephone numbers and affiliation, if any, to Stephen S. Ours at (202) 535-1747.

Interested persons may submit written comments or may request a hearing on this subject within 30 days of publication of this notice. The written comments must also include the person's name, telephone number, affiliation, if any, mailing address and a statement outlining the air quality issues in dispute and any facts underscoring those air quality issues. All relevant comments will be considered in issuing the final set of permits.

Comments on the draft set of permits and any request for a public hearing should be addressed to:

Stephen S. Ours
Chief, Permitting Branch

Air Quality Division
Department of Energy and Environment
1200 First Street NE, 5th Floor
Washington, DC 20002
Stephen.Ours@dc.gov

No comments or hearing requests submitted after July 1, 2019 will be accepted.

For more information, please contact Stephen S. Ours at (202) 535-1747.

**DEPARTMENT OF HEALTH (DC HEALTH)
HIV/AIDS, HEPATITIS, STD AND TB ADMINISTRATION (HAHSTA)**

REVISED NOTICE OF FUNDING AVAILABILITY (NOFA)

**Innovative Approaches to Pregnancy Prevention
HAHSTA_IAPP_06.07.19 (RFA)**

The District of Columbia, Department of Health (DC Health) is soliciting applications from qualified organizations to provide services in the program areas described in this Notice of Funding Availability (NOFA). This announcement is to provide public notice of the Department of Health's intent to make funds available for the purpose described herein. The applicable Request for Applications (RFA) will be released under a separate announcement with guidelines for submitting the application, review criteria and DC Health terms and conditions for applying for and receiving funding.

General Information:

Funding Opportunity Title:	Innovative Approaches to Pregnancy Prevention
Funding Opportunity Number:	FO-HAHSTA-PG-00008-000
Program RFA ID#:	RFA#IAPP_06.07.19
Opportunity Category:	Competitive
DC Health Administrative Unit:	HIV/AIDS, Hepatitis, STD and TB Administration (HAHSTA)
DC Health Program Bureau	STD and Tuberculosis Division
Program Contact:	Adrienne Barksdale, Program Coordinator Adrienne.barksdale@dc.gov (202) 671-4831
Program Description:	The Government of the District of Columbia, DC Health is soliciting proposals from community based organizations using innovative approaches, to participate in the State Personal Responsibility Education Program (PREP). The purpose of this program is to support projects that replicate evidence-based, effective program models or substantially incorporate elements of effective programs that have been proven, to change behavior for sexually active youth. This funding aims to reduce the pregnancy rates and birth rates for youth populations, especially youth populations that are the most high-risk or vulnerable for pregnancies. The Project implementation is projected to begin October 1,

	2019.
Eligible Applicants	Non-profit, public, private and faith-based organizations in the District of Columbia who provide services to youth.
Anticipated # of Awards:	2
Anticipated Amount Available:	\$190,000.00
Floor Award Amount:	
Ceiling Award Amount:	\$47,500.00

Funding Authorization

Legislative Authorization	Section 513 of Social Security Act
Associated CFDA#	93.092
Associated Federal Award ID#	1801DCPREP
Cost Sharing / Match Required?	No
RFA Release Date:	Friday, June 7, 2019
Pre-Application Meeting (Date)	Monday, June 17, 2019
Pre-Application Meeting (Time)	11:00am – 1:00pm
Pre-Application Meeting (Location/Conference Call Access)	899 North Capitol Street, NE Washington, DC 20002 4 th Floor Conference Room 406
Letter of Intent Due date:	Monday, June 24, 2019
Application Deadline Date:	Friday, July 19, 2019
Application Deadline Time:	6:00 PM
Links to Additional Information about this Funding Opportunity	DC Grants Clearinghouse http://opgs.dc.gov/page/opgs-district-grants-clearinghouse . DC Health EGMS https://dcDCHealth.force.com/GO_ApplicantLogin2

Notes:

1. DC Health reserves the right to issue addenda and/or amendments subsequent to the issuance of the NOFA or RFA, or to rescind the NOFA or RFA.
2. Awards are contingent upon the availability of funds.
3. Individuals are not eligible for DC Health grant funding.
4. Applicants must have a DUNS #, TaxID#, be registered in the federal Systems for Award Management (SAM) and the DC Health Enterprise Grants Management System (EGMS)
5. Contact the program manager assigned to this funding opportunity for additional information.
6. DC Health is located in a secured building. Government issued identification must be presented for entrance.

DEPARTMENT OF HEALTH (DC HEALTH)**STATE HEALTH PLANNING AND DEVELOPMENT AGENCY****NOTICE OF INFORMATION HEARING**

Pursuant to D.C. Official Code § 44-406(b) (4), the District of Columbia State Health Planning and Development Agency ("SHPDA") will hold an information hearing on the application of Carroll Manor to Acquire Carroll Manor Nursing and Rehabilitation Center from Providence Hospital d/b/a Providence Health System - Certificate of Need Registration No. 19-5-7. The hearing will be held on Thursday, June 6, 2019 at 10:00 a.m., at 899 North Capitol Street, N.E., 6th Floor, Room 6002, Washington, D.C. 20002.

The hearing will include a presentation by the Applicant, describing its plans and addressing the certifications required pursuant to D.C. Official Code § 44-406(b) (1). The hearing also includes an opportunity for affected/interested persons to testify. Persons who wish to testify should contact the SHPDA at (202) 442-5875 before 4:45 p.m. on Wednesday, June 5, 2019. Each member of the public who wishes to testify will be allowed a maximum of five (5) minutes. Written statements may be submitted to:

The State Health Planning and Development Agency
899 North Capitol Street, N.E.
Sixth Floor
Washington, D.C. 20002

Written statements must be received before the record closes at 4:45 p.m. on Thursday, June 13, 2019. Persons who would like to review the Certificate of Need application or who have questions relative to the hearing may contact the SHPDA on (202) 442-5875.

**DISTRICT OF COLUMBIA
HISTORIC PRESERVATION REVIEW BOARD**

NOTICE OF HISTORIC LANDMARK AND HISTORIC DISTRICT DESIGNATIONS

The D.C. Historic Preservation Review Board hereby provides public notice of its decision to designate the following property as a historic landmark in the D.C. Inventory of Historic Sites. The property is now subject to the D.C. Historic Landmark and Historic District Protection Act of 1978.

Designation Case No. 17-18: Wardman Flats

Square 519, Lots 38-54, 64-73 and condos 2001-2010, also known as:

301, 303, 305, 307, 309, 311, 313, 315, 317 and 319 R Street NW; 1708, 1710 and 1712 3rd Street NW; 1709, 1711, 1713, 1715, 1717, 1719 and 1721 4th Street NW; and 300, and 302, 304, 306, 308, 310 and 312 Florida Avenue NW

Designated September 28, 2017

Applicant: D.C. Preservation League

Affected Advisory Neighborhood Commission: 5E

Listing in the D.C. Inventory of Historic Sites provides recognition of properties significant to the historic and aesthetic heritage of the nation's capital city, fosters civic pride in the accomplishments of the past, and assists in preserving important cultural assets for the education, pleasure and welfare of the people of the District of Columbia.

IDEA PUBLIC CHARTER SCHOOL

REQUEST FOR PROPOSALS

Legal Expenses

IDEA Integrated Design and Electronic Academy PCS solicits proposals for the following services:

- Legal Expenses

Full RFP available by request. Proposals shall be emailed as PDF documents no later than 5:00 PM on 6/12/2019. Contact: bids@ideapcs.org

MAYA ANGELOU PUBLIC CHARTER SCHOOL**REQUEST FOR PROPOSALS****Vended Meals**

MAPCS is advertising the opportunity to bid on the delivery of breakfast, lunch, snack and/or CACFP supper program to children enrolled at the school for the 2019-2020 school year with a possible extension of (4) one year renewals. All meals must meet at a minimum, but are not restricted to, the USDA National School Breakfast, Lunch, Afterschool Snack and At Risk Supper meal pattern requirements. Additional specifications outlined in the Request for Proposal (RFP) such as; student data, days of service, meal quality, etc. may be obtained beginning on **May 24, 2019** from **Heather Hesslink** at hhesslink@seeforever.org.

Proposals will be accepted at

<https://app.smartsheet.com/b/form/edb745d44b9846ef95ca070acb22a751>

until **June 17, 2019**, no later than **5:00p.m.** Complete details can be found on

<https://www.seeforever.org/request-for-proposals/>

All bids not addressing all areas as outlined in the RFP will not be considered.

MUNDO VERDE PUBLIC CHARTER SCHOOL**REQUEST FOR PROPOSALS****Furniture and Student Cubbies**Introduction

Mundo Verde Bilingual Public Charter School (“Mundo Verde”) is Washington, D.C.’s first school dedicated to education for sustainability and biliteracy. The school pursues these goals through a bilingual, two-way immersion model and Expeditionary Learning, a best-practices, project-based school design. We are currently seeking bids for furniture for our new second 8th street (“Calle Ocho”) campus, opening for PK3 - Kindergarten in August 2019.

Project Description

Mundo Verde is seeking proposals for furniture for our second campus for SY20. Companies may choose to bid on all or part of the items requested. Furniture needs may change throughout the year with the majority of purchases happening in June/July with a delivery date in the end of July. If not specified, amounts to be determined.

A detailed RFP with bidding requirements and supporting documentation can be obtained by contacting Robyn Pretlow at rpretlow@mundoverdepcs.org or calling 202-750-7060.

The deadline for application submission is 12:00pm on Wednesday, June 12th, 2019.

MUNDO VERDE PUBLIC CHARTER SCHOOL**REQUEST FOR PROPOSALS****School Information System**

Mundo Verde PCS seeks bids for a new School Information System (SIS). This system will be implemented over the summer for our two campuses for SY19-20.

Mundo Verde is a PK-5th grade school currently serving 595 students at one campus. In the 2019-20 school year we will be expanding to a second campus serving grades PK3-K. At full size we will serve grades PK-5th students across our two campuses Mundo Verde is looking to switch SIS to improve the teacher experience and streamline academic and operational data collection and usage.

We are currently using SchoolForce. Other ancillary systems include Blackboard Connect, Google Docs, and Form Assembly. Although we may ask for information on capabilities outside of the realm of a traditional student information system we are primarily focused on replacing our current SIS. Vendors may not have the entire functionality suite that we have asked for in this RFP; this is to be expected. We ask that all vendors answer each area of our RFP as thoroughly as possible and not to be discouraged if large areas of functionality cannot be provided.

The SIS must provide functionality to support classroom, school, community, administration and district student records administrative functions appropriate for a public PK-5 charter school. The SIS is required to be an existing, integrated software system that incorporates the operational functions described in this RFP.

A detailed RFP with bidding requirements and supporting documentation can be obtained by contacting Joe Brophy at jbrophy@mundoverdepcs.org or calling 202-750-7060.

The deadline for application submission is 12:00pm on Wednesday, June 12th, 2019.

Government of the District of Columbia
Public Employee Relations Board

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In the Matter of:)	
)	
Metropolitan Police Department)	
)	
	Petitioner)	PERB Case No. 19-A-02
)	Opinion No. 1705
	v.)	
)	
Fraternal Order of Police/ Metropolitan Police Department Labor Committee)	
)	
	Respondent)	
<hr/>)	

DECISION AND ORDER

I. Introduction

On January 2, 2019, the Metropolitan Police Department (“MPD”) filed this Arbitration Review Request (“Request”) pursuant to the Comprehensive Merit Personnel Act (“CMPA”), D.C. Official Code § 1-605.02(6), seeking review of an Arbitrator’s Decision and Award (“Award”) issued on December 12, 2018. The Award sustained, in part, the grievance filed by the Fraternal Order of Police/Metropolitan Police Department Labor Committee (“Union”) on behalf of Jesse Travers-Smith (“Grievant”). The Award ordered that the Grievant’s termination be reversed and reduced to a 30-day suspension without pay and that he be reinstated and made whole for his losses. The issues before the Board are whether the Arbitrator exceeded his jurisdiction and whether the Award is contrary to law and public policy.

In accordance with section 1-605.02(6) of the D.C. Official Code, the Board is permitted to modify or set aside an arbitration award in only three narrow circumstances: (1) if an arbitrator was without, or exceeded his or her jurisdiction; (2) if the award on its face is contrary to law and public policy; or (3) if the award was procured by fraud, collusion or other similar and unlawful

Decision and Order
PERB Case No. 19-A-02
Page 2

means.¹ Having reviewed the Arbitrator's conclusions, the pleadings of the parties, and applicable law, the Board concludes that the Arbitrator did not exceed his jurisdiction and that the Award is not contrary to law and public policy. Therefore, the Board denies MPD's Request.

II. Statement of the Case

The Grievant was employed by MPD as a police officer for approximately four (4) years.² As a result of an off-duty incident involving the Grievant's former domestic partner on August 18, 2012, MPD issued a Notice of Proposed Adverse Action on December 26, 2012.³ The alleged off-duty incident involved a verbal dispute between the Grievant and his former partner that became physical with the Grievant pushing the partner down stairs, pushing the door against her, and head-butting her on the lip. The Grievant requested an Adverse Action Hearing and the matters were heard before an Adverse Action Panel ("Panel") on August 16, 2013.⁴ The Panel reviewed three charges. Charge No. 1 provided, in pertinent part, that the Grievant was "deemed to have been involved in the commission of [an] act which would constitute a crime. . . ."⁵ Charge No. 2 stated, in pertinent part, that the Grievant was engaged in "[c]onduct unbecoming an officer including acts detrimental to good discipline . . . or violations of any law . . . of the District of Columbia."⁶ Charge No. 3 stated, in pertinent part, that that the Grievant "[failed] to obey orders and directive issued by the Chief of Police."⁷

The Panel issued an initial Findings of Fact and Conclusions of Law, finding the Grievant guilty of all three Charges.⁸ The Panel recommended termination.⁹ The Union appealed the Panel's decision on the Grievant's behalf to the Chief of Police, who administratively dismissed Charge No. 1, Specification 2 and reduced the penalty for Charge 3 to a five-day suspension without pay.¹⁰ The Chief of Police upheld the Grievant's termination based upon the guilty findings on Charge No. 1, Specification 1 and Charge No. 2.¹¹ Thereafter, the parties proceeded to arbitration.¹²

III. Arbitration Award

At arbitration, the Arbitrator reviewed the following issues:

¹ D.C. Official Code § 1-605.02(6).

² Award at 5.

³ Award at 6.

⁴ Award at 7.

⁵ Award at 6. Charge No. 1 included two specifications.

⁶ Award at 7.

⁷ Award at 7.

⁸ Award at 7-8.

⁹ Award at 8.

¹⁰ Award at 8.

¹¹ Award at 8.

¹² Award at 9.

Decision and Order
PERB Case No. 19-A-02
Page 3

- (1) Did the MPD present sufficient evidence to support the Panel's finding of guilty of Charge 1, Specification 1 as it pertains to the head butt, and ultimately, its decision to terminate the Grievant for Just Cause?
- (2) Did the MPD present sufficient evidence to support the Panel's finding of guilty of Charge 2, Specification 1 as it pertains to conduct unbecoming an officer, and ultimately, its decision to terminate the Grievant for Just Cause?
- (3) Is termination the appropriate remedy for one or both of the guilty findings?¹³

In an Award issued on December 12, 2018, the Arbitrator found that the evidence submitted by MPD was insufficient to support Charge No. 1, specifically that the Grievant intentionally head-butted his former partner.¹⁴ However, the Arbitrator found that sufficient evidence supported the Panel's finding that the Grievant made contact with his former partner's lip.¹⁵ The Arbitrator determined that the evidence presented by MPD was sufficient to support Charge No. 2.¹⁶

In addressing the third issue, the Arbitrator concluded that the Panel's recommendation of termination for each charge was not an appropriate penalty based on the former partner's credibility and the Panel's application of the 12-factor test in *Douglas v. Veterans Administration*, 5 M.S.P.B. 313 (1981) ("*Douglas Factors*").¹⁷ First, the Arbitrator noted that he found "significant inconsistencies" in the former partner's recollection of the incident on August 18, 2012.¹⁸ In addition, the Arbitrator concluded that the Panel failed to "conscientiously consider all of the *Douglas Factors*."¹⁹ Of particular concern to the Arbitrator, was that the Panel "provided absolutely no evidence to support its conclusion that the recommendation to terminate the Grievant was consistent with penalties assessed to other officers in like or similar circumstance[s]."²⁰ Further, the Arbitrator noted that it is the obligation of the Panel to provide credible evidence that the penalty imposed was consistent with other agency actions.²¹ The Arbitrator also noted that the Panel failed to explain the inconsistency in the Grievant's former supervisor testifying that "he would welcome the opportunity to work with the Grievant," and the Panel's finding that the Grievant's actions would make it difficult for any supervisor to trust him.²²

¹³ Award at 3.

¹⁴ Award at 23, 37.

¹⁵ Award at 23, 37.

¹⁶ Award at 37.

¹⁷ Award at 37.

¹⁸ Award at 23.

¹⁹ Award at 38.

²⁰ Award at 38.

²¹ Award at 27-29.

²² Award at 38.

Decision and Order
PERB Case No. 19-A-02
Page 4

As a result, the Arbitrator determined that termination was “too severe.”²³ Inasmuch as the Arbitrator sustained the Panel’s findings that the Grievant engaged in a heated domestic dispute and made contact with his former partner’s lip, and based on the Arbitrator’s review of the Panel’s analysis of the *Douglas* Factors, the Arbitrator determined that the appropriate remedy was a 30-day suspension.²⁴ The Arbitrator directed MPD to reinstate the Grievant to his former position and make him whole for his losses effective December 13, 2013.²⁵

On January 2, 2019, MPD filed the present Request, seeking review of the Arbitrator’s Award. On January 22, 2019, the Union submitted Opposition to Arbitration Review Request.

IV. Discussion

A. The Board finds that the Arbitrator did not exceed his jurisdiction when he failed to defer to the Panel’s factual conclusions and penalty determination.

First, MPD argues that the Arbitrator exceeded his jurisdiction by overturning the Grievant’s termination even though “substantial evidence in the record supports the Panel’s decision and that the decision was not clearly erroneous as a matter of law.”²⁶ MPD also contends that the Arbitrator exceeded his jurisdiction by not relying on the Panel’s factual findings and *Douglas* Factors analysis.²⁷ In its Request, MPD points to ten (10) of the Panel’s credibility determinations that it argues should have been given greater weight by the Arbitrator.²⁸ Consequently, MPD argues, the Award’s *Douglas* Factors analysis should be rejected in favor of the Panel’s since the Arbitrator’s *Douglas* analysis hinged on the Arbitrator’s credibility determinations.²⁹ Further, MPD requests that the Board apply the standard that applies to the Office of Employee Appeals (“OEA”) articulated in *Stokes v. District of Columbia*³⁰ that an arbitrator defer to the disciplinary decisions by an agency.³¹

The Arbitrator’s authority to review the Grievant’s termination in the instant case constitutes an exercise of his equitable powers arising out of the parties’ collective bargaining agreement.³² This Board has held that an arbitrator does not exceed his jurisdiction by exercising his equitable powers, unless these powers are expressly restricted by the parties’ collective

²³ Award at 38.

²⁴ Award at 38-39.

²⁵ Award at 39. The Grievant was only entitled to back day retroactive the date that the 30 day suspension would have been fully served.

²⁶ Request at 15.

²⁷ Request at 15, 16, 19-22.

²⁸ Request at 19-21.

²⁹ Request at 21-22.

³⁰ 502 A.2d 1006, 1010 (D.C. 1985).

³¹ Award at 16-21.

³² *Metro. Police Dep’t v. Fraternal Order of Police/Metro. Police Dep’t Labor Comm.*, 64 D.C. Reg. 7604, Slip Op. No. 1625 at 2, PERB Case No. 16-A-11 (2017); See, *Washington Teachers’ Union, Local No. 6, Am. Fed’n of Teachers v. D.C. Pub. Sch.*, 77 A.3d 441, 446 (D.C. 2013).

Decision and Order
PERB Case No. 19-A-02
Page 5

bargaining agreement.³³ Absent such an express restriction in the parties' collective bargaining agreement, this Board has also held that "an arbitrator does not exceed [his] authority by exercising [his] equitable powers . . . to decide what mitigating factors warrant a lesser discipline than that imposed."³⁴

In the present case, Article 12, Section 8 of the parties' collective bargaining agreement states, in pertinent part, that an employee may appeal to arbitration and when doing so the arbitrator has the authority to review the evidentiary ruling of the Panel.³⁵ The standard of review for an arbitrator's review of a Panel's decision is the "Preponderance of Evidence."³⁶ In the current matter, the Arbitrator evaluated each of the three issues that the parties presented at the arbitration hearing, including whether termination was an appropriate remedy.³⁷ After evaluating whether the evidence supported the charges, the Arbitrator determined that the Panel did not meet its burden of proof to sustain Charge No. 1 but met its burden of proof to sustain Charge No. 2. Given these findings and based on the Arbitrator's review of the Panel's analysis of the *Douglas* Factors, the Arbitrator found an appropriate remedy. Accordingly, MPD cannot show that the Arbitrator exceeded his jurisdiction in resolving the issues in this matter because the Arbitrator was explicitly authorized to do so by the parties' collective bargaining agreement.

As MPD correctly notes in its Request, this case "hinged largely on the credibility of the Grievant and that of his [former partner]."³⁸ This factual dispute was presented to the Arbitrator who resolved it by "credit[ing] the Grievant's version of events over that of [the Grievant's former partner]."³⁹ The Board finds no reason to upset the Arbitrator's factual findings. It is well settled that disputes over the Arbitrator's evaluation of the evidence does not raise an issue for review.⁴⁰ The weight and the significance of evidence are within the Arbitrator's discretion and do not state a statutory basis for review.⁴¹

Finally, the Board has repeatedly held that *Stokes v. District of Columbia* is not the correct standard to apply to an arbitrator's review of an agency's decision because an arbitrator's authority arises out of the parties' contractual agreement to submit the case to arbitration rather than the statutes creating OEA interpreted in *Stokes*.⁴² MPD should be aware that in *MPD v.*

³³ *Metro. Police Dep't*, Slip Op. No. 1625 at 2.

³⁴ *Metro. Police Dep't and Fraternal Order of Police/Metro. Police Dep't Labor Comm.*, 39 D.C. Reg. 6232, Slip Op. No. 282 at pgs. 3-4, PERB Case No. 97-A-02 (1998).

³⁵ Request, Attachment 4, p. 50.

³⁶ Award at 13.

³⁷ Award at 2.

³⁸ Request at 13.

³⁹ Request at 14.

⁴⁰ *Metro. Police Dep't v. Fraternal Order of Police/ Metro Police Dep't Labor Comm.*, 63 D.C. Reg. 2093, Slip Op. No. 1509 at 4, PERB Case No. 12-A-04(R) (2014).

⁴¹ *See Univ. of D.C. v. Univ. of D.C. Faculty Ass'n*, 39 D.C. Reg. 9628, Slip Op. 320 at 2, PERB Case No. 92-A-04 (1992).

⁴² *Metro. Police Dep't v. Fraternal Order of Police/Metro. Police Dep't Labor Comm.*, 63 D.C. Reg. 4573, Slip Op. No. 1561 at 3, PERB Case No. 14-A-09 (2016); *Metro. Police Dep't v. Fraternal Order of Police/Metro Police Dep't Labor Comm.*, 63 D.C. Reg. 12573, Slip Op. No. 1591 at 6, PERB Case No. 15-A-06 (2016); *Metro Police*

Decision and Order
PERB Case No. 19-A-02
Page 6

PERB, the Superior Court of the District of Columbia held that “PERB reasonably found that [the Arbitrator] was not bound by the standards that apply to OEA’s review of agency decisions set forth in *Stokes*.”⁴³ In that case, the Court upheld a PERB decision that affirmed an arbitrator’s finding reducing a police officer’s penalty from termination to a thirty day suspension.⁴⁴

For the reasons discussed, the Board finds that MPD’s argument that the Arbitrator exceeded his jurisdiction lacks merit. Therefore, the Board will not set aside or modify the award on this ground.

B. The Board finds that the Arbitrator’s Award is in accordance with law and public policy.

MPD claims that the Arbitrator’s Award is contrary to law and public policy because it ordered MPD to reinstate the officer notwithstanding the Arbitrator’s finding that the officer was guilty of “Conduct Unbecoming” for engaging in a verbal dispute that escalated into physical contact.⁴⁵ Given these findings, MPD contends that it is a violation of public policy to require that MPD reinstate the Grievant.⁴⁶ MPD references a general public policy argument against reinstating an officer who engaged in misconduct. For support, MPD cites to a case from the Connecticut Supreme Court and the Illinois Supreme Court wherein the courts refused to reinstate municipal employees who violated state statutes on the grounds that their reinstatement violated public policy. MPD also references its General Orders and District domestic violence laws.

Overturing an arbitration decision on the basis of public policy is an “extremely narrow” exception to the rule that reviewing bodies must defer to the arbitrator’s interpretation of the contract.⁴⁷ “[T]he exception is designed to be narrow so as to limit potentially intrusive judicial review of arbitration awards under the guise of ‘public policy.’”⁴⁸ A petitioner must demonstrate that the arbitration award “compels” the violation of an explicit, well-defined, public policy grounded in law or legal precedent.⁴⁹ The violation must be so significant that the law or public policy “mandates that the Arbitrator arrive at a different result.”⁵⁰ Furthermore, MPD has the burden to specify “applicable law and public policy that mandates that the Arbitrator arrive at a

Dep’t v. Fraternal Order of Police/Metro Police Dep’t Labor Comm., 63 D.C. Reg. 12364, Slip Op. No. 1493 at 5, PERB Case No. 14-A-06 (2014);

⁴³ *Metro. Police Dep’t v. Pub. Emp. Relations Bd.*, 2014 CA 007679 P(MPA) (Dec. 16, 2015).

⁴⁴ *Id.*

⁴⁵ Request at 14.

⁴⁶ Request at 14.

⁴⁷ *Am. Postal Workers Union v. U.S. Postal Service*, 789 F.2d 1, 8 (D.C. Cir. 1986).

⁴⁸ *Id.* at 8.

⁴⁹ See *United Paperworks Int’l Union v. Misco, Inc.*, 484 U.S. 29 at 43 (1987).

⁵⁰ *Metro Police Dep’t v. Fraternal Order of Police/Metro Police Dep’t Labor Comm.*, 47 D.C. Reg. 7217, Slip Op. No. 633 at p. 2, PERB Case No. 00-A-04 (2000) (citing *AFGE, Local 631 v. Dep’t of Public Works*, 45 D.C. Reg. 6617, Slip Op. 365 at p. 4 n. 4, PERB Case No. 93-A-03 (1998); also see *D.C. Pub. Schs. v. Am. Fed’n of State, County and Mun. Emps., Dist. Council 20*, 34 D.C. Reg. 3610, Slip Op. No. 156 at p.6, PERB Case No 86-A-05 (1987).

Decision and Order
PERB Case No. 19-A-02
Page 7

different result.”⁵¹ As the Court of Appeals has stated, we must “not be led astray by our own (or anyone else’s) concept of ‘public policy’ no matter how tempting such a course might be in any particular factual setting.”⁵²

By agreeing to submit a grievance to arbitration “the parties agree to be bound by the Arbitrator’s interpretation of the parties’ agreement, related rules, and regulations, as well as the evidentiary findings on which the decision is based.”⁵³

MPD fails to identify any specific public policy that has been violated, but instead relies solely on general considerations of supposed public policy, and not well-defined policy of legal precedent. Therefore, MPD has failed to point to any clear or legal public policy which the Award contravenes. The Board has held that a disagreement with an arbitrator’s choice of remedy does not render the Award contrary to law and public policy.⁵⁴ MPD disagrees with the arbitrator’s conclusion concerning the appropriate penalty to be imposed. This is not a sufficient basis for concluding that the Award is contrary to law and public policy. For the aforementioned reasons, MPD’s Request is denied.

V. Conclusion

The Board rejects MPD’s arguments and finds no cause to set aside or modify the Arbitrator’s Award. Accordingly, MPD’s request is denied and the matter is dismissed in its entirety.

ORDER

IT IS HEREBY ORDERED THAT:

1. The arbitration review request is hereby denied.
2. Pursuant to Board Rule 559, this Decision and Order is final upon issuance.

BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD

⁵¹ *Metro. Police Dep’t v. Fraternal Order of Police/Metro Police Dep’t Labor Comm.*, 47 D.C. Reg. 717, Slip Op. No. 633 at p. 2, PERB Case No. 00-A-04 (2000).

⁵² *Dep’t of Corr. v. Teamsters Local 246*, 54 A.2d 319, 325 (D.C. 1989).

⁵³ *Fraternal Order of Police v. Dept. of Corr.* 59 D.C. Reg. 9798, Slip Op. 1271 at 2, PERB Case No. 10-A-20 (2012); *See Metro. Police Dep’t v. Fraternal Order of Police/Metro. Police Dep’t Labor Comm.*, 47 D.C. Reg. 7217, Slip Op. 633 at p. 3, PERB Case No. 00-A-04 (2000); *Metro Police Dep’ v. Fraternal Order of Police/Metro. Police Dep’t Labor Comm.*, 51 D.C. Reg. 4173, Slip Op. 738, PERB Case No. 02-A-07 (2004).

⁵⁴ *D.C. Housing Authority v. Bessie Newell*, 46 D.C. Reg. 10375, Slip Op. No. 600, PERB Case No. 99-A-08 (1999).

Decision and Order
PERB Case No. 19-A-02
Page 8

By the unanimous vote of Board Chairperson Charles Murphy and Member Ann Hoffman, Mary Anne Gibbons, Barbara Somson, and Douglas Warshof.

April 18, 2019

Washington, D.C.

CERTIFICATE OF SERVICE

This is to certify that the attached Decision and Order in PERB Case No. 19-A-02, Op. No. 1705 was sent by File and ServeXpress to the following parties on this the 18th day of April, 2019.

Andrea G. Comentale, Esq.
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Washington, DC 20005

/s/ Sheryl Harrington

PERB

Government of the District of Columbia
Public Employee Relations Board

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In the Matter of:)
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Fraternal Order of Police/ Metropolitan Police Department Labor Committee)
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Petitioner)
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v.)
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Metropolitan Police Department)
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Respondent)
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PERB Case No. 18-U-33MFR
Opinion No. 1706
Motion for Reconsideration

DECISION AND ORDER

I. Introduction

On October 10, 2017, an Arbitrator issued an Award that imposed a 150-day suspension on the Grievant. The 150-day suspension was 90-days greater than the recommendation of an adverse action panel. The Fraternal Order of Police/Metropolitan Police Department Labor Committee (“FOP”) appealed to the Board on March 23, 2018. The Board held that the Award was contrary to law and public policy and remanded the case to the Arbitrator.¹ On April 12, 2018, the Arbitrator issued an Award on Remand. The Award on Remand complied with the Board’s decision entitling the Grievant to 90-days of backpay.

On August 9, 2018, FOP filed an Unfair Labor Practice Complaint (“Complaint”). The Complaint alleged that the Metropolitan Police Department (“MPD”) refused to implement the Award on Remand.²

On August 29, 2018, MPD filed an Answer to the Complaint. In its Answer, MPD admitted that the Award on Remand was issued on April 12, 2018. Also, MPD admitted to its refusal to pay the Grievant in accordance with the Award on Remand.³

¹ *MPD v. FOP/MPD Labor Comm.*, 65 D.C. Reg.6435, Slip Op. 1662, PERB Case 18-A-02 (2018).

² *FOP/MPD Labor Comm. v. MPD*, Slip Op. 1689, PERB Case 18-U-33.

³ *Id.* at 2.

Decision and Order
PERB Case 18-U-33MFR
Page 2

On November 15, 2018, the Board issued a Decision and Order, finding that the record showed no disputed facts and deciding the matter on the pleadings. The Board held that MPD committed an unfair labor practice by refusing without justification to implement the Award.⁴

On November 29, 2018, MPD filed this Motion for Reconsideration. On December 5, 2018, FOP filed an Opposition to the Motion for Reconsideration.

The Motion for Reconsideration is denied, for the reasons stated herein.

II. Standard of Review

In a motion for reconsideration, the moving party must provide authority which compels the reversal of the initial decision.⁵ Absent such authority the Board will not overturn its decision.⁶

III. Discussion

MPD argues that the Board should reconsider its decision in PERB Case 18-U-33.⁷ MPD argues that the decision was improper as MPD did not have the opportunity to participate in mediation.

MPD's argument regarding mediation is baseless. Mediation is at the Board's discretion pursuant to PERB Rule 558.4. On September 14, 2018, the Board issued an order for a mediation conference. Afterward, the Board canceled the mediation conference. Neither party objected to the cancellation, nor did the cancellation prevent the parties from reaching a resolution voluntarily. Moreover, 402 days had elapsed since the Arbitrator issued the Award.⁸ Since the record did not reveal any disputed facts which necessitated a hearing the Board, concerned about any further delay, found that this matter was ripe for a decision. Even if MPD's argument with respect to mediation had any merit, it would not constitute authority compelling the reversal of the initial decision.

⁴ MPD Chief Peter Newsham was named as a party in the Unfair Labor Practice Complaint but was dismissed from the action by the Board in PERB Case No. 18-U-33, Slip Op. 1689.

⁵ *FOP/MPD Labor Comm. v. MPD*, 65 D.C. Reg. 6430, Slip Op. 1661, PERB Case No. 17-U-26 (20018). See also, *AFSCME District Council 20, Local 292 v. DCPS*, 62 D.C. Reg. 9200, Slip Op. No. 1518 at p. 3-4, PERB Case No. 12-E-10 (2015); *FOP/MPD Labor Comm. v. MPD*, Slip Op. No. 1554 at 8-9, PERB Case No. 11-U-17 (Nov. 19, 2015); *Rodriguez v. MPD*, 59 D.C. Reg. 4680, Slip Op. No. 954 at 12, PERB Case No. 06-U-38 (2010).

⁶ *FOP/MPD Labor Comm. v. MPD*, 65 D.C. Reg. 6430, Slip Op. 1661, PERB Case No. 17-U-26 (20018).

⁷ As a second basis for reconsideration, MPD asserts that the decision was premature since MPD had a pending Arbitration Review Request. On August 13, 2018, before filing an Answer, MPD filed an Arbitration Review Request ("PERB Case 18-A-16"). PERB Case 18-A-16 sought review of the Award on Remand at issue in the Unfair Labor Practice Complaint. The Board did not address PERB Case 18-A-16 until April 18, 2019. Therein, the Board dismissed PERB Case 18-A-16. Any error resulting from the sequencing of decisions in this matter is harmless. MPD was not prejudiced by the Board's sequencing of decisions. Consequently, MPD's argument is unpersuasive.

⁸ *FOP/MPD Labor Comm. v. MPD*, Slip Op. 1689 at 2, PERB Case 18-U-33.

Decision and Order
PERB Case 18-U-33MFR
Page 3

IV. Conclusion

The Board finds that MPD's motion for reconsideration fails to assert any legal grounds that compel reversal of PERB Case 18-U-33. Therefore, the motion for reconsideration is denied.

ORDER

IT IS HEREBY ORDERED THAT:

1. The Motion for Reconsideration is hereby denied.
2. Pursuant to Board Rule 559.1, this Decision and Order is final upon issuance.

BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD Washington, D.C.

By vote of Board Chairperson Charles Murphy, Members Ann Hoffman, Barbara Somson, Douglas Warshof, and Mary Anne Gibbons

April

18,

2019

Certificate of Service

This is to certify that the attached Decision and Order in PERB Case No. 18-U-33MFR, Opinion No. 1706 was sent by File and ServeXpress to the following parties on this the 19th day of April 2019.

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12th Floor
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Sheryl Harrington

Government of the District of Columbia
Public Employee Relations Board

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In the Matter of:)	
)	
Metropolitan Police Department)	
)	PERB Case No. 19-A-03
	Petitioner)	
)	Opinion No. 1707
	v.)	
)	
Fraternal Order of Police/ Metropolitan)	
Police Department Labor Committee)	
)	
	Respondent)	
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DECISION AND ORDER

I. Introduction

On January 22, 2019, the District of Columbia Metropolitan Police Department (“MPD”) filed this Arbitration Review Request pursuant to the Comprehensive Merit Personnel Act (“CMPA”), section 1-605.02(6) of the D.C. Official Code. MPD seeks review of an arbitration award (“Award”) issued on January 2, 2019, granting the grievance filed by the Fraternal Order of Police/Metropolitan Police Department Labor Committee (“FOP”) on behalf of the Grievant. The Award rescinded the Grievant’s termination. MPD seeks review of the Award claiming it is contrary to law and public policy.

Pursuant to the CMPA, the Board is permitted to modify, set aside, or remand a grievance arbitration award only if: (1) the arbitrator was without or exceeded his or her jurisdiction; (2) the award on its face is contrary to law and public policy; or (3) the award was procured by fraud, collusion, or other similar unlawful means.¹ Upon consideration of the Arbitrator’s conclusions, applicable law, and record presented by the parties, the request is denied for the reasons stated herein.

¹ D.C. Official Code § 1-605.02(6).

Decision and Order
PERB Case 19-A-03
Page 2

II. Statement of the Case

On August 7, 2012, the Grievant was scheduled to appear at a trial to testify on behalf of the government.² According to the Grievant, he exchanged text messages with a fellow MPD officer and determined that the case was continued and that he was not required to appear.³ The Grievant emailed an MPD supervisor claiming to have been excused from the trial by the Assistant Attorney General (“AAG”).⁴ The MPD supervisor issued a log number to mark the excusal from the court appearance.⁵ The Grievant’s claim of excusal was untruthful. Since the Grievant failed to appear at trial, the case was dismissed.⁶

On August 21, 2012, MPD began an investigation into the Grievant’s court absence.⁷ Initially, the Grievant provided the log number and a statement that he was dismissed from the appearance by the AAG. After further investigation, MPD learned that the Grievant was not dismissed from the appearance by the AAG.⁸ The Grievant made a second statement reflecting his belief that he was dismissed but confirming that he did not speak with the AAG.⁹

On September 6, 2012, the Grievant was issued a reprimand for failing to appear at court and a second investigation was initiated related to the untruthful statement regarding the dismissal by the AAG.¹⁰ On September 12, 2012, an investigative memorandum recommended charging the Grievant with an untruthful statement.¹¹

On December 12, 2012, the Grievant was issued a Notice of Proposed Adverse Action that specified the following charges:

Charge No. 1: Violation of General Order Series 120.21, Attachment A, Part A-6, which reads, “Willfully and knowingly making an untruthful statement of any kind in any verbal or written report pertaining to his/her official duties as a Metropolitan Police Officer to, or in the presence of, any superior officer, or intended for the information of any superior officer, or making an untruthful statement before any court or any hearing.”

Charge No. 2: Violation of General Order 120.21, Attachment A, Part A-16, which states, “Failure to obey orders or directives issued by the Chief of Police.” This misconduct is further specified in General Order 901.07, Part V-B, which

² Request at 3.

³ Request at 3.

⁴ Request at 4.

⁵ Request at 4.

⁶ Request at 4.

⁷ Request at 5.

⁸ Request at 5.

⁹ Request at 5.

¹⁰ Request at 6.

¹¹ Request at 6.

Decision and Order
PERB Case 19-A-03
Page 3

reads, "Members shall report to the prosecuting attorney's office, witness room, or proper court room on the appropriate date and scheduled time."¹²

On March 27, 2013, an adverse action panel held a hearing in the matter. Charge No. 2 was dismissed since the Grievant was previously reprimanded for failing to appear in court. During the hearing, the Grievant testified that he attended a doctor's appointment the day of or day before the court date to address a thyroid condition.¹³ The record of the hearing was held open to allow the Grievant to provide documentation of the doctor's appointment.

On April 10, 2013, the Grievant submitted an affidavit that there was no doctor's appointment for a thyroid condition or any other condition on August 7, 2012.¹⁴ The Grievant asserted that on August 7, 2012, he was at his grandson's pediatrician's office and learned that the appointment was scheduled for the next day while at the office.¹⁵

After receiving the affidavit, the adverse action panel wrote a memorandum recommending a new charge of false statements.¹⁶

On June 4, 2013, the Grievant was issued an Amended Notice of Proposed Adverse Action that specified the following charge:

Charge No. 3: Violation of General Order Series 120.21, Attachment A, Part A-6, which states, "Willfully and knowingly making an untruthful statement of any kind in any verbal or written report pertaining to his/her official duties as a Metropolitan Police Officer to, or in the presence of, any superior officer, or intended for the information of any superior officer, or making an untruthful statement before any court or any hearing."¹⁷

On June 6, 2013, the adverse action panel reconvened to hear evidence related to Charge No.3.¹⁸ Thereafter, the adverse action panel found the Grievant guilty of Charge No. 1 and recommended a 30-day suspension and guilty of Charge No. 3 and recommended termination. In the Final Notice of Adverse Action, the recommendations were accepted, and the termination was given an effective date of August 15, 2013.¹⁹

On July 5, 2013, the Grievant appealed to the Chief of Police. On July 26, 2013, the Chief of Police denied the appeal. On August 15, 2013, the FOP moved for arbitration.²⁰

III. Arbitration Award

¹² Request at 6.

¹³ Request at 7.

¹⁴ Request at 7.

¹⁵ Request at 7.

¹⁶ Request at 8.

¹⁷ Request at 8.

¹⁸ Request at 9.

¹⁹ Request at 9.

²⁰ Request at 9.

Decision and Order
PERB Case 19-A-03
Page 4

The Arbitrator made findings on three issues: (1) whether the department violated the Grievant's due process rights, (2) whether the evidence presented by the MPD was sufficient to support the alleged charges, and (3) whether termination was the appropriate penalty.²¹

A. Due Process

FOP argued that, by issuing a memorandum and then adjudicating the additional charge the adverse action panel improperly tipped the scales of justice, predetermining the outcome of Charge No. 3 prior to reconvening the hearing.²² MPD argued that FOP waived its right to challenge the objectivity of the adverse action panel by waiting to appeal to the Chief of Police.²³ MPD argues that the Grievant was provided with the memorandum and the opportunity to be represented by counsel but failed to make an objection at the June 6, 2013 hearing.²⁴ MPD argued that the memorandum did not prejudge the Grievant, instead, it provided information that cause existed for the additional charge.²⁵

The Arbitrator held that MPD violated the Grievant's due process rights. The Arbitrator noted that the strong language in the memorandum read like a decision on the merits. Although a hearing was held on June 6, 2013, the Arbitrator found that the adverse action panel had already made up its mind before receiving testimony.²⁶ The Arbitrator noted that the incomplete findings provided by the adverse action panel in relation to Charge No. 3 bolstered her decision.²⁷ The Arbitrator acknowledged that the adverse action panel made partial findings that the Grievant willfully and knowingly lied but saw its failure to make complete findings as evidence of a rush to judgment. Finally, the Arbitrator found that, by presenting the due process argument to the Chief of Police, FOP preserved the argument for arbitration.²⁸

B. Evidence Sufficient to Support Charges

FOP argued that MPD failed to demonstrate that the Grievant willfully and knowingly lied. FOP argued that there was no evidence that the Grievant knew that his statements were false at the time he made them.²⁹ FOP argued that the Grievant admitted that he made mistakes in reading the text messages, but misinterpretation of information is insufficient to support the Charges of willfully or intentionally presenting false information.³⁰ MPD argued that the Grievant made misrepresentations both to be excused from the court appearance and during the

²¹ Award at 4.

²² Award at 11.

²³ Award at 14.

²⁴ Award at 14.

²⁵ Award at 14.

²⁶ Award at 24.

²⁷ Award at 25.

²⁸ Award at 25.

²⁹ Award at 12.

³⁰ Award at 13.

Decision and Order
PERB Case 19-A-03
Page 5

investigation of the excusal.³¹ MPD argues that the misrepresentations provide sufficient evidence of the Grievant's state of mind and credibility.³²

The Arbitrator held that there was sufficient evidence to support Charge No. 1. The Arbitrator found that a reasonable person could not have read the text messages and determined that the court case was continued.³³ The Arbitrator held that MPD proved by a preponderance of evidence that the Grievant lied and that it was not reasonable for the Grievant to conclude that the case was continued.³⁴

C. Appropriateness of Termination

The Arbitrator evaluated MPD's and FOP's arguments related to the twelve *Douglas*³⁵ factors and determined that termination was not the appropriate penalty.³⁶ The Arbitrator found that the adverse action panel failed to independently review and evaluate the *Douglas* factors. The Arbitrator determined that the *Douglas* factors were mitigating for the Grievant.³⁷ The Arbitrator held that the recommended 30-day suspension for Charge No. 1 was appropriate and that termination for Charge No. 3 was not appropriate, since MPD violated the Grievant's due process rights.³⁸

IV. Position of the Parties

A. MPD's Position

MPD argues that the Award is contrary to law and public policy. MPD seeks the Board's review of the holding that the Grievant's due process rights were violated. MPD argues that the Grievant was provided with timely notice of all charges, presented with the investigative report before the hearings, represented by counsel, and afforded the opportunity to appeal to the Chief of Police before termination became effective.³⁹ MPD argues that the Arbitrator erred in determining that the adverse action panel violated the Grievant's due process rights by writing the strongly worded memorandum. MPD asserts that the memorandum did not disqualify the adverse action panel and that due process is not violated when an adverse action panel "adjudicates a charge of misconduct brought on its own recommendation."⁴⁰ Moreover, MPD argues that FOP waived their argument by not addressing it to the panel. MPD asserts that bias cannot be the basis for a reversal when a party has knowledge of the bias and fails to timely

³¹ Award at 16.

³² Award at 17.

³³ Award at 22.

³⁴ Award at 22.

³⁵ *Douglas v. Veterans Admin.*, 5 MSPR 280, 5 MSPB 313 (1981).

³⁶ Award at 25.

³⁷ Award at 26.

³⁸ Award at 26.

³⁹ Request at 10.

⁴⁰ Request at 11.

Decision and Order
PERB Case 19-A-03
Page 6

object.⁴¹ Finally, MPD asserts that since the termination did not violate the Grievant's due process rights, the Arbitrator's discussion of the *Douglas* factors was contrary to law.⁴²

B. FOP's Position

FOP argues that MPD has failed to meet its burden to show that the Award is contrary to law and public policy. FOP asserts that the demand for arbitration was more than sufficient to preserve the Grievant's due process claim because it clearly states that the Grievant "relies on applicable provisions of the Collective Bargaining Agreement in conjunction with all law, rules, and/or regulations applicable in the District of Columbia, including, but not limited to, Article 12, Section 1, of the Agreement in that termination, was not for cause, Article 4 of the Agreement, and those grounds asserted in [the Grievant's] appeal to the Chief of Police."⁴³ FOP argues that the adverse action panel denied the Grievant the opportunity for a fair hearing, violating his right to due process.⁴⁴

V. Discussion

The law and public policy exception is "extremely narrow."⁴⁵ The narrow scope limits potentially intrusive judicial reviews under the guise of public policy.⁴⁶ MPD has the burden to demonstrate that the award itself violates established law or compels an explicit violation of "well defined public policy grounded in law and or legal precedent."⁴⁷ The violation must be so significant that law and public policy mandates a different result.⁴⁸

Herein, the Arbitrator found that the Grievant's due process rights were violated by MPD and that the argument was preserved in the appeal to the Chief of Police.⁴⁹ The Arbitrator applied the just cause provision of the CBA under Article 12, Section 1(b) as the standard of review. The Arbitrator interpreted this provision of the CBA to require consideration and weighing of all the evidence in the record to determine whether the Employer has met its burden of proof.⁵⁰ The Arbitrator did not disqualify the adverse action panel for recommending and then adjudicating Charge No. 3. The Arbitrator found a violation of due process since the adverse action panel indicated that it decided there was enough evidence to sustain the charge prior to a hearing and then failed to make complete findings regarding the Grievant's explanation and credibility.

⁴¹ Request at 11.

⁴² MPD also presents an unpersuasive public policy argument unsupported by law and legal precedents. *See American Postal Workers v. United States Postal Service*, 789 F.2d 1, 8 (D.C. Cir. 1986).

⁴³ Opposition at 12.

⁴⁴ Opposition at 16.

⁴⁵ *American Postal Workers Union, AFL-CIO v. United States Postal Service*, 789 F.2d 1, 8 (D.C. Cir. 1986). *See MPD v. FOP/MPD Labor Comm. ex rel. Pair*, 61 D.C. Reg. 11609, Slip Op. 1487 at 8, PERB Case No. 09-A-05 (2014). *MPD v. FOP/MPD Labor Comm. ex rel. Johnson*, 59 D.C. Reg. 3959, Slip Op. 925 at 11-12, PERB Case No. 08-A-01 (2012).

⁴⁶ *MPD v. FOP/MPD Labor Comm. ex rel. Pair*, 61 D.C. Reg. 11609, Slip Op. 1487 at 8, PERB Case No. 09-A-05 (2014).

⁴⁷ *Id.*

⁴⁸ *Id.*

⁴⁹ Award at 25.

⁵⁰ Award at 10.

Decision and Order
PERB Case 19-A-03
Page 7

In the present case, MPD asserted that the Award is on its face contrary to law and public policy. However, MPD does not specify any “established law” and “well defined public policy” that mandates that the Arbitrator arrive at a different result. By agreeing to submit a grievance to arbitration “the parties agree to be bound by the Arbitrator’s interpretation of the parties’ agreement, related rules, and regulations, as well as the evidentiary findings on which the decision is based.”⁵¹ MPD’s arguments are a repetition of the arguments considered and rejected by the Arbitrator. Therefore, we believe that MPD’s ground for review only involves disagreement with the Arbitrator’s findings and conclusions. MPD merely requests that we adopt its interpretation of the evidence presented.

Additionally, an arbitrator may overturn a termination decision based on his/her assessment of the agency’s evaluation of the *Douglas* factors.⁵² The Arbitrator found that MPD’s discussion of the *Douglas* factors was inadequate because it contained conclusory language not specific to the Grievant.⁵³ We have previously upheld an arbitrator’s finding that MPD did not properly analyze *Douglas* in its decision to terminate, reasoning that the arbitrator effectively determined that there was insufficient “cause” to support termination as the appropriate remedy.⁵⁴ In this case, the Arbitrator found that the adverse action panel did not properly analyze the *Douglas* factors when it failed to conduct an independent and thorough review and evaluation as required by law.⁵⁵ “The Board will not substitute its own interpretation for that of the duly designated arbitrator.”⁵⁶ Disagreement with the Arbitrator is not a sufficient reason to modify, set aside, or remand an Award.⁵⁷

VI. Conclusion

The Board rejects MPD’s arguments and finds no cause to modify, set aside, or remand the Arbitrator’s Award. Accordingly, MPD’s request is denied and the matter is dismissed in its entirety.

⁵¹ *FOP v. Dept. of Corrections* 59 D.C. Reg. 9798, Slip Op. 1271 at 3, PERB Case No. 10-A-20 (2012). See *MPD v. FOP/MPD Labor Comm.*, 47 D.C. Reg. 7217, Slip Op. 633 at p. 3, PERB Case No. 00-A-04 (2000); *MPD v. FOP/MPD Labor Comm. ex rel. Fisher*, 51 D.C. Reg. 4173, Slip Op. 738, PERB Case No. 02-A-07 (2004).

⁵² See *MPD v. FOP/MPD Labor Committee ex rel. Kennie*, 61 D.C. Reg. 12364, Slip Op. 1493 at 5, PERB Case No. 14-A-06 (2014).

⁵³ Award at 27.

⁵⁴ *MPD v. FOP/MPD Labor Committee ex rel. Kennie*, 61 D.C. Reg. 12364, Slip Op. 1493 at 5, PERB Case No. 14-A-06 (2014).

⁵⁵ Award at 26.

⁵⁶ *FEMS v. AFGE, LOCAL 3721*, 51 D.C. Reg. 4158, Slip Op. 728, PERB Case No. 2-A-08 (2004).

⁵⁷ *AFSCME District Council 20 AFL-CIO v. D.C. General Hospital*, 37 D.C. Reg. 6172, Slip Op. 253 at 3, PERB Case No. 90-A-04 (1990).

Decision and Order
PERB Case 19-A-03
Page 8

ORDER

IT IS HEREBY ORDERED THAT:

1. The arbitration review request is hereby denied.
2. Pursuant to Board Rule 559, this Decision and Order is final upon issuance.

BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD

By Unanimous vote of Board Chairperson Charles Murphy and Board Members Mary Anne Gibbons, Ann Hoffman, Barbara Somson, and Douglas Warshof.

Washington, D.C.

April 18, 2019

Certificate of Service

This is to certify that the attached Decision and Order in PERB Case No. 19-A-03, Opinion No. 1707 was sent by File and ServeXpress to the following parties on this the 19th day of April 2019.

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Sheryl Harrington

DISTRICT OF COLUMBIA SENTENCING COMMISSION**NOTICE OF PUBLIC MEETING**

The Commission meeting will be held on Tuesday, May 21, 2019 at 5:00 p.m. The meeting will be held at 441 4th Street, N.W. Suite 430S Washington, DC 20001. Below is the planned agenda for the meeting. The final agenda will be posted on the agency's website at <http://sentencing.dc.gov>

For additional information, please contact: Mia Hebb, Staff Assistant, at (202) 727-8822 or email mia.hebb@dc.gov

Agenda

1. Review and Approval of the Minutes from the April 23, 2019 Meeting - Action Item, Judge Lee.
2. Agency FY 2020 Budget Overview – Informational Item, Barbara Tombs-Souvey, Executive Director.
3. Review and approval of “Homicide – Fast Fact Sheet” – Action Item, Taylor Tarnalicki, Research Analyst.
4. Continued Discussion and Possible Action on Modification to Current Lapse and Revival Policy – Judge Lee.
 - a. Revival Issue
 - b. Lapse Period
 - c. End of Sentence
5. Continued Discussion and Possible Action on Double Counting Issue, Unlawful Possession of a Firearm, Prior Conviction for Crime of Violence – Judge Lee.
6. Proposed Changes to the 2019 Sentencing Guideline Manual, Action Item, Kara Dansky, General Counsel.
7. Schedule Next Meeting – June 18, 2019.
8. Adjourn.

UNIVERSITY OF THE DISTRICT OF COLUMBIA
REGULAR MEETING OF THE BOARD OF TRUSTEES

NOTICE OF PUBLIC MEETING

The regular meeting of the University of the District of Columbia Board of Trustees will be held on Tuesday, June 4, 2019 at 6:00 p.m.in the Board Room, Third Floor, Building 39 at the Van Ness Campus, 4200 Connecticut Avenue, N.W., Washington, D.C. 20008. Below is the planned agenda for the meeting. The final agenda will be posted to the University of the District of Columbia's website at www.udc.edu. For additional information, please contact: Beverly Franklin, Executive Secretary at (202) 274-6258 or bfranklin@udc.edu.

Planned Agenda

- I.** Call to Order and Roll Call
- II.** Approval of the Minutes – April 30, 2019
- III.** Report of the Chairperson – Mr. Bell
- IV.** Report of the President – President Mason
- V.** Committee Reports
 - a. Executive – Mr. Bell
 - b. Committee of the Whole – Mr. Bell
 - c. Academic and Student Affairs – Dr. Tardd
 - i. Alumni Task Force – Mr. Shelton
 - ii. Communications Task Force –
 - d. Audit, Budget and Finance – Dr. Jarvis
 - e. Community College – Dr. Tardd
 - f. Operations – Mr. Shelton
 - g. Student Outcomes – Mr. Wyner
- VII.** Unfinished Business
- VIII.** New Business
- IX.** Closing Remarks

Adjournment

WASHINGTON GLOBAL PUBLIC CHARTER SCHOOL**REQUEST FOR PROPOSALS**

Washington Global Public Charter School in accordance with section 2204(c) of the District of Columbia School Reform Act of 1995 solicits proposals for the following services SY19.20:

- Special Education Services (bid closes **4:00 p.m. EST on Friday June 21, 2019**)
- Facility Management Services (bid closes **4:00 p.m. EST on Friday, June 28, 2019**)
- Janitorial Services (bid closes **4:00 p.m. EST on Friday, June 28, 2019**)

Proposal Submission

A Portable Document Format (pdf) election version of your proposal must be received by the school no later than the bid close dates listed above. Proposals should be emailed to bids@washingtonglobal.org

No phone call submission or late responses please. Interviews, samples, demonstrations will be scheduled at our request after the review of the proposals only.

Interested parties and vendors will state their credentials and qualifications and provide appropriate licenses, references, insurances, certifications, proposed costs, and work plan. Please include any pertinent disclosures that may be present.

**WASHINGTON LEADERSHIP ACADEMY PUBLIC CHARTER SCHOOL
REQUEST FOR PROPOSALS**

Special Education Services

WLA is seeking proposals for occupational, behavioral service, dedicated support hours, and speech therapy services for high school students with identified disabilities. Services take place at WLA's campus on a weekly basis for School Year 2019-2020.

Please include the following in your RFP:

- Rate/hour/service
- Qualifications of service providers.
- Licenses
- References of other DC charter schools

Deadline for Proposals: June 14, 2019

Please submit bids to Mandy Leiter, Operations Manager: mleiter@wlapcs.org

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Application No. 19954 of Nation's Mosque, pursuant to 11 DCMR Subtitle X, Chapter 9, for special exceptions under Subtitle E §§ 205.5 and 5201 from the rear addition requirements of Subtitle E § 205.4, and under Subtitle C § 1504 from penthouse enclosure requirements of Subtitle C § 1500.6 and the penthouse setback requirements of Subtitle C §§ 1502.1(b) and 1502.1(c)(2)(A), to construct an addition to the existing place of worship in the RF-1 Zone at premises 1519 4th Street N.W. (Square 521, Lot 829).

HEARING DATES: March 27 and April 24, 2019
DECISION DATE: May 15, 2019

SUMMARY ORDER

REVIEW BY THE ZONING ADMINISTRATOR

The application was accompanied by a memorandum from the Zoning Administrator, certifying the required relief. (Exhibit 3.)

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 located within the jurisdiction of ANC 5E, which is automatically a party to this application. The ANC's report indicated that at a regularly scheduled, properly noticed public meeting on January 15, 2019, at which a quorum was present, the ANC voted 10-0-0 to support the application. (Exhibits 12, 13.)

The Office of Planning ("OP") submitted a timely report recommending approval of the application. (Exhibit 29.) OP filed a supplemental report opining on what could be constructed on the property as a matter of right, based on the Board's request for such information. (Exhibit 43.) The District Department of Transportation ("DDOT") submitted a timely report indicating that it had no objection to the application, under the condition that the Applicant comply with the Public Space Committee's October 25, 2018 ruling that public space in front of the property be brought into compliance by removing two non-compliant parking spaces, redesigning non-compliant curb cut, reducing fence to compliant height, and adding a landscape buffer between the sidewalk and the parking area. (Exhibit 31.)

The Board received three letters in opposition to the application. (Exhibits 34, 35, and 44.) The Board also received a letter in support. (Exhibit 39.) One resident submitted comments regarding procedural concerns regarding notice provided in this case. (Exhibit 37.) At the public hearing on

March 27, four neighbors testified in opposition and one individual testified in support. On April 24, one neighbor testified in opposition.

As directed by 11 DCMR Subtitle X § 901.3, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to Subtitle X § 901.2, for special exceptions under Subtitle E §§ 205.5 and 5201 from the rear addition requirements of Subtitle E § 205.4, and under Subtitle C § 1504 from penthouse enclosure requirements of Subtitle C § 1500.6 and the penthouse setback requirements of Subtitle C §§ 1502.1(b) and 1502.1(c)(2)(A).

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 that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map and that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map. The Board further concludes that any other specified conditions for special exception relief have been met, pursuant to Subtitle X § 901.2(c).

No parties appeared at the public hearing in opposition to this application. Accordingly, a decision by the Board to grant this application would not be adverse to any party. Pursuant to 11 DCMR Subtitle Y § 604.3, the order of the Board may be in summary form and need not be accompanied by findings of fact and conclusions of law where granting an application when there was no party in opposition.

It is therefore **ORDERED** that this application is hereby **GRANTED AND, PURSUANT TO SUBTITLE Y § 604.10, SUBJECT TO THE APPROVED PLANS AT EXHIBIT 50 AND WITH THE FOLLOWING CONDITION:**

1. The Applicant shall have flexibility to comply with DDOT's required public space corrections using the options shown in Exhibit 50.

VOTE: 3-0-2 (Carlton E. Hart, Lesylleé M. White, and Michael G. Turnbull to APPROVE; Frederick L. Hill and Lorna L. John not participating.)

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: May 17, 2019

PURSUANT TO 11 DCMR SUBTITLE Y § 604.11, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO SUBTITLE Y § 604.7.

**BZA APPLICATION NO. 19954
PAGE NO. 2**

PURSUANT TO 11 DCMR SUBTITLE Y § 702.1, 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 SUBTITLE Y § 705 PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO SUBTITLE Y § 703.14, NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO SUBTITLE Y §§ 703 OR 704, SHALL TOLL OR EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR SUBTITLE Y § 604, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

PURSUANT TO 11 DCMR SUBTITLE A § 303, THE PERSON WHO OWNS, CONTROLS, OCCUPIES, MAINTAINS, OR USES THE SUBJECT PROPERTY, OR ANY PART THERETO, SHALL COMPLY WITH THE CONDITIONS IN THIS ORDER, AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT. FAILURE TO ABIDE BY THE CONDITIONS IN THIS ORDER, IN WHOLE OR IN PART SHALL BE GROUNDS FOR THE REVOCATION OF ANY BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON 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. 19954

PAGE NO. 3

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Application No. 19968 of District Properties.com, as amended,¹ pursuant to 11 DCMR Subtitle X, Chapter 10, for an area variance from the side yard requirements of Subtitle D § 206.2, to construct a new detached principal dwelling unit in the R-2 Zone at the premises at 4461 B Street, S.E. (Square 5351, Lot 62).

HEARING DATES: April 10 and May 15, 2019

DECISION DATE: May 15, 2019

SUMMARY ORDER

SELF-CERTIFICATION

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR Subtitle Y § 300.6. (Exhibit 39 (Revised); Exhibit 4 (Original).) 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") 7F and to owners of property located within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 7F, which is automatically a party to this application. The ANC did not submit a written report to the record. The Applicant testified that he presented to the ANC and that the ANC voted to recommend denial of the application at that time. Under Subtitle Y § 406.2, the Board must give "great weight" to the issues and concerns raised in the written report of the affected ANC. Absent the ANC's written report, the Board has no issues or concerns to which it can afford "great weight" for this application.

The Office of Planning ("OP") submitted a timely report recommending approval of the application. (Exhibit 35.) The District Department of Transportation ("DDOT") submitted a timely report indicating that it had no objection to the application. (Exhibit 34.)

¹ The original application was amended to withdraw the request for an area variance from the lot dimension requirements of Subtitle D § 302.1 and to correct the citation to the side yard relief, based on a recent text amendment to the side yard regulations.

As directed by 11 DCMR Subtitle X § 1002.2, the Board required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to Subtitle X § 1002.1 for an area variance from the side yard requirements of Subtitle D § 206.2.

Based upon the record before the Board, and having given great weight to the OP report filed in this case, the Board concludes that the Applicant has met the burden of proof under 11 DCMR Subtitle X § 1002.1, 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.

No parties appeared at the public hearing in opposition to this application. Accordingly, a decision by the Board to grant this application would not be adverse to any party. Pursuant to 11 DCMR Subtitle Y § 604.3, the order of the Board may be in summary form and need not be accompanied by findings of fact and conclusions of law where granting an application when there was no party in opposition.

It is therefore **ORDERED** that this application is hereby **GRANTED AND, PURSUANT TO SUBTITLE Y § 604.10, SUBJECT TO THE APPROVED PLANS AT EXHIBIT 6.**

VOTE: 5-0-0 (Frederick L. Hill, Carlton E. Hart, Lesylleé M. White, Lorna L. John, and Anthony J. Hood 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: May 20, 2019

PURSUANT TO 11 DCMR SUBTITLE Y § 604.11, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO SUBTITLE Y § 604.7.

PURSUANT TO 11 DCMR SUBTITLE Y § 702.1, 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 SUBTITLE Y § 705 PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO SUBTITLE Y § 703.14, NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO SUBTITLE Y §§ 703 OR 704, SHALL TOLL OR EXTEND THE TIME PERIOD.

BZA APPLICATION NO. 19968

PAGE NO. 2

PURSUANT TO 11 DCMR SUBTITLE Y § 604, 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. 19990 of Thomas Houston, as amended,¹ pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under the inclusionary zoning provisions of Subtitle C § 1001.2, and pursuant to Subtitle X, Chapter 10, for area variances from the lot dimension and lot width requirements of Subtitle D § 302.1, and the side yard requirements of Subtitle D § 206.3, to construct two, new semi-detached principal dwelling units in the R-2 Zone at the premises at 919 47th Place, N.E. (Square 5151, Lot 105).

HEARING DATES: May 1 and May 15, 2019²
DECISION DATE: May 15, 2019

SUMMARY ORDER

SELF-CERTIFICATION

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR Subtitle Y § 300.6. (Exhibit 37 (Revised); Exhibit 2 (Original).) 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") 7C and to owners of property located within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 7C, which is automatically a party to this application. The ANC submitted a report recommending approval of the application. The ANC's report indicated that at a regularly scheduled, properly noticed public meeting on May 9, 2019, at which a quorum was present, the ANC voted 6-0-0 to support the application. (Exhibit 40.)

The Office of Planning ("OP") submitted a timely report, dated April 19, 2019, in support of the application. (Exhibit 32.) The District Department of Transportation ("DDOT") submitted a report, dated April 19, 2019, expressing no objection to the approval of the application. (Exhibit 31.)

¹The original application was amended to add special exception relief for inclusionary zoning density (Subtitle C § 1001.2).

² This case was originally scheduled for a public hearing on May 1, 2019, but postponed to May 15, 2019 at the request of the Applicant and ANC 7C.

One letter in opposition was submitted to the record by Sharon D. Tucker. (Exhibit 30.) Sharon D. Tucker also submitted request for party status to the record. (Exhibit 29.) At the public hearing of May 1, 2019, Ms. Tucker did not appear when the case was called, therefore the party status request was deemed withdrawn under Subtitle Y § 404.10.

Variance Relief

As directed by 11 DCMR Subtitle X § 1002.2, the Board required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to Subtitle X § 1002.1 for area variances from the lot dimension and lot width requirements of Subtitle D § 302.1, and the side yard requirements of Subtitle D § 206.3, to construct two, new semi-detached principal dwelling units in the R-2 Zone.

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 Subtitle D §§ 302.1 and 206.3, the Applicant has met the burden of proof under 11 DCMR Subtitle X § 1002.1, 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 Subtitle X § 901.3, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to Subtitle X § 901.2, for a special exception under the inclusionary zoning provisions of Subtitle C § 1001.2.

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 Subtitle X § 901.2 and Subtitle C § 1001.2, that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

As the party status request was deemed withdrawn, no parties appeared at the public hearing in opposition to this application. Accordingly, a decision by the Board to grant this application would not be adverse to any party. Pursuant to 11 DCMR Subtitle Y § 604.3, the order of the Board may be in summary form and need not be accompanied by findings of fact and conclusions of law where granting an application when there was no party in opposition.

It is therefore **ORDERED** that this application is hereby **GRANTED AND, PURSUANT TO SUBTITLE Y § 604.10, SUBJECT TO THE APPROVED PLANS AT EXHIBITS 4A1-4A3.**

VOTE: 5-0-0 (Frederick L. Hill, Anthony J. Hood, Lorna L. John, Carlton E. Hart, and Lesylleé M. White to APPROVE.)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

A majority of the Board members approved the issuance of this order.

ATTESTED BY: _____
SARA A. BARDIN
Director, Office of Zoning

FINAL DATE OF ORDER: May 17, 2019

PURSUANT TO 11 DCMR SUBTITLE Y § 604.11, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO SUBTITLE Y § 604.7.

PURSUANT TO 11 DCMR SUBTITLE Y § 702.1, 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 SUBTITLE Y § 705 PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO SUBTITLE Y § 703.14, NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO SUBTITLE Y §§ 703 OR 704, SHALL TOLL OR EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR SUBTITLE Y § 604, 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. 20005 of Laura Takacs and Bob Payne, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under the use provisions of Subtitle U § 301.1(e) to replace the existing one story accessory building with a two-story building containing an accessory apartment in the RF-1 Zone at premises 1719 C Street, S.E. (Square 1100, Lot 66).

HEARING DATE: May 15, 2019

DECISION DATE: May 15, 2019

SUMMARY ORDER

SELF-CERTIFICATION

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR Subtitle Y § 300.6. (Exhibit 9.) 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") 6B and to owners of property located within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 6B, which is automatically a party to this application. The ANC's report indicated that at a regularly scheduled, properly noticed public meeting on April 9, 2019, at which a quorum was present, the ANC voted 10-0-0 to support the application. (Exhibits 30 and 32.)

The Office of Planning ("OP") submitted a timely report recommending approval of the application. (Exhibit 33.) The District Department of Transportation ("DDOT") submitted a timely report indicating that it had no objection to the application. (Exhibit 31.)

Three letters were submitted from neighbors in support of the application. (Exhibit 10.) Capitol Hill Restoration Society submitted a letter in support of the application. (Exhibit 29.) One letter was submitted from a neighbor in opposition to the application. (Exhibit 26.)

As directed by 11 DCMR Subtitle X § 901.3, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to Subtitle X § 901.2, for a special exception under the use provisions of Subtitle U § 301.1(e) to replace the existing one story accessory building with a two-story building containing an accessory

apartment in the RF-1 Zone. No parties appeared at the public hearing in opposition to this application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the OP and ANC reports, the Board concludes that the Applicant has met the burden of proof that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map and that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map. The Board further concludes that any other specified conditions for special exception relief have been met, pursuant to Subtitle X § 901.2(c).

Pursuant to 11 DCMR Subtitle Y § 604.3, the order of the Board may be in summary form and need not be accompanied by findings of fact and conclusions of law where granting an application when there was no party in opposition.

It is therefore **ORDERED** that this application is hereby **GRANTED AND, PURSUANT TO SUBTITLE Y § 604.10, SUBJECT TO THE APPROVED PLANS AT EXHIBIT 11 – ARCHITECTURAL PLANS AND ELEVATIONS.**

VOTE: 5-0-0 (Frederick L. Hill, Carlton E. Hart, Lorna L. John, Lesylleé M. White, and Anthony J. Hood 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: May 20, 2019

PURSUANT TO 11 DCMR SUBTITLE Y § 604.11, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO SUBTITLE Y § 604.7.

PURSUANT TO 11 DCMR SUBTITLE Y § 702.1, 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 SUBTITLE Y § 705 PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST

BZA APPLICATION NO. 20005

PAGE NO. 2

IS GRANTED. PURSUANT TO SUBTITLE Y § 703.14, NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO SUBTITLE Y §§ 703 OR 704, SHALL TOLL OR EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR SUBTITLE Y § 604, 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.

**BOARD OF ZONING ADJUSTMENT
PUBLIC MEETING NOTICE
WEDNESDAY, JULY 17, 2019
441 4TH STREET, N.W.
JERRILY R. KRESS MEMORIAL HEARING ROOM, SUITE 220-SOUTH
WASHINGTON, D.C. 20001**

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

TIME: 9:30 A.M.

FOR EXPEDITED REVIEW

WARD THREE

19406A **Application of Paige Reffe**, pursuant to 11 DCMR Subtitle Y § 703.4, for a
ANC 3C modification of consequence to the plans approved by BZA Order No. 19406, to
 permit an increase of the height of a rear wall enclosure, on a rear deck addition
 of an existing, detached principal dwelling unit in the R-1-B Zone at premises
 3300 Lowell Street N.W. (Square 2091, Lot 28).

WARD TWO

20068 **Application of William Pecau and Linda Berkeley**, pursuant to 11 DCMR
ANC 2E Subtitle X, Chapter 9, for special exceptions under Subtitle D § 5201 from the lot
 occupancy requirements of Subtitle D § 1204.1, and from the rear yard
 requirements of Subtitle D § 1206.2, to construct a rear addition to an existing,
 semi-detached principal dwelling unit in the R-20 Zone at premises 1228 27th St.
 N.W. (Square 1215, Lot 81).

PLEASE NOTE:

Failure of an applicant to supply a complete application to the Board, and address the required standards of proof for the application, may subject the application or appeal to postponement, dismissal or denial. The public meeting in these cases will be conducted in accordance with the provisions of Subtitles X and Y of the District of Columbia Municipal Regulations, Title 11. Individuals and organizations interested in any application may submit written comments to the Board.

An applicant is not required to attend for the decision, but it is recommended so that they may offer clarifications should the Board have questions about the case.

Except for the affected ANC, any person who desires to participate as a party in this case must clearly demonstrate that the person's interests would likely be more significantly,

BZA PUBLIC MEETING NOTICE

JULY 17, 2019

PAGE NO. 2

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

The application will remain on the Expedited Review Calendar unless a request for party status is filed in opposition, or if a request to remove the application from the agenda is made by: (1) a Board member; (2) OP; (3) an affected ANC or affected Single Member District; (4) the Councilmember representing the area in which the property is located, or representing an area located within two-hundred feet of the property; or (5) an owner or occupant of any property located within 200 feet of the property.

The removal of the application from the Expedited Review Calendar will be announced as a preliminary matter on the scheduled decision date and then rescheduled for a public hearing on a later date. Notice of the rescheduled hearing will be posted on the Office of Zoning website calendar at <http://dcoz.dc.gov/bza/calendar.shtm> and on a revised public hearing notice in the OZ office. If an applicant fails to appear at the public hearing, this application may be dismissed.

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

Do you need assistance to participate?

Amharic

ለመከተሉ ዕርዳታ ያስፈልግዎታል?

የተለየ እርዳታ ካስፈለገዎት ወይም የቋንቋ እርዳታ አገልግሎቶች (ትርጉም ወይም ማሳተፊያ)

ካስፈለገዎት እባክዎን ከስብሰባው አገልግሎት ቀናት በፊት ዚ ሂልን በስልክ ቁጥር (202) 727-

0312 ወይም በኢሜል Zelalem.Hill@dc.gov ይገናኙ። እነኚህ አገልግሎቶች የሚሰጡት በነጻ ነው።

Chinese

您需要有人帮助参加活动吗?

如果您需要特殊便利设施或语言协助服务（翻译或口译），请在见面之前提前五天与 Zee Hill 联系，电话号码 (202) 727-0312，电子邮件 Zelalem.Hill@dc.gov。这些是免费提供的服务。

French

Avez-vous besoin d’assistance pour pouvoir participer ? Si vous avez besoin d’aménagements spéciaux ou d’une aide linguistique (traduction ou interprétation), veuillez contacter Zee Hill au (202) 727-0312 ou à Zelalem.Hill@dc.gov cinq jours avant la réunion. Ces services vous seront fournis gratuitement.

Korean

BZA PUBLIC MEETING NOTICE

JULY 17, 2019

PAGE NO. 3

참여하시는데 도움이 필요하세요?

특별한 편의를 제공해 드려야 하거나, 언어 지원 서비스(번역 또는 통역)가 필요하시면, 회의 5일 전에 Zee Hill 씨께 (202) 727-0312로 전화 하시거나 Zelalem.Hill@dc.gov 로 이메일을 주시기 바랍니다. 이와 같은 서비스는 무료로 제공됩니다.

Spanish

¿Necesita ayuda para participar?

Si tiene necesidades especiales o si necesita servicios de ayuda en su idioma (de traducción o interpretación), por favor comuníquese con Zee Hill llamando al (202) 727-0312 o escribiendo a Zelalem.Hill@dc.gov cinco días antes de la sesión. Estos servicios serán proporcionados sin costo alguno.

Vietnamese

Quý vị có cần trợ giúp gì để tham gia không?

Nếu quý vị cần thu xếp đặc biệt hoặc trợ giúp về ngôn ngữ (biên dịch hoặc thông dịch) xin vui lòng liên hệ với Zee Hill tại (202) 727-0312 hoặc Zelalem.Hill@dc.gov trước năm ngày. Các dịch vụ này hoàn toàn miễn phí.

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

FREDERICK L. HILL, CHAIRPERSON
LESYLLEÉ M. WHITE, MEMBER
LORNA L. JOHN, MEMBER
CARLTON HART, VICE-CHAIRPERSON,
NATIONAL CAPITAL PLANNING COMMISSION
A PARTICIPATING MEMBER OF THE ZONING COMMISSION
CLIFFORD W. MOY, SECRETARY TO THE BZA
SARA A. BARDIN, DIRECTOR, OFFICE OF ZONING

District of Columbia REGISTER – May 31, 2019 – Vol. 66 - No. 22 006582 – 006775