VOL. 72 – NO. 28 JULY 11, 2025

District of Columbia REGISTER

HIGHLIGHTS

- D.C. Council enacts Act 26-95 to establish a farmers market support program within the Department of Health to provide technical assistance to farmers markets, farm stands, and mobile markets
- D.C. Council enacts Act 26-104 to extend juvenile curfew hours in the District for July and August 2025
- Office of the Chief Technology Officer announces availability of funding for the Broadband Equity Access and Deployment (BEAD) Program
- Office of Employee Appeals publishes 13 decisions
- Department of Energy and Environment updates regulations for controlling "Odorous or Other Nuisance Air Pollutants"
- Department of Energy and Environment solicits non-profit entities to design and implement a project to support the RiverSmart Schools Program
- Department of Energy and Environment seeks eligible entities to develop a program to help small buildings to reduce energy consumption and improve indoor environmental quality
- Department of Energy and Environment solicits public comment on the District's State Implementation Plan progress report
- Department of Small and Local Business Development solicits qualified entities to serve as fund managers for the FY25 District Capitalized Revolving Fund Manager Grant Program
- District Department of Transportation waives the per-device fees for shared fleet device operators with sufficient usage by low-income riders

DISTRICT OF COLUMBIA REGISTER

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DISTRICT OF COLUMBIA
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ENROLLED ORIGINAL

AN ACT

D.C. ACT 26-95

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 7, 2025

To amend the Department of Health Functions Clarification Act of 2001 to establish a farmers market support program within the Department of Health to provide technical assistance to farmers markets, farm stands, and mobile markets, to recommend improvements to the licensing and permitting processes and regulations, to oversee coordination between agencies regulating farmers markets, and to establish and administer a farmers market grant program; and to amend the Vending Regulation Act of 2009 to require the Mayor to establish a centralized application system for farmers markets, standardize licensing and permitting requirements, and waive the fees for operating in a low food access area.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Farmers Market Support Amendment Act of 2025".

Sec. 2. The Department of Health Functions Clarification Act of 2001, effective October 3, 2001 (D.C. Law 14-28; D.C. Official Code § 7-731 *et seq.*), is amended by adding a new subtitle C-ii to read as follows:

"Subtitle C-ii. Farmers Markets.

"Sec 4938. Definitions.

"For the purposes of this subtitle, the term:

"(1) "Farmer" means a person or entity that raises or produces locally grown farm products on land that the person or entity farms and owns, rents, or leases for direct sale to consumers.

"(2) "Farmers market" means a market at a fixed location with 2 or more vendors that includes at least one farmer, is open to the public, is operated by a District or federal government agency, a for-profit or non-profit organization, or one or more farmers or producers, and operates at least 6 times per calendar year, and where at least 50 percent of the vendors are providing direct-to-consumer sales of locally grown farm products or locally processed food products.

"(3) "Farm products" means fruits, vegetables, mushrooms, herbs, nuts, shell eggs, honey or other bee products, flowers, nursery stock, fish, and livestock food products, including meat, milk, cheese, and other dairy products.

"(4) "Farm stand" means a fixed location with one farmer vendor that is open to the public, operated by a District or federal government agency, a for-profit or non-profit organization, or a farmer, and operates at least 6 times per calendar year, and where at least 50% of sales consist of direct-to-consumer sales of locally grown farm products and value-added farm products.

"(5) "Locally grown" shall have the same meaning as provided in section 101(3) of the Healthy Schools Act of 2010, effective July 27, 2010 (D.C. Law 18-209; D.C. Official Code § 38-821.01(3)).

"(6) "Locally processed food products" means food that has been processed, including canning, cooking, dehydrating, milling, or the addition of other ingredients, in the jurisdictions listed in section 101(3) of the Healthy Schools Act of 2010, effective July 27, 2010 (D.C. Law 18-209; D.C. Official Code § 38-821.01(3)). The term "locally processed food products" includes cooked ready-to-eat foods, bread, baked goods, pickles, jams, and other value-added farm products.

"(7) "Low food access area" means a census tract where:

"(A) More than 20% of households earn 185% or less of the federal poverty line; and

"(B) At least 500 people or 33%, whichever is greater, of the population live more than 0.5 miles or a 10-minute walk from a grocery store.

"(8) "Mobile market" means a farm stand that travels to 2 or more fixed locations and operates at least 6 times per calendar year.

"(9) "Producer" means a person or entity that produces locally processed food products.

"(10) "Value-added farm product" means any product processed by a producer from a locally grown farm product.

"Sec. 4939. Farmers market support program.

"(a) There is established within the Department of Health ("Department") a farmers market support program ("program").

"(b) The program shall:

"(1) Provide information and technical assistance relating to permitting, licensure, accepting federal and local benefits, and any other relevant support to farmers markets, farm stands, and mobile markets operating or seeking to operate in the District;

"(2) Provide recommendations to the Mayor and Council to improve existing District licensing, permitting, and processes for establishing and operating a farmers market, farm stand, or mobile market, including recommendations for implementing the centralized

application system established by section 7(b) of the Vending Regulation Act of 2009, effective October 22, 2009 (D.C. Law 18-71; D.C. Official Code § 37-131.06(b));

"(3) Convene and coordinate with District agencies involved in licensing, permitting, and supporting farmers markets, farm stands, and mobile markets, including the Office of Planning, the District Department of Transportation, the Department of Parks and Recreation, the Department of Small and Local Business Development, and the Department of Licensing and Consumer Protection, for the purpose of supporting farmers markets, farm stands, and mobile markets in the District, including establishing the centralized application system under section 7(b) of the Vending Regulation Act of 2009, effective October 22, 2009 (D.C. Law 18-71; D.C. Official Code § 37-131.06(b));

"(4) Create and update annually a publicly available online map of farmers market, farm stand, and mobile market locations, including their hours of operation;

"(5) Conduct marketing and promotional activities for farmers markets, farm stands, and mobile markets, with a focus on those located in low food access areas;

"(6) Administer the farmers market support grant program established by subsection (d) of this section; and

"(7) Procure equipment and services to increase customer access to fresh produce and improve farmers market, farm stand, and mobile market infrastructure.

"(c) The program may:

"(1) Evaluate the health and economic impacts of farmers markets, farm stands, and mobile markets on customers and nearby businesses;

"(2) Apply for federal, state, or private grant programs or other funding opportunities that would support farmers markets, farm stands, or mobile markets in the District or the activities of the program;

"(3) Assist farmers markets, farm stands, mobile markets, and their participating vendors with accepting federal or local nutrition benefits;

"(4) Assist farmers markets, farm stands, mobile markets, and their participating vendors in obtaining technological equipment, software, or other e-commerce tools; and

"(5) Offer direct support to customers, including ride-share benefits, home delivery services, and other programs, that would improve access to farmers markets, farm stands, or mobile markets.

"(d) There is established a farmers market support grant program ("farmers market grant") that shall provide at least $250,000 annually in grant funding to support farmers markets, farm stands, and mobile markets located in low food access areas. The grant funding shall be used for:

"(1) Purchasing materials to establish or expand a farmers market, farm stand, or mobile market, including tables, tents, signage, storage, and marketing materials;

"(2) Financial assistance to an entity located in a low food access area for the purpose of hosting a farmers market, farm stand, or mobile market on its property;

"(3) Operational and staffing costs;

"(4) Extending operations for an existing farmers market, farm stand, or mobile market during cold weather months outside of its normal operating season;

"(5) Public safety and post-market cleanup related services;

"(6) Wholesale purchasing, buy-backs, or subscription-based purchasing from vendors at the farmers market, farm stand, or mobile market to provide predictable revenue streams; or

"(7) Customer incentives, including matching programs for federal and local benefits and coupons.

"(e)(1) The farmers market grant authorized by subsection (d) of this section shall be available to existing farmers markets, farm stands, and mobile markets in low food access areas, and to entities that show sufficient proof, as established by the Department's grant application process, that they intend to operate a farmers market, farm stand, or mobile market in a low food access area.

"(2) Preference shall be given to entities that are providing locally grown fruits and vegetables, or which include District-owned businesses as vendors.".

Sec. 3. The Vending Regulation Act of 2009, effective October 22, 2009 (D.C. Law 18-71; D.C. Official Code § 37-131.01 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 37-131.01) is amended as follows:

(1) Paragraph (1) is redesignated as paragraph (1B).

(2) New paragraphs (1) and (1A) are added to read as follows:

"(1) "Farmers market" shall have the same meaning as in section 4938(2) of the Department of Health Functions Clarification Act of 2001, passed on 2nd reading on June 17, 2025 (Enrolled version of Bill 26-109).

"(1A) "Farm stand" shall have the same meaning as in section 4938(4) of the Department of Health Functions Clarification Act of 2001, passed on 2nd reading on June 17, 2025 (Enrolled version of Bill 26-109).".

(3) Paragraph (2) is redesignated as paragraph (2A)

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

"(2) "Mobile market" shall have the same meaning as in section 4938(8) of the Department of Health Functions Clarification Act of 2001, passed on 2nd reading on June 17, 2025 (Enrolled version of Bill 26-109).".

(5) Paragraph (2A) is amended by striking the phrase "including a farmers market, flea market, or antique market." and inserting the phrase "including a flea market or antique market." in its place.

(b) Section 3(b)(3) (D.C. Official Code § 37-131.02(b)(3)) is amended by striking the phrase "at a public market" and inserting the phrase "at a farmers market or public market" in its place.

(c) Section 4(b) (D.C. Official Code § 37-131.03(b)) is amended by striking the phrase "event or public market" and inserting the phrase "event, farmers market, or public market" in its place.

(d) Section 7 (D.C. Official Code § 37-131.06) is amended to read as follows:

"Sec. 7. Public markets and farmers markets.

"(a) The Mayor may require the permitting of public markets and farmers markets on public space and may require the licensing of managers of public markets and farmers markets on public space and private space.

"(b)(1) By January 1, 2028, the Mayor shall establish a centralized application system for the purpose of streamlining the licensing and permitting of farmers markets that shall:

"(A) Enable a farmers market to provide the required documentation to one government agency through an online portal;

"(B) Make the documentation available to any other relevant agency for review, including for a permit to operate on public space;

"(C) Clearly communicate to applicants through the online portal the status of their application, including whether they are missing any required documents and which approvals are still pending; and

"(D) Notify the applicant when each necessary license or permit has been approved.

"(2) The Mayor shall post on a public facing website the standard requirements for a license, permit, or authorization to operate a farmers market, farm stand, or mobile market in the District.".

(e) Section 8(a-1) (D.C. Official Code § 37-131.07(a-1)) is amended as follows:

(1) Strike the term "farmer's market" wherever it appears and insert the phrase "farmers market" in its place.

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

"(2A) Notwithstanding any other provision of this section, the Mayor shall waive all licensing, permitting, or temporary parking restriction fees for a farmers market, farm stand, or mobile market located, or applying to locate, in a low food access area.".

(1) Paragraph (3) is amended to read as follows:

"(3) For the purposes of this subsection, the term "low food access area" shall have the same definition as in section 4938(7) of the Department of Health Functions Clarification Act of 2001, passed on 2nd reading on June 17, 2025 (Enrolled version of Bill 26-109).".

Sec. 4. Conforming Amendments.

(a) Section 101(3) of the Food, Environmental, and Economic Development in the District of Columbia Act of 2010, effective April 8, 2011 (D.C. Law 18-353; D.C. Official Code § 2-1212.01(3)), is amended to read as follows:

"(3) "Farmers market" shall have the same meaning as in section 4938(2) of the Department of Health Functions Clarification Act of 2001, passed on 2nd reading on June 17, 2025 (Enrolled version of Bill 26-109).".

(b) The Food Policy Council and Director Establishment Act of 2014, effective March 10, 2015 (D.C. Official Code § 48-311 *et seq.*), is amended as follows:

(1) Section 2 (D.C. Official Code § 48-311) is amended as follows:

(A) Paragraph (3) is repealed.

(B) A new paragraph (6A) is added to read as follows:

"(6A) "Low food access area" shall have the same definition as in section 4938(7) of the Department of Health Functions Clarification Act of 2001, passed on 2nd reading on June 17, 2025 (Enrolled version of Bill 26-109).

(2) Section 3 (D.C. Official Code § 48-312) is amended by striking the term "food deserts" both times it appears and insert the phrase "low food access areas" in its place.

(c) Section 4 of the Health Services Planning Program Re-establishment Act of 1996, effective April 9, 1997 (D.C. Law 11-191; D.C. Official Code § 44-403), is amended as follows:

(1) Subsection (a) is amended by striking the number "15" and inserting the number "9" in its place.

(2) Subsection (c) is amended as follows:

(A) Paragraph (1) shall be amended by striking the word "Four" and inserting the word "Two" in its place.

(B) Paragraph (2) shall be amended by striking the word "Three" and inserting the word "Two" in its place.

(C) Paragraph (6) is repealed.

(3) Subsection (d) is amended by striking the phrase "Government representatives shall serve for the duration of their service in the positions stated in subsection (c)(6) and (7) of this section." and inserting the phrase "The government representative shall serve for the duration of their service in the described position." in its place.

(4) Subsection (e) is amended by striking the phrase "2 consecutive terms" and inserting the phrase "2 consecutive full terms" in its place.

Sec. 5. Applicability.

(a) Sections 2, 3, and 4(a) and (b) shall apply upon the date of inclusion of their fiscal effect in an approved budget and financial plan.

(b) The Chief Financial Officer shall certify the date of the inclusion of the fiscal effect in an approved budget and financial plan, and provide notice to the Budget Director of the Council of the certification.

ENROLLED ORIGINAL

(c)(1) The Budget Director shall cause the notice of the certification to be published in the District of Columbia Register.

(2) The date of publication of the notice of the certification shall not affect the applicability of provisions identified in subsection (a) of this section.

Sec. 6. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report 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. 7. Effective date.

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

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
JULY 7, 2025

ENROLLED ORIGINAL

AN ACT

D.C. ACT 26-96

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 7, 2025

To symbolically designate Iowa Avenue, NW, between Arkansas Avenue, NW, and 13th Street, NW, as Rev. A. Knighton Stanley Way.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Rev. A. Knighton Stanley Way Designation Act of 2025".

Sec. 2. Pursuant to sections 401, 403a, and 423 of the Street and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Official Code §§ 9-204.01, 9-204.03a, and 9-204.23), the Council symbolically designates Iowa Avenue, NW, between Arkansas Avenue, NW, and 13th Street, NW, as "Rev. A. Knighton Stanley Way".

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report 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 a 30-day period of congressional review

ENROLLED ORIGINAL

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

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
JULY 7, 2025

ENROLLED ORIGINAL

AN ACT

D.C. ACT 26-97

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 7, 2025

To officially designate the school in Lot 970 in Square 1356, located at 4530 MacArthur Boulevard, NW, as John R. Thompson Jr. High School.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "John R. Thompson Jr. High School Designation Act of 2025".

Sec. 2. Pursuant to sections 401 and 422(b) through (e) of the Street and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Official Code §§ 9-204.01 and 9-204.22(b) through (e)) ("Act"), and notwithstanding section 422(a) of the Act (D.C. Official Code § 9-204.22(a)), the Council designates the school in Lot 970 in Square 1356, located at 4530 MacArthur Boulevard, NW, as "John R. Thompson Jr. High School".

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report 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 a 30-day period of congressional review

ENROLLED ORIGINAL

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

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
JULY 7, 2025

ENROLLED ORIGINAL

AN ACT

D.C. ACT 26-98

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 7, 2025

To amend, on a temporary basis, the District of Columbia Health Occupations Revision Act of 1985 to authorize an exemption from licensure for health professionals licensed in foreign countries who accompany foreign sports teams participating in athletic competitions in the District.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Health Occupations Revision Exemption Temporary Amendment Act of 2025".

Sec. 2. Section 502(a) of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1205.02(a)), is amended by adding a new paragraph (3B) to read as follows:

"(3B) To an individual licensed, registered, or certified in good standing to practice a health occupation in another country who is in the District to attend to the healthcare needs of an athletic team from another country that is competing in an organized sporting event, as defined by section 3(3A) of the District of Columbia Smoking Restriction Act of 1979, effective September 28, 1979 (D.C. Law 3-22; D.C. Official Code § 7-1702(3A)); provided, that:

"(A) The time period during which the exemption to the provisions of this act prohibiting the practice of a health occupation without a District of Columbia license, registration, or certification shall not exceed 30 consecutive days;

"(B) The exemption shall be limited to healthcare provided to the athletes, support personnel, and coaching staff of the athletic team at the team basecamp, lodging, and training sites, and at the site of any matches within the District while the team is competing in those matches; and

"(C) The exemption shall not provide authority to the individual to practice at a healthcare clinic or facility in the District; or".

Sec. 3. Fiscal impact statement.

ENROLLED ORIGINAL

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

Sec. 4. Effective date.

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

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

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
JULY 7, 2025

ENROLLED ORIGINAL

AN ACT

D.C. ACT 26-99

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 7, 2025

To amend, on a temporary basis, the Small and Certified Business Enterprise Development and Assistance Act of 2005 to extend the time in which compliant subcontracting plans for health benefits contracts for District employees and their families may be provided.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Subcontracting Requirements Exemption for Contracts for Health Benefits to District Employees Temporary Amendment Act of 2025".

Sec. 2. Section 2346(d) of the Small and Certified Business Enterprise Development and Assistance Act of 2005, effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code § 2-218.46(d)), is amended by adding a new paragraph (4) to read as follows:

"(4) Notwithstanding paragraphs (1) and (3) of this subsection, the subcontracting plan for contracts to provide health benefits to District government employees and their families shall be provided prior to commencement of performance of the plan year, and a bid or proposal that does not include a subcontracting plan may be deemed responsive if it is submitted in response to a solicitation to provide health benefits to District government employees and their families.".

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Chief Financial Officer as the 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.

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

ENROLLED ORIGINAL

24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)).

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

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
JULY 7, 2025

ENROLLED ORIGINAL

AN ACT

D.C. ACT 26-100

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 7, 2025

To amend, on a temporary basis, the District of Columbia Housing Authority Act of 1999 to establish a temporary Stabilization and Reform Board to govern the District of Columbia Housing Authority and to require that the Board and the Executive Director of the District of Columbia Housing Authority take specific actions to reform and revitalize the operations of the District of Columbia Housing Authority.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "District of Columbia Housing Authority Stabilization and Reform Temporary Amendment Act of 2025".

Sec. 2. The District of Columbia Housing Authority Act of 1999, effective May 9, 2000 (D.C. Law 13-105; D.C. Official Code § 6-201 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 6-201) is amended as follows:

(1) Paragraph (6) is amended by striking the phrase "Board of Commissioners" and inserting the phrase "Stabilization and Reform Board" in its place.

(2) Paragraph (12) is repealed.

(3) A new paragraph (17A) is added to read as follows:

"(17A) "Dwelling unit" means any room or group of rooms located within a residential or mixed-use building and forming a single unit that is used or intended to be used for living, sleeping, and the preparation and eating of meals.".

(b) Section 10(h) (D.C. Official Code § 6-209(h)) is amended as follows:

(1) Strike the phrase "or Commissioner of the Authority" and insert the phrase "member of the Board, or member of the former Board of Commissioners" in its place.

(2) Strike the phrase "a Commissioner" and insert the phrase "a member of the Board, member of the former Board of Commissioners," in its place.

(c) New sections 11a, 11b, and 11c are added to read as follows:

"Sec. 11a. Stabilization and Reform Board.

"(a) The Authority shall, from and after the date set forth in subsection (i) of this section, be governed by a Stabilization and Reform Board, which shall consist of the following members:

"(1) The following 9 voting members, each of whom shall be a resident of the District:

"(A) One member with experience in housing development or operations;

"(B) One member with experience in affordable housing development, operations, or finance;

"(C) One member with knowledge of federal housing law and regulation;

"(D) One member with experience in capital project financing;

"(E) One member who is a resident of a property owned, operated, and managed by the Authority;

"(F) One member with experience as a voucher holder;

"(G) The current Executive Director of the Interagency Council on Homelessness;

"(H) The Director of the District's Office of Budget and Performance Management; and

"(I) One member with experience in government procurement;

"(2) The Chief Financial Officer, or a designee of the Chief Financial Officer who is an employee of the Office of the Chief Financial Officer, who shall serve as a non-voting member; and

"(3) The President of the City-Wide Resident Advisory Board, who shall serve as a non-voting member.

"(b)(1) Except as provided in paragraph (2) of this subsection and subsections (c) and (f)(1) of this section, each member of the Stabilization and Reform Board shall be appointed by the Mayor, with the advice and consent of the Council pursuant to section 2(e) of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01(e)).

"(2) The Director of the District's Office of Budget and Performance Management and the Chief Financial Officer, or the Chief Financial Officer's designee, shall serve as members of the Stabilization and Reform Board by virtue of their incumbency in the position of Director of the District's Office of Budget and Performance Management and Chief Financial Officer or being an employee of the Office of the Chief Financial Officer.

"(c) Notwithstanding subsection (b) of this section, the Mayor may appoint the following individuals to the Stabilization and Reform Board without the advice and consent of the Council pursuant to section 2(e) of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01(e)):

"(1) Raymond A. Skinner, to fill the Board seat described in subsection (a)(1)(A) of this section and to serve as chairperson of the Stabilization and Reform Board;

"(2) James M. Dickerson, to fill the Board seat described in subsection (a)(1)(B) of this section;

"(3) Christopher Murphy, to fill the Board seat described in subsection (a)(1)(C) of this section;

"(4) Melissa Lee, to fill the Board seat described in subsection (a)(1)(D) of this section;

"(5) Denise Blackson, to fill the Board seat described in subsection (a)(1)(E) of this section;

"(6) Ronnie Harris, to fill the Board seat described in subsection (a)(1)(F) of this section;

"(7) Theresa Silla, to fill the Board seat described in subsection (a)(1)(G) of this section; and

"(8) Katrina D. Jones, to fill the Board seat described in subsection (a)(1)(I) of this section.

"(d) The members of the Stabilization and Reform Board referred to in subsection (a)(1)(A) through (I) of this section shall each serve for one term of 2 years or until the Board sunsets; provided, that each such member may continue to serve until a successor board assumes the responsibilities of the Stabilization and Reform Board; provided further, that in the event of a vacancy in the seat of such a member of the Board, the Mayor may appoint a member, pursuant to subsection (b)(1) of this section, to serve the remainder of the unexpired term or until a successor board assumes the responsibilities of the Stabilization and Reform Board.

"(e) Upon a vacancy in the position of chairperson of the Stabilization and Reform Board, the Mayor shall designate a chairperson from among the members of the Stabilization and Reform Board referred to in subsection (a)(1)(A) through (I) of this section.

"(f)(1) Upon a vacancy of any seat of the Stabilization and Reform Board, the Mayor shall nominate a replacement who meets the qualifications of the vacant seat pursuant to subsection (a)(1) of this section; provided, that this shall not apply to the seat established by subsection (a)(1)(A) of this section. If the seat established by subsection (a)(1)(A) of this section becomes vacant, the Council shall appoint a successor.

"(2) A Mayoral nomination shall be submitted to the Council pursuant to subsection (b)(1) of this section.

"(g)(1) The Stabilization and Reform Board shall meet at least 10 times per year. All meetings of the Stabilization and Reform Board shall be open to the public, except as may otherwise be authorized by the Open Meetings Act, effective March 31, 2011 (D.C. Law 18-350; D.C. Official Code § 2-571 *et seq.*).

"(2) All regular meetings of the Board must be publicized through a notice, published in the District of Columbia Register one week prior to the meeting that contains the date, time, and location of the meeting.

"(3) Each regular meeting shall provide for a period of public comments, which shall not be limited in time, except that the time allowed for each individual speaker may be reasonably limited.

"(h) For the purposes of taking any official action, a quorum of the Stabilization and Reform Board shall consist of 5 members.

"(i) The Stabilization and Reform Board established by this section shall assume authority from the Board of Commissioners established by section 12, and the Board of Commissioners shall be dissolved, upon the swearing in of at least 5 members of the Stabilization and Reform Board.

"(j) The Authority shall provide to the Stabilization and Reform Board at least 2 full-time employees who are qualified to provide legal and policy research as requested by members of the Board. Except as otherwise provided by law, a full-time employee provided to the Board pursuant to this subsection shall not share with employees of the Authority information about research performed for a Board member, unless the Board member authorizes the sharing of information.

"Sec. 11b. Reform activities.

"(a) Within 15 days after the end of each calendar quarter, the Executive Director shall, after submission to the Stabilization and Reform Board and the City-Wide Resident Advisory Board, submit a report to the Mayor and the Council that describes the progress of the Authority in:

"(1) Addressing and remediating the issues identified by the United States Department of Housing and Urban Development in its 2022 assessment of the Authority ("HUD DC001 Assessment");

"(2) Developing and implementing a plan to expedite the leasing of dwelling units owned, operated, or managed by the Authority;

"(3) Identifying individual dwelling units within Housing Properties of the Authority that are in a substandard condition and improving the condition of such units to a state of good repair;

"(4) Developing and implementing a plan for the maintenance, in an ongoing state of good repair, of Housing Properties of the Authority and individual dwellings units within those Housing Properties;

"(5) Improving the management of the wait list for dwelling units within Housing Properties of the Authority;

"(6)(A) Reviewing and developing recommendations for improvements of the Authority's:

"(i) Capital and operating budgets;

"(ii) Capital and operating expenditures;

"(iii) Accounting and fiscal management systems, controls; and procedures; and

"(iv) Contracting and procurement systems, controls, and procedures.

"(B) Requirements of this paragraph are subject to review by the Chief Financial Officer measured against industry and government standards and best practices; and

"(7) Meeting the training requirements established by sections 12(h) and 14(d).

"(b) In addition to the requirements of subsection (a) of this section, the Executive Director shall submit to the Council any updated policies, procedures, and reports provided to the United States Department of Housing and Urban Development as outlined in the Authority's "Response to the U.S. Department of Housing and Urban Development's March 2022 On-Site Assessment Report," published on November 29, 2022. Such policies, procedures and reports shall be submitted no later than 48 hours after submission to the United States Department of Housing and Urban Development.

"(c) The Stabilization and Reform Board shall:

"(1) Review the progress of the Authority in addressing the findings and recommendations in the HUD DC001 Assessment each month;

"(2) Reserved.

"(3) At least once a quarter, invite the City-Wide Resident Advisory Board to report to the Board on any topics of interest or concerns, and respond to the concerns of the City-Wide Resident Advisory Board in writing, no later than 45 days following the quarterly meeting; and

"(4) Reserved.

"(d) If requested by the Council, a quorum of members of the Stabilization and Reform Board shall attend a Council oversight hearing on the Authority and provide testimony.

"(e) A quorum of members of the Stabilization and Reform Board shall be present at each listening session held pursuant to subsection (c)(2) of this section.

"Sec. 11c. City-Wide Resident Advisory Board.

"(a) The Authority shall establish and implement a comprehensive training program for members of the City-Wide Resident Advisory Board with the goal of enabling tenant members to participate fully in the oversight of the housing authority's operation and capital planning. The Authority shall develop the training program in consultation with public housing residents and public housing industry professional organizations.

"(b)(1) The City-Wide Resident Advisory Board shall be provided access to trainings referenced in section 12(h)(1) and (2).

"(2) Additionally, the Authority shall provide training on relevant federal and District laws, leadership development, communication, and negotiations.

"(c) The Authority shall provide a copy of resolutions on the agenda for consideration by the Stabilization and Reform Board to the City-Wide Resident Advisory Board at least 24 hours prior to the scheduled date and time of the Stabilization and Reform Board meeting at which the resolution will be considered.

"(d) The Authority shall seek and consider the input of the City-Wide Resident Advisory Board when a policy or program change affects residents.".

(d) Section 12 (D.C. Official Code § 6-211) is amended as follows:

(1) The section heading is amended to read as follows:

"Sec. 12. Additional Board provisions.".

(2) Subsections (a), (b), (c), (e), (f), (g), (i), (j), (k), (l), (m), (n), (o), (p), (q), (v)(3), and (w) are repealed.

(3) Subsection (r) is amended by striking the phrase "No Commissioner" and inserting the phrase "No member of the Board" in its place.

(4) Subsection (s) is amended by striking the phrase "Commissioners shall" and inserting the phrase "Each member of the Board referred to in section 11a(a)(1)(A) through (I) shall" in its place.

(5) Subsection (u) is amended by striking the phrase "any Commissioner" and inserting the phrase "any member of the Board" in its place.

(e) Section 14 (D.C. Official Code § 6-213) is amended as follows:

(1) Subsection (c) is amended by striking the phrase "direction and supervision" and inserting the word "oversight" in its place.

(2) A new subsection (e) is added to read as follows:

"(e) As part of the process of selecting an Executive Director, the Board shall seek and consider the input of public housing residents, voucher holders, and the resident advisory board for the Authority.".

(f) Section 21 (D.C. Official Code § 6-220) is amended as follows:

(1) The section heading is amended by striking the phrase "Board of Commissioners" and inserting the word "Board" in its place.

(2) Subsection (a) is amended by striking the phrase "each Commissioner" and inserting the phrase "each member of the Board" in its place.

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

(A) Strike the phrase "as a Commissioner" and insert the phrase "as a member of the Board or a member of the former Board of Commissioners" in its place.

(B) Strike the phrase "former Commissioner" and insert the phrase "former member of the Board or former member of the former Board of Commissioners" in its place.

(C) Strike the phrase "as Commissioner" and insert the phrase "as a member of the Board or a member of the former Board of Commissioners" in its place.

(D) Strike the phrase "any former Commissioner" and insert the phrase "any former member of the Board or former member of the former Board of Commissioners" in its place.

(4) Subsection (c) is amended by striking the phrase "any Commissioner" and inserting the phrase "any member of the Board" in its place.

(g) Section 26g(b)(2)(C) (D.C. Official Code § 6-232(b)(2)(C)) is amended by striking the phrase "resident commissioner and to vote for candidates for resident commissioner to serve

on the Board, as provided in section 12" and inserting the phrase "resident commissioner" in its place.

Sec. 3. Conforming amendment.

Section 2(e) of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01(e)), is amended by adding a new paragraph (27A) to read as follows:

"(27A) The Stabilization and Reform Board of the District of Columbia Housing Authority, established by section 11a of the District of Columbia Housing Authority Act of 1999, passed on 2nd reading on June 17, 2025 (Enrolled version of Bill 26-271);".

Sec. 4. 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. 5. Effective date.

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

ENROLLED ORIGINAL

24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)).

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

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
JULY 7, 2025

ENROLLED ORIGINAL

AN ACT

D.C. ACT 26-101

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 7, 2025

To amend, on a temporary basis, section 205(f) of the Rental Housing Act of 1985 to extend the deadline from 90 days to 180 days for housing providers to file a new registration statement after the completion of the publicly accessible rent control housing database, and to require owners of rental accommodations that are exempt from rent stabilization to report current and prior rent amounts for the previous 2 calendar years at the time of registration.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Rental Housing Registration Extension Temporary Amendment Act of 2025".

Sec.2. Section 205(f) of the Rental Housing Act of 1985, effective July 17, 1985 (D.C. Law 6-10; D.C. Official Code § 42-3502.05(f)), is amended as follows:

(a) Paragraph (1) is amended by striking the number "90" and inserting the number "180" in its place.

(b) Paragraph (2) is amended by striking the number "90" and inserting the number "180" in its place.

(c) Paragraph (4) is amended as follows:

(1) Subparagraph (A) is amended by striking the number "90" and inserting the number "180" in its place.

(2) Subparagraph (B)(i) is amended by striking the number "91" and inserting the number "181" in its place.

(d) A new paragraph (5) is added to read as follows:

"(5)(A) The owner of a rental accommodation that is exempt from rent stabilization pursuant to subsection (a) of this section shall, at the time of registration, provide the following information for each rental unit:

"(i) The current monthly rent amount; and

"(ii) The monthly rent amount charged for the same unit during each of the 2 prior calendar years.

ENROLLED ORIGINAL

"(B) The information required under subparagraph (A) of this paragraph shall be submitted only at the time of registration and shall not be subject to any ongoing or annual reporting requirements.".

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.

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

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

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
JULY 7, 2025

ENROLLED ORIGINAL

AN ACT

D.C. ACT 26-102

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 7, 2025

To amend, on a temporary basis, section 7 of Article II of An Act To provide for compulsory school attendance, for the taking of a school census in the District of Columbia, and for other purposes to direct the Mayor to establish a truancy pilot for the purpose of referring students with unexcused absences to the Department of Human Services and documenting attendance and academic outcomes of students receiving interventions from the Department of Human Services.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Pilot Truancy Reduction Temporary Amendment Act of 2025".

Sec. 2. Section 7 of Article II of An Act To provide for compulsory school attendance, for the taking of a school census in the District of Columbia, and for other purposes, effective September 19, 2013 (D.C. Law 20-17; D.C. Official Code § 38-208), is amended by adding a new subsection (c-1) to read as follows:

"(c-1)(1)(A) By August 12, 2024, the Mayor shall identify 5 secondary educational institutions in the District that had a truancy rate greater than 50% in the 2023-2024 school year to participate in a truancy pilot with the Department of Human Services ("DHS") during School Year 2024-2025.

"(B) The Mayor shall notify the identified educational institutions of their participation in the truancy pilot at least 10 business days before the first day of instruction in School Year 2024-2025. The notice shall include appropriate agency contacts, timelines, and procedures for complying with paragraph (2) of this subsection.

"(2) The 5 secondary educational institutions identified pursuant to paragraph (1) of this subsection shall refer each student who is 14 years of age through 17 years of age to DHS no later than 2 school days after the accrual of 15 unexcused full school day absences within a school year.

"(3) By March 31, 2025, DHS shall publish a preliminary report, and by August 15, 2025, DHS shall publish a final report that:

"(A) Describes the interventions and services provided through the truancy pilot;

"(B) Provides the 5 most common reasons for unexcused absences for the students referred to DHS, such as housing instability, transportation issues, or medical emergencies;

"(C) Presents aggregate data on the 5 most common truancy intervention services or programs that students referred to DHS utilized; and

"(D) Provides an analysis that compares:

"(i) The attendance outcomes, academic performance, and delinquency status of students referred to DHS to the students' attendance outcomes, academic performance, and delinquency status during the same time period in the prior school year;

"(ii) The attendance outcomes, academic performance, and delinquency status of students referred to DHS before and after the DHS referral during the applicable time period for School Year 2024-2025; and

"(iii) The attendance outcomes and academic performance of educational institutions participating in the truancy pilot with the attendance and academic performance during School Year 2024-2025 of non-participating secondary educational institutions that are socio-demographically similar to participating educational institutions.

"(4) For purposes of paragraph (3) of this subsection, the term "delinquency status" means whether a minor student was arrested by a law enforcement official during the time period analyzed in the report.

"(5) Educational institutions participating in the truancy pilot shall be exempt from the requirements of subsection (c) of this section for minor students who are 14 through 17 years of age.".

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.

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

ENROLLED ORIGINAL

24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)).

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

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
JULY 7, 2025

ENROLLED ORIGINAL

AN ACT

D.C. ACT 26-103

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 7, 2025

To authorize, on an emergency basis, the acquisition of Lots 809, 840, 841, 842, 843, and 848 in Square 2937.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Georgia Avenue Acquisition Authority Emergency Act of 2025".

Sec. 2. Acquisition authority.

The Mayor is authorized to acquire by purchase Lots 809, 840, 841, 842, 843, and 848 in Square 2937.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

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

ENROLLED ORIGINAL

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

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
JULY 7, 2025

ENROLLED ORIGINAL

AN ACT

D.C. ACT 26-104

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 7, 2025

To amend, on an emergency basis, the Juvenile Curfew Act of 1995 to authorize the Mayor to extend the juvenile curfew hours in the District when appropriate to protect public safety or public or private property, to authorize the Chief of Police to establish extended juvenile curfew hour zones in specified circumstances, to start the juvenile curfew hours at 11 p.m. every day in June, July, and August 2025, and to extend the applicability of the juvenile curfew to 17-year olds.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Juvenile Curfew Emergency Amendment Act of 2025".

Sec. 2. The Juvenile Curfew Act of 1995, effective September 20, 1995 (D.C. Law 11-48; D.C. Official Code § 2-1541 *et seq.*), is amended as follows:

(a) Section 3 (D.C. Official Code § 2-1542) is amended as follows:

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

"(1) "Chief of Police" means the Chief of the Metropolitan Police Department.".

(2) A new paragraph (1A) is added to read as follows:

"(1A) "Curfew hours" means:

"(A) During every month except July and August:

"(i) From 11:00 p.m. on every Sunday, Monday, Tuesday, Wednesday, and Thursday, until 6:00 a.m. on the following day; and

"(ii) From 12:01 a.m. until 6:00 a.m. on every Saturday and Sunday;

"(B) During the months of July and August, from 12:01 a.m. until 6:00 a.m. every day;

"(C) Notwithstanding subparagraphs (A) and (B) of this paragraph, during the months of June, July, and August 2025, from 11:00 p.m. on every day until 6:00 a.m. on the following day;

"(D) Extended curfew hours established by the Mayor pursuant to section 3a; and

"(E) Extended curfew hours in extended juvenile curfew zones established by the Chief of Police pursuant to section 3b.".

(3) Paragraph (5) is amended by striking the phrase "under the age of 17 years" and inserting the phrase "under the age of 18 years" in its place.

(4) A new paragraph (6A) is added to read as follows:

"(6A) "Notice of violation of curfew" means a verbal warning, authorized by an official that informs a group of juveniles that they are violating the terms of a curfew, that they may be arrested if they continue to violate the curfew, and identifies reasonable steps that they can take to leave the area to avoid arrest.".

(b) New sections 3a and 3b are added to read as follows:

"Sec. 3a. Temporary extensions of juvenile curfew hours.

"(a) The Mayor may, by issuance of an administrative order pursuant to section 422(11) of the District of Columbia Home Rule Act, effective December 24, 1973 (87 Stat. 790; D.C. Official Code § 1-204.22(11), extend the juvenile curfew hours in the District, or any part of the District, beyond the hours established in section 3(1A)(A), (B), and (C), if the Mayor determines that such an extension is appropriate to protect public safety or public or private property.

"(b) An administrative order issued by the Mayor under subsection (a) of this section shall:

"(1) State the basis for the extension of the juvenile curfew hours;

"(2) State the locations in the District where the extended juvenile curfew hours shall apply or state that the extended juvenile curfew hours shall apply throughout the District; and

"(3) State the days and hours during which the extended juvenile curfew hours shall be in effect; provided, that the extended juvenile curfew hours:

"(A) Shall not begin earlier than 8:00 p.m., nor extend past 6:00 a.m., on any day;

"(B) Shall not remain in effect for more than 4 consecutive days, except as provided in subsection (e) of this section; and

"(C) Shall not apply to groups of 8 or fewer individuals.

"(c) Except where emergency circumstances, as determined by the Mayor and described in the administrative order issued under subsection (a) of this section, warrant otherwise, extended juvenile curfew hours imposed under this section shall not take effect until at least 24 hours after the issuance of the administrative order.

"(d) Notice of the issuance of each administrative order issued under this section shall be promptly posted on the main website of the District government and on the website of the Metropolitan Police Department.

"(e) The Mayor may extend the time period during which extended juvenile curfew hours imposed by this section shall remain in effect by issuing subsequent Mayor's orders extending the time period; provided, that each such extension of the time period shall not exceed 30 days.

"(f) If members of the Metropolitan Police Department discover juveniles in the designated extended juvenile curfew hours zone during the hours of curfew, the Metropolitan Police Department shall:

"(1) Where there:

"(A) Is not an imminent danger of bodily injury or significant damage to property, issue at least 2 clearly audible and understandable notices of violation of curfew; or

"(B) Is imminent danger of bodily injury or significant damage to property, issue at least one clearly audible and understandable notice of violation of curfew;

"(2) Provide juveniles a reasonable and adequate time to disperse; and

"(3) Capture on body-worn camera each component of the order to return home described in paragraph (1) of this subsection.

"Sec. 3b. Temporary designations of extended juvenile curfew hour zones.

"(a) The Chief of Police may designate any area of the District as an extended juvenile curfew hours zone, in which extended juvenile curfew hours determined by the Chief of Police shall apply, if the Chief of Police determines that the designation of the extended juvenile curfew hours zone is appropriate to protect public safety or public or private property in the extended juvenile curfew hours zone.

"(b) To designate an extended juvenile curfew hours zone, the Chief of Police shall issue an order that includes:

"(1) The basis for the designation of the extended juvenile curfew hours zone;

"(2) The boundaries of the extended juvenile curfew hours zone;

"(3) The days and hours of the extended juvenile curfew hours in the extended juvenile curfew hours zone; provided, that the extended juvenile curfew hours in the extended juvenile curfew hours zone:

"(A) Shall not begin earlier than 8:00 p.m., nor extend past 6:00 a.m., on any day;

"(B) Shall not remain in effect for more than 4 consecutive days, except as provided in subsection (e) of this section; and

"(C) Shall not apply to groups of 8 or fewer individuals.

"(c) In determining whether to designate an extended juvenile curfew hours zone, the Chief of Police shall consider the following:

"(1) Within the preceding 30 days, the occurrence of:

"(A) Juvenile curfew violations in the proposed extended juvenile curfew hours zone;

"(B) Police reports of disturbances of the public peace described in section 1 of An Act To confer concurrent jurisdiction on the police court of the District of Columbia in certain cases, approved July 16, 1912 (37 Stat. 192; D.C. Official Code § 22-1301), sections 6, 3, 9, or 16 of An act for the preservation of the public peace and the protection of property within the District of Columbia, approved July 29, 1892 (27 Stat. 323; D.C. Official Code § 22-1307, §

22-1309, § 22-1312, or § 22-1318), section 211 of the District of Columbia Law Enforcement Act of 1953, approved June 29, 1953 (67 Stat. 98; D.C. Official Code § 22-1321), or section 901 of An Act relating to crime and criminal procedure in the District of Columbia, approved December 27, 1967 (81 Stat. 742; D.C. Official Code § 22-1322), in the proposed extended juvenile curfew hours zone;

"(C) Police reports of dangerous crimes, as that term is defined in D.C. Official Code § 23-1331(3), in the proposed extended juvenile curfew hours zone;

"(D) Police reports of crimes of violence, as that term is defined in D.C. Official Code § 23-1331(4), in the proposed extended juvenile curfew hours zone; or

"(E) Police reports of destruction of or damage to public or private property in the proposed extended juvenile curfew hours zone;

"(2) Intelligence or verifiable information indicative of an intent of 10 or more juveniles to gather in the proposed extended juvenile curfew hours zone in such a manner that is likely to result in substantial harm to the public safety, or the safety of those gathering, or substantial damage to public or private property; and

"(3) Any other verifiable information from which the Chief of Police may ascertain that public safety or public or private property in the proposed extended juvenile curfew hours zone is likely to be endangered by the presence of unaccompanied juveniles in the extended juvenile curfew hours zones.

"(d) Upon the designation of an extended juvenile curfew hours zone the Chief of Police shall post notice of the designation on the website of the Metropolitan Police Department and shall post signs in the immediate area of the extended juvenile curfew hours zone.

"(e) The Chief of Police may extend the duration of the designation of an extended juvenile curfew hours zone to 30 days by issuing a subsequent order extending the duration of the designation.

"(f) If members of the Metropolitan Police Department discover juveniles in the designated extended juvenile curfew hours zone during the hours of curfew, the Metropolitan Police Department shall:

"(1) Where there:

"(A) Is not an imminent danger of bodily injury or significant damage to property, issue at least 2 clearly audible and understandable notices of violation of curfew; or

"(B) Is imminent danger of bodily injury or significant damage to property, issue at least one clearly audible and understandable notice of violation of curfew;

"(2) Provide juveniles a reasonable and adequate time to disperse; and

"(3) Capture on body-worn camera each component of the order to return home described in paragraph (1) fo this subsection.

"(g)(1) An Advisory Neighborhood Commission, business improvement district, or Main Street organization may petition the Chief of Police to establish an extended juvenile curfew hours zone in an area covered by, or adjacent to the area covered by, such entity. Such petition

shall be approved by a formal vote of the members of the Advisory Neighborhood Commission, the members of the board of the business improvement district, or the members of the board of the Main Street organization.

"(2) A petition submitted pursuant to this subsection shall include the following information:

"(A) The proposed boundaries of the extended juvenile curfew hours zone;

"(B) The proposed hours of the extended juvenile curfew;

"(C) The proposed duration, in days, of the proposed extended juvenile curfew hours;

"(D) The reasons why the Advisory Neighborhood Commission, business improvement district, or Main Street organization is requesting the designation of an extended juvenile curfew hours zone; and

"(E) Such other information as the Chief of Police may require.

"(3) Consideration of a petition submitted under this section, and the determination of whether to designate an extended juvenile curfew hours zone in response to the petition, shall be at the sole discretion of the Chief of Police.".

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

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

ENROLLED ORIGINAL

412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-204.12(a)).

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
JULY 7, 2025

ENROLLED ORIGINAL

A RESOLUTION

26-140

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 1, 2025

To confirm the appointment of Robert Hawkins to the District of Columbia Water and Sewer Authority Board of Directors.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "District of Columbia Water and Sewer Authority Board of Directors Robert Hawkins Confirmation Resolution of 2025".

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

Rob Hawkins
30th Street, NW
Washington, DC 20008
(Ward 3)

as an alternate member of the Board of Directors of the District of Columbia Water and Sewer Authority, in accordance with section 204 of the Water and Sewer Authority Establishment and Department of Public Works Reorganization Act of 1996, effective April 18, 1996 (D.C. Law 11-111; D.C. Official Code § 34-2202.04), for a term to end September 12, 2028.

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

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

26-141

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 1, 2025

To confirm the appointment of Dr. Jimmy Ortiz to the District of Columbia Water and Sewer Authority Board of Directors.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "District of Columbia Water and Sewer Authority Board of Directors Dr. Jimmy Ortiz Confirmation Resolution of 2025".

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

Dr. Jimmy Ortiz
G Street, SW
Washington, DC 20024
(Ward 6)

as an alternate member of the Board of Directors of the District of Columbia Water and Sewer Authority, in accordance with section 204 of the Water and Sewer Authority Establishment and Department of Public Works Reorganization Act of 1996, effective April 18, 1996 (D.C. Law 11-111; D.C. Official Code § 34-2202.04), for a term to end September 12, 2026.

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

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

26-142

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 1, 2025

To confirm the appointment of Dr. Alexander McPhail to the District of Columbia Water and Sewer Authority Board of Directors.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "District of Columbia Water and Sewer Authority Board of Directors Dr. Alexander McPhail Confirmation Resolution of 2025".

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

Dr. Alexander McPhail
17th Street, NW
Washington, DC 20011
(Ward 4)

as an alternate member of the Board of Directors of the District of Columbia Water and Sewer Authority, in accordance with section 204 of the Water and Sewer Authority Establishment and Department of Public Works Reorganization Act of 1996, effective April 18, 1996 (D.C. Law 11-111; D.C. Official Code § 34-2202.04), for a term to end September 12, 2028.

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

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

26-143

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 1, 2025

To confirm the reappointment of Frank Sanders, Jr. to the Real Property Tax Appeals Commission.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Real Property Tax Appeals Commission Frank Sanders, Jr. Confirmation Resolution of 2025".

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

Frank Sanders, Jr.
Primrose Road, NW
Washington, DC 20012
(Ward 4)

as a full-time Commissioner of the Real Property Tax Appeals Commission, established by D.C. Official Code § 47-825.01a, for a term to end April 30, 2029.

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

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

26-144

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 1, 2025

To declare the existence of an emergency with respect to the need to approve Modification No. M03 to Contract No. DCAM-21-NC-RFQ-0002Q with Spectrum Management, and to authorize payment for the goods and services received and to be received under the contract.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Modification No. M03 to Contract No. DCAM-21-NC-RFQ-0002Q with Spectrum Management Approval and Payment Authorization Emergency Declaration Resolution of 2025".

Sec. 2. (a) There exists an immediate need to approve Modification No. M03 to Contract No. DCAM-21-NC-RFQ-0002Q with Spectrum Management, and to authorize payment for the goods and services received and to be received under the contract.

(b) On October 1, 2024, via Modification No. M03, the Department of General Services exercised option year 3 in the not-to-exceed amount of $5 million for the period October 1, 2024, through September 30, 2025.

(c) Council approval is necessary because Modification No. M03 exercised an option year with a value of more than $1 million during a 12-month period.

(d) Council approval is necessary to allow the continuation of these vital services. Without Council approval, Spectrum Management cannot be paid for goods and services provided in excess of $1 million for the period October 1, 2024, through September 30, 2025.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that Modification No. M03 to Contract No. DCAM-21-NC-RFQ-0002Q with Spectrum Management Approval and Payment Authorization Emergency Act of 2025 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

26-145

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 1, 2025

To approve a multiyear contract with Hamel Builders Inc. to provide small and medium size construction services for the District of Columbia Housing Authority's Villager Apartments public housing property.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Multiyear Contract with Hamel Builders Inc. for Villager Apartments Approval Resolution of 2025".

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves the Multiyear Contract with Hamel Builders Inc. to provide small and medium size construction services for the District of Columbia Housing Authority's Villager Apartments public housing property in the amount of $3,803,224 for the period from the execution date of the contract to no more than 542 days after the execution date of the contract.

Sec. 3. Transmittal.

The Council shall transmit a copy of this resolution, upon its adoption, to the District of Columbia Housing Authority and the Mayor.

Sec. 4. Fiscal impact statement.

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

Sec. 5. Effective date.

This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

26-146

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 1, 2025

To approve a multiyear contract with Hamel Builders Inc.to provide small and medium size construction services for the District of Columbia Housing Authority's Elvans Townhouses public housing property.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Multiyear Contract with Hamel Builders Inc. for Elvans Townhouses Approval Resolution of 2025".

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves the Multiyear Contract with Hamel Builders Inc. to provide small and medium size construction services for the District of Columbia Housing Authority's Elvans Townhouses public housing property in the amount of $3,775,834 for the period from the execution date of the contract to no more than 525 days after the execution date of the contract.

Sec. 3. Transmittal.

The Council shall transmit a copy of this resolution, upon its adoption, to the District of Columbia Housing Authority and the Mayor.

Sec. 4. Fiscal impact statement.

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

Sec. 5. Effective date.

This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

26-147

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 1, 2025

To approve a multiyear contract with Hamel Builders Inc. to provide small and medium size construction services for the District of Columbia Housing Authority's Ontario Apartments public housing property.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Multiyear Contract with Hamel Builders Inc. for Ontario Apartments Approval Resolution of 2025".

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves the Multiyear Contract with Hamel Builders Inc. to provide small and medium size construction services for the District of Columbia Housing Authority's Ontario Apartments public housing property in the amount of $2,856,961 for the period from the execution date of the contract to no more than 465 days after the execution date of the contract.

Sec. 3. Transmittal.

The Council shall transmit a copy of this resolution, upon its adoption, to the District of Columbia Housing Authority and the Mayor.

Sec. 4. Fiscal impact statement.

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

Sec. 5. Effective date.

This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

26-148

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 1, 2025

To approve an agreement to enter into a long-term subsidy contract for 20 years in support of the District's Local Rent Supplement Program to fund housing costs associated with affordable housing units for Contract No. 2025-LRSP-05A with 10Q NW LLC for program units located at 10 Q Street, NW.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Local Rent Supplement Program Contract No. 2025-LRSP-05A with 10Q NW LLC Approval Resolution of 2025".

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves Contract No. 2025-LRSP-05A, a long-term subsidy contract, with 10Q NW LLC to provide an operating subsidy in support of 5 affordable housing units in an initial amount not to exceed $187,308 annually.

Sec. 3. Transmittal.

The Council shall transmit a copy of this resolution, upon its adoption, to the District of Columbia Housing Authority and the Mayor.

Sec. 5. Fiscal impact statement.

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

Sec. 6. Effective date.

This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

26-149

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 1, 2025

To declare the existence of an emergency with respect to the need to approve Modification Nos. M0004, M0005, and M0006 to Contract No. CW103730 with Bound Tree Medical, LLC, and to authorize payment for the goods and services received and to be received under the contract.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Contract No. CW103730 with Bound Tree Medical, LLC, Approval and Payment Authorization Emergency Declaration Resolution of 2025".

Sec. 2. (a) There exists an immediate need to approve Modification Nos. M0004, M0005, M0006 to Contract No. CW103730 with Bound Tree Medical, LLC, and to authorize payment for the goods and services received and to be received under the contract.

(b) On September 30, 2024, via Modification No. M0004, the Office of Contracting and Procurement ("OCP"), on behalf of the Fire and Emergency Medical Services Department, partially exercised Option Year 2, in the not-to-exceed amount of $995,000 for the period of October 1, 2024, through December 26, 2024.

(c) On November 13, 2024, via Modification No. M0005, OCP exercised the remainder of Option Year 2 at no additional cost for the period of December 27, 2024, through September 30, 2025.

(d) Modification No. M0006 will increase the not-to-exceed amount of Option Year 2 by $605,000, from $995,000 to $1.6 million for the period of October 1, 2024, through September 30, 2025.

(e) Council approval is necessary because the modifications will increase the value of the contract to more than $1 million during a 12-month period.

(f) Council approval is necessary to allow the continuation of these vital services. Without Council approval, Bound Tree Medical, LLC cannot be paid for goods and services provided in excess of $1 million for the period of October 1, 2024, through September 30, 2025.

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

ENROLLED ORIGINAL

Contract No. CW103730 with Bound Tree Medical, LLC Approval and Payment Authorization Emergency Act of 2025 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

26-150

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 1, 2025

To declare the existence of an emergency with respect to the need to approve multiyear Contract No. CW126113 with Science Applications International Corporation to provide equipment to support the District's information and communications technology infrastructure.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Contract No. CW126113 with Science Applications International Corporation Emergency Declaration Resolution of 2025".

Sec. 2. (a) The Office of Contracting and Procurement, on behalf of the Office of the Chief Technology Officer, proposes to enter into a multiyear contract with Science Applications International Corporation to provide equipment to support the District's information and communications technology infrastructure.

(b) The not-to-exceed price for the term of this multiyear contract with Science Applications International Corporation is $40 million. The period of performance is 2 years from the date of the award with 3 one-year option periods.

(c) Council approval is necessary to allow the District to receive the benefit of these vital goods from Science Applications International Corporation in a timely manner.

(d) A multiyear contract allowed the District to receive better pricing for the critical goods that will be obtained through an award to Science Applications International Corporation.

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 Emergency Multiyear Contract No. CW126113 with Science Applications International Corporation Emergency Approval Resolution of 2025 be adopted on an emergency basis.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

26-151

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 1, 2025

To approve, on an emergency basis, multiyear Contract No. CW126113 with Science Applications International Corporation.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Emergency Multiyear Contract No. CW126113 with Science Applications International Corporation Emergency Approval Resolution of 2025".

Sec. 2. Pursuant to section 451(c) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51(c)), the Council approves multiyear Contract No. CW126113 with Science Applications International Corporation in the not-to-exceed amount of $40 million.

Sec. 3. Transmittal.
The Council shall transmit a copy of this resolution, upon its adoption, to the Mayor.

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

Sec. 5. Effective date.
This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

26-152

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 1, 2025

To declare the existence of an emergency with respect to the need to approve Contract No. CW123725 with Modaxo Traffic Management USA, Inc., and to authorize payment for the goods and services received and to be received under the contract.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Contract No. CW123725 with Modaxo Traffic Management USA, Inc. Approval and Payment Authorization Emergency Declaration Resolution of 2025".

Sec. 2. (a) There exists an immediate need to approve Contract No. CW123725 with Modaxo Traffic Management USA, Inc., and to authorize payment for the goods and services received and to be received under the contract.

(b) On January 28, 2025, the Office of Contracting and Procurement, on behalf of the Department of Motor Vehicles, executed emergency Contract No. CW123725 with Modaxo Traffic Management USA, Inc., to provide ticket processing services for traffic violations for the period of January 29, 2025, through May 29, 2025, in the not-to-exceed amount of $6,002,005.94.

(c) Council approval is necessary because the value of the contract is more than $1 million during a 12-month period.

(d) Emergency legislation is necessary to allow the continuation of these vital services. Without Council approval, Modaxo Traffic Management USA, Inc. cannot be paid for goods and services provided in excess of $1 million for the period of January 29, 2025, through May 29, 2025.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Contract No. CW123725 with Modaxo Traffic Management USA, Inc. Approval and Payment Authorization Emergency Act of 2025 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

26-154

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 1, 2025

To declare the existence of an emergency, due to congressional review, with respect to the need to amend section 215 of the Uniform College Athlete, Name, Image, or Likeness Act of 2022 to permit an institution, conference, or athletic association to assist a college athlete in selecting, arranging for, or providing payment to, a name, image, or likeness agent and in selecting, arranging for, or collecting payment from, a third party engaged in specific name, image, or likeness agreements with college athletes, and to remove the prohibition against institutions or conferences providing compensation to a college athlete for the use of the athlete's name, image, or likeness; and to amend section 5710 of Title 3 of the District of Columbia Municipal Regulations to delay applicability of expanded financial disclosure requirements for certain boards and commissions.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Uniform College Athlete Name, Image, or Likeness Congressional Review Emergency Declaration Resolution of 2025".

Sec. 2. (a) On May 6, 2025, the Council adopted the Uniform College Athlete Name, Image, or Likeness Emergency Amendment Act of 2025, effective May 19, 2025 (D.C. Act 26-69; 72 DCR 6112), which will expire on August 17, 2025.

(b) On June 3, 2025, the Council adopted the Uniform College Athlete Name, Image, or Likeness Temporary Amendment Act of 2025, enacted on June 25, 2025 (D.C. Act 26-93; 72 DCR 7559) ("temporary act"), which has not completed congressional review.

(c) Identical emergency legislation is necessary to prevent a gap in the law between the expiration of the emergency act and the effective date of the temporary act.

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 Uniform College Athlete Name, Image, or Likeness Congressional Review Emergency Amendment Act of 2025 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

26-155

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 1, 2025

To declare the existence of an emergency, due to congressional review, with respect to the need to amend the Open Meetings Act to clarify the definition of meeting, to provide for a public body's ability to be briefed about potential terrorist or public health threats so long as no official action is taken, to exempt from the act meetings between the Council and the Mayor provided that no official action is taken at such meetings, and to provide that a meeting shall be deemed open to the public if the public body takes steps reasonably calculated to allow the public to view or hear the meeting while the meeting is taking place, or, if doing so is not technologically feasible, as soon thereafter as reasonably practicable.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Open Meetings Clarification Congressional Review Emergency Declaration Resolution of 2025".

Sec. 2. (a) On April 1, 2025, the Council adopted the Open Meetings Clarification Emergency Amendment Act of 2025, effective April 7, 2025 (D.C. Act 26-41; 72 DCR 4070) ("Emergency Act"), which will expire on July 6, 2025.

(b) Subsequently, the Open Meetings Clarification Temporary Amendment Act of 2025, enacted on June 25, 2025 (D.C. Act 26-86; 72 DCR ____) ("Temporary Act"), was enacted, which is pending congressional review.

(c) Identical emergency legislation is necessary to prevent a gap in the law between the expiration of the Emergency Act and the effective date of the Temporary Act.

Sec. 3. The Council of the District of Columbia finds that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Open Meetings Clarification Congressional Review Emergency Amendment Act of 2025 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

26-156

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 1, 2025

To declare the existence of an emergency with respect to the need to authorize the Deputy Mayor for Planning and Economic Development to issue a grant to the African American Civil War Memorial Freedom Foundation, Inc. to support the completion of the African American Civil War Museum.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "African American Civil War Museum Limited Grant-Making Authority Emergency Declaration Resolution of 2025".

Sec. 2. (a) The African American Civil War Museum ("AACWM") opened to the public more than 20 years ago, and helps visitors understand the largely unknown role of Black and brown soldiers who fought for freedom from slavery during the Civil War. The AACWM displays photographs, documents, and artifacts, and holds regular seminars and historic presentations by community members. The museum serves as a unique resource for teachers, scholars, students, and professionals of museum studies, descendants of Civil War soldiers, and the general public. More than 200,000 visitors come to the Memorial and Museum each year.

(b) Emergency legislation is necessary to extend the Deputy Mayor for Planning and Economic Development's authority to issue grant funds to AACWM, which it currently has under expiring emergency and temporary legislation. Grant funding is necessary to close the funding gap experienced by the AACWM to build out the museum into the remainder of its facility. Expansion of the AACWM will complete a key recommendation from Office of Planning's DUKE small area plan on the historic Cardozo/Shaw neighborhood, utilizing the former Grimke School for the AACWM and its nonprofit foundation.

Sec. 3. The Council of the District of Columbia determines that the circumstances in section 2 constitute emergency circumstances, making it necessary that the African American Civil War Museum Limited Grant-Making Authority Emergency Amendment Act of 2025 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

26-157

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 1, 2025

To declare an emergency with respect to the need to amend the Residential Tranquility Act of 2010 to prohibit persons targeting a residence for purposes of demonstration from using sound amplifying devices in a residential zone between 7:00 p.m. and 9:00 a.m., to prohibit the use of unattended sound amplifying devices emitting sound while targeting a residence, and to prohibit a person from launching or throwing objects onto the residential property of another with the intent to cause fear, intimidate, or harass any person living or working at that residence; and to amend the National Capital Revitalization and Self-Government Improvement Act of 1997 to provide that the term expiration date for a Council appointment to the Corrections Information Council shall be December 7th of the year in which the term expires.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Residential Tranquility Emergency Declaration Resolution of 2025".

Sec. 2. (a) The District of Columbia has observed an alarming increase in targeted demonstrations using amplified sound devices, creating significant disruptions that extend far beyond any single residence to impact entire communities. These demonstrations, particularly when employing amplified sound devices, fundamentally disturb the peace and tranquility that residents should rightfully expect in their homes. As the Supreme Court emphasized in *Carey v. Brown*, "The State's interest in protecting the well-being, tranquility, and privacy of the home is certainly of the highest order in a free and civilized society." 447 U.S. 455, 471 (1980). The Court has consistently recognized the home as "the last citadel of the tired, the weary, and the sick," *Gregory v. Chicago*, 394 U.S. 111, 125 (1969) (Black, J., concurring), and maintained that "preserving the sanctity of the home, the one retreat to which men and women can repair to escape from the tribulations of their daily pursuits, is surely an important value." *Carey*, 447 U.S. at 471. "One important aspect of residential privacy" includes the "protection of the unwilling listener" at home, especially when a particular residence is being targeted. *Frisby v. Schultz*, 487 U.S. 474, 484–85 (1988) ("[A] special benefit of the privacy all citizens enjoy within their own walls, which the State may legislate to protect, is an ability to avoid intrusions. Thus, we have

repeatedly held that individuals are not required to welcome unwanted speech into their own homes and that the government may protect this freedom.").

(b) The persistent use of amplified sound devices in residential areas poses significant health risks to residents. Medical research has established that constant exposure to elevated sound levels can trigger anxiety, elevated stress hormones, and adverse psychological effects. These impacts are particularly severe for children whose cognitive development can be impaired by chronic excessive sound exposure, and for elderly residents or residents with disabilities who may be more sensitive to auditory disruptions. Current regulations have proven inadequate in addressing the unique harm caused by targeted amplified sound at residences, leaving communities without sufficient protections.

(c) The District's current law, which restricts certain activities between 10:00 p.m. and 7:00 a.m., does not align with the realities of modern life and work patterns. Many District residents, including early morning commuters and night shift workers, require rest during hours outside this window. Furthermore, families with school-age children, who typically require between 9 and 11 hours of sleep, often begin their bedtime routines well before 10:00 p.m. Further, the morning hours between 6:00 a.m. and 9:00 a.m. are particularly crucial for families preparing for school and work, a time when quiet and focus are essential. *See Madsen v. Women's Health Ctr., Inc.*, 512 U.S. 753, 772 (1994) ("We must, of course, take account of the place to which the regulations apply in determining whether these restrictions burden more speech than necessary. We have upheld similar noise restrictions in the past, and as we noted in upholding a local noise ordinance around public schools[.]"). Medical research has shown that inadequate sleep resulting from noise disruption increases risks of cardiovascular disease, compromises immune system function, and impairs cognitive performance. Demonstrations targeted at a residence can cause these disruptions; the limitations imposed through this emergency legislation will help address these unique harms.

(d) The District is also facing the emerging issue of unattended sound amplifying devices being placed near residences. These devices, when left without active supervision, create unique enforcement challenges and can subject residents to prolonged harassment with no accountable party present to address concerns.

(e) The District has also observed a disturbing trend of individuals throwing objects at residential properties as a means of harassment and intimidation. This behavior not only poses immediate safety risks and potential property damage but also creates significant psychological distress for residents who feel targeted and unsafe in their own homes. The current legal framework does not adequately address this specific form of harassment, leaving a critical gap in protections for District residents facing such intimidation tactics.

(f) On July 1, 2025, the Council approved the Residential Tranquility Amendment Act of 2025, passed on 2nd reading on July 1, 2025 (Enrolled version of Bill 26-189), but the measure has not yet undergone congressional review. Emergency legislation is necessary to provide protection for residential tranquility and the safety of those who reside in the District. Current

enforcement mechanisms have proven insufficient to address these forms of harassment, leaving residents vulnerable to immediate and ongoing harm. These changes represent an urgent and necessary approach to safeguarding the well-being of District residents and addressing challenges to residential peace and security while respecting established legal principles. The emergency nature of this legislation is justified by the immediate need to protect residents from escalating forms of harassment and to ensure their fundamental right to peace and security in their homes.

(g) This legislation is guided by the precedence and jurisprudence of the Supreme Court surrounding sound amplification and the First Amendment, according to which, "excessive" noise and disturbance are substantial government interests that can justify narrowly tailored regulations of constitutionally protected speech by time, place, and manner, and according to which focused picketing solely in front of a particular residence may be proscribed. Generally speaking, case law shows that courts are inclined to find ordinances prohibiting demonstrations targeting particular residences as constitutional but not general ordinances banning picketing on an entire residential street. *Cf. Frisby v. Schultz*, 487 U.S. 474 (1988); *Veneklase v. City of Fargo*, 248 F.3d 738 (8th Cir. 2001) (en banc); *Klein v. San Diego County*, 463 F.3d 1029 (9th Cir. 2006); *Bell v. City of Winter Park*, 745 F.3d 1318 (11th Cir. 2014). This legislation adheres to the case law in the lower courts and Supreme Court upholding regulations on demonstrations that target a specific residence by emphasizing both the narrowly tailored regulation to serve both significant and compelling governmental interests and focusing on harassing behaviors that exceed constitutional protection.

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 Residential Tranquility Emergency Amendment Act of 2025 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

26-158

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 1, 2025

To declare the existence of an emergency with respect to the need to amend Title 6-A of the District of Columbia Municipal Regulations to make conforming changes; to amend the Omnibus Police Reform Amendment Act of 2000 to allow applicants for sworn officers of the Metropolitan Police Department to count certain credit hours for completion of the initial training program towards the requirement that certain applicants complete 60-hours of post-secondary education at an accredited college or university; to amend the Policemen and Firemen's Retirement and Disability Act to clarify certain benefits for Fire and Emergency Medical Services' survivors; to amend section 23-581 of the District of Columbia Official Code to clarify the authority of Metropolitan Police Department warrantless arrest requirements; to amend the Act to Regulate Public Conduct on Public Passenger Vehicles to provide that the adjudication of fare evasion citations shall be pursuant to the Department of Consumer, and Regulatory Affairs Civil Infractions Act of 1985; to amend Chapter 8 of Title 16 of the District of Columbia Official Code to clarify that offenses eligible in the future for automatic sealing are currently eligible for sealing by motion; and to amend the Secure DC Omnibus Amendment Act of 2024 to amend the sunset date of certain provisions regarding pretrial detention.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Peace DC Omnibus Emergency Declaration Resolution of 2025".

Sec. 2. (a) Emergency legislation is necessary to implement several provisions of the Peace DC Omnibus Amendment Act of 2025, passed on 2nd reading on July 1, 2025 (Enrolled version of Bill 26-187) ("Peace DC Omnibus"). The Peace DC Omnibus advances several key components of Councilmember Pinto's Peace DC plan by supporting our public safety workforce, reducing recidivism, strengthening neighborhood harmony, and preventing violence.

(b) The provisions to amend Chapter 8 of Title 16 of the District of Columbia Official Code to clarify that offenses eligible in the future for automatic sealing are currently eligible for sealing by motion are necessary to implement on an emergency basis because the existing gap is creating confusion and inefficiencies in our court system.

(c) The provisions to amend the Secure DC Omnibus Amendment Act of 2024, effective June 8, 2024 (D.C. Law 25-175; 71 DCR 2732), to amend the sunset date of certain provisions regarding pretrial detention are necessary to avoid a gap in the law.

(d) The provisions to amend the Act to Regulate Public Conduct on Public Passenger Vehicles, effective September 23, 1975 (D.C. Law 1-18; D.C. Official Code § 32-251 *et seq.*), to provide that the adjudication of fare evasion citations shall be pursuant to the Department of Consumer, and Regulatory Affairs Civil Infractions Act of 1985, effective October 5, 1985 (D.C. Law 6-42; D.C. Official Code § 2-1801.01 *et seq.*), should be implemented immediately to allow for improvements in the adjudication system to begin to be implemented expeditiously.

(e) The provisions to amend the Omnibus Police Reform Amendment Act of 2000, effective October 4, 2000 (D.C. Law 13-160; 47 DCR 4619), to allow applicants for sworn officers of the Metropolitan Police Department ("MPD") to count certain credit hours for completion of the initial training program towards the requirement that certain applicants complete 60-hours of post-secondary education at an accredited college or university is necessary to implement immediately so that MPD may begin in the fall with a partnership with an accredited institution.

(f) The provisions to amend section 23-581 of the District of Columbia Official Code to clarify the authority of Metropolitan Police Department warrantless arrest requirements are necessary to provide technical corrections in existing law.

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 Peace DC Omnibus Emergency Amendment Act of 2025 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

` **ENROLLED ORIGINAL**

A RESOLUTION

26-159

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 1, 2025

To declare the existence of an emergency with respect to the need to amend section 25-113 of the District of Columbia Official Code to continue the extension of the Streatery Program endorsements through December 31, 2025, and to clarify endorsement deadlines for certain classes of licensees; and to amend the Legalization of Marijuana for Medical Treatment Initiative of 1999 to make a clarifying amendment.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Streatery Program Endorsement Extension and Medical Cannabis Clarification Emergency Declaration Resolution of 2025".

Sec. 2. (a) On December 3, 2024, the Council passed the Streatery Program Endorsement Extension Emergency Amendment Act of 2024, effective December 19, 2024 (D.C. Act 25-669; 71 DCR 16311), and on December 17, 2024, the Council passed the Streatery Program Endorsement Extension Temporary Amendment Act of 2024, effective March 7, 2025 (D.C. Law 25-294; 72 DCR 3105) ("temporary act"), to allow licensed establishments that register with the Alcoholic Beverage and Cannabis Board to offer beer, wine, or spirits for sale on expanded outdoor space until July 31, 2025 ("Streatery Program"), and to clarify the geographic requirements for medical cannabis license holders and applicants.

(b) On April 30, 2025, the Committee on Business and Economic Development ("Committee") held a hearing on Bill 26-147, the Streatery Program and Protest Process Amendment Act of 2025. On May 2, 2025, the District Department of Transportation ("DDOT") sent the Committee a letter in response to its hearing and released proposed rulemaking for the permanent Streatery program. The permanent legislation must complete the legislative process.

(c) It is necessary that the provisions of the temporary act continue without interruption until the permanent legislation is in effect.

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 Streatery Program Endorsement Extension and Medical Cannabis Clarification Emergency Amendment Act of 2025 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

26-160

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 1, 2025

To declare the existence of an emergency with respect to the need to amend the the Juvenile Curfew Act of 1995 to authorize the Mayor to extend the juvenile curfew hours in the District when appropriate to protect public safety or public or private property, to authorize the Chief of Police to establish extended juvenile curfew hour zones in specified circumstances, to start the juvenile curfew hours at 11 p.m. every day in June, July, and August 2025, and to extend the applicability of the juvenile curfew to 17-year olds.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Juvenile Curfew Emergency Declaration Resolution of 2025".

Sec. 2. (a) The Juvenile Curfew Act of 1995, effective September 20, 1995 (D.C. Law 11-48; D.C. Official Code § 2-1541 *et seq.*) ("Juvenile Curfew Act"), was enacted for the protection of minors to prevent violence and crime in the interest of public health, safety, and general welfare.

(b) The Juvenile Curfew Act has subsequently been amended multiple times to extend the curfew period in the Fiscal Year 2003 Budget Support Emergency Act of 2002, effective July 23, 2002 (D.C. Act 14-453; 49 Stat. 8026), and the Enhanced Crime Prevention and Abatement Emergency Amendment Act of 2006, effective July 21, 2006 (D.C. Act 16-446; 53 DCR 6477).

(c) Since 2023, the District has seen a rise in unruly behavior by some juveniles. Already this spring, the District has had several instances of large groups of juveniles engaging in harmful, and often times, criminal conduct in multiple areas around the city, including the Wharf, Navy Yard, and U Street. Multiple fights have broken out, robberies, assaults, and shootings have occurred. This past week, multiple youth were injured during melees in Dupont Circle and U Street. While MPD has used various methods to address this conduct, including enhanced enforcement of the disturbance of the peace offenses, working with local businesses on signage related to trespassing by unaccompanied minors, and requests for a restricted curfew in the Wharf, the tools available are limited. With summer, a time when we know that incidents of violence tend to tick upward citywide particularly amongst juveniles, the District is seeking flexibility in our juvenile curfew to allow MPD to ensure the safety of both juveniles and the public in order to more nimbly address significant safety concerns.

(d) Therefore, emergency legislation is needed to address the safety of minors in the District.

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 Juvenile Curfew Emergency Amendment Act of 2025 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

26-161

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 1, 2025

To declare the existence of an emergency with respect to the need to authorize and provide for the issuance, sale, and delivery in an aggregate principal amount not to exceed $37.5 million of District of Columbia revenue bonds in one or more series, and to authorize and provide for the loan of the proceeds of such bonds to assist U.S. Black Chambers Economic Development Corporation in the financing, refinancing, or reimbursing of costs associated with an authorized project pursuant to section 490 of the District of Columbia Home Rule Act.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "USBC Economic Development Corporation Revenue Bonds Project Emergency Declaration Resolution of 2025".

Sec. 2. (a) USBC Economic Development Corporation is a nonprofit corporation organized and existing under the laws of the District of Columbia (the "Borrower"), which seeks to have District of Columbia revenue bonds issued and receive a loan of the proceeds from the sale thereof for the financing, refinancing, or reimbursing of all or a portion of the Borrower's costs of the following project ("Project"):

(1) Acquisition of the fee simple interest of 1301 W Street, NE, Washington, DC, and the acquisition of a leasehold interest of 1900 W Place, NE, 1235 W Street, NE, and Parcel C, a 1.73 acre parking lot (Square 142, Lots 133, 134, 125, and 123) to be partially renovated by the Borrower and be used by the Borrower as its headquarters facility (collectively, the "Facility");

(2) Purchase and installation of certain equipment and furnishings for the Facility, together with other property, real and personal, functionally related and subordinate thereto;

(3) Funding any credit enhancement costs, liquidity costs, capitalized interest or debt service reserve fund relating to the bonds; and

(4) Paying issuance costs and other related costs to the extent permissible.

(b) The planned financing will make available funds critically needed to finance, refinance, or reimburse the Borrower for costs of the Project.

(c) Due to the current economic uncertainty in the financial markets, it is important for the Council to expedite the process for the issuance of the bonds and avoid any delay that may adversely affect the ability of the Borrower to market the bonds to investors or to obtain an interest

rate within the range contemplated by the Project budget.

(d) Council approval of the emergency bond resolution authorizing the issuance of up to $37.5 million of District of Columbia revenue bonds would permit the revenue bonds to be issued promptly to provide maximum savings for the Borrower and enable the Project described in subsection (a) of this section to be completed.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 hereof constitute emergency circumstances making it necessary that the USBC Revenue Bonds Project Emergency Approval Resolution of 2025 be adopted on an emergency basis.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

26-162

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 1, 2025

To authorize and provide for, on an emergency basis, the issuance, sale, and delivery in an aggregate principal amount not to exceed $37.5 million of District of Columbia revenue bonds in one or more series and to authorize and provide for the loan of the proceeds of such bonds to assist USBC Economic Development Corporation in the financing, refinancing, or reimbursing of costs associated with an authorized project pursuant to section 490 of the District of Columbia Home Rule Act.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "USBC Economic Development Corporation Revenue Bonds Project Emergency Approval Resolution of 2025".

Sec. 2. Definitions.

For the purposes of this resolution, the term:

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

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

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

(4) "Borrower" means the owner of the assets financed, refinanced, or reimbursed with proceeds from the Bonds, which shall be USBC Economic Development Corporation, a nonprofit corporation organized and existing under the laws of the District of Columbia, qualified to do business in the District of Columbia, and exempt from federal income taxes under 26 U.S.C. § 501(a) as an organization described in 26 U.S.C. § 501(c)(3).

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

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

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

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

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

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

(11) "Project" means the financing, refinancing, or reimbursing of the Borrower for all or a portion of the Borrower's costs incurred in connection with:

(A)(i) The acquisition of the fee simple interest of 1301 W Street, NE, Washington, DC, and the acquisition of a leasehold interest of 1900 W Place, NE, 1235 W Street, NE, and Parcel C, a 1.73 acre parking lot (Square 142, Lots 133, 134, 125, and 123) to be partially renovated by the Borrower and be used by the Borrower as its headquarters facility (the "Facility");

(ii) The purchase of certain equipment and furnishings for the Facility, together with other property, real and personal, functionally related and subordinate thereto; and

(iii) Funding any credit enhancement costs, liquidity costs or debt service reserve fund relating to the Bonds; and

(B) The funding of certain Issuance Costs.

Sec. 3. Findings.

The Council finds that:

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

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

(2) The Borrower has requested the District to issue, sell, and deliver revenue bonds, in one or more series, in an aggregate principal amount not to exceed $37.5 million and to make the Loan for the purpose of financing, refinancing, or reimbursing costs of the Project.

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

(4) The Project is an undertaking in the area of commercial development within the meaning of section 490 of the Home Rule Act.

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

Sec. 4. Bond authorization.

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

(1) The issuance, sale, and delivery of the Bonds, in one or more series, in an aggregate principal amount not to exceed $37.5 million; and

(2) The making of the Loan.

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

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

(d) The Bond authorization set forth in this resolution includes the authorization to issue refunding Bonds to refinance any Bonds previously issued under this resolution to finance the Project; provided, that the maximum principal amount of Bonds outstanding at any time does not exceed the maximum principal amount of Bonds authorized hereunder.

Sec. 5. Bond details.

(a) The Mayor and each Authorized Delegate is authorized to take any action reasonably necessary or appropriate in accordance with this resolution in connection with the preparation,

execution, issuance, sale, delivery, security for, and payment of the Bonds of each series, including, but not limited to, determinations of:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(e) The Bonds of any series may be issued in accordance with the terms of a trust instrument to be entered into by the District and a trustee to be selected by the Borrower subject to the approval

of the Mayor, and may be subject to the terms of one or more agreements entered into by the Mayor pursuant to section 490(a)(4) of the Home Rule Act.

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

Sec. 6. Sale of the Bonds.

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

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

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

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

Sec. 7. Payment and security.

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

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

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

Sec. 8. Financing and Closing Documents.

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

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

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

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

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

Sec. 9. Authorized delegation of authority.

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

Sec. 10. Limited liability.

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

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

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

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

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

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

Sec. 11. District officials.

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

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

Sec. 12. Maintenance of documents.

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

Sec. 13. Information reporting.

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

Sec. 14. Disclaimer.

(a) The issuance of Bonds is in the discretion of the District. Nothing contained in this resolution, the Bonds, the Financing Documents, or the Closing Documents shall be construed as obligating the District to issue any Bonds for the benefit of the Borrower or to participate in or assist the Borrower in any way with financing, refinancing, or reimbursing the costs of the Project. The

Borrower shall have no claims for damages or for any other legal or equitable relief against the District, its elected or appointed officials, officers, employees, or agents as a consequence of any failure to issue any Bonds for the benefit of the Borrower.

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

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

Sec. 15. Expiration.

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

Sec. 16. Severability.

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

Sec. 17. Compliance with public approval requirement.

This approval shall constitute the approval of the Council as required in section 147(f) of the Internal Revenue Code of 1986 (26 U.S.C. § 147(f)) ("Code"), as amended, and section 490(k) of the Home Rule Act, for the Project to be financed, refinanced, or reimbursed with the proceeds of the Bonds. This resolution approving the issuance of the Bonds for the Project has been adopted by the Council after a public hearing held in accordance with section 147(f) of the Code, as such section may be amended, and the corresponding regulations promulgated by the United States Department of the Treasury.

Sec. 18. Transmittal.

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

Sec. 19. Fiscal impact statement.

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

Sec. 20. Effective date.

This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

26-163

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 1, 2025

To declare the existence of an emergency with respect to the need to authorize and provide for the issuance, sale, and delivery in an aggregate principal amount not to exceed $700 million of District of Columbia revenue bonds in one or more series pursuant to a plan of finance, and to authorize and provide for the loan of the proceeds of such bonds to assist DC Housing Solutions, Inc., in the financing, refinancing, or reimbursing of costs associated with an authorized project pursuant to section 490 of the District of Columbia Home Rule Act.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "DC Housing Solutions, Inc. Revenue Bonds Project Emergency Declaration Resolution of 2025".

Sec. 2. (a) DC Housing Solutions, Inc. (the "Borrower") is a nonprofit corporation and organization exempt from federal income taxes under 26 U.S.C § 501(a) as an organization described in 26 U.S.C. § 501(c)(3) and existing under the laws of the District of Columbia, which seeks to have District of Columbia revenue bonds ("Bonds") issued and receive a loan of the proceeds thereof (the "Loan") for the financing, refinancing, or reimbursing of the Borrower for all or a portion of the Borrower's costs incurred in connection with the following project ("Project"):

(1) The renovation, modernization, and rehabilitation of 19 existing multifamily residential rental apartment buildings, comprising a total of 3,497 rental housing units and associated parking facilities located in Washington, DC, and consisting of apartment buildings commonly known as:

(A) Carroll Apartments, with a street address of 410 M Street, SE, Washington, DC, 20003, and comprised of 60 units;

(B) Claridge Towers, with a street address of 1221 M Street, NW, Washington, DC, 20009, and comprised of 343 units;

(C) Fort Lincoln, with a street address of 3400 Banneker Drive, NE, Washington, DC, 20018, and comprised of 120 units;

(D) Harvard Towers, with a street address of 1845 Harvard Street, NW, Washington, DC, 20009, and comprised of 193 units;

(E) Highland Addition, with a street address of 400 Atlantic Street, SE, Washington, DC, 20032, and comprised of 118 units;

(F) Hopkins Apartments, with a street address of 1430 L Street, SE, Washington, DC, 20003, and comprised of 158 units;

(G) Horizon House, with a street address of 1150 12 Street, NW, Washington, DC, 20009, and comprised of 105 units;

(H) James Apartments, with a street address of 1425 N Street, NW, Washington, DC, 20005, and comprised of 141 units;

(I) James Creek, with a street address of 1244 First Street, SW, Washington, DC, 20024, and comprised of 242 units;

(J) Judiciary House, with a street address of 461 H Street, NW, Washington, DC, 20001, and comprised of 263 units;

(K) Kentucky Courts, with a street address of 340 13 Street, SE, Washington, DC, 20003, and comprised of 118 units;

(L) Knox Hill, with a street address of 2700 Jasper Street, NW, Washington, DC, 20020, and comprised of 122 units;

(M) LeDroit Senior, with a street address of 2125 4th Street, NW, Washington, DC, 20001, and comprised of 124 units;

(N) Lincoln Heights, with a street address of 400 50 Street, NE, Washington, DC, 20019, and comprised of 440 units;

(O) Regency House, with a street address of 5201 Connecticut Avenue, NW, Washington, DC, 20015, and comprised of 160 units;

(P) Sibley Plaza, with a street address of 1140 North Capitol Street, NW, Washington, DC, 20002, and comprised of 224 units;

(Q) Stoddert Terrace, with a street address of 155 Ridge Road, SE, Washington, DC, 20019, and comprised of 158 units;

(R) Syphax Gardens, with a street address of 1501 Half Street, SW, Washington, DC, 20024, and comprised of 174 units; and

(S) Woodland Terrace, with a street address of 2311 Ainger Place, NW, Washington, DC, 20020, and comprised of 234 units; and, together with the respective ancillary common spaces in each apartment building (collectively, the “Facilities”);

(2) The purchase and installation of certain equipment and furnishings, together with other property, real and personal, functionally related and subordinate to the Facilities;

(3) Funding certain working capital costs, to the extent financeable relating to the Bonds;

(4) Funding interest on the Bonds and any credit enhancement costs, liquidity costs or debt service reserve fund relating to the Bonds; and

(5) Paying allowable issuance costs.

(b) The planned financing will make available funds critically needed to finance, refinance, or reimburse the Borrower for costs of the Project.

(c) Due to the current economic uncertainty in the financial markets, it is important for the Council to expedite the process for the issuance of the Bonds and avoid any delay that may adversely affect the ability of the Borrower to market the Bonds to investors or to obtain an interest rate within the range contemplated by the Project budget.

(d) Council approval of the bond resolution authorizing the issuance of up to $700 million of District of Columbia revenue bonds would permit the revenue bonds to be issued promptly to provide maximum savings for the Borrower and enable the Project described in subsection (a) of this section to be completed.

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 DC Housing Solutions, Inc. Revenue Bonds Project Emergency Approval Resolution of 2025 be adopted on an emergency basis.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

26-164

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 1, 2025

To authorize and provide for, on an emergency basis, the issuance, sale, and delivery in an aggregate principal amount not to exceed $700 million of District of Columbia revenue bonds in one or more series pursuant to a plan of finance, and to authorize and provide for the loan of the proceeds of such bonds to assist DC Housing Solutions, Inc., in the financing, refinancing, or reimbursing of costs associated with an authorized project pursuant to section 490 of the District of Columbia Home Rule Act.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "DC Housing Solutions, Inc. Revenue Bonds Project Emergency Approval Resolution of 2025".

Sec. 2. Definitions.

For the purposes of this resolution, the term:

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

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

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

(4) "Borrower" means the owner, operator, manager and user of the assets financed, refinanced, or reimbursed with proceeds from the Bonds, which shall be DC Housing Solutions, Inc., a nonprofit corporation and organization exempt from federal income taxes under 26 U.S.C § 501(a) as an organization described in 26 U.S.C. § 501(c)(3).

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

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

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

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

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

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

(11) "Project" means the financing, refinancing or reimbursing of the Borrower for all or a portion of the Borrower's costs incurred in connection with:

(A) The renovation, modernization and rehabilitation of nineteen (19) existing multifamily residential rental apartment buildings, comprising a total of 3,497 rental housing units and associated parking facilities located in Washington, DC, and consisting of apartments buildings commonly known as:

(i) Carroll Apartments, with a street address of 410 M Street, SE, Washington, DC, 20003, and comprised of 60 units;

(ii) Claridge Towers, with a street address of 1221 M Street, NW, Washington, DC, 20009, and comprised of 343 units;

(iii) Fort Lincoln, with a street address of 3400 Banneker Drive, NE, Washington, DC, 20018, and comprised of 120 units;

(iv) Harvard Towers, with a street address of 1845 Harvard Street, NW, Washington, DC, 20009, and comprised of 193 units;

(v) Highland Addition, with a street address of 400 Atlantic Street, SE, Washington, DC, 20032, and comprised of 118 units;

(vi) Hopkins Apartments, with a street address of 1430 L Street, SE, Washington, DC, 20003, and comprised of 158 units;

ENROLLED ORIGINAL

(vii) Horizon House, with a street address of 1150 12 Street, NW, Washington, DC, 20009, and comprised of 105 units;

(viii) James Apartments, with a street address of 1425 N Street, NW, Washington, DC, 20005, and comprised of 141 units;

(ix) James Creek, with a street address of 1244 First Street, SW, Washington, DC, 20024, and comprised of 242 units;

(x) Judiciary House, with a street address of 461 H Street, NW, Washington, DC, 20001, and comprised of 263 units;

(xi) Kentucky Courts, with a street address of 340 13 Street, SE, Washington, DC, 20003, and comprised of 118 units;

(xii) Knox Hill, with a street address of 2700 Jasper Street, NW, Washington, DC, 20020, and comprised of 122 units;

(xiii) LeDroit Senior, with a street address of 2125 4th Street, NW, Washington, DC, 20001, and comprised of 124 units;

(xiv) Lincoln Heights, with a street address of 400 50 Street, NE, Washington, DC, 20019, and comprised of 440 units;

(xv) Regency House, with a street address of 5201 Connecticut Avenue, NW, Washington, DC, 20015, and comprised of 160 units;

(xvi) Sibley Plaza, with a street address of 1140 North Capitol Street, NW, Washington, DC, 20002, and comprised of 224 units;

(xvii) Stoddert Terrace, with a street address of 155 Ridge Road, SE, Washington, DC, 20019, and comprised of 158 units;

(xviii) Syphax Gardens, with a street address of 1501 Half Street, SW, Washington, DC, 20024, and comprised of 174 units; and

(xix) Woodland Terrace, with a street address of 2311 Ainger Place, NW, Washington, DC, 20020, and comprised of 234 units; and, together with the respective ancillary common spaces in each apartment building (collectively, the "Facilities");

(B) The purchase and installation of certain equipment and furnishings, together with other property, real and personal, functionally related and subordinate to the Facilities;

(C) Funding certain working capital costs, to the extent financeable relating to the Bonds;

(D) Funding interest on the Bonds and any credit enhancement costs, liquidity costs or debt service reserve fund relating to the Bonds; and

(E) Paying allowable Issuance Costs.

Sec. 3. Findings.

The Council finds that:

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

(2) The Borrower has requested the District to issue, sell, and deliver revenue bonds, in one or more series, in an aggregate principal amount not to exceed $700,000,000, and to make the Loan for the purpose of financing, refinancing, or reimbursing costs of the Project.

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

(4) The Project is an undertaking in the area of housing, within the meaning of section 490 of the Home Rule Act.

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

Sec. 4. Bond authorization.

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

(1) The issuance, sale, and delivery of the Bonds, in one or more series, in an aggregate principal amount not to exceed $700,000,000; and

(2) The making of the Loan.

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

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

(d) The Bond authorization set forth in this resolution includes the authorization to issue refunding Bonds to refinance any Bonds previously issued under this resolution to finance the Project; provided, that the maximum principal amount of Bonds outstanding at any time does not exceed the maximum principal amount of Bonds authorized hereunder.

ENROLLED ORIGINAL

Sec. 5. Bond details.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 6. Sale of the Bonds.

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

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

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

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

Sec. 7. Payment and security.

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

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

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

Sec. 8. Financing and Closing Documents.

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

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

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

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

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

Sec. 9. Authorized delegation of authority.

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

Sec. 10. Limited liability.

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

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

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

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

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

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

Sec. 11. District officials.

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

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

Sec.12. Maintenance of documents.

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

Sec.13. Information reporting.

Within 3 days after the Mayor’s receipt of the transcript of proceedings relating to the

issuance of the Bonds, the Mayor shall transmit a copy of the transcript to the Secretary to the Council.

Sec. 14. Disclaimer.

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

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

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

Sec. 15. Expiration.

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

Sec. 16. Severability.

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

Sec. 17. Compliance with public approval requirement.

This approval shall constitute the approval of the Council as required in section 147(f) of the Internal Revenue Code of 1986, (26 U.S.C. § 147(f)) (“Code”), as amended, and section 490(k) of the Home Rule Act, for the Project to be financed, refinanced, or reimbursed with the

proceeds of the Bonds. This resolution approving the issuance of the Bonds for the Project has been adopted by the Council after a public hearing held in accordance with section 147(f) of the Code, as such section may be amended, and the corresponding regulations promulgated by the United States Department of the Treasury.

Sec. 18. Transmittal.

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

Sec. 19. Fiscal impact statement.

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

Sec. 20. Effective date.

This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

26-165

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 1, 2025

To declare the existence of an emergency with respect to the need to authorize and provide for the issuance, sale, and delivery in an aggregate principal amount not to exceed $88 million of District of Columbia revenue bonds in one or more series, and to authorize and provide for the loan of the proceeds of such bonds to assist National Community Reinvestment Coalition, Inc. in the financing, refinancing, or reimbursing of costs associated with an authorized project pursuant to section 490 of the District of Columbia Home Rule Act.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "National Community Reinvestment Coalition, Inc., Revenue Bonds Project Emergency Declaration Resolution of 2025".

Sec. 2. (a) National Community Reinvestment Coalition, Inc. is a nonprofit corporation organized and existing under the laws of the District of Columbia (the "Borrower"), which seeks to have District of Columbia revenue bonds issued and receive a loan of the proceeds from the sale thereof for the financing, refinancing, or reimbursing of all or a portion of the Borrower's costs of the following project ("Project"):

(1) Refinancing the District's Revenue Bonds, Series 2018A (National Community Reinvestment Coalition Inc. Issue) and Revenue Bonds, Series 2018B (National Reinvestment Coalition Inc. Issue), the proceeds of which were used by the Borrower for certain costs of the acquisition, construction, furnishing, and equipping of 740 15th Street, NW, Washington, DC 20005 (Lot 37, Square 221), an 11-floor, 22-unit office building with a total area of approximately 175,508 square feet;

(2) Funding any credit enhancement costs, liquidity costs, capitalized interest, or debt service reserve fund relating to the Bonds; and

(3) Paying issuance costs and other related costs to the extent permissible.

(b) The planned financing will make available funds critically needed to finance, refinance, or reimburse the Borrower for costs of the Project.

(c) Due to the current economic uncertainty in the financial markets, it is important for the Council to expedite the process for the issuance of the Bonds and avoid any delay that may adversely affect the ability of the Borrower to market the Bonds to investors or to obtain an interest rate within the range contemplated by the Project budget.

(d) Council approval of the emergency bond resolution authorizing the issuance of up to

$88 million of District of Columbia revenue bonds would permit the revenue bonds to be issued promptly to provide maximum savings for the Borrower and enable the Project described in subsection (a) of this section to be completed.

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 National Community Reinvestment Coalition, Inc., Revenue Bonds Project Emergency Approval Resolution of 2025 be on an emergency basis.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

26-166

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 1, 2025

To authorize and provide for, on an emergency basis, the issuance, sale, and delivery in an aggregate principal amount not to exceed $88 million of District of Columbia revenue bonds in one or more series, and to authorize and provide for the loan of the proceeds of such bonds to assist National Community Reinvestment Coalition, Inc. in the financing, refinancing, or reimbursing of costs associated with an authorized project pursuant to section 490 of the District of Columbia Home Rule Act.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "National Community Reinvestment Coalition, Inc., Revenue Bonds Project Emergency Approval Resolution of 2025".

Sec. 2. Definitions.

For the purposes of this resolution, the term:

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

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

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

(4) "Borrower" means the owner of the assets financed, refinanced, or reimbursed with proceeds from the Bonds, which shall be National Community Reinvestment Coalition, Inc., a nonprofit corporation organized and existing under the laws of the District of Columbia, qualified to do business in the District of Columbia, and exempt from federal income taxes under 26 U.S.C. § 501(a) as an organization described in 26 U.S.C. § 501(c)(3).

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

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

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

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

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

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

(11) "Project" means the financing, refinancing, or reimbursing of the Borrower for all or a portion of the Borrower's costs incurred in connection with:

(A) Refinancing the District's Revenue Bonds, Series 2018A (National Community Reinvestment Coalition Inc. Issue) and Revenue Bonds, Series 2018B (National Reinvestment Coalition Inc. Issue), the proceeds of which were used by the Borrower for certain costs of the acquisition, construction, furnishing, and equipping of 740 15th Street, NW, Washington, DC 20005 (Lot 37, Square 221), an 11-floor, 22-unit office building with a total area of approximately 175,508 square feet;

(B) Funding any credit enhancement costs, liquidity costs, capitalized interest or debt service reserve fund relating to the Bonds; and

(C) Funding certain Issuance Costs.

Sec. 3. Findings.

The Council finds that:

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

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

(2) The Borrower has requested the District to issue, sell, and deliver revenue bonds, in one or more series, in an aggregate principal amount not to exceed $88 million and to make the Loan for the purpose of financing, refinancing, or reimbursing costs of the Project.

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

(4) The Project is an undertaking in the area of commercial development within the meaning of section 490 of the Home Rule Act.

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

Sec. 4. Bond authorization.

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

(1) The issuance, sale, and delivery of the Bonds, in one or more series, in an aggregate principal amount not to exceed $88 million; and

(2) The making of the Loan.

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

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

(d) The Bond authorization set forth in this resolution includes the authorization to issue refunding Bonds to refinance any Bonds previously issued under this resolution to finance the Project; provided, that the maximum principal amount of Bonds outstanding at any time does not exceed the maximum principal amount of Bonds authorized hereunder.

Sec. 5. Bond details.

(a) The Mayor and each Authorized Delegate is authorized to take any action reasonably necessary or appropriate in accordance with this resolution in connection with the preparation, execution, issuance, sale, delivery, security for, and payment of the Bonds of each series, including,

but not limited to, determinations of:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 6. Sale of the Bonds.

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

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

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

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

Sec. 7. Payment and security.

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

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

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

Sec. 8. Financing and Closing Documents.

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

Financing Documents and each of the Closing Documents to which the District is not a party shall be approved, as to form and content, by the Mayor.

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

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

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

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

Sec. 9. Authorized delegation of authority.

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

Sec. 10. Limited liability.

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

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

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

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

(e) All covenants, obligations, and agreements of the District contained in this resolution, the Bonds, and the executed, sealed, and delivered Financing Documents and Closing Documents to which the District is a party, shall be considered to be the covenants, obligations, and agreements of

the District to the fullest extent authorized by law, and each of those covenants, obligations, and agreements shall be binding upon the District, subject to the limitations set forth in this resolution.

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

Sec. 11. District officials.

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

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

Sec. 12. Maintenance of documents.

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

Sec. 13. Information reporting.

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

Sec. 14. Disclaimer.

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

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

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

Sec. 15. Expiration.

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

Sec. 16. Severability.

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

Sec. 17. Compliance with public approval requirement.

This approval shall constitute the approval of the Council as required in section 147(f) of the Internal Revenue Code of 1986 (26 U.S.C. § 147(f)) (“Code”), as amended, and section 490(k) of the Home Rule Act, for the Project to be financed, refinanced, or reimbursed with the proceeds of the Bonds. This resolution approving the issuance of the Bonds for the Project has been adopted by the Council after a public hearing held in accordance with section 147(f) of the Code, as such section may be amended, and the corresponding regulations promulgated by the United States Department of the Treasury.

Sec. 18. Transmittal.

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

Sec. 19. Fiscal impact statement.

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

Sec. 20. Effective date.

This resolution shall take effect immediately.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

26-44

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 3, 2025

To recognize and honor Ahmi Thitayan for his dedication to public service, civic engagement, and commitment to advancing the well-being of District residents through his work with local DC leaders.

WHEREAS, Ahmi has demonstrated an unwavering commitment to public service, beginning his career as a Campaign Intern with Marcus Goodwin for DC Council At-Large in 2020, where he supported grassroots voter outreach and volunteer coordination during a critical election season;

WHEREAS, from February 2021 to January 2023, he served as a Communications Intern in the Office of Councilmember Kenyan R. McDuffie, where he advanced the Councilmember's digital presence through graphic design, media monitoring, and legislative communications, effectively connecting DC residents with their local government;

WHEREAS, he went on to join the Office of Congresswoman Eleanor Holmes Norton in January 2023 as a District Intern, where he assisted with constituent services, special projects, and policy communications before being promoted to a Capitol Hill Fellow, during which he attended congressional hearings, wrote memos, and contributed to the office's legislative and outreach strategies;

WHEREAS, in August 2024, he continued his service to the District as a Constituent Liaison for Congresswoman Norton, managing federal casework, coordinating with agencies, and organizing community outreach events while serving as a trusted representative of the Congresswoman at engagements across Wards 4 and 6;

WHEREAS, his academic journey reflects a deep commitment to education, beginning with his high school years at Brentsville District High School and Northern Virginia Community College, and continuing through his undergraduate studies at The George Washington University, where he is expected to graduate in May 2025;

ENROLLED ORIGINAL

WHEREAS, his leadership, empathy, and professional acumen have made him a respected and effective advocate for District residents—especially young people, immigrants, and communities traditionally underrepresented in public policy.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Ahmi Thitayan Recognition Resolution of 2025".

Sec. 2. The Council of the District of Columbia recognizes and honors Ahmi Thitayan for his tireless service to the people of the District of Columbia and congratulates him on a promising career dedicated to public good.

Sec. 3. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

26-45

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 3, 2025

To recognize and commend Elizabeth G. Oyer for her distinguished public service, unwavering commitment to justice, and principled leadership as the United States Pardon Attorney.

WHEREAS, Elizabeth G. Oyer, a resident of Washington, D.C., has dedicated her legal career to championing the rights of the underserved, upholding constitutional protections, and ensuring a fair and balanced justice system for all;

WHEREAS, Ms. Oyer began her legal career as a law clerk to the Honorable Stanley Marcus of the United States Court of Appeals for the Eleventh Circuit, laying the foundation for a distinguished career defined by public interest advocacy and judicial integrity;

WHEREAS, Ms. Oyer served as an Assistant Federal Public Defender, advocating on behalf of clients and upholding the constitutional right to counsel;

WHEREAS, Ms. Oyer later served as Senior Litigation Counsel for the Office of the Federal Public Defender;

WHEREAS, Ms. Oyer brought her expertise to the private sector as a partner at Mayer Brown LLP, one of the nation's leading law firms, where she practiced criminal and civil litigation at the trial and appellate levels;

WHEREAS, in 2022, she was appointed by the U.S. Department of Justice as the Pardon Attorney, becoming the first former public defender to ever lead the Office of the Pardon Attorney—a historic appointment that brought a people-centered perspective to clemency review;

WHEREAS, under her leadership, the Office of the Pardon Attorney worked to streamline the clemency process, improve transparency, and prioritize equity—ensuring applicants were treated with dignity regardless of their background, political affiliation, or media visibility;

WHEREAS, she emphasized a data-informed and community-responsive approach to clemency, giving voice to advocates, families, and directly impacted individuals in shaping a fairer pardon and commutation process;

WHEREAS, during her tenure, she also resisted unprecedented political pressure to approve clemency requests that posed threats to public safety or lacked merit—most notably, refusing to reinstate gun rights for individuals with domestic violence records despite significant political backlash;

WHEREAS, her principled stand and commitment to the rule of law ultimately led to her dismissal in March 2025, drawing national outcry and underscoring the importance of protecting independent, ethical decision-making within the federal justice system;

WHEREAS, even after her dismissal, Ms. Oyer has remained a tireless advocate for justice, testifying before Congress, writing publicly on the importance of clemency reform, and continuing to mentor and support legal professionals committed to public interest law.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Elizabeth G. Oyer Recognition Resolution of 2025"

Sec. 2. The Council of the District of Columbia recognizes and commemorates Elizabeth G. Oyer for her unwavering dedication to justice, her historic leadership as Pardon Attorney, and her lifelong commitment to serving others through the law.

Sec. 3. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

26-46

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 3, 2025

To declare the month of June, 2025 as "Alzheimer's and Brain Health Awareness Month" in the District of Columbia and to recognize the importance of raising awareness of Alzheimer's disease and related dementias as a critical public health issue impacting millions of Americans.

WHEREAS, June is designated as Alzheimer's and Brain Health Awareness Month by the U.S. Department of Health and Human Services Office of Disease Prevention and Health Promotion;

WHEREAS, DC Mortality Data 2010-2020 found that Alzheimer's disease and related dementias ranked as the 6th leading cause of death in the District, with approximately 13% of residents 65 and older living with the disease;

WHEREAS, the Alzheimer's Association estimates that over 15,000 District residents live with Alzheimer's disease, supported by 15,000 family caregivers;

WHEREAS, over half of District residents have at least one modifiable risk factor for cognitive decline, with higher rates among Black residents;

WHEREAS, Medicaid costs for Alzheimer's care in DC are estimated to total $146 million in 2025;

WHEREAS, advancements in Alzheimer's research have led to evidence-based testing to aid in diagnosis of Alzheimer's disease;

WHEREAS, there are now multiple treatments approved by the U.S. Food and Drug Administration to slow the progression of Alzheimer's disease, but they require a diagnosis in the mild cognitive impairment or early dementia stages;

WHEREAS, access to new diagnostic tools and treatments is critical to ensure DC residents can benefit from these advancements;

ENROLLED ORIGINAL

WHEREAS, the District of Columbia Plan on Alzheimer's Disease and Related Dementias 2024-2028 identified as its top 2 goals: (1) Increase the proportion of older adults with subjective cognitive decline who have discussed their symptoms with a provider; and (2) Increase the proportion of District residents diagnosed with Alzheimer's Disease and Related Dementias receiving social and other support services; and

WHEREAS, the District has invested in the development of BrainHealth.DC.gov, a comprehensive resource of educational materials, services, and supports for residents experiencing Alzheimer's Disease and Related Dementia and their caregivers.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Alzheimer's and Brain Health Awareness Month Ceremonial Resolution of 2025."

Sec. 2. The Council of the District of Columbia recognizes the importance of addressing Alzheimer's disease and related dementias as a public health issue and pledges to support efforts to prevent and treat Alzheimer's disease and related dementias within the District and declares June, 2025 as "Alzheimer's and Brain Health Awareness Month" in the District of Columbia.

Sec. 3. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

26-47

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 3, 2025

To recognize and honor the life, accomplishments, and legacy of Ronald R. Collins.

WHEREAS, Ronald R. Collins was born in Washington, DC, on May 30, 1954, to Shirley Hughes Brown and the late Ronald C. Collins;

WHEREAS, Mr. Collins attended St. Anthony's High School, where he notably represented the school on the student quiz show, *It's Academic,* and began to nurture his deep Christian faith as a Catholic;

WHEREAS, he continued his education at the University of Scranton, earning his bachelor's degree *summa cum laude*, and went on to attend the Penn State Dickinson Law School, earning his Juris Doctor;

WHEREAS, Mr. Collins dedicated his life and career to public service and the betterment of the District and the communities he called home, starting his career in politics by holding leadership roles with the Ward 2 Democrats;

WHEREAS, following redistricting, which placed Mr. Collins in Ward 6, he would go on to serve, from 2006 to 2018, as the Ward's Democratic State Committeeman, and chair the Constitution and By-Laws Committee;

WHEREAS, Mr. Collins served in elected office as Commissioner for Advisory Neighborhood Commission 6D representing Southwest, including serving as the commission's treasurer;

WHEREAS, Mr. Collins began distinguished government service at the Council of the District of Columbia as legal counsel and later Chief of Staff to the late H. R. Crawford, Ward 7 Councilmember, from 1980 to 1992, and years later, from 2007 to 2011, would continue his Council service as Deputy Assistant Secretary to the Council;

ENROLLED ORIGINAL

WHEREAS, Mr. Collins served in the executive branch under several mayoral administrations, including, under Mayor Sharon Pratt, as legal counsel and Chief of Staff to the Department of Human Services Director Vincent C. Gray, under Mayor Anthony Williams, as Director of the Office of Boards and Commissions from 2003-2007, and in 2011, under Mayor Vincent C. Gray, was again appointed to head the Office of Boards and Commissions, before retiring from District government service in 2012;

WHEREAS, Mr. Collins was known for his passion for English football, notably the Manchester City Football Club, and was best recognized proudly sporting a University of Scranton sweatshirt, a symbol of deep devotion to his alma mater;

WHEREAS, Mr. Collins's work and presence had a positive impact on Wards 2 and 6, and the government of the District across several mayoral administrations, leaving a lasting legacy of leadership, integrity, and dedication;

WHEREAS, residents of the District that knew him best recount that, “Ron was the type of person you were proud to call a friend. Although the years have passed since our paths have crossed, I will always consider Ron a true friend,” and “Ron was a true spirit…He was independent but always ready to lend a helping hand”;

WHEREAS, Mr. Collins’ presence and impact on the Ward 6 Southwest community is shared by a resident’s reflection: “We are grateful for his service to the people of Southwest and for the wisdom and decorum he brought to ANC 6D deliberations”;

WHEREAS, Mr. Collins's legacy will continue to be felt through his former Council colleagues and their fond memories of his diligent work ethic and yet humorous nature, former ANC 6D colleagues who will tell the story of his wisdom and decorum during deliberations, and countless residents and constituents who will recount how he helped them solve a problem or get connected to the right services; and

WHEREAS, Mr. Collin’s memory will be a blessing to all who knew him, as he was a kind, generous soul full of commitment, compassion, and an unwavering faith, who always greeted you with a warm smile and was able to bring joy to those around him.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Ronald Collins Posthumous Recognition Resolution of 2025".

Sec. 2. The Council of the District of Columbia recognizes and honors the life and accomplishments of Ronald R. Collins.

Sec. 3. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

26-48

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 3, 2025

To remember, honor, and celebrate the life of Maurice Sykes, a beloved early childhood educator and an iconic figure in the field of early childhood education.

WHEREAS, Mr. Sykes, a graduate of Mont Pleasant High School in Schenectady, New York, Wilberforce University, and Antioch University graduate school, and a longtime Ward 1 resident, began his career as a teacher, a role that ignited his passion for early education; and

WHEREAS, Mr. Sykes served as the Director of the Tufts University Educational Day Care Center and as a Lecturer in the Elliot-Pearson Department of Child Study and Human Development; and

WHEREAS, throughout his career, Mr. Sykes held significant roles within the District of Columbia Public School System, including Deputy Superintendent for the Center for Systemic Educational Change and Director of Early Childhood Programs, served as an advisor to the U.S. Education Department on policies related to urban school improvement, and ultimately served as Director of the Early Childhood Leadership Institute at the University of the District of Columbia; and

WHEREAS, Mr. Sykes was selected as a National Policy Fellow by the Institute for Educational Leadership, and later coordinated its D.C. Education Policy Fellowship program; and

WHEREAS, Mr. Sykes was profiled as an Early Childhood Champion in a national study by the National Association of State Boards of Education and is a former governing board member of the National Association for the Education of Young Children which recently recognized him for his impact on early childhood education; and

WHEREAS, Mr. Sykes was awarded the Dumbarton Arts & Education's Charles A. Miller Distinguished Service Award, and he is a proud recipient of the Marjorie Holloman Parker Distinguished Educator Award; and

ENROLLED ORIGINAL

WHEREAS, Mr. Sykes' influential writings, *Doing the Right Thing for Children: Eight Qualities of Leadership,* and the co-edited volume *Child Care Justice: Transforming the System of Care for Young Children*, reflect his unwavering commitment to advocating for high-quality early childhood education for all children; and

WHEREAS, Mr. Sykes' contributions to the field were recognized with the Marjorie Holloman Parker Distinguished Educator Award from the University of the District of Columbia, and he was proudly inducted into the D.C. Hall of Fame Society; and

WHEREAS, Mr. Sykes played an instrumental, hands-on role in the creation and development of DC Men in ECE—a visionary initiative dedicated to empowering men of color in the early education workforce; and

WHEREAS, he fought tirelessly against inequality, championing access to quality programs for every child, regardless of background, and his work inspired countless individuals to become change agents within the early childhood education system and will leave a lasting impact on future generations.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Maurice Sykes Memorial Recognition Resolution of 2025".

Sec. 2. The Council of the District of Columbia recognizes, honors, and remembers and the life of Mr. Maurice Sykes, his significant contributions to the field of early childhood education, and his impact on the lives of countless children in D.C. and across the country.

Sec. 3. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

26-49

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 3, 2025

To recognize the month of June 2025 as "Gun Violence Awareness Month" in the District of Columbia.

WHEREAS, Hadiya Pendleton, a teenager from Chicago who marched in the presidential inaugural parade in January 2013 and was tragically shot and killed weeks later, should be celebrating her 28th birthday this year;

WHEREAS, to help honor Hadiya and to raise awareness of the epidemic of gun violence in the United States, a national coalition of organizations has designated the first Friday in June as National Gun Violence Awareness Day and the month of June as Gun Violence Awareness Month;

WHEREAS, on average more than 100 people die across the country each day from gun-related deaths and more than 200 Americans are harmed by guns every day;

WHEREAS, in the United States in 2023, nearly eight-in-ten homicides and more than half of all suicides involved a firearm;

WHEREAS, in the District of Columbia in 2024, 153 people were killed by gunfire;

WHEREAS, in the District of Columbia in 2024, 10 children were killed by gunfire, including three-year old Ty'ah Settles;

WHEREAS, firearms are the leading cause of death for children and teens in the United States;

WHEREAS, gun violence is a disease and public health crisis where "prevention" means the absence of that disease; and

ENROLLED ORIGINAL

WHEREAS, the Council encourages all District residents to look for ways to support their local communities' efforts to prevent the tragic effects of gun violence and honor and value precious human life.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Gun Violence Awareness Month Recognition Resolution of 2025".

Sec. 2. The Council declares the month of June 2025 as "Gun Violence Awareness Month" in the District of Columbia.

Sec. 3. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

26-50

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 3, 2025

To recognize June as Men's Health Month, the period from June 9-15, 2025, as Men's Health Week, and promote public awareness around men's health issues.

WHEREAS, Men's Health Month is part of an ongoing international effort to educate men, boys, and their families about receiving regular disease prevention screening and living healthier lifestyles;

WHEREAS, Men's Health Month began in 1994 with the Congressional passage of Men's Health Week, sponsored by Senator Robert Dole and Congressman William Richardson;

WHEREAS, the centerpiece of Men's Health Month is Men's Health Week, a special awareness period passed by Congress and signed into law by President William Clinton on May 31, 1994, and facilitated yearly by the Men's Health Network;

WHEREAS, Men's Health Week is recognized by Congress as June 9-15, 2025;

WHEREAS, Men's Health Network is recognized for their role in the creation of, maintenance, and champion of national efforts to officially recognize Men's Health Month and Men's Health Week;

WHEREAS, thousands of organizations across the globe participate in Men's Health Month, promoting the health and wellness of men, boys, fathers, and their families;

WHEREAS, the Men's Health Network sponsors health awareness fairs and events on Capitol Hill that are attended by hundreds of lawmakers and staff;

WHEREAS, nationwide, life expectancy for men averages 5 years fewer than women, with men experiencing higher rates of health problems such as diabetes, obesity, cancer, heart disease, and premature mortality;

ENROLLED ORIGINAL

WHEREAS, the COVID-19 pandemic had a devastating impact on men's health in the United States, dropping men's life expectancy by 2 years according to a study by Oxford University;

WHEREAS, the growing epidemic of suicide and substance abuse requires concerted effort to raise awareness of unrecognized and undiagnosed depression and mental stress in men and boys;

WHEREAS, Men's Health Month is a time for the public to recognize the mental and physical health needs of men and boys while encouraging fathers to be role models for their children through preventative health screenings, healthy living, and seeking needed help; and

WHEREAS, "Wear Blue Day" will be recognized on June 13, 2025, to support men's health awareness.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Men's Health Month Recognition Resolution of 2025".

Sec. 2. The Council of the District of Columbia recognizes the month of June as Men's Health Month, and June 9-15, 2025, as Men's Health Week.

Sec. 3. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

26-51

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 3, 2025

To recognize, honor, and celebrate the contributions of passionate leader and public advocate David Catania on his service on the DC Council from December 1997 to January 2015, and recognize him as being the first openly gay member to serve.

WHEREAS, David Catania began his career in DC government as Chair of the Sheridan-Kalorama Advisory Neighborhood Commission from 1996-1997;

WHEREAS, David Catania made history when he was elected as the first openly gay DC Councilmember in a December 1997 special election;

WHEREAS, David Catania was elected to a full term as an At-Large Councilmember in 1998, and re-elected in 2002 and 2006;

WHEREAS, beginning in 2005, David Catania served as Chairman of the Health Committee for 8 years, where he helped to lead the charge against the HIV/AIDS epidemic in the District;

WHEREAS, David Catania pushed for the extension of health insurance to every District resident, increased funding for mental health services, and launched a school nurse program that saw a full-time nurse placed on staff in 96 percent of the District's public schools;

WHEREAS, David Catania established the HomeStart Initiative in 2000, creating an advisory committee to identify ways to strengthen affordable housing, and created the Office of Vocational Education and Skills Training to enhance job opportunities for District residents;

WHEREAS, David Catania became a staunch public supporter of same-sex marriage;

WHEREAS, in December 2009, 12 years after his swearing in, David Catania saw DC Council provide final approval to his bill, the "Religious Freedom and Civil Marriage Equality Amendment Act of 2009," to legalize same-sex marriage;

ENROLLED ORIGINAL

WHEREAS, on March 9, 2010, due to David Catania's advocacy, the District became the sixth state or jurisdiction to permit same-sex marriage;

WHEREAS, David Catania left his DC Council seat to pursue an ultimately unsuccessful bid for Mayor of the District in 2014;

WHEREAS, David Catania went on to pursue work in various areas of public affairs, including lobbying and campaign management, and co-founded Georgetown Public Affairs, LLC, in 2018.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "David Catania Recognition Resolution of 2025".

Sec. 2. The Council of the District of Columbia recognizes and celebrates David Catania for his steadfast leadership and dedication to the District of Columbia and its LGBTQIA+ community.

Sec. 3. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

26-52

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 3, 2025

To recognize honoree Dr. David Johns during the 2025 celebration of DC Black Pride.

WHEREAS, Dr. David Johns is a nationally recognized education policy expert, equity advocate, and CEO of the National Black Justice Coalition (NBJC);

WHEREAS, from serving as the first Executive Director of the White House Initiative on Educational Excellence for African Americans under President Obama to shaping policy on Capitol Hill, Dr. David Johns has dedicated his career to uplifting Black LGBTQ+/SGL communities;

WHEREAS, with degrees from Columbia University and a background as an elementary school teacher, Dr. David Johns' work blends heart and scholarship;

WHEREAS, named to Time Magazine's 2025 "Closers" list, and recognized by BET, Out100, Ebony, and The Root, Dr. David Johns is a bold voice at the forefront of civil rights leadership;

WHEREAS, DC Black Pride is an annual event to increase awareness of and showcase pride in the diversity of the LGBTQIA+ populations in the African American community, and to support organizations that focus on health disparities, education, youth, and families;

WHEREAS, as the very first Black Pride festival in the world, 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";

WHEREAS, since the birth of DC Black Pride, more than 50 other Black Pride celebrations now take place throughout the world and on 4 continents, with many using DC Black Pride as a model;

ENROLLED ORIGINAL

WHEREAS, May 23, 2025, through May 26, 2025, marks the 34th annual DC Black Pride celebration;

WHEREAS, the theme for this year's celebration is "BLACK PRIDE IS FREEDOM";

WHEREAS, for more than 30 years, DC Black Pride has been an opportunity for the Black LGBTQIA+ community to gather and celebrate being both African American and members of LGBTQIA+ communities;

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; and

WHEREAS, DC Black Pride brings more than 500,000 people to the nation's capital from across the United States, Canada, the Caribbean, South Africa, Great Britain, France, Germany, and the Netherlands and will carry that tradition this year and into the future to celebrate their shared community, raise awareness and funding for HIV/AIDS prevention, and stand against homophobia inspired by violence and bigotry.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution be cited as the "Dr. David Johns Recognition Resolution of 2025".

Sec. 2. The Council of the District of Columbia recognizes and celebrates Dr. David Johns during the 2025 celebration of DC Black Pride.

Sec. 3. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

26-53

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 3, 2025

To recognize honoree Lee Levingston Perine during the 2025 celebration of DC Black Pride.

WHEREAS, Lee Levingston Perine is a curator, creative producer, and founder of Black in Space, an arts collective celebrating Black LGBTQ+ culture;

WHEREAS, as Senior Manager of Special Projects at Events DC, Lee Levingston Perine has built a career at the intersection of arts, advocacy, and community healing;

WHEREAS, Lee Levingston Perine led engagement initiatives for the DC Creative Affairs Office, producing events like The Mayor's Arts Awards and Care for Creatives;

WHEREAS, Lee Levingston Perine has been honored by the White House and the National Trans Visibility March for his community leadership;

WHEREAS, Lee Levingston Perine is a history lover and documentary buff, and also a proud "pops" to 4 chosen children and a beloved cultural force in D.C.;

WHEREAS, DC Black Pride is an annual event to increase awareness of and showcase pride in the diversity of the LGBTQIA+ populations in the African American community, and to support organizations that focus on health disparities, education, youth, and families;

WHEREAS, as the very first Black Pride festival in the world, 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";

WHEREAS, since the birth of DC Black Pride, more than 50 other Black Pride celebrations now take place throughout the world and on 4 continents, with many using DC Black Pride as a model;

ENROLLED ORIGINAL

WHEREAS, May 23, 2025, through May 26, 2025, marks the 34th annual DC Black Pride celebration;

WHEREAS, the theme for this year's celebration is "BLACK PRIDE IS FREEDOM";

WHEREAS, for more than 30 years, DC Black Pride has been an opportunity for the Black LGBTQIA+ community to gather and celebrate being both African American and members of LGBTQIA+ communities;

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; and

WHEREAS, DC Black Pride brings more than 500,000 people to the nation's capital from across the United States, Canada, the Caribbean, South Africa, Great Britain, France, Germany, and the Netherlands and will carry that tradition this year and into the future to celebrate their shared community, raise awareness and funding for HIV/AIDS prevention, and stand against homophobia inspired by violence and bigotry.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution be cited as the "Lee Levingston Perine Recognition Resolution of 2025".

Sec. 2. The Council of the District of Columbia recognizes and celebrates Lee Levingston Perine during the 2025 celebration of DC Black Pride.

Sec. 3. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

26-54

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 3, 2025

To recognize honoree Reggie Monroe during the 2025 celebration of DC Black Pride.

WHEREAS, Reginald "Reggie Riich" Monroe is the visionary force behind Reggie Riich Events, a premier LGBTQ+ event production company based in Washington, D.C.;

WHEREAS, starting his journey with DC Black Pride in 2015, Reggie Monroe has built a national following for his inclusive, high-energy celebrations that bring together professionals, creatives, and community leaders;

WHEREAS, known for signature events like the Sunday Day Party series and his iconic New Year's Eve bash, Reggie Monroe uses his platform to foster joy and unity within the LGBTQ+ community;

WHEREAS, Reggie Monroe's events are more than parties - they are affirming spaces of pride and connection for thousands;

WHEREAS, DC Black Pride is an annual event to increase awareness of and showcase pride in the diversity of the LGBTQIA+ populations in the African American community, and to support organizations that focus on health disparities, education, youth, and families;

WHEREAS, as the very first Black Pride festival in the world, 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";

WHEREAS, since the birth of DC Black Pride, more than 50 other Black Pride celebrations now take place throughout the world and on 4 continents, with many using DC Black Pride as a model;

WHEREAS, May 23, 2025, through May 26, 2025, marks the 34th annual DC Black Pride celebration;

ENROLLED ORIGINAL

WHEREAS, the theme for this year's celebration is "BLACK PRIDE IS FREEDOM";

WHEREAS, for more than 30 years, DC Black Pride has been an opportunity for the Black LGBTQIA+ community to gather and celebrate being both African American and members of LGBTQIA+ communities;

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; and

WHEREAS, DC Black Pride brings more than 500,000 people to the nation's capital from across the United States, Canada, the Caribbean, South Africa, Great Britain, France, Germany, and the Netherlands and will carry that tradition this year and into the future to celebrate their shared community, raise awareness and funding for HIV/AIDS prevention, and stand against homophobia inspired by violence and bigotry.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution be cited as the "Reggie Monroe Recognition Resolution of 2025".

Sec. 2. The Council of the District of Columbia recognizes and celebrates Reggie Monroe during the 2025 celebration of DC Black Pride.

Sec. 3. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

26-55

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 3, 2025

To recognize honoree Reggie Van Lee during the 2025 celebration of DC Black Pride.

WHEREAS, Reggie Van Lee is an acclaimed business strategist, philanthropist, and arts patron who currently serves as Executive Partner at AlixPartners;

WHEREAS, with a long career spanning leadership roles at The Carlyle Group and Booz Allen Hamilton, Reggie Van Lee is known for guiding major institutions through transformative growth;

WHEREAS, Reggie Van Lee chairs numerous cultural and civic organizations, including the D.C. Commission on the Arts and Humanities and the National CARES Mentoring Movement;

WHEREAS, Reggie Van Lee was named Black Engineer of the Year and one of the top 25 consultants globally, and holds degrees from MIT and Harvard;

WHEREAS, Reggie Van Lee's work unites corporate innovation with deep community impact;

WHEREAS, DC Black Pride is an annual event to increase awareness of and showcase pride in the diversity of the LGBTQIA+ populations in the African American community, and to support organizations that focus on health disparities, education, youth, and families;

WHEREAS, as the very first Black Pride festival in the world, 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";

WHEREAS, since the birth of DC Black Pride, more than 50 other Black Pride celebrations now take place throughout the world and on 4 continents, with many using DC Black Pride as a model;

ENROLLED ORIGINAL

WHEREAS, May 23, 2025, through May 26, 2025, marks the 34th annual DC Black Pride celebration;

WHEREAS, the theme for this year's celebration is "BLACK PRIDE IS FREEDOM";

WHEREAS, for more than 30 years, DC Black Pride has been an opportunity for the Black LGBTQIA+ community to gather and celebrate being both African American and members of LGBTQIA+ communities;

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; and

WHEREAS, DC Black Pride brings more than 500,000 people to the nation's capital from across the United States, Canada, the Caribbean, South Africa, Great Britain, France, Germany, and the Netherlands and will carry that tradition this year and into the future to celebrate their shared community, raise awareness and funding for HIV/AIDS prevention, and stand against homophobia inspired by violence and bigotry.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution be cited as the "Reggie Van Lee Recognition Resolution of 2025".

Sec. 2. The Council of the District of Columbia recognizes and celebrates Reggie Van Lee during the 2025 celebration of DC Black Pride.

Sec. 3. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

26-56

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 3, 2025

To recognize honoree Sean Norman during the 2025 celebration of DC Black Pride.

WHEREAS, Sean Norman is a Deaf queer advocate, educator, and community organizer based in Washington, D.C.;

WHEREAS, as a graduate of Gallaudet University, Sean Norman is the founder and captain of the first ASL Kickball team under Stonewall Sports and host of the popular ASL Queer as F*bulous Social Night;

WHEREAS, Sean Norman's advocacy spans roles with the National Association of the Deaf and the D.C. Mayor's Office of the Deaf, DeafBlind, and Hard of Hearing;

WHEREAS, Sean Norman currently serves as President of the D.C. Association of the Deaf and chairs a WorldPride 2025 subcommittee;

WHEREAS, through visibility, organizing, and joy, Sean Norman builds bridges within and beyond the Deaf LGBTQ+ community;

WHEREAS, DC Black Pride is an annual event to increase awareness of and showcase pride in the diversity of the LGBTQIA+ populations in the African American community, and to support organizations that focus on health disparities, education, youth, and families;

WHEREAS, as the very first Black Pride festival in the world, 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";

ENROLLED ORIGINAL

WHEREAS, since the birth of DC Black Pride, more than 50 other Black Pride celebrations now take place throughout the world and on 4 continents, with many using DC Black Pride as a model;

WHEREAS, May 23, 2025, through May 26, 2025, marks the 34th annual DC Black Pride celebration;

WHEREAS, the theme for this year's celebration is "BLACK PRIDE IS FREEDOM";

WHEREAS, for more than 30 years, DC Black Pride has been an opportunity for the Black LGBTQIA+ community to gather and celebrate being both African American and members of LGBTQIA+ communities;

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; and

WHEREAS, DC Black Pride brings more than 500,000 people to the nation's capital from across the United States, Canada, the Caribbean, South Africa, Great Britain, France, Germany, and the Netherlands and will carry that tradition this year and into the future to celebrate their shared community, raise awareness and funding for HIV/AIDS prevention, and stand against homophobia inspired by violence and bigotry.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution be cited as the "Sean Norman Recognition Resolution of 2025".

Sec. 2. The Council of the District of Columbia recognizes and celebrates Sean Norman during the 2025 celebration of DC Black Pride.

Sec. 3. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

26-57

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 3, 2025

To recognize honoree Darnell Perkins during the 2025 celebration of DC Black Pride.

WHEREAS, Darnell Perkins is a culinary entrepreneur, hospitality expert, and philanthropist, whose dynamic presence has shaped D.C.'s social and dining scenes for over 20 years;

WHEREAS, Darnell Perkins is known as "The Ultimate Host," and blends Southern tradition with cosmopolitan flair, most notably through his acclaimed restaurant DARNELL's;

WHEREAS, in August 2025, Darnell Perkins will expand with DARNELL's at the Museum in historic Anacostia, a celebration of global culture and fine cuisine;

WHEREAS, Darnell Perkins is on the boards of organizations supporting women and families in need;

WHEREAS, with deep roots in Ward 7, Darnell Perkins' work reflects a commitment to culture, community, and authentic hospitality;

WHEREAS, DC Black Pride is an annual event to increase awareness of and showcase pride in the diversity of the LGBTQIA+ populations in the African American community, and to support organizations that focus on health disparities, education, youth, and families;

WHEREAS, as the very first Black Pride festival in the world, 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";

ENROLLED ORIGINAL

WHEREAS, since the birth of DC Black Pride, more than 50 other Black Pride celebrations now take place throughout the world and on 4 continents, with many using DC Black Pride as a model;

WHEREAS, May 23, 2025, through May 26, 2025, marks the 34th annual DC Black Pride celebration;

WHEREAS, the theme for this year's celebration is "BLACK PRIDE IS FREEDOM";

WHEREAS, for more than 30 years, DC Black Pride has been an opportunity for the Black LGBTQIA+ community to gather and celebrate being both African American and members of LGBTQIA+ communities;

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; and

WHEREAS, DC Black Pride brings more than 500,000 people to the nation's capital from across the United States, Canada, the Caribbean, South Africa, Great Britain, France, Germany, and the Netherlands and will carry that tradition this year and into the future to celebrate their shared community, raise awareness and funding for HIV/AIDS prevention, and stand against homophobia inspired by violence and bigotry.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution be cited as the "Darnell Perkins Recognition Resolution of 2025".

Sec. 2. The Council of the District of Columbia recognizes and celebrates Darnell Perkins during the 2025 celebration of DC Black Pride.

Sec. 3. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

26-58

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 3, 2025

To recognize the history and the importance of WorldPride, to celebrate the efforts of the Capital Pride Alliance in hosting WorldPride in the District, to commemorate the 50th anniversary of DC Pride, and to welcome visitors from the greater Washington region, across the country, and around the world to local festivities.

WHEREAS, WorldPride is an annual international pride event to increase awareness of and showcase pride in the diversity of the LGBTQIA+ populations around the world, with different host cities selected each year;

WHEREAS, at the 16th annual conference of InterPride, held in New York City in 1997, InterPride's membership voted to establish the inaugural WorldPride which was held in Rome in 2000;

WHEREAS, 2025 marks the 50th Anniversary of Gay Pride Day, the District's first official Pride celebration in 1975 which drew about 2,000 people;

WHEREAS, Pride celebrations in the District have become a symbol of the strength and influence of the local LGBTQIA+ community, leading to the steady growth of the June celebrations;

WHEREAS, from the early pioneers who laid the foundation for justice to the present-day advocates who continue to lead with courage and compassion, the District's LGBTQIA+ community has been a force for change – not only in our city, but across the nation and the world;

WHEREAS, WorldPride DC is hosted by the Capital Pride Alliance, which through its stewardship of diverse programming and events, specifically year-round LGBTQIA+ Pride festivities centered in Washington, DC, and the National Capital Region, serves to celebrate, educate, support, and inspire multi-faceted LGBTQIA+ communities in order to grow and preserve their rich history and protect their rights for current and future generations;

WHEREAS, WorldPride DC celebrations will be held in the District from May 17, 2025, to June 8, 2025;

ENROLLED ORIGINAL

WHEREAS, Washington, DC, is uniquely positioned as the Nation's Capital to provide visibility to the issues that affect the LGBTQIA+ community worldwide;

WHEREAS, through thought-provoking programming and stunning events, WorldPride DC attendees will be inspired and empowered to use the tools and connections attained to bring positive change to their own communities;

WHEREAS, Pride in DC is more than a celebration – it is a living tradition of resistance, joy, remembrance, and hope. It is a call to honor those we have lost, protect those still fighting to be seen, and build a future where every LGBTQIA+ person is free to live openly and fully;

WHEREAS, WorldPride DC will bring together people from different countries and backgrounds to speak out in favor of those who seek justice, equity, peace and freedom, and stand against bigotry, hatred, divisiveness, discrimination, homophobia and transphobia; and

WHEREAS, as the world looks to Washington, DC, for WorldPride 2025, we reaffirm our city's unwavering commitment to human rights, to the safety and inclusion of LGBTQIA+ people, and to the belief that love – in all its forms – is worthy of recognition and protection.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "WorldPride DC Recognition Resolution of 2025".

Sec. 2. The Council of the District of Columbia recognizes and honors the hard work of everyone involved in organizing WorldPride 2025, commemorates the 50th anniversary of DC Pride, and celebrates the LGBTQIA+ community.

Sec. 3. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

26-59

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 3, 2025

To recognize honoree SaVanna Wanzer during the 2025 celebration of DC Black Pride.

WHEREAS, SaVanna Wanzer has been a groundbreaking advocate, educator, and community builder;

WHEREAS, as the founder of TransPride and the visionary behind May is: All About Trans, SaVanna Wanzer has created platforms that center and celebrate transgender voices nationwide;

WHEREAS, SaVanna Wanzer has been a trailblazer in HIV education and peer mentoring;

WHEREAS, SaVanna Wanzer was the first trans woman to serve on the boards of both Whitman-Walker Health and Capital Pride;

WHEREAS, SaVanna Wanzer has received numerous honors, including the National Trans Visibility March Torch Award and Capital Pride's Hero Award;

WHEREAS, SaVanna Wanzer is a retired federal employee and proud member of Westminster Presbyterian Church;

WHEREAS, SaVanna Wanzer aims to take her "May Is" campaign national;

WHEREAS, DC Black Pride is an annual event to increase awareness of and showcase pride in the diversity of the LGBTQIA+ populations in the African American community, and to support organizations that focus on health disparities, education, youth, and families;

ENROLLED ORIGINAL

WHEREAS, as the very first Black Pride festival in the world, 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";

WHEREAS, since the birth of DC Black Pride, more than 50 other Black Pride celebrations now take place throughout the world and on 4 continents, with many using DC Black Pride as a model;

WHEREAS, May 23, 2025, through May 26, 2025, marks the 34th annual DC Black Pride celebration;

WHEREAS, the theme for this year's celebration is "BLACK PRIDE IS FREEDOM";

WHEREAS, for more than 30 years, DC Black Pride has been an opportunity for the Black LGBTQIA+ community to gather and celebrate being both African American and members of LGBTQIA+ communities;

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; and

WHEREAS, DC Black Pride brings more than 500,000 people to the nation's capital from across the United States, Canada, the Caribbean, South Africa, Great Britain, France, Germany, and the Netherlands and will carry that tradition this year and into the future to celebrate their shared community, raise awareness and funding for HIV/AIDS prevention, and stand against homophobia inspired by violence and bigotry.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution be cited as the "SaVanna Wanzer Recognition Resolution of 2025".

Sec. 2. The Council of the District of Columbia recognizes and celebrates SaVanna Wanzer during the 2025 celebration of DC Black Pride.

Sec. 3. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

26-60

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 3, 2025

To recognize honoree June Crenshaw during the 2025 celebration of DC Black Pride.

WHEREAS, June Crenshaw is a longtime LGBTAIA2S+ advocate and nonprofit leader whose work has shaped youth services community organizing across Washington, D.C.;

WHEREAS, June Crenshaw currently serves Deputy Director of the Capital Pride Alliance and co-chair of the organizing committee for DC WorldPride 2025, a global celebration set to welcome over a million visitors;

WHEREAS, from 2015 to 2024, June Crenshaw led the Wanda Alston Foundation, expanding shelter and support services for LGBTQUIA2S+ youth experiencing homelessness;

WHEREAS, as a survivor of rejection and a champion of reliance, June Crenshaw's leadership is rooted in lived experience and powered by deep community engagement;

WHEREAS, June Crenshaw's legacy continues to uplift and inspire across generations;

WHEREAS, DC Black Pride is an annual event to increase awareness of and showcase pride in the diversity of the LGBTQIA+ populations in the African American community, and to support organizations that focus on health disparities, education, youth, and families;

WHEREAS, as the very first Black Pride festival in the world, 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";

ENROLLED ORIGINAL

WHEREAS, since the birth of DC Black Pride, more than 50 other Black Pride celebrations now take place throughout the world and on 4 continents, with many using DC Black Pride as a model;

WHEREAS, May 23, 2025, through May 26, 2025, marks the 34th annual DC Black Pride celebration;

WHEREAS, the theme for this year's celebration is "BLACK PRIDE IS FREEDOM";

WHEREAS, for more than 30 years, DC Black Pride has been an opportunity for the Black LGBTQIA+ community to gather and celebrate being both African American and members of LGBTQIA+ communities;

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; and

WHEREAS, DC Black Pride brings more than 500,000 people to the nation's capital from across the United States, Canada, the Caribbean, South Africa, Great Britain, France, Germany, and the Netherlands and will carry that tradition this year and into the future to celebrate their shared community, raise awareness and funding for HIV/AIDS prevention, and stand against homophobia inspired by violence and bigotry.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution be cited as the "June Crenshaw Recognition Resolution of 2025".

Sec. 2. The Council of the District of Columbia recognizes and celebrates June Crenshaw during the 2025 celebration of DC Black Pride.

Sec. 3. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

26-61

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 3, 2025

To recognize honoree Heidi Ellis during the 2025 celebration of DC Black Pride.

WHEREAS, Heidi Ellis is a policy strategist, public servant, and fierce advocate for equity at the intersection of race, gender, and sexuality;

WHEREAS, Heidi Ellis is a former Obama Administration appointee at the U.S Environmental Protection Agency;

WHEREAS, Heidi Ellis was a member of both the White House LGBTQ+ and African American kitchen cabinets;

WHEREAS, today, Heidi Ellis leads HME Consulting and Advocacy, a D.C. based firm advancing inclusive policies and stakeholder engagement strategies that center marginalized communities;

WHEREAS, Heidi Ellis also leads the DC LGBTQ+ Budget Coalition and has served on numerous nonprofit boards;

WHEREAS, Heidi Ellis has been honored with wards from the Washington Blade, Best of Gay DC, and SMYAL;

WHEREAS, Heidi Ellis brings vision, empathy, and impact to every table she joins;

ENROLLED ORIGINAL

WHEREAS, DC Black Pride is an annual event to increase awareness of and showcase pride in the diversity of the LGBTQIA+ populations in the African American community, and to support organizations that focus on health disparities, education, youth, and families;

WHEREAS, as the very first Black Pride festival in the world, 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";

WHEREAS, since the birth of DC Black Pride, more than 50 other Black Pride celebrations now take place throughout the world and on 4 continents, with many using DC Black Pride as a model;

WHEREAS, May 23, 2025, through May 26, 2025, marks the 34th annual DC Black Pride celebration;

WHEREAS, the theme for this year's celebration is "BLACK PRIDE IS FREEDOM";

WHEREAS, for more than 30 years, DC Black Pride has been an opportunity for the Black LGBTQIA+ community to gather and celebrate being both African American and members of LGBTQIA+ communities;

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; and

WHEREAS, DC Black Pride brings more than 500,000 people to the nation's capital from across the United States, Canada, the Caribbean, South Africa, Great Britain, France, Germany, and the Netherlands and will carry that tradition this year and into the future to celebrate their shared community, raise awareness and funding for HIV/AIDS prevention, and stand against homophobia inspired by violence and bigotry.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution be cited as the "Heidi Ellis Recognition Resolution of 2025".

Sec. 2. The Council of the District of Columbia recognizes and celebrates Heidi Ellis during the 2025 celebration of DC Black Pride.

Sec. 3. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

26-62

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 3, 2025

To recognize the history and the importance of DC Black Pride, and to celebrate the contributions of the first Black Pride celebration in the District of Columbia to the national and international recognition of the Black LGBTQIA+ community, including the establishment of the Center for Black Equity.

WHEREAS, DC Black Pride is an annual event to increase awareness of and showcase pride in the diversity of the LGBTQIA+ populations in the African American community, and to support organizations that focus on health disparities, education, youth, and families;

WHEREAS, from 1975 until 1990, the Club House was a premiere community gathering space for the African-American lesbian, gay, bisexual, and transgender community of Washington, DC and was notable for its annual Memorial Day weekend celebration, called the Children's Hour;

WHEREAS, Wilmore Cook, Theodore Kirkland, and Ernest Hopkins envisioned creating an event that would continue the tradition of the Children's Hour as well as raise much-needed funds for the HIV/AIDS organizations that served the African American community after the Club House closed its doors in 1990;

WHEREAS, with the Children's Hour as inspiration, the inaugural DC Black Pride was held on May 25, 1991, in cooperation with the DC Coalition of Black Lesbians and Gay Men and the Inner-City AIDS Network on the grounds of Banneker Field;

WHEREAS, as the very first Black Pride festival in the world, 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";

WHEREAS, as DC Black Pride grew in popularity and in programmatic offerings, organizers created a board of directors, created a 501(c)3 nonprofit organization, and officially established the Black Lesbian & Gay Pride Day, Inc.;

ENROLLED ORIGINAL

WHEREAS, during the 1998 festival, Black Lesbian & Gay Pride Day, Inc., and organizers of Black Prides from New York City, Detroit, Atlanta and several other cities formed the International Federation of Black Prides, Inc.;

WHEREAS, the International Federation of Black Prides later became the Center for Black Equity, and today the organization has more than 50 members and serves as the principal body through which organizers find support, raise funds, and share best practices;

WHEREAS, since the birth of DC Black Pride, more than 50 other Black Pride celebrations now take place throughout the world and on 4 continents, with many using DC Black Pride as a model;

WHEREAS, May 23, 2025, through May 26, 2025, marks the 34th annual DC Black Pride celebration;

WHEREAS, the theme for this year's celebration is "BLACK PRIDE IS FREEDOM";

WHEREAS, for more than 30 years, DC Black Pride has been an opportunity for the Black LGBTQIA+ community to gather and celebrate being both African American and members of LGBTQIA+ communities;

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; and

WHEREAS, DC Black Pride brings more than 500,000 people to the nation's capital from across the United States, Canada, the Caribbean, South Africa, Great Britain, France, Germany, and the Netherlands and will carry that tradition this year and into the future to celebrate their shared community, raise awareness and funding for HIV/AIDS prevention, and stand against homophobia inspired by violence and bigotry.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution be cited as the "DC Black Pride Recognition Resolution of 2025".

Sec. 2. The Council of the District of Columbia recognizes and honors the hard work of everyone involved in organizing the 34th annual DC Black Pride and the opportunity to celebrate the Black LGBTQIA+ community.

Sec. 3. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

26-63

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 17, 2025

To recognize and honor the Founding Class of Antioch School of Law on the occasion of their 50th Reunion on September 13, 2025, and to commend their enduring contributions to social justice, public service, and legal education.

WHEREAS, Antioch School of Law was founded in 1972 by Jean Camper Cahn and Edgar S. Cahn, trailblazing visionaries who designed the blueprint for the Legal Services Program and committed themselves to educating lawyers dedicated to social justice;

WHEREAS, the founding class of Antioch School of Law graduated in 1975, and embodied the school's mission to use law as a catalyst for progressive change, challenging traditional legal education and expanding access to justice;

WHEREAS, members of the founding class came from diverse personal and professional backgrounds, engaging in civil rights and anti-poverty efforts, teaching, serving in the military, and pursuing public interest work, before arriving at Antioch;

WHEREAS, after graduation, these alumni served as legal aid attorneys, public defenders, government officials, judges, legislators, general counsels, professors, advocates, and writers across the District of Columbia and 27 states, including work in Native American affairs, workers' rights, juvenile justice, and civil rights;

WHEREAS, their accomplishments include founding the Juvenile Rights Project, authoring landmark consumer protection laws, securing justice for Guantanamo detainees, winning Fulbright fellowships, training Olympic athletes, and leading legal, civic, and academic institutions nationwide;

WHEREAS, the founding class's influence reaches beyond the courtroom into communities and institutions where they led efforts to rebuild neighborhoods, expand affordable housing, protect vulnerable populations, and inspire new generations of legal advocates;

WHEREAS, their personal journeys reflect lives of profound civic engagement, from participating in the March on Washington and the Selma to Montgomery marches, to founding youth development programs, clinics, and charitable initiatives from South Carolina to Tanzania;

WHEREAS, the Antioch School of Law's legacy lives on through the University of the District of Columbia David A. Clarke School of Law, which continues its mission of advancing legal education grounded in justice and service.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Antioch School of Law Founding Class Recognition Resolution of 2025".

Sec. 2. The Council of the District of Columbia recognizes and honors the Founding Class of Antioch School of Law on the 50th anniversary of their graduation, commends their historic contributions to public interest law, and extends its gratitude for their unwavering commitment to justice, equity, and community empowerment.

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Sec. 3. This resolution shall take effect immediately.

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE OF INTENT TO ACT ON NEW LEGISLATION

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

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

COUNCIL OF THE DISTRICT OF COLUMBIA PROPOSED LEGISLATION

PR26-0264 Commission on Human Rights Sim Singh Attariwala Confirmation Resolution of 2025

Intro. 07-02-2025 by Chairman Mendelson and referred to the Committee on Public Works and Operations

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PR26-0265 Commission on Human Rights Alexis Gardner Confirmation Resolution of 2025

Intro. 07-02-2025 by Chairman Mendelson and referred to the Committee on Public Works and Operations

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PR26-0266 Commission on Human Rights Carmen Moreno Sanz Confirmation Resolution of 2025

Intro. 07-02-2025 by Chairman Mendelson and referred to the Committee on Public Works and Operations

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PR26-0267 Commission on Human Rights Sean Norman Confirmation Resolution of 2025

Intro. 07-02-2025 by Chairman Mendelson and referred to the Committee on Public Works and Operations

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PR26-0268 Commission on Human Rights Colin Rettammel Confirmation Resolution of 2025

Intro. 07-02-2025 by Chairman Mendelson and referred to the Committee on Public Works and Operations

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PR26-0269 Commission on Human Rights Amy Rofman Confirmation Resolution of 2025

Intro. 07-02-2025 by Chairman Mendelson and referred to the Committee on Public Works and Operations

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PR26-0270 Commission on Human Rights Jasminelee Scott Confirmation Resolution of 2025

Intro. 07-02-2025 by Chairman Mendelson and referred to the Committee on Public Works and Operations

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PR26-0271 Commission on Human Rights Ashley Smith Confirmation Resolution of 2025

Intro. 07-02-2025 by Chairman Mendelson and referred to the Committee on Public Works and Operations

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PR26-0272 Commission on Human Rights Isabelle Vladoiu Confirmation Resolution of 2025

Intro. 07-02-2025 by Chairman Mendelson and referred to the Committee on Public Works and Operations

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PR26-0273 Commission on Human Rights Antonesia Wiley Confirmation Resolution of 2025

Intro. 07-02-2025 by Chairman Mendelson and referred to the Committee on Public Works and Operations

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COUNCIL OF THE DISTRICT OF COLUMBIA

CONSIDERATION OF TEMPORARY LEGISLATION

B26-300, Streatery Program Endorsement Extension and Medical Cannabis Clarification Temporary Amendment Act of 2025,

B26-302, African American Civil War Museum Limited Grant-Making Authority Temporary Amendment Act of 2025, and

B26-305, Peace DC Omnibus Temporary Amendment Act of 2025.

These temporary measures were adopted on July 1, 2025. A final reading on these measures will occur on September 17, 2025.

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date:	July 11, 2025
Protest Petition Deadline:	August 25, 2025
Roll Call Hearing Date:	September 15, 2025
Protest Hearing Date:	October 29, 2025
License No.:	ABRA-132936
Licensee:	MG-WADC, LLC
Trade Name:	Acqua Bistecca
License Class:	Retailer's Class "C" Restaurant
Address:	10 Ridge Square, N.W.
Contact:	Cameron Mixon: (202) 686-7600, atekle@theveritaslawfirm.com

WARD 3 ANC 3A SMD 3A01

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 September 15, 2025 at 10 a.m., Suite 4200-B, 899 North Capitol Street N.E., Washington, DC, 20002**. Petitions and/or requests to appear before the ABC Board must be filed electronically to abca.legal@dc.gov on or before the Petition deadline. The **Protest Hearing date** is scheduled on **October 29, 2025 at 1:30 p.m.**

NATURE OF OPERATION

New Retailer's Class "C" Restaurant with an interior seating capacity of 250. Summer Garden with 50 seats and a total capacity of 149. Overall Total Occupancy Load of 499 throughout. Alcohol Carry-out and Delivery Endorsement.

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

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

HOURS OF ALCOHOLIC BEVERAGE CARRYOUT AND DELIVERY

Sunday through Saturday 7am – 1am

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION

NOTICE OF PUBLIC HEARING

****CORRECTION**

Placard Posting Date:	June 27, 2025
Protest Petition Deadline:	August 11, 2025
Roll Call Hearing Date:	September 2, 2025
License No.:	ABRA-124404
Licensee:	Amparo (Dupont), LLC
Trade Name:	Amparo Fondita (Dupont)
License Class:	Retailer's Class "C" Restaurant
Address:	2002 P Street, N.W.
Contact:	Matthew Minora (202) 625-7700, mminora@malliosobrien.com

WARD 2 ANC 2B SMD 2B02

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 September 2, at 10 a.m., Suite 4200-B, 899 North Capitol Street N.E., Washington, DC, 20002**. Petitions and/or requests to appear before the ABC Board must be filed electronically to abca.legal@dc.gov on or before the Petition deadline.

NATURE OF SUBSTANTIAL CHANGE
Request for a Sidewalk Café with 8 seats.

CURRENT HOURS OF OPERATION INSIDE PREMISES
Sunday through Thursday 7am – 1am, Friday and Saturday 7am –1:30am

CURRENT HOURS OF ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION INSIDE PREMISES
Sunday through Thursday 8am – 1am, Friday and Saturday 8am – 1:30am

CURRENT HOURS OF LIVE INDOOR ENTERTAINMENT INSIDE PREMISES
Sunday through Thursday 10am – 11pm, Friday and Saturday 10am – 12am

PROPOSED HOURS OF OPERATION OUTSIDE ON THE SIDEWALK CAFE
Sunday through Thursday 7am – 11pm, Friday and Saturday **7am – 12am

PROPOSED HOURS OF ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION OUTSIDE ON THE SIDEWALK CAFÉ
Sunday through Thursday 8am – 11pm, Friday and Saturday 8am – 12am

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION

NOTICE OF PUBLIC HEARING

****RESCIND**

Placard Posting Date:	June 27, 2025
Protest Petition Deadline:	August 11, 2025
Roll Call Hearing Date:	September 2, 2025
License No.:	ABRA-124404
Licensee:	Amparo (Dupont), LLC
Trade Name:	Amparo Fondita (Dupont)
License Class:	Retailer's Class "C" Restaurant
Address:	2002 P Street, N.W.
Contact:	Matthew Minora (202) 625-7700, mminora@malliosobrien.com

WARD 2 ANC 2B SMD 2B02

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 September 2, at 10 a.m., Suite 4200-B, 899 North Capitol Street N.E., Washington, DC, 20002**. Petitions and/or requests to appear before the ABC Board must be filed electronically to abca.legal@dc.gov on or before the Petition deadline.

NATURE OF SUBSTANTIAL CHANGE
Request for a Sidewalk Café with 8 seats.

CURRENT HOURS OF OPERATION INSIDE PREMISES
Sunday through Thursday 7am – 1am, Friday and Saturday 7am –1:30am

CURRENT HOURS OF ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION INSIDE PREMISES
Sunday through Thursday 8am – 1am, Friday and Saturday 8am – 1:30am

CURRENT HOURS OF LIVE INDOOR ENTERTAINMENT INSIDE PREMISES
Sunday through Thursday 10am – 11pm, Friday and Saturday 10am – 12am

PROPOSED HOURS OF OPERATION OUTSIDE ON THE SIDEWALK CAFE
Sunday through Thursday 7am – 11pm, Friday and Saturday **11pm – 12am

PROPOSED HOURS OF ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION OUTSIDE ON THE SIDEWALK CAFÉ
Sunday through Thursday 8am – 11pm, Friday and Saturday 8am – 12am

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION

NOTICE OF PUBLIC HEARING

****CORRECTION**

Placard Posting Date:	June 27, 2025
Protest Petition Deadline:	August 11, 2025
Roll Call Hearing Date:	September 2, 2025
Protest Hearing Date:	October 8, 2025

License No.:	ABRA-132924
Licensee:	DreamComeTrue, LLC
Trade Name:	EB's/eebee's
License Class:	Retailer's Class "C" Restaurant
Address:	1840 6th Street, N.W.
Contact:	Manalle Mahmoud, Esq.: (202) 625-7700, mmahmoud@malliosobrien.com

WARD 2 ANC 2G SMD 2G01

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 September 2, 2025, at 10 a.m., Suite 4200 - B, 899 North Capitol Street, N.E., Washington, DC 20002**. Petitions and/or requests to appear before the ABC Board must be filed electronically to abca.legal@dc.gov on or before the Petition deadline. The **Protest Hearing date** is scheduled for **October 8, 2025, at 1:30 p.m.**

NATURE OF OPERATION

New Retailer's Class "C" Restaurant with a Seating Capacity of 67, Total Occupancy Load of 73, and a Sidewalk Café with 19 Seats.

HOURS OF OPERATION INSIDE PREMISES

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

****HOURS OF ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION INSIDE PREMISES**

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

****HOURS OF OPERATION AND HOURS OF ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION FOR THE OUTDOOR SIDEWALK CAFÉ**

Sunday through Thursday 10am – 10:30pm, Friday and Saturday 10am – 12am

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION

NOTICE OF PUBLIC HEARING

****RESCIND**

Placard Posting Date:	June 27, 2025
Protest Petition Deadline:	August 11, 2025
Roll Call Hearing Date:	September 2, 2025
Protest Hearing Date:	October 8, 2025

License No.:	ABRA-132924
Licensee:	DreamComeTrue, LLC
Trade Name:	EB's/eebee's
License Class:	Retailer's Class "C" Restaurant
Address:	1840 6th Street, N.W.
Contact:	Manalle Mahmoud, Esq.: (202) 625-7700, mmahmoud@malliosobrien.com

WARD 2 ANC 2G SMD 2G01

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 September 2, 2025, at 10 a.m., Suite 4200 - B, 899 North Capitol Street, N.E., Washington, DC 20002**. Petitions and/or requests to appear before the ABC Board must be filed electronically to abca.legal@dc.gov on or before the Petition deadline. The **Protest Hearing date** is scheduled for **October 8, 2025, at 1:30 p.m.**

NATURE OF OPERATION
New Retailer's Class "C" Restaurant with a Seating Capacity of 67, Total Occupancy Load of 73, and a Sidewalk Café with 19 Seats.

HOURS OF OPERATION INSIDE PREMISES
Sunday through Thursday 10am – 2am, Friday and Saturday 10am – 3am

****HOURS OF ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION INSIDE PREMISES**
Sunday through Saturday 10am – 2am

****HOURS OF OPERATION AND HOURS OF ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION FOR THE OUTDOOR SIDEWALK CAFÉ**
Sunday through Thursday 10am – 1am, Friday and Saturday 10am – 2am

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date:	July 11, 2025
Protest Petition Deadline:	August 25, 2025
Roll Call Hearing Date:	September 15, 2025
Protest Hearing Date:	October 29, 2025
License No.:	ABRA-128300
Licensee:	HOTBOX DC LLC
Trade Name:	HOTBOX GEORGETOWN
Registration/License Type:	Medical Cannabis Retailer
Address:	6301 Georgia Avenue N.W.
Contact:	Henry Egbarin;202-819-7110;Henryegbarin@gmail.com

WARD 4 ANC 4B SMD 4B05

Notice is given that the above-named medical cannabis retailer applicant has requested a new license to be located at **6301 Georgia Avenue N.W.** Pursuant to Title 22-C of the DCMR (Medical Cannabis Program) objectors are entitled to be heard regarding the new license application. Petitions and/or requests to appear before the ABC Board must be filed electronically to abca.legal@dc.gov on or before the petition deadline. The **Roll Call Hearing is scheduled for September 15, 2025, at 10 a.m., Suite 4200-A, 899 North Capitol Street N.E., Washington, DC, 20002**. The **Protest Hearing date** is scheduled for **October 29, 2025, at 1:30 p.m.** All hearings before the Board are conducted virtually.

NATURE OF OPERATION

The medical cannabis retailer applicant is requesting to locate its operations **6301 Georgia Avenue N.W.** proposed facility with approximately 1,100 square feet of space will provide cannabis flowers, cannabis concentrates, and a line of edible products and home delivery services to registered patients in Washington, D.C. The applicant is requesting the following endorsement: delivery.

HOURS OF OPERATION FOR RETAILER

Sunday 10 am – 8 pm
Monday – Saturday 10 am – 10 pm

HOURS OF RETAILER SALES OPEN TO THE PUBLIC

Sunday 10 am – 8 pm
Monday – Saturday 10 am – 10 pm

HOURS OF DELIVERY FOR RETAILER

Sunday 10 am – 8 pm
Monday – Saturday 10 am – 9 pm

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date:	July 11, 2025
Protest Petition Deadline:	August 25, 2025
Roll Call Hearing Date:	September 15, 2025
License No.:	ABRA-123546
Licensee:	2 Fratelli, LLC
Trade Name:	Pacci's
License Class:	Retailer's Class "C" Restaurant
Address:	106 13th Street, S.E.
Contact:	Jeff Jackson: (202) 251-1566, jjharlem112@gmail.com

WARD 6 ANC 6B SMD 6B06

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 September 15, 2025 at 10 a.m., Suite 4200-B, 899 North Capitol Street N.E., Washington, DC, 20002**. Petitions and/or requests to appear before the ABC Board must be filed electronically to abca.legal@dc.gov on or before the Petition deadline.

NATURE OF SUBSTANTIAL CHANGE

Licensee requests a Class Change from a Retailer "C" Restaurant to a Retailer "C" Tavern.

HOURS OF OPERATION FOR INSIDE PREMISES

Sunday through Thursday 9am – 11pm, Friday and Saturday 9am – 12am

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

Sunday 10am – 11pm, Monday through Thursday 11am – 11pm, Friday and Saturday 11am – 12am

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date:	July 11, 2025
Protest Petition Deadline:	August 25, 2025
Roll Call Hearing Date:	September 15, 2025
License No.:	ABRA-025750
Licensee:	Studio 1333, LLC / The Studio Theatre. Inc
Trade Name:	The Studio Theatre
License Class:	Retailer's Class "CX" Multipurpose Facility
Address:	1333 P Street, N.W.
Contact:	K. Scarry: (703) 946-1046, k@gigglewaterdc.com

WARD 2 ANC 2F SMD 2F03

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 September 15, 2025, at 10 a.m., Suite 4200-B, 899 North Capitol Street N.E., Washington, DC, 20002**. Petitions and/or requests to appear before the ABC Board must be filed electronically to abca.legal@dc.gov on or before the Petition deadline.

NATURE OF SUBSTANTIAL CHANGE
Request for a Sidewalk Café Endorsement with 52 seats.

CURRENT HOURS OF OPERATION INSIDE PREMISES
Sunday through Saturday 9am – 12am

CURRENT HOURS OF ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION INSIDE PREMISES
Sunday through Saturday 10am – 12am

PROPOSED HOURS OF OPERATION OUTSIDE ON THE SIDEWALK CAFE
Sunday through Thursday 9am – 11pm, Friday and Saturday 9am – 12am

PROPOSED HOURS OF ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION OUTSIDE ON THE SUMMER GARDEN
Sunday through Thursday 10am – 11pm, Friday and Saturday 10am – 12am

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date:	July 11, 2025
Protest Petition Deadline:	August 25, 2025
Roll Call Hearing Date:	September 15, 2025
License No.:	ABRA-116144
Licensee:	Tonari, LLC
Trade Name:	Tonari
License Class:	Retailer's Class "C" Tavern
Address:	707 6th Street, N.W.
Contact:	Jeff Jackson: (202) 251-1566, jjharlem112@gmail.com

WARD 2 ANC 2C SMD 2C01

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 September 15, 2025, at 10 a.m., Suite 4200-B, 899 North Capitol Street N.E., Washington, DC, 20002**. Petitions and/or requests to appear before the ABC Board must be filed electronically to abca.legal@dc.gov on or before the Petition deadline.

NATURE OF SUBSTANTIAL CHANGE
Request for a Sidewalk Café Endorsement with 25 seats.

CURRENT HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION INSIDE THE PREMISES
Sunday through Thursday 10am – 2am, Friday and Saturday 10am – 3am

PROPOSED HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION OUTSIDE ON THE SIDEWALK CAFE
Sunday through Thursday 11am – 11pm, Friday and Saturday 11am – 12am

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date:	July 11, 2025
Protest Petition Deadline:	August 25, 2025
Roll Call Hearing Date:	September 15, 2025
License No.:	ABRA-109064
Licensee:	FD, LLC
Trade Name:	Unity
License Class:	Retailer's Class "C" Tavern
Address:	1936 9th Street, N.W.
Contact:	Abebe Bekele: (202) 600-6798, absera1@yahoo.com

WARD 1 ANC 1B SMD 1B02

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 September 15, 2025, at 10 a.m., Suite 4200-B, 899 North Capitol Street N.E., Washington, DC, 20002**. Petitions and/or requests to appear before the ABC Board must be filed electronically to abca.legal@dc.gov on or before the Petition deadline.

NATURE OF SUBSTANTIAL CHANGE
Request for a Change of Hours of Operation and Live Indoor Entertainment.

CURRENT HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION
Sunday through Thursday 11am – 2am, Friday and Saturday 11am – 3am

CURRENT HOURS OF LIVE INDOOR ENTERTAINMENT
Sunday through Thursday 6pm – 2am, Friday and Saturday 10pm – 3am

PROPOSED HOURS OF OPERATION
Sunday through Saturday 11am – 6am

PROPOSED HOURS OF LIVE INDOOR ENTERTAINMENT
Sunday through Thursday 6pm – 6am, Friday and Saturday 10pm – 6am

BOARD OF ZONING ADJUSTMENT
NOTICE OF VIRTUAL PUBLIC HEARING

TIME AND PLACE: Wednesday, October 1, 2025, @9:30 a.m.
Via WebEx: https://dcoz.dc.gov/BZA10-01-2025
Via Telephone: 202-860-2110 Access Code: 2318 250 0419
Via YouTube: https://www.youtube.com/c/DCOfficeofZoning
Instructions: https://dcoz.dc.gov/release/virtual-public-hearings
Witness Sign Up: https://dcoz.dc.gov/service/sign-testify

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.

WARD FOUR

Application of:	**District of Columbia Department of General Services**
Case No.:	**21345**
Address:	3rd Street N.W. (Square 3269, Lot 65)
ANC:	**4B**
Relief:	Area Variance from: • the subdivision regulations of Subtitle C § 302.2 (pursuant to Subtitle X § 1002)
Project:	To construct seven temporary structures to an existing, detached, school building in the R-1B Zone.

WARD SIX

Application of:	**Daniela Serrano Pavon**
Case No.:	**21346**
Address:	1130 4th Street N.E. (Square 773, Lot 72)
ANC:	**6C**
Relief:	Special Exception from: • the rear yard requirements of Subtitle E § 207.1 (pursuant to Subtitle E § 5201 and Subtitle X 901.2) Area Variance from: • the lot occupancy requirements of Subtitle E § 210.1 (pursuant to Subtitle X § 1002)
Project:	To construct a rear addition to an existing, attached, two-story with basement, principal dwelling unit in the RF-1 Zone.

PLEASE NOTE:

This public hearing will be held virtually through WebEx. Information for parties and the public to participate, view, or listen to the public hearing will be provided on the Office of Zoning website and in the case record for each application or appeal by the Friday before the hearing date. Visit https://dcoz.dc.gov/watchlive.

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.

To review an application and exhibits in the case record, visit the Interactive Zoning Information System ("IZIS") at https://dcoz.dc.gov/CaseRecord.

Individuals and organizations interested in any application may testify at the public hearing via WebEx or by phone and are strongly encouraged to sign up to testify at least 24 hours prior to the start of the hearing on OZ's website at https://dcoz.dc.gov/service/sign-testify or by calling Robert Reid at 202-727-5471. Pursuant to Subtitle Y, Chapter 2, the Board may impose time limits on the testimony of all individuals and organizations.

Individuals and organizations may also submit written comments to the Board by uploading submissions via IZIS at https://app.dcoz.dc.gov/Login.aspx or sent by email to bzasubmissions@dc.gov. Written comments and/or testimony must be submitted to the record at least 24 hours prior to the start of the hearing. If you are unable to use either of these means of submission, please contact Robert Reid at (202) 727-5471 for further assistance.

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

Do you need assistance to participate?

Amharic

ለመሳተፍ 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 በኤሜል Zelalem.Hill@dc.gov ይገናኙ። እነኝህ አገልግሎቶች የሚሰጡት በነጻ ነው።

Chinese

您需要有人帮助参加活动吗？
如果您需要特殊便利设施或语言协助服务（翻译或口译），请在见面之前提前五天与 Zee Hill 联系，电话号码 (202) 727-0312，电子邮件 Zelalem.Hill@dc.gov。这些是免费提供的服务。

French

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

Korean

참여하시는데 도움이 필요하세요?
특별한 편의를 제공해 드려야 하거나, 언어 지원 서비스(번역 또는 통역)가 필요하시면, 회의 5일 전에 Zee Hill 씨께 (202) 727-0312로 전화 하시거나 Zelalem.Hill@dc.gov 로 이메일을 주시기 바랍니다. 이와 같은 서비스는 무료로 제공됩니다.

Spanish

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

Vietnamese

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

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

FREDERICK L. HILL, CHAIRPERSON
CARL BLAKE, VICE-CHAIRPERSON
CHRISHAUN SMITH, MEMBER,
NATIONAL CAPITAL PLANNING COMMISSION
A PARTICIPATING MEMBER OF THE ZONING COMMISSION
KEARA M. MEHLERT, SECRETARY, BOARD OF ZONING ADJUSTMENT
SARA A. BARDIN, DIRECTOR, OFFICE OF ZONING

This meeting is governed by the Open Meetings Act. Please address any questions or complaints arising under this hearing to the Office of Open Government at opengovoffice@dc.gov .

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

TIME AND PLACE: **September 8, 2025 @ 4:00 p.m.**
Via WebEx: https://dcoz.dc.gov/ZC22-39 (to participate & watch)
Via Telephone: 1-650-479-3208 **Access code:** 2318 538 4563 (audio participation & listen)
Via YouTube: https://www.youtube.com/c/DCOfficeofZoning (to watch)
Instructions: https://dcoz.dc.gov/release/virtual-public-hearings
Witness Sign Up: https://dcoz.dc.gov/service/sign-testify

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

CASE NO. 25-07 (BD Parcel 5, LLC – Design Review of Buildings & Structures in the NHR Zone @ Square 5860, Lot 1070)

THIS CASE IS OF INTEREST TO ANC 8A

Oral and Written Testimony

- All who wish to testify in this case are **strongly encouraged** to sign up to do so **at least 24 hours prior to the start of the hearing** on OZ's website indicated above. Also, see below: *How to participate as a witness – oral statements*. **On the day of the hearing – by 3:00 p.m.**, call 202-727-0789 to sign up to testify.
- All written comments and/or testimony **must be submitted to the record at least 24 hours prior to the start of the hearing** – see below: *How to participate as a witness – written statements*.

On May 16, 2025, the Zoning Commission (the "Commission") received an application from BD Parcel 5, LLC (the "Applicant") for Design Review (the "Application"). The Applicant is requesting approval of plans by the Commission for a mixed-use development in the Northern Howard Road ("NHR") Zone District.

The Property is located in Ward 8 along Howard Road, S.E. between South Capitol Street, S.E. and I-295. The Property is immediately south of Poplar Point and adjacent to the Anacostia Metrorail station. The Property consists of approximately 33,326 square feet of land area. The Property is designated Mixed Use (High Density Residential/High Density Commercial/Institutional) on the Future Land Use Map and located within a Land Use Change Area and a Resilience Focus Area on the Generalized Policy Map of the District of Columbia Comprehensive Plan. The Property is located in the NHR zone. The NHR zone requires Commission design review for all new buildings in the zone.

The Applicant intends to construct a mixed-use building on the Property to a maximum height of 130 feet plus a 20-foot penthouse, containing residential and ground floor retail uses.[1] The building

[1] For purposes of this statement, all references to "retail" use are intended to include uses falling within the following use categories: Retail (11-B DCMR § 200.2(bb)); Services, General (11-B DCMR § 200.2(cc)); (Services, Financial (11-B DCMR § 200.2(dd)); Eating and Drinking Establishments (11- B DCMR § 200.2(i)); Animal Sales, Care, and Boarding (11-B DCMR § 200.2(c)); Daytime Care (11-B DCMR § 200.2(h)); Entertainment, Assembly, and

will contain approximately 240,427 square feet of gross floor area ("GFA"), and have an approximate floor-area-ratio ("FAR") of 7.21 FAR. The Project will contain approximately 299 residential dwelling units and have approximately 8,476 square feet of ground floor retail use.[2] The Project represents the third phase that the Applicant has applied for Zoning Commission design review in the multi-building Bridge District development.

The Applicant is requesting the following areas of zoning relief /flexibility as part of the Application:

- Special exception from penthouse habitable space enclosing walls and roof structure (guardrail) setback requirements (11-C DCMR §§ 1503.4(a) and 1504.1).
- Special exception from open court width requirements (11-K DCMR § 1001.11).
- Special exception from side yard requirements (11-K DCMR § 1001.8).
- Special exception from ground floor clear height requirement (11-K DCMR § 1004.3(a)).

The Commission is authorized to grant the requests for special exception and variance relief pursuant to 11-K DCMR § 1006.1 and 11-X DCMR § 603.4.

This virtual public hearing will be conducted in accordance with the contested case provisions Subtitle Z, Chapter 4 of the Zoning Regulations (Title 11, Zoning Regulations of 2016, of the District of Columbia Municipal Regulations).

How to participate as a witness – oral presentation

Interested persons or representatives of organizations may be heard at the virtual public hearing. All individuals, organizations, or associations wishing to testify in this case are **strongly encouraged to sign up to testify at least 24 hours prior to the start of the hearing** on OZ's website at https://dcoz.dc.gov/ or by calling Ella Ackerman at (202) 727-0789 in order to ensure the success of the new virtual public hearing procedures.

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 Commission must base its decision on the record before them. Therefore, **all written comments and/or testimony MUST be submitted to the record at least 24 hours prior to the start of the hearing**. 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

Performing Arts (11-B DCMR § 200.2(m)); Medical Care (11-B DCMR § 200.2(o)); Education, Private (11-B DCMR § 200.2(k)); Education, Public (11-B DCMR § 200.2(l)); and Arts, Design, and Creation (11-B DCMR § 200.2(e)).

[2] 9,211 GFA when including prorated amount of loading.

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 e-mail to zcsubmissions@dc.gov. Please include the case number on your submission. If you are unable to use either of these means of submission, please contact Ella Ackerman at (202) 727-0789 for further assistance.

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 or at (202) 727-6311.

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

"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, GWEN WRIGHT, TAMMY STIDHAM, AND JOSEPH S. IMAMURA -------- ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA, BY SARA A. BARDIN, DIRECTOR, AND BY SHARON S. SCHELLIN, SECRETARY TO THE ZONING COMMISSION.

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

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

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

참여하시는데 도움이 필요하세요? 특별한 편의를 제공해 드려야 하거나, 언어 지원 서비스(번역 또는 통역)가 필요하시면, 회의 5일 전에 Zee Hill 씨께 (202) 727-0312 로 전화 하시거나 Zelalem.Hill@dc.gov 로 이메일을 주시기 바랍니다. 이와 같은 서비스는 무료로 제공됩니다.

您需要有人帮助参加活动吗？如果您需要特殊便利设施或语言协助服务（翻译或口译），请在见面之前提前五天与 Zee Hill 联系，电话号码 (202) 727-0312，电子邮件 Zelalem.Hill@dc.gov 这些是免费提供的服务。

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

ለመሳተፍ 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 በኤሜል Zelalem.Hill@dc.gov ይገናኙ። እነኝህ አገልግሎቶች የሚሰጡት በነጻ ነው።

DEPARTMENT OF ENERGY AND ENVIRONMENT

NOTICE OF FINAL RULEMAKING

Amendments to Nuisance Odor Regulations

The Director of the Department of Energy and Environment ("DOEE"), pursuant to the authority set forth in Sections 5 and 6 of the District of Columbia Air Pollution Control Act of 1984 (the "Air Pollution Control Act"), effective March 15, 1985 (D.C. Law 5-165; D.C. Official Code §§ 8-101.05 and 8-101.06); Section 107(4) of the District Department of the Environment Establishment Act of 2005, effective February 15, 2006 (D.C. Law 16-51; D.C. Official Code § 8-151.07(4)); and Mayor's Order 2006-61, dated June 14, 2006; hereby gives notice of his adoption of the following amendments to Chapter 9 (Air Quality – Motor Vehicular Pollutants, Lead, Odors, and Nuisance Pollutants) of Title 20 (Environment) of the District of Columbia Municipal Regulations ("DCMR"). The Director adopted this rule as final on July 2, 2025; the rule shall become effective upon publication of this notice in the *District of Columbia Register*.

Summary of Final Rulemaking

This Final Rulemaking addresses issues hampering the ability of sources to implement controls for nuisance odors as expeditiously as practicable. The Air Pollution Control Act authorizes DOEE to "[a]dopt standards governing emission of nuisance air pollutants likely to injure public health or welfare or interfere with reasonable enjoyment of life and property." D.C. Official Code § 8-101.05(b)(1)(F). Moreover, regulations adopted as part of the act prohibit emitting odorous or other air pollutants likely to injure public health or interfere with the reasonable enjoyment of life or property. Air Pollution Control Act § 5; 20 DCMR § 903.

DOEE published a Notice of Emergency and Proposed Rulemaking in the *District of Columbia Register* to amend the odor requirements on November 8, 2024, at 71 DCR 013612. The proposed amendments made a few technical corrections to the existing rules and updated the requirements to facilitate the submission of Odor Control Plans ("OCP") and implementation of certain types of odor controls.

This rulemaking finalizes two of the three proposed November 2024 amendments. This final rulemaking removes the need for a professional engineer to sign off on the odor controls because DOEE has specialists in the field reviewing the proposed controls included in the OCP, and DOEE retains the authority to reopen an OCP if it is deemed insufficiently effective after implementation. Secondly, DOEE is finalizing the updates to the definitions in Section 903.2.

DOEE is not finalizing the proposed amendments to Section 903.9 in this final rulemaking. Instead, in response to public comments, DOEE will be reproposing the amendments to Section 903.9 in a Second Notice of Proposed Rulemaking.

Discussion of Public Comment

DOEE published a Notice of Emergency and Proposed Rulemaking to adopt amendments to DOEE's Nuisance Odor Regulations in the *District of Columbia Register* for a thirty (30) day public notice and comment period on November 8, 2024, at 71 DCR 013612. The public comment period ended December 9, 2024. The Department received two (2) comment letters supporting the rulemaking. One (1) comment supported the rulemaking in its entirety. The second commenter provided supportive and constructive feedback on the proposed rulemaking, which lead the Department to repropose edits applying to the implementation and permitting of the odor controls in a notice of second proposed rulemaking. Comments were also received that were beyond the scope of DOEE's proposed regulation and thus are not addressed.

Chapter 9, AIR QUALITY – MOTOR VEHICULAR POLLUTANTS, LEAD, ODORS, AND NUISANCE POLLUTANTS, of Title 20, ENVIRONMENT, of the DMCR is amended as follows:

Section 903, ODOROUS OR OTHER NUISANCE AIR POLLUTANTS, is amended to read as follows:

Paragraphs (a) and (b) of Subsection 903.2 are amended to read as follows:

(a) Cannabis cultivation centers and manufacturers of cannabis products, as described in D.C. Official Code § 7-1671.01 *et seq.*, and any other cannabis cultivation, processing, or manufacturing operation required to be licensed under District law;

(b) Painting operations subject to the requirements of 20 DCMR § 718 or 1409;

The introductory language at subparagraph (2) of Paragraph 903.5(c) is amended to read as follows:

(2) A proposal concerning engineering controls sufficient to effectively mitigate odors for all odor sources, to address the following:

DISTRICT DEPARTMENT OF TRANSPORTATION

NOTICE OF FINAL RULEMAKING

The Director of the District Department of Transportation ("DDOT"), pursuant to the authority set forth in Sections 3(b), 5(a)(3)(E), and 9j of the Department of Transportation Establishment Act of 2002, effective May 21, 2002 (D.C. Law 14-137; D.C. Official Code §§ 50-921.02(b), 50-921.04(a)(3)(E), and 50-921.18); Sections 603 and 604 of the Fiscal Year 1997 Budget Support Act of 1996, effective April 9, 1997 (D.C. Law 11-198, D.C. Official Code § 10-1141.03 and 10-1141.04); Sections 6b and 6c of the District of Columbia Traffic Act, 1925, effective March 16, 2021 (D.C. Law 23-203; D.C. Official Code §§ 50-2201.03b and 50-2201.03c); Mayor's Order 2018-075, dated October 2, 2018, and Mayor's Order 2022-022, dated February 3, 2022, hereby gives notice of adoption of the following amendments to Chapter 33 (Public Right-Of-Way Occupancy Permits) of Title 24 (Public Space and Safety) of the District of Columbia Municipal Regulations (DCMR).

This rulemaking permits the Director of DDOT to waive the per-device fees for shared fleet device operators when the operator demonstrates sufficient usage among low-income riders. Under the current regulations, the Director's authority to waive these fees terminates on December 31, 2024.

In the 2023-2024 permit cycle, the per-device fee waiver incentive was successful in encouraging operators to increase ridership among low-income customers by offering low-income customer plans ("LICP"). In 2023, low-income riders across various LICP programs accounted for approximately 7% of system-wide trips, compared to only approximately 3% in 2022. In 2024, all four operators requested and were awarded fee waivers. This rulemaking authorizes the Director to continue this incentive program, which has demonstrably promoted accessibility for riders of shared fleet devices.

A Notice of Proposed Rulemaking was published in the District of Columbia Register on April 18, 2025 at 72 DCR 004740. DDOT received one comment in support of the proposed rulemaking, and no changes were made to the text of the proposed rulemaking.

The Director adopted these rules as final on July 11, 2025, and they shall become effective upon publication of this notice in the *District of Columbia Register*.

Chapter 33, PUBLIC RIGHT-OF-WAY OCCUPANCY PERMITS, of Title 24, PUBLIC SPACE AND SAFETY, of the DCMR is amended as follows:

Section 3314, SHARED FLEET DEVICE OPERATION AND PERMITS, is amended as follows:

Subsection 3314.3(c) is amended by adding a new paragraph (9) to read as follows:

(9) The Director may waive the per-device fees for a shared fleet device permit pursuant to § 3314.31.

Subsection 3314.31(a) is amended to read as follows:

(a) The Director may waive the per-device fees described in § 3314.3(c)(6) that would otherwise be due.

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ALCOHOLIC BEVERAGE AND CANNABIS BOARD

NOTICE OF PUBLIC HEARINGS
CALENDAR

WEDNESDAY, JULY 16, 2025
899 NORTH CAPITOL STREET, NE, SUITE 4200 A-B
WASHINGTON, D.C. 20002

Donovan W. Anderson, Chairperson
Members: Silas Grant, Jr., Teri Janine Quinn, Ryan Jones and David Meadows

Protest Hearing (Status) **10:30 AM**

Case # 25-PRO-00025
Nando's of H Street, LLC, t/a Nando's Peri-Peri
411 H Street NE
License #97889
Retailer CR
ANC 6C
Application to Renew the License

Protest Hearing (Status) **10:30 AM**

Case # 25-PRO-00045
In Stereo, LLC, t/a Trade
1408-1410 14th Street NW
License #99229
Retailer CT
ANC 2F
Substantial Change (Increase in Occupancy

Board's Calendar
July 16, 2025

Protest Hearing (Status) **10:30 AM**

Case # 25-PRO-00038
Balkan Concepts, LLC, t/a Ambar
523 8th Street SE
License #90240
Retailer CR
ANC 6A
Application to Renew the License

Protest Hearing (Status) **10:30 AM**

Case # 25-PRO-00046
Philippe DC, LLC, t/a Philippe Chow/Merchants Marina
635 Wharf Street SW
License #121216
Retailer CR
ANC 6D
Application to Renew the License

Show Cause Hearing (Status) **10:30 AM**

Case # 24-CIT-00828
Kitchen + Kocktails by Kevin Kelly DC, LLC t/a Kitchen + Kocktials by Kevin Kelly DC
1301 I Street NW
License #123472
Retailer CR
ANC 6D
Failed to File Quarterly Statement

Board's Calendar
July 16, 2025

Show Cause Hearing (Status) **10:30 AM**

Case # 25-251-00012
Equity 18, LLC, t/a Twelve After Twelve
1212 18h Street NW
License #117238
Retailer CN
ANC 2B
Allowed the Establishment to be Used for an Unlawful or Disorderly Purpose, Failed to Follow Security Plan (five counts), Failed to Have Operational Security Cameras, Allowed a Patron to leave the Establishment with an Alcoholic Beverage in an Open Container, No ABC Manager on Duty, Provided False or Misleading Information

Qualifications Hearing **10:30 AM**

Solomon Entertainment 2, Inc., t/a 1831 Lounge
1831 M Street NW
License #131723
Retailer CT
ANC 2B
Review of Ownership Structure

Show Cause Hearing **10:30 AM**

Case # 25-CMP-00035
Morton's of Chicago, Inc., t/a Morton's The Steakhouse/Bar 21
1050 Connecticut Ave NW
License #24326
Retailer CR
ANC 2C
Provided False or Misleading Information, No ABC Manager on Duty

Board's Calendar
July 16, 2025

BOARD RECESS AT 12:00 PM

ADMINISTRATIVE AGENDA AT 1:00 PM

Show Cause Hearing **1:30 PM**

Case # 25-CMP-00022
T and A, LLC, t/a Montana Liquors
710 H Street NE
License #97473
Retailer A
ANC 6A
Failed to Make a Copy Settlement Agreement Immediately Accessible, Violation of Settlement Agreement

Protest Hearing **1:30 PM**

Case # 25-PRO-00026
Greenleaf Buzzard, LLC, t/a The Point Fish House/The Point
2100 2nd Street SW
License #111655
Retailer CR
ANC 6D
Application to Renew the License

All of the ABC Board's public hearings are conducted virtually and are livestreamed on ABCA's YouTube channel which can be found here: *https://www.youtube.com/@alcoholicbeverageregulatio5683*.

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*

GOVERNMENT OF THE DISTRICT OF COLUMBIA

COMMISSION ON THE ARTS AND HUMANITIES

NOTICE OF PUBLIC MEETING

The District of Columbia Commission on the Arts and Humanities Board of Commissioners will hold its regular monthly business meeting on **Monday July 21, 2025, at 5:30 pm.** Below is a draft agenda for the meeting. Updates to the meeting agenda will be posted on the Commission's website at www.dcarts.dc.gov.

The meeting will be a virtual meeting happening via Zoom and livestreamed to the Commission's YouTube channel. Members of the public are invited to observe the meeting through the live broadcast of the meeting online at https://bit.ly/dcartsyoutube. A recording of the meeting will be available on the Commission's website.

DRAFT AGENDA

1. Call to Order
2. Roll Call and Determination of Quorum
3. Land Acknowledgement
4. Welcome
5. Presentation
6. Public Comment Period – Members of the public may request three minutes to make public comments before the Board. Requests to make public comments must be submitted by noon on the Thursday before the meeting via the online form at https://dcarts.dc.gov/page/cah-public-comment-signup-form
7. Executive Director's Report
8. Finance Update
9. Committee Reports
10. Unfinished and New Business
11. Adjournment

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.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
COMMISSION ON THE ARTS AND HUMANITIES

NOTICE OF EXECUTIVE COMMITTEE PUBLIC MEETING

The District of Columbia Commission on the Arts and Humanities will hold a special Executive Committee Meeting **Wednesday, July 16th, 2025, at 5:30pm**. The Executive Committee Meeting was called by the Chairperson of the Commission for the following purpose:

1. Per the Commission's bylaws the Executive Committee must meet on a quarterly basis and after new Committee Chairs are elected.

No other business will be considered at the meeting.

The meeting will be conducted remotely via Zoom. Members of the public are invited to observe the public portions of the meeting live online at https://bit.ly/dcartsyoutube.

DRAFT AGENDA

Monday, April 21, 2025 3:00pm

1. Call to Order
2. Roll Call and Determination of Quorum
3. Land Acknowledgement
4. Welcome
5. Discussion Key Priorities
6. Executive Session (Closed to Public)
7. Adjournment

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.

DEPARTMENT OF BEHAVIORAL HEALTH

NOTICE OF PUBLIC MEETING

Opioid Abatement Advisory Commission

July 30, 2025

9:00 a.m.

The 21-member Opioid Abatement Advisory Commission was created by the Opioid Litigation Proceeds Amendment Act of 2022 to establish procedures for its operations; make recommendations to the Mayor and Council of District-wide goals, objectives, and performance indicators relating to opioid use disorder prevention, treatment, harm reduction, and recovery, and establish governing principles, policies, and procedures for the application and awarding of grants from the settlement funds. On Wednesday, July 30, 2025, at 9 am, the Commission will hold a public meeting. **This meeting will be held in person at District of Columbia Hospital Association, 1152 15th Street NW, Suite 900, Washington, DC 20005.**

Virtual:
https://dcnet.webex.com/dcnet/j.php?MTID=m8ea4da4bf4017a9e7b0d4a67891ab5cd

Join by meeting number
Meeting number (access code :2325 648 1360
Meeting password: JMpTJhKg643

Agenda

I. Welcome
II. Call to Order
III. Quorum Declaration
IV. Approval of Minutes
V. Pew Needs Assessment Review
VI. Office of Opioid Abatement Updates
- **A. Grant Outcome Updates**
- **B. Grants Management Timeline**

VII. Opioid Abatement Grantee Reports
- **A. Red Sprinkle**
- **B. Federal City Recovery Services**
- **C. The Nehemiah Project**
- **D. CompuRecyling**

VIII. Public Comment
IX. Adjournment

BREAKTHROUGH MONTESSORI PUBLIC CHARTER SCHOOL

REQUEST FOR PROPOSALS

Reading Tutor Services

Breakthrough Montessori PCS invites all interested and qualified vendors to submit proposals for reading tutoring services. Proposals are due by 4:00pm ET on Wednesday, July 18, 2025, with the subject of the RFP Service Type (example, RFP-Reading Tutor services). The RFP with bidding requirements and supporting documentation can be obtained by emailing procurement@breakthroughmontessori.org. Please no calls. All questions should be directed to procurement@breakthroughmontessori.org.

OFFICE OF THE CHIEF TECHNOLOGY OFFICER

NOTICE OF FUNDING AVAILABILITY/REQUEST FOR APPLICATIONS

District of Columbia's Broadband Equity Access and Deployment (BEAD) Program

The DC Office of the Chief Technology Officer (OCTO)invites interested persons to review its UPDATED Broadband Equity Access and Deployment (BEAD) Program for Deployment "Benefit of The Bargain" Notice of Funding Availability (NOFA). The NOFA is available online at: https://www.techtogetherdc.com/ For more information, please contact Kevin Hughes at octo.grants@dc.gov.

OFFICE OF THE DEPUTY MAYOR FOR EDUCATION

OFFICE OF EDUCATION THROUGH EMPLOYMENT PATHWAYS

NOTICE OF PUBLIC MEETING

Education Through Employment Pathways Policy Board

The Office of Education Through Employment Pathways (ETEP), under the Office of the Deputy Mayor for Education (DME), will hold its second Policy Board meeting on Thursday, July 17, 2025, from 10:00 a.m. to 11:30 a.m. The public can register to watch here.

The Policy Board includes leadership from agencies and partners across the education, workforce, social services, and juvenile justice sectors. The Policy Board is chaired by the Deputy Mayor for Education and provides recommendations to the Mayor on the priorities of this work. The Policy Board meeting will be focused on the following agenda items:

AGENDA

I. Review data that will be available in the ETE Data System
II. Discuss initial data products after the launch of the ETE Data System and alignment to agency priorities
III. Present findings from recent publications and research

Date: July 17, 2025
Time: 10:00 a.m. – 11:30 1.m.
Location: Register here to watch

For more information: Visit the Office of Education Through Employment Pathways website at https://dme.dc.gov/etep

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.

OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION

OFFICE OF PUBLIC CHARTER SCHOOL FINANCING AND SUPPORT ANNOUNCES JULY 17, 2025, PUBLIC MEETING

FOR THE DISTRICT OF COLUMBIA PUBLIC CHARTER SCHOOL CREDIT ENHANCEMENT COMMITTEE

The Office of the State Superintendent of Education (OSSE) hereby announces that it will hold a public meeting for the District of Columbia Public Charter School Credit Enhancement Committee ("Committee") as follows:

THURSDAY, JULY 17, 2025
12:00 PM - 1:30 PM (EST)

Please join the meeting from your computer, tablet or smartphone.
Join the meeting now
You can also dial in using your phone.
Access Code: 715865873# United States: +1 202-594-9550

Note: After the Roll Call, the first 30 minutes of the meeting will be reserved for executive session and will be closed to the public (see agenda below). Members of the public may join the meeting at 12:30 p.m.

The draft agenda for the above-referenced meeting will be:

I. Call to Order/Roll Call/Ascertainment of Quorum
II. **EXECUTIVE SESSION (CLOSED TO PUBLIC)**
a. *Pursuant to 2-575 (b)(4)(A), and (b)(11) the Committee will enter into executive session to consult with its attorney to obtain legal advice and to review and discuss sensitive and confidential financial information before returning to the public session for the remainder of the meeting agenda.*
III. Approval of agenda for the July 17, 2025, Committee meeting
IV. Approval of minutes from the May 15, 2025, Committee meeting
V. Approval of the new Conflict of Interest Policy – Transaction Disclosure Checklist
VI. Early Childhood Academy PCS - Request for a $2,000,000 Direct Loan
VII. Cedar Tree Academy PCS – Request for condition modification and reapproval of $2,000,000 Direct Loan

For additional information, please contact:

Nile Speight-Leggett, Financial Program Specialist
Office of Public Charter School Financing and Support
Office of the State Superintendent of Education
1050 First St. NE, Fifth Floor, Washington, DC 20002
Nile.Speight-Leggett@dc.gov or (202) 957-7434

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. All agendas, whether draft or final must include the statement. The statement is required pursuant to 3 DCMR § 10409.2.

BOARD OF ELECTIONS

CERTIFICATION OF ANC/SMD VACANCY

The District of Columbia Board of Elections hereby gives notice that there is a vacancy in (1) one Advisory Neighborhood Commission office, certified pursuant to D.C. Official Code § 1-309.06(d)(2).

VACANT: 5F07

Petition Circulation Period: **Monday, July 14, 2025 through Monday, August 4, 2025**
Petition Challenge Period: **Thursday, August 7, 2025 through Wednesday, August 13, 2025**

Note: The deadline to file petitions or challenges is **4:45 p.m.** on the date listed above.

Candidates seeking the Office of Advisory Neighborhood Commissioner, or their representatives, may pick up nominating petitions by email at candidate@dcboe.org or in-person during office hours at the following location:

D.C. Board of Elections
1015 Half Street, SE, Suite 750
Washington, DC 20003

For more information, the public may call **202-727-2525**.

BOARD OF ELECTIONS

Certification of Filling a Vacancy
In Advisory Neighborhood Commission

Pursuant to D.C. Official Code §1-309.06(d)(6)(D), if there is only one person qualified to fill the vacancy within the affected single-member district, the vacancy shall be deemed filled by the qualified person. As such, the Board hereby certifies that the vacancy has been filled in the following single-member district by the individual listed below:

Howard Bauleke
Single-Member District **1C01**

Notice: This decision may be formally revised before it is published in the *District of Columbia Register* and the Office of Employee Appeals' website. Parties should promptly notify the Office Manager of any formal errors so that this Office can correct them before publishing the decision. This notice is not intended to provide an opportunity for a substantive challenge to the decision.

GOVERNMENT OF THE DISTRICT OF COLUMBIA

THE OFFICE OF EMPLOYEE APPEALS

In the Matter of:	)	
	)	
EMPLOYEE[1]	)	
Employee	)	OEA Matter No. 1601-0002-24
v.	)	
	)	Date of Issuance: May 29, 2025
D.C. PUBLIC SCHOOLS,	)	
Agency	)	
	)	

OPINION AND ORDER
ON
PETITION FOR REVIEW

Employee worked as an Educational Aide with the D.C. Public Schools ("Agency"). On August 21, 2023, Agency issued a Notice of Termination informing Employee that he would be removed from his position, charging him with violation of District of Columbia Municipal Regulations ("DCMR") 5-E § 1401.2 (v) other conduct during and outside of duty hours that would affect adversely the employee's or the agency's ability to perform effectively. Agency alleged that Employee was indicted on charges including involuntary manslaughter. Agency explained that despite Employee not being convicted, the charges were of such a nature that they would shock the public conscience if disciplinary action were not taken and call into question Employee's ability to effectively perform his duties as an aide. Consequently, he was terminated from employment, effective September 5, 2023.[2]

Employee filed a Petition for Appeal with the Office of Employee Appeals ("OEA") on October 5, 2023. He asserted that on February 28, 2022, Agency emailed him a letter informing him that he would be placed on administrative leave and that he may be placed on enforced leave on March 7, 2023, if his leave extended beyond five days. According to Employee, the involuntary manslaughter charge was dismissed on August 10, 2022. However, on August 21, 2023, Agency emailed him a notice of termination letter, which provided that he was terminated because he was indicted on the charge of involuntary manslaughter. To the contrary, Employee asserted that he was not indicted. Additionally, Employee contended that Agency improperly placed him on

[1] Employee's name was removed from this decision for the purposes of publication on the Office of Employee Appeals' website.
[2] *Petition for Appeal*, p. 24 (October 5, 2023).

enforced leave without notice of its decision or notice of his appeal rights. He argued that Agency's decision to terminate him was not supported by substantial evidence; it was procedurally erroneous; it was a violation of law and applicable regulations; and it failed to consider relevant factors when imposing its penalty. As a result, Employee requested that he be reinstated with back pay and benefits.[3]

On November 6, 2023, Agency filed its Answer to the Petition for Appeal. It asserted that Employee's separation was warranted because he was arrested and charged with negligent homicide and involuntary manslaughter after he struck and killed a pedestrian. It was Agency's position that although Employee was not convicted, it believed that the charges were of such a nature that they would shock the conscience if disciplinary action was not taken. Therefore, it reasoned that Employee was properly terminated.[4]

Prior to issuing an Initial Decision, the OEA Administrative Judge ("AJ") ordered both parties to submit briefs on whether Agency had cause for the adverse action against Employee.[5] In its brief, Agency argued that as an Educational Aide, Employee was required to exercise appropriate judgment both on and off duty. It asserted that it had cause to remove Employee because he was arrested, charged with a criminal offense, struck and killed a pedestrian, left the scene of an accident, admitted to drinking before the accident, and failed to report his arrest to Agency. Finally, Agency opined that the *Douglas*[6] factors were properly considered in reaching its decision to terminate Employee. Therefore, it requested that its removal action be upheld.[7]

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[3] *Id.* at 14-20.
[4] *District of Columbia Public Schools' Answer to Employee's Petition for Appeal*, p. 1-2 (November 6, 2023).
[5] *Post Conference Order* (July 26, 2024).
[6] The standard for assessing the appropriateness of a penalty was established by the Merit Systems Protection Board ("MSPB") in *Douglas v. Veterans Administration*, 5 M.S.P.B. 313 (1981). The *Douglas* factors provide that an agency should consider the following when determining the penalty of adverse action matters:

> 1) the nature and seriousness of the offense, and its relation to the employee's duties, position, and responsibilities including whether the offense was intentional or technical or inadvertent, or was committed maliciously or for gain, or was frequently repeated;
> 2) the employee's job level and type of employment, including supervisory or fiduciary role, contacts with the public, and prominence of the position;
> 3) the employee's past disciplinary record;
> 4) the employee's past work record, including length of service, performance on the job, ability to get along with fellow workers, and dependability;
> 5) the effect of the offense upon the employee's ability to perform at a satisfactory level and its effect upon supervisors' confidence in employee's ability to perform assigned duties;
> 6) consistency of the penalty with those imposed upon other employees for the same or similar offenses.
> 7) consistency of the penalty with any applicable agency table of penalties;
> 8) the notoriety of the offense or its impact upon the reputation of the agency;
> 9) the clarity with which the employee was on notice of any rules that were violated in committing the offense, or had been warned about the conduct in question;
> 10) potential for the employee's rehabilitation;
> 11) mitigating circumstances surrounding the offense such as unusual job tensions, personality problems, mental impairment, harassment, or bad faith, malice, or provocation on the part of others involved in the matter; and
> 12) the adequacy and effectiveness of alternative sanctions to deter such conduct.

[7] *District of Columbia Public Schools' Legal Brief*, p. 4-8 (August 20, 2024).

In his brief, Employee maintained that Agency did not have cause to terminate him. He argued that the criminal charges were dismissed by a District of Columbia Superior Court Judge, and thus, his removal action should be reversed because he was not indicted as Agency alleged. Additionally, Employee argued that Agency did not offer any evidence showing a nexus between his conduct and the efficiency of him performing his job. He also asserted that the *Douglas* factors warranted the reversal of Agency's removal action.[8]

In his Initial Decision, the AJ found that there must be a nexus or a reasonable connection between an employee's conduct and their ability to perform their job or the ability for an agency to perform effectively. He found that Agency failed to demonstrate a nexus and noted that Employee's arrest occurred off-site and off-duty; the crime, of which he was absolved, had no relationship to his job; there was no evidence of public notoriety regarding his alleged crime other than the limited time his arrest was in the news; and there was no evidence that his work performance or relations with his superiors or colleagues were negatively affected by Employee's arrest. The AJ also opined that Agency failed to present any evidence that Employee was indicted. Accordingly, the AJ relied on the Court of Appeals ruling in *Office of the District of Columbia Controller v. Frost*, 638 A.2d 657, 662 (D.C. 1994), which held that employees can be expected to defend only against the charges which were levied against them.[9]

Agency disagreed and filed a Petition for Review on December 23, 2024. It argues that as an Education Aide, Employee was required to exercise sound and appropriate judgment both on and off duty. Agency contends that Employee's actions surrounding his arrest were alarming and that his behavior was inconsistent with what Agency expects of its staff. It also notes that Employee advised police officers that he thought that he may have hit someone and that he was drinking prior to his arrest. Finally, Agency asserts that Employee failed to report his arrest to Agency. Thus, it requests that the OEA Board overrule the Initial Decision or remand the matter to address issues outlined and convene an evidentiary hearing.[10]

On January 27, 2025, Employee filed a response to Agency's Petition for Review. It explains that a dismissed arrest for lack of probable cause is not an indictment. Thus, as the AJ ruled, it is Employee's position that Agency failed to prove that he was indicted. As it relates to a nexus, Employee asserts that he was involved in a car accident that he did not cause and could not avoid while he was off duty. He contends that Agency's vague references to the local media story and staff discussions about Employee's arrest, do not establish a nexus. Employee also notes that Agency failed to show how his arrest and subsequent dismissed criminal case impacted its

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[8] *Employee Reply Brief in Support of Appeal of the District of Columbia Schools' (DCPS's) Unlawful Termination of His Position as a Pre-School Aide*, p. 11-22 (September 20, 2024). Agency filed a Sur-Reply on September 27, 2024. It argued that Employee was not separated pursuant to 5-E DCMR §1401.2 (m) conviction of a felony, but he was separated pursuant to 5-E DCMR § 1401.2(v), other conduct during and outside of duty hours that would affect adversely the Employee's or the Agency's ability to perform effectively. Thus, it reasoned that the dismissal of the criminal charges bore no weight on Agency's decision to terminate Employee. Additionally, Agency contended that a nexus was established between Employee's off-duty conduct and his employment with Agency. It, again, explained that as a role model to students, peers, and the community, Employee was responsible for exercising sound, reasonable, and appropriate judgment on and off duty. Finally, Agency opined that the penalty was appropriate under *Douglas*. *District of Columbia Public Schools' Sur Reply*, p. 1-3 (September 27, 2024).

[9] *Initial Decision*, p. 4-6 (November 19, 2024).

[10] *District of Columbia Public Schools' Petition for Review*, p. 3-6 (December 23, 2024).

efficiency. Consequently, Employee requests that this Board affirm the Initial Decision and order that he be reinstated with back pay and benefits and awarded attorney's fees.[11]

Substantial Evidence

According to OEA Rule 633.3(c), the Board may grant a Petition for Review when the AJ's findings are not based on substantial evidence. The Court in *Baumgartner v. Police and Firemen's Retirement and Relief Board,* 527 A.2d 313 (D.C. 1987), found that if administrative findings are supported by substantial evidence, then they must be accepted even if there is substantial evidence in the record to support a contrary finding. Substantial evidence is defined as evidence that a reasonable mind could accept as adequate to support a conclusion.[12]

Cause

OEA has held and the Superior Court for the District of Columbia and D.C. Court of Appeals have consistently affirmed, that an employee must be aware of the charges for which they are penalized to appropriately address or appeal those charges.[13] The Superior Court for the District of Columbia has held that in accordance with *D.C. Controller v. Frost*, 638 A.2d 657, 662 (D.C. 1994), an employer is required to provide an employee, against whom an adverse action is recommended, with advance written notice stating any and all causes for which the employee is charged and the reasons, specifically and in detail, for the proposed action. The Court in *Frost* also held that the purpose of requiring a specification of the details is to apprise the employee of the allegations he or she will be required to refute or the acts he or she will have to justify, thereby affording the employee a fair opportunity to oppose the proposed removal.

In the current case, Agency provided in its advanced notice that Employee "engaged in activity that led to criminal charges for a crime that bears a relationship with your position . . . ."[14] There were no other details offered in this notice which was issued prior to Agency's final notice of termination. In Agency's final notice, it provided the grounds and reason for its charge against Employee and its analysis of the *Douglas* factors. The notice provided the following:

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[11] *Employee [ ] Answer to the District of Columbia Public Schools' Petition for Review*, p. 13-29 (January 27, 2025).
[12] *Black's Law Dictionary*, Eighth Edition; *Mills v. District of Columbia Department of Employment Services*, 838 A.2d 325 (D.C. 2003); and *Black v. District of Columbia Department of Employment Services*, 801 A.2d 983 (D.C. 2002).
[13] *Employee v. D.C. Fire and Emergency Medical Services Department,* OEA Matter No. 1601-0012-24 (February 18, 2025); *Employee v. D.C. Fire and Emergency Medical Services Department,* OEA Matter No. 1601-0027-24 (July 10, 2024); *Employee v. D.C. Fire and Emergency Medical Services Department*, OEA Matter No. 1601-0050-23 (March 15, 2024); *Craig Royal v. D.C. Metropolitan Police Department and D.C. Office of Employee Appeals*, 22-CV-0220 (D.C. 2024); *Employee v. D.C. Fire and Emergency Medical Services Department*, OEA Matter No. 1601-0025-22 (June 1, 2023); *Employee v. D.C. Fire and Emergency Medical Services Department,* OEA Matter No. 1601-0060-22 (May 8, 2023); *Employee v. D.C. Fire and Emergency Medical Services*, OEA Matter No. 1601-0040-21, *Opinion and Order on Petition for Review* (January 19, 2023); *Employee v. D.C. Fire and Emergency Medical Services Department*, OEA Matter No. 1601-0046-21, *Opinion and Order on Petition for Review* (January 19, 2023); *Employee v. D.C. Department of Employment Services*, OEA Matter No. 1601-0001-20 (January 3, 2023); *Employee v. D.C. Department of Transportation*, OEA Matter No. 1601-0054-19 (January 14, 2021); *Office of the Attorney General for the District of Columbia v. D.C. Office of Employee Appeals*, 2019 CA 5286 P(MPA)(D.C. Super. Ct. July. 2, 2020); and *Sefton v. D.C. Fire and Emergency Services Department*, OEA Matter No. 1601-0109-13 (August 18, 2014).
[14] *Agency's Response to Employee's Request for Production of Documents,* Tab #8 (March 4, 2024).

The grounds and reason for your termination are as follows:

> **Grounds**: Violation of 5-E DCMR § 1401.2(v) other conduct during and outside of duty hours that would affect adversely the Employee's or Agency's ability to perform effectively.
>
> **Reasons**: On February 24, 2022, you were indicted on charges including: involuntary manslaughter. Despite not being convicted, these charges are of such a nature that they would shock the public conscience if disciplinary action were not taken, and call into question your ability to effectively perform your duties as an aide.

As the AJ correctly held, Employee was not indicted on the alleged involuntary manslaughter charge. This Board also finds that there is substantial evidence to uphold the AJ's rulings that Agency failed to demonstrate a nexus and noted that Employee's arrest occurred off-site and off-duty; the crime, of which he was absolved, had no relationship to his job; there was no evidence of public notoriety regarding his alleged crime; and there was no evidence that his work performance or relations with his superiors or colleagues were negatively affected by the arrest.

Consequently, Agency did not have cause to terminate Employee. It also failed to establish a nexus between Employee's conduct and his ability to effectively perform his duties as an aide. As a result, this Board denies Agency's Petition for Review and upholds the Initial Decision which ordered that Employee be reinstated with back pay and benefits.

ORDER

Accordingly, it is hereby **ORDERED** that Agency's Petition for Review is **DENIED**, and the Initial Decision is **UPHELD**.

FOR THE BOARD:

_____
Dionna Maria Lewis, Chair

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Arrington L. Dixon

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Lashon Adams

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Jeanne Moorehead

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Pia Winston

Either party may appeal this decision on Petition for Review to the Superior Court of the District of Columbia. To file a Petition for Review with the Superior Court, the petitioning party should consult Superior Court Civil Procedure Rules, XV. Agency Review, Rule 1.

Notice: This decision may be formally revised before it is published in the *District of Columbia Register* and the Office of Employee Appeals' website. Parties should promptly notify the Office Manager of any formal errors so that this Office can correct them before publishing the decision. This notice is not intended to provide an opportunity for a substantive challenge to the decision.

GOVERNMENT OF THE DISTRICT OF COLUMBIA

THE OFFICE OF EMPLOYEE APPEALS

In the Matter of:	)	
	)	
EMPLOYEE[1]	)	OEA Matter No. 1601-0015-20C24
Employee	)	
v.	)	
	)	Date of Issuance: May 29, 2025
D.C. PUBLIC SCHOOLS,	)	
Agency	)	
	)	

OPINION AND ORDER ON
MOTION FOR INTERLOCUTORY APPEAL

This matter was previously before the Office of Employee Appeals' ("OEA") Board. Employee was hired to work as a Teacher with D.C. Public Schools ("Agency"). According to Agency, Employee was separated in August of 2009 for performance issues. After conducting an evidentiary hearing, the AJ issued an Initial Decision on September 13, 2023, ordering that Agency reinstate Employee with back pay and benefits.[2] Agency filed a Petition for Review on October 13, 2023. The OEA Board issued its Opinion and Order on Petition for Review on January 4, 2024, upholding the Initial Decision.[3] On March 4, 2024, the Administrative Judge ("AJ") issued an Addendum Decision on Attorney's Fees and found that Employee was the prevailing party, but dismissed the attorney's fee motion without prejudice as premature, noting that Employee had not been reinstated or received back pay.[4]

[1] Employee's name was removed from this decision for the purposes of publication on the Office of Employee Appeals' website.

[2] The AJ held that Employee complied with Agency's request to provide a chest x-ray, as it related to the Tuberculosis ("TB") testing requirement. As for Employee's background check, the AJ opined that Agency prevented Employee from completing the fingerprinting and should have communicated with Employee how he could have accomplished securing his background check, even with its concerns related to Employee's suspicion of TB. The AJ held that Agency failed to provide authorization for Employee to schedule a drug test, which prevented him from efficiently completing his drug testing requirement. Consequently, the AJ ordered that Agency's termination action be reversed; that Agency reinstate Employee; and that Agency reimburse Employee all pay and benefits lost as a result of his removal. *Initial Decision*, p. 9-13 (September 13, 2023).

[3] The Board found that although there was one requirement that Employee could have completed, Agency failed to offer a range of penalties to determine the reasonableness of its termination action. Furthermore, it ruled that Agency did not provide any evidence that it considered relevant factors before terminating Employee. Accordingly, Employee was to be reinstated with back pay and benefits, as outlined in the Initial Decision. *Employee v. D.C. Public Schools,* OEA Matter No. 1601-0015-20, *Opinion and Order on Petition for Review* (January 4, 2024).

[4] *Addendum Decision on Attorney's Fees* (March 4, 2024).

Employee's counsel filed a Petition for Review on April 1, 2024.[5] Agency filed its response to Employee's petition on May 1, 2024.[6] On August 26, 2024, Employee's counsel filed a notice withdrawing his representation of Employee in this matter.[7] On September 12, 2024, the Board issued an Opinion and Order on Attorney's Fees wherein it granted Employee's Petition for Review and determined that the Motion for Attorney's Fees was ripe for review by the AJ.[8]

On November 20, 2024, the AJ issued an Addendum Decision on Remand. He held that pursuant to the Joint Stipulation Regarding Attorneys' Fees and Costs, Agency and Employee's counsels agreed to a fee award of $50,000.00. The AJ explained that the award satisfied Employee's counsel's claims for attorney's fees and costs arising out his representation of Employee in this matter. As a result, he ordered that Agency pay Employee's counsel $50,000 within thirty calendar days from the date of issuance of the Addendum Decision for legal fees and costs.[9]

On December 16, 2024, Employee filed a Motion to Compel. He argued that Agency did not file an appeal of the Initial Decision; thus, he should be reinstated and awarded back pay. Employee asserted that Agency was not in compliance with the Opinion and Order on Petition for Review that became final on February 4, 2024. Additionally, Employee submitted that that due to health issues, he sought to retire rather than return to work.[10]

Agency filed its response to Employee's Motion to Compel on December 9, 2024. It argued that Employee was given several deadlines to complete the requirements for reinstatement. However, he failed to complete the mandated requirements, and in response, Agency issued a second Notice of Termination to Employee. Agency also filed a Motion on Mitigation. It explained that District of Columbia law requires mitigation.[11]

There were several filings related to the Motion to Compel and Employee's back pay filed by both parties. On March 6, 2025, the AJ issued an order and found that the Motion for Compel would be deemed as a Petition for Enforcement. He found that an evidentiary hearing was warranted to determine whether Employee made an adequate attempt to mitigate his damages.[12] Subsequently, Employee filed a Request for Clarification of the AJ's Order. Employee contended

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[5] Employee argued that he should not be denied attorney's fees because Agency refused to implement OEA's decision; therefore, he requested that the Addendum Decision on Attorney's Fees be reversed.

[6] Agency argued that Employee's request for attorney's fees was premature. It was Agency's position that the AJ needed to resolve the issue of backpay and Employee's duty to mitigate before considering the petition for attorney's fees. *District of Columbia Public Schools' Response to Employee's Petition for Review* (May 1, 2024).

[7] *Praecipe Withdrawing Representation by Counsel* (August 26, 2024).

[8] The Board opined that because Employee terminated his counsel's representation, there would be no additional attorney's fees accrued after counsel's August 26, 2024, withdrawal. Thus, although the AJ still needed to render a decision on compliance, that portion of the case would be handled by Employee in a *pro se* posture. As a result, this Board granted Employee's Petition for Review to have the Administrative Judge render a decision on attorney's fees. *Employee v. D.C. Public Schools,* OEA Matter No. 1601-0015-20AF24, *Opinion and Order on Attorney's Fees* (September 12, 2024).

[9] *Addendum Decision on Remand*, p. 1-4 (November 20, 2024).

[10] *Motion to Compel Enforcement of Final Petition and Initial OEA Order Regarding Reinstatement, Backpay, Benefits, and Other Appropriate Relief*, p. 2-4 (December 16, 2024).

[11] *District of Columbia Public Schools' Response to Employee's Motion to Compel*, p. 1-2 (December 19, 2024).

[12] *Order* (March 6, 2025).

that he objected to the hearing on mitigation as time barred and was inconsistent with the law and underlying case law in the matter.[13] In response, Agency asserted that a hearing was warranted to determine back pay.[14]

On April 7, 2024, Employee filed what this Board considers a Motion for Interlocutory Appeal. He disagrees with allowing Agency an opportunity to conduct discovery and determine whether he mitigated his damages to seek other employment. Employee requests that no further evidence be submitted.[15] According to Employee, there has been no OEA case where an AJ reopened a matter to allow testimony on mitigation of damages, without a request from a higher court. Subsequently, the AJ issued an Order granting Employee's Motion for Interlocutory Appeal, referring the matter to the OEA Board for consideration.[16]

Employee filed an Amended Interlocutory Appeal on April 22, 2025.[17] He argues that the AJ cannot reopen a matter after the Initial Decision was issued. Employee contends that the AJ violated OEA Rule 632.2, which provide that once the record is closed, no additional evidence or argument shall be accepted into the record unless the Administrative Judge reopens the record pursuant to OEA Rule 633.1. Additionally, he argues that OEA lacks jurisdiction over the issue of mitigation. Therefore, Employee requests that he receive back pay and that he be allowed to retire in lieu of reinstatement, as a result of his declining health.[18]

On May 2, 2025, Agency filed its Response to Employee's Interlocutory Appeal. It asserts that OEA does have jurisdiction over mitigation. Agency maintains that Employee has not properly mitigated his damages as required under the District of Columbia Municipal Regulations ("DCMR"). As a result, it requests that the outstanding back pay issue be addressed, and the Interlocutory Appeal be dismissed.[19]

The AJ issued an Amended Order Regarding Employee's Motion for Certification of an Interlocutory Appeal and Motion for Stay on May 13, 2025. He granted Employee's Interlocutory Appeal Motion and rescinded his original Order Regarding Employee's Motion for Certification of an Interlocutory Appeal and Motion for Stay with the instant Order. Accordingly, the matter was referred to the OEA Board for consideration of claims made in Employee's Interlocutory Appeal Motion.[20]

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[13] *Request for Clarification of Order in [Employee] v. DCPS* (March 14, 2025).
[14] *District of Columbia Public Schools' Response to Employee's Letter* (March 21, 2025).
[15] *Employee's Amended Motion to Appeal to OEA Board Decision by Senior ALJ Robinson on March 6, 2025, to Reopen Case and Allow New Evidence of Failure to Argue Mitigation, Deny Mitigation and Order Enforcement of Award,* p. 2-6 (April 7, 2024).
[16] *Order Regarding Employee's Motion for Certification of an Interlocutory Appeal and Motion for Stay* (April 14, 2025).
[17] Prior to the Amended Interlocutory Appeal, Employee filed a Petition for Review. In his petition, Employee presents many of the same arguments made in his Amended Interlocutory Appeal. *Employee's Petition for Review*, p. 2-8 (April 11, 2025).
[18] *Amended Addendum [Interl]ocutory Appeal*, p. 5-9 (April 22, 2025).
[19] *District of Columbia Public Schools' Response to Employee's Interlocutory Appeal*, p. 3-4 (May 2, 2025).
[20] *Amended Order Regarding Employee's Motion for Certification of an Interlocutory Appeal and Motion for Stay* (May 13, 2025).

OEA Rule 633 outlines that specific times when an Administrative Judge may re-open the record. OEA Rule 633.2 provides that "[t]he jurisdiction of an Administrative Judge terminates upon issuance of the Initial Decision; [p]rovided, that the Administrative Judge shall retain jurisdiction over the appeal to the limited extent necessary to . . . process any petition for enforcement." As it relates to compliance and enforcement, OEA Rule 640.8 provides that "[t]he Administrative Judge shall take all necessary action to determine whether the final decision is being complied with and shall issue a written opinion on the matter." Therefore, the AJ may re-open the record and take necessary actions to determine compliance matters.

Contrary to Employee's position, OEA Administrative Judges have held evidentiary hearings for the limited purpose of ruling on compliance matters related to back pay and benefits.[21] Moreover, the Superior Court for the District of Columbia in *George Walker v. Office of the Chief Information Technology Officer,* 2021 CA 2406 P(MPA)(D.C. Super. Ct. January 3, 2022), held that there was no clear error of law by allowing the Administrative Judge to consider further evidence regarding a mitigation defense. Similarly, the Superior Court ruled in *Andrew Johnson v. D.C. Public Schools,* 2022 CA 000506 P(MPA)(D.C. Super. Ct. June 8, 2023), that OEA properly held an evidentiary hearing on back pay and the employee's mitigation efforts to properly determine the amount of back pay to which an employee is entitled.

OEA has historically relied on the holding by the D.C. Court of Appeals in *Wisconsin Avenue Nursing Home v. D.C. Commission on Human Rights*, 527 A.2d 282 (D.C. 1987), which ruled that an employee who was improperly discharged must exercise reasonable diligence in seeking alternative employment, also referred to as mitigating damages.[22] The OEA Board noted in *Employee v. D.C. Public Schools*, OEA Matter No. 1601-0215-11R18R20C21, *Opinion and Order on Petition for Review* (December 17, 2021) that once an employee establishes the amount of back pay they are entitled to receive, the burden shifts to the employer to prove what the employee could have earned by the exercise of reasonable diligence. Moreover, the D.C. Court of Appeals in *George Walker v. Office of the Chief Technology Officer*, 127 A.3d 524 (D.C. 2015), held that Agency has the burden of proof as to whether Employee reasonably attempted to mitigate their damages. The D.C. Court of Appeals further reasoned in *Howard University v. Lacy*, 828 A.2d 733 (D.C. 2003), that an employer may satisfy this burden by showing the employee's failure to take reasonable efforts to mitigate damages by finding alternative employment. Thus, the AJ can conduct a hearing for the limited purpose of determining compliance related to back p

[21] *Employee v. D.C. Public Schools*, OEA Matter No. 1601-0215-11R18R20C21, *Opinion and Order on Petition for Review* (December 17, 2021); *Richard Hunt v. District of Columbia General Hospital*, OEA Matter No. 2401-0172-95X-C10 (November 5, 2012) and *Employee v. Office of the Chief Technology Officer,* OEA Matter No. 1601-0046-97R09R16, *OEA Hearing Transcripts* (July 27, 2011) and (July 29, 2011).

[22] *Employee v. D.C. Public Schools*, OEA Matter No. 1601-0215-11R18R20C21, *Opinion and Order on Petition for Review* (December 17, 2021); *Employee v. Office of the Chief Technology Officer*, OEA Matter No. 1601-0046-97R09R16, *Third Opinion and Order on Petition for Review* (June 17, 2021); and *Richard Hunt v. District of Columbia General Hospital*, OEA Matter No. 2401-0172-95X-C10 (November 5, 2012).

including the mitigation of damages. As a result, Employee's Motion on Interlocutory Appeal is denied, and this matter is remanded to the AJ to determine Agency's compliance in this case.

ORDER

Accordingly, it is hereby **ORDERED** that Employee's Interlocutory Appeal is **DENIED**, and the matter is **REMANDED** to the Administrative Judge.

FOR THE BOARD:

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Dionna Maria Lewis, Chair

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Arrington L. Dixon

_____
Lashon Adams

_____
Jeanne Moorehead

_____
Pia Winston

Either party may appeal this decision on Petition for Review to the Superior Court of the District of Columbia. To file a Petition for Review with the Superior Court, the petitioning party should consult Superior Court Civil Procedure Rules, XV. Agency Review, Rule 1.

Notice: This decision may be formally revised before it is published in the *District of Columbia Register* and the Office of Employee Appeals' website. Parties should promptly notify the Office Manager of any formal errors so that this Office can correct them before publishing the decision. This notice is not intended to provide an opportunity for a substantive challenge to the decision.

GOVERNMENT OF THE DISTRICT OF COLUMBIA

THE OFFICE OF EMPLOYEE APPEALS

In the Matter of:	)	
	)	
EMPLOYEE[1],	)	
Employee	)	OEA Matter No. 1601-0019-25
	)	
v.	)	Date of Issuance: May 6, 2025
	)	
D.C. OFFICE OF THE CHIEF TECHNOLOGY OFFICER,	)	MICHELLE R. HARRIS, ESQ. Senior Administrative Judge
Agency	)	
	)	

Employee, *Pro Se*
Victor Regal, Esq., Agency Representative

INITIAL DECISION

INTRODUCTION AND PROCEDURAL HISTORY

On January 14, 2025, Employee filed a Petition for Appeal with the Office of Employee Appeals ("OEA" or "Office") contesting the D.C. Office of the Chief Technology Officer's ("Agency" or "OCTO") action to place him on Enforced Leave effective January 9, 2025. On January 14, 2025, OEA issued a letter requesting that Agency file an Answer by February 13, 2025. Agency filed its Answer to Employee's Petition for Appeal on February 13, 2025. This matter was assigned to the undersigned on February 14, 2025. On February 18, 2025, I issued an Order Convening a Prehearing Conference for March 19, 2025, virtually via WebEx. Prehearing Statements were due on or before March 12, 2025. Agency submitted its Prehearing Statement as required, however, Employee failed to submit his statement. On March 19, 2025, both parties appeared for the Prehearing Conference as required. Employee explained during the conference that while he had received the email with the WebEx notice and access, he did not receive the February 18, 2025 Order and that was why he did not submit a Prehearing Statement. During the Prehearing Conference, both parties provided oral statements regarding their positions in this matter. The undersigned accepted Employee's oral statement in lieu of the submission of the Prehearing Statement. Upon review of the parties' submissions and record to date, as well as the parties' statements provided during the Prehearing Conference, the undersigned determined that briefs were warranted.

[1] Employee's name was removed from this decision for the purposes of publication on the Office of Employee Appeals' website.

During the Prehearing Conference, the undersigned noted that Agency could elect to rely on its previously submitted Answer and Prehearing Statement in lieu of brief but would retain the option to submit a sur-reply brief. Employee confirmed his receipt of both the Agency Answer and the Agency Prehearing Statement. On March 19, 2025, I issued a Post Prehearing Conference Order requiring the parties to submit briefs in this matter. The March 19, 2025 Order required Employee to submit a responsive brief by April 9, 2025. Agency had the option to submit a sur-reply brief by April 21, 2025. Employee submitted his brief as required. On April 21, 2025, Agency, by and through email correspondence, cited that it would not elect to file a sur-reply brief and would rely upon its previously submitted filings. Considering the parties' arguments as presented in their submissions to this Office, I have determined that an Evidentiary Hearing is not required. The record is now closed.

JURISDICTION

The Office has jurisdiction in this matter pursuant to D.C. Official Code § 1-606.03 (2001).

ISSUES

1. Whether Agency had cause to take adverse action against Employee; and
2. If so, whether the penalty of Enforced Leave was appropriate under the circumstances and administered in accordance with all applicable laws, rules and regulations.

BURDEN OF PROOF

OEA Rule § 631.1, 6-B District of Columbia Municipal Regulations ("DCMR") Ch. 600, et seq (December 27, 2021) states:

> The burden of proof for material issues of fact shall be by a preponderance of the evidence. "Preponderance of the evidence" shall mean:
>
> > the degree of relevant evidence that a reasonable person, considering the record as a whole, would accept as sufficient to find that a contested fact is more likely to be true than untrue.[2]

OEA Rule § 631.2 *id.* states:

> For appeals filed under § 604.1, the employee shall have the burden of proof as to issues of jurisdiction, including timeliness of filing. The agency shall have the burden of proof as to all other issues.

[2] OEA Rule § 699.1.

FINDINGS OF FACT, ANALYSIS AND CONCLUSIONS OF LAW

Employee is an Information Technology Specialist and has been with Agency for approximately 15 years. The following is a relevant timeline narrative leading up to Employee's filing of his Petition for Appeal on January 14, 2025:

> "On or about November 19, 2024, after Employee failed to show up for work, OCTO became aware that he had been apprehended and arrested as a fugitive in connection with a criminal case in Maryland. On November 1, 2024, in *State of Maryland v. [Employee]*, the District Court of Maryland for Montgomery County issued a warrant for Employee's arrest on four felony charges: Rape First Degree, Rape Second Degree, Assault First Degree and Assault Second Degree. On November 14, 2024, a charge was filed against [Employee] in the District of Columbia Superior Court for a single count of Fugitive from Justice."[3] On December 5, 2024, Agency issued a Proposed Notice which advised Employee of the intent to place him on enforced leave because "OCTO had received reliable evidence that he had been indicted on, arrested for, charged with or convicted of a felony charge…"[4] On December 12, 2024, in the Circuit Court for Montgomery County, a grand jury returned an indictment against [Employee] for two felony counts of Rape Second Degree and two felony counts of Sex Offense Third Degree."[5] A final notice dated January 9, 2025, cited that Agency had determined that it would place Employee on Enforced Leave effective January 9, 2025.

Jurisdiction

This Office's jurisdiction is conferred upon it by law and was initially established by the District of Columbia Comprehensive Merit Personnel Act of 1978 ("CMPA"), D.C. Official Code §1-601-01, *et seq.* (2001). It was amended by the Omnibus Personnel Reform Amendment Act of 1998 ("OPRAA"), D.C. Law 12-124, which took effect on October 21, 1998. Both the CMPA and OPRAA confer jurisdiction on this Office to hear appeals, with some exceptions. According to 6-B of the District of Columbia Municipal Regulation ("DCMR") § 604.1[6], this Office has jurisdiction in matters involving District government employees appealing a final agency decision affecting:

(a) A performance rating resulting in removal;
(b) An adverse action for cause that results in removal, reduction in grade, or suspension for 10 days or more; or
(c) A reduction-in-force; or
(d) *A placement on enforced leave for ten (10) days or more*.

Agency's Position

[3] Agency's Prehearing Statement at Page 1-2 (March 13, 2025).
[4] *Id*. at Page 2.
[5] *Id.*
[6] *See also.* Chapter 6, §604.1 of the District Personnel Manual ("DPM") and OEA Rules.

Agency asserts that its actions of placing Employee on enforced leave were warranted and appropriate following Employee's arrest and subsequent felony charges. Further, Agency maintains that it followed all applicable laws, rules and regulations and that its action of placing Employee on enforced leave was for cause and warranted in the circumstances. Agency asserts that "on or about November 19, 2024, after [Employee] failed to show up for work, OCTO became aware that he had been apprehended and arrested as a fugitive in connection with a criminal case in Maryland."[7] Agency further notes that "[o]n November 1, 2024, in *State of Maryland v [Employee]*, the District Court of Maryland issued a warrant for [Employee's] arrest on four felony charges: Rape First Degree, Rape Second Degree, Assault-First Degree and Assault-Second Degree."[8] Agency cites that on November 14, 2024, "a charge was filed against [Employee] in the District of Columbia Superior Court for a single count of Fugitive from Justice."[9] After Employee's arrest on November 19, 2024, Agency asserts that Employee remained in custody until bail. Agency also avers that a condition of Employee's release was that he have no contact with minors.[10]

Agency asserts that "in a letter dated December 5, 2024, [Employee's] supervisor, Carmen Mirabile, notified him of OCTO's intent to place him on enforced leave pursuant to DPM §1617.3 (c),because OCTO had obtained reliable evidence that he had been indicted on, arrested for, charged with or convicted of a felony charge."[11] Further, Agency maintains that this "notification informed [Employee] of his right to submit a written response to OCTO Deputy Director Henry Lofton within two calendar days."[12] Agency further avers that this notice was served on Employee on December 7, 2024, and that Mr. Lofton did not receive a response. Agency further cites that on "December 12, 2024, in the Circuit Court for Montgomery County, a grand jury returned an indictment against [Employee] for two felony counts of Rape Second Degree and two felony counts of Sex Offense Third Degree."[13] Agency explains that on January 9, 2025 "Mr. Lofton as the deciding official, notified [Employee] of his decision to place [Employee] on enforced leave, effective the same day, pending a final decision on any following corrective or adverse action."[14] Agency further notes that Employee's trial in Maryland is currently scheduled for May 19, 2025.[15]

Agency maintains that its actions were in accordance with the DPM. Specifically, Agency asserts that "per DCMR §1617.3 9 (c), an agency may place an employee on enforced leave when there is reliable evidence that he or she…has been indicted on, arrested for, charged with or convicted of a felony charge (including conviction following a plea of nolo contendere)."[16] Agency argues that "Maryland's court records make it indisputably clear that a warrant was issued for [Employee's] arrest, and he was subsequently arrested on that warrant for four felony sex crimes."[17] Because of this, Agency maintains that it was "legally within OCTO's discretion to

[7] Agency Answer at Page 1 (February 13, 2025).
[8] *Id*. Agency also references Pages 26-27 which include a copy of the District Court of Maryland for Montgomery County Arrest Warrant and Statement of Charges.
[9] *Id*. at Page 2.
[10] *Id*.
[11] Agency's Prehearing Statement at Page 1 (March13, 2025).
[12] *Id.*
[13] *Id*. *See also*, Agency Answer.
[14] *Id*.
[15] *Id.*
[16] *Id.* at Page 3.
[17] *Id.*

place [Employee] on enforced leave." Agency also avers that it complied with the requirements of "DCMR §1617.7" in that it "provided Employee with a notice of the proposed enforced leave action, and in that same notification, it provided him the opportunity to respond in writing."[18] Additionally, Agency avers that Employee "concedes that he was both arrested and charged criminally." Agency further asserts that "[i]n doing so, [Employee] also concedes OCTO's legal basis for placing him on enforced leave."[19] Agency maintains that given the nature and circumstances of the charges Employee is facing, as well as his directive of non-contact with minors; Employee's "presence at OCTO would be unworkable and inappropriate." Agency asserts that there are times where children are present in its building and there is a public art gallery as well.[20]

Agency also avers that the "Table of Illustrative Actions recommends only one course of action for DC employees charged with felonies: enforced leave pending criminal prosecution. 6B DCMR § 1607.2(a)(3)."[21] Agency maintains that this is exactly what it has done in this matter. Agency further explains that "given the sensitivity of this particular case, the implications of the court order, and OCTO's duty to act responsibly in the public interest, there is only one prudent course of action here: OCTO must await the conclusion of the criminal case and then make a decision on an adverse or corrective action."[22] Agency acknowledges that although Employee "evidently disagrees with this use of OCTO's discretion within its business judgment, that disagreement in no way diminishes OCTO's ability or authority to place him on enforced leave."[23] As a result, Agency avers that its action was warranted and that it complied with all applicable polices, procedures and regulations in its administration of the enforced leave action.

Employee's Position

Employee argues that Agency's action of Enforced Leave is unwarranted in his matter. Employee asserts that he has "proudly served the DC Government for over 25 years – 10 years with DC Public Schools, as a computer teacher and nearly 15 years with OCTO."[24] Employee asserts that while Agency raises concerns about the "Maryland Judge's order regarding children [he] wants to clarify that where he currently resides there are many families with children that he does not interact with" and that "even before the charges in Maryland, [his] interactions with children at OCTO's 200 I Street SE building were virtually nonexistent."[25] Employee asserts that the charges in Maryland "are of a personal nature and have no bearing on [his] ability to fulfill [his] professional responsibilities." Employee further maintains that his performance has been "stellar" at Agency and that he is well regarded among his colleagues. Employee further argues that Agency's action of Enforced Leave is a burden and also double jeopardy. Employee avers that "preventing [him] from working and receiving wages during this time imposes an additional and

[18] *Id.*
[19] *Id.*
[20] *Id.* at Page 4.
[21] *Id.*
[22] *Id.*
[23] *Id.* at Page 3.
[24] Employee Response to OCTO's Decision for Enforced Leave (April 7, 2025). It should be noted that Employee's April 7, 2025, response was presented in two parts of the same submission. The first was titled as "Response to OCTO's Statement of the Factual Background", and the second was "Response to OCTO's Decision for Enforced Leave." For ease of reference, this Initial Decision will reference both statements as presented.
[25] *Id.*

significant burden on [him]." Further, he argues that this action "penalizes [him] due to circumstances unrelated to [his] professional role and is, in essence, akin to double jeopardy." Employee notes that as of the date of the submission of his response, his annual leave hours at Agency were depleted.[26]

Further, Employee asserts that he was arrested by the U.S. Marshals on the morning of November 13, 2024, while in route to OCTO headquarters and that he was released on bail on November 21, 2024.[27] Employee also explains that "due to his arrest, the U.S. Marshals confiscated [his] keys, including his mailbox key." To this end, Employee asserts that he received the December 5, 2024 letter ("December 5th Letter") on December 12, 2024. Employee also cites that the December 5th letter also "outlined Proposed Enforced Action set to begin December 16th." However, Employee asserts that Agency "began involuntarily deducting from his accrued annual leave hours on December 16th."[28] Employee also avers that the language used by Agency in its pleadings, specifically the word "lure" to describe events leading to a child's presence in his home is "factually incorrect and defamatory."[29] Employee further notes that this language was not used in any of the "Maryland court documents." Employee also argues that he received the Final Agency action dated January 9, 2025, on January 14, 2025, but reiterates that Agency had been deducting his leave hours since December 16, 2024.[30]

Employee also proposes that he be reinstated to work remotely "until [his] Maryland case reaches a conclusion." Employee avers that OCTO has "previously implemented special arrangements allowing employees to work remotely, including from locations outside the continental United States, for extended periods."[31] Employee cites that his role can be performed remotely in its entirety and that there are no operational necessities that warrant his physical presence at the office. As a result, Employee maintains that Agency's "discretionary action to place [him] on enforced leave is unwarranted" and that alternatives should be considered.[32]

ANALYSIS

In the instant matter, I find that Agency had cause for its action of placing Employee on Enforced Leave. Pursuant to 6B DCMR 1617.3(c), an agency can place an employee on enforced leave when they have been indicted, arrested or convicted with a felony charge (including conviction following a plea of nolo contendere). Here, the record is clear that Employee was arrested and later indicted for four (4) felony charges in the State of Maryland. This is evinced in the record not only by the District Court of Maryland for Montgomery County's initial arrest affidavit but is also found in subsequent records in both the District Court of Maryland for Montgomery County and the Circuit Court of Maryland for Montgomery County. These alone would be sufficient to rely upon regarding evidence of proof of an arrest and/or indictment. That said, Employee has also attested to his arrest, albeit he maintains these charges are of a personal nature that have no bearing on his work. As a result, I find that both the arrest affidavit and

[26] *Id.*
[27] Employee Response to OCTO's Statement of the Factual Background (April 7, 2025).
[28] *Id.*
[29] *Id.*
[30] *Id.*
[31] Employee's Response to OCTO's Decision for Enforced Leave (April 7, 2025).
[32] *Id.*

Employee's own admission of his arrest could be relied upon in administering the action of Enforced Leave. Accordingly, I find that it is undisputed that Employee was charged with two (2) counts of Rape in the Second Degree and two (2) counts of Sex Offense in the Third Degree, all of which are felony charges.[33]

Employee's arguments regarding alternatives like remote work and depletion of his annual leave are not relevant to Agency's discretion in levying the charge of Enforced Leave. I further find that Employee's arguments regarding Agency's decision to place him on Enforced Leave are also insufficient to warrant an alternative penalty, as Agency has the discretionary authority in determining penalties. OEA has consistently held that "the primary responsibility for managing and disciplining Agency's work force is a matter entrusted to the Agency, not this Office."[34] Therefore when assessing the appropriateness of a penalty, this Office is not to substitute its judgment for that of the Agency but is simply to ensure that "managerial discretion has been legitimately invoked and properly exercised." Specifically, OEA held in *Love v. Department of Corrections*, OEA Matter No. 1601-0034-08R11 (August 10, 2011), that selection of a penalty is a management prerogative that is not subject to the exercise of discretionary disagreement by this Office.[35] Accordingly, because Employee was arrested for and charged with felonies, I find that pursuant to 6B DCMR 1617.3, Agency has the authority to administer the enforced leave action on Employee. Accordingly, I further find that Agency's actions were for cause and were conducted in accordance with all applicable laws, rules and regulations. As a result, I conclude that Agency's action should be upheld.

ORDER

It is hereby **ORDERED** that Agency's action of placing Employee on Enforced Leave is **UPHELD**.

FOR THE OFFICE:

/s/ Michelle R. Harris
MICHELLE R. HARRIS, Esq.
Senior Administrative Judge

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[33] *Id.*

[34] *See. Huntley v. Metropolitan Police Department*, OEA Matter No. 1601-0111-91, *Opinion and Order on Petition for Review* (March 18, 1994); *Hutchinson v. District of Columbia Fire Department*, OEA Matter no. 1601-0119-90, *Opinion and Order on Petition for Review* (July 2, 1994).

[35] *Love* also provided the following:

> [OEA's] role in this process is not to insist that the balance be struck precisely where the [OEA] would choose to strike it if the [OEA] were in the agency's shoes in the first instance; such an approach would fail to accord proper deference to the agency's primary discretion in managing its workforce. Rather, the [OEA's] review of an agency-imposed penalty is essentially to assure that the agency did conscientiously consider the relevant factors and did strike a responsible balance within tolerable limits of reasonableness. Only if the [OEA] finds that the agency failed to weigh the relevant factors, or that the agency's judgment clearly exceeded the limits of reasonableness, it is appropriate for the [OEA] then to specify how the agency's decision should be corrected to bring the penalty within the parameters of reasonableness. (Citing *Douglas v. Veterans Administration,* 5 M.S.P.R. 313, 5 M.S.P.R. 280 (1981)).

Notice: This decision may be formally revised before it is published in the *District of Columbia Register* and the Office of Employee Appeals' website. Parties should promptly notify the Office Manager of any formal errors so that this Office can correct them before publishing the decision. This notice is not intended to provide an opportunity for a substantive challenge to the decision.

GOVERNMENT OF THE DISTRICT OF COLUMBIA

THE OFFICE OF EMPLOYEE APPEALS

In the Matter of:	)	
	)	
EMPLOYEE[1]	)	
Employee	)	OEA Matter No.: 1601-0041-24
v.	)	
	)	Date of Issuance: May 29, 2025
D.C. FIRE & EMERGENCY MEDICAL SERVICES,	)	
Agency	)	
	)	

OPINION AND ORDER
ON
PETITION FOR REVIEW

Employee worked as a Firefighter Paramedic with the D.C. Fire & Emergency Medical Services Department ("Agency"). On June 16, 2023, Agency issued an Initial Written Notification charging Employee with violation of D.C. Code § 7–2341.05 (Emergency Medical Services Personnel: Certification Required); Order Book Article XXIV, Section 3 (Certification and Credential Requirements); Bulletin No. 83 (NREMT Certification Policy); and Position Description (FS–0081–01).[2] The charges were based on the Department of Health's ("DOH") revocation of Employee's certification to work as an Emergency Medical Services ("EMS") provider with Agency, which was required of his position description. On January 17, 2024, Employee appeared before a Fire Trial Board ("Trial Board") wherein he was found guilty of the violations levied against him. On February 26, 2024, the Fire Chief accepted the Trial Board's recommendation of termination. The effective date of Employee's termination was March 9, 2024.[3]

Employee filed a Petition for Appeal with the Office of Employee Appeals ("OEA") on April 8, 2024. He argued that he completed remedial paramedic training as instructed by his

[1] Employee's name was removed from this decision for the purposes of publication on the Office of Employee Appeals' website.
[2] Each of the violations levied against Employee were contained within Charge No. 1, Specification No. 1 of Agency's notice. The notice further described the misconduct as cause defined in Order Book Article VII, § 2(f)(3), which states: "[a]ny on-duty or employment-related act or omission that interferes with the efficiency or integrity of government operations, to include: Neglect of Duty."
[3] *Agency's Answer to Petition for Appeal* (May 8, 2024).

supervisor; Agency retaliated against him; and the remediation program was arbitrary and unfair. Employee also submitted that his paramedic credentials never lapsed with the Department of American Medical Response ("AMR").[4] Therefore, he requested that he be reinstated with back pay and benefits lost as a result of his removal.[5]

Agency filed its answer on May 8, 2024. According to Agency, the record established that its medical director withdrew sponsorship of Employee's paramedic credentials to work as a provider which, in turn, prompted DOH to issue a Notice of Summary Revocation of EMS Certification pursuant to Chapter 29, Section 563 of the D.C. Municipal Regulations ("DCMR"). It clarified that the continuing sponsorship of AMR's medical director only authorized Employee to continue working as a provider for AMR, not as a provider with Agency. Thus, it reasoned that substantial evidence existed to support Employee's termination. Finally, Agency submitted that Employee's misconduct warranted termination based on an assessment of the *Douglas* factors.[6] As a result, it requested that the disciplinary action be upheld.[7]

During a June 11, 2024, status conference, the Administrative Judge ("AJ") determined that the holding in *Pinkard v. Metropolitan Police Department*, 801 A.2d 86 (D.C. 2006), precluded a *de novo* hearing.[8] Accordingly, the parties were ordered to submit written briefs addressing whether Agency's termination action was supported by substantial evidence; whether Agency committed a harmful procedural error; and whether Employee's termination was taken in accordance with all applicable laws, rules, and regulations.[9]

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[4] AMR is a separate emergency medical services provider from D.C. Fire & Emergency Medical Services.
[5] *Petition for Appeal* (April 8, 2024).
[6] *Douglas v. Veterans Administration*, 5 M.S.P.B. 313 (1981). The *Douglas* factors provide that an agency should consider the following when determining the penalty of adverse action matters: 1) the nature and seriousness of the offense, and it's relation to the employee's duties, position, and responsibilities including whether the offense was intentional or technical or inadvertent, or was committed maliciously or for gain, or was frequently repeated; 2) the employee's job level and type of employment, including supervisory or fiduciary role, contacts with the public, and prominence of the position; 3) the employee's past disciplinary record; 4) the employee's past work record, including length of service, performance on the job, ability to get along with fellow workers, and dependability; 5) the effect of the offense upon the employee's ability to perform at a satisfactory level and its effect upon supervisors' confidence in employee's ability to perform assigned duties; 6) consistency of the penalty with those imposed upon other employees for the same or similar offenses; 7) consistency of the penalty with any applicable agency table of penalties; 8) the notoriety of the offense or its impact upon the reputation of the agency; 9) the clarity with which the employee was on notice of any rules that were violated in committing the offense, or had been warned about the conduct in question; 10) potential for the employee's rehabilitation; 11) mitigating circumstances surrounding the offense such as unusual job tensions, personality problems, mental impairment, harassment, or bad faith, malice or provocation on the part of others involved in the matter; and 12) the adequacy and effectiveness of alternative sanctions to deter such conduct in the future by the employee or others.
[7] *Agency's Answer to Petition for Appeal* (May 8, 2024).
[8] Under the holding in *Pinkard*, this Office may not conduct a *de novo* hearing in an appeal but must base its decision solely on the record below, when all of the following conditions are met: the appellant is an employee of the Metropolitan Police Department or the D.C. Fire & Emergency Medical Services Department; the employee has been subjected to an adverse action; the employee is a member of a bargaining unit covered by a collective bargaining agreement; the collective bargaining agreement contains language essentially the same as that found in *Pinkard*; and at the agency level, the employee appeared before a Trial Board that conducted an evidentiary hearing, made findings of fact and conclusions of law, and recommended a course of action to the deciding official that resulted in an adverse action being taken against Employee.
[9] *Post-Status Conference Order* (June 13, 2024).

In its brief, Agency explained that under the Emergency Medical Servies Act of 2008 and its implementing regulations, Employee could only serve as a paramedic under the sponsorship of its medical director. Agency stated that on May 10, 2022, Director Robert P. Holman, M.D., issued a Notice of Advance Life Support Sponsorship Withdrawal to the Chief Medical Officer of the Health Emergency Preparedness and Response Administration ("HEPRA"). The withdrawal notice was based on five patient care incidents wherein Agency determined that Employee provided substandard care; Agency's attempts to remediate Employee's deficient care; Employee's performance during remediation; and Dr. Holman's interview with Employee following remediation. Therefore, Agency posited that Employee violated Article XXIV, Section 3, Subparts 3 and 5 of the Department's Order Book and D.C. Code §§ 7-2341.05 and 7-2341.15 because his sponsorship as a paramedic was withdrawn.[10]

Next, Agency submitted that any procedural error it may have committed was harmless. Moreover, it noted that Employee's only recourse to appeal the revocation of his sponsorship withdrawal was by way of appeal to the Office of Administrative Hearings ("OAH"). Finally, it claimed that the penalty of removal was appropriate based on the holding in *Stokes v. District of Columbia*[11] and an assessment of the *Douglas* factors. Since Agency believed that there was no meaningful remedy that could be provided to Employee regarding his sponsorship status, it requested that the termination action be upheld.[12]

In response, Employee argued that he always maintained a valid DOH card to act as an EMS provider in the District of Columbia; his license never lapsed; and Agency's policy only required him to have valid DOH credentials while employed with the Department. Additionally, Employee claimed that an OAH Administrative Law Judge provided that the appeal of the credentialing revocation was a "waste of time" since Employee continued to be sponsored by another EMS agency, AMR. It was Employee's position that Agency's efforts of remedial training were inadequate. Lastly, Employee believed that there were other similarly situated paramedics who were also targeted without basis. Consequently, Employee asked that he be reevaluated by Agency's new medical director, Dr. Vitberg, to determine his fitness for sponsorship as a paramedic.[13]

Agency filed a rebuttal brief on September 6, 2024. It averred that Employee was attempting to relitigate fully decided issues that were outside of OEA's jurisdiction, namely the revocation proceeding before OAH. Agency submitted that Employee made no showing of unfair treatment or inadequate training on its part. Alternatively, it suggested that even if Employee's claims regarding remedial training were truthful, the relevant statutory authority warranted his termination because his sponsorship to operate as a paramedic with Agency was withdrawn by the medical director. Agency reiterated its previous position that OEA could award no meaningful

[10] *Agency Brief* (July 8, 2024).
[11] 502 A.2d 1006, 1010 (D.C. 1985).
[12] *Agency's Brief* at p. 15. On July 31, 2024, the AJ issued Employee an Order for Statement of Good Cause because he failed to submit his brief by July 26, 2024. Agency subsequently submitted a Motion to Strike Employee's Brief on August 16, 2024. Employee then filed a rebuttal brief to Agency's motion on September 6, 2024. Agency's motion to strike was denied; however, the AJ granted Agency's request to submit a substantive brief since Employee filed his response on August 14, 2024. *See Order on Agency's Motion to Strike Employee's Brief* (August 19, 2024).
[13] *Employee's Brie*f (August 14, 2024).

remedy to Employee because this Office could not reverse a decision by the medical director as to the sponsorship of a paramedic. Thus, it renewed its request to uphold Employee's termination.[14]

The AJ issued an Initial Decision on September 25, 2024. First, she held that Agency met its burden of proof by establishing that Employee was noncompliant with D.C. Code §§ 7-2341.05 and 7-2341.15 after DOH revoked his certification to work as an EMS provider with Agency. The AJ went on to discuss that it was uncontroverted that Dr. Holman withdrew his sponsorship from Employee; Employee appealed the revocation to DOH; and the appeal was dismissed with prejudice. Since Employee could no longer work as a paramedic with Agency following the revocation, the AJ concluded that cause existed to charge Employee with neglect of duty. She noted that while Employee continued to be sponsored by another EMS agency, his ability to provide paramedic services with Agency was precluded after sponsorship was withdrawn by the medical director.[15]

Next, she found that although Agency violated Article 31, Section (B)(1) of the Collective Bargaining Agreement ("CBA") with the International Association of Firefighters ("Local 36") by issuing the Initial Written Notification in an untimely manner, the error was harmless because the procedures did not specify a consequence for the failure to act within the prescribed seventy-five-day period. The AJ further concluded that Agency properly terminated Employee based on a thorough consideration of the relevant *Douglas* factors and the Table of Illustrative Actions. Based on the foregoing, Employee's termination was upheld.[16]

Employee filed a Petition for Review with the OEA Board on October 30, 2024. He asserts that new and material evidence is available that, despite due diligence, was not available when the record was closed. Employee highlights "Case number R003848-101024 filed with the DC FOIA office"[17] which he purports to be a matter similarly situated to his. Specifically, he contends that the employee in this case also failed remediation training as a paramedic but was not terminated. Employee also disagrees with the wording of Article XXIV, Section 3, of Agency's Order Book, asserting that the AJ overreached in interpretating the language of the policy related to paramedic credentialling. Further, Employee opines that any testimony provided by Dr. Holman should not be used as substantial evidence because he provided inconsistent and inarticulate reasons for why he required remediation training as a paramedic. He submits that his route of discipline was unregulated by policy and in direct contradiction of the procedures established under the applicable CBA. Finally, Employee argues that the Initial Decision failed to address his argument of disparate treatment. As such, he asks that the Board grant his petition.[18]

Agency filed its response on December 4, 2024. It asserts that Employee's identification of a new case number is not new evidence and that he makes no compelling argument for determining that the information was not available when the record was closed by the AJ. Agency maintains that the law is clear that all Firefighter Paramedics serving in a regulated EMS agency must hold a certification sponsored by that agency's medical director. Thus, it reasons that nothing

[14] *Agency's Reply to Employee's Brief* (September 6, 2024).
[15] *Initial Decision* (September 25, 2024).
[16] *Id*.
[17] "FOIA" is short form for the Freedom of Information Act.
[18] *Employee's Petition for Review* (October 30, 2024).

within Article XXIV of the Order Book is inconsistent with the statutory and regulatory law. As it relates to the testimony provided by Dr. Holman, Agency states that OAH was the only administrative body that was permitted to question the medical director's decision to withdraw Employee's sponsorship to provide EMS services with Agency. Agency lastly proposes that the medical director retained the broad statutory authority to establish remediation training procedures for its sponsored medical professionals. Thus, it requests that Employee's petition be denied.

Substantial Evidence

OEA Rule 637.4(c) provides that a Petition for Review may be granted when findings of the Administrative Judge are not based on substantial evidence. The D.C. Court of Appeals in *Baumgartner v. Police and Firemen's Retirement and Relief Board*, 527 A.2d 313 (D.C. 1987) found that if administrative findings are supported by substantial evidence, then it must be accepted even if there is substantial evidence in the record to support a contrary finding. Substantial evidence is defined as evidence that a reasonable mind could accept as adequate to support a conclusion.[19] For the reasons discussed herein, this Board finds that the AJ's finding are based on substantial evidence in the record.

Licensing Requirements for Emergency Medical Service Providers

In 2008, the D.C. Council established the Emergency Medical Services Act of 2008 (D.C. Law 17-357 and D.C. Code §§ 7-2341.01-.29), which applies to entities providing EMS services, as well as their personnel. Under D.C. Code § 7-2341.03(h), every person performing EMS services in an EMS-regulated agency must practice under the licensure authority of the agency's medical director. In accordance with § 7-2341.05, each person performing the duties of EMS personnel in the District shall be certified. D.C. Code § 7-2341.15 goes on to provide that any certification conferred under the authority of the Act may be denied, suspended, or revoked.

Emergency Medical Services, 29 DCMR Chapter 5, establishes the procedures for certification of any EMS providers to include those serving as paramedics. To that end, 29 DCMR § 515.3 states that a provider "shall be sponsored by a District certified EMS agency" and "shall have the endorsement of the sponsoring agency's medical director." Additionally, the regulations permit that a medical director may withdraw the authorization for personnel to perform any or all patient care procedures at his or her discretion.[20] A withdrawal of sponsorship by an agency's medical director, therefore, constitutes cause for the denial, suspension, or revocation of a certification issued by DOH.[21]

Agency, an EMS provider, is regulated under both the Act and 29 DCMR Chapter 5, subsequently enacted policies consistent with the Act by way of Article XXIV of its Order Book. This Article, in addition to Agency's Bulletin No. 83, requires that any member performing EMS services maintain both NREMT and DOH certifications. Thus, all Firefighter Paramedics serving in a regulated EMS agency, including Agency, must hold a certification sponsored by that agency's medical director. If the sponsoring medical director withdraws their sponsorship from the

[19] Black's Law Dictionary, Eighth Edition; *Mills v. District of Columbia Department of Employment Services*, 838 A.2d 325 (D.C. 2003); and *Black v. District of Columbia Department of Employment Services*, 801 A.2d 983 (D.C. 2002).
[20] 29 DCMR 504.
[21] 29 DCMR § 563.17(z).

employee, they are no longer eligible to provide EMS services for that agency but may continue to be sponsored by a different agency.

This Board finds that no error was committed by the AJ in concluding that Agency established cause to institute the instant termination action. On May 10, 2022, Dr. Holman issued a Notice of Advance Life Support Sponsorship Withdrawal to Dr. Brian W. Amy, Chief Medical Officer of HEPRA. The withdrawal notice identified five incidents wherein Employee's deficient patient care was raised, as well as Agency's attempts to remediate Employee's performance as a paramedic. Of the five incidents identified, two were a result of peer review history. In those matters, Employee admitted that he was either "in the wrong" or "dropped the ball" when rendering care to patients.[22] Employee does not contest the medical director's authority or discretion to withdraw sponsorship to provide paramedic services if the employee's patient care is deemed substandard. There is also no evidence in the record to suggest that Dr. Holman's decision to withdraw his sponsorship in this case was made arbitrarily, as evidenced by the efforts undertaken by him and Agency to remediate and retain Employee.

In accordance with 29 DCMR § 563.17(z), when Employee's sponsorship was withdrawn, DOH was mandated to revoke the paramedic certification required to work under Agency's medical director. Since cause was established to revoke Employee's certification, his only recourse was to file an appeal with OAH, to which he availed himself.[23] After OAH dismissed his appeal, Employee did not request reconsideration of the decision, nor did he appeal to the D.C. Court of Appeals.[24] Employee was provided with a Trial Board hearing consistent with the CBA between Agency and Local 36. Further, he cites no statutory authority to support a finding that the Trial Board or OEA was permitted to exercise a review of Dr. Holman's decision to withdraw his sponsorship from Employee. Following Dr. Holman's withdrawal of sponsorship, Employee became noncompliant with D.C. Code § 7-2341.05 – Emergency Medical Services Personnel: Certification Required and § 7-2341.15 – Denial, Suspension, and Revocation of Licensure or Certification. The result of the withdrawal of sponsorship by Dr. Holman mandated that Employee could no longer provide paramedic services with Agency. Since Agency met its burden of proof in this matter, this Board finds that the AJ's findings are supported by substantial evidence.

New and Material Evidence

OEA Rule 637.4(a) provides that a Petition for Review may be granted when new and material evidence is available that, despite due diligence, was not available when the record closed. Employee's petition highlights "Case number R003848-101024 filed with the DC FOIA office" as a basis for reversing his termination. According to him, the employee in this matter also failed the same remedial training program but retained his employment as a paramedic. Employee failed to provide a sufficient basis for determining that this information was not available when the record was closed. Additionally, under the holding in *Pinkard supra*, the AJ was precluded from opening the record for the submission of new evidence at the appellate level. We note that a consideration

[22] *Agency's Answer* at Tab 7.
[23] *See* 29 DCMR § 564. During the status conference before OAH, the parties discussed the fact that the certification that was at issue was expired, and that Employee was still sponsored by American Medical Response. According to the notice, Employee advised OAH that he no longer wished to pursue an appeal of the revocation notice. As a result, DOH filed a Motion to Dismiss the matter, which was granted without objection.
[24] *Id*. at Tab 8.

of disparate treatment was performed at the agency level in its review of *Douglas* factor No. 6 – consistency of the penalty with those imposed upon other employees for the same or similar offenses. In its analysis, the Trial Board held that "[Employee's] recommended penalty is consistent with another member who did not maintain valid certification to provide emergency medical services for the Department."[25]

Even if this Board were to consider Employee's new submission as permissible, it is insufficient for a moving party asserting disparate treatment to simply show that other employees engaged in misconduct and that the agency was aware of it.[26] The employee must also show that the circumstances surrounding the misconduct were substantially similar to their own. Normally, in order to prove disparate treatment, the employee must demonstrate that they worked in the same organizational unit as the comparison employee(s) and that they were subject to discipline by the same supervisor, for the same offense, and within the same general time period.[27] Employee's petition fails to satisfy any of these elements; therefore, we find his purported evidence to be unpersuasive.

Order Book, Article XXIV (Certification and Credential Requirements)

Employee argues that OEA exceeded its authority by interpreting Agency's policy related to the licensing requirements established for its paramedics. At issue is Order Book Article XXIV, § 3, Certification and Credential Requirements, which provides the following:

> 2) All EMS providers, including uniformed firefighters hired on or after January 1, 1987, are required to maintain, at minimum, Emergency Medical Technician certification upon completion of training and for the duration of employment. Members who are in job classifications that require higher certifications are required to maintain those as well. It is the responsibility of the individual member to ensure that a valid EMT / EMT–I / Paramedic / CPR / ACLS card is maintained per DOH requirements.

Employee proffers that the Order Book should instead state "the member must maintain a DOH card under the Medical Director with DC FEMS in order to retain employment with DCFEMS." However, neither the AJ nor this Board is tasked with rewriting the terms of Agency and Local 36's negotiated procedures. CBAs are voluntary agreements negotiated between employers and labor unions, reflecting a mutual bargain.[28] Although unclear, it appears that Employee is contending that Article XXIV should only require that paramedics hold a certification from DOH and not a certification from DOH that is sponsored by a specific agency's medical director. However, as previously discussed, all Firefighter Paramedics employed with a regulated EMS

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[25] *Agency's Answer to Petition for Appeal* at Tab 31.

[26] *See Jordan v. Metropolitan Police Department*, OEA. Matter No. 1601-0285-95, *Opinion and Order on Petition for Review* (September 29, 1995).

[27] *Mills v. D.C. Department of Public Works*, OEA Matter No. 1601-0001-09, *Opinion and Order on Petition for Review* (December 12, 2011), citing *Manning v. Department of Corrections*, OEA Matter No. 1601-0049-04 (January 7, 2005); *Ira Bell v. Department of Human Services*, OEA Matter No. 1601-0020-03, *Opinion and Order on Petition for Review* (May 6, 2009); *Frost v. Office of D.C. Controller*, OEA Matter No. 1601-0098-86R94 (May 18, 1995); and *Hutchinson v. District of Columbia Office of Employee Appeals*, 710 A.2d 227, 236 (D.C. 1998).

[28] *D.C. Fire and Emergency Medical Services Department v. D.C. Office of Employee Appeals*, Case No. 2023-CAB-1076 (D.C. Super Ct. December 29, 2023).

agency are required to possess a valid paramedic certification sponsored by that agency. Nothing within the AJ's analysis of the applicable law is inconsistent with the reading of Article XXIV, Section 3. After sponsorship was withdrawn by Agency's medical director, Employee was statutorily precluded from operating as a paramedic with the Department. Therefore, Employee's suggestion to the contrary is inconsistent with the applicable law.

Credibility Determinations

Employee alleges that the testimony provided by Dr. Holman was inconsistent and does not meet the threshold of substantial evidence. He states that the Dr. Holman could not adequately articulate why he needed to engage in remediation training and that any complaints received about his performance should have been addressed by way of written citation to the specific protocols that were alleged to have been broken. Hence, he suggests that his testimony should be stricken.

However, the Court of Appeals in *Pinkard supra* held that "OEA, as a reviewing authority, also must generally defer to the agency's credibility determinations."[29] The only administrative body authorized to review Dr. Holman's decision to withdraw Employee's sponsorship was OAH, pursuant to 29 DCMR § 564. Employee does not contest this fact and provides no legal authority to support his argument that OEA was permitted to upset any previously established credibility determinations. Moreover, the OEA AJ did not rely on Dr. Holman's testimony as a basis for finding that Agency's termination action was supported by substantial evidence. As a result, we can find no legal authority for granting Employee's Petition for Review on this basis.

Issues Not Addressed in the Initial Decision

Employee contends that the AJ failed to address all issues of law raised on appeal. Specifically, Employee asserts that the Initial Decision did not adjudicate his claim of disparate treatment, noting that his route of discipline was unprecedented, one-of-a-kind, and unregulated by policy. He also opines that his disciplinary process was in direct violation of the CBA. According to Employee, Agency was required to first cite him with the rule or protocol violation prior to being summarily disciplined.

Contrary to Employee's assertions, the AJ adequately addressed all issues of law required under the holding in *Pinkard*. Agency also complied with Article 32, Section A of the CBA (Disciplinary Procedures/Governing Rules and Regulations). Employee was: 1) notified of the alleged infraction; 2) issued an Initial Written Notice of the charges; and 3) provided with a Trial Board hearing.[30] Moreover, D.C. Code § 7-2341.03(g), bestowed broad authority to Dr. Homan to oversee the functions of the medical professionals that he sponsored.[31] This authority logically includes the engagement of remediation efforts to correct a paramedic's performance deficiencies.

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[29] *See also Gunty v. Department of Employment Services*, 524 A.2d 1192, 1197 (D.C. 1987) and *Dell v. District of Columbia Department of Employment Services*, 499 A.2d 102, 105-106 (D.C. 1985).

[30] *See Agency's Answer* at Tab 21.

[31] D.C. Code § 7-2341.03(g) provides that "[a]n emergency medical services agency shall have a medical director. Except as provided in §§ 5-401, 5-402, 5-404, 5-404.01, and 5-407, an emergency medical services agency shall have as its medical director a physician licensed to practice medicine in the District of Columbia. The medical director shall have responsibility for medical oversight of all operations of the agency."

Employee provides no statute, regulation, or case law to support an opposing conclusion. As a result, we find that the AJ adequately addressed all issues permitted by law.

Conclusion

Based on the foregoing, this Board finds that the Initial Decision is supported by substantial evidence. Employee was in violation of D.C. Code §§ 7-2341.05 and 7-2341.15 after his sponsorship to provide EMS services was withdrawn by Dr. Holman. Since Employee could no longer provide EMS services with Agency, he was properly subject to termination. Additionally, Employee's purported new evidence does not meet the threshold established in OEA Rule 637.4(a) as a basis for granting his petition. The AJ properly interpreted Article XXIV of Agency's Order Book and Employee has provided no legal authority to support a finding that Dr. Holman's testimony was subject to review by OEA. Finally, the AJ addressed all issues required by law. Therefore, we must deny Employee's Petition for Review.

ORDER

Accordingly, it is hereby **ORDERED** that Employee's petition is **DENIED**.

FOR THE BOARD:

_____
Dionna Maria Lewis, Chair

_____
Arrington L. Dixon

_____
Jeanne Moorehead

_____
LaShon Adams

_____
Pia Winston

Either party may appeal this decision on Petition for Review to the Superior Court of the District of Columbia. To file a Petition for Review with the Superior Court, the petitioning party should consult Superior Court Civil Procedure Rules, XV. Agency Review, Rule 1.

Notice: This decision may be formally revised before it is published in the District of Columbia Register and the Office of Employee Appeals' website. Parties should promptly notify the Office Manager of any formal errors so that this Office can correct them before publishing the decision. This notice is not intended to provide an opportunity for a substantive challenge to the decision.

GOVERNMENT OF THE DISTRICT OF COLUMBIA

THE OFFICE OF EMPLOYEE APPEALS

In the Matter of:	)	
	)	
EMPLOYEE[1],	)	OEA Matter No. 1601-0050-23R25
Employee	)	
v.	)	Date of Issuance: May 30, 2025
	)	
D.C. FIRE AND EMERGENCY MEDICAL SERVICES DEPARTMENT,	)	MONICA DOHNJI, Esq.
Agency	)	Senior Administrative Judge
	)	

Employee, *Pro Se*
Jeremy Greenberg, Esq., Agency's Representative

AMENDED INITIAL DECISION ON REMAND[2]

INTRODUCTION AND PROCEDURAL HISTORY

On July 13, 2023, Employee filed a Petition for Appeal with the Office of Employee Appeals ("OEA" or "Office") contesting the District of Columbia Fire and Emergency Medical Services Department's ("Agency" or "FEMS") decision to terminate him from his position as a Firefighter/EMT effective June 24, 2023. OEA issued a Request for Agency Answer to Petition for Appeal on July 13, 2023. Agency submitted its Answer to Employee's Petition for Appeal on August 11, 2023. This matter was assigned to the undersigned on August 14, 2023.

On August 22, 2023, the undersigned issued an Order Convening a Status/Prehearing Conference in this matter for September 12, 2023. During the Status/Prehearing Conference, the undersigned was informed that an Adverse Action Panel Hearing was convened in this matter on

[1] Employee's name was removed from this decision for the purposes of publication on the Office of Employee Appeals' website

[2] This Initial Decision on remand is an amendment to the Initial Decision in the above captioned matter that was issued on April 30, 2025. Pursuant to OEA Rule 633.2, "The jurisdiction of an Administrative Judge terminates upon issuance of the Initial Decision; Provided, that *the Administrative Judge shall retain jurisdiction over the appeal to the limited extent necessary to correct the record* or transcript, rule on a request by the employee for attorney fees, or process any petition for enforcement." (Emphasis added). Per directions from the OEA General Counsel's Office, the current amended decision is being issued to correct the record, so it reflects Employee's submission and arguments in support of his position.

December 1, 2022. As such, OEA's review of this appeal was subject to the standard of review outlined in *Elton Pinkard v. D.C. Metropolitan Police Department,* 801 A.2d 86 (D.C. 2002). Thereafter, on March 15, 2024, I issued an Initial Decision ("ID") in this matter reversing Agency's decision to terminate Employee. Agency appealed the ID to OEA's Board on April 18, 2024, and on January 16, 2025, the OEA Board issued an Opinion and Order ("O&O") remanding this matter to the undersigned.[3] The OEA Board remanded this matter "to be adjudicated based on analysis of the 2012 regulations and Agency's Order Book." The OEA Board also noted that the undersigned "did not make findings related to how, or if, Employee's conduct on December 30, 2020, and March 14, 2021, adversely and materially affected, or was likely to affect, the efficiency of government operations or the performance of Employee's duties."[4]

Subsequently, on February 19, 2025, I issued an Order requiring the parties to submit written briefs addressing whether Employee's conduct on December 30, 2020, and March 14, 2021, adversely and materially affected, or was likely to affect, the efficiency of government operations or the performance of Employee's duties. Agency's brief was due by March 12, 2025; Employee's brief was due by April 2, 2025; and Agency had the option to file a sur-reply by April 18, 2025. While Agency timely filed its brief, Employee did not comply with the February 19, 2025, Order.[5] Accordingly, on April 4, 2025, the undersigned issued an Order for Statement of Good Cause wherein, Employee was ordered to explain his failure to respond to the February 19, 2025, Order. Employee had until April 18, 2025, to respond to the Statement of Good Cause Order.[6] On April 11, 2025, Employee emailed a courtesy copy of his response to the February 19, 2025, Order noting that "I will be turning the physical copy in shortly."[7] Employee filed his brief with OEA on the same day.[8] On April 15, 2025, Agency filed a Motion to Strike Employee's "Rebuttal" or alternatively, Agency's Reply Brief. As of the date of this decision, Employee has not mailed or hand-delivered his brief in compliance with OEA rules, or the February 19, 2025, and April 4, 2025, Orders. The record is now closed.

JURISDICTION

[3] *Employee v. D.C. Fire and Emergency Medical Services Department*, OEA Matter No. 1601-0050-23, Opinion and Order on Petition for Review (January 16, 2025),

[4] *Id*.

[5] The February 19, 2025, Order mailed to Employee's address on file was returned to OEA on March 3, 2025. Accordingly, a courtesy copy of the February 19, 2025, Order and a Change of Address form was emailed to Employee by OEA's administrative staff on March 4, 2025. Employee did not acknowledge receipt of the email, and he failed to provide this Office with an updated address as requested in the email. Employee was also reminded in that email that "OEA's official communication methods are by mail or hand delivery to the office. For ease of reference, see the link to the OEA rules 6B DCMR Chapter 6.pdf. Hence, the email above is a courtesy copy in light of the returned mail by USPS."

[6] The April 4, 2025, Order was returned to OEA by the USPS on April 28, 2025, as "Return to Sender. Not Deliverable as addressed. Unable to Forward."

[7] Employee's April 11, 2025, courtesy email filing was not accepted as part of the record.

[8] However, due to an administrative error at OEA, Employee's brief was not properly documented within OEA's internal system as having been filed. This triggered the issuance of the April 30, 2025, Initial Decision which dismissed Employee's appeal for failure to prosecute.

The Office has jurisdiction in this matter pursuant to D.C. Official Code § 1-606.03 (2001).

ISSUE

Whether Employee's conduct on December 30, 2020, and March 14, 2021, adversely and materially affected, or was likely to affect, the efficiency of government operations or the performance of Employee's duties

BURDEN OF PROOF

OEA Rule § 631.1, 6-B District of Columbia Municipal Regulations ("DCMR") Ch. 600, et seq (December 27, 2021) states:

> The burden of proof for material issues of fact shall be by a preponderance of the evidence. "Preponderance of the evidence" shall mean:
>
> > the degree of relevant evidence that a reasonable person, considering the record as a whole, would accept as sufficient to find that a contested fact is more likely to be true than untrue.[9]

OEA Rule § 631.2 *id.* states:

> For appeals filed under § 604.1, the employee shall have the burden of proof as to issues of jurisdiction, including timeliness of filing. The agency shall have the burden of proof as to all other issues.

FINDINGS OF FACT, ANALYSIS AND CONCLUSIONS OF LAW[10]

In its January 16, 2025, O&O remanding this matter to the undersigned, the OEA Board instructed the undersigned to adjudicate the current matter "based on analysis of the 2012 regulations and Agency's Order Book." Therefore, the undersigned will rely on the 2012 District Personnel Manual ("DPM") and the Agency's Order Book in adjudication the current matter. Additionally, the OEA Board instructed the undersigned to make findings related to how, or if, Employee's conduct on December 30, 2020, and March 14, 2021, adversely and materially affected, or was likely to affect, the efficiency of government operations or the performance of Employee's duties. Accordingly, the only issue before the undersigned is whether Employee's conduct on December 30, 2020, and March 14, 2021, adversely and materially affected, or was

[9] OEA Rule § 699.1.

[10] Although I may not discuss every aspect of the evidence in the analysis of this case, I have carefully considered the entire record. *See Antelope Coal Co./Rio Tino Energy America v. Goodin*, 743 F.3d 1331, 1350 (10th Cir. 2014) (citing *Clifton v. Chater*, 79 F.3d 1007, 1009-10 (10th Cir. 1996)) ("The record must demonstrate that the ALJ considered all of the evidence, but an ALJ is not required to discuss every piece of evidence").

likely to affect, the efficiency of government operations or the performance of Employee's duties.

Agency's Position

Agency argues that Employee's conduct on December 30, 2020, and on March 14, 2021, conflicts with its operation, mission and core values of bravery, accountability, safety, integrity, compassion and service. Agency explains that Employee was scheduled to work on December 30, 2020, but because of his arrest, he called out from work to avoid being designated as Absent Without Leave ("AWOL"), thus impacting the performance of his duty. Additionally, Agency notes that Employee's conduct on December 30, 2020, and March 14, 2021, prove that Employee is undependable. Agency also asserts that it lost confidence in Employee based on his behavior towards law enforcement during the relevant period. Agency avers that Employee's conduct negatively impacted Agency's reputation and the efficiency of its operations. Agency referenced Ofc. Washington of Prince George's County Police Department's ("PG County PD") and Corporal Wooten of the Prince George's County Sherriff Department's ("PG County Sherrif Department") testimonies about their respective encounter with Employee during the relevant period, Employee's unprofessionalism and their negative impression about Agency. Agency contends that Employee's arrest for possession of a stolen regulated firearm, loaded handgun on a person in a vehicle, on December 30, 2020, and his arrest for assaulting his fiancé, assaulting law enforcement and disturbing the peace on March 14, 2021, conflict with Agency's mission to preserve life and safety. Agency states that Employee's conduct on December 30, 2020, and March 14, 2021, is consistent with the Article VII, Section 2 definition of 'employment related', accordingly, Employee's termination should be upheld.[11]

Employee's Position

Employee argues that his conduct on December 30, 2020, and March 14, 2021, did not adversely and materially affect, or was likely to affect, the efficiency of government operations or the performance of Employee's duties. Employee further argues that he did not violate Article VII, Section 2 of the Order Book. He explained that he was on leave during both the December 30, 2020, and the March 14, 2021, incidents, therefore, the efficiency of the government operations were not hindered nor was his job hindered in any way.[12]

Whether Employee's conduct on December 30, 2020, and March 14, 2021, adversely and materially affected, or was likely to affect, the efficiency of government operations or the performance of Employee's duties

The record is clear that both the December 30, 2020, and March 14, 2021, incidents occurred while Employee was off-duty. However, Agency argues that Employee's conduct on these dates was employment related. Citing to case law and Article VII, Section 2 of the Order Book, Agency avers that 'employment-related or omission' is defined as "an act or omission, occurring during a time that the member was other than on duty, and which adversely and

[11] Agency's Response to February 19, 2025, Order (March 3, 2025). *See also*. Agency's Motion to Strike Employee's "Rebuttal" or alternatively, Agency's Reply Brief (April 15, 2025).
[12] Employee's Rebuttal (sic) (April 11, 2025).

materially affected, or is likely to affect, the efficiency of government operations or the member's performance of his or her duties." The OEA Board in *McCain v Fire and Emergency Medical Services Department*[13], opined that "because Article VII, Section 2 exists, this Board does not believe that the requirement for a nexus to Employee's position is needed. This section specifically covers incidents that occurred while an employee is off duty that affects agency's operation or Employee's performance of her duties."

I find that on December 30, 2020, Employee was arrested for possession of a loaded handgun on his person, while he was in the public parking lot of a senior citizen community. He did not immediately inform the officers that he was in possession of a handgun. Employee also acted in a disorderly manner, resisted arrest and struggled with the officers on the scene on March 14, 2021. Therefore, I find that these conflict with Agency's mission and core values of bravery, accountability, safety, integrity, compassion and service. Employee was arrested for his conduct which impacted Agency's operation on December 30, 2020, and Employee's ability to perform his job. Although Employee was not sick, he testified during the Trial Board Hearing that he had to take sick leave on December 30, 2020, when he was arrested, to avoid being charged with AWOL. Furthermore, Employee's failure to observe precautions regarding safety on December 30, 2020, and on March 14, 2021, constitutes neglect of duty.

In addition, I disagree with Employee's assertions that his conduct on the relevant dates did not adversely and materially affect, or was likely to affect, the efficiency of government operations or the performance of Employee's duties, and that he did not violate Article VII, Section 2 of the Order Book. On the contrary, consistent with the OEA Board's ruling in *McCain v Fire and Emergency Medical Services Departmen*t, and the OEA Board's reliance on Article VII, Section 2, of the Order Book, I find that Agency has proved that Employee engaged in "Any on-duty or employment-related act or omission that the employee knew or should reasonably have known is a violation of the law, and Any on-duty or employment-related act or omission that interferes with the efficiency or integrity of government operations to include: Neglect of Duty."

Whether the Penalty was Appropriate

In determining the appropriateness of an agency's penalty, OEA has consistently relied on *Stokes v. District of* Columbia, 502 A.2d 1006 (D.C. 1985).[14] According to the Court in *Stokes,* OEA must determine whether the penalty was within the range allowed by law, regulation, and any applicable Table of Illustrative Actions ("TIA"); whether the penalty is based on a consideration of the relevant factors; and whether there is a clear error of judgment by Agency.

[13] OEA Matter No. 1601-0375-10, Opinion and Order (June 19, 2015).

[14] *See also Anthony Payne v. D.C. Metropolitan Police Department,* OEA Matter No. 1601-0054-01, *Opinion and Order on Petition for Review* (May 23, 2008); *Dana Washington v. D.C. Department of Corrections,* OEA Matter No. 1601-0006-06, *Opinion and Order on Petition for Review* (April 3, 2009); *Ernest Taylor v. D.C. Emergency Medical Services,* OEA Matter No. 1601-0101-02, *Opinion and Order on Petition for Review* (July 21, 2007); *Larry Corbett v. D.C. Department of Corrections,* OEA Matter No. 1601-0211-98, *Opinion and Order on Petition for Review* (September 5, 2007); *Monica Fenton v. D.C. Public Schools,* OEA Matter No. 1601-0013-05, *Opinion and Order on Petition for Review* (April 3, 2009); *Robert Atcheson v. D.C. Metropolitan Police Department,* OEA Matter No. 1601-0055-06, *Opinion and Order on Petition for Review* (October 25, 2010); and *Christopher Scurlock v. Alcoholic Beverage Regulation Administration*, OEA Matter No. 1601-0055-09, *Opinion and Order on Petition for Review* (October 3, 2011).

An Agency's decision will not be reversed unless it failed to consider relevant factors, or the imposed penalty constitutes an abuse of discretion.[15] In this case, the undersigned found in the March 15, 2024, ID that the Trial Board Panel met its burden of substantial evidence for the charges and specifications for Case No. **U-21-154** and for Case No. **U-21-087**. Agency did a thorough *Douglas* factors analysis in this matter. Therefore, I conclude that Agency has sufficient cause and was within its managerial discretion to terminate Employee.

As provided in *Love v. Department of Corrections*, OEA Matter No. 1601-0034-08R11 (August 10, 2011), selection of a penalty is a management prerogative, not subject to the exercise of discretionary disagreement by this Office.[16] When an Agency's charge is upheld, this Office has held that it will leave the agency's penalty undisturbed when the penalty is within the range allowed by law, regulation or guidelines, is based on consideration of the relevant factors, and is clearly not an error of judgment. I find that Agency has properly exercised its managerial discretion, and its chosen penalty of termination is reasonable and not an error of judgment.

ORDER

Based on the foregoing, it is hereby **ORDERED** that Agency's action of terminating Employee is **UPHELD.**

FOR THE OFFICE:

/s/ Monica N. Dohnji__
MONICA DOHNJI, Esq.
Senior Administrative Judge

[15] *Butler v. Department of Motor Vehicles,* OEA Matter No. 1601-0199-09 (February 10, 2011) citing *Employee v. Agency*, OEA Matter No. 1601-0012-82, *Opinion and Order on Petition for Review*, 30 D.C.Reg. 352 (1985).

[16] *Love* also provided that "[OEA's] role in this process is not to insist that the balance be struck precisely where the [OEA] would choose to strike it if the [OEA] were in the agency's shoes in the first instance; such an approach would fail to accord proper deference to the agency's primary discretion in managing its workforce. Rather, the [OEA's] review of an agency-imposed penalty is essentially to assure that the agency did conscientiously consider the relevant factors and did strike a responsible balance within tolerable limits of reasonableness. Only if the [OEA] finds that the agency failed to weigh the relevant factors, or that the agency's judgment clearly exceeded the limits of reasonableness, is it appropriate for the [OEA] then to specify how the agency's decision should be corrected to bring the penalty within the parameters of reasonableness." *Citing Douglas v. Veterans Administration.*

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GOVERNMENT OF THE DISTRICT OF COLUMBIA

THE OFFICE OF EMPLOYEE APPEALS

In the Matter of:	)	
	)	
EMPLOYEE,	)	OEA Matter No. 1601-0072-22-R23
Employee	)	
	)	
v.	)	Date of Issuance: May 13, 2025
	)	
METROPOLITAN POLICE DEPARTMENT,	)	
Agency	)	ERIC T. ROBINSON, ESQ.
	)	SENIOR ADMINISTRATIVE JUDGE
	)	

Employee *Pro-Se*
Lauren B. Schwartz, Esq., Agency Representative

INITIAL DECISION ON REMAND

INTRODUCTION AND PROCEDURAL HISTORY

Employee appealed a suspension from the Metropolitan Police Department ("MPD") imposed for the following: (1) engaging in Reckless Driving by operating his motor vehicle at 106 mph in a 70-mph zone on July 13, 2015, in the Commonwealth of Virginia; (2) failing to appear at the Smyth County General District Court for the Reckless Driving charge on September 2, 2015 and a capias warrant was issued; (3) being arrested by the Metropolitan Washington Airports Authority Police Department for the capias warrant on November 11, 2015, at Dulles International Airport; and (4) being found guilty of Reckless Driving in the Commonwealth of Virginia on January 27, 2016. MPD charged Employee with engaging in conduct prejudicial to the District of Columbia Government as defined by the District Personnel Manual ("DPM") § 1605.4(a)(3) as "conduct that an employee should reasonably know is a violation of law or regulation," as well as engaging in "off-duty conduct that adversely affects the employee's job performance or trustworthiness, or adversely affects the employing agency's mission or has an otherwise identifiable nexus to the employee's position" according to DPM § 1605.7(2)(a)(5).[1] Employee's position of record is CCTV Evidence Specialist, Grade 11, Step 7. Initially, Employee was sanctioned with a 15-day suspension with seven (7) days held in abeyance. Employee served the remaining eight (8) days of suspension from September 6 – 15, 2022.

[1] Notice of Final Decision DRD# 340-22; IS# 22-000264 (July 29, 2022).

Employee filed his Petition for Appeal with the Office of Employee Appeals ("OEA" or the "Office") on August 3, 2022. On that same date, the OEA's Executive Director sent a notice to Robert J. Contee, III, MPD Chief of Police, requiring Agency to Answer Employee's Petition for Appeal by September 2, 2022. MPD timely filed its Answer in this matter. This matter underwent mandatory mediation under the auspice of the OEA's Mediation Department. Regrettably, mediation failed, and this matter was assigned to the Undersigned on October 4, 2022. By Order dated October 11, 2022, a Prehearing/Status Conference ("PHC") was scheduled for November 16, 2022. The PHC was held as scheduled. During this conference, the parties presented their version of the salient facts and circumstances surrounding this matter. On November 17, 2022, after considering the opposing points of view, the undersigned issued an Order setting a briefing schedule. Surprisingly, thereafter, on December 2, 2022, Agency submitted a Motion to Dismiss wherein it noted that it had unilaterally rescinded seven days of Employee's suspension. Employee will only have served eight days of suspension. MPD contended that given the circumstances, an eight-day suspension was below the jurisdictional threshold of the OEA and argued that this matter should be dismissed for lack of jurisdiction.

In an Initial Decision issued on January 26, 2023, the Undersigned agreed with MPD's rationale and dismissed this matter for lack of jurisdiction. On February 24, 2023, Employee filed a Petition for Review, wherein he appealed the dismissal of this matter. In an Opinion and Order on Petition for Review ("O&O") issued on June 1, 2023, the Board of the OEA found that when Employee first submitted his petition for appeal that it met the threshold for OEA to exercise jurisdiction. The OEA Board further noted that MPD's unilateral post-filing action of rescinding some of the days of suspension cannot divest OEA of its jurisdiction. Accordingly, the Board of the OEA remanded this matter to the Undersigned so that a decision on the merits can be rendered.

On July 10, 2023, the Undersigned issued an Order Convening a Status Conference which was set for August 22, 2023. At the parties' request, the Status Conference was rescheduled for September 21, 2023. On that same date, the parties were provided with a briefing schedule wherein they were instructed to address the merits of this matter in writing. The parties submitted their respective briefs in due course. After reviewing the documents of record, the Undersigned has determined that no further proceedings are warranted. The record is now closed.

JURISDICTION

The Office has jurisdiction in this matter pursuant to D.C. Official Code § 1-606.03 (2001).

ISSUES

1. Whether the Agency's adverse action was taken for cause.

2. If so, whether the penalty was appropriate under the circumstances.

BURDEN OF PROOF

OEA Rule 631.1, 6-B DCMR Ch. 600 (December 27, 2021) states:

> The burden of proof for material issues of fact shall be by a preponderance of the evidence. "Preponderance of the evidence" shall mean:
>
> That degree of relevant evidence which a reasonable mind, considering the record as a whole, would accept as sufficient to find a contested fact more probably true than untrue.

OEA Rule 631.2 id. States:

> For appeals filed under §604.1, the employee shall have the burden of proof as to issues of jurisdiction, including timeliness of filing. The agency shall have the burden of proof as to all other issues.

FINDINGS OF FACT, ANALYSIS AND CONCLUSIONS OF LAW

The following findings of fact, analysis, and conclusions of law are based on the documentary evidence presented by the parties during the course of Employee's appeal process with OEA. When Employee filed his appeal with this tribunal, he was appealing a 15-day suspension with seven (7) days held in abeyance. However, on November 22, 2022, MPD unilaterally rescinded the seven (7) days held in abeyance and updated the record to reflect that Employee's final imposed discipline was only an eight (8)-day suspension. Given the O&O, the merit of MPD's adverse action will be addressed. It bears reiterating that Employee appeals a suspension from the Metropolitan Police Department ("MPD") imposed for the following: (1) engaging in Reckless Driving by operating his motor vehicle at 106 mph in a 70-mph zone on July 13, 2015, in the Commonwealth of Virginia; (2) failing to appear at the Smyth County General District Court for the Reckless Driving charge on September 2, 2015 and a capias warrant was issued; (3) being arrested by the Metropolitan Washington Airports Authority Police Department for the capias warrant on November 11, 2015, at Dulles International Airport; and (4) being found guilty of Reckless Driving in the Commonwealth of Virginia on January 27, 2016. MPD charged Employee with engaging in conduct prejudicial to the District of Columbia Government as defined by the District Personnel Manual ("DPM") § 1605.4(a)(3) as "conduct that an employee should reasonably know is a violation of law or regulation," as well as engaging in "off-duty conduct that adversely affects the employee's job performance or trustworthiness, or adversely affects the employing agency's mission or has an otherwise identifiable nexus to the employee's position" according to DPM § 1605.7(2)(a)(5).[2]

Employee contends that he was not aware that he had to follow the MPD policies cited in his Notice of Suspension. Inexplicably, he further asserts that MPD should have discovered these transgressions on their own and not relied on him to self-report. Agency counters by noting that "Employee works for MPD, a law enforcement agency whose mission, among other things, is to reduce crime and the fear of crime in the community. Employee was charged with Reckless Driving in Virginia, failed to appear for the court hearing, was arrested at Dulles airport on the warrant, and found guilty on the charge of Reckless Driving. Employee's criminal conduct directly

[2] *See*, footnote 1.

affects MPD's mission to reduce crime as he committed a crime himself."[3] Also, Agency disputes a potential red herring in that Employee argues that he was disciplined for failing to report this incident. MPD addresses this by noting that Employee was not cited for failing to report but rather he was disciplined for the underlying conduct that led to his arrest in the state of Virginia. Agency further asserts that Employee's misconduct was a willful violation of Virginia law requiring sanctions given his civilian employment with MPD, a paramilitary agency whose General Orders require greater discipline for its members (civilian or sworn) than other District government employees working for non-paramilitary agencies.[4]

Employee also asserts that double jeopardy precludes MPD's adverse action.[5] Double Jeopardy is derived from the 5th amendment of the U.S. Constitution prohibiting repeated litigation of criminal matters involving the same or similar offense. MPD's adverse action is a civil matter therefore this concept does not apply to the matter at hand. To ensure that Employee's attempt at prosecuting his appeal is thoroughly vetted, I make the determination that he may have conflated Double Jeopardy with the concept of *res judicata*. Under the related affirmative defense *res judicata*, or claim preclusion, "a final judgment on the merits of an action precludes the parties or their privies from relitigating issues that were *or could have been raised* in that action." *McIntyre v. Fulwood*, 892 F.Supp.2d 209, 214 (D.D.C. 2012) (emphasis in original). Courts apply a three-part test to determine whether *res judicata* applies: (1) whether the claim was adjudicated finally in the first action; (2) whether the present claim is the same as the claim which was raised or which might have been raised in the prior proceeding; and (3) whether the party against whom the plea is asserted was a party or in privity with a party in the prior case." *Id.* In the instant matter, it is clear that Employee's *res judicata* claim must fail. Clearly, prong 3 fails given that the state of Virginia was the opposing party in the prior matter, not MPD. Further, the claims in Virginia were criminal whereas the adverse action at hand is a purely civil matter.

Employee's statute of limitation argument is also disingenuous. As part of his argument, Employee contends that MPD waited too long (approximately seven years) to pursue his suspension. Agency readily notes that it only found out about this misconduct after an investigation was conducted by MPD's Internal Affairs Department. But for this revelation by happenstance,[6] MPD would not have discovered Employee's misconduct in Virginia. Upon notice of this misconduct, MPD instituted its own investigation that ultimately led to Employee's suspension. Employee asserts that he was ignorant of Agency's General Orders. However, MPD correctly notes that its General Orders include guidelines for all civilian members. Most notable is the requirement that all members familiarize themselves with all MPD regulations.[7]

What is particularly illuminating in this matter is that Employee admitted to all of the specifications in this matter. I find that Employee admitted to the salient facts that are the subject of the instant adverse action. The Board of the OEA has previously held that an employee's

[3] MPD Sur-Reply Brief p. 2 (December 12, 2023).
[4] *Id*. pp. 2- 6.
[5] Employee Response to MPD Statement pp. 3 – 5 (September 19, 2023).
[6] On January 14, 2023, MPD's IAD conducted a routine integrity check of its membership wherein it first discovered the misconduct that brought about his suspension.
[7] MPD General Order 101.00, Part VI, A.

admission is sufficient to meet Agency's burden of proof.[8] Employee's admission of misconduct constituted cause without an evidentiary hearing.[9] Notwithstanding his disingenuous assertion that he was unaware of the reporting requirements of his position, I find that Employee did not credibly argue that Agency's action was not done in accordance with applicable laws or regulations. I conclude that the MPD has met its burden of proof for all of the charges levied against Employee in this matter.

When an Agency's charge is upheld, this Office has held that it will leave the Agency's penalty undisturbed when the penalty is within the range allowed by law, regulation or guidelines, is based on consideration of the relevant factors and is clearly not an error of judgment. *See Stokes*, *supra*; *Hutchinson*, *supra*; *Link v. Department of Corrections*, OEA Matter No. 1601-0079-92R95 (Feb.1, 1996); *Powell v. Office of the Secretary, Council of the District of Columbia*, OEA Matter No. 1601-0343-94 (September 21, 1995). I conclude that given the totality of the circumstances as enunciated in the instant decision, Agency's action of suspending Employee for eight (8) days should be Upheld. [10]

ORDER

Based on the foregoing, it is ORDERED that Agency's action of suspending Employee for eight (8) days is hereby UPHELD.

FOR THE OFFICE:

/s/ Eric T. Robinson
ERIC T. ROBINSON, ESQ.
SENIOR ADMINISTRATIVE JUDGE

[8] *Employee v. Agency*, OEA Matter No 1601-0047-84, 34 D.C. Reg. 804, 806 (1987).
[9] *Employee v. MPD*, OEA Matter No. 1601-0036-17 (June 11, 2018).
[10] Although I may not discuss every aspect of the evidence in the analysis of this case, I have carefully considered the entire record. *See Antelope Coal Co./Rio Tino Energy America v. Goodin,* 743 F.3d 1331, 1350 (10th Cir. 2014) (citing *Clifton v. Chater,* 79 F.3d 1007, 1009-10 (10th Cir. 1996)) ("The record must demonstrate that the ALJ considered all of the evidence, but an ALJ is not required to discuss every piece of evidence"). This finding notes, *inter alia*, that Employee made a haphazard attempt at an age discrimination claim. At the time that his misconduct was discovered by MPD's IAD, he was approximately 40 years old. Successful age discrimination claims typically involve persons at or near senior citizen status.

Notice: This decision may be formally revised before it is published in the *District of Columbia Register*. Parties should promptly notify the Office Manager of any formal errors so that this Office can correct them before publishing the decision. This notice is not intended to provide an opportunity for a substantive challenge to the decision.

GOVERNMENT OF THE DISTRICT OF COLUMBIA

THE OFFICE OF EMPLOYEE APPEALS

In the Matter of:	
EMPLOYEE, Employee	OEA Matter No. 1601-0072-24
v.	Date of Issuance: May 12, 2025
DC PUBLIC SCHOOLS, Agency	JOSEPH E. LIM, ESQ. SENIOR ADMINISTRATIVE JUDGE

Employee *pro se*
Gehrrie Bellamy, Esq. Agency Representative

INITIAL DECISION

INTRODUCTION AND PROCEDURAL HISTORY

On August 5, 2024, Employee filed a Petition for Appeal with the Office of Employee Appeals ("OEA" or "the Office") contesting the District of Columbia Public Schools' ("Agency" or "DCPS") final decision to remove him from his position as a Math Teacher at Jackson Reed High School. Employee was removed because he received a rating of "Minimally Effective" for both the 2022-2023 school year and the 2023-2024 school year under Agency's IMPACT program.[1] Employee's termination was effective on August 2, 2024.

In response to OEA's August 8, 2024, letter, Agency filed its Answer on September 5, 2024, disputing Employee's claims and asserting that its action was proper. The matter was assigned to the undersigned senior administrative judge ("AJ") on September 9, 2024. On September 23, 2024, I issued an Order and scheduled a Telephonic Prehearing Conference for October 3, 2024. During the conference, I determined that an evidentiary hearing was not warranted based on the arguments presented by the parties. Therefore, I ordered the parties to submit legal briefs by December 12, 2024. On December 10, 2024, at Agency's request for a new due date for its Sur reply, the new deadline for the sur reply for both parties was extended to December 27, 2024. Both parties responded to the Order. The record is now closed.

[1] IMPACT is the effectiveness assessment system used by the D.C. Public School System to rate the performance of school-based personnel.

JURISDICTION

This Office has jurisdiction in this matter pursuant to D.C. Official Code §1-606.03 (2001).

ISSUE

Whether Agency's removal of Employee pursuant to IMPACT should be upheld.

Position of the Parties

Agency argues that Employee's termination under the IMPACT program was done in accordance with all District of Columbia statutes, regulations, and laws.[2] According to Agency, Employee was properly evaluated under the IMPACT program, which resulted in him receiving a final IMPACT score of "Minimally Effective" for two consecutive school years. Agency asserts that it fairly and accurately evaluated Employee and gave him adequate notice of his performance deficiencies. Employee argues that he has the proper teaching license and his IMPACT scores are inaccurate. [3] He asks this Office to reinstate him.

FINDINGS OF FACT, ANALYSIS, AND CONCLUSIONS OF LAW

The IMPACT Process

D.C. Official Code § 1-617.18 grants DCPS the authority to create and implement its own tools for evaluating employees. IMPACT is the performance evaluation system utilized by DCPS to evaluate its employees during the 2022-2023 and 2023-2024 school years. According to the documents of record, Agency conducts annual performance evaluations for all its employees. The IMPACT system was designed to provide specific feedback to employees to identify areas of strength, as well as areas in which improvement was needed.[4]

The IMPACT process required that all staff receive written feedback regarding their evaluation, in addition to a post-evaluation conference with their evaluators. IMPACT evaluations and ratings for each assessment cycle were available online for employees to review by 12:01 a.m., the day after the end of each cycle. If an employee had any issues or concerns about their IMPACT evaluation and rating, they were encouraged to contact DCPS' IMPACT team by telephone or email. At the close of the school year, all employees received an email indicating that their final scores were available online. Additionally, a hard copy of the report was mailed to the employees' home address on file.

For the 2022-2023 school year, there were twenty (20) IMPACT groupings of DCPS employees. Employee's position – Teacher, was within Group 1. The IMPACT process for Group 1 employees consisted of two (2) assessment cycles: the first assessment cycle ("Cycle 1"), which

[2] Agency Brief (November 8, 2024).
[3] Employee Legal Brief (December 19, 2024).
[4] Agency's Answer and Agency's Brief, *supra*.

was between September 21st and December 1st; and the third assessment cycle ("Cycle 3") which was between March 1st and June 15th.

Based on his IMPACT sheets, Employee was assessed on the following:

1) Essential Practice Observation. This component accounted for 65% of the total IMPACT Score.

   Essential Practice 1: Cultivate a Responsive Learning Community
   Essential Practice 2: Challenge Students with Rigorous Content
   Essential Practice 3: Lead a Well-Planned, Purposeful Learning Experience
   Essential Practice 4: Maximize Student Ownership of Learning
   Essential Practice 5: Respond to Evidence of Student Learning

2) Teacher-Assessed Student Achievement Goals ("TAS"). This component accounted for 15% of the total IMPACT Score.

3) Student Survey of Practice ("SSP"): Care, Confer, Captivate, Clarify, Consolidate, Challenge, Classroom Management. This is a measure of the students' evaluation of their teacher. Students in grades 3 and up take a survey once a year and rank the extent to which they agree with certain statements about their teacher's performance. This component makes up 10% of the total IMPACT score;

4) Commitment to the School Community ("CSC")— This is a measure of the extent to which school-based personnel support and collaborate with their colleagues and their school's community and made up 10% of a Group 2 teacher's IMPACT score.

5) Core Professionalism—a measure of four (4) basic professional requirements for all school-based personnel. These requirements are as follows: attendance; on-time arrival; compliance with policies and procedures; and respect. This component was scored differently from the others, as an employee could have additional points subtracted from their overall score if the rating was "slightly below standard" or "significantly below standard." If an employee's rating for this component was "meets standard," then there was no change in the employee's final IMPACT score. If an employee received a rating of "slightly below standard" on any part of the Core professionalism rubric during a cycle, and no ratings of "significantly below standard," the employee received an overall rating of "slightly below standard" for that cycle and 10 points were subtracted from the employee's final IMPACT score. An additional 10 points were deducted if an employee earned an overall rating of "slightly below standard" again the next cycle. If an employee received a rating of "significantly below standard" on any part of the Core Professionalism rubric during a cycle, the employee received an overall rating of "significantly below standard" for that cycle, and 20 points were deducted from the employee's final IMPACT score. An additional 20 points were deducted if the employee earned an overall rating of "significantly below standard" again the next cycle.

Upon the conclusion of each assessment, within 15 days of the observation, the employee will meet with the evaluator for a post observation conference. School-based personnel assessed through IMPACT ultimately received a final IMPACT score at the end of the school year of either:

Highly Effective = 350-400 points
Effective = 301-349 points
Developing = 250-300 points
Minimally Effective = 200-249 points
Ineffective = 100-199 points

IMPACT evaluations and ratings for each assessment cycle were available online for employees to review by 12:01 a.m. the day after the end of each cycle. If employees had any issues or concerns about their IMPACT evaluations and ratings, they were encouraged to contact DCPS' IMPACT team by telephone or electronic mail. Additionally, the Collective Bargaining Agreement (CBA) between the Washington Teachers' Union, Local #6 of the American Federation of Teachers, AFL-CIO and the District of Columbia Public Schools provides as follows with respect to the evaluation process:

> 15.3 DCPS's compliance with the evaluation process, and not the evaluation judgment, shall be subject to the grievance and arbitration procedure.
>
> 15.4 The standard for separation under the evaluation process shall be "just cause," which shall be defined as adherence to the evaluation *process* only.

D.C. Code§ 1-616.52(d) provides: Any system of grievance resolution or review of adverse actions negotiated between the District and a labor organization *shall take precedence* over the procedures of this subchapter for employees in a bargaining unit represented by a labor organization.

Thus, employees may only grieve, or alternatively appeal, IMPACT procedures, not the substance contained therein. Employee's position, Teacher, was within Group 1.[5] Employee was observed on three separate occasions, one informal observation and two formal observations. At the conclusion of each formal observation, Employee conferenced with his evaluator and the date of the conference was noted on each of his IMPACT assessments. As a result, Employee received notice that his score of 209 was rated "Minimally Effective" at the conclusion of the 2022-2023 school year under IMPACT, and that should his rating not improve for the following school year, he would be subject to termination.[6]

For the 2023-2024 school year, Employee was again evaluated following the same procedures. In this case, Employee was evaluated by the school administrator. Employee was observed on three (3) separate occasions, one informal observation which occurred on November 13, 2023, and two (2) informal observations which occurred on November 20, 2023, and April 26,

[5] *Id.* Tab 4. Employee's 2022-2023 IMPACT Report.
[6] *Id.* Tab 3. Notice of Minimally Effective IMPACT Rating dated July 1, 2023.

2024.[7] He received an IMPACT score of 237 and was ultimately rated as "Minimally Effective."[8] IMPACT procedures provide that employees who receive two consecutive Minimally Effective ratings are subject to separation.[9] Therefore, Employee's employment was terminated effective August 2, 2024.[10]

Employee's primary arguments are that the IMPACT scores are inaccurate and that his Maryland teaching license should be accepted in Washington, D.C. With regard to his IMPACT score, he characterizes his disagreements with the scorer as procedural, when in fact, those disagreements are with the substance written in the report. For instance, Employee cited as inaccurate his evaluator's observation that he wrote the answer for his students on the wrong location or that he did not provide directions to a student.

It should be noted that the D.C. Superior Court in *Shaibu v. D.C. Public Schools*[11] explained that substantial evidence for a positive evaluation does not establish a lack of substantial evidence for a negative evaluation. The Court held that "it would not be enough for [Employee] to proffer to OEA evidence that did not conflict with the factual basis of the [Principal's] evaluation but that would support a better overall evaluation."[12] The Court further stated that if the factual basis of the "principal's evaluation were true, the evaluation was supported by substantial evidence." In addition, the Court in *Shaibu* held that "principals enjoy near total discretion in ranking their teachers"[13] when implementing performance evaluations. The court concluded that since the "factual statements were far more specific than [the employee's] characterization suggests, and none of the evidence proffered to OEA by [the employee] directly controverted [the principal's] specific factual bases for his evaluation of [the employee]…" the employee's petition was denied.

In the instant matter, I find that Employee has not proffered to this Office any credible evidence that controverts any of the school administrator's comments. This Office has consistently held that the primary responsibility for managing and disciplining Agency's work force is a matter entrusted to the Agency, not to OEA.[14] As performance evaluations are "subjective and individualized in nature,"[15] this Office will not substitute its judgment for that of an agency; rather,

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[7] Agency Answer to Employee's Appeal for Petition (September 6, 2024) Tab 2. Employee's 2023-2024 IMPACT Report.
[8] *Id.*
[9] *Id.* Tab 5. IMPACT Guidebook.
[10] *Id.* Tab 1. Specific Notice of Termination effective August 2, 2024.
[11] Case No. 2012 CA 003606 P (January 29, 2013).
[12] *Id.* at 6.
[13] *Id*. *Citing Washington Teachers' Union, Local # 6 v. Board of Education*, 109 F.3d 774, 780 (D.C. Cir. 1997).
[14] *See Mavins v. District Department of Transportation*, OEA Matter No. 1601-0202-09, *Opinion and Order on Petition for Review* (March 19, 2013); *Mills v. District Department of Public Works*, OEA Matter No. 1601-0009-09, *Opinion and Order on Petition for Review* (December 12, 2011); *Washington Teachers' Union Local No. 6, American Federation of Teachers, AFL-CIO v. Board of Education of the District of Columbia*, 109 F.3d 774 (D.C. Cir. 1997); *see also Huntley v. Metropolitan Police Department*, OEA Matter No. 1601-0111-91, *Opinion and Order on Petition for Review* (March 18, 1994); and *Hutchinson v. District of Columbia Fire Department*, OEA Matter No. 1601-0119-90, *Opinion and Order on Petition for Review* (July 2, 1994).
[15] *See also American Federation of Government Employees, AFL-CIO v. Office of Personnel Management*, 821 F.2d 761, 765 (D.C. Cir. 1987) (noting that the federal government has long employed the use of subjective performance evaluations to help make RIF decisions).

this Office limits its review to determining if "managerial discretion has been legitimately invoked and properly exercised."[16] Thus, I find that it was within the school administrator's discretion to rank and rate Employee's performance. Moreover, the undersigned Administrative Judge is not in the position to recommend that Employee receives a higher rating since the undersigned is unfamiliar with the nature and details of Employee's job.

Procedurally, Employee does not deny that he was evaluated a total of three (3) times by the school administrator. Employee also does not deny that he had conferences after the evaluation or that he received the IMPACT training materials. Accordingly, I find that Agency properly conducted the IMPACT process and had just cause to terminate Employee.

Based on the foregoing, I find that Employee was a member of the WTU at the time he was terminated and was he was subject to the terms of the CBA between WTU and Agency. I also find that OEA's jurisdiction in this matter is limited by the terms of this CBA. Based on the foregoing, I find that Agency properly adhered to the IMPACT process and had cause to terminate Employee. Because Agency adhered to the IMPACT process, I conclude that Agency had sufficient cause to terminate Employee based on his 'Minimally Effective' IMPACT ratings for two (2) consecutive school years. Accordingly, Agency's action must be upheld.

Lastly, Employee argues that his Maryland teaching license should suffice for the Washington, D.C. public school system. However, he has not cited any statute or regulation that would support his contention. Nor does he deny Agency's contention that the D.C. Office of the State Superintendent of Education ("OSSE") did not renew his D.C. teaching license, thereby rendering him ineligible to be a teacher at the DCPS.

In *Linda Ellis, et. al. v. D.C. Department of Consumer and Regulatory Affairs*,[17] the D.C. Superior Court held that when an employee fails to acquire a required certification or license, such an employee is automatically converted to "at-will" status.[18] The Superior Court noted that the OEA Administrative Judge (AJ) in *Ellis* had found that: (a) the ICC certification was a significant requirement of the Employees' respective positions; (b) that the DCRA went to considerable expense to provide Employees with opportunities to become certified; (c) that Employees' continued failure to obtain certification converted them to "at-will" employees; and (d) their status as at-will employees subjected them to termination at any time, for any reason. The Superior Court agreed with the AJ's ultimate conclusion that if an employee neglects to obtain proper licensure or certification by the effective date of their removal, then they are deemed at-will employees, and thus OEA must dismiss the appeals as it lacks jurisdiction over "at-will" employees.

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[16] *See Stokes v. District of Columbia*, 502 A.2d 1006, 1009 (D.C. 1985).
[17] 2011 CA 001529 P(MPA), 2011 CA 001533 P(MPA), 2011 CA 001534 P(MPA), 2011 CA 001557 P(MPA), 2011 CA 001560 P(MPA), 2011 CA 001561 P(MPA), 2011 CA 001562 P(MPA), and 2011 CA 001567 P(MPA) D.C. Super. Ct. (November 28, 2011).
[18] *See also Michael Brown, et. al. vs. DC Dept. of Consumer and Regulatory Affairs*, OEA Matter Nos. 1601-0012-09 to 1601-0027-09, 1601-0052-09 to 1601-0054-09, *Opinion and Order on Petition for Review* (January 26, 2011); and *Gizachew Wubishet v. District of Columbia Public Schools*, OEA Matter No. 1601-0106-06, (March 26, 2007).

Here, it is undisputed that Employee does not have the required D.C. teaching license. Based on this fact, I find that his status was converted to an "at-will" employee. Accordingly, I conclude that Agency's action to terminate Employee's employment must be upheld.

ORDER

It is hereby ORDERED that Agency's action of terminating Employee is UPHELD.

FOR THE OFFICE: /s/ *Joseph Lim*
JOSEPH E. LIM, ESQ.
Senior Administrative Judge

Notice: This decision may be formally revised before it is published in the *District of Columbia Register* and the Office of Employee Appeals' website. Parties should promptly notify the Office Manager of any formal errors so that this Office can correct them before publishing the decision. This notice is not intended to provide an opportunity for a substantive challenge to the decision.

GOVERNMENT OF THE DISTRICT OF COLUMBIA

THE OFFICE OF EMPLOYEE APPEALS

In the Matter of:	)	
	)	
EMPLOYEE[1]	)	
Employee	)	OEA Matter No. 1601-0083-22R24
v.	)	
	)	Date of Issuance: May 29, 2025
OFFICE OF THE CHIEF TECHNOLOGY OFFICER,	)	
Agency	)	
	)	

SECOND OPINION AND ORDER
ON PETITION FOR REVIEW

This matter was previously before this Board. Employee worked as an Information Technology Specialist for the Office of the Chief Technology Officer ("Agency"). On August 31, 2022, Agency issued a final notice of separation removing Employee from his position. Employee was charged with falsifying time entries, in violation of 6-B District of Columbia Municipal Regulations ("DCMR") §§ 1607.2(c)(1) – knowing submission of (or causing or allowing the submission of) falsely stated time logs, leave forms, travel or purchase vouchers, payroll, loan, or other fiscal documents and 1607.2(b)(2) – misrepresentation, falsification, or concealment of material facts or records in connection with an official matter, including investigations. Agency alleged that Employee falsified time logs by submitting entries for hours not worked between August 4, 2021, and February 11, 2022, which resulted in Agency overpaying $53,391.66 in wages to Employee. Additionally, Agency contended that during its investigation, Employee provided conflicting answers and refused to answer questions related to the overpayment of funds. Consequently, Employee was terminated.[2]

On September 30, 2022, Employee filed a Petition for Appeal with the Office of Employee Appeals ("OEA"). He argued that he did not knowingly or intentionally submit false time logs. Employee contended that he was unaware that PeopleSoft was automatically inputting his time.[3]

[1] Employee's name was removed from this decision for the purposes of publication on the Office of Employee Appeals' website.
[2] *Petition for Appeal*, p. 7 (September 30, 2022).
[3] PeopleSoft is a software application used by District employees, where they are able to input time, submit a leave request, review paycheck and benefits, request training, and update their personal information. Employee claimed that he and several of his colleagues, including his supervisor, were unaware of the automatic update in PeopleSoft.

As a result, he requested that the termination action be rescinded and that he be reinstated to his previous position.[4]

According to Agency, Employee admitted that he manually input his time for days he reported to work in-person, which was a direct violation of its Exception Time Reporting ("ETR") policy.[5] Moreover, Agency argued that Employee received ETR training and was aware that manually entering his regular hours constituted a violation of its policy and that his actions could have resulted in an overpayment of wages. Agency also asserted that Employee misrepresented, falsified, or concealed material facts during an official investigation.[6] Moreover, it contended that based on the Table of Illustrative Actions in 6-B DCMR § 1607.2, removal was appropriate given Employee's conduct. Agency explained that it considered the *Douglas*[7] factors when selecting the

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Further, he argued that he did not notice the overpayment because his paychecks were directly deposited into his bank account.

As it related to his refusal to answer questions, Employee contended that it was only after investigators badgered him and asked the same questions to which he had already provided an answer. Thus, it was Employee's position that he did not misrepresent, falsify, or conceal any material facts or records related to Agency's investigation. Additionally, he argued that Agency failed to follow the progressive discipline guidelines provided under 6-B DCMR § 1607.2.

[4] *Petition for Appeal*, p. 2 and 5 (September 30, 2022).

[5] Agency is an exception-based time reporting agency, which means that employees only report time exceptions on their time sheet — i.e., annual leave, routine telework, jury duty, etc. According to Agency, employees were not to report regular time when they worked in-person; they were required to leave the day blank because the system would automatically enter their time for those days.

[6] Agency argued that when it inquired about the overpayment of wages, Employee provided that he was unaware of the overpayment because his wife handled their finances. However, it contended that Employee admitted to routinely withdrawing money from the bank account in which he received direct deposits of the overpayment. Agency also claimed that Employee refused to answer relevant questions and provided conflicting explanations as to why the overpayment wages were no longer in his bank account.

[7] The standard for assessing the appropriateness of a penalty was established by the Merit Systems Protection Board ("MSPB") in *Douglas v. Veterans Administration*, 5 M.S.P.B. 313 (1981). The *Douglas* factors provide that an agency should consider the following when determining the penalty of adverse action matters:

> 1) the nature and seriousness of the offense, and its relation to the employee's duties, position, and responsibilities including whether the offense was intentional or technical or inadvertent, or was committed maliciously or for gain, or was frequently repeated;
> 2) the employee's job level and type of employment, including supervisory or fiduciary role, contacts with the public, and prominence of the position;
> 3) the employee's past disciplinary record;
> 4) the employee's past work record, including length of service, performance on the job, ability to get along with fellow workers, and dependability;
> 5) the effect of the offense upon the employee's ability to perform at a satisfactory level and its effect upon supervisors' confidence in employee's ability to perform assigned duties;
> 6) consistency of the penalty with those imposed upon other employees for the same or similar offenses.
> 7) consistency of the penalty with any applicable agency table of penalties;
> 8) the notoriety of the offense or its impact upon the reputation of the agency;
> 9) the clarity with which the employee was on notice of any rules that were violated in committing the offense, or had been warned about the conduct in question;
> 10) potential for the employee's rehabilitation;

penalty of removal.[8] Therefore, it requested that the Petition for Appeal be dismissed.[9]

The Administrative Judge ("AJ") issued an Initial Decision on July 18, 2023. She held that Employee accurately submitted his time manually into the PeopleSoft system, which was approved by his supervisor. The AJ noted that PeopleSoft automatically recorded the time for the same period that Employee submitted his time; thereby, prompting the payroll system to consider the additional time entered by Employee as overtime pay. Moreover, she determined that although Employee's lengthy history of complying with the ETR policy proved that he was aware of how to accurately report the time, Agency failed to consider the impact that the Covid-19 Public Health Emergency had on to its time recording policy.[10] The AJ reasoned that Agency failed to prove that Employee knowingly submitted, or allowed the submission of, falsified time logs into the payroll system. Furthermore, she held that Employee did not misrepresent, falsify, or conceal material facts or records in connection with Agency's investigation. According to the AJ, Employee offered to repay the overpayment with one $25,000 installment, followed by smaller installments. Consequently, she concluded that Agency lacked cause to terminate Employee. As a result, she ordered that Employee be reinstated and that Agency reimburse Employee all back and benefits lost, less the overpayment amount of $53,391.66.[11]

Agency disagreed with the Initial Decision and filed a Petition for Review with the OEA Board on August 23, 2023. It contended that the AJ's decision regarding its misrepresentation and falsification charges are based on an erroneous interpretation of the regulations and its policy. Agency claimed that its ETR policy remained the same throughout, and after, the pandemic. It further maintained that employees were required to use PeopleSoft to manually enter time when working out of the office and could not enter time for hours worked in the office.[12] Thus, Agency argued that the AJ incorrectly determined that Employee accurately submitted his time manually; that Agency failed to consider the impact of the pandemic on its ETR policy; and that Agency did not meet its burden of proof to establish that Employee knowingly submitted false time logs. Accordingly, it requested that the Board grant its petition because the AJ's conclusions of law are unsupported by the record, and the decision was based on an erroneous interpretation of OEA's regulations and Agency's policies.[13]

On September 27, 2023, Employee filed a Response to Agency's Petition for Review. He

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11) mitigating circumstances surrounding the offense such as unusual job tensions, personality problems, mental impairment, harassment, or bad faith, malice, or provocation on the part of others involved in the matter; and
12) the adequacy and effectiveness of alternative sanctions to deter such conduct.

[8] Agency reasoned that Employee's conduct of consistently submitting false time sheets over a six-month period adversely impacted its reputation; betrayed his position of public trust; showed his inability to be rehabilitated; and necessitated an adequate disciplinary action to deter others.

[9] *Agency's Answer*, p. 4-11 (October 31, 2022).

[10] The AJ noted that during the pandemic, Agency's time reporting policies changed. Employees were required to manually enter their time using the time reporting code "STTW" for Telework (Situational). According to the AJ, Agency did not provide any evidence to dispute this assertion.

[11] *Initial Decision*, p. 8-13 (July 18, 2023).

[12] Agency submitted that it did not instruct its employees to switch to manual time reporting from situational telework to regular pay. It argues that Employee entered "REG" manually, which was incorrect and a direct violation of the ETR policy.

[13] *Agency Petition for Review*, p. 1-13 (August 23, 2023).

opined that the AJ correctly determined that Agency failed to offer proof of his intent to falsify his time logs. Employee argued that the AJ took judicial notice that all District employees were required to use the time reporting code "STTW" while teleworking during the Covid-19 Public Health Emergency, which represented a change in policy for reporting time prior to the pandemic. Finally, he contended that Agency lacked proof that Employee offered inconsistent statements or concealed evidence during its investigation. Therefore, Employee requested that Agency's Petition for Review be denied.[14]

The OEA Board found that the Initial Decision was not based on substantial evidence. Moreover, it determined that the Initial Decision did not address all material issues of fact in this case. The Board explained that although the AJ requested briefs from both parties, the briefs offered conflicting facts, and the documents submitted created more questions than answers. Thus, rendering it even harder for the Board to rule that the Initial Decision was based on substantial evidence.[15]

The Board also held that the parties' positions regarding time reporting pre-pandemic, during the pandemic, and after the pandemic contradicted each other. As it related to the misrepresentation, falsification, or concealment of material facts in connection with an investigation, the Board held that a review of Agency's investigation offered evidence of Employee being evasive or providing no response to several questions. It further opined that Employee seemed to concede that he refused to answer questions during the investigation because he felt that the investigator was "badgering" him.[16] Accordingly, the Board remanded the case to the AJ to conduct an evidentiary hearing to adequately address the material issues of facts in dispute.[17]

On September 23, 2024, the AJ issued an Initial Decision on Remand. She determined that Agency's ETR time entry procedure did not change during or after the pandemic. Accordingly, she held that Employee violated the time entry policy and should have allowed the system to automatically enter eight hours of regular pay instead of manually entering the hours himself, which resulted in the overtime payments. However, she found that there was no evidence that Employee knowingly supplied incorrect information with the intention of defrauding, deceiving, or misleading Agency and that he provided a plausible explanation to negate an intent to deceive or mislead Agency.[18] Moreover, the AJ opined that Employee had a duty to answer questions during the investigation, and she found that Employee did not answer the questions or found his answers to be evasive. However, she ruled that Employee's responses were not intended to defraud or mislead Agency for his own private gain. Accordingly, she reversed Agency's termination action and ordered that Employee be reinstated with backpay, less the $53,391.66 overpayment.[19]

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[14] *Employee's Response to Agency Petition for Review*, p. 5-20 (September 27, 2023).
[15] *Employee v. Office of the Chief Technology Officer,* OEA Matter No. 1601-0083-22, *Opinion and Order on Petition for Review*, p. 9-11 (November 16, 2023).
[16] *Petition for Appeal*, p. 5 (September 30, 2022).
[17] *Employee v. Office of the Chief Technology Officer,* OEA Matter No. 1601-0083-22, *Opinion and Order on Petition for Review*, p. 11-12 (November 16, 2023).
[18] The AJ found that Agency did not provide testimonial or documentary evidence to show that a manager did not inform Employee to enter his time manually when he returned to work. She also held that one other employee made the same erroneous time submissions.
[19] *Initial Decision on Remand*, p. 11-19 (September 23, 2024).

Agency disagreed and filed a Petition for Review on October 28, 2024. It argues that the AJ erroneously interpreted the law applicable to Employee's violation of DCMR § 1607.2(b)(2) by insisting that there be an intent to defraud, deceive, or mislead Agency for a private material gain. As for the misrepresentation, falsification, or concealment charge, Agency opines that although the AJ found that Employe had a duty to cooperate with the investigation and failed to do so, she, again, erroneously relied on the intent to defraud, deceive, or mislead for private material gain element. According to Agency, this is higher burden than should not have been imposed. Therefore, it requests that the OEA Board reverse the Initial Decision on Remand.[20]

On December 9, 2024, Employee filed his response to Agency's Petition for Review and argues that because DCMR § 1607.2(b)(2) does not explicitly provide a private material gain requirement, does not mean that it cannot be imputed to the requirements for proving the charge. Thus, according to Employee this is not a basis for reversing the Initial Decision on Remand. He also asserts that he did not have the requisite intent and that there was a lack of rebuttal witnesses who could have contradicted his version of events. Therefore, Employee requests that the Petition for Review be denied.[21]

Cause

Employee was charged with violating DCMR §§ 1607.2(c)(1) – knowing submission of (or causing or allowing the submission of) falsely stated time logs, leave forms, travel or purchase vouchers, payroll, loan, or other fiscal document(s) and 1607.2(b)(2) – misrepresentation, falsification, or concealment of material facts or records in connection with an official matter, including investigations. DCMR §§ 1607.2 provides the following:

> The illustrative actions in the following table are not exhaustive and shall only be used as a guide to assist managers in determining the appropriate agency action. Balancing the totality of the relevant factors established in § 1606.2 can justify an action that deviates from the penalties outlined in the table.
>
> (b) False Statements/Records
>
> (2) Misrepresentation, falsification or concealment of material facts or records in connection with an official matter, including investigations
>
> (c) Fiscal Irregularities
>
> (1) Knowing submission of (or causing or allowing the submission of) falsely stated time logs, leave forms, travel or purchase vouchers, payroll, loan, or other fiscal document(s).

Agency's final notice provides that he was removed in accordance with DCMR § 1607.2(c)(1) which relates to fiscal irregularities for knowingly submitting false time records. However, the AJ's entire analysis in the Initial Decision on Remand is based on DCMR § 1607.2(b) pertaining to false statements and not DCMR § 1607.2(c). Additionally, the OEA case law that the AJ relied on in *John J. Barbusin v. Department of General Services*, OEA Matter No. 1601-0077-

[20] *Agency Petition for Review* (October 28, 2024).
[21] *Employee's Response to Agency's Petition for Review* (December 9, 2024).

15 (March 1, 2017), pertained to an employee who was charged with "any knowing or negligent material misrepresentation on other documents given to a government agency: intentional false statement." This charge is different than the fiscal irregularity charge levied against the Employee in this matter.[22] On its face, this Board cannot conclude that the Initial Decision on Remand is based on substantial evidence, in light of the error of the analysis provided.[23]

The decision on remand provided that to establish that Employee knowingly submitted false time records, Agency must prove by preponderance of the evidence that Employee knowingly supplied incorrect information *with the intention of defrauding, deceiving, or misleading the agency* (emphasis added). While this may be an appropriate analysis used in some cases when determining if an Employee falsified statements, it should not have been used by the AJ when analyzing if Employee engaged in fiscal irregularities as provided in subsection (c). In *Kyle Quamina v. D.C. Department of Youth Rehabilitation Services*, OEA Matter No. 1601-0055-17R19, p. 13 (July 9, 2020) and *Eileen Perry v. Department of For-Hire Vehicles*, OEA Matter No. 1601-0040-20, p. 9-11 (October 3, 2021), OEA Administrative Judges determined if employees provided knowing submissions of falsely stated time logs, and neither offered an analysis of an employee's intention of defrauding, deceiving, or misleading the agency. Moreover, in *District of Columbia Department of For-Hire Vehicles v. D.C. Office of Employee Appeals and Eileen Perry*, Case No. 2022-CAB0005771 (D.C. Super. Ct. June 27, 2024), the Superior Court for the District of Columbia did not disturb the AJ's holding as it related to the charge of knowing submissions of falsely stated time logs, which also did not include an analysis of intent to defraud, deceive, or mislead.

The analysis offered by the AJ of DCMR subsections (b) and (c) cannot be interchangeable as the regulations clearly distinguish that the causes of action are separate. This is especially true because the AJ determined that there was evidence that Employee violated Agency's time entry policy when he entered eight (8) hours of "regular" time. However, she found that Employee provided a plausible explanation that negated an inference of intent to deceive or mislead Agency. The AJ's plausible explanation is based on an analysis of the incorrection DCMR subsection (b) related to false statements and not fiscal irregularities outlined in subsection (c), as the cause of action with which Agency charged Employee in charge one.

As it relates to Agency's second charge of DCMR § 1607.2(b)(2), misrepresentation, falsification, or concealment of material facts or records in connection with an official matter, including investigations, the AJ held that while Employee was frustrated by the investigator's questions, he had a duty to answer and that some of his answers were evasive. However, she found that Employee's answers were not intended to defraud or mislead Agency for *his own private material gain* because Employee maintained that he could repay the overpayment in one lump sum

[22] *Initial Decision on Remand*, p. 13-15 (September 23, 2024).

[23] According to OEA Rule 637.4(c), the Board may grant a Petition for Review when the AJ's findings are not based on substantial evidence. The Court in *Baumgartner v. Police and Firemen's Retirement and Relief Board,* 527 A.2d 313 (D.C. 1987), found that if administrative findings are supported by substantial evidence, then it must be accepted even if there is substantial evidence in the record to support a contrary finding. Substantial evidence is defined as evidence that a reasonable mind could accept as adequate to support a conclusion. *Black's Law Dictionary*, Eighth Edition; *Mills v. District of Columbia Department of Employment Services*, 838 A.2d 325 (D.C. 2003); and *Black v. District of Columbia Department of Employment Services*, 801 A.2d 983 (D.C. 2002).

and in smaller payments thereafter (emphasis added). In Agency's Petition for Review, it argued that the plain language of DCMR § 1607.2(b)(2) and OEA's previous holdings related to this regulation, do not include an analysis of the private material gain element that the AJ considered here. This Board agrees with Agency's position. OEA Administrative Judges, including the AJ in this matter, have correctly relied on an analysis that did not include the private material gain requirement in previous OEA decisions.[24] As a result, this Board must remand the matter for the AJ to consider the merits of the case while applying the applicable regulations and case law.

ORDER

Accordingly, it is hereby **ORDERED** that this matter is **REMANDED** to the Administrative Judge.

FOR THE BOARD:

_____
Dionna Maria Lewis, Chair

_____
Arrington L. Dixon

_____
Lashon Adams

_____
Jeanne Moorehead

_____
Pia Winston

[24] *Employee v. University of the District of Columbia*, OEA Matter No. 1601-0006-21 (September 18, 2023); *Employee v. D.C. Public Library,* OEA Matter No. 1601-0055-22 (May 22, 2023); and *Employee v. District Department of Transportation*, OEA Matter No. 1601-0058-20 (November 15, 2021).

Either party may appeal this decision on Petition for Review to the Superior Court of the District of Columbia. To file a Petition for Review with the Superior Court, the petitioning party should consult Superior Court Civil Procedure Rules, XV. Agency Review, Rule 1.

Notice: This decision may be formally revised before it is published in the *District of Columbia Register* and the Office of Employee Appeals' website. Parties should promptly notify the Office Manager of any formal errors so that this Office can correct them before publishing the decision. This notice is not intended to provide an opportunity for a substantive challenge to the decision.

GOVERNMENT OF THE DISTRICT OF COLUMBIA

THE OFFICE OF EMPLOYEE APPEALS

In the Matter of:	)	
	)	
EMPLOYEE,[1]	)	OEA Matter No.: 2401-0017-22R25
Employee	)	
v.	)	Date of Issuance: May 30, 2025
	)	
D.C. DEPARTMENT OF FORENSIC SCIENCE,	)	
Agency	)	MONICA DOHNJI, ESQ.
	)	SENIOR ADMINISTRATIVE JUDGE
	)	

Ryan Griffin, Esq., Employee Representative
Hillary Hoffman, Esq., Agency Representative

INITIAL DECISION

INTRODUCTION AND PROCEDURAL HISTORY

On November 29, 2021, Employee filed a Petition for Appeal with the Office of Employee Appeals ("OEA") contesting District of Columbia Department of Forensic Sciences' ("Agency") decision to separate her from her position as a Forensic Scientist pursuant to a Reduction-in-Force ("RIF"). Employee was RIFed effective October 22, 2021. On December 6, 2021, OEA issued a Request for Agency Answer to Petition for Appeal. On December 28, 2021, Agency submitted its Motion to Dismiss Employee's Petition for Appeal stating that Employee's Petition for Appeal was untimely. This matter was assigned to the undersigned on January 19, 2022. On January 21, 2022, Employee filed an Opposition to Agency's Motion to Dismiss. On January 27, 2022, the undersigned issued an Order on Jurisdiction and Convening a Prehearing Conference noting that OEA maintained jurisdiction over this matter. A Prehearing Conference was held on February 24, 2022, via WebEx. Subsequently, I issued an order requiring the parties to submit written briefs. Both parties submitted their respective briefs.[2] After several conferences, an Evidentiary Hearing was held on March 21, 2023. The parties submitted their respective written closing arguments on

[1] Employee's name was removed from this decision for the purposes of publication on the Office of Employee Appeals' website.
[2] On May 3, and May 19, 2022, Agency filed a Motion to Consolidate this matter with another similar matter assigned to the undersigned. This Motion was DENIED. The facts of the cases did not warrant consolidation. However, for the purposes of the record regarding the RIF, the AJs assigned to these matters before this Office elected to hold a joint Evidentiary Hearing to address issues identified regarding the administration of the RIF.

June 2, 2023. Thereafter, I issued an Initial Decision ("ID") on August 23, 2023, upholding Agency's decision to RIF Employee.

Employee appealed the ID to the District of Columbia Superior Court and on January 10, 2025, this Court issued a Memorandum Opinion and Order remanding the Case to OEA.[3] Specifically, the D.C. Superior Court Judge remanded the matter to OEA "to (1) determine whether Employee was placed on the [Agency Reemployment Priority Program ("ARPP")] list for priority reemployment consideration by September 22, 2021; (2) determine whether Employee was given priority consideration for any vacancies that existed at DFS during the RIF notice period between September 22, 2021, and the date Employee was placed on the ARPP list; and (3) if there were any vacancies at DFS for which Employee was qualified, but not given priority consideration, determine the appropriate remedy." Accordingly, on February 21, 2025, I issued an Order requiring the parties to submit written briefs addressing the above referenced issues. Both parties have submitted their respective briefs. The record is now closed.

JURISDICTION

The Office has jurisdiction in this matter pursuant to D.C. Official Code § 1-606.03 (2001).

ISSUE

1) Whether Employee was placed on the ARPP list for priority reemployment consideration by September 22, 2021.
2) Whether Employee was given priority consideration for any vacancies that existed at DFS during the RIF notice period between September 22, 2021, and the date Employee was placed on the ARPP list. And
3) If there were any vacancies at DFS for which Employee was qualified but not given priority consideration, what is the appropriate remedy.

BURDEN OF PROOF

OEA Rule 628.1, 59 DCR 2129 (March 16, 2012) states:

> The burden of proof with regard to material issues of fact shall be by a preponderance of the evidence. "Preponderance of the evidence" shall mean:
>
> > That degree of relevant evidence which a reasonable mind, considering the record as a whole, would accept as sufficient to find a contested fact more probably true than untrue.

OEA Rule 628.2 *id.* states:

[3] *Employee v. D.C. Office of Employee Appeals, et. al.*, No. 2024-CAB-000343 (January 10, 2025).

The employee shall have the burden of proof as to issues of jurisdiction, including timeliness of filing. The agency shall have the burden of proof as to all other issues.

FINDINGS OF FACT, ANALYSIS, AND CONCLUSIONS OF LAW[4]

D.C. Official Code § 1-606.03 (2001) gives this Office the authority to review, *inter alia*, appeals from separations pursuant to a RIF. On August 10, 2021, Administrative Order No. DFS-2021-01 authorizing a RIF pursuant to D.C. Code § 1-624.02; Chapter 24, Reduction-In-Force of Title 6 of the District of Columbia Municipal Regulations ("DCMR"); and Mayor's Order 2008-91, dated June 26, 2008, was issued. The RIF Authorization Memo stated that the RIF was conducted for "a lack of work due to the loss of accreditation as required pursuant to D.C. Official Code § 5-1501.06(d)(1)."[5] Following an investigation into an alleged misconduct in the Firearm Examination Unit ("FEU"), Agency's Forensic accreditation was suspended effective April 12, 2021. The entire Firearms Examination Unit was abolished because of the loss of accreditation. Employee was a Forensic Science Technician in the Firearms Examination Unit. She is a member of the National Association of Government Employees ("NAGE") which has a Collective Bargaining Agreement with Agency. Agency issued a written RIF Notice on September 15, 2021, to Employee, with an effective RIF date of October 22, 2021. The D.C. Superior Court Judge remanded this matter to OEA "to (1) determine whether Employee was placed on the ARPP list for priority reemployment consideration by September 22, 2021; (2) determine whether Employee was given priority consideration for any vacancies that existed at DFS during the RIF notice period between September 22, 2021, and the date Employee was placed on the ARPP list; and (3) if there were any vacancies at DFS for which Employee was qualified, but not given priority consideration, determine the appropriate remedy."

Summary of Agency's Position

Agency concedes that it placed Employee on the ARPP list on October 23, 2021, but asserts that the delayed placement was harmless error. Agency explains that there were no vacancies at Agency between September 22, 2021, and October 22, 2021, that Employee was qualified to fill.[6] Citing 6 DPM § 2426.3, Agency avers that Employee became entitled for priority reemployment considerations at Agency for positions she qualified for when the RIF notice was issued on September 21, 2021. Agency argues that Employee was only entitled to receive priority consideration for any vacancies that existed at Agency during the RIF notice period that she was qualified for. Agency maintains that as a Forensic Science Technician in the Firearms Examination Unit ("FEU"), she would have potentially qualified to receive priority reemployment consideration for vacancies in other Agency units that employ Forensic Scientists. Nonetheless, Agency asserts that the only vacant position that existed at Agency between September 22, 2021, to October 22, 2021, were for human resources specialists in the Human Resources Department. Agency cites

[4] Although I may not discuss every aspect of the evidence in the analysis of this case, I have carefully considered the entire record. See *Antelope Coal Co./Rio Tino Energy America v. Goodin*, 743 F.3d 1331, 1350 (10th Cir. 2014) (citing *Clifton v. Chater*, 79 F.3d 1007, 1009-10 (10th Cir. 1996)) ("The record must demonstrate that the ALJ considered all of the evidence, but an ALJ is not required to discuss every piece of evidence").
[5] *See.* Employee's Prehearing Statement (February 16, 2022).
[6] Agency's Brief (March 13, 2025).

that Employee was not qualified to fill the Human Resources Specialist role give her background in laboratory sciences and lack of expertise in human resources. Agency concluded that although it erred by failing to place Employee on the ARPP list by the date of the RIF notice, the error was harmless because there were no vacancies for which Employee qualified and entitled to priority reemployment consideration during the RIF notice period.[7]

Additionally, Agency explains that employees on the ARPP list who receive priority reemployment must still compete with other candidates, including other ARPP listed employees, all of whom may qualify for the position. Agency contends that had Employee been afforded priority reemployment considerations for the human resources positions that were opened at Agency during the RIF notice period, she would have been disqualified because of her lack of qualifications and experience. Therefore, Agency's lack of priority reemployment consideration for these vacancies was harmless error. Agency also avers that Employee is not entitled to reinstatement at Agency or reconsideration for a position in which she did not qualify, and that priority reemployment consideration does not equate to automatic reemployment.[8]

Agency cites in its Sur-reply brief that it was under no obligation to give Employee priority reemployment consideration between August 10, 2021, and September 21, 2021, because this period precedes the RIF approval and the issuance of the RIF notice.[9] Agency argues that despite Employee's argument that four (4) Forensic Scientists were hired during the relevant time period, this does not indicate that these vacancies existed during the relevant time period. Agency explains that while the four (4) forensic scientists had official 'start dates' during the RIF notice period, they were hired prior to the RIF approval date. Agency also notes that Employee did not consider the date the vacancies were posted, filled, the time (weeks or months) it took for background checks and onboarding. Agency concludes that the official 'start date' of the hired forensic scientists does not conclude that Agency had open vacancies which it filled during the RIF notice period. Agency reiterates that the only available positions at Agency during the RIF notice period were human resources positions.[10]

Agency further asserts that Employee's contention that she was placed on the ARPP list on November 15, 2021, is false. Agency avers that the D.C. Superior Court held in its Opinion remanding this matter to OEA that the ARPP registration sheet identifies that Employee was placed on ARPP on October 23, 2021, the day after her separation. Agency notes that Employee is attempting to make a novel argument which is outside the scope of the remand directives from the D.C. Superior Court to OEA.[11]

Agency reiterates that Employee was not eligible to fill the vacancies that existed at Agency during the RIF notice period and therefore, any delay in placing Employee on the ARPP list was harmless error and does not warrant a 'make-whole relief.'[12] Regarding Employee's contention that Agency did not inquire about her transferrable skills; and that she may have

[7] *Id*.
[8] *Id*.
[9] Agency's Reply to Response of Employee on Remand to OEA, April 15, 2025.
[10] *Id*.
[11] *Id*.
[12] *Id*.

qualified for the vacant human resources specialists positions given her experience with personnel, significant training in management, leadership, organizational structure and organizational behavior, Agency asserts that Employee did not comply with its Departmental Operations Manuals ("DOM"). Agency explains that DFS DOM14, which was active at the time of the current RIF and binding on all DFS employees provides that Employee maintain a Curriculum Vitae ("CV") on Agency's Public Drive that summarizes her education, training and experience until time of termination. Agency cites that it was Employee's responsibility to update her CV within the Public Drive at least once a year. Agency asserts that Employee's CV on file did not include any human resources experience from 2010 to when she was terminated by Agency pursuant to the current RIF. Agency also argues that although Employee's experience reflects organization and coordination skills, Employee's experiences do not reflect specialization in human resources necessary to fill a grade CS-12 position. Agency asserts that Employee did not qualify to fill the vacancies available at Agency during the notice period and for this reason, Agency's failure to timely place Employee on the ARPP list constitutes harmless error. Agency asserts that the evidence does not establish that but-for Employee's delayed placement on the ARPP list, she would have remained employed by Agency. Agency argues that because Agency had no vacancies that Employee qualified for during the notice period, it is impossible for the effect of the delay to have the requisite magnitude to constitute harmful error, let alone retroactive reinstatement.[13]

Summary of Employee's Position

Employee argues that Agency failed to timely place her on the ARPP list and afford her priority consideration for vacancies as required under applicable rules. Citing to E-DPM Instruction No 8-69, 9-36 & 36-11 § 7b, Employee argues that Agency was required to place employees affected by the RIF on the ARPP list immediately after it is determined that such employees will be affected by a RIF but not later than the issuance of the RIF.[14] Employee asserts that the purpose of placing an employee on the ARPP list as soon as they are slated to be affected by a RIF but no later than the issuance of the formal RIF notice is so that such priority offers can occur prior to separation from employment.[15]

Employee asserts that Agency bears the burden of proof as to compliance with the RIF procedure, including the priority reemployment provisions.[16] Employee cites that Agency has conceded that it did not place Employee on the ARPP list before September 22, 2021. Employee argues that to prove that Agency's delay to place her on the ARPP list was harmless error, Agency must show that no vacancies existed at the time of the notice period and before Employee was placed on the ARPP list.[17] Employee asserts that Agency placed her on the ARPP list on November 15, 2021, nearly a month after her termination.[18]

[13] *Id*.
[14] Brief of Employee on Remand to OEA (April 4, 2025). Employee filed a corrected version of her brief on April 17, 2025.
[15] *Id*.
[16] *Id*.
[17] *Id*.
[18] *Id*.

Employee cites that Agency conceded that it did not provide her priority consideration for any vacancies that existed prior to her termination. Employee contends that there were numerous vacancies at Agency during the time she should have been on the ARPP list from August 10, 2021, to October 22, 2021. Employee asserts that Agency filled at least nine (9) positions during this period; to include at least six (6) Forensic Scientist positions and she did not receive priority consideration.[19] Employee avers that she is entitled to 'make-whole' relief, to include reinstatement and back pay because Agency's failure to follow RIF procedures were anything but harmful. She cites that if Agency had followed the RIF procedures, she would have at least had the opportunity to be considered on a priority basis for the numerous vacancies at Agency.[20]

Additionally, Employee avers that given her excellent performance and no evidence to prove she was unqualified for the available vacancies, such as the forensic scientist positions, she is certain she would have avoided termination and maintained her position. Employee submits that Agency cannot escape this conclusion through a harmless error defense because its factual contentions are unsupported and its errors were anything but harmless. She expounds that she was terminated through no fault of her own, and she was deprived of key job protections guaranteed to her by law. She highlights that the entire process was irredeemably flawed, and therefore, she should be reinstated with backpay.[21]

Employee also detailed the multiple steps involved in the priority consideration process. She explains that initially, there is a matching process for each open position based solely on occupational series and grade. Next, the agency is required to conduct a qualification analysis of each Employee on the ARPP list against the advertised selection criteria and refer eligible employees to the appropriate hiring authority. The hiring authority is required to give qualified employees on the ARPP list the right to first refusal before the agency makes offers to anyone not on the ARPP list.[22] Employees argues that Agency's own publicly available hiring data shows that Agency hired six (6) Forensic Scientists during the relevant period and there is nothing in the record suggesting that she was unqualified for these positions.[23] Employee submits that Agency's assertion that she did not qualify for the human resources positions is completely devoid of any evidentiary support because Agency failed to provide any information on what skills and qualifications were required for the human resources positions or evidence that Employee lacked the requisite requirements. Employee cites that she may have qualified for the human resources positions because she has experience with personnel, and significant training in management, leadership, organizational structure, and organizational behavior.[24]

ANALYSIS[25]

[19] *Id*.
[20] *Id*.
[21] *Id*.
[22] *Id*.
[23] *Id*.
[24] *Id*.
[25] Although I may not discuss every aspect of the evidence in the analysis of this case, I have carefully considered the entire record. See *Antelope Coal Co./Rio Tino Energy America v. Goodin*, 743 F.3d 1331, 1350 (10th Cir. 2014) (citing *Clifton v. Chater*, 79 F.3d 1007, 1009-10 (10th Cir. 1996)) ("The record must demonstrate that the ALJ considered all of the evidence, but an ALJ is not required to discuss every piece of evidence").

The RIF Authorization Memo (Administrative Order No. DFS-2021-01) dated August 10, 2021, stated that the RIF was conducted for "a lack of work due to the loss of accreditation as required pursuant to D.C. Official Code § 5-1501(d)(1)."[26] On January 10, 2025, the D.C. Superior Court Judge remanded the matter to OEA "to (1) determine whether Employee was placed on the [Agency Reemployment Priority Program ("ARPP")] list for priority reemployment consideration by September 22, 2021; (2) determine whether Employee was given priority consideration for any vacancies that existed at DFS during the RIF notice period between September 22, 2021, and the date Employee was placed on the ARPP list; and (3) if there were any vacancies at DFS for which Employee was qualified, but not given priority consideration, determine the appropriate remedy."

1) **Whether Employee was placed on the [Agency Reemployment Priority Program ("ARPP")] list for priority reemployment consideration by September 22, 2021.**

Here, Agency has conceded that it did not place Employee on the ARPP list for priority reemployment consideration by September 22, 2021. Agency asserted that it placed Employee on the ARPP list on October 23, 2021, almost a month after the relevant September 22, 2021, date.

2) **Whether Employee was given priority consideration for any vacancies that existed at DFS during the RIF notice period between September 22, 2021, and the date Employee was placed on the ARPP list.**

Because Agency asserted that it placed Employee on the ARPP list on October 23, 2021, I find that Employee was not given priority consideration for any vacancies that existed at DFS during the RIF notice period between September 22, 2021, and October 23, 2021, the date Employee was placed on the ARPP list. Accordingly, I conclude that it would be impossible to provide Employee with priority consideration for vacancies that existed at DFS between September 22, 2021, and October 23, 2021, without Employee being on the ARPP list during that period.

3) **If there were any vacancies at DFS for which Employee was qualified, but not given priority consideration, determine the appropriate remedy.**

Here, Agency argued that it had only five (5) human resources vacancies during the relevant period of September 22, 2021, to October 23, 2021, all of which Employee did not qualify for. Therefore, Agency's lack of priority reemployment consideration for these vacancies was harmless error. Agency contended that had Employee been afforded priority reemployment considerations for the human resources positions that were open at Agency during the RIF notice period, she would have been disqualified because of her lack of qualifications and experience. Agency reiterated that Employee is not entitled to reinstatement at Agency or reconsideration for a position in which she did not qualify, and that priority reemployment consideration does not equate to automatic reemployment. Therefore, Agency maintained that its failure to timely place Employee on the ARPP list was harmless error, because Employee did not qualify for any of the human resources vacancies, and as such, was not entitled to priority consideration.

[26] *See.* Employee's Prehearing Statement (February 16, 2022).

Employee on the other hand asserted that based on publicly available hiring data, Agency filled nine (9) positions, and at least six (6) of those were forensic scientists positions that she qualified for. Employee further asserted that Agency has not provided any evidence in support of its assertion that she did not qualify for any of the five (5) human resources positions. Employee maintained that she had experience in personnel and training in management and organizational structure.

A review of Agency's Attachment 2, to its brief on remand – DFS vacancies 9.22- 10.22.21, highlights that there were five (5) vacancies at Agency between the period of September 22, 2021, to October 22, 2021. Pursuant to this document, these positions were all human resources specialist positions, and they were posted by Agency between October 7, 2021, and October 13, 2021. Agency further cited in its Sur-reply brief that the available human resources vacancies required specialization in human resources necessary to fill a grade CS-12.[27] Agency further argued that Employee's CV on file did not include any human resources experience from 2010 to when she was terminated by Agency pursuant to the current RIF. While Employee questioned the accuracy of the vacancy list provided by Agency in Agency's Attachment 2, I find that Employee has not provided any specific evidence to validate her doubts.

But for the publicly available hiring data which Employee submitted with her brief, Employee has not provided this Office with information pertaining to open positions that she qualified for during the relevant period. The publicly available hiring data does not display when the vacancies for the six (6) forensic scientist positions that Employee referenced were posted. It simply shows the new employees' start dates, that fall within the RIF notice period. The start dates listed in Employee's Exhibit A ranged from September 27, 2021, to October 12, 2021. It should also be noted that per Employee's Exhibit A, only two (2) employees had a start date during the period of September 22, 2021, to October 22, 2021. Furthermore, Employee's Exhibit A does not provide when the vacancies for these positions were posted by Agency, and the length of the hiring process. Accordingly, I find that Employee's Exhibit A is not the appropriate documentation to rely on in determining the vacancies at Agency during the relevant period. Absent any other credible evidence from the parties, the undersigned will rely on Agency's Attachment A, in deciding if there were any vacancies at DFS for which Employee was qualified, but not given priority consideration in order to determine the appropriate remedy.

The record shows that Employee was a Forensic Specialist at the time of the RIF. Agency asserted that Employee's CV on file did not include any human resources experience from 2010 to when she was terminated by Agency pursuant to the current RIF. But for Employee's assertion that she had experience in personnel and training in management and organizational structure which could be transferred to the human resources vacancies at DFS, Employee does not deny that her CV on file did not include any human resources experience from 2010 to when she was terminated by Agency pursuant to the current RIF. Consequently, I conclude that while there were vacancies at Agency during the relevant period, Employee did not qualify for the vacancies. I find that because Employee did not qualify for these vacancies, she was not entitled to priority reemployment consideration and Agency's delay to place Employee on the ARPP list constitutes

[27] It should be noted that Agency's Attachment 2, noted that the human resources positions were Grade 13 positions.

harmless error.[28] Accordingly, I find the facts in this matter warrant the invocation of a harmless error review

The OEA Board in *Kyle Quamina v. Department of Youth Rehabilitation Services,*[29] addressed this issue of harmless error. It noted that "… an agency's violation of a statutory procedural requirement does not necessarily invalidate the agency's adverse action. Thus, the facts in this matter warrant the invocation of a harmless error review. In determining whether Agency has committed a procedural offense as to warrant the reversal of its adverse action, this Board will apply a two-prong analysis: whether Agency's error caused substantial harm or prejudice to Employee's rights *and* whether such error significantly affected Agency's final decision to suspend Employee."[30] In applying this two-prong analysis to the instant matter, the undersigned finds that Agency's failure to place Employee on the ARPP list during the relevant time did not cause substantial harm or prejudice to Employee. As previously noted, while there were vacancies at Agency during the relevant period, Employee did not qualify for the vacancies, therefore, she was not eligible for priority consideration. Further, the delay in placing Employee on the ARPP list during the relevant period did not affect Agency's decision to terminate Employee. Therefore, I conclude that Agency's delay in placing Employee on the ARPP list during the RIF notice period did not significantly affect Agency's decision to RIF Employee. Accordingly, in consideration of the above, I find that Agency's delay in placing Employee on the ARPP list is harmless error as this delay did not cause substantial harm or prejudice to Employee's rights and did not significantly affect Agency's final decision to RIF Employee. Wherefore, I also find that Agency's action of separating Employee from service in accordance with a RIF should be upheld.

ORDER

It is hereby **ORDERED** that Agency's action of separating Employee pursuant to a RIF is **UPHELD**.

FOR THE OFFICE:

/s/ Monica N. Dohnji
MONICA DOHNJI, Esq.
Senior Administrative Judge

[28] OEA Rule 631.3 provides that: "[n]otwithstanding any other provisions of these rules, the Office shall not reverse an agency's action for error in the application of its rules, regulations or policies if the agency can demonstrate that the error was harmless. Harmless error shall mean an error in the application of the agency's procedures, which did not cause substantial harm or prejudice to the employee's rights and did not significantly affect the agency's final decision to take action."
[29] OEA Matter No. 1601-0055-17, Opinion and Order on Petition for Review (April 19, 2019).
[30] *Id*.

Notice: This decision may be formally revised before it is published in the *District of Columbia Register* and the Office of Employee Appeals website. Parties should promptly notify the Office Manager of any formal errors so that this Office can correct them before publishing the decision. This notice is not intended to provide an opportunity for a substantive challenge to the decision.

GOVERNMENT OF THE DISTRICT OF COLUMBIA

THE OFFICE OF EMPLOYEE APPEALS

In the Matter of:	
EMPLOYEE,	OEA Matter No. 2401-0062-24
	Date of Issuance: May 6, 2025
v.	
	JOSEPH E. LIM, ESQ.
DC PUBLIC SCHOOLS,	SENIOR ADMINISTRATIVE JUDGE
Agency	

Employee *pro se*
Angel Cox, Esq. Agency Representative

INITIAL DECISION

PROCEDURAL HISTORY

On June 28, 2024, Employee filed a petition for appeal with the Office of Employee Appeals ("OEA" or the "Office") from Agency's final decision terminating him effective June 28, 2024, due to a Reduction in Force. In response to OEA's June 28, 2024, letter, Agency filed its July 29, 2024, Answer disputing Employee's claims and asserting that its action is proper. The matter was assigned to the undersigned judge on July 30, 2024. On August 29, 2024, I scheduled a Telephonic Prehearing Conference for September 16, 2024.

After the September 16, 2024, Prehearing Conference, I ordered the parties to submit legal briefs on whether the Reduction in Force of Employee should be upheld with the deadline of October 18, 2024. Although Agency complied, Employee failed to do so. On April 11, 2025, I issued a Show Cause Order for Employee to reply by April 22, 2025, on his reason or reasons for his non-appearance.

Despite prior warnings that failure to comply could result in sanctions, including dismissal, Employee failed to submit any response. To date, Employee has failed to respond. The record is closed.

JURISDICTION

The Office has jurisdiction in this matter pursuant to D.C. Official Code § 1-606.03 (2001).

ISSUE

Whether this appeal should be dismissed for failure to prosecute.

FINDINGS OF FACT, ANALYSIS AND CONCLUSIONS OF LAW

OEA Rule 624.3 states in relevant part that "If a party fails to take reasonable steps to prosecute or defend an appeal, the Administrative Judge, in the exercise of sound discretion, may dismiss the action or rule for the appellant. Failure of a party to prosecute or defend an appeal includes, but is not limited to, a failure to:[1]

(a) Appear at a scheduled proceeding after receiving notice;

(b) Submit required documents after being provided with a deadline for such submission; or

(c) Inform this Office of a change of address which results in correspondence being returned.

This Office has consistently held that failure to prosecute an appeal includes a failure to appear and/or a failure to submit required documents after being provided with a deadline for such a submission.[2] In this matter, Employee failed to submit a Prehearing Statement or appear at the scheduled Prehearing Conference. Employee also failed to respond to a Show Cause Order issued in this matter.

Accordingly, I find that Employee has not exercised the diligence expected of an appellant pursuing an appeal before this Office. I further find that Employee's failure to prosecute his appeal is a violation of OEA Rule 624. For these reasons, this matter should be dismissed for failure to prosecute.

ORDER

It is hereby **ORDERED** that the petition in this matter is **DISMISSED** for failure to prosecute.

FOR THE OFFICE:

/s/ *Joseph Lim*
JOSEPH E. LIM, ESQ.
Senior Administrative Judge

1 68 DCR 012473 (December 27, 2021).
2 *Williams v. D.C. Public Schools*, OEA Matter 2401-0244-09 (December 13, 2010); *Brady v. Office of Public Education Facilities Modernization*, OEA Matter No. 2401-0219-09 (November 1, 2010).

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GOVERNMENT OF THE DISTRICT OF COLUMBIA

THE OFFICE OF EMPLOYEE APPEALS

In the Matter of:	)	
	)	
EMPLOYEE,	)	OEA Matter No. 2401-0136-09-R14-R23
Employee	)	
	)	
v.	)	Date of Issuance: May 13, 2025
	)	
OFFICE OF CONTRACTING & PROCUREMENT,	)	
Agency	)	ERIC T. ROBINSON, ESQ.
	)	SENIOR ADMINISTRATIVE JUDGE

Stephen Leckar, Esq., Employee Representative
David Wachtel, Esq., Employee Representative
Michele McGee, Esq., Agency Representative

SECOND INITIAL DECISION ON REMAND

INTRODUCTION AND PROCEDURAL BACKGROUND

On June 19, 2009, Employee filed a petition for appeal with the Office of Employee Appeals contesting the Office of Contracting and Procurement ("OCP" or "the Agency") action of abolishing their last positions of record through a Reduction-In-Force ("RIF"). Employee's last position of record was Program Analyst in the competitive area of OCP – Office of Procurement Support.[1] For both matters, the effective date of the RIF was May 22, 2009. Both of the Employees herein were the only person in their respective competitive level and area when the instant RIF was effectuated. On or about November 30, 2009, both matters were initially assigned to Administrative Judge Sheryl Sears. On or around April 2010, due to Administrative Judge Sears' retirement, both of these matters were then reassigned to Senior Administrative Judge Rohulamin Quander. On or around June 2011, due to Senior Administrative Judge Quander's retirement, these matters were then reassigned to Senior Administrative Judge Joseph Lim. On or around October 2011, these matters were then reassigned to the undersigned Senior Administrative Judge for adjudication. Thereafter, the parties were present for multiple status conferences. Employee originally alleged that the Agency did not adhere to all the requirements of D.C. Official Code §

[1] This matter was initially joined with another Employee who shared a similar fate. However, the disposition of her former joined comrade was severed by the District of Columbia Court of Appeals as will be explained more thoroughly below.

1-624.02. Moreover, she contended that her positions was eliminated so that other person(s) could illegally take their former positions of record. OCP disagreed with the Employees' position and contended that the RIF of their respective positions were done in accordance with applicable law, rules and regulations.

An evidentiary hearing was held on May 7, 8, 9, and 31, 2012. Afterwards, the parties were required to submit written closing arguments in support of their positions. After granting extensions of time in which to file their closing arguments, both parties complied with this order by submitting their closing arguments in or around September 2012. Thereafter, I issued an Initial Decision ("ID") in this matter on February 8, 2013. In the ID, I found in favor of the Agency and upheld its RIF action against both Employees. Employees appealed the ID to the District of Columbia Superior Court. The Superior Court of the District of Columbia issued its first Opinion in these matters on August 26, 2014. This Opinion was the original Opinion that brought this matter back under the Undersigned's purview. Subsequently, the Court issued an Amended Opinion which superseded the Court's August 26, 2014, Order. On January 12, 2016, the Honorable John M. Mott issued the Amended Opinion on these matters on appeal wherein he held the following:

> The court affirms OEA's determination that § 1-624.08 applied to the RIF because the conclusion is supported by substantial evidence in the record. The court likewise affirms OEA's determination that it lacked jurisdiction to consider petitioners' reemployment rights. The court finds that OEA's conclusion that the RIF was executed in accordance with the relevant laws and regulations is not supported by substantial evidence and remands this case to OEA for further proceedings.[2]

The Amended Opinion granted District of Columbia's motion for reconsideration (before the Superior Court). The issues that were remanded to the undersigned were lessened pursuant to the Amended Opinion. According to the Initial Decision on Remand OEA Matter No. 2401-0136-09-R14 p. 3 (July 8, 2016), "Employees herein are only able to contest whether they "receive[d] written notice thirty (30) days prior to the effective date of their separation from service; and/or [whether they were] afforded one round of lateral competition within their competitive level." In that decision, the Undersigned once again upheld Agency's RIF action. Employee sought review of the IDR and in a decision dated June 15, 2023, the District of Columbia Court of Appeals ("DCCA") affirmed in part and reversed in part the IDR.[3] Pursuant to this decision, the only matter that was tendered for further review was whether Employee had a right to priority reemployment consideration and if so, whether that consideration was violated.[4] Thereafter, the parties appeared for a Status Conference wherein a briefing schedule was provided. The parties complied with the

[2] Sarinita Beale *et al* Civil Case No. 2012 CA 003434 B at 2 (January 12, 2016).
[3] No. 17-CV-1123.
[4] The other employee that was linked in this matter did not press a priority reemployment claim before the DCCA. Accordingly, the parties were severed by the DCCA and Employee who was designated as OEA Matter No. 2401-0136-09R14-R23, now proceeds alone.

schedule. After review, the Undersigned has determined that no further proceedings are required.[5] The record is now closed.

JURISDICTION

This Office has jurisdiction in this matter pursuant to D.C. Official Code §1-606.03 (2001).

ISSUE

Whether Employee had a right to priority reemployment consideration and if so, whether that consideration was violated.

BURDEN OF PROOF

OEA Rule 628.1, 59 DCR 2129 (March 16, 2012) states:

> The burden of proof with regard to material issues of fact shall be by a preponderance of the evidence. "Preponderance of the evidence" shall mean:
>
> > That degree of relevant evidence which a reasonable mind, considering the record as a whole, would accept as sufficient to find a contested fact more probably true than untrue.

OEA Rule 628.2 *id.* states:

> The employee shall have the burden of proof as to issues of jurisdiction, including timeliness of filing. The agency shall have the burden of proof as to all other issues.

FINDINGS OF FACTS, ANALYSIS AND CONCLUSIONS OF LAW

Employee first attempts to relitigate which authority the instant RIF was conducted - General RIF versus Abolishment Act. Notwithstanding that argument, OCP correctly notes that this is not an area that is subject to review by the Undersigned given that the DCCA already determined that the Abolishment act was the RIF procedure that was adopted in this matter.[6] Turning attention to matters that are under my purview, in *Employee v. DCPS*, OEA Matter No. 2401-0041-21, p. 8 - 9 (July 13, 2023), the Board of the OEA noted the following regarding priority reemployment consideration:

> Under D.C. Code § l-624.02(a)(3), employees separated pursuant to a RIF are afforded consideration for priority reemployment. Agency's RIF notice

[5] On April 23, 2025, Employee submitted a Renewed Motion for A Status Conference. Given that this decision dispenses with the matter, that motion is DENIED.

[6] *Employee v. Office of Contracting and Procurement, et al* 2012 CA 003434 B (August 27, 2014). *See also*, Agency's Response to Employee's memorandum of Points and Authorities on Jurisdiction and Remedies pp. 1 – 3 (November 20, 2023).

> to Employee stated in part that "…you may apply for any job vacancies at DCPS or within the District government that arise in the future. Note, however, that while you will receive some priority consideration, you are not guaranteed reemployment…" While Employee understandably takes issue with being rehired at a lower level than his previous Custodian Supervisor position, this Board nonetheless finds that Agency complied with D.C. Code § l-624.02(a)(3) since the record reflects that it provided Employee with priority reemployment consideration.

Under the preceding matter, the OEA Board opted to make a decision regarding priority reemployment consideration ("PRC") in a RIF action. I note that Employee herein had similar language in her RIF Notice informing her that PRC was available during the RIF removal process. For the Undersigned, Opinion and Orders from the Board of the OEA are mandatory authority. Given this guidance, this decision will review PRC surrounding the instant matter.

Employee argued that a violation of PRC is grounds for a full reversal of the RIF and seeks to argue that prior OEA precedent should prevail where reversal of a RIF action occurred even though those decisions were primarily predicated on other factors not involving PRC. Employee also questions the hiring process of other persons since their hiring process seemingly occurred close in time to the RIF and she posits other allegations of hiring irregularities with this person. Agency vehemently disagrees and *inter alia* argues that review of PRC is limited to only whether it was provided not whether it should have resulted in rehire/reassignment. Agency further contends that PRC was provided to Employee herein and considering this, her appeal must fail.[7] Agency further notes that even if it is found the PRC was not properly done, reinstatement and backpay are not warranted given the circumstances.[8]

Agency notes that Employee was provided with notification in her RIF notice that she was being placed in PRC.[9] To support this contention, Agency points out that in her RIF Notice dated April 20, 2009, at p. 2, it states as follows:

> Employees in tenure groups I and II who have received a notice of separation by [RIF] have a right to [PRC] through the Agency Reemployment Priority Program. Placement assistance through the D.C. Department of Human Resources Displaced Employee Program for vacancies in other District agencies will also be provided to employees in tenure groups I and II.

Agency also notes that in the record is Agency Reemployment Priority Program Displace Employee Program Sheet for Employee (also known as D.C. Standard Form 1203A) wherein Employee and Agency's HR Specialist both executed and submitted this form on April 29, 2009, so that Employee could participate in the PRC.[10] It bears noting that the effective date of Agency's

[7] *Id*. pp. 4 – 11.
[8] *Id*. pp. 11 – 14.
[9] *See* Agency's Response to Employee's Memorandum of Points & Authorities on Jurisdiction and Remedies, pp. 4 -6 (November 20, 2023).
[10] Bates number 006195.

RIF action was May 22, 2009. Agency further notes that during the evidentiary hearing in this matter, the following exchange took place between Employee and Mr. Leckar:

> Q: Did there come a time when you went to a RIF seminar?
>
> A: Yes.
>
> Q: Do you remember anybody speaking about the Displaced Employee Program?
>
> A: Yes, Louie Shaderi…
>
> Q: … Did you apply for the Re-employment Priority Program?
>
> A: Yes, that was one of the requirements when we had to come back down so they could discuss the benefits and things, so I think that was around April 29th of '09. We had to go back again to the agency or to Personnel so they could tell us about the benefits and what we were entitled to and the type of thing, so it was a requirement at that point.
>
> Q: Is Exhibit 105 your registration for the Re-employment Priority Program?
>
> A: Yes.[11]

The record is clear in noting that Employee was notified that PRC (*vis a vis* through the Agency Reemployment Priority Program ("ARPP") and the Displaced Employee Program ("DEP")) was available in her RIF notice; that she attended a seminar sponsored by OCP during which the PRC process was discussed; that she signed documentation (prior to the effective date of her separation via RIF) noting that she wanted to participate in the PRC process; and ultimately she was unsuccessful in finding another position within the District government.

Accordingly, I find that being placed on the ARPP or DEP does not equate to automatic reemployment. It simply means that the individual would receive some priority consideration for vacant positions they apply to. These employees on the ARPP lists such as Employee in this matter, still have to compete with other candidates, including other employees on the ARPP list, who also qualify for the position. As was noted above, Employee unsuccessfully navigated the reemployment register and was not able to find another position within the District government. Notwithstanding Employee's failed job search, I find that Agency complied with the RIF requirement to consider Employee for priority reemployment. Since Employee did not prevail in her quest to have her removal via RIF reversed, I am unable to address the other facets of her voluminous arguments citing that she should be reinstated with backpay.[12] Given this decision, I

[11] Bates number 004797 through 004799.

[12] Employee cited OEA precedent and strained precedent from the federal government concerning multiple federal agencies and their ability to regulate air traffic over U. S. National Parks. *Marin Audubon Society v. Fed Aviation Admin*., 2024 WL 4745044 (D.C. Cir. No. 23-1067, Nov. 12, 2024). I find that the argument(s) presented in this line

cannot decide on Employee's other ancillary arguments since I am generally prohibited from providing an advisory opinion.[13]

Conclusion

I find that Employee has failed to proffer any credible argument(s) or evidence that would indicate that the RIF was improperly conducted and implemented. [14] I further find that the Agency's action of abolishing her last position of record was done in accordance with D.C. Official Code § 1-624.08 and the Reduction-in-Force which resulted in her removal is upheld.[15]

ORDER

Based on the foregoing, it is ORDERED that Agency's action of abolishing Employee's last position of record through a Reduction-In-Force is hereby UPHELD.

FOR THE OFFICE:

/s/ Eric T. Robinson
ERIC T. ROBINSON, ESQ.
SENIOR ADMINISTRATIVE JUDGE

of cases by Employee have no tangential relationship regarding the issue that remained in this matter, whether Agency adequately afforded Employee with PRC.

[13] On important questions of law, "this court may not render in the abstract an advisory opinion." *Holley v. United States,* 442 A.2d 106, 107 (D.C.1981). In re Wyler, 46 A.3d 396, 399–400 (D.C. 2012).

[14] The parties agree that Employee received her RIF notice at least 30 days prior to her removal.

[15] Although I may not discuss every aspect of the evidence in the analysis of this case, I have carefully considered the entire record. *See Antelope Coal Co./Rio Tino Energy America v. Goodin,* 743 F.3d 1331, 1350 (10th Cir. 2014) (citing *Clifton v. Chater,* 79 F.3d 1007, 1009-10 (10th Cir. 1996)) ("The record must demonstrate that the ALJ considered all of the evidence, but an ALJ is not required to discuss every piece of evidence").

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GOVERNMENT OF THE DISTRICT OF COLUMBIA

THE OFFICE OF EMPLOYEE APPEALS

In the Matter of:	
EMPLOYEE[1] Employee	OEA Matter No. J-0013-25
v.	Date of Issuance: May 19, 2025
DISTRICT OF COLUMBIA DEPARTMENT OF BUILDINGS Agency	LOIS HOCHHAUSER, Esq. Administrative Judge

Employee, *Pro Se*
Alicia Shames, Esq., Agency Representative

INITIAL DECISION

PROCEDURAL HISTORY AND BACKGROUND

Employee filed a Petition for Appeal ("PFA") with the Office of Employee Appeals ("OEA") on December 3, 2024. On December 4, 2024, Sheila Barfield, Esq., OEA Executive Director notified Agency Director Brian Hanlon of the appeal, and informed him that OEA Rule 612.1 required Agency to file its response by January 3, 2025. Agency filed its "Answer and Motion to Dismiss for Lack of Jurisdiction" ("Answer and Motion") on January 3, 2025. The matter was assigned to this Administrative Judge ("AJ") on or about January 7, 2025.

Upon review of the PFA, the AJ determined that Employee had not responded to the portion of the PFA regarding jurisdiction, including information about the Agency action that he was appealing. In addition, he did not submit the final notice issued by Agency. Therefore, on January 10, 2025, the AJ issued an Order notifying Employee that he failed to provide information necessary to determine this Office's jurisdiction. The Order also informed Employee that employees carry the burden of proof on all issues of jurisdiction, and must meet that burden by a preponderance of evidence. Employee was directed to submit "information, argument and/or documentation regarding the final Agency action that he was appealing, the effective date of that action, the final Agency notice, and the reasons he contends that this Office has jurisdiction of the grievance(s)" submitted with the PFA by January 28, 2025. Employee filed a timely response. The record is now closed.

[1] This Office does not identify employees in the Initial Decisions published on its website.

JURISDICTION

The jurisdiction of this Office was at issue in this matter.

ISSUE

Did Employee meet the burden of establishing the jurisdiction of this Office to hear this appeal?

FINDINGS OF FACT, ANALYSIS AND CONCLUSIONS OF LAW

The threshold issue in this matter is one of jurisdiction. This Office has no authority to hear matters beyond its jurisdiction. *See, e.g., Banks v. District of Columbia Public Schools*, OEA Matter 1602-0030-90, *Opinion and Order* (September 30, 1992). The jurisdiction of this Office was initially established by the District of Columbia Comprehensive Merit Personnel Act of 1978 and then amended by the Omnibus Personnel Reform Amendment Act of 1998, D.C. Law 12-124.

D.C. Official Code §1-606.01 *et seq*, (2016 Repl. and 2019 Supp.) identifies those matters over which this Office has jurisdiction. OEA Rule 604.1 states that this Office has jurisdiction to hear an appeal of a final agency decision regarding:

(a) A performance rating which results in removal
(b) An adverse action for cause which results in removal
(c) A reduction in grade
(d) A suspension for ten (10) days or more
(e) A reduction in force;
(f) A placement [of] enforced leave for ten (10) days or more.

Employee did not identify any of these categories in his PFA or his subsequent submission. Instead, in his January 28, 2025 submission, he contended the October 17, 2025 grievance that he filed with the D.C. Department of Human Resources ("DCHR") was not untimely and that this Office should therefore grant him an evidentiary hearing.[2] Employee submitted several documents, including an AFSMCE Official Grievance Form signed by Employee and dated June 3, 2021; a letter from Agency dated October 25, 2024 entitled "Grievance-Initial Review-Denied; and a DCHR Grievance Form signed by Employee dated October 17, 2024. None of the documents support his position regarding this Office's jurisdiction since they relate to a grievance,

[2] Employee's January 28, 2025 submission states:

> In response to [the AJ's Order], I reiterate that my October 17, 2025 grievance that I submitted to [DCHR] was not untimely…I request that…OEA grant me an evidentiary hearing, as requested in my…[PFA]. Because DCHR was the agency that wrote the November 1, 2025 final agency decision…I request DCHR receive an Order, requesting the same information and response from them, that was requested from the [DOB] because the violations of Chapter 18 of the District Personnel Manual…that I referenced in my grievance fall under the authority of DCHR, not the DOB.

which is not a category over which this Office has jurisdiction. This was the position argued by Agency in its Answer and Motion. The AJ finds that Employee neither alleged nor established that his PFA relates to a final agency decision issued to him that includes a category identified in OEA Rule 604.1, cited above.

In addition, Employee did not submit a final Agency decision with his PFA or his subsequent filing as required, pursuant to OEA Rule 609.1(b)(7). That Rule states that a "copy of the agency's notice of final decision" must submitted with the PFA. This is required, pursuant to OEA Rules 604.1, since this Office's jurisdiction is established only when an employee appeals a final agency decision regarding one of the six stated categories.[3]

Pursuant to OEA Rule 631.2, Employee has the burden of proof on the issue of jurisdiction. He must meet that burden by a preponderance of evidence, which is defined as "the degree of relevant evidence that a reasonable person, considering the record as a whole, would accept as sufficient to find that a contested fact is more likely to be true than untrue." *See,* OEA Rule, 631.1 and OEA Rules, p. 31 . For the reasons discussed above, the AJ concludes that Employee failed to meet his burden of proof on the issue of jurisdiction; and that this appeal, therefore, must be dismissed.

ORDER

The petition for appeal is dismissed.[4]

FOR THE OFFICE: Lois Hochhauser, Esq.
Administrative Judge

[3] The AJ recognizes that perhaps Employee did not submit a final Agency decision because there was no action that required the issuance of such a document.
[4] Since the appeal is dismissed, Agency's motion to dismiss is denied as moot.

Notice: This decision may be formally revised before it is published in the *District of Columbia Register* and the Office of Employee Appeals' website. Parties should promptly notify the Office Manager of any formal errors so that this Office can correct them before publishing the decision. This notice is not intended to provide an opportunity for a substantive challenge to the decision.

GOVERNMENT OF THE DISTRICT OF COLUMBIA

THE OFFICE OF EMPLOYEE APPEALS

In the Matter of:	)	
	)	OEA Matter No.: J-0027-25
EMPLOYEE,[1]	)	
Employee	)	
	)	Date of Issuance: May 30, 2025
v.	)	
	)	
UNIVERSITY OF THE	)	
DISTRICT OF COLUMBIA,	)	NATIYA CURTIS, Esq.
Agency	)	Administrative Judge
	)	

Employee, *Pro se*
Anessa Abrams, Esq., Agency Representative

INITIAL DECISION

INTRODUCTION AND PROCEDURAL HISTORY

On February 27, 2025, Employee filed a Petition for Appeal with the Office of Employee Appeals ("OEA" or "Office") contesting the University of the District of Columbia's ("Agency" or "UDC") decision to terminate him from his position as the Chief of Police, effective February 6, 2025. OEA issued a letter dated July 27, 2025, requesting that Agency file an Answer on or before March 29, 2025. Agency filed its Answer and Motion to Dismiss Employee's Petition for Appeal on April 3, 2025. Agency asserted in its Motion and Answer that this Office lacked jurisdiction over this matter because Employee was in probationary status at the time of his termination.[2]

This matter was assigned to the undersigned Administrative Judge ("AJ") on April 1, 2025. On April 4, 2025, I issued an Order for Briefs on Jurisdiction requiring Employee to address the jurisdiction issue raised by Agency in its Motion to Dismiss and Answer. Employee's brief was due by April 25, 2025. Agency's reply brief was due by May 16, 2025. Employee did not comply with the prescribed deadline. Accordingly, on May 2, 2025, the undersigned issued an Order for Statement of Good Cause to Employee for his failure to submit a response pursuant to the April 4, 2025, Order. Employee was required to submit his brief and statement to the undersigned and Agency's representative, by May 14, 2025. On May 15, 2025, Agency submitted its Brief on Jurisdiction and asserted that Employee's Petition for Appeal should be dismissed for his failure

[1] Employee's name was removed from this decision for the purposes of publication on the Office of Employee Appeals' website.
[2] Agency's Motion to Dismiss Employee's Petition for Appeal (April 3, 2025).

to submit his Brief on Jurisdiction and Statement of Good Cause. As of the date of this decision, Employee has not responded to the May 2, 2025, Order. The record is now closed.

JURISDICTION

The jurisdiction of this Office has not been established.

ISSUES

Whether this Appeal should be dismissed for failure to prosecute.

BURDEN OF PROOF

OEA Rule 631.1, 6-B DCMR Ch. 600 (December 27, 2021) states:

> The burden of proof for material issues of fact shall be by a preponderance of the evidence.
>
> Preponderance of the evidence shall mean: That degree of relevant evidence which a reasonable mind, considering the record as a whole, would accept as sufficient to find a contested fact more probably true than untrue.

OEA Rule 631.2 *id.* states:

> For Appeals filed under § 604.1, the employee shall have the burden of proof as to issues of jurisdiction, including timeliness of filing. The agency shall have the burden of proof as to all other issues.

ANALYSIS AND CONCLUSIONS OF LAW

OEA Rule 624.3, DCMR Ch. 600, et seq (December 27, 2021) grants an Administrative Judge the authority to "…dismiss the action or rule for the appellant" if a party fails to take reasonable steps to prosecute or defend an appeal. Failure of a party to prosecute or defend an appeal includes, but is not limited to, a failure to:

(a) Appear at a scheduled proceeding after receiving notice (emphasis added);
(b) *Submit required documents after being provided with a deadline for such submission* (emphasis added); or
(c) Inform this Office of a change of address which results in correspondence being returned.

This Office has consistently held that a matter may be dismissed for failure to prosecute when a party fails to appear for scheduled proceeds or fails to submit required

documents.[3] Here, Employee was warned in the Order for Statement of Good Cause issued on May 2, 2025, that failure to comply with the Order could result in sanctions, including dismissal. As of the date of this decision, Employee has not responded and provided a written response to the May 2, 2025, Order. Employee's response was required to make an informed decision regarding the resolution of this matter. Accordingly, I find that Employee has not exercised the diligence expected of an appellant pursuing an appeal before this Office, and Employee's inaction presents a valid basis for dismissing this matter. Consequently, I further find that this matter should be dismissed for failure to prosecute.

ORDER

It is hereby **ORDERED** that this matter be **DISMISSED** for Employee's failure to prosecute his Appeal.

FOR THE OFFICE:

/s/ Natiya Curtis
Natiya Curtis Esq.
Administrative Judge

[3] See *David Bailey Jr. v. Metropolitan Police Department*, OEA Matter No. 1601-0007-16 (April 14, 2016).

DEPARTMENT OF ENERGY AND ENVIRONMENT
NOTICE OF FUNDING AVAILABILITY

RiverSmart Schools: Education, Training, and Maintenance

The Department of Energy and Environment (the Department) seeks an eligible entity to design and implement a project to support the RiverSmart Schools program, re-engaging with some past participating schools and training some schools presently going through the program. The purpose of this grant is to fund the design and implementation of the program. The amount available for the project is $75,000.

Beginning 7-11-2025, the full text of the Request for Applications (RFA) will be available on the Department's website. A person may obtain a copy of this RFA by any of the following means:

Download from the Department's website, www.doee.dc.gov. Select the *Resources* tab. Cursor over the pull-down list and select *Grants and Funding*. On the new page, cursor down to this RFA. Click on *Read More* and download this RFA and related information from the *Attachments* section.

Email a request to 2025RSSEducation.grants@dc.gov with "Request copy of RFA-FY25-WPD-879" in the subject line.

The deadline for application submissions is 8-11-2025. The online application must be time-stamped by 11:59 p.m. on the date the application is due.

Eligibility: All the checked institutions below may apply for these grants:

☒-Nonprofit organizations, including those with IRS 501(c)(3) or 501(c)(4) determinations;
☐-Faith-based organizations;
☐-Government agencies;
☐-Universities/educational institutions; and
☐-Private Enterprises.

This RFA is being made available on the date of publication of this Notice, to maximize the amount of time available for preparation of applications.

For additional information regarding this RFA, write to: 2025RSSEducation.grants@dc.gov .

Filename: 00a_7397 nofa 7185 rsmart schools ed 879 clean.docx

DEPARTMENT OF ENERGY AND ENVIRONMENT

NOTICE OF FUNDING AVAILABILITY

Small Building Retuning Pilot Program

The Department of Energy and Environment (the Department) seeks an eligible entity to develop, pilot, and refine a program to help small buildings reduce energy consumption and improve indoor environmental quality by retuning, a process that makes existing energy systems operate more efficiently at low or no cost. The pilot is intended to support implementation of a permanent, self-sustaining program in the District of Columbia. The amount available for the project is $500,000.

Beginning 07-11-2025, the full text of the Request for Applications (RFA) will be available on the Department's website. A person may obtain a copy of this RFA by any of the following means:

Download from the Department's website, www.doee.dc.gov. Select the *Resources* tab. Cursor over the pull-down list and select *Grants and Funding*. On the new page, cursor down to this RFA. Click on *Read More* and download this RFA and related information from the *Attachments* section.

Email a request to 2025SmallBuildingRetuning.grants@dc.gov with "Request copy of RFA-FY25-DBD-875" in the subject line.

The deadline for application submissions is 08-11-2025. The online application must be time-stamped by 11:59 p.m. on the date the application is due.

Eligibility: All the checked institutions below may apply for these grants:

☒-Nonprofit organizations, including those with IRS 501(c)(3) or 501(c)(4) determinations;
☒-Faith-based organizations;
☐-Government agencies;
☒-Universities/educational institutions; and
☒-Private Enterprises.

This RFA is being made available on the date of publication of this Notice to maximize the amount of time available for preparation of applications.

For additional information regarding this RFA, write to:
2025SmallBuildingRetuning.grants@dc.gov.

DEPARTMENT OF ENERGY AND ENVIRONMENT

NOTICE OF INTENT TO ISSUE WATER QUALITY CERTIFICATION

Notice is hereby given that, pursuant to 21 DCMR Chapters 25 and 26, and 33 U.S.C § 1341, the Regulatory Review Division (RRD) of the Department of Energy & Environment (DOEE), located at 1200 First Street NE, 5th Floor, Washington, DC, intends to issue Water Quality Certification (WQC) #WQC-DC-2024-149 to the Vertex Companies, LLC, for the emergency response to an oil spill that involved removal of sediment and woody material from a tributary to Foundry Branch located between 39th Street NW and Davis Place NW, Washington, DC. The contact person for the project is Gabriel Hua, ghua@vertexeng.com. **Contact information to request a public hearing is included at the end of the notice.**

Aquatic Resource Impacts:

Resource Type (stream/wetland)	**Classification**	**Impact Size (linear feet)**	**Activity Type**	**Impact Type (permanent/temporary)**
Tributary to Foundry Branch	Perennial	100	Sediment and woody material removal	Permanent

This work has already been completed as an emergency response. The permittee has completed mitigation by restoring the stream to pre-existing conditions. DOEE is issuing this WQC after-the-fact.

The following conditions will be included in the WQC:

1. The Permittee shall incorporate best management practices as an integral part of the performance of the work to ensure the activity will meet the Water Quality Standards of the District of Columbia and have minimal impact to the waters of the District of Columbia.

2. Any water impacted by the project shall be pumped to an appropriate treatment system in order to comply with the Water Pollution Control Act of 1984, D.C. Official Code § 8-103.02 and 21 DCMR § 1104.

3. Any oil sheen or other visible evidence of hydrocarbons or other pollution generated (e.g., color changes in the water column, turbidity plumes) during any of the activities shall be immediately reported to DOEE Industrial Stormwater and Wastewater Branch at (202) 805-1355 and contained (e.g., oil boom, sorbent materials) or containerized in a sealed container in accordance with D.C. Official Code § 8-103.08.

4. All excavated (e.g., dredged) sediments and sampling sediments (e.g., within cofferdams or excess sediment samples), drill cuttings, drilling mud, and wastes (both solid and liquid) shall be contained, sampled, and analyzed for disposal at appropriate disposal

sites. The wastes shall not be used as backfill material in the water body or on land in order to comply with the Water Pollution Control Act of 1984, D.C. Official Code § 8-103.02 and 21 DCMR § 1104.

5. All debris and wastewater must be captured and not enter the river and shall be contained and disposed of properly at an appropriate treatment facility to prevent materials from entering the water body in order to comply with the Water Pollution Control Act of 1984, D.C. Official Code § 8-103.02 and 21 DCMR § 1104.

6. To monitor turbidity in the water body to ensure compliance with District of Columbia Water Quality Standards in 21 DCMR § 1104.8, the Permittee shall:
    a. Establish background turbidity and measure turbidity by using U.S. Environmental Protection Agency (EPA) approved methods in accordance with procedures outlined in 40 C.F.R. Part 136. Background turbidity must be established daily before starting sediment disturbing activities, before equipment is anchored, and before any turbidity curtains or cofferdams are in place. Background turbidity measurements shall be taken at the following locations and depths:
        i. Within 25 feet upstream and 25 feet downstream, outside of the curtains or limits of disturbance.
        ii. At multiple measurement depths depending on the water body depth, consistent with the table below.

Water Depth (ft)	**# Measurements Depths**	**Water Column Measurement Depths**
<1	1	Middle
1 to 4	2	¼ from bottom and ¾ from bottom
> 4	4	¼ from bottom, middle, ¾ from bottom, surface

    b. Once the operations begin, turbidity measurements must be taken at least every hour from the same locations and depths established for the background measurement throughout the duration of the sediment disturbing activities.

    c. If any turbidity measurements exceed a maximum of 20 Nephelometric Turbidity Units (NTU) above background turbidity, a visual sediment plume is observed coming out of the sediment-disturbing activity location, or the turbidity exceeds the District of Columbia Water Quality Standards in 21 DCMR § 1104.8 the Permittee shall take the following actions:
        i. Immediately stop all activities and implement best management practices until there is no more sediment escaping t he sediment-disturbing activity location; and
        ii. When measured turbidity is less than or equal to the background turbidity, the Permittee may resume the work; and

iii. Per DOEE regulations, sediment plumes must be reported to DOEE Industrial Stormwater and Wastewater Branch at (202) 897-5341 or mary.polacek@dc.gov immediately.

d. The contractor may elect to use cofferdams and local dewatering to perform work "in the dry" within the cofferdams. In this case, the hydrostatic pressure of the water would prevent the escape of materials from the internal cofferdam working area. Should cofferdams be installed to allow for dewatering of the worksite, turbidity monitoring shall occur during cofferdam installation, initial draw down, and any maintenance dewatering.

e. The turbidity readings must be recorded in a logbook and kept on site. In addition to the turbidity readings, records must also be kept of the date and time of the readings, and name(s) of the person(s) taking the sample and making the readings.

f. If there is no water present on any certain day during operations, that information shall be recorded in the log book.

7. The Permittee shall obtain all necessary permits and other authorizations from appropriate federal and local offices, including permits for Stormwater Management and Erosion and Sediment Control from DOEE in accordance with 21 DCMR §§ 516-534 and 540-547. All staging and temporary activity areas not covered by any permit shall have adequate soil erosion and sedimentation measures.

8. In the District, the anadromous fish migration and spawning season is generally considered to occur between March 1 and June 30. Any activities proposed to occur in District waters during this period shall first be approved by the U.S. Army Corps of Engineers, accompanied by concurrence from commenting federal agencies, including the U.S. National Park Service, U.S. Fish and Wildlife Service, and U.S. National Oceanic and Atmospheric Administration. All of the aforementioned approvals must be submitted to and subsequently certified by DOEE Fisheries and Wildlife Division (FWD) in accordance with 21 DCMR § 1405 to ensure compliance with 21 DCMR §§ 1101 and 1104. Please contact DOEE FWD at rese.cloyd@dc.gov to request a time of year restriction waiver.

9. The Permittee shall obtain all required permits from the District Department of Transportation (DDOT) for proposed removal of Special (14"-31.7" Diameter) or Heritage (>31.7" Diameter) trees. Heritage trees to remain on-site shall be protected in place.

10. In accordance with 21 DCMR §§ 2607, 2608, and 2611, the permittee shall mitigate permanent impacts to the perennial stream via the Stream Mitigation Plan, dated February 6, 2025.

11. Temporary impacts to the perennial stream must be mitigated in-place by restoring those resources to pre-construction condition or better.

12. The DOEE inspector may require changes or additions to the WQC based on site conditions.

13. Reporting Requirements:
    a. The Permittee shall submit written notification to DOEE RRD at least seven (7) business days before work commences in accordance with 21 DCMR § 2502.3.

    b. The Permittee shall email Mary.polacek@dc.gov or call (202) 897-5341 to schedule an on-site or virtual DOEE preconstruction meeting inspection at least (3) three business days before starting any sediment disturbing work.

    c. If the Permittee observes any water quality standard exceedances at the site, the Permittee must notify DOEE Industrial Stormwater and Wastewater Branch immediately at (202) 805-1355, stop the work, prepare and submit for review and approval a corrective action plan, and then implement the DOEE-approved corrective action plan in accordance with D.C. Official Code § 8-103.08.

    d. Through the duration of permitted activities, the permittee shall submit weekly turbidity monitoring reports to DOEE RRD through the Surface and Groundwater System (SGS) by the close of business every Tuesday after the one-week reporting period. Reports should contain the data recorded in the logbook kept onsite, including:
        i. the date and time of each turbidity reading,
        ii. the daily background turbidity readings,
        iii. the calculated differential of each reading compared to the daily background reading,
            a. If any readings exceeded 20 Nephelometric Turbidity Units (NTU) above background turbidity, provide details on how activities were stopped, confirmation that DOEE Industrial Stormwater and Wastewater Branch was notified, and details on best management practices that were implemented until the 20 NTU maximum differential was reached.
        iv. name(s) of the person(s) taking the sample and recording the readings,
        v. location and distance of each measurement relative to the turbidity curtain or cofferdam/dewatering equipment,
        vi. depth of each reading,
        vii. notes, and
        viii. photos (as applicable).

    e. The Permittee shall submit final reports of the monitoring results to SGS. Reports must be submitted to DOEE RRD no later than forty-five (45) days after the completion of the work. All data generated during the operation shall be summarized in a final report. The report shall also include any violations, water quality

standards exceedances, actions taken or to be taken to remediate those violations, and any other relevant information. The report shall be submitted to SGS.

The application for the WQC, supporting documents, and the draft WQC may be made available upon request. Interested parties wishing to view these documents should provide their names, email addresses, telephone numbers and affiliation, if any, to wetlandprogram@dc.gov.

Interested persons may submit a comment and/or request a hearing on the WQC application by submitting a request in writing within 10 calendar days of publication of this notice.

Requests for a public hearing should be addressed to wetlandprogram@dc.gov. Alternatively, requests can be submitted via mail to:
Regulatory Review Division
#WQC-DC-2023-120
Department of Energy and Environment
1200 First Street NE, 5th Floor
Washington, DC 20002

For more information, please contact wetlandprogram@dc.gov or (202) 536-8556.

DEPARTMENT OF ENERGY AND ENVIRONMENT

NOTICE OF INTENT TO ISSUE WATER QUALITY CERTIFICATION

Notice is hereby given that, pursuant to 21 DCMR Chapters 25 and 26, and 33 U.S.C § 1341, the Regulatory Review Division (RRD) of the Department of Energy & Environment (DOEE), located at 1200 First Street NE, 5th Floor, Washington, DC, intends to issue Water Quality Certification (WQC) #WQC-DC-2025-176 to the US Army Corps of Engineers (USACE, Permittee), to remove the January 29, 2025 aviation incident debris from approximately 3,371,000 square feet from the Potomac River, Washington, DC. The work for this project has already been completed and this is an after-the-fact WQC. **Conditions included in the WQC are typical for the type of work completed.** The contact person for the project is Kristina May, Kristina.k.may@usace.army.mil **Contact information to request a public hearing is included at the end of the notice.**

Proposed Aquatic Resource Impacts:

Resource Type (stream/wetland)	**Classification**	**Impact Size (square feet)**	**Activity Type**	**Impact Type (permanent/temporary)**
Potomac River	Perennial	3,371,000	Excavation	Temporary

The following conditions will be included in the WQC:

1. The Permittee shall incorporate best management practices as an integral part of the performance of the work to ensure the activity will meet the Water Quality Standards of the District of Columbia and have minimal impact to the waters of the District of Columbia.

2. Any water impacted by the project shall be pumped to an appropriate treatment system in order to comply with the Water Pollution Control Act of 1984, D.C. Official Code § 8-103.02 and 21 DCMR § 1104.

3. Any oil sheen or other visible evidence of hydrocarbons or other pollution generated (e.g., color changes in the water column, turbidity plumes) during any of the activities shall be immediately reported to DOEE Industrial Stormwater and Wastewater Branch at (202) 805-1355 and contained (e.g., oil boom, sorbent materials) or containerized in a sealed container in accordance with D.C. Official Code § 8-103.08.

4. All excavated (e.g., dredged) sediments and sampling sediments (e.g., within cofferdams or excess sediment samples), drill cuttings, drilling mud, and wastes (both solid and liquid) shall be contained, sampled, and analyzed for disposal at appropriate disposal sites. The wastes shall not be used as backfill material in the water body or on land in order to comply with the Water Pollution Control Act of 1984, D.C. Official Code § 8-103.02 and 21 DCMR § 1104.

5. All debris and wastewater must be captured and not enter the river and shall be contained and disposed of properly at an appropriate treatment facility to prevent materials from entering the water body in order to comply with the Water Pollution Control Act of 1984, D.C. Official Code § 8-103.02 and 21 DCMR § 1104.

6. The Permittee shall obtain all required permits and authorizations from the U.S. National Park Service. Please contact the Right-of-Way Program Coordinator at laura_brockington@nps.gov for more information.

7. The Permittee shall obtain all required permits and authorizations from the U.S. Coast Guard and Metropolitan Police Department Harbor Patrol in accordance with 19 DCMR §§ 1001-1005, 1028-1030, and 1033.

8. Temporary impacts to the Potomac River must be mitigated in-place by restoring those resources to pre-construction condition or better.

9. The DOEE inspector may require changes or additions to the WQC based on site conditions.

10. Reporting Requirements:
    a. The Permittee shall submit written notification to DOEE RRD at least seven (7) business days before work commences in accordance with 21 DCMR § 2502.3.

    b. The Permittee shall email Mary.polacek@dc.gov to schedule an on-site or virtual DOEE preconstruction meeting inspection at least (3) three business days before starting any sediment disturbing work.

    c. If the Permittee observes any water quality standard exceedances at the site, the Permittee must notify DOEE Industrial Stormwater and Wastewater Branch immediately at (202) 805-1355, stop the work, prepare and submit for review and approval a corrective action plan, and then implement the DOEE-approved corrective action plan in accordance with D.C. Official Code § 8-103.08.

    d. The Permittee shall submit a final report to SGS no later than seven (7) days after completion of permitted activities to notify the inspector for project closeout.

The application for a WQC, supporting documents, and the draft WQC may be made available upon request. Interested parties wishing to view these documents should provide their names, email addresses, telephone numbers and affiliation, if any, to wetlandprogram@dc.gov.

Interested persons may request a hearing on the WQC application by submitting a request in writing within 10 calendar days of publication of this notice.

Requests for a public hearing should be addressed to wetlandprogram@dc.gov. Alternatively, requests can be submitted via mail to:

Regulatory Review Division
#WQC-DC-2025-176
Department of Energy and Environment
1200 First Street NE, 5th Floor
Washington, DC 20002

For more information, please contact wetlandprogram@dc.gov or (202) 536-8556.

DEPARTMENT OF ENERGY AND ENVIRONMENT

Notice of Public Comment Period on Air Quality Issues

State Implementation Plan Progress Report

Notice is hereby given that, pursuant to § 110 of the federal Clean Air Act (42 U.S. Code § 7410(a)(1), the Air Quality Division (AQD) of the Department of Energy and Environment (Department), located at 1200 First Street NE, 5th Floor, Washington DC, is beginning a public comment period to provide interested parties an opportunity to comment on a State Implementation Plan ("SIP") progress report that the District of Columbia ("the District") is submitting to the United States Environmental Protection Agency ("EPA").

The District is currently required to submit its Regional Haze SIP progress report for the second planning period to the U.S. Environmental Protection Agency ("EPA") at the point in the 2018 to 2028 regional haze planning period set in 40 CFR § 51.308. The Regional Haze SIP is required under § 169A of the Clean Air Act (42 U.S. Code § 7491). The goal of the Regional Haze Program is for Class I Federal Areas designated by the Federal Land Managers ("FLMs") (National Park Service, U.S. Fish and Wildlife Service, and U.S. Forest Service) to achieve natural visibility conditions and for any state that has sources that are reasonably anticipated to contribute to visibility degradation in those Class I Federal Areas to submit a SIP to address those sources.

This proposed progress report was completed pursuant to the requirements of EPA's Regional Haze Rule for the second planning period (86 Fed. Reg. 19793, August 30, 2019). As a member of the Mid-Atlantic/Northeast Visibility Union ("MANE-VU"), the District participated in a regional process to develop a long-term strategy to ensure that reasonable progress is made to eliminate visibility degradation by 2064. The District's SIP, for which this report is examining progress, was approved by EPA on August 31, 2021 (86 Fed. Reg. 48504) and describes specific plans to meet the region's goals and implement the Regional Haze Rule. The progress report has also undergone the required 60-day review period with the FLMs, and comments received from the FLMs have been addressed.

The Department seeks public comments on the District's proposed SIP progress report. A copy of the proposed report is available for public review on DOEE's website at https://doee.dc.gov/service/public-notices-hearings

Parties wishing to provide comments on this report must submit their comments in writing within thirty (30) days after publication of this notice in the *District of Columbia Register* to Mr. Joseph Jakuta by email at AirQuality.Planning@dc.gov or by mail or hand delivery to the following address:

DOEE Air Quality Division
ATTN: Joseph Jakuta

SUBJECT: District SIP Haze Progress Report
1200 First Street NE, Fifth Floor
Washington, DC 20002

Interested parties may also request a public hearing to the same DOEE address or the same email within thirty (30) days after the publication of this Notice. If a request for a public hearing is received too late to hold a hearing during the public comment period, the comment period will be extended through publication of a subsequent notice.

DISTRICT OF COLUMBIA COMMISSION ON HUMAN RIGHTS

PUBLIC NOTICE OF MEETING - VIRTUAL

WEDNESDAY, JULY 9, 2025

In accordance with D.C. Code § 2-576(1), the Commission on Human Rights hereby gives notice that it will meet on **Wednesday, July 9, 2025, at 6:30 p.m.** This will be a virtual meeting. For virtual access use the meeting link below or enter the meeting ID and password at www.zoom.com. The link is also available on the Office of Human Rights website at www.OHR.DC.Gov/Commission and in the calendar on the Open Meetings website: https://www.open-dc.gov/.

Link to Meeting:
https://dc-gov.zoom.us/j/88247378911?pwd=dVNiR2xvU1ZDOEVyTFFRTlNLdWlZdz09

Meeting ID: 882 4737 8911
Passcode: 232417

Dial by your location:
+1 301 715 8592 US (Washington DC)

DRAFT AGENDA

I. CALL TO ORDER

II. ROLL CALL

III. ADOPTION OF THE AGENDA

IV. ADOPTION OF THE MINUTES

V. REPORT OF THE DIRECTOR, OFFICE OF HUMAN RIGHTS ("OHR")

VI. REPORT OF THE OFFICE OF GENERAL COUNSEL, OHR

VII. REPORT OF THE CHIEF ADMINISTRATIVE LAW JUDGE

VIII. OLD BUSINESS

IX. NEW BUSINESS

X. ANNOUNCEMENTS

XI. ADJOURNMENT OF MEETING

Public Comments

Anyone interested in making a public comment at the meeting must email Commission.COHR@dc.gov no later than 72 hours before the meeting. The email shall contain a brief description of the subject of the testimony. Only public comments related to the role of the Commission on Human Rights are allowed. Public comments are permitted at the discretion of the Chair of the Commission. For more information, please visit the website (www.ohr.dc.gov/commission) for the policy on public comments.

Language Access

If any member of the public requires the assistance of an interpreter to participate in the meeting, please send an email at least 3 business days prior to the meeting to: Commission.COHR@dc.gov**.**

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.

DEPARTMENT OF INSURANCE, SECURITIES AND BANKING (DISB)

DISTRICT OF COLUMBIA FINANCIAL LITERACY COUNCIL MEETING – July 17TH, 2025

NOTICE OF VIRTUAL PUBLIC MEETING

The Members of the District of Columbia Financial Literacy Council (DCFLC) will hold a meeting at **3:00 PM, Thursday, July 17th, 2025.** The meeting will be held via WebEx:

Attendee Access Link:

https://dcnet.webex.com/dcnet/j.php?MTID=m99d6ae7be69f338ab343df58219266fe

Webinar number (access code): 2319 004 5476

Some mobile devices may ask attendees to enter a numeric password.

Webinar password:

iX9GrmYRR26 (49947697 when dialing from a phone or video system)

Join by phone

+1-202-860-2110 **United States Toll (Washington D.C.)**

1-650-479-3208 **Call-in toll number (US/Canada)**

Access code: 2319 004 5476

Webinar password: @DCFinancial23 (13234626 from phones and video systems)

Below is the final agenda for this meeting. The agenda will be posted to the Department of Insurance, Securities, and Banking's website at http://disb.dc.gov. Please RSVP with **Michelle Hammonds** michelle.hammonds@dc.gov. For additional information, call **(202) 442-7791** or **(202) 967-6740** or e-mail michelle.hammonds@dc.gov.

AGENDA

1. Call to Order
2. Minutes of the previous meeting
3. Unfinished Business
4. New Business
5. Announcement of Upcoming Events
6. Adjournment

"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 "

MARY MCLEOD BETHUNE DAY ACADEMY
PUBLIC CHARTER SCHOOL

REQUEST FOR PROPOSALS

Mary McLeod Bethune Day Academy Public Charter School is seeking bids from prospective candidates to provide the following services:

1.) **Supplier of Groceries** for the National School Breakfast and Lunch Program in accordance with requirements and specifications detailed in the Invitation for Bid.

2.) **Supplier of Bread Products** for the National School Breakfast and Lunch Program in accordance with requirements and specifications detailed in the Invitation for Bid

3.) **Supplier of Milk Products** for the National School Breakfast and Lunch Program in accordance with requirements and specifications detailed in the RFP

4.) **Daily Student Bus Transportation Services**

5.) **Janitorial Services** at MMBDA's two locations

Complete RFP documents, including detailed scope of work and bidder requirements, are available upon request by emailing purchasing@mmbethune.org.

Please include the bid category for which you are submitting as the subject line in your e-mail (e.g. Food Supplies).

Interested parties shall submit the response to this RFP by submitting an Electronic copy emailed to: purchasing@mmbethune.org

All proposals must be emailed **by 5 pm on Friday, July 25, 2025**.

PAUL PUBLIC CHARTER SCHOOL

NOTICE OF INTENT TO ENTER SOLE SOURCE CONTRACTS

EmpowerK12

Paul Public Charter School intends to enter into a sole source contract with **EmpowerK12** for data analysis services. EmpowerK12 has been delivering these services and expertise for charter LEAs since 2015 and they have a unique combination of technical expertise, education expertise, and deep insight into Washington, DC data through their network of 35+ partner schools and long-term experience. Based on our experience working with them and the unique capabilities they offer; it is in our best interest to deepen our partnership with them.

EmpowerK12 staff are former DC educators that also have deep analytical and technical expertise in SQL, data warehousing, data visualization, data synthesis and communication. This structure of data support saves Paul CS costs and promotes consistency of messaging across schools and across Paul's other initiatives.

With EmpowerK12's supportive yet ambitious approach, we are confident XXX will be able to make measurable progress on our biggest priority goals. Their unique combination of data skills, knowledge of DC data and accountability, and collaborative approach is what makes them a successful and trusted partner. They have delivered high-quality services for their 20+ LEA partners in SY24-25, as evidenced by their continued partnerships over the years and successful implementation of data strategies.

Furthermore, they are the leading group doing extensive data sharing and collaboration across Washington, D.C., and they are supporting schools with understanding accountability metrics at a level no other organization is currently offering. They can tap into insights and bright spots from across their 35+ partner LEAs.

The partnership will be renewable for up to three (3) years.

The estimated yearly cost is approximately $44,000. The contract term shall be July 28, 2025 thru July 27, 2026. This contract will automatically renew each year unless either party, 60 days before expiration, gives notice to the other of its desire to end the agreement.

Questions can be addressed to: business-office@paulcharter.org, and should be received no later than **4:00 P.M., EST, Friday June 22, 2025**.

PAUL PUBLIC CHARTER SCHOOL

NOTICE OF INTENT TO ENTER SOLE SOURCE CONTRACTS

Lumen Impact Group

Paul Public Charter School intends to enter into a sole source contract with **Lumen Impact Group** to continue our work in Strategic Development. Lumen offers a high-level of customer support and advice on developing, implementing and sustaining a viable 10-year Strategic plan focused on Paul's growth and creating a stronger educational environment. In addition, the strategic plan focuses on family and community engagement, communications, staff development and growing our brand. Based on our experience working with them and the unique insight and capabilities they offer, it is in our best interest to deepen our partnership with them.

The estimated yearly cost is approximately $45,000. The contract term shall be July 28, 2025, thru July 27, 2026. This contract will automatically renew each, renewable for up to 3 years unless either party, 60 days before expiration, gives notice to the other of its desire to end the agreement.

Questions can be addressed to: business-office@paulcharter.org, and should be received no later than **4:00 P.M., EST, Friday June 22, 2025**.

Notice: This decision may be formally revised before it is published in the District of Columbia Register. Parties should promptly notify this office of any errors so that they may be corrected before publishing the decision. This notice is not intended to provide an opportunity for a substantive challenge to the decision.

Government of the District of Columbia
Public Employee Relations Board

In the Matter of:	
American Federation of State, County and Municipal Employees, Local 2743	
Complainant	PERB Case Nos. 24-U-12 & 24-U-15
v.	Opinion No. 1916
District of Columbia Department of Insurance, Securities and Banking	CORRECTED
Respondent	

DECISION AND ORDER

I. Statement of the Case

On January 10, 2024, the American Federation of State, County and Municipal Employees, Local 2743 (AFSCME) filed an unfair labor practice complaint (24-U-12 Complaint) against the District of Columbia Department of Insurance, Securities and Banking (DISB) asserting that DISB violated §§ 1-617.04(a)(1-5) of the Comprehensive Merit Personnel Act (CMPA) by investigating and disciplining an employee (Complainant), the AFSCME Vice-President, in violation of his right to union representation and in retaliation for protected union activity.[1] On February 1, 2024, AFSCME filed an unfair labor practice complaint (24-U-15 Complaint) against DISB asserting that DISB violated D.C. Official Code § 1-617.04(a)(4) by suspending the Complainant for nine (9) days without pay in retaliation for protected union activity.[2] On January 24, 2024 and February 20, 2024, DISB filed an answer to each Complaint (24-U-12 Answer and 24-U-15 Answer, respectively). On April 19, 2024, on a motion from DISB, PERB consolidated the two cases under PERB Case No. 24-U-12.[3]

On July 22, 2024, PERB held a hearing on this matter. On September 20, 2024, the Hearing Examiner issued a report and recommendations (Report) finding that DISB had not committed any unfair labor practices under the CMPA.[4] On October 7, 2024, AFSCME filed exceptions to the

[1] 24-U-12 Complaint at 2-5 (citing D.C. Official Code § 1-617.04(a)(1-5)).
[2] 24-U-15 Complaint at 4 (citing D.C. Official Code § 1-617.04(a)(4)).
[3] AFSCME opposed the motion for consolidation.
[4] Report at 17.

Report (Exceptions).[5] On October 21, 2024, DISB filed an opposition to AFSCME's Exceptions (Opposition to Exceptions).

On January 16, 2025, the Board remanded the case back to the Hearing Examiner.[6] The Board ordered the Hearing Examiner to explain his analysis of the burden-shifting standard from *Wright Line* as applied to the facts of the instant case, including, particularly, the analysis of evidence presented by the Complainant.[7] On February 11, 2025, the Hearing Examiner issued a Remand Report and Recommendations (Remand Report). The Complainant filed exceptions to the Remand Report (Remand Exceptions). DISB filed an opposition to the Remand Exceptions (Remand Opposition).

Upon consideration of the Hearing Examiner's Reports and Recommendations, applicable law, and the record presented by the parties, the Board adopts the Remand Report and Recommendations in its entirety and dismisses the Complaints.

I. Factual Background

DISB's mission involves cultivating a regulatory environment that protects District consumers, attracts and retains financial services firms to the District, and provides financing for small businesses in the District.[8] The Complainant works as an Insurance Operations Specialist within the Consumer Services Division, which is within the Compliance and Analysis Division (CAD), at DISB.[9] As the AFSCME Vice-President, the Complainant has repeatedly engaged in protected union activity, including bargaining with and filing PERB complaints against DISB management.[10] In 2021, the Complainant was investigated and cleared in a workplace bullying allegation against him.[11] In September 2021, the District installed security cameras at DISB, including one near the Complainant's cubicle.[12] The Complainant then placed a GoPro camera

[5] The Exceptions included a request for oral argument before the Board. Exceptions at 1, 19. The Board has determined, *infra*, that AFSCME's arguments in exception lack merit and that the Board requires no further information from the parties in order to render a decision; therefore, AFSCME's request for oral argument is denied.
[6] *AFSCME, Local 2743 v. DISB*, Slip Op. No. 1903, PERB Case Nos. 24-U-12 & 24-U-15 (2025).
[7] *Id*. at 2.
[8] Report at 3.
[9] Report at 3-4.
[10] Report at 4, 7-8. The Hearing Examiner noted the Complainant's participation in impact and effects (I&E) bargaining, his testimony before the District of Columbia Council in 2022, his filing of grievances through 2024, and his filing of a civil lawsuit against DISB. Report at 8. The Hearing Examiner further noted the Complainant's testimony that his previous supervisor had made a written statement to the effect that the Deputy Commissioner who oversees CAD (CAD Deputy Commissioner) had told that supervisor that the Complainant filed too many grievances and needed to be dealt with. Report at 8. The Board notes that the Hearing Examiner at times misattributed the CAD Deputy Commissioner's statements to the Complainant's former supervisor in both Reports; however, the context and cited evidence make clear that the Hearing Examiner intended to refer to the CAD Deputy Commissioner.
[11] Report at 7 (citing, *generally*, AFSCME Ex. 27, February 4, 2021 DISB Workplace Bullying and Harassment Response; AFSCME Ex. 28, May 27, 2021 Bullying and Harassment Complaint Closeout Memorandum; AFSCME Ex. 32, May 4, 2021 Bullying Investigative Report (redacted). The Hearing Officer in the workplace bullying and harassment complaint determined that the record in that case did not substantiate the allegations of the complaint. May 4, 2021 Bullying Investigative Report (redacted) at 7.
[12] Report at 7-8.

(GoPro) at his own cubicle.[13] The Complainant's former supervisor recalled seeing the Complainant's GoPro "affixed to [the Complainant's] nameplate located on top of his cubicle" as early as October, 2021.[14]

On August 10, 2023, the Complainant emailed his current supervisor stating that he was not comfortable with one-on-one meetings in her office "due to false and meritless allegations presented against his character and professionalism in the workplace,"[15] and that he was available by telephone and/or Microsoft Teams for communication, which he preferred in order to document communications.[16] On August 10, 2023, the Complainant informed his current supervisor of the presence of the GoPro at his workstation.[17] On September 10, 2023, the Complainant testified and represented AFSCME at a hearing for PERB Case No. 23-U-06, in which the Board ultimately found that DISB had committed an unfair labor practice against the Complainant.[18] During a November 7, 2023, CAD unit meeting, the supervisor advised that, as a management directive, "there will be no recording of team meetings"[19] out of concern regarding the unit's discussion of proprietary and/or confidential information.[20] The Complainant stated that he was entitled as a participant to record the meeting due to the District's one-party consent laws.[21] The supervisor observed the Complainant recording the meeting on his cellular phone and instructed him to stop recording or leave the meeting.[22] The Complainant refused to stop recording until he received the instruction to do so from the supervisor in an email.[23] Witnesses described the Complainant's conduct as "disrespectful, defiant, and unprofessional," and as "another attempt to 'embarrass and dress down the manager.'"[24] After the supervisor wrote and sent an email during the meeting reiterating the instruction to stop recording, the Complainant turned off his cellular phone.[25]

[13] AFSCME Post-Hearing Brief at 8.
[14] Report at 6. The Complainant's former supervisor noted that the Complainant explained that "the camera served the purpose of capturing any potential retaliatory incidents, potentially deterring further harassment and bullying complaints … and ensured the consistency of facts." Report at 6. The former supervisor further noted that the GoPro's presence "did not raise concerns to her, as the agency had previously installed a camera above [the Complainant's] cubicle." Report at 6. The former supervisor recalled that, "[t]o the best of her knowledge, the camera remained attached to [the Complainant's] computer until the last date of [her] employment in August 2022." Report at 6.
[15] Report at 4. Early in 2021, the Agency investigated a claim made against the Complainant by a coworker alleging workplace bullying and harassment. Report at 7. The hearing officer for that claim found that the allegations were not substantiated and closed the investigation without taking any disciplinary action against the Complainant. Report at 7. The Complainant also represented that he utilized the GoPro because of the "misrepresentation(s) of the fact(s) surrounding my alleged misconduct while employed at DISB in recent months." AFSCME Ex. 14, Notice of Proposed Adverse Action at 3.
[16] Report at 4.
[17] Report at 10.
[18] Report at 7.
[19] AFSCME Ex. 11, Verbal Counseling Memorandum at 1.
[20] Report at 4.
[21] Report at 9.
[22] Verbal Counseling Memorandum at 1.
[23] Verbal Counseling Memorandum at 1.
[24] Verbal Counseling Memorandum at 1.
[25] Verbal Counseling Memorandum at 2.

On November 15, 2023, the Complainant exchanged emails with DISB's legal representative regarding AFSCME's demand for I&E bargaining.[26] On November 21, 2023, DISB scheduled a same-day meeting with the Complainant to discuss his November 7, 2023 conduct.[27] The Complainant asserted that they would need to reschedule the meeting because he had not received enough notice to bring a union representative.[28] DISB management informed the Complainant that the meeting was to "inform [him] of [his] improper conduct," not to conduct an investigatory interview and, therefore, *Weingarten*[29] rights did not apply.[30] Management further notified the Complainant that failure to attend the meeting would constitute insubordination and would be subject to discipline.[31] The Complainant again refused to attend the meeting, which ultimately did not take place.[32] That same day, the CAD Director issued a written verbal counseling (Verbal Counseling) for insubordination to the Complainant.[33] The Verbal Counseling stated that if the Complainant's conduct during the November 7, 2023 meeting, as "memorialized in th[at] document," did not improve, DISB would take "stronger action, including suspension without pay."[34] The Verbal Counseling cited violations of Sections 1607.2(a)(16) and 1607.2(d)(2) of the District Personnel Manual (DPM).[35] The CAD Director transmitted the Verbal Counseling to the Complainant in an email, noting that the Verbal Counseling would be retained for "a period of no less than two (2) years."[36]

On December 12, 2023, the CAD Director, while at the Complainant's workstation, questioned the Complainant regarding the GoPro.[37] The CAD Director asked about the GoPro's audio and video recording capabilities, when the Complainant turned the GoPro on and off, and why the Complainant utilized the GoPro.[38] The Complainant informed the CAD Director that the GoPro could record both audio and video and that he turned it on and off at the beginning and end of his tour of duty each day.[39] On December 14, 2023, the CAD Director instructed the Complainant to remove the GoPro based on concerns regarding "safeguarding sensitive financial

[26] AFSCME Ex. 9, November 15, 2023 I&E Email Exchange at 1-6.
[27] Report at 4; *see also* AFSCME Ex. 10, November 21, 2023, Verbal Counseling Meeting Email Exchange at 1-4; DISB Ex. 10, November 21, 2023 Verbal Counseling Meeting Email Exchange at 2-4.
[28] Report at 4.
[29] *NLRB v. Weingarten*, 420 U.S. 251 (1975) (holding that employer's denial of an employee's request to have a union representative present at an investigatory interview the employee reasonably expected would lead to discipline constituted an unfair labor practice).
[30] Report at 4.
[31] Report at 4.
[32] Report at 4.
[33] Report at 4.
[34] Report at 5.
[35] Report at 5. Under DPM § 1607.2(a)(16), "Use of abusive, offensive, unprofessional, distracting, or otherwise unacceptable language, gestures, or other conduct; quarreling; creating a disturbance or disruption; or inappropriate horseplay" is prohibited. Under DPM § 1607.2(d)(2), "Deliberate or malicious refusal to comply with proper supervisory instructions" is prohibited.
[36] Report at 4-5; *see also* DISB Ex. 8, November 22, 2023 Verbal Counseling Email; DISB Ex. 9, Verbal Counseling Memorandum.
[37] Report at 10. The Hearing Examiner inadvertently refers to the CAD Director by the supervisor's name multiple times here, but it is clear from the cited excerpts of the hearing transcript that the Hearing Examiner intended to refer to the CAD Director.
[38] Report at 10.
[39] Report at 10.

information and personally identifiable information.[40] The Complainant refused to remove the GoPro from his workstation.[41] The Complainant expressed that his goal was to protect himself from "false and meritless allegations of workplace bullying as well as the misrepresentation(s) of the fact(s) surrounding [his] alleged misconduct,"[42] and asserted that he did not use the GoPro to record privileged and/or confidential information. The Complainant noted that he did not recall "having received written notification of [any DISB recording policy]."[43]

On December 15, 2023, the Complainant emailed the District of Columbia Deputy Mayor (Deputy Mayor), Human Resources Director (DCHR Director), the DISB Commissioner, and several other DISB and AFSCME officials.[44] The Complainant stated that he was "uncomfortable working with [his supervisor] based upon documented aggressive, combative and unprofessional conduct that ha[d] been displayed since being employed at DISB (Late July 2023) and culminat[ed] with the events of November 21, 2023."[45] The CAD Director asserted that "it was unprofessional and inappropriate for [the Complainant] to go outside of the chain of command and include officials who have no awareness of the issues,"[46] The CAD Director further asserted that the Complainant's "practice of demanding the presence of others as a condition of [his] attendance at meetings [wa]s also unprofessional."[47]

On December 28, 2023, the CAD Director issued a written proposed suspension of nine (9) days (Proposed Suspension).[48] The Proposed Suspension included three (3) charges of: (1) "[d]eliberate or malicious refusal to comply with rules, regulations, written procedures, or proper supervisory instructions;" (2) "[u]nauthorized disclosure or use of (or failure to safeguard) information protected by statute or regulation or other official, sensitive, or confidential information;" and (3) "[c]onduct prejudicial to the District of Columbia government: Use of abusive, offensive, unprofessional, distracting, or otherwise unacceptable language, gestures, or other conduct; quarreling; creating a disturbance or disruption; or inappropriate horseplay."[49] The Proposed Suspension listed the CAD Deputy Commissioner as the deciding official.[50] On December 29, 2023, the AFSCME President sent an email requesting a change in the deciding official, noting that the Complainant had filed a lawsuit against DISB that named the current deciding official.[51] DISB complied with the President's request, changing the deciding official to a different DISB Deputy Commissioner (Deciding Official) and notifying the President of the change.[52]

[40] Report at 10.
[41] Report at 10.
[42] AFSCME Ex. 13, December 14, 2023 GoPro Removal Email Exchange at 1.
[43] December 14, 2023 GoPro Removal Email Exchange at 1.
[44] AFSCME Ex. 16, Final Notice of Suspension at 5.
[45] Final Notice of Suspension at 5.
[46] Final Notice of Suspension at 5-6.
[47] Final Notice of Suspension at 6.
[48] Report at 5.
[49] Report at 5-6.
[50] AFSCME Ex. 14, Notice of Proposed Suspension at 5.
[51] Report at 6.
[52] Report at 6.

On January 29, 2024, the Deciding Official issued her final decision, upholding the first and third charges against the Complainant and concluding that a suspension of nine (9) days was appropriate.[53] The Complainant's dates of suspension were February 1 through February 13, 2024.[54] On February 5, 2024, the DISB Commissioner denied AFSCME's step 4 grievance contesting the suspension.[55]

II. Hearing Examiner's Reports and Recommendations

In the original Report, the Hearing Examiner considered the following issues:

> Whether the Respondent implemented the nine-day suspension of [the Complainant] in retaliation (reprisal) for his protected Union activities?
>
> Did the Respondent fail to provide [the Complainant] with his Weingarten rights for a Union representative when [the Complainant] was asked to attend a meeting on November 21, 2023, or during a meeting on December 14, 2023, with [the CAD Director]?[56]

The Hearing Examiner outlined the four elements required to trigger statutory *Weingarten* rights: (1) the meeting at issue must be an examination of a bargaining unit employee by management; (2) the examination must be in connection with an investigation; (3) the employee must reasonably believe that the examination may result in disciplinary action; and (4) the employee must request union representation.[57]

The Hearing Examiner reviewed and applied the elements of *Weingarten*[58] regarding both the November 21, 2023 proposed meeting and the December 12, 2023 conversation between the Complainant and the CAD Director, concluding that DISB did not violate the Complainant's

[53] Report at 6. The Deciding Official rejected the second charge, determining that, while the CAD Director acted reasonably within his authority in ordering the Complainant to remove the GoPro to safeguard confidential or sensitive information, the CAD Director had the burden of showing an actual disclosure or failure to safeguard such information in order to sustain a charge of a violation of DPM § 1607.2(a)(10). Final Notice of Suspension at 5. The Deciding Official noted that the Complainant's email including the Deputy Mayor and DCHR Director was inconsistent with "the District's well established grievance process," "maligned [the supervisor's] professional reputation and character to the Agency's leadership and senior officials in the District Government," and "served only one purpose—to disparage" the supervisor in the eyes of high-ranking District government officials. Final Notice of Suspension at 6. Neither party introduced that email into evidence in the instant case; however, the Final Notice of Suspension stated that the email read: "Good morning all, please be advised that I am uncomfortable working with [supervisor] based upon documented aggressive, combative and unprofessional conduct that has been displayed since [her] being employed at DISB (Late [sic] July 2023) and culminating with the events of November 21, 2023." Final Notice of Suspension at 5.
[54] Final Notice of Suspension at 1.
[55] Report at 6.
[56] Report at 2-3.
[57] Report at 11-12 (citing *Dep't of the Interior and AFGE, Local 1911*, 68 FLRA 178, 181 (2015)).
[58] *Weingarten*, 420 U.S. 251 at 257.

Weingarten rights in either instance.[59] The Hearing Examiner found that the November 21, 2023 meeting never occurred and determined that AFSCME failed to establish the first or second elements of *Weingarten*.[60] The Hearing Examiner further determined that, to the extent that AFSCME alleged that DISB violated the parties' collective bargaining agreement (CBA) concerning *Weingarten* rights, the Board lacked jurisdiction to address AFSCME's allegations.[61]

Regarding the December 12, 2023 conversation, the Hearing Examiner found that, as the Complainant did not request union representation, he did not need to address the other elements of *Weingarten*.[62] The Hearing Examiner noted that *Weingarten* does not apply to run-of-the-mill conversations between a manager and an employee, as well as that the Complainant's eventual suspension was based on his repeated refusal to obey supervisory instructions, rather than the information obtained by the CAD Director during the December 12, 2023 conversation.[63]

In the Remand Report, the Hearing Examiner addressed AFSCME's allegations that DISB retaliated against the Complainant by suspending him without pay for nine (9) days.[64] The Hearing Examiner reviewed the *Wright Line*[65] test and concluded that AFSCME failed to meet its burden under the requirements of that test.[66] The Hearing Examiner determined that AFSCME made a successful showing of a *prima facie* case of retaliation under *Wright Line*.[67] However, the Hearing Examiner further determined that DISB had rebutted AFSCME's *prima facie* case of retaliation by providing a legitimate business reason for its adverse action against the Complainant.[68]

As such, the Hearing Examiner concluded that DISB did not commit any unfair labor practice violations in the instant case.[69]

III. Discussion

The Board will adopt a Hearing Examiner's Report & Recommendations if it is reasonable, supported by the record, and consistent with PERB precedent.[70] The Board has held that "issues of fact concerning the probative value of evidence and credibility resolutions are reserved to the

[59] Report at 11-15. As the Board did not address the *Weingarten* analysis in its remand order in Opinion 1903, the Hearing Examiner incorporated his original findings into the Remand Report. Remand Report at 2 (citing *AFSCME, Local 2743 v. DISB*, Slip Op. No. 1903).
[60] Report at 12.
[61] Report at 13.
[62] Report at 14.
[63] Report at 14.
[64] Report at 15.
[65] *Wright Line, Inc. v. Lamoureux*, 251 NLRB 1083, 1089 (1980).
[66] Report at 15.
[67] The Hearing Examiner reviewed and incorporated his findings on the elements for a *prima facie* case of retaliation under *Wright Line* into the Remand Report. Remand Report at 6-8. The Board notes that the Hearing Examiner at times cited *Wright Line* as "Wright-Line," "Wright-Patterson," or "Wright-Pattern"—however, the context of each citation makes clear that the Hearing Examiner intended to refer to *Wright Line*.
[68] Remand Report at 8-11.
[69] Report at 17.
[70] *AFGE, Local 2978 v. OCME*, 61 D.C. Reg. 4267, Slip Op. No. 1457 at 6-7, PERB Case No. 09-U-62 (2014).

Hearing Examiner."[71] An argument previously made, considered, and rejected does not constitute a proper exception, if the record contains evidence supporting the hearing examiner's conclusions.[72] The Board has held that it will sometimes look to National Labor Relations Board (NLRB) or Federal Labor Relations Authority (FLRA) precedent for guidance when relevant, primarily when the Board's own case law is silent on a particular issue.[73]

AFSCME argues in its Exceptions that: (1) the Complainant's GoPro and cellular phone recordings did not actually capture any sensitive information;[74] (2) the Hearing Examiner failed to address that DISB does not have a recording policy in place, instead relying on "the verbal Management directive issued to [the Complainant];"[75] (3) the Complainant complied with the policy upon receipt of a written request in writing prior to the discussion of any allegedly sensitive information;[76] (4) the Hearing Examiner failed to address the "aggressive and unprofessional conduct of [the supervisor];"[77] (5) the CAD Director conducted his "investigation" of the Complainant contrary to established policy from the DPM;[78] (6) the Complainant reasonably feared the short-notice November 21, 2023 meeting would result in disciplinary action based on DISB's past actions against him; (7) the Hearing Examiner failed to acknowledge that the meeting didn't take place *because* the Complainant invoked his *Weingarten* rights;[79] (8) since his hiring, the CAD Director had been aware of the Complainant's GoPro;[80] (9) DISB did not treat the GoPro as a disciplinary issue until the supervisor was hired;[81] and (10) that the Board has jurisdiction over "the enforcement of *Weingarten* by Union employees … as the Respondent has deliberately chosen to ignore the executed Collective Bargaining Agreement,"[82] noting that AFSCME is "at an impasse within the acknowledgment of the grievance(s) and/or arbitration request(s) forwarded to the Respondent."[83]

AFSCME argues in its Remand Exceptions that: (1) the Remand Report did not include the entire factual record; (2) the Hearing Examiner's *Wright Line* analysis on remand was deficient; and (3) the Hearing Examiner's acknowledgment of the Complainant's "fine performance record"

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[71] *Bernard Bryan, et al. v. FOP/DOC Labor Committee, et al.*, 67 D.C. Reg. 8546, Slip Op. No. 1750 at 5, PERB Case No. 19-S-02 (2020).
[72] *See, e.g., FOP/MPD Labor Comm. v. MPD*, 62 D.C. Reg. 11756, Slip Op. No. 1521 at 10, 12, PERB Case Nos. 07-U-40, et al. (2015) (dismissing MPD's exceptions as repetition of arguments, testimony and evidence considered and rejected by the hearing examiner); *DHS v. AFSCME, District Council 20, Local 2401*, Slip Op. No. 1845 at 9, PERB Case No. 23-A-04 (2023) (holding that an argument previously made, considered, and rejected is a "mere disagreement" with the initial decision); *AFSCME, District Council 20, Local 2087 v. UDC*, 67 D.C. Reg. 8903, Slip Op. No. 1751 at 4, PERB Case No. 18-U-03 (2020) (holding that mere disagreements with a hearing examiner's findings or challenges to a hearing examiner's findings with competing evidence do not constitute proper exceptions).
[73] *FOP/MPD Labor Comm. v. MPD*, Slip Op. No. 1526 at 8, PERB Case Nos. 06-U-23, et al. (2015).
[74] Exceptions at 2-4.
[75] Exceptions at 4.
[76] Exceptions at 4.
[77] Exceptions at 6.
[78] Exceptions at 7.
[79] Exceptions at 9.
[80] Exceptions at 10.
[81] Exceptions at 12.
[82] Exceptions at 16.
[83] Exceptions at 16.

while still finding the Complainant's conduct unprofessional demonstrates "a potential bias by the Hearing Examiner in favor of the Respondent's representative(s) and/or agent(s) without considering all factual facets" of the case.[84]

A. DISB did not violate the Complainant's *Weingarten* Rights.

AFSCME's *Weingarten* arguments are unavailing. All of AFSCME's Exceptions regarding *Weingarten* constitute arguments previously made, considered, and rejected by the Hearing Examiner, who thoroughly analyzed and addressed the extensive record presented by both parties. In accordance with the standards set forth in *Weingarten*, the Board has recognized a right to union representation during disciplinary interviews under D.C. Official Code § 1-617.04(a)(1).[85] Under *Weingarten*, an employee's right to union representation during an investigatory interview is triggered only when the requisite elements are present,[86] which include the employee's reasonable belief that the investigation will result in disciplinary action"[87] and the employee's request for union representation.[88] The Board has held that, if *Weingarten* applies, then an employee has a right to have a union representative attend investigatory interviews.[89]

The Hearing Examiner analyzed whether *Weingarten* applied to the proposed November 21, 2023 Verbal Counseling meeting and the December 12, 2023 conversation between the Complainant and the CAD Director, and found that in both cases, AFSCME had failed to meet all four *Weingarten* elements.[90] The Hearing Examiner found that the Verbal Counseling meeting, which ultimately did not occur, did not constitute an investigatory interview because management informed the Complainant that the meeting was not investigatory, but rather a Verbal Counseling to discuss the Complainant's behavior and management's expectations going forward.[91] The Board concludes this finding is reasonable, supported by the record, and consistent with PERB precedent.[92] Regarding the December 12, 2023 conversation, the Hearing Examiner found that: (1) the Complainant never requested union representation; (2) the Complainant's suspension was not based on information gleaned from that conversation, but rather his repeated refusal to obey

[84] Remand Exceptions at 1-8.
[85] *AFSCME, Local 2401 v. OAG*, 71 D.C. Reg. 793, Slip Op. No. 1855 at 6, PERB Case No. 23-U-02 (2023) (citing *FOP/MPD Labor Committee v. MPD*, 60 D.C. Reg. 10839, Slip Op. No. 1399 at 5, PERB Case No. 06-U-34 (2013); *D.C. Nurses Assoc. v. D.C. Health and Hospitals Public Benefit Corp.*, 45 D.C. Reg. 6736, Slip Op. No. 558 at 2-3, PERB Case Nos. 95-U-03, 97-U-16 and 97-U-28 (1998)).
[86] *See Dep't of the Interior and AFGE, Local 1911*, 68 FLRA 178, 181 (2015).
[87] *D.C. Nurses Assn. v. D.C. DYRS*, 61 D.C. Reg. 1566, Slip Op. No. 1451 at 4-5, PERB Case No. 10-U-35 (2013).
[88] *See FOP/DOC Labor Comm. v. MPD*, 60 D.C. Reg. 9181, Slip Op. No. 1378 at 3, PERB Case No. 10-U-21 (2013) (holding that the *Weingarten* right to union representation arises in situations where an employee requests representation, and is limited to situations where the employee reasonably believes the investigation will result in disciplinary action).
[89] *See FOP/DOC Labor Comm. v. MPD*, Slip Op. No. 1378 at 3.
[90] Report at 12-15.
[91] Report at 12-13.
[92] *See Dep't of the Air Force, 2750th Air Base Wing HQ, Air Force Logistics Command, Wright Patterson AFB and AFGE, Local 1138*, 9 FLRA 871, 882 (1982) (holding that meetings with an employee were not "examinations," as the employee was simply being informed of a decision already reached by the employer).

supervisory instructions; and (3) *Weingarten* does not apply to "ordinary run of the mill [*sic*] conversations between management and employees."[93] These findings are also reasonable, supported by the record, and consistent with PERB precedent. In the instant case, the Complainant did not request union representation prior to or during any investigatory interviews.[94] Therefore, the Board finds that he did not trigger the application of *Weingarten* rights. Further, DISB had no statutory obligation to advise the Complainant of any applicable *Weingarten* rights.[95] Accordingly, the Board concludes that DISB did not commit any unfair labor practices with respect to the disciplined employees' *Weingarten* rights.

The Hearing Examiner declined to address AFSCME's allegation that DISB violated the parties' CBA with respect to *Weingarten* rights, and did not evaluate whether the Verbal Counseling constituted discipline under the parties' CBA.[96] In determining jurisdiction in a case involving contractual claims, the Board looks to:

> whether the record supports a finding that the alleged violation: (1) is restricted to facts involving a dispute over whether a party complied with a contractual obligation; (2) resolution of the dispute requires an interpretation of those contractual obligations; and (3) no dispute can be resolved under the CMPA.[97]

The Board has held that if the record demonstrates that an allegation concerns a statutory violation of the CMPA, then even if it also concerns a violation of the parties' contract, the Board has jurisdiction over the statutory matter and can grant appropriate relief.[98] While the instant case involves claims of contractual violations, the Hearing Examiner has dismissed those claims in line with PERB precedent, and the Board likewise declines to address any remaining claims regarding violations of the parties' CBA. Similarly, the Board need not address whether the Verbal Counseling constituted discipline under the parties' CBA, as the proposed meeting to discuss the Verbal Counseling did not constitute an investigatory interview and, therefore, would not have implicated the Complainant's *Weingarten* rights.

The Board has adopted the National Labor Relations Board's *Wright Line* test for complainants alleging retaliation by management for an employee's protected union activity.[99] Under *Wright Line*, in order to establish a *prima facie* case of retaliation for union activity, a complainant must show that: (1) an employee engaged in protected union activity; (2) the employer

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[93] Report at 14.
[94] Report at 12-15.
[95] *See AFSCME, Local 2743 v. DOB*, Slip Op. No. 1894 at , PERB Case Nos. 24-U-05, 24-U-06 and 24-U-08 (2024) (affirming hearing examiner's recommendations to dismiss *Weingarten* claims because the disciplined employees did not request union representation and noting that employers do not have an obligation to inform employees of a right to union representation); *see also Norfolk Naval Shipyard and FEMTC*, 35 FLRA 1069, 1073-78 (1980).
[96] Report at 13-14.
[97] *FOP/MPD Labor Comm. v. MPD*, 60 D.C. Reg. 12058, Slip Op. No. 1400 at 7, PERB Case No. 11-U-01 (2013) (citing *AFGE, Local 3721 v. D.C. Fire Dep't*, 39 D.C. Reg. 8599, Slip Op. No. 287 at fn. 5, PERB Case No. 90-U-11 (1991)).
[98] *Rayshawn Douglas v. DCHA*, 64 D.C. Reg. 9301, Slip Op. No. 1632 at 4, PERB Case No. 15-U-32 (2017) (citing *FOP/MPD Labor Comm. v. MPD*, 62 D.C. Reg. 13348, Slip Op. No. 1534, PERB Case No. 08-U-22 (2015)).
[99] *AFGE, Local 2978 v. OCME*, Slip Op. No. 1457 at 4.

knew about the employee's protected union activity; (3) the employer had anti-union animus or retaliatory animus; and (4) the employer took an adverse employment action against the employee as a result.[100]

The Hearing Examiner found that AFSCME did not meet its burden under *Wright Line*.[101] Although the Hearing Examiner determined that AFSCME made a showing of a *prima facie* case of retaliation under *Wright Line*, he concluded that AFSCME failed to rebut DISB's evidence demonstrating that the agency would have taken the same adverse action against the Complainant in the absence of his protected activity.[102] The Hearing Examiner concluded that DISB had successfully rebutted any *prima facie* case of retaliation with its showing of a legitimate business reason for the disciplinary action taken.[103] While noting that the Complainant had engaged in protected activity during a period proximate to his suspension,[104] the Hearing Examiner ultimately found that the Complainant's "union activities are not a shield for legitimate disciplinary action."[105] The Hearing Examiner's reapplication of *Wright Line*, as well as the resulting conclusions, are reasonable, supported by the record, and consistent with PERB precedent.

B. DISB did not retaliate against the Complainant in enforcing its no-recording policy.

In its initial Exceptions, AFSCME argued that: (1) the Hearing Examiner did not acknowledge AFSCME's evidence of retaliation and/or reprisal by DISB management against the Complainant;[106] (2) the Hearing Examiner relied on DISB's legitimate business reasons for barring the GoPro while discounting how long the GoPro had been allowed and the timing of the recording policy change coinciding with the Complainant recording "the unprofessional conduct" of the

[100] *Id.*
[101] Remand Report at 6-11. The Hearing Examiner originally found that AFSCME met the first three elements of *Wright Line*—that the Complainant engaged in protected activity, that DISB knew about the Complainant's protected activity, and that DISB had shown anti-union animus—but concluded that AFSCME had failed to show a nexus between DISB's anti-union animus and the adverse action taken against the Complainant. Report at 15-16. However, the NLRB has held that requiring the "identification of a causal nexus as a separate element … is superfluous." *Intertape Polymer Corp.*, 372 NLRB 133 at 9 (2023) (citing *Tschiggfrie Properties*, 368 NLRB 120 at 7 (2019)). Rather than requiring a showing of a causal nexus, once a complainant successfully makes a *prima facie* case of retaliation "sufficient to support the inference that protected conduct was a 'motivating factor'" in the adverse action, *Id.* at 7, the burden under the *Wright Line* framework shifts to the employer to demonstrate that it would have taken the same adverse action against the employee even in the absence of protected activity. *Id*. While the Hearing Examiner's original analysis of the first three elements of AFSCME's *prima facie* case of retaliation—which he incorporated into the adopted Remand Report, Remand Report at 6-8—was sound, he then placed a disproportionate burden on AFSCME in requiring a showing of a causal nexus even after finding that AFSCME satisfied the requirements for a *prima facie* case of retaliation. Report at 16. The Board remanded the instant case to the Hearing Examiner to reapply the elements of *Wright Line* under the proper burden-shifting framework. *AFSCME, Local 2743 v. DISB*, Slip Op. No. 1903 at 2.
[102] Remand Report at 8-9.
[103] Remand Report at 11.
[104] Remand Report at 4.
[105] Remand Report at 9.
[106] Exceptions at 12.

supervisor;[107] (3) DISB failed to provide evidence that the GoPro was used for any purpose except to record the Complainant's interactions with management for his own protection;[108] (4) AFSCME presented more contemporaneous protected union activity beyond the Complainant's 2022 testimony before the D.C. Council;[109] and (5) the supervisor's assignment of cases to the Complainant during his suspension without pay violated U.S. labor laws.[110] In its Remand Exceptions, AFSCME similarly argues that the Hearing Examiner did not address the entire factual record and that the Hearing Examiner's legal analysis was deficient.[111] AFSCME further asserts that the Hearing Examiner exhibited potential bias toward DISB.[112]

AFSCME's arguments regarding retaliation are unavailing. The majority of AFSCME's Exceptions regarding dismissal of its retaliation claims constitute arguments previously made, considered, and rejected by the Hearing Examiner.[113] The Board does not require hearing examiners to directly and exhaustively address every piece of evidence submitted to the record by parties.[114] In finding that AFSMCE had met its burden regarding the first element of *Wright Line*, the Hearing Examiner clearly considered not only the Complainant's 2022 testimony, but also the Complainant's recent cases before PERB and his participation in grievances and negotiations.[115] AFSCME argued before the Hearing Examiner that the supervisor's "unprofessional conduct" justified the Complainant's use of recording devices,[116] which the Hearing Examiner weighed

[107] Exceptions at 13.
[108] Exceptions at 13-14.
[109] Exceptions at 14.
[110] Exceptions at 16.
[111] Remand Exceptions at 1, 4.
[112] Remand Exceptions at 7-8. The Board places the utmost importance on the impartiality of its hearing examiners and considers seriously any allegations of bias toward a party. However, AFSCME has not provided any compelling evidence to indicate the Hearing Examiner in the instant case acted prejudicially toward either party. *See Yonah Bromberg Gaber, et. al v. AFSCME, Local 1808*, 71 D.C. Reg. 7883, Slip Op. No. 1870 at 6-7, PERB Case No. 23-S-03 (2024) (holding that the Board will find that a Hearing Examiner exhibited bias only where the Hearing Examiner's temperament or opinions expressed during the hearing exceeded the authority accorded him or precluded [a party] from being afforded a fair hearing) (citing *D.C. Nurses Ass'n v. D.C. Health and Hospitals Public Benefit Corp., D.C. General Hospital*, 46 D.C. Reg. 245, Slip Op. No. 560 at 2-3, fn. 2, PERB Case No. 97-U-16 (1999)); *see also AFGE, AFL-CIO, Local 631 v. D.C. Office of Zoning, D.C. Office of Property Management, D.C. Office of Planning, DPW, Energy Office*, Slip Op. No. 1103 at 7-8, fn. 5, PERB Case No. 04-UM-01 (2011) (finding that the Board may adopt the recommendation of a hearing examiner to the extent it is supported by the record and rejecting motion to disqualify a hearing examiner for the mere assertion that the hearing examiner expressed hostility or indicated that there was insufficient proof to establish a certain outcome).
[113] In light of DISB's previous retaliatory actions against the Complainant, *AFSCME, District Council 20, Local 2743 v. DISB*, Slip Op. No. 1864, the Board emphasizes that circumstantial evidence, including the timing of adverse actions with respect to a grievant's protected activity, can support a finding of retaliation under *Wright Line*. *Intertape Polymer Corp.*, 372 NLRB 133 (2023). Nevertheless, in the instant case, AFSCME did not present sufficient evidence to show that DISB created or enforced any recording policy in retaliation for the Complainant's protected activity.
[114] *C.f. Samantha Brown v. DCPS*, Slip Op. No. 1889 at 3, PERB Case No. 22-U-16(MFR) (2024) (holding that the Board need not address every argument dismissed by a hearing examiner); *see also FOP/MPD Labor Comm. (on behalf of Officer Timothy Harris) v. MPD*, 59 D.C. Reg. 11329, Slip Op. No. 1295 at 6, PERB Case No. 09-A-11 (2012) (citing *DOC v. FOP/DOC Labor Comm.*, 54 D.C. Reg. 2706, Slip Op. No. 825 at 8, PERB Case No. 04-A-14 (2006)).
[115] Report at 15-16.
[116] AFSCME Post-Hearing Brief at 24.

against DISB's allegations of the Complainant's unprofessional, insubordinate conduct and DISB's goal of safeguarding sensitive, confidential information.[117] The evidentiary record submitted by both parties clearly shows that the supervisor notified the Complainant, upon his inquiry, that she had worked the cases assigned to him during his suspension to ensure the cases remained in compliance with DISB's standard operating procedures until he returned and could "handle the resolution per the current SOPs guidelines."[118]

AFSCME's evidence that DISB had previously known about the GoPro without taking disciplinary action or instructing the Complainant to remove it is not dispositive to DISB's asserted legitimate business reason for objecting to the Complainant's recordings. AFSCME relies on NLRB case law to argue that employees have a right to record interactions with their employers, as well as to argue the timing of management's requests that the Complainant stop recording in the workplace is suspect.[119] Notwithstanding that the Hearing Examiner considered and rejected this argument,[120] the instant case is distinguishable from the cited NLRB case law. In the cited case, the employer raised terminated employees' violations of a pre-existing no-recording policy to argue against having to reinstate the employees after the NLRB found that the employees had been terminated for engaging in protected union activity.[121] The NLRB found that, while the employer had been aware of the employees' recordings in violation of company policy, it did not rely on that conduct in discharging the employees or otherwise assert that the employees would have been discharged for violating the no-recording policy even absent ample protected union activity.[122] By contrast, in the instant case, DISB repeatedly informed the Complainant that his insubordination and refusal to comply with management instructions regarding his recordings in the workplace were the reasons for the Verbal Counseling and suspension.[123]

Further, AFSCME noted in its own post-hearing brief that the supervisor inquired with human resources regarding the recording of meetings and was advised that, since DISB did not have a specific policy, it was a management directive.[124] The record reflects that the Complainant

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[117] Remand Report at 10-11. The Hearing Examiner credited the supervisor's testimony regarding the Complainant's "disrespect toward her," Remand Report at 10, attempt to intimidate her, Remand Report at 10; *see also* Final Notice of Suspension at 7, and sending of an unprofessional email concerning the supervisor to high-ranking District government officials not involved in the grievance or disciplinary process. Remand Report at 10-11; *see also* Final Notice of Suspension at 5-7.

[118] Report at 6; *see also* AFSCME Ex. 17, February 14, 2024 Work Assignment Email Exchange at 1-2; DISB Ex. 6, February 14, 2024 Work Assignment Email Exchange at 1.

[119] Exceptions at 17.

[120] Report at 6 (fn. 3).

[121] *Starbucks Coffee Co.*, 372 NLRB 50 at 1, 4-6. The employer further argued that the employees' recording of management officials without consent violated Pennsylvania's Wiretapping and Electronic Surveillance statute, making their reinstatement "unconscionable." *Id.* at 5. The NLRB found that enforcement of the privacy concerns implicated by the state no-recording law was preempted by the NLRA. *Id.* at 7 (citing *San Diego Building Trades Council v. Garmon*, 359 U.S. 236, 244 (1959). In the instant case, DISB has raised privacy concerns regarding the nature of the work done by the agency. Report at 15-16.

[122] *Id.* at 6. The NLRB noted that whether an employee who makes an audio or video recording in the workplace is engaged in protected union activity depends on the facts and circumstances of the particular case. *Id.*

[123] Report at 4-5; *see also* Verbal Counseling Memorandum at 1-4.

[124] AFSCME Post-Hearing Brief at 8.

simply refused to comply with the supervisor's verbal instructions until he received them in an email.[125] Similarly, the Complainant refused to comply with the CAD Director's instruction to remove the GoPro.[126] The supervisor's recording policy being "new" does not invalidate that policy nor the legitimate business reasons given by DISB to rebut any *prima facie* case of retaliation by AFSCME. Further, it is plausible that the Complainant's new supervisor realized allowing the Complainant's recordings to continue would create significant confidentiality concerns.[127] *Wright Line* does not require DISB to definitively prove that the Complainant's recordings did, in fact, result in a breach of confidentiality in order to demonstrate a legitimate business interest in safeguarding the sensitive information the agency handles in effectuating its mission.

The Board closely examines DISB's reliance on the Complainant communicating "outside of the chain of command"[128] and including officials with no awareness of the issues[129] in both the Proposed and Final Notices of Proposed Adverse Action.[130] While CBAs between District agencies and labor organizations representing District employees generally have grievance procedures, the existence of such procedures does not inherently limit employees' access to elected or appointed District government officials—nor does it limit employees' access to PERB.[131] However, protections on public employees' speech do have some limitations. In order to garner First Amendment protection, a public employee's speech generally must address matters of public concern rather than a personal grievance.[132] And while protected union activity may qualify as a matter of public concern under some circumstances, those circumstances are not present here.[133] The email to high-ranking District government officials in the instant case relates to an individual employee's complaint about a manager, rather than a matter of collective bargaining or other larger union business.

The Hearing Examiner considered AFSCME's arguments regarding recording policies and reasonably concluded that DISB had rebutted the allegations of retaliation by providing a compelling legitimate business reason for its updated policy and for disciplining the Complainant when he refused to comply with specific, nonburdensome instructions to stop recording.

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[125] Report at 9.
[126] Report at 14.
[127] Report at 8.
[128] Final Notice of Suspension at 5-6.
[129] Final Notice of Suspension at 6.
[130] AFSCME Ex. 14, Notice of Proposed 9-Day Suspension at 4; Final Notice of Suspension at 6-7.
[131] *Samantha Brown v. DCPS*, 71 D.C. Reg. 10666, Slip Op. No. 1877 at 10, PERB Case No. 22-U-16 (2024) (citing *FOP/MPD Labor Comm. v. MPD*, 61 D.C. Reg. 5627, Slip Op. No. 1465 at 4, PERB Case No. 08-U-14 (2014).
[132] *See Connick v. Myers*, 461 U.S. 138, 148-149 (1983) (finding that employer's termination of an employee shortly after she distributed a questionnaire regarding employer policies and employee morale did not constitute a matter of public concern).
[133] *But cf. City of Madison, Joint School Dist. No. 8 v. Wisc. Empl. Rel. Comm.*, 429 U.S. 167, 176 (Dec. 8, 1976) (holding that state labor board ruling prohibiting school board from permitting nonunion employees to appear and speak at school board meetings constituted an indirect, but effective, prohibition on such individuals from communicating with their government that would have a substantial impact upon virtually all communication between teachers and the school board).

IV. Conclusion

The Board finds that the Hearing Examiner's determinations regarding AFSCME's failure to meet its burden of proof are reasonable, supported by the record, and consistent with PERB precedent. Therefore, the Board denies AFSCME's requests for relief and dismisses the Complaints against DISB.

ORDER

IT IS HEREBY ORDERED THAT:

1. This matter is dismissed in its entirety; and

2. Pursuant to Board Rule 559.1, this Decision and Order is final upon issuance.

BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD

By vote of Board Chairperson Douglas Warshof and Members Renee Bowser and Peter Winkler.

April 17, 2025

Washington, D.C.

APPEAL RIGHTS

Pursuant to Board Rule 559.2, a party may file a motion for reconsideration, requesting the Board reconsider its decision. Additionally, a final decision by the Board may be appealed to the District of Columbia Superior Court pursuant to D.C. Official Code §§ 1-605.2(12) and 1-617.13(c), which provides 30 days after a decision file an appeal.

PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA

NOTICE OF PROPOSED TARIFF

PEPRADR-2025-01, THE POTOMAC ELECTRIC POWER COMPANY'S RESIDENTIAL AID DISCOUNT COMPLIANCE REPORTS AND FILINGS,

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 Official Code[1] of its intent to act upon the Potomac Electric Power Company's (Pepco or Company) Rider - Residential Aid Discount Surcharge (Rider RADS) filed on April 15, 2025,[2] in not less than thirty (30) days from the date of publication of this Notice of Proposed Tariff (NOPT) in the *D.C. Register*.

2. The Residential Aid Discount (RAD) Surcharge allows Pepco to recover the costs of the subsidy for the RAD Program for low-income electricity customers in the District of Columbia.[3] Pepco is required to file a true-up for the surcharge on an annual basis, in the event of an over- or under-collection of the RAD Surcharge and to address any changes in income eligibility criteria.[4] By Order No. 18059, the Commission adopted a methodology for computing the RAD, changing it to reflect a Residential Aid Credit (RAC).[5]

3. Per the Commission's directive in Order No. 21957, Pepco's tariff filing reflects the use of a 12-month average of RAD customers for the purposes of calculating the RAD surcharge on a going-forward basis.[6] Pepco explains that each RAD Surcharge filing consists of two main parts, the true-up from previous periods and the costs associated with RADS based on estimated costs for the next period, which typically is a year. In its filing, Pepco provides the

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[1] D.C. Official Code § 34-802 and D.C. Official Code § 2-505.

[2] *PEPRADR-2025-01*, *In the Matter of Potomac Electric Power Company's Residential Aid Discount Compliance Reports and Filings*, Potomac Electric Power Company's Residential Aid Discount Surcharge (*PEPRADR-2025-01*), filed April 15, 2025, (Rider RADS Tariff Filing).

[3] *Formal Case No. 1053*, *In the Matter of the Application of Potomac Electric Power Company for Authority to Increase Existing Retail Rates and Charges for Electric Distribution Service*, Order No. 14712, rel. January 30, 2008.

[4] *Formal Case No. 945*, *In the Matter of the Investigation into Electric Service Market Competition and Regulatory Practices, and Formal Case No. 813*, *In the Matter of the Application of Potomac Electric Power Company for an Increase in its Retail Rates for the Sale of Electric Energy*, Order No. 15986, ¶¶ 6, 13, rel. September 20, 2010, (Order establishing the Residential Aid Discount Program).

[5] *Formal Case No. 1120, In the Matter of the Investigation into the Structure and Application of Low Income Assistance for Electricity Customers in the District of Columbia,* Order No. 18059, rel. December 15, 2015.

[6] Rider RADS Tariff Filing at 2-3; *see PEPRADR-2023-01, The Potomac Electric Power Company's Residential Aid Discount Compliance Reports and Filings*, Order No. 21957, rel. February 22, 2024 (Order No. 21957).

RADS true-up calculation from March 2024 through May 2025.[7] According to Pepco, the RAD Surcharge collections from March 2024 through February 2025 resulted in an over-collection of ($1,595,069).[8] Pepco shows the forecasted under-collection of $294,887 from March through May 2025, which is also included in the calculation of the surcharge.[9]

4. Pepco asserts that the estimated cost of the RAC from June 2025 through May 2026 is $10,777,046.[10] Pepco maintains that as a result of the higher program cost of the RAC from June 2025 through May 2026, the proposed RAD Surcharge would increase from the current surcharge rate of $0.000860 per kilowatt-hour, which became effective October 14, 2024, to $0.001155 per kilowatt-hour.[11]

5. In the Rider RADS Tariff Filing, Pepco proposes to amend the following tariff pages:

Rate Schedules for Electric Service in the District of Columbia,

P.S.C. of D.C. No. 1

(Former) One Hundred Sixty-Fifth Revised Page No. R-1
One Hundred Sixty-Eighth Revised Page No. 2
One Hundred Sixty-First Revised Page No. R-2.1
One Hundred Fifty-Eighth Revised Page No. R-2.2d
Sixteenth Revised Page No. R-46

(New) One Hundred Sixty-Sixth Revised Page No. R-1
One Hundred Sixty-Ninth Revised Page No. 2
One Hundred Sixty-Second Revised Page No. R-2.1
One Hundred Fifty-Ninth Revised Page No. R-2.2
Seventeenth Revised Page No. R-46

6. Any person interested in commenting on the subject matter of this NOPT may submit written comments no later than thirty (30) days after publication of this Notice in the *D.C. Register* addressed to Brinda Westbrook-Sedgwick, Commission Secretary, Public Service Commission of the District of Columbia, 1325 G Street, N.W., Suite 800, Washington, D.C., 20005, and sent electronically on the Commission's website at https://edocket.dcpsc.org/public/public_comments. Copies of the proposed tariff amendment may be obtained by visiting the Commission's website at www.dcpsc.org. Once at the website, open

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7 Rider RADS Tariff Filing at 1; Attachment B.

8 Rider RADS Tariff Filing at 1; Attachment B at 2.

9 Rider RADS Tariff Filing at 1; Attachment B at 1.

10 Rider RADS Tariff Filing at 2; Attachment B at 1, 4.

11 Rider RADS Tariff Filing at 2; Attachment A.

the "eDocket" tab, click on "Search Current Dockets," and input "PEPRADR" as the case number. Copies may also be purchased at cost by contacting the Commission Secretary at the address provided above. Persons with questions concerning this NOPT should call (202) 626-5150 or send an email to psc-commissionsecretary@dc.gov. After the comment period has expired, the Commission will take final action on the Surcharge Update.

A TRUE COPY: **BY DIRECTION OF THE COMMISSION**

CHIEF CLERK: **BRINDA WESTBROOK-SEDGWICK**
COMMISSION SECRETARY

DISTRICT OF COLUMBIA RETIREMENT BOARD

NOTICE OF CLOSED MEETING

Board of Trustees
July 17, 2025, 9:00 a.m.
900 7th Street, N.W., 2nd Floor
Washington, D.C 20001

WebEx Meeting	Telephone: 650-479-3208	Conference Access Code: 2310 863 8804	Meeting Password: PDwsXuPX535

The District of Columbia Retirement Board (DCRB) will hold a closed meeting on Thursday, July 17, 2025, at 9:00 a.m. for the purpose of training and developing members of a public body and staff pursuant to D.C. Code § 2-575(b)(12).

This meeting will be held virtually via WebEx. The entire meeting will be closed pursuant to D.C. Code § 2-575(b)(12) for training.

For additional information, please contact Johniece Harris, Board Liaison, at (202) 343-3200 or johniece.harris@dc.gov, or visit https://dcrb.dc.gov/page/agendas-board-committee-meetings.

AGENDA

I.	Call to Order and Roll Call	Chair Gregg
II.	Move to enter into closed session to train and develop members of a public body and staff pursuant to DC Code § 2-575(b)(12)	Chair Gregg
III.	Move to end closed session and adjourn the meeting	Chair Gregg

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.

DISTRICT OF COLUMBIA RETIREMENT BOARD

NOTICE OF INVESTMENT COMMITTEE MEETING

July 17, 2025, 10:00 a.m.
900 7th Street, N.W.
2nd Floor, DCRB Boardroom
Washington, D.C 20001

WebEx Meeting	Telephone: 650-479-3208	Conference Access Code: 2310 863 8804	Meeting Password: PDwsXuPX535

The District of Columbia Retirement Board (DCRB) will hold an Investment Committee meeting on Thursday, July 17, 2025, at 10:00 a.m. to consider investment matters. This meeting will be held virtually via WebEx. A general agenda for the open portion of the meeting is outlined below.

Please call one (1) business day prior to the meeting to ensure the meeting has not been cancelled or rescheduled. For additional information, please contact Johniece Harris, Board Liaison, at (202) 343-3200 or johniece.harris@dc.gov.

AGENDA

I. Call to Order and Roll Call — Committee Chair Weers

II. Approval of Investment Committee Meeting Minutes — Committee Chair Weers

Agenda items III through V will be in closed session in accordance with D.C. Code §2-575(b)(1), (2), and (11) and §1-909.05(e) to deliberate and make decisions on investments matters, the disclosure of which would jeopardize the ability of DCRB to implement investment decisions or to achieve investment objectives.

III. Chair's Comments — Committee Chair Weers

IV. Chief Investment Officer's Report — Mr. Sahm

V. Other Business — Committee Chair Weers

VI. Adjournment

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.

DISTRICT OF COLUMBIA RETIREMENT BOARD
NOTICE OF PUBLIC MEETING

Board of Trustees
July 17, 2025, 1:30 p.m.
900 7th Street, N.W.
2nd Floor, DCRB Boardroom
Washington, D.C. 20001

The District of Columbia Retirement Board (DCRB) will hold a virtual Open Board meeting on Thursday, July 17, 2025, at 1:30 p.m. via WebEx. The meeting's general agenda is below.

WebEx Meeting	Telephone: 650-479-3208	Conference Access Code: 2300 377 9517	Meeting Password: 354gMWGbpMM

Please call one (1) business day prior to the meeting to ensure the meeting has not been cancelled or rescheduled. For additional information, please contact Johniece Harris, Board Liaison, at (202) 343-3200 or johniece.harris@dc.gov, or visit https://dcrb.dc.gov/page/agendas-board-committee-meetings.

AGENDA

I.	Call to Order and Roll Call	Board Chair Gregg
II.	Approval of Board Meeting Minutes	Board Chair Gregg
III.	Chair's Comments	Board Chair Gregg
IV.	Executive Director's Report	Mr. Balestrieri
V.	Investment Committee Report	Committee Chair Weers
VI.	Operations Committee Report	Committee Chair Saunders
VII.	Benefits Committee Report	Committee Chair Gregg
VIII.	Legislative Committee Report	Committee Chair Blanchard
IX.	Audit Committee Report	Committee Chair Harris
X.	Other Business	Board Chair Gregg
XI.	Adjournment	

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.

DISTRICT OF COLUMBIA SENTENCING COMMISSION

NOTICE OF HYBRID MEETING

The Commission meeting will be held on Tuesday, July 15th, 2025, at 5:00 p.m. via Zoom and in-person. Below is the planned agenda for the meeting. The final agenda will be posted on the agency's website at http://www.scdc.dc.gov

For additional information, please contact Brittany Bunch, Outreach Specialist, at (202) 727-8822 or email scdc@dc.gov

To attend the upcoming monthly meetings, register to add using the link below.

https://scdc.dc.gov/page/commission-meetings

Until further notice, the Commission will meet both in-person and virtually. Previous meetings can be viewed on the Commission's Facebook page.

Agenda

1. Review and Approval of the Minutes from the Tuesday, June 17th, 2024, Commission meeting – Action Item, Judge Dayson, Chairman.

2. Director's Report – Information Item, Linden Fry, Executive Director

3. Commission Discussion – Information Item, Commission Members

4. Next Scheduled Meeting – Tuesday, August 19th, 2024

5. Adjourn

Please note: This agenda is subject to change. Please check our website for the most up to date information. https://scdc.dc.gov/

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.

DEPARTMENT OF SMALL AND LOCAL BUSINESS DEVELOPMENT

NOTICE OF FUNDING AVAILABILITY

District Capitalized Revolving Fund Manager Grant Program

Fiscal Year 2025

This Notice of Funding Availability ("**NOFA**"), in combination with the corresponding Request for Applications ("**RFA**"), which will be released when the grant opens, constitute the full set of instructions to assist applicants with completing eligibility applications for the Fiscal Year ("**FY**") 2025 District Capitalized Revolving Fund Manager ("**DCRFM**") Grant Program. **Applicants are encouraged to read both documents in their entirety before applying**.

The **FY25 District Capitalized Revolving Fund** supports the District of Columbia ("**DC**," "**D.C.**," or "**District**") Department of Small and Local Business Development's ("**DSLBD**" or the "**Department**") efforts to enhance the ease of doing business in the District and foster sustainable business growth and long-term success. The FY25 DCRFM Grant Program accomplishes this by providing equitable access to capital for qualified DC-based businesses facing barriers accessing lines of credit and other financing with traditional funders.

DSLBD is pleased to announce that it will begin soliciting applications for the FY25 DCRFM Grant Program on or about July 24, 2025 on or around 2:00 p.m. Eastern Time (**"ET"**).

Through this grant program**,** DSLBD is seeking qualified entities to serve as fund manager(s). Awardees will offer one or more financing products which may include: micro-lines of credit under $10,000, term loans under $10,000, and/or loan-loss reserves for financing products that would otherwise not be awarded to applicants due to credit score or other barriers to capital (collectively known as "**Financing Products**").

DSLBD intends to award between one (1) to three (3) grants from the $298,000 in total funding available for FY25.

The competitive application will open on July 24, 2025 on or around 2:00 p.m. ET and close on August 25, 2025 at 2:00 p.m. ET. Applications will only be accepted through the online application system listed in the corresponding RFA that will be posted on DSLBD's website.

Who can apply?
Eligible applicants are DC-based, actively certified Community Development Finance Institutions ("**CDFIs**") or Certified Business Enterprises ("**CBEs**") that are certified local lending institutions (collectively "**Financial Partners**").

Applicants are required to provide, among other items, a current Certificate of Clean Hands ("**CCH**") from the District's Office of Tax and Revenue ("**OTR**"), proof of an active Business License from the District's Department of Licensing and Consumer Protection ("**DLCP**"), and a signed Statement of Certification attesting to compliance with applicable program conditions. Review the RFA on DSLBD's website for more information on all eligibility requirements.

How do I apply?
Instructions are included in the RFA, which will be available for download on DSLBD's website on or before July 24, 2025. Applicants are encouraged to read the full RFA at https://dslbd.dc.gov/service/current-grant-opportunities.

How can the Grant Funds be Used?
Grant funds may be used to cover business expenses for the following:

- Sub-award(s) of approved Financing Products to qualified businesses;
- Administrative costs related to conducting outreach, application management, underwriting sub-awards; and
- Costs to establish business credit reporting if the applicant entity does not already offer this service.

Qualified businesses are DC-based for-profit entities, which are incorporated and licensed with DLCP and demonstrate the need for funding. Examples of allowed and disallowed uses will be detailed in the full RFA available on DSLBD's website during the application period.

How Will Awardees be Selected?
Grant awardees will be selected through a competitive application process. A panel will review timely submitted and complete applications from eligible applicants and score them using the criteria discussed in detail within the RFA, as well as the applicant's past performance and submitted program plans and resumes. Additional details regarding the application and selection process will be described in RFA that will be posted on DSLBD's website.

The Director of DSLBD will approve all grant awards at the final stage. Awardee announcements will be made between September 15, 2025 and September 24, 2025.

Questions?
DSLBD will hold virtual information sessions concerning the grant program. Details on information sessions will be provided in the RFA alongside a registration link listed on DSLBD's Eventbrite page on or around July 24, 2025 at: https://bit.ly/DSLBDEventBrite. **Applicants are highly encouraged to attend an information session.**

Questions asked outside of an information session must be submitted in writing to DSLBD at Inno.ED@dc.gov. DSLBD will begin answering questions submitted via email after the grant opens on July 24, 2025. DSLBD will not respond to questions submitted via phone, in-person, or an individual staff member's e-mail. All questions must be submitted no later than August 21, 2025 for a guaranteed response.

Reservation of Rights
DSLBD reserves the right to issue addenda, modifications, and/or amendments after the issuance of this NOFA or the corresponding RFA, or to rescind the NOFA or RFA at any time.

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

BOARD OF DIRECTORS

NOTICE OF PUBLIC MEETING

Audit and Risk Committee

DRAFT AGENDA

The Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) Audit Committee will hold a meeting on July 24, 2025, at 11:00 a.m. The meeting will not be held in the Board Room (2nd floor) at 1385 Canal Street, S.E, but will be held via Microsoft Teams. Below is the draft agenda for this meeting. A final agenda will be posted on DC Water's website at www.dcwater.com. Please see the website for remote access information for this meeting.

For additional information, contact Michelle Rhodd, Board Secretary at (202) 787-2331 or Michelle.Rhodd@dcwater.com.

1.	Call to Order	Committee Chairperson
2.	Summary of Internal Audit Activity Internal Audit Status	Internal Auditor
2.	Executive Session	Committee Chairperson
3.	Adjournment	Committee Chairperson

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.

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

BOARD OF DIRECTORS

NOTICE OF PUBLIC MEETING

Finance and Budget Committee

The Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) Finance and Budget Committee will hold a meeting via Microsoft Teams on Thursday, July 24, 2025, at 9:30 a.m. This meeting will **not** be held in the Board Room (2nd floor) at 1385 Canal Street, S.E. The Chief Executive Officer and General Manager invites the public to attend the meeting via Microsoft Teams. Below is the draft agenda for this meeting. Please see the final agenda posted to DC Water's website at www.dcwater.com, which will include remote access information for this meeting.

For additional information, please contact Michelle Rhodd, Board Secretary at (202) 787-2331 or Michelle.Rhodd@dcwater.com.

DRAFT AGENDA

1. Call to Order	Committee Chairperson
2. July 2025 Financial Report	Vice President, Budget
3. Action Items	CFO and EVP, Finance and Procurement
4. Agenda for September 2025 Committee Meeting	Committee Chairperson
5. Executive Session	Committee Chairperson
6. Adjournment	Committee Chairperson

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.

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

BOARD OF DIRECTORS

NOTICE OF PUBLIC MEETING

Joint Environmental Quality and Operations Committee, Finance and Budget Committee and DC Retail Water and Sewer Rates Committee

The Board of Directors of the District of Columbia Water and Sewer Authority's (DC Water) Environmental Quality and Operations Committee, Finance and Budget Committee, and District of Columbia Retail Water and Sewer Rates Committee will hold a joint meeting on Wednesday, July 23, 2025, at 10:00 a.m. The meeting will not be held in the Board Room (2nd floor) at 1385 Canal Street, S.E, but will be held via Microsoft Teams. Below is the draft agenda for this meeting. A final agenda will be posted on DC Water's website at www.dcwater.com. Please see the website for remote access information for this meeting.

For additional information, please contact Michelle Rhodd, Board Secretary at (202) 787-2331 or Board.Secretary@dcwater.com.

DRAFT AGENDA

1.	Call to Order	Committee Chairperson
2.	Path to Future: Capital Investments and Customer Impacts	CFO and EVP, Finance and Procurement and Chief Operating Officer
3.	Adjournment	Committee Chairperson

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.

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

BOARD OF DIRECTORS

NOTICE OF PUBLIC MEETING

District of Columbia Retail Water and Sewer Rates Committee

The Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) District of Columbia Retail Water and Sewer Rates Committee will hold a meeting on Tuesday, July 22, 2025, at 9:30 a.m. The meeting will **not** be held in the Board Room (2nd floor) at 1385 Canal Street, S.E, but will be held via Microsoft Teams. Below is the draft agenda for this meeting. A final agenda will be posted on DC Water's website at www.dcwater.com. Please see the website for remote access information for this meeting.

For additional information, contact Michelle Rhodd, Board Secretary at (202) 787-2331 or Michelle.Rhodd@dcwater.com.

DRAFT AGENDA

1. Call to Order	Committee Chairperson
2. Monthly Updates	CFO and EVP, Finance & Procurement
3. Committee Work Plan	CFO and EVP, Finance & Procurement
4. Other Business	CFO and EVP, Finance & Procurement
5. Adjournment	Committee Chairperson

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.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

BZA Application No. 21284
T-Mobile Northeast, LLC
3401 4th Street, SE (Parcel 0243/0059)

HEARING DATE: June 25, 2025
DECISION DATE: June 25, 2025

SUMMARY ORDER

RELIEF REQUESTED. The application requests the following relief in order to construct a monopole on an existing school campus in the RA-1 zone:

- Special Exception under the monopole requirements of Subtitle C § 1313, pursuant to Subtitle X § 901.2

The zoning relief requested in this case was self-certified. (Exhibit 20.)

PARTIES. The parties to this case were the Applicant and Advisory Neighborhood Commission ("**ANC**") 8C and 8D, the "affected ANCs" pursuant to Subtitle Y §§ 101.8 and 403.5(b) of the Zoning Regulations (Title 11 of the DCMR, Zoning Regulations of 2016, to which all references are made unless otherwise specified).

NOTICE OF THE APPLICATION AND PUBLIC HEARING. The Board of Zoning Adjustment (the "**Board**") referred the application to the appropriate agencies and provided proper and timely notice of the public hearing in accordance with Subtitle Y § 402.1.

ANC REPORT. ANC 8C's report indicated that at a regularly scheduled, properly noticed public meeting on April 9, 2025, at which a quorum was present, the ANC voted to support the application. (Exhibit 32.) The ANC report raised no issues or concerns.

ANC 8D did not submit a report to the record. ANC 8D Chair Dionne Yvette Brown submitted a letter stating the ANC had no position on the application. (Exhibit 33.)

OFFICE OF PLANNING ("OP") REPORT. OP submitted a report recommending approval of the application. (Exhibit 27.) OP's report noted their approve was "subject to the Applicant's provision of a Height Act Waiver by the Zoning Administrator", which is outside of the Board's purview and not adopted as a condition.

DISTRICT DEPARTMENT OF TRANSPORTATION ("DDOT") REPORT. DDOT did not submit a report to the record.

CONCLUSIONS

Pursuant to Subtitle Y § 604.3, the order of the Board may be in summary form where granting an application when there was no party in opposition. As a summary order, it does not constitute binding legal precedent on the Board and shall not be considered by the Board in evaluating future applications.

Based upon the record before the Board, and having given great weight to the appropriate reports and recommendations filed in this case, the Board concludes that the Applicant has met the burden of proof that the requested special exception relief can be granted because:

- It is in harmony with the general purpose and intent of the Zoning Regulations and Map;
- It will not tend to affect adversely the use of neighboring property; and
- Pursuant to Subtitle X § 901.2(c), the relief satisfies the specified conditions for special exception relief.

DECISION

Based on the case record and the testimony at the hearing, the Board concludes that the applicant has satisfied the burden of proof for the requested relief:

- Special Exception under the monopole requirements of Subtitle C § 1313, pursuant to Subtitle X § 901.2

Accordingly, it is **ORDERED** that the application is **GRANTED** consistent with the plans shown in Exhibit 6 of the record, as required under Subtitle Y §§ 604.9 and 604.10.

VOTE: **4-0-1** (Frederick L. Hill, Carl H. Blake, Chrishaun S. Smith, and Joseph S. Imamura to APPROVE; one Board seat vacant)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT
A majority of the Board members approved the issuance of this order.

FINAL DATE OF ORDER: July 1, 2025

PURSUANT TO 11 DCMR SUBTITLE Y § 604.11, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO SUBTITLE Y § 604.7.

PURSUANT TO 11 DCMR SUBTITLE Y § 702.1, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS, UNLESS, WITHIN SUCH TWO-YEAR PERIOD, AN APPLICATION FOR A BUILDING PERMIT FOR THE ERECTION OR ALTERATION APPROVED IS FILED WITH THE DEPARTMENT OF BUILDINGS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR A REQUEST FOR A TIME EXTENSION PURSUANT TO SUBTITLE Y § 705 IS FILED PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO SUBTITLE Y § 703.14, NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO SUBTITLE Y §§ 703 OR 704, SHALL TOLL OR EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR SUBTITLE Y § 604, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

BZA Application No. 21288
Shilja Nair and Vijayalakshmi Vellayan
321 Rear Channing Street, NE (Square 3555, Lot 800)

HEARING DATE: June 25, 2025[1]
DECISION DATE: June 25, 2025

SUMMARY ORDER

RELIEF REQUESTED. The application requests the following relief in order to construct a new, detached, two-story principal dwelling unit on an alley lot in the R-3 zone:

- Special Exception under the alley lot use requirements of Subtitle U § 601.1(f), pursuant to Subtitle X § 901.2

The zoning relief requested in this case was self-certified. (Exhibit 25B (Final Revised).)[2]

PARTIES. The parties to this case were the Applicant and Advisory Neighborhood Commission ("**ANC**") 5F, the "affected ANC" pursuant to Subtitle Y §§ 101.8 and 403.5(b) of the Zoning Regulations (Title 11 of the DCMR, Zoning Regulations of 2016, to which all references are made unless otherwise specified).

NOTICE OF THE APPLICATION AND PUBLIC HEARING. The Board of Zoning Adjustment (the "**Board**") referred the application to the appropriate agencies and provided proper and timely notice of the public hearing in accordance with Subtitle Y § 402.1.

ANC REPORT. The ANC's report indicated that at a regularly scheduled, properly noticed public meeting on June 17, 2025, at which a quorum was present, the ANC voted to support the application. (Exhibit 32.) The ANC report raised no issues or concerns.

OFFICE OF PLANNING ("OP") REPORT. OP submitted a report recommending approval of the application. (Exhibit 26.)

[1] The public hearing was postponed from the original scheduled date of May 14, 2025 at the Applicant's request.

[2] The application was amended to withdraw special exception relief from the minimum vehicle parking requirements.

DISTRICT DEPARTMENT OF TRANSPORTATION ("DDOT") REPORT. DDOT submitted a report indicating that it had no objection to the application because it concluded that the relief would not result in any adverse impacts to the District's transportation network. (Exhibit 27.)

DC FIRE AND EMERGENCY MEDICAL SERVICES ("FEMS") REPORT. FEMS submitted a memorandum indicating that it had no objection to the application. (Exhibit 25D.)

PERSONS IN OPPOSITION. The Board received two letters in opposition from Jessica Sarstedt and Paige Lieberman. (Exhibits 30, 31.)

Ms. Sarstedt and Ms. Lieberman testified in opposition at the June 25 public hearing.

CONCLUSIONS

Pursuant to Subtitle Y § 604.3, the order of the Board may be in summary form where granting an application when there was no party in opposition. As a summary order, it does not constitute binding legal precedent on the Board and shall not be considered by the Board in evaluating future applications.

Based upon the record before the Board, and having given great weight to the appropriate reports and recommendations filed in this case, the Board concludes that the Applicant has met the burden of proof that the requested special exception relief can be granted because:

- It is in harmony with the general purpose and intent of the Zoning Regulations and Map;
- It will not tend to affect adversely the use of neighboring property; and
- Pursuant to Subtitle X § 901.2(c), the relief satisfies the specified conditions for special exception relief.

DECISION

Based on the case record and the testimony at the hearing, the Board concludes that the applicant has satisfied the burden of proof for the requested relief:

- Special Exception under the alley lot use requirements of Subtitle U § 601.1(f), pursuant to Subtitle X § 901.2

Accordingly, it is **ORDERED** that the application is **GRANTED** consistent with the plans shown in Exhibit 25C of the record, as required under Subtitle Y §§ 604.9 and 604.10.

VOTE: **4-0-1** (Frederick L. Hill, Carl H. Blake, Chrishaun S. Smith, and Joseph S. Imamura to APPROVE; one Board seat vacant)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT
A majority of the Board members approved the issuance of this order.

FINAL DATE OF ORDER: July 1, 2025

PURSUANT TO 11 DCMR SUBTITLE Y § 604.11, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO SUBTITLE Y § 604.7.

PURSUANT TO 11 DCMR SUBTITLE Y § 702.1, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS, UNLESS, WITHIN SUCH TWO-YEAR PERIOD, AN APPLICATION FOR A BUILDING PERMIT FOR THE ERECTION OR ALTERATION APPROVED IS FILED WITH THE DEPARTMENT OF BUILDINGS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR A REQUEST FOR A TIME EXTENSION PURSUANT TO SUBTITLE Y § 705 IS FILED PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO SUBTITLE Y § 703.14, NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO SUBTITLE Y §§ 703 OR 704, SHALL TOLL OR EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR SUBTITLE Y § 604, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

BZA Application No. 21299
3121 Warder Street, LLC
3121 Warder Street, NW (Square 3049, Lot 47)

HEARING DATE: June 18, 2025
DECISION DATE: June 18, 2025

SUMMARY ORDER

RELIEF REQUESTED. The application requests the following relief in order to construct a third story with roof deck addition and three-story rear addition with basement, and convert to a 3-unit apartment house, an existing, attached, two-story with basement, principal dwelling unit in the RF-1 zone:

- Special exception under the residential conversion requirements of Subtitle U § 320.2, pursuant to Subtitle X § 901.2

The zoning relief requested in this case was self-certified. (Exhibit 12.)

PARTIES. The parties to this case were the Applicant and Advisory Neighborhood Commission ("**ANC**") 1E, the "affected ANC" pursuant to Subtitle Y §§ 101.8 and 403.5(b) of the Zoning Regulations (Title 11 of the DCMR, Zoning Regulations of 2016, to which all references are made unless otherwise specified).

NOTICE OF THE APPLICATION AND PUBLIC HEARING. The Board of Zoning Adjustment (the "**Board**") referred the application to the appropriate agencies and provided proper and timely notice of the public hearing in accordance with Subtitle Y § 402.1.

ANC REPORT. The ANC's report indicated that at a regularly scheduled, properly noticed public meeting on May 28, 2025, at which a quorum was present, the ANC voted to support the application. (Exhibit 21.) The ANC report raised no issues or concerns.

OFFICE OF PLANNING ("OP") REPORT. OP submitted a report recommending approval of the application. (Exhibit 22.)

DISTRICT DEPARTMENT OF TRANSPORTATION ("DDOT") REPORT. DDOT did not submit a report to the record.

CONCLUSIONS

Pursuant to Subtitle Y § 604.3, the order of the Board may be in summary form where granting an application when there was no party in opposition. As a summary order, it does not constitute binding legal precedent on the Board and shall not be considered by the Board in evaluating future applications.

Based upon the record before the Board, and having given great weight to the appropriate reports and recommendations filed in this case, the Board concludes that the Applicant has met the burden of proof that the requested special exception relief can be granted because:

- It is in harmony with the general purpose and intent of the Zoning Regulations and Map;
- It will not tend to affect adversely the use of neighboring property; and
- Pursuant to Subtitle X § 901.2(c), the relief satisfies the specified conditions for special exception relief.

DECISION

Based on the case record and the testimony at the hearing, the Board concludes that the applicant has satisfied the burden of proof for the requested relief:

- Special exception under the residential conversion requirements of Subtitle U § 320.2, pursuant to Subtitle X § 901.2

Accordingly, it is **ORDERED** that the application is **GRANTED** consistent with the plans shown in Exhibit 23B of the record, as required under Subtitle Y §§ 604.9 and 604.10,

VOTE: **4-0-1** (Frederick L. Hill, Carl H. Blake, Chrishaun S. Smith, and Anthony J. Hood to APPROVE; one Board seat vacant)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT
A majority of the Board members approved the issuance of this order.

FINAL DATE OF ORDER: June 24, 2025

PURSUANT TO 11 DCMR SUBTITLE Y § 604.11, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO SUBTITLE Y § 604.7.

PURSUANT TO 11 DCMR SUBTITLE Y § 702.1, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS, UNLESS, WITHIN SUCH TWO-YEAR PERIOD, AN APPLICATION FOR A BUILDING PERMIT FOR THE ERECTION OR ALTERATION

APPROVED IS FILED WITH THE DEPARTMENT OF BUILDINGS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR A REQUEST FOR A TIME EXTENSION PURSUANT TO SUBTITLE Y § 705 IS FILED PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO SUBTITLE Y § 703.14, NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO SUBTITLE Y §§ 703 OR 704, SHALL TOLL OR EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR SUBTITLE Y § 604, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

BZA Application No. 21305
Minerva Vision Group
2430 Ainger Place, SE (Square 2430, Lot 295)

HEARING DATE: June 25, 2025
DECISION DATE: June 25, 2025

SUMMARY ORDER

RELIEF REQUESTED. The application requests the following relief in order to permit a community center in an existing, detached, religious building in the RA-1 zone:

- Special exception under the community center use requirements of Subtitle U § 203.1(d), pursuant to Subtitle X § 901.2

The zoning relief requested in this case was self-certified. (Exhibit 14.)

PARTIES. The parties to this case were the Applicant and Advisory Neighborhood Commission ("**ANC**") 8B, the "affected ANC" pursuant to Subtitle Y §§ 101.8 and 403.5(b) of the Zoning Regulations (Title 11 of the DCMR, Zoning Regulations of 2016, to which all references are made unless otherwise specified).

NOTICE OF THE APPLICATION AND PUBLIC HEARING. The Board of Zoning Adjustment (the "**Board**") referred the application to the appropriate agencies and provided proper and timely notice of the public hearing in accordance with Subtitle Y § 402.1.

ANC REPORT. The ANC's report indicated that at a regularly scheduled, properly noticed public meeting on February 18, 2025, at which a quorum was present, the ANC voted to support the application. (Exhibit 20.) The ANC report raised no issues or concerns.

OFFICE OF PLANNING ("OP") REPORT. OP submitted a report recommending approval of the application. (Exhibit 22.)

DISTRICT DEPARTMENT OF TRANSPORTATION ("DDOT") REPORT. DDOT submitted a report indicating that it had no objection to the application because it concluded that the relief would not result in any adverse impacts to the District's transportation network. (Exhibit 23.)

CONCLUSIONS

Pursuant to Subtitle Y § 604.3, the order of the Board may be in summary form where granting an application when there was no party in opposition. As a summary order, it does not constitute binding legal precedent on the Board and shall not be considered by the Board in evaluating future applications.

Based upon the record before the Board, and having given great weight to the appropriate reports and recommendations filed in this case, the Board concludes that the Applicant has met the burden of proof that the requested special exception relief can be granted because:

- It is in harmony with the general purpose and intent of the Zoning Regulations and Map;
- It will not tend to affect adversely the use of neighboring property; and
- Pursuant to Subtitle X § 901.2(c), the relief satisfies the specified conditions for special exception relief.

DECISION

Based on the case record and the testimony at the hearing, the Board concludes that the applicant has satisfied the burden of proof for the requested relief:

- Special exception under the community center use requirements of Subtitle U § 203.1(d), pursuant to Subtitle X § 901.2

Accordingly, it is **ORDERED** that the application is **GRANTED** consistent with the plans shown in Exhibit 21 of the record, as required under Subtitle Y §§ 604.9 and 604.10.

VOTE: **4-0-1** (Frederick L. Hill, Carl H. Blake, Chrishaun S. Smith, and Joseph S. Imamura to APPROVE; one Board seat vacant)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT
A majority of the Board members approved the issuance of this order.

FINAL DATE OF ORDER: July 1, 2025

PURSUANT TO 11 DCMR SUBTITLE Y § 604.11, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO SUBTITLE Y § 604.7.

PURSUANT TO 11 DCMR SUBTITLE Y § 702.1, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS, UNLESS, WITHIN SUCH TWO-YEAR PERIOD, AN APPLICATION FOR A BUILDING PERMIT FOR THE ERECTION OR ALTERATION APPROVED IS FILED WITH THE DEPARTMENT OF BUILDINGS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR A REQUEST FOR A TIME EXTENSION PURSUANT TO SUBTITLE Y § 705 IS FILED PRIOR TO THE EXPIRATION OF THE TWO-

YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO SUBTITLE Y § 703.14, NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO SUBTITLE Y §§ 703 OR 704, SHALL TOLL OR EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR SUBTITLE Y § 604, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

BOARD OF ZONING ADJUSTMENT
REVISED NOTICE OF VIRTUAL PUBLIC MEETING

TIME AND PLACE: Wednesday, September 10, 2025, @ 9:30 a.m.
Via WebEx: https://dcoz.dc.gov/BZA09-10-2025
Via Telephone: 202-860-2110 Access code: 2318 359 6827
Via YouTube: https://www.youtube.com/c/DCOfficeofZoning

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

WARD THREE

Application of:	**National Presbyterian Church, Inc.**
Case No.:	**20992A**
Address:	4101 Nebraska Avenue N.W. (Square 1724, Lot 805)
ANC:	**3A & 3E**
Relief:	Modification without Hearing to: • the Board of Zoning Adjustment Order No. 20992 (pursuant to Subtitle Y § 703)
Project:	To modify the approved plans and change the location of the existing child development center, and the location of the pickup/drop-off area, at an existing, detached, church building in the R-1B Zone.

WARDS THREE & FOUR

Application of:	**Shannon and Andrew McMahon**
Case No.:	**21340**
Address:	3048 Oliver Street N.W. (Square 2315, Lot 811)
ANC:	**3/4G**
Relief:	Special Exception from: • the accessory building side yard requirements of Subtitle D § 5005.1 (pursuant to Subtitle D § 5201 and Subtitle X § 901.2)
Project:	To construct a rear addition to an existing, detached, two-story with cellar, principal dwelling unit in the R-1B Zone.

PLEASE NOTE:

This public meeting will be held virtually through WebEx for the Board to deliberate on or decide the items listed on the agenda. Public testimony is not taken at a public meeting session. Information for the public to view or listen to the public meeting is listed above and will be provided on the Office of Zoning website by the Friday before the meeting date. Visit https://dcoz.dc.gov/watchlive.

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.

Expedited Review Applications:
Expedited Review applications will remain on the public meeting agenda 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) Office of Planning; (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 https://app.dcoz.dc.gov/Home/Calendar 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.

Individuals and organizations may also submit written comments to the Board by uploading submissions via the Interactive Zoning Information System ("IZIS") at https://app.dcoz.dc.gov/Login.aspx or sent by email to bzasubmissions@dc.gov. Written comments and/or testimony must be submitted to the record at least 24 hours prior to the start of the hearing. If you are unable to use either of these means of submission, please contact Robert Reid at (202) 727-5471 for further assistance

Modification Without Hearing Applications:
Per Subtitle Y § 703, requests for party status as well as responses and comments from non-parties are not permitted for modification without hearing cases.

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

Do you need assistance to participate?

Amharic
ለመሳተፍ 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 በኤሜል Zelalem.Hill@dc.gov ይገናኙ። እነኝህ አገልግሎቶች የሚሰጡት በነጻ ነው።

Chinese
您需要有人帮助参加活动吗？
如果您需要特殊便利设施或语言协助服务（翻译或口译），请在见面之前提前五天与 Zee Hill 联系，电话号码 (202) 727-0312，电子邮件 Zelalem.Hill@dc.gov。这些是免费提供的服务。

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

Korean
참여하시는데 도움이 필요하세요?
특별한 편의를 제공해 드려야 하거나, 언어 지원 서비스(번역 또는 통역)가 필요하시면, 회의 5일 전에 Zee Hill 씨께 (202) 727-0312로 전화 하시거나 Zelalem.Hill@dc.gov 로 이메일을 주시기 바랍니다. 이와 같은 서비스는 무료로 제공됩니다.

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

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

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

FREDERICK L. HILL, CHAIRPERSON
CARL BLAKE, VICE-CHAIRPERSON,
CHRISHAUN SMITH, MEMBER,
NATIONAL CAPITAL PLANNING COMMISSION
A PARTICIPATING MEMBER OF THE ZONING COMMISSION
KEARA M. MEHLERT, SECRETARY TO THE BZA
SARA A. BARDIN, DIRECTOR, OFFICE OF ZONING

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 .

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
ZONING COMMISSION ORDER NO. 08-34N
Z.C. Case No. 08-34N
Capitol Crossing V, LLC
(Two-Year PUD Time Extension for Property Located @ Square 568, Lot 865)
May 29, 2025

Pursuant to notice, at its public meeting on May 29, 2025, the Zoning Commission for the District of Columbia ("Commission") considered the application ("Application") of Capitol Crossing V, LLC ("Applicant") for a two-year extension of the validity of Z.C. Order No. 08-34A, as modified by Z.C. Order No. 08-34F, which approved a second-stage Planned Unit Development ("PUD") for development of an office building at Square 568, Lot 865 ("Property") within the South Block of the Capitol Crossing development project.[1]

The Commission reviewed the Application pursuant to the Commission's Rules of Practice and Procedure, which are codified in Subtitle Z of the Zoning Regulations of the District of Columbia, Title 11 of the District of Columbia Municipal Regulations ("Zoning Regulations"), to which all subsequent citations refer unless otherwise specified. For the reasons stated below, the Commission **APPROVES** the Application.

FINDINGS OF FACT

PRIOR PUD APPROVALS

1. Pursuant to Z.C. Order No. 08-34, dated May 23, 2011, and effective as of July 1, 2011, the Commission approved (i) a first-stage PUD for land and air rights above the Center Leg Freeway in an area generally bounded by Massachusetts Avenue, N.W. to the north, 2nd Street, N.W. to the east, E Street, N.W. to the south, and 3rd Street, N.W. to the west ("Overall PUD Site"); (ii) a consolidated PUD for a portion of the Overall PUD Site; and (iii) a Zoning Map amendment to the C-4 zone for the Overall PUD Site.

2. Pursuant to Z.C. Order No. 08-34A, dated January 28, 2013, and effective as of March 1, 2013, the Commission approved a second-stage PUD for the Property in accordance with Z.C. Order No. 08-34. The second-stage PUD approved development of the Property with a 130-foot-tall office building with ground-floor retail ("Office Building").

3. Pursuant to Z.C. Order No. 08-34F, dated May 23, 2016, and effective as of August 5, 2016, the Commission approved a Minor Modification to the Office Building to remove the previously approved eco-chimney, revise the design of the building façade and penthouse, and permit habitable space within the penthouse.

DEADLINES TO FILE BUILDING PERMIT APPLICATION AND START CONSTRUCTION PURSUANT TO THE SECOND-STAGE PUD ORDERS

4. Pursuant to Z.C. Order No. 08-34A, Decision No. C.2, the second-stage PUD for the South Block was "valid for a period of two (2) years from the date of completion of the platform

[1] At the time that PUD Order Nos. 08-34A and 08-34F were approved, the Property was known as Assessment & Taxation ("A&T") Lot 862 (part of Record Lot 44) in Square 568. The A&T lot numbers have since changed, but the underlying record lot continues to be Record Lot 44 in Square 568.

and base infrastructure approved in Z.C. Order No. 08-34. Within such time, the Applicant shall apply for a building permit for the construction of the South Block Building. The Applicant shall commence construction of the South Block Building within four years of the completion of the construction of the platform and base infrastructure" (emphasis added).[2] The term "completion of the platform and base infrastructure" was not defined in Z.C. Order No. 08-34A.

5. In 2019, the Zoning Administrator for the District of Columbia ("Zoning Administrator") confirmed that the date of "completion of the construction of the platform and base infrastructure" would be considered the date that a "Certificate of Substantial Completion" of construction of the deck and bridges is issued by the District Department of Transportation ("DDOT") accepting the tunnel and streets as part of the public space within DDOT's jurisdiction.

6. In 2021, the Zoning Administrator acknowledged that DDOT would not issue a Certificate of Substantial Completion, and instead the District, through the Deputy Mayor for Planning and Economic Development, would execute an Acknowledgment of Substantial Completion ("Acknowledgment"), which would be recorded in the Land Records for the District of Columbia ("Land Records"), and that the date that the Acknowledgement is recorded in the Land Records would be the date assigned to the "completion of the platform and base infrastructure" as set forth in Z.C. Order No. 08-34A.

7. On August 28, 2023, DDOT issued a letter granting the Applicant's "Request for Substantial Completion" ("DDOT Substantial Completion Letter"), confirming that the construction of the platform and base infrastructure was complete. In 2023, the Zoning Administrator further confirmed that the date of issuance of the DDOT Substantial Completion Letter would be the date assigned to the "completion of the platform and base infrastructure" as set forth in Z.C. Order No. 08-34A. This determination was based on the fact that the DDOT Substantial Completion Letter would ultimately be the basis for the District's issuance of the Acknowledgement, which would be recorded at a later date.

8. Accordingly, the Applicant is required to submit a building permit application for the Office Building no later than August 28, 2025 (two years following the date of issuance of the DDOT Substantial Completion Letter), and must start construction of the Office Building no later than August 28, 2027 (four years following the date of issuance of the DDOT Substantial Completion Letter), all in accordance with Z.C. Order No. 08-34A, Decision No. C.2 and the subsequent Zoning Administrator confirmations.

9. In March 2021, the Applicant submitted building permit application B2105989 ("Permit Application") for the construction of the Office Building as approved in Z.C. Order No. 08-34A, as modified by Z.C. Order No. 08-34F. The Permit Application was processed through the majority of the disciplines at the D.C. Department of Buildings, including the Zoning department which approved the Permit Application on April 29, 2022.

[2] The term "South Block Building" in Z.C. Order No. 08-34A referred to what is called the "Office Building" in this Order.

Unfortunately, due to changes in the Construction Code that became applicable to the Office Building, additional revisions were needed to the plans submitted with the Permit Application. Due to the work needed for those changes, combined with worsening economic and market conditions, the Applicant did not pull the building permit associated with the Permit Application.

10. The Application therefore requested an extension of the building permit application and construction start deadlines based on a variety of conditions, circumstances, and factors beyond the Applicant's reasonable control that rendered the Applicant unable to comply with the applicable time limits. Specifically, the Application requested a two-year extension of the validity of Z.C. Order No. 08-34A, as modified by Z.C. Order No. 08-34F, such that a building permit application for the Office Building on the Property must be filed by August 28, 2027, and construction of the Office Building on the Property must begin by August 28, 2029.

PARTIES AND NOTICE

11. The parties to the second-stage PUD were Advisory Neighborhood Commission ("ANC") 2C and ANC 6C. As of January 1, 2023, and as a result of the ANC boundary line redistricting, the Overall PUD Site is now located entirely within the boundaries of ANC 6E. The Application acknowledged that certain sections of Subtitle Z of the Zoning Regulations provide that only the newly affected ANCs must be served if the affected ANCs changed since the effective date of the final order at issue (e.g., Subtitle Z § 703.10); however, Subtitle Z § 705 governing time extensions does not include such language. Accordingly, as indicated in the Certificate of Service (Exhibit ["Ex."] 2), the Applicant served the Application on all three of the ANCs (2C, 6C, and 6E), thus providing the required time period in which to respond (Ex. 2).

THE APPLICATION

12. On April 14, 2025, the Applicant timely filed the Application requesting a two-year extension of the validity of Z.C. Order No. 08-34A, as modified by Z.C. Order No. 08-34F, such that such that a building permit application for the Office Building on the Property must be filed by August 28, 2027, and construction of the Office Building on the Property must begin by August 28, 2029 (Ex. 2-2E).

13. The Application asserted that it met the requirements under Subtitle Z § 705.2 for the proposed time extension because:
    - The extension request was served on all parties and all parties were allowed 30 days to respond;
    - There had been no substantial change in any of the material facts upon which the Commission based its approval of the Office Building in Z.C. Order No. 08-34A, as modified by Z.C. Order No. 08-34F;
    - Good cause justified the Commission in granting the time extension due to a variety of conditions and factors beyond the Applicant's reasonable control. The Application included an affidavit of George W. Cantrell, III, the President of Capitol Crossing Advisors, LLC ("Affidavit") (Ex. 2E), which described the Applicant's good faith efforts to move forward with development of the South Block, including the following:

- Taking actions to advance the overall Capitol Crossing development project generally, including (i) constructing the platform, base infrastructure, and below-grade parking and loading facilities for the entire project; (ii) delivering two new office buildings on the North Block; (iii) delivering the new rectory and annex buildings in the Center Block for the Holy Rosary Church; and (iv) relocating the historic Adas Israel Synagogue from the South Block and coordinating construction of new facilities for the Jewish Historical Society (Ex. 2, 2E);
- The Applicant also worked with DDOT on the design, permitting and construction of major new public infrastructure, including (i) the construction and opening of F and G Streets, N.W.; (ii) the construction of roadway subbase and resurfacing on 2nd and 3rd Streets and Massachusetts Avenue, N.W.; (iii) the modification of bridges on E Street and Massachusetts Avenue; and (iv) construction of a new highway entrance and a new exit portal. It also installed new traffic signals, streetlights, water and sewer lines, and curb inlets, and relocated a major water main in Massachusetts Avenue. Overall, the Application stated that the Applicant spent approximately $200 million in public space infrastructure thus far, which benefits the District as a whole (Ex. 2, 2E);
- The Application also summarized the Applicant's continued progress on the South Block specifically, including (i) obtaining DDOT Public Space Committee approval for all improvements in public space surrounding the South Block; (ii) preparing and recording the required DDOT Covenant for Special Paving and Fixtures in Public Space; (iii) obtaining approvals for and installing utility infrastructure to service the South Block from DOEE, DC Water, PEPCO, Washington Gas, and Verizon; and (iv) preparing and recording a PUD Covenant for the South Block (Ex. 2, 2E);
- The Application and Affidavit also described the Applicant's difficulty in moving forward with development of the South Block within the required timeframes. Prior to Covid-19, the Applicant had worked with brokers to market the Office Building as a build-to-suit for a large office headquarters; however, the primary focus shifted as a result of the pandemic. The Application stated that impacts from the pandemic created an inhospitable market for office development due to high construction costs, insufficient labor, supply chain issues, inflation, rising interest rates, and a weak lending market. Thus, despite the Applicant's good faith efforts, it was unable to move forward with development of the Office Building for a variety of conditions, circumstances, and factors beyond the Applicant's reasonable control, which included the following:
  - Extraordinarily high office vacancy rates and little demand for the construction of new office space nationwide, in the District of Columbia, and at the North Block office buildings specifically;
  - Challenges to the construction industry, including the increased costs of labor and materials, which result in a major disruption to office building construction; and
  - The reluctance of retailers, restauranteurs, and grocers to lease ground floor space until economic market conditions change or improve (Ex. 2, 2E).

Despite the foregoing, the Application explained that the Applicant is fully committed to moving forward with development of the Property and remains engaged with the brokerage and investment communities on a continuing basis to evaluate potential opportunities. Given return-to-office mandates across multiple industries, the Application reiterated the Applicant's belief that the office market would improve in the nearer-term future, and if not, that the Applicant would submit a separate application for a modification to the approved PUD for the Property to reflect a marketable and realistic development proposal (*Id*.).

RESPONSES TO THE APPLICATION

14. OP submitted a report dated May 15, 2025 (OP Report"), which recommended approval of the Application (Ex. 6). The OP Report concluded that (i) the Application was properly served on all parties, which were given 30 days to respond; (ii) there have been no substantial changes in any material facts upon which the Zoning Commission based its original approval that would undermine its justification; and (iii) the Applicant demonstrated with substantial evidence its inability to obtain sufficient project financing, following its good faith efforts, because of changes in economic and market conditions beyond its reasonable control.

15. ANC 6E submitted a written report dated May 5, 2025 ("ANC Report"), stating that at its regularly scheduled and properly noticed public meeting, with a quorum of Commissioners present, ANC 6E voted 4-0-0 to support the Application (Ex. 5). The ANC Report stated that the requested extension did not entail any changes to the original purposes of the PUD and would allow the Applicant to continue to pursue financing for the project.

CONCLUSIONS OF LAW

1. Subtitle Z § 705.2 authorizes the Commission to extend the time period of an order approving a PUD upon determining that the time extension request demonstrates satisfaction of the requirements of Subtitle Z § 705.2 and compliance with the limitations of Subtitle Z § 705.3, 705.5, and 705.6.

2. Subtitle Z § 705.2(a) requires that an Applicant serve the extension request on all parties and that parties are allowed 30 days to respond.

3. The Commission concludes that the Applicant satisfied Subtitle Z § 705.2(a) by demonstrating that it served all parties on April 14, 2025, and that the parties were given 30 days to respond from April 14, 2025.

4. Subtitle § 705.2(b) requires that the Commission finds that no substantial change has occurred to any of the material facts upon which the Commission based its original approval of the PUD that would undermine the Commission's justification for approving the PUD.

5. The Commission concludes that the Application satisfied Subtitle Z § 705.2(b) because there has been no substantial change to the material facts upon which the Commission

based its original approval of the PUD that would undermine the Commission's justification for that approval.

6. Subtitle Z § 705.2(c) requires that an application demonstrate with substantial evidence one or more of the following criteria:
   - An inability to obtain sufficient project financing for the development, following an applicant's diligent good faith efforts to obtain such financing because of changes in economic and market conditions beyond the applicant's reasonable control;
   - An inability to secure all required government agency approvals for a development by the expiration date of the PUD order because of delays in the governmental agency approval process that are beyond the applicant's reasonable control; or
   - The existence of pending litigation or such other condition, circumstance, or factor beyond the applicant's reasonable control that renders the applicant unable to comply with the time limits of the order.

7. The Commission concludes that the Application meets the standards of Subtitle Z § 705.2(c)(3) because the project has suffered significant disruption due to uncertainty caused by the Covid-19 pandemic, which created an inhospitable market for office development. Other obstacles associated with increased construction costs, insufficient labor, supply chain issues, inflation, tightened credit, and market uncertainty arose nationally, which prevented the Applicant from moving forward with development of the Office Building. Thus, the Commission finds that the Applicant provided evidence of a variety of conditions beyond its reasonable control that rendered it unable to comply with the time limits of the applicable orders.

"GREAT WEIGHT" TO THE RECOMMENDATION OF OP

8. The Commission is required to give "great weight" to the recommendations of OP pursuant to 5 of the Office of Zoning Independence Act of 1990, effective September 20, 1990 (D.C. Law 8-163; D.C. Official Code § 6-623.04 (2018 Repl.)) and Subtitle Z § 4059 (*Metropole Condo. Ass'n v. District of Columbia Bd. of Zoning Adjustment*, 141 A.3d 1079, 1087 (D.C. 2016)).

9. The Commission finds OP's recommendation to approve the Application persuasive and concurs in that judgment.

"GREAT WEIGHT" TO THE WRITTEN REPORT OF THE ANC

10. The Commission must give "great weight" to the issues and concerns raised in the written report of an affected ANC that was approved by the full ANC at a properly noticed public meeting pursuant to § 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 the great weight requirement, the Commission must articulate with particularity and precision the reasons why an affected ANC does or does not offer persuasive advice under the circumstances (*Metropole Condo. Ass'n v. D.C. Bd. of Zoning Adjustment,* 141 A.3d 1079, 1087 (D.C. 2016)). 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 Bd. of Zoning Adjustment*, 395 A.2d 85, 91 n.10 (D.C. 1978) (citation omitted)).

11. ANC 6E submitted a written report dated May 5, 2025, stating that at its regularly scheduled and properly noticed public meeting, with a quorum of Commissioners present, ANC 6E voted 4-0-0 to support the Application (Ex. 5). The Commission finds the ANC's recommendation in support of 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 two-year extension of the validity of Z.C. Order No. 08-34A, as modified by Z.C. Order No. 08-34F, with the requirement that the Applicant:

- File a building permit application to construct the Office Building on the Property no later than **August 28, 2027**; and
- Start construction of the Office Building on the Property no later than **August 28, 2029**.

FINAL ACTION
VOTE (May 29, 2025): 5-0-0 (Tammy Stidham, Joseph S. Imamura, Anthony J. Hood, Robert E. Miller, and Gwen Wright to approve).

In accordance with the provisions of Subtitle Z § 604.9, this Order No. 08-34N shall become final and effective upon publication in the *District of Columbia Register*; that is, on July 11, 2025.

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. 13-05F
Z.C. Case No. 13-05F
FC Ballpark, LLC
(Two-Year Time Extension of the Second-Stage PUD Approval for the G1 Parcel @ Square 744-S, Lot 807 ("G1 Parcel"))
April 24, 2025

Pursuant to notice, at its April 24, 2025 public meeting, the Zoning Commission for the District of Columbia (the "Commission") considered the application (the "Application") of FC Ballpark, LLC (the "Applicant") for a two-year time extension of the second-stage planned unit development approved in Z.C. Order No. 13-05E. The property (Lot 807 in Square 744-S) that is the subject of the application has a street address of 1402 1st Street, S.E. and is known as the G1 Parcel (the "Property"). The Commission reviewed the Application pursuant to the Commission's Rules of Practice and Procedures, which are codified in Subtitle Z of the Zoning Regulations (Title 11 of the District of Columbia Municipal Regulations, to which all subsequent citations refer unless otherwise specified). For the reasons stated below, the Commission **APPROVES** the Application.

I. FINDINGS OF FACT

PRIOR APPROVALS

1. Pursuant to Z.C. Order No. 13-05E (the "Order" or "Second-Stage PUD"), the Commission approved a second-stage PUD, which authorized construction of a new mixed-use building with ground-floor retail uses and below-grade parking on the G1 Parcel (the "Project").

2. Condition D.4(a) of the Order required the Applicant to file a building permit application by March 31, 2025.

PARTIES AND NOTICE

4. The only party to the Order was Advisory Neighborhood Commission ("ANC") 8F, which is the "affected" ANC[1] (*See* Subtitle Z § 101.8, 403.5).

5. On March 24, 2025, the Applicant served the Application on ANC 8F, as well as the Office of Planning ("OP") and the District Department of Transportation ("DDOT"), as attested by the Certificate of Service submitted with the Application (Exhibit ["Ex."] 2).

THE APPLICATION

6. On March 24, 2025, the Applicant timely filed the Application requesting a two-year extension of the Second-Stage PUD, to extend the time to file a building permit application for the Project to March 31, 2027 (Ex. 2).

7. The Application asserted that it met the requirements for a time extension enumerated in Subtitle Z § 705.2 because:

[1] ANC 6D was the original "affected ANC," but, due to a redistricting, the affected ANC is now ANC 8F. Therefore, ANC 8F, as the ANC for the property that was the subject of the original PUD, is now the "party" pursuant to Subtitle B § 100.2 (definition of "Party").

- The extension request was served on all parties and parties were allowed 30 days to respond;
- There has been no substantial change in any material facts upon which the Commission based its approval of the Order; and
- The Applicant has been unable to obtain Project financing, despite diligent good faith efforts to permit the Project and explore alternative financing approaches, because, due to unique features of the Project, including the proposed public street and park infrastructure as well as the outsized affordable housing commitment, the use of specific public financing tools is required in conjunction with conventional financing and those public financing tools have not yet been secured due to reasons beyond the Applicant's control (Ex. 2, 2D).

RESPONSES TO THE APPLICATION

8. On April 9, 2025, OP submitted a report, recommending approval of the Application and concluding that it met the requirements of Subtitle Z § 705.2 (Ex. 3).

9. ANC 8F did not file a response to the Application.

CONCLUSIONS OF LAW

1. Subtitle Z § 705.2 authorizes the Commission to extend the time period of an order approving a PUD upon determining that the time extension request demonstrated satisfaction of the requirements of Subtitle Z § 705.2 and compliance with the limitations of Subtitle Z § 705.3, 705.5, and 705.6.

2. The Commission concludes that the Applicant timely filed the Application prior to its expiration.

3. Subtitle Z § 705.2(a) requires that an Applicant serve the extension request on all parties and that parties are allowed 30 days to respond.

4. The Commission concludes that the Applicant has satisfied Subtitle Z § 705.2(a) by demonstrating that it served ANC 8F, the only party to the Application, on March 24, 2025, and that ANC 8F was given 30 days to respond from March 24, 2025.

5. Subtitle Z § 705.2(b) requires that the Commission find that no substantial change has occurred to any of the material facts upon which the Commission based its original approval of the PUD that would undermine the Commission's justification for approving the PUD.
6. The Commission concludes that the Application satisfied Subtitle Z § 705.2(b), based upon the Application and the OP Report, which each stated no substantial changes had occurred to the material facts upon which the Commission based its prior approval that would undermine the Commission's justification for approving the Project.

7. Subtitle Z § 705.2(c) requires that an application demonstrate with substantial evidence one or more of the following criteria:

(1) An inability to obtain sufficient project financing for the development, following an applicant's diligent good faith efforts to obtain such financing because of changes in economic and market conditions beyond the applicant's reasonable control;

(2) An inability to secure all required governmental agency approvals for a development by the expiration date of the PUD order because of delays in the governmental agency approval process that are beyond the applicant's reasonable control; or

(3) The existence of pending litigation or such other condition, circumstance, or factor beyond the applicant's reasonable control that renders the applicant unable to comply with the time limits of the order.

8. The Commission concludes that the Application met the standard of Subtitle Z § 705.2(c)(1) due to an inability to obtain sufficient project financing for the Project following the Applicant's diligent good faith efforts to obtain such financing because of circumstances beyond the Applicant's reasonable control. Specifically, public financing tools are required in conjunction with conventional financing and those public financing tools have not yet been secured by the Applicant. For this reason, the Commission agrees that these conditions constitute good cause for the requested two-year extension of the Second-Stage PUD.

"GREAT WEIGHT" TO THE RECOMMENDATIONS OF OP

9. The Commission is required to give "great weight" to the recommendations of OP pursuant to § 5 of the Office of Zoning Independence Act of 1990, effective September 20, 1990 (D.C. Law 8-163; D.C. Official Code § 6-623.04 (2018 Repl.)) and Subtitle Z § 405.9 (*Metropole Condo. Ass'n v. District of Columbia Bd. of Zoning Adjustment*, 141 A.3d 1079, 1087 (D.C. 2016)).

10. The Commission finds OP's recommendation to approve the Application persuasive and concurs in that judgment.

"GREAT WEIGHT" TO THE WRITTEN REPORT OF THE ANC(S)

11. The Commission must give "great weight" to the issues and concerns raised in the written report of an affected ANC that was approved by the full ANC at a properly noticed public meeting pursuant to § 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 the great weight requirement, the Commission must articulate with particularity and precision the reasons why an affected ANC does or does not offer persuasive advice under the circumstances (*Spring Valley-Wesley Heights Citizens Ass'n v. District of Columbia Zoning Comm'n*, 856 A.2d 1174, 1180 (D.C. 2004)). 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 Bd. of Zoning Adjustment,* 395 A.2d 85, 91 n.10 (D.C. 1978) (citation omitted)).

12. ANC 8F did not file a response to the Application; therefore, 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 the Applicant has satisfied its burden of proof and therefore **APPROVES** the Application's request for a two-year time extension of Z.C. Order No. 13-05E, with the requirement that the Applicant file a building permit application to construct the Second-Stage PUD approved by Z.C. Order No. 13-05E by March 31, 2027.

FINAL ACTION
VOTE (April 24, 2025): 4-0-1 (Gwen Wright, Tammy Stidham, Anthony J. Hood, and Robert E. Miller to approve; Joseph S. Imamura, not present, not voting.)

In accordance with the provisions of Subtitle Z § 604.9, this Order No. 13-05F shall become final and effective upon publication in the *District of Columbia Register*; that is, on July 11, 2025.

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. 15-18D
Z.C. Case No. 15-18D
Initio, LP
(One-Year Time Extension for Approved PUD @ Square 1194, Lot 15
[2715 Pennsylvania Avenue, N.W.])
March 27, 2025

Pursuant to notice, at its public meeting on March 27, 2025, the Zoning Commission for the District of Columbia ("Commission" or "Z.C.") considered the application of Initio, LP (the "Applicant") for a one-year time extension of the deadline to commence construction of the consolidated planned unit development approved pursuant to Z.C. Order No. 15-18 (the "Original Order"), as modified by Z.C. Order No. 15-18A and Z.C. Order No. 15-18B, and as extended by Z.C. Order No. 15-18(1), Z.C. Order No. 15-18(2), and Z.C. Order No. 15-18C (the "Application")[1]. The property subject to the Application is 2715 Pennsylvania Avenue, N.W. (Square 1194, Lot 15) (the "Property").

The Commission reviewed the Application pursuant to the Commission's Rules of Practice and Procedures, which are codified in Subtitle Z of the Zoning Regulations (Title 11 of the District of Columbia Municipal Regulations, Zoning Regulations of 2016, to which all subsequent citations refer unless otherwise specified). For the reasons stated below, the Commission **APPROVES** the request for the one-year time extension.

FINDINGS OF FACT

I. BACKGROUND

PRIOR APPROVALS

1. The planned unit development ("PUD") was originally approved under the Original Order, effective March 10, 2017, which also included a related Zoning Map amendment to allow construction of a mixed-use building with a restaurant on the ground floor and a four-story apartment house with seven residential units above. Because the Original Order was approved under the Zoning Regulations of 1958, the Commission granted a 50% waiver from the PUD minimum land area requirements and an additional waiver as the Property still could not satisfy the minimum land area threshold requirements under the Zoning Regulations of 1958.

2. Pursuant to Z.C. Order No. 15-18A, effective February 2, 2018, the Commission approved a minor modification to apply the minimum land area requirements of the Zoning Regulations of 2016, under Subtitle X § 301.1, to the approved PUD and granted a waiver of minimum land area requirements under Subtitle X § 301.3.

3. The Original Order was effective on March 10, 2017, and was appealed to the District of Columbia Court of Appeals on April 3, 2017. The District of Columbia Court of Appeals

[1] The Application also requested a waiver from the Commission's two-year limit on time extensions under Subtitle Z § 705.3; however, the Commission determined this waiver was unnecessary because the Application only requests a one-year time extension.

granted a motion to dismiss the appeal on March 9, 2018. Accordingly, under Subtitle Z § 705.8, the Original Order was then effective as of March 9, 2018, and a building permit for the approved PUD was required to be filed by March 9, 2020. Such building permit was timely filed.

4. Pursuant to Z.C. Order No. 15-18B, effective December 28, 2018, the Commission approved a modification of consequence to reduce the size of the Property and granted flexibility for additional lot occupancy, to increase the height of the elevator overrun, and to modify the brick color of the building from red to mid-tone gray.

5. Pursuant to Z.C. Order Nos. 15-18(1) and 15-18(2), the approved PUD was granted administrative Covid-19 time extensions, which extended the construction commencement date to March 9, 2022 and March 9, 2023, respectively.

6. Pursuant to Z.C. Order No. 15-18C, effective April 7, 2023, the construction commencement date for the approved PUD was extended by the Commission from March 9, 2023 to March 9, 2025.

PARTIES

7. The parties to the Original Order were the Applicant and Advisory Neighborhood Commission ("ANC") 2E.

II. THE APPLICATION

8. On February 18, 2025, prior to the March 9, 2025 deadline to commence construction of the approved PUD, the Applicant filed the Application requesting a one-year extension of the aforementioned deadline on the basis that the Applicant had sufficiently evidenced compliance with the criteria of Subtitle Z §§ 705.2(a)–(c) (Ex. 1–2F).

9. The Application asserted that it satisfied the requirement of Subtitle Z § 705.2(a) to serve all parties to the original application. Specifically, the Applicant attested by Certificate of Service that the Applicant served the Application on ANC 2E, ANC Single Member District Commissioner 2E06, and the Office of Planning ("OP") (Ex. 2).

10. The Application asserted that it satisfied the requirements of Subtitle Z § 705.2(b) because no substantial change had occurred in any of the material facts on which the Commission had relied upon in approving the Original Order (Ex. 2).

11. The Application asserted that it satisfied one or more of the criteria of Subtitle Z § 705.2(c). First, the Applicant was unable to obtain sufficient project financing for the development of the approved PUD until September 2024 because of (i) the large increase in construction costs over the past few years due to inflationary pressure on construction wages and materials and (ii) the high interest rates for higher-risk development projects; this delayed the Applicant's filing of plans with the Department of Buildings ("DOB"). Second, due to changes with the Department of Energy and Environment's ("DOEE") Voluntary Remediation Action Program ("VRAP") application process, the Applicant's VRAP application package had to be redone in order to comply with current DOEE requirements,

which triggered the redesign of drawings related to the approved PUD's Excavation Permit and to the approved PUD's Foundation to Grade Permit. Also, last year, without notice to the development industry, Washington Gas changed its meter location requirements, which necessitated a redesign of the drawings for the utility connection. For these reasons, the Applicant was unable to meet the required timeline to commence construction (Ex. 2).

III. RESPONSES TO THE APPLICATION

OP REPORT

12. OP submitted a report dated March 21, 2025 (the "OP Report"), which recommended approval of the Application based on OP's conclusion that the Applicant had satisfied the relevant standards of Subtitle Z § 705.2 (Ex. 6).

ANC REPORT

13. ANC 2E submitted a resolution dated March 12, 2025 (the "ANC Resolution"), stating that at its regularly scheduled, properly noticed public meeting on March 3, 2025, with a quorum present, the ANC voted unanimously to adopt a resolution in support of the Application (Ex. 5). The ANC resolution cited no issues and concerns.

CONCLUSIONS OF LAW

1. Subtitle Z § 705.2 authorizes the Commission to extend the time period of an order approving a PUD upon determining that the time extension request demonstrated satisfaction of the requirements of Subtitle Z § 705.2 and upon a determination that the limitations of Subtitle Z §§ 705.3, 705.5, and 705.6 have been adhered to.

2. The Commission concludes that the Applicant timely filed the Application on February 18, 2025, prior to the March 9, 2025, deadline to commence construction of the approved PUD.

3. Subtitle Z § 705.2(a) requires that an Applicant serve the extension request on all parties and that all parties are allowed 30 days to respond.

4. The Commission concludes that the Applicant has satisfied the requirement of Subtitle Z § 705.2(a) to serve all parties by the Applicant's demonstration that the Applicant served the only other party to the Original Order—ANC 2E—and that ANC 2E was given at least 30 days to respond.

5. Subtitle Z § 705.2(b) requires that the Commission finds that no substantial change has occurred to any of the material facts upon which the Commission based its original approval of the application that would undermine the Commission's justification for approving the original application.

6. The Commission concludes, based on the Application and the OP Report, that the Application satisfied the requirement of Subtitle Z § 705.2(b) that no substantial change in any of the material facts upon which the Commission based its approval of the Original Order has occurred that would undermine the Commission's justification for that approval.

7. Subtitle Z § 705.2(c) requires that an application demonstrate with substantial evidence one or more of the following criteria:
   a. *An inability to obtain sufficient project financing for the development, following an applicant's diligent good faith efforts to obtain such financing, because of changes in economic and market conditions beyond the applicant's reasonable control;*
   b. *An inability to secure all required governmental agency approvals for a development by the expiration date of the order because of delays in the governmental agency approval process that are beyond the applicant's reasonable control; or*
   c. *The existence of pending litigation or such other condition, circumstance, or factor beyond the applicant's reasonable control that renders the applicant unable to comply with the time limits of the order*.

8. The Commission concludes that the Application met the standard of review of Subtitle Z § 705.2(c)(1) and (c)(2) for a time extension because of the Applicant's inability to obtain sufficient project financing and delays resulting from changes to DOEE's VRAP requirements and Washington Gas' meter location requirements.

"GREAT WEIGHT" TO THE RECOMMENDATIONS OF OP

9. The Commission must give "great weight" to the recommendations of OP pursuant to § 5 of the Office of Zoning Independence Act of 1990, effective September 20, 1990 (D.C. Law 8-163; D.C. Official Code § 6-623.04 (2018 Repl.)), and Subtitle Z § 405.9 (*Metropole Condo. Ass'n v. D.C. Bd. of Zoning Adjustment*, 141 A.3d 1079, 1087 (D.C. 2016)).

10. The Commission found OP's recommendation that the Commission approve the Application persuasive and concurs in that judgment.

"GREAT WEIGHT" TO THE RECOMMENDATIONS OF THE ANC

11. The Commission must give "great weight" to the issues and concerns raised in a written report of the affected ANC that was approved by the full ANC at a properly noticed meeting that was open to the public pursuant to § 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 the great weight requirement, the Commission must articulate with particularity and precision the reasons why an affected ANC does or does not offer persuasive advice under the circumstances (*Metropole Condo. Ass'n v. D.C. Bd. of Zoning Adjustment*, 141 A.3d 1079, 1087 (D.C. 2016)). The District of Columbia Court of Appeals has interpreted the phrase "issues and concerns" to "encompass only legally relevant issues and concerns." (*Wheeler v. D.C. Bd. of Zoning Adjustment*, 395 A.2d 85, 91 n.10 (1978) (citation omitted)).

12. The Commission found ANC 2E's resolution in support of the Application persuasive and concurs in that judgment.

DECISION

In consideration of the case record, the Findings of Fact, and the Conclusions of Law herein, the Commission concludes that the Applicant has satisfied its burden of proof and therefore **APPROVES** the Application's request for a one-year time extension of the March 9, 2025, deadline to commence construction of the approved PUD pursuant to Z.C. Order No. 15-18, as extended by Z.C. Order Nos. 15-18(1), 15-18(2), and 15-18(C), such that construction of the approved PUD must commence no later than March 9, 2026.

Final Action

VOTE (March 27, 2025): 5-0-0 (Robert E. Miller, Joseph S. Imamura, Anthony J. Hood, Tammy Stidham, and Gwen Wright to approve.)

In accordance with the provisions of Subtitle Z § 604.9, this Order No. 15-18D shall become final and effective upon publication in the *District of Columbia Register*; that is, on July 11, 2025.

BY THE ORDER OF THE D.C. ZONING COMMISSION
A majority of the Commission members approved the issuance of this Order.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 ET SEQ. (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF 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. 16-02E
Z.C. Case No. 16-02E
H&A DCU JV, LLC
(Two-Year Design Review Time Extension for Parcel B @ Square 665, Lot 27)
June 12, 2025

Pursuant to notice, at its June 12, 2025 public meeting, the Zoning Commission for the District of Columbia (the "Commission") considered the application (the "Application") of H&A DCU JV, LLC (the "Applicant") for a two-year time extension of the design review (the "Design Review") approved in Z.C. Order No. 16-02D. The property (Lot 27 in Square 665) that is the subject of the application is known as Parcel B (the "Property"). The Commission reviewed the Application pursuant to the Commission's Rules of Practice and Procedure, which are codified in Subtitle Z of the Zoning Regulations (Title 11 of the District of Columbia Municipal Regulations, to which all subsequent citations refer unless otherwise specified). For the reasons stated below, the Commission **APPROVES** the Application.

FINDINGS OF FACT

PRIOR APPROVALS

1. The Property is located in the Buzzard Point neighborhood and is bounded by Half Street, S.W. to the east, S Street, S.W. to the south, First Street, S.W. to the west, and a park to the north that fronts on Potomac Avenue, S.W.

2. Pursuant to Z.C. Order No. 16-02 (the "Original Order"), effective April 21, 2017, the Commission approved a Planned Unit Development ("PUD") authorizing construction of Audi Field. Although the Property was located outside of the boundaries of the PUD, the Original Order required that development of the Property be approved through the design review process.

3. Pursuant to Z.C. Order No. 16-02D (the "Order"), effective July 1, 2022, the Commission approved design review for the Property. The Order approved a twelve-story, mixed-use building containing approximately 508,298 square feet of gross floor area, a maximum height of 130 feet, approximately 455 residential units of which 30% will be set aside as affordable at a mix of 30%, 50%, and 60% of the Median Family Income ("MFI"), approximately 41,043 square feet of office use, approximately 39,661 square feet of entertainment use, approximately 10,790 square feet of retail or restaurant use, and approximately 305 vehicle parking spaces and 178 long-term bicycle spaces in a below-grade garage (the "Project").

4. Effective the same day, the Commission approved Z.C. Order No. 16-02C, a related modification to the PUD ("PUD Modification Order"), which (a) adjusted the boundary of Parcel B, (b) redesigned the First Street, S.W. and Potomac Avenue Park, (c) clarified the lot area of Parcel B for purposes of calculating floor area ratio, and (d) permitted the underground parking garage of Parcel B to extend under the PUD site.

5. The Order required a building permit to be filed by July 1, 2024, and construction to commence by July 1, 2025.

PARTIES AND NOTICE

6. The only party to the Order was Advisory Neighborhood Commission ("ANC") 6D, which is the "affected" ANC pursuant to Subtitle Z §101.8.

7. On May 6, 2025, the Applicant served the Application on ANC 6D, as well as the Office of Planning ("OP") and the District Department of Transportation ("DDOT"), as attested by the Certificate of Service submitted with the Application (Exhibit ["Ex."] 2).

THE APPLICATION

8. On May 6, 2025, the Applicant timely filed the Application requesting a two-year time extension of the Order, to extend the Design Review approval.[1] The Applicant requested that it be allowed until July 1, 2027, to commence construction for the Project (Ex. 2-2D).

9. The Application asserted that it met the requirements for a time extension enumerated in Subtitle Z §705.2 because:
   - The Application was served on all parties and all parties were allowed 30 days to respond;
   - There has been no substantial change in any material facts upon which the Commission based its approval of the Order; and
   - There is good cause to grant the requested extension because although the Applicant has advanced the Project toward development, including filing the building permit application, securing a lease for the anchor entertainment space, and securing multiple public financing awards related to the all-affordable senior housing portion of the Project, additional time is required to secure the necessary private financing for the market-rate commercial and residential portions of the Project, which the Applicant has been unable to obtain due to the ongoing challenges affecting the financial markets that has led to hesitation from investors. In addition, as a result of these delays caused by an uncertain market, the awarded public financing for the all-affordable component of the Project has lapsed, requiring the Applicant to reapply for these funds (Ex. 2, 2D).

[1] The Applicant also referenced extension of the PUD Modification Order in its Application because the PUD Modification Order authorized construction of certain Parcel B surface improvements located within the boundaries of the PUD but did not condition its effectiveness on the filing of a permit or commencement of construction by a date certain. However, the PUD Modification Order anticipates that the improvements within the PUD boundaries will be constructed in conjunction with the construction on Parcel B approved by the Order. Thus, no extension of the PUD Modification Order is required.

RESPONSES TO THE APPLICATION

10. On June 4, 2025, OP submitted a report stating that OP believed the Application met the standards, under Subtitle Z § 705.2, for the requested two-year extension and recommending approval of the Application. OP agreed with the Applicant that there has been no substantial change in any of the material facts upon which the Commission based its original approval and that the Applicant demonstrated good cause for the extension (Ex. 5).

11. On June 11, 2025, ANC 6D submitted a report in support of the Application, which it issued after the Applicant committed, in writing, that no portion of the Property will be temporarily or otherwise used for scooter parking (Ex. 6).

CONCLUSIONS OF LAW

1. Subtitle Z § 705.2 authorizes the Commission to extend the period of an order upon determining that the time extension request demonstrates satisfaction of the requirements of Subtitle Z § 705.2 and compliance with the limitations of Subtitle Z § 705.3, 705.4, and 705.6.

2. The Commission concludes that the Applicant timely filed the Application prior to its expiration.

3. Subtitle Z § 705.2(a) requires that an Applicant serve the extension request on all parties and that all parties are allowed 30 days to respond.

4. The Commission concludes that the Applicant satisfied the requirement of Subtitle Z § 705.2(a) by demonstrating that it had served ANC 6D, the only other party to the Order, and that the ANC was given 30 days to respond from the May 6, 2025, date of service.

5. Subtitle Z § 705.2(b) requires that the Commission find that there is no substantial change in any of the material facts upon which the Commission based its original approval of the Order that would undermine the Commission's justification for approving the Order.

6. The Commission concludes that the Application satisfied Subtitle Z § 705.2(b) based on the Application and OP Report, which stated that no substantial change has occurred to the material facts upon which the Commission had relied in approving the Order.

7. Subtitle Z § 705.2(c) requires that an application demonstrate with substantial evidence one or more of the following criteria:
   (1) An inability to obtain sufficient project financing for the development, following an applicant's diligent good faith efforts to obtain such financing, because of changes in economic and market conditions beyond the applicant's reasonable control;

(2) An inability to secure all required governmental agency approvals for a development by the expiration date of the order because of delays in the governmental agency approval process that are beyond the applicant's reasonable control; or

(3) The existence of pending litigation or such other condition, circumstance or factor beyond the applicant's reasonable control that renders the applicant unable to comply with the time limits of the order.

8. The Commission concludes that the Application met the standards of Subtitle Z § 705.2(c)(1) due to an inability to secure the necessary financing, despite the Applicant's diligent efforts, in light of the current volatility of markets. The Commission agrees that these matters constitute good cause for the requested two-year extension of the Order.

"Great Weight" to the Recommendations of OP

9. The Commission is required to give "great weight" to the recommendations of OP stated in the OP Report pursuant to § 5 of the Office of Zoning Independence Act of 1990, effective September 20, 1990 (D.C. Law 8-163; D.C. Official Code § 6-623.04 (2018 Repl.)) and Subtitle Z § 405.9 (*Metropole Condo. Ass'n v. District of Columbia Bd. of Zoning Adjustment*, 141 A.3d 1079, 1087 (D.C. 2016)).

10. The Commission finds OP's recommendation to approve the Application persuasive and concurs in that judgment.

"Great Weight" to the Written Report of the ANC

11. The Commission must give great weight to the issues and concerns raised in the written report of an affected ANC that was approved by the full ANC at a properly noticed public meeting pursuant to § 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 the great weight requirement, the Commission must articulate with particularity and precision the reasons why an affected ANC does or does not offer persuasive advice under the circumstances (*Spring Valley-Wesley Heights Citizens Ass'n v. District of Columbia Zoning Comm'n*, 856 A.2d 1174, 1180 (D.C. 2004)). 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 Bd. of Zoning Adjustment,* 395 A.2d 85, 91 n.10 (D.C. 1978) (citation omitted)).

12. The Commission notes ANC 6D's Report in support of the Application and acknowledges that the ANC's support was conditioned on the Applicant's written commitment to the ANC that no portion of the Property will be temporarily or otherwise used for scooter parking (Ex. 6).

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 Application's request for a Two-Year Time Extension of Z.C. Order No. 16-02D, to extend the validity period and deadline to commence construction until July 1, 2027.

Final Action
VOTE (June 12, 2025): 5-0-0 (Anthony J. Hood, Tammy Stidham, Robert E. Miller, Joseph S. Imamura, and Gwen Wright to approve).

In accordance with the provisions of Subtitle Z § 604.9, this Order No. 16-02E shall become final and effective upon publication in the *District of Columbia Register*; that is, on July 11, 2025.

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. 17-05E
DC Central Kitchen
(Modification Without a Hearing of Design Review
@ Square 613, Lot 10)
May 29, 2025

Pursuant to notice, at its May 29, 2025 public hearing, the Zoning Commission for the District of Columbia ("Commission") considered the application ("Application") of DC Central Kitchen ("DCCK") for a Modification Without a Hearing of Design Review (Z.C. Order No. 17-05, as modified by Z.C. Orders 17-05A, 17-05B, 17-05C, and 17-05D) pursuant to Subtitle Z § 703 (the "Application"), under the Zoning Regulations (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). The property that is the subject of the Application is Square 613, Lot 10 (the "Property"). The Commission reviewed the Application pursuant to the Commission's Rules of Practice and Procedures, which are codified in Subtitle Z of the Zoning Regulations. For the reasons stated below, the Commission **APPROVES** the Application.

**** SUMMARY ORDER ****

Background

1. Pursuant to Z.C. Order No. 17-05 ("Order"), effective March 2, 2018, the Commission approved a design review for the adaptive reuse of the former Coast Guard headquarters building as a multi-family building consisting of approximately 480 residential units with approximately 71,120 square feet of ground floor retail ("Building"). Because the Property is located in the CG-5 zone, design review approval was required pursuant to Subtitle K § 512 of the CG zone provisions of the Zoning Regulations.

2. Pursuant to Z.C. Order No. 17-05A, effective November 9, 2018, the Commission approved a modification of consequence to allow modifications to the approved plans. Pursuant to Z.C. Order No. 17-05B, effective August 28, 2020, the Commission approved a modification of significance to allow WhyHotel, a lodging use, to operate in the Building on a temporary basis. Pursuant to Z.C. Order No. 17-05C, effective August 28, 2020, the Commission approved a modification of consequence to allow DCCK to operate in the approved retail space and add a 15,000 square-foot partial second floor. Pursuant to Z.C. Order No. 17-05D, effective December 23, 2022, the Commission approved a modification of consequence to allow an expansion of retail space by 2,712 square feet to accommodate a new restaurant.

Parties and Notice

3. The only party, other than the Applicant, was Advisory Neighborhood Commission ("ANC") 6D, the "affected" ANC pursuant to Subtitle Z § 101.8.

4. On April 4, 2025, the Applicant served the Application on ANC 6D, and the D.C. Office of Planning ("OP"), as attested by the Certificate of Service submitted with the Application (Exhibit ["Ex."] 2).

The Application

5. On April 4, 2025, the Applicant filed the Application to add a total of 6,533 square feet of gross floor area of retail/service use to expand DCCK's existing operations in the Building. The new GFA will be comprised of 383 square feet resulting from the enclosure of an exterior vestibule and 6,150 square feet of new mezzanine space on the second floor of the Building (Ex. 1-2D).

6. The Application stated that the proposed addition of 6,533 square feet of gross floor area ("GFA") will result in an increase in the Building FAR from 4.60 to 4.66 (i.e., .06 FAR).[1] This is still below the maximum FAR of 5.0 permitted in the CG-5 zone in buildings that provide at least 2.0 FAR of residential uses.[2] In this case, the Building contains 3.83 FAR of residential uses; therefore, it exceeds the 2.0 FAR residential uses minimum required for the Commission to grant discretionary bonus density, pursuant to Subtitle K§ 505.3(c) (Ex. 2, 2D).

The Applicant's Justification

7. The Applicant stated that the Application met the requirements for a modification without hearing, under Subtitle Z § 703.6, because the proposed modifications are a redesign or relocation of architectural elements, for which the impact may be understood without witness testimony (Ex. 2, 2D).

Responses to the Application

8. On April 25, 2025, OP submitted a report ("OP Report") recommending approval of the Application (Ex. 4).

9. On May 23, 2025, ANC 6D submitted a report stating that at a properly noticed public meeting with a quorum of 5 out of 8 commissioners present, the ANC voted 5-0 in support of the Application (Ex. 6).

CONCLUSIONS OF LAW

1. The Commission concludes that the Application qualifies as a Modification without Hearing within the meaning of Subtitle Z § 703.6, as a redesign or relocation of architectural elements for which the impact can be understood without witness testimony; therefore, the Application can be granted without a public hearing, pursuant to Subtitle Z § 703.1. The Commission also finds it appropriate to exercise discretionary authority, pursuant to Subtitle K § 505.3(c), to grant the bonus density requested in these factual circumstances.

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[1] The proposed 6,533 square foot increase in GFA for service use will trigger a parking requirement for eight additional vehicle parking spaces, one additional long-term bicycle parking space, and two additional short-tern bicycle parking spaces; however, the Building currently exceeds vehicle parking space, and long-term and short-term bicycle parking space requirements (*See* Ex. 2).

[2] Pursuant to Subtitle K § 505.3(a), the CG-5 zone permits 4.0 FAR or 4.8 FAR with Inclusionary Zoning with a maximum residential FAR of 2.0. Pursuant to Subtitle K § 505.3(c), the Commission may grant bonus density for residential development in a building or a combined lot development, using a guideline of 1.0 FAR in excess of the normally allowed maximum of 4.0 FAR provided that certain conditions are met.

"GREAT WEIGHT" TO THE RECOMMENDATIONS OF OP

2. The Commission must give "great weight" to the recommendations of the OP pursuant to § 5 of the Office of Zoning Independence Act of 1990, effective September 20, 1990 (D.C. Law 8-163; D.C. Official Code § 6-623.04 (2018 Repl.) and Subtitle Z § 405.9 (*Metropole Condo. Ass'n v. D.C. Bd. of Zoning Adjustment*, 141 A.3d 1079, 1087 (D.C. 2016)).

3. The Commission finds OP's recommendation that the Commission approve the Application persuasive and concurs in that judgment.

"GREAT WEIGHT" TO THE WRITTEN REPORT OF THE ANC

4. The Commission must give great weight to the issues and concerns raised in the written report of an affected ANC that was approved by the full ANC at a properly noticed public meeting pursuant to § 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 the great weight requirement, the Commission must articulate with particularity and precision the reasons why an affected ANC does or does not offer persuasive advice under the circumstances (*Metropole Condo. Ass'n v. D.C. Bd. of Zoning Adjustment*, 141 A.3d 1079, 1087 (D.C. 2016)). 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 (D.C. 1978) (citation omitted)).

5. The Commission finds ANC 6D's recommendation to approve the Application persuasive and concurs in that judgment.

Summary Order

6. Since no persons or parties appeared in opposition to the Application and the affected ANC supported the Application, a decision by the Commission to grant this Application would not be adverse to any party. Therefore, pursuant to Subtitle Z § 604.7, the Commission authorized a summary order in this case and determined it may waive the requirement that findings of fact and conclusions of law accompany the Order because such waiver will not prejudice the rights of any party.

DECISION

In consideration of the record, the Commission concludes that the Applicant has satisfied its burden of proof and, therefore, **APPROVES** the Application for a Modification Without Hearing to the approved plans of Z.C. Order No. 17-05, as modified by Z.C. Order Nos. 17-05A through 17-05D, to add a total of 6,533 square feet of gross floor area of retail/service use to expand the existing DCCK space in the Building. The conditions of Z.C. Order 17-05 remain unchanged except that Condition No. 1 of Z.C. Order 17-05, as amended and modified by Z.C. Order Nos. 17-05A through 17-05D, is hereby revised to read as follows (deletions shown in **bold** and ~~**strikethrough**~~ text; additions in **bold** and **underlined** text) as follows:

1. Project Development. The Project shall be built in accordance with:
   - The plans, including flood proofing plans, and elevations dated May 16, 2017, and marked as Exhibit 16A of the record of Z.C. Case No. 17-05; as modified by the drawings submitted as Exhibits 26A, 30A, and 34A of the record of Z.C. Case 17-05;
   - As modified by the guidelines, conditions, and standards contained in Z.C. Order 17-05;
   - As amended by the plans submitted on August 10, 2018, marked as Exhibit 1C of the record of Z.C. Case No. 17-05A;
   - As amended by the plans submitted on April 24, 2020, marked as Exhibit 2H of the record of Z.C. Case No. 17-05C;
   - As amended by the plans submitted on September 20, 2022, marked as Exhibit 5A of the record and the additional detail regarding the canopy system marked as Exhibit 5B of Z.C. Case No. 17-05D; ~~and~~
   - **As amended by the plans submitted on April 4, 2025, marked as Exhibit 2D of the record of Z.C. Case No. 17-05E; and**
   - As modified by the guidelines, conditions, and standards herein.

FINAL ACTION
VOTE (May 29, 2025): **5-0-0** (Joseph S. Imamura, Gwen Wright, Anthony J. Hood, Robert E. Miller, and Tammy Stidham to approve).

In accordance with the provisions of Subtitle Z § 604.9, this Order No. 17-05E shall become final and effective upon publication in the *District of Columbia Register*; that is, on July 11, 2025.

BY ORDER OF THE D.C. ZONING COMMISSION
A majority of the Commission members approved the issuance of this Order.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 ET SEQ. (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF 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. 24-17
Indiana University Foundation, Inc.
Campus Plan (1619 Massachusetts Avenue, N.W. (Square 181, Lot 850))
March 6, 2025

Pursuant to notice, at its March 6, 2025 public hearing, the Zoning Commission for the District of Columbia ("Commission") considered the application ("Application") of Indiana University Foundation, Inc. ("Applicant") requesting a special exception for approval of the Indiana University Campus Plan pursuant to Subtitle X § 101 and Subtitle Z § 302 (the "Application"), under the Zoning Regulations (Title 11 of the District of Columbia Municipal Regulations, Zoning Regulations of 2016, to which all subsequent citations refer unless otherwise specified). The property that is the subject of the Application is 1619 Massachusetts Avenue, N.W. (Square 181, Lot 850) (the "Property"). The Commission reviewed the Application pursuant to the Commission's Rules of Practice and Procedures, which are codified in Subtitle Z. For the reasons stated below, the Commission **APPROVES** the Application.

**** SUMMARY ORDER ****

I. Background and Prior Campus Plan

1. The Property was previously part of the Johns Hopkins University Campus Plan, which the Board of Zoning Adjustment initially approved pursuant to Board of Zoning Appeals ("BZA") Order No. 14387, dated June 11, 1986. The Johns Hopkins University Campus Plan covered two sites: the Property at 1619 Massachusetts Avenue, N.W. and 1740 Massachusetts Avenue, N.W.

2. Subsequent to the filing of the Application, Johns Hopkins University sold 1740 Massachusetts Avenue, N.W. to a third party. Upon approval of the Application, the Johns Hopkins University Campus Plan for the Property will terminate and will be fully replaced by the Indiana University Campus Plan (hereinafter, the "Campus Plan").

Parties

3. The following were automatically parties to this proceeding pursuant to Subtitle Z § 403.5:
   - The Applicant; and
   - Advisory Neighborhood Commission ("ANC") 2B, in which the Property is located and so an "affected ANC" per Subtitle Z § 101.8.

4. The Commission received no requests for party status.

Notice

5. Pursuant to Subtitle Z § 302.6, the Applicant mailed a Notice of Intent to file the Application to ANC 2B and to the owners of all property within 200 feet of the Property on August 30, 2024 (Ex. 20).[1] In addition, prior to filing the Application, the Applicant presented the Campus Plan at ANC 2B's Land Use Committee.

[1] The Certificate of Notice (Ex. 20A) contains an incorrect date. The correct date of August 30, 2024, is the date stated on the Notice of Intent to File (Ex. 20).

6. Pursuant to Subtitle Z § 402, the Office of Zoning ("OZ") sent notice of the March 6, 2025 public hearing, on January 17, 2025 to:
   - The Applicant;
   - ANC 2B;
   - The ANC Single Member District Commissioner for ANC 2B04;
   - The Office of the ANCs;
   - The Ward 2 Councilmember Brooke Pinto;
   - The Chair and At-Large Councilmembers of the Council of the District of Columbia;
   - The Office of Planning ("OP");
   - The Department of Buildings ("DOB");
   - The Department of Energy and the Environment ("DOEE");
   - The District Department of Transportation ("DDOT");
   - OZ Legal Division ("OZLD"); and
   - The owners of property located within 200 feet of the Property. (Ex. 10, 11A)

7. OZ also published notice of the public hearing in the *District of Columbia Register* on January 24, 2025 (72 DCR 000602 *et seq*.) as well as on the calendar on OZ's website (Ex. 9).

8. The Applicant submitted an affidavit of posting and affidavit of maintenance in accordance with Subtitle Z § 402 requirements (Ex. 12, 21).

Property

9. The Property is on Massachusetts Avenue, N.W. between 16th and 17th Streets within the Dupont Circle Historic District. The Property is located in the MU-2/DC zoning district.

10. The Property is improved with a building comprised of approximately 56,773 square feet of gross floor area with eight stories and one level of below grade parking.

II. The Application

11. On November 14, 2024, the Applicant filed the Application requesting a special exception for approval of the Campus Plan (Ex. 1-8). The Campus Plan proposes to establish a new Washington, DC campus for Indiana University within the existing eight story building on the Property. The campus will include the adaptive reuse of the existing building, with a renovation to include event and convening space, academic space, office space, and dormitory space to house approximately 35-40 students. The campus will employ up to 30 faculty and will include up to 231 total classroom seats. The campus will maintain the existing building's current gross floor area and lot occupancy with no exterior expansion or changes to exterior design or height of the building (Ex. 2).

The Applicant's Justification

12. The Applicant stated that the Application met the requirements for special exception approval of the Campus Plan pursuant to Subtitle X § 101 and Subtitle Z § 302, and that

the Campus Plan would not be inconsistent with the Comprehensive Plan, including when viewed through a racial equity lens; and the Applicant provided a discussion of its community outreach and engagement efforts, in the following submissions and presentation:

- Initial Application and Supporting Materials (Ex. 1-8);
- Transportation Statement (Ex. 13);
- Supplemental Statement (Ex. 15-15C);
- Supplemental Statement in Support (Ex. 17A); and
- PowerPoint Presentation (Ex. 22).

III. Responses to the Application

13. OP submitted a report (the "OP Report") recommending approval of the Application on February 24, 2025, subject to two conditions listed below (Ex. 19). The OP Report stated that the Campus Plan met the special exception criteria of Subtitle X § 101; and concluded that the Campus Plan would not be inconsistent with the Comprehensive Plan, including the Comprehensive Plan maps, Citywide Elements and the Near Northwest Area Element, and when viewed through a racial equity lens. The OP Report included disaggregated race and ethnicity data for the Near Northwest Planning Area, in which the Property is located, showing that for both five-year periods, 2012-2016 and 2018- 2022, the planning area had a majority white population and a higher median household income than Districtwide. OP concluded that the Campus Plan should not have a negative impact on racial equity goals and that it would provide employment opportunities and student housing to relieve student demand on District housing supply. The OP Report included comments from DOEE commending the Applicant's proposed reuse of an existing building. The OP Report recommended the following two conditions of approval:
    a. Student Enrollment. The Indiana University student headcount shall not exceed 200 students on a daily basis. Of these students, the number of students who have housing assignments at the Indiana University Washington, DC campus shall not exceed 40 students; and
    b. The Indiana University Campus Plan shall be valid for a period of 10 years.

14. DDOT submitted a report on February 21, 2025 (Ex. 18) in which it stated no objection to the approval of the Application, with the following condition:
    - The Applicant shall implement a TDM Plan for the life of the project. The proposed TDM Plan in the January 21, 2025 Transportation Statement (Ex. 13) will be updated to include:
        - "The Applicant will commit to enrolling in the Capital Bikeshare University Membership Program and will distribute marketing materials to students to promote the discounted CaBi membership."

15. ANC 2B submitted a report on February 18, 2025, stating that at its regularly scheduled duly noticed public meeting on February 12, 2025, with a quorum present, the ANC voted 8-0-0 to approve a resolution in support of the Application. The ANC Report did not list any issues and concerns.

CONCLUSIONS

1. Pursuant to the authority granted by the Zoning Act, approved June 20, 1938 (52 Stat. 797, as amended; D.C. Official Code §6-641.01 (2018 Repl.)), the Commission may approve a campus plan consistent with the requirements set forth in Subtitle X § 101 and Subtitle Z § 302. Pursuant to Subtitle X § 101, the Commission shall evaluate an application for a campus plan as a special exception:

   Education use by a college or university shall be permitted as a special exception subject to review and approval by the Zoning Commission under Subtitle X, Chapter 9 after its determination that the use meets the applicable standards and conditions of this chapter. (Subtitle X § 101.1.)

   Approval of a campus plan shall be based on the determination by the Zoning Commission that the application will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps, and will not tend to affect adversely the use of neighboring property, in accordance with the Zoning Regulations and Zoning Maps, subject to the special conditions specified in this section. (Subtitle X § 101.14.)

2. Section 8 of the Zoning Act (*see also* Subtitle X § 901.2) establishes that the Commission may grant special exception relief upon its determination that the special exception:
   - Will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Map;
   - Will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Map; and
   - Complies with the special conditions specified in the Zoning Regulations.

   Relief granted through a special exception is presumed appropriate, reasonable, and compatible with other uses in the same zoning classification, provided the specific regulatory requirements for the relief requested are met. In reviewing an application for special exception relief, the Commission's discretion is limited to determining whether the proposed exception satisfies the requirements of the regulations and "if the applicant meets its burden, the [Commission] ordinarily must grant the application." (*See* First Washington Baptist Church v. D.C. Bd. of Zoning Adjustment, 423 A.2d 695, 701 (D.C. 1981) (quoting Stewart v. D.C. Bd. of Zoning Adjustment, 305 A.2d 516, 518) (D.C. 1973)).

3. Based on the record before the Commission, including the Applicant's submissions and the OP Report, the Commission concludes the Applicant has met the burden of proof pursuant to Subtitle X § 101 and the general special exception standard under Subtitle X § 901.2 and that the requested campus plan approval can be granted. The Application satisfies the applicable special exception standards under Subtitle X § 101 as follows:
   - The uses are located so that they are not likely to become objectionable to neighboring property because of noise, traffic, parking, number of students, or other objectionable conditions (Subtitle X § 101.2);

- The Property is not located in an R, RF, or RA zone (Subtitle X § 101.3);
- The Campus Plan will not serve as a process to create general commercial activities or developments unrelated to the educational mission of the applicant or that would be inconsistent with the Comprehensive Plan (Subtitle X § 101.4);
- The Property is not located in an R, RF, or RA zone (Subtitle X § 101.5);
- The Campus Plan will not cause unreasonable campus expansion into improved low-density zones (Subtitle X § 101.6);
- The Applicant submitted all required exhibits showing the location, height, and bulk, where appropriate, of all present and proposed improvements (Subtitle X § 101.8);
- The Application is not inconsistent with the Comprehensive Plan (Subtitle X § 101.11);
- The Application was referred to OP, DDOT, and DOEE for review and comment (Subtitle X § 101.13); and
- The Application is in harmony with the general purpose and intent of the Zoning Regulations and Zoning Map and will not tend to adversely affect the use of neighboring properties, in accordance with the Zoning Regulations and Zoning Maps (Subtitle X § 101.14).

"Great Weight" to the Recommendation of OP

4. The Commission must give "great weight" to the recommendation of OP, pursuant to § 5 of the Office of Zoning Independence Act of 1990, effective September 20, 1990 (D.C. Law 8-163; D.C. Official Code § 6-623.04 (2018 Repl.) and Subtitle Z § 405.9 (*Metropole Condo. Ass'n v. D.C. Bd. of Zoning Adjustment*, 141 A.3d 1079, 1086-87 (D.C. 2016)).

5. The Commission finds persuasive OP's recommendation that the Commission approve the Application and therefore concurs in that judgment. The Commission agrees with OP's two conditions of approval.

"Great Weight" to the Written Report of the ANC

6. The Commission must give great weight to the issues and concerns raised in the written report of an affected ANC that was approved by the full ANC at a properly noticed public meeting pursuant to § 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, the Commission must articulate with particularity and precision the reasons why an affected ANC does or does not offer persuasive advice under the circumstances (*Metropole Condo. Ass'n v. D.C. Bd. of Zoning Adjustment*, 141 A.3d 1079, 1087 (D.C. 2016)). The District of Columbia Court of Appeals has interpreted the phrase "issues and concerns" to "encompass only legally relevant issues and concerns." (*Wheeler v. D.C. Bd. of Zoning Adjustment*, 395 A.2d 85, 91 n.10 (1978) (citation omitted)).

7. The Commission finds ANC 2B's support of the Application persuasive and concurs with its judgment.

Summary Order

8. Since no persons or parties appeared in opposition to the Application and the affected ANC supported the Application, a decision by the Commission to grant this Application would not be adverse to any party. Therefore, pursuant to Subtitle Z § 604.7, the Commission authorized a summary order in this case and determined it may waive the requirement that findings of fact and conclusions of law accompany the Order because such waiver will not prejudice the rights of any party.

DECISION

In consideration of the record, the Commission concludes that the Applicant has satisfied its burden of proof and therefore **APPROVES** the Indiana University Campus Plan, subject to the following guidelines, conditions and standards:

1. Student Enrollment. The Indiana University student headcount shall not exceed 200 students on a daily basis. Of these students, the number of students who have housing assignments at the Indiana University Washington, DC campus shall not exceed 40 students.

2. The Indiana University Campus Plan shall be valid for a period of 10 years.

3. The Applicant shall implement a Transportation Demand Management (TDM) Plan, for the life of the Campus Plan, and the Applicant shall:
   - Identify Transportation Coordinators for the planning and operations phases of the Campus Master Plan. The Transportation Coordinators will act as points of contact with DDOT, goDCgo, and Zoning Enforcement and will provide their contact information to goDCgo;
   - Transportation Coordinator will conduct an annual commuter survey of employees on-site, and report TDM activities and data collection efforts to goDCgo once per year;
   - Transportation Coordinator will develop, distribute, and market various transportation alternatives and options to students and employees, including promoting transportation events (i.e., Bike to Work Day, National Walking Day, Car Free Day) on property website and in any internal building newsletters or communications;
   - Transportation Coordinators will receive TDM training from goDCgo to learn about the transportation conditions for this project and available options for implementing the TDM Plan;
   - Provide links to CommuterConnections.com and goDCgo.com on property websites;
   - Distribute information on the Commuter Connections Guaranteed Ride Home (GRH) 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;
   - Provide welcome packets to all new students that should, at a minimum, include the Metrorail pocket guide, brochures of local bus lines (Metrobus) and the most recent DC Bike Map. Brochures can be ordered from DDOT's goDCgo program by emailing info@godcgo.com;

- Provide eight long-term and 38 short-term bicycle parking spaces, meeting or exceeding zoning requirements;
- Enroll in the Capital Bikeshare University Membership Program and distribute marketing materials to students to promote the discounted CaBi membership;
- Following the issuance of a Certificate of Occupancy for the Project, the Transportation Coordinator will submit documentation summarizing compliance with the transportation and TDM conditions of the Order (including, if made available, any written confirmation from the Office of the Zoning Administrator) to the Office of Zoning for inclusion in the IZIS case record of the case; and
- Following the issuance of a Certificate of Occupancy for the Project, the Transportation Coordinator will submit a letter to the Zoning Administrator, DDOT, and goDCgo every five years (as measured from the final Certificate of Occupancy for the Project) summarizing continued substantial compliance with the transportation and TDM conditions in the Order, unless no longer applicable as confirmed by DDOT. If such letter is not submitted on a timely basis, the building shall have 60 days from date of notice from the Zoning Administrator, DDOT, or goDCgo to prepare and submit such letter.

FINAL ACTION
VOTE (March 6, 2025): 5-0-0 (Joseph S. Imamura, Tammy Stidham, Anthony J. Hood, Robert E. Miller, and Gwen Wright to approve.)

In accordance with the provisions of Subtitle Z § 604.9, this Order No. 24-17 shall become final and effective upon publication in the *District of Columbia Register*; that is, on July 11, 2025.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 ET SEQ. (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF FILING
Z.C. Case No. 25-10
(Alturas, LLC – Text Amendment to Subtitle U § 514.3
@ Square 2557, Lot 800
(1781 Florida Avenue, N.W.))
July 10, 2025

THIS CASE IS OF INTEREST TO ANC 1B, 1C and 2B.

On May 12, 2025, the Office of Zoning received a Petition from Alturas, LLC (the "Applicant") for approval of a text amendment to Subtitle U § 514.3 for the above-referenced property.

The subject property is located in northwest Washington, D.C. (Ward 1) at the junction of Adams Morgan and the U Street corridor. The property consists of Lot 800 in Square 2557 and is currently zoned MU-4. The Petitioner is proposing three uses: off-premises alcoholic beverage sales, a restaurant and a veterinary hospital - at the Property, which are otherwise prohibited in the Overlay.

This case was filed electronically through the Interactive Zoning Information System ("IZIS"), which can be accessed through http://dcoz.dc.gov. For additional information, please contact Sharon S. Schellin, Secretary to the Zoning Commission at (202) 727-6311.

OFFICE OF DOCUMENTS AND ADMINISTRATIVE ISSUANCES

DISTRICT OF COLUMBIA REGISTER
2025 AGENCY SUBMISSION DEADLINE SCHEDULE

The deadline for submitting notices for publication in the *District of Columbia Register* by District agencies, boards, commissions, and public charter schools is THURSDAY, noon of the PREVIOUS week. For example, the deadline for the Friday, January 10, 2025 *District of Columbia Register* is Thursday, noon on January 2, 2025.

The deadline for a Register to be published during a week that has an official District of Columbia holiday is WEDNESDAY noon of the PREVIOUS week. For example, Monday, January 20, 2025 (Martin Luther King Jr. Day) is an official District of Columbia holiday therefore, the deadline for the Friday, January 24, 2025 *District of Columbia Register* is Wednesday, noon on January 15, 2025.

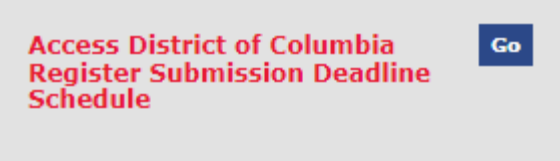
If an official government holiday falls on a Thursday, the deadline for submitting documents is WEDNESDAY. Because Thursday, November 27, 2025 is Thanksgiving Day, the deadline for the December 5, 2025 *District of Columbia Register* is Wednesday, noon on November 26, 2025.

Because Thursday, June 19, 2025 is Juneteenth, the deadline for the June 27, 2025 *District of Columbia Register* is Wednesday, noon on June 18, 2025.

Documents that are uploaded after the noon deadline will be published in the next edition of the Register.

The DC Register Submission Deadline Schedule is published at the end of each Register.

The Office of Documents also publishes the Submission Deadline Schedule on the DCRegs Home page:



Below is the 2025 District of Columbia Register Submission Deadline schedule.

OFFICE OF DOCUMENTS AND ADMINSTRATIVE ISSUANCES
DISTRICT OF COLUMBIA REGISTER
2025 AGENCY SUBMISSION DEADLINE SCHEDULE

D.C. Register Issue		Submission Deadline	
Vol. 72/1	January 3, 2025*	Tuesday	December 24, 2024
Vol. 72/2	January 10, 2025	Thursday	January 2, 2025
Vol. 72/3	January 17, 2025	Thursday	January 9, 2025
Vol. 72/4	January 24, 2025*	Wednesday	January 15, 2025
Vol. 72/5	January 31, 2025	Thursday	January 23, 2025
Vol. 72/6	February 7, 2025	Thursday	January 30, 2025
Vol. 72/7	February 14, 2025	Thursday	February 6, 2025
Vol. 72/8	February 21, 2025*	Wednesday	February 12, 2025
Vol. 72/9	February 28, 2025	Thursday	February 20, 2025
Vol. 72/10	March 7, 2025	Thursday	February 27, 2025
Vol. 72/11	March 14, 2025	Thursday	March 6, 2025
Vol. 72/12	March 21, 2025	Thursday	March 13, 2025
Vol. 72/13	March 28, 2025	Thursday	March 20, 2025
Vol. 72/14	April 4, 2025	Thursday	March 27, 2025
Vol. 72/15	April 11, 2025	Thursday	April 3, 2025
Vol. 72/16	April 18, 2025*	Wednesday	April 9, 2025
Vol. 72/17	April 25, 2025	Thursday	April 17, 2025
Vol. 72/18	May 2, 2025	Thursday	April 24, 2025
Vol. 72/19	May 9, 2025	Thursday	May 1, 2025
Vol. 72/20	May 16, 2025	Thursday	May 8, 2025
Vol. 72/21	May 23, 2025	Thursday	May 15, 2025
Vol. 72/22	May 30, 2025 *	Wednesday	May 21, 2025
Vol. 72/23	June 6, 2025	Thursday	May 29, 2025
Vol. 72/24	June 13, 2025	Thursday	June 5, 2025
Vol. 72/25	June 20, 2025*	Wednesday	June 11, 2025
Vol. 72/26	June 27, 2025	Wednesday	June 18, 2025
Vol. 72/27	July 4, 2025 *	Wednesday	June 25, 2025
Vol. 72/28	July 11, 2025	Thursday	July 3, 2025
Vol. 72/29	July 18, 2025	Thursday	July 10, 2025
Vol. 72/30	July 25, 2025	Thursday	July 17, 2025
Vol. 72/31	August 1, 2025	Thursday	July 24, 2025
Vol. 72/32	August 8, 2025	Thursday	July 31, 2025
Vol. 72/33	August 15, 2025	Thursday	August 7, 2025
Vol. 72/34	August 22, 2025	Thursday	August 14, 2025
Vol. 72/35	August 29, 2025	Thursday	August 21, 2025
Vol. 72/36	September 5, 2025*	Wednesday	August 27, 2025
Vol. 72/37	September 12, 2025	Thursday	September 4, 2025
Vol. 72/38	September 19, 2025	Thursday	September 11, 2025
Vol. 72/39	September 26, 2025	Thursday	September 18, 2025
Vol. 72/40	October 3, 2025	Thursday	September 25, 2025
Vol. 72/41	October 10, 2025	Thursday	October 2, 2025
Vol. 72/42	October 17, 2025*	Wednesday	October 8, 2025
Vol. 72/43	October 24, 2025	Thursday	October 16, 2025
Vol. 72/44	October 31, 2025	Thursday	October 23, 2025
Vol. 72/45	November 7, 2025	Thursday	October 30, 2025
Vol. 72/46	November 14, 2025*	Wednesday	November 5, 2025
Vol. 72/47	November 21, 2025	Thursday	November 13, 2025
Vol. 72/48	November 28, 2025*	Wednesday	November 19, 2025
Vol. 72/49	December 5, 2025	Wednesday	November 26, 2025
Vol. 72/50	December 12, 2025	Thursday	December 4, 2025
Vol. 72/51	December 19, 2025	Thursday	December 11, 2025
Vol. 72/52	December 26, 2025*	Wednesday	December 17, 2025
Vol. 73/1	January 2, 2026*	Wednesday	December 24, 2025

*Weeks with District of Columbia Government public holidays.

Last Updated December 10, 2024