

***District of Columbia***

**REGISTER**

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**HIGHLIGHTS**

- D.C. Council schedules a public hearing on Bill 23-393, The Safe Passage to School Expansion Act of 2019
- D.C. Council schedules a public oversight hearing on “Improving School Attendance: Truancy, Chronic Absenteeism, and the Implementation of Reform Initiatives”
- D.C. Council schedules a public oversight hearing on “Agency Responses to Code Violations and the Subsequent Fire at 708 Kennedy Street N.W.”
- D.C. Council schedules a public oversight hearing on the Department of Behavioral Health
- D.C. Council schedules a public oversight roundtable on “The Metro Transit Police Department’s Policing Practices and Their Impact on Communities of Color”
- The Mayor of the District of Columbia delegates the Mayor's authority under the Revised Uniform Law on Notarial Acts Act of 2018 to the Secretary of State of the District of Columbia (Mayor’s Order 2019-093)
- Mayor's Office of Legal Counsel publishes Freedom of Information Act Appeals
- Public Employee Relations Board schedules a public hearing on the proposed updates to the Board’s rules

# 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](http://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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## DISTRICT OF COLUMBIA OFFICE OF DOCUMENTS AND ADMINISTRATIVE ISSUANCES

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ADMINISTRATOR

**CONTENTS**

**ACTIONS OF THE COUNCIL OF THE DISTRICT OF COLUMBIA**

**D.C. ACTS**

A23-129 Commission on the Arts and Humanities Budget  
 Subtitle Technical Emergency Amendment  
 Act of 2019 (B23-427) .....013929 - 013930

**RESOLUTIONS**

Res 23-226 Modifications to Human Care Agreement No. CW68847  
 with Constituent Services Worldwide Public Benefit  
 Corporation Approval and Payment Authorization  
 Emergency Declaration Resolution of 2019 .....013931 - 013932

Res 23-227 Washington Metropolitan Area Transit Authority  
 Fiscal Year 2020 Capital Funding Agreement  
 Emergency Declaration Resolution of 2019 .....013933 - 013934

Res 23-228 Washington Metropolitan Area Transit Authority  
 Fiscal Year 2020 Local Capital Funding Agreement  
 Emergency Declaration Resolution of 2019 .....013935 - 013936

Res 23-229 Modification Nos. 4, 5, 6, 7 and 8 to Contract No.  
 CW58761 Approval and Payment Authorization  
 Emergency Declaration Resolution of 2019 .....013937 - 013938

Res 23-230 Modification Nos. 5, 6, 7, 8, and 9 to Contract No.  
 CW43271 Approval and Payment Authorization  
 Emergency Declaration Resolution of 2019 .....013939 - 013940

Res 23-231 Modification No. 3 to Contract No. NFPHC-2018-436-A  
 Approval and Payment Authorization Emergency  
 Declaration Resolution of 2019.....013941 - 013942

Res 23-232 Modification No. 3 to Contract No. NFPHC-2018-435-A  
 Approval and Payment Authorization Emergency  
 Declaration Resolution of 2019.....013943 - 013944

Res 23-233 Modification No. 2 to Contract No. NFPHC-2018-465  
 Approval and Payment Authorization Emergency  
 Declaration Resolution of 2019.....013945 - 013946

Res 23-234 Student Activity Fund Theatrical and Music  
 Performance Expenditures Emergency Declaration  
 Resolution of 2019 .....013947 - 013948

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

**ADOPTED CEREMONIAL RESOLUTIONS**

ACR 23-80	Twelve Days of Christmas, Inc. First Annual Conference and 20th Jubilee Celebration Ceremonial Recognition Resolution of 2019.....	013949 - 013950
ACR 23-81	Immigrant Heritage Month Ceremonial Recognition Resolution of 2019 .....	013951 - 013952
ACR 23-82	Lisner-Louise-Dickson-Hurt Home Recognition Resolution of 2019.....	013953 - 013954
ACR 23-83	Dr. Colette Magnant Recognition Resolution of 2019 .....	013955 - 013956
ACR 23-84	Nathaniel Casson Recognition Resolution of 2019 .....	013957 - 013958
ACR 23-85	DC Black Lesbian & Gay Pride Recognition Resolution of 2019.....	013959 - 013960
ACR 23-86	Kurt Vorndran Recognition Resolution of 2019.....	013961 - 013962
ACR 23-87	Raymond Tu Ceremonial Recognition Resolution of 2019.....	013963 - 013964
ACR 23-88	E. Veronica Pace Recognition Resolution of 2019.....	013965 - 013966
ACR 23-89	Nelson Carbonell Recognition Resolution of 2019 .....	013967 - 013968
ACR 23-90	Rev. Willie William Flood Recognition Resolution of 2019.....	013969 - 013970
ACR 23-91	Stoddard Baptist Nursing Home Recognition Resolution of 2019.....	013971 - 013972
ACR 23-92	DC ELY Flag Football League Women’s Teams Recognition Resolution of 2019 .....	013973 - 013974
ACR 23-93	Kingman Boys and Girls Club 50th Anniversary Recognition Resolution of 2019 .....	013975 - 013976
ACR 23-94	DC Bilingual Public Charter School Recognition Resolution of 2019.....	013977
ACR 23-95	40th Anniversary of the Marion Barry Youth Leadership Institute Recognition Resolution of 2019 .....	013978 - 013979

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

**BILLS INTRODUCED AND PROPOSED RESOLUTIONS**

**Notice of Intent to Act on New Legislation -**

Bills B23-504 through B23-510 and Proposed Resolutions PR23-507 through PR23-513, PR23-515, and PR23-516 .....	013980 - 013982
--	-----------------

**COUNCIL HEARINGS**

**Notice of Public Hearings -**

B23-0045	Bedbug Control Act of 2019 (Joint) .....	013983 - 013984
B23-0145	District of Columbia Psychology Interjurisdictional Compact Act of 2019 (Joint) .....	013983 - 013984
B23-0250	Professional Art Therapist Licensure Amendment Act of 2019 (Joint).....	013983 - 013984
B23-68	Bishop Sherman S. Howard Way Designation Act of 2019 .....	013985 - 013986
B23-88	Downs Way Designation Act of 2019 .....	013985 - 013986
B23-104	Tingey Square Designation Act of 2019.....	013985 - 013986
B23-172	Alethia Tanner Park Designation Act of 2019.....	013985 - 013986
B23-264	Woody Ward Recreation Center Designation Act of 2019 .....	013985 - 013986
B23-327	James E. Bunn Amphitheater Designation Act of 2019 .....	013985 - 013986
B23-366	Zaire Kelly Park Designation Act of 2019 .....	013985 - 013986
B23-449	Kappa Alpha Psi Way Designation Act of 2019 .....	013985 - 013986
B23-455	Rev. Roy Settles Way Designation Act of 2019.....	013985 - 013986
B23-215	Security Breach Protection Amendment Act of 2019 .....	013987
B23-228	Legitimate Theater Sidewalk Café Authorization Amendment Act of 2019 .....	013988 - 013989
PR23-462	District of Columbia Water and Sewer Authority Board of Directors Howard Gibbs Confirmation Resolution of 2019.....	013988 - 013989
PR23-463	District of Columbia Water and Sewer Authority Board of Directors Jed Ross Confirmation Resolution of 2019.....	013988 - 013989
PR23-464	District of Columbia Water and Sewer Authority Board of Directors Joe Leonard Confirmation Resolution of 2019.....	013988 - 013989
PR23-465	District of Columbia Water and Sewer Authority Board of Directors David Franco Confirmation Resolution of 2019.....	013988 - 013989
B23-390	Urban Farming Land Lease Amendment Act of 2019 .....	013990
B23-407	Lead Hazard Prevention and Elimination Amendment Act of 2019 .....	013990

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

COUNCIL HEARINGS CONT'D

Notice of Public Hearings - cont'd

B23-393 The Safe Passage to School Expansion Act of 2019 ..... 013991

B23-0433 Rental Housing Act Extension Amendment Act of 2019 ..... 013992

B23-494 Ban on Non-Compete Agreements Amendment Act of 2019 ..... 013993

Notice of Public Oversight Hearings -

Agency Responses to Code Violations and the  
Subsequent Fire at 708 Kennedy Street N.W. (Joint) ..... 013994 - 013995

Improving School Attendance: Truancy, Chronic Absenteeism,  
and the Implementation of Reform Initiatives (Joint) ..... 013996

The Department of Behavioral Health (Revised) ..... 013997

Notice of Public Oversight Roundtables -

Education Research Practice Partnership Proposed  
Notice of Invitation (Joint) ..... 013998

The Metro Transit Police Department’s Policing Practices  
and Their Impact on Communities of Color (Joint) ..... 013999 - 014000

Notice of Public Roundtables -

PR23-0481 Executive Director of the Office on African Affairs  
Aly Kaba Confirmation Resolution of 2019 ..... 014001

Trees Located in Public Parking ..... 014002

OTHER COUNCIL ACTIONS

Consideration of Temporary Legislation -

B23-503 Fiscal Year 2020 Budget Support Clarification  
Temporary Act of 2019 ..... 014003

Notice of Applicability of Legislation -

Certification of Inclusion in Approved Budget  
and Financial Plan ..... 014004 - 014005

Notice of Grant Budget Modifications -

GBM 23-51 FY 2019 Grant Budget Modifications of  
October 7, 2019 ..... 014006

GBM 23-52 FY 2019 Grant Budget Modifications of  
October 11, 2019 ..... 014006

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

OTHER COUNCIL ACTIONS CONT'D

Notice of Intent to Consider Legislation (Abbreviated) -

B23-514 Fiscal Year 2020 Budget Support Clarification Amendment Act of 2019 ..... 014007

PR 23-0511 Local Rent Supplement Program Contract No. 2018-LRSP-03A Approval Resolution of 2019 ..... 014008

PR 23-516 Fiscal Year 2021 Budget Submission Requirements Resolution of 2019 ..... 014009

Notice of Reprogramming Requests -

23-45 Request to reprogram \$3,450,000 of Fiscal Year 2019 Special Purpose Revenue funds budget authority from the Office of the Chief Financial Officer (OCFO) to the Department on Disability Services (DDS)..... 014010

23-46 Request to reprogram \$231,387 of Fiscal Year 2019 Local funds budget authority within the Office of the State Superintendent of Education ..... 014010

23-47 Request to reprogram \$455,000 of Fiscal Year 2019 Local funds budget authority within the Department of Energy and Environment (DOEE) ..... 014010

Notice of Re-Referred Bill -

B23-107 Non-Profit Reimbursement Fairness Act of 2019 was published as referred to the Committee of the Whole but has now been re-referred to the Committee on Facilities and Procurement..... 014011

ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES

PUBLIC HEARINGS

Alcoholic Beverage Regulation Administration -

Boulevard Lounge - ANC 4B - New ..... 014012

Bukom Cafe - ANC 1C - Petition to Amend or Terminate ..... 014013

Butter Chicken Company - ANC 2B - New ..... 014014

Capital Crab & Seafood - ANC 3G - Sports Wagering Substantial Change ..... 014015

Class C and D Renewals for October 25, 2019 ..... 014016 - 014062

Club Cinema - ANC 3E - Petition to Amend or Terminate ..... 014063

Club Cinema - ANC 3E - Renewal ..... 014064

Emilie's - ANC 6B - Renewal ..... 014065

Fat Pete's BBQ - ANC 3C - Sports Wagering Substantial Change ..... 014066

**ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES CONT'D**

**PUBLIC HEARINGS CONT'D**

Alcoholic Beverage Regulation Administration – cont'd

Flavors of India/Marshall's Bar - ANC 2A - Petition to Amend or Terminate.....	014067
FLAVORS OF INDIA/MARSHALL'S BAR - ANC 2A - Renewal.....	014068
Hatoba - ANC 6D - Renewal.....	014069
Hawthorne - ANC 1B -Petition to Amend or Terminate.....	014070
Hawthorne - ANC 1B - Renewal.....	014071
Nero/Zeno - ANC 2B - Expansion.....	014072
Officina Cafe - ANC 2B - Renewal.....	014073
Sandbox Restaurant - ANC 2E - Renewal.....	014074
Simple Bar and Grill - ANC 4C - Transfer to a New Location with Substantial Changes.....	014075
The Avenue - ANC 3G - Sports Wagering Substantial Change.....	014076
The Park Place at 14th - ANC 2F - Petition to Amend or Terminate.....	014077
Thompson Washington DC - ANC 6D - New - READVERTISEMENT.....	014078
Thompson Washington DC - ANC 6D - New - RESCIND.....	014079
Wal-Mart #3035 - ANC 4B - New.....	014080
Walters - ANC 6D - Renewal - READVERTISEMENT.....	014081
Walters - ANC 6D - Renewal - RESCIND.....	014082

Public Employee Relations Board -

Notice of Public Hearing on Proposed Rulemaking of 6B DCMR – Ch.5 - November 18, 2019.....	014083
---	--------

Public Schools, DC -

Notice of Public Hearing - Fiscal Year 2021 Budget.....	014084
---	--------

Zoning Adjustment, Board of - December 18, 2019 - Public Hearing (Revised)

20159 JJ Brothers LLC - ANC 2F.....	014085 - 014088
20162 Sandip Mehta and Angela Mizeur - ANC 6B.....	014085 - 014088
20163 719 SIXTH ST LLC - ANC 6C.....	014085 - 014088
20166 Destination Pet LLC - ANC 1C.....	014085 - 014088
20168 50 F Street LLC - ANC 6C.....	014085 - 014088

Zoning Commission - Cases -

17-05B 2100 2nd Street, SW, LLC.....	014089 - 014091
19-16 MCF WALP Phase 1, LLC.....	014092 - 014094



**ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES CONT'D**

**PROPOSED RULEMAKING**

Alcoholic Beverage Regulation Administration -  
Amend 23 DCMR (Alcoholic Beverages),  
Ch. 8 (Enforcement, Infractions, and Penalties),  
Sec. 800 (ABRA Civil Penalty Schedule),  
to update the ABRA Civil Penalty Schedule infractions .....014095 - 014096

Health, Department of (DC Health) -  
Amend 17 DCMR (Business, Occupations, and Professionals),  
Ch. 83 (Pharmaceutical Detailers),  
Sec. 8306 (Continuing Education Requirements),  
to update continuing education requirements  
for pharmaceutical detailers .....014097 - 014101

Human Resources, DC Department of -  
Amend 6 DCMR (Personnel),  
Subtitle B (Government Personnel),  
Ch. 18 (Employee Conduct),  
Sec. 1805 (Financial Interests and Disclosures),  
Sec. 1806 (Restrictions on the Employment of Relatives (Nepotism)), and  
Sec. 1899 (Definitions), to allow the Mayor, Attorney General  
of the District of Columbia, the Executive Director of the  
D.C. Public Library, and members of the State Board of  
Education (SBOE) to serve as an honorary chair or honorary  
member of a nonprofit entity’s fundraising event.....014102 - 014104

Lottery and Charitable Games, Office of -  
Amend 30 DCMR (Lottery and Charitable Games),  
Ch. 15 (Raffles),  
Sec. 1509 (50/50 Raffles Conducted by Charitable Foundations  
Affiliated with Collegiate or Professional Sports Teams),  
to authorize licensed organizations the option of accepting  
debit cards as a method of payment for 50/50 Raffle sales .....014105 - 014108

**EMERGENCY AND PROPOSED RULEMAKING**

Health, Department of (DC Health) -  
Amend 22 DCMR (Health),  
Subtitle C (Medical Marijuana),  
Ch. 5 (Qualifying Patients),  
Sec. 503 (Nonresident Qualifying Patients), and  
Ch. 99 (Definitions),  
Sec. 9900 (Definitions),  
to revise regulations governing the participation of nonresident  
qualifying patients in the District’s Medical Marijuana Program.....014109 - 014110

**ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES CONT'D**

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

2019-088 Appointments – Developmental Disabilities  
State Planning Council (Yetta Myrick and  
Bernard Crawford).....014111

2019-089 Reappointments – Police and Firefighters  
Retirement Relief Board (Charles Epps  
and Henry Wyatt) .....014112

2019-090 Appointments – Mayor's Advisory Committee  
on Child Abuse and Neglect (6 members).....014113 - 014114

2019-091 Appointments – Interstate Commission on  
the Potomac River Basin (Hamid Karimi  
and Jeffrey Seltzer).....014115

2019-092 Reappointment and Appointment – District of  
Columbia Interagency Coordinating Council  
(Sharon Dietsche and Judith Curry) .....014116

2019-093 Delegation – Authority to the Secretary of State  
of the District of Columbia under the Revised  
Uniform Law on Notarial Acts Act of 2018.....014117

2019-094 Appointment – Advisory  
Board on Veterans Affairs for the District of  
Columbia (Namatie Mansaray) .....014118

2019-095 Reappointment – District of Columbia Higher  
Education Licensure Commission (Mary Dilworth) .....014119

2019-096 Appointments – Advisory Committee to the  
Office of Administrative Hearings (Jed Ross  
and Ernest Chrappah) .....014120

2019-097 Appointments – Lactation Commission  
(Aubrey Villalobos and Stephanie Sieswerda).....014121

2019-098 Appointment – Child Fatality Review Committee  
(Erica McClaskey).....014122

2019-099 Reappointment – Commission on Selection and  
Tenure of Administrative Law Judges of the  
Office of Administrative Hearings (Rob Hawkins).....014123

2019-100 Designation of Special Event Area for the  
2019 Major League Baseball World Series.....014124 - 014125

**ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES CONT'D**

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

Alcoholic Beverage Regulation Administration -  
ABC Board's Calendar - October 30, 2019 .....014126 - 014128  
ABC Board's Licensing Agenda - October 30, 2019 .....014129 - 014130

Arts and Humanities, Commission on the -  
FY2020 Meeting Schedule.....014131

Asian and Pacific Islander Affairs, Office on -  
Commission on Asian and Pacific Islander  
Affairs Meeting - October 16, 2019 .....014132

Cesar Chavez Public Charter Schools -  
Request for Proposals - Lease of 770 Kenyon Street, NW .....014133

Energy and Environment, Department of the -  
Notice of Extension of Comment Period - Pepco Benning  
Road Facility - Draft Final Remedial Investigation Report .....014134 - 014135

Health and Human Services, Office of the Deputy Mayor for -  
Mayor’s Commission on Healthcare Systems Transformation -  
Notice of Public Meeting - October 29, 2019 .....014136

Health Care Finance, Department of -  
Department of Health Care Finance Pharmacy and  
Therapeutics Committee Meeting - December 5, 2019 .....014137

Health, Department of (DC Health) -  
Board of Medicine Meeting - October 30, 2019 .....014138

KIPP DC Public Charter Schools -  
Request for Proposals - Full-Service Catering .....014139

Legal Counsel, Mayor's Office of - Freedom of Information Act Appeals – See Page

Mundo Verde Bilingual Public Charter School -  
Request for Proposals - Student Support Services, Facilities Management,  
Legal Counsel and Services, Uniforms, and Office Furniture .....014140

Public Service Commission -  
Notice of Final Tariff - FC712, 1017, RM3 and RM41 -  
(Pepco Tariff Amendment) .....014141 - 014145

Notice of Reimbursable Budgets and Total  
Gross Jurisdictional Revenues .....014146

**ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES CONT'D**

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

Secretary, Office of the -  
 Recommendations for Appointments as  
 DC Notaries Public - Effective December 1, 2019 .....014147 - 014152

Water and Sewer Authority, DC -  
 Governance Committee Meeting - November 13, 2019 ..... 014153

Zoning Adjustment, Board of - Public Meeting Notice - October 30, 2019  
 19507A 1005 FIRST, LLC - ANC 6C.....014154 - 014156

Zoning Commission - Cases -  
 02-26D George Washington University - Order .....014157 - 014160  
 02-38I(1) Waterfront 375 M Street, LLC and  
 Waterfront 425 M Street, LLC - Order .....014161 - 014164  
 06-04I Florida & Q Street LLC - Order .....014165 - 014169  
 06-46E 1250 Half Street Residential PJV, LLC - Order .....014170 - 014174  
 11-15I Howard University - Order .....014175 - 014178  
 18-22 Forest City SEFC, LLC on behalf of the  
 United States General Services Administration - Order .....014179 - 014204

Legal Counsel, Mayor's Office of - Freedom of Information Act Appeals -  
 2019-1 Dr. Karthik Balasubramanian .....014205  
 2019-2 Emily Miller ..... 014206  
 2019-3 Andrew Adelman ..... 014207  
 2019-4 Mark T. Fahey ..... 014208  
 2019-6 Gregory Slate..... 014209  
 2019-7 Dr. Karthik Balasubramanian ..... 014210  
 2019-8 Fritz Mulhauser .....014211 - 014214  
 2019-9 Gregory Slate..... 014215  
 2019-10 Kevin O. Williams.....014216 - 014217  
 2019-11 Gregory Slate.....014218 - 014219  
 2019-12 Henok Araya.....014220 - 014223  
 2019-13 Valerie Jablow ..... 014224  
 2019-14 Nancy Glass..... 014225  
 2019-15 Nancy Glass..... 014226  
 2019-16 Keith Siilats .....014227 - 014230  
 2019-18 Calvin Hannagan .....014231 - 014235  
 2019-19 Guillermo Rueda ..... 014236  
 2019-21 Valerie Jablow ..... 014237  
 2019-22 Valerie Jablow .....014238 - 014240  
 2019-23 Maryanne Magnier .....014241 - 014244  
 2019-24 Valerie Jablow .....014245 - 014246  
 2019-25 Megan Broccoli .....014247 - 014249  
 2019-26 Griffin Kane ..... 014250  
 2019-27 Raymond Abruzzese..... 014251  
 2019-28 Tyron Jackson.....014252 - 014254  
 2019-29 Anita Kinney .....014255 - 014257

**ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES CONT'D**

**NOTICES, OPINIONS, AND ORDERS CONT'D**

**BOARDS, COMMISSIONS, AND AGENCIES CONT'D**

Legal Counsel, Mayor's Office of - Freedom of Information Act Appeals – cont'd

2019-30	William Matzelevich .....	014258
2019-31	Tiffany Montgomery .....	014259 - 014263
2019-32	Tiffany Montgomery .....	014264
2019-33	William Matzelevich .....	014265
2019-34	Dr. Daryao Khatri.....	014266 - 014267
2019-35	Deborah Lyles .....	014268 - 014270
2019-37	Sean Scanlan.....	014271
2019-38	Tiffany Montgomery .....	014272 - 014274
2019-40 & 2019-41	Benjamin Cunningham.....	014275 - 014276
2019-42	Barbara Donaldson .....	014277
2019-44	Sydney Guttmann .....	014278 - 014283
2019-46	Tiffany Montgomery .....	014284
2019-47	Sylvia Varnum O'Regan .....	014285 - 014287
2019-48	Charles Moran .....	014288 - 014290
2019-49	Adam Leighton.....	014291 - 014293
2019-50	Yihong Mao.....	014294 - 014295

ENROLLED ORIGINAL

AN ACT  
**D.C. ACT 23-129**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**OCTOBER 22, 2019**

To amend, on an emergency basis, the Commission on the Arts and Humanities Independence and Funding Restructuring Amendment Act of 2019 to include an applicability date provision.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Commission on the Arts and Humanities Budget Subtitle Technical Emergency Amendment Act of 2019”.

Sec. 2. The Commission on the Arts and Humanities Independence and Funding Restructuring Amendment Act of 2019, effective September 11, 2019 (D.C. Law 23-16; 66 DCR 8621), is amended by adding a new section 2204 to read as follows:

“Sec. 2204. Applicability.

“This subtitle shall apply as of July 22, 2019.”.

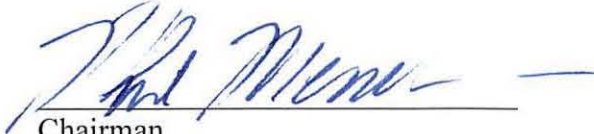
Sec. 3. Fiscal impact statement.

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

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

VETOED

\_\_\_\_\_  
Mayor  
District of Columbia  
October 1, 2019

ENROLLED ORIGINAL

## A RESOLUTION

23-226

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 8, 2019

To declare the existence of an emergency with respect to the need to approve Modification Nos. 3 and 4 to Human Care Agreement No. CW68847 with Constituent Services Worldwide Public Benefit Corporation to provide the Education and Occupational Training services to adult Temporary Assistance for Needy Families customers, and to authorize payment for the goods and services received and to be received under that human care agreement.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Modifications to Human Care Agreement No. CW68847 with Constituent Services Worldwide Public Benefit Corporation Approval and Payment Authorization Emergency Declaration Resolution of 2019”.

Sec. 2. (a) There exists a need to approve Modification Nos. 3 and 4 to Human Care Agreement No. CW68847 with Constituent Services Worldwide Public Benefit Corporation to provide Education and Occupational Training services to adult Temporary Assistance for Needy Families customers and to authorize payment for the goods and services received and to be received under Modification Nos. 3 and 4.

(b) In Modification No. 3, dated September 19, 2019, the Office of Contracting and Procurement, on behalf of the Department of Human Services, exercised partial Option Year One of Human Care Agreement No. CW68847 with Constituent Services Worldwide Public Benefit Corporation for the period from October 1, 2019, through October 31, 2019, in the not-to-exceed amount of \$205,501.

(c) Modification No. 4 is now necessary to exercise the remainder of Option Year One of Human Care Agreement No. CW68847 with Constituent Services Worldwide Public Benefit Corporation for the period from November 1, 2019, through September 30, 2020, which will increase the total not-to-exceed amount for Option Year One by \$2,260,512 to \$2,466,013.

(d) Council approval is required by section 451(b) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51(b)), as these modifications increase Human Care Agreement No. CW68847 to more than \$1 million during a 12-month period.

(e) Council approval is necessary to allow the continuation of these vital services. Without this approval, Constituent Services Worldwide Public Benefit Corporation cannot be



**ENROLLED ORIGINAL**

paid for goods and services provided in excess of \$1 million for the period October 1, 2019 to September 30, 2020.

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 Modifications to Human Care Agreement No. CW68847 with Constituent Services Worldwide Public Benefit Corporation Approval and Payment Authorization Emergency Act of 2019 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

## A RESOLUTION

23-227

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 8, 2019

To declare the existence of an emergency with respect to the need to approve a one-year Capital Funding Agreement with the Washington Metropolitan Area Transit Authority to provide capital funding for a capital improvement program for the period of July 1, 2019, through June 30, 2020.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Washington Metropolitan Area Transit Authority Fiscal Year 2020 Capital Funding Agreement Emergency Declaration Resolution of 2019”.

Sec. 2. (a) There exists a need to approve the Capital Funding Agreement with the Washington Metropolitan Area Transit Authority (“WMATA”) to provide capital funding for the capital improvement program for the Washington Metro System from July 1, 2019, through June 30, 2020.

(b) On July 1, 2010, the Office of Contracting and Procurement (“OCP”), on behalf of the District Department of Transportation (“DDOT”), executed a multiyear Capital Funding Agreement with WMATA to provide capital funding for a capital improvement program from July 1, 2010, through June 30, 2016, in the not-to-exceed amount of \$397,314,000.

(c) On July 1, 2016, OCP, on behalf of DDOT, executed a modification to the multiyear Capital Funding Agreement with WMATA to increase the amount for fiscal year 2016 by \$92,100,000 for a total not-to-exceed amount of \$489,414,000.

(d) On July 1, 2017, OCP, on behalf of DDOT, executed a second modification to the multiyear Capital Funding Agreement with WMATA to increase the amount for fiscal year 2018 by \$76,100,000 for a total not-to-exceed amount of \$565,514,000.

(e) On July 1, 2018, OCP, on behalf of DDOT, executed a third modification to the multiyear Capital Funding Agreement with the WMATA to increase the amount for fiscal year 2019 by \$75,235,000 for a total not-to-exceed amount of \$640,749,000 .

(f) A new one-year Capital Funding Agreement with WMATA to provide \$92,700,000 in capital funding for a capital improvement program from July 1, 2019, to June 30, 2020, is now necessary.

**ENROLLED ORIGINAL**

(g) Council approval is necessary because the contract is for more than \$1 million during a 12-month period.

(h) Approval is necessary to allow the continuation of these vital services. Without this approval, WMATA cannot be paid for services provided in excess of \$1 million for the contract period July 1, 2019, through June 30, 2020.

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 Washington Metropolitan Area Transit Authority Fiscal Year 2020 Capital Funding Agreement Emergency Act of 2019 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

## A RESOLUTION

23-228

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 8, 2019

To declare the existence of an emergency with respect to the need to approve a one-year Local Capital Funding Agreement with the Washington Metropolitan Area Transit Authority to provide capital funding for a capital improvement program for the period of July 1, 2019, through June 30, 2020.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Washington Metropolitan Area Transit Authority Fiscal Year 2020 Local Capital Funding Agreement Emergency Declaration Resolution of 2019”.

Sec. 2. (a) There exists a need to approve the Local Capital Funding Agreement with the Washington Metropolitan Area Transit Authority (“WMATA”) to provide capital funding for the capital improvement program for the Washington Metro System from July 1, 2019, through June 30, 2020.

(b) On July 1, 2010, the Office of Contracting and Procurement (“OCP”), on behalf of the District Department of Transportation (“DDOT”), executed a multiyear Local Capital Funding Agreement with WMATA to provide capital funding for a capital improvement program from July 1, 2010, through June 30, 2016, in the not-to-exceed amount of \$397,314,000.

(c) On July 1, 2016, OCP, on behalf of DDOT, executed a modification to the multiyear Local Capital Funding Agreement with WMATA to increase the amount for fiscal year 2016 by \$92,100,000 for a total not-to-exceed amount of \$489,414,000.

(d) On July 1, 2017, OCP, on behalf of DDOT, executed a second modification to the multiyear Local Capital Funding Agreement with WMATA to increase the amount for fiscal year 2018 by \$76,100,000 for a total not-to-exceed amount of \$565,514,000.

(e) On July 1, 2018, OCP, on behalf of DDOT, executed a third modification to the multiyear Local Capital Funding Agreement with the WMATA to increase the amount for fiscal year 2019 by \$75,235,000 for a total not-to-exceed amount of \$640,749,000.

(f) A new one-year Local Capital Funding Agreement with WMATA to provide \$92,700,000 in capital funding for a capital improvement program from July 1, 2019, to June 30, 2020, is now necessary.

**ENROLLED ORIGINAL**

(g) Council approval is necessary because the contract is for more than \$1 million during a 12-month period.

(h) Approval is necessary to allow the continuation of these vital services. Without this approval, WMATA cannot be paid for services provided in excess of \$1 million for the contract period July 1, 2019, through June 30, 2020.

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 Washington Metropolitan Area Transit Authority Fiscal Year 2020 Local Capital Funding Agreement Emergency Act of 2019 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

## A RESOLUTION

23-229

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 8, 2019

To declare the existence of an emergency with respect to the need to approve Modification Nos. 4, 5, 6, 7, and 8 to Contract No. CW58761 with Cradle Systems, LLC, to provide information technology equipment and software, and to authorize payment for the goods and services received and to be received under the modifications.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Modification Nos. 4, 5, 6, 7 and 8 to Contract No. CW58761 Approval and Payment Authorization Emergency Declaration Resolution of 2019”.

Sec. 2. (a) There exists a need to approve Modification Nos. 4, 5, 6, 7, and 8 to Contract No. CW58761 with Cradle Systems, LLC (“Contract”), to provide information technology equipment and software, and to authorize payment for the goods and services received and to be received under the modifications.

(b) By Modification No. 4, dated June 3, 2019, the Office of Contracting and Procurement exercised Option Year One of Contract No. CW58761 with Cradle Systems, LLC, to provide information technology equipment and software for the period from June 4, 2019, to June 3, 2020, in the not-to-exceed amount of \$950,000.

(c) Modification No. 5 was an administrative modification that added no money.

(d) Modification No. 6 was an administrative modification that added no money.

(e) Modification No. 7 was an administrative modification that added no money.

(f) Modification No. 8 is now necessary to increase the not-to-exceed amount of Option Year One of the Contract by \$9,050,000 raising the total not-to-exceed amount for the period from June 4, 2019, to June 3, 2020, to \$10 million.

(g) Council approval is required by section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51) because these modifications increase the contract to more than \$1 million during a 12-month period.

(h) Approval is necessary to allow the continuation of these vital services. Without this approval, Cradle Systems, LLC, cannot be paid for goods and services provided in excess of \$1million for the contract period June 4, 2019, to June 3, 2020.

**ENROLLED ORIGINAL**

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Modification Nos. 4, 5, 6, 7 and 8 to Contract No. CW58761 Approval and Payment Authorization Emergency Act of 2019 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

## A RESOLUTION

23-230

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 8, 2019

To declare the existence of an emergency with respect to the need to approve Modification Nos. 5, 6, 7, 8, and 9 to Contract No. CW43271 with Synergetic Information Systems, Inc., to provide mission-oriented business integration services, and to authorize payment for the goods and services received and to be received under the modifications.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Modification Nos. 5, 6, 7, 8, and 9 to Contract No. CW43271 Approval and Payment Authorization Emergency Declaration Resolution of 2019”.

Sec. 2. (a) There exists a need to approve Modification Nos. 5, 6, 7, 8, and 9 to Contract No. CW43271 with Synergetic Information Systems, Inc. (“Contract”), for mission-oriented business integration services, and to authorize payment for the goods and services received and to be received under the modifications

(b) By Modification No. 5, dated April 30, 2019, the Office of Contracting and Procurement exercised Option Year 3 of the Contract for the period from May 3, 2019, through May 2, 2020, in the not-to-exceed amount of \$950,000.

(c) Modification No. 6, dated April 30, 2019, was an administrative modification that added no money.

(d) Modification No. 7, dated April 30, 2019, was an administrative modification that added no money.

(e) Modification No. 8, dated May 24, 2019, was an administrative modification that added no money.

(f) Modification No. 9 is now necessary to increase the not-to-exceed amount of Option Year 3 of the Contract by \$9,050,000, bringing the total not-to-exceed amount for the period from May 3, 2019, through May 2, 2020, to \$10 million.

(g) Council approval is required by section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51) because these modifications increase the Contract to more than \$1 million during a 12-month period.

(h) Approval is necessary to allow the continuation of these vital services. Without this approval, Synergetic Information Systems, Inc., cannot be paid for goods and services provided in excess of \$1 million for the contract period from May 3, 2019, through May 2, 2020.



**ENROLLED ORIGINAL**

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Modification Nos. 5, 6, 7, 8, and 9 to Contract No. CW43271 Approval and Payment Authorization Emergency Act of 2019 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

## ENROLLED ORIGINAL

## A RESOLUTION

23-231

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 8, 2019

To declare the existence of an emergency with respect to the need to approve Modification No. 3 to Contract No. NFPHC-2018-436-A between the Not-for-Profit Hospital Corporation (“Corporation”) and George Washington University Medical Faculty Associates, Inc., to provide inpatient hospitalists services to the Corporation, and to authorize payment for the services received and to be received under the modification.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Modification No. 3 to Contract No. NFPHC-2018-436-A Approval and Payment Authorization Emergency Declaration Resolution of 2019”.

Sec. 2. (a) There exists an immediate need to approve Modification No. 3 to Contract No. NFPHC-436-A (“Contract”) between the Not-for-Profit Hospital Corporation (“Corporation”) and George Washington University Medical Faculty Associates, Inc. (“GWMFA”), to provide inpatient hospitalists services to the Corporation, and to authorize payment for the goods and services received and to be received under the modification.

(b) The base year of the original contract, in the amount of \$3,141,226, was deemed approved by Council on March 2, 2018.

(c) On March 16, 2018, GWMFA notified the Corporation that the original contract’s base-year amount was incorrect. After discussing the matter, the parties realized that an error was made during negotiations: instead of an arrangement whereby the Corporation would pay GWMFA monthly for the cost of inpatient hospitalists services (“GWMFA Hospitalists Services Cost”), and the Corporation would in return receive the net revenue earned by GWMFA up to the cost of services, the parties inadvertently used the net revenue as the GWMFA Hospitalists Services Cost. This error was not realized until after Council approval of the original Contract, and after the new Corporation operators, Mazars, began its engagement at the Corporation.

(d) Modification No. 3 is for inpatient hospitalists services for the period of October 1, 2019, through September 30, 2020 in the amount of \$6,456,906.

(e) Council approval of the Contract is necessary because it has an aggregate value that exceeds \$1 million in a 12-month period.

(f) Emergency approval of this Contract for \$6,456,906 is necessary to prevent any impact to GWMFA’s provision of inpatient hospitalists services.

**ENROLLED ORIGINAL**

(g) Without this approval, GWMFA cannot be paid for these critical services provided and to be provided in excess of \$1 million.

Sec. 3. The Council determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that Modification No. 3 to Contract No. NFPHC-436-A Approval and Payment Authorization Emergency Act of 2019, be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

## ENROLLED ORIGINAL

## A RESOLUTION

23-232

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 8, 2019

To declare the existence of an emergency with respect to the need to approve Modification No. 3 to Contract No. NFPHC-2018-435-A between the Not-for-Profit Hospital Corporation (“Corporation”) and George Washington University Medical Faculty Associates, Inc., to provide emergency department services to the Corporation, and to authorize payment for the goods and services received and to be received under the modification.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Modification No. 3 to Contract No. NFPHC-2018-435-A Approval and Payment Authorization Emergency Declaration Resolution of 2019”.

Sec. 2. (a) There exists an immediate need to approve Modification No. 3 to Contract No. NFPHC-2018-435-A (“Contract”) between the Not-for-Profit Hospital Corporation (“Corporation”) and George Washington University Medical Faculty Associates, Inc. (“GWMFA”), to provide emergency department services to the Corporation, and to authorize payment for the goods and services received and to be received under the modification.

(b) The original base-year of the Contract, approved by the Council in March 2018, was terminated after the parties discovered an error in the pricing.

(c) A corrected 6-month Fiscal Year (“FY”) 2018 portion of base period was funded for \$4,407,762 and approved by Council in July 2018.

(d) Modification 1 was the FY 2019 portion of the base period (October 1, 2018, through March 22, 2019) in the amount of \$4,407,762, for a corrected total 12-month value of \$8,815,524 and was approved by the Council in December 2018.

(e) Modification 2 addressed the FY 2019 portion of option year 1 (March 23, 2019, through September 30, 2019) in the amount of \$4,407,762.

(f) Proposed Modification 3 addresses the FY 2020 of the Contract (October 1, 2019, through September 30, 2020) in the amount of \$8,815,524.

(g) Council approval is necessary because this Contract has an aggregate value that exceeds \$1 million in a 12-month period.

(h) Emergency approval of this Contract for \$8,815,524 is necessary to prevent any impact to GWMFA’s provision of emergency department services.

**ENROLLED ORIGINAL**

(i) Without Council approval, GWMFA cannot be paid for these critical services provided and to be provided in excess of \$1 million.

Sec. 3. The Council determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that Modification No. 3 to Contract No. NFPHC-2018-435-A Approval and Payment Authorization Emergency Amendment Act of 2019 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

## ENROLLED ORIGINAL

## A RESOLUTION

23-233

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 8, 2019

To declare the existence of an emergency with respect to the need to approve Modification 2 to Contract No. NFPHC-2018-465 between the Not-for-Profit Hospital Corporation (“Corporation”) and Mazars USA LLP to provide hospital operator services to the Corporation, and to authorize payment for the goods and services received and to be received under the modification.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Modification No. 2 to Contract No. NFPHC-2018-465 Approval and Payment Authorization Emergency Declaration Resolution of 2019”.

Sec. 2. (a) There exists an immediate need to approve Modification No. 2 to Contract No. NFPHC-2018-465 (“Contract”) between the Not-for-Profit Hospital Corporation (“Corporation”) and Mazars USA, LLP (“Mazars”), to provide hospital operator services to the Corporation and to authorize payment for the goods and services received and to be received under the Contract.

(b) The base year of the contract, in the amount of \$4,973,836, was deemed approved by Council on February 23, 2018.

(c) Since February 2018, Mazars has been providing hospital operator services to the Corporation, including performing assessments of critical areas of hospital operations, working with the Office of the Chief Financial Officer to improve revenue cycles, analyzing key operating metrics, and recommending information technology improvements.

(d) Mazars has made significant improvements in hospital operations during its brief time at the Corporation and the failure to maintain their services would result in a regression in the Corporation’s operations. The work of Mazars must continue to ensure continued operations of the Corporation.

(e) Council approval of the Contract in the amount of \$7,098,812 is necessary to prevent any impact to the operation of the hospital.

(f) Council approval is necessary because this Contract has an aggregate value that exceeds \$1 million in a 12-month period.

(g) Without Council approval, Mazars cannot be paid for the critical services provided in excess of \$1 million.

**ENROLLED ORIGINAL**

Sec. 3. The Council determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that Modification No. 2 to Contract No. NFPHC-2018-465 Approval and Payment Authorization Emergency Amendment Act of 2019 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

## ENROLLED ORIGINAL

## A RESOLUTION

23-234

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 8, 2019

To declare the existence of an emergency with respect to the need to provide that expenditures on school-administered theatrical and music performances, including stipends for non-District of Columbia Public Schools employees, shall be an allowable expenditure from a school's Student Activity Fund.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Student Activity Fund Theatrical and Music Performance Expenditures Emergency Declaration Resolution of 2019".

Sec. 2. (a) Each year, schools across the District put on a variety of theatrical and music performances, including musicals, staged plays, choral productions, orchestral and band concerts, variety shows, improvised and sketch comedy performances, and other live performances.

(b) For many of these productions, schools charge admission to students, families, and members of the public. Schools also may enter into contracts for advertisements or sponsorships of these productions. Any revenue raised must be deposited into a specific fund for use by the school, commonly referred to as a Student Activity Fund.

(c) The Office of the Chief Financial Officer ("OCFO"), in conjunction with the District of Columbia Public Schools ("DCPS"), has promulgated a District of Columbia Public Schools Standard Operation Procedural Manual for the Student Activity Fund. In the manual, OCFO and DCPS describe allowable and unallowable expenditures from a school's Student Activity Fund.

(d) Allowable expenditures from a Student Activity Fund include a range of expenses related to extracurricular activities, including spending on student newspapers and publications, athletic supplies, equipment, and uniforms, transportation for field trips and athletic events, certain membership dues and registration fees, and the purchase of supplies and materials for authorized school clubs and organizations. However, the manual lists stipends for DCPS or non-DCPS employees as an unallowable expenditure.

(e) Due to budget constraints, some DCPS schools may not have teachers on staff who provide theater, orchestral, choral, or band instruction. Without this staff, schools must look outside the school for individuals with the experience and interest in administering their



## ENROLLED ORIGINAL

theatrical or music extracurricular programming. Schools typically seek private contractors to run this programming, who seek compensation through fixed stipends.

(f) Due to restrictions on using Student Activity Fund dollars to pay for stipends, schools have no method to pay these stipends. Instead, schools will typically rely on Local School Advisory Teams, Parent Teacher Associations, or parent and community donations to cover the cost of stipends. Where sources outside of the school are unable to pay these costs, schools may be forced to cancel those student performances.

(g) Schools and families have reported frustration that DCPS and OCFO policy prevents the revenue raised from a particular performance from being used to pay for services essential to the planning, rehearsal, and presentation of that performance.

(h) Due to the restrictions on using Student Activity Fund dollars to pay for stipends, some schools report that they will be forced to cancel performances planned for School Year 2019-2020, including performances slated for this fall. These schools have funds available in their Student Activity Fund account that they would use to cover these costs but for the restrictions in the manual.

(i) Immediate legislative action is necessary to ensure that these performances do not have to be cancelled and schools are not restricted from using money in their Student Activity Funds to support expenditures related to school-administered theatrical and music performances.

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 Student Activity Fund Theatrical and Music Performance Expenditures Emergency Act of 2019 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

23-80

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 7, 2019

To celebrate the D.C. Metro Chapter of Twelve Days of Christmas, Inc. for hosting the first annual conference and 20<sup>th</sup> Jubilee Celebration and to recognize Twelve Days of Christmas, Inc. for their efforts to support underprivileged families in our community.

WHEREAS, Twelve Days of Christmas, Inc. was established in 1999 by Gayla Gardner and Donya Gardner Campbell in Houston, Texas as a 501(c)3;

WHEREAS, Twelve Days of Christmas, Inc. commits itself to sharing blessings with others through collective effort, charitable activities, and community involvement;

WHEREAS, since their founding in Houston, Texas, Twelve Days of Christmas, Inc. has grown to include 6 chapters in 6 cities across the United States, including Washington, D.C., Houston, Texas, New York, New York, Atlanta, Georgia, Oakland, California, and Detroit, Michigan;

WHEREAS, the D.C. Metro Chapter of the Twelve Days of Christmas, Inc. was established in 2003 by Kimberley Alton, Kimberly Loder-Albritton, Kristinia Ennix, and Nicole Hyson and has more than tripled in membership size since its inception;

WHEREAS, currently there are 3 members of the D.C. Metro Chapter of Twelve Days of Christmas, Inc. that serve on the National Organization’s Executive Board, including Keisha Mack as Parliamentarian, Renunda Lee as Secretary, and Nicole Cober as Chair;

WHEREAS, the D.C. Metro Chapter of Twelve Days of Christmas, Inc. hosts two fundraising events annually that allow them to provide forty families in the District of Columbia, Maryland and Virginia area with back-to-school essentials as well as presents for Christmas;

WHEREAS, last year the D.C. Metro Chapter of Twelve Days of Christmas, Inc. was able to assist more 100 children in the District of Columbia, Maryland and Virginia area in ensuring that they met their back-to-school and holiday needs;

**ENROLLED ORIGINAL**

WHEREAS, in 2018 the D.C. Metro Chapter of Twelve Days of Christmas, Inc. donated \$10,000 to local organizations supporting children and families and another \$10,000 to schools in Maryland and the District of Columbia; and

WHEREAS, the D.C. Metro Chapter of Twelve Days of Christmas, Inc. is hosting the first annual conference and 20<sup>th</sup> Jubilee Celebration at the Intercontinental Hotel at The Wharf on May 2<sup>nd</sup> through May 5<sup>th</sup>.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Twelve Days of Christmas, Inc. First Annual Conference and 20<sup>th</sup> Jubilee Celebration Ceremonial Recognition Resolution of 2019”.

Sec. 2. The Council congratulates Twelve Days of Christmas, Inc. on their 20<sup>th</sup> Anniversary and recognizes the D.C. Metro Chapter for their efforts and commitment to community service in the District of Columbia.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

23-81

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 7, 2019

To recognize Immigrant Heritage Month and the Immigrant community as a valued and celebrated community in the District of Columbia, and to declare the month of June as Immigrant Heritage Month in the District of Columbia.

WHEREAS, America is a nation of immigrants and our cultural diversity is one of our country’s greatest strengths;

WHEREAS, millions of immigrants have provided the cultural diversity that has made the United States a unique nation;

WHEREAS, the first celebration of Immigration Heritage Month occurred in 2014 and many cities and municipalities have recognized the month in the years following;

WHEREAS, the District of Columbia is home to nearly 100,000 immigrants coming from all parts of the world and make up roughly 15% of the District’s total population;

WHEREAS, since the 1980s the immigrant population in the District of Columbia has more than doubled in size and since 2000 immigrants have accounted for approximately a quarter of the District of Columbia’s population change;

WHEREAS, immigrants from Latin America make up the largest portion of the District of Columbia’s immigrant population with sizeable populations of African, Asian, and European immigrants as well;

WHEREAS, immigrants make up a sizeable portion of the workforce in industries such as the professional, scientific and technical services industry, accommodation and food services industry, as well as the health care and social assistance industry;

WHEREAS, immigrants support the District of Columbia’s economy in various ways through being business owners, workers, innovators, taxpayers and neighbors;

**ENROLLED ORIGINAL**

WHEREAS, the District of Columbia opens our arms to immigrants and recognizes the tremendous contributions they have made to our city and country;

WHEREAS, immigrants have enriched the District’s culture in many ways and continue to make Washington, D.C a shining example of diversity;

WHEREAS, the District of Columbia is committed to continuing it’s support for our immigrant communities and furthering their success by standing with immigrants when others hesitate to do so;

WHEREAS, June of 2019 is the 6<sup>th</sup> annual celebration of Immigrant Heritage Month nationwide; and

WHEREAS, Immigrant Heritage Month is an opportunity to honor and celebrate the history, accomplishments, and contributions of immigrants in the District of Columbia and across the United States.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Immigrant Heritage Month Ceremonial Recognition Resolution of 2019”.

Sec. 2. The Council recognizes the outstanding contributions and valued accomplishments of the immigrant community in the District of Columbia and the United States of America, recognizes District residents of immigrant heritage on the occasion of Immigrant Heritage Month, and declares June 2019 as “Immigrant Heritage Month” in the District of Columbia.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

23-82

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 7, 2019

To recognize and honor the Lisner-Louise-Dickson-Hurt Home as it celebrates its 80th Anniversary and to declare May 23, 2019, as “Lisner-Louise-Dickson-Hurt Home Day” in the District of Columbia.

WHEREAS, the Lisner-Louise-Dickson-Hurt Home is celebrating its 80<sup>th</sup> Anniversary of its incorporation and its dedication to serving the District of Columbia’s seniors;

WHEREAS, the Lisner-Louise-Dickson-Hurt Home was established in 1939 to provide quality care to low- and modest-income seniors;

WHEREAS, the Lisner-Louise-Dickson-Hurt Home maintains a steadfast commitment to its mission to provide extraordinary health and life care services to low- and modest-income seniors of the District of Columbia, empowering them to live their lives to the fullest;

WHEREAS, the Lisner-Louise-Dickson-Hurt Home demonstrates through their programs and services the desire to help residents embrace their past, secure their future, and celebrate their individuality;

WHEREAS, the Lisner-Louise-Dickson-Hurt Home is staffed by caring professionals who provide outstanding medical care, housing, nutritional services, psychosocial and recreational programs, and rehabilitative care to all residents;

WHEREAS, the Lisner-Louise-Dickson-Hurt Home is the recipient of numerous prestigious commendations, including a 2019 5-star rating, the highest attainable, from the Federal Centers for Medicaid and Medicare Services and a best nursing home in the country rating for 2019 by U.S. News and World Report;

**ENROLLED ORIGINAL**

WHEREAS, the Lisner-Louise-Dickson-Hurt Home is an invaluable resource to low- and modest-income seniors and will continue to meet the needs of future generations of District of Columbia seniors with its legacy of superior care; and

WHEREAS, the Lisner-Louise-Dickson-Hurt Home will honor Vincent C. Gray with the Laura Lisner Award recognizing his outstanding achievements and efforts to enhance the quality of life for underserved populations of the District of Columbia.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Lisner-Louise-Dickson-Hurt Home Recognition Resolution of 2019”.

Sec. 2. The Council of the District of Columbia acknowledges and honors the Lisner-Louise-Dickson-Hurt Home and its staff on the Home’s 80th Anniversary for providing loving, respectful, and quality care to the vulnerable yet valuable senior citizens in our community and declares May 23, 2019, as “Lisner-Louise-Dickson-Hurt Home Day” in the District of Columbia.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

## ENROLLED ORIGINAL

## A CEREMONIAL RESOLUTION

23-83

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 7, 2019

To recognize and celebrate the professional achievements of Colette Magnant, M.D. who has been awarded the Physician of the Year Award by the Sibley Medical Association of Sibley Memorial Hospital for her outstanding work in the field of surgical oncology.

WHEREAS, Dr. Magnant earned her medical degree from Virginia Commonwealth University Medical College, completed an internship at Indiana University School of Medicine, and completed her residency in general surgery at Georgetown University Hospital before joining Sibley Memorial Hospital as a board-certified breast surgeon;

WHEREAS, in 1998, Dr. Magnant founded the Sullivan Breast Center at Sibley Memorial Hospital with the goal of providing multidisciplinary care for breast cancer patients in a collaborative environment that includes breast imaging, breast surgery, breast reconstruction, radiation oncology, medical oncology, physical surgery, and other medical services;

WHEREAS, Dr. Magnant currently serves as the chair of the Sibley Cancer Committee and as the Director of the Sullivan Breast Center which, under her leadership, has developed the most advanced diagnostics and care regimen for breast cancer patients in the region and treats upwards of 20,000 patients per year;

WHEREAS, in addition to her multiple leadership roles at Sibley Memorial Hospital, Dr. Magnant holds an appointment as an Assistant Professor of Surgery and as an Assistant Professor of Gynecology and Obstetrics at the Johns Hopkins School of Medicine, one of the top medical schools in the country;

WHEREAS, Dr. Magnant is one of 4 physicians to sit on the Medical Advisory Council of the Judith A. Lese Foundation, a nonprofit organization that provides breast cancer education, advocacy trainings, and access to clinical trials for uninsured and underserved women diagnosed with breast cancer in the Washington metropolitan area;



**ENROLLED ORIGINAL**

WHEREAS, Dr. Magnant is a fellow of the American College of Surgeons, a scientific and educational association of surgeons dedicated to improving the care of the surgical patient and whose members pass a rigorous evaluation of their education, training, professional qualifications, surgical competence, and ethical conduct;

WHEREAS, the Sibley Medical Association, an extensive network of physicians who have privileges at Sibley Memorial Hospital, is honoring Dr. Magnant with the Physician of the Year Award, which is given to the physician who has consistently achieved high standards in the practice of medicine and is regarded as a role model by her peers; and

WHEREAS, Dr. Magnant has continuously demonstrated the highest degree of dedication, care, and advocacy for her patients while serving as a collaborative leader among her colleagues. And, in doing so, has exemplified and exceeded the standards of excellence set forth by the Physician of the Year Award.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Dr. Colette Magnant Recognition Resolution of 2019”.

Sec. 2. The District of Columbia recognizes Dr. Magnant’s many achievements and appreciates her great degree of care, expertise, and dedication to the health and wellbeing of District residents who have been diagnosed with breast cancer.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

## ENROLLED ORIGINAL

## A CEREMONIAL RESOLUTION

23-84

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 7, 2019

To recognize and celebrate the short track speedskating achievements of Nathaniel Casson, a local scholar-athlete born and raised in the District of Columbia;

WHEREAS, an excellent student, Nathaniel is a junior at School Without Walls where he has demonstrated extraordinary time management skills by successfully balancing the demands of an intensive speedskating training schedule with the rigor of his academic program;

WHEREAS, before joining the United Capital Blades Speedskating Club in 2015, Nathaniel's recreational base was the Ft. Dupont Ice Arena's DC-ICE Program, which fostered his budding interest in speedskating—an Olympic sport in which athletes race on a 111.1-meter track, reaching speeds of up to 40 mph. Now a seasoned skater, Nathaniel has volunteered with the DC-ICE summer camps to help local children learn to skate;

WHEREAS, Nathaniel currently trains year-round with the United Capital Blades Speedskating Club in Montgomery County, Maryland, attending three-hour practice sessions four times each week and cross training at home in the Cleveland Park neighborhood on all the other days of the week;

WHEREAS, Nathaniel's exceptional abilities have qualified him to compete at the highest-level U.S. short track speedskating competitions in the country, traveling as far as Salt Lake City, Utah to compete against the sport's top young talent;

WHEREAS, in March of 2019, Nathaniel became the 2019 U.S. National Silver Medalist for men ages 15-16, having competed in a field of nineteen skaters at the U.S. Age-Group Short Track Speedskating National Championships in Verona, Wisconsin; and

WHEREAS, Nathaniel's silver medal is one of many accolades that he has received in the sport, including: placing first at the regional Heartland Competition at the University of Illinois Ice Arena, placing first in the Junior A/B men's category at the 2017 Buffalo Short Track

**ENROLLED ORIGINAL**

Championships in Buffalo, New York, and winning the 2017 DC-ICE Skate-A-Thon by completing over 200 laps within an hour to raise money for his beloved DC-ICE community skating program.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Nathaniel Casson Recognition Resolution of 2019”.

Sec. 2. The District of Columbia is proud of scholar-athlete Nathaniel Casson’s achievements in short track speedskating and will continue to support him throughout his short track speedskating career.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

## ENROLLED ORIGINAL

## A CEREMONIAL RESOLUTION

23-85

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 7, 2019

To recognize the importance of DC Black Pride to the community and to welcome visitors from this region, across the country, and around the world to the festival and associated events.

WHEREAS, May 20, 2019, through May 29, 2019, marks the 29th Annual DC Black Pride celebration;

WHEREAS, DC Black Pride is the oldest and one of the largest Black Pride events in the world, drawing thousands of residents and visitors from around the globe;

WHEREAS, the mission of DC Black Pride is to increase awareness of and pride in the diversity of the lesbian, gay, bisexual and transgender in the African American community as well as support organizations that focus on health disparities, education, youth, and families;

WHEREAS, DC Black Pride is led by a volunteer Advisory Board that assists Earl D. Fowlkes, Jr, Kenya Hutton and Genise Chamber-Woods with the coordination, planning, and year after year the event and consists of Shannon Garcon; Palomas Yazmina Tadesse; Reginald Shaw-Richardson; Silas Burris and Demetrius Smith;

WHEREAS, as the very first Black Pride festival, DC Black Pride fostered the beginning of the Center for Black Equity (formerly known as the International Federation of Black Prides, Inc. (IFBP)) and the "Black Pride Movement," which now consists of 40 Black Prides on four continents;

WHEREAS, DC Black Pride 2019 is a multi-day festival featuring: an awards reception honoring NAACP President and CEO Derrick Johnson, and other awardees; Transgender and Youth community town hall meetings; Disputing Aging and educational workshops; a Poetry Slam; Interfaith Service; performances by musicians, dancers, and other artists; social events; and the DC Black Pride Health and Wellness Expo;

**ENROLLED ORIGINAL**

WHEREAS, DC Black Pride remains one of the world's preeminent Black Pride celebrations, drawing more than 45,000 people to the Nation's Capital from across the United States, Canada, the Caribbean, South Africa, Great Britain, France, Germany, and the Netherlands;

WHEREAS, the theme for this year's celebrations is: Our Truths in Harmony;

WHEREAS, the District of Columbia welcomes visitors from this region and across the country and the world to the 2019 DC Black Pride Festival and associated events; and

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "DC Black Lesbian & Gay Pride Recognition Resolution of 2019".

Sec. 2. The Council of the District of Columbia recognizes the hard work of all those involved in organizing the 29th Annual DC Black Pride Celebration.

Sec. 3. This resolution shall take effect immediately upon the first day of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

23-86

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 7, 2019

To acknowledge and honor Mr. Kurt Vorndran on his 3 decades of distinguishing public service to the residents of the District of Columbia.

WHEREAS, Kurt Vorndran was born on April 22nd in rural Grant County, Wisconsin and came to the District of Columbia to attend the American University College of Public and International Affairs from which he received a Bachelor of Arts in Political Science;

WHEREAS, following college graduation, Kurt Vorndran and life partner Martin Murray have permanently resided in the District of Columbia’s Woodley Park neighborhood;

WHEREAS, Kurt Vorndran serves as National Legislative Representative of the National Treasury Employees Union and has worked for over 30 years on the front lines of the labor movement to protect the rights of working families and to advance the cause of social and economic justice;

WHEREAS, Kurt Vorndran was a founding board member and was integral to the formation of Pride at Work, AFL-CIO, the official constituency group that unifies mutual support between the organized labor and the LGBTQ communities;

WHEREAS, Kurt Vorndran has served his community and the District of Columbia as an elected Advisory Neighborhood Commissioner from 2001 through 2005;

WHEREAS, Kurt Vorndran has served as the Chairperson of the Ward Three Democratic Committee from 1994 through 1998, served as a valued member of the DC Democratic State Committee, and served with distinction as a member and advisor to the Democratic National Committee;

WHEREAS, Kurt Vorndran served as President of the Gertrude Stein Democratic Club, the District’s largest LGBTQ political organization from 1999 through 2001 during which he

**ENROLLED ORIGINAL**

hosted Stein Democrat's 25<sup>th</sup> Anniversary Celebration which raised the most funds in the club's history, and where he became a founding board member of the National Stonewall Democrats;

WHEREAS, Kurt Vorndran is a strong proponent of DC Statehood, having served in various roles across the nation as an advocate, educator, and champion of the District's Statehood movement;

WHEREAS, Kurt Vorndran was appointed by Mayor Anthony Williams to serve as the Chair and member of the Police Complaints Board and continued service under Mayors Adrian Fenty, Vincent C. Gray, and Muriel Bowser; and

WHEREAS, Kurt Vorndran has never faltered in his service and care for the District's vulnerable populations and is a founding officer of the Wanda Alston Foundation, a leading District of Columbia social service non-profit that provides transitional housing and support for homeless LGBTQ youth.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Kurt Vorndran Recognition Resolution of 2019".

Sec. 2. The Council of the District of Columbia recognizes Kurt Vorndran and honors him for their contributions to the District and their support of community initiatives in all wards of the District.

Sec. 3. This resolution shall take effect immediately upon the first day of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

23-87

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 7, 2019

To recognize and honor Dr. Raymond Tu for his incredible career as a radiologist and his service in treating the residents of Ward 8 and the District of Columbia.

WHEREAS, Dr. Raymond Tu was born and raised in the District of Columbia graduating in 1980 from Bishop McNamara High School;

WHEREAS, Dr. Raymond Tu began working at the Greater Southeast Community Hospital, that was renamed the United Medical Center/Not-for-Profit Hospital Corporation, in 1977, as a filer, while still in high school;

WHEREAS, after graduating from high school Dr. Raymond Tu received his Bachelor of Science degree from the University of Maryland, College Park in 1984;

WHEREAS, Dr. Raymond Tu received his Masters of Science the following year, 1985, from Georgetown University;

WHEREAS, Dr. Raymond Tu attended the F. Edward Herbert School of Medicine/Uniformed Services University for medical school and graduated in 1989;

WHEREAS, Dr. Raymond Tu completed his residency in 1994 at the University of Wisconsin specializing in Diagnostic Radiology and decided to return to Washington D.C. to begin his medical career caring for his community;

WHEREAS, Dr. Raymond Tu began working at Washington Imaging Associates in 1995 eventually becoming a partner and member of the Executive Committee;

WHEREAS, in 1996 Dr. Raymond Tu was appointed as a clinical associate professor in the Department of Radiology of The George Washington University School of Medicine and Health Sciences;

WHEREAS, starting in 2011 Dr. Raymond Tu has been appointed to multiple positions at the United Medical Center/Not-for-Profit Hospital Corporation. Among the positions are member of the Peer Review Committee, Member-At-Large, member of Medical Executive



**ENROLLED ORIGINAL**

Committee, Chairman of the Department of Radiology, Vice Chief of Staff, Chief of Staff, and Chairman of the Medical Education Committee;

WHEREAS, Dr. Raymond Tu is a content expert in radiology and Medicaid, lecturing as invited speaker at the annual meetings of the American College of Radiology, American Society of Neuroradiology and American Spine Society;

WHEREAS, Dr. Raymond Tu spoke on food deserts, and the opiate crisis at the American College of Radiology annual meeting over 5 years ago, the first time such urgent issues were presented in any national radiology meeting. Dr. Tu has been a highly sought-after speaker in Stockholm, Sweden and Mexico speaking on health disparities;

WHEREAS, Dr. Raymond Tu has published on numerous topics such as health disparities, medical education, health policy as well as cutting edge chemotherapy for cancer. Dr. Tu is president of the Medical Society of the District of Columbia and on the delegation to the American Medical Society;

WHEREAS, Dr. Raymond Tu is passionate about making quality health care accessible to all; and

WHEREAS, Dr. Raymond Tu is a remarkable doctor with an illustrious career as a radiologist and medical policy advisor and is committed to providing first rate care to the residents of Ward 8.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Raymond Tu Ceremonial Recognition Resolution of 2019".

Sec. 2. The Council honors Raymond Tu for his commitment to public health, service, and excellence in the field of medicine.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

23-88

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 7, 2019

To recognize and honor E. Veronica Pace for her 30 years of service to the District of Columbia government and her life-long service to the citizens of the District.

WHEREAS, E. Veronica Pace was born at Columbia Hospital for Women on May 17, 1940 to Nolvert and Eulalia Scott;

WHEREAS, E. Veronica Pace was educated in the District of Columbia Public School System, thereafter, earning a Bachelor of Arts in Liberal Arts and a Master’s in Social Work from Howard University;

WHEREAS, E. Veronica Pace had a long work history in the District government. From 1964 through 1978, Ms. Pace worked as a social worker in the Department of Public Health, the Area B Community Mental Health Center, and the Department of Maternal and Infant Care/Children and Youth;

WHEREAS, from 1978 through 1983 E. Veronica Pace progressed to working in an executive capacity as Executive Assistant to the Special Assistant for Health Affairs at the Department of Health, Special Assistant to the City Administrator, and as Director of the Office on Consumer Protection;

WHEREAS, from 1983 through 1991, E. Veronica Pace served as Director of the Office of Aging where she became a legend in her advocacy for the seniors of the District of Columbia. During her tenure, E. Veronica Pace completed many major tasks including: restoration of full local funding for the Office on Aging, construction and renovation of Senior Wellness Centers, improved the Agency’s client tracking technology, improved customer service, created the D.C. Caregiver Institute, and the Created the District of Columbia Senior Works Internship Program;

**ENROLLED ORIGINAL**

WHEREAS, from 1997 through 2007, E. Veronica Pace served a second time as Director of the Office of Aging, giving her almost 20 years of her life as Director of the Office;

WHEREAS, E. Veronica Pace also performed many other duties during her tenure in the District government. She served as a Hearing Examiner for the Office of Human Rights, an Appeals Examiner for the District of Columbia Board of Appeals, a member of the District of Columbia Developmental Disabilities State Planning Council, Women's Program Coordinator for the Department of Human Services, and Ex Officio member of the DC Statewide Health Coordinating Council;

WHEREAS, E. Veronica Pace received a plethora of awards and recognitions from the District of Columbia government, United States government, professional organizations, community organizations, and private groups;

WHEREAS, E. Veronica Pace retired from District of Columbia service on March 1, 2007; and

WHEREAS, E. Veronica Pace passed on April 8, 2019.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "E. Veronica Pace Recognition Resolution of 2019".

Sec. 2. The Council of the District of Colombia recognizes and appreciates E. Veronica Pace for four decades of service to the District of Columbia, its citizens and especially her stewardship and protections of the District of Columbia's senior citizens.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Colombia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

23-89

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 7, 2019

To recognize Mr. Nelson Carbonell for his service, achievements and successes on behalf of the George Washington University, particularly during his tenure as the Chair of the Board of Trustees.

WHEREAS, Nelson Carbonell has devoted nearly 40 years of service to the George Washington University with distinction, from the time he was an undergraduate at the University to most notably as the Chair of its Board of Trustees for the past 6 years;

WHEREAS, Mr. Carbonell has overseen incredible growth at the George Washington University, including his instrumental role in searching for and ultimately hiring both the 16<sup>th</sup> and 17<sup>th</sup> Presidents of the University, in the construction of both a new, state-of-the-art science and engineering building and the new building for the Milken Institute School of Public Health, and in stewarding the largest philanthropic campaign in the University’s history, which grew its endowment to more than \$1.8 billion;

WHEREAS, Mr. Carbonell and his wife Ms. Michelle Carbonell have improved the academic resources, research capabilities and overall quality of life for countless George Washington University students, faculty, and staff with their generous support of academic programs, scholarships, and facilities;

WHEREAS, Mr. Carbonell energetically served as a bridge between the University community and business leaders, government officials, and numerous other organizations and individuals for the benefit of all involved; and

WHEREAS, as the George Washington University prepares for the beginning of its third century in 2021, Mr. Carbonell’s instrumental leadership has set it on the path to success for many years to come.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited at the “Nelson Carbonell Recognition Resolution of 2019”.

**ENROLLED ORIGINAL**

Sec. 2 The Council and District of Columbia acknowledges and honors Nelson Carbonell for his outstanding contributions to the people and institutions throughout the D.C. metro area.

Sec. 3 This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

23-90

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 7, 2019

To recognize, posthumously, Rev. Willie William Flood, for his contributions as a community leader and advocate, and for his outstanding service to various organizations in the District of Columbia.

WHEREAS, Rev. Willie W. Flood was married to Elaine Howard Flood for 66 years and fathered 6 children, 12 grandchildren, and 22 great-grandchildren;

WHEREAS, Rev. Flood answered the call to ministry in 1939 and became licensed and ordained to preach the Gospel;

WHEREAS, in 1959, Rev. Willie W. Flood assumed the Pastorate of the Tabernacle Baptist Church from his Grandfather and served as Pastor for 53 of his 73 years in ministry;

WHEREAS, in 1966 Rev. Willie W. Flood moved the church to 4101 First Street, Southeast and renamed the church as the Southeast Tabernacle Baptist Church;

WHEREAS, during his tenure as Pastor, Rev. Willie W. Flood worked diligently and the church property became debt free;

WHEREAS, Rev. Flood understood the importance of nutrition and brought fresh fruits and vegetables to the community through ownership of produce stands at the Florida Avenue Market, 7-Eleven, and grocery stores in Wards 4 and 7 and in Brentwood, Maryland;

WHEREAS, Rev. Flood provided employment opportunities to young men and women across several generations, including Former Chief of Police Maurice Turner and the Civil Rights "Freedom Rider" Pastor Rev. Green;

WHEREAS, he was recognized by the Washington Post for connection to youth and community and in March 2010 attended all the funerals of the youth murdered in the South Capitol Street Massacre despite being over the age of 90; and

WHEREAS, Rev. Flood dedicated his life to the service of others and building the kingdom of God and being a pillar of the Ward 8 community.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Rev. Willie William Flood Recognition Resolution of 2019”.

Sec. 2. The Council of the District of Columbia honors and applauds the life work and accomplishments of Rev. Willie William Flood, and declares May 12, 2019, as “Reverend Willie William Flood Day” in the District of Columbia.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

23-91

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 7, 2019

To recognize the skilled nursing care staff of the Stoddard Baptist Nursing Home during the District of Columbia’s first annual observance of the National Skilled Nursing Care Week from May 12, 2019, through May 18, 2019.

WHEREAS, the Stoddard Baptist Nursing Home, which was established more than a century ago in 1902, is one of District of Columbia’s best nursing home communities and provides nursing and medical care for hundreds of Washington-area seniors each year,

WHEREAS, the Stoddard Baptist Nursing Home has been recognized by the U.S. and World News Report as one of the top 100 nursing homes in the nation and has received honors such as the Bronze Quality Award from the American Health Care Association;

WHEREAS, the Stoddard Baptist Nursing Home community has expanded its reach and now includes the original Stoddard Baptist Nursing Home, the Stoddard at the Marigold, and the Stoddard Baptist Global Care Center in the District of Columbia; the Presidential Estates at Sycamore Hill in Maryland; and other healthcare communities and affiliates around the world;

WHEREAS, National Skilled Nursing Care Week, formerly National Nursing Home Week, reflects the increasingly complex medical care provided in nursing facilities and the diversity of people receiving long-term care and short-term rehabilitation; and

WHEREAS, the national observance of Skilled Nursing Care Week, which began in 1967 and always begins on Mother’s Day, is sponsored by the American Health Care Association, an organization which recognizes the importance of skilled nursing centers in caring for America’s seniors and individuals with disabilities.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Stoddard Baptist Nursing Home Recognition Resolution of 2019”.



**ENROLLED ORIGINAL**

Sec. 2. The Council of the District of Columbia recognizes the Stoddard Baptist Nursing Home and all the skilled professionals who serve the residents and families of the District of Columbia.

Sec. 3. This resolution shall take effect immediately upon the first day of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

23-92

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 7, 2019

To recognize the DC ELY Flag Football League women’s teams.

WHEREAS, the DC ELY Flag Football League is a constant staple on Sundays in the spring and fall at the Deanwood Recreation Center in Ward 7;

WHEREAS, the DC ELY Flag Football League games are attended by people in the community who enjoy a family atmosphere and the league’s high level of competition;

WHEREAS, the DC ELY Flag Football League, known as the “House of Champions,” is considered across the country as the epicenter of women’s flag football;

WHEREAS, the DC ELY Flag Football League women’s teams have dominated the nation for 10 years, and is home to several national champion teams, including:

- 2009 USFTL Nationals Champion Team – Lady All Met
- 2010 USFTL Nationals Champion Team – Most Wanted
- 2011 USFTL Nationals Champion Team – Lady All Met
- 2012 USFTL Nationals Champion Team – Lady All Met
- 2013 USFTL Nationals Champion Team – Black Mambas
- 2014 USFTL Nationals Champion Team – Black Mambas
- 2015 USFTL Nationals Champion Team – Black Mambas
- 2016 USFTL Nationals Champion Team – Black Mambas
- 2017 USFTL Nationals Champion Team – Black Mambas
- 2017 USFTL Nationals Champion Team – Capital Punishment (B Division)
- 2018 USFTL Nationals Champion Team – Lady Elite
- 2018 FFWCT World Championship Team – Capital Punishment, and
- 2018 West Coast Nationals Champion Team – Black Mambas;

WHEREAS, the DC Ely Flag Football League has had a women’s team crowned the winner of the U.S. Football League National Championships every year since 2009;

**ENROLLED ORIGINAL**

WHEREAS, the DC ELY Flag Football League hosted the Inaugural Capital Classic Invitational on Saturday, March 30, 2019 and Sunday, March 31, 2018 at the Deanwood Recreation Center in Ward 7 as a competitive sporting event to not only showcase amazingly talented women athletes from the Washington region, but to also honor current and former National Champion women’s flag football teams, all hailing from the Washington region, known as the DMV, as a fitting conclusion to Women’s History Month;

WHEREAS, the DC ELY Flag Football League organizers also acknowledged one of the league’s longtime super stars as a 10-year breast cancer survivor and established a Women’s Flag Football Hall of Fame at the Deanwood Recreational Center during the Inaugural Capital Classic Invitational; and

WHEREAS, the DC ELY Flag Football League women’s teams’ plaques are on display in a trophy case in the Deanwood Recreation Center as testament to the dominance that the League’s women’s teams have displayed for a decade.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “DC ELY Flag Football League Women’s Teams Recognition Resolution of 2019”.

Sec. 2. The Council of the District of Columbia recognizes the DC ELY Flag Football League and the women’s teams in the competitive league for their great achievements and accomplishments, including their sustained dominance as consecutive tournament champions locally, nationally and in states across the nation.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

23-93

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 7, 2019

To recognize and celebrate the 50<sup>th</sup> Anniversary of the Kingman Boys and Girls Club for their commitment and contributions to the youth of the District of Columbia;

WHEREAS, Kingman Boys and Girls Club is located in Ward 2 in the District of Columbia;

WHEREAS, Richard L. Peters and Rotary Club members began efforts to organize the club in 1968 to address the needs of local youth after the assassination of Dr. Martin Luther King Jr.;

WHEREAS, Kingman Boys and Girls Club officially opened their doors in 1969 as the Kingman Boys Club;

WHEREAS Kingman Boys and Girls Club was created to provide opportunities for young men to play basketball and develop their athletic abilities;

WHEREAS, Kingman Boys and Girls Club provides after-school academic programing tailored to individual learning abilities, as well as athletic and recreational activities, employment opportunities, and cultural events;

WHEREAS, Kingman Boys and Girls Club makes a tremendous impact in the lives of youth by providing a nurturing and safe environment and promoting peace of mind for children and their parents;

WHEREAS, Kingman Boys and Girls Club has produced skilled athletes that have competed in and won many District-wide championships;

WHEREAS, in 2007, Kingman Boys and Girls Club created a program for teens to encourage them to remain involved in their community and volunteer with the Club;

WHEREAS, Kingman Boys and Girls Club presents workshops that teach time management, nutrition, financial management, etiquette, and job readiness skills;

**ENROLLED ORIGINAL**

WHEREAS, Kingman Boys and Girls Club Athletic Hall of Fame includes professional players such as Steve Francis, Greg Jones, Christian Webster, Darryl Webster, Avon Meacham, Robert Winston, Kahlil Hill, Vaughn Jones and Duane Simpkins; and

WHEREAS, Kingman Boys and Girls Club has diligently motivated and cultivated an attitude of confidence for youth from all backgrounds throughout the District of Columbia.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the, “Kingman Boys and Girls Club 50<sup>th</sup> Anniversary Recognition Resolution of 2019” for their commitment and contributions to the youth of the District of Columbia.”

Sec. 2. The Council of the District of Columbia recognizes and honors the Kingman Boys and Girls Club.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

23-94

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 7, 2019

To recognize and honor DC Bilingual Public Charter School on their 15<sup>th</sup> Anniversary and Quinceañera;

WHEREAS, DC Bilingual Public Charter School (School) was founded in 2004;

WHEREAS, the School provides an innovative dual immersion Spanish and English curriculum;

WHEREAS, the School implements a rigorous academic curriculum, including, comprehensive arts, technology, and athletic programs;

WHEREAS, the School cultivates the values of respect and celebrate diversity in culture;

WHEREAS, the School invests time and resources so that students may become influential participants in the community;

WHEREAS, the School strives to push students to reach their full personal and academic potential;

WHEREAS, the School constructed an award-winning garden that one of the largest elementary school gardens in the District of Columbia; and

WHEREAS, the School has an award-winning Food and Wellness program that promotes healthy nutrition and wellness concepts.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the, “DC Bilingual Public Charter School Recognition Resolution of 2019”.

Sec. 2. The Council of the District of Columbia recognizes and honors DC Bilingual on their 15<sup>th</sup> Anniversary.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

23-95

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 7, 2019

To acknowledge and honor the 40<sup>th</sup> Anniversary of the Marion Barry Youth Leadership Institute and for offering the youth of the District of Columbia an extensive training that encompasses self-discovery, team building, career exploration opportunities, civic engagement and leadership development.

WHEREAS, the Marion Barry Youth Leadership Institute was originally launched in 1979 by former Mayor Marion Barry as the Mayor’s Youth Leadership Institute to provide the youth of the District of Columbia with the necessary tools to succeed and impact the future;

WHEREAS, the Marion Barry Youth Leadership Institute is a four-level, year-round leadership training and development program for young people in the District of Columbia, ages 14 to 19;

WHEREAS, the Marion Barry Youth Leadership Institute utilizes a training model that emphasizes practical hands-on experience and a holistic approach to developing leaders of the 21<sup>st</sup> century;

WHEREAS, the Marion Barry Youth Leadership Institute includes a focus on four priority areas including personal growth and development skills; community development; college exploration and preparation; and life skills and career exploration;

WHEREAS, the Marion Barry Youth Leadership Institute places youth leaders in internships across the District of Columbia;

WHEREAS, the Marion Barry Youth Leadership Institute provides youth leaders with a leadership platform through the coordination of the DC Youth Government, including Youth Mayors and Youth City Councilmembers;

**ENROLLED ORIGINAL**

WHEREAS, the Marion Barry Youth Leadership Institute Youth Government has been the vanguard for youth activism and engagement and has been the forefront of major decisions affecting youth including education, gun violence, employment, advocacy and drug prevention;

WHEREAS, the Marion Barry Youth Leadership Institute provides global exposure and international affairs through the global education component;

WHEREAS, the Marion Barry Youth Leadership Institute includes a summer training for six weeks on a local college campus to expose youth to the collegiate experience; and

WHEREAS, Marion Barry Youth Leadership Institute participants are called upon to represent the youth of the District of Columbia at events throughout the city, the country, and the world.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “40<sup>th</sup> Anniversary of the Marion Barry Youth Leadership Institute Recognition Resolution of 2019”.

Sec. 2. The Council recognizes the 40<sup>th</sup> Anniversary of the Marion Barry Youth Leadership Institute.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.



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

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

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

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

**BILLS**

B23-504            Fiscal Year 2020 Budget Support Clarification Amendment Act of 2019  
  
Intro. 10 - 21 - 2019 by Chairman Mendelson and referred to the Committee of the Whole

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B23-505            Healthy Hospitals Amendment Act of 2019  
  
Intro. 10 - 22 - 2019 by Councilmembers Cheh, Allen, Todd, and Silverman and referred to the Committee on Health

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B23-506            Zero Waste Omnibus Amendment Act of 2019  
  
Intro. 10 - 22 - 2019 by Councilmembers Cheh, Gray, Todd, Evans, Nadeau, Grosso, Allen, and Chairman Mendelson and referred to the Committee on Transportation and the Environment

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B23-507            Poison Control Center Designation Act of 2019  
  
Intro. 10 - 22 - 2019 by Councilmembers Gray, Todd, Bonds, Grosso, and Nadeau and referred to the Committee on Health

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B23-508            Elaine M. Carter Community Center Designation Act of 2019  
  
Intro. 10 - 22 - 2019 by Councilmembers T. White, Silverman, Grosso, and Gray and referred to the Committee of the Whole

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B23-509 Local Rent Application Voucher Amendment Act of 2019  
Intro. 10 - 22 - 2019 by Councilmembers T. White, Grosso, Gray, Nadeau, and R. White and referred to the Committee on Housing and Neighborhood Revitalization

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B23-510 Community Input for Hypothermia Shelter Amendment Act of 2019  
Intro. 10 - 22 - 2019 by Councilmembers T. White, Gray, and Bonds and referred to the Committee on Human Services with comments from the Committee on Facilities and Procurement

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### **PROPOSED RESOLUTIONS**

PR23-507 Domestic Violence Fatality Review Board Rachel Camp Confirmation Resolution of 2019

Intro. 10 - 10 - 2019 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Judiciary and Public Safety

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PR23-508 Commission on Health Equity Linda Elam Confirmation Resolution of 2019

Intro. 10 - 11 - 2019 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Health

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PR23-509 Domestic Violence Fatality Review Board Ian Harris Confirmation Resolution of 2019

Intro. 10 - 11 - 2019 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Judiciary and Public Safety

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PR23-510 Domestic Violence Fatality Review Board Varina Winder Confirmation Resolution of 2019

Intro. 10 - 11 - 2019 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Judiciary and Public Safety

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PR23-511 Local Rent Supplement Program Contract No. 2018-LRSP-03A Approval Resolution of 2019

Intro. 10 - 11 - 2019 by Chairman Mendelson at the request of the District of Columbia Housing Authority and Retained by the Council with comments from the Committee on Housing and Neighborhood Revitalization

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PR23-512 Washington Convention and Sports Authority Board of Directors Max Brown Confirmation Resolution of 2019

Intro. 10 - 18 - 2019 by Chairman Mendelson at the request of the Mayor and referred to the Committee of the Whole

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PR23-513 District of Columbia Board of Elections Karyn Greenfield Confirmation Resolution of 2019

Intro. 10 - 18 - 2019 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Judiciary and Public Safety

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PR23-515 Ad Hoc Committee Procedures Resolution of 2019

Intro. 10 - 21 - 2019 by Chairman Mendelson and Retained by the Council

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PR23-516 Fiscal Year 2021 Budget Submission Requirements Resolution of 2019

Intro. 10 - 22 - 2019 by Chairman Mendelson and Retained by the Council

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**COUNCIL OF THE DISTRICT OF COLUMBIA  
COMMITTEE OF THE WHOLE AND COMMITTEE ON HEALTH  
NOTICE OF JOINT PUBLIC HEARING  
1350 PENNSYLVANIA AVE., N.W., WASHINGTON, D.C. 20004**

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**CHAIRMAN PHIL MENDELSON, CHAIRPERSON  
COMMITTEE OF THE WHOLE**

**AND**

**COUNCILMEMBER VINCENT C. GRAY, CHAIRPERSON  
THE COMMITTEE ON HEALTH**

**ANNOUNCE A PUBLIC HEARING ON**

**BILL 23-0045, "BEDBUG CONTROL ACT OF 2019"**

**BILL 23-0145, "DISTRICT OF COLUMBIA PSYCHOLOGY INTERJURISDICTIONAL  
COMPACT ACT OF 2019"**

**BILL 23-0250, "PROFESSIONAL ART THERAPIST LICENSURE AMENDMENT ACT  
OF 2019"**

**THURSDAY, DECEMBER 19, 2019  
10:00 A.M., ROOM 412, JOHN A. WILSON BUILDING  
1350 PENNSYLVANIA AVENUE, N.W.  
WASHINGTON, D.C. 20004**

Chairman Phil Mendelson, Chairperson of the Committee of the Whole, and Councilmember Vincent C. Gray, Chairperson of the Committee on Health, announce a Joint Public Hearing on Bill 23-0045, the "Bedbug Control Act of 2019", Bill 23-0145, the "District of Columbia Psychology Interjurisdictional Compact Act of 2019", and Bill 23-0250, the "Professional Art Therapist Licensure Amendment Act of 2019." The hearing will be held on Thursday, December 19, 2019 at 10 a.m., in Room 412 of the John A. Wilson Building.

Bill 23-0045, the "Bedbug Control Act of 2019", creates regulations that govern the removal of bedbugs. It also requires landlords to notify adjoining tenants of infestations. Landlords and pest control operators are required to report infestations to DCRA and among other things are required to provide a 12-month history for a dwelling of prior infestations before the signing of a lease.

Bill 23-0145, the "District of Columbia Psychology Interjurisdictional Compact Act of 2019", regulates the practice of tele-psychology and the face to face practice of psychology across state boundaries. Among other things, the bill provides legal recognition to psychologists properly licensed out of state. It also requires that all compact states share licensee information with compact states and create a coordinated database on participating compact psychologists.

Bill 23-0250, the “Professional Art Therapist Licensure Amendment Act of 2019”, defines the practice of professional art therapy, which includes assisting people to improve cognitive and sensory-motor functions, increase self-esteem, cope with grief and traumatic experience, resolve conflicts and distress, and enhance social functioning through art media. The bill establishes licensure requirements for art therapists and provides for the addition of a professional art therapist to the Board of Professional Counseling.

The Committee of the Whole and Committee on Health invite the public to testify at the hearing. Those who wish to testify should contact Malcolm Cameron, Committee Legislative Analyst at (202) 654-6179 or [mcameron@dccouncil.us](mailto:mcameron@dccouncil.us), and provide your name, organizational affiliation (if any), and title with the organization, preferably by 5:00 p.m. on Tuesday, December 17, 2019.

Witnesses should bring 15 copies of their written testimony to the hearing. The Committee on Health 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 [mcameron@dccouncil.us](mailto:mcameron@dccouncil.us) or mailed to: Council of the District of Columbia, 1350 Pennsylvania Ave., N.W., Suite 113, Washington D.C. 20004.

COUNCIL OF THE DISTRICT OF COLUMBIA  
COMMITTEE OF THE WHOLE  
NOTICE OF PUBLIC HEARING

1350 Pennsylvania Avenue, NW, Washington, DC 20004

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CHAIRMAN PHIL MENDELSON  
COMMITTEE OF THE WHOLE  
ANNOUNCES A PUBLIC HEARING

on

**Bill 23-68, Bishop Sherman S. Howard Way Designation Act of 2019**  
**Bill 23-88, Downs Way Designation Act of 2019**  
**Bill 23-104, Tingey Square Designation Act of 2019**  
**Bill 23-172, Alethia Tanner Park Designation Act of 2019**  
**Bill 23-264, Woody Ward Recreation Center Designation Act of 2019**  
**Bill 23-327, James E. Bunn Amphitheater Designation Act of 2019**  
**Bill 23-366, Zaire Kelly Park Designation Act of 2019**  
**Bill 23-449, Kappa Alpha Psi Way Designation Act of 2019**  
**Bill 23-455, Rev. Roy Settles Way Designation Act of 2019**

on

**Tuesday, November 26, 2019, 11:30 a.m.**  
**Room 412, John A. Wilson Building**  
**1350 Pennsylvania Avenue, NW**  
**Washington, DC 20004**

Council Chairman Phil Mendelson announces a public hearing before the Committee of the Whole on Bill 23-68, the “Bishop Sherman S. Howard Way Designation Act of 2019,” Bill 23-88, the “Downs Way Designation Act of 2019,” Bill 23-104, the “Tingey Square Designation Act of 2019,” Bill 23-172, the “Alethia Tanner Park Designation Act of 2019,” Bill 23-264, the “Woody Ward Recreation Center Designation Act of 2019,” Bill 23-327, the “James E. Bunn Amphitheater Designation Act of 2019,” Bill 23-366, the “Zaire Kelly Park Designation Act of 2019,” Bill 23-449, the “Kappa Alpha Psi Way Designation Act of 2019,” and Bill 23-455, the “Rev. Roy Settles Way Designation Act of 2019.” The hearing will be held at **11:30 a.m. on Tuesday, November 26, 2019** in **Room 412** of the John A. Wilson Building.

The stated purpose of **Bill 23-68** is to symbolically designate the 900 block of Underwood Street, N.W., between Georgia Avenue, N.W. and Piney Branch Road, N.W., as Bishop Sherman S. Howard Way. The stated purpose of **Bill 23-88** is to symbolically designate the public street on the 800 block of Decatur Street, N.E., as Downs Way. The stated purpose of **Bill 23-104** is to officially designate portions of Tingey Street, S.E., and N Street, S.E., between New Jersey Avenue, S.E., abutting Squares 770, 771 and W-771 as Tingey Square. The stated purpose of **Bill 23-172** is to designate the park located at 227 Harry Thomas Way, N.E., in Ward 5, as Alethia Tanner Park. The stated purpose of **Bill 23-264** is to designate the Benning Park Community Center, located at Southern Avenue, S.E. and Fable Street, S.E. in Ward 7, as the Woody Ward Recreation Center. The stated purpose of **Bill 23-327** is to designate the amphitheater at Oxon Run Park, located at 13th Street and Mississippi Avenue, SE in Ward 8, as the James E. Bunn Amphitheater. The stated purpose of **Bill 23-366** is to designate the park

located at the corner of 13<sup>th</sup> Street, N.E. and Downing Street, N.E., in Ward 5, as Zaire Kelly Park. The stated purpose of **Bill 23-449** is to symbolically designate S Street, N.W., between New Hampshire Ave., N.W., and 17<sup>th</sup> Street, N.W., as Kappa Alpha Psi Way. The stated purpose of **Bill 23-455** is to ceremonially designate the 1400 block of Minnesota Ave., S.E. in Square 5605 in Ward 8 as Rev. Roy Settles Way.

For streets and alleys, a symbolic naming is for ceremonial purposes and shall be in addition to and subordinate to any name that is an official name; an official designation typically involves the designation of postal addresses and enables the placement of the primary entrance to residences or offices on the alley. Public spaces other than a street or alley, such as parks or buildings, may also be symbolically or officially named.

Those who wish to testify are asked to email the Committee of the Whole at [cow@dccouncil.us](mailto:cow@dccouncil.us), or call Evan Cash at (202) 724-7002, and to provide your name, address, telephone number, organizational affiliation and title (if any) by close of business **Friday, November 22, 2019**. Persons wishing to testify are encouraged, but not required, to submit 15 copies of written testimony. If submitted by the close of business on November 22, 2019 the testimony will be distributed to Councilmembers before the hearing. Witnesses should limit their testimony to four minutes; less time will be allowed if there are a large number of witnesses. Copies of the legislation can be obtained through the Legislative Services Division of the Secretary of the Council's office or on <http://lims.dccouncil.us>. Hearing materials, including a draft witness list, can be accessed at <http://www.chairmanmendelson.com/circulation>, 24 hours in advance of the hearing.

If you are unable to testify at the hearing, written statements are encouraged and will be made a part of the official record. Written statements should be submitted to the Committee of the Whole, Council of the District of Columbia, Suite 410 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004. The record will close at 5:00 p.m. on December 10, 2019.

COUNCIL OF THE DISTRICT OF COLUMBIA  
COMMITTEE OF THE WHOLE  
NOTICE OF PUBLIC HEARING

1350 Pennsylvania Avenue, NW, Washington, DC 20004

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CHAIRMAN PHIL MENDELSON  
COMMITTEE OF THE WHOLE  
ANNOUNCES A PUBLIC HEARING

on

**Bill 23-215, Security Breach Protection Amendment Act of 2019**

on

**Tuesday, November 12, 2019, 10:00 a.m.**  
**Room 412, Council Chambers, John A. Wilson Building**  
**1350 Pennsylvania Avenue, NW**  
**Washington, DC 20004**

Council Chairman Phil Mendelson announces a public hearing before the Committee of the Whole on Bill 23-215, the “Security Breach Protection Amendment Act of 2019.” The hearing will be held at **10:00 a.m.** on **Tuesday, November 12, 2019** in **Room 412** of the John A. Wilson Building.

The stated purpose of **Bill 23-215** is to strengthen the protections for personal information released to unauthorized people because of a breach of the security of a computer system. The bill expands the definition of personal information; adds additional requirements for the contents of a notification of a security breach to consumers; requires notification to the Office of Attorney General; requires persons and entities that possess personal information to implement and maintain reasonable security procedures and practices; and requires a company to provide two years of identity theft protections to an individual when his or her social security number or tax identification number is part of the security breach. Finally, the bill makes a violation of the data breach law a violation of the District’s Consumer Protection Procedures Act.

Those who wish to testify are asked to email the Committee of the Whole at [cow@dccouncil.us](mailto:cow@dccouncil.us), or call Peter Johnson at (202) 724-8083, and to provide your name, address, telephone number, organizational affiliation and title (if any) by close of business **Thursday, November 7, 2019**. Persons wishing to testify are encouraged, but not required, to submit 15 copies of written testimony. If submitted by the close of business on November 7, 2019 the testimony will be distributed to Councilmembers before the hearing. Witnesses should limit their testimony to four minutes; less time will be allowed if there are a large number of witnesses. Copies of the legislation can be obtained through the Legislative Services Division of the Secretary of the Council’s office or on <http://lims.dccouncil.us>. Hearing materials, including a draft witness list, can be accessed at <http://www.chairmanmendelson.com/circulation>, 24 hours in advance of the hearing.

If you are unable to testify at the hearing, written statements are encouraged and will be made a part of the official record. Written statements should be submitted to the Committee of the Whole, Council of the District of Columbia, Suite 410 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004. The record will close at 5:00 p.m. on November 26, 2019.



COUNCIL OF THE DISTRICT OF COLUMBIA  
**COMMITTEE ON TRANSPORTATION & THE ENVIRONMENT**  
MARY M. CHEH, CHAIR

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**NOTICE OF PUBLIC HEARING ON**

B23-228, the Legitimate Theater Sidewalk Café Authorization Amendment Act of 2019;  
PR23-462, the District of Columbia Water and Sewer Authority Board of Directors Howard Gibbs Confirmation Resolution of 2019;  
PR23-463, the District of Columbia Water and Sewer Authority Board of Directors Jed Ross Confirmation Resolution of 2019;  
PR23-464, the District of Columbia Water and Sewer Authority Board of Directors Joe Leonard Confirmation Resolution of 2019; and  
PR23-465, the District of Columbia Water and Sewer Authority Board of Directors David Franco Confirmation Resolution of 2019;

Wednesday, December 4, 2019, at 11:00 AM  
in Room 123 of the John A. Wilson Building  
1350 Pennsylvania Avenue, NW, Washington, DC 20004

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On Wednesday, December 4, 2019, Councilmember Mary M. Cheh, Chairperson of the Committee on Transportation and the Environment, will hold a public hearing on B23-228, the Legitimate Theater Sidewalk Café Authorization Amendment Act of 2019, PR23-462, the District of Columbia Water and Sewer Authority Board of Directors Howard Gibbs Confirmation Resolution of 2019, PR23-463, the District of Columbia Water and Sewer Authority Board of Directors Jed Ross Confirmation Resolution of 2019, PR23-464, the District of Columbia Water and Sewer Authority Board of Directors Joe Leonard Confirmation Resolution of 2019, and PR23-465, the District of Columbia Water and Sewer Authority Board of Directors David Franco Confirmation Resolution of 2019. The hearing will begin at 11:00 AM in Room 123 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W.

B23-228 would amend District law to allow a legitimate theater, defined as a building or part of a building designed and used for presentation of live plays and other dramatic performances, to operate a sidewalk café, and to describe the methods DDOT and DCRA must use to review and approve applications for such use. PR 23-462 would confirm Howard Gibbs as a member of the District of Columbia Water and Sewer Authority Board of Directors. PR 23-463 would confirm Jed Ross as a member of the District of Columbia Water and Sewer Authority Board of Directors. PR 23-464 would confirm Joe Leonard as a member of the District of Columbia Water and Sewer Authority Board of Directors. PR 23-465 would confirm David Franco as a member of the District of Columbia Water and Sewer Authority Board of Directors.

The Committee invites the public to testify or to submit written testimony, which will be made a part of the official record. Anyone wishing to testify should contact Ms. Aukima

Benjamin, Staff Assistant to the Committee on Transportation and the Environment, at (202) 724-8062 or via e-mail at [abenjamin@dccouncil.us](mailto:abenjamin@dccouncil.us). Persons representing organizations will have five minutes to present their testimony. Individuals will have three minutes to present their testimony. Witnesses should bring eight copies of their written testimony and should submit a copy of their testimony electronically to [abenjamin@dccouncil.us](mailto:abenjamin@dccouncil.us).

If you are unable to testify in person, written statements are encouraged and will be made a part of the official record. Copies of written statements should be submitted to Ms. Benjamin at the following address: Committee on Transportation and the Environment, John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Suite 108, Washington, D.C. 20004. Statements may also be e-mailed to [abenjamin@dccouncil.us](mailto:abenjamin@dccouncil.us) or faxed to (202) 724-8118. The record will close at the end of the business day on December 18, 2019.

COUNCIL OF THE DISTRICT OF COLUMBIA  
**COMMITTEE ON TRANSPORTATION & THE ENVIRONMENT**  
MARY M. CHEH, CHAIR

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**NOTICE OF PUBLIC HEARING ON**

**B23-390, the Urban Farming Land Lease Amendment Act of 2019; and  
B23-407, the Lead Hazard Prevention and Elimination Amendment Act of 2019**

Monday, November 18, 2019, at 11:00 AM  
in Room 412 of the John A. Wilson Building  
1350 Pennsylvania Avenue, NW, Washington, DC 20004

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On Monday, November 18, 2019, Councilmember Mary M. Cheh, Chairperson of the Committee on Transportation and the Environment, will hold a public hearing on B23-390, the Urban Farming Land Lease Amendment Act of 2019, and B23-40, the Lead Hazard Prevention and Elimination Amendment Act of 2019. The hearing will begin at 11:00 AM in Room 412 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W.

B23-390 would allow the District to enter into a lease agreement with a qualified applicant to create and maintain an urban farm on vacant land, authorize the Department of Energy and Environment to waive soil testing requirements for a lessee who agrees to not plant in or use the site soil of the leased property, revise the mission of the Office of Urban Agriculture, and clarify soil testing requirements for the urban farm tax abatement program. B23-407 would modify acceptable levels of lead exposure in a dwelling unit, require the Mayor to withhold license, registration or permits until a building owner has provided a clearance report regarding compliance with lead exposure standards, establish an Indoor Lead Hazard Reduction Fund to provide financial assistance to owners of residential properties constructed before 1978 and occupied by low-income tenants to comply with requirements of the law, and establish a private right of action for tenants where a landlord fails to comply with the Act's requirements.

The Committee invites the public to testify or to submit written testimony, which will be made a part of the official record. Anyone wishing to testify should contact Ms. Aukima Benjamin, Staff Assistant to the Committee on Transportation and the Environment, at (202) 724-8062 or via e-mail at [abenjamin@dccouncil.us](mailto:abenjamin@dccouncil.us). Persons representing organizations will have five minutes to present their testimony. Individuals will have three minutes to present their testimony. Witnesses should bring eight copies of their written testimony and should submit a copy of their testimony electronically to [abenjamin@dccouncil.us](mailto:abenjamin@dccouncil.us).

If you are unable to testify in person, written statements are encouraged and will be made a part of the official record. Copies of written statements should be submitted to Ms. Benjamin at the following address: Committee on Transportation and the Environment, John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Suite 108, Washington, D.C. 20004. Statements may also be e-mailed to [abenjamin@dccouncil.us](mailto:abenjamin@dccouncil.us) or faxed to (202) 724-8118. The record will close at the end of the business day on December 2, 2019.

COUNCIL OF THE DISTRICT OF COLUMBIA  
**COMMITTEE ON TRANSPORTATION & THE ENVIRONMENT**  
MARY M. CHEH, CHAIR

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**NOTICE OF PUBLIC HEARING ON**

**B23-393, The Safe Passage to School Expansion Act of 2019**

Monday, November 25, 2019, at 11:00 AM  
in Room 500 of the John A. Wilson Building  
1350 Pennsylvania Avenue, NW, Washington, DC 20004

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On Monday, November 25, 2019, Councilmember Mary M. Cheh, Chairperson of the Committee on Transportation and the Environment, will hold a public hearing on B23-393, The Safe Passage to School Expansion Act of 2019. The hearing will begin at 11:00 AM in Room 500 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W.

B23-393 would establish an Office of Safe Passage, tasked with ensuring the safe passage of students as they travel to and from school, both during the school year and summer. The new office would develop ward-specific five-year strategic plans for the safe travel of students to and from school, collect data on student safety during school commutes, award grants to community-based organizations participating in the Safe Routes to School program, and provide recommendations on how the District can improve the safety of students as they travel to and from school. The legislation would also require the new Office to establish a Safe Routes to School program, which would designate 10 priority areas, establish safe routes to and from schools in those areas, and engage community-based organizations to hire and manage safe passage personnel to monitor these new safe routes.

The Committee invites the public to testify or to submit written testimony, which will be made a part of the official record. Anyone wishing to testify should contact Ms. Aukima Benjamin, Staff Assistant to the Committee on Transportation and the Environment, at (202) 724-8062 or via e-mail at [abenjamin@dccouncil.us](mailto:abenjamin@dccouncil.us). Persons representing organizations will have five minutes to present their testimony. Individuals will have three minutes to present their testimony. Witnesses should bring eight copies of their written testimony and should submit a copy of their testimony electronically to [abenjamin@dccouncil.us](mailto:abenjamin@dccouncil.us).

If you are unable to testify in person, written statements are encouraged and will be made a part of the official record. Copies of written statements should be submitted to Ms. Benjamin at the following address: Committee on Transportation and the Environment, John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Suite 108, Washington, D.C. 20004. Statements may also be e-mailed to [abenjamin@dccouncil.us](mailto:abenjamin@dccouncil.us) or faxed to (202) 724-8118. The record will close at the end of the business day on December 9, 2019.

COUNCIL OF THE DISTRICT OF COLUMBIA  
COMMITTEE ON HOUSING AND NEIGHBORHOOD REVITALIZATION  
NOTICE OF PUBLIC HEARING  
1350 Pennsylvania Avenue, NW, Washington, DC 20004

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COUNCILMEMBER ANITA BONDS, CHAIRPERSON  
COMMITTEE ON HOUSING AND NEIGHBORHOOD REVITALIZATION  
ANNOUNCES A PUBLIC HEARING OF THE COMMITTEE

*on*

**Bill 23-0433, the “Rental Housing Act Extension Amendment Act of 2019”**

Wednesday, November 13, 2019, at 11:00 AM  
John A. Wilson Building, Room 500  
1350 Pennsylvania Avenue, NW  
Washington, DC 20004

On Wednesday, November 13, 2019, Councilmember Anita Bonds, Chairperson of the Committee on Housing & Neighborhood Revitalization, will hold a public hearing on Bill 23-0433, the “Rental Housing Act Extension Amendment Act of 2019”. The hearing will take place in Room 500 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., at 11:00 a.m.

The purpose of Bill 23-0433, the “Rental Housing Act Extension Amendment Act of 2019”, is to prevent further deterioration of the District’s housing affordability crisis by extending the District’s rent stabilization program (rent control) for another 10 years. In addition to testimony on the extension of rent stabilization, witnesses are invited to also testify on suggested improvements to the District’s rent stabilization program.

Those who wish to testify are requested to telephone the Committee on Housing and Neighborhood Revitalization, at (202) 724-8198, or email [housing@dccouncil.us](mailto:housing@dccouncil.us), and provide their name, address, telephone number, organizational affiliation and title (if any), by close of business on November 12, 2019. Persons wishing to testify are encouraged to **submit 15 copies of written testimony**. Oral testimony should be limited to three minutes for individuals and five minutes for organizations.

If you are unable to testify at the public hearing, written statements are encouraged and will be made a part of the official record. Written statements should be submitted to the Committee on Housing and Neighborhood Revitalization, John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Suite G6, Washington, D.C. 20004. The record will close at 5:00 p.m. on November 27, 2019.

COUNCIL OF THE DISTRICT OF COLUMBIA  
COMMITTEE ON LABOR AND WORKFORCE DEVELOPMENT  
NOTICE OF PUBLIC HEARING

1350 Pennsylvania Avenue, NW, Washington, DC 20004

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**CHAIRPERSON ELISSA SILVERMAN  
COMMITTEE ON LABOR AND WORKFORCE DEVELOPMENT**

**ANNOUNCES A PUBLIC HEARING ON**

**B23-494, Ban on Non-Compete Agreements Amendment Act of 2019**

**Friday, December 6, 2019, 10:00 a.m.  
Hearing Room 500, John A. Wilson Building  
1350 Pennsylvania Avenue, NW  
Washington, DC 20004**

Councilmember Elissa Silverman, Chairperson of the Committee on Labor and Workforce Development, announces a public hearing before the Committee on B23-494, the Ban on Non-Compete Agreements Amendment Act of 2019. The law would protect District workers who earn up to three times the hourly minimum wage from having to sign Non-Compete Agreements, which are contracts that prevent workers from taking a job – either at the same time or in the future – with a different employer in the same industry or geographic area. The bill would also ban this language in a company policy manual or handbook. Employers in violation of the law could be investigated and assessed penalties and employees could recover damages from an employer that violated their rights. The hearing will be held at 10 a.m. on Friday, December 6, 2019, in Room 500 of the John A. Wilson Building.

Those who wish to testify before the Committee are asked to contact Ms. Charnisa Royster at [labor@dccouncil.us](mailto:labor@dccouncil.us) or (202) 724-7772 by 5:00 p.m. on Wednesday, December 4, 2019, to provide their name, address, telephone number, organizational affiliation and title (if any), as well as the language of oral interpretation, if any, they require. Witnesses who anticipate needing language interpretation, including `American Sign Language (ASL) interpretation, are requested to inform this office of the need as soon as possible but no later than Wednesday, November 27, 2019 at 3:00 pm. Those wishing to testify are encouraged, but not required, to submit 15 copies of written testimony. Those representing organizations will have five minutes to present their testimony, and other individuals will have three minutes to present their testimony; less time will be allowed if there are a large number of witnesses.

If you are unable to testify at the roundtable, written statements will be made a part of the official record. Written statements should be submitted by email to Ms. Royster at [labor@dccouncil.us](mailto:labor@dccouncil.us) or mailed to the Committee on Labor and Workforce Development, Council of the District of Columbia, Suite 115 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004. The record will close at 5:00 p.m. on Friday, December 20, 2019.

COUNCIL OF THE DISTRICT OF COLUMBIA  
COMMITTEE OF THE WHOLE & COMMITTEE ON THE  
JUDICIARY AND PUBLIC SAFETY  
NOTICE OF A JOINT PUBLIC OVERSIGHT HEARING  
1350 Pennsylvania Avenue, NW, Washington, DC 20004

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CHAIRMAN PHIL MENDELSON  
COMMITTEE OF THE WHOLE

&

COUNCILMEMBER CHARLES ALLEN, CHAIRPERSON  
COMMITTEE ON THE JUDICIARY AND PUBLIC SAFETY  
ANNOUNCE A JOINT PUBLIC OVERSIGHT HEARING

on

**Agency Responses to Code Violations and the Subsequent Fire at 708 Kennedy Street N.W.**

on

**Monday, November 18, 2019, 1:00 p.m.**  
**Room 500, Council Chambers, John A. Wilson Building**  
**1350 Pennsylvania Avenue, N.W.**  
**Washington, DC 20004**

Council Chairman Phil Mendelson and Councilmember Charles Allen announce a joint public oversight hearing of the Committee of the Whole and the Committee on the Judiciary and Public Safety on “**Agency Responses to Code Violations and the Subsequent Fire at 708 Kennedy Street N.W.**” The hearing will be on **Monday, November 18, 2019 at 1:00 p.m. in Room 500 (Council Chambers)** of the John A. Wilson Building.

On the morning of August 18, 2019, a fire started in a row house at 708 Kennedy Street N.W. that ultimately resulted in the deaths of Fitsum Kebede and Yafety Solomon. Approximately five months prior to the fire, a Metropolitan Police Department (MPD) officer, responding to a noise complaint at the property, identified numerous unsafe conditions, including no exit signs, no working smoke detectors, and an untagged fire extinguisher. He reported this to the Department of Consumer and Regulatory Affairs (DCRA) and to the Fire and Emergency Medical Services Department (FEMS). A DCRA inspector did not visit the house until two months after the officer’s initial email, and the inspector never went inside the building. After the fire, it was determined that the rowhouse was an illegal boarding house and had numerous code violations that made it difficult for tenants to escape the building as it burned. A third-party review was commenced in late August to determine gaps in policy and communication processes that had contributed to the lack of action from DCRA and FEMS to protect the tenants. That review, as well as a broader discussion regarding house code enforcement, is the subject of this hearing. The Committees will also be seeking additional information on the dispatch of FEMS to the scene of the fire from the Office of Unified Communications.

Those who wish to testify are asked to email the Committee of the Whole at [cow@dccouncil.us](mailto:cow@dccouncil.us), or to call Blaine Stum, Legislative Policy Advisor, at (202) 724-8092, and to provide your name, address, telephone number, organizational affiliation, and title (if any) by the close of business **Thursday, November 14, 2019**. Persons wishing to testify are encouraged, but not required, to submit 15 copies of written testimony. If submitted by the close of business on November 14, 2019 the testimony will be distributed to Councilmembers before the hearing.

Witnesses should limit their testimony to four minutes; less time will be allowed if there are a large number of witnesses. Copies of the legislation can be obtained through the Legislative Services Division of the Secretary of the Council's office or on <http://lims.dccouncil.us>. Hearing materials, including a draft witness list, can be accessed at <http://www.chairmanmendelson.com/circulation>, 24 hours in advance of the hearing.

If you are unable to testify at the hearing, written statements are encouraged and will be made a part of the official record. Written statements should be submitted to the Committee of the Whole, Council of the District of Columbia, Suite 410 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004. The record will close at 5:00 p.m. on Monday, December 2, 2019.



**COUNCIL OF THE DISTRICT OF COLUMBIA  
COMMITTEE OF THE WHOLE &  
COMMITTEE ON EDUCATION  
NOTICE OF JOINT PUBLIC OVERSIGHT HEARING  
1350 Pennsylvania Avenue, NW, Washington, DC 20004**

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**CHAIRMAN PHIL MENDELSON  
COMMITTEE OF THE WHOLE  
&  
COUNCILMEMBER DAVID GROSSO, CHAIRPERSON  
COMMITTEE ON EDUCATION**

**ANNOUNCE A JOINT PUBLIC OVERSIGHT HEARING**

on

**Improving School Attendance: Truancy, Chronic Absenteeism, and the Implementation of  
Reform Initiatives**

on

**Thursday, December 5, 2019**

**10:00 a.m.**

**Hearing Room 120, John A. Wilson Building  
1350 Pennsylvania Avenue, NW  
Washington, DC 20004**

Council Chairman Phil Mendelson and Councilmember David Grosso announce a joint public oversight hearing of the Committee of the Whole and the Committee on Education on Improving School Attendance: Truancy, Chronic Absenteeism, and the Implementation of Reform Initiatives in the District. This oversight hearing will be held at 10:00 a.m. on Thursday, December 5, 2019 in Hearing Room 412 of the John A. Wilson Building.

The stated purpose of this oversight hearing is to receive testimony from government witnesses and partners, including the Office of the State Superintendent of Education, the Child and Family Services Agency, the District of Columbia Public Schools, the Public Charter School Board, the Office of Victim Services and Justice Grants, and the Office of the Attorney General, regarding the District's efforts to improve school attendance and to reduce truancy and chronic absenteeism. Additionally, the hearing will consider continued implementation of initiatives required by D.C. Law 18-242, the "Safe Children and Safe Neighborhoods Educational Neglect Mandatory Reporting Amendment Act of 2010," D.C. Law 19-141, the "South Capitol Street Memorial Amendment Act of 2012," D.C. Law 20-17, the "Attendance Accountability Amendment Act of 2013," and D.C. Law 21-140, the "School Attendance Clarification Amendment Act of 2016." Improving school attendance improves educational outcomes. Targeting truancy is also a strategy for identifying children at risk of involvement in the juvenile justice system.

Testimony at this hearing is limited to government witnesses. However, citizens and organizations may submit statements. If submitted by the close of business on December 3, 2019, these statements will be distributed to Councilmembers before the hearing. Copies of the legislation can be obtained through the Legislative Services Division of the Secretary of the Council's office or on <http://lims.dccouncil.us>. Hearing materials, including a draft witness list, can be accessed 24 hours in advance of the hearing at <http://www.chairmanmendelson.com/circulation>. Written statements are encouraged and will be made a part of the official record. Written statements should be submitted to the Committee of the Whole, Council of the District of Columbia, Suite 410 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004. The record will close at 5:00 p.m. on December 19, 2019.

**COUNCIL OF THE DISTRICT OF COLUMBIA  
COMMITTEE ON HEALTH  
NOTICE OF PUBLIC OVERSIGHT HEARING  
1350 PENNSYLVANIA AVE., N.W., WASHINGTON, D.C. 20004**

**REVISED**

**COUNCILMEMBER VINCENT C. GRAY, CHAIRPERSON  
THE COMMITTEE ON HEALTH**

**ANNOUNCES A PUBLIC OVERSIGHT HEARING ON**

**“THE DEPARTMENT OF BEHAVIORAL HEALTH”**

**WEDNESDAY, NOVEMBER 20, 2019; 5:30 P.M.  
PENNSYLVANIA AVENUE BAPTIST CHURCH  
3000 PENNSYLVANIA AVE, SE  
WASHINGTON, DC 20020**

Councilmember Vincent C. Gray, Chairperson of the Committee on Health, announces a Public Oversight Hearing on “The Department of Behavioral Health”. The hearing will be held on Wednesday, November 20, 2019, at 5:30 p.m., in the Pennsylvania Avenue Baptist Church, located at 3000 Pennsylvania Avenue SE, Washington, DC 20020. **This hearing notice has been revised to reflect a change in the hearing date, from October 23, 2019 to November 20, 2019, as well as an additional topic of discussion.**

This public oversight hearing will examine all oversight issues associated with the Department of Behavioral Health (DBH), including, but not limited to: behavioral health issues that impact residents in Wards 7 and 8; State Opioid Response (SOR) grant and District Opioid Targeted Strategy (DOTS) grant spending and results; progress report on Live.Long.DC; expansion of school-based mental health services; behavioral health engagement on Minnesota Avenue, NE; allegations of patient abuse at St. Elizabeths Hospital; and the monitoring of the release of Hilman Jordan. The hearing will also examine the recent issue of water contamination at St. Elizabeths Hospital, and the agency’s short- and long-term response.

The Committee invites the public to testify at the hearing. Those who wish to testify should contact Malcolm Cameron, Committee Legislative Analyst at (202) 654-6179 or [mcameron@dccouncil.us](mailto:mcameron@dccouncil.us), and provide your name, organizational affiliation (if any), and title with the organization, preferably by 5:00 p.m. on Monday, November 18, 2019. Witnesses should bring 15 copies of their written testimony to the hearing.

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 [mcameron@dccouncil.us](mailto:mcameron@dccouncil.us) or mailed to: Council of the District of Columbia, 1350 Pennsylvania Ave., N.W., Suite 113, Washington D.C. 20004.

**COUNCIL OF THE DISTRICT OF COLUMBIA  
COMMITTEE OF THE WHOLE &  
COMMITTEE ON EDUCATION  
NOTICE OF JOINT PUBLIC OVERSIGHT ROUNDTABLE**  
1350 Pennsylvania Avenue, NW, Washington, DC 20004

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**CHAIRMAN PHIL MENDELSON  
COMMITTEE OF THE WHOLE  
&  
COUNCILMEMBER DAVID GROSSO, CHAIRPERSON  
COMMITTEE ON EDUCATION**

**ANNOUNCE A JOINT PUBLIC OVERSIGHT ROUNDTABLE**

on

**Education Research Practice Partnership Proposed Notice of Invitation**

on

**Thursday, October 31, 2019**

**11:00 a.m., Hearing Room 412, John A. Wilson Building**

**1350 Pennsylvania Avenue, NW**

**Washington, DC 20004**

Council Chairman Phil Mendelson and Councilmember David Grosso announce a joint public oversight roundtable of the Committee of the Whole and the Committee on Education on the Education Research Practice Partnership Notice of Invitation. This oversight roundtable will be held at 11:00 a.m. on Thursday, October 31, 2019 in Hearing Room 412 of the John A. Wilson Building.

The stated purpose of this oversight roundtable is to receive testimony on the District's Education Research Practice Partnership's Proposed Notice of Invitation. Last fall, the Council approved D.C. Law 22-268, the "District of Columbia Education Research Practice Partnership Establishment and Audit Act of 2018," which establishes an educational research practice partnership (RPP) in the District for the purposes of conducting independent education-related research that will support improvement in the District's public schools. The RPP shall publicly report the findings of its research, and will directly benefit the Council's legislative and oversight responsibilities. To establish the RPP, the law requires the District to issue a Notice of Invitation (NOI) for the purposes of receiving proposals from an independent, non-governmental entity that shall be responsible for conducting education research. The law provides that before issuance the Executive is to transmit the proposed NOI to the Council for approval. The proposed NOI can found on the Council's legislative information system (LIMS) under RC 23-110.

Testimony at this hearing will be limited to witnesses requested by the Committee. For more information about this, one may email the Committee of the Whole at [cow@dccouncil.us](mailto:cow@dccouncil.us), or call Christina Setlow, Deputy Committee Director at (202) 724-4865. Witnesses are encouraged, but not required, to submit 15 copies of written testimony. Witnesses should limit their testimony to five minutes. Roundtable materials, including a draft witness list, can be accessed 24 hours in advance of the roundtable at <http://www.chairmanmendelson.com/circulation>.

Written statements from any interested party will be accepted and will be made a part of the official record. Written statements should be submitted to the Committee of the Whole, Council of the District of Columbia, Suite 410 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004. The record will close at 5:00 p.m. on Thursday, November 14, 2019.

COUNCIL OF THE DISTRICT OF COLUMBIA  
**COMMITTEE ON FACILITIES AND PROCUREMENT**

ROBERT C. WHITE, JR., CHAIR

**COMMITTEE ON THE JUDICIARY AND PUBLIC SAFETY**

CHARLES ALLEN, CHAIR

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**NOTICE OF JOINT PUBLIC OVERSIGHT ROUNDTABLE**

**The Metro Transit Police Department's  
Policing Practices and Their Impact on Communities of Color**

Thursday, November 7, 2019, 10:00 AM  
Room 412, John A. Wilson Building  
1350 Pennsylvania Avenue, N.W.  
Washington, DC 20004

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On Thursday, November 7, 2019, Councilmember Robert C. White Jr., Chair of the Committee on Facilities and Procurement, and Councilmember Charles Allen, Chair of the Committee on the Judiciary and Public Safety, will hold a Joint Public Oversight Roundtable on The Metro Transit Police Department's Policing Practices and Their Impact on Communities of Color. The Joint Public Oversight Roundtable will take place in Room 412 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., at 10:00 AM.

The purpose of the roundtable is to examine the policing practices of the Washington Metropolitan Area Transit Authority's Metro Transit Police Department ("MTPD") and their impacts on communities of color. A series of widely publicized interactions between people of color and MTPD has raised concerns about police-community relations, training, uses of force, and the effective deployment of de-escalation strategies. This roundtable will review existing policies and practices, the impact of those policies and practices, and any lessons learned from recent events.

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](mailto: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, November 5, 2019**. If you require translation or interpretation services, please notify the Committee at least one week prior to the date of the public roundtable.

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](mailto: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 roundtable, written testimony will be made part of the official record. Copies of written testimony should be submitted to the Committee at [facilities@dccouncil.us](mailto: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, November 21<sup>st</sup>, 2019.**

**COUNCIL OF THE DISTRICT OF COLUMBIA  
COMMITTEE ON GOVERNMENT OPERATIONS  
NOTICE OF PUBLIC ROUNDTABLE**

1350 Pennsylvania Avenue, NW, Washington, DC 20004

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**COUNCILMEMBER BRANDON T. TODD  
COMMITTEE ON GOVERNMENT OPERATIONS**

**NOTICE OF PUBLIC ROUNDTABLE ON:**

**PR23-0481 - Executive Director of the Office on African Affairs Aly Kaba Confirmation  
Resolution of 2019**

**Thursday, October 31, 2019**

**10:00 a.m.**

**Room 123, John A. Wilson Building**

**1350 Pennsylvania Avenue, NW**

**Washington, DC 20004**

On Thursday, October 31, 2019, Councilmember Brandon T. Todd, Chairperson of the Committee on Government Operations, will hold a public roundtable on PR23-0481, the Executive Director of the Office on African Affairs Aly Kaba Confirmation Resolution of 2019. This legislation would confirm Aly Kaba as the Executive Director of the Office on African Affairs. The roundtable will begin at 10:00 a.m. in Room 123 of the John A. Wilson Building, 1350 Pennsylvania Ave., N.W., Washington, D.C. 20004.

The Committee invites the public to testify at the roundtable. Those who wish to testify should contact Sam Stephens, Legislative Assistant at [GovernmentOperations@dccouncil.us](mailto:GovernmentOperations@dccouncil.us), and provide your name, organizational affiliation (if any), and title with the organization by 10:00 a.m. on Wednesday, October 30, 2019. Witnesses should bring 10 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 [GovernmentOperations@dccouncil.us](mailto:GovernmentOperations@dccouncil.us) or mailed to: Council of the District of Columbia, 1350 Pennsylvania Ave., N.W., Suite 117, Washington D.C. 20004. The record will close at the end of the business day on November 12, 2019.

COUNCIL OF THE DISTRICT OF COLUMBIA  
**COMMITTEE ON TRANSPORTATION & THE ENVIRONMENT**  
MARY M. CHEH, CHAIR

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**NOTICE OF PUBLIC ROUNDTABLE ON**

**Trees Located in Public Parking**

Monday, December 2nd, 2019, at 11:00 AM  
in Room 500 of the John A. Wilson Building  
1350 Pennsylvania Avenue, NW, Washington, DC 20004

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On Monday, December 2, 2019, Councilmember Mary M. Cheh, Chairperson of the Committee on Transportation and the Environment, will hold a public roundtable on trees located in public parking. The roundtable will begin at 11:00 AM in Room 500 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W.

The purpose of the roundtable is for the Committee to hear testimony from residents regarding trees located in the public parking adjacent to their property, including issues with removal, care for, and damage caused by these trees. The Urban Forestry Division within the District Department of Transportation has primary responsibility for the District's trees, including those in public parking, and is the primary point of contact for residents on issues effecting trees in property-adjacent public parking.

The Committee invites the public to testify or to submit written testimony, which will be made a part of the official record. Anyone wishing to testify should contact Ms. Aukima Benjamin, Staff Assistant to the Committee on Transportation and the Environment, at (202) 724-8062 or via e-mail at [abenjamin@dccouncil.us](mailto:abenjamin@dccouncil.us). Persons representing organizations will have five minutes to present their testimony. Individuals will have three minutes to present their testimony. Witnesses should bring eight copies of their written testimony and should submit a copy of their testimony electronically to [abenjamin@dccouncil.us](mailto:abenjamin@dccouncil.us).

If you are unable to testify in person, written statements are encouraged and will be made a part of the official record. Copies of written statements should be submitted to Ms. Benjamin at the following address: Committee on Transportation and the Environment, John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Suite 108, Washington, D.C. 20004. Statements may also be e-mailed to [abenjamin@dccouncil.us](mailto:abenjamin@dccouncil.us) or faxed to (202) 724-8118. The record will close at the end of the business day on December 16, 2019.

**COUNCIL OF THE DISTRICT OF COLUMBIA**  
**CONSIDERATION OF TEMPORARY LEGISLATION**

**Bill 23-503**, the “Fiscal Year 2020 Budget Support Clarification Temporary Act of 2019” was adopted on first reading on October 22, 2019. This temporary measure was considered in accordance with Council Rule 413. A final reading on this measure will occur on November 5, 2019.



**COUNCIL OF THE DISTRICT OF COLUMBIA**  
**Office of the Budget Director**

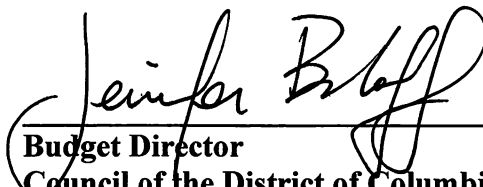


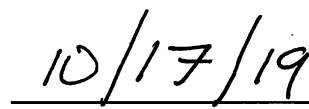
**Jennifer Budoff**  
Budget Director

**Notice of Applicability of Legislation**

Pursuant to section 2243 of the Short-Term Rental Funding Act of 2019, enacted as Subtitle II-Y of the Fiscal Year 2020 Budget Support Act of 2019, effective September 11, 2019 (D.C. Law 23-16, 66 DCR 12631), the Council hereby provides notice of the attached funding certification by the Office of the Chief Financial Officer and confirms that the fiscal effect of the Short-Term Rental Regulation Act of 2018, effective April 25, 2019 (D.C. Law 22-307; 66 DCR 5802), has been included in the Fiscal Year 2020 approved budget and financial plan.

Any questions regarding this notice may be directed to the Office of the Budget Director at (202) 724-5689.

  
Budget Director  
Council of the District of Columbia

  
Date

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
OFFICE OF THE CHIEF FINANCIAL OFFICER



**Jeffrey S. DeWitt**  
Chief Financial Officer

**MEMORANDUM**

**To:** Jennifer Budoff  
Budget Director  
District of Columbia Council

**From:** Jeffrey S. DeWitt  
Chief Financial Officer

**Date:** October 10, 2019

**Subject:** Certification of Inclusion in Approved Budget and Financial Plan

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The fiscal effect of the Short-Term Rental Regulation Act of 2018, effective April 25, 2019 (D.C. Law 22-307; 66 DCR 5802), has been included in the Fiscal Year 2020 approved budget and financial plan by the Short-Term Rental Funding Act of 2019, enacted as Subtitle II.Y. of the Fiscal Year 2020 Budget Support Act of 2019, effective September 11, 2019 (D.C. Law 23-16, 66 DCR 12631).

**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

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**GBM 23-51:** FY 2019 Grant Budget Modifications of October 7, 2019

RECEIVED: 14-day review begins October 18, 2019

**GBM 23-52:** FY 2019 Grant Budget Modifications of October 11, 2019

RECEIVED: 14-day review begins October 23, 2019

COUNCIL OF THE DISTRICT OF COLUMBIA  
COMMITTEE OF THE WHOLE  
1350 Pennsylvania Avenue, NW, Suite 410  
Washington, DC 20004

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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 Bill 23-514 the “Fiscal Year 2020 Budget Support Clarification Amendment Act of 2019,” to ensure the bill can be considered at the November 5, 2019 Legislative Meeting. The Council adopted an emergency version of the measure on October 22, 2019. The abbreviated notice is necessary to allow the Council to consider the permanent measure timely.

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

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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 PR23-0511, the “Local Rent Supplement Program Contract No. 2018-LRSP-03A Approval Resolution of 2019”, to allow for the proposed resolution to be considered at a regular legislative meeting on November 5, 2019.

COUNCIL OF THE DISTRICT OF COLUMBIA  
COMMITTEE OF THE WHOLE  
1350 Pennsylvania Avenue, NW, Suite 410  
Washington, DC 20004

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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 23-516 the “Fiscal Year 2021 Budget Submission Requirements Resolution of 2019,” to ensure the proposed resolution can be considered at the November 5, 2019 Legislative Meeting. The abbreviated notice is necessary to allow the Council to consider the resolution and provide adequate time to the Executive of the budget submission requirements.

**COUNCIL OF THE DISTRICT OF COLUMBIA**  
**Notice of Reprogramming Requests**

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

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

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

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**Reprog. 23-45:** Request to reprogram \$3,450,000 of Fiscal Year 2019 Special Purpose Revenue funds budget authority from the Office of the Chief Financial Officer (OCFO) to the Department on Disability Services (DDS) was filed in the Office of the Secretary on October 21, 2019. This reprogramming ensures that DDS will be able to continue to support the costs of services for benefit recipients.

RECEIVED: 14-day review begins October 22, 2019

**Reprog. 23-46:** Request to reprogram \$231,387 of Fiscal Year 2019 Local funds budget authority within the Office of the State Superintendent of Education was filed in the Office of the Secretary on October 22, 2019. This reprogramming ensures that OSSE will be able to support costs associated with professional services fees and contractors.

RECEIVED: 14-day review begins October 23, 2019

**Reprog. 23-47:** Request to reprogram \$455,000 of Fiscal Year 2019 Local funds budget authority within the Department of Energy and Environment (DOEE) was filed in the Office of the Secretary on October 22, 2019. This reprogramming is needed to Assistance Program centers operational and provide utility assistance payments to income-qualified households.

RECEIVED: 14-day review begins October 23, 2019

**COUNCIL OF THE DISTRICT OF COLUMBIA**

**NOTICE OF RE-REFERRED BILL**

The following bill was published as referred to the Committee of the Whole but has now been re-referred to the Committee on Facilities and Procurement:

**B23-107**, Non-Profit Reimbursement Fairness Act of 2019



**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION**

**NOTICE OF PUBLIC HEARING**

Placard Posting Date: October 25, 2019  
 Protest Petition Deadline: December 9, 2019  
 Roll Call Hearing Date: December 23, 2019  
 Protest Hearing Date: February 12, 2020

License No.: ABRA-115385  
 Licensee: Noah Limited Liability Company  
 Trade Name: Boulevard Lounge  
 License Class: Retailer’s Class “C” Tavern  
 Address: 6233 Georgia Avenue, N.W.  
 Contact: Adanech Gebremeskel: (240) 491-1145

WARD 4

ANC 4B

SMD 4B03

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 December 23, 2019 at 10 a.m., 4th Floor, 2000 14<sup>th</sup> 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 **February 12, 2020 at 1:30 p.m.**

**NATURE OF OPERATION**

A new class C Tavern. Seating Capacity of 18, Total Occupancy Load of 24. The license will include Entertainment, Dancing and Cover Charge.

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

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

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: October 25, 2019
Protest Petition Deadline: December 9, 2019
Roll Call Hearing Date: December 23, 2019

License No. ABRA-026466
Licensee: Marabu, Inc.
Trade Name: Bukom Cafe
License Class: Retailer's Class "C" Tavern
Address: 2442 18th Street, N.W.
Contact: Justice Matey, Agent: (202) 265-4600

WARD: 1 ANC: 1C SMD: 1C03

The Alcoholic Beverage Regulation Administration (ABRA) provides Notice that the Licensee named above has filed a Petition to Amend or Terminate the Settlement Agreement(s) attached to its license.

The parties to the settlement agreement(s) are: Marabu, Inc. t/a Bukom Cafe (Applicant), Advisory Neighborhood Commission (ANC) 1C and Denis James, President, Kalorama Citizens Association (KCA) (Protestant).

A copy of the Petition may be obtained by contacting ABRA's Public Information Office at 202-442-4423.

Objectors are entitled to be heard before the granting of such a request on the Hearing Date, at 2000 14th Street, N.W., 400 South, Washington, D.C., 20002.

Petitions or requests to appear before the Board must be filed on or before the Petition Date.

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: October 25, 2019
Protest Petition Deadline: December 9, 2019
Roll Call Hearing Date: December 23, 2019
Protest Hearing Date: February 12, 2020

License No.: ABRA-115362
Licensee: BCC Corporation
Trade Name: Butter Chicken Company
License Class: Retailer's Class "D" Tavern
Address: 818 18th Street, N.W.
Contact: Jeffery Jackson: (202) 251-1566

WARD 2

ANC 2B

SMD 2B06

Notice is hereby given that this licensee has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the Roll Call Hearing date on December 23, 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 February 12, 2020 at 4:30 p.m.

NATURE OF OPERATION

A new Retailer's Class D Tavern with a seating capacity of 36 and Total Occupancy Load of 40. Sidewalk Café with 15 seats.

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

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

HOURS OF OPERATION / ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION FOR OUTSIDE IN SIDEWALK CAFÉ

Sunday through Thursday 11am - 12am, Friday and Saturday 11am - 1am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: October 25, 2019
Protest Petition Deadline: December 9, 2019
Roll Call Hearing Date: December 23, 2019

License No.: ABRA-106151
Licensee: 5534 Connecticut LLC
Trade Name: Capital Crab & Seafood
License Class: Retailer's Class "C" Restaurant
Address: 5534 Connecticut Avenue, N.W.
Contact: Sidon Yohannes, Esq.: (202) 686-7600

WARD 3

ANC 3G

SMD 3G06

Notice is hereby given that this licensee has requested a Substantial Change 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 December 23, 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 OPERATION

Licensee is applying to add Sports Wagering to their operations. Establishment will have two sports wagering betting machines and a mobile application available to download and use for betting on premises.

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

Sunday through Saturday 10:30am - 12am

HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION FOR OUTSIDE IN SIDEWALK CAFE

Sunday through Saturday 11am - 10pm

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
10/25/2019

Notice is hereby given that:

License Number: ABRA-060456

License Class/Type: C Tavern

Applicant: Saint-Ex Group LLC

Trade Name: Cafe Saint-Ex

ANC: 1B12

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

1847 14TH ST NW, Washington, DC 20009

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR  
12/9/2019

A HEARING WILL BE  
12/23/2019

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

ENDORSEMENT(S): Entertainment Sidewalk Cafe

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	9 am - 2 am	9 am - 2 am	6 pm - 2 am
Monday:	9 am - 2 am	9 am - 2 am	6 pm - 2 am
Tuesday:	9 am - 2 am	9 am - 2 am	6 pm - 2 am
Wednesday:	9 am - 2 am	9 am - 2 am	6 pm - 2 am
Thursday:	9 am - 2 am	9 am - 2 am	6 pm - 2 am
Friday:	9 am - 3 am	9 am - 3 am	6 pm - 2 am
Saturday:	9 am - 3 am	9 am - 3 am	6 pm - 2 am

	Hours Of Sidewalk Cafe	Hours Of Sales Sidewalk Cafe
Sunday	9 am - 11 pm	9 am - 11 pm
Monday:	9 am - 11 pm	9 am - 11 pm
Tuesday:	9 am - 11 pm	9 am - 11 pm
Wednesday:	9 am - 11 pm	9 am - 11 pm
Thursday:	9 am - 11 pm	9 am - 11 pm
Friday:	9 am - 12 am	9 am - 12 am
Saturday:	9 am - 12 am	9 am - 12 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
10/25/2019

Notice is hereby given that:

License Number: ABRA-098684

License Class/Type: C Tavern

Applicant: DC Winery, LLC

Trade Name: District Winery/Ana Restaurant & Bar

ANC: 6D07

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

385 Water ST SE, WASHINGTON, DC 20003

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR  
12/9/2019

A HEARING WILL BE  
12/23/2019

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

ENDORSEMENT(S): Dancing Entertainment Summer Garden

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

	Hours of Summer Garden	Hours of Sales Summer Garden
Sunday	8 am - 2 am	8 am - 2 am
Monday:	8 am - 2 am	8 am - 2 am
Tuesday:	8 am - 2 am	8 am - 2 am
Wednesday:	8 am - 2 am	8 am - 2 am
Thursday:	8 am - 2 am	8 am - 2 am
Friday:	8 am - 3 am	8 am - 3 am
Saturday:	8 am - 3 am	8 am - 3 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
10/25/2019

Notice is hereby given that:

License Number: ABRA-086320

License Class/Type: C Tavern

Applicant: Roundabout, LLC

Trade Name: Bar Elena DC

ANC: 6C05

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

414 H ST NE, WASHINGTON, DC 20002

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR  
12/9/2019

A HEARING WILL BE  
12/23/2019

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

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	10 am - 2 am	10 am - 2 am	6 pm - 2 am
Monday:	11 am - 2 am	11 am - 2 am	6 pm - 2 am
Tuesday:	11 am - 2 am	11 am - 2 am	6 pm - 2 am
Wednesday:	11 am - 2 am	11 am - 2 am	6 pm - 2 am
Thursday:	11 am - 2 am	11 am - 2 am	6 pm - 2 am
Friday:	11 am - 3 am	11 am - 3 am	6 pm - 3 am
Saturday:	11 am - 3 am	11 am - 3 am	6 pm - 3 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
10/25/2019

Notice is hereby given that:

License Number: ABRA-092990

License Class/Type: C Tavern

Applicant: Darien DC LLC

Trade Name: Bidwell

ANC: 5D01

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

1309 5TH ST NE, WASHINGTON, DC 20002

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR  
12/9/2019

A HEARING WILL BE  
12/23/2019

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

ENDORSEMENT(S): Entertainment Summer Garden

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	7am - 2am	8am - 2am	8am - 2am
Monday:	7am - 2am	8am - 2am	8am - 2am
Tuesday:	7am - 2am	8am - 2am	8am - 2am
Wednesday:	7am - 2am	8am - 2am	8am - 2am
Thursday:	7am - 2am	8am - 2am	8am - 2am
Friday:	7am - 3am	8am - 3am	8am - 3am
Saturday:	7am - 3am	8am - 3am	8am - 3am

	Hours of Summer Garden	Hours of Sales Summer Garden
Sunday	7am - 2am	8am - 2am
Monday:	7am - 2am	8am - 2am
Tuesday:	7am - 2am	8am - 2am
Wednesday:	7am - 2am	8am - 2am
Thursday:	7am - 2am	8am - 2am
Friday:	7am - 3am	8am - 3am
Saturday:	7am - 3am	8am - 3am

FOR FURTHER INFORMATION CALL: (202) 442-4423



ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
10/25/2019

Notice is hereby given that:

License Number: ABRA-109111

License Class/Type: C Tavern

Applicant: Karibbean Kitchen, LLC

Trade Name: Karibbean Kitchen

ANC: 1A02

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

1400 MERIDIAN PL NW, WASHINGTON, DC 20010

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR  
12/9/2019

A HEARING WILL BE  
12/23/2019

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:	12 pm - 10 pm	12 pm - 10 pm	12 pm - 10 pm
Monday:	12 pm - 12 am	12 pm - 12 am	12 pm - 12 am
Tuesday:	12 pm - 12 am	12 pm - 12 am	12 pm - 12 am
Wednesday:	12 pm - 12 am	12 pm - 12 am	12 pm - 12 am
Thursday:	12 pm - 12 am	12 pm - 12 am	12 pm - 12 am
Friday:	12 pm - 2 am	12 pm - 2 am	12 pm - 2 am
Saturday:	12 pm - 2 am	12 pm - 2 am	12 pm - 2 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
10/25/2019

Notice is hereby given that:

License Number: ABRA-079523

License Class/Type: C Tavern

Applicant: Kelly's Michigan Park LLC

Trade Name: San Antonio Bar & Grill III

ANC: 5B05

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

3908 12TH ST NE, Washington, DC 20017

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR  
12/9/2019

A HEARING WILL BE  
12/23/2019

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

ENDORSEMENT(S): Entertainment Sidewalk Cafe Summer Garden

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	11 am - 2 am	11 am - 2 am	9 pm - 2 am
Monday:	11 am - 2 am	11 am - 2 am	9 pm - 2 am
Tuesday:	11 am - 2 am	11 am - 2 am	9 pm - 2 am
Wednesday:	11 am - 2 am	11 am - 2 am	9 pm - 2 am
Thursday:	11 am - 2 am	11 am - 2 am	9 pm - 2 am
Friday:	11 am - 3 am	11 am - 3 am	9 pm - 3 am
Saturday:	11 am - 3 am	11 am - 3 am	9 pm - 3 am

	Hours Of Sidewalk Cafe	Hours of Summer Garden Operation
Sunday	11 am - 10 pm	11 am - 2 am
Monda	11 am - 10 pm	11 am - 2 am
Tuesda	11 am - 10 pm	11 am - 2 am
Wednesda	11 am - 10 pm	11 am - 2 am
Thursday:	11 am - 10 pm	11 am - 2 am
Friday:	11 am - 10 pm	11 am - 3 am
Saturday:	11 am - 10 pm	11 am - 3 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
10/25/2019

Notice is hereby given that:

License Number: ABRA-072472

License Class/Type: C Tavern

Applicant: Pilar Hospitality Group, LLC

Trade Name: Bar Pilar

ANC: 1B12

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

1833 14TH ST NW, Washington, DC 20009

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR  
12/9/2019

A HEARING WILL BE  
12/23/2019

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

ENDORSEMENT(S): Entertainment Sidewalk Cafe

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	11 am - 2 am	11 am - 2 am	6 pm - 2 am
Monday:	11 am - 2 am	11 am - 2 am	6 pm - 2 am
Tuesday:	11 am - 2 am	11 am - 2 am	6 pm - 2 am
Wednesday:	11 am - 2 am	11 am - 2 am	6 pm - 2 am
Thursday:	11 am - 2 am	11 am - 2 am	6 pm - 2 am
Friday:	11 am - 3 am	11 am - 3 am	6 pm - 3 am
Saturday:	11 am - 3 am	11 am - 3 am	6 pm - 3 am

	Hours Of Sidewalk Cafe	Hours Of Sales Sidewalk Cafe
Sunday	11 am - 2 am	11 am - 2 am
Monday:	11 am - 2 am	11 am - 2 am
Tuesday:	11 am - 2 am	11 am - 2 am
Wednesday:	11 am - 2 am	11 am - 2 am
Thursday:	11 am - 2 am	11 am - 2 am
Friday:	11 am - 3 am	11 am - 3 am
Saturday:	11 am - 3 am	11 am - 3 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
10/25/2019

Notice is hereby given that:

License Number: ABRA-109071

License Class/Type: C Tavern

Applicant: Whistler LLC

Trade Name: Momo Yakitori

ANC: 5C07

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

2214 RHODE ISLAND AVE NE, WASHINGTON, DC 20018

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR  
12/9/2019

A HEARING WILL BE  
12/23/2019

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

ENDORSEMENT(S): Sidewalk Cafe

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

	Hours Of Sidewalk Cafe	Hours Of Sales Sidewalk Cafe
Sunday	10:30 am - 2 am	10:30 am - 2 am
Monday:	11 am - 2 am	11 am - 2 am
Tuesday:	11 am - 2 am	11 am - 2 am
Wednesday:	11 am - 2 am	11 am - 2 am
Thursday:	11 am - 2 am	11 am - 2 am
Friday:	11 am - 2 am	11 am - 2 am
Saturday:	10:30 am - 2 am	10:30 am - 2 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
10/25/2019

Notice is hereby given that:

License Number: ABRA-078443

License Class/Type: C Tavern

Applicant: 915 U LLC

Trade Name: Velvet Lounge

ANC: 1B02

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

915 U ST NW, Washington, DC 20001

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR  
12/9/2019

A HEARING WILL BE  
12/23/2019

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

ENDORSEMENT(S): Cover Charge Dancing Entertainment Summer Garden

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	5 pm - 2 am	5 pm - 2 am	6 pm - 2 am
Monday:	5 pm - 2 am	5 pm - 2 am	6 pm - 2 am
Tuesday:	5 pm - 2 am	5 pm - 2 am	6 pm - 2 am
Wednesday:	5 pm - 2 am	5 pm - 2 am	6 pm - 2 am
Thursday:	5 pm - 2 am	5 pm - 2 am	6 pm - 2 am
Friday:	5 pm - 3 am	5 pm - 3 am	6 pm - 3 am
Saturday:	11 am - 3 am	11 am - 3 am	6 pm - 3 am

	Hours of Summer Garden	Hours of Sales Summer Garden
Sunday	5 pm - 2 am	5 pm - 2 am
Monday:	5 pm - 2 am	5 pm - 2 am
Tuesday:	5 pm - 2 am	5 pm - 2 am
Wednesday:	5 pm - 2 am	5 pm - 2 am
Thursday:	5 pm - 2 am	5 pm - 2 am
Friday:	5 pm - 3 am	5 pm - 3 am
Saturday:	11 am - 3 am	11 am - 3 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
10/25/2019

Notice is hereby given that:

License Number: ABRA-091418

License Class/Type: C Tavern

Applicant: Mockingbird Hill, LLC

Trade Name: Mockingbird Hill

ANC: 1B01

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

1843 7TH ST NW, WASHINGTON, DC 20001

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR  
12/9/2019

A HEARING WILL BE  
12/23/2019

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

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

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
10/25/2019

Notice is hereby given that:

License Number: ABRA-114205

License Class/Type: C Tavern

Applicant: Nicolas Hospitality, Inc.

Trade Name: Mama 'San/Harlot

ANC: 1B02

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

2001 11TH ST NW, WASHINGTON, DC 20001

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR  
12/9/2019

A HEARING WILL BE  
12/23/2019

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

ENDORSEMENT(S): Cover Charge Dancing Entertainment

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	8 am - 2 am	9 am - 2 am	10 am - 2 am
Monday:	8 am - 2 am	9 am - 2 am	10 am - 2 am
Tuesday:	8 am - 2 am	9 am - 2 am	10 am - 2 am
Wednesday:	8 am - 2 am	9 am - 2 am	10 am - 2 am
Thursday:	8 am - 2 am	9 am - 2 am	10 am - 2 am
Friday:	8 am - 3 am	9 am - 3 am	10 am - 3 am
Saturday:	8 am - 3 am	9 am - 3 am	10 am - 3 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
10/25/2019

Notice is hereby given that:

License Number: ABRA-090865

License Class/Type: C Tavern

Applicant: Buzz, LLC

Trade Name: Homestead

ANC: 4C08

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

3911 GEORGIA AVE NW, WASHINGTON, DC 20011

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR  
12/9/2019

A HEARING WILL BE  
12/23/2019

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

ENDORSEMENT(S): Entertainment Summer Garden

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

	Hours of Summer Garden	Hours of Sales Summer Garden
Sunday	8 am - 2 am	8 am - 2 am
Monday:	8 am - 2 am	8 am - 2 am
Tuesday:	8 am - 2 am	8 am - 2 am
Wednesday:	8 am - 2 am	8 am - 2 am
Thursday:	8 am - 2 am	8 am - 2 am
Friday:	8 am - 3 am	8 am - 3 am
Saturday:	8 am - 3 am	8 am - 3 am

FOR FURTHER INFORMATION CALL: (202) 442-4423



ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
10/25/2019

Notice is hereby given that:

License Number: ABRA-089950

License Class/Type: C Tavern

Applicant: Spork LLC

Trade Name: A n D

ANC: 2F06

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

1314 9TH ST NW, WASHINGTON, DC 20001

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR  
12/9/2019

A HEARING WILL BE  
12/23/2019

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

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	11 am - 1 am	11 am - 1 am	-
Monday:	11 am - 1 am	11 am - 1 am	-
Tuesday:	11 am - 1 am	11 am - 1 am	-
Wednesday:	11 am - 1 am	11 am - 1 am	-
Thursday:	11 am - 1 am	11 am - 1 am	-
Friday:	11 am - 2 am	11 am - 2 am	-
Saturday:	11 am - 2 am	11 am - 2 am	-

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
10/25/2019

Notice is hereby given that:

License Number: ABRA-078749

License Class/Type: C Tavern

Applicant: 917 U LLC

Trade Name: Dodge City

ANC: 1B02

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

917 U ST NW, WASHINGTON, DC 20001

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR  
12/9/2019

A HEARING WILL BE  
12/23/2019

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

ENDORSEMENT(S): Cover Charge Dancing Entertainment Summer Garden

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	11 am - 2 am	11 am - 2 am	6 pm - 2 am
Monday:	5 pm - 2 am	5 pm - 2 am	6 pm - 2 am
Tuesday:	5 pm - 2 am	5 pm - 2 am	6 pm - 2 am
Wednesday:	5 pm - 2 am	5 pm - 2 am	6 pm - 2 am
Thursday:	5 pm - 2 am	5 pm - 2 am	6 pm - 2 am
Friday:	5 pm - 3 am	5 pm - 3 am	6 pm - 3 am
Saturday:	11 am - 3 am	11 am - 3 am	6 pm - 3 am

	Hours of Summer Garden	Hours of Sales Summer Garden
Sunday	11 am - 2 am	11 am - 2 am
Monday:	5 pm - 2 am	5 pm - 2 am
Tuesday:	5 pm - 2 am	5 pm - 2 am
Wednesday:	5 pm - 2 am	5 pm - 2 am
Thursday:	5 pm - 2 am	5 pm - 2 am
Friday:	5 pm - 3 am	5 pm - 3 am
Saturday:	11 am - 3 am	11 am - 3 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
10/25/2019

Notice is hereby given that:

License Number: ABRA-087727

License Class/Type: C Tavern

Applicant: Your District Space, LLC

Trade Name: Your District Space

ANC: 5B02

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

3522 12th ST NE, WASHINGTON, DC 20017

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR  
12/9/2019

A HEARING WILL BE  
12/23/2019

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

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

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
10/25/2019

Notice is hereby given that:

License Number: ABRA-091602

License Class/Type: C Tavern

Applicant: Three Chords, LLC

Trade Name: Eat The Rich/Southern Efficiency

ANC: 1B01

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

1839 - 1841 7TH ST NW, WASHINGTON, DC 20001

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR  
12/9/2019

A HEARING WILL BE  
12/23/2019

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

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

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
10/25/2019

Notice is hereby given that:

License Number: ABRA-072734

License Class/Type: C Tavern

Applicant: Red & Black, LLC

Trade Name: 12 Twelve DC/ Kyss Kyss

ANC: 6A01

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

1210 - 1212 H ST NE, Washington, DC 20002

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR  
12/9/2019

A HEARING WILL BE  
12/23/2019

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

ENDORSEMENT(S): Dancing Entertainment Summer Garden

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	11 am - 2 am	11 am - 2 am	8 pm - 1:30 am
Monday:	11 am - 2 am	11 am - 2 am	8 pm - 1:30 am
Tuesday:	11 am - 2 am	11 am - 2 am	8 pm - 1:30 am
Wednesday:	11 am - 2 am	11 am - 2 am	8 pm - 2 am
Thursday:	11 am - 2 am	11 am - 2 am	8 pm - 2 am
Friday:	11 am - 3 am	11 am - 3 am	11 am - 2 am
Saturday:	11 am - 3 am	11 am - 3 am	11 am - 2 am

	Hours of Summer Garden	Hours of Sales Summer Garden
Sunday	11 am - 10 pm	11 am - 10 pm
Monday:	11 am - 10 pm	11 am - 10 pm
Tuesday:	11 am - 10 pm	11 am - 10 pm
Wednesday:	11 am - 10 pm	11 am - 10 pm
Thursday:	11 am - 10 pm	11 am - 10 pm
Friday:	11 am - 11 pm	11 am - 11 pm
Saturday:	11 am - 11 pm	11 am - 11 pm

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
10/25/2019

Notice is hereby given that:

License Number: ABRA-101534

License Class/Type: C Tavern

Applicant: Noma Hospitality LLC

ANC: 5D01

Trade Name: Homewood Suites by Hilton Washington, D.C./New York Avenue and  
Hampton Inn & Suites Washington D.C./New York Avenue at 4th St. NE

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

501 NEW YORK AVE NE, WASHINGTON, DC 20002

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR  
12/9/2019

A HEARING WILL BE  
12/23/2019

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

ENDORSEMENT(S): Summer Garden

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	12 am - 12 am	8 am - 2 am	-
Monday:	12 am - 12 am	8 am - 2 am	-
Tuesday:	12 am - 12 am	8 am - 2 am	-
Wednesday:	12 am - 12 am	8 am - 2 am	-
Thursday:	12 am - 12 am	8 am - 2 am	-
Friday:	12 am - 12 am	8 am - 3 am	-
Saturday:	12 am - 12 am	8 am - 3 am	-

	Hours of Summer Garden	Hours of Sales Summer Garden
Sunday	12 am - 12 am	8 am - 2 am
Monday:	12 am - 12 am	8 am - 2 am
Tuesday:	12 am - 12 am	8 am - 2 am
Wednesday:	12 am - 12 am	8 am - 2 am
Thursday:	12 am - 12 am	8 am - 2 am
Friday:	12 am - 12 am	8 am - 3 am
Saturday:	12 am - 12 am	8 am - 3 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
10/25/2019

Notice is hereby given that:

License Number: ABRA-108087

License Class/Type: C Tavern

Applicant: Piccanteli, LLC

Trade Name: The Ministry

ANC: 6C02

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

601 NEW JERSEY AVE NW, STE 102, WASHINGTON, DC 20001

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR  
12/9/2019

A HEARING WILL BE  
12/23/2019

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 - 10 pm	8 am - 10 pm	8 am - 10 pm
Monday:	8 am - 10 pm	8 am - 10 pm	8 am - 10 pm
Tuesday:	8 am - 10 pm	8 am - 10 pm	8 am - 10 pm
Wednesday:	8 am - 10 pm	8 am - 10 pm	8 am - 10 pm
Thursday:	8 am - 10 pm	8 am - 10 pm	8 am - 10 pm
Friday:	8 am - 1:30 am	8 am - 1:30 am	8 am - 1:30 am
Saturday:	8 am - 1:30 am	8 am - 1:30 am	8 am - 1:30 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
10/25/2019

Notice is hereby given that:

License Number: ABRA-079370

License Class/Type: C Tavern

Applicant: MDM, LLC

Trade Name: Takoma Station Tavern

ANC: 4B02

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

6914 4TH ST NW, WASHINGTON, DC 20012

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR  
12/9/2019

A HEARING WILL BE  
12/23/2019

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

ENDORSEMENT(S): Cover Charge Dancing Entertainment

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	10 am - 2 am	10 am - 2 am	10 am - 1:30 am
Monday:	10 am - 2 am	10 am - 2 am	10 am - 1:30 am
Tuesday:	10 am - 2 am	10 am - 2 am	10 am - 1:30 am
Wednesday:	10 am - 2 am	10 am - 2 am	10 am - 1:30 am
Thursday:	10 am - 2 am	10 am - 2 am	10 am - 1:30 am
Friday:	10 am - 3 am	10 am - 3 am	10 am - 2:30 am
Saturday:	10 am - 3 am	10 am - 3 am	10 am - 2:30 am

FOR FURTHER INFORMATION CALL: (202) 442-4423



ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
10/25/2019

Notice is hereby given that:

License Number: ABRA-100316

License Class/Type: C Tavern

Applicant: DC Live, LLC

Trade Name: Elevate

ANC: 6C06

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

15 K ST NE, WASHINGTON, DC 20002

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR  
12/9/2019

A HEARING WILL BE  
12/23/2019

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

ENDORSEMENT(S): Cover Charge Dancing Entertainment Sidewalk Cafe Summer

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	10 am - 2 am	10 am - 2 am	6 pm - 2 am
Monday:	10 am - 2 am	10 am - 2 am	6 pm - 2 am
Tuesday:	10 am - 2 am	10 am - 2 am	6 pm - 2 am
Wednesday:	10 am - 2 am	10 am - 2 am	6 pm - 2 am
Thursday:	10 am - 2 am	10 am - 2 am	6 pm - 2 am
Friday:	10 am - 3 am	10 am - 3 am	6 pm - 3 am
Saturday:	10 am - 3 am	10 am - 3 am	6 pm - 3 am

	Hours Of Sidewalk Cafe	Hours of Summer Garden Operation
Sunday	10 am - 12 am	10 am - 12 am
Monday:	10 am - 12 am	10 am - 12 am
Tuesday:	10 am - 12 am	10 am - 12 am
Wednesday:	10 am - 12 am	10 am - 12 am
Thursday:	10 am - 12 am	10 am - 12 am
Friday:	10 am - 1 am	10 am - 1 am
Saturday:	10 am - 1 am	10 am - 1 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
10/25/2019

Notice is hereby given that:

License Number: ABRA-108217

License Class/Type: C Tavern

Applicant: Cucina al Volo CP, LLC

Trade Name: Trattoria Al Volo

ANC: 3C04

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

3415 - 3417 Connecticut AVE NW, WASHINGTON, DC 20008

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR  
12/9/2019

A HEARING WILL BE  
12/23/2019

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

ENDORSEMENT(S): Cover Charge Entertainment

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	10 am - 2 am	10 am - 2 am	6 pm - 1 am
Monday:	8 am - 2 am	8 am - 2 am	6 pm - 1 am
Tuesday:	8 am - 2 am	8 am - 2 am	6 pm - 1 am
Wednesday:	8 am - 2 am	8 am - 2 am	6 pm - 1 am
Thursday:	8 am - 2 am	8 am - 2 am	6 pm - 1 am
Friday:	8 am - 3 am	8 am - 3 am	6 pm - 2 am
Saturday:	8 am - 3 am	8 am - 3 am	6 pm - 2 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
10/25/2019

Notice is hereby given that:

License Number: ABRA-083264

License Class/Type: C Nightclub

Applicant: Cuckoo Marans, LLC

Trade Name: Music & Arts Club/Tropicalia

ANC: 1B12

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

2001 14TH ST NW, WASHINGTON, DC 20009

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR  
12/9/2019

A HEARING WILL BE  
12/23/2019

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

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	11:30 am - 2 am	11:30 am - 2 am	-
Monday:	11:30 am - 2 am	11:30 am - 2 am	-
Tuesday:	11:30 am - 2 am	11:30 am - 2 am	-
Wednesday:	11:30 am - 2 am	11:30 am - 2 am	-
Thursday:	11:30 am - 2 am	11:30 am - 2 am	-
Friday:	11:30 am - 3 am	11:30 am - 3 am	-
Saturday:	11:30 am - 3 am	11:30 am - 3 am	-

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
10/25/2019

Notice is hereby given that:

License Number: ABRA-114299

License Class/Type: C Tavern

Applicant: Queen of Sheba 2, Inc.

Trade Name: Queen's Restaurant and Lounge

ANC: 6E01

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

1503 9TH ST NW, WASHINGTON, DC 20001

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR  
12/9/2019

A HEARING WILL BE  
12/23/2019

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	12 pm - 2 am	9 pm - 2 am
Monday:	8 am - 2 am	11 am - 2 am	9 pm - 2 am
Tuesday:	8 am - 2 am	11 am - 2 am	9 pm - 2 am
Wednesday:	8 am - 2 am	11 am - 2 am	9 pm - 2 am
Thursday:	8 am - 2 am	11 am - 2 am	9 pm - 2 am
Friday:	8 am - 3 am	11 am - 3 am	9 pm - 3 am
Saturday:	8 am - 3 am	11 am - 3 am	9 pm - 3 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
10/25/2019

Notice is hereby given that:

License Number: ABRA-083980

License Class/Type: C Tavern

Applicant: Bloomingdale Hospitality LLC

Trade Name: Boundary Stone Public House

ANC: 5E07

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

116 RHODE ISLAND AVE NW, WASHINGTON, DC 20001

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR  
12/9/2019

A HEARING WILL BE  
12/23/2019

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

ENDORSEMENT(S): Entertainment Sidewalk Cafe Summer Garden

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	9 am - 2 am	10 am - 2 am	6 pm - 1 am
Monday:	9 am - 2 am	10 am - 2 am	6 pm - 1 am
Tuesday:	9 am - 2 am	10 am - 2 am	6 pm - 1 am
Wednesday:	9 am - 2 am	10 am - 2 am	6 pm - 1 am
Thursday:	9 am - 2 am	10 am - 2 am	6 pm - 1 am
Friday:	9 am - 3 am	10 am - 3 am	6 pm - 1 am
Saturday:	9 am - 3 am	10 am - 3 am	6 pm - 1 am

	Hours Of Sidewalk Cafe	Hours of Summer Garden Operation
Sunday	9 am - 2 am	9 am - 2 am
Monday:	9 am - 2 am	9 am - 2 am
Tuesday:	9 am - 2 am	9 am - 2 am
Wednesday:	9 am - 2 am	9 am - 2 am
Thursday:	9 am - 2 am	9 am - 2 am
Friday:	9 am - 3 am	9 am - 3 am
Saturday:	9 am - 3 am	9 am - 3 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
10/25/2019

Notice is hereby given that:

License Number: ABRA-094052

License Class/Type: C Tavern

Applicant: 2323 TTTDC on 18th, LLC

Trade Name: The Town Tavern

ANC: 1C07

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

2323 18TH ST NW, Washington, DC 20009

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR  
12/9/2019

A HEARING WILL BE  
12/23/2019

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

ENDORSEMENT(S): Cover Charge Dancing Entertainment Sidewalk Cafe

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

	Hours Of Sidewalk Cafe	Hours Of Sales Sidewalk Cafe
Sunday	12 pm - 2 am	12 pm - 2 am
Monday:	12 pm - 2 am	12 pm - 2 am
Tuesday:	12 pm - 2 am	12 pm - 2 am
Wednesday:	12 pm - 2 am	12 pm - 2 am
Thursday:	12 pm - 2 am	12 pm - 2 am
Friday:	12 pm - 3 am	12 pm - 3 am
Saturday:	12 pm - 3 am	12 pm - 3 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
10/25/2019

Notice is hereby given that:

License Number: ABRA-098902

License Class/Type: C Tavern

Applicant: Big Chief DC, LLC

Trade Name: Big Chief

ANC: 5D01

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

2002 FENWICK ST NE, WASHINGTON, DC 20002

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR  
12/9/2019

A HEARING WILL BE  
12/23/2019

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

ENDORSEMENT(S): Cover Charge Dancing Entertainment Summer Garden

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	8AM - 2AM	8AM - 2AM	6PM - 2AM
Monday:	8AM - 2AM	8AM - 2AM	6PM - 2AM
Tuesday:	8AM - 2AM	8AM - 2AM	6PM - 2AM
Wednesday:	8AM - 2AM	8AM - 2AM	6PM - 2AM
Thursday:	8AM - 2AM	8AM - 2AM	6PM - 2AM
Friday:	8AM - 3AM	8AM - 3AM	6PM - 3AM
Saturday:	8AM - 3AM	8AM - 3AM	6PM - 3AM

	Hours of Summer Garden	Hours of Sales Summer Garden
Sunday	8AM - 2AM	8AM - 2AM
Monday:	8AM - 2AM	8AM - 2AM
Tuesday:	8AM - 2AM	8AM - 2AM
Wednesday:	8AM - 2AM	8AM - 2AM
Thursday:	8AM - 2AM	8AM - 2AM
Friday:	8AM - 3AM	8AM - 3AM
Saturday:	8AM - 3AM	8AM - 3AM

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
10/25/2019

Notice is hereby given that:

License Number: ABRA-102933

License Class/Type: C Tavern

Applicant: Proper Ventures, LLC

Trade Name: Proper 21

ANC: 2C01

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

1319 F ST NW, WASHINGTON, DC 20004

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR  
12/9/2019

A HEARING WILL BE  
12/23/2019

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

ENDORSEMENT(S): Dancing Entertainment Sidewalk Cafe

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	7 am - 2 am	8 am - 2 am	6 pm - 2 am
Monday:	7 am - 2 am	8 am - 2 am	6 pm - 2 am
Tuesday:	7 am - 2 am	8 am - 2 am	6 pm - 2 am
Wednesday:	7 am - 2 am	8 am - 2 am	6 pm - 2 am
Thursday:	7 am - 2 am	8 am - 2 am	6 pm - 2 am
Friday:	7 am - 3 am	8 am - 3 am	6 pm - 3 am
Saturday:	7 am - 3 am	8 am - 3 am	6 pm - 3 am

	Hours Of Sidewalk Cafe	Hours Of Sales Sidewalk Cafe
Sunday	11:30 am - 11 pm	11:30 am - 11 pm
Monday:	12 pm - 10 pm	12 pm - 10 pm
Tuesday:	12 pm - 10 pm	12 pm - 10 pm
Wednesday:	12 pm - 10 pm	12 pm - 10 pm
Thursday:	12 pm - 10 pm	12 pm - 10 pm
Friday:	12 pm - 10 pm	12 pm - 10 pm
Saturday:	11:30 am - 11 pm	11:30 am - 11 pm

FOR FURTHER INFORMATION CALL: (202) 442-4423



ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
10/25/2019

Notice is hereby given that:

License Number: ABRA-108128

License Class/Type: C Tavern

Applicant: Tingey Street Partners, LLC

Trade Name: Willie's Brew & Que

ANC: 6D07

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

300 TINGEY ST SE, WASHINGTON, DC 20003

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR  
12/9/2019

A HEARING WILL BE  
12/23/2019

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

ENDORSEMENT(S): Entertainment Summer Garden

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	8am - 2am	8am - 2am	12pm - 11pm
Monday:	8am - 2am	8am - 2am	12pm - 11pm
Tuesday:	8am - 2am	8am - 2am	12pm - 11pm
Wednesday:	8am - 2am	8am - 2am	12pm - 11pm
Thursday:	8am - 2am	8am - 2am	12pm - 11pm
Friday:	8am - 3am	8am - 3am	12pm - 1am
Saturday:	8am - 3am	8am - 3am	12pm - 1am

	Hours of Summer Garden	Hours of Sales Summer Garden
Sunday	12pm - 11pm	12pm - 11pm
Monday:	12pm - 11pm	12pm - 11pm
Tuesday:	12pm - 11pm	12pm - 11pm
Wednesday:	12pm - 11pm	12pm - 11pm
Thursday:	12pm - 11pm	12pm - 11pm
Friday:	12pm - 1am	12pm - 1am
Saturday:	12pm - 1am	12pm - 1am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
10/25/2019

Notice is hereby given that:

License Number: ABRA-109294

License Class/Type: C Tavern

Applicant: @ 1015, LLC

Trade Name: @ 1015

ANC: 6E04

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

1015 7th ST NW, Washington, DC 20001

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR  
12/9/2019

A HEARING WILL BE  
12/23/2019

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

ENDORSEMENT(S): Cover Charge Dancing Entertainment

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	11 am - 2 am	11 am - 2 am	6 pm - 2 am
Monday:	11 am - 2 am	11 am - 2 am	6 pm - 2 am
Tuesday:	11 am - 2 am	11 am - 2 am	6 pm - 2 am
Wednesday:	11 am - 2 am	11 am - 2 am	6 pm - 2 am
Thursday:	11 am - 2 am	11 am - 2 am	6 pm - 2 am
Friday:	11 am - 3 am	11 am - 3 am	6 pm - 3 am
Saturday:	11 am - 3 am	11 am - 3 am	6 pm - 3 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
10/25/2019

Notice is hereby given that:

License Number: ABRA-097774

License Class/Type: C Tavern

Applicant: TG Cigars, Inc.

Trade Name: TG Cigars

ANC: 2F06

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

1118 9th ST NW, WASHINGTON, DC 20001

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR  
12/9/2019

A HEARING WILL BE  
12/23/2019

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

ENDORSEMENT(S): Summer Garden

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	8am - 2am	10 am - 2am	-
Monday:	8am - 2am	10 am - 2am	-
Tuesday:	8am - 2am	10 am - 2am	-
Wednesday:	8am - 2am	10 am - 2am	-
Thursday:	8am - 2am	10 am - 2am	-
Friday:	8am - 3am	12pm - 3am	-
Saturday:	8am - 3am	12 pm - 3am	-

	Hours of Summer Garden	Hours of Sales Summer Garden
Sunday	10am - 12:30am	10am - 12am
Monday:	10am - 12:30AM	10am - 12am
Tuesday:	10am - 12:30am	10am - 12am
Wednesday:	10am - 12:30am	10am - 12am
Thursday:	10am - 12:30am	10am - 12am
Friday:	10am - 2:30am	10am - 2am
Saturday:	10am - 2:30am	12pm - 2am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
10/25/2019

Notice is hereby given that:

License Number: ABRA-086803

License Class/Type: C Tavern

Applicant: PGS, LLC

Trade Name: Sauf Haus

ANC: 2B06

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

1216 18TH ST NW, WASHINGTON, DC 20036

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR  
12/9/2019

A HEARING WILL BE  
12/23/2019

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

ENDORSEMENT(S): Entertainment Summer Garden

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	11:30 am - 2 am	11:30 am - 2 am	6 pm - 2 am
Monday:	11:30 am - 2 am	11:30 am - 2 am	6 pm - 2 am
Tuesday:	11:30 am - 2 am	11:30 am - 2 am	6 pm - 2 am
Wednesday:	11:30 am - 2 am	11:30 am - 2 am	6 pm - 2 am
Thursday:	11:30 am - 2 am	11:30 am - 2 am	6 pm - 2 am
Friday:	11:30 am - 3 am	11:30 am - 3 am	6 pm - 3 am
Saturday:	11:30 am - 3 am	11:30 am - 3 am	6 pm - 3 am

	Hours of Summer Garden	Hours of Sales Summer Garden
Sunday	11:30 am - 2 am	11:30 am - 2 am
Monday:	11:30 am - 2 am	11:30 am - 2 am
Tuesday:	11:30 am - 2 am	11:30 am - 2 am
Wednesday:	11:30 am - 2 am	11:30 am - 2 am
Thursday:	11:30 am - 2 am	11:30 am - 2 am
Friday:	11:30 am - 3 am	11:30 am - 3 am
Saturday:	11:30 am - 3 am	11:30 am - 3 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
10/25/2019

Notice is hereby given that:

License Number: ABRA-106695

License Class/Type: C Tavern

Applicant: On the Rocks, LLC

Trade Name: On the Rocks

ANC: 6A01

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

1242 H ST NE, WASHINGTON, DC 20002

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR  
12/9/2019

A HEARING WILL BE  
12/23/2019

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

ENDORSEMENT(S): Cover Charge Dancing Entertainment

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	9 am - 2 am	9 am - 2 am	11 am - 2 am
Monday:	9 am - 2 am	9 am - 2 am	12 pm - 2 am
Tuesday:	9 am - 2 am	9 am - 2 am	12 pm - 2 am
Wednesday:	9 am - 2 am	9 am - 2 am	12 pm - 2 am
Thursday:	9 am - 2 am	9 am - 2 am	12 pm - 2 am
Friday:	9 am - 3 am	9 am - 3 am	11 am - 3 am
Saturday:	9 am - 3 am	9 am - 3 am	11 am - 3 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
10/25/2019

Notice is hereby given that:

License Number: ABRA-110140

License Class/Type: C Tavern

Applicant: Wharf Rapp, LLC

Trade Name: Rappahannock Oyster Bar

ANC: 6D04

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

1150 MAINE AVE SW, WASHINGTON, DC 20024

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR  
12/9/2019

A HEARING WILL BE  
12/23/2019

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

ENDORSEMENT(S): Summer Garden

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

	Hours of Summer Garden	Hours of Sales Summer Garden
Sunday	8 am - 1 am	8 am - 1 am
Monday:	8 am - 1 am	8 am - 1 am
Tuesday:	8 am - 1 am	8 am - 1 am
Wednesday:	8 am - 1 am	8 am - 1 am
Thursday:	8 am - 1 am	8 am - 1 am
Friday:	8 am - 2 am	8 am - 2 am
Saturday:	8 am - 2 am	8 am - 2 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
10/25/2019

Notice is hereby given that:

License Number: ABRA-079449

License Class/Type: C Tavern

Applicant: Gevani, Inc.

Trade Name: Zeba Bar & Grill

ANC: 1A02

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

3423 14TH ST NW, Washington, DC 20010

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR  
12/9/2019

A HEARING WILL BE  
12/23/2019

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

ENDORSEMENT(S): Entertainment Summer Garden

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	9 am - 2 am	9 am - 2 am	6 pm - 2 am
Monday:	9 am - 2 am	9 am - 2 am	6 pm - 2 am
Tuesday:	9 am - 2 am	9 am - 2 am	6 pm - 2 am
Wednesday:	9 am - 2 am	9 am - 2 am	6 pm - 2 am
Thursday:	9 am - 2 am	9 am - 2 am	6 pm - 2 am
Friday:	9 am - 3 am	9 am - 3 am	6 pm - 3 am
Saturday:	9 am - 3 am	9 am - 3 am	6 pm - 3 am

	Hours of Summer Garden	Hours of Sales Summer Garden
Sunday	9 am - 2 am	10 am - 2 am
Monday:	9 am - 2 am	9 am - 2 am
Tuesday:	9 am - 2 am	9 am - 2 am
Wednesday:	9 am - 2 am	9 am - 2 am
Thursday:	9 am - 2 am	9 am - 2 am
Friday:	9 am - 3 am	9 am - 3 am
Saturday:	9 am - 3 am	9 am - 3 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
10/25/2019

Notice is hereby given that:

License Number: ABRA-093948

License Class/Type: C Tavern

Applicant: Pinnacle Consumption, LLC

Trade Name: Brookland Pint

ANC: 5E01

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

716 Monroe ST NE, WASHINGTON, DC 20017

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR  
12/9/2019

A HEARING WILL BE  
12/23/2019

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

ENDORSEMENT(S): Summer Garden

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	7 am - 2 am	8 am - 2 am	-
Monday:	7 am - 2 am	8 am - 2 am	-
Tuesday:	7 am - 2 am	8 am - 2 am	-
Wednesday:	7 am - 2 am	8 am - 2 am	-
Thursday:	7 am - 2 am	8 am - 2 am	-
Friday:	7 am - 3 am	8 am - 3 am	-
Saturday:	7 am - 3 am	8 am - 3 am	-

	Hours of Summer Garden	Hours of Sales Summer Garden
Sunday	7 am - 2 am	8 am - 2 am
Monday:	7 am - 2 am	8 am - 2 am
Tuesday:	7 am - 2 am	8 am - 2 am
Wednesday:	7 am - 2 am	8 am - 2 am
Thursday:	7 am - 2 am	8 am - 2 am
Friday:	7 am - 3 am	8 am - 3 am
Saturday:	7 am - 3 am	8 am - 3 am

FOR FURTHER INFORMATION CALL: (202) 442-4423



ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
10/25/2019

Notice is hereby given that:

License Number: ABRA-087398

License Class/Type: C Tavern

Applicant: Drane Flannery Restaurant, LLC

Trade Name: The Big Board

ANC: 6C04

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

421 H ST NE, WASHINGTON, DC 20002

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR  
12/9/2019

A HEARING WILL BE  
12/23/2019

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:	10 am - 2 am	10 am - 2 am	10 am - 2 am
Monday:	10 am - 2 am	10 am - 2 am	5 pm - 2 am
Tuesday:	10 am - 2 am	10 am - 2 am	5 pm - 2 am
Wednesday:	10 am - 2 am	10 am - 2 am	5 pm - 2 am
Thursday:	10 am - 2 am	10 am - 2 am	5 pm - 2 am
Friday:	10 am - 3 am	10 am - 3 am	5 pm - 2 am
Saturday:	10 am - 3 am	10 am - 3 am	5 pm - 3 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
10/25/2019

Notice is hereby given that:

License Number: ABRA-023167

License Class/Type: C Nightclub

Applicant: 19th & K, Inc.

Trade Name: Ozio Martini & Cigar Lounge

ANC: 2B06

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

1813 M ST NW, Washington, DC 20006

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR  
12/9/2019

A HEARING WILL BE  
12/23/2019

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

ENDORSEMENT(S): Sidewalk Cafe Summer Garden

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	10 am - 2 am	11 am - 2 am	-
Monday:	10 am - 2 am	11 am - 2 am	-
Tuesday:	10 am - 2 am	11 am - 2 am	-
Wednesday:	10 am - 2 am	11 am - 2 am	-
Thursday:	10 am - 2 am	11 am - 2 am	-
Friday:	10 am - 3 am	11 am - 3 am	-
Saturday:	10 am - 3 am	11 am - 3 am	-

	Hours Of Sidewalk Cafe	Hours of Summer Garden Operation
Sunday	CLOSED - CLOSED	11 am - 2 am
Monday:	5 pm - 11 pm	11 am - 2 am
Tuesday:	5 pm - 11 pm	11 am - 2 am
Wednesday:	5 pm - 11 pm	11 am - 2 am
Thursday:	5 pm - 11 pm	11 am - 2 am
Friday:	5 pm - 11 pm	11 am - 3 am
Saturday:	5 pm - 11 pm	11 am - 3 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
10/25/2019

Notice is hereby given that:

License Number: ABRA-095398

License Class/Type: C Tavern

Applicant: Crave Inc

Trade Name: Mess Hall

ANC: 5E02

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

703 EDGEWOOD ST NE, WASHINGTON, DC 20017

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR  
12/9/2019

A HEARING WILL BE  
12/23/2019

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

ENDORSEMENT(S): Cover Charge Entertainment

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	24 - HOURS	8 am - 2 am	6 pm - 2 am
Monday:	24 - HOURS	8 am - 2 am	6 pm - 2 am
Tuesday:	24 - HOURS	8 am - 2 am	6 pm - 2 am
Wednesday:	24 - HOURS	8 am - 2 am	6 pm - 2 am
Thursday:	24 - HOURS	8 am - 2 am	6 pm - 2 am
Friday:	24 - HOURS	8 am - 3 am	6 pm - 3 am
Saturday:	24 - HOURS	8 am - 3 am	6 pm - 3 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
10/25/2019

Notice is hereby given that:

License Number: ABRA-106995

License Class/Type: C Tavern

Applicant: 1313 Ventures, LLC

Trade Name: The Crown and Crow

ANC: 2F03

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

1313 - 1317 14TH ST NW, WASHINGTON, DC 20005

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR  
12/9/2019

A HEARING WILL BE  
12/23/2019

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

ENDORSEMENT(S): Cover Charge Dancing 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  
ON  
10/25/2019

Notice is hereby given that:

License Number: ABRA-086093

License Class/Type: C Tavern

Applicant: Walking Stick Management, LLC

Trade Name: Bier Baron Hotel & Tavern

ANC: 2B02

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

1523 22ND ST NW, WASHINGTON, DC 20037

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR  
12/9/2019

A HEARING WILL BE  
12/23/2019

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:	11 am - 2 am	11 am - 2 am	6 pm - 2 am
Monday:	11 am - 2 am	11 am - 2 am	6 pm - 2 am
Tuesday:	11 am - 2 am	11 am - 2 am	6 pm - 2 am
Wednesday:	11 am - 2 am	11 am - 2 am	6 pm - 2 am
Thursday:	11 am - 2 am	11 am - 2 am	6 pm - 2 am
Friday:	11 am - 3 am	11 am - 3 am	6 pm - 3 am
Saturday:	11 am - 3 am	11 am - 3 am	6 pm - 3 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
10/25/2019

Notice is hereby given that:

License Number: ABRA-103871

License Class/Type: C Tavern

Applicant: TKO, LLC

Trade Name: Chateau Remix

ANC: 7D04

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

3439 BENNING RD NE, WASHINGTON, DC 20019

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR  
12/9/2019

A HEARING WILL BE  
12/23/2019

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

ENDORSEMENT(S): Cover Charge Dancing Entertainment

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	10 am - 3 am	10 am - 3 am	6 pm - 2:30 am
Monday:	10 am - 3 am	10 am - 3 am	6 pm - 2:30 am
Tuesday:	10 am - 3 am	10 am - 3 am	6 pm - 2:30 am
Wednesday:	10 am - 3 am	10 am - 3 am	6 pm - 2:30 am
Thursday:	10 am - 3 am	10 am - 3 am	6 pm - 2:30 am
Friday:	10 am - 4 am	10 am - 3 am	6 pm - 3:30 am
Saturday:	10 am - 4 am	10 am - 3 am	6 pm - 3:30 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
10/25/2019

Notice is hereby given that:

License Number: ABRA-114106

License Class/Type: C Tavern

Applicant: The McKenzie Group, LLC

Trade Name: Ocean Lounge

ANC: 6A01

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

1220 H ST NE, WASHINGTON, DC 20002

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR  
12/9/2019

A HEARING WILL BE  
12/23/2019

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

ENDORSEMENT(S): Cover Charge Dancing Entertainment

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	11 am - 1 am	11 am - 1 am	11 am - 1 am
Monday:	11 am - 2 am	11 am - 2 am	11 am - 2 am
Tuesday:	11 am - 2 am	11 am - 2 am	11 am - 2 am
Wednesday:	11 am - 2 am	11 am - 2 am	11 am - 2 am
Thursday:	11 am - 2 am	11 am - 2 am	11 am - 2 am
Friday:	11 am - 3 am	11 am - 3 am	11 am - 3 am
Saturday:	11 am - 3 am	11 am - 3 am	11 am - 3 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
10/25/2019

Notice is hereby given that:

License Number: ABRA-104782

License Class/Type: C Tavern

Applicant: Bespoke 1337, LLC

Trade Name: Hill Prince

ANC: 6A06

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

1337 H ST NE, Washington, DC 20002

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR  
12/9/2019

A HEARING WILL BE  
12/23/2019

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  
ON  
10/25/2019

Notice is hereby given that:

License Number: ABRA-112892

License Class/Type: C Tavern

Applicant: Southwest Capitol Associates, LLC

Trade Name: Residence Inn Capitol

ANC: 6D03

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

333 E ST SW, WASHINGTON, DC 20024

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR  
12/9/2019

A HEARING WILL BE  
12/23/2019

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:	24 hours - 24 hours	4 pm - 12 am	4 pm - 12 am
Monday:	24 hours - 24 hours	4 pm - 12 am	4 pm - 12 am
Tuesday:	24 hours - 24 hours	4 pm - 12 am	4 pm - 12 am
Wednesday:	24 hours - 24 hours	4 pm - 12 am	4 pm - 12 am
Thursday:	24 hours - 24 hours	4 pm - 12 am	4 pm - 12 am
Friday:	24 hours - 24 hours	4 pm - 12 am	4 pm - 12 am
Saturday:	24 hours - 24 hours	4 pm - 12 am	4 pm - 12 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
10/25/2019

Notice is hereby given that:

License Number: ABRA-106026

License Class/Type: C Tavern

Applicant: BBDC, LLC

Trade Name: Union Stage

ANC: 6D04

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

740 Water ST SW, WASHINGTON, DC 20024

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR  
12/9/2019

A HEARING WILL BE  
12/23/2019

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

ENDORSEMENT(S): Cover Charge Dancing Entertainment

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	10 am - 2 am	10 am - 2 am	10 am - 2 am
Monday:	12 pm - 2 am	12 pm - 2 am	12 pm - 2 am
Tuesday:	12 pm - 2 am	12 pm - 2 am	12 pm - 2 am
Wednesday:	12 pm - 2 am	12 pm - 2 am	12 pm - 2 am
Thursday:	12 pm - 2 am	12 pm - 2 am	12 pm - 2 am
Friday:	12 pm - 3 am	12 pm - 3 am	12 pm - 2 am
Saturday:	10 am - 3 am	10 am - 3 am	10 am - 2 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
10/25/2019

Notice is hereby given that:

License Number: ABRA-104755

License Class/Type: D Tavern

Applicant: Cucina al Volo, LLC

Trade Name: Cucina al Volo

ANC: 5D01

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

1309 5TH ST NE, WASHINGTON, DC 20002

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR  
12/9/2019

A HEARING WILL BE  
12/23/2019

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

ENDORSEMENT(S): Summer Garden

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

	Hours of Summer Garden	Hours of Sales Summer Garden
Sunday	8 am - 2 am	8 am - 2 am
Monday:	8 am - 2 am	8 am - 2 am
Tuesday:	8 am - 2 am	8 am - 2 am
Wednesday:	8 am - 2 am	8 am - 2 am
Thursday:	8 am - 2 am	8 am - 2 am
Friday:	8 am - 3 am	8 am - 3 am
Saturday:	8 am - 3 am	8 am - 3 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: October 25, 2019
Protest Petition Deadline: December 9, 2019
Roll Call Hearing Date: December 23, 2019

License No. ABRA-060040
Licensee: Club Cinema of Mazza, Inc.
Trade Name: Club Cinema
License Class: Retailer's Class "C" Tavern
Address: 5300 Wisconsin Avenue, N.W.
Contact: Stephen O'Brien, Esq.: (202) 625-7700

WARD: 3 ANC: 3E SMD: 3E03

The Alcoholic Beverage Regulation Administration (ABRA) provides Notice that the Licensee named above has filed a Petition to Amend or Terminate the Settlement Agreement attached to its license that was previously approved by the Board on December 8, 1999.

The parties to the settlement agreement(s) are: Club Cinema of Mazza, Inc. t/a AMC Theatres Mazza Gallerie (Applicant), Advisory Neighborhood Commission (ANC) 3E and Three Individuals (Protestant).

A copy of the Petition may be obtained by contacting ABRA's Public Information Office at 202-442-4423.

Objectors are entitled to be heard before the granting of such a request on the Hearing Date, at 2000 14th Street, N.W., 400 South, Washington, D.C., 20002.

Petitions or requests to appear before the Board must be filed on or before the Petition Date.

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
10/25/2019

Notice is hereby given that:

License Number: ABRA-060040

License Class/Type: C Tavern

Applicant: Club Cinema Of Mazza, Inc.

Trade Name: Club Cinema

ANC: 3E03

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

5300 WISCONSIN AVE NW, Washington, DC 20016

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

12/9/2019

A HEARING WILL BE HELD

12/23/2019

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

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	10 am - 12 am	10 am - 12 am	-
Monday:	10 am - 12 am	10 am - 12 am	-
Tuesday:	10 am - 12 am	10 am - 12 am	-
Wednesday:	10 am - 12 am	10 am - 12 am	-
Thursday:	10 am - 12 am	10 am - 12 am	-
Friday:	10 am - 12 am	10 am - 12 am	-
Saturday:	10 am - 12 am	10 am - 12 am	-

FOR FURTHER INFORMATION CALL: (202) 442-4423

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
10/25/2019**

**Notice is hereby given that:**

**License Number: ABRA-111597**

**License Class/Type: C Restaurant**

**Applicant: Emilie's LLC**

**Trade Name: Emilie's**

**ANC: 6B04**

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

**1101 PENNSYLVANIA AVE SE, WASHINGTON, DC 20003**

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

**12/9/2019**

**A HEARING WILL BE HELD**

**12/23/2019**

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

<b>Days</b>	<b>Hours of Operation</b>	<b>Hours of Sales/Service</b>	<b>Hours of Entertainment</b>
<b>Sunday:</b>	<b>8 am - 1 am</b>	<b>10 am - 1 am</b>	<b>-</b>
<b>Monday:</b>	<b>8 am - 1 am</b>	<b>10 am - 1 am</b>	<b>-</b>
<b>Tuesday:</b>	<b>8 am - 1 am</b>	<b>10 am - 1 am</b>	<b>-</b>
<b>Wednesday:</b>	<b>8 am - 1 am</b>	<b>10 am - 1 am</b>	<b>-</b>
<b>Thursday:</b>	<b>8 am - 1 am</b>	<b>10 am - 1 am</b>	<b>-</b>
<b>Friday:</b>	<b>8 am - 2 am</b>	<b>10 am - 2 am</b>	<b>-</b>
<b>Saturday:</b>	<b>8 am - 2 am</b>	<b>10 am - 2 am</b>	<b>-</b>

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

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: October 25, 2019
Protest Petition Deadline: December 9, 2019
Roll Call Hearing Date: December 23, 2019

License No.: ABRA-095574
Licensee: Q on Conn., LLC
Trade Name: Fat Pete's BBQ
License Class: Retailer's Class "C" Restaurant
Address: 3407 Connecticut Avenue, N.W.
Contact: Jeff Holibaugh: (301) 518-2083

WARD 3

ANC 3C

SMD 3C04

Notice is hereby given that this licensee has requested a Substantial Change 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 December 23, 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 OPERATION

Licensee is applying to add Sports Wagering to their operations. Establishment will have a mobile app to assist with the betting, and no betting kiosks on the premises.

CURRENT HOURS OF OPERATION

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

CURRENT HOURS OF ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION

Sunday through Thursday 10am - 1am, Friday and Saturday 10am - 2am

CURRENT HOURS OF LIVE ENTERTAINMENT

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

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: October 25, 2019
Protest Petition Deadline: December 9, 2019
Roll Call Hearing Date: December 23, 2019

License No. ABRA-091022
Licensee: Sunflower, Inc.
Trade Name: Flavors of India/Marshall's Bar
License Class: Retailer's Class "C" Tavern
Address: 2524 L Street, N.W.
Contact: Md Abdul Hannan Bhuiyan, President: (703) 507-7941

WARD: 2 ANC: 2A SMD: 2A03

The Alcoholic Beverage Regulation Administration (ABRA) provides Notice that the Licensee named above has filed a Petition to Amend or Terminate the Settlement Agreement attached to its license dated January 6, 1996.

The parties to the settlement agreement(s) are: Sunflower, Inc. t/a Flavors of India/Marshall's Bar (Applicant), Advisory Neighborhood Commission (ANC) 2A and Two Individuals (Protestant).

A copy of the Petition may be obtained by contacting ABRA's Public Information Office at 202-442-4423.

Objectors are entitled to be heard before the granting of such a request on the Hearing Date, at 2000 14th Street, N.W., 400 South, Washington, D.C., 20002.

Petitions or requests to appear before the Board must be filed on or before the Petition Date.



ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
10/25/2019

Notice is hereby given that:

License Number: ABRA-091022

License Class/Type: C Tavern

Applicant: Sunflower Inc.

Trade Name: FLAVORS OF INDIA/MARSHALL'S BAR

ANC: 2A03

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

2524 L ST NW, WASHINGTON, DC 20037

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR  
12/9/2019

A HEARING WILL BE  
12/23/2019

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

ENDORSEMENT(S): Sidewalk Cafe

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

	Hours Of Sidewalk Cafe	Hours Of Sales Sidewalk Cafe
Sunday:	11 am - 11 pm	11 am - 11 pm
Monday:	11 am - 11 pm	11 am - 11 pm
Tuesday:	11 am - 11 pm	11 am - 11 pm
Wednesday:	11 am - 11 pm	11 am - 11 pm
Thursday:	11 am - 11 pm	11 am - 11 pm
Friday:	11 am - 11 pm	11 am - 11 pm
Saturday:	11 am - 11 pm	11 am - 11 pm

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
10/25/2019

Notice is hereby given that:

License Number: ABRA-112012

License Class/Type: C Restaurant

Applicant: NY Yard LLC

Trade Name: Hatoba

ANC: 6D07

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

300 TINGEY ST SE, WASHINGTON, DC 20003

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR  
12/9/2019

A HEARING WILL BE  
12/23/2019

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

ENDORSEMENT(S): Summer Garden

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	10 am - 2 am	11 am - 2 am	-
Monday:	10 am - 2 am	11 am - 2 am	-
Tuesday:	10 am - 2 am	11 am - 2 am	-
Wednesday:	10 am - 2 am	11 am - 2 am	-
Thursday:	10 am - 2 am	11 am - 2 am	-
Friday:	10 am - 3 am	11 am - 3 am	-
Saturday:	10 am - 3 am	11 am - 3 am	-

	Hours of Summer Garden	Hours of Sales Summer Garden
Sunday	11 am - 11 pm	11 am - 11 pm
Monday:	11 am - 11 pm	11 am - 11 pm
Tuesday:	11 am - 11 pm	11 am - 11 pm
Wednesday:	11 am - 11 pm	11 am - 11 pm
Thursday:	11 am - 11 pm	11 am - 11 pm
Friday:	11 am - 11 pm	11 am - 11 pm
Saturday:	11 am - 11 pm	11 am - 11 pm

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: October 25, 2019
Protest Petition Deadline: December 9, 2019
Roll Call Hearing Date: December 23, 2019

License No. ABRA-099603
Licensee: 1336 U Street, LLC
Trade Name: Hawthorne
License Class: Retailer's Class "C" Tavern
Address: 1336 U Street, N.W.
Contact: Francis Brogan, Owner: (202) 257-9414

WARD: 1 ANC: 1B SMD: 1B12

The Alcoholic Beverage Regulation Administration (ABRA) provides Notice that the Licensee named above has filed a Petition to Amend or Terminate the Settlement Agreement attached to its license.

The parties to the settlement agreement(s) are: 1336 U Street, LLC t/a Hawthorne (Applicant), Advisory Neighborhood Commission (ANC) 1B and Five Individuals (Protestant).

A copy of the Petition may be obtained by contacting ABRA's Public Information Office at 202-442-4423.

Objectors are entitled to be heard before the granting of such a request on the Hearing Date, at 2000 14th Street, N.W., 400 South, Washington, D.C., 20002.

Petitions or requests to appear before the Board must be filed on or before the Petition Date.

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
10/25/2019

Notice is hereby given that:

License Number: ABRA-099603

License Class/Type: C Tavern

Applicant: 1336 U Street, LLC

Trade Name: Hawthorne

ANC: 1B12

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

1336 U ST NW, WASHINGTON, DC 20009

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR  
12/9/2019

A HEARING WILL BE  
12/23/2019

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

ENDORSEMENT(S): Dancing Entertainment Summer Garden

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	10 am - 2 am	10 am - 2 am	6 pm - 2 am
Monday:	10 am - 2 am	10 am - 2 am	6 pm - 2 am
Tuesday:	10 am - 2 am	10 am - 2 am	6 pm - 2 am
Wednesday:	10 am - 2 am	10 am - 2 am	6 pm - 2 am
Thursday:	10 am - 2 am	10 am - 2 am	6 pm - 2 am
Friday:	10 am - 3 am	10 am - 3 am	6 pm - 3 am
Saturday:	10 am - 3 am	10 am - 3 am	6 pm - 3 am

	Hours of Summer Garden	Hours of Sales Summer Garden
Sunday:	10 am - 2 am	10 am - 2 am
Monday:	10 am - 2 am	10 am - 2 am
Tuesday:	10 am - 2 am	10 am - 2 am
Wednesday:	10 am - 2 am	10 am - 2 am
Thursday:	10 am - 2 am	10 am - 2 am
Friday:	10 am - 3 am	10 am - 3 am
Saturday:	10 am - 3 am	10 am - 3 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: October 25, 2019
Protest Petition Deadline: December 9, 2019
Roll Call Hearing Date: December 23, 2019

License No.: ABRA-110949
Licensee: Vega Dupont, LLC
Trade Name: Nero/Zeno
License Class: Retailer's Class "C" Restaurant
Address: 1323 Connecticut Avenue, N.W.
Contact: Sidon Yohannes: (202) 686-7600

WARD 2 ANC 2B SMD 2B07

Notice is hereby given that this licensee has requested a Substantial Change 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 December 23, 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 CHANGE

Applicant requests to expand the existing basement and first floor by increasing the capacity from 48 to a Total Occupancy Load of 123.

HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION FOR INSIDE PREMISES AND OUTSIDE IN SIDEWALK CAFE

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

HOURS OF LIVE ENTERTAINMENT INSIDE PREMISES

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

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
10/25/2019

Notice is hereby given that:

License Number: ABRA-112472

License Class/Type: C Restaurant

Applicant: Officina Cafe, LLC

Trade Name: Officina Cafe

ANC: 2B05

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

1615 L ST NW, WASHINGTON, DC 20036

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

12/9/2019

A HEARING WILL BE HELD

12/23/2019

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

ENDORSEMENT(S): Dancing Entertainment Summer Garden

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

Hours of Summer Garden

Hours of Sales Summer Garden

Sunday:	8 am - 11 pm	8 am - 11 pm
Monday	8 am - 11 pm	8 am - 11 pm
Tuesday	8 am - 11 pm	8 am - 11 pm
Wednesday	8 am - 11 pm	8 am - 11 pm
Thursday:	8 am - 11 pm	8 am - 11 pm
Friday:	8 am - 12 am	8 am - 12 am
Saturday:	8 am - 12 am	8 am - 12 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
10/25/2019

Notice is hereby given that:

License Number: ABRA-110062

License Class/Type: C Restaurant

Applicant: Wyoming Cube & Bale, LLC

Trade Name: SandboX Restaurant

ANC: 2E03

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

3251 PROSPECT ST NW, WASHINGTON, DC 20007

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR  
12/9/2019

A HEARING WILL BE  
12/23/2019

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

ENDORSEMENT(S): Cover Charge Dancing Entertainment Summer Garden

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	6:30 am - 2 am	11:30 am - 2 am	12 pm - 10 pm
Monday:	6:30 am - 2 am	11:30 am - 2 am	12 pm - 10 pm
Tuesday:	6:30 am - 2 am	11:30 am - 2 am	12 pm - 10 pm
Wednesday:	6:30 am - 2 am	11:30 am - 2 am	12 pm - 10 pm
Thursday:	6:30 am - 2 am	11:30 am - 2 am	12 pm - 10 pm
Friday:	6:30 am - 2 am	11:30 am - 2 am	12 pm - 10 pm
Saturday:	6:30 am - 2 am	11:30 am - 2 am	12 pm - 10 pm

	Hours of Summer Garden	Hours of Sales Summer Garden
Sunday:	8 am - 10 pm	11:30 am - 10 pm
Monday:	8 am - 10 pm	11:30 am - 10 pm
Tuesday:	8 am - 10 pm	11:30 am - 10 pm
Wednesday:	8 am - 10 pm	11:30 am - 10 pm
Thursday:	8 am - 10 pm	11:30 am - 10 pm
Friday:	8 am - 10 pm	11:30 am - 10 pm
Saturday:	8 am - 10 pm	11:30 am - 10 pm

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: October 25, 2019
Protest Petition Deadline: December 9, 2019
Roll Call Hearing Date: December 23, 2019

License No.: ABRA-092423
Licensee: Simple Bar and Grill, LLC
Trade Name: Simple Bar and Grill
License Class: Retailer's Class "C" Tavern
Address: 5802 Georgia Avenue, N.W.
Contact: Wilfredo Guzman: (202) 957-7848

WARD 4 ANC 4C SMD 4C01

Notice is hereby given that this licensee has requested to transfer their license to a new location with Substantial Changes 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 December 23, 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 to Transfer License from 5828 Georgia Avenue, N.W. to a new location at 5802 Georgia Avenue, N.W., with Substantial Changes. Applicant requests a decrease in Total Occupancy Load from 95 to 72. Applicant also requests a Change of Hours for the Entertainment Endorsement inside of the premises only.

CURRENT HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES, SERVICE AND CONSUMPTION INSIDE OF THE PREMISES

Sunday 9am - 12am, Monday through Thursday 9am - 2am, Friday and Saturday 9am - 3am

CURRENT HOURS OF OPERATION AND HOURS OF ALCOHOLIC BEVERAGE SALES, SERVICE AND CONSUMPTION FOR THE OUTDOOR SIDEWALK CAFE

Sunday through Saturday 9am - 11pm

CURRENT HOURS OF LIVE ENTERTAINMENT INSIDE OF THE PREMISES

Sunday 9am - 12am, Monday through Thursday 6pm - 2am, Friday and Saturday 6pm - 3am

PROPOSED HOURS OF LIVE ENTERTAINMENT INSIDE PREMISES

Sunday 9am - 12am, Monday through Thursday 9am - 2am, Friday and Saturday 9am - 3am



ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: October 25, 2019
Protest Petition Deadline: December 9, 2019
Roll Call Hearing Date: December 23, 2019

License No.: ABRA-101007
Licensee: The Avenue DC LLC
Trade Name: The Avenue
License Class: Retailer's Class "C" Restaurant
Address: 5540 Connecticut Avenue, N.W.
Contact: Sidon Yohannes, Esq.: (202) 686-7600

WARD 3 ANC 3G SMD 3G06

Notice is hereby given that this licensee has requested a Substantial Change 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 December 23, 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 OPERATION

Licensee is applying to add Sports Wagering to their operations. Establishment will have four sports wagering betting machines and a mobile application available to download and use for betting on premises.

HOURS OF OPERATION FOR INSIDE PREMISES

Sunday 10am - 12am, Monday through Thursday 10am - 1am, Friday & Saturday 10am - 2am

HOURS OF ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION FOR INSIDE PREMISES

Sunday through Saturday 10am - 12am

HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION FOR OUTSIDE IN SIDEWALK CAFE

Sunday 12pm - 9:30pm, Monday through Thursday 11am - 9:30pm, Friday & Saturday 11am - 10pm

HOURS OF LIVE ENTERTAINMENT FOR INSIDE PREMISES

Sunday through Saturday 6pm - 12am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: October 25, 2019
Protest Petition Deadline: December 9, 2019
Roll Call Hearing Date: December 23, 2019

License No. ABRA-075548
Licensee: Park Place, Inc.
Trade Name: The Park Place at 14th
License Class: Retailer's Class "C" Tavern
Address: 918 - 920 14th Street, N.W.
Contact: Anne Barnes, Agent: (202) 251-3111

WARD: 2 ANC: 2F SMD: 2F05

The Alcoholic Beverage Regulation Administration (ABRA) provides Notice that the Licensee named above has filed a Petition to Amend or Terminate the Settlement Agreement(s) attached to its license.

The parties to the settlement agreement(s) are: Park Place, Inc. t/a The Park at 14th (Applicant), Advisory Neighborhood Commission (ANC) 2F and 1400 K. Co., LLC (Protestant).

A copy of the Petition may be obtained by contacting ABRA's Public Information Office at 202-442-4423.

Objectors are entitled to be heard before the granting of such a request on the Hearing Date, at 2000 14th Street, N.W., 400 South, Washington, D.C., 20002.

Petitions or requests to appear before the Board must be filed on or before the Petition Date.

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

**\*\*READVERTISEMENT**

Placard Posting Date: \*\*October 25, 2019  
 Protest Petition Deadline: \*\*December 9, 2019  
 Roll Call Hearing Date: \*\*December 23, 2019  
 Protest Hearing Date: \*\*February 12, 2020

License No.: ABRA-114613  
 Licensees: Third and Tingey Hotel Owner, LLC; and  
 215 Tingey Street SE F&B Management, LLC  
 Trade Name: Thompson Washington DC  
 License Class: Retailer's Class "C" Hotel  
 Address: 221 Tingey Street, S.E.  
 Contact: Sidon Yohannes, Esq.: (202) 686-7600

WARD 6

ANC 6D

SMD 6D07

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 \*\*December 23, 2019 at 10 a.m., 4th Floor, 2000 14<sup>th</sup> 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 **\*\*February 12, 2020 at 4:30 p.m.**

**\*\*NATURE OF OPERATION**

A new Retailer's Class C Hotel with 225 hotel rooms. Rooftop Summer Garden with \*\*150 seats and two Sidewalk Cafés. The first Sidewalk Café will have \*\*75 seats. The second Sidewalk Café will have \*\*75 seats. \*\*Total Occupancy Load of 687. Licensee is requesting an Entertainment Endorsement to include Dancing and Cover Charge indoors and outdoors in the Summer Garden.

**HOURS OF OPERATION FOR INSIDE PREMISES**

Sunday through Saturday 12am – 12am (24-hour operations)

**HOURS OF ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION FOR INSIDE PREMISES**

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

**HOURS OF OPERATION FOR OUTSIDE IN SUMMER GARDEN & SIDEWALK CAFÉS**

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

**HOURS OF ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION FOR OUTSIDE IN SUMMER GARDEN & SIDEWALK CAFÉS**

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

**HOURS OF LIVE ENTERTAINMENT FOR INSIDE PREMISES AND OUTSIDE IN SUMMER GARDEN**

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

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

**\*\*RESCIND**

Placard Posting Date: \*\*September 13, 2019  
Protest Petition Deadline: \*\*October 28, 2019  
Roll Call Hearing Date: \*\*November 12, 2019  
Protest Hearing Date: \*\*January 8, 2020

License No.: ABRA-114613  
Licensees: Third and Tingey Hotel Owner, LLC; and  
215 Tingey Street SE F&B Management, LLC  
Trade Name: Thompson Washington DC  
License Class: Retailer's Class "C" Hotel  
Address: 221 Tingey Street, S.E.  
Contact: Sidon Yohannes, Esq.: (202) 686-7600

WARD 6

ANC 6D

SMD 6D07

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 November 12, 2019 at 10 a.m., 4th Floor, 2000 14<sup>th</sup> 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 **January 8, 2020 at 4:30 p.m.**

**NATURE OF OPERATION**

A new Retailer's Class C Hotel with 225 hotel rooms. Rooftop Summer Garden with \*\*50 seats and two Sidewalk Cafés. The first Sidewalk Café will have \*\*48 seats. The second Sidewalk Café will have \*\*24 seats. Licensee is requesting an Entertainment Endorsement to include Dancing and Cover Charge indoors and outdoors in the Summer Garden.

**HOURS OF OPERATION FOR INSIDE PREMISES**

Sunday through Saturday 12am – 12am (24-hour operations)

**HOURS OF ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION FOR INSIDE PREMISES**

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

**HOURS OF OPERATION FOR OUTSIDE IN SUMMER GARDEN & SIDEWALK CAFÉS**

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

**HOURS OF ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION FOR OUTSIDE IN SUMMER GARDEN & SIDEWALK CAFÉS**

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

**HOURS OF LIVE ENTERTAINMENT FOR INSIDE PREMISES AND OUTSIDE IN SUMMER GARDEN**

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

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: October 25, 2019
Protest Petition Deadline: December 9, 2019
Roll Call Hearing Date: December 23, 2019
Protest Hearing Date: February 12, 2020

License No.: ABRA-109874
Licensee: Wal-Mart Stores East, LP
Trade Name: Wal-Mart #3035
License Class: Retailer's Class "B" Full-Service Grocery
Address: 310 Riggs Road, N.E.
Contact: Amanda Mann: (919) 835-4176

WARD 4

ANC 4B

SMD 4B09

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 December 23, 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 February 12, 2020 at 1:30 p.m.

NATURE OF OPERATION

A new Retailer's Class B Full-Service Grocery store with a Tasting Permit.

HOURS OF OPERATION

Sunday through Saturday 6am - 12am

HOURS OF ALCOHOLIC BEVERAGE SALES

Sunday through Saturday 7am - 12am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
10/25/2019

**\*\*READVERTISEMENT**

Notice is hereby given that:

License Number: ABRA-111554

License Class/Type: C Tavern

Applicant: South Cap Hospitality, LLC

Trade Name: Walters

ANC: 6D02

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

1221 Van ST SE, Washington, DC 20003

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR  
12/9/2019

A HEARING WILL BE  
12/23/2019

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

ENDORSEMENT(S): Entertainment Summer Garden

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	8 am - 2 am	8 am - 2 am	5 pm - 1 am
Monday:	10 am - 2 am	10 am - 2 am	5 pm - 1 am
Tuesday:	10 am - 2 am	10 am - 2 am	5 pm - 1 am
Wednesday:	10 am - 2 am	10 am - 2 am	5 pm - 1 am
Thursday:	10 am - 2 am	10 am - 2 am	5 pm - 1 am
Friday:	10 am - 3 am	10 am - 3 am	12 pm - 2 am
Saturday:	8 am - 3 am	8 am - 3 am	12 pm - 2 am

**\*\*Hours of Summer Garden**

**\*\*Hours of Sales Summer Garden**

Sunday	10 am - 1 am	10 am - 1 am
Monday:	10 am - 1 am	10 am - 1 am
Tuesday:	10 am - 1 am	10 am - 1 am
Wednesday:	10 am - 1 am	10 am - 1 am
Thursday:	10 am - 1 am	10 am - 1 am
Friday:	10 am - 2 am	10 am - 2 am
Saturday:	10 am - 2 am	10 am - 2 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
10/11/2019

**\*\*RESCIND**

Notice is hereby given that:

License Number: ABRA-111554

License Class/Type: C Tavern

Applicant: South Cap Hospitality, LLC

Trade Name: Walters

ANC: 6D02

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

1221 Van ST SE, Washington, DC 20003

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR  
11/25/2019

A HEARING WILL BE  
12/9/2019

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

ENDORSEMENT(S): Entertainment Summer Garden

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	8 am - 2 am	8 am - 2 am	5 pm - 1 am
Monday:	10 am - 2 am	10 am - 2 am	5 pm - 1 am
Tuesday:	10 am - 2 am	10 am - 2 am	5 pm - 1 am
Wednesday:	10 am - 2 am	10 am - 2 am	5 pm - 1 am
Thursday:	10 am - 2 am	10 am - 2 am	5 pm - 1 am
Friday:	10 am - 3 am	10 am - 3 am	12 pm - 2 am
Saturday:	8 am - 3 am	8 am - 3 am	12 pm - 2 am

**\*\*Hours of Summer Garden**

**\*\*Hours of Sales Summer Garden**

Sunday	10 am - 2 am	10 am - 2 am
Monday:	10 am - 2 am	10 am - 2 am
Tuesday:	10 am - 2 am	10 am - 2 am
Wednesday:	10 am - 2 am	10 am - 2 am
Thursday:	10 am - 2 am	10 am - 2 am
Friday:	10 am - 2 am	10 am - 2 am
Saturday:	10 am - 2 am	10 am - 2 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

**PUBLIC EMPLOYEE RELATIONS BOARD  
NOTICE OF PUBLIC HEARING**

**MONDAY, NOVEMBER 18, 2019  
10AM-12PM  
1100 4<sup>TH</sup> STREET, SW, ROOM E200  
WASHINGTON, D.C. 20024**

The Public Employee Relations Board will conduct a public hearing to receive comments on 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). The proposed rules were published in the *District of Columbia Register* on May 3, 2019, at 66 DCR 5660. Copies of this proposed rulemaking are available online at <http://www.perb.dc.gov/>.

Verbal comments will be limited to five (5) minutes, and groups should plan to provide comments through one spokesperson. Commenters are encouraged to register in advance to present public comments by submitting the presenter's name and affiliation via email to [perb@dc.gov](mailto:perb@dc.gov). Anyone wishing to speak at the public hearing may also sign up at the hearing. Written statements may be submitted for the record until Friday, November 15, 2019. Written statements may be addressed to Clarene Martin, Executive Director, Public Employee Relations Board, 1100 4th Street, SW, Suite 630 East, Washington, D.C. 20024, or via e-mail at [perb@dc.gov](mailto:perb@dc.gov).

Room E200 is located on the second floor of 1100 4<sup>th</sup> Street, SW, Washington, D.C. 20024. Bring identification in order to access the building and allow extra time to go through security.



**DISTRICT OF COLUMBIA PUBLIC SCHOOLS****PUBLIC HEARING NOTICE****FISCAL YEAR 2021 BUDGET**

**Tuesday, October 29, 2019; 6:00PM – 8:00PM**  
**Maury Elementary School**  
**1250 Constitution Ave NE, Washington, DC 20002**

The District of Columbia Public Schools (DCPS) will convene a public budget hearing on Tuesday, October 29, 2019 from 6:00PM – 8:00PM at Maury Elementary School on 1250 Constitution Ave NE, Washington, DC 20002. The purpose of the hearing is to gather input from the public about the upcoming Fiscal Year 2021 (School Year 2020-2021) budget.

Members of the public are invited to provide testimony at the hearing. Individuals or groups wishing to testify should register online at <http://bit.ly/dcpsbudgethearing2019>. Testimony will be limited to three minutes during the hearing. Witnesses should bring five (5) copies of their documentation, including a written copy of their testimony and any supplemental information. All documents will be included as part of the official record.

The registration deadline is 3:00PM on Friday, October 25, 2019. If an individual or group is unable to register online, please contact the School Funding Team at (202) 297-2048.

The official record of this hearing will be transmitted to the Mayor and Council of the District of Columbia pursuant to DC Official Code § 38-917(1).

Interpretation services are available upon request. Please include any requests for interpretation services during the registration process.

Any additional questions or concerns should be directed to the School Funding Team at 202-297-1048 or [dcps.schoolfunding@k12.dc.gov](mailto:dcps.schoolfunding@k12.dc.gov).

**BOARD OF ZONING ADJUSTMENT  
(REVISED)PUBLIC HEARING NOTICE  
WEDNESDAY, DECEMBER 18, 2019**

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

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

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

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

**WARD TWO**

20159            **Application of JJ Brothers LLC**, pursuant to 11 DCMR Subtitle X, ANC 2F            Chapter 9, for a special exception under the use requirements of Subtitle I § 303.1(b), to permit an eating and drinking establishment on the ground floor of an existing two-story building in the D-1-R Zone at premises 1133 11th Street N.W. (Square 341, Lot 821).

**WARD SIX**

20162            **Application of Sandip Mehta and Angela Mizeur**, pursuant to 11 ANC 6B            DCMR Subtitle X, Chapter 9, for special exceptions under the accessory building use requirements of Subtitle U § 301.1(e), and under Subtitle E § 5201 from the lot occupancy requirements of Subtitle E § 504.1 to construct a two-story accessory structure to be used as a garage with a second-story dwelling unit in the RF-3 Zone at premises 400 3rd Street S.E. (Square 793, Lot 33).

**WARD SIX**

20163            **Application of 719 SIXTH ST LLC**, pursuant to 11 DCMR Subtitle ANC 6C            X, Chapter 9, for a special exception under Subtitle E § 205.5 and 5201 from the rear addition requirements of Subtitle E § 205.4, to construct a three-story rear addition to an existing attached principal dwelling unit in the RF-1 Zone at premises 719 6th Street, N.E. (Square 859, Lot 121).

BZA PUBLIC HEARING NOTICE  
DECEMBER 18, 2019  
PAGE NO. 2

**WARD ONE**

20166            **Application of Destination Pet LLC**, pursuant to 11 DCMR Subtitle  
ANC 1C           X, Chapter 9, for a special exception under the use requirements of  
                     Subtitle U § 513.1(l), to permit a veterinary office and veterinary  
                     boarding hospital in the MU-4 Zone at premises 2218-2220 18th Street,  
                     N.W. (Square 2553, Lot 78).

**WARD SIX**

20168            **Application of 50 F Street LLC**, pursuant to 11 DCMR Subtitle X,  
ANC 6C           Chapter 9, for a special exception under the Capitol Security Sub-Area  
                     requirements of Subtitle I § 605.6, to construct a penthouse and a  
                     rooftop terrace addition to an existing mixed-use building in the D-3  
                     Zone at premises 50 F Street, N.W. (Square 628, Lots 896 and 898).

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.

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

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

**Do you need assistance to participate?**

Amharic

ለመነጠፍ ዕርዳታ ያስፈልግዎታል?

የተለየ እርዳታ ካስፈለገዎት ወይም የቋንቋ እርዳታ አገልግሎቶች (ትርጉም ወይም ማስተርጎም)

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

0312 ወይም በኢሜል [Zelalem.Hill@dc.gov](mailto:Zelalem.Hill@dc.gov) ይገናኙ። እነኚህ አገልግሎቶች የሚሰጡት በነጻ ነው።

Chinese

您需要有人帮助参加活动吗?

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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](mailto: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](mailto: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](mailto: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](mailto: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  
LORNA L. JOHN, MEMBER**

BZA PUBLIC HEARING NOTICE

DECEMBER 18, 2019

PAGE NO. 4

**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**

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

**TIME AND PLACE:** Monday, December 16, 2019, @ 6:30 p.m.  
Jerrily R. Kress Memorial Hearing Room  
441 4<sup>th</sup> Street, N.W., Suite 220-South  
Washington, D.C. 20001

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

**CASE NO. 17-05B (2100 2<sup>nd</sup> Street, SW, LLC – Capitol Gateway Design Review Modification of Significance @ 2121 First Street, S.W. [Square 613, Lot 10])**

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

On October 4, 2019, 2100 2<sup>nd</sup> Street, SW, LLC (the “Applicant”) filed an application with the Office of Zoning for Modification of Significance (the “Application”) to the plans approved by the Zoning Commission (the “Commission”) for an approved Capital Gateway Design Review in Z.C. Case Nos. 17-05 and 17-05A for the redevelopment of a building located on Square 613, Lot 10 (the “Property”) in the CG-5 zone.

The Commission approved an adaptive re-use of the Property in Z.C. Order Nos. 17-05 and 17-05A for residential and retail uses. The Property consists of approximately 115,479 square feet of land area bounded by 1<sup>st</sup>, 2<sup>nd</sup>, and V Streets, SW, and the Anacostia River.

The Application requests approval for:

- a temporary lodging use at the Property for 150 of the 480 apartments for a period of two years; and
- variance relief to permit temporary lodging use in the 100-year flood plain.

If granted, the temporary lodging use would be managed by WhyHotel, a hospitality management company that makes more efficient use of otherwise vacant apartments by operating "turn-key, pop-up hotels" out of the vacancy of newly built, large scale apartment buildings during the lease-up phase.

This public hearing will be conducted in accordance with the contested case provisions of Subtitle Z, Chapter 4 of the Zoning Regulations (Title 11 of the DCMR, to which all references are made unless otherwise specified).

**How to participate as a witness – oral presentation**

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

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 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.

#### **How to participate as a witness – written statements**

Written statements, in lieu of personal appearances or oral presentation, may be submitted for inclusion in the record. The public is encouraged to submit written testimony through the Interactive Zoning Information System (IZIS) at <https://app.dcoz.dc.gov/Login.aspx>; however, written statements may also be submitted by mail to 441 4<sup>th</sup> Street, N.W., Suite 200-S, Washington, DC 20001; by e-mail to [zsubmissions@dc.gov](mailto:zsubmissions@dc.gov); or by fax to (202) 727-6072. Please include the case number on your submission.

#### **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 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 OZ at [dcoz@dc.gov](mailto:dcoz@dc.gov) or at (202) 727-6311.

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#### **“Great weight” to written report of ANC**

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, an ANC that wishes to participate in the hearing 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.

**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](mailto:Zelalem.Hill@dc.gov) five days in advance of the meeting. These services will be provided free of charge.

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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](mailto:Zelalem.Hill@dc.gov) trước năm ngày. Các dịch vụ này hoàn toàn miễn phí.

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



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

**TIME AND PLACE:** **Thursday, January 16, 2020, @ 6:30 p.m.**  
**Jerrily R. Kress Memorial Hearing Room**  
**441 4<sup>th</sup> Street, N.W., Suite 220-South**  
**Washington, D.C. 20001**

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

**CASE NO. 19-16 (MCF WALP Phase 1, LLC – Consolidated PUD Application @ 1200 5<sup>th</sup> Street, N.W. [Square 481, Lot 23])**

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

On August 2, 2019, MCF WALP Phase 1, LLC (the “Applicant”) filed an application requesting the Zoning Commission for the District of Columbia (the “Commission”) review and approve a consolidated planned unit development (“PUD”) pursuant to Subtitle X, Chapter 3, and Subtitle Z, Chapter 3, of the Zoning Regulations (Title 11 of the DCMR, to which all references are made unless otherwise specified) for premises located at 1200 5<sup>th</sup> Street, N.W. Square 481, Lot 23 (the “Property”) in the RA-2 zone (the “Application”).

The Property consists of approximately 92,394 square feet of lot area on a single contiguous lot of record comprising the entire block bounded by N Street, N.W., to the north, 5<sup>th</sup> Street, N.W., to the east, M Street, N.W., to the south, and 6<sup>th</sup> Street, N.W., to the west. The Property is located approximately one block east of the Mount Vernon Square/7<sup>th</sup> Street/Convention Center Metrorail station stop. The Property currently contains 63 garden apartment-style rental units, currently vacant, constructed in the late 1960’s and early 1970’s, plus nearly an acre of surface parking spaces.

The Application proposes to construct a new multifamily residential building (the “Building”) housing 363 units divided into a north wing of three stories and a south wing of four stories. The Building provides approximately 103 vehicle parking spaces in a below-grade garage as well as the required amount of bicycle parking and loading. The Building remains within the 50-foot height limit of the RA-2 zone (and below the 60-foot height limit allowed pursuant to a PUD). The Building includes approximately 246,792 square feet of gross floor area with an overall FAR of the Project is approximately 2.67. The Building is designed entirely in accordance with the development standards set forth in the Zoning Regulations, excepting only that the Project’s lot occupancy (78 percent of the theoretical lot) is greater than the 60% maximum allowed in the RA-2 zone.

The Application does not seek to amend the zone designation for the Property.

The Office of Planning filed a report on September 13, 2019 recommending that the Commission set down the Application for a public hearing. At its September 23, 2019 public meeting, the

Commission voted to set down the Application for a public hearing. The Applicant filed its prehearing statement with the Commission on October 9, 2019.

The public hearing will be conducted in accordance with the contested case provisions of Subtitle Z, Chapter 4 of the Zoning Regulations (Title 11 of the DCMR, to which all references are made unless otherwise specified).

### **How to participate as a witness – oral presentation**

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

The 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 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          |

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**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](mailto:Zelalem.Hill@dc.gov) 这些是免费提供的服务。

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**ለማተፍ ዕርዳታ ያስፈልግዎታል?** የተለየ እርዳታ ካስፈለገዎት ወይም የቋንቋ እርዳታ አገልግሎቶች (ትርጉም ወይም ማስተርጓም) ካስፈለገዎት እባክዎን ከስብሰባው አምስት ቀን ት በፊት ዚ ሂልን በስልክ ቁጥር (202) 727-0312 ወይም በኢሜል [Zelalem.Hill@dc.gov](mailto:Zelalem.Hill@dc.gov) ይገናኙ። እነኚህ አገልግሎቶች የሚሰጡ በነጻ ነው።

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

**NOTICE OF PROPOSED RULEMAKING**

The Alcoholic Beverage Control Board (Board), pursuant to the authority set forth in Omnibus Alcoholic Beverage Amendment Act of 2004, effective September 30, 2004 (D.C. Law 15-187; D.C. Official Code § 25-211 (2012 Repl. & 2019 Supp.)), and the Alcoholic Beverage Enforcement Act of 2008, effective March 25, 2009 (D.C. Law 17-361; D.C. Official Code 25-830(f) (2012 Repl. & 2019 Supp.)), and Mayor’s Order 2001-96, dated June 28, 2001, as amended by Mayor’s Order 2001-102, dated July 23, 2001, hereby gives notice of the intent to amend the existing ABRA Civil Penalty Schedule (Schedule) set forth in Chapter 8 (Enforcement, Infractions, and Penalties) of Title 23 (Alcoholic Beverages) of the District of Columbia Municipal Regulations (DCMR).

The proposed rules are intended to update the Schedule by (1) incorporating new infractions and penalties; (2) removing duplicative infractions; and (3) amending the descriptions of existing infractions. *Those infractions not listed on the Schedule below shall remain in full effect and not be impacted by the proposed rulemaking.*

On September 11, 2019, the Board voted, four (4) to zero (0) to approve the proposed rules which, pursuant to D.C. Official Code § 25-830(f) (2012 Repl. & 2019 Supp.), will be transmitted to the Council of the District of Columbia, for a sixty (60) day period of review. The proposed rules will be approved as final in not less than thirty (30) days from publication of this notice in the *D.C. Register*, or upon approval by the Council by resolution, whichever occurs later. If the Council does not approve or disapprove the proposed rules by resolution, in whole or in part, within the sixty (60) day review period, the proposed rules shall be deemed disapproved.

**Chapter 8, ENFORCEMENT, INFRACTIONS, AND PENALTIES, of Title 23 DCMR, ALCOHOLIC BEVERAGES, is amended as follows:**

**Section 800, ABRA CIVIL PENALTY SCHEDULE, is amended by removing the following infractions to the ABRA Civil Penalty Schedule:**

<b>Section</b>	<b>Description</b>	<b>Violation</b>	<b>Warning</b>
25-113(j)(3)	Failure to Obtain Board Approval for Off-site Storage	Secondary	Y – Mandatory
25-113(j)(3)(A)	Failure to Maintain Records on Premises	Primary	Y – Mandatory

Section 800 is amended by adding the following infractions to the ABRA Civil Penalty Schedule in numerical order:

Section	Description	Violation	Warning
23 DCMR 203	Failure to Obtain Retailer Purchasing Permit	Primary	Y
23 DCMR 205.3	Failure to Obtain Off-premises Storage Permit	Primary	Y

Section 800 is amended by amending the following infractions in the ABRA Civil Penalty Schedule as follows:

Section	Description	Violation	Warning
25-113(j)(3)	Failure to Maintain Books and Records on Premises	Primary	Y - Mandatory
25-113(j)(3)(C)	Failure of the Licensee to Keep or Maintain its Books, Records, or Invoices for 3 Years	Primary	Y
25-113(j)(3)(B)	Failure to Obtain Board Approval for Off-site Storage of Books and Records	Secondary	Y - Mandatory
25-721	Sale and Delivery Outside of Legal Hours for Manufacturer & Wholesaler	Primary	Y
25-722	Sale and Delivery Outside of Legal Hours for Off-site Premises Licensees	Primary	Y
25-723(b)	Sale, Service, and Consumption Outside of Legal Hours – On-premises Licensees	Primary	Y
25-724	Sale and Delivery Outside of Hours Restricted by Board Order or Settlement Agreement	Primary	Y
25-762(b)(13)	Failure to Obtain Approval to Extend the Board-approved Hours of Operation	Primary	Y
23 DCMR 205.2	Failure to Obtain Storage Facility Permit	Secondary	Y

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

## DEPARTMENT OF HEALTH

NOTICE OF PROPOSED RULEMAKING

The Director of the Department of Health (Department), pursuant to the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1203.02(14) (2016 Repl.)), and Mayor's Order 98-140, dated August 20, 1998, hereby gives notice of her intent to take final rulemaking action to amend Chapter 83 (Pharmaceutical Detailers) of Title 17 (Business, Occupations, and Professionals) of the District of Columbia Municipal Regulations (DCMR), in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

The purpose of this rulemaking is to amend the continuing education requirements for pharmaceutical detailers to include continuing education in public health priorities as determined and amended from time to time by the Director, and require applicants for renewal, reinstatement, or reactivation of a license to respond to the Board's audit request within thirty (30) days of receipt of the request.

**Chapter 83, PHARMACEUTICAL DETAILERS, of Title 17 DCMR, BUSINESS, OCCUPATIONS, AND PROFESSIONALS, is amended as follows:**

**Section 8306, CONTINUING EDUCATION REQUIREMENTS, is amended to read as follows:**

- 8306.1 This section shall apply to applicants for the renewal, reactivation, or reinstatement of a license.
- 8306.2 A continuing education credit shall be valid only if it is part of a program or activity approved by the Board in accordance with § 8307 of this chapter.
- 8306.3 For the licensure period ending February 28, 2020, an applicant for renewal of a license shall:
- (a) Have completed a minimum of fifteen (15) contact hours of approved continuing education credit during the two (2) year period preceding the date the license expires, which shall include at least two (2) hours of continuing education on cultural competency or specialized clinical training focusing on patients or clients who identify as lesbian, gay, bisexual, transgender, gender nonconforming, queer, or question their sexual orientation or gender identity and expression ("LGBTQ") meeting the requirements of D.C. Official Code § 3-1205.10(b)(5) (2016 Repl.); and
  - (b) Attest to completion of the required continuing education credits on the renewal application form; and
  - (c) Be subject to a random audit.

8306.4 Beginning with the licensure period ending February 28, 2022, an applicant for renewal of a license shall:

- (a) Have completed a minimum of fifteen (15) contact hours of approved continuing education credit during the two (2) year period preceding the date the license expires, which:
  - (1) Shall include at least two (2) hours of continuing education on cultural competency or specialized clinical training focusing on patients or clients who identify as lesbian, gay, bisexual, transgender, gender nonconforming, queer, or question their sexual orientation or gender identity and expression (“LGBTQ”) meeting the requirements of D.C. Official Code § 3-1205.10(b)(5) (2016 Repl.); and
  - (2) At least ten percent (10%) of the total required continuing education shall be in the subjects determined by the Director as public health priorities of the District every five (5) years or less frequently, as deemed appropriate by the Director, with notice of the subject matter published in the *D.C. Register*. The Board shall disseminate the identified subjects to its licensees when determined by the Director via electronic communication and through publication on its website; and
- (b) Attest to completion of the required continuing education credits on the renewal application form; and
- (c) Be subject to a random audit.

8306.5 For the licensure period ending February 28, 2020, to qualify for a license, a person in inactive status within the meaning of § 511 of the Act, D.C. Official Code § 3-1205.11 (2016 Repl.) who submits an application to reactivate a license shall submit proof pursuant to § 8306.9 of having completed fifteen (15) hours of approved continuing education credit, obtained within the two (2) year period preceding the date of the application for reactivation of that applicant’s license, and which shall include:

- (a) An additional eight (8) hours of approved continuing education credit for each additional year that the applicant was in inactive status beginning with the third year; and
- (b) At least two (2) hours of continuing education on cultural competency or specialized clinical training focusing on patients or clients who identify as lesbian, gay, bisexual, transgender, gender nonconforming, queer, or question their sexual orientation or gender identity and expression (“LGBTQ”) meeting the requirements of D.C. Official Code § 3-1205.10 (b)(5).

8306.6 Beginning with the licensure period ending February 28, 2022, to qualify for a license, a person in inactive status within the meaning of § 511 of the Act, D.C. Official Code § 3-1205.11 (2016 Repl.) who submits an application to reactivate a license shall submit proof pursuant to § 8306.9 of having completed fifteen (15) hours of approved continuing education credit, obtained within the two (2) year period preceding the date of the application for reactivation of that applicant's license, and which shall include:

- (a) An additional eight (8) hours of approved continuing education credit for each additional year that the applicant was in inactive status beginning with the third year;
- (b) At least two (2) hours of continuing education on cultural competency or specialized clinical training focusing on patients or clients who identify as lesbian, gay, bisexual, transgender, gender nonconforming, queer, or question their sexual orientation or gender identity and expression ("LGBTQ") meeting the requirements of D.C. Official Code § 3-1205.10 (b)(5); and
- (c) At least ten percent (10%) of the total required continuing education in the subjects determined by the Director as public health priorities of the District every five (5) years or less frequently, as deemed appropriate by the Director, with notice of the subject matter published in the *D.C. Register*. The Board shall disseminate the identified subjects to its licensees when determined by the Director via electronic communication and through publication on its website.

8306.7 For the licensure period ending February 28, 2020, to qualify for a license, an applicant for reinstatement of a license shall submit proof pursuant to § 8306.9 of having completed fifteen (15) hours of approved continuing education credit, obtained within the two (2) year period preceding the date of the application for reinstatement of the applicant's license, and which shall include:

- (a) An additional eight (8) hours of approved continuing education credit for each additional year that the license was expired beginning with the third year; and
- (b) At least two (2) hours of continuing education on cultural competency or specialized clinical training focusing on patients or clients who identify as lesbian, gay, bisexual, transgender, gender nonconforming, queer, or question their sexual orientation or gender identity and expression ("LGBTQ") meeting the requirements of D.C. Official Code § 3-1205.10 (b)(5), obtained within the two (2) year period preceding the date of the application for reinstatement of the applicant's license and an additional eight (8) hours of approved continuing education credit for each additional year that the license was expired beginning with the third year.



- 8306.8 Beginning with the licensure period ending February 28, 2022, to qualify for a license, an applicant for reinstatement of a license shall submit proof pursuant to § 8306.9 of having completed fifteen (15) hours of approved continuing education credit, obtained within the two (2) year period preceding the date of the application for reinstatement of the applicant's license, and which shall include:
- (a) An additional eight (8) hours of approved continuing education credit for each additional year that the license was expired beginning with the third year;
  - (b) At least two (2) hours of continuing education on cultural competency or specialized clinical training focusing on patients or clients who identify as lesbian, gay, bisexual, transgender, gender nonconforming, queer, or question their sexual orientation or gender identity and expression ("LGBTQ") meeting the requirements of D.C. Official Code § 3-1205.10 (b)(5), obtained within the two (2) year period preceding the date of the application for reinstatement of the applicant's license and an additional eight (8) hours of approved continuing education credit for each additional year that the license was expired beginning with the third year; and
  - (c) Beginning with the renewal period ending February 28, 2022, at least ten percent (10%) of the total required continuing education shall be in the subjects determined by the Director as public health priorities of the District every five (5) years or less frequently, as deemed appropriate by the Director, with notice of the subject matter published in the *D.C. Register*. The Board shall disseminate the identified subjects to its licensees when determined by the Director via electronic communication and through publication on its website.
- 8306.9 Except as provided in § 8306.11, an applicant under this section shall prove completion of required continuing education credits by submitting with the application the following information with respect to each program:
- (a) The name and address of the sponsor of the program;
  - (b) The name of the program, its location, a description of the subject matter covered, and the names of the instructors;
  - (c) The dates on which the applicant attended the program;
  - (d) The hours of credit claimed; and
  - (e) Verification by the sponsor of completion, by signature or stamp.
- 8306.10 The Board shall conduct a random audit of continuing education credits at the completion of each renewal period.

- 8306.11 Applicants for renewal of a license shall only be required to prove completion of the required continuing education credits by submitting proof pursuant to § 8603.9 if requested to do so as part of the random audit, or if otherwise requested to do so by the Board.
- 8306.12 Persons selected as a part of the Board's random audit shall provide all requested documentation within no more than thirty (30) calendar days after receipt of the audit request or having been deemed served with receipt, whichever comes first.
- 8306.13 An applicant for renewal of a license who fails to renew the license by the date the license expires may renew the license for up to sixty (60) days after the date of expiration by completing the application, submitting the required supporting documents, and paying the required additional late fee. Upon renewal, the applicant shall be deemed to have possessed a valid license during the period between the expiration of the license and the renewal thereof.
- 8306.14 If an applicant for renewal of a license fails to renew the license and pay the late fee within sixty (60) days after the expiration of applicant's license, the license shall be considered to have lapsed on the date of expiration. The applicant shall thereafter be required to apply for reinstatement of an expired license and meet all requirements and fees for reinstatement.
- 8306.15 The Board may, in its discretion, grant an extension of the sixty (60) day period to renew after expiration if the applicant's failure to renew was for good cause. As used in this section, "good cause" includes the following:
- (a) Serious and protracted illness of the applicant; and
  - (b) The death or serious and protracted illness of a member of the applicant's immediate family.
- 8306.16 An extension granted under this section shall not exempt the licensee from complying with the continuing education requirements for any other renewal period.

All persons desiring to comment on the subject of this proposed rulemaking should file comments in writing not later than thirty (30) days after the date of the publication of this notice in the *D.C. Register*. Comments should be sent to the Department of Health, Phillip L. Husband, General Counsel, Office of the General Counsel, 899 North Capitol Street, N.E., 6<sup>th</sup> Floor, Washington, D.C. 20002. Copies of the proposed rules may be obtained during the hours of 9 a.m. to 5 p.m., Monday through Friday, excluding holidays, at the address listed above, or by contacting Angli Black, Paralegal Assistant, at [Angli.Black@dc.gov](mailto:Angli.Black@dc.gov), (202) 442-5977.

**D.C. DEPARTMENT OF HUMAN RESOURCES****NOTICE OF PROPOSED RULEMAKING**

The Director of the D.C. Department of Human Resources, with the concurrence of the City Administrator, pursuant to Mayor's Order 2008-92, dated June 26, 2008, and in accordance with the provisions of Chapter XVIII of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code §§ 1-604.04(a) and 1-618.01 *et seq.* (2016 Repl.)), gives notice of the intent to amend Chapter 18 (Employee Conduct) of Subtitle B (Government Personnel) of Title 6 (Personnel) of the District of Columbia Municipal Regulations (DCMR).

The Proposed Rulemaking will amend Subsection 1805.10 of Section 1805 (Financial Interests and Disclosures). Specifically, Subsection 1805.10 is amended to allow the Mayor, Attorney General of the District of Columbia, the Executive Director of the D.C. Public Library, and members of the State Board of Education (SBOE) to serve as an honorary chair or honorary member of a nonprofit entity's fundraising event, in their respective official capacities, as specified in the provisions of the chapter. Additionally, minor edits are made to Subsections 1806.1 and 1806.7 of Section 1806 (Restrictions on the Employment of Relatives (Nepotism)), and Section 1899 (Definitions), has also been amended to add the definition for the term "Supervisor."

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

**Chapter 18, EMPLOYEE CONDUCT, of Title 6-B DCMR, GOVERNMENT PERSONNEL, is amended as follows:****Subsection 1805.10 of Section 1805, FINANCIAL INTERESTS AND DISCLOSURES, is amended to read as follows:**

- 1805.10        (a)        Notwithstanding any other provision of this chapter, a covered public official may serve as an honorary chair or honorary member of a nonprofit entity's fundraising event, so long as the purpose for which funds are raised is a nongovernmental bona fide charitable activity benefiting the covered public official's agency's mission, or, in the case of the Mayor, the District of Columbia.
- (b)        Use of a covered public official's name or title in fundraising solicitations or announcements of general circulation shall be in accordance with such terms and limitations as prescribed, in writing, by (1) the Mayor, in the case of the Mayor of the District of Columbia; (2) the Board of Library Trustees of the District of Columbia Public Library, in the case of the Executive Director of the District of Columbia Public Library; (3) the Attorney General for the District of Columbia, in the case of the Office of

the Attorney General for the District of Columbia; or (4) the State Board of Education, in the case of the members of the State Board of Education.

- (c) The authority granted by this subsection shall not extend to the use of the covered public official’s name, title, or organization in solicitations made directly to individual contributors.
- (d) The authority granted by this subsection to the Attorney General, Executive Director of the District of Columbia Public Library, and members of the State Board of Education may not be delegated.
- (e) For purposes of this subsection, the term “covered public official” means the:
  - (1) Mayor of the District of Columbia;
  - (2) Attorney General for the District of Columbia;
  - (3) Executive Director of the District of Columbia Public Library; and
  - (4) Members of the State Board of Education.

**Subsections 1806.1 and 1806.7 of Section 1806, RESTRICTIONS ON THE EMPLOYMENT OF RELATIVES (NEPOTISM), are amended to read as follows:**

1806.1 In accordance with the District of Columbia Government Comprehensive Merit Personnel Amendment Act of 2012, effective March 14, 2012 (D.C. Law 19-115, D.C. Official Code § 1-618.04); and the Civil Service Act of 1967, effective October 13, 1978, as amended (Pub. L. 90-206, 5 USC § 3110), this section restricts the hiring and advancing of relatives by public officials.

1806.7 In the event of emergencies resulting from natural or manmade disasters, the Mayor may suspend the prohibitions of this section, as permitted by the District of Columbia Government Comprehensive Merit Personnel Amendment Act of 2012, effective March 14, 2012 (D.C. Law 19-115 (D.C. Official Code § 1-618.04); and the Civil Service Act of 1967, effective October 13, 1978, as amended (Pub. L. 90-206; 5 USC § 3110(d)).

**Section 1899, DEFINITIONS, is amended to add the definition for the following term to the section, to be placed in alphabetical order within the existing list of defined terms:**

**Supervisor** – an employee having authority, in the interest of an agency, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or responsibility to direct them, or to evaluate their performance, or to adjust their grievances, or effectively to recommend such action, if in connection with the foregoing the exercise of authority is not of a merely routine or clerical nature, but requires the use

of independent judgment. The definition of supervisor shall include an incumbent of a position which is classified at a level higher than it would have been had the incumbent not performed some or all of the above duties.

Comments on these proposed regulations should be submitted, in writing, within thirty (30) days of the date of the publication of this notice to the D.C. Department of Human Resources, Policy and Compliance Administration. Comments may be submitted by mail to 1015 Half Street, S.E., 8<sup>th</sup> Floor, Washington, D.C. 20003, or by e-mail to [dchr.policy@dc.gov](mailto:dchr.policy@dc.gov).

**THE DISTRICT OF COLUMBIA  
OFFICE OF LOTTERY AND CHARITABLE GAMES**

**NOTICE OF PROPOSED RULEMAKING**

The Executive Director of the Office of Lottery and Gaming, pursuant to the authority set forth in Section 4 of the Law to Legalize Lotteries, Daily Numbers Games, and Bingo and Raffles for Charitable Purposes in the District of Columbia, effective March 10, 1981 (D.C. Law 3-172; D.C. Official Code §§ 36-601.06(a) and 36-601.24), and Office of the Chief Financial Officer Management Control Order No. 96-22, effective September 24, 1996, hereby gives notice of the her intent to amend Chapter 15 (Raffles) of Title 30 (Lottery and Charitable Games) of the District of Columbia Municipal Regulations (DCMR).

The proposed rulemaking will authorize licensed organizations the option of accepting debit cards as a method of payment for 50/50 Raffle sales.

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

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

**Section 1509, 50/50 RAFFLES CONDUCTED BY CHARITABLE FOUNDATIONS AFFILIATED WITH COLLEGIATE OR PROFESSIONAL SPORTS TEAMS, of Chapter 15, RAFFLES, is amended as follows:**

**Subsection 1509.2 is amended to read as follows:**

1509.2            Operation of 50/50 Raffles.

- (a)        The Agency shall require a non-refundable application fee for a 50/50 raffle license.
- (b)        The Agency may issue 50/50 raffle licenses for a single sporting event or game, or a period lasting the affiliated sports teams' season ("license period").
- (c)        A 50/50 raffle drawing may only take place during a single game or sporting event ("licensed event").
- (d)        The licensed organization shall complete all forms and provide all information to the Agency required under Chapter 12 of this title.
- (e)        50/50 raffles are subject to all of the applicable requirements established by Chapters 12, 13, 15, and 17 of this title except where specifically indicated in this chapter.

- (f) 50/50 raffles maybe conducted with two-part “admission-style” tickets traditionally used for 50/50 raffles or electronically using computer software and related equipment to sell tickets, account for sales, and facilitate the drawing of tickets to determine winners.
- (g) A person may purchase one or more 50/50 raffle tickets at a licensed event.
- (h) Each 50/50 raffle ticket purchased shall represent one entry in the drawing for a winner. The equipment used to conduct 50/50 raffles and the method of play shall ensure that each and every ticket to participate shall have an equal opportunity to be drawn as a winner.
- (i) The licensed organization’s game rules shall state when the 50/50 raffle drawing shall take place.
- (j) The 50/50 raffle drawing shall take place during the licensed event where the corresponding 50/50 raffle tickets are sold and must conclude before the end of the corresponding sporting event or game. If for some unforeseen reason (weather delay, power outage, emergency, or other reasonably unforeseeable event), the licensed event is not completed on the day the licensed event’s 50/50 raffle tickets are sold, the licensed event may be rescheduled and completed at another eligible sporting event or game provided no other licensed event is taking place at that event.
- (k) The licensed organization’s game rules shall determine the number of winners that will be chosen randomly from the 50/50 raffle tickets sold.
- (l) The total prize amount of a 50/50 raffle drawing shall be fifty percent (50%) of the gross proceeds collected from the sale of the 50/50 raffle tickets.
- (m) The remaining fifty percent (50%) of the gross proceeds collected from the sale of the 50/50 raffle tickets shall be dispersed for the lawful purpose stated in the license application.
- (n) No more than one (1) 50/50 raffle drawing shall be conducted during a licensed event.
- (o) 50/50 raffle tickets shall have consecutive numbers, and shall list the licensed organization’s contact name and phone number so that the purchaser may check on winning numbers.

- (p) All 50/50 raffle tickets shall be sold at a uniform price. The licensed organization may not change 50/50 raffle ticket prices during the licensed event.
- (q) Winners need not be present at the 50/50 raffle draw. Each licensed organization shall post the winning raffle numbers on the affiliated team's website and the licensed organization's website.
- (r) The licensed organization's 50/50 raffle rules, and each individual 50/50 raffle ticket, shall provide the name and phone number of the individual in charge of the licensed event. Each 50/50 raffle ticket shall state where and how a 50/50 raffle ticket holder may check for the winning number after the licensed event.
- (s) The licensed organization may accept only United States currency or debit cards for the payment for any 50/50 raffle tickets.
- (t) The licensed organization is not required to accept debit cards for the sale of 50/50 raffle tickets, but if an licensed organization chooses to accept debit cards, the licensed organization shall be responsible for any costs, fees or charge backs that may be associated with debit card 50/50 raffle tickets sales.
- (u) The licensed organization may not charge a fee associated with accepting debit cards for 50/50 raffle ticket sales.
- (v) Persons selling 50/50 raffle tickets may be paid only via an hourly wage. Such persons shall not be provided additional compensation, incentives or bonuses based on amount of tickets sold. This section shall not apply to the system service provider.
- (w) 50/50 raffle tickets may not be sold in advance of the licensed event.
- (x) 50/50 raffle tickets may only be sold on the premises of the licensed event. The premises of the licensed event includes only areas where an event ticket is required for admission to view the event, and does not include event parking areas, sidewalks, streets, restaurants, shops, entertainment venues, or bars near or adjacent to the premises of the licensed event.
- (y) No single 50/50 raffle drawing shall exceed the sum of one hundred fifty thousand dollars (\$150,000).
- (z) Subsections 1202.2 (l) and (n), Subsection 1204.14, Subsections 1502.1(c), (d) and (h), Subsection 1502.2, Subsection 1502.3, Subsection 1502.4, Subsection 1502.5, Subsection 1503.4, Subsection 1504.1, and Subsection 1504.2, of this title shall not apply to 50/50 raffles.



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

## DEPARTMENT OF HEALTH

**NOTICE OF EMERGENCY AND PROPOSED RULEMAKING**

The Director of the Department of Health, pursuant to Section 14 of the Legalization of Marijuana for Medical Treatment Initiative of 1999 (“Act”), effective July 27, 2010 (D.C. Law 18-210; D.C. Official Code § 7-1671.13 (2012 Repl. & 2017 Supp.)); Section 4902(d) of the Department of Health Functions Clarification Act of 2001, effective October 3, 2001 (D.C. Law 14–28; D.C. Official Code § 7–731(d) (2018 Repl. & 2019 Supp.)); Sections 2 and 3 of the Act, effective February 25, 2010 (D.C. Law 13-315; D.C. Official Code §§ 7-1671.01(19) and 7-1671.02(c)(2) (2018 Repl. & 2019 Supp.)); and Mayor’s Order 2011-71, dated April 13, 2011, hereby gives notice of the adoption, on an emergency basis, of the following amendments to Chapters 5 (Qualifying Patients) and 99 (Definitions) of Title 22 (Health), Subtitle C (Medical Marijuana), of the District of Columbia Municipal Regulations (“DCMR”).

This emergency action is necessary to protect the public by ensuring that nonresidents who are enrolled in medical marijuana programs from all states across the country are able to purchase medical marijuana in the District of Columbia. These changes are patient-centric and intended to ensure that the nonresident patients are able to get the help needed while in the District of Columbia. Further, the changes are needed to prevent nonresident patients from being compelled to patronize illegal establishments or sources to purchase marijuana that may be unsafe.

The purpose of this rulemaking is to amend the regulations governing the participation of nonresident qualifying patients in the District’s Medical Marijuana Program to allow nonresidents who are enrolled in medical marijuana programs from all states that issue registration cards or state-issued documents to purchase medical marijuana in the District of Columbia.

This emergency rule was adopted on July 25, 2019 and became effective immediately on that date. The emergency rule will expire one hundred twenty (120) days from the date of adoption, November 22, 2019, or upon publication of a Notice of Final Rulemaking in the *D.C. Register*, whichever occurs first.

The Director of the Department of Health also gives notice of her intent to adopt this rule, in final, in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*, and upon completion of the thirty (30) day Council period of review, if the Council does not act earlier to adopt a resolution approving the rules.

**Chapter 5, QUALIFYING PATIENTS, of Title 22-C DCMR, MEDICAL MARIJUANA, is amended as follows:**

**Section 503, NONRESIDENT QUALIFYING PATIENTS, is amended as follows:**

**Subsections 503.1 and 503.2 are amended to read as follows:**

- 503.1 Before dispensing medical marijuana to a nonresident qualifying patient, a registered dispensary shall:
- (a) Verify the nonresident qualifying patient's identity through comparison of his/her unexpired government-issued identification card and his/her valid, unexpired nonresident card or state-issued document; and
  - (b) Confirm through the electronic records data system that the nonresident qualifying patient has not reached the allowable limit for the thirty (30) day period.
- 503.2 A registered dispensary shall not dispense medical marijuana to a nonresident qualifying patient who is unable to present his/her unexpired government-issued identification card and his/her valid, unexpired nonresident card or state-issued document.

**Section 9900, DEFINITIONS, of Chapter 99, DEFINITIONS, is amended as follows:**

**Subsection 9900.1 is amended as follows:**

**The term "Functional Equivalent" is repealed.**

**The term "Nonresident Card" is amended to read as follows:**

**Nonresident Card-** a medical marijuana patient card issued by a state that has an active medical marijuana program and issues either a card or state-issued document evidencing the patient's participation in the program.

**The following new definition is added to appear in alphabetical order:**

**State-issued document-** A document issued by the State agency responsible for administering the medical marijuana program in that state, which bears on its face the nonresident patient's name and program identification number, and an official seal or imprint.

All persons desiring to comment on the subject matter of this proposed rulemaking action shall submit written comments, not later than thirty (30) days after the date of publication of this notice in the *D.C. Register*, to Phillip Husband, General Counsel, Department of Health, Office of the General Counsel, 899 North Capitol Street, N.E., 6<sup>th</sup> Floor, Washington, D.C. 20002. Copies of the proposed rules may be obtained between the hours of 8:00 a.m. and 4:00 p.m. at the address listed above, or by contacting Angli Black, Paralegal Specialist, at [Angli.Black@dc.gov](mailto:Angli.Black@dc.gov), (202) 442-5977.

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

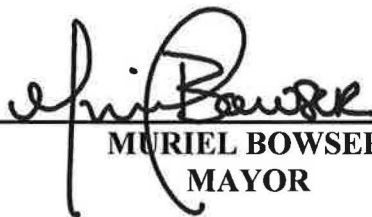
Mayor's Order 2019-088  
October 16, 2019

**SUBJECT:** Appointments – Developmental Disabilities State Planning Council

**ORIGINATING AGENCY:** Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2016 Repl.), and in accordance with Mayor's Order 2009-165, dated September 25, 2009, as amended by Mayor's Order 2018-039, dated April 10, 2018, it is hereby **ORDERED** that:

1. The following individuals are appointed to the Developmental Disabilities State Planning Council:
  - a. **YETTA MYRICK**, as a District resident who is a parent or guardian of a person with development disabilities or immediate relatives or guardians of adults with mentally impairing developmental disabilities who cannot advocate for themselves member, for a term to end March 18, 2022.
  - b. **BERNARD CRAWFORD**, as a District resident with a developmental disability member, replacing Mark Howard for a term to end March 18, 2022.
2. **EFFECTIVE DATE:** This Order shall become effective immediately.




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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 2019-089  
October 17, 2019

**SUBJECT:** Reappointments — 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; D.C. Official Code § 5-722 (2019 Repl.), it is hereby **ORDERED** that:

1. **CHARLES EPPS** is reappointed as a physician member of the Police and Firefighters Retirement and Relief Board, for a term to end October 29, 2020.
2. **HENRY WYATT** is reappointed as a public member of the Police and Firefighters Retirement and Relief Board, for a term to end June 1, 2021.
3. **EFFECTIVE DATE:** This Order shall be effective *nunc pro tunc* to July 3, 2019 immediately.

  
 \_\_\_\_\_  
 MURIEL BOWSER  
 MAYOR

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

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**

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**ADMINISTRATIVE ISSUANCE SYSTEM**

Mayor's Order 2019-090  
October 18, 2019

**SUBJECT:** Appointments — Mayor's Advisory Committee on Child Abuse and Neglect


**ORIGINATING AGENCY:** Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(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 Mayor's Order 2012-164, dated October 3, 2012, as amended by Mayor's Order 2014-074, dated April 9, 2014, and Mayor's Order 2014-098, dated May 2, 2014, it is hereby **ORDERED** that:

1. The following persons are appointed to the Mayor's Advisory Committee on Child Abuse and Neglect, serving at the pleasure of the Mayor:
  - a. **DEITRA BRYANT-MALLORY**, as the representative of the District of Columbia Public Schools, replacing Andrea Allen.
  - b. **PAUL HREBENAK**, as the representative of the Metropolitan Police Department, replacing Daniel Godin.
  - c. **KENYA KEY**, as the representative of the Department of Youth Rehabilitative Services, replacing Maria Martins-Evora.
  - d. **KIM RAY**, as the representative of the Department of Behavioral Health, replacing Lisa Albury.
  - e. **ANDREW REESE**, as the representative of the Department of Disability Services, replacing Audrey Townsend.
  - f. **DREW YEE**, as the representative of the Office of the State Superintendent of Education, replacing Yuliana del Arroya.

2. **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 2019-091  
October 18, 2019

**SUBJECT:** Appointments — Interstate Commission on the Potomac River Basin

**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 Article I of the Potomac River Basin Compact, approved September 25, 1970, 84 Stat. 856, Pub. L. 91-407, D.C. Official Code § 8-1602 (2016 Repl.), it is hereby **ORDERED** that:

1. **HAMID KARIMI**, is appointed as a District of Columbia alternate member of the Interstate Commission on the Potomac River Basin, replacing Annemargaret Connolly, serving at the pleasure of the Mayor.
2. **JEFFREY SELTZER**, is appointed as a District of Columbia principal member of the Interstate Commission on the Potomac River Basin, replacing Hamid Karimi, serving at the pleasure of the Mayor.
3. **EFFECTIVE DATE:** This Order shall become effective immediately.


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 MURIEL BOWSER  
 MAYOR

**ATTEST:**   


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 KIMBERLY A. BASSETT  
 SECRETARY OF STATE THE DISTRICT OF COLUMBIA



GOVERNMENT OF THE DISTRICT OF COLUMBIA

## ADMINISTRATIVE ISSUANCE SYSTEM

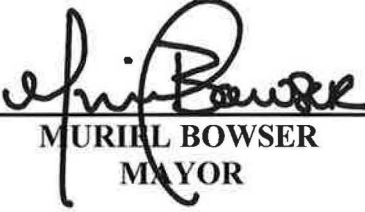
Mayor's Order 2019-092  
October 18, 2019

**SUBJECT:** Reappointment and Appointment — District of Columbia Interagency  
Coordinating 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 the Individuals with Disabilities Education Act, approved November 29, 1975, 89 Stat. 773; 20 U.S.C. §1400 *et seq.*, and Mayor's Order 2012-49, dated April 5, 2012, as amended by Mayor's Order 2013-053, dated March 4, 2013, it is hereby **ORDERED** that:

1. **SHARON DIETSCHE** is appointed as a representative from the Department of Behavioral Health, replacing Barbara Parks, to serve at the pleasure of the Mayor.
2. **JUDITH CURRY** is reappointed as a parent member to the Council, for a term to end May 3, 2022.
3. **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 2019-093  
October 21, 2019

**SUBJECT:** Delegation – Authority to the Secretary of State of the District of Columbia under the Revised Uniform Law on Notarial Acts Act of 2018

**ORIGINATING AGENCY:** Office of the Mayor


By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(6) and (11) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. No. 93-198, D.C. Official Code § 1-204.22(6) and (11) (2016 Repl.), it is hereby **ORDERED** that:

1. The Secretary of State of the District of Columbia (“**Secretary**”) is delegated the Mayor’s authority under the Revised Uniform Law on Notarial Acts Act of 2018, effective December 4, 2018, D.C. Law 22-189, D.C. Official Code § 1-1231.01 *et seq.*
2. The authority delegated by this Order may be further delegated by the Secretary to subordinates under the jurisdiction of the Secretary.
3. This Order supersedes all previous Mayor’s Orders to the extent of any inconsistency therein.
4. **EFFECTIVE DATE:** This Order shall become effective immediately.




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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 2019-094  
October 21, 2019


**SUBJECT:** Appointment — Advisory Board on Veterans Affairs for the District of Columbia

**ORIGINATING AGENCY:** Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2016 Repl.), and pursuant to Mayor's Order 2001-92, dated June 22, 2001, as amended by Mayor's Order 2002-142, dated August 19, 2002, it is hereby **ORDERED** that:

1. **NAMATIE MANSARAY** is appointed as a member of the Advisory Board on Veterans Affairs for the District of Columbia, replacing Demetrius Mack, to serve at the pleasure of the Mayor.
2. **EFFECTIVE DATE:** This Order shall be effective immediately.

  
MURIEL BOWSER  
MAYOR

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

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2019-095  
October 21, 2019

**SUBJECT:** Reappointment — District of Columbia Higher Education Licensure Commission

**ORIGINATING AGENCY:** Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2016 Repl.), and in accordance with section 4 of the Education Licensure Commission Act of 1976, effective April 6, 1977, D.C. Law 1-104; D.C. Official Code § 38-1304 (2019 Repl.), it is hereby **ORDERED** that:

1. **MARY DILWORTH** is reappointed as a member of the District of Columbia Higher Education Licensure Commission, for a term to end August 15, 2022.
2. **EFFECTIVE DATE:** This Order shall become effective immediately.




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MURIEL BOWSER  
MAYOR

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

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**

**ADMINISTRATIVE ISSUANCE SYSTEM**

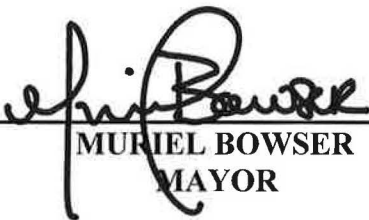
Mayor’s Order 2019-096  
October 21, 2019

**SUBJECT:** Appointments — Advisory Committee to the Office of Administrative Hearings

**ORIGINATING AGENCY:** Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, 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 20 of the Office of Administrative Hearings Establishment Act of 2001, effective March 6, 2002, D.C. Law 14-76; D.C. Official Code § 2-1831.17 (2016 Repl.), it is hereby **ORDERED** that:

1. **JED ROSS** is appointed as an agency head from an agency with cases coming before the Office of Administrative Hearings member of the Advisory Committee to the Office of Administrative Hearings (“Committee”), replacing Melinda Bolling, to serve at the pleasure of the Mayor.
2. **ERNEST CHRAPPAH** is appointed as an agency head from an agency with cases coming before the Office of Administrative Hearings member of the Committee, replacing Wayne Turnage, to serve at the pleasure of the Mayor.
3. **EFFECTIVE DATE:** This Order shall become effective immediately.




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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 2019-097  
October 21, 2019

**SUBJECT:** Appointments — Lactation Commission

**ORIGINATING AGENCY:** Office of the Mayor


By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2016 Repl.), and in accordance with Mayor’s Order 2017-177, dated July 28, 2017, it is hereby **ORDERED** that:

1. **AUBREY VILLALOBOS** is appointed as a public health expert member of the Lactation Commission (“Commission”), replacing Amira Roess, for a term to end April 30, 2022.
2. **STEPHANIE SIESWERDA** is appointed as Chairperson of the Commission, to serve at the pleasure of the Mayor.
3. **EFFECTIVE DATE:** This Order shall become effective immediately.




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MURIEL BOWSER  
MAYOR

ATTEST:   


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

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2019-098  
October 21, 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 section 4604 of the Child Fatality Review Committee Establishment Act of 2001, effective October 3, 2001, D.C. Law 14-28; D.C. Official Code § 4-1371.04 (2019 Repl.), it is hereby **ORDERED** that:

1. **ERICA MCCLASKEY** is appointed to the Child Fatality Review Committee as the designee of the Department of Health, to serve at the pleasure of the Mayor:
2. **EFFECTIVE DATE:** This Order shall become effective immediately.


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 MURIEL BOWSER  
 MAYOR

ATTEST:   


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

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor’s Order 2019-099  
October 21, 2019

**SUBJECT:** Reappointment — Commission on Selection and Tenure of Administrative Law Judges of the Office of Administrative Hearings

**ORIGINATING AGENCY:** Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2016 Repl), and pursuant to sections 9 and 10 of the Office of Administrative Hearings Establishment Act of 2001, effective March 6, 2002, D.C. Law 14-76; D.C. Official Code §§ 2-1831.06 and 2-1831.07 (2016 Repl.), it is hereby **ORDERED** that:

1. **ROB HAWKINS** is reappointed as a voting member of the Commission on Selection and Tenure of Administrative Law Judges of the Office of Administrative Hearings, for a term to end April 30, 2022.
2. **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 2019-100  
October 21, 2019

**SUBJECT:** Designation of Special Event Area for the 2019 Major League Baseball World Series

**ORIGINATING AGENCY:** Office of the Mayor

By virtue of the authority vested in me as the Mayor of the District of Columbia by section 422(11) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 792, Pub. L. 93-198, D.C. Official Code § 1-204.22(11) (2016 Repl.), and in accordance with 19 DCMR § 1301.8, it is hereby **ORDERED** that:

1. This Order applies to certain special event activities associated with post-season baseball games that will be held at Nationals Park during the 2019 Major League Baseball season. The post-season game dates are between October 22 and 31, 2019.
2. For the purposes of this Order, the term “post-season baseball game” means a Major League Baseball game of the 2019 World Series.
3. On post-season baseball game dates, the land area defined in the Lease Agreement dated March 6, 2006, by and between the Washington Convention and Sports Authority, as successor in interest to the District of Columbia Sports and Entertainment Commission, and the Washington Nationals Stadium, LLC (“**Lessee**”), successor in interest to Baseball Expos, L.P., as the “Baseball Stadium Site” (more particularly defined in Exhibit A to the Lease Agreement as the area of land consisting of approximately nineteen (19) acres, bounded by N Street, S.E., Potomac Avenue, S.E., South Capitol Street, and First Street, S.E.), is designated as a Special Event Area to which the provisions of 19 DCMR § 1301 shall not apply, for the purposes described in this Order.
4. On post-season baseball game dates taking place in Washington, DC, N Street S.E., between South Capitol Street S.E. and First Street S.E., Half Street S.E., between M Street S.E. and N Street S.E., First Street S.E., between M Street S.E. and Potomac Avenue S.E., and Potomac Avenue S.E., between South Capitol Street S.E. and First Street S.E., are designated as Special Event Areas to which the provisions of 19 DCMR § 1301 shall not apply, for the purposes described in this Order.
5. On post-season baseball game dates taking place in Houston, TX, N Street S.E., between South Capitol Street S.E. and First Street S.E., and Half Street S.E., between M Street S.E. and N Street S.E., are designated as Special Event Areas to which the provisions of 19 DCMR § 1301 shall not apply, for the purposes described in this Order.

6. Streets within the Special Event Areas designated by paragraphs 4 and 5 of this Order may be closed to non-emergency vehicular traffic starting eight (8) hours before the commencement of a post-season baseball game and continuing until three (3) hours after the post-season baseball game ends.
7. No sidewalk space within the Special Event Areas designated by paragraphs 3, 4, and 5 may be closed to pedestrian traffic, unless specifically authorized by the City Administrator.
8. All building, health, life, and safety requirements shall remain applicable to the Special Event Areas designated by this Order.
9. Persons authorized to vend in the Nationals Park Vending Zone pursuant to 24 DCMR 529 shall continue to be authorized to vend in the Special Event Areas designated by paragraphs 4 and 5 of this Order. In addition, the Department of Consumer and Regulatory Affairs may issue additional, special event vending permits within the Special Event Areas.
10. The District Department of Transportation may authorize additional lane closures and sidewalk closures in association with post-season baseball games for bus loading zones, television and radio broadcast vehicle parking, and other activities associated with post-season baseball games.
11. The City Administrator shall inform the Metropolitan Police Department, Fire and Emergency Medical Services Department, Homeland Security and Emergency Management Agency, and District Department of Transportation of all street closures under this Order.
12. **EFFECTIVE DATE:** This Order shall become effective immediately.



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MURIEL BOWSER  
MAYOR

ATTEST:



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KIMBERLY A. BASSETT

SECRETARY OF STATE OF THE DISTRICT OF COLUMBIA

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF PUBLIC HEARINGS  
CALENDAR

WEDNESDAY, OCTOBER 30, 2019  
2000 14<sup>TH</sup> STREET, N.W., SUITE 400S  
WASHINGTON, D.C. 20009

Donovan W. Anderson, Chairperson

Members: James Short, Bobby Cato, Rema Wahabzadah, Rafi A. Crockett

- Protest Hearing (Status)** **9:30 AM**  
**Case # 19-PRO-00100;** Quilox, LLC, t/a Quilox Restaurant and Lounge,  
7303 Georgia Ave NW, License #114288, Retailer CR, ANC 4B  
**Application for a New License**
- Show Cause Hearing (Status)** **9:30 AM**  
**Case # 19-CIT-00379;** El Rinconcito Café, Inc., t/a El Rinconcito Café  
1129 11th Street NW, License #24338, Retailer CR, ANC 2F  
**No ABC Manager on Duty**
- Show Cause Hearing (Status)** **9:30 AM**  
**Case # 19-CIT-00326;** Stubs, LLC, t/a Lupo Verde, 1401 T Street NW, License  
#88527, Retailer CR, ANC 2B  
**No ABC Manager on Duty**
- Show Cause Hearing (Status)** **9:30 AM**  
**Case # 19-CC-00087;** Hard Rock Café International (STP), Inc., t/a Hard Rock  
Café, 999 E Street NW, License #14130, Retailer CR, ANC 2C  
**Sale to Minor Violation, Failed to Take Steps Necessary to Ascertain Legal  
Drinking Age**
- Show Cause Hearing (Status)** **9:30 AM**  
**Case # 19-CMP-00043;** Neighborhood Restaurant Group, XIII, LLC, t/a  
Bluejacket/The Arsenal, 300 Tingey Street SE, License #90281, Retailer CR  
ANC 6D  
**No ABC Manager on Duty**

Board's Calendar

October 30, 2019

**Show Cause Hearing (Status)**

**9:30 AM**

**Case # 19-AUD-00040;** Riscatto Restaurant, LLC, t/a MXDC, 60014th Street NW, License #90420, Retailer CR, ANC 2C

**Failed to File Quarterly Statements**

**Show Cause Hearing\***

**10:00 AM**

**Case # 19-AUD-00016;** Betty's Gojo Restaurant and Lounge, LLC, t/a Betty's Gojo, 7616 Georgia Ave NW, License #102500, Retailer CR, ANC 4A

**Failed to File Quarterly Statement**

**Fact Finding Hearing\***

**11:00 AM**

Rhino Investments, LLC, (No Location), License #99467, Retailer CT

**Request to Extend Safekeeping**

**Fact Finding Hearing\***

**11:30 AM**

**Case # 19-251-00106;** Café Dupont, LLC, t/a Café Citron, 1343 Connecticut Ave NW, License #60138, Retailer CT

**Simple Assault**

**BOARD RECESS AT 12:00 PM**

**ADMINISTRATIVE AGENDA**

**1:00 PM**

**Protest Hearing\***

**1:30 PM**

**Case # 19-PRO-00088;** La Morenita Restaurant, LLC, t/a La Morenita Restaurant, 3539 Georgia Ave NW, License #86595, Retailer CR, ANC 1A

**Application to Renew the License**

**Protest Hearing\***

**1:30 PM**

**Case # 19-PRO-00078;** District Soul Food Restaurant & Lounge, LLC, t/a District Soul Food & Lounge, 500 8th Street SE, License #112072, Retailer CR ANC 6B

**Application to Renew the License**

**Protest Hearing\***

**4:30 PM**

**Case # 19-PRO-00083;** Rito Loco, LLC, t/a Rito Loco-El Techo, 606 Florida Ave NW, License #104119, Retailer CR, ANC 1B

**Application to Renew the License**

**Protest Hearing\***

**4:30 PM**

**Case # 19-PRO-00090;** Howard Theatre Entertainment, LLC, t/a Howard Theatre, 620 T Street NW, License #88646, Retailer C Multipurpose, ANC 1B

**Application to Renew the License**

Board's Calendar  
October 30, 2019

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

*\*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](mailto:opengovoffice@dc.gov).*

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF MEETING  
LICENSING AGENDA

WEDNESDAY, OCTOBER 30, 2019 AT 1:00 PM  
2000 14<sup>TH</sup> STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

1. Review Application for Class Change from Class C Restaurant to Class C Tavern. ANC 6A. SMD 6A06. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No conflict with Settlement Agreement. *Dangerously Delicious DC*, 1339 H Street NE, Retailer CR, License No. 087422.

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2. Review Application for Summer Garden endorsement with 14 seats. *Proposed Hours of Operation and Alcoholic Beverage Sales and Consumption for Summer Garden*: Sunday 11am-2am, Monday-Thursday 9am to 2am, Friday-Saturday 9am-3am. ANC 1B. SMD 1B02. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. *1942 DC*, 1942 9<sup>th</sup> Street NW, Retailer CT, License No. 070728.

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3. Review Application for Change of Hours for Summer Garden. *Approved Hours of Operation and Alcoholic Beverage Sales and Consumption for Summer Garden*: Sunday-Thursday 11am to 11pm, Friday-Saturday 11am-12am. *Proposed Hours of Operation and Alcoholic Beverage Sales and Consumption for Summer Garden*: Sunday-Thursday 8am to 2am, Friday-Saturday 8am to 3am. ANC1B. SMD 1B10. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. *Bravo Bar*, 2917 Georgia Avenue NW, Retailer CT, License No. 092059.

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4. Review Request to expand operations into the adjacent building space on the first floor, increasing interior seating from 27 to 48, increasing Summer Garden seating from 6 to 14, and increasing Total Occupancy Load from 35 to 70. ANC 2B. SMD 2B02. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No conflict with Settlement Agreement. *Sorellina*, 2029 P Street NW, Retailer CR, License No. 112163.

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5. Review Request to Increase Sidewalk Café seating from 10 to 16 seats. ANC 6B. SMD 6B01. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No conflict with Settlement Agreement. *Sonoma*, 223 Pennsylvania Avenue SE, Retailer CR, License No. 072017.

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6. Review request for approval to provide a gift of a bike that does not exceed \$500 in value to various licensed DC Retailers. ANC 5C. SMD 5C04. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. *Breakthru Beverage*, 2800 V Street NE, Wholesaler A, License No. 060518.

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7. Review request for approval to provide a gift of shirts that do not exceed \$500 in value to various licensed DC Retailers. ANC 5C. SMD 5C04. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. *Breakthru Beverage*, 2800 V Street NE, Wholesaler A, License No. 060518.

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8. Review request for approval to provide a gift of food sampling stations that do not exceed \$500 in value to various licensed DC Retailers. ANC 5C. SMD 5C04. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. *Breakthru Beverage*, 2800 V Street NE, Wholesaler A, License No. 060518.

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**\*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. 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](mailto:opengovoffice@dc.gov).**

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
COMMISSION ON THE ARTS AND HUMANITIES  
FISCAL YEAR 2020 MEETING SCHEDULE**

Meetings of the DC Commission on the Arts and Humanities are regularly held on the third Thursday of each month, unless otherwise noted in the meeting schedule, and are open to the public.

All meetings are held at the Commission offices at 200 I Street SE, Suite 1400, Washington, DC. The nearest Metro station is Navy Yard/Ballpark on the Green Line.

**The meeting dates for fiscal year 2020 are:**

1.	<b>October 31, 2019</b>	<b>3:30 - 6 pm</b>
2.	<b>November 21, 2019</b>	<b>3:30 - 6 pm</b>
3.	<b>December 12, 2019</b>	<b>3:30 - 6 pm</b>
4.	<b>January 16, 2020</b>	<b>3:30 - 6 pm</b>
5.	<b>February 20, 2020</b>	<b>3:30 - 6 pm</b>
6.	<b>March 19, 2020</b>	<b>3:30 - 6 pm</b>
7.	<b>April 16, 2020</b>	<b>3:30 - 6 pm</b>
8.	<b>May 21, 2020</b>	<b>3:30 - 6 pm</b>
9.	<b>June 18, 2020</b>	<b>3:30 - 6 pm</b>
10.	<b>July 16, 2020</b>	<b>3:30 - 6 pm</b>
11.	<b>August 20, 2020</b>	<b>3:30 - 6 pm</b>
12.	<b>September 17, 2020</b>	<b>3:30 - 6 pm</b>

**This schedule is subject to change.**

The agenda for each Commission meeting is available online at [dcarts.dc.gov](http://dcarts.dc.gov) 7-10 days prior to the meeting. Meeting minutes are available online at <http://dcarts.dc.gov> within three business days following the Commission meeting.

Inquiries concerning the meetings may be addressed to:

Jeffrey Scott, Chief of External Affairs  
DC Commission on the Arts and Humanities  
200 I Street SE, Suite 1400, Washington, DC 20003  
(202) 724-5613  
[jeffrey.scott@dc.gov](mailto:jeffrey.scott@dc.gov)



**OFFICE ON ASIAN AND PACIFIC ISLANDER AFFAIRS**  
**COMMISSION ON ASIAN AND PACIFIC ISLANDER COMMUNITY**  
**DEVELOPMENT**

Wednesday, October 16, 2019, 6:30 pm  
441 4<sup>th</sup> Street NW Room 721 North, Washington, DC 20001

Agenda

Call to Order

Introduction of Commissioners

Quorum

Approval of Agenda

Approval of September 2019 Meeting Minutes

Executive Reports and Business Items

1. Director's Report
  - a. FY19 Review and FY20 Look Ahead
2. Commission Budget
3. Commission Task Forces
4. Meeting Schedule: November and December

Miscellaneous Items

Meeting Adjournment

Next Meeting:

Wednesday, November 20, 2019, 6:30 pm

MOAPIA

441 4<sup>TH</sup> St NW, Room 721 North, Washington, DC 20001

Questions:

John Tinpe Chairman, [John.Tinpe@dcbc.dc.gov](mailto:John.Tinpe@dcbc.dc.gov)

Ben Takai, Vice Chair & Secretary [BenTakai@dcbc.dc.gov](mailto:BenTakai@dcbc.dc.gov)

Henry Duong, MOAPIA [Henry.Duong@dc.gov](mailto:Henry.Duong@dc.gov)

[www.apia.dc.gov](http://www.apia.dc.gov)

**CESAR CHAVEZ PUBLIC CHARTER SCHOOLS FOR PUBLIC POLICY**  
**REQUEST FOR PROPOSALS**

**Charter School to Assume Lease at 770 Kenyon Street, NW**

Cesar Chavez Public Charter Schools for Public Policy invites all interested and qualified charter schools to submit proposals to occupy the building at 770 Kenyon Street, NW, Washington DC. The winning bidder would take over lease payments and make an upfront payment that allows Chavez to recoup a portion of its renovation costs. The charter school would take over the lease as soon as possible, but not later than July 1, 2020.

All proposals must be sent to Chavez no later than 5 P.M. on October 28, 2019 via email to [rfpresponse@chavezschools.org](mailto:rfpresponse@chavezschools.org) and Karl Jentoff, [karl@thetensquaregroup.com](mailto:karl@thetensquaregroup.com). The detailed RFP with bidding requirements and supporting documentation can be obtained by contacting Karl Jentoff at [karl@thetensquaregroup.com](mailto:karl@thetensquaregroup.com)

**DEPARTMENT OF ENERGY AND ENVIRONMENT**  
**NOTICE OF PUBLICATION FOR PUBLIC COMMENT**

**Pepco Benning Road Facility: Draft Final Remedial Investigation Report**

Notice is hereby given that the Department of Energy and Environment (the Department) is extending the review period for soliciting comments from the public on the Pepco Benning Road Facility (Site) Draft Final Remedial Investigation (RI) Report. The Draft Final RI Report was shared on Department's website on October 4, 2019. The comment period is extended through November 18, 2019.

A person may obtain a copy of the Draft Final RI Report by any of the following means:

**Download** from the Department's website, at <https://doee.dc.gov/page/pepco-benning-road-facility-plans-and-deliverables>;

**Visit** the following local libraries where copies of the Draft Final RI Report will be available for review during normal business hours:

- Francis A. Gregory (3660 Alabama Avenue, SE)
- Deanwood Public Library (1350 49th Street, NE)
- Dorothy Height/Benning Library (3935 Benning Rd, NE)
- Anacostia Library (1800 Good Hope Road, SE)

The Department is committed to considering fully and carefully all public comments received on the Draft Final RI Report prior to finalizing and issuing the Final RI Report. Interested persons may submit written comments on the Draft Final RI Report, which must include the person's name; telephone number; affiliation, if any; mailing address; a statement outlining their concerns; and any facts underscoring those concerns. **All comments must be submitted no later than November 18, 2019.** To help with responding to comments, the Department suggests submitting comments using the electronic comment form, which can be accessed at the above webpage.

Comments should be clearly marked "Pepco Benning Road Facility Remedial Investigation Report Comments" and either:

- 1) E-mailed to [DOEE.pepcoproject@dc.gov](mailto:DOEE.pepcoproject@dc.gov),
- 2) Mailed or hand-delivered to the Department of Energy and Environment, Apurva Patil, 1200 First Street NE, 5<sup>th</sup> Floor, Washington, DC 20002, or
- 3) If reviewing at a library location, a comment form may be submitted to a representative at the library.

The Department will consider all timely received comments before finalizing the Draft Final RI Report. All comments will be treated as public documents and will be made available for public viewing on the Department's website. When the Department identifies a comment containing

copyrighted material, the Department will provide a reference to that material on the website. If a comment is sent by e-mail, the e-mail address will be automatically captured and included as part of the comment that is placed in the public record and made available on the Department's website. If the Department cannot read a comment due to technical difficulties, and the e-mail address contains an error, the Department may not be able to contact the commenter for clarification and may not be able to consider the comment.

**OFFICE OF THE DEPUTY MAYOR FOR HEALTH AND HUMAN SERVICES**

**MAYOR’S COMMISSION ON HEALTHCARE SYSTEMS TRANSFORMATION**

**NOTICE OF PUBLIC MEETING**

The Mayor’s Commission on Healthcare Systems Transformation will hold a meeting on Tuesday, October 29, 2019 at 10:00 a.m. The meeting will be held in the Board Room (9<sup>th</sup> floor) at the District of Columbia Hospital Association, 1152 15<sup>th</sup> Street NW, Washington, D.C. 20005. Below is the draft agenda for this meeting. A final agenda will be posted to the Office of the Deputy Mayor for Health and Human Services website at <https://dmhhs.dc.gov/>.

For additional information, please contact Amelia Whitman, DMHHS Policy Director, at (202) 727-7973 or [amelia.whitman@dc.gov](mailto:amelia.whitman@dc.gov).

**DRAFT AGENDA**

- |    |  |                      |
|----|--|----------------------|
| 1. | Call to Order                              | Commission Co-Chairs |
| 2. | Commission Administration                  | Commission Co-Chairs |
| 3. | Executive Updates on Telehealth            | DC Health/DHCF       |
| 4. | Discussion and Approval of Recommendations | Commission Members   |
| 5. | Public Comments                            | Public               |
| 6. | Adjournment                                | Commission Co-Chairs |

**DEPARTMENT OF HEALTH CARE FINANCE  
NOTICE OF PUBLIC MEETING**

**Department of Health Care Finance Pharmacy and Therapeutics Committee**

The Department of Health Care Finance (DHCF) Pharmacy and Therapeutics Committee (Committee), pursuant to the requirements of Mayor's Order 2007-46, dated January 23<sup>rd</sup>, 2007 hereby announces a public meeting of the Committee to obtain input on the review and maintenance of a Preferred Drug List (PDL) for the District of Columbia. The meeting will be held **Thursday, December 5<sup>th</sup>, 2019 at 2:30 PM** in the **Main Street Conference Room 1028 (10<sup>th</sup> Floor) at 441 Fourth Street NW, Washington, DC 20001**. Please note that a government issued ID is needed to access the building. Use the north lobby elevators to access the 10<sup>th</sup> floor.

The Committee will receive public comments from interested individuals on issues relating to the topics or class reviews to be discussed at this meeting. The clinical drug class review for this meeting will include:

Angiotensin Modulator Combinations	Hepatitis B Agents
Angiotensin Modulators	Hepatitis C Agents
Antianginal Agents (Ranexa)	HIV and AIDS Treatments
Antibiotics, Topical	Immunomodulators, Atopic Dermatitis
Anticoagulants	Immunomodulators, Topical
Antihypertensives, Sympatholytics	Lipotropics, Others
Antipsoriatics, Oral	Lipotropics, Statins
Antipsoriatics, Topical	Methotrexate
Antiviral Agents, Oral (HSV & Influenza)	Oncology Agents-Breast
Antiviral Agents, Topical	Platelet Aggregation Inhibitors
Beta-Blockers	Rosacea Agents, Topical
Calcium Channel Blockers	

Any person or organizations who wish to make a presentation to the DHCF P&T Committee should furnish his or her name, address, telephone number, and name of organization represented by calling (202) 442-9076 **no later than 4:45 PM on Tuesday, November 26<sup>th</sup>, 2019**. The person or organization may also submit the aforementioned information via e-mail to Charlene Fairfax ([charlene.fairfax@dc.gov](mailto:charlene.fairfax@dc.gov)). An individual wishing to make an oral presentation to the Committee will be limited to three (3) minutes.

A person wishing to provide written information should supply twenty (20) copies of the written information to the Committee **no later than Wednesday, November 27<sup>th</sup>, 2019**. **Handouts are limited to no more than two standard 8-1/2 by 11 inch pages of "bulleted" points (or one page front and back)**. The ready-to-disseminate, written information can also be mailed to arrive **no later than Tuesday, November 26<sup>th</sup>, 2019** to:

Department of Health Care Finance  
Attention: Charlene Fairfax, RPh, CDE  
441 4<sup>th</sup> Street NW, Suite 900 South  
Washington, DC 20001

**DEPARTMENT OF HEALTH  
HEALTH PROFESSIONAL LICENSING ADMINISTRATION**

**NOTICE OF MEETING**

Board of Medicine  
October 30, 2019

On OCTOBER 30, 2019 at 8:30 am, the Board of Medicine will hold a meeting to consider and discuss a range of matters impacting competency and safety in the practice of medicine.

The meeting will be open to the public from 8:30 am to 10:30 am to discuss various agenda items and any comments and/or concerns from the public.

In accordance with Section 405(b) of the Open Meetings Amendment Act of 2010, the meeting will then move to Closed Session from 10:30 am until 4:45 pm to plan, discuss, or hear reports concerning licensing issues, ongoing or planned investigations of practice complaints, and or violations of law or regulations.

The meeting location is 899 North Capitol Street NE, 2<sup>nd</sup> Floor, Washington, DC 20002.

Meeting times and/or locations are subject to change – please visit the Board of Medicine website [www.doh.dc.gov/bomed](http://www.doh.dc.gov/bomed) and select BoMed Calendars and Agendas to view the agenda and any changes that may have occurred.

Executive Director for the Board – Frank B. Meyers, JD

**KIPP DC PUBLIC CHARTER SCHOOLS****REQUEST FOR PROPOSALS****Full-Service Catering**

KIPP DC is soliciting proposals from qualified vendors for Full-Service Catering. The RFP can be found on KIPP DC's website at [www.kippdc.org/procurement](http://www.kippdc.org/procurement). Proposals should be uploaded to the website no later than 5:00 PM EST, on November 5, 2019. Questions can be addressed to [dorian.ezzard@kippdc.org](mailto:dorian.ezzard@kippdc.org).



**MUNDO VERDE PUBLIC CHARTER SCHOOL****REQUEST FOR PROPOSALS**

1. **Student Support Services.** MVPCS is seeking proposals for Evaluations, Individualized Instruction, and Specialized Services for SY20 and possible yearly extensions. Services an evaluation needs may change throughout the year due to referrals, new enrollment and withdrawal of students. The final time to submit bid is to be determined. Please contact Robyn Pretlow at [rpretlow@mundoverdepcs.org](mailto:rpretlow@mundoverdepcs.org) for details.
2. **Facilities Management.** MVPCS is seeking proposals for Facilities Management Services for SY20, specifically the oversight of facilities operational functions including maintenance of buildings and grounds, renovations or improvements, and upgrades to infrastructure. The final time to submit bid is to be determined. Please contact Robyn Pretlow at [rpretlow@mundoverdepcs.org](mailto:rpretlow@mundoverdepcs.org) for details.
3. **Legal Counsel and Services.** MVPCS is seeking proposals for legal counsel and services for SY20. Preference will be given to legal counsel with labor relations and human resources experience. The final time to submit bid is to be determined. Please contact Robyn Pretlow at [rpretlow@mundoverdepcs.org](mailto:rpretlow@mundoverdepcs.org) for details.
4. **School Uniforms.** Mundo Verde PCS is seeking proposals for Uniforms (t-shirt with Mundo Verde Logo) for SY20 and possible yearly extensions. The school is seeking a vendor who can provide quality apparel and ensure timely and organized delivery of orders, managed and stored inventory, customer satisfaction, and payment resolution. We are also seeking a vendor who has the option of providing website sales. The final time to submit bid is to be determined. Please contact Robyn Pretlow at [rpretlow@mundoverdepcs.org](mailto:rpretlow@mundoverdepcs.org) for details.
5. **Office Furniture.** Mundo Verde PCS seeks bids for office furniture. Please contact [rpretlow@mundoverdepcs.org](mailto:rpretlow@mundoverdepcs.org) for bidding requirements and supporting documentation. Final bid deadline to be determined.

Note that the contract may not be effective until reviewed and approved by the District of Columbia Public Charter School Board.

## PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA

NOTICE OF FINAL TARIFFFORMAL CASE NO. 712, IN THE MATTER OF THE INVESTIGATION OF THE PUBLIC SERVICE COMMISSION'S RULES OF PRACTICE AND PROCEDURE;RM3-2014-01, IN THE MATTER OF 15 DCMR CHAPTER 3-CONSUMER RIGHTS AND RESPONSIBILITIES;FORMAL CASE NO. 1017, IN THE MATTER OF THE DEVELOPMENT AND DESIGNATION OF STANDARD OFFER SERVICE IN THE DISTRICT OF COLUMBIA; andRM41-2017-01, IN THE MATTER OF 15 DCMR CHAPTER 41-DISTRICT OF COLUMBIA STANDARD OFFER SERVICE RULES,

1. The Public Service Commission of the District of Columbia ("Commission") hereby gives notice, pursuant to Section 34-802 of the District of Columbia Official Code and in accordance with Section 2-505 of the District of Columbia Code,<sup>1</sup> of its final action to approve the Potomac Electric Power Company's (Pepco, Electric Utility Electric Company, or Company) tariff amendment that updates the Company's General Terms and Conditions for Furnishing Electric Service and Supplier Coordination Tariff in the District of Columbia.

2. Pursuant to Commission Orders Nos. 19759<sup>2</sup> and 19761,<sup>3</sup> issued December 5, 2018, the Commission directed Pepco to revise its tariffs to comply with changes to the Consumer Rights and Responsibilities (CBOR) and Standard Offer Service (SOS) Rules governing the transfer period when customers switch from the Electric Utility to a competitive service provider. Specifically, Subsection 327.35 states: "[t]he Electric Utility shall transfer a Customer to a competitive electricity supplier in no later than three (3) business days after receiving the notice of an enrollment transaction from the competitive electricity supplier."<sup>4</sup> Section 4105.9(c) provides that: "[t]he Electric Company shall transfer a Customer to SOS in no later than three (3) business days after receiving the customer's request."<sup>5</sup>

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<sup>1</sup> D.C. Code § 2-505 (2018 Repl.) and D.C. Code § 34-802 (2012 Repl.).

<sup>2</sup> *Formal Case No. 712, In the Matter of the Investigation of the Public Service Commission's Rules of Practice and Procedure* ("Formal Case No. 712"), and *RM3-2014-01, Consumer Rights and Responsibilities* ("RM3-2014-01"), Order No. 19759, rel. December 5, 2018.

<sup>3</sup> *RM41-2017-01, District of Columbia Standard Offer Service Rules* ("RM41-2017-01"), Order No. 19761, rel. December 5, 2018.

<sup>4</sup> 15 DCMR § 327.35 (2018).

<sup>5</sup> 15 DCMR § 4105.9 (c) (2018).

3. On April 12, 2019, the Commission issued Order No. 19897 eliminating the minimum stay provision in 15 DCMR §§ 4105.6 and 4105.7.<sup>6</sup> This provision required that a commercial customer who switched from SOS service to service provided by a competitive energy supplier, and subsequently returned to SOS service, remain on SOS service for a minimum of 12 months.<sup>7</sup>

4. On April 17, 2019, Pepco filed revisions to its General Terms and Conditions and Supplier Coordination Tariffs consistent with the Commission's directives in Orders Nos. 19759, 19761, and 19897.<sup>8</sup> On May 22, 2019, Pepco revised and refiled its tariffs.<sup>9</sup> Subsequently, on June 18, 2019, Pepco provided additional conforming changes to amend certain pages in its May 22, 2019 filing.<sup>10</sup> Pepco's proposed tariff amendments update its General Terms and Conditions for Furnishing Electric Service and Electric Supplier Coordination Tariffs in compliance with these directives.

5. Pepco proposes to amend the following tariff pages:

**GENERAL TERMS AND CONDITIONS FOR FURNISHING ELECTRIC SERVICE**

**P.S.C.-D.C. No. 1  
Ninth Revised Page No. 1  
Superseding Eighth Revised Page No. 1**

**P.S.C.-D.C. No. 1  
Ninth Revised Page No. 2  
Superseding Eighth Revised Page No. 2**

**P.S.C.-D.C. No. 1  
First Revised Page No. 3  
Superseding Original Page No. 3**

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<sup>6</sup> *Formal Case No. 1017, In the Matter of the Development and Designation of Standard Offer Service in the District of Columbia* ("Formal Case No. 1017"), Order No. 19897, ¶¶ 1, 11, and 42, rel. April 12, 2019 ("Order No. 19897"). See also 15 DCMR §§ 4105.6 and 4105.7 (2015). The Commission had published a Notice of Proposed Rulemaking to revise 15 DCMR § 4105 to eliminate the minimum stay provision from its rules. See 41 DCR 13006-13008 (October 4, 2019).

<sup>7</sup> *Formal Case No. 1017*, Order No. 19897, ¶¶ 9-10.

<sup>8</sup> *Formal Case Nos. 712 and 1017, RM3-2014-01, and RM41-2017-01*, Letter from Dennis P. Jamouneau, Assistant General Counsel, Potomac Electric Power Company, to Brinda Westbrook-Sedgwick, Commission Secretary, Public Service Commission of the District of Columbia ("Commission"), filed April 17, 2019.

<sup>9</sup> *Formal Case Nos. 712 and 1017, RM3-2014-01, and RM41-2017-01*, Letter from Dennis P. Jamouneau, Assistant General Counsel, Pepco, to Brinda Westbrook-Sedgwick, Commission Secretary, Commission, filed May 22, 2019.

<sup>10</sup> *Formal Case Nos. 712 and 1017, RM3-2014-01, and RM41-2017-01*, Letter from Dennis P. Jamouneau, Assistant General Counsel, Pepco, to Brinda Westbrook-Sedgwick, Commission Secretary, Commission, filed June 18, 2019.

**P.S.C.-D.C. No. 1  
First Revised Page No. 4  
Superseding Original Page No. 4**

**P.S.C.-D.C. No. 1  
First Revised Page No. 5  
Superseding Original Page No. 5**

**P.S.C.-D.C. No. 1  
Second Revised Page No. 12  
Superseding First Revised Page No. 12**

**P.S.C.-D.C. No. 1  
First Revised Page No. 12.1  
Superseding Original Page No. 12.1**

**P.S.C.-D.C. No. 1  
Fourth Revised Page No. 14  
Superseding Third Revised Page No. 14**

**P.S.C.-D.C. No. 1  
Fourth Revised Page No. 24  
Superseding Third Revised Page No. 24**

**P.S.C.-D.C. No. 1  
Third Revised Page No. 27  
Superseding Second Revised Page No. 27**

**P.S.C.-D.C. No. 1  
Third Revised Page No. 31  
Superseding Second Revised Page No. 31**

**P.S.C.-D.C. No. 1  
Second Revised Page No. 46  
Superseding First Revised Page No. 46**

**P.S.C.-D.C. No. 1  
Second Revised Page No. 47  
Superseding First Revised Page No. 47**

**P.S.C.-D.C. No. 1  
Second Revised Page No. 48  
Superseding First Revised Page No. 48**

**P.S.C.-D.C. No. 1  
Second Revised Page No. 49  
Superseding First Revised Page No. 49**

**ELECTRIC SUPPLIER COORDINATION TARIFF,**

**P.S.C.-D.C. No. 1  
Seventh Revised Page No. i  
Superseding Sixth Revised Page No. i**

**P.S.C.-D.C. No. 1  
Seventh Revised Page No. ii  
Superseding Sixth Revised Page No. ii**

**P.S.C.-D.C. No. 1  
Seventh Revised Page No. iii  
Superseding Sixth Revised Page No. iii**

**P.S.C.-D.C. No. 1  
Seventh Revised Page No. iv  
Superseding Sixth Revised Page No. iv**

**P.S.C.-D.C. No. 1  
First Revised Page No. 2  
Original Page No. 2**

**P.S.C.-D.C. No. 1  
First Revised Page No. 15  
Superseding Original Revised Page No. 15**

**P.S.C.-D.C. No. 1  
First Revised Page No. 16  
Superseding Original Page No. 16**

**P.S.C.-D.C. No. 1  
First Revised Page No. 17  
Superseding Original Revised Page No. 17**

**P.S.C.-D.C. No. 1  
First Revised Page No. 37  
Superseding Original Page No. 37**

**P.S.C.-D.C. No. 1  
Fourth Revised Page No. 41  
Superseding Third Revised Page No. 41**

**P.S.C.-D.C. No. 1  
Fourth Revised Page No. 42  
Superseding Third Revised Page No. 42**

6. On August 30, 2019, the Commission published a Notice of Proposed Tariff (NOPT) in the *D.C. Register* inviting public comment on Pepco's proposed tariff amendments.<sup>11</sup> No comments were received on the NOPT. The Commission, at its regularly scheduled Open Meeting held on October 9, 2019, took action approving Pepco's proposed tariff amendments that update the Company's General Terms and Conditions for Furnishing Electric Service and Supplier Coordination Tariff in the District of Columbia, consistent with Commission Orders Nos. 19759 and 19761. These amendments will become effective upon publication of this Notice of Final Tariff in the *D.C. Register*.

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<sup>11</sup> 66 DCR 11761-11765 (August 30, 2019).

**PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA****NOTICE OF REIMBURSABLE BUDGETS AND TOTAL GROSS  
JURISDICTIONAL REVENUES****ASMT2020, ASSESSMENTS FOR FISCAL YEAR 2020**

1. The Public Service Commission of the District of Columbia (“Commission”) hereby gives notice pursuant to Rule 1302.1 of Chapter 13 of Title 15 of the District of Columbia Municipal Regulations, “Rules Implementing the Public Utilities Reimbursement Fee Act of 1980” (“Chapter 13”), of the net reimbursable budgets for the Commission and for the Office of the People’s Counsel (“OPC”) for Fiscal Year 2020 (“FY 2020”). In addition, pursuant to Rule 1302.1(b), the Commission gives notice of the total gross revenue of each public utility, competitive electricity supplier, competitive natural gas supplier, and competitive local exchange carrier (“CLEC”) for the preceding calendar year, which is calendar year 2018.

2. The net reimbursable budget for the Commission for FY 2020 is \$16,285,793.25. The net reimbursable budget for OPC for FY 2020 is \$9,314,748.42.

3. The total gross revenues of all public utilities, competitive electricity suppliers, competitive natural gas suppliers, and CLECs for the preceding calendar year, which is calendar year 2018, were \$1,754,616,489.72.

**OFFICE OF THE SECRETARY OF THE DISTRICT OF COLUMBIA**  
**RECOMMENDATIONS FOR APPOINTMENTS AS NOTARIES PUBLIC**

Notice is hereby given that the following named persons have been recommended for appointment as Notaries Public in and for the District of Columbia, effective on or after December 1, 2019.

Comments on these potential appointments should be submitted, in writing, to the Office of Notary Commissions and Authentications, 441 4<sup>th</sup> Street, NW, Suite 810 South, Washington, D.C. 20001 within seven (7) days of the publication of this notice in the *D.C. Register* on October 16, 2019. Additional copies of this list are available at the above address or the website of the Office of the Secretary at [www.os.dc.gov](http://www.os.dc.gov).



D.C. Office of the Secretary  
Recommendations for Appointments as DC Notaries Public

Effective: December 1, 2019

Page 2 of 6

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Allen	Charles J.	Self 1216 10th Street, NW, Apt. #506	20001
Alston	Martha	Department of Health, Vital Records Division 899 North Capitol Street, NE	20002
Antonelli	John	United States Department of Justice 950 Pennsylvania Avenue, NW, #12000	20530
Barnes	Michelle Lynn	Financial Industry Regulatory Authority 1735 K Street, NW, 11th Floor	20006
Bayer	Sara Alice	BWXT 511 2nd Street, NE	20002
Board	Joy C.	District of Columbia Office of Human Rights 441 4th Street, NW	20001
Bonnemere	Patricia A.	Bank of America 3821 Minnesota Avenue, NE	20019
Boyd	Donovan G.	MOTA 1350 Pennsylvania Avenue, NW, Suite 600	20004
Brown	Roxana Fabiola	US Department of Transportation/Maritime Administration 1200 New Jersey Avenue, SE	20590
Caine	Owen	Self 1623 Potomac Avenue, SE	20003
Calderon	Giovanna Lorenza	Capital Area Immigrants' Rights (CAIR) Coalition 1612 K Street, NW, #204	20006
Carpenter	Astin	Mayor's Office on Returning Citizen Affairs 2100 Martin Luther King Jr. Avenue, SE, 100	20020
Cathey	Shurnell	Self (Dual) 719 Farragut Place, NE	20017
Choi	Wonmee	SunTrust Bank 2250 M Street, NW	20037
Coppari	Andrew	Bank of America	

D.C. Office of the Secretary  
 Recommendations for Appointments as DC Notaries Public

Effective: December 1, 2019  
 Page 3 of 6

		2001 Pennsylvania Avenue, NW	20006
Cox	Ann-Sofie	BAO Systems, LLC 2900 K Street, NW, Suite 507	20007
Crichlow	Ramona	DC Housing Authority 1133 North Capitol Street, NE	20002
Da Silva	Marco Aurelio Vilela	International Food Policy Research Institute 1201 I Street, NW	20005
Dean	Janice Y.	Self 3090 Stanton Road, SE, #201	20020
DeLong	Mailei Brown	Law Offices of Quinn O'Connell, Jr., PLLC 5100 Wisconsin Avenue, NW, Suite 515	20016
Dixon	Marlene Patricia	Child and Family Service Agency 200 I Street, SE, Suite 3035S	20003
Edge	Shannon	Love Funding 1250 Connecticut Avenue, NW, Suite 310	20036
Edwards	Audra Luan	Homer Law, Chartered 1730 Rhode Island Avenue, NW, Suite 501	20036
Freeman	Bendatu Angel	Capitol Hill Village 725 8th Street, SE	20003
Garcia	Nicholas	Charles Schwab 1845 K Street, NW	20006
Gavalek	Michelle A.	DT Global 1625 Eye Street, NW, Suite 200	20006
Goldenberg	Brian	Self 558 14th Street, SE, Apt. B	20003
Gravette	Natalie A.	StoneTurn 2099 Pennsylvania Avenue, NW, 6th Floor	20007
Guimaraes	Daniel Neves	Self 5174 Watson Street, NW	20016

D.C. Office of the Secretary  
Recommendations for Appointments as DC Notaries PublicEffective: December 1, 2019  
Page 4 of 6

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Hall	Malaika L.	TD Bank 605 14th Street, NW	20005
Harris	Avawntae Ricardo	Planet Depos 1100 Connecticut Avenue, NW, Suite 950	20036
Hayes	Pamela Renee'	Self (Dual) 1225 42nd Street, NE	20019
Hill	Desiree	KaBOOM! 4301 Connecticut Avenue, NW, LM-1	20008
Hudson	Janice M.	The George Washington University 800 21st Street, NW	20052
Hudson	LaTasha D.	Self (Dual) 1849 Good Hope Road, SE, #301	20020
Jackson Jr.	Richard	Self 1719 Gainesville Street, SE, Unit 201	20020
Johnson	Tyeshia Renee	Self 1809 18th Street, SE, #3	20020
Jones	Tanya Rafiah	HEP Construction 1227 Good Hope Road, SE, Suite 200	20020
Kyle	Jennifer	Trump International Hotel Washington, D.C. 1100 Pennsylvania Avenue, NW	20004
Locher	Jeanne L.	The Mayor's Office of Community Affairs 1350 Pennsylvania Avenue, NW, #332	20004
Lynch	Arvia	George Washington University 2000 Pennsylvania Avenue, NW, Suite 305	20006
Marketos	Denise	Denise Marketos 4722 46th Street, NW	20016
Marquardt	Peggy	Brand, Marquardt & Callahan, PLLC 1325 G Street, NW, Suite 500	20005
Marx	Paige Taylor	Marriott Vacation Club 1130 Connecticut Avenue, NW, Suite 700	20005

D.C. Office of the Secretary  
 Recommendations for Appointments as DC Notaries Public

Effective: December 1, 2019

Page 5 of 6

Matsko	Jessica L.	International Dairy Foods Association 1250 H Street, NW, Suite 900	20005
McAndrews	Daniel P.	Revolution Corporate Services Inc. 1717 Rhode Island Avenue, NW	20036
Megna	Joseph Michael	Self (Dual) 3603 10th Street, NW	20010
Moon	Taylor C.	International Republican Institute 1225 I Street, NW, Suite 800	20005
Ortiz	Jose A.	Td Bank 905 Rhode Island Avenue, NE	20018
Pham	Nguyet	Love Funding 1250 Connecticut Avenue, NW, Suite 310	20036
Pierre	Sebastien Hyppolite	Deputy Mayor's Office for Planning & Economic Development 1350 Pennsylvania Avenue, NW, Suite 317	20004
Powell	Angelia Sherise	Self (Dual) 2409 Naylor Road, SE	20020
Powell	Jody Christine	WhyHotel 810 7th Street, NE	20002
Ray	Nicole Allen	Self 1604 Lawrence Street, NE	20018
Rayman	Latchmin	Fairfield Inn & Suites 2305 New York Avenue, NE	20002
Roary	Booker Reginald	Mayor's Office of Talent and Appointments (MOTA) 1350 Pennsylvania Avenue, NW	20004
Shepard	Waynette Loveness	Search for Common Ground  1730 Rhode Island Avenue, NW, # 1101	20036
Shi	Starlin	Moneycorp, LTD 1747 Pennsylvania Avenue, NW, Suite 850	20006

D.C. Office of the Secretary  
Recommendations for Appointments as DC Notaries PublicEffective: December 1, 2019  
Page 6 of 6

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Smallwood	Barbara Lee	Morgan Stanley 1747 Pennsylvania Avenue, NW, Suite 700	20006
Stackhouse	Zoel Mareath	Executive Office of the Mayor 1350 Pennsylvania Avenue, NW	20004
Stanley- Thompson	LaDonna Marie	Self (Dual)  655 Raleigh Place, SE	20032
Strother	Tiara	The UPS Store 1835 7th Street, NW	20001
Thomas	Teshika Casandrea	Self (Dual) 121 35th Street, NE, #4	20019
Tran	Chau	Department of For-Hire Vehicles 2235 Shannon Place, SE, Suite 3001	20001
Trapkin	Max J.	Fidelity National Title Insurance Company 1620 L Street, NW, 4th Floor	20036
Wert	Andrew Michael	Planet Depos 1100 Connecticut Avenue, NW, Suite 950	20036
Wesely	Penelope Elizabeth	Footnote Title Group/Varus Title 718 7th Street, NW	20001
White	Barbara Johnson	Self 2701 17th Street, NE	20018
White	Quantina	Authentique 1750 Pennsylvania Avenue, NW, Suite 28014	20038

**DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY**

**BOARD OF DIRECTORS**

**NOTICE OF PUBLIC MEETING**

**Governance Committee**

The Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) Governance Committee will be holding a meeting on Wednesday, November 13, 2019 at 9:00 a.m. The meeting will be held in the Board Room (2<sup>nd</sup> floor) at 1385 Canal Street, S.E. (use 125 O Street, S.E. for directions), Washington, D.C. 20003. Below is the draft agenda for this meeting. A final agenda will be posted to DC Water’s website at [www.dcwater.com](http://www.dcwater.com).

For additional information, please contact Linda R. Manley, Board Secretary at (202) 787-2332 or [linda.manley@dcwater.com](mailto:linda.manley@dcwater.com).

**DRAFT AGENDA**

- |  |                       |
|--|-----------------------|
| 1. Call to Order                         | Committee Chairperson |
| 2. Emerging Issues                       | Committee Chairperson |
| 3. Agenda for Upcoming Committee Meeting | Committee Chairperson |
| 4. Executive Session                     | Committee Chairperson |
| 5. Adjournment                           | Committee Chairperson |

**BOARD OF ZONING ADJUSTMENT  
PUBLIC MEETING NOTICE  
WEDNESDAY, OCTOBER 30, 2019  
441 4<sup>TH</sup> STREET, N.W.  
JERRILY R. KRESS MEMORIAL HEARING ROOM, SUITE 220-SOUTH  
WASHINGTON, D.C. 20001**

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

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

**WARD SIX**

19507A      **Application of 1005 FIRST, LLC**, pursuant to 11 DCMR Subtitle Y §  
ANC 6C      703, for a modification of consequence to the plans approved in BZA  
Order No. 19507, to permit an increase in the number of units from 460 to  
500 residential units, in a mixed-use project consisting of hotel, residential  
and retail uses in the D-5 Zone at premises 1005 First Street, N.E. (Square  
713, Lot 53).

**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, distinctly, or uniquely affected by the proposed zoning action than other persons in the general public. **Persons seeking party status shall file with the Board, not less than 14 days prior to the date set for the hearing, a Form 140 – Party Status Application Form.**\* This form may be obtained from the Office of Zoning at the address stated below or downloaded from the Office of Zoning's website at: [www.dcoz.dc.gov](http://www.dcoz.dc.gov). All requests and comments should be submitted to the Board through the Director, Office of Zoning, 441 4<sup>th</sup> Street, NW, Suite 210, Washington, D.C. 20001. Please include the case number on all correspondence.

BZA PUBLIC MEETING NOTICE

OCTOBER 30, 2019

PAGE NO. 2

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

የሚገባዎትበት ጊዜ ለማግኘት ይረዳል?  
የተጨማሪ ጥያቄዎችን ወይንም የተጨማሪ ጥያቄዎች (የተጨማሪ ጥያቄዎች)  
የተጨማሪ ጥያቄዎች ለማግኘት ይረዳል ወይንም የተጨማሪ ጥያቄዎች (202) 727-  
0312 ለማግኘት ይረዳል [Zelalem.Hill@dc.gov](mailto:Zelalem.Hill@dc.gov) ለማግኘት ይረዳል ወይንም የተጨማሪ ጥያቄዎች

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](mailto: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](mailto: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](mailto:Zelalem.Hill@dc.gov) 로 이메일을 주시기 바랍니다. 이와 같은 서비스는 무료로 제공됩니다.

Spanish

¿Necesita ayuda para participar?



BZA PUBLIC MEETING NOTICE

OCTOBER 30, 2019

PAGE NO. 3

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](mailto: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](mailto: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**  
**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**

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA  
ZONING COMMISSION ORDER NO. 02-26D**

**Z.C. Case No. 02-26D**

**George Washington University**

**(Modification of Consequence to Campus Plan @ 2301 G Street N.W. (Square 42, Lot 55))**

**September 23, 2019**

Pursuant to notice, at its September 23, 2019 public meeting the Zoning Commission for the District of Columbia (the “Commission”) considered the application (the “Application”) of George Washington University (“GW”) for a Modification of Consequence to modify Condition No. 3 of Z.C. Order No. 02-26C, the latest of a series of modifications of a Campus Plan originally approved by Board of Zoning Adjustment (“BZA”) Order No. 16276, for Lot 55 in Square 42, with a street address of 2301 G Street N.W. (the “Property”). The Commission reviewed the Application pursuant to the Commission’s Rules of Practice and Procedures, which are codified in Subtitle Z of Title 11 of the District of Columbia Municipal Regulations (the “Zoning Regulations”, to which all subsequent citations refer unless otherwise specified). For the reasons stated below, the Commission **APPROVES** the Application.

**FINDINGS OF FACT**

**Background**

1. By BZA Order No. 16726, the BZA approved special exceptions for the construction of the Lerner Health and Wellness Center (the “Center”) and for its use by GW students, faculty, and staff.
2. By Z.C. Order 02-26 (effective December 24, 2004), the Commission expanded the approved users of the Center to include students, faculty, and staff at GW’s Mount Vernon Campus, GW’s Board of Trustees, and students at the School Without Walls, a D.C. public school within the boundaries of GW’s Foggy Bottom Campus (the “Initial Expanded Use Groups”). The use by the Initial Expanded Use Groups was authorized for a period of three years.
3. By Z.C. Order 02-26A (effective February 8, 2008), the Commission further expanded the Center’s use by up to 300 persons residing in St. Mary’s Court or the Remington Condominiums or belonging to St. Mary’s Episcopal Church as well as GW alumni residing in the Foggy Bottom/West End area (the “Additional Expanded Use Groups”). Condition No. 3 of Order No. 02-26A authorized use by both the Initial and Additional Expanded Use Groups for a period of five years.
4. By Z.C. Order 02-26B (effective June 7, 2013), the Commission approved a one-year extension of Z.C. Order No. 02-26A’s approval of the Initial and Additional Expanded User Groups.
5. By Z.C. Order No. 02-26C (effective September 12, 2014), the Commission modified the conditions of Z.C. Order 02-26A as summarized below:

**Condition No. 1:** Permitted permanent use of the Center by the Initial and Additional Expanded Use Groups.

**Condition No. 2:** Approved a “Third Expanded Use Group” that included:

- a. Residents of zip codes 20006 and 20037, to a maximum of 150 permitted memberships, with an additional 100 memberships during the summer academic breaks (for a total of 250 memberships during the summer);
- b. Athletic competitions drawing a limited number of non-GW users as competitors, and with limited spectators;
- c. Periodic/short-term events catering to the GW community, neighbors and/or other non-GW participants that would otherwise be on the campus for mission-related purposes; and
- d. Persons using GW housing facilities during the summer term.

**Condition No. 3:** Limited the approval of the Third Expanded Use Group to a period of five years, ending September 12, 2019.

### **Parties**

6. The only party to the Z.C Case No. 02-26C and the earlier approvals, other than GW, was Advisory Neighborhood Commission (“ANC”) 2A, the “affected” ANC pursuant to Subtitle Z § 101.8.

### **The Application**

7. On July 12, 2019, GW filed the Application requesting a Modification of Consequence to authorize a modification to Condition No. 3 of Z.C. Order No. 02-26C to extend the approval of the use of the Center by the Third Expanded Use Groups through December 31, 2020.
8. The Application explained that GW intends to use this extended time period to discuss the use of the Center with the surrounding community, the ANC, and the Campus Plan Advisory Committee and will return to the Commission at the end of that review to address the appropriate use of the Center going forward.
9. On July 12, 2019, GW served the Application on ANC 2A, the Office of Planning (“OP”), the West End Citizens Association, and the Foggy Bottom Association, as attested by the Certificate of Service submitted with the Application. (Exhibit [“Ex.”] 1.)
10. OP submitted a report dated September 11, 2019, stating no objection to the Application being considered as a Modification of Consequence and recommending approval of the Application (the “OP Report”). (Ex. 3.)
11. ANC 2A submitted a written report stating that at its duly noticed public meeting of September 18, 2019, at which a quorum was present, ANC 2A voted to support the Application (the “ANC Report”). (Ex. 4.)

**CONCLUSIONS OF LAW**

1. Subtitle Z § 703.1 authorizes the Commission, in the interest of efficiency, to make Modifications of Consequence to final orders and plans without a public hearing.
2. Subtitle Z § 703.3 defines a Modification of Consequence as “a modification to a contested case order or the approved plans that is neither a minor modification nor a modification of significance”.
3. Subtitle Z § 703.4 includes “a proposed change to a condition in the final order” and “a redesign or relocation of architectural elements” as examples of Modifications of Consequence.
4. The Commission concludes that GW satisfied the requirement of Subtitle Z § 703.13 to serve the Application on all parties to the original proceeding, in this case ANC 2A.
5. The Commission concludes that the Application qualifies as a Modification of Consequence within the meaning of Subtitle Z §§ 703.3 and 703.4, as a request to modify Condition No. 3 approved by Z.C. Case No. 02-26C, and therefore can be granted without a public hearing pursuant to Subtitle Z § 703.17(c)(2).
6. The Commission concludes that because ANC 2A, the only party other than GW to the Application, had filed a response to the Application, the requirement of Subtitle Z § 703.17(c)(2) to provide a timeframe for responses by all parties to the original proceeding had been met, and therefore the Commission could consider the merits of the Application at its September 23, 2019 public meeting.
7. The Commission finds that the modification proposed by the Application is consistent with the approved Campus Plan because the modification to the condition does not change any of the material facts upon which the Commission based its original approval, and merely extends the duration of the Commission’s prior approval in Z.C. Order No. 02-26C.

**“Great Weight” to the Recommendations of OP**

8. D.C. Official Code § 6-623.04 (2018 Repl.) and Subtitle Z § 405.8 require the Commission to give “great weight” to the recommendations contained in the OP Report.
9. The Commission notes OP’s lack of objection to the Application being considered as a Modification of Consequence and finds persuasive OP’s recommendation that the Commission approve the Application and concurs in that judgment.

**“Great Weight” to the Written Report of the ANC**

10. D.C. Official Code § 1-309.10(d)(3)(A) (2012 Repl.) and Subtitle Z § 406.2 require the Commission to give “great weight” to the issues and concerns contained in the written report of an affected ANC. To satisfy this great weight requirement, District agencies must articulate with particularity and precision the reasons why an affected ANC does or

does not offer persuasive advice under the circumstances. The District of Columbia Court of Appeals has interpreted the phrase “issues and concerns” to “encompass only legally relevant issues and concerns.” *Wheeler v. District of Columbia Board of Zoning Adjustment*, 395 A.2d 85, 91 n.10 (1978).

11. The Commission finds the ANC Report’s support for the Application persuasive and concurs in that judgment.

### DECISION

In consideration of the case record and the Findings of Fact and Conclusions of Law herein, the Commission concludes that GW has satisfied its burden of proof and therefore **APPROVES** the Applicant’s request for a Modification of Consequence to revise Condition No. 3 of Z.C. Case No. 02-26C.

The conditions in Z.C. Order 02-26C remain unchanged and in effect, except that Condition No. 3 is hereby revised as follows (deletions shown in **bold** and ~~strikethrough~~ text; additions shown in **bold** and underlined text):

3. Approval of the expanded categories of membership enumerated in Condition 2 shall be effective ~~for five years from the effective date of Z.C. Order No. 02-26C~~ until December 31, 2020.

**VOTE (September 23, 2019):** **5-0-0** (Peter A. Shapiro, Anthony J. Hood, Robert E. Miller, Peter G. May, and Michael G. Turnbull to **APPROVE**).

In accordance with the provisions of Subtitle Z § 604.9 of the Zoning Regulations, this Order 02-26D shall become final and effective upon publication in the *DC Register*; that is, on October 25, 2019.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 ET SEQ. (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA****ZONING COMMISSION ORDER NO. 02-38I(1)****Z.C. Case No. 02-38I(1)****Waterfront 375 M Street, LLC and Waterfront 425 M Street, LLC****(Technical Correction to Z.C. Order No. 02-38I – Second-Stage PUD and Modification of Significance @ Square 542, Lots 825 and 826)****September 23, 2019**

Pursuant to notice, the Zoning Commission for the District of Columbia (the “Commission”) held a public meeting on September 23, 2019 and considered a request by Waterfront 375 M Street, LLC and Waterfront 425 M Street, LLC (the “Applicant”) for a technical correction (the “Application”) to Z.C. Order No. 02-38I (the “02-38I Order”) that approved a second-stage planned unit development (“PUD”) and a modification of significance to an approved first-stage PUD for property located at Square 542, Lots 825 and 826 (the “Property”). The Commission reviewed the Application pursuant to the Commission’s Rules of Practice and Procedures, which are codified in Subtitle Z of Title 11 of the District of Columbia Municipal Regulations (the “Zoning Regulations,” to which all subsequent citations refer unless otherwise specified). For the reasons stated below, the Commission **APPROVES** the Application, subject to the conditions below.

**FINDINGS OF FACT****Background**

1. Pursuant to the 02-38I Order, the Commission approved a second-stage PUD and a modification of significance of the PUD on the Property, effective January 18, 2019 (the “02-38I PUD”).

**Parties**

2. The only parties to Z.C Case No. 02-38I, other than the Applicant, were Advisory Neighborhood Commission (“ANC”) 6D, the “affected” ANC pursuant to Subtitle Z § 101.8 and the Waterfront Tower Condominium Board.

**The Application**

3. On August 16, 2019, the Applicant filed the Application requesting a technical correction to the 02-38I Order to revise Decision E.2 to replace the final reference to the “West M Building” with “East M Building.”
4. The Applicant requested the technical correction to correct an error in the 02-38I Order that required the filing of a building permit application for the West M Building within three years of the first certificate of occupancy for the “West M Building” – the same building. The Applicant asserted that the intent of the condition was instead to ensure that the building permit application for the West M Building be filed within three years of the first certificate of occupancy for the East M Building, which the 02-38I Order required to be built first.

5. The Applicant served the Application on August 16, 2019 to ANC 6D, Waterfront Tower Condominium Board, Tiber Island Cooperative Homes, Inc., and Carrollsburg Square Condominium, as well as the Office of Planning (“OP”), as attested by the Certificate of Service submitted with the Application. (Exhibit [“Ex.”] 2.)
6. ANC 6D submitted a written report dated September 15, 2019, stating no objections to the Application and recommending that the Commission approve the Application. (Ex. 5.)
7. OP submitted a report dated September 13, 2019, stating no objection to the Application being considered as a technical correction and recommending approval of the Application, as it would ensure that the implementation of the 02-38I PUD conformed with the original intent of the Applicant and the Commission in approving the 02-38I PUD. (Ex. 3.)

### CONCLUSIONS OF LAW

1. Subtitle Z § 703.1 authorizes the Commission, in the interest of efficiency, to make technical corrections to final orders and approved plans without a public hearing.
2. The Commission concludes that the Applicant satisfied the requirement of Subtitle Z § 703.13 to serve the Application on all parties to Z.C. Case No. 02-38I, in this case ANC 6D, Waterfront Tower Condominium Board, Tiber Island Cooperative Homes, Inc., and Carrollsburg Square Condominium.
3. The Commission concludes that the Application qualifies as a technical correction within the meaning of Subtitle Z § 703.1, as a request that did not change the material facts upon which the Commission had based its approval of the 02-38I PUD.
4. The Commission concludes that the requested technical correction – to replace “West M Building” with “East M Building” – will not change the Commission’s approval of the 02-38I PUD and will instead correct an inadvertent error to ensure that the 02-38I Order is implemented as intended.
5. The Commission concludes that the technical correction proposed by the Application is consistent with the 02-38I PUD because the Application does not change the project amenities or public benefits of the 02-38I PUD, nor create unacceptable impacts, and is not inconsistent with the Comprehensive Plan.

### “Great Weight” to the Recommendations of OP

6. D.C. Official Code § 6-623.04 (2018 Repl.) and Subtitle Z § 405.8 require the Commission to give “great weight” to the recommendations contained in the OP Report.

7. The Commission found OP's recommendations that the Application be considered a Technical Correction and that the Commission approve the Application persuasive and concurred in that judgment.

**“Great Weight” to the Written Report of the ANC**

8. D.C. Official Code § 1-309.10(d)(3)(A) (2012 Repl.) and Subtitle Z §406.2 require the Commission to give “great weight” to the issues and concerns contained in the written report of an affected ANC. To satisfy this great weight requirement, District agencies must articulate with particularity and precision the reasons why an affected ANC does or does not offer persuasive advice under the circumstances. The District of Columbia Court of Appeals has interpreted the phrase “issues and concerns” to “encompass only legally relevant issues and concerns.” (*Wheeler v. District of Columbia Board of Zoning Adjustment*, 395 A.2d 85, 91 n.10 (1978).)
9. The Commission found the ANC Report's recommendation that the Commission approve the Application persuasive and concurred in that judgment.

**DECISION**

In consideration of the case record and the Findings of Fact and Conclusions of Law herein, Z.C. Order No. 02-38I, and its conditions, remain unchanged, except that Decision No. E.2 is revised to read as follows (deletions shown in **bold** and ~~striketrough~~ text; additions shown in **bold** and underlined text):

- E.2. Approval of the East M Building shall be valid for a period of two years from the effective date of Z.C. Orders No. 02-38I. Within that time, the Applicant shall file for a building permit for the East M Building, and shall begin construction of the East M Building within three years of the effective date of Z.C. Order No. 02-38I. If either of these deadlines are missed, the approvals of the East M and West M Buildings shall expire. If both deadlines are met, approval of the West M Building shall be valid for a period of two years following issuance of the first certificate of occupancy for the East M Building. Within that time, the Applicant shall file for a building permit for the West M Building, and shall begin construction of the West M Building within three years of issuance of the first certificate of occupancy for the ~~West~~ East M Building.

**VOTE (September 23, 2019):** **5-0-0** (Peter G. May, Peter A. Shapiro, Anthony J. Hood, Robert E. Miller, and Michael G. Turnbull to **APPROVE**).

In accordance with the provisions of Subtitle Z § 604.9, this Order No. 02-38I(1) shall become final and effective upon publication in the *D.C. Register*; that is, on October 25, 2019.



IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 ET SEQ. (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA  
ZONING COMMISSION ORDER NO. 06-04I**

**Z.C. Case No. 06-04I**

**Florida & Q Street LLC**

**(Modification of Consequence of PUD and Related Map Amendment  
@ 1600 North Capitol Street, N.W. (Lot 48 in Square 3100))**

**September 23, 2019**

Pursuant to notice, at its September 23, 2019, public meeting, the Zoning Commission for the District of Columbia (the "Commission") considered the application (the "Application") of Florida & Q Street LLC (the "Applicant") for a Modification of Consequence to Condition Nos. 1 and 12 of Z.C. Order No. 06-04 (the "Original Order") that had approved a planned unit development (a "PUD"), as modified by Z.C. Order Nos. 06-04C and 06-04E, for Lot 48 in Square 3100, with a street address of 1600 North Capitol Street N.W. (the "Property"). The Commission reviewed the Application pursuant to the Commission's Rules of Practice and Procedures, which are codified in Subtitle Z of Title 11 of the District of Columbia Municipal Regulations (the "Zoning Regulations", to which all subsequent citations refer unless otherwise specified). For the reasons stated below, the Commission **APPROVES** the Application.

**FINDINGS OF FACT**

**Background**

1. Pursuant to the Original Order, the Commission granted the Applicant consolidated PUD approval for the Property, together with a map amendment from the C-2-A to the C-2-B zone district to permit the construction of a new mixed-use building (the "Approved PUD").
2. In Z.C. Order Nos. 06-04A, 06-04B, and 06-04D, the Commission approved time extensions for the period of time in which the Applicant was required to file for a building permit.
3. In Z.C. Order No. 06-04C, the Commission approved a modification to Condition Nos. 1-9 and 12 of the Approved PUD. The modification of Condition No. 1 reflected changes to the approved plans.
4. In Z.C. Order No. 06-04E the Commission approved a minor modification to the Approved PUD plans to revise the penthouse design and rooftop elements.
5. In Z.C. Order Nos. 06-04F, 06-04G, and 06-04H, the Commission granted three time extensions for the time in which the Applicant was required to begin construction of the PUD. The Applicant is now required to begin construction no later than June 15, 2021.
6. On July 26, 2018, the Historic Preservation Review Board ("HPRB") voted to establish the Bloomingdale Historic District (the "Historic District") which went into effect on

September 9, 2018. The PUD is located within the Historic District and is therefore subject to historic review by HPRB.

7. The Applicant provided evidence that it submitted the project to HPRB for review at its public meeting of March 7, 2019. HPRB found the design to be generally compatible with the character of the Historic District but suggested a number of design refinements be made prior to final approval. (Exhibits ["Ex. "] 1E-1G)
8. The Applicant provided evidence that it submitted revised plans that HPRB found to be responsive to its comment, and that HPRB subsequently voted to approve at its May 23, 2019 public meeting. (Ex. 1H-1J.)

### **Parties**

9. The only party to the Z.C Case No. 06-04 other than the Applicant was Advisory Neighborhood Commission ("ANC") 5E, the "affected" ANC pursuant to Subtitle Z § 101.8.

### **The Application**

10. On June 21, 2019, the Applicant filed the Application requesting a Modification of Consequence to authorize a modification to Condition No. 1 of Z.C. Order No. 06-04C, to authorize changes to the Approved PUD plans in order to harmonize the previously approved plans with the design changes approved by HPRB. These changes include:
  - a. A simplified crown element on the central tower (Sheet-2.1A);
  - b. Lowering of the belt course at the second floor to the first floor (Sheet A-2.1A);
  - c. Elimination of the continuous belt courses at the fifth and sixth levels (Sheet A-2.1A);
  - d. Coloration of the sixth floor and projecting bays modified to warmer earth tones (Sheet A-2.1A);
  - e. Recessed projecting corners at the penthouse level, (along central cylinder and a reduced parapet height to 3 feet 6 inches from the height of the main roof (Sheets A-3.7A, A3.8A)
  - f. Introduction of at-risk windows on side elevations (Sheet A-2.3A); and
  - g. Painting of the garage door to match brickwork banding (Sheet A-2.2A). (Ex. 1K1-1K2.)
11. The Application also seeks a modification to Condition No. 12(a)(vii) of Z.C. Order No. 06-04C to modify the purpose of the contribution made to the Eckington Civic Association ("ECA") to include public space activation and beautification activities, per the request of the ECA.
12. The Applicant provided evidence that on June 21, 2019 it properly served the Application to ANC 5E, the Office of Planning ("OP"), the ECA, and the Bloomingdale Civic Association, as attested by the Certificate of Service submitted with the Application. (Ex. 1.)
13. OP submitted a report dated July 12, 2019 stating no objection to the Application being considered as a Modification of Consequence and recommending approval of the

Application (the “OP Report”). (Ex. 4.) The OP Report noted that the proposed design changes had already been subject to a public hearing through the HPRB review process.

14. ANC 5E submitted a written report stating that at its duly noticed public meeting of September 17, 2019, at which a quorum was present, ANC 5E voted to support the Application (the “ANC Report”). (Ex. 5.)

### **CONCLUSIONS OF LAW**

1. Subtitle Z § 703.1 authorizes the Commission, in the interest of efficiency, to make Modifications of Consequence to final orders and plans without a public hearing.
2. Subtitle Z § 703.3 defines a Modification of Consequence as “a modification to a contested case order or the approved plans that is neither a minor modification nor a modification of significance”.
3. Subtitle Z § 703.4 includes “a proposed change to a condition in the final order” and “a redesign or relocation of architectural elements” as examples of Modifications of Consequence.
4. The Commission concludes that the Applicant satisfied the requirement of Subtitle Z § 703.13 to serve the Application on all parties to the original proceeding, in this case ANC 5E.
5. The Commission concludes that the Application qualifies as a Modification of Consequence within the meaning of Subtitle Z §§ 703.3 and 703.4, as a request to modify a condition and to redesign the architectural elements approved by the Original Order, and therefore can be granted without a public hearing pursuant to Subtitle Z § 703.17(c)(2).
6. The Commission concludes that because ANC 5E, the only party other than the Applicant to the Approved PUD, had filed a response to the Application, the requirement of Subtitle Z § 703.17(c)(2) to provide a timeframe for responses by all parties to the original proceeding had been met, and therefore the Commission could consider the merits of the Application at its September 23, 2019 public meeting.
7. The Commission finds that the modification proposed by the Application is consistent with the Approved PUD because the proposed design changes are responsive to the concerns of HPRB and are consistent with the Commission’s original approval and because the Commission also concludes that the proposed changes to Condition No. 12(a)(vii) do not change either the recipient of the proposed donation nor the amount.

### **“Great Weight” to the Recommendations of OP**

8. D.C. Official Code § 6-623.04 (2018 Repl.) and Subtitle Z § 405.8 require the Commission to give “great weight” to the recommendations contained in the OP Report.

9. The Commission notes OP's lack of objection to the Application being considered as a Modification of Consequence and finds persuasive OP's recommendation that the Commission approve the Application and concurs in that judgment.

**“Great Weight” to the Written Report of the ANC**

10. D.C. Official Code § 1-309.10(d)(3)(A) (2012 Repl.) and Subtitle Z §406.2 require the Commission to give “great weight” to the issues and concerns contained in the written report of an affected ANC. To satisfy this great weight requirement, District agencies must articulate with particularity and precision the reasons why an affected ANC does or does not offer persuasive advice under the circumstances. The District of Columbia Court of Appeals has interpreted the phrase “issues and concerns” to “encompass only legally relevant issues and concerns.” *Wheeler v. District of Columbia Board of Zoning Adjustment*, 395 A.2d 85, 91 n.10 (1978).
11. The Commission finds the ANC Report's support for the Application persuasive and concurs in that judgment.

**DECISION**

In consideration of the case record and the Findings of Fact and Conclusions of Law herein, the Commission concludes that the Applicant has satisfied its burden of proof and therefore **APPROVES** the Applicant's request for a Modification of Consequence to revise the plans approved by and Condition Nos. 1 and 12(a)(vii) of Z.C. Case No. 06-04, as modified by Z.C. Case Nos. 06-04C and 06-04E.

The conditions in Z.C. Order No.06-04, as modified by Z.C. Order Nos. 06-04C and 06-4E, now in effect, remain unchanged, except that Condition Nos. 1 and 12(a)(vii) are hereby amended and restated as follows (deletions shown in **bold** and ~~strikethrough~~ text; additions shown in **bold** and underlined text):

1. The PUD shall be developed in accordance with the plans prepared by Bonstra Haresign Associates, dated September 13, 2013, ~~at and marked as~~ Exhibit No. 18A1-18A6 of the record in Z.C. Case No. 06-04C (the “Plans”), as modified by:
- the plans prepared by Bonstra Haresign Associates, dated May 12, 2015, at Ex. 1G in Z.C. Case No. 06-04E;
  - the plans prepared by Bonstra Haresign Associates, dated June 7, 2019, at Ex. 1K1-1K2, Sheets A-2.1A, A-2.2A, A-2.3A, A-3.7A, and A-3.8A in Z.C. Case No. 06-04I; and
  - the guidelines, conditions, and standards herein.
- 12.a.vii. \$6,600 to the Eckington Civic Association for the ~~purchase of equipment and materials necessary~~ **development and maintenance of** ~~develop~~ a neighborhood website and/or a community newsletter, as well as for ~~the creation of~~ a funds to assist seniors with quality-of-life issues, **including snow shoveling and other**

**one-time needs, and for efforts to beautify and activate public space in Eckington, including the creation of an entity to support local parks and arts.**

**VOTE (September 23, 2019):** 5-0-0 (Michael G. Turnbull, Anthony J. Hood, Robert E. Miller, Peter A. Shapiro, and Peter G. May to **APPROVE**).

In accordance with the provisions of Subtitle Z § 604.9 of the Zoning Regulations, this Order No. 06-04I, shall become final and effective upon publication in the *DC Register*; that is, on October 25, 2019.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA**  
**ZONING COMMISSION ORDER NO. 06-46E**  
**Z.C. Case No. 06-46E**  
**1250 Half Street Residential PJV, LLC**  
**(Modification of Consequence of Design Review**  
**@ 1250 Half Street, S.E. [Lots 857, 858, and 859 in Square 701])**  
**September 23, 2019**

Pursuant to notice, at its September 23, 2019 public meeting, the Zoning Commission for the District of Columbia (the “Commission”) considered the application (the “Application”) of 1250 Half Street Residential PJV, LLC (the “Applicant”) for a Modification of Consequence to the conditions and approved plans of a design review project originally approved by Z.C. Order No. 06-46 (the “Original Order”), as modified by Z.C. Order Nos. 06-46A through 06-46D, for Lots 857-859 in Square 702, with a street address of 1250 Half Street, S.E. (the “Property”). The Commission reviewed the Application pursuant to the Commission’s Rules of Practice and Procedures, which are codified in Subtitle Z of Title 11 of the District of Columbia Municipal Regulations (the “Zoning Regulations”, to which all subsequent citations refer unless otherwise specified). For the reasons stated below, the Commission **APPROVES** the Application.

**FINDINGS OF FACT**

**Background**

1. Pursuant to the Original Order, the Commission granted the Applicant overlay review approval for Lots 857, 858, and 859 in Square 701 (the “Approved Project”). The Approved Project authorized the construction of a mixed-use development of two buildings: the north building (“North Building”) containing office and retail uses and the south building (“South Building”) containing hotel, retail and residential uses.
2. In Z.C. Order No. 06-46A the Commission approved a modification of the Approved Project to permit:
  - a. Design changes to the plans for the Approved Project;
  - b. Reallocation of the total gross floor area (“GFA”) between the various use categories; and
  - c. Modification of Conditions Nos. 1-5, 7-9, 12-13, 15-17, and 19 of the Original Order.
3. In Z.C. Order No. 06-46B, the Commission approved further modifications to the South Building, including modifications to the approved plans, as well as additional and changed conditions. The Commission also approved related variances and special exceptions.
4. In Z.C. Order No. 06-46C, the Commission approved a Minor Modification to the South Building to permit the addition of penthouse habitable space and related design modifications.

5. In Z.C. Order No. 06-46D, the Commission approved a Modification of Consequence to the South Building to:
  - a. Permit a bowling alley as part of an eating and drinking establishment use;
  - b. Permit modifications to the building façades and materials; and
  - c. Make modifications to the design of Monument Place (a pedestrian thoroughfare located between the mixed-use building and the office building to the north).
6. In Z.C. Order No. 06-46D, the Commission also approved further modifications to the South Building façade and signage plans previously modified by Z.C. Order No. 06-46B. The initial plans submitted in Z.C. Case No. 06-46D included digital signage. (Z.C. Case No. 06-46D, Exhibit [“Ex”] 2C). In response to Advisory Neighborhood Commission (“ANC”) 6D’s report in that case expressing concerns with the proposed digital signage, the Commission requested that the Applicant remove the digital signage from the final plans, to which the Applicant agreed. (Z.C. Case No. 06-46D, Ex. 12, 14.)

### **Parties**

7. The only party to the Z.C Case No. 06-46E, other than the Applicant was ANC 6D, the “affected” ANC pursuant to Subtitle Z § 101.8.

### **The Application**

8. On August 29, 2019, the Applicant filed the Application requesting a Modification of Consequence to authorize modifications to the plans approved by Z.C. Order No. 06-46D to add one (1) static illuminated sign and two digital signs on the South Building at the corner of Half Street and N Street S.E. (Ex. 1 and 1A.)
9. The Applicant provided evidence that on August 29, 2019 it served the Application on ANC 6D and the Office of Planning (“OP”), as attested by the Certificate of Service submitted with the Application. (Ex. 1.)
10. OP submitted a report dated September 13, 2019 stating no objection to the Application being considered as a Modification of Consequence and recommending approval of the Application (the “OP Report,” Ex. 5). The OP Report noted that the proposed signs would be consistent with the Original Order, the intent of CG-4 Zone, and the Nationals Park and Ballpark District Designated Entertainment Area Signage Regulations Amendment Act of 2016 (the “Signage Act”).
11. ANC 6D submitted a written report stating that at its duly noticed public meeting of July 15, 2019, at which a quorum was present, ANC 6D voted not to oppose the Application (the “ANC Report”). (Ex. 4.) The ANC Report noted the ANC’s general opposition to the Signage Act and raised concerns about the aesthetic and safety impacts of the proposed digital signage.



**CONCLUSIONS OF LAW**

1. Subtitle Z § 703.1 authorizes the Commission, in the interest of efficiency, to make Modifications of Consequence to final orders and plans without a public hearing.
2. Subtitle Z § 703.3 defines a Modification of Consequence as “a modification to a contested case order or the approved plans that is neither a minor modification nor a modification of significance”.
3. Subtitle Z § 703.4 includes “a proposed change to a condition in the final order” and “a redesign or relocation of architectural elements” as examples of Modifications of Consequence.
4. The Commission concludes that the Applicant satisfied the requirement of Subtitle Z § 703.13 to serve the Application on all parties to the original proceeding, in this case ANC 6D.
5. The Commission concludes that the Application qualifies as a Modification of Consequence within the meaning of Subtitle Z §§ 703.3 and 703.4, as a request to modify the conditions and architectural elements approved by the Original Order, as modified by Z.C. Order Nos. 06-46A through 06-46D, and therefore can be granted without a public hearing pursuant to Subtitle Z § 703.17(c)(2).
6. The Commission concludes that because ANC 6D, the only party other than the Applicant to the Approved PUD, had filed a response to the Application, the requirement of Subtitle Z § 703.17(c)(2) to provide a timeframe for responses by all parties to the original proceeding had been met, and therefore the Commission could consider the merits of the Application at its September 23, 2019 public meeting.
7. The Commission finds that the Application is consistent with the Approved Project, as authorized by the Original Order as modified by Z.C. Order Nos. 06-46A through 06-46D because the modification is minimal and does not change the Approved Project’s compliance with the design review criteria. Further the Commission concludes that the proposed signs are consistent with the intent of the Capitol Gateway Zone in which the Property is located and with the intent and requirements of the Signage Act.

**“Great Weight” to the Recommendations of OP**

8. D.C. Official Code § 6-623.04 (2018 Repl.) and Subtitle Z § 405.8 require the Commission to give “great weight” to the recommendations contained in the OP Report.
9. The Commission notes OP’s lack of objection to the Application being considered as a Modification of Consequence and finds persuasive OP’s recommendation that the Commission approve the Application and therefore concurs in that judgment.

**“Great Weight” to the Written Report of the ANC**

10. D.C. Official Code § 1-309.10(d)(3)(A) (2012 Repl.) and Subtitle Z §406.2 require the Commission to give “great weight” to the issues and concerns contained in the written report of an affected ANC. To satisfy this great weight requirement, District agencies must articulate with particularity and precision the reasons why an affected ANC does or does not offer persuasive advice under the circumstances. The District of Columbia Court of Appeals has interpreted the phrase “issues and concerns” to “encompass only legally relevant issues and concerns.” *Wheeler v. District of Columbia Board of Zoning Adjustment*, 395 A.2d 85, 91 n.10 (1978).
11. Commissioner May noted that the ANC was opposed to the underlying Signage Act and that the ANC did raise a number of valid concerns regarding the impact of illuminated and digital signage on residents of the area. However, Commissioner May also noted that these concerns with the Signage Act were ultimately beyond the scope of the Commission’s review.
12. The Commission concluded that, while the ANC did raise legitimate concerns regarding signage generally, it had ultimately voted not to oppose the Application. The Commission found this lack of opposition persuasive and concurs in that judgement.

### DECISION

In consideration of the case record and the Findings of Fact and Conclusions of Law herein, the Commission concludes that the Applicant has satisfied its burden of proof and therefore **APPROVES** its request for a Modification of Consequence to revise the plans approved by Z.C. Order Nos. 06-46 through 06-46D and Condition No. 2 therein in accordance with the plans in the case record of Z.C. Case No. 06-46E at Ex. 1A.

The conditions in Z.C. Order Nos. 06-46 through 06-46D now in effect, remain unchanged, except that Condition No. 2 as stated or incorporated in these orders, is hereby revised to read as follows (deletions shown in **bold** and ~~strikethrough~~ text; additions shown in **bold** and underlined text):

2. The project shall be built in accordance with the Architectural Plans and Elevations, marked "Exhibit A" in the post-hearing filing, dated January 25, 2007, at ~~and marked~~ Exhibit 33 in ~~the record of the case~~ Z.C. Case No. 06-46 as modified by:
  - the Architectural Plans and Elevations dated January 7, 2008, at Exhibit 7 in Z.C. Case 06-46A;
  - the Architectural Plans and Elevations dated June 15, 2015, at Exhibit 22 in Z.C. Case 06-46B;
  - the Architectural Plans and Elevations dated May 11, 2016, at Exhibit 2B in Z.C. Case 06-46C;
  - the Architectural Plans and Elevations dated June 12, 2017, at Exhibit 12 in Z.C. Case 06-46D;
  - the Architectural Plans and Elevations dated August 29, 2019, at Exhibit 1A in Z.C. Case 06-46E; and

-      the guidelines, conditions, and standards below.

**VOTE September 23, 2019:**            **5-0-0** (Anthony J. Hood, Robert E. Miller, Peter A. Shapiro, Peter G. May, and Michael G. Turnbull to **APPROVE**).

In accordance with the provisions of Subtitle Z § 604.9 of the Zoning Regulations, this Order No. 06-46E shall become final and effective upon publication in the *DC Register*; that is, on October 25, 2019.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA**  
**ZONING COMMISSION ORDER NO. 11-15I**  
**Z.C. Case No. 11-15I**  
**Howard University**  
**(Minor Modification to Approved Campus Plan**  
**@ 2225 Georgia Avenue, N.W. [Lot 36 in Square 3065])**  
**September 23, 2019**

Pursuant to notice, the Zoning Commission for the District of Columbia (the “Commission”) held public meetings on September 9 and 23, 2019 to consider the application (the “Application”) of Howard University (“Howard”) for a Minor Modification to the Campus Plan approved by Z.C. Order No. 11-15, as modified by Z.C. Order No. 11-15G, for Lot 36 in Square 3065, with a street address of 2225 Georgia Avenue, N.W. (the “Howard Center”). The Commission reviewed the Application pursuant to the Commission’s Rules of Practice and Procedures, which are codified in Subtitle Z of Title 11 of the District of Columbia Municipal Regulations (Zoning Regulations of 2016, the “Zoning Regulations”, to which all subsequent citations refer unless otherwise specified). For the reasons stated below, the Commission **APPROVES** the Application.

**FINDINGS OF FACT**

**Background**

1. In Z.C. Case No. 11-15, the Commission approved Howard’s Campus Plan (the “Approved Campus Plan”). The Approved Campus Plan designated the Howard Center for academic space, support facilities, public safety, and ground level retail use.
2. In Z.C. Case Nos. 11-15A through 11-15F, and 11-15H, the Commission approved various amendments and further processing of the Approved Campus Plan. None of these cases specifically involved changes to the Howard Center<sup>1</sup>.
3. In Z.C. Case No. 11-15G, the Commission approved a Modification of Consequence to add “dormitory/residential” to the designated uses for the Howard Center.
4. In Z.C. Case No. 11-15G, Howard submitted a graphic showing conferencing space on the third and fourth floors of the Howard Center (Exhibit [“Ex.”] 3B). Howard noted that this graphic was included in materials used in community meetings and was not intended to serve as the approved plans for the requested modification.
5. Howard stated that the conferencing space use category was not meant to be exclusive and further, that Howard’s need for more dormitory space has necessitated that Howard use the entirety of the third and fourth floors of the Howard Center for dormitory use.
6. Howard has provided evidence that permitting staff at the Department of Consumer and Regulatory Affairs have interpreted the graphic as the approved plans and will not

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<sup>1</sup> Z.C. Case No. 11-15E approved special exceptions to allow interim university uses at 1851 9<sup>th</sup> Street, N.W. in order to relocate staff from the Howard Center due to environmental issues.

approve dormitory or residential uses on the third and fourth floors of the Howard Center without additional clarification from the Commission. (Ex. 3, 3C.)

### **Parties**

7. The only party to the Z.C Case No. 11-15 other than Howard was Advisory Neighborhood Commission (“ANC”) 1B, the “affected” ANC pursuant to Subtitle Z § 101.8.

### **The Application**

8. On July 24, 2019, Howard filed the Application requesting a Minor Modification to authorize a modification of Z.C. Order No. 11-15G to clarify that any combination of the approved uses for the building can be distributed throughout the Howard Center, including dormitory/residential uses on the third and fourth floors.
9. Howard provided evidence that on July 24, 2019 it served the Application on ANC 1B, and the Office of Planning (“OP”), as attested by the Certificate of Service submitted with the Application. (Ex. 3.)
10. OP submitted a report dated August 30, 2019 recommending a slight addition to Howard’s proposed language to note that retail uses are required on the ground floor fronting Georgia Avenue in order to be consistent with the Campus Plan (the “OP Report”). (Ex. 6.) Howard agreed to this additional language. (Ex. 8.)
11. ANC 1B did not file a written report to the record.

### **CONCLUSIONS OF LAW**

1. Subtitle Z § 703.1 authorizes the Commission, in the interest of efficiency, to make Minor Modifications to final orders and plans without a public hearing.
2. Subtitle Z § 703.2 defines Minor Modifications as “modifications that do not change the material facts upon which the Commission based its original approval of the application or petition”.
3. The Commission deferred action on the Application from its September 9, 2019 public meeting to its September 23, 2019 public meeting to allow the ANC and Howard to file additional submissions.
4. The Commission concludes that Howard satisfied the requirement of Subtitle Z § 703.13 to serve the Application on all parties to the original proceeding, in this case ANC 1B.
5. The Commission concludes that the Application qualifies as a Minor Modification within the meaning of Subtitle Z § 703.2, as a request for a modification that does not change the material facts upon which the Commission based its original approval, and therefore can be granted without a public hearing pursuant to Subtitle Z § 703.17(b).

6. The Commission finds that the modification proposed by the Application is consistent with the Approved Campus Plan because the proposed change to the Decision section does not change any of the material facts upon which the Commission based its original approval.

**“Great Weight” to the Recommendations of OP**

7. D.C. Official Code § 6-623.04 (2018 Repl.) and Subtitle Z § 405.8 require the Commission to give “great weight” to the recommendations contained in the OP Report.
8. The Commission notes OP’s lack of objection to the Application being considered as a Minor Modification and finds persuasive OP’s recommendation that the Commission approve the Application and concurred in that judgment. The Commission adopted the additional language proposed by OP.

**“Great Weight” to the Written Report of the ANC**

9. D.C. Official Code § 1-309.10(d)(3)(A) (2012 Repl.) and Subtitle Z § 406.2 require the Commission to give “great weight” to the issues and concerns contained in the written report of an affected ANC. To satisfy this great weight requirement, District agencies must articulate with particularity and precision the reasons why an affected ANC does or does not offer persuasive advice under the circumstances. The District of Columbia Court of Appeals has interpreted the phrase “issues and concerns” to “encompass only legally relevant issues and concerns.” *Wheeler v. District of Columbia Board of Zoning Adjustment*, 395 A.2d 85, 91 n.10 (1978).
10. As ANC 1B did not submit a written report, there is nothing to which the Commission can give “great weight”.

**DECISION**

In consideration of the case record and the Findings of Fact and Conclusions of Law herein, the Commission concludes that Howard has satisfied its burden of proof and therefore **APPROVES** the Application’s request for a Minor Modification to Z.C. Order No. 11-15G.

Z.C. Order No. 11-15, as amended by Z.C. Order Nos. 11-15A through 11-15H, and all conditions therein remain unchanged and in effect, except that a new third sentence is added and the second sentence in the Decision paragraph of Z.C. Order No. 11-15G is hereby revised to read as follows (deletions shown in **bold** and ~~striketrough~~ text; additions shown in **bold** and underlined text):

The conditions in Z.C. Order No. 11-15 and subsequent amendments remain unchanged ~~but, except that~~ the future land use designation for the Property included in the Campus Plan, including in the Campus Development Plan included therein, ~~are~~ is amended to include dormitory/residential use as a future use for the Property. The Commission’s approval is intended to permit any combination of the designated uses (retail, support facilities including conference and hospitality, and residential/dormitory uses) throughout the

**property, except that the ground floor along the Georgia Avenue, NW frontage must be devoted exclusively to retail uses.**

**VOTE (September 23, 2019):**      **5-0-0** (Michael G. Turnbull (m), Vice Chairman Robert E. Miller (s), Chairman Anthony J. Hood, Peter A. Shapiro, and Peter G. May to **APPROVE**).

In accordance with the provisions of Subtitle Z § 604.9 of the Zoning Regulations, this Order No. 11-15I shall become final and effective upon publication in the *DC Register*; that is, on October 25, 2019.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

**ZONING COMMISSION OF THE DISTRICT OF COLUMBIA****Z.C. ORDER NO. 18-22****Z.C. Case No. 18-22****Forest City SEFC, LLC on behalf of the United States General Services Administration  
(Southeast Federal Center Zone Design Review at Square 743, Lot 94)****June 10, 2019**

Pursuant to notice, the Zoning Commission of the District of Columbia (the “Commission”) held a public hearing on May 23, 2019 to consider the application of Forest City SEFC, LLC (the “Applicant”) regarding property owned by the United States General Services Administration (“GSA”) for design review approval to construct a new mixed-use office building with ground-floor retail uses and two levels of below-grade parking (the “Project”) in the SEFC-1A zone in The Yards (Square 743, Lot 94, or the “Parcel G”). Design review for the Project is required pursuant to Subtitles K, X, and Z of Title 11 of the District of Columbia Municipal Regulations (“DCMR”) (the “Zoning Regulations,” to which all references are made unless otherwise specified). For the reasons below, the Commission hereby **APPROVES** the application.

**FINDINGS OF FACT****Notice**

1. On October 16, 2018, the Applicant mailed a Notice of Intent to file a design review application to all property owners within 200 feet of the Property and to Advisory Neighborhood Commission (“ANC”) 6D, the “affected ANC” per Subtitle Z §101.8. (Exhibit [“Ex.”] 2D.)
2. On December 11, 2018, the Applicant filed an application on behalf of GSA, the owner of the Property, for design review and approval of the Project pursuant to Subtitle K §§ 237.4, 241, and 242. (Ex. 1.)
3. On February 12, 2019, the Applicant requested the public hearing, originally scheduled for April 11, 2019 be postponed until May 9, 2019 due to delays in the federal review process for the Project resulting from the protracted federal government shutdown. (Ex. 9.) On April 9, 2019, the Office of Zoning requested that the public hearing on the Project be again rescheduled until May 23, 2019. (Ex. 17.)
4. The Office of Zoning referred the application to the National Capital Planning Commission (“NCPC”) and gave notice of the public hearing by mail to ANC 6D, the Office of Planning (“OP”), the District Department of Transportation (“DDOT”), the D.C. Council, the Department of Consumer and Regulatory Affairs (“DCRA”), the Office of the Attorney General, the Department of Energy and Environment (“DOEE”), the District of Columbia Housing Authority, and to owners of property within 200 feet of the Property and in the *D.C. Register*. The Applicant provided evidence that notice of the public hearing was posted on the Property on March 27, 2019. (Ex. 4-6, 11-13, 15, 24.)

**Parties**



5. Apart from the Applicant and the ANC, there were no parties to this proceeding.

### The Property

6. Parcel G is located on 39,029 square feet of land in the former Southeast Federal Center ("SEFC") in a 42-acre site in the southeast D.C. neighborhood known as "The Yards." Parcel G occupies property owned by the federal government. The Applicant prepared a master plan (the "Master Plan") for The Yards. GSA selected the Applicant as the master developer to implement the Master Plan. The Master Plan is organized around a central pedestrian-oriented spine leading from M Street, S.E. and a potential third entrance to the Navy Yard Metrorail station, south to Diamond Teague Park and the Anacostia River. Along this spine, 1½ Street is planned as a curbsless street that will run from Quander Street on the north to Potomac Avenue on the south. The Master Plan divides the SEFC into two large parcels: the "Redevelopment Zone," located between 1<sup>st</sup> Street, S.E. and New Jersey Avenue, S.E.; and the "SEFC Historic Zone or "Historic Zone" located between 2<sup>nd</sup> Street, S.E. and the Washington Navy Yard. The Redevelopment Zone and the DC Water Sites PUD are together known as "Yards West." (Ex. 2.)
7. Parcel G is located on a single lot of record with Parcels A and F and portions of the private street network.
8. Parcel G is bounded by N Street, S.E. to the south, New Jersey Avenue, S.E. to the east, the future Quander Street to the north, and the future 1½ Street to the west.
9. Parcel G is currently improved with a temporary trapeze school building. The Applicant anticipates relocating the trapeze school to Parcel E in The Yards, and such proposal has been approved by the Commission. (See Z.C. Case No. 19-07.)
10. The adjacent Parcel F is currently improved with a surface parking lot, and the Master Plan calls for its future development to contain a mix of office and retail uses. Parcel A is currently open space, and the Master Plan calls for future development on that parcel also to contain a mix of office and retail uses along with potentially a new entrance to the Navy Yard Metrorail station.
11. A mix of uses and future development sites surrounds Parcel G. An entrance to the Navy Yard Metrorail station is located approximately one block north of Parcel G, and Nationals Park is located one block to the west. The U.S. Department of Transportation headquarters office building and its large southern plaza are located to the east of the Property across New Jersey Avenue, S.E.
12. To the east of Parcel G is the site of the future Tingey Square, which is currently under construction and which will be a vital open space linking Yards West with the Historic Zone portion of The Yards further to the east. Parcel I is across N Street, S.E. to the south; the Commission recently approved a mixed-use residential and retail building on Parcel I in Z.C. Case No. 18-20.

13. Parcel G is located in the SEFC-1A Zone. In general, the SEFC zones are intended to “provide for the development of a vibrant, urban, mixed-use, waterfront neighborhood, offering a combination of uses that will attract residents, office workers, and visitors from across the District of Columbia and beyond.” (Subtitle K § 200.1.) The SEFC-1 zones generally provide for high-density mixed-use development with ground-floor retail, with bonus height and density (and related design review) for properties in the Redevelopment Zone. (Subtitle K § 200.3.)

#### **Application**

14. The Applicant proposes to construct an 11-story mixed-use building containing approximately 282,813 square feet of office use on floors one through 11 plus a habitable penthouse with an additional 5,623 square feet of office space, approximately 21,141 square feet of retail, eating/drinking establishment, service, and/or retail/office flex uses on the ground floor, and approximately 162 vehicle parking spaces in a below-grade garage. (Ex. 2, 22C1 [note that the Zoning Tabulation Sheet on page eight of Exhibit 22C1 incorrectly added a “9” at the end of the total office square footage, which is correctly reported on page seven as 288,436].)
15. The Project’s massing consists of a double-story ground-level podium that is built to the lot line along all four street frontages. Above the podium is a nine-story, dual-axis tower that features large terraces and a modest step down in height, from 130 feet to 110 feet at the southeastern corner.
16. The proposed step down in height aligns with the maximum height of the proposed building to the south of the Project. The southeastern corner also features a distinctive six-story window wall, which allows a generous amount of light into the building and provides visual interest at the corner of Tingey Square and Yards West, facing the Anacostia waterfront.
17. By pivoting apart the mass of the tower, the Project creates significant space for outdoor terraces. The lower of the two terraces will provide a level of activity and energy proximate to Tingey Square. All of the terraces will include landscaping and green space and will serve as an amenity for the building’s occupants. (Ex. 2.)
18. The Project’s curved form provides ample light and air for occupants of the upper stories and also creates a frame for the New Jersey Avenue vista. The massing differentiation between the podium and towers creates two separate experiences: when viewed from the public realm at a distance, the unique orientation and curves of the upper stories create visual interest and a compelling backdrop to the adjacent Tingey Square at the entrance to Yards West. When viewed at the ground level along the streetscape adjacent to the building, the Project’s strong street presence helps to create a comfortable and interesting “enclosed” pedestrian realm. The Project is carved back slightly from the southeastern-most corner of the Property to allow additional space in the public realm across from Tingey Square. (Ex. 2.)

19. Brick is the primary façade material of the upper stories, and punched windows create texture, articulation, and geometric rhythms. At the podium level, the materials include a rich palette of brick and concrete with metal accents. (Ex. 2.)
20. The Project includes habitable penthouse space that will be used by the office tenants, and it thereby triggers the requirement for a contribution to a housing trust fund, as defined by the Zoning Regulations. Because the Property is currently owned by the federal government, the current assessed value of the land is a placeholder number established by the Office of Tax and Revenue. With GSA-controlled land, the Office of Tax and Revenue waits to determine the appropriate assessed value until after its transfer to a private entity, so that the assessment can reflect the final development potential and market value based on applicable zoning, covenants, easements, and other factors. Therefore, the actual assessed value of the land that will serve as the basis for the affordable housing calculation will not be determined until the land is transferred to the Applicant and formally assessed. The Applicant requested that the contribution payment for the penthouse be established on the basis of Parcel G only (rather than the entire record lot) because Parcel G only (and not the entire record lot) will be transferred to the Applicant (and assessed) as part of the Parcel G developed. (Ex. 19.)
21. The Applicant committed to achieving LEED v4 Gold certification under the Core and Shell standard. Specific sustainable design features include extensive green roof, low-e glass at the office levels, and a DOAS mechanical system. The Project has an approximate area of 19,470 square feet devoted to green roof and approximately 2,300 square feet devoted to solar panels and is designed to meet or exceed DOE's applicable stormwater management standards for private development. The Project significantly exceeds the minimum green area ratio ("GAR") required (i.e., it provides a GAR of 0.3, whereas only 0.2 is required). The private Yards West streets are designed to an enhanced stormwater management standard that accommodates a 1.7-inch rain event. (Ex. 19.)
22. The Project is outside the 500-year floodplain, with the exception of a portion of the southeast retail area. Major building penetrations, parking ramps, main building entrance, electrical vaults, and other sensitive equipment are outside of the 500-year floodplain. (Ex. 19.)
23. An at-grade bicycle lobby for building users is accessed from 1½ Street, which is intended to increase bicycle usage. Vehicular access, both for parking and loading, is limited to the private Quander Street on the north of the Project. The Project occupies an entire block and does not have any alley access for vehicular activities. Accordingly, Quander Street serves primarily as a service road, separating vehicles from the pedestrian-oriented 1½ Street. (Ex. 2.)
24. The Project will be constructed to a maximum height of 130 feet, which is the maximum permitted height for Parcel G. (Subtitle K § 203.1.)

25. The Project proposes to utilize the 1.0 floor area ratio (“FAR”) bonus density for commercial office use permitted in the SEFC-1A Zone, for a maximum of 7.0 FAR based on the land area of Parcel G. (Subtitle K § 202.1.)
26. The Project uses density from Parcels A and F, with which the Property shares a single record lot. That is, when calculating the FAR of the Project based on the gross floor area of the Project and the lot area of the Property alone, the Project’s effective FAR exceeds 7.0. The 303,954 square feet of gross floor area proposed for the Project over the 39,029 square foot Property results in an effective FAR of 7.79, in excess of the 7.0 maximum allowed in the SEFC-1A zone with the bonus density available pursuant to a design review process. However, FAR is determined based on the aggregate gross floor area of all the buildings on a record lot, in this case all of Parcels A, F, and G, and the Property’s situation relative to the overall record lot allows for shifting of density among the constituent parcels. The Project’s use of density attributable to Parcels A and F will reduce the density available on the record lot at the time the balance of the record lot is developed. In addition, pursuant to Subtitle B of the Zoning Regulations, the overall density available to the record lot containing Parcels A, F, and G will exclude lot area attributable to the private streets proposed for such record lot.
27. The utilization of the additional height and density triggers the requirement for design review. (Subtitle K § 237.4(a)(1), (3).)
28. The Project as designed complies with the other primary development standards in the SEFC-1A zone, including:
  - a. A penthouse floor area ratio (based on the lot area of Parcel G alone) of approximately 0.14 FAR (within the permitted 0.4 FAR);
  - b. A lot occupancy of 98.65% at the ground level (below the 100% lot occupancy maximum for commercial uses) for Parcel G alone;
  - c. A 40-foot rear yard measured from the centerline of New Jersey Avenue, S.E., which is in excess of the required rear yard; and
  - d. Penthouses and courts compliant with dimensional requirements except for one area of flexibility required with respect to the open court along New Jersey Avenue, S.E.
29. The SEFC-1A does not require a court, but if one is provided, the required minimum width should be 21 feet, 10 inches based on the height of the court. The convex curve of the building façade along New Jersey Avenue creates a non-compliant, upper-story open court with a width of approximately 15 feet, seven inches. (Ex. 19.)
30. The Project achieves a minimum GAR of 0.3, significantly in excess of the 0.2 required (based on the area of Parcel G alone), and the entire record lot of Parcels A, F, and G will also comply with GAR.

31. Vehicular parking is not required in the SEFC-1A zone, and the Project satisfies the bicycle parking and loading as required pursuant to the standards established in Subtitle C of the Zoning Regulations.
32. Under Subtitle C § 711.9, a driveway that provides access to *required* parking spaces must have a maximum grade of not greater than 12%. The Project's driveway has a maximum grade of 16%. However, zoning relief is not necessary with respect to such provision because none of the Project's parking is "required," as there is not a minimum amount of parking required in the SEFC-1A zone.
33. The primary use of the Project is as a new office headquarters for a single office tenant named Chemonics International, Inc. ("Chemonics"). Chemonics is expected to accommodate approximately 1,200 employees upon opening with space for an additional 200 employees. The Applicant expects Chemonics will occupy the portion of the ground floor at the northeastern corner of the building New Jersey Avenue, S.E. Together with the main lobby entrance itself, Chemonics' ground-floor space is expected to generate a consistent level of pedestrian activity along this frontage. (Ex. 2.)
34. The Project's ground-floor layout and site plan enhances the mix of office, retail, and residential uses within the Yards. The primary office lobby is located on New Jersey Avenue, S.E. and provides a ceremonial opening onto Tingey Square. The lobby can also be accessed from 1½ Street, providing a direct link for office users to the pedestrian-focused spine, and additional at-grade pedestrian entrances along 1½ Street and N Street, S.E., for the retail, restaurant, and service uses proposed along those streets. (Ex. 2.)
35. Along N Street, S.E., the Project provides ground-level preferred retail and other uses called for the SEFC-1A zone, and the Applicant has integrated slab breaks within the building to allow for the retail spaces to remain in line with the slope of the adjacent street and sidewalk. A mix of retail and office-oriented space define the Project's 1½ Street frontage, which is envisioned to include smaller-scale spaces that fit the pedestrian-focused character of 1½ Street. (Ex. 19.)
36. As a part of the development of the Property, the Applicant will construct the segment of 1½ Street adjacent to the Property as well as the entire length of Quander Street north of the Property, between 1<sup>st</sup> Street and New Jersey Avenue. (Ex. 19.)
37. The Property is located on a single lot of record with Parcels A and F and portions of the future 1½ Street and Quander Street. The future private streets divide the record lot into its constituent development parcels. (Ex. 2.) Parcel F currently contains approximately 193 parking spaces pursuant to Commission approval in Z.C. Case No. 13-16A and will be reconfigured as part of the Project to include only approximately 99 spaces when complete. (Ex. 22C at 90.)
38. On March 27, 2019, the Applicant filed a Comprehensive Transportation Review ("CTR") for the Project. The CTR concludes that the Project will not have a detrimental

impact to the surrounding transportation network because of its proximity to Metrorail; the inclusion of short- and long-term bicycle parking; the extension of the pedestrian and vehicular network through the construction of the private Quander and 1½ Streets; and the commitment to a comprehensive transportation demand management (“TDM”) program, curbside management, and loading management measures. (Ex. 14, 14A.)

39. Prehearing Submissions:

- a. On May 3, 2019, the Applicant filed a supplemental statement reflecting feedback from and discussions with the ANC, federal agencies that reviewed the Project, OP, and DDOT. (Ex. 19.) The Applicant also filed comments from NCPC and the Commission of Fine Arts (“CFA”). (Ex. 19A, 19B.) In addition, the Applicant filed an updated package of plans including updated drawings and signage plans for the Project; (Ex. 19D.)
- b. On May 16, 2019, the Applicant sought leave from the Commission to file an additional supplemental submission with further revised plans (the “Revised Plans”) reflecting responses to comments from GSA, CFA, OP, and DDOT, which were being submitted after the 20<sup>th</sup> day prior to the public hearing. (Ex. 21.) The Commission granted the Applicant’s motion and the Applicant submitted the Revised Plans; and (Ex. 22.)
- c. On May 23, 2019, the Applicant submitted a letter from GSA confirming its approval of the concept design for the Project as well as an updated plan and perspective addressing comments from OP. (Ex. 26.)

Each agency’s comments, and the Applicant’s responses set forth in its pre-hearing submissions, are discussed in detail below.

**Relief Requested**

40. The Application requests design approval of the Project pursuant to the SEFC provisions of Subtitle K §§ 237.4, 241, and 242.
41. The Application also requests zoning flexibility to provide an open court along New Jersey Avenue, S.E. that is smaller than otherwise required based on the height of such court.
42. In addition, pursuant to Subtitle X § 603, the Application also initially requested variance relief from the GAR requirements of Subtitle K § 209.1. (Ex. 2.) The request for relief was later withdrawn. (Ex. 19.)

**Responses to Application**

**GSA Letter**

43. As part of the GSA’s disposition of the Property, GSA ensures that developments in The Yards are reviewed by a variety of federal and District agencies pursuant to a series of

Memoranda of Agreement and/or Understanding between such agencies and the GSA. The Project underwent such a multi-agency review process.

44. The Applicant submitted a letter from the GSA (the “GSA Letter”), confirming that the Project complied with this process as required under the various agreements and, moreover, incorporated additional design revisions at GSA’s request, including a more robust expression of the converging volumes to increase the building’s legibility, experimenting with a variety of fenestration typologies, and revisiting the urban window feature. The GSA Letter cited comments from NCPC and other stakeholders that were supportive of the proposed design. Based on the Revised Plans, GSA concluded that the Project is consistent with the Master Plan and approved the Project’s design. (Ex. 26A.)

#### **CFA Letter**

45. The Applicant’s May 3, 2019 filing also included a letter from CFA setting forth its advisory review of the Project (the “CFA Letter”). The letter from CFA commented on the design of the Project, made recommendations, declined to approve the design, and requested a submission of a new design of the Project to CFA. (Ex. 19B.)
46. CFA expressed concern that the proposed design was focused as an “object” building and overemphasized its relationship to the water. CFA questioned the propriety of the design and form of the sculpted tower element above the building’s podium, which CFA argued failed to respect the L’Enfant Plan. CFA also expressed concern regarding the color of the variegated brick and other materials, the design of the main entrance, and the window design details. (Ex. 19B.)
47. In response to CFA’s comments, the Applicant provided a detailed planning and design analysis of why the Project’s form and massing was consistent with the L’Enfant Plan given the intersection of the axial and diagonal components of the Plan at Tingey Square, as well as two additional characteristics that are atypical of the L’Enfant Plan: the open space at Tingey Square that is created by the offset intersection of Tingey Street and N Street, and the direct waterfront view and vista over the Main Pumping Station and Yards Park. Moreover, the Applicant cited multiple planning policies in the Comprehensive Plan and SEFC Master Plan calling for consideration of waterfront views and vistas for buildings located near the Anacostia River. (Ex. 19; Transcript of May 23, 2019 Hearing [“Tr.”] at 13-15, 18-22, 65-69.)
48. The Applicant also revised the building design to remove the arc wall along the N Street façade, which allows the two, primary upper-story forms to read as separate masses, changed the window pattern on the eastern wing to further differentiate it as a separate, secondary mass, and refined the materials selections. (Ex. 22; Tr. at 22-26.) (Additional changes made in response to the Commission’s comments regarding the brick color and pattern, window header color, and main entrance canopy that are discussed in Finding of Fact 71 also responded to CFA’s concerns.)

49. At the public hearing, GSA's representative confirmed that the procedural requirements for review of the Project had all been satisfied and the Project would not return to CFA for further review. (Tr. at 32-36.)

#### **NCPC Report**

50. On April 25, 2019, the NCPC issued a memorandum, which the Applicant subsequently filed with the Commission, finding the Project consistent with the Master Plan and other relevant standards. (Ex. 19A.) NCPC noted that the Project "conforms to the Minimum Phase Performance Design Standards identified in the 2005 Memorandum of Understanding between NCPC and the GSA, which include standards for sustainable design, pedestrian access, architectural design, and urban design/planning." (*Id.*)

#### **OP Report**

51. OP filed a report dated May 13, 2019, recommending approval of the Project (the "OP Report") and testified accordingly at the public hearing. (Ex. 20.)
52. OP's report supported the requested design and zoning flexibility. OP also found that the Project is not inconsistent with the designation for the Property on the Comprehensive Plan's Future Land Use Map and Generalized Policy Map. Similarly, OP concluded that the Project conforms to the Master Plan and furthers policies in the Comprehensive Plan's Land Use; Park, Recreation and Open Space; Historic Preservation; Urban Design; and Anacostia Waterfront/Near Southwest Area Elements. OP also examined the Project against the general design review criteria, as well as the SEFC-1A zone design review criteria, and found that the Project satisfied each relevant condition, concluding that the Project advances the goals and objectives of the SEFC zones as set forth in Subtitle K. (Ex. 20.)
53. The OP Report included requests for additional information regarding:
- a. LEED certification, need for flexibility for canopies and signs and regarding final plan refinement;
  - b. Court flexibility;
  - c. Public realm design, including the possibility for providing benches and café seating along New Jersey Avenue, S.E. in the vicinity of the Project; and
  - d. Design at the ground level along 1½ Street.
54. The Applicant responded with point-by-point explanations to OP's comments in its May 16, 2019 and May 23, 2019 filings. (Ex. 22, 26B, 26C.)
55. At the public hearing, OP testified that the Applicant's responses were satisfactory. (Tr. at 58.)
56. The OP report also included six comments from DOEE including:



- a. A request to provide conceptual stormwater design and calculations with future zoning submissions;
  - b. Encouragement to consider renewable energy sources such as solar panels, as well as information on potential solar panel financing options;
  - c. Consideration of strategies to maximize opportunities for energy efficiency, as well as information on potential energy efficiency financing options; and
  - d. An explanation that full regulatory review of applicable environmental requirements would be undertaken during the building permit process. (Ex. 20 at 14-15.)
57. The Applicant responded to DOEE's comments by updating the plans to provide solar panels on the penthouse roof and to include concept GAR and stormwater management plans. (Ex. 22C2 at 55; Ex. 22C3 at 85, 89.)

#### **DDOT Report**

58. DDOT filed a report dated May 1, 2019, stating that it had no objection to the approval of the Project (the "DDOT Report") subject to the conditions imposed herein and subject to ongoing DDOT review. (Ex. 18.)
59. DDOT made a number of findings in its report including that the trip generation assumptions proposed by the Applicant in its CTR are reasonable and that the Applicant's analysis used sound methodology.
60. The Applicant's CTR identified two intersections that triggered the need for mitigation as a result of the Project, but DDOT noted that one of the intersections is being redesigned. Instead, DDOT recommended that the Applicant's TDM plan be enhanced with increased coordination with and training from goDCgo and Commuter Connections, free long-term bike parking and the inclusion of space for non-traditional sized bikes, a carpooling system including preferential carpooling and vanpooling spaces, unbundled parking, limitations on leasing of parking to off-site users, and participation in the Capital Bikeshare ("CaBi") corporate membership program. (*Id.*)
61. The Applicant responded to each of DDOT's comments and recommendations in its May 16, 2019 filing, agreeing with DDOT's initial recommendation on the vast majority of points and offering minor revisions in other instances. (Ex. 22B.)
62. At the public hearing, DDOT acknowledged that it had reached agreement with the Applicant on all issues in its report. (Tr. at 58.)

#### **ANC Report**

63. ANC 6D submitted a report dated May 16, 2019 (the "ANC Report"), stating that at its regularly scheduled and duly noticed public meeting on April 8, 2019, with a quorum present, ANC 6D voted to support the application for design review for the Project.

64. The ANC Report noted that the Project “will be a catalyst for the emergence of the office development of ‘Yards West’.” (Ex. 23.) The Single Member District Commissioner for ANC 6D07 also testified at the public hearing that the unique design of the Project received “tremendous” support from ANC 6D residents, who reacted positively to the design. (Tr. at 59-61.)

### **Public Hearing**

65. After proper notice, the Commission held a hearing on the application on May 23, 2019.
66. Expert witnesses appearing on behalf of the Applicant included Jeff Barber of Gensler, as an expert in architecture; Erwin Andres of Gorove/Slade Associates, as an expert in transportation planning engineering; and Craig Atkins of Wiles Mensch, as an expert in landscape architecture. Toby Millman and David Shirey of Brookfield Properties appeared on behalf of the Applicant and Brett Banks appeared on behalf of GSA. (Ex. 19C, 27.)
67. No other persons or organizations spoke at the hearing or introduced written testimony in advance of the hearing.
68. At the hearing, the majority of the discussion focused on a central issue: namely, whether the proposed design met the standards for approval and in particular the requirement under Subtitle X § 604.7 that “Developments near the District’s major boulevards and public spaces should reinforce the existing urban form.” (Tr. 36-56.)
69. At the hearing, members of the Commission considered CFA’s view that the form of the building design as an “object building” does not respect the L’Enfant Plan’s definition of public spaces through building form. Some of the Commissioners concurred with CFA and expressed concern that the Applicant had not sufficiently addressed all of the issues raised by CFA. (Tr. 36-56.)
70. The Commission directed the Applicant to further study certain design elements, including the range of brick colors, the design of the windows at the base of the building, the potential integration of design elements from the urban window into other portions of the façade, the design of the main lobby entrance, and the access to the bike room. (Tr. at 70.)

### **Post-Hearing Submissions**

71. On May 30, 2019, the Applicant filed a post-hearing submission responding to the Commission’s concerns including revised plans and a summary of the Applicant’s decisions regarding certain design elements: (Ex. 28-28A2.)
- a. Material Palette - The revised materials selection reduced the range of brick colors. The Applicant also clarified the color of the metal accent panel at the building base, and explained that after further study, it concluded that the urban window should remain distinct from the balance of the bulk of the building; and

- b. Building Entrances - The main lobby entrance design incorporated metal panel on either side of the entrance to better distinguish that element. The Applicant explained how the bicycle room access was located directly off the entry vestibule to facilitate access.

### CONCLUSIONS OF LAW

#### Design Review

1. Section 8 of the Zoning Act of 1938 (D.C. Official Code § 6-641.01 (2018 Repl.)) authorizes the Commission to undertake review and approval of the Project.
2. The Commission must conduct the requested design review of the Project pursuant to Subtitle K § 237.4(a), which provides that design review is required for buildings that are located in the SEFC-1A zone and that utilize bonus height or density. As an application for design review pursuant to Subtitle K § 237.4, the Commission must consider the Project against the general design review criteria of Subtitle X § 604 and the SEFC zone design review criteria in Subtitle K §§ 241.1 and 241.2. In addition, the application must prove that the architectural design, site plan, landscaping, and sidewalk treatment of the proposed building are of “superior quality.” (Subtitle K § 237.4(a).)
3. Pursuant to Subtitle X § 600.1, the purpose of the design review process is to:
  - a. *Allow for special projects to be approved by the Zoning Commission after a public hearing and a finding of no adverse impact;*
  - b. *Recognize that some areas of the District of Columbia warrant special attention due to particular or unique characteristics of an area or project;*
  - c. *Permit some projects to voluntarily submit themselves for design review under this chapter in exchange for flexibility because the project is superior in design but does not need extra density;*
  - d. *Promote high-quality, contextual design; and*
  - e. *Provide for flexibility in building bulk control, design and site placement without an increase in density or a map amendment.*

#### General Design Review Criteria (Subtitle X § 604)

4. Section 604 requires that in order for the Commission to approve a design review application it must:
  - a. *Find that the proposed design review development is not inconsistent with the Comprehensive Plan and with other adopted public policies and active programs related to the subject site (Subtitle X § 604.5);*
  - b. *Find that the proposed design review development will not tend to affect adversely the use of neighboring property and meets the general special exception criteria of Subtitle X, Chapter 9 (Subtitle X § 604.6);*
  - c. *Review the urban design of the site and the building according to certain enumerated criteria set forth below (Subtitle X § 604.7); and*
  - d. *Find that the criteria of Subtitle X § 604.7 are met in a way that is superior*

*to any matter-of-right development possible on the site (Subtitle X § 604.8);*

5. The Commission concludes that the Application meets the general design review criteria as elaborated below.

**Not Inconsistent with the Comprehensive Plan (Subtitle X § 604.5)**

6. The Commission concludes that the Application meets the first prong of the general design review criteria – not to be inconsistent with the Comprehensive Plan (“Comp Plan”) – because the Application is consistent with the Master Plan and is not inconsistent with relevant objectives of the Comp Plan and the 2003 Anacostia Waterfront Framework Plan (“AWF Plan”).
7. The Project’s proposed high-density development, converting the Property to a mix of office and other commercial uses, is not inconsistent with the Comp Plan, and in fact, advances numerous specific objectives of the Comp Plan. (Ex. 2J.)
8. The Future Land Use Map of the Comp Plan shows the Property as appropriate for “High Density Commercial” future uses. Such a designation supports mixed-use buildings of eight stories or more.
9. The Generalized Policy Map of the Comp Plan shows the Property as being located in a “Land Use Change Area (Federal)” where a change to a different land use is anticipated.
10. In addition, the Project is not inconsistent with relevant objectives of the 2013 Near Southeast Urban Design Framework Plan (“NSE Plan”) including prioritizing access and linkage to existing parks and clustering retail uses to create a high-density urban environment in Southeast D.C. and begins to connect The Yards Park and Tingey Square to the Ballpark, M Street, S.E., the Navy Yard Metrorail station, and other amenities and commercial uses. By providing additional ground-floor retail along N Street, S.E. and drawing new employees to the neighborhood to support such retailers, the Project advances the retail cluster objective of the NSE Plan.

**Satisfaction of the General Special Exception Criteria (Subtitle X § 604.6)**

11. The Commission concludes that the Application meets the second prong of the general design review criteria by meeting the general special exception criteria of Subtitle X, Chapter 9.
12. The Commission concludes that the Project will be harmonious with the general purpose and intent of the Zoning Regulations and Zoning Maps for the SEFC-1A zone and comply with the Zoning Regulations in terms of development standards, including height, FAR, proposed uses, and parking, except for a minor request for flexibility from the open court width standard.
13. The Commission also concludes that the Project will not adversely affect the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps, and instead the Project is designed to fit in and operate compatibly with neighboring

properties and uses. The immediately neighboring lots are all controlled by the Applicant and have been master-planned with the current design of the Project in mind. The high-density, mixed-use Project is essential for helping Yards West become thriving mixed-use, transit-oriented neighborhood. The Project's height, massing, orientation, and uses are also unlikely to adversely affect the use of any surrounding properties, all of which currently either serve office tenants or infrastructure uses or are vacant.

**Consistency with the Urban Design Criteria (Subtitle X § 604.7)**

14. The Commission concludes that the Project meets the third prong of the general design review criteria because it is consistent with each of the urban design criteria listed in Subtitle X § 604.7:

*X § 604.7(a) - Street frontages are designed to be safe, comfortable, and encourage pedestrian activity, including:*

- (1) Multiple pedestrian entrances for large developments;*
- (2) Direct driveway or garage access to the street is discouraged;*
- (3) Commercial ground floors contain active uses with clear, inviting windows;*
- (4) Blank facades are prevented or minimized; and*
- (5) Wide sidewalks are provided.*

The Project advances each of these five urban design principles. The Project's design prioritizes pedestrian access, activity, and safety. All of the Project's frontages feature safe and comfortable pedestrian-focused design that responds to the surrounding public realm with a particular focus on pedestrian activity on 1½ Street, retail activity on N Street, S.E., and the primary office lobby opening onto the New Jersey Avenue, S.E. Each of the Project's frontages has the potential for multiple pedestrian entrances.

Garage and loading access is separated from these frontages and located only on the Project's north frontage, along Quander Street, which is a private street. East-west pedestrian activity is encouraged along N Street, S.E. and de-emphasized along Quander Street, which is why Quander Street is more appropriate for vehicular access.

The Project makes ample use of ground-level transparency to reduce barriers between public and private space at the ground level, particularly through clear glazing for the retail spaces along N Street, S.E. and 1½ Street.

The ground-floor design along the Project's three primary pedestrian-oriented streets minimizes blank façades, provides multiple entrances, and incorporates interesting architecture and design articulation at the ground level at a scale and with materials appropriate for pedestrians.

The Project also provides wide sidewalks with significant amounts of landscaping and pedestrian amenities along all four frontages. The design accommodates restaurant/eating and drinking establishment uses on the ground floor with appropriate seasonal outdoor

seating that further interweaves the public and private realm at the ground level and creating a pedestrian-first experience.

*X § 604.7(b) - Public gathering spaces and open spaces are encouraged, especially in the following situations:*

- (1) Where neighborhood open space is lacking;*
- (2) Near transit stations or hubs; and*
- (3) When they can enhance existing parks and the waterfront.*

The Commission concludes that the Project and the Yards West public realm plan, generally, both satisfy and advance the three above-referenced public gathering space criteria. The Yards West public realm design creates a network of formal and informal open spaces that connects the Navy Yard Metrorail transit hub with existing open spaces and that supplements existing park infrastructure. The proposed Yards West public spaces extend from the anticipated Metrorail-adjacent urban pedestrian plaza at the northern end to recreational open space connected to the Anacostia waterfront and a planned extension of Diamond Teague Park at the southern.

The proposed design for 1½ Street facilitates this purpose along its entire length through wide sidewalks and a flexible, curbless design that allows for further expansion of the pedestrian zone to accommodate gatherings and activity. The Project reinforces this vision for 1½ Street through strong connections between its interior retail spaces and public outdoor spaces along 1½ Street.

The Project features an at-grade bicycle lobby along 1½ Street, which will help reinforce it as a primary north-south corridor between M Street, S.E. and the waterfront.

Similarly, the Project's retail presence along N Street, S.E. helps create a meaningful pedestrian connection between 1<sup>st</sup> Street, S.E. and Tingey Square, and the Project's main lobby entrance along New Jersey Avenue, S.E. enhances Tingey Square. In response to comments from OP, the Applicant added street furniture to the New Jersey Avenue, S.E. sidewalk area.

*X § 604.7(c) - New development respects the historic character of Washington's neighborhoods, including:*

- (1) Developments near the District's major boulevards and public spaces should reinforce the existing urban form;*
- (2) Infill development should respect, though need not imitate, the continuity of neighborhood architectural character; and*
- (3) Development should respect and protect key landscape vistas and axial views of landmarks and important places.*

The Project, taken as a whole, satisfies these criteria. In general, the Project reinforces the L'Enfant Plan and planned urban form for Yards West. The Project also appropriately

respects the Historic Zone, and respects and protects key vistas and views. The Project creates a strong two-level street wall along each frontage, and particularly along New Jersey Avenue, S.E. and N Street, S.E., two original L'Enfant plan streets. The Project also helps establish the plan for Yards West as a zone for high-density contemporary design within a re-established urban grid. This is envisioned as a counterpoint to the historic design and guidelines that shaped the Historic Zone to the east. The Project's height and density is compatible with future development, which is generally authorized to reach similar heights and densities of 130 feet and 7.0 FAR.

The original SEFC Master Plan and the more recent Yards West Master Plan both emphasize the street network within the L'Enfant Plan framework of New Jersey Avenue, S.E., M Street, S.E., N Street, S.E., 1<sup>st</sup> Street, S.E., and a reintroduced Potomac Avenue, S.E. The Yards West public realm plan maintains all key vistas and views along these streets. The Project's design reinforces the urban grid along all four street frontages yet also integrates and addresses the diagonal created by New Jersey Avenue, S.E., a hallmark characteristic of the L'Enfant Plan. The Project's strong streetwalls reinforce and respect the planned urban form and architectural character for Yards West.

The Project is also appropriately respectful of the nearby Historic Zone and the historic DC Water Main Pumping Station. The Project employs brick as a primary material in a nod to the predominant material vocabulary of The Yards' nearby Historic Zone. The southeastern corner of the Project steps down in height in a gesture sympathetic to the lower scale of the historic Pumping Station, which is located to the southeast of the Property.

However, because the Project is in the Redevelopment Zone, it is somewhat freed from the historical design guidelines in the Historic Zone and has liberty to demonstrate contemporary architectural expression and form. Significantly, the Project's curved bars, massing, and terraces evoke modern urban design. The Project's unique form also emphasizes important views and vistas both from inside the building and from the public realm near the building and from the waterfront toward the Project. The Project creates an interesting backdrop to Tingey Square, frames axial view corridors along N Street, S.E. and New Jersey Avenue, S.E. and provides sweeping vistas to and from the Anacostia River from its many terraces and obliquely-aligned southeastern façade. As a secondary axial view corridor develops to the waterfront along 1½ Street, the Project's massing and orientation will also help provide a frame for that view.

*X § 604.7(d) - Buildings strive for attractive and inspired façade design that:*

- (1) Reinforces the pedestrian realm with elevated detailing and design of first and second stories; and*
- (2) Incorporates contextual and quality building materials and fenestration.*

The Project presents an attractive façade design. The Project's double-story podium includes quality materials, rich architectural detail, and appropriate uses that joins the building's internal functions to the public realm context on each façade. The Project's podium-level architecture includes the public-oriented lobby on New Jersey Avenue, S.E.; a continuous line of retail-oriented design (with opportunities for outdoor seating and activities as appropriate) along N Street, S.E.; and a mix of retail bays and secondary lobby entry with a convenient bicycle storage and shower facility along 1½ Street.

The high-quality podium-level materials are varied to create visual interest at the pedestrian scale. The Project's contextual materials include a multi-hued brick (reduced in range at the request of the Commission), textured concrete, metal panels, and glazing. Above the ground floor, the Project's materials are similarly high quality and contextually appropriate given the Project's location within the Redevelopment Zone. The Project eschews the "glass box" design common to many office buildings and features a richer, more textured brick façade that conveys a sense of depth at the window frames.

*X § 604.7(e) - Sites are designed with sustainable landscaping.*

The Project employs sustainable landscaping that is designed to complement the building. The Yards West Master Plan incorporates sustainable design as a central planning element. The public streets (i.e., N Street, S.E.) utilize the existing Yards-standard low-impact design planting zones, while the private streets include additional bioretention zones and other features to detain and treat stormwater runoff. The Project's landscape design incorporates a variety of planted areas on multiple terraces and green roofs, each with soil depths capable of supporting landscaping as well as attractive groundcover and achieves a GAR of 0.3, exceeding the minimum requirement by 50%.

*X § 604.7(f) - Sites are developed to promote connectivity both internally and with surrounding neighborhoods, including:*

- (1) Pedestrian pathways through developments increase mobility and link neighborhoods to transit;*
- (2) The development incorporates transit and bicycle facilities and amenities;*
- (3) Streets, easements, and open spaces are designed to be safe and pedestrian friendly;*
- (4) Large sites are integrated into the surrounding community through street and pedestrian connections; and*
- (5) Waterfront development contains high quality trail and shoreline design as well as ensuring access and view corridors to the waterfront.*

Consistent with these design criteria, the Project advances the Yards West Master Plan's objective of creating pedestrian-scale connectivity in an area where internal and external



connections are currently limited. The Yards West public realm design creates a safe and pedestrian-friendly multimodal network that interconnects Yards West to the Metro, the Anacostia riverfront, and to the adjacent development to the east and west. The creation of the new grid in Yards West minimizes the need to create public pathways and other connections through the various parcels because each block is integrated into, and sets the stage for, the anticipated surrounding pedestrian fabric. To this end, each parcel is anticipated to be designed in a manner that facilitates such through connection for building occupants and users. The Project links to the bicycle infrastructure that has been integrated thoughtfully into the Yards West public realm, and 1½ Street is planned as a shared street with low speed limits that will accommodate bicycles safely with other forms of transportation. Accordingly, the Project includes an at-grade bicycle lobby accessible from 1½ Street. The Project also includes shower and locker facilities for employees who bike to work.

#### **Superior to Matter-of-Right Development (Subtitle X § 604.8)**

15. The Commission concludes that the Project meets the fourth prong of the general design review criteria because the Project satisfies the urban design criteria of Subtitle X § 604.7 in a way that is superior to any matter-of-right development possible on the Property. The Project exemplifies the superior design, site planning, safe pedestrian access, and other features that are superior to typical matter-of-right development. Superior urban design attributes include the Project's unique massing and sculpted form, its resolution of an irregular urban condition that celebrates the termination of the monumental New Jersey Avenue, S.E., the creation of a new public space at Tingey Square, and the views to and from the Anacostia Waterfront. Other superior attributes of the Project include rich detailing and materials selection that move away from the traditional office building typology of the K Street corridor, a richness of pedestrian experience at the ground level, and accommodations for pedestrians and cyclists.

#### **SEFC Design Review Criteria**

16. In addition to the general design review criteria of Subtitle X § 604, the Project must also satisfy the SEFC design review criteria as set forth in Subtitle K § 241.1, which requires that a design review application demonstrate that it:
- (a) *Helps achieve the goals and objectives of the SEFC zone;*
  - (b) *Is designed with a height, bulk, and siting that provide for openness of view and vistas to and from the waterfront and, where feasible, views of federal monumental buildings, particularly along the New Jersey Avenue corridor; and*
  - (c) *Limits at- or above-grade parking so that any such parking is screened by other building uses, landscaping, or other architectural treatment.*

#### **Achieves Goals and Objectives of SEFC Zone (Subtitle K § 241.1(a))**

17. The Project helps achieve the relevant goals and objectives of the SEFC zone. The proposed Project's commercial uses, height and density are within the high-density parameters identified in the Comp. Plan, AWF Plan, and NSE Plan. (Subtitle K § 200.2(a).) Consistent with those plans and the goals of the SEFC zones, the Project indirectly supports the goal of providing for reduced height and bulk of buildings along

the riverfront by accommodating the desired commercial density in Yards West away from the shores of riverfront so that the waterfront is reserved for appropriate water-dependent and recreational uses. The Project incorporates retail and service uses that will support not only the office users of the Project but also anticipated new nearby residents and visitors. (Subtitle K §§ 200.2(c).) The Project emphasizes a pedestrian-oriented streetscape, particularly on 1½ Street, N Street, S.E. and New Jersey Avenue, S.E., and provides ground-floor preferred retail and service uses along N Street, S.E. and 1½ Street, both of which are key pedestrian connections. (Subtitle K §§ 200.2(b), 200.2(e).) Finally, although the Project is not located within the Historic Zone, the building's architectural design nevertheless reflects sensitivity to the nearby historic context through its step down in height and use of brick materials. (Subtitle K § 200.2(g).)

**Bulk, Height and Siting Design (Subtitle K § 241.1(b))**

18. The Project's height, bulk, and orientation benefits the views and vistas to and from the waterfront, monumental federal buildings, and along key corridors. As described above, the overall Yards West Master Plan emphasizes these view corridors through Yards West to the waterfront, and the northeast edge of the Project emphasizes axial views toward Capitol Hill along the New Jersey Avenue, S.E. corridor. The Project's massing along each of its four elevations begins to define these formal view corridors in Yards West, which do not exist today. For its part, the Project's southern façade creates an expressive frame to the east-west N Street, S.E. corridor, which terminates just to the east at Tingey Square. The Project's curved upper-story eastern façade creates an interesting backdrop for Tingey Square and an important background for Tingey Street, S.E. approaching from the east. The Project's sculpted form and massing create interesting views from the waterfront into the urban fabric of Yards West, and the Project's terraces and setbacks advance the goals of providing for openness in the SEFC zone. From inside the building and from its terraces, the Project has impressive views to the Anacostia River.
19. In light of this unique context, the Commission finds that the reintroduction of the L'Enfant Plan does not require a rigid adherence to monolithic building forms within the individual L'Enfant blocks at this location. The Urban Design Element of the Comp Plan recognizes the particular challenge for waterfront sites, which should respond not only to the urban grid but also the waterfront itself and emphasize that connection to the river. The SEFC's planning guidelines reinforce this guidance and call for sites that are "designed with a height, bulk, and siting that provide for openness of view and vistas to and from the waterfront." (Subtitle K § 241.1(b) (emphasis added).) Similarly, the SEFC zone allows a height comparable to downtown office buildings (130 feet) but permits a lower density (7.0 FAR), which directly encourages significant and creative sculpting to create varied roofscapes and address important viewsheds.
20. The Commission concludes that the revisions made by the Applicant and approved by GSA in response to design concerns expressed by CFA, as discussed in Findings of Fact 47 and 70, improved the Project's overall design clarity and conformance with the relevant design review criteria.

**Limit at or above-ground Parking (Subtitle K § 241.1(c))**

21. All of the Project's parking is located underground.

**SEFC Additional Design Review Criteria**

22. Subtitle K § 241.2 sets forth additional SEFC design review criteria against which the Commission may also consider the Project. These criteria include:

- (a) *Compatibility with buildings in the surrounding area through overall massing, siting, details, and landscaping;*
- (b) *Use of high standards of environmental design that promote the achievement of sustainable development goals;*
- (c) *Façade articulation that minimizes or eliminates the visibility of unarticulated blank walls from public spaces;*
- (d) *Landscaping which complements the building; and*
- (e) *Consideration of the balance and location of preferred uses.*

23. The Commission has reviewed the Project against those additional SEFC zone design review criteria and concludes the Project satisfies such additional criteria as well.

**Superior Quality**

24. The Commission also concludes that the Project also satisfies the requirement under Subtitle K § 237.4(a) that any building requesting the additional height and/or density available in the SEFC-1A zone must also provide "architectural design, site plan, landscaping, and sidewalk treatment . . . of superior quality."

25. The Project's design, site plan, landscaping, and streetscaping are all superior. The Project has an innovative, contextually-appropriate overall form, and features superior quality architectural details and materials. The Project's site plan constitutes a superior design given the Property's configuration and surrounding uses and street networking. Finally, the Project's landscaping and streetscaping are sustainable, attractively designed, and supportive of the public space goals and objectives of Yards West and the SEFC zones.

**Zoning Flexibility (X § 603.1)**

26. Pursuant to Subtitle X § 603.1, the Commission considered the Applicant's request for zoning flexibility with respect to the Project's open court along New Jersey Avenue, S.E., which court does not comply with the dimensional requirements set forth in the Zoning Regulations.

27. Subtitle X § 603.1 provides that the Commission may grant relief from certain development standards but not others. (Subtitle X § 603.1.) Subtitle X § 603.3 provides that the Commission may grant a variance that would otherwise require the approval of the Board of Zoning Adjustment simultaneously with a design review application.

28. The Commission concludes that the Project's design justifies the modest zoning dimensional flexibility requested in this instance. The Commission notes that since this

court opens out onto New Jersey Avenue, a 160-foot-wide right-of-way, the reduced court width does not adversely impact the amount of light and air available to the Project or surrounding properties. Furthermore, the flexibility facilitates the upper-story sculpting of the building described in detail above. (Tr. at 30-31.)

#### **“Great Weight” to the ANC Report**

29. The Commission is required to give “great weight” to the issues and concerns of the affected ANC expressed in its written report. (§ 13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code § 1-309.10(d) (2012 Repl.) and Subtitle Z § 406.2.) To satisfy this great weight requirement, District agencies must articulate with particularity and precision the reasons why an affected ANC does or does not offer persuasive advice under the circumstances. The District of Columbia Court of Appeals has interpreted the phrase “issues and concerns” to “encompass only legally relevant issues and concerns.” (*Wheeler v. District of Columbia Board of Zoning Adjustment*, 395 A.2d 85, 91 n.10 (1978).)
30. ANC 6D voted to support the application for SEFC zone design review and related zoning relief. The Commission notes that the ANC raised no substantive concerns about the design of the Project and at the public hearing spoke forcefully in favor of the Project’s unique design as an element that attracts activity to The Yards and that benefits the ANC.

#### **“Great Weight” to the Recommendations of OP**

31. The Commission is also required to give great weight to the recommendations of OP. (D.C. Official Code § 6-623.04 and Subtitle Z § 405.8.)
32. The Commission gives OP’s recommendation to approve the application great weight, concurs with and incorporates herein OP’s findings, and concludes that the Applicant’s responses appropriately addressed OP’s questions and concerns.

### **DECISION**

At its public meeting on June 10, 2019, in consideration of the case record and the above Findings of Fact and Conclusions of Law, the Zoning Commission for the District of Columbia took **FINAL ACTION** to **APPROVE** the design review application, including variance relief and design flexibility, subject to the following conditions, standards, and flexibility:

1. **Project Development.** The Project shall be built in accordance with the plans and elevations dated May 16, 2019 (Ex. 22C1-22C3), as modified by the plans dated May 23, 2019 (Ex. 26B) and by the plans dated May 30, 2019 (Ex. 28-28A2) (collectively, the “Final Plans”), and with zoning flexibility from the open court dimension requirements, subject to the following areas of flexibility:
  - a. To vary the location and design of all interior components, including partitions, structural slabs, doors, hallways, columns, stairways, mechanical rooms, and

toilet rooms, provided that the variations do not change the exterior configuration or appearance of the structure;

- b. To vary the colors of the exterior materials based on availability at the time of construction, provided such colors are within the color ranges proposed in the Final Plans;
- c. To make minor refinements to the locations and dimensions of exterior details that do not substantially alter the exterior design shown on the Final Plans. Examples of exterior details would include, but are not limited to, doorways, canopies, railings, and skylights;
- d. To make refinements to the approved parking configuration, including layout and number of parking spaces plus or minus 10%;
- e. To vary the location, attributes, and general design of the approved streetscape to comply with the requirements of, and the approval by, the DDOT Public Space Division;
- f. To vary the final streetscaping and landscaping materials on private property as shown on the Final Plans based on availability and suitability at the time of construction, to incorporate materials consistent with adjacent public space (including both DDOT standard and DDOT-approved “Yards Standard” materials, furnishings, and fixtures), or otherwise in order to satisfy any permitting requirements of DC Water, DDOT, DOEE, DCRA, or other applicable regulatory bodies;
- g. To vary the amount, location and type of green roof, solar panels, and paver areas to meet stormwater requirements and sustainability goals or otherwise satisfy permitting requirements, so long as the Project achieves a minimum GAR of 0.3, based on the area of Parcel G, and provides a minimum of 2,300 square feet of roof area containing solar panels and related equipment;
- h. To vary the final design and layout of the mechanical penthouse to accommodate changes to comply with Construction Codes or address the structural, mechanical, or operational needs of the building uses or systems, so long as such changes do not substantially alter the exterior dimensions shown on the Final Plans and remain compliant with all applicable penthouse setback requirements;
- i. To vary the final design and layout of the indoor and outdoor amenity spaces to reflect their final design and programming;
- j. To vary the final design of the ground floor frontage, including the number, size, design, and location of windows and entrances, signage, awnings, canopies, and similar storefront design features, to accommodate the needs of

the specific tenants within the parameters set forth in the Storefront and Signage Plans; and

- k. To vary the design of the surface parking lot remaining on Parcel F in accordance with the plan submitted as Exhibit 19D.
2. **Ground-Floor Uses.** The Applicant shall have flexibility to change the use of the space identified as “Retail” or “Retail/Office Flex” in the Final Plans to any use allowed among (i) the “Preferred Uses” in the SEFC-1A zone with respect to the space(s) fronting along N Street, S.E., and (ii) either “Preferred Uses” or office uses in the SEFC-1A zone with respect to the space(s) along New Jersey Avenue, S.E., 1½ Street, and/or Quander Street, S.E.
3. **LEED.** The Project shall achieve certification from the U.S. Green Building Council at the level of LEED Gold v4, provided that the Applicant shall have the flexibility to vary the approved sustainable features of the Project as long as the total number of LEED points achievable for the Project does not decrease below the minimum required for the foregoing LEED standard.
4. **EV Charging Stations. For the life of the Project,** the Applicant shall provide no fewer than three electric vehicle charging stations in the Project’s below-grade garage.
5. **Penthouse Affordable Housing Contribution.** The Applicant shall contribute to the Housing Production Trust Fund an amount equal to one-half the assessed value of the proposed penthouse habitable space associated with the Project, based on the assessed value of Parcel G only. Consistent with Subtitle C § 1505.16, not less than one-half of the contribution shall be made **prior to the issuance of a building permit,** and the balance of the contribution shall be made **prior to the issuance of a certificate of occupancy.**
6. **Loading Management Plan. For the life of the Project,** the Applicant shall adhere to the following loading management plan measures:
  - a. Designate a loading dock manager who will be responsible for coordinating with vendors and tenants to schedule deliveries and who will be on duty during delivery hours;
  - b. Require all retail and office tenants to schedule any deliveries that utilize the loading docks (defined here as any loading operation conducted using a truck 20 feet in length or larger);
  - c. Require the dock manager(s) to schedule deliveries for trucks using the loading berths such that the dock’s capacity is not exceeded, and in the event that an unscheduled delivery vehicle arrives while the dock is full, direct that driver to return at a later time when a berth will be available so as to not impede the drive aisle that passes in front of the loading dock;

- d. Require the dock manager(s) to monitor inbound truck maneuvers and ensure that trucks accessing the loading dock do not block vehicular traffic except during those times when a truck is actively entering the loading facilities;
  - e. Prohibit trucks using the loading dock from idling and direct compliance with all District guidelines for heavy vehicle operation including but not limited to DCMR 20 – Chapter 9, § 900 (Engine Idling), the regulations set forth in DDOT’s Freight Management and Commercial Vehicle Operations document, and the primary access routes listed in the DDOT Truck and Bus Route System; and
  - f. Assign the dock manager(s) the responsibility for disseminating suggested truck routing maps to the Project’s tenants and to drivers from delivery services that frequently utilize the loading dock and for distributing flyer materials as DDOT’s Freight Management and Commercial Vehicle Operations document to drivers as needed to encourage compliance with idling laws. The dock manager(s) will also post these documents in a prominent location within the service area.
7. **Transportation Demand Management Measures. For the life of the Project,** the Applicant shall adhere to the following TDM plan measures:
- a. Identify and share with DDOT and goDCgo ([info@godcgo.com](mailto:info@godcgo.com)) the full contact information for the Project’s TDM Leader (for planning, construction, and operations) who will distribute and market to tenants of the building various transportation alternatives and options, to act as a point of contact with DDOT/Zoning Enforcement with annual updates;
  - b. Provide TDM materials to new tenants of the building in any “welcome” materials and post all TDM commitments online for tenant reference;
  - c. Provide the Project’s TDM Leaders’ contact information to DDOT and goDCgo ([info@godcgo.com](mailto:info@godcgo.com)) and report TDM efforts and amenities to goDCgo staff once per year;
  - d. Provide website links to [CommuterConnections.com](http://CommuterConnections.com) and [godcgo.com](http://godcgo.com) on property websites;
  - e. Provide for the Project’s TDM Leaders to receive TDM training from goDCgo to learn about the TDM conditions for the Project and available options for implementing the TDM plan;
  - f. Notify goDCgo each time a new office tenant occupying a full floor or more of the Project moves into the Project and provide TDM information to each such new tenant;
  - g. Post “getting here” information in a visible and prominent location on the website for the Project’s retail component, which information shall feature non-automotive travel modes and shall provide links to [godcgo.com](http://godcgo.com),

CommuterConnections.com, transit agencies around the metropolitan area, and instructions for customers discouraging parking on-street in Residential Permit Parking zones;

- h. Require the TDM Leader to distribute information on the “Commuter Connections Guaranteed Ride Home” program, which provides commuters who regularly carpool, vanpool, bike, walk or take transit to work with a free and reliable ride home in an emergency;
- i. Implement or require office tenants within the building to implement a carpooling system such that individuals working in the building who wish to carpool can easily locate other employees who live nearby;
- j. Provide tenants with employees who wish to carpool detailed carpooling information and will be referred to other carpool matching services sponsored by the Metropolitan Washington Council of Governments (MWCOC) or other comparable service if MWCOC does not offer this in the future;
- k. Require tenants with 20 or more employees to comply with the DC Commuter Benefits Law and participate in one of the three transportation benefits outlined in the law (employee-paid pre-tax benefit, employer-paid direct benefit, or shuttle service);
- l. Install a Transportation Information Center Display (electronic screen) within the Project’s office lobby, which Display shall contain information related to local transportation alternatives;
- m. Work with the Capitol Riverfront BID’s marketing efforts targeting the SE and SW quadrants of the District, which marketing efforts shall include installing posters in bus shelter map cases, transit oriented promotional materials, and special transit maps in Navy Yard area;
- n. Provide, at no charge to and for use by any tenant of the building or employee thereof, no fewer than 86 long-term bicycle parking spaces in the Project with room to accommodate non-traditional sized bikes including cargo and tandem bikes;
- o. Provide no fewer than six showers and 50 lockers for tenant of the building or employee thereof;
- p. Provide no fewer than 12 short-term bicycle parking spaces along 1½ Street and/or N Street, S.E.;
- q. Provide a bicycle repair station in the secure long-term bicycle storage room;
- r. Price all parking in the Project at market rates, at minimum, where “market rates” are the average cost for parking at a one-quarter mile radius from the site;



- s. Unbundle the cost of parking from the cost to lease an office unit;
  - t. Refrain from leasing unused parking spaces to anyone aside from tenants of the building unless there is an agreement in place in which no parking is provided at the other property;
  - u. Designate a minimum of four preferential carpooling spaces and four preferential vanpooling spaces in a convenient location within the parking garage for employee use; and
  - v. Require any office tenant occupying 75% or more of the office space in the Project to participate in the Capital Bikeshare corporate membership program and offer discounted annual memberships to employees.
8. The Application approved by this Commission shall be valid for a period of two years from the effective date of this Order. Within such time, an application for building permit must be filed as specified in 11-Z DCMR § 702.2. Construction must begin within three years after the effective date of this Order. (11-Z DCMR § 702.3.)
9. 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.

**VOTE (June 10, 2019):**      **4-1-0**      (Robert E. Miller, Michael G. Turnbull, Anthony J. Hood, and Peter A. Shapiro to **APPROVE**; Peter G. May opposed).

In accordance with the provisions of Subtitle Z § 604.9, this Order No. 18-22, shall become final and effective upon publication in the *D.C. Register*; that is on October 25, 2019.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
EXECUTIVE OFFICE OF THE MAYOR  
MAYOR'S OFFICE OF LEGAL COUNSEL  
Freedom of Information Act Appeal: 2019-1**

October 17, 2018

VIA ELECTRONIC MAIL

Dr. Karthik Balasubramanian

RE: FOIA Appeal 2019-001

Dear Dr. Balasubramanian:

This letter responds to the administrative appeal you submitted to the Mayor under the District of Columbia Freedom of Information Act, D.C. Official Code § 2-537 ("DC FOIA"), challenging the Metropolitan Police Department's ("MPD") response to your September 30, 2018 request for "All ATE records that pertain to DC and Federal Government vehicles . . . violating traffic laws."

This Office contacted MPD on October 2, 2018, and notified the agency of your appeal. MPD responded on October 16, 2018, advising us that your "request may have been misunderstood by staff," and that "the department will undertake a search for responsive documents."<sup>1</sup> MPD's response indicates that it has not yet conducted an adequate search, and this Office accepts that representation.

As a result, we remand this matter to MPD to complete the search that it is conducting, review responsive documents, and provide to you all non-exempt portions within 15 days of this decision. You are free to assert any challenge, by separate appeal to this Office, to the subsequent substantive response MPD sends you.

If you are dissatisfied with this decision, you may commence a civil action against the District of Columbia government in the Superior Court of the District of Columbia in accordance with DC FOIA.

Respectfully,

Mayor's Office of Legal Counsel

cc: Ronald B. Harris, Deputy General Counsel, MPD (via email)

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<sup>1</sup> A copy of MPD's response is attached.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
EXECUTIVE OFFICE OF THE MAYOR  
MAYOR'S OFFICE OF LEGAL COUNSEL  
Freedom of Information Act Appeal: 2019-2**

November 1, 2018

VIA ELECTRONIC MAIL

Emily Miller

RE: FOIA Appeal 2019-002

Dear Ms. Miller:

This letter responds to the administrative appeal you submitted to the Mayor under the District of Columbia Freedom of Information Act, D.C. Official Code § 2-537 ("DC FOIA"), on the grounds that the Office of the Chief Technology Officer ("OCTO") failed to respond to your April 17, 2018 request for correspondence between the Metropolitan Police Department ("MPD") or the Mayor's Office and a specific Washington Post reporter during a particular time period.

You submitted your appeal on October 3, 2018, and this Office inadvertently notified MPD instead of OCTO. We realized our error on October 18, 2018. That same day, we notified OCTO of your appeal and asked that it respond and explain its position, pursuant to 1 DCMR § 412.5.

OCTO advised us today that it has retrieved 9,544 messages that are responsive to your request. OCTO further contends that it is required pursuant to a Mayor's Order to provide the messages to MPD for its substantive review, and that OCTO will do so "immediately."

DC FOIA requires an agency to respond to a records request within 15 business days, or within 25 business days under certain circumstances. D.C. Official Code § 2-532. OCTO's failure to timely respond to your request constitutes a constructive denial under D.C. Official Code § 2-532(e); however, OCTO has now responded to your request with its position vis-à-vis the records.<sup>1</sup> As a result, we dismiss your appeal on the grounds that it is moot.

This constitutes our final decision with respect to your appeal. You are free to challenge the substance of OCTO's response by separate appeal to this Office. If you are dissatisfied with this decision, you may commence a civil action against the District of Columbia government in the Superior Court of the District of Columbia in accordance with DC FOIA.

Sincerely,  
Mayor's Office of Legal Counsel  
cc: Pam Brown, General Counsel, OCTO (via email)

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<sup>1</sup> Although OCTO's response was addressed to this Office, you were copied on the message.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
EXECUTIVE OFFICE OF THE MAYOR  
MAYOR'S OFFICE OF LEGAL COUNSEL  
Freedom of Information Act Appeal: 2019-3**

October 18, 2018

VIA ELECTRONIC MAIL

Mr. Andrew Adelman

RE: FOIA Appeal 2019-003

Dear Mr. Andrew Adelman:

This letter responds to the administrative appeal you submitted to the Mayor under the District of Columbia Freedom of Information Act, D.C. Official Code § 2-537 ("DC FOIA"), challenging the Metropolitan Police Department's ("MPD") lack of response to your August 22, 2018 request for records relating to a "burglary of the Chipotle Mexican Restaurant located at 1837 M St. NW, Washington, D.C. 20036 on April 27, 2018."

This Office contacted MPD on October 3, 2018, and notified the agency of your appeal. MPD responded on October 10, 2018, advising us that "[t]he department is nearing the completion of the processing," of your request and that "[t]he department's response will be sent to [you] within the next several days."<sup>1</sup> MPD's response indicates that it has not yet completed its production, and this Office accepts that representation.

As a result, we remand this matter to MPD to complete the search that it is conducting, review responsive documents, and provide to you all non-exempt portions within 5 days of this decision. You are free to assert any challenge, by separate appeal to this Office, to the subsequent substantive response MPD sends you.

If you are dissatisfied with this decision, you may commence a civil action against the District of Columbia government in the Superior Court of the District of Columbia in accordance with DC FOIA.

Respectfully,

Mayor's Office of Legal Counsel

cc: Ronald B. Harris, Deputy General Counsel, MPD (via email)

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<sup>1</sup> A copy of MPD's response is attached.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
EXECUTIVE OFFICE OF THE MAYOR  
MAYOR'S OFFICE OF LEGAL COUNSEL  
Freedom of Information Act Appeal: 2019-4**

October 22, 2018

VIA ELECTRONIC MAIL

Mr. Mark T. Fahey

RE: FOIA Appeal 2019-004

Dear Mr. Fahey:

This letter responds to the administrative appeal you submitted to the Mayor under the District of Columbia Freedom of Information Act, D.C. Official Code § 2-537 ("DC FOIA"). In your appeal, you challenge the response of the Department of Public Works ("DPW") to your request for records under the DC FOIA.

On September 5, 2018, you submitted a request to DPW for financial records pertaining to its residential trash collection program. In specific, you asked for revenue and expense documents related to the purchase and distribution of residential trash cans over the past ten years. On October 5, 2018, you appealed to this Office on the grounds that DPW responded to your request and released some documents but failed to provide any of the financial information you sought. We notified DPW of your appeal, and DPW responded on October 19, 2018.<sup>1</sup> DPW acknowledges that its initial response inadvertently omitted the requested financial information. DPW subsequently obtained financial records covering a portion of the timeframe you specified and provided them to you. DPW asserts that it will obtain and disclose the remaining responsive records by October 26, 2018.

This Office accepts DPW's representation that it will provide you with the outstanding financial documents at issue. As a result, we remand this matter to DPW to do so within 5 business days of the date of this decision. You are free to assert any challenge, by separate appeal to this Office, to the substantive response DPW sends you.

If you are dissatisfied with this decision, you may commence a civil action against the District of Columbia government in the Superior Court of the District of Columbia in accordance with DC FOIA.

Respectfully,

Mayor's Office of Legal Counsel

cc: Nakeasha Sanders-Small, Deputy General Counsel, MPD (via email)

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<sup>1</sup> A copy of DPW's response is attached.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
EXECUTIVE OFFICE OF THE MAYOR  
MAYOR'S OFFICE OF LEGAL COUNSEL  
Freedom of Information Act Appeal: 2019-6**

October 24, 2018

VIA ELECTRONIC MAIL

Mr. Gregory Slate

RE: FOIA Appeal 2019-006

Dear Mr. Slate:

This letter responds to the above-captioned administrative appeals you submitted to the Mayor under the District of Columbia Freedom of Information Act, D.C. Official Code § 2-537 (“DC FOIA”), on the grounds that the Office of the Chief Technology Officer (“OCTO”) failed to respond to your two requests for records related to emails sent or received by a named District of Columbia Superior Court employee.

This Office contacted OCTO on October 10, 2018, and October 16, 2018, and notified the agency of your appeals. OCTO responded on October 23, 2018.<sup>1</sup> In its response, OCTO indicated that it does not possess records responsive to your requests because OCTO does not manage the Superior Court’s email system. We accept this representation, and further note that the Superior Court is excluded from the DC FOIA’s definition of an agency and a public body. *See* D.C Official Code §§ 2-502 (3), (5), (18A).

OCTO’s failure to respond to your requests in a timely manner constitutes a constructive denial under D.C. Official Code § 2-532(e); however, OCTO responded to your requests on October 23, 2018, and advised you that it is not withholding any responsive records. As a result, we dismiss your appeals as moot.

If you are dissatisfied with this decision, you may commence a civil action against the District of Columbia government in the Superior Court of the District of Columbia in accordance with DC FOIA.

Respectfully,

Mayor’s Office of Legal Counsel

cc: Pamela Brown, General Counsel, OCTO (via email)

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<sup>1</sup> A copy of OCTO’s response is attached.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
EXECUTIVE OFFICE OF THE MAYOR  
MAYOR'S OFFICE OF LEGAL COUNSEL  
Freedom of Information Act Appeal: 2019-7**

October 25, 2018

VIA ELECTRONIC MAIL

Dr. Karthik Balasubramanian

RE: FOIA Appeal 2019-007

Dear Dr. Balasubramanian:

This letter responds to the administrative appeal you submitted to the Mayor under the District of Columbia Freedom of Information Act, D.C. Official Code § 2-537 ("DC FOIA"), challenging the Department of Motor Vehicles' ("DMV") response to your October 3, 2018 request for "All ATE records that pertain to DC and Federal Government vehicles . . . violating traffic laws."

This Office contacted DMV on October 11, 2018, and notified the agency of your appeal. DMV responded on October 17, 2018, advising us that it notified you on October 10, 2018, that it was revising its response to your request. DMV had initially responded by indicating that it was not required by DC FOIA to create a report delineating the information you requested; DMV's revised response indicated that DMV does not possess the records you seek, and that such records may be held by the Metropolitan Police Department.<sup>1</sup> We note that in FOIA Appeal 2019-001, MPD represented that it was conducting a search for records responsive to your request after having mistakenly referred you to the DMV. This Office accepts DMV's representation that it does not possess responsive records.

As a result, we affirm DMV's decision and dismiss your appeal. If you are dissatisfied with this decision, you may commence a civil action against the District of Columbia government in the Superior Court of the District of Columbia in accordance with DC FOIA.

Respectfully,

Mayor's Office of Legal Counsel

cc: David Glasser, General Counsel, DMV (via email)

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<sup>1</sup> A copy of DMV's response is attached.

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
EXECUTIVE OFFICE OF THE MAYOR  
MAYOR'S OFFICE OF LEGAL COUNSEL  
Freedom of Information Act Appeal: 2019-8

October 30, 2018

VIA ELECTRONIC MAIL

Mr. Fritz Mulhauser

RE: FOIA Appeal 2019-008

Dear Mr. Mulhauser:

This letter responds to the administrative appeal you submitted to the Mayor under the District of Columbia Freedom of Information Act, D.C. Official Code § 2-537 (“DC FOIA”). In your appeal, you assert that the District of Columbia Public Schools (“DCPS”) failed to conduct an adequate search and improperly withheld records you requested under the DC FOIA.

Background

On July 24, 2018, you submitted a request to DCPS for “any records of communications (emails, letters) or meetings between [two specific individuals] or any other employee of the Urban Institute and any staff of the D.C. Public Schools” during a particular time period. On October 10, 2018, DCPS granted your request in part and disclosed 29 pages of records. DCPS denied your request in part and withheld records pursuant to D.C. Official Code § 2-534(a)(4) (“Exemption 4”), and specifically the deliberative process privilege.

You appealed DCPS’s response to this Office on multiple grounds. First, you argue that DCPS failed to describe the nature or extent of its search, which you believe was inadequate since it produced only emails. Second, you contend that DCPS did not describe how many documents were withheld, the subject of the documents, or why exempt material could not be segregated in accordance with DC FOIA. You further maintain that the deliberative process privilege cases DCPS cited are inapposite with regard to your request since “Urban Institute is not acting as a consultant,” and the requested records relate to a project being proposed in the Urban Institute’s interest.

This Office contacted DCPS on October 15, 2018, and notified the agency of your appeal.<sup>1</sup> On October 25, 2018, DCPS provided this Office with a response to your appeal, including a *Vaughn* Index and a copy of the withheld documents for our *in camera* review.<sup>2</sup> In its response, DCPS described the search it conducted for responsive records and asserted that no responsive physical documents exist. With regard to the withheld emails, DCPS reasserted, generally, its

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<sup>1</sup> DCPS requested and was granted an extension to respond to the appeal.

<sup>2</sup> A copy of DCPS’s response and *Vaughn* Index are attached.



position that Exemption 4 protects them from disclosure. DCPS did not explain its relationship with the Urban Institute or otherwise provide context in support of its position that the Urban Institute is a consultant for DCPS.

### Discussion

It is the public policy of the District of Columbia that “all persons are entitled to full and complete information regarding the affairs of government and the official acts of those who represent them as public officials and employees.” D.C. Official Code § 2-531. In aid of that policy, DC FOIA creates the right “to inspect . . . and . . . copy any public record of a public body . . .” D.C. Official Code § 2-532(a). The right created under the DC FOIA to inspect public records is subject to various exemptions that may form the basis for denial of a request. *See* D.C. Official Code § 2-534.

The DC FOIA was modeled on the corresponding federal Freedom of Information Act. *See Barry v. Washington Post Co.*, 529 A.2d 319, 321 (D.C. 1987). Accordingly, decisions construing the federal statute are instructive and may be examined to construe the local law. *Washington Post Co. v. Minority Bus. Opportunity Comm’n*, 560 A.2d 517, 521, n.5 (D.C. 1989).

### *Adequacy of Search*

To conduct a reasonable and adequate search for documents responsive to a FOIA request, an agency must: (1) make a reasonable determination as to the locations of records requested; and (2) search for the records in those locations. *Doe v. D.C. Metro. Police Dep’t*, 948 A.2d 1210, 1220-21 (D.C. 2008) (citing *Oglesby v. United States Dep’t of Army*, 920 F.2d 57, 68 (D.C. Cir. 1990)). This first step includes determining the likely electronic databases where such records are to be located, such as email accounts and word processing files, and the relevant paper-based files that the agency maintains. *Id.* Second, the agency must affirm that the relevant locations were in fact searched. *Id.* Generalized and conclusory allegations cannot suffice to establish an adequate search. *See In Def. of Animals v. NIH*, 527 F. Supp. 2d 23, 32 (D.D.C. 2007).

DCPS’s response to your request did not describe the locations or methods of the search it conducted. On appeal, DCPS offered more information. DCPS indicated that it identified the employee who interacted with the Urban Institute and had a search conducted of his email using relevant search terms. DCPS also confirmed with the employee that he does not have any hard copies of documents that would be responsive to your request, such as “one-pagers” and “concept papers,” which you specified in your appeal. Based on DCPS’s description, we find that its search was reasonably calculated to produce the requested documents and that it made a good faith effort to do so. As a result, we conclude that DCPS’s search was adequate.

### *Exemption 4*

In order to adjudicate your appeal, DCPS provided us with a *Vaughn* Index and the 126 pages of withheld documents at issue for our *in camera* review. Whereas your request sought records of

Mr. Fritz Mulhauser  
Freedom of Information Act Appeal 2019-8  
October 30, 2018  
Page 3

communications or meetings between Urban Institute employees and DCPS staff, DCPS withheld several email communications between or among only DCPS employees (e.g., Bates-stamped documents 26-30, 35-36). These communications are not responsive to your request; therefore, we need not address whether they are exempt from disclosure under Exemption 4. In addition, some of the withheld emails between DCPS employees and the Urban Institute relate to the Urban Institute's request for a meeting with Antwan Wilson, former chancellor of DCPS.<sup>3</sup> These emails are not deliberative under Exemption 4 and should be disclosed. The remaining withheld documents at issue consist of email messages between DCPS employees and employees of the Urban Institute, which is a non-profit organization that conducts economic and social policy research.

Exemption 4 vests public bodies with discretion to withhold "inter-agency or intra-agency memorandums and letters which would not be available by law to a party other than an agency in litigation with the agency[.]" This exemption has been construed to "exempt those documents, and only those documents, normally privileged in the civil discovery context." *NLRB v. Sears, Roebuck & Co.*, 421 U.S. 132, 149 (1975). As a result, Exemption 4 encompasses the deliberative process privilege. *See McKinley v. Bd. of Governors of the Fed. Reserve Sys.*, 647 F.3d 331, 339 (D.C. Cir. 2011). The deliberative process privilege protects agency documents that are both predecisional and deliberative. *Coastal States Gas Corp., v. Dep't of Energy*, 617 F.2d 854, 866 (D.C. Cir. 1980). A document is predecisional if it was generated before the adoption of an agency policy and it is deliberative if it "reflects the give-and-take of the consultative process." *Id.*

The Urban Institute is an entity outside of the District government. Accordingly, for the deliberative process privilege of Exemption 4 to apply to emails between DCPS employees and Urban Institute employees, an exception must exist to the threshold requirement that the emails are "inter-agency or intra-agency" documents. One such exception recognized by courts is the consultant corollary. The consultant corollary applies when the government has hired a consultant to effectively function as a government employee. In these instances, documents exchanged between the government and the consultant do not lose the protections available under Exemption 4. *See, e.g., Dep't of the Interior v. Klamath Water Users Protective Ass'n*, 532 U.S. 1, 11 (2001).

Having reviewed the withheld emails, we find that the consultant corollary does not apply. As previously stated, DCPS did not explain its past or current relationship to the Urban Institute in response to your appeal. We glean from the emails, however, that they fall into two categories. Most of the emails pertain to the Urban Institute contacting DCPS in the fall of 2017 and asking for certain DCPS data for a student transportation study that the Urban Institute was conducting on five cities. DCPS agreed to provide the data under certain conditions, and the Urban Institute issued its report in the spring of 2018.<sup>4</sup> The emails make clear that although the Urban Institute was amenable to conducting certain research requested by DCPS, the purpose of obtaining DCPS

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<sup>3</sup> Bates-stamped documents 45, 46, 49, 50.

<sup>4</sup> The report is publicly available on the Urban Institute's website.

Mr. Fritz Mulhauser  
Freedom of Information Act Appeal 2019-8  
October 30, 2018  
Page 4

data was for the Urban Institute's study and report, which would provide information for policymakers seeking to improve school systems.

Under *Klamath*, "the communications of a third-party consultant or contractor, hired to provide expert advice to an agency, may be considered inter-agency or intra-agency for the purposes of Exemption 5<sup>5</sup>" if the outside consultant does not have an interest in the outcome of the decision making process and is in competition with the other parties. Here, the Urban Institute was not hired to provide expert advice to DCPS. Rather, DCPS provided its data at the Urban Institute's request to facilitate the Urban Institute's independent research study. *See People for the Am. Way Found. v. United States Dep't of Educ.*, 516 F.Supp. 2d 28, 39-40 (D.D.C. 2007) (holding that third parties did not fall within the ambit of *Klamath* because they were contracted to independently evaluate a voucher program rather than advise a government agency). While the Urban Institute's report might ultimately inform DCPS policy decisions, the reports are benefits to DCPS as opposed to work performed on DCPS's behalf.

The second set of emails (Bates-stamped documents 1-11) spans from April to June 2018 and relates to the Urban Institute's proposal to enter into an education research practice partnership with DCPS. There is no indication that the proposal has been accepted. Moreover, even if it were accepted, we are skeptical that a consultant relationship would be created between DCPS and the Urban Institute for the reasons discussed above.<sup>6</sup>

### Conclusion

Based on the foregoing, DCPS's response to your request is affirmed in part, insofar as the search it conducted was adequate. DCPS's response is remanded in part with respect to the documents it withheld from disclosure. Within ten business days from the date of this decision, DCPS shall review the documents it withheld and disclose to you nonexempt portions in accordance with the guidance in this decision.

This constitutes the final decision of this Office. If you are dissatisfied with this decision, you may commence a civil action against the District of Columbia government in the Superior Court of the District of Columbia in accordance with the DC FOIA.

Sincerely,

Mayor's Office of Legal Counsel

cc: Victoria Healy, Attorney Advisor, DCPS (via email)

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<sup>5</sup> Exemption 5 of the federal FOIA is the equivalent of Exemption 6 of DC FOIA.

<sup>6</sup> Some of the messages are between only DCPS employees and are arguably deliberative. DCPS can properly redact these portions and disclose the remaining portions and messages in accordance with its obligation under D.C. Official Code § 2-534(b) to produce "[a]ny reasonably segregable portion of a public record . . . after deletion of those portions" that are exempt from disclosure.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
EXECUTIVE OFFICE OF THE MAYOR  
MAYOR'S OFFICE OF LEGAL COUNSEL  
Freedom of Information Act Appeal: 2019-9**

October 24, 2018

VIA ELECTRONIC MAIL

Mr. Gregory Slate

RE: FOIA Appeal 2019-009

Dear Mr. Slate:

This letter responds to the above-captioned administrative appeals you submitted to the Mayor under the District of Columbia Freedom of Information Act, D.C. Official Code § 2-537 (“DC FOIA”), on the grounds that the Office of the Chief Technology Officer (“OCTO”) failed to respond to your two requests for records related to emails sent or received by a named District of Columbia Superior Court employee.

This Office contacted OCTO on October 10, 2018, and October 16, 2018, and notified the agency of your appeals. OCTO responded on October 23, 2018.<sup>1</sup> In its response, OCTO indicated that it does not possess records responsive to your requests because OCTO does not manage the Superior Court’s email system. We accept this representation, and further note that the Superior Court is excluded from the DC FOIA’s definition of an agency and a public body. *See* D.C Official Code §§ 2-502 (3), (5), (18A).

OCTO’s failure to respond to your requests in a timely manner constitutes a constructive denial under D.C. Official Code § 2-532(e); however, OCTO responded to your requests on October 23, 2018, and advised you that it is not withholding any responsive records. As a result, we dismiss your appeals as moot.

If you are dissatisfied with this decision, you may commence a civil action against the District of Columbia government in the Superior Court of the District of Columbia in accordance with DC FOIA.

Respectfully,

Mayor’s Office of Legal Counsel

cc: Pamela Brown, General Counsel, OCTO (via email)

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<sup>1</sup> A copy of OCTO’s response is attached.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
EXECUTIVE OFFICE OF THE MAYOR  
MAYOR'S OFFICE OF LEGAL COUNSEL  
Freedom of Information Act Appeal: 2019-10**

October 30, 2018

VIA ELECTRONIC MAIL

Kevin O. Williams

RE: FOIA Appeal 2019-010

Dear Mr. Williams:

This letter responds to the administrative appeal you submitted to the Mayor under the District of Columbia Freedom of Information Act, D.C. Official Code § 2-537 ("DC FOIA"), pertaining to a request you submitted to the Department of Corrections ("DOC").

On March 16, 2018, you submitted a request to DOC for documents related to a particular job position that DOC posted and filled in 2016. One of the records you sought was a document showing "that interviews for the position were or were not held [and if not held] a copy of the signed documentation stating so." DOC responded to your request on April 30, 2018, advising you, in relevant part, that it did not locate any written record of an interview associated with the position you identified.

On May 4, 2018, you submitted another request to DOC for "documentation showing what [sic] that the second review in fact took place and what the second prescore was" with respect to the same position you identified in your March 16, 2018 request. You also sought "signed documentation showing that the agency did in fact fill the position as quoted." DOC did not respond to your May 4, 2018 request.

On October 16, 2018, you appealed to this Office. The crux of your appeal is that the current DOC director has stated that the position at issue was filled according to policy, and DOC policy mandates that the director sign a document when a position is filled. DOC, however, has not provided you with a document signed by the DOC director indicating that the position was filled.

We notified DOC of your appeal, and the agency responded on October 29, 2018.<sup>1</sup> In its response, DOC stated that due to an oversight, it failed to respond to your May 4, 2018 request for "signed documentation showing that the Director did in fact fill the position" you specified. DOC further stated that it was attaching to its response the "Selection Certificate, i.e., document found to be responsive to both [your] appeal and [your] May 4, 2018 email request."

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<sup>1</sup> A copy of DOC's response is attached.

Mr. Kevin O. Williams  
Freedom of Information Act Appeal 2019-10  
October 30, 2018  
Page 2

We are uncertain from your appeal whether you are challenging DOC's failure to respond to your May 4, 2018 request, or the adequacy of the search it conducted in response to your March 16, 2018 request. Nevertheless, DOC has now located a document that appears to satisfy both of your requests.<sup>2</sup> Accordingly, we hereby determine that your appeal is moot; provided that you are free to submit a separate appeal to this Office if you wish to challenge the substance of DOC's response (i.e., the selection certificate) on any grounds.

If you are dissatisfied with this decision, you may commence a civil action against the District of Columbia government in the Superior Court of the District of Columbia in accordance with DC FOIA.

Sincerely,

Mayor's Office of Legal Counsel

cc: Segun Obebe, Records, Information & Privacy Officer, DOC (via email)

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<sup>2</sup> The document is "Attachment 1" to DOC's response.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
EXECUTIVE OFFICE OF THE MAYOR  
MAYOR'S OFFICE OF LEGAL COUNSEL  
Freedom of Information Act Appeal: 2019-11**

October 30, 2018

VIA ELECTRONIC MAIL

Mr. Gregory Slate

RE: FOIA Appeal 2019-011

Dear Mr. Slate:

This letter responds to the administrative appeal you submitted to the Mayor under the District of Columbia Freedom of Information Act, D.C. Official Code § 2-537 ("DC FOIA"). You submitted your appeal on the grounds that the Department of General Services ("DGS") failed to timely respond to your August 24, 2018 request for certain emails and belatedly asserted that all emails it retrieved were exempt from disclosure.

This Office contacted DGS on October 17, 2018, and notified the agency of your appeal. DGS responded on October 29, 2018 and explained the chronology pertaining to your request. DGS also provided us with copies of the emails it sent you.<sup>1</sup> These emails indicate that DGS acknowledged your request on August 24, 2018. On September 14, 2018, DGS advised you that it was extending its deadline by ten business days in accordance with DC FOIA to search and retrieve a voluminous amount of records. On September 28, 2018, DGS informed you that 706 emails were identified as responsive to your request and would be provided to you on a rolling basis. DGS emailed you again on October 10, 2018, and provided you with a link to a drop box where it had disclosed 644 pages. The email also contained language indicating that DGS was withholding other records under an exemption to DC FOIA. On October 18, 2018, DGS disclosed 1125 pages to you via link to a drop box.

DGS's response to your appeal offers clarity on the question of whether it has withheld any records from you. According to DGS, its "inclusion of a boilerplate statement suggesting that some emails were exempted pursuant to DC Code § 2-534(1) reasonably caused confusion to the requestor. No emails were exempted or withheld in this production response." DGS further stated that it has identified 530 remaining responsive emails, which will be produced to you on a rolling basis within two weeks.

Having reviewed copies of DGS's emails to you and its response to your appeal, we accept DGS's representation that it has produced two sets of documents and intends to produce 530 more emails. We also accept DGS's explanation that it mistakenly included exemption language

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<sup>1</sup> A copy of DGS's response is attached.

Mr. Gregory Slate  
Freedom of Information Act Appeal 2019-11  
October 30, 2018  
Page 2

in one of its emails to you; thus far, it has not actually withheld any records based on an exemption to DC FOIA.

In light of the foregoing, we remand this matter to DGS to complete its production to you within ten business days of the date of this decision. You are free to assert any challenge, by separate appeal to this Office, to the substantive response(s) DGS sends you.

If you are dissatisfied with this decision, you may commence a civil action against the District of Columbia government in the Superior Court of the District of Columbia in accordance with DC FOIA.

Respectfully,

Mayor's Office of Legal Counsel

cc: C. Vaughn Adams, Senior Assistant General Counsel, DGS (via email)



**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
EXECUTIVE OFFICE OF THE MAYOR  
MAYOR'S OFFICE OF LEGAL COUNSEL  
Freedom of Information Act Appeal: 2019-12**

October 31, 2018

VIA ELECTRONIC MAIL

Mr. Henok Araya

RE: FOIA Appeal 2019-012

Dear Mr. Araya:

This letter responds to the administrative appeal you submitted to the Mayor under the District of Columbia Freedom of Information Act, D.C. Official Code § 2-537 (“DC FOIA”). In your appeal, you challenge the response you received from the Office of Administrative Hearings (“OAH”) to your request under the DC FOIA.

Background

On September 21, 2018, OAH received your request for “all final judgements entered by OAH, that are not sealed, with the cases pertaining to child support and that start with ‘OAG’<sup>1</sup> cases from 2015-2017.”

On October 5, 2018, OAH denied your request pursuant to D.C. Official Code § 2-534(a)(6) (“Exemption 6”), citing to 29 DCMR § 8107 and 45 CFR § 303.21.<sup>2</sup>

On October 17, 2018 you submitted this appeal, in which you assert that 29 DCMR § 8107, which OAH cited, does not apply to court orders and orders that are not sealed; rather, it applies to the Child Support Services Division (“CSSD”)<sup>3</sup> or OAG itself. You argue that “once the government (CSSD or OAG) requests court intervention, unless that court intervention was sealed, OAH not CSSD or OAG must release all court judgments and orders.” You conclude by asserting that “a court order by OAH is not FOIA exempted” and that OAH could “redact the names and sensitive personal identifying information” but cannot withhold or improperly redact OAH orders, which are legal precedent.

This Office contacted OAH on October 17, 2018, and notified the agency of your appeal. On October 24, 2018, OAH provided this Office with a response to your appeal.<sup>4</sup> OAH reaffirmed its use of Exemption 6, providing citations to District and federal regulations. At our request and

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<sup>1</sup> OAG refers to the Office of the Attorney General for the District of Columbia.

<sup>2</sup> Exemption 6 exempts from disclosure “[i]nformation specifically exempted from disclosure by statute . . .”

<sup>3</sup> CSSD is a division of OAG.

<sup>4</sup> A copy of OAH’s response is attached.

for our *in camera* review, OAH provided a sample responsive OAH order with all personal and financial information redacted.

### Discussion

It is the public policy of the District of Columbia that “all persons are entitled to full and complete information regarding the affairs of government and the official acts of those who represent them as public officials and employees.” D.C. Official Code § 2-531. In aid of that policy, DC FOIA creates the right “to inspect . . . and . . . copy any public record of a public body . . .” D.C. Official Code § 2-532(a). The right created under the DC FOIA to inspect public records is subject to various exemptions that may form the basis for denial of a request. *See* D.C. Official Code § 2-534.

The DC FOIA was modeled on the corresponding federal Freedom of Information Act. *See Barry v. Washington Post Co.*, 529 A.2d 319, 321 (D.C. 1987). Accordingly, decisions construing the federal statute are instructive and may be examined to construe the local law. *Washington Post Co. v. Minority Bus. Opportunity Comm’n*, 560 A.2d 517, 521, n.5 (D.C. 1989).

This decision shall review the arguments OAH has advanced in support of its position that it properly denied your request in its entirety.

### Exemption 6 - Disclosure Prohibited by Other Law

Your request sought final orders issued by OAH related to the OAG’s CSSD and its enforcement of child support orders by way of attaching and seizing assets of an obligor. OAH acknowledges that its administrative law judges have adjudicated the types of cases you identified but maintains that responsive final judgments are exempt from disclosure under D.C. Official Code § 2-534(a)(6) (“Exemption 6”). Exemption 6 exempts from disclosure information exempt from disclosure by a statute other than DC FOIA. According to OAH, the judgments you requested are prohibited from release under 29 DCMR § 8107, which provides that “CSSD shall maintain the confidentiality of information and records concerning an obligor’s or joint account holder’s financial information and shall only release information or records as permitted by applicable provisions of District or federal law.” OAH’s reliance on 29 DCMR § 8107 for withholding the final judgments is misplaced for two reasons.

First, Exemption 6 pertains to information exempt from disclosure by statute, not by regulation. Federal courts have consistently held that Exemption 3 of federal FOIA, which is the equivalent of Exemption 6 of DC FOIA, pertains to statutes, not regulations. *See Anderson v. HHS*, 907 F.2d 936, 950, 951 n.19 (10th Cir. 1990) (regulations, constituting agency’s interpretation of statute, are not entitled to deference in determining whether statute qualifies as exemption under Exemption 3 of federal FOIA; *see also, Zanoni v. USDA*, 605 F. Supp. 2d 230, 236 (D. D.C. 2009) (holding that “[w]hen determining whether FOIA Exemption 3 applies, the court ‘must first determine whether the statute is a withholding statute . . . that . . . specifically exempt[s]

matters from disclosure” by “look[ing] at the language of the statute on its face” (internal quotations omitted)).

Second, assuming, arguendo, that Exemption 6 applies to regulations, the regulation that OAH cites does not relate to OAH final judgments. The regulation pertains to CSSD’s handling of financial information and records in CSSD’s possession. The cited regulation does not prohibit or otherwise govern OAH’s conduct in connection with hearings held under 29 DCMR § 8104.<sup>5</sup> Moreover, the regulation states that such financial information shall be released only “as permitted by applicable provisions of District or federal law.” Under District law, certain categories of information “must be made public.” D.C. Official Code § 2-536. One of these categories is “Final opinions . . . as well as orders, made in the adjudication of cases.” D.C. Official Code § 2-536(a)(3).<sup>6</sup> OAH has not advised us, nor are we independently aware of, any statute providing that the final judgments you seek are sealed or exempt from D.C. Official Code § 2-536 or DC FOIA.

OAH cites to another regulation, 45 CFR § 303.21, as further justification for its reliance on Exemption 6, which is similarly unpersuasive. As previously discussed, Exemption 6 does not apply to regulations. Nevertheless, this regulation governs the safeguarding and disclosure of confidential information under the federal Social Security Act (the “Act”). The regulation provides that except as authorized, an agency or unit in a state and the District that administers child and spousal support pursuant to the Act may not disclose any confidential information outside the administration of the Social Security program. Confidential information is defined under the Act as “any information relating to a specified individual or an individual who can be identified by reference to one or more factors specific to him or her, including but not limited to the individual's Social Security number, residential and mailing addresses, employment information, and financial information.” 45 CFR § 303.21(a)(1). Assuming that OAH is subject to this regulation in its administration of the Social Security program, the regulation would protect certain information (e.g., Social Security numbers, residential addresses), not final OAH judgments in their entirety.

#### Reasonable Segregability

Although we conclude that Exemption 6 does not apply to the records at issue, the orders you requested contain sensitive, personally identifiable information that should be redacted in accordance with D.C. Official Code § 2-534(a)(2) (“Exemption 2”). Exemption 2 protects from disclosure “information of a personal nature where the public disclosure thereof would constitute a clearly unwarranted invasion of personal privacy.”

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<sup>5</sup> This regulation provides that an obligor or joint account holder may object to the seizure of funds by requesting an administrative hearing from OAH.

<sup>6</sup> “The term “adjudication” means the agency process, other than rulemaking, for the formulation, issuance, and enforcement of an order.” D.C. Official Code § 2-502(19). The term “agency” includes both subordinate and independent agencies. D.C. Official Code § 2-502(3). OAH is an independent agency within the executive branch of District government. *See* D.C. Official Code § 2-1831.02(a).

Under DC FOIA, even when an agency establishes that it has properly withheld a document under an asserted exemption, it must disclose “[a]ny reasonably segregable portion of a public record . . . after deletion of those portions” that are exempt from disclosure. D.C. Official Code § 2-534(b).

“To demonstrate that it has disclosed all reasonably segregable material, ‘the withholding agency must supply a relatively detailed justification, specifically identifying the reasons why a particular exemption is relevant and correlating those claims with the particular part of a withheld document to which they apply.’” *Judicial Watch, Inc. v. U.S. Dep’t of Treasury*, 796 F. Supp. 2d 13, 29 (D.D.C. 2011) (quoting *Jarvik v. CIA*, 741 F. Supp. 2d 106, 120 (D.D.C. 2010)). To withhold a record in its entirety, an agency must demonstrate that exempt and nonexempt information are so inextricably intertwined that the excision of exempt information would produce an edited document with little to no informational value. *See e.g., Antonelli v. BOP*, 623 F. Supp. 2d 55, 60 (D.D.C. 2009).

Having reviewed a sample responsive order that OAH heavily redacted, we find that the records you requested can be reasonably segregated in a manner that would protect personal privacy interests contemplated in the District and federal regulations that OAH cited.

### Conclusion

Based on the foregoing, we remand this matter to OAH to, within ten business days of the date of this decision, conduct a search, review responsive documents, and produce non-exempt portions of records consistent with the guidance in this decision.

This constitutes the final decision of this Office. If you are dissatisfied with this decision, you may commence a civil action against the District of Columbia government in the Superior Court of the District of Columbia in accordance with the DC FOIA.

Sincerely,

Mayor’s Office of Legal Counsel

cc: Shawn Nolen, Assistant General Counsel, OAH (via email)

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
EXECUTIVE OFFICE OF THE MAYOR  
MAYOR'S OFFICE OF LEGAL COUNSEL  
Freedom of Information Act Appeal: 2019-13**

October 31, 2018

VIA ELECTRONIC MAIL

Valerie Jablow

RE: FOIA Appeal 2019-013

Dear Ms. Jablow:

This letter responds to the administrative appeal you submitted to the Mayor under the District of Columbia Freedom of Information Act, D.C. Official Code § 2-537 ("DC FOIA"), challenging the response you received from the District of Columbia Public Schools ("DCPS") to your request for applications and proposals DCPS received for public education data during a specific time period.

You submitted your appeal on October 19, 2018, and this Office notified DCPS and asked it to respond. On October 25, 2018, DCPS responded by addressing two questions you posed in your appeal about the initial response it sent you. With respect to the records DCPS previously denied you, DCPS stated that it has considered the arguments you raised on appeal and now agrees to provide you with them.<sup>1</sup> Due to the voluminous number of responsive documents, DCPS indicated that it will be sending you a good faith fee estimate pursuant to D.C Official Code § 2-532(b-3) and will subsequently provide you with non-exempt portions of documents on a rolling basis.

Your appeal was based on DCPS's withholding of records, and DCPS has now represented that it will provide you with them. We therefore remand this matter to DCPS to produce the records on a rolling basis beginning within five business days of the date of this decision.

This constitutes our final decision; however, you are free to challenge DCPS's subsequent response(s) by separate appeal to this Office.

If you are dissatisfied with this decision, you may commence a civil action against the District of Columbia government in the Superior Court of the District of Columbia in accordance with DC FOIA.

Sincerely,  
Mayor's Office of Legal Counsel  
cc: Victoria Healy, Attorney Advisor, DCPS (via email)

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<sup>1</sup> A copy of DCPS's response is attached.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
EXECUTIVE OFFICE OF THE MAYOR  
MAYOR'S OFFICE OF LEGAL COUNSEL  
Freedom of Information Act Appeal: 2019-14**

October 31, 2018

VIA ELECTRONIC MAIL

Nancy Glass

RE: FOIA Appeal 2019-014

Dear Ms. Glass:

This letter responds to the administrative appeals you submitted to the Mayor under the District of Columbia Freedom of Information Act, D.C. Official Code § 2-537 ("DC FOIA"), on the grounds that the Department of Youth Rehabilitation Services ("DYRS") failed to respond to two requests you submitted on June 26, 2018 for certain reports.

This Office received your appeals on October 19, 2018. We notified DYRS and requested that it respond. On October 26, 2018, DYRS replied by stating that its failure to respond to your requests was inadvertent and that the records you specified have since been made available to you.<sup>1</sup>

Your appeals were based on DYRS's failure to respond to your requests, and the agency has now responded to them. We therefore consider your appeals to be moot and dismiss them. You are free to challenge DYRS's substantive responses by separate appeals to this Office.

If you are dissatisfied with this decision, you may commence a civil action against the District of Columbia government in the Superior Court of the District of Columbia in accordance with DC FOIA.

Sincerely,

Mayor's Office of Legal Counsel

cc: Lindsey Appiah, General Counsel, DYRS (via email)

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<sup>1</sup> A copy of DYRS's response is attached.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
EXECUTIVE OFFICE OF THE MAYOR  
MAYOR'S OFFICE OF LEGAL COUNSEL  
Freedom of Information Act Appeal: 2019-15**

October 29, 2018

VIA ELECTRONIC MAIL

Nancy Glass

RE: FOIA Appeal 2019-015

Dear Ms. Glass:

This letter responds to the administrative appeal you submitted to the Mayor under the District of Columbia Freedom of Information Act, D.C. Official Code § 2-537 ("DC FOIA"), on the grounds that the Department of Youth Rehabilitation Services ("DYRS") failed to respond to your June 26, 2018 request for records related to a final report generated based on a specified complaint.

Your appeal was received by this Office on October 19, 2018; this Office notified DYRS and requested that it respond to your appeal. On October 26, 2018, DYRS provided its response and therein indicated that DYRS's failure to respond had been inadvertent and that DYRS has now made the documents you requested available to you.<sup>1</sup>

Since your appeal was based on DYRS's failure to respond to your request, and the agency has now responded, we consider your appeal to be moot and hereby dismiss it. You are free to challenge DYRS's substantive response by separate appeal to this Office.

If you are dissatisfied with this decision, you may commence a civil action against the District of Columbia government in the Superior Court of the District of Columbia in accordance with DC FOIA.

Sincerely,

Mayor's Office of Legal Counsel

cc: Linsdsey Appiah, General Counsel, DYRS (via email)

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<sup>1</sup> A copy of DYRS's response is attached.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
EXECUTIVE OFFICE OF THE MAYOR  
MAYOR'S OFFICE OF LEGAL COUNSEL  
Freedom of Information Act Appeal: 2019-16**

November 5, 2018

VIA ELECTRONIC MAIL

Mr. Keith Siilats

RE: FOIA Appeal 2019-016

Dear Mr. Siilats:

This letter responds to the administrative appeal you submitted to the Mayor under the District of Columbia Freedom of Information Act, D.C. Official Code § 2-537 (“DC FOIA”). In your appeal, you assert that the District Department of Transportation (“DDOT”) improperly withheld records you requested under the DC FOIA.

Background

On October 3, 2018, you submitted a request to DDOT for records that related to operations plans and signed agreements involving dockless bike and scooter sharing programs in the District. On October 22, 2018, DDOT granted your request in part, disclosing 119 pages of responsive documents. DDOT also denied your request in part, withholding 26 pages of responsive records pursuant to D.C. Official Code §§ 2-534 (a)(1) (“Exemption 1”) and (a)(2) (“Exemption 2”).

On appeal, you challenge DDOT’s withholding pursuant to Exemptions 1 and 2. You assert that DDOT has not demonstrated that disclosure would result in substantial harm to justify withholding the operations plans in their entirety pursuant to Exemption 1. You argue that specific information could be redacted to protect against substantial harm rather than complete withholding. You also argue that Exemption 2 does not apply to the operations plans because business information is not protected under Exemption 2; however, you claim that DDOT could protect personal privacy through redaction of specific information such as individual names and phone numbers.

This Office received your appeal on October 22, 2018, and contacted DDOT for its response. On October 26, 2018, DDOT provided this Office with a response to your appeal and a copy of the withheld records for our *in camera* review.<sup>1</sup> In its response, DDOT asserts that its search for response records resulted in finding 26 pages of operations plans from two companies, Skip and Bird. DDOT claims that the documents reflect the two companies’ internal operations, which

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<sup>1</sup> A copy of DDOT’s response is attached.



Mr. Keith Siilats  
Freedom of Information Act Appeal 2019-16  
November 5, 2018  
Page 2

were never intended to be shared outside of the agency. DDOT did not provide further justification for its application of the exemptions in its response.

### Discussion

It is the public policy of the District of Columbia that “all persons are entitled to full and complete information regarding the affairs of government and the official acts of those who represent them as public officials and employees.” D.C. Official Code § 2-531. In aid of that policy, DC FOIA creates the right “to inspect . . . and . . . copy any public record of a public body . . .” D.C. Official Code § 2-532(a). The right created under the DC FOIA to inspect public records is subject to various exemptions that may form the basis for denial of a request. *See* D.C. Official Code § 2-534.

The DC FOIA was modeled on the corresponding federal Freedom of Information Act. *See Barry v. Washington Post Co.*, 529 A.2d 319, 321 (D.C. 1987). Accordingly, decisions construing the federal statute are instructive and may be examined to construe the local law. *Washington Post Co. v. Minority Bus. Opportunity Comm’n*, 560 A.2d 517, 521, n.5 (D.C. 1989).

### *Exemption 1*

Exemption 1 protects from disclosure “[t]rade secrets and commercial or financial information obtained from outside the government, to the extent that disclosure would result in substantial harm to the competitive position of the person from whom the information was obtained.” To withhold information under Exemption 1, the information must be: (1) a trade secret or commercial or financial information; (2) that was obtained from outside the government; and (3) would result in substantial harm to the competitive position of the person from whom the information was obtained. D.C. Official Code § 2-534(a)(1). The D.C. Circuit has defined a trade secret, for the purposes of the federal Freedom of Information Act, “as a secret, commercially valuable plan, formula, process, or device that is used for the making, preparing, compounding, or processing of trade commodities and that can be said to be the end product of either innovation or substantial effort.” *Public Citizen Research Group v. FDA*, 704 F.2d 1280, 1288 (D.C. Cir. 1983). The D.C. Circuit has also instructed that the terms “commercial” and “financial” used in the federal FOIA should be accorded their ordinary meanings. *Id.* at 1290.

Exemption 1 has been “interpreted to require both a showing of actual competition and a likelihood of substantial competitive injury.” *CNA Financial Corp. v. Donovan*, 830 F.2d 1132, 1152 (D.C. Cir. 1987); *see also, Washington Post Co. v. Minority Business Opportunity Com.*, 560 A.2d 517, 522 (D.C. 1989). In construing the second part of this test, “actual harm does not need to be demonstrated; evidence supporting the existence of potential competitive injury or economic harm is enough for the exemption to apply.” *Essex Electro Eng’rs, Inc. v. United States Secy. of the Army*, 686 F. Supp. 2d 91, 94 (D.D.C. 2010). *See also McDonnell Douglas Corp. v. United States Dep’t of the Air Force*, 375 F.3d 1182, 1187 (D.C. Cir. 2004) (The exemption “does not require the party . . . to prove disclosure certainly would cause it substantial competitive harm, but only that disclosure would ‘likely’ do so. [citations omitted]”).

Based on the records DDOT did disclose, it is clear that competition exists in the District between dockless bike and scooter companies because at least five different companies submitted permits to DDOT. After reviewing the two operations plans DDOT provided for our *in camera* review, it is apparent that different companies have different operational practices. Portions of the withheld records appear to contain information that could allow competitors to alter their operational practices to gain a competitive advantage. *See CNA Financial Corp.*, 830 F.2d at 1152; *see also, Essex Electro Eng'rs*, 686 F. Supp. 2d at 94. However, it does not appear that DDOT considered whether information in the records is reasonably segregable. Portions of the withheld records do not contain commercial sensitive information. For example, a section of Skip's operations plan lists the safety information that is printed on each of its scooters; this public information is not protected under Exemption 1 or any other FOIA exemption. As a result, DDOT should review the withheld operations plans to determine which portions can be disclosed and which portions should be redacted.

### *Exemption 2*

Exemption 2 prevents disclosure of “[i]nformation of a personal nature where the public disclosure thereof would constitute a clearly unwarranted invasion of personal privacy.” Under Exemption 2, determining whether disclosure of a record would constitute an invasion of personal privacy requires a balancing of the individual privacy interest against the public interest in disclosure. *See Department of Justice v. Reporters Comm. for Freedom of Press*, 489 U.S. 749, 762 (1989). The first part of the analysis is determining whether a sufficient privacy interest exists. *Id.*

A privacy interest is cognizable under DC FOIA if it is substantial, which is anything greater than *de minimis*. *Multi AG Media LLC v. Dep't of Agric.*, 515 F.3d 1224, 1229 (D.C. Cir. 2008). In general, there is a sufficient privacy interest in personal identifying information. *Skinner v. U.S. Dep't. of Justice*, 806 F. Supp. 2d 105, 113 (D.D.C. 2011). Information such as names, personal phone numbers, and home addresses are considered to be personally identifiable information and are therefore exempt from disclosure. *See, e.g., Department of Defense v. FLRA*, 510 U.S. 487, 500 (1994). However, the Supreme Court has held that corporations do not possess personal privacy interests under FOIA. *See FCC v. AT&T, Inc.*, 562 U.S. 397, 403 (2011).

Here, 13 pages of the document submitted by Bird contain names and biographical information about its executive and project teams.<sup>2</sup> While corporations are not entitled to protection under Exemption 2, this information appears to primarily involve individuals and contains sufficient personal information meeting the *de minimis* standard for protection under Exemption 2.

The second part of the Exemption 2 analysis examines whether an individual privacy interest is outweighed by the public interest. *See Reporters Comm. for Freedom of Press*, 489 U.S. at 772-773. In the context of DC FOIA, a record is deemed to be of “public interest” if it would shed

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<sup>2</sup> The first and last pages of Bird's document consist of graphics that do not appear to be exempt from disclosure under DC FOIA.

light on an agency's conduct. *Beck v. Department of Justice, et al.*, 997 F.2d 1489 (D.C. Cir. 1993). As the court held in *Beck*:

This statutory purpose is furthered by disclosure of official information that "sheds light on an agency's performance of its statutory duties." *Reporters Committee*, 489 U.S. at 773; *see also Ray*, 112 S. Ct. at 549. Information that "reveals little or nothing about an agency's own conduct" does not further the statutory purpose; thus the public has no cognizable interest in the release of such information. *See Reporters Committee*, 489 U.S. at 773.

*Id.* at 1492-93.

DDOT did not describe the information it withheld pursuant to Exemption 2, and your request is primarily concerned with the companies' operational practices rather than the composition of their team members. As a result, although you asserted that businesses are not protected under Exemption 2, you did not raise any public interest arguments in favor of disclosure. We cannot envision how the withheld biographical information would shed light on DDOT's performance of the statutory duties. *See Berger v IRS*, 487 F. Supp. 2d 482, 505 (D.N.J. 2007). Further, it is unclear how disclosing the names and biographical information of individual members and employees would be relevant to a company's operations plan. Due to the absence of a relevant countervailing public interest, we find that the DDOT's withholding of information related to individuals is justifiable under Exemption 2.

### Conclusion

Based on the foregoing, we affirm DDOT's decision in part and remand it in part. Within 5 business days from the date of this decision, DDOT shall review the documents it withheld and disclose to you nonexempt portions in accordance with the guidance in this decision.

This constitutes the final decision of this Office. If you are dissatisfied with this decision, you may commence a civil action against the District of Columbia government in the Superior Court of the District of Columbia in accordance with the DC FOIA.

Sincerely,

Mayor's Office of Legal Counsel

cc: Karen R. Calmeise, FOIA Officer, DDOT (via email)

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
EXECUTIVE OFFICE OF THE MAYOR  
MAYOR'S OFFICE OF LEGAL COUNSEL  
Freedom of Information Act Appeal: 2019-18**

November 6, 2018

VIA ELECTRONIC MAIL

Mr. Calvin Hannagan

RE: FOIA Appeal 2019-018

Dear Mr. Hannagan:

This letter responds to the administrative appeal you submitted to the Mayor under the District of Columbia Freedom of Information Act, D.C. Official Code § 2-537 (“DC FOIA”). In your appeal, you assert that records you requested pertaining to a named police officer were improperly withheld by the Office of Police Complaints (“OPC”).

Background

By letter dated October 10, 2018, you made a request to OPC for complaints and investigation records relating to an identified policy officer. OPC denied your request, stating that without admitting or denying the existence of the requested records, the disclosure thereof would constitute an unwarranted invasion of personal privacy. In its denial, the OPC cited D.C. Official Code § 2-534(a)(2) (“Exemption 2”) and D.C. Official Code § 2-534(a)(3)(C) (“Exemption 3(C)”) as grounds for withholding any existing records from disclosure.

On October 23, 2018, you filed this appeal. On appeal, you argue without citation that OPC’s denial “is not in corroboration with the expectations set forth by the Freedom of Information Act,” and that your “request for records involving the aforementioned officer is well in line with the boundaries of FOIA.” Your appeal did not make an argument concerning the privacy rights asserted by OPC.

OPC sent this Office a response to your appeal on October 26, 2018. The OPC reaffirmed its earlier position, asserting authority from cases, statutes, and prior FOIA appeal determinations to support its decision that the records are exempt under Exemptions 2 and 3(C), and explaining why a Glomar response is appropriate.<sup>1</sup>

Discussion

It is the public policy of the District of Columbia government that “all persons are entitled to full and complete information regarding the affairs of government and the official acts of those who

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<sup>1</sup> A copy of the OPC’s response it attached to this determination.

Mr. Calvin Hannagan  
Freedom of Information Act Appeal 2019-18  
November 6, 2018  
Page 2

represent them as public officials and employees.” D.C. Official Code § 2-531. In aid of that policy, the DC FOIA creates the right “to inspect . . . and . . . copy any public record of a public body . . .” *Id.* at § 2-532(a).

The DC FOIA was modeled on the corresponding federal Freedom of Information Act. *Barry v. Washington Post Co.*, 529 A.2d 319, 312 (D.C. 1987). Accordingly, decisions construing the federal statute are instructive and may be examined to construe local law. *Washington Post Co. v. Minority Bus. Opportunity Comm’n*, 560 A.2d 517, 521, n.5 (D.C. 1989).

Exemptions 2 and 3(C) of the DC FOIA relate to personal privacy. Exemption 2 applies to “[i]nformation of a personal nature where the public disclosure thereof would constitute a clearly unwarranted invasion of personal privacy.” Exemption 3(C) provides an exemption for disclosure for “[i]nvestigatory records compiled for law-enforcement purposes, including the records of Council investigations and investigations conducted by the Office of Police Complaints, but only to the extent that the production of such records would . . . (C) constitute an unwarranted invasion of personal privacy.” While Exemption 2 requires that the invasion of privacy be “clearly unwarranted,” the word “clearly” is omitted from Exemption 3(C). Thus, the standard for evaluating a threatened invasion of privacy interests under Exemption 3(C) is broader than under Exemption 2. *See United States Dep’t of Justice v. Reporters Comm. for Freedom of Press*, 489 U.S. 749, 756 (1989).

Records are considered “investigatory records” under Exemption 3(C) if they were compiled pursuant to an investigation focused on acts that could, if proven, result in civil or criminal sanctions. *Rural Housing Alliance v. United States Dep’t of Agriculture*, 498 F.2d 73, 81 (D.C. Cir. 1974). *See also Rugiero v. United States Dep’t of Justice*, 257 F.3d 534, 550 (6th Cir. 2001) (The exemption “applies not only to criminal enforcement actions, but to records compiled for civil enforcement purposes as well.”). Since the records you seek relate to investigations that could result in civil or criminal sanctions, Exemption 3(C) applies to your request.

Determining whether disclosure of a record would constitute an invasion of personal privacy requires a balancing of one’s individual privacy interests against the public interest in disclosing the disciplinary files. *See Reporters Comm. for Freedom of Press*, 489 U.S. at 756. On the issue of privacy interests, the D.C. Circuit has held:

[I]ndividuals have a strong interest in not being associated unwarrantedly with alleged criminal activity. Protection of this privacy interest is a primary purpose of Exemption 7(C)<sup>2</sup>. “The 7(C) exemption recognizes the stigma potentially associated with law enforcement investigations and affords broader privacy rights to suspects, witnesses, and investigators.”

*Stern v. FBI*, 737 F.2d 84, 91-92 (D.C. Cir. 1984) (quoting *Bast v. United States Dep’t of Justice*, 665 F.2d 1251, 1254 (D.C. Cir. 1981)).

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<sup>2</sup> Exemption 7(C) under the federal FOIA is the equivalent of Exemption 3(C) under the DC FOIA.

Here, we find that there is a sufficient privacy interest associated with a police officer who is being investigated for wrongdoing based on allegations. “[I]nformation in an investigatory file tending to indicate that a named individual has been investigated for suspected criminal activity is, at least as a threshold matter, an appropriate subject for exemption under [(3)(C)].” *Fund for Constitutional Government v. National Archives & Records Service*, 656 F.2d 856, 863 (D.C. Cir. 1981). An agency is justified in withholding documents that allege wrongdoing even if the accused individual was not prosecuted for the wrongdoing, because the agency’s purpose in compiling the documents determines whether the documents fall within the exemption, not the ultimate use of the documents. *Bast*, 665 F.2d at 1254.

As discussed above, the D.C. Circuit in the *Stern* case held that individuals have a strong interest in not being associated with alleged criminal activity and that protection of this privacy interest is a primary purpose of the investigatory records exemption. We find that the same interest is present with respect to civil disciplinary sanctions that could be imposed on an MPD officer.

With regard to the second part of the privacy analysis under Exemption 3(C), we examine whether the public interest in disclosure is outweighed by the individual privacy interest at issue. On appeal, you argue without citation that OPC’s denial “is not in corroboration with the expectations set forth by the Freedom of Information Act,” and that your “request for records involving the aforementioned officer is well in line with the boundaries of FOIA.”

The public interest in the disclosure of a public employee’s disciplinary files was addressed by the court in *Beck v. Department of Justice, et al.*, 997 F.2d 1489 (D.C. Cir. 1993). In *Beck*, the court held:

The public’s interest in disclosure of personnel files derives from the purpose of the [FOIA]--the preservation of “the citizens’ right to be informed about what their government is up to.” *Reporters Committee*, 489 U.S. at 773 (internal quotation marks omitted); *see also Ray*, 112 S. Ct. at 549; *Rose*, 425 U.S. at 361. This statutory purpose is furthered by disclosure of official information that “sheds light on an agency’s performance of its statutory duties.” *Reporters Committee*, 489 U.S. at 773; *see also Ray*, 112 S. Ct. at 549. Information that “reveals little or nothing about an agency’s own conduct” does not further the statutory purpose; thus the public has no cognizable interest in the release of such information. *See Reporters Committee*, 489 U.S. at 773. The identity of one or two individual relatively low-level government wrongdoers, released in isolation, does not provide information about the agency’s own conduct.

*Id.* at 1492-93.

In the instant matter, while disclosing the records at issue might shed light on OPC’s performance of its statutory duty to investigate complaints against police officers, we find that this public interest does not outweigh the invasion of the individual police officer’s privacy

interests under Exemptions 3(C) and (2) of the DC FOIA.<sup>3</sup> The records you seek may consist of mere allegations of wrongdoing, the disclosure of which could have a stigmatizing effect regardless of accuracy.

We say “may consist” because OPC has maintained that they will neither confirm nor deny whether complaint records exist relating to the MPD officer about whom you seek records. This type of response is referred to as a “Glomar” response, and it is warranted when the confirmation or denial of the existence of responsive records would, in and of itself, reveal information exempt from disclosure. *Wilner v. Nat’l Sec. Agency*, 592 F.3d 60, 68 (2nd Cir. 2009). Glomar responses have been found appropriate when the requested records would reveal whether an employee was investigated for misconduct.<sup>4</sup>

We find the use of a Glomar response here to be justified because if a written complaint or subsequent investigation against the officer you have named exists, identifying the written records would likely result in the harm that the DC FOIA exemptions were intended to protect; no amount of redaction could protect the privacy interest at issue. *See Mueller v. U.S. Dep’t of the Air Force*, 63 F. Supp. 2d 738, 744 (E.D. Va. 1999) (noting that when requested documents relate to a specific individual, “deleting [her] name from the disclosed documents, when it is known that she was the subject of the investigation, would be pointless”).

### Conclusion

Based on the forgoing we affirm the decision issued by OPC and dismiss your appeal.

This shall constitute the final decision of this office. If you are dissatisfied with this decision, you may commence a civil action against the District of Columbia government in the Superior Court of the District of Columbia in accordance with the DC FOIA.

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<sup>3</sup> We also note that any public interest that would be served by disclosing the wrongdoings of police officers might be served by the Office of Police Complaints’ (“OPC”) annual, redacted, online report of all sustained findings of misconducts, along with extensive data regarding the type of allegations made and the demographics of complainants. *See Antonelli v. Fed. Bureau of Prisons*, 591 F. Supp. 2d 15, 25 (D.D.C. 2008). OPC’s annual reports may be found at <http://policecomplaints.dc.gov/page/annual-reports-for-OPC>

<sup>4</sup> *See also Beck v. DOJ*, 997 F.2d 1489 (D.C. Cir. 1993) (affirming Glomar response to request for records concerning misconduct by two DEA agents); *Lewis v. DOJ*, 733 F. Supp. 2d 97, 112 (D.D.C. 2010) (“If an individual is the target of a FOIA request [for investigative records], the agency to which the FOIA request is submitted may provide a ‘Glomar’ response, that is, the agency may refuse to confirm or deny the existence of records or information responsive to the FOIA request on the ground that even acknowledging the existence of responsive records constitutes an unwarranted invasion of the targeted individual’s personal privacy.”); *Smith v. FBI*, 663 F. Supp. 2d 1, 5 (D.D.C. 2009) (“Because . . . confirmation of records concerning ‘[a]ny adverse action or disciplinary reports on [named] Agent . . .’ would necessarily reveal the precise information Exemption 6 shields, the Glomar response was proper.”).

Mr. Calvin Hannagan  
Freedom of Information Act Appeal 2019-18  
November 6, 2018  
Page 5

Sincerely,

Mayor's Office of Legal Counsel

cc: Alicia Yass, Legal Counsel, OPC (via email)



**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
EXECUTIVE OFFICE OF THE MAYOR  
MAYOR'S OFFICE OF LEGAL COUNSEL  
Freedom of Information Act Appeal: 2019-19**

November 7, 2018

VIA ELECTRONIC MAIL

Mr. Guillermo Rueda

RE: FOIA Appeal 2019-019

Dear Mr. Rueda:

This letter responds to an appeal you submitted to the Mayor this year under the District of Columbia Freedom of Information Act, D.C. Official Code § 2-537 ("DC FOIA"). Here, you are challenging the lack of response provided by the Department of Consumer and Regulatory Affairs ("DCRA") to your September 25, 2018 request for records relating to four permits.

On October 24, 2018, you filed an appeal challenging DCRA's lack of response to your request. DCRA responded to this Office the same day, attaching a September 26, 2018 email in which DCRA acknowledged your request and advised you that it was exercising a 10-day extension to respond because of the need to conduct an email search. The email from DCRA indicated that you could expect a response by November 1, 2018. From the emails we reviewed, it appears that DCRA subsequently responded to your request and provided you with responsive documents.

Pursuant to D.C. Official Code § 2-532(c)(1), a public body must respond to a DC FOIA request within 15 business days of the receipt of the request. In certain circumstances, a public body may extend its response time by an additional 10 business days. D.C. Official Code § 2-532(d). The 25-business day time period had not expired when you filed the instant appeal, rendering the appeal prematurely filed. Regardless, your appeal challenged DCRA's lack of a response, and it appears that DCRA has since provided a response to your request.

In light of the foregoing, this Office dismisses your appeal on the grounds that it is moot. You may file a separate appeal to challenge DCRA's substantive response. This constitutes the final decision of this office. If you are dissatisfied with this decision, you may commence a civil action in the Superior Court of the District of Columbia in accordance with the DC FOIA.

Respectfully,

Mayor's Office of Legal Counsel

cc: Erin Roberts, FOIA Officer, DCRA (via email)

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
EXECUTIVE OFFICE OF THE MAYOR  
MAYOR'S OFFICE OF LEGAL COUNSEL  
Freedom of Information Act Appeal: 2019-21**

November 9, 2018

VIA ELECTRONIC MAIL

Valerie Jablow

RE: FOIA Appeal 2019-021

Dear Ms. Jablow:

This letter responds to the administrative appeal you submitted to the Mayor under the District of Columbia Freedom of Information Act, D.C. Official Code § 2-537 ("DC FOIA"), on the grounds that the Office of the State Superintendent of Education ("OSSE") failed to respond to your August 24, 2018 request for records related to data requests.

You submitted your appeal on October 26, 2018, and this Office notified OSSE and requested that it respond to your appeal. On November 6, 2018, OSSE provided its response and claimed that it made some of the documents you requested available to you and was in communication with you regarding further production on a rolling basis.<sup>1</sup>

Since your appeal was based on OSSE's failure to respond to your request, and the agency has now responded, we consider your appeal to be moot and hereby dismiss it. You are free to challenge OSSE's substantive response by separate appeal to this Office.

If you are dissatisfied with this decision, you may commence a civil action against the District of Columbia government in the Superior Court of the District of Columbia in accordance with DC FOIA.

Sincerely,

Mayor's Office of Legal Counsel

cc: Mona Patel, FOIA Officer, OSSE (via email)

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<sup>1</sup> A copy of OSSE's response is attached.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
EXECUTIVE OFFICE OF THE MAYOR  
MAYOR'S OFFICE OF LEGAL COUNSEL  
Freedom of Information Act Appeal: 2019-22**

November 9, 2018

VIA ELECTRONIC MAIL

Valerie Jablow

RE: FOIA Appeal 2019-022

Dear Ms. Jablow:

This letter responds to the administrative appeal you submitted to the Mayor under the District of Columbia Freedom of Information Act, D.C. Official Code § 2-537 (“DC FOIA”), based on your belief that that the Office of Contracting and Procurement (“OCP”) did not adequately respond to your September 4, 2018 request for records related to a contract award.

Background

In a previous appeal, FOIA Appeal 2019-176, you challenged OCP’s lack of a response to your request. OCP provided you with 74 responsive documents from its “ARIBA/PASS” system, and this Office dismissed your appeal as moot. On October 26, 2018, you filed the instant appeal, challenging OCP’s October 5, 2018, production, asserting three areas of perceived deficiency: (1) “the contract that was given to PAVE;” (2) “where the RFQ was posted;” and (3) “information on one of the bidders, BBrilliant LLC.”

This Office notified OCP of your subsequent appeal, and OCP provided a response on November 5, 2018. In its response, OCP explained the search that it conducted of its “ARIBA/PASS” system. Further, OCP addressed each of your asserted areas of deficiency in its 73-page October 5, 2018, production, stating that: (1) the PAVE contract was executed through a purchase order, which was located on page 001 of the production; (2) the location of the RFQ was on page 003; and (3) information relating to “BBrilliant LLC” is located on pages 013, 014, and 015. OCP’s response asserts that its search was adequate.

Discussion

It is the public policy of the District of Columbia that “all persons are entitled to full and complete information regarding the affairs of government and the official acts of those who represent them as public officials and employees.” D.C. Official Code § 2-531. In aid of that policy, DC FOIA creates the right “to inspect . . . and . . . copy any public record of a public body . . .” D.C. Official Code § 2-532(a). The right created under the DC FOIA to inspect public records is subject to various exemptions that may form the basis for denial of a request. *See* D.C. Official Code § 2-534.

Ms. Valerie Jablow  
Freedom of Information Act Appeal 2019-22  
November 9, 2018  
Page 2

The DC FOIA was modeled on the corresponding federal Freedom of Information Act. *Barry v. Washington Post Co.*, 529 A.2d 319, 321 (D.C. 1987). Accordingly, decisions construing the federal statute are instructive and may be examined to construe the local law. *Washington Post Co. v. Minority Bus. Opportunity Comm'n*, 560 A.2d 517, 521, n.5 (D.C. 1989).

The primary issue in this appeal involves the adequacy of OCP's search with respect to the three specific areas you contend were deficient. DC FOIA requires that a search be reasonably calculated to produce relevant documents. The test is not whether any additional documents might conceivably exist, but whether the government's search for responsive documents was adequate. *Weisberg v. U.S. Dep't of Justice*, 705 F.2d 1344, 1351 (D.C. Cir. 1983). Speculation, unsupported by any factual evidence that records exist, is not enough to support a finding that full disclosure has not been made. *Marks v. U.S. Dep't of Justice*, 578 F.2d 261 (9th Cir. 1978).

In order to establish the adequacy of a search,

'the agency must show that it made a good faith effort to conduct a search for the requested records, using methods which can be reasonably expected to produce the information requested.' [*Oglesby v. United States Dep't of the Army*, 920 F.2d 57, 68 (D.C. Cir. 1990)]. . . The court applies a 'reasonableness test to determine the 'adequacy' of a search methodology, *Weisberg v. United States Dep't of Justice*, 227 U.S. App. D.C. 253, 705 F.2d 1344, 1351 (D.C. Cir. 1983) . . .

*Campbell v. United States DOJ*, 164 F.3d 20, 27 (D.C. Cir. 1998).

To conduct a reasonable and adequate search, an agency must: (1) make a reasonable determination as to the locations of records requested; and (2) search for the records in those locations. *Doe v. D.C. Metro. Police Dep't*, 948 A.2d 1210, 1220-21 (D.C. 2008) (citing *Oglesby*, 920 F.2d at 68). This first step includes determining the likely electronic databases where such records are to be located, such as email accounts and word processing files, and the relevant paper-based files that the agency maintains. *Id.* Second, the agency must affirm that the relevant locations were in fact searched. *Id.* Generalized and conclusory statements cannot suffice to establish an adequate search. *See In Def. of Animals v. NIH*, 527 F. Supp. 2d 23, 32 (D.D.C. 2007).

Here, OCP determined where responsive records were located, the "ARIBA/PASS" system. OCP has represented that it in fact searched this system, and provided you with the 73 responsive records found in that search. On its face, OCP's search appears to be adequate. However, your appeal asserts that "the documents [you] were given on October 5 do not appear to fulfill entirely this FOIA request." Your appeal identifies three areas you thought were insufficient, which will be addressed in turn.

Ms. Valerie Jablow  
Freedom of Information Act Appeal 2019-22  
November 9, 2018  
Page 3

First, your appeal states that you “did not see any contract with PAVE.<sup>1</sup>” OCP’s response indicates that the purchase order it provided you on page 001 of its production was “the contracting vehicle by which the District acquired services from the vendor.” Having reviewed these records, we affirm that there is a contract between the District of Columbia “Office of the Deputy Mayor for Education” to “PAVE” dated August 15, 2018, which is located on a page of the production numbered “001.” We therefore find that OCP has conducted an adequate search for this aspect of your request.

Second, your appeal claims that OCP’s response to your request failed to “stat[e] where the RFQ was posted.<sup>2</sup>” OCP’s response indicates that the location of the RFQ’s posting was contained on page 003 of its production. Having reviewed a copy of OCP’s 73-page production, we affirm that the location of the RFQ - ARIBA ID “Doc389921” is present, and is located on a page of the production numbered 003. We further affirm that as of the date of this decision, Doc389921 on OCP’s public ARIBA portal corresponds with the RFQ that you requested. We therefore find that OCP has conducted an adequate search for this aspect of your request.

Third, your appeal states that you “appeared to get no information on one of the bidders, BBrilliant LLC.” OCP’s response indicates that information concerning BBrilliant LLC was located on pages marked as 013, 014, and 015 of the October 5, 2018, production. Having reviewed these pages of the production, we affirm that, contrary to your assertion, there is information concerning BBrilliant LLC in the production located on the pages OCP indicated - 013, 014, and 015. We therefore find that OCP has conducted an adequate search for this aspect of your request as well.

### Conclusion

Based on the foregoing, we affirm OCP’s response insofar as it conducted an adequate search for the records you requested.

If you are dissatisfied with this decision, you may commence a civil action against the District of Columbia government in the Superior Court of the District of Columbia in accordance with DC FOIA.

Sincerely,

Mayor’s Office of Legal Counsel

cc: D. Ryan Koslosky, Associate General Counsel, OCP (via email)

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<sup>1</sup> Part of your request was for “The contract that was given to PAVE (Parents Amplifying Voices in Education) at some time this calendar year (2018) . . . under the supervision of the office of the deputy mayor for education”

<sup>2</sup> Part of your request was for “The RFQ posting for that work by the office of the deputy mayor for education, including . . . where it was posted . . .”

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
EXECUTIVE OFFICE OF THE MAYOR  
MAYOR'S OFFICE OF LEGAL COUNSEL  
Freedom of Information Act Appeal: 2019-23**

November 15, 2018

VIA ELECTRONIC MAIL

Maryanne Magnier

RE: FOIA Appeal 2019-023

Dear Ms. Magnier:

This letter responds to the administrative appeal you submitted to the Mayor under the District of Columbia Freedom of Information Act, D.C. Official Code § 2-537 (“DC FOIA”). In your appeal, you challenge the response you received from the Metropolitan Police Department (“MPD”) to your request for records relating to a named individual.

Background

You submitted a FOIA request to MPD for records relating to the DUI of a named individual who is not yourself. MPD denied your request on the grounds that disclosure of the requested records would constitute a clearly unwarranted invasion of personal privacy under D.C. Official Code § 2-534(a)(2) (“Exemption 2”).

On appeal you challenge MPD’s response. In your appeal you assert without citation “the fact that criminal records are supposed to be public information.” Your appeal did not present any authorization from the individual referenced in your request.

MPD sent this Office a response to your appeal on November 7, 2018.<sup>1</sup> MPD reaffirms its earlier position that under Exemptions 2 any responsive records are exempt because the release any potentially responsive records “would constitute a clearly unwarranted invasion of.” Additionally, MPD neither confirms nor denies the existence of responsive records, claiming that doing so would itself constitute an invasion of the identified person’s privacy.

Discussion

It is the public policy of the District of Columbia that “all persons are entitled to full and complete information regarding the affairs of government and the official acts of those who represent them as public officials and employees.” D.C. Official Code § 2-531. In aid of that policy, DC FOIA creates the right “to inspect . . . and . . . copy any public record of a public body . . .” D.C. Official Code § 2-532(a). The right created under the DC FOIA to inspect public

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<sup>1</sup> A copy of the MPD’s response is attached.

records is subject to various exemptions that may form the basis for denial of a request. *See* D.C. Official Code § 2-534.

The DC FOIA was modeled on the corresponding federal Freedom of Information Act. *Barry v. Washington Post Co.*, 529 A.2d 319, 321 (D.C. 1987). Accordingly, decisions construing the federal statute are instructive and may be examined to construe the local law. *Washington Post Co. v. Minority Bus. Opportunity Comm'n*, 560 A.2d 517, 521, n.5 (D.C. 1989).

Exemption 2 prevents disclosure of “[i]nformation of a personal nature where the public disclosure thereof would constitute a clearly unwarranted invasion of personal privacy.” Under Exemption 2, determining whether disclosure of a record would constitute an invasion of personal privacy requires a balancing of the individual privacy interest against the public interest in disclosure. *See Department of Justice v. Reporters Comm. for Freedom of Press*, 489 U.S. 749, 762 (1989). The first part of the analysis is determining whether a sufficient privacy interest exists. *Id.*

A privacy interest is cognizable under DC FOIA if it is substantial, which is anything greater than *de minimis*. “[A]s a categorical matter that a third party’s request for law enforcement records or information about a private citizen can reasonably be expected to invade that citizen’s privacy . . .” *Reporters Comm. For Freedom of Press*, 489 U.S. at 780. Here, we find that disclosing responsive records pertaining to the DUI of a named individual who is not yourself, and from whom you have not provided written authorization, would constitute an invasion of the individual’s personal privacy.

The second part of the Exemption 2 analysis examines whether an individual privacy interest is outweighed by the public interest. *See Reporters Comm. for Freedom of Press*, 489 U.S. at 772-773. In the context of DC FOIA, a record is deemed to be of “public interest” if it would shed light on an agency’s conduct. *Beck v. Department of Justice, et al.*, 997 F.2d 1489 (D.C. Cir. 1993). As the court held in *Beck*:

This statutory purpose is furthered by disclosure of official information that “sheds light on an agency’s performance of its statutory duties.” *Reporters Committee*, 489 U.S. at 773; *see also Ray*, 112 S. Ct. at 549. Information that “reveals little or nothing about an agency’s own conduct” does not further the statutory purpose; thus the public has no cognizable interest in the release of such information. *See Reporters Committee*, 489 U.S. at 773.

*Id.* at 1492-93.

Your summary appeal does not present an argument that there is a countervailing public interest in the release of the records you seek – outside of stating without authority “the fact that criminal records are supposed to be public information.” We find that the release of police records, if they exist, relating to the named individual would not shed light on MPD’s performance of its statutory duties. *See Berger*, 487 F. Supp. 2d at 505. Due to the absence of a relevant countervailing public interest, we find that the requested records, if they exist, are protected from disclosure pursuant to Exemption 2.

As a result of the existence of a privacy interest and the lack of a demonstrated public interest in the records at issue, MPD properly withheld the records, if they exist, pursuant to Exemption 2 of the DC FOIA. The records you seek may consist of mere allegations of wrongdoing, the disclosure of which could have a stigmatizing effect regardless of accuracy.

We say “may consist” because the MPD has neither confirmed nor denied whether the requested DUI records exist relating to the named individual. This type of response is referred to as a “Glomar” response, and it is warranted when the confirmation or denial of the existence of responsive records would, in and of itself, reveal information exempt from disclosure. *Wilner v. Nat’l Sec. Agency*, 592 F.3d 60, 68 (2nd Cir. 2009). Here, the Glomar response is justified because if a record relating the person you have named exists, identifying the record’s existence would likely result in the privacy harm that Exemption 2 was intended to protect.

### *Segregability*

The last issue to be considered is whether MPD could disclose remaining portions of the records in a way that would still protect personal privacy interests. D.C. Official Code § 2-534(b) requires that an agency produce “[a]ny reasonably segregable portion of a public record . . . after deletion of those portions” that are exempt from disclosure. The phrase “reasonably segregable” is not defined under DC FOIA and the precise meaning of the phrase as it relates to redaction and production has not been settled. *See Yeager v. Drug Enforcement Admin.*, 678 F.2d 315, 322 n.16 (D.C. Cir. 1982). To withhold a record in its entirety, courts have held that an agency must demonstrate that exempt and nonexempt information are so inextricably intertwined that the excision of exempt information would produce an edited document with little to no informational value. *See e.g., Antonelli v. BOP*, 623 F. Supp. 2d 55, 60 (D.D.C. 2009).

Courts have required an agency to address whether it could redact records to protect individual privacy interests, while releasing the remaining information. *Canning v. DOJ*, No. 01-2215, slip op. at 19 (D.D.C. Mar. 9, 2004) (finding application of Exemption 7(C) to entire documents rather than to personally identifying information within documents to be overly broad); *Prows v. DOJ*, No. 90-2561, 1996 WL 228463, at \*3 (D.D.C. Apr. 25, 1996) (concluding that rather than withholding documents in full, agency simply can delete identifying information about third-party individuals to eliminate stigma of being associated with law enforcement investigation).

Here, you have named the individual whose records you seek. *See Mueller v. U.S. Dep’t of the Air Force*, 63 F. Supp. 2d 738, 744 (E.D. Va. 1999) (noting that when requested documents relate to a specific individual, “deleting [her] name from the disclosed documents, when it is known that she was the subject of the investigation, would be pointless”). Redaction of the records, if they exist, would therefore not protect the privacy interest contemplated by Exemption 2.

### Conclusion

Based on the forgoing, we affirm MPD’s decision.



Ms. Maryanne Magnier  
Freedom of Information Act Appeal 2019-23  
November 15, 2018  
Page 4

This shall constitute the final decision of this Office. If you are dissatisfied with this decision, you may commence a civil action against the District of Columbia government in the Superior Court of the District of Columbia in accordance with the DC FOIA.

Respectfully,

Mayor's Office of Legal Counsel

cc: Ronald B. Harris, Deputy General Counsel, MPD (via email)

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
EXECUTIVE OFFICE OF THE MAYOR  
MAYOR'S OFFICE OF LEGAL COUNSEL  
Freedom of Information Act Appeal: 2019-24**

November 19, 2018

VIA ELECTRONIC MAIL

Valerie Jablow

RE: FOIA Appeal 2019-024

Dear Ms. Jablow:

This letter responds to the administrative appeal you submitted to the Mayor under the District of Columbia Freedom of Information Act, D.C. Official Code § 2-537 (“DC FOIA”), challenging the response you received from the District of Columbia Public Schools (“DCPS”) to your request for applications and proposals DCPS received for public education data during a specific time period.

You submitted an appeal on October 19, 2018, which was docketed as FOIA Appeal 2019-13, and this Office notified DCPS and asked it to respond. On October 25, 2018, DCPS responded and indicated that it has considered the arguments you raised on appeal and agreed to provide you with the requested documents. Due to the voluminous number of responsive documents, DCPS indicated that it would send you a good faith fee estimate pursuant to D.C. Official Code § 2-532(b-3) and would subsequently provide you within non-exempt portions of documents on a rolling basis. Accordingly, on October 21, 2018, this Office remanded FOIA Appeal 2019-13 to DCPS to provide records on a rolling basis. In that decision we indicated that you had the right to challenge DCPS’s subsequent production. It appears that pursuant to 2019-13, DCPS created and provided to you a spreadsheet related to the information you requested. For this production you paid \$198.

You have since filed the instant appeal, challenging the spreadsheet production – arguing that it is not what you asked for (which was for original application and proposal documents, instead of a summary). DCPS has indicated that producing all responsive documents for the approximately 5-year time period identified in your request would take a significant amount of time, and, in accordance with DCPS’ fee schedule, would result in potentially thousands of dollars in fees which DCPS has a right to be prepaid under the DC Code. You have challenged the request for additional fees, stating that you have already paid nearly \$200 and have not received what you requested.

This Office’s jurisdiction is limited to “review[ing] the public record to determine whether [a record] may be withheld from public inspection.” D.C. Official Code § 2-537(a). We generally do not interpret our authority to include reviewing disputes over FOIA fees. As a result, we do not make any findings regarding the amount of the fee at issue here.

Ms. Valerie Jablow  
Freedom of Information Act Appeal 2019-24  
November 19, 2018  
Page 2

D.C. Official Code § 2-532(b-3) provides for two situations in which an agency can require advance payment of fees: (1) when it has been determined that a fee will exceed \$250; and (2) when a “requester has previously failed to pay fees in a timely fashion.” Here, the amount of the fee appears to be over \$250. Pursuant to 1 DCMR § 408.1(a-1), the cost for services rendered in response to information requests for a professional personnel, after the first hour, is \$28 per hour. You have already paid \$198, which is equivalent to roughly 7 hours of services. Here, DCPS has indicated that the pool of responsive records would take significantly more than 8 hours to review and produce, and would cost over \$250. DCPS intends to require prepayment, as it has the right to do under DC FOIA.

In response to this appeal, DCPS has proposed the following arrangement: if you identify a time period from your request, DCPS will apply the \$198 that you have already paid as a credit toward searching for and reviewing proposals from this time period. DCPS will provide you with 8 hours’ worth of responsive records, and you can then determine whether you want DCPS to continue searching for and reviewing proposals for the remaining years in your request.

We do not find that this matter amounts to a withholding of records from public inspection, because we accept DCPS’s representations that there is a large amount of documents that will take dozens of hours to produce, and that DCPS will, in accordance with applicable regulations, incur a large sum in fees.

### Conclusion

Based on the foregoing, we remand this matter to DCPS. DCPS shall continue to provide you with responsive records and may continue to require prepayment of fees in connection with the documents, in accordance with DC FOIA and its implementing regulations.

This constitutes the final decision of this Office. You are free to challenge DCPS’s forthcoming substantive response by separate appeal to this Office. If you are dissatisfied with this decision, you may commence a civil action against the District of Columbia government in the Superior Court of the District of Columbia in accordance with the DC FOIA.

Respectfully,

Mayor’s Office of Legal Counsel

cc: Eboni Govan, Attorney Advisor, DCPS (via email)

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
EXECUTIVE OFFICE OF THE MAYOR  
MAYOR'S OFFICE OF LEGAL COUNSEL  
Freedom of Information Act Appeal: 2019-25**

November 21, 2018

VIA ELECTRONIC MAIL

Megan Broccoli

RE: FOIA Appeal 2019-025

Dear Ms. Broccoli:

This letter responds to the administrative appeal you submitted to the Mayor under the District of Columbia Freedom of Information Act, D.C. Official Code § 2-537 ("DC FOIA"), challenging the response the Department of Motor Vehicles ("DMV") provided to your request.

Background

On October 22, 2018, you submitted a FOIA request for "Flat file of new parking citations issued on a daily basis to include:" 18 specified categories of information.

DMV denied your request. DMV advised you that it was not obligated by DC FOIA to create records for you.

On November 7, 2018, this Office docketed your appeal. In your appeal, you stated that you "have gone through the same process in many other municipalities" including "Miami Dade County." You also included a hyperlink to a dataset in which DMV information was posted and argue that because this link exists, DMV would not be required to create a new document in fulfilling your request for "citations issued on a daily basis."

This Office notified DMV of your appeal. On November 7, 2018, DMV responded.<sup>1</sup> DMV's response reiterated that it does not have a record with the information you seek and it is no required to create one for you. DMV explained that the dataset you referenced via hyperlink does not include all 18 categories of information you requested, was created in November 2017 by another agency, and has no bearing on whether fulfilling your request constitutes creating a record. DMV indicates that in conversations with you, you have indicated that you would present a "data sharing arrangement proposal to the DMV," as FOIA was not the appropriate avenue for this request.

Discussion

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<sup>1</sup> A copy of DMV's response is attached.

Ms. Megan Broccoli  
Freedom of Information Act Appeal 2019-25  
November 21, 2018  
Page 2

It is the public policy of the District of Columbia that “all persons are entitled to full and complete information regarding the affairs of government and the official acts of those who represent them as public officials and employees.” D.C. Official Code § 2-531. In aid of that policy, DC FOIA creates the right “to inspect . . . and . . . copy any public record of a public body . . .” D.C. Official Code § 2-532(a). The right created under the DC FOIA to inspect public records is subject to various exemptions that may form the basis for denial of a request. *See* D.C. Official Code § 2-534. Under the DC FOIA, an agency is required to disclose materials only if they were “retained by a public body.” D.C. Official Code § 2-502(18).

The DC FOIA was modeled on the corresponding federal Freedom of Information Act, *Barry v. Washington Post Co.*, 529 A.2d 319, 321 (D.C. 1987). Accordingly, decisions construing the federal statute are instructive and may be examined to construe the local law. *Washington Post Co. v. Minority Bus. Opportunity Comm'n*, 560 A.2d 517, 521, n.5 (D.C. 1989).

The primary issue raised in your appeal is whether DMV is obligated to create a record for you that it does not already maintain. An adequate search does not require FOIA officers to act as personal researchers on behalf of requesters. *See, e.g., Bloeser v. DOJ*, 811 F. Supp. 2d 316, 321 (D.D.C. 2011) (“FOIA was not intended to reduce government agencies to full-time investigators on behalf of requesters...”); *Frank v. DOJ*, 941 F. Supp. 4, 5 (D.D.C. 1996) (an agency is not required to “dig out all the information that might exist, in whatever form or place it might be found, and to create a document that answers plaintiff’s questions”). Here, DMV has represented that it does not maintain a record that contains the 18 categories of information specified in your request. We accept this representation. DMV is not obligated to create this record for you.

Further, your request appears to be prospective in nature – in that you would like all “new parking citations issued on a daily basis.” It is a well-settled that FOIA only “compels disclosure only of existing records.” *Nolen v. Rumsfeld*, 535 F.2d 890, 891 (5th Cir. 1976), *cert. denied*, 429 U.S. 1104 (1977). The Supreme Court has found that based upon the FOIA’s legislative history, that “agencies generally are not obligated to provide extensive services in fulfilling FOIA requests.” *Kissinger v. Reporters Committee for Freedom of the Press*, 445 U.S. 136, 154 (1980). As a result, prospective requests are not proper. “Nothing in the FOIA can be construed as requiring an agency to set up a mailing list to automatically disseminate agency records or information.” *Mandel Grunfeld & Herrick v. United States Customs Service*, 709 F. 2d 41, 43 (11th Cir. 1983). *See also Disabled Officer's Association v. Rumsfeld*, 428 F. Supp. 454, 459 (D.D.C. 1977) (“The FOIA obligates an agency only to produce non-exempt records and information which it presently has . . . .”), *aff’d on other grounds*, No. 77-1504 (D.C. Cir. Apr. 18, 1978). DMV is under no obligations under DC FOIA to provide you with documents on an ongoing basis in perpetuity.

To the extent that you wish to enter into a data-sharing agreement with DMV to receive information from DMV on an ongoing basis, DC FOIA is not the vehicle to enter such an agreement. To the extent that you have used the local FOIA laws of other jurisdictions to acquire this information on an ongoing basis is of no relevance here.

### Conclusion

Ms. Megan Broccoli  
Freedom of Information Act Appeal 2019-25  
November 21, 2018  
Page 3

Based on the foregoing, we affirm DMV's decision. This constitutes the final decision of this Office. If you are dissatisfied with this decision, you may commence a civil action against the District of Columbia government in the Superior Court of the District of Columbia in accordance with DC FOIA.

Respectfully,

Mayor's Office of Legal Counsel

cc: Ariel Reed, Assistant General Counsel, DMV (via email)

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
EXECUTIVE OFFICE OF THE MAYOR  
MAYOR'S OFFICE OF LEGAL COUNSEL  
Freedom of Information Act Appeal: 2019-26**

November 21, 2018

VIA ELECTRONIC MAIL

Griffin Kane

RE: FOIA Appeal 2019-026

Dear Mr. Kane:

This letter responds to the administrative appeal you submitted to the Mayor under the District of Columbia Freedom of Information Act, D.C. Official Code § 2-537 ("DC FOIA"), on the grounds that the Office of Unified Communications ("OUC") improperly denied your October 31, 2018 request for records related to 911 calls made by your client.

Your appeal was received by this Office on November 7, 2018; this Office notified OUC and requested that it respond to your appeal. On November 14, 2018, OUC provided its response and therein indicated that it had mistakenly assumed that your request was duplicative of your prior requests, which OUC denied to protect personal privacy.<sup>1</sup> Following your appeal, OUC recognized that your current request included the necessary documentation to waive privacy concerns. OUC asserts that it has now made the documents you requested available to you.

Since your appeal was based on OUC's improper denial, and the agency has now granted your request, we consider your appeal to be moot and hereby dismiss it. You are free to challenge OUC's substantive response by separate appeal to this Office.

If you are dissatisfied with this decision, you may commence a civil action against the District of Columbia government in the Superior Court of the District of Columbia in accordance with DC FOIA.

Sincerely,

Mayor's Office of Legal Counsel

cc: Ingrid Bucksell, FOIA Officer, OUC (via email)

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<sup>1</sup> A copy of OUC's response is attached.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
EXECUTIVE OFFICE OF THE MAYOR  
MAYOR'S OFFICE OF LEGAL COUNSEL  
Freedom of Information Act Appeal: 2019-27**

November 27, 2018

VIA ELECTRONIC MAIL

Raymond Abruzzese

RE: FOIA Appeal 2019-027

Dear Mr. Abruzzese:

This letter responds to the administrative appeal you submitted to the Mayor under the District of Columbia Freedom of Information Act, D.C. Official Code § 2-537 ("DC FOIA"), challenging the Department of Employment Services' ("DOES") response to your request for records. Your sentence appeal states that you "[were] not provided a reason why request was denied."

This Office received your appeal, notified DOES, and asked for its response. DOES responded on November 26, 2018 and advised us that it had not denied your request, but provided you with 9 pages of responsive documents on November 5, 2018. DOES provided this office with a copy of its response to you, indicating that it had granted your request. We accept these representations.

Since your appeal was based on a lack of explanation as to why DOES denied your request and DOES ultimately produced responsive records, we hereby dismiss your appeal as moot. If you would like DOES to retransmit its disclosure, you should direct that request to DOES. You are free to assert any challenge, by separate appeal to this Office, to DOES's substantive response.

If you are dissatisfied with this decision, you may commence a civil action against the District of Columbia government in the Superior Court of the District of Columbia in accordance with DC FOIA.

Respectfully,

Mayor's Office of Legal Counsel

cc: Tonya Robinson, General Counsel, DOES (via email)



**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
EXECUTIVE OFFICE OF THE MAYOR  
MAYOR'S OFFICE OF LEGAL COUNSEL  
Freedom of Information Act Appeal: 2019-28**

November 28, 2018

VIA ELECTRONIC MAIL

Mr. Tyron Jackson

RE: FOIA Appeal 2019-028

Dear Mr. Jackson:

This letter responds to the administrative appeal you submitted to the Mayor under the District of Columbia Freedom of Information Act, D.C. Official Code § 2-537 (“DC FOIA”), regarding the response you received from the Department of Behavioral Health (“DBH”) to a request you submitted to that agency.

Background

On February 20, 2018, you submitted a request to DBH seeking “[a]ny HIPAA breaches reported to DBH by provider Family Preservation Services of D.C. from April 1, 2015 to July 7, 2016.” On April 19, 2018, DBH sent you an email advising you that it had completed its search for the records you requested and did not find any responsive information. You appealed DBH’s response to this Office on November 9, 2018. Your submission to us details why you requested reports of HIPAA breaches from Family Preservation Services but does not indicate the reason you are appealing DBH’s response. Since DBH indicated that it did not possess any responsive records, we construed your appeal as challenging the adequacy of DBH’s search.

We notified DBH of your appeal and requested that it respond to your appeal, which it did on November 16, 2018.<sup>1</sup> In its response, DBH described the search it conducted to locate records responsive to your search and reiterated its position that none were retrieved.

Discussion

It is the public policy of the District of Columbia that “all persons are entitled to full and complete information regarding the affairs of government and the official acts of those who represent them as public officials and employees.” D.C. Official Code § 2-531. In aid of that policy, DC FOIA creates the right “to inspect . . . and . . . copy any public record of a public body . . .” D.C. Official Code § 2-532(a). The right created under DC FOIA to inspect public records is subject to various exemptions that may form the basis for denial of a request. *See* D.C.

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<sup>1</sup> Copies of DBH’s response and supporting exhibits are attached.

Mr. Tyron Jackson  
Freedom of Information Act Appeal 2019-28  
November 28, 2018  
Page 2

Official Code § 2-534. Under the DC FOIA, an agency is required to disclose materials only if they were “retained by a public body.” D.C. Official Code § 2-502(18).

DC FOIA was modeled on the corresponding federal Freedom of Information Act. *Barry v. Washington Post Co.*, 529 A.2d 319, 321 (D.C. 1987). Accordingly, decisions construing the federal statute are instructive and may be examined to construe the local law. *Washington Post Co. v. Minority Bus. Opportunity Comm'n*, 560 A.2d 517, 521, n.5 (D.C. 1989).

DC FOIA requires that a search be reasonably calculated to produce the relevant documents. The test is not whether any additional documents might conceivably exist, but whether the government’s search for responsive documents was adequate. *Weisberg v. U.S. Dep’t of Justice*, 705 F.2d 1344, 1351 (D.C. Cir. 1983). Speculation, unsupported by any factual evidence that records exist, is not enough to support a finding that full disclosure has not been made. *Marks v. U.S. Dep’t of Justice*, 578 F.2d 261 (9th Cir. 1978).

In order to establish the adequacy of a search,

‘the agency must show that it made a good faith effort to conduct a search for the requested records, using methods which can be reasonably expected to produce the information requested.’ [*Oglesby v. United States Dep’t of the Army*, 920 F.2d 57, 68 (D.C. Cir. 1990)]. . . The court applies a ‘reasonableness test to determine the ‘adequacy’ of a search methodology, *Weisberg v. United States Dep’t of Justice*, 227 U.S. App. D.C. 253, 705 F.2d 1344, 1351 (D.C. Cir. 1983) . . .

*Campbell v. United States DOJ*, 164 F.3d 20, 27 (D.C. Cir. 1998).

To conduct a reasonable and adequate search, an agency must: (1) make a reasonable determination as to the locations of records requested; and (2) search for the records in those locations. *Doe v. D.C. Metro. Police Dep’t*, 948 A.2d 1210, 1220-21 (D.C. 2008) (citing *Oglesby*, 920 F.2d at 68). The first step includes determining the likely electronic databases where such records are to be located, such as email accounts and word processing files, and the relevant paper-based files that the agency maintains. *Id.* Second, the agency must affirm that the relevant locations were in fact searched. *Id.* Generalized and conclusory allegations cannot suffice to establish an adequate search. *See In Def. of Animals v. NIH*, 527 F. Supp. 2d 23, 32 (D.D.C. 2007).

According to DBH, it determined that that if the records you requested exist, they would be maintained by DBH’s Accountability Administration, Division of Incident Management and Investigations, and/or its Director of Health Information Management and Privacy Officer. DBH contacted the relevant employees associated with these divisions, and provided this Office with a copy of an email chain to that effect. None of the divisions located responsive documents. DBH also contacted Family Preservation Services, which advised DBH that it did not have any responsive documents either. In the absence of any evidence to the contrary, we accept DBH’s representations and find that it made a reasonable determination as to the locations of the records you requested and conducted an adequate search of these locations for responsive records.

Mr. Tyron Jackson  
Freedom of Information Act Appeal 2019-28  
November 28, 2018  
Page 3

Conclusion

Based on the foregoing, we affirm DBH's response, insofar as it conducted an adequate search for the records you requested.

This constitutes the final decision of this Office. If you are dissatisfied with this decision, you may commence a civil action against the District of Columbia government in the Superior Court of the District of Columbia in accordance with DC FOIA.

Respectfully,

Mayor's Office of Legal Counsel

cc: Tracey Richardson, Acting General Counsel, DBH (via email)

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
EXECUTIVE OFFICE OF THE MAYOR  
MAYOR'S OFFICE OF LEGAL COUNSEL  
Freedom of Information Act Appeal: 2019-29**

November 28, 2018

VIA ELECTRONIC MAIL

Ms. Anita Kinney

RE: FOIA Appeal 2019-029

Dear Ms. Kinney:

This letter responds to the administrative appeal you submitted to the Mayor under the District of Columbia Freedom of Information Act, D.C. Official Code § 2-537 (“DC FOIA”). In your appeal, you assert that the District of Columbia Public Library (“DCPL”) improperly withheld interview notes you requested pertaining to a program analyst position.

Background

On August 29, 2017, you submitted numerous requests to DCPL for records in connection with DCPL’s selection of an applicant for a program analyst position for which you applied. DCPL disclosed some of the records and denied others on October 5, 2017. On November 9, 2018, you appealed to this Office and challenged DCPL’s withholding of notes from your interview and notes from interviews conducted of the candidate who was selected for the position. You contend that: (1) the notes are a required, factual account of an interview and do not contain pre-decisional content; (2) releasing notes of your interview would not invade your privacy; (3) releasing notes of the selected candidate’s interview would not invade this individual’s privacy because his or her resume has already been disclosed; and (4) there is a public interest in releasing the records because DCPL’s hiring process is flawed.

We notified DCPL of your appeal and asked the agency to respond. DCPL provided us with a response on November 16, 2018.<sup>1</sup> The agency reiterated its position that it properly withheld the interview notes under D.C. Official Code § 2-534(e) because the notes are pre-decisional and deliberative, and under D.C. Official Code § 2-534(a)(2) (“Exemption 2”) because releasing the notes about the selected candidate’s interview would constitute an invasion of that individual’s privacy.

Discussion

It is the public policy of the District of Columbia government that “all persons are entitled to full and complete information regarding the affairs of government and the official acts of those who

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<sup>1</sup> A copy of DCPL’s response is attached.

Ms. Anita Kinney  
Freedom of Information Act Appeal 2019-29  
November 28, 2018  
Page 2

represent them as public officials and employees.” D.C. Official Code § 2-531. In aid of that policy, the DC FOIA creates the right “to inspect . . . and . . . copy any public record of a public body . . .” *Id.* at § 2-532(a).

The DC FOIA was modeled on the corresponding federal Freedom of Information Act. *Barry v. Washington Post Co.*, 529 A.2d 319, 312 (D.C. 1987). Accordingly, decisions construing the federal statute are instructive and may be examined to construe local law. *Washington Post Co. v. Minority Bus. Opportunity Comm’n*, 560 A.2d 517, 521, n.5 (D.C. 1989).

D.C Official Code § 2-534(e) provides, in pertinent part, that the deliberative process privilege is incorporated under the inter-agency memorandum exemption contained in D.C. Official Code § 2-534(a)(4) (“Exemption 4”). Exemption 4 of the DC FOIA vests public bodies with discretion to withhold “inter-agency or intra-agency memorandums and letters which would not be available by law to a party other than an agency in litigation with the agency[.]”

The deliberative process privilege protects agency documents that are both predecisional and deliberative. *Coastal States Gas Corp., v. Dep’t of Energy*, 617 F.2d 854, 866 (D.C. Cir. 1980). A document is predecisional if it was generated before the adoption of an agency policy, and it is deliberative if it “reflects the give-and-take of the consultative process.” *Id.*

The exemption thus covers recommendations, draft documents, proposals, suggestions, and other subjective documents which reflect the personal opinions of the writer rather than the policy of the agency. Documents which are protected by the privilege are those which would inaccurately reflect or prematurely disclose the views of the agency, suggesting as agency position that which is as yet only a personal position. To test whether disclosure of a document is likely to adversely affect the purposes of the privilege, courts ask themselves whether the document is so candid or personal in nature that public disclosure is likely in the future to stifle honest and frank communication within the agency . . .

*Id.*

In its response to your appeal, DCPL states that the panelists who evaluated candidates for the program analyst position “use a Handbook, where they write notes to themselves that they later use . . . to score job candidate’s [sic] on the answers they provide in their interview.” The notes are pre-decisional, according to DCPL, because they are generated before any selection of a candidate for a position. The final products that result from the notes are score sheets that are reviewed and totaled to create a ranking of the candidates. Subsequently, a deliberation process occurs and results in the selection of a successful candidate.

It is undisputed that the withheld interview notes are intra-agency documents created by DCPL employees. We agree with DCPL that the notes are pre-decisional, in that they were drafted before - and for the very purpose of - selecting an individual to fill the program analyst position. Therefore, the remaining issue is whether the notes are deliberative. In *Hardy v. Bureau of Alcohol, Tobacco, Firearms and Explosives*, 243 F. Supp. 3d 155 (D.D.C. 2017), the District Court for the District of Columbia considered whether a federal agency properly withheld

Ms. Anita Kinney  
Freedom of Information Act Appeal 2019-29  
November 28, 2018  
Page 3

interview notes and records under the deliberative process privilege. The court noted that interview notes and summaries are routinely found to be subject to Exemption 5 of the federal Freedom of Information Act<sup>2</sup> because they are factual summaries selected from a larger universe of facts presented to the author of the notes. *Id.* at 169. As a result, the notes “reflect an exercise of judgment as to what issues are most relevant to the pre-decisional findings and recommendations.” *Id.*, citing *Ancient Coin Collectors Guild v. U.S. Dep’t of State*, 641 F.3d 504, 513-14 (D.C. Cir. 2011). Moreover, the *Hardy* court held that even if the notes contained strictly factual material, that information is still protected because it would reveal the agency’s deliberative process. *Id.*, citing *Mapother v. U.S. Dep’t of Justice*, 3 F.3d 1533, 1539 (D.C. Cir. 1993) (holding that when “factual material [is] assembled through an exercise of judgment in extracting pertinent material from a vast number of documents for the benefit of an official called upon to take discretionary action,” even purely factual matter is deliberative.).

In light of the case law discussed above, we find that the interview notes at issue were properly withheld in their entirety because they were used to devise recommendations about which candidate would be selected for the program analyst position. Because we find that the withheld interview notes are protected in their entirety under the deliberative process privilege, we need not evaluate whether they were properly withheld under Exemption 2. We also need not address whether there is a public interest in the withheld records, as the public interest analysis relates to a balancing test conducted in connection with Exemption 2.

### Conclusion

Based on the forgoing, DCPL’s decision is affirmed. This shall constitute the final decision of this Office. If you are dissatisfied with this decision, you may commence a civil action against the District of Columbia government in the Superior Court of the District of Columbia in accordance with the DC FOIA.

Sincerely,

Mayor’s Office of Legal Counsel

cc: Grace Perry-Gaiter, General Counsel, DCPL (via email)  
Monika Taliaferro, Attorney-Advisor, DCPL (via email)

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<sup>2</sup> Exemption 5 of the federal Freedom of Information Act is the equivalent of Exemption 4 of DC FOIA.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
EXECUTIVE OFFICE OF THE MAYOR  
MAYOR'S OFFICE OF LEGAL COUNSEL  
Freedom of Information Act Appeal: 2019-30**

November 29, 2018

VIA ELECTRONIC MAIL

William Matzelevich

RE: FOIA Appeal 2019-030

Dear Mr. Matzelevich:

This letter responds to the administrative appeal you submitted to the Mayor under the District of Columbia Freedom of Information Act, D.C. Official Code § 2-537 ("DC FOIA"), on the grounds that the Department of Energy and Environment ("DOEE") failed to respond to your October 21, 2018 request for various records.

This Office received your appeal on November 13, 2018. We notified DOEE and requested that it respond. On November 15, 2018, DOEE responded to your request and copied us on the response.

Your appeal was based on DOEE's failure to respond to your request, and the agency has now responded. We therefore consider your appeal to be moot, and it is dismissed. You are free to challenge DOEE's substantive response by separate appeal to this Office.<sup>1</sup>

If you are dissatisfied with this decision, you may commence a civil action against the District of Columbia government in the Superior Court of the District of Columbia in accordance with DC FOIA.

Sincerely,

Mayor's Office of Legal Counsel

cc: Norah Hazelton, Program Analyst, DOEE (via email)

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<sup>1</sup> You have already submitted one appeal pertaining to DOEE's substantive response, which has been docketed as FOIA Appeal 2019-033.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
EXECUTIVE OFFICE OF THE MAYOR  
MAYOR'S OFFICE OF LEGAL COUNSEL  
Freedom of Information Act Appeal: 2019-31**

December 4, 2018

VIA ELECTRONIC MAIL

Ms. Tiffany Montgomery

RE: FOIA Appeal 2019-031

Dear Ms. Montgomery:

This letter responds to the administrative appeal you submitted to the Mayor under the District of Columbia Freedom of Information Act, D.C. Official Code § 2-537 (“DC FOIA”). In your appeal, you challenge the response you received from the Department of Health (“DOH”) to your request under the DC FOIA.

Background

On October 30, 2018, you submitted a FOIA request for records relating to “[a]ll documents and disclosures, applications and correspondences” between the Department of Health and a named individual, relating to that individual’s “appointments.” On November 2, 2018, DOH denied your request, stating that responsive records were exempt pursuant to D.C. Official Code § 2-534(a)(2) (“Exemption 2”).<sup>1</sup>

On November 14, 2018, this Office received your appeal and notified DOH. Your appeal includes approximately a dozen exhibits, and explains your concerns relating to DOH’s monitoring of veterinarians and why you believe releasing records responsive to your request would serve the public interest.

DOH responded to your appeal in correspondence to this Office on November 30, 2018.<sup>2</sup> In its response, DOH asserts that withholding the records was proper pursuant to Exemption 2. Additionally, DOH argues that the information is exempt pursuant to D.C. Official Code § 2-534(a)(6) (“Exemption 6”), because the records are personnel records.

Discussion

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<sup>1</sup> Exemption 2 prevents disclosure of “[i]nformation of a personal nature where the public disclosure thereof would constitute a clearly unwarranted invasion of personal privacy.”

<sup>2</sup> DOH’s response is attached to this decision.



It is the public policy of the District of Columbia that “all persons are entitled to full and complete information regarding the affairs of government and the official acts of those who represent them as public officials and employees.” D.C. Official Code § 2-531. In aid of that policy, DC FOIA creates the right “to inspect . . . and . . . copy any public record of a public body . . .” D.C. Official Code § 2-532(a). The right created under the DC FOIA to inspect public records is subject to various exemptions that may form the basis for denial of a request. *See* D.C. Official Code § 2-534. Under the DC FOIA, an agency is required to disclose materials only if they were “retained by a public body.” D.C. Official Code § 2-502(18).

The DC FOIA was modeled on the corresponding federal Freedom of Information Act. *Barry v. Washington Post Co.*, 529 A.2d 319, 321 (D.C. 1987). Accordingly, decisions construing the federal statute are instructive and may be examined to construe the local law. *Washington Post Co. v. Minority Bus. Opportunity Comm'n*, 560 A.2d 517, 521, n.5 (D.C. 1989).

#### *Exemption 6*

Your request sought records relating to application materials and disclosure information of an appointed DOH official. On appeal DOH has asserted that these records are located in a personnel file, and are therefore exempt from disclosure under D.C. Official Code § 2-534(a)(6) (“Exemption 6”). Exemption 6 exempts from disclosure information exempt from disclosure by a statute other than DC FOIA. According to DOH, the records you requested are prohibited from release as part of a personnel record, under D.C. Official Code § 1-631.01 and 6-B DCMR § 3100, which both provide that the District shall maintain employee and applicant records “in a manner designed to ensure the greatest degree” of privacy.

DOH’s reliance on D.C. Official Code § 1-631.03 and 6-B DCMR § 3100 for withholding records under Exemption 6 is misplaced. In order to be withheld under Exemption 6, information must be “specifically exempted from disclosure by statute” and that statute must meet one of two requirements. D.C. Official Code § 2-534(a)(6). To be applicable, the statute must either require “that the matters be withheld from the public in such a manner as to leave no discretion on the issue,” or “establish[] particular criteria for withholding or refer[] to particular types of matters to be withheld.” *Id.*

The statute cited by DOH, D.C. Official Code § 1-631.01, does not meet this threshold. We find that the statute’s direction to maintain records “in a manner designed to ensure the greatest degree” of privacy, does not meet the standard of requiring “that the matters be withheld from the public in such a manner as to leave no discretion on the issue.” Further, D.C. Official Code § 1-631.01 does not set forth “particular criteria for withholding.” As such, DOH’s assertion of Exemption 6 here cannot rely on D.C. Official Code § 1-631.01.<sup>3</sup>

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<sup>3</sup> We also note that according to case law interpreting the equivalent of Exemption 6 in the federal FOIA, regulations cannot be invoked – only statutes. *See Anderson v. HHS*, 907 F.2d 936, 950, 951 n.19 (10th Cir. 1990) (regulations, constituting agency’s interpretation of statute, are

### *Exemption 2*

Under Exemption 2, determining whether disclosure of a record would constitute an unwarranted invasion of personal privacy requires a balancing of the individual privacy interest against the public interest in disclosure. *See Department of Justice v. Reporters Comm. for Freedom of Press*, 489 U.S. 749, 762 (1989). The first part of the analysis is determining whether a sufficient privacy interest exists. *Id.*

A privacy interest is cognizable under DC FOIA if it is substantial, which is anything greater than *de minimis*. *Multi AG Media LLC v. Dep't of Agric.*, 515 F.3d 1224, 1229 (D.C. Cir. 2008). In general, there is a sufficient privacy interest in personal identifying information. *Skinner v. U.S. Dep't. of Justice*, 806 F. Supp. 2d 105, 113 (D.D.C. 2011). Information such as names, phone numbers, and home addresses are considered to be personally identifiable information and are therefore exempt from disclosure. *See, e.g., Department of Defense v. FLRA*, 510 U.S. 487, 500 (1994). Generally, this Office finds that there is a privacy interest in employee's personnel records. *See* 6B DCMR § 3100.

The second part of the Exemption 2 analysis examines whether the individual privacy interest is outweighed by the public interest. *See Reporters Comm. for Freedom of Press*, 489 U.S. at 772-773. The relevant "public interest" for the purpose of DC FOIA is generally limited to furthering the statutory purpose of DC FOIA.

This statutory purpose is furthered by disclosure of official information that "sheds light on an agency's performance of its statutory duties." *Reporters Committee*, 489 U.S. at 773; *see also Ray*, 112 S. Ct. at 549. Information that "reveals little or nothing about an agency's own conduct" does not further the statutory purpose; thus the public has no cognizable interest in the release of such information. *See Reporters Committee*, 489 U.S. at 773.

*Beck v. Department of Justice, et al.*, 997 F.2d 1489 (D.C. Cir. 1993) at 1492-93.

Much of your seven page appeal speculates about the conduct of veterinarians, and in particular the individual named in your request. The purpose of FOIA is to shed light on the performance of an agency; dissatisfaction with the job performance of a single employee does not clearly touch on the performance of the agency as a whole. Specifically, to the extent that DOH is in possession of private financial disclosure forms from the named individual, it is unclear how they would shed light on DOH's conduct. If there is a public interest in this document, we find

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not entitled to deference in determining whether statute qualifies as exemption under Exemption 3 of federal FOIA); *see also, Zanoni v. USDA*, 605 F. Supp. 2d 230, 236 (D. D.C. 2009) (holding that "[w]hen determining whether FOIA Exemption 3 applies, the court 'must first determine whether the statute is a withholding statute . . . that . . . specifically exempt[s] matters from disclosure'" by "look[ing] at the language of the statute on its face" (internal quotations omitted)). As a result, 6-B DCMR § 3100 cannot be used as a justification to withhold under DC FOIA.

that it does not outweigh the clear privacy interest. We find that DOH has properly withheld personnel records, generally, under Exemption 2.

Not everything located in a personnel file, however, is *de facto* protected from disclosure. D.C. Official Code § 2-536 provides that the names, salaries, title, and dates of employment of all employees and officers of a public body must be made public.<sup>4</sup>

Courts have held that in the context of FOIA, there is a public interest associated with the resume and application submitted by a successful candidate for a government position. *Barvick v. Cisneros*, 941 F. Supp. 1015, 1017 (D. Kan. 1996) (upholding an agency's decision to release redacted application information of successful applicants and deny release of information of unsuccessful applicants). *See also, Core v. United States Postal Serv.*, 730 F.2d 946, 948 (4th Cir. 1984) ("Having balanced the privacy interests of the five successful applicants against the public's interest, we conclude that disclosure would not 'constitute a clearly unwarranted invasion of personal privacy.' Exemption 6,<sup>5</sup> therefore, does not bar disclosure of the information Core seeks about the successful applicants."); *see also*, FOIA Appeals 2011-36, 2011-56, 2012-75, 2014-06, 2014-11, 2014-27, 2015-48, 2016-80, and 2016-81.<sup>6</sup>

It is not entirely clear from DOH's response to your appeal whether the information it withheld includes applications and resumes pertaining to an individual who successfully obtained a government job or appointment. If DOH maintains such records, they should be released, with redactions made to personal information (e.g., the individual's telephone number, address, email address, and social security number). *See Barvick*, 941 F. Supp. at 1017; *see also* 2012-75. Information related to past employment and information involving relevant qualifications may not be redacted.

#### *Adequacy of search*

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<sup>4</sup> 6B DCMR § 3113 specifically allows for the disclosure of the following information about :

- (a) Name.
- (b) Present and past position titles.
- (c) Present and past grades.
- (d) Present and past salaries.
- (e) Present and past duty stations (which includes room numbers, shop designations, or other identifying information regarding buildings or places of employment).

<sup>5</sup> Exemption 6 is the federal equivalent of DC FOIA's Exemption 2.

<sup>6</sup> *See also Habeas Corpus Resource Ctr. v. DOJ*, No. 08-2649, 2008 WL 5000224, at \*4 (N.D. Cal. Nov. 21, 2008); *Cowdery, Ecker & Murphy, LLC v. Dep't of Interior*, 511 F. Supp. 2d 215, 219 (D. Conn. 2007); *Samble v. U.S. Dep't of Commerce*, No. 1:92-225, slip op. at 11 (S.D. Ga. Sept. 22, 1994); *Associated Gen. Contractors, Inc. v. EPA*, 488 F. Supp. 861, 863 (D. Nev. 1980).

Ms. Tiffany Montgomery  
Freedom of Information Act Appeal 2019-31  
December 4, 2018  
Page 5

Lastly, we are uncertain from DOH's response to your appeal whether it conducted a search for correspondence between DOH and the individual identified in your appeal. Nevertheless, your request as it pertains to correspondence appears to be missing words and is not entirely clear.<sup>7</sup> Accordingly, if you are still seeking correspondence, you should resubmit this aspect of your request to DOH with a more precise description.

### Conclusion

Based on the foregoing, we affirm DOH's decision in part and remand in part. Within 15 days of this decision DOH shall review the withheld personnel file records and disclose to you nonexempt portions of those records or issue to you a new letter clarifying its justification for withholding records in their entirety.

This constitutes the final decision of this Office; though you may file a separate appeal of DOH's subsequent response. If you are dissatisfied with this decision, you may commence a civil action against the District of Columbia government in the Superior Court of the District of Columbia in accordance with the DC FOIA.

Sincerely,

Mayor's Office of Legal Counsel

cc: Phillip Husband, FOIA Officer, DOH (via email)

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<sup>7</sup> Your request indicates that you are seeking "[a]ll . . . correspondences [sic] between the Department of [sic] and to the following individual and his official appointments at DOH . . ."

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
EXECUTIVE OFFICE OF THE MAYOR  
MAYOR'S OFFICE OF LEGAL COUNSEL  
Freedom of Information Act Appeal: 2019-32**

December 18, 2018

VIA ELECTRONIC MAIL

Ms. Tiffany Montgomery

RE: FOIA Appeal 2019-032

Dear Ms. Montgomery:

This letter responds to the administrative appeal you submitted to the Mayor under the District of Columbia Freedom of Information Act, D.C. Official Code § 2-537 ("DC FOIA"), challenging the Department of Health's ("DOH") response to your November 24, 2018 request for records relating to the names of DC Board of Veterinary Medicine members and examiners.

On November 28, 2018, DOH responded to your request and provided you with a list of current Board of Veterinary Medicine members. You appealed on the grounds that the response did not cover all of the records that you requested. This Office contacted DOH on December 3, 2018, and notified the agency of your appeal. DOH responded on December 18, 2018, advising us that DOH initiated an email search on December 11, 2018 which has returned thousands of emails. DOH has represented that it is reviewing these documents and preparing them for production. This Office accepts that representation.

As a result, we remand this matter to DOH to complete the search that it is conducting, review responsive documents, and provide to you all non-exempt portions within 5 days of this decision. You are free to assert any challenge, by separate appeal to this Office, to the subsequent substantive response DOH sends you.

If you are dissatisfied with this decision, you may commence a civil action against the District of Columbia government in the Superior Court of the District of Columbia in accordance with DC FOIA.

Respectfully,

Mayor's Office of Legal Counsel

cc: Phillip Husband, FOIA Officer, DOH (via email)

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
EXECUTIVE OFFICE OF THE MAYOR  
MAYOR'S OFFICE OF LEGAL COUNSEL  
Freedom of Information Act Appeal: 2019-33**

December 5, 2018

VIA ELECTRONIC MAIL

William Matzelevich

RE: FOIA Appeal 2019-033

Dear Mr. Matzelevich:

This letter responds to the administrative appeal you submitted to the Mayor under the District of Columbia Freedom of Information Act, D.C. Official Code § 2-537 ("DC FOIA"), on the grounds that the Department of Energy and Environment ("DOEE") failed to adequately respond to your October 21, 2018 request for records related to the Hearst Park & Pool Project.

This Office received your appeal on November 20, 2018. Your appeal alleges that DOEE's response did not include a "Conceptual Stormwater Management Plan" and an email attachment containing "DOEE Groundwater Comments." We notified DOEE of your appeal and requested its response. On November 27, 2018, DOEE responded that it did not intentionally withhold documents responsive to your request and provided you with link to a copy of the "Stormwater Management and Erosion and Sediment Control" plans. On December 4, 2018, DOEE emailed you a copy of the missing attachment that you had identified.

Your appeal was based on DOEE's failure to provide you with certain responsive documents, and the agency now appears to have provided you with copies of those records. We therefore consider your appeal to be moot, and it is dismissed. If you believe DOEE's response is still incomplete, you are free to challenge DOEE's substantive response by separate appeal to this Office.

If you are dissatisfied with this decision, you may commence a civil action against the District of Columbia government in the Superior Court of the District of Columbia in accordance with DC FOIA.

Sincerely,

Mayor's Office of Legal Counsel

cc: Norah Hazelton, Program Analyst, DOEE (via email)

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
EXECUTIVE OFFICE OF THE MAYOR  
MAYOR'S OFFICE OF LEGAL COUNSEL  
Freedom of Information Act Appeal: 2019-34**

December 10, 2018

VIA ELECTRONIC MAIL

Dr. Daryao Khatri

RE: FOIA Appeal 2019-034

Dear Dr. Khatri:

This letter responds to two administrative appeals that you submitted to the Mayor under the District of Columbia Freedom of Information Act, D.C. Official Code § 2-537 (“DC FOIA”), asserting that the University of the District of Columbia (“UDC”) has not provided you with records that you requested.

On August 20, 2018, you sent a request to UDC for “Personnel Action Forms 50 and 52” from the “2004-2009 and 2012-2018 calendar years.” On September 10, 2018, UDC advised you that in accordance with the applicable fee schedule, the production of the 2012-2018 portion of your record request would cost \$2,092. You responded to that estimate on September 12, 2018, by stating that you were only willing to pay \$250, and that you wanted records exclusively from 2004-2009.

This appeal was received and docketed by this Office on November 26, 2018. Your appeal asserts that you have not yet received responsive documents. Your appeal does not indicate if you have pre-paid the fee estimate that UDC gave you.

UDC provided this Office with a response to your appeal on December 6, 2018.<sup>1</sup> In its response, UDC explained that it construed your failure to pay, or acknowledge, the fee estimate given to you as a withdrawal of your request. UDC’s response explained that it now construes your September 12, 2018, email as a new request instead of a withdrawal and, as a result, UDC will process the request. UDC attached a letter which it sent to you on December 6, 2018, which addressed the 2004-2009 records; UDC’s original September 10, 2018, fee estimate concerned only the 2012-2018 records. Under the applicable regulations, given the large volume of responsive records, UDC estimates that responding to your request would result in a fee of \$4,284. UDC states that it is allowed to obtain payment in advance before it produces responsive records.

D.C. Official Code § 2-532(b-3) provides that an agency can require advance payment of fees in two situations: (1) when it has been determined that a “fee will exceed \$250”; and (2) when a

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<sup>1</sup> A copy of UDC’s response is attached.

Dr. Daryao Khatri  
Freedom of Information Act Appeal 2019-34  
December 10, 2018  
Page 2

“requester has previously failed to pay fees in a timely fashion.” Here, you have submitted a new, modified request, asking for only the number of records that can be processed for \$250. UDC cites to its regulation, 8B DCMR §810.6, “[t]o the extent permitted by applicable law, the University shall require that fees as prescribed by these rules shall be paid in full prior to issuance of requested copies.” The statute allows for the demand of pre-payment when the amount “will exceed \$250.” D.C. Official Code § 2-532(b-3). Here, you have asked for exactly \$250 worth of records, which does not exceed \$250. UDC should process your request accordingly. However, should you fail to timely pay the fees incurred by the processing of your FOIA request, UDC may require advance payment from you, as authorized by D.C. Official Code § 2-532(b-3), for any subsequent FOIA requests. Additionally, if you have failed to timely pay a FOIA fee in the past, UDC may require advance payment from you for this request.

Your appeal was submitted based on UDC’s failure to respond to your request. UDC has since responded. As a result, this Office finds this matter to be moot.

Based on the foregoing, this matter is dismissed. You may challenge UDC’s forthcoming substantive response by separate appeal.

This constitutes the final decision of this office. If you are dissatisfied with this decision, you may commence a civil action in the Superior Court of the District of Columbia in accordance with the DC FOIA.

Respectfully,

Mayor’s Office of Legal Counsel

cc: Jeffery N. Zinn, Assistant General Counsel, UDC (via email)



**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
EXECUTIVE OFFICE OF THE MAYOR  
MAYOR'S OFFICE OF LEGAL COUNSEL  
Freedom of Information Act Appeal: 2019-35**

December 10, 2018

VIA ELECTRONIC MAIL

Deborah Lyles

RE: FOIA Appeal 2019-035

Dear Ms. Lyles:

This letter responds to the administrative appeal you submitted to the Mayor under the District of Columbia Freedom of Information Act, D.C. Official Code § 2-537 ("DC FOIA"), challenging the response the Department of Motor Vehicles ("DMV") provided to your request.

Background

On September 13, 2018, you submitted a four-part FOIA request for records related to a traffic ticket issued on April 24, 2018, as well as records of subsequent enforcement and discussion regarding the ticket.

On October 4 and 23, 2018, DMV granted your request in part, providing you with responsive records. DMV noted that certain personal information was redacted from its disclosure to protect personal privacy pursuant to D.C. Official Code § 2-534(a)(2) (Exemption 2) and the Driver Privacy Protection Act ("DPPA"), 18 U.S.C. 2721 (and D.C. Official Code § 50-1401.01b), incorporated into DC FOIA by D.C. Official Code § 2-534(a)(6). DMV claimed that no responsive records were withheld in their entirety; however, the agency asserted that it could not locate records for certain categories of your request.

On November 26, 2018, this Office received and docketed your appeal. Your appeal primarily argues that the traffic ticket you received was unfair because it resulted from the driving of a reckless motorist. With regard to the records that were disclosed, you argue that DMV's redactions were improper, because the records pertain to you. You also assert that other responsive records should exist. Specifically, you assert that DMV should have disclosed records of telephone conversations related to your complaints about the enforcement of the traffic ticket.

This Office notified DMV of your appeal. On November 29, 2018, DMV responded.<sup>1</sup> DMV's response reiterates the position that its redactions were appropriate pursuant to the DPPA. DMV asserts that you were advised that certain records you requested do not exist. Specifically, DMV asserts that it does not maintain call logs or records of telephone conversations.

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<sup>1</sup> A copy of DMV's response is attached.

### Discussion

It is the public policy of the District of Columbia that “all persons are entitled to full and complete information regarding the affairs of government and the official acts of those who represent them as public officials and employees.” D.C. Official Code § 2-531. In aid of that policy, DC FOIA creates the right “to inspect . . . and . . . copy any public record of a public body . . .” D.C. Official Code § 2-532(a). The right created under the DC FOIA to inspect public records is subject to various exemptions that may form the basis for denial of a request. *See* D.C. Official Code § 2-534. Under the DC FOIA, an agency is required to disclose materials only if they were “retained by a public body.” D.C. Official Code § 2-502(18).

The DC FOIA was modeled on the corresponding federal Freedom of Information Act, *Barry v. Washington Post Co.*, 529 A.2d 319, 321 (D.C. 1987). Accordingly, decisions construing the federal statute are instructive and may be examined to construe the local law. *Washington Post Co. v. Minority Bus. Opportunity Comm'n*, 560 A.2d 517, 521, n.5 (D.C. 1989).

The primary issue you raise on appeal is your belief that the traffic ticket you received was unfair. You assert that you have not paid the citation fee in part because the response to your FOIA request was inadequate. This Office’s jurisdiction is limited to reviewing denials in the context of FOIA. *See* D.C. Official Code § 2-537. As a result, we do not address your contentions regarding the traffic ticket or its enforcement. The arguments you raise related to FOIA are that DMV applied improper redactions to the records it disclosed and did not conduct an adequate search for responsive records.

### **Redactions Based on Personal Privacy**

DMV asserts that it redacted personal information to protect personal privacy pursuant to Exemption 2 and the DPPA. You argue that the redactions should not apply to you, the recipient of the traffic citation. The Supreme Court has recognized that the protection of personal privacy cannot be used to withhold information from a requester pertaining solely to him or herself. *See DOJ v. Reporters Comm.*, 489 U.S. 749, 771 (1989). Similarly, the District’s version of the DPPA does not prevent disclosure of information to the individual who is the subject of the record. *See* D.C. Official Code § 50-1401.01b(c)(12). Therefore, if you demonstrated to DMV that you were the individual who is the subject of the responsive records, it was improper for DMV to redact your personal information. We note the presence of your personal information in the responsive records does not waive the privacy rights of others’, and it is therefore appropriate for DMV to redact personal information of other individuals pursuant to Exemption 2 and the DPPA.

### **Adequacy of Search**

DMV asserts that it has disclosed to you all of its responsive records. It is unclear from your appeal what additional responsive records should exist other than phone records of your calls to DMV regarding your traffic citation. DMV has explained to you that as a practice it does not

Ms. Deborah Lyles  
Freedom of Information Act Appeal 2019-35  
December 10, 2018  
Page 3

maintain call logs or records of phone conversations. It is well-settled that FOIA only “compels disclosure only of existing records.” *Nolen v. Rumsfeld*, 535 F.2d 890, 891 (5th Cir. 1976), *cert. denied*, 429 U.S. 1104 (1977). Since DMV has asserted that you were provided all of the responsive records it maintained and you have not identified any additional records that should have been disclosed, we find that there is no basis to challenge the adequacy of DMV’s search.

### Conclusion

Based on the foregoing, we affirm DMV’s decision in part and remand it in part. If DMV accepts that you are individually identified in the responsive records, it shall disclose the responsive records to you without redactions made to information pertaining solely to you within five business days from the date of this decision.

This constitutes the final decision of this Office. If you are dissatisfied with this decision, you may commence a civil action against the District of Columbia government in the Superior Court of the District of Columbia in accordance with DC FOIA.

Respectfully,

Mayor’s Office of Legal Counsel

cc: Ariel Reed, Assistant General Counsel, DMV (via email)

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
EXECUTIVE OFFICE OF THE MAYOR  
MAYOR'S OFFICE OF LEGAL COUNSEL  
Freedom of Information Act Appeal: 2019-37**

December 12, 2018

VIA ELECTRONIC MAIL

Mr. Sean Scanlan

RE: FOIA Appeal 2019-037

Dear Mr. Scanlan:

This letter responds to the administrative appeal you submitted to the Mayor under the District of Columbia Freedom of Information Act, D.C. Official Code § 2-537 ("DC FOIA"), challenging the response the Metropolitan Police Department ("MPD") provided to your October 25, 2018, request for body worn camera footage relating to a motor vehicle accident.

On November 28, 2018, you filed an appeal, stating, "I have not received any response to my request after I provided all documents requested." Your appeal appears to assert that your request has been constructively denied pursuant to D.C. Official Code § 2-532(e).

D.C. Official Code § 2-532(c)(2) requires that MPD respond to a DC FOIA request for body-worn camera recordings "within 25 business days (except Saturdays, Sundays, and legal public holidays) of the receipt of any such request." In certain circumstances, MPD may extend its response time by an additional 15 business days. D.C. Official Code § 2-532(d). The initial 25-business day time period had not expired when you filed the instant appeal, therefore rendering the appeal premature. Furthermore, MPD has indicated to this Office that it notified you that it was invoking an extension to respond to your request because the "vendor is still processing the requested video."

In light of the foregoing, this Office dismisses your appeal on the grounds that it was prematurely filed. This dismissal shall be without prejudice to you to file a separate appeal if MPD fails to respond to your request after the statutory deadline.

This constitutes the final decision of this office. If you are dissatisfied with this decision, you may commence a civil action in the Superior Court of the District of Columbia in accordance with the DC FOIA.

Respectfully,

Mayor's Office of Legal Counsel

cc: Ronald Harris, FOIA Officer, MPD (via email)

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
EXECUTIVE OFFICE OF THE MAYOR  
MAYOR'S OFFICE OF LEGAL COUNSEL  
Freedom of Information Act Appeal: 2019-38**

December 13, 2018

VIA ELECTRONIC MAIL

Ms. Tiffany Montgomery

RE: FOIA Appeal 2019-038

Dear Ms. Montgomery:

This letter responds to the administrative appeal you submitted to the Mayor under the District of Columbia Freedom of Information Act, D.C. Official Code § 2-537 (“DC FOIA”), challenging the response the Department Consumer and Regulatory Affairs (“DCRA”) provided to your request.

Background

On October 29, 2018, you submitted a FOIA request to DCRA for records relating to public complaints of veterinary hospitals and veterinarians from 1991 to 2018.

On November 7, 2018, DCRA responded to your request by directing you to submit your request to the Department of Health.<sup>1</sup> In subsequent email communications you identified a 2005 news article which you believe indicates responsive records should exist at DCRA. DCRA informed you that its retention cycle for investigations is 4 years and that its search did not locate any responsive records.

On November 29, 2018, this Office docketed your appeal. In your appeal, you state that you are “dissatisfied” with DCRA’s response to your request, and express confusion as to DCRA’s explanation of its record retention cycle. Your appeal attached a news article from 2005 which references a “DCRA report.”

This Office notified DCRA of your appeal. On December 6, 2018, DCRA responded.<sup>2</sup> DCRA’s response reiterated that it does not have records with the information you seek. DCRA explained the search that it conducted of the two offices most likely to possess responsive records, which handle consumer complaints: the Office of Regulatory Investigation Section and the Office of

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<sup>1</sup> Mayor’s Order 2007-60 delegated to the Department of Health “authority . . . to investigate complaints” relating to animal facility licenses.

<sup>2</sup> A copy of DCRA’s response is attached.

Consumer Protection. DCRA indicates these searches located no responsive records; further DCRA explained that the “retention schedule<sup>3</sup> for compliance investigation” is four years.

### Discussion

It is the public policy of the District of Columbia that “all persons are entitled to full and complete information regarding the affairs of government and the official acts of those who represent them as public officials and employees.” D.C. Official Code § 2-531. In aid of that policy, DC FOIA creates the right “to inspect . . . and . . . copy any public record of a public body . . .” D.C. Official Code § 2-532(a). The right created under the DC FOIA to inspect public records is subject to various exemptions that may form the basis for denial of a request. *See* D.C. Official Code § 2-534. Under the DC FOIA, an agency is required to disclose materials only if they were “retained by a public body.” D.C. Official Code § 2-502(18).

The DC FOIA was modeled on the corresponding federal Freedom of Information Act, *Barry v. Washington Post Co.*, 529 A.2d 319, 321 (D.C. 1987). Accordingly, decisions construing the federal statute are instructive and may be examined to construe the local law. *Washington Post Co. v. Minority Bus. Opportunity Comm'n*, 560 A.2d 517, 521, n.5 (D.C. 1989).

DC FOIA requires that a search be reasonably calculated to produce the relevant documents. The test is not whether any additional documents might conceivably exist, but whether the government’s search for responsive documents was adequate. *Weisberg v. U.S. Dep’t of Justice*, 705 F.2d 1344, 1351 (D.C. Cir. 1983). Speculation, unsupported by any factual evidence that records exist, is not enough to support a finding that full disclosure has not been made. *Marks v. U.S. Dep’t of Justice*, 578 F.2d 261 (9th Cir. 1978).

In order to establish the adequacy of a search,

‘the agency must show that it made a good faith effort to conduct a search for the requested records, using methods which can be reasonably expected to produce the information requested.’ [*Oglesby v. United States Dep’t of the Army*, 920 F.2d 57, 68 (D.C. Cir. 1990)]. . . The court applies a ‘reasonableness test to determine the ‘adequacy’ of a search methodology, *Weisberg v. United States Dep’t of Justice*, 227 U.S. App. D.C. 253, 705 F.2d 1344, 1351 (D.C. Cir. 1983) . . .

*Campbell v. United States DOJ*, 164 F.3d 20, 27 (D.C. Cir. 1998).

To conduct a reasonable and adequate search, an agency must: (1) make a reasonable determination as to the locations of records requested; and (2) search for the records in those locations. *Doe v. D.C. Metro. Police Dep’t*, 948 A.2d 1210, 1220-21 (D.C. 2008) (citing *Oglesby*, 920 F.2d at 68). The first step includes determining the likely electronic databases where such records are to be located, such as email accounts and word processing files, and the

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<sup>3</sup> A “retention schedule” is the period of time in which an agency maintains old records before disposing of them.

Ms. Tiffany Montgomery  
Freedom of Information Act Appeal 2019-38  
December 13, 2018  
Page 3

relevant paper-based files that the agency maintains. *Id.* Second, the agency must affirm that the relevant locations were in fact searched. *Id.* Generalized and conclusory allegations cannot suffice to establish an adequate search. *See In Def. of Animals v. NIH*, 527 F. Supp. 2d 23, 32 (D.D.C. 2007).

According to DCRA, it determined that that if the records you requested exist, they would be maintained by either the Office of Regulatory Investigation Section or the Office of Consumer Protection. DCRA contacted the relevant employees associated with these divisions, who in turn conducted a search. These two offices did not locate responsive documents. In the absence of any evidence to the contrary, we accept DCRA's representations and find that it made a reasonable determination as to the locations of the records you requested and conducted an adequate search of these locations for responsive records.

Your request included records from almost thirty years ago, and your belief that DCRA currently possesses such records appears to be based on a news article from thirteen years ago. Government agencies are not obligated to maintain their records in perpetuity; FOIA requires only that agencies produce records in their possession at the time of the request. Here, DCRA has indicated that it maintains records relating to compliance investigations for a four-year period. As such, the report referenced in the news article attached to your appeal would have been scheduled for disposal almost a decade ago. Similarly, the "many complaints made to [DCRA] in 1991-2003" would have been scheduled for disposal long before your request was made. Further, it appears that DOH was delegated authority over veterinary practice over four years ago. We accept DCRA's representation that it does not possess records responsive to your request.

### Conclusion

Based on the foregoing, we affirm DCRA's decision. This constitutes the final decision of this Office. If you are dissatisfied with this decision, you may commence a civil action against the District of Columbia government in the Superior Court of the District of Columbia in accordance with DC FOIA.

Respectfully,

Mayor's Office of Legal Counsel

cc: Genet Amare, FOIA Officer, DCRA (via email)

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
EXECUTIVE OFFICE OF THE MAYOR  
MAYOR'S OFFICE OF LEGAL COUNSEL  
Freedom of Information Act Appeals: 2019-40 and 2019-41**

December 17, 2018

VIA ELECTRONIC MAIL

Mr. Benjamin Cunningham

RE: FOIA Appeals 2019-40 and 2019-41

Dear Mr. Cunningham:

Background

This letter responds to the administrative appeals you submitted to the Mayor under the District of Columbia Freedom of Information Act, D.C. Official Code § 2-537 (“DC FOIA”), on the grounds that the Metropolitan Police Department (“MPD”) improperly responded to your September 5, 2018 requests for records of a barring notice from a property and the body-worn camera (BWC) footage of an officer taken on August 30, 2018.<sup>1</sup>

On December 4, 2018, MPD provided its final response to your requests asserting that it does not maintain barring notices and that it was continuing to process your request for BWC footage. Prior to receiving MPD’s final response you appealed MPD’s processing of your requests on December 3, 2018. On the same day, this Office notified MPD of your appeal and requested its response. On appeal, you argue that MPD should provide you with a copy of the barring notice and the BWC footage.

On December 14, 2018, MPD provided its response to your appeal.<sup>2</sup> In its response, MPD reasserts that it does not maintain copies of barring notices, which are ordinarily maintained by the property owner that issues the notice. Further, MPD asserts that a vendor is still processing the BWC footage and you will be contacted when the processing is complete.

Discussion

It is the public policy of the District of Columbia that “all persons are entitled to full and complete information regarding the affairs of government and the official acts of those who represent them as public officials and employees.” D.C. Official Code § 2-531. In aid of that policy, DC FOIA creates the right “to inspect . . . and . . . copy any public record of a public body . . .” D.C. Official Code § 2-532(a). The right created under the DC FOIA to inspect public

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<sup>1</sup> MPD divided your initial request into two requests to process the BWC component separately. We have consolidated your appeals because they involve the same incident.

<sup>2</sup> A copy of MPD’s response is attached.



Mr. Benjamin Cunningham  
Freedom of Information Act Appeal 2019-40 & 2019-41  
December 17, 2018  
Page 2

records is subject to various exemptions that may form the basis for denial of a request. *See* D.C. Official Code § 2-534. Under the DC FOIA, an agency is required to disclose materials only if they were “retained by a public body.” D.C. Official Code § 2-502(18).

The DC FOIA was modeled on the corresponding federal Freedom of Information Act, *Barry v. Washington Post Co.*, 529 A.2d 319, 321 (D.C. 1987). Accordingly, decisions construing the federal statute are instructive and may be examined to construe the local law. *Washington Post Co. v. Minority Bus. Opportunity Comm'n*, 560 A.2d 517, 521, n.5 (D.C. 1989).

You argue that MPD should provide you with a copy of a barring notice a property issued against you. Under the DC FOIA, an agency is required to disclose materials only if they were “retained by a public body.” *See* D.C. Official Code § 2-502(18). It is well-settled that FOIA only “compels disclosure only of existing records.” *Nolen v. Rumsfeld*, 535 F.2d 890, 891 (5th Cir. 1976), *cert. denied*, 429 U.S. 1104 (1977). We accept MPD’s representation that it does not maintain copies of barring notices. As a result, we affirm MPD’s response with respect to your request for a barring notice.

You also argue that MPD has failed to provide you with BWC footage you requested. Under the DC FOIA, an agency has up to 40 business days to respond to a request for BWC footage. *See* D.C. Official Code §§ 2-532(c)(2)(A) and (d)(1). More than 40 business days have passed since you requested the BWC footage. Therefore, you have the right to appeal MPD’s constructive denial of your request under D.C. Official Code § 2-532(e), as you have done here. MPD has represented to this Office that its outside vendor is still processing the BWC footage you requested, and that MPD will contact you once the processing is complete.

### Conclusion

Based on the foregoing, we affirm MPD’s decision in part insofar as it does not maintain the barring notice you requested. With regard to the BWC footage you requested, we direct MPD to encourage its vendor to finish processing the footage and produce the footage to you as soon as the vendor has completed processing it. You are free to challenge MPD’s forthcoming substantive response to your BWC footage request by separate appeal to this Office.

This shall constitute the final decision of this Office. If you are dissatisfied with this decision, you may commence a civil action against the District of Columbia government in the Superior Court of the District of Columbia in accordance with the DC FOIA.

Sincerely,

Mayor’s Office of Legal Counsel

cc: Ronald Harris, Deputy General Counsel, MPD (via email)

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
EXECUTIVE OFFICE OF THE MAYOR  
MAYOR'S OFFICE OF LEGAL COUNSEL  
Freedom of Information Act Appeal: 2019-42**

December 18, 2018

VIA ELECTRONIC MAIL

Barbara Donaldson

RE: FOIA Appeals 2019-42

Dear Ms. Donaldson:

This letter responds to the administrative appeal you submitted to the Mayor under the District of Columbia Freedom of Information Act, D.C. Official Code § 2-537 ("DC FOIA"), on the grounds that the Department of Consumer and Regulatory Affairs ("DCRA") failed to respond to your request for plans associated with a specific property in the District.

This Office received your appeal, notified DCRA, and asked for its response. Subsequently, DCRA advised us that it responded to your request and mailed you the requested documents on December 4, 2018.

Since your appeal was based on a DCRA's failure to respond to your request and the agency has since responded, we hereby dismiss your appeal as moot. You are free to assert any challenge, by separate appeal to this Office, to the response DCRA sent you.

If you are dissatisfied with this decision, you may commence a civil action against the District of Columbia government in the Superior Court of the District of Columbia in accordance with DC FOIA.

Sincerely,

Mayor's Office of Legal Counsel

cc: Genet Amare, FOIA Officer, DCRA (via email)

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
EXECUTIVE OFFICE OF THE MAYOR  
MAYOR'S OFFICE OF LEGAL COUNSEL  
Freedom of Information Act Appeal: 2019-44**

December 20, 2018

VIA ELECTRONIC MAIL

Ms. Sydney Guttman

RE: FOIA Appeals 2019-44

Dear Ms. Guttman:

This letter responds to the administrative appeal you submitted to the Mayor under the District of Columbia Freedom of Information Act, D.C. Official Code § 2-537 (“DC FOIA”), on the grounds that the Office of the Chief Financial Officer (“OCFO”) improperly denied your December 15, 2017 request under the DC FOIA for records relating to the Office of Tax and Revenue’s<sup>1</sup> (“OTR”) policy on its employees pursuing outside employment, along with any documents that show instances of employees conducting outside business while at OTR.

Background

On December 18, 2017, OCFO affirmed your request in part, by providing a responsive document, and denied the request in part, asserting that records were being withheld pursuant to D.C. Official Code § 2-534(a)(2) (“Exemption 2”).<sup>2</sup>

On December 19, 2017, you filed this appeal, which was received by this Office on December 4, 2018.<sup>3</sup> You argue that there is a public interest in the release of this information that overrides any privacy interest. You further argue that OCFO has a duty under FOIA to provide reasonably segregable, non-exempt portions of records.

This Office notified OCFO of your appeal, and OCFO responded to this Office on December 18, 2018, reaffirming its position that the investigative reports were properly withheld pursuant to Exemption 2.<sup>4</sup> OCFO further argues that there is no public interest in disclosing allegations made against an individual employee, as it would not shed light on the agency’s performance of its statutory duties. OCFO argues that redaction of the exempt portion of the responsive records

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<sup>1</sup> OTR is a division of OCFO.

<sup>2</sup> Exemption 2 prevents disclosure of “[i]nformation of a personal nature where the public disclosure thereof would constitute a clearly unwarranted invasion of personal privacy.”

<sup>3</sup> The delay in receipt was due to an erroneous email address for this Office being listed in OCFO’s December 18, 2017 denial letter.

<sup>4</sup> A copy of OCFO’s response is attached.

would leave the document unreadable.<sup>5</sup> Lastly, OCFO acknowledged that its search is still ongoing, as an employee who may have responsive records is presently unavailable.

### Discussion

It is the public policy of the District of Columbia that “all persons are entitled to full and complete information regarding the affairs of government and the official acts of those who represent them as public officials and employees.” D.C. Official Code § 2-531. In aid of that policy, the DC FOIA creates the right “to inspect . . . and . . . copy any public record of a public body . . .” D.C. Official Code § 2-532(a). The right created under the DC FOIA to inspect public records is subject to various exemptions that may form the basis for denial of a request. *See* D.C. Official Code § 2-534.

The DC FOIA was modeled on the corresponding federal Freedom of Information Act. *Barry v. Washington Post Co.*, 529 A.2d 319, 321 (D.C. 1987). Accordingly, decisions construing the federal statute are instructive and may be examined to construe the local law. *Washington Post Co. v. Minority Bus. Opportunity Comm'n*, 560 A.2d 517, 521, n.5 (D.C. 1989).

The record at issue here are five investigatory reports, and their attachments, concerning employees engaged in outside employment while at OTR. While the records at issue are “investigatory” in that they were the product of an investigation, they do not qualify as “investigatory” under D.C. Official Code § 2-532(a)(3) (“Exemption 3”), because the investigation could not result in either civil or criminal sanctions.<sup>6</sup> *FOP, Metro. Labor Comm. v. District of Columbia*, 82 A.3d 803, 814-15 (D.C. 2014) (“the phrase ‘investigatory records compiled for law enforcement purposes’ in exemption 3 [of the District’s FOIA] refers only to records prepared or assembled in the course of ‘investigations which focus directly on specifically alleged illegal acts, illegal acts of particular identified [persons], acts which could, if proved, result in civil or criminal sanctions.’”).

Under Exemption 2, determining whether disclosure of a record would constitute an invasion of personal privacy requires a balancing of the individual privacy interest against the public interest in disclosure. *See Department of Justice v. Reporters Comm. for Freedom of Press*, 489 U.S. 749, 762 (1989). A privacy interest is cognizable under DC FOIA if it is substantial, which is

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<sup>5</sup> OCFO has provided a sample of the withheld records for this Office’s *in camera* review.

<sup>6</sup> Exemptions 2 and 3(C) of the DC FOIA relate to personal privacy. Exemption 2 applies to “[i]nformation of a personal nature where the public disclosure thereof would constitute a clearly unwarranted invasion of personal privacy.” Exemption 3(C) provides an exemption for disclosure for “[i]nvestigatory records compiled for law-enforcement purposes . . . but only to the extent that the production of such records would . . . (C) Constitute an unwarranted invasion of personal privacy.” While Exemption 2 requires that the invasion of privacy be “clearly unwarranted,” the word “clearly” is omitted from Exemption 3(C). Thus, the standard for evaluating a threatened invasion of privacy interests under Exemption 3(C) is broader than under Exemption 2. *See United States Dep’t of Justice v. Reporters Comm. for Freedom of Press*, 489 U.S. 749, 756 (1989).

anything greater than *de minimis*. *Multi AG Media LLC v. Dep't of Agric.*, 515 F.3d 1224, 1229 (D.C. Cir. 2008). OCFO characterizes the records as being part of a personnel file and argues that this characterization is dispositive to the question of whether there is a privacy interest.<sup>7</sup> The first part of the privacy analysis is determining whether a sufficient privacy interest exists. *Id.*

The privacy interest in the FOIA balancing analysis “encompasses the individual's control of information concerning his or her person,” including names, addresses, and other identifying information. *Padou, supra*, 29 A.3d at 982. Moreover, individuals have a privacy interest in personal information even if it is not of an embarrassing or intimate nature. *U.S. Dep't of State v. Washington Post Co.*, 456 U.S. 595, 600, 102 S. Ct. 1957, 72 L. Ed. 2d 358 (1982).

*District of Columbia v. FOP*, 75 A.3d 259, 265-66 (D.C. 2013)

Having reviewed the sample report, we find that there is a privacy interest in the identifying information contained therein.

The second part of the Exemption 2 analysis examines whether an individual privacy interest is outweighed by the public interest. *See Reporters Comm. for Freedom of Press*, 489 U.S. at 772-773. In the context of the DC FOIA, a record is deemed to be of “public interest” if it would shed light on an agency’s conduct. *Beck v. Department of Justice, et al.*, 997 F.2d 1489 (D.C. Cir. 1993). As the court held in *Beck*:

This statutory purpose is furthered by disclosure of official information that “sheds light on an agency’s performance of its statutory duties.” *Reporters Committee*, 489 U.S. at 773; *see also Ray*, 112 S. Ct. at 549. Information that “reveals little or nothing about an agency’s own conduct” does not further the statutory purpose; thus the public has no cognizable interest in the release of such information. *See Reporters Committee*, 489 U.S. at 773.

*Id.* at 1492-93.

On appeal, you argue broadly that there is a public interest in knowing if public employees are doing outside work on the taxpayer’s time and what a government agency does to prevent this. Given the ethics statutes, regulations, and policies prohibiting the waste or abuse of government resources, we recognize that there is a public interest in the information contained in the reports. *Cochran v. U.S.*, 770 F.2d 949, 956 (11th Cir. 1985) (“[T]he balance struck under FOIA exemption [two] overwhelmingly favors the disclosure of information relating to a violation of the public trust by a government official . . .”). However, we find that this interest is not served by production of identifying information, as the agency’s conduct can be gleaned without identifying individuals. *Dunkelberger v. Dep't of Justice*, 906 F.2d 779, 781 (D.C. Cir. 1990)

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<sup>7</sup> We reject the assertion that anything found in a “personnel file” is automatically embraced by Exemption 2. Unlike the federal FOIA statute, the DC FOIA does not include an exemption specifically for records found in “personnel and medical files.” Cf. 5 U.S.C. § 552(b)(6).

(distinguishing the “interest in knowing the identity of the disciplined employees ‘from other public interests that may arise in requests for disclosure of government investigatory records,’ such as knowing ‘that a government investigation itself is comprehensive,’ that a released report is accurate, or that ‘any disciplinary measures imposed are adequate.’”) (quoting *Stern v. FBI*, 737 F.2d 84 (D.C. Cir. 1984).

### Segregability

Under D.C. Official Code § 2-534(b), even when an agency establishes that an exemption is applicable, it must disclose all reasonably segregable, nonexempt portions of the document. *See, e.g., Roth v. U.S. Dep’t of Justice*, 642 F.3d 1161, 1167 (D.C. Cir. 2011). The phrase “reasonably segregable” is not defined under the DC FOIA, and the precise meaning of the phrase as it relates to redaction and production has not been settled. *See Yeager v. Drug Enforcement Admin.*, 678 F.2d 315, 322 n.16 (D.C. Cir. 1982). To withhold a record in its entirety, courts have held that an agency must demonstrate that exempt and nonexempt information are so inextricably intertwined that the excision of exempt information would produce an edited document with little to no informational value. *See e.g., Antonelli v. BOP*, 623 F. Supp. 2d 55, 60 (D.D.C. 2009).

When a FOIA request is made for records pertaining to an identified individual, then no amount of redaction would protect the privacy interest, because any responsive documents would necessarily be tied to the named individual. *See Mueller v. U.S. Dep’t of the Air Force*, 63 F. Supp. 2d 738, 744 (E.D. Va. 1999) (noting that when requested documents relate to a specific individual, “deleting [her] name from the disclosed documents, when it is known that she was the subject of the investigation, would be pointless”).

Here, the request is not for records pertaining to an identified individual, but for a class of documents on a topic. Acknowledging the existence of the records would not in itself violate a privacy interest.

OCFO has argued that segregation is not possible, because the identities of the individuals could be determined from the content of the report. OCFO further argues that redacting the names of the individuals would insufficiently protect the privacy interest because the “information concerns a particular group of individuals who are known to each other and easily identifiable from details contained in the information.” OCFO cites to *Alirez v. NLRB*, 676 F.2d 423, 428 (10th Cir. 1982), *McLeod v. Pena*, No. 94-1924, slip op. at 4 (D.D.C. Feb. 9, 1996), and *Rothman*, No. 94-8151. We acknowledge the difficulty of protecting the privacy of employees in small offices, as well as the harm caused by the release of individually identifying information. However, the three cases cited by OCFO and almost all of the ones identified by this Office in which redaction was found insufficient were in cases evaluating privacy concerns under the lower privacy threshold of the investigatory records exemption of federal Exemption 7(c) (the equivalent of DC FOIA Exemption 3). As stated above, we do not believe that these records qualify under Exemption 3, because the investigations involved in this matter could not result in civil or criminal penalties.

After reviewing the records, it is not clear that redaction of names, contact information, and discreet identifying information of those mentioned in the records would be insufficient to protect relevant privacy interests. *Hall v. DOJ*, 552 F. Supp. 2d 23, 30 (D.D.C. 2008) (finding that DOJ failed to demonstrate that there is a real threat to employees' privacy, concluding that "DOJ merely asserts, in vague and conclusory fashion, that the redacted information relates to a small group of employees and that release of the redacted information will lead to identification and harassment"); *Citizens for Env'tl. Quality v. USDA*, 602 F. Supp. 534, 538-39 (D.D.C. 1984) (ordering disclosure of health test results because identity of single agency employee tested could not, after deletion of his name, be ascertained from any information known outside appropriate part of agency (citing *Rose*, 425 U.S. at 380 n.19)).

We do not believe that appropriate redactions to these records should be so broad as to leave documents of no informational value. In making redactions, OCFO should be guided by the analysis of the D.C. Court of Appeals in upholding the redaction of names, gender, race, and dates of key events:

[A]s the Superior Court rightly appreciated, "what constitutes identifying information regarding a subject . . . must be weighed not only from the viewpoint of the public, but also from the vantage of" the FOP's members who would have been familiar with the MPD's operations and personnel. Given the particularization of the FOP's individual FOIA requests and with the information disclosed in the files, including the details of the disciplinary infraction, the year (or narrower time frame) in which the infraction occurred, and various other facts, FOP members interested in identifying the subject of the disciplinary proceedings and familiar with the Police Department would have little difficulty winnowing down the possibilities to only a few candidates. It is quite plausible that, in many cases, the additional clues provided by the officer's gender or race or the specific date of a key event would enable such a curious and well-informed reader to eliminate all but one of those possible suspects.

*FOP v. District of Columbia*, 124 A.3d 69, 78 (D.C. 2015)

### Conclusion

Based on the foregoing, we remand this matter to OCFO to finish the search it represented it is conducting and to release redacted versions of the withheld records in accordance with this decision. This constitutes the final decision of this Office. You may file a separate appeal of OCFO's subsequent production.

Ms. Sydney Guttmann  
Freedom of Information Act Appeal 2019-44  
December 20, 2018  
Page 6

If you are dissatisfied with this decision, you may commence a civil action against the District of Columbia government in the Superior Court of the District of Columbia in accordance with the DC FOIA.

Sincerely,

Mayor's Office of Legal Counsel

cc: Chaia Morgan, Assistant General Counsel, OCFO (via email)



**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
EXECUTIVE OFFICE OF THE MAYOR  
MAYOR'S OFFICE OF LEGAL COUNSEL  
Freedom of Information Act Appeal: 2019-46**

December 20, 2018

VIA ELECTRONIC MAIL

Ms. Tiffany Montgomery

RE: FOIA Appeals 2019-46

Dear Ms. Montgomery:

This letter responds to the administrative appeal you submitted to the Mayor under the District of Columbia Freedom of Information Act, D.C. Official Code § 2-537 ("DC FOIA"), challenging the Department of Health's ("DOH") response to your October 19, 2018 request for records relating to complaints and investigatory records of a named veterinarian.

DOH asked for an extension to reply to your request on November 6, 2018. You filed your appeal on December 10, 2018, because of a lack of production by DOH. This Office contacted DOH on December 10, 2018, and notified the agency of your appeal. DOH did not provide a response to this appeal in accordance with 1 DCMR § 412.5.

As a result, we remand this matter to DOH to complete the search that it is conducting, review responsive documents, and provide to you all non-exempt responsive records in its possession. Within 5 days of this decision, DOH shall produce to you all non-exempt portions that it has already reviewed in the two months that your request has been pending. DOH shall continue to produce non-exempt portions of records on a rolling basis. You are free to assert any challenge, by separate appeal to this Office, to the subsequent substantive response DOH sends you.

If you are dissatisfied with this decision, you may commence a civil action against the District of Columbia government in the Superior Court of the District of Columbia in accordance with DC FOIA.

Respectfully,

Mayor's Office of Legal Counsel

cc: Phillip Husband, FOIA Officer, DOH (via email)

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
EXECUTIVE OFFICE OF THE MAYOR  
MAYOR'S OFFICE OF LEGAL COUNSEL  
Freedom of Information Act Appeal: 2019-47**

December 26, 2018

VIA ELECTRONIC MAIL

Ms. Sylvia Varnum O'Regan

RE: FOIA Appeals 2019-47

Dear Ms. O'Regan:

This letter responds to the administrative appeal you submitted to the Mayor under the District of Columbia Freedom of Information Act, D.C. Official Code § 2-537 ("DC FOIA"). In your appeal, you assert that the Metropolitan Police Department ("MPD") improperly withheld records you requested pertaining to the investigation of misconduct of a police officer.

Background

On December 12, 2018, you submitted a FOIA request to MPD for the "complete file on this internal investigation, including a report containing the final outcome" based on complaints made against a specific police officer. On December 13, 2018, MPD denied your request stating that disclosure of responsive records would constitute an unwarranted invasion of personal privacy under D.C. Official Code § 2-534(a)(2) ("Exemption 2").

On December 13, 2018, this Office received your appeal challenging MPD's denial of your request. You argue that responsive records involve a strong public interest because the basis of the complaint involved the officer acting in his official capacity and the complaint was made by members of the public. You further assert that MPD acknowledged the internal investigation and that MPD claimed the investigation found the complaint was sustained. Finally, you assert that the officer's personal privacy may be protected through redaction of personally identifiable information.

This Office notified MPD of your appeal and requested its response. MPD provided its response on December 24, 2018.<sup>1</sup> In its response, MPD reaffirms its position that the responsive records are protected from disclosure pursuant to Exemption 2. MPD argues that there is a substantial privacy interest involved in the officers disciplinary records. Finally, MPD asserts that there is no public interest, in the context of DC FOIA, in favor of disclosing the records.

Discussion

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<sup>1</sup> A copy of MPD's response is attached.

It is the public policy of the District of Columbia government that “all persons are entitled to full and complete information regarding the affairs of government and the official acts of those who represent them as public officials and employees.” D.C. Official Code § 2-531. In aid of that policy, the DC FOIA creates the right “to inspect . . . and . . . copy any public record of a public body . . .” *Id.* at § 2-532(a).

The DC FOIA was modeled on the corresponding federal Freedom of Information Act. *Barry v. Washington Post Co.*, 529 A.2d 319, 312 (D.C. 1987). Accordingly, decisions construing the federal statute are instructive and may be examined to construe local law. *Washington Post Co. v. Minority Bus. Opportunity Comm’n*, 560 A.2d 517, 521, n.5 (D.C. 1989).

Exemption 2 applies to “[i]nformation of a personal nature where the public disclosure thereof would constitute a clearly unwarranted invasion of personal privacy.” Determining whether disclosure of a record would constitute an unwarranted invasion of personal privacy requires a balancing of individual privacy interests against the public interest in disclosing the records. *See Department of Justice v. Reporters Comm. for Freedom of Press*, 489 U.S. 749, 762 (1989).

Here, we find that there is a sufficient privacy interest associated with a police officer who is being investigated for alleged wrongdoing. *See Fund for Constitutional Government v. National Archives & Records Service*, 656 F.2d 856, 863 (D.C. Cir. 1981). An agency is justified in not disclosing documents that allege wrongdoing even if the accused individual was not prosecuted for the wrongdoing, because the agency’s purpose in compiling the documents determines whether the documents fall within the exemption, not the ultimate use of the documents. *See Bast v. DOJ*, 665 F.2d 1251, 1254 (D.C. Cir. 1981).

With regard to the second part of the privacy analysis, we examine whether the individual privacy interest is outweighed by the public interest to require disclosure. The public interest in the disclosure of a public employee’s disciplinary file was addressed by the court in *Beck v. Department of Justice, et al.*, 997 F.2d 1489 (D.C. Cir. 1993). In *Beck*, the court held:

The public’s interest in disclosure of personnel files derives from the purpose of the [FOIA]--the preservation of “the citizens’ right to be informed about what their government is up to.” *Reporters Committee*, 489 U.S. at 773 (internal quotation marks omitted); *see also Ray*, 112 S. Ct. at 549; *Rose*, 425 U.S. at 361. This statutory purpose is furthered by disclosure of official information that “sheds light on an agency’s performance of its statutory duties.” *Reporters Committee*, 489 U.S. at 773; *see also Ray*, 112 S. Ct. at 549. Information that “reveals little or nothing about an agency’s own conduct” does not further the statutory purpose; thus the public has no cognizable interest in the release of such information. *See Reporters Committee*, 489 U.S. at 773. The identity of one or two individual relatively low-level government wrongdoers, released in isolation, does not provide information about the agency’s own conduct.

*Id.* at 1492-93.

In the instant matter, disclosing the individual officer's disciplinary records you are seeking would not shed light on MPD's performance of its statutory duties. Additionally, disclosure would constitute an invasion of the individual police officer's privacy interests under Exemption 2 of the DC FOIA.<sup>2</sup>

Finally, your FOIA request pertains to a specific officer; therefore, redaction of personally identifiable information would not protect the privacy interest at issue, because any responsive documents would necessarily be tied to the identified individual. *See Mueller v. U.S. Dep't of the Air Force*, 63 F. Supp. 2d 738, 744 (E.D. Va. 1999) (noting that when requested documents relate to a specific individual, "deleting [her] name from the disclosed documents, when it is known that she was the subject of the investigation, would be pointless"). As a result, redaction of the records would not protect the privacy interest contemplated by Exemption 2.

### Conclusion

Based on the forgoing we affirm the MPD's decision and dismiss your appeal.

This shall constitute the final decision of this office. If you are dissatisfied with this decision, you may commence a civil action against the District of Columbia government in the Superior Court of the District of Columbia in accordance with the DC FOIA.

Respectfully,

Mayor's Office of Legal Counsel

cc: Ronald B. Harris, Deputy General Counsel, MPD (via email)

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<sup>2</sup> We note that any public interest that would be served by disclosing the wrongdoings of police officers might be served by the Office of Police Complaints' ("OPC") annual, redacted, online report of all sustained findings of misconducts, along with extensive data regarding the type of allegations made and the demographics of complainants. *See Antonelli v. Fed. Bureau of Prisons*, 591 F. Supp. 2d 15, 25 (D.D.C. 2008). OPC's annual reports may be found at <http://policecomplaints.dc.gov/page/annual-reports-for-OPC>.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
EXECUTIVE OFFICE OF THE MAYOR  
MAYOR'S OFFICE OF LEGAL COUNSEL  
Freedom of Information Act Appeal: 2019-48**

December 26, 2018

VIA ELECTRONIC MAIL

Mr. Charles Moran

RE: FOIA Appeals 2019-48

Dear Mr. Moran:

This letter responds to the administrative appeal you submitted to the Mayor under the District of Columbia Freedom of Information Act, D.C. Official Code § 2-537 (“DC FOIA”), on the grounds that the District of Columbia Public Schools (“DCPS”) improperly denied your request under the DC FOIA for records relating to settlement agreements and attorney’s fee requests.

Background

On July 2, 2018, you submitted a request to DCPS for settlement agreements and attorney’s fee requests for fiscal years 2014, 2015, and 2016 for cases brought against DCPS pursuant to the Individuals with Disabilities Education Improvement Act of 2004. On August 4, 2018, DCPS denied your request in its entirety, asserting that records were being withheld to protect personal privacy pursuant to D.C. Official Code § 2-534(a)(2) (“Exemption 2”).<sup>1</sup>

On December 13, 2018, you filed this appeal.<sup>2</sup> On appeal, you argue that the records sought must be made public as the fee requests and settlement agreements “state an opinion upon the rights of the District . . . or [a] private party” pursuant to D.C. Official Code §2-536 (a)(5). Additionally, you argue that FOIA Appeal 2015-09 ordered disclosure of a portion of the responsive documents; as a result, those documents must be made public pursuant to D.C. Official Code §2-536 (a)(9).<sup>3</sup> You further argue that, if Exemption 2 is applicable to personal information contained within the responsive records, the records should be disclosed with redactions to protect the personal privacy interests, not withheld entirely. Finally, you assert there is a strong public interest in disclosure because the records directly involve the expenditure of public funds.

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<sup>1</sup> Exemption 2 prevents disclosure of “[i]nformation of a personal nature where the public disclosure thereof would constitute a clearly unwarranted invasion of personal privacy.”

<sup>2</sup> Your earlier attempt to appeal DCPS’s denial was not processed because the attachment was too large for the online FOIA portal.

<sup>3</sup> D.C. Official Code § 2-536 (a)(9) states that records previously released under FOIA must be made public when a public body determines those records, because of the nature of their subject matter, are likely to become the subject of subsequent requests for substantially the same records.

Mr. Charles Moran  
Freedom of Information Act Appeal 2019-48  
December 26, 2018  
Page 2

This Office notified DCPS of your appeal and requested its response. On December 21, 2018, DCPS provided its response to this Office, in which it reconsidered its denial and asserted that the responsive records could be disclosed with redactions pursuant to protect the privacy interests involved under Exemption 2.<sup>4</sup> DCPS argues that disclosure is not required pursuant to D.C. Official Code § 2-536 (a)(5) because the responsive records contain sensitive information and proposals to reach final settlements. DCPS further argues that disclosure pursuant to D.C. Official Code § 2-536 (a)(9) is not applicable because the records are rarely requested and your organization is the only entity that has ever requested the records at issue; as a result, DCPS did not determine that the records would become the subject of frequent subsequent requests.

DCPS provided this Office with three redacted versions of responsive documents for *in camera* review. DCPS asserts that there are 847 responsive documents each ranging from 20 to 200 pages. DCPS asserts that it would be time consuming to review and redact each document responsive to your request. DCPS proposes limiting its response to your request to fiscal year 2016 which involves 234 responsive documents. DCPS estimates that processing your request for fiscal year 2016 would involve 35 hours of search and review time resulting in a total fee of \$1,056.

### Discussion

It is the public policy of the District of Columbia that “all persons are entitled to full and complete information regarding the affairs of government and the official acts of those who represent them as public officials and employees.” D.C. Official Code § 2-531. In aid of that policy, the DC FOIA creates the right “to inspect . . . and . . . copy any public record of a public body . . .” D.C. Official Code § 2-532(a). The right created under the DC FOIA to inspect public records is subject to various exemptions that may form the basis for denial of a request. *See* D.C. Official Code § 2-534.

The DC FOIA was modeled on the corresponding federal Freedom of Information Act. *Barry v. Washington Post Co.*, 529 A.2d 319, 321 (D.C. 1987). Accordingly, decisions construing the federal statute are instructive and may be examined to construe the local law. *Washington Post Co. v. Minority Bus. Opportunity Comm'n*, 560 A.2d 517, 521, n.5 (D.C. 1989).

This Office accepts DCPS’s position that disclosure is not required pursuant to D.C. Official Code §§ 2-536 (a)(5) and (9).<sup>5</sup> Following your appeal, DCPS reconsidered its application of Exemption 2. Rather than withholding the responsive records in their entirety, DCPS adopted your position that the responsive records can be disclosed with redactions to satisfy the privacy interests protected under Exemption 2. Therefore, the issues remaining in this appeal are DCPS’s proposal to charge you a fee and DCPS’s limitation of the scope of your request.

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<sup>4</sup> A copy of DCPS’s response is attached.

<sup>5</sup> The responsive documents contain sensitive information and proposals, and DCPS determination that the records would not become the subject of frequent subsequent requests was not improper.

Mr. Charles Moran  
Freedom of Information Act Appeal 2019-48  
December 26, 2018  
Page 3

This Office's jurisdiction is limited to "review[ing] the public record to determine whether [a record] may be withheld from public inspection." D.C. Official Code § 2-537(a). We generally do not interpret our authority to include reviewing disputes over FOIA fees. We do note that DCPS's fee estimate appears to be within the limits proscribed under 1 DCMR § 408. Additionally, D.C. Official Code § 2-532(b-3), states that an agency may require advance payment of fees when it has determined that the fee amount will exceed \$250; since DCPS has determined the fee amount will exceed that threshold, DCPS may require advance payment.

It appears that DCPS has unilaterally decided to limit the scope of your request to fiscal year 2016 based on the administrative burden of processing your request. We are not aware of any authority under DC FOIA to allow an agency to unilaterally limit the scope of a request based on administrative burden. *See Fraternal Order of Police v. District of Columbia*, 139 A.3d 853, 863 (D.C. 2016) ("there is nothing in the statute that allows a prospective determination of undue burden to void a FOIA request"). As a result, it was improper for DCPS to limit the scope of your request.<sup>6</sup>

### Conclusion

Based on the foregoing, we remand this matter to DCPS. Within five business days of this decision, DCPS shall provide you with fee estimates to process responsive records for fiscal years 2014 and 2015. Following receipt of your fee payment, DCPS shall disclose redacted versions of the responsive documents on a rolling basis. This constitutes the final decision of this Office. You may file a separate appeal of DCPS's subsequent production.

If you are dissatisfied with this decision, you may commence a civil action against the District of Columbia government in the Superior Court of the District of Columbia in accordance with the DC FOIA.

Sincerely,

Mayor's Office of Legal Counsel

cc: Eboni Govan, Attorney Advisor, DCPS (via email)

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<sup>6</sup> We note that DCPS may charge fees and disclose documents on a rolling basis to accommodate the size and scope of your request. Additionally, you may modify the scope of your request to reduce the fees.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
EXECUTIVE OFFICE OF THE MAYOR  
MAYOR'S OFFICE OF LEGAL COUNSEL  
Freedom of Information Act Appeal: 2019-49**

January 2, 2019

VIA ELECTRONIC MAIL

Mr. Adam Leighton

RE: FOIA Appeals 2019-49

Dear Mr. Leighton:

This letter responds to the administrative appeal you submitted to the Mayor under the District of Columbia Freedom of Information Act, D.C. Official Code § 2-537 ("DC FOIA"), challenging the response the Office of Unified Communications ("OUC") provided to your request.

Background

On June 1, 2018, you submitted a FOIA request to OUC for records related to a 911 call made on April 20, 2018 regarding a car accident in which you claim your client was struck by a school bus. On December 11, 2018, OUC denied your request pursuant to D.C. Official Code § 2-534(a)(2) (Exemption 2) to protect personal privacy of information in the call.

On December 14, 2018, this Office received and docketed your appeal. On appeal you assert that disclosure would not constitute an unwarranted invasion of your client's personal privacy interests as she was the one seeking the records through counsel.

On December 21, 2018, OUC provided its response to your appeal.<sup>1</sup> In its response, OUC states that it was able to locate two call recordings responsive to the request. OUC reasserts that it does not maintain transcribed call records, only audio recordings. OUC maintains that the recordings are exempt from disclosure to protect personal privacy pursuant to D.C. Official Code § 2-534(a)(2) (Exemption 2) because both recordings contain the caller's name and telephone number. OUC further asserts that it lacks the technical capacity to redact portions of audio recordings; therefore, it must withhold the recording in its entirety to protect the personal privacy interest. OUC argues that witnesses who make 911 calls have a privacy interest against unwanted contact and harassment outweighs the public interest in disclosure.

Discussion

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<sup>1</sup> A copy of OUC's response, declaration, and *Vaughn* index are attached.



Mr. Adam Leighton  
Freedom of Information Act Appeal 2019-49  
January 2, 2019  
Page 2

It is the public policy of the District of Columbia that “all persons are entitled to full and complete information regarding the affairs of government and the official acts of those who represent them as public officials and employees.” D.C. Official Code § 2-531. In aid of that policy, DC FOIA creates the right “to inspect . . . and . . . copy any public record of a public body . . .” D.C. Official Code § 2-532(a). The right created under the DC FOIA to inspect public records is subject to various exemptions that may form the basis for denial of a request. *See* D.C. Official Code § 2-534. Under the DC FOIA, an agency is required to disclose materials only if they were “retained by a public body.” D.C. Official Code § 2-502(18).

The DC FOIA was modeled on the corresponding federal Freedom of Information Act, *Barry v. Washington Post Co.*, 529 A.2d 319, 321 (D.C. 1987). Accordingly, decisions construing the federal statute are instructive and may be examined to construe the local law. *Washington Post Co. v. Minority Bus. Opportunity Comm’n*, 560 A.2d 517, 521, n.5 (D.C. 1989).

Exemption 2 applies to “[i]nformation of a personal nature where the public disclosure thereof would constitute a clearly unwarranted invasion of personal privacy.” Determining whether disclosure of a record would constitute an unwarranted invasion of personal privacy requires a balancing of individual privacy interests against the public interest in disclosing the records. *See Department of Justice v. Reporters Comm. for Freedom of Press*, 489 U.S. 749, 762 (1989).

While you have demonstrated consent for disclosure from your client, one of the subjects of the 911 calls, OUC asserts that it has withheld the responsive 911 call to protect the personal privacy interests of the actual callers pursuant to Exemption 2. In general, there is a sufficient privacy interest in personally identifiable information. *Skinner v. U.S. Dep’t. of Justice*, 806 F. Supp. 2d 105, 113 (D.D.C. 2011). Information such as names, phone numbers, and home addresses are considered to be personally identifiable information and are therefore exempt from disclosure. *See, e.g., Department of Defense v. FLRA*, 510 U.S. 487, 500 (1994). As a result, we agree with OUC’s assertion that the calls are subject to protection from disclosure pursuant to Exemption 2 because the recordings contain an individual’s name and phone number.

With regard to the second part of the privacy analysis, we examine whether the individual privacy interest is outweighed by the public interest to require disclosure. Generally, the interest of a private litigant is not considered a public interest in the context of FOIA. *See, e.g., Horowitz v. Peace Corps*, 428 F.3d 271, 278 (D.C. Cir. 2005). Here the personal privacy interest outweighs the public interest in disclosure; as a result, the information protected pursuant to Exemption 2 may be withheld from disclosure.

The final issue to address is segregability. Under D.C. Official Code § 2-534(b), even when an agency establishes that an exemption is applicable, it must disclose all reasonably segregable, nonexempt portions of the document. *See, e.g., Roth v. U.S. Dep’t of Justice*, 642 F.3d 1161, 1167 (D.C. Cir. 2011). The phrase “reasonably segregable” is not defined under the DC FOIA, and the precise meaning of the phrase as it relates to redaction and production has not been settled. *See Yeager v. Drug Enforcement Admin.*, 678 F.2d 315, 322 n.16 (D.C. Cir. 1982). To withhold a record in its entirety, courts have held that an agency must demonstrate that exempt and nonexempt information are so inextricably intertwined that the excision of exempt

Mr. Adam Leighton  
Freedom of Information Act Appeal 2019-49  
January 2, 2019  
Page 3

information would produce an edited document with little to no informational value. *See e.g., Antonelli v. BOP*, 623 F. Supp. 2d 55, 60 (D.D.C. 2009).

Here, OUC maintains that it lacks the technical capacity to excise the protected information from the responsive audio recordings. Courts have repeatedly upheld that records were not reasonably segregable where the agency attested that it lacked the technical capability to edit the records in order to disclose non-exempt portions. *See, e.g., Milton v. DOJ*, 842 F. Supp. 2d 257, 259-61 (D.D.C. 2012) (holding that an agency did not have to produce telephone conversation because it lacked the technological capacity to redact exempt portions of the recordings); *Mingo v. DOJ*, 793 F. Supp. 2d 447, 454-55 (D.D.C. 2011). Consequently, we accept OUC's representation that the responsive records are not segregable due to OUC technical limitations.

### Conclusion

Based on the foregoing, we affirm OUC's decision and dismiss your appeal.

This constitutes the final decision of this Office. If you are dissatisfied with this decision, you may commence a civil action against the District of Columbia government in the Superior Court of the District of Columbia in accordance with DC FOIA.

Respectfully,

Mayor's Office of Legal Counsel

cc: Ingrid Bucksell, FOIA Officer, OUC (via email)

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
EXECUTIVE OFFICE OF THE MAYOR  
MAYOR'S OFFICE OF LEGAL COUNSEL  
Freedom of Information Act Appeal: 2019-50**

January 2, 2019

VIA ELECTRONIC MAIL

Ms. Yihong Mao

RE: FOIA Appeals 2019-50

Dear Ms. Mao:

This letter responds to the administrative appeal you submitted to the Mayor under the District of Columbia Freedom of Information Act, D.C. Official Code § 2-537 (“DC FOIA”), on the grounds that the Metropolitan Police Department (“MPD”) denied your request for a fee waiver in relation to your FOIA request.

On August 20, 2018, you submitted a request to MPD for approximately 33 subcategories of information relating to the DC Gang Database. You also requested a fee waiver under D.C. Official Code § 2-532(b). On August 20, 2018, MPD denied your request for a fee waiver, and asked your willingness to pay a fee for processing your request. MPD did not appear to provide you with a fee estimate. After corresponding with MPD about the appropriateness of a fee waiver, on December 17, 2018, you filed your appeal. You assert that a fee waiver was appropriate because your organization would use the requested records to advance the public interest. This Office contacted MPD for its response.

On December 27, 2018, MPD provided this Office with its response to your appeal.<sup>1</sup> In its response, MPD asserts that its denial of your fee waiver request does not constitute a constructive denial – and that you have not asserted that the denial of the fee waiver prevents you from obtaining the documents requested. As a result, MPD argues that this Office does not have jurisdiction to review this fee dispute. As a result, MPD asserts that the appeal should be dismissed.

Your appeal is based on a fee waiver dispute. This Office’s jurisdiction is limited to “review[ing] the public record to determine whether [a record] may be withheld from public inspection.” D.C. Official Code § 2-537(a). We generally do not interpret our authority to include reviewing disputes over FOIA fees, unless a fee itself amounts to a constructive denial.

Your appeal argues that the fee waiver would be “proper.” Under DC FOIA, however, fee waivers are permissive and not mandatory; MPD has discretion to either grant or deny a waiver.

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<sup>1</sup> A copy of MPD’s response is attached.

Ms. Yihong Mao  
Freedom of Information Act Appeal 2019-50  
January 2, 2019  
Page 2

D.C. Official Code § 2-532(b) (“Documents **may** be furnished without charge . . . .”); 1 DCMR § 408.9 (“An agency **may** waive all or part of any fee . . .”). A denial of a fee waiver does not, in itself, constitute a constructive denial. As a result, this Office will not review the denial of the waiver.

However, it is unclear whether the fee for your August request amounts to a constructive denial, because it does not appear that MPD notified you of a fee estimate. MPD simply noted that the cost would exceed zero dollars. It would be improper for MPD to unilaterally close your request because its fee estimate exceeded your preapproved amount. *See* D.C. Official Code § 2-532(b-3) (providing for two situations in which an agency can require advance payment of fees: (1) when it has been determined that a fee will exceed \$250; and (2) when a “requester has previously failed to pay fees in a timely fashion”). While your request is for a large number of documents which will likely cost over \$250 to produce, MPD has not provided you with an estimate of cost. MPD should provide you with that estimate so you may make a decision whether to continue with the production.

As a result, we remand this matter to MPD, to provide you with a good faith fee estimate for your request. This constitutes the final decision of this Office. If you are dissatisfied with this decision, you may commence a civil action against the District of Columbia government in the Superior Court of the District of Columbia in accordance with the DC FOIA.

Respectfully,

Mayor’s Office of Legal Counsel

cc: Ronald B. Harris, Deputy General Counsel, MPD (via email)

**District of Columbia REGISTER – October 25, 2019 – Vol. 66 - No. 44 013929 – 014295**