VOL. 73 – NO. 42 OCTOBER 16, 2026

District of Columbia REGISTER

HIGHLIGHTS

- D.C. Council passes Law 26-189, Fiscal Year 2027 Budget Support Act of 2026
- D.C. Council schedules a public hearing to discuss heightened federal law enforcement and National Guard activities in the District of Columbia
- Department of Behavioral Health announces funding availability for the Place-Based Outreach and Behavioral Health Engagement Program
- Office of Contract Appeals Board publishes public decisions issued between October 1, 2025 and September 30, 2026
- Office of the State Superintendent of Education announces funding availability for the Fiscal Year 2027 National School Lunch Program (NSLP) Equipment Assistance Grant
- Office of the State Superintendent of Education updates the school immunization procedures and requirements
- Office of Tax and Revenue updates the rules for payment of the recordation and transfer taxes

DISTRICT OF COLUMBIA REGISTER

Publication Authority and Policy

The District of Columbia Office of Documents and Administrative Issuances publishes the *District of Columbia Register* (ISSN 0419-439X) every Friday under the authority of the *District of Columbia Documents Act*, D.C. Law 2-153, effective March 6, 1979, D.C. Official Code § 2-611 *et seq*. (2016 Repl.). The policies which govern the publication of the *Register* are set forth in the Rules of the Office of Documents and Administrative· Issuances (1 DCMR §§300, et seq.). The Rules of the Office of Documents and Administrative Issuances are available online at dcregs.dc.gov. Rulemaking documents are also subject to the requirements of the *District of Columbia Administrative Procedure Act*, D.C. Official Code §§2-50l *et seq*. (2016 Repl.).

All documents published in the *District of Columbia Register* must be submitted in accordance with the applicable provisions of the Rules of the Office of Documents and Administrative Issuances. Documents which are published in the *District of Columbia Register* include (1) Acts and resolutions of the Council of the District of Columbia; (2) Notices of proposed Council legislation, Council hearings, and other Council actions; (3) Notices of public hearings; (4) Notices of final, proposed, and emergency rulemaking; (5) Mayor's Orders and information on changes in the structure of the District government (6) Notices, Opinions, and Orders of District government Boards, Commissions and Agencies; (7) Documents having general applicability and notices and information of general public interest.

Deadlines for Submission of Documents for Publication

The Office of Documents and Administrative Issuances accepts electronic documents for publication using a Web-based portal. To submit documents for publication, agency heads, or their representatives, may obtain a username and password by email at dcdocuments@dc.gov. For guidelines on how to format and submit documents for publication, please email dcdocuments@dc.gov.

The deadline for filing documents for publication for District of Columbia Agencies, Boards, Commissions, and Public Charter schools is THURSDAY, NOON of the previous week before publication. The deadline for filing documents for publication for the Council of the District of Columbia is WEDNESDAY, NOON of the week of publication. If an official District of Columbia government holiday falls on Thursday, the deadline for filing documents is Wednesday. Email the Office of Documents and Administrative Issuances at dcdocuments@dc.gov to request the *District of Columbia Register* publication schedule.

Viewing the *District of Columbia Register*

The Office of Documents and Administrative Issuances publishes the *District of Columbia Register* ONLINE every Friday at www.dcregs.dc.gov. The Office of Documents does not offer paid subscriptions to the *District of Columbia Register*. Copies of the *District of Columbia Register* from October 2, 2009 to present are available at www.dcregs.dc.gov. Copies of the *District of Columbia Register* from April 2003 through July 2010 are available online in the *D.C. Register* Archive on the website for the Office of the Secretary at www.os.dc.gov. Hardcopies of the *Register* from 1954 to September 2009 are available at the Martin Luther King, Jr. Memorial Library's Washingtoniana Division, 901 G Street, NW, Washington, DC 20001. There are no restrictions on the republication of any portion of the *District of Columbia Register*. News services are encouraged to publish all or part of the *District of Columbia Register*.

Legal Effect of Publication - Certification

Except in the case of emergency rules, no rule or document of general applicability and legal effect shall become effective until it is published in the *District of Columbia Register*. Publication creates a rebuttable legal presumption that a document has been duly issued, prescribed, adopted, or enacted and that the document complies with the requirements of the *District of Columbia Documents Act* and the *District of Columbia Administrative Procedure Act*. The Administrator of the Office of Documents and Administrative Issuances hereby certifies that this issue of the *District of Columbia Register* contains all documents required to be published under the provisions of the *District of Columbia Documents Act*.

DISTRICT OF COLUMBIA
OFFICE OF DOCUMENTS AND ADMINISTRATIVE ISSUANCES

SUITE 8700 - 899 NORTH CAPITOL STREET, NE - UNION SQUARE - WASHINGTON, D.C. 20002 - (202) 727-5090

MURIEL E. BOWSER
MAYOR

VICTOR L. REID, ESQ.
ADMINISTRATOR

CONTENTS

ACTIONS OF THE COUNCIL OF THE DISTRICT OF COLUMBIA

D.C. LAWS

L26-180 Seasonal Pricing and Price Gouging Amendment Act of 2026 013112

L26-181 Restricting Egregious Scalping Against Live Entertainment (RESALE) Amendment Act of 2026 013113

L26-182 Glazier Licensing Standards and Certification Amendment Act of 2026 013114

L26-183 Business Licensing Reform and Accountancy Practice Amendment Act of 2026 013115

L26-184 Entertainment Establishment Employee Safety Extension Temporary Amendment Act of 2026 013116

L26-185 Comprehensive Policing and Justice Reform Technical Temporary Amendment Act of 2026 013117

L26-186 Public Service Commission Holdover Period Extension Temporary Amendment Act of 2026 013118

L26-188 Leading Education Access for Reentry and Necessary Success ("LEARNS") Amendment Act of 2026 013119

L26-189 Fiscal Year 2027 Budget Support Act of 2026 013120

BILLS INTRODUCED AND PROPOSED RESOLUTIONS

Notice of Intent to Act on New Legislation -
Bills B26-0855, B26-0856 and B26-0857 013121

COUNCIL HEARINGS

Notice of Public Hearing -
Heightened Federal Law Enforcement and National Guard Activities in the District ..... 013122 - 013124
B26-0603 Body-Worn Camera Transparency for Use of Force Amendment Act of 2026 ..... 013122 - 013124
B26-0618 Full Accountability in Arrest Reporting Amendment Act of 2026 ..... 013122 - 013124
B26-0549 Safe Community Places and Policing Amendment Act of 2025 ..... 013122 - 013124

ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES

PUBLIC HEARINGS

Alcoholic Beverage and Cannabis Administration -
Camille - ANC 2G - New....013125
Class B Renewal Placards for October 9, 2026....013126 - 013194
Class B Renewal Placards for October 16, 2026....013195 - 013214
FishScale - ANC 1B - Class Change....013215
Queens Café - ANC 1C - Change of Hours....013216
Sixty DC/Casamara/Reynold's - ANC 2B - Renewal....013217
Taco Bell Cantina - ANC 8F - New....013218
The Berliner - ANC 1C - Renewal....013219
Wax Room - ANC 5D - New....013220

Historic Preservation Review Board -
Historic Designation Hearings -
26-12 The National Theatre,
1321 Pennsylvania Avenue NW....013221 - 013222

27-01 Lewis Crowe House,
1842 Central Place NE....013223 - 013224

Zoning Adjustment, Board of - Public Hearings - January 13, 2027
21530 Xiomara De Leon Medina - ANC 4B....013225 - 013228
21536 710 Otis Place, LLC - ANC 4C....013225 - 013228
21539 Letitia H. White, Trustee - ANC 6B....013225 - 013228
21540 245-249 8th Street NE REI, LLC - ANC 6A....013225 - 013228

FINAL RULEMAKING

Education, Office of the State Superintendent of -
Amend 5 DCMR (Education),
Subtitle A (Office of the State Superintendent of Education),
Ch. 53 (District of Columbia School Immunization Procedures and Requirements) is added,
Sec. 5300 (School Immunization Procedures and Requirements),
to update the requirements and enforcement mechanisms related to
student immunizations....013229 - 013238

Tax and Revenue, Office of -
Amend 9 DCMR (Taxation and Assessments),
Ch. 5 (Tax on Recordation of Deeds),
Sec. 502 (Payment of the Recordation Tax),
Ch. 6 (Real Property Transfer Tax),
Sec. 602 (Payment of the Transfer Tax),
to clarify the application of nominal consideration treatment to leases,
as well as economic interests and other interests in real property....013239 - 013244

ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES CONT'D

FINAL RULEMAKING CONT'D

Zoning Commission - Z.C. Case No. 08-06R -
Amend 11 DCMR (Zoning Regulations of 2016),
Subtitle A (Authority and Applicability),
Ch. 1 (Introduction to Title 11),
Sec. 102 (Vested Rights Under the Previous 1958 Zoning Regulations, as Amended).....013245 - 013253
Ch. 3 (Administration and Enforcement),
Sec. 301 (Building Permits).....013245 - 013253

Subtitle B (Definitions, Rules of Measurement, and Use Categories),
Ch. 1 (Definitions),
Sec. 100 (Definitions).....013245 - 013253
Ch. 3 (General Rules of Measurement),
Sec. 304 (Rules of Measurement for Gross Floor Area (GFA).....013245 - 013253

Subtitle C (General Rules),
Ch. 6 (Green Area Ratio),
Sec. 601 (Applicability of Green Area Ratio Standards) and
Sec. 604 (Submittal Requirements for Green Area Ratio) ..... 013245 - 013253
Ch. 10 (Inclusionary Zoning),
Sec. 1001 (Applicability) and
Sec. 1003 (Set-Aside Requirements)..... 013245 - 013253
Ch. 12 (Combined Lot Provisions),
Sec. 1200 (General Procedures) ..... 013245 - 013253
Ch. 15 (Penthouses and Rooftop Structures),
Sec. 1507 (Affordable Housing Production Requirement Generated by Construction of Penthouse Habitable Space)..... 013245 - 013253

Subtitle I (Downtown (D) Zones),
Ch. 5 (Regulations Specific to Particular Downtown (D) Zones),
Sec. 570 (Height (D-7)) ..... 013245 - 013253
Ch. 6 (Location-Based Regulations for Downtown Sub-Areas and Designated Street Segments),
Sec. 607 (Downtown Arts Sub-Area)..... 013245 - 013253
Ch. 8 (Generation and Certification of Credits),
Sec. 805 (Acknowledgement of Residential, Arts, and Preferred Use Credits) and
Sec. 807 (Generation and Certification of Credits for Historic Preservation)..... 013245 - 013253
Ch. 9 (Use of Credits),
Sec. 901 (Transfer of Credits) and
Sec. 902 (ReTransfer of Credits)..... 013245 - 013253

ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES CONT'D

FINAL RULEMAKING CONT'D

Zoning Commission - Z.C. Case No. 08-06R - cont'd
Amend 11 DCMR (Zoning Regulations of 2016), cont'd
Subtitle K (Special Purpose Zones),
Ch. 4 (Hill East Zones - HE-1 Through HE-4),
Sec. 412 (Uses Permitted by Special Exception (HE)) ..... 013245 - 013253
Ch. 6 (Saint Elizabeths East Campus Zones - STE-1 Through STE-19),
Sec. 608 (Parking (STE)) ..... 013245 - 013253
Ch. 9 (Walter Reed Zones - WR-1 Though WR-15),
Sec. 917 (Vehicle Parking (WR)) ..... 013245 - 013253
Ch. 10 (Northern Howard Road (NHR) Zone),
Sec. 1008 (Sustainability (NHR)) ..... 013245 - 013253
Ch. 11 (Chapter 11 Barry Farm Zones - BF-1 Trough BF-2),
Sec. 1103 (Vehicle and Bicycle Parking (BF)) ..... 013245 - 013253

Subtitle U (Use Permissions),
Ch. 2 (Use Permissions Residential House (R) Zones),
Sec. 253 (Accessory Apartment (R)) ..... 013245 - 013253
Ch. 3 (Use Permissions Residential Flats (RF) Zones),
Sec. 301 (Matter-of-Right Uses (RF)) and
Sec. 320 (Special Exception Uses (RF)) ..... 013245 - 013253
Ch. 8 (Use Permissions Production, Distribution and Repair (PDR) Zones),
Sec. 805 (External Effects Permit Applications (PDR)) ..... 013245 - 013253

Subtitle Y (Board of Zoning Adjustment Rules of Practice and Procedure),
Ch. 1 (Administration),
Sec. 101 (General Provisions) ..... 013245 - 013253
Ch. 5 (Pre-Hearing and Hearing Procedures: Zoning Appeals),
Sec. 501 (Intervenor Status: General Guidelines) ..... 013245 - 013253

to make technical corrections to Z.C. Order No. 08-06A ..... 013245 - 013253

PROPOSED RULEMAKING

Elections, DC Board of -
Amend 3 DCMR (Elections and Ethics),
Ch. 10 (Initiative and Referendum),
Sec. 1006 (Petition Challenges) and
Sec. 1009 (Petition Certification),
Ch. 11 (Recall of Elected Officials),
Sec. 1106 (Petition Challenges) and
Sec. 1109 (Petition Certification),
Ch. 14 (Candidate Nominations: Political Party Primaries for Presidential Preference and Convention Delegates),
Sec. 1406 (Petition Challenges),
Ch. 15 (Candidate Nominations: Electors of President and Vice President of the United States),
Sec. 1506 (Petition Challenges) ..... 013254 - 013283

ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES CONT'D

PROPOSED RULEMAKING CONT'D

Elections, DC Board of - cont'd
Ch. 16 (Candidate Nomination: Delegate to the U.S. House of Representatives, Mayor, Chairman and Members of the Council of the District of Columbia, Attorney General, U.S. Senator, U.S. Representative, Members of the State Board of Education, and Advisory Neighborhood Commissioner),
Sec. 1606 (Petition Challenges),
Ch. 17 (Candidates: Members and Officials of Local Committees of Political Parties and National Committee Persons),
Sec. 1706 (Petition Challenges),
to establish regulations consistent with the Petition Administration Clarification Emergency Amendment Act of 2026 with respect to ballot measures and to clarify the Board's requirements for validly filed challenges to signatures on various ballot access petitions ..... 013254 - 013283

Transportation, District Department of -
Amend 18 DCMR (Vehicles and Traffic),
Ch. 25 (Size, Weight, Construction, and Loading of Vehicles),
Sec. 2513 (Superload Vehicles) is added,
Sec. 2514 (Escort Vehicle Requirements for Oversize Vehicles) is added,
Ch. 26 (Civil Fines for Moving and Non-Moving Infractions),
Sec. 2600 (Civil Fines for Motor Vehicle Moving Infractions),
Ch. 99 (Definitions),
Sec. 9901 (Definitions),
to require vehicles that exceed certain height, weight, and length limits be accompanied by an escort vehicle ..... 013284 - 013288

NOTICES, OPINIONS, AND ORDERS
BOARDS, COMMISSIONS, AND AGENCIES

Academy of Hope Adult Public Charter School -
Request for Proposals - Strategic Communications, Digital Engagement, and Brand Advisory Consulting Services 013289

Alcoholic Beverage and Cannabis Administration -
ABC Board's Calendar for October 21, 2026 ..... 013290 - 013294
Class B Cease and Desist Agenda for October 21, 2026 ..... 013295 - 013298
Class C and D Cease and Desist Agenda for October 21, 2026 ..... 013299 - 013301

Arts and Humanities, Commission on the -
Board of Commissioners Monthly Meeting - October 19, 2026 013302

Behavioral Health, Department of -
Notice of Funding Availability - Place-Based Outreach and Behavioral Health Engagement ..... 013303 - 013304

Bridges Public Charter School -
Request for Proposals - Math and Reading High Intensity Tutoring (HIT) 013305

ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES CONT'D

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

Contract Appeals Board -
Public Decisions Issued Between October 1, 2025 and September 30, 2026
Case D-1577 - Emmanuel O. Irono and Motir Services, Inc. .....013306 - 013338
Case D-1609 - Regent Development Consulting, Inc. .....013339 - 013348
Case D-1610 - Padula Construction Company, Inc.....013349 - 013352
Case P-1216 - UK Consulting, LLC d/b/a Union Kitchen.....013353 - 013356
Case P-1219 - Hunt Reporting Company.....013357 - 013361
Case P-1220 - DATCO Services Corporation.....013362 - 013365
Case P-1221 - Precision Safe Sidewalks, LLC .....013366 - 013367
Case P-1222 - Capital Construction Group LLC .....013368 - 013382
Case P-1229 - One Kare Enterprise, LLC.....013383 - 013385

Education, Office of the State Superintendent of -
Notice of Funding Availability - Fiscal Year 2027 National
School Lunch Program (NSLP) Equipment Assistance Grant..... 013386 - 013387

Elections Board of -
Monthly Voter Registration Statistics - September 30, 2026.....013388 - 013396

Health, Department of (DC Health) -
D.C. Board of Dentistry - Fiscal Year 2027 Meetings and Hearings.....013397
D.C. Board of Pharmacy - Fiscal Year 2027 Meetings and Hearings.....013398
D.C. Board of Respiratory Care - Fiscal Year 2027 Meetings.....013399
D.C. Board of Social Work - Fiscal Year 2027 Meetings.....013400

Licensing and Consumer Protection, Department of -
Board of Architecture, Interior Design and Landscape Architecture
Meeting - October 23, 2026 013401
Board of Funeral Directors Emergency Meeting - October 9, 2026 013402
Board of Professional Engineers Meeting - October 22, 2026.....013403
Board of Real Estate Appraisers Meeting - October 21, 2026.....013404

Mundo Verde Bilingual Public Charter School -
Request for Proposals - ELA/Mathematics Intervention and
Home & Hospital Instruction Services.....013405

Public Charter School Board, DC -
2027 Board Meeting Dates and Registration Links 013406

Selection and Tenure of Administrative Law Judges, Commission on -
Notice of Public Meeting - October 16, 2026 .....013407 - 013408

Sentencing Commission, DC -
Notice of Hybrid Meeting - October 20, 2026 013409

ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES CONT'D

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

Water and Sewer Authority, DC -
Audit and Risk Committee Meeting - October 22, 2026 013410
Finance and Budget Committee Meeting - October 22, 2026.....013411
Retail Water and Sewer Rates Committee Meeting - October 20, 2026.....013412

Zoning Adjustment, Board of - Cases
20377 16th Street Residential LLC - ANC 1C - Order.....013413 - 013427
21295 Justin Ryan Gomez and Jesse Martinez, Jr. - ANC 6C - Order .....013428 - 013441

Notice of Closed Meeting - October 6, 2026.....013442

Public Meeting - January 13, 2027
21538 Christopher Hebdon and Vanessa Berruetta - ANC 3D.....013443 - 013445

COUNCIL OF THE DISTRICT OF COLUMBIA

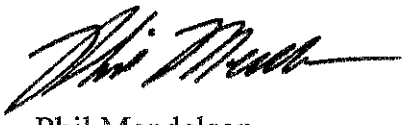
NOTICE

D.C. LAW 26-180

"Seasonal Pricing and Price Gouging Amendment Act of 2026"

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 26-49 on First Reading and Final Reading, on February 3, 2026, and March 31, 2026, respectively. Following the signature of the Mayor on April 22, 2026, pursuant to Section 404(e) of the Charter, the bill became Act 26-298 and was published in the May 1, 2026 edition of the D.C. Register (Vol. 73, page 006785). Act 26-298 was transmitted to Congress on August 13, 2026 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 26-298 is now D.C. Law 26-180, effective September 25, 2026.



Phil Mendelson
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

Month	Dates Counted
August	13,14,17,18,19,20,21,24,25,26,27,28,31
September	1,2,3,4,8,9,10,11,14,15,16,17,18,21,22,23,24

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 26-181

"Restricting Egregious Scalping Against Live Entertainment (RESALE) Amendment Act of 2026"

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 26-224 on First Reading and Final Reading, on June 30, 2026, and July 14, 2026, respectively. Following the signature of the Mayor on August 10, 2026, pursuant to Section 404(e) of the Charter, the bill became Act 26-410 and was published in the August 14, 2026 edition of the D.C. Register (Vol. 73, page 011351). Act 26-410 was transmitted to Congress on August 13, 2026 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 26-410 is now D.C. Law 26-181, effective September 25, 2026.

Phil Mendelson
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

Month	Dates Counted
August	13,14,17,18,19,20,21,24,25,26,27,28,31
September	1,2,3,4,8,9,10,11,14,15,16,17,18,21,22,23,24

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 26-182

"Glazier Licensing Standards and Certification Amendment Act of 2026"

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 26-422 on First Reading and Final Reading, on June 30, 2026, and July 14, 2026, respectively. Pursuant to Section 404(e) of the Charter, the bill became Act 26-411 and was published in the August 14, 2026 edition of the D.C. Register (Vol. 73, page 011359). Act 26-411 was transmitted to Congress on August 13, 2026 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 26-411 is now D.C. Law 26-182, effective September 25, 2026.

Phil Mendelson
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

Month	Dates Counted
August	13,14,17,18,19,20,21,24,25,26,27,28,31
September	1,2,3,4,8,9,10,11,14,15,16,17,18,21,22,23,24

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 26-183

"Business Licensing Reform and Accountancy Practice Amendment Act of 2026"

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 26-494 on First Reading and Final Reading, on June 30, 2026, and July 14, 2026, respectively. Following the signature of the Mayor on August 10, 2026, pursuant to Section 404(e) of the Charter, the bill became Act 26-412 and was published in the August 14, 2026 edition of the D.C. Register (Vol. 73, page 011363). Act 26-412 was transmitted to Congress on August 13, 2026 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 26-412 is now D.C. Law 26-183, effective September 25, 2026.

Phil Mendelson
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

Month	Dates Counted
August	13,14,17,18,19,20,21,24,25,26,27,28,31
September	1,2,3,4,8,9,10,11,14,15,16,17,18,21,22,23,24

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 26-184

"Entertainment Establishment Employee Safety Extension Temporary Amendment Act of 2026"

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 26-711 on First Reading and Final Reading, on June 30, 2026, and July 14, 2026, respectively. Following the signature of the Mayor on August 10, 2026, pursuant to Section 404(e) of the Charter, the bill became Act 26-413 and was published in the August 14, 2026 edition of the D.C. Register (Vol. 73, page 011368). Act 26-413 was transmitted to Congress on August 13, 2026 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 26-413 is now D.C. Law 26-184, effective September 25, 2026.

Phil Mendelson
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

Month	Dates Counted
August	13,14,17,18,19,20,21,24,25,26,27,28,31
September	1,2,3,4,8,9,10,11,14,15,16,17,18,21,22,23,24

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 26-185

"Comprehensive Policing and Justice Reform Technical Temporary Amendment Act of 2026"

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 26-713 on First Reading and Final Reading, on June 30, 2026, and July 14, 2026, respectively. Pursuant to Section 404(e) of the Charter, the bill became Act 26-414 and was published in the August 14, 2026 edition of the D.C. Register (Vol. 73, page 011370). Act 26-414 was transmitted to Congress on August 13, 2026 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 26-414 is now D.C. Law 26-185, effective September 25, 2026.

Phil Mendelson
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

Month	Dates Counted
August	13,14,17,18,19,20,21,24,25,26,27,28,31
September	1,2,3,4,8,9,10,11,14,15,16,17,18,21,22,23,24

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 26-186

"Public Service Commission Holdover Period Extension Temporary Amendment Act of 2026"

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 26-716 on First Reading and Final Reading, on June 30, 2026, and July 14, 2026, respectively. Pursuant to Section 404(e) of the Charter, the bill became Act 26-415 and was published in the August 14, 2026 edition of the D.C. Register (Vol. 73, page 011373). Act 26-415 was transmitted to Congress on August 13, 2026 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 26-415 is now D.C. Law 26-186, effective September 25, 2026.

Phil Mendelson
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

Month	Dates Counted
August	13,14,17,18,19,20,21,24,25,26,27,28,31
September	1,2,3,4,8,9,10,11,14,15,16,17,18,21,22,23,24

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 26-188

"Leading Education Access for Reentry and Necessary Success ("LEARNS") Amendment Act of 2026"

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 26-526 on First Reading and Final Reading, on May 5, 2026, and June 2, 2026, respectively. Pursuant to Section 404(e) of the Charter, the bill became Act 26-368 and was published in the July 10, 2026 edition of the D.C. Register (Vol. 73, page 009419). Act 26-368 was transmitted to Congress on July 9, 2026 for a 60-day review, in accordance with Section 602(c)(2) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 60-day Congressional review period has ended, and Act 26-368 is now D.C. Law 26-188, effective October 2, 2026.

Phil Mendelson
Chairman of the Council

Days Counted During the 60-day Congressional Review Period:

Month	Dates Counted
July	9,10,13,14,15,16,17,20,21,22,23,24,27,28,29,30,31
August	3,4,5,6,7,10,11,12,13,14,17,18,19,20,21,24,25,26,27,28,31
September	1,2,3,4,8,9,10,11,14,15,16,17,18,21,22,23,24,25,28,29,30
October	1

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 26-189

"Fiscal Year 2027 Budget Support Act of 2026"

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 26-661 on First Reading and Final Reading, on June 9, 2026, and July 7, 2026, respectively. Pursuant to Section 404(e) of the Charter, the bill became Act 26-418 and was published in the August 21, 2026 edition of the D.C. Register (Vol. 73, page 011735). Act 26-418 was transmitted to Congress on August 20, 2026 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 26-418 is now D.C. Law 26-189, effective October 2, 2026.

Phil Mendelson
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

Month	Dates Counted
August	20,21,24,25,26,27,28,31
September	1,2,3,4,8,9,10,11,14,15,16,17,18,21,22,23,24,25,28,29,30
October	1

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

B26-0855 Duke District BID Amendment Act of 2026

Intro. 10-06-2026 by Councilmembers Nadeau, and Pinto and referred sequentially to the Committee on Committee of the Whole, Subcommittee on Local Business Development, and Committee of the Whole

---

B26-0856 Expanding Access for Student Identification Empowers Readers (EASIER) Act of 2026

Intro. 10-07-2026 by Councilmembers Frumin, and Henderson and referred to the Committee of the Whole

---

B26-0857 Washington Metropolitan Area Transit Authority Fiscal Year 2027 to 2032 Dedicated Funding Grant Agreement Emergency Approval Act of 2026

Intro. 09-29-2026 by Chairman Mendelson and referred to the Committee on Transportation and the Environment.

Retained by the Council with comments from the Committee on Transportation and the Environment

---

COUNCIL OF THE DISTRICT OF COLUMBIA

COMMITTEE ON THE JUDICIARY AND PUBLIC SAFETY

BROOKE PINTO, CHAIR

NOTICE OF PUBLIC HEARING ON

Heightened Federal Law Enforcement and National Guard Activities in the District;

B26-0603, the "Body -Worn Camera Transparency for Use of Force Amendment Act of 2026";

B26-0618, the "Full Accountability in Arrest Reporting Amendment Act of 2026";

and

B26-0549, the "Safe Community Places and Policing Amendment Act of 2025"

on Thursday, November 5, 2026, at 9:00 a.m.

at the John A. Wilson Building, 1350 Pennsylvania Avenue, NW, Room 412

and virtually via Zoom

To watch live:
Councilmember Pinto's YouTube Page (www.youtube.com/@cmbrookepinto) Councilmember Pinto's X page (@cmbrookepinto)
Council Channel 13 (Cable Television Providers) DC Council Website (dccouncil.gov)

On Thursday, November 5, 2026, at 9:00 am, Councilmember Brooke Pinto, Chairwoman of the Committee on the Judiciary and Public Safety, will hold a **public hearing on the heightened federal law enforcement and National Guard activities in the District of Columbia; B26-0603, the "Body -Worn Camera Transparency for Use of Force Amendment Act of 2026"; B26-0618, the "Full Accountability in Arrest Reporting Amendment Act of 2026"; and B26-0549, the "Safe Community Places and Policing Amendment Act of 2025."** The hearing will be held in Room 412 of the John A. Wilson Building.

This hearing will allow DC residents to provide testimony about the ongoing federal presence in the District and discuss available local legislative interventions the Council can use to provide additional safety and oversight. The Committee invites public testimony on experiences with federal law enforcement and civil immigration officers, National Guard troops, and Metropolitan Police Department (MPD) activity that is or appears to be part of joint federal task force activities.

The hearing will build upon the testimony heard by Chairwoman Pinto and the Committee at the December 4, 2025, Committee on the Judiciary and Public Safety Hearing on Public Safety in the District, where more than 100 residents testified about their concerns regarding the increased federal presence in the District, as well as additional oversight hearings on February 25, 2026, and April 29, 2026.

B26-0603, the "Body-Worn Camera Transparency for Use of Force Amendment Act of 2026," would enhance transparency with use of force incidents involving federal agencies. The bill would require the public release of MPD body-worn camera recordings of all officer-involved deaths or serious use of force incidents as well as the names of all officers involved and a description of the incident. For body-worn camera recordings involving an officer-involved death, the decedent's next of kin must provide consent for the footage to be released. For recordings of a serious use of force incident, the alleged victim or guardian if the victim is a minor must consent to its release. The bill would also require that MPD's public database of MPD body-worn camera recordings and names of all officers directly involved with an officer-involved death since January 1, 2026, include names of directly involved federal law enforcement officers, as available. Finally, the bill would require a roll call record of all federal agents in attendance at daily MPD roll call to provide transparency with MPD joint patrols with federal agencies. Chairwoman Pinto previously introduced and passed emergency and temporary legislation implementing the first two components of the bill; that temporary law is currently in effect.

B26-0618, the "Full Accountability in Arrest Reporting Amendment Act of 2026," would require MPD officers, following an arrest, to document identifying information, including name, badge number or other identifying number, and employing agency of each law enforcement officer present at the scene; whether any law enforcement officer present at the scene used force during the arrest, and if so, a description of the force used; and the number of unidentified law enforcement officers at the scene and whether any law enforcement officer declined to disclose their identity. It would also require public release of body-worn camera footage for incidents in which a federal law enforcement officer commits a serious use of force against an individual in the presence of one or more members of MPD, and the incident is captured in whole or in part on a body-worn camera recording made by a member of MPD. The Council previously passed emergency and temporary legislation implementing the arrest reporting component of the bill; that temporary law is currently in effect.

B26-0549, the "Safe Community Places and Policing Amendment Act of 2025," provides that, in the absence of a judicial warrant, the District would be prohibited from transporting federal agents for immigration enforcement in District-owned vehicles (except public transit), participating in surveillance or patrols connected to civil immigration enforcement, and conducting immigration enforcement operations at designated "safe community places," unless there are exigent circumstances. The bill would designate locations such as schools, day cares, health care providers, recreation centers, and shelters as "safe community places" and prohibit joint District and federal immigration enforcement operations at those locations unless a judicial warrant or exigent circumstances exist. The bill also requires the District to train employees on these protections to ensure consistent implementation across agencies.

The Committee invites the public to testify. Those who wish to do so must register using the Council's Hearing Management System at https://lims.dccouncil.gov/hearings **by 9:00 a.m. on Tuesday, November 3, 2026.** All public witnesses will have 3 minutes to speak. **Witnesses will have the option to testify in person or virtually**; witnesses should specify which option they are electing at the time they sign up to testify.

Witnesses who anticipate needing spoken language interpretation, or who require sign language interpretation, are requested to inform the Committee office of the need as soon as possible, but no later than 5 business days before the proceeding. We will make every effort to fulfill timely requests, although alternatives may be offered. Requests may be submitted via the Hearing Management System during registration or by contacting Ms. Aukima Benjamin, Committee Manager, to the Committee on the Judiciary and Public Safety, at (202) 724-8058 or via e-mail at judiciary@dccouncil.gov. It may not be possible to fulfill requests received less than 5 business days before the proceeding. Witnesses will receive instructions on how to participate by Zoom prior to the hearing. If you have additional questions, please contact Ms. Benjamin at the phone number or e-mail listed above.

If you are unable to testify at the public hearing, written statements are encouraged and will be made a part of the official record; written testimony should be submitted through the Council's Hearing Management System at https://lims.dccouncil.gov/hearings. Testimony will be publicly accessible following review by Committee staff.

The record will close at 5:30 p.m. on Thursday November 12, 2026.

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date:	October 16, 2026
Protest Petition Deadline:	November 30, 2026
Roll Call Hearing Date:	December 21, 2026
Protest Hearing Date:	February 3, 2027
License No.:	ABRA-137512
Licensee:	Camille on 7th, LLC
Trade Name:	Camille
License Class:	Retailer's Class "C" Restaurant
Address:	1027 7th Street N.W.
Contact:	Allan Ebert: (202) 409-4669, allan@stratagembox.com

WARD 2 ANC 2G SMD 2G06

Notice is hereby given that this licensee has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the **Roll Call Hearing date on December 21, 2026, 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 **February 3, 2027, at 1:30 p.m.**

NATURE OF OPERATION

New Retailer's Class "C" Restaurant with a Seating Capacity of 182, Total Occupancy Load of 192, and a Sidewalk Café with 40 Seats. Live Entertainment Endorsement inside the premises.

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

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

HOURS OF OPERATION FOR THE SIDEWALK CAFÉ

Sunday through Saturday 7am – 10pm

HOURS OF ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION FOR SIDEWALK CAFÉ

Sunday through Saturday 9am – 10pm

HOURS OF LIVE ENTERTAINMENT FOR INSIDE PREMISES ONLY

Sunday 6pm – 10pm, Monday through Wednesday No Entertainment, Thursday through Saturday 6pm – 10pm

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
10/9/2026

Notice is hereby given that:

License Number: ABRA-078727 **License Class/Type: B / Retail - Grocery**

Applicant: SMJ & Capitol Hill, Inc.

Trade Name: Capitol Hill Market

SMD: 6C02

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

241 MASSACHUSETTS AVENUE NE

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:
11/23/2026

A HEARING WILL BE HELD ON:
12/14/2026

AT 10:00 a.m., Suite 4200-B, 899 North Capitol Street N.E., Washington, DC, 20002

Days	Hours of Operation	Hours of Sales/Service
Sunday:	7 am - 10 pm	7 am - 10 pm
Monday:	7 am - 10 pm	7 am - 10 pm
Tuesday:	7 am - 10 pm	7 am - 10 pm
Wednesday:	7 am - 10 pm	7 am - 10 pm
Thursday:	7 am - 10 pm	7 am - 10 pm
Friday:	7 am - 10 pm	7 am - 10 pm
Saturday:	7 am - 10 pm	7 am - 10 pm

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
10/9/2026

Notice is hereby given that:

License Number: ABRA-082665 **License Class/Type: B / Retail - Grocery**

Applicant: 3rd & K Street Market, Inc.

Trade Name: Cornercopia

SMD: 8F01

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

1000 3RD STREET SE

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:
11/23/2026

A HEARING WILL BE HELD ON:
12/14/2026

AT 10:00 a.m., Suite 4200-B, 899 North Capitol Street N.E., Washington, DC, 20002

Days	Hours of Operation	Hours of Sales/Service
Sunday:	9 am - 6 pm	9 am - 6 pm
Monday:	7 am - 10 pm	9 am - 10 pm
Tuesday:	7 am - 10 pm	9 am - 10 pm
Wednesday:	7 am - 10 pm	9 am - 10 pm
Thursday:	7 am - 10 pm	9 am - 10 pm
Friday:	7 am - 10 pm	9 am - 10 pm
Saturday:	7 am - 10 pm	9 am - 10 pm

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
10/9/2026

Notice is hereby given that:

License Number: ABRA-083128 **License Class/Type: B / Retail - Grocery**

Applicant: Ramos Market, inc.

Trade Name: International Progreso Market

SMD: 1D04

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

3158 MOUNT PLEASANT STREET NW

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:
11/23/2026

A HEARING WILL BE HELD ON:
12/14/2026

AT 10:00 a.m., Suite 4200-B, 899 North Capitol Street N.E., Washington, DC, 20002

Days	Hours of Operation	Hours of Sales/Service
Sunday:	8 am - 7pm	8am - 7 pm
Monday:	8 am - 9 pm	8 am - 9 pm
Tuesday:	8 am - 9 pm	8 am - 9 pm
Wednesday:	8 am - 9 pm	8 am - 9 pm
Thursday:	8 am - 9 pm	8 am - 9 pm
Friday:	8 am - 9 pm	8 am - 9 pm
Saturday:	8 am - 9 pm	8 am - 9 pm

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
10/9/2026

Notice is hereby given that:

License Number: ABRA-084981 **License Class/Type: B / Retail - Grocery**

Applicant: Lamont Market Associates, Inc.

Trade Name: Lamont Market

SMD: 1E02

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

450 LAMONT STREET NW

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:
11/23/2026

A HEARING WILL BE HELD ON:
12/14/2026

AT 10:00 a.m., Suite 4200-B, 899 North Capitol Street N.E., Washington, DC, 20002

Days	Hours of Operation	Hours of Sales/Service
Sunday:	8 am - 9 pm	9 am - 9 pm
Monday:	8 am - 9 pm	9 am - 9 pm
Tuesday:	8 am - 9 pm	9 am - 9 pm
Wednesday:	8 am - 9 pm	9 am - 9 pm
Thursday:	8 am - 9 pm	9 am - 9 pm
Friday:	8 am - 9 pm	9 am - 9 pm
Saturday:	8 am - 9 pm	9 am - 9 pm

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
10/9/2026

Notice is hereby given that:

License Number: ABRA-087729 **License Class/Type: B / Retail - Class B**

Applicant: U Street Wine and Beer LLC

Trade Name: U Street Cork and Craft

SMD: 1B08

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

1351 U STREET NW

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:
11/23/2026

A HEARING WILL BE HELD ON:
12/14/2026

AT 10:00 a.m., Suite 4200-B, 899 North Capitol Street N.E., Washington, DC, 20002

Days	Hours of Operation	Hours of Sales/Service
Sunday:	10 am - 12 am	10 am - 12 am
Monday:	10 am - 12 am	10 am - 12 am
Tuesday:	10 am - 12 am	10 am - 12 am
Wednesday:	10 am - 12 am	10 am - 12 am
Thursday:	10 am - 12 am	10 am - 12 am
Friday:	10 am - 12 am	10 am - 12 am
Saturday:	10 am - 12 am	10 am - 12 am

ENDORSEMENT(S): Tasting

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
10/9/2026

Notice is hereby given that:

License Number: ABRA-088611 **License Class/Type: B / Retail - Class B**

Applicant: L Street Market, Inc.

Trade Name: 7th L Street Market

SMD: 8F01

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

700 L STREET SE

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:
11/23/2026

A HEARING WILL BE HELD ON:
12/14/2026

AT 10:00 a.m., Suite 4200-B, 899 North Capitol Street N.E., Washington, DC, 20002

Days	Hours of Operation	Hours of Sales/Service
Sunday:	8 am - 7 pm	9 am - 7 pm
Monday:	7:30 am - 8 pm	9 am - 8 pm
Tuesday:	7:30 am - 8 pm	9 am - 8 pm
Wednesday:	7:30 am - 8 pm	9 am - 8 pm
Thursday:	7:30 am - 8 pm	9 am - 8 pm
Friday:	7:30 am - 8 pm	9 am - 8 pm
Saturday:	7:30 am - 8 pm	9 am - 8 pm

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
10/9/2026

Notice is hereby given that:

License Number: ABRA-088835 **License Class/Type: B / Retail - Grocery**

Applicant: Aki & Muller Corporation

Trade Name: Wheeler Market

SMD: 8E06

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

4133 WHEELER ROAD SE

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:
11/23/2026

A HEARING WILL BE HELD ON:
12/14/2026

AT 10:00 a.m., Suite 4200-B, 899 North Capitol Street N.E., Washington, DC, 20002

Days	Hours of Operation	Hours of Sales/Service
Sunday:	7 am - 10 pm	7 am - 10 pm
Monday:	7 am - 10 pm	7 am - 10 pm
Tuesday:	7 am - 10 pm	7 am - 10 pm
Wednesday:	7am - 10 pm	7 am - 10 pm
Thursday:	7 am - 10 pm	7 am - 10 pm
Friday:	7 am - 10 pm	7 am - 10 pm
Saturday:	7 am - 10 pm	7 am - 10 pm

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
10/9/2026

Notice is hereby given that:

License Number: ABRA-088858 **License Class/Type: B / Retail - Grocery**

Applicant: Liff's Market, LLC
Trade Name: Liff's Market
SMD: 8C03

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

600 ALABAMA AVENUE SE

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:
11/23/2026

A HEARING WILL BE HELD ON:
12/14/2026

AT 10:00 a.m., Suite 4200-B, 899 North Capitol Street N.E., Washington, DC, 20002

Days	Hours of Operation	Hours of Sales/Service
Sunday:	6 am - 6 am	7 am - 12 am
Monday:	6 am - 6 am	7am - 12 am
Tuesday:	6 am - 6 am	7 am - 12 am
Wednesday:	6 am - 6 am	7 am - 12 am
Thursday:	6 am - 6 am	7 am - 12 am
Friday:	6 am - 6am	7 am - 12 am
Saturday:	6 am - 6 am	7 am - 12 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
10/9/2026

Notice is hereby given that:

License Number: ABRA-092095 **License Class/Type: B / Retail - Class B**

Applicant: S & H, Inc,

Trade Name: Streets Market & Cafe

SMD: 1B06

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

2400 14TH STREET NW

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:
11/23/2026

A HEARING WILL BE HELD ON:
12/14/2026

AT 10:00 a.m., Suite 4200-B, 899 North Capitol Street N.E., Washington, DC, 20002

Days	Hours of Operation	Hours of Sales/Service
Sunday:	7 am - 11 pm	8 am - 11 pm
Monday:	7 am - 11 pm	8 am - 11 pm
Tuesday:	7 am - 11 pm	8 am - 11 pm
Wednesday:	7 am - 11 pm	8 am - 11 pm
Thursday:	7 am - 11 pm	8 am - 11 pm
Friday:	7 am - 11 pm	8 am - 11 pm
Saturday:	7 am - 11 pm	8 am - 11 pm

ENDORSEMENT(S): Tasting

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
10/9/2026

Notice is hereby given that:

License Number: ABRA-094098 **License Class/Type: B / Retail - Full Service Grocery**

Applicant: Aldi Inc.

Trade Name: Aldi Inc.

SMD: 5D07

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

901 17TH STREET NE

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:
11/23/2026

A HEARING WILL BE HELD ON:
12/14/2026

AT 10:00 a.m., Suite 4200-B, 899 North Capitol Street N.E., Washington, DC, 20002

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

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
10/9/2026

Notice is hereby given that:

License Number: ABRA-094127 **License Class/Type: B / Retail - Grocery**

Applicant: Bella Market LLC
Trade Name: Economy Market
SMD: 7D07

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

411 18TH STREET NE

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:
11/23/2026

A HEARING WILL BE HELD ON:
12/14/2026

AT 10:00 a.m., Suite 4200-B, 899 North Capitol Street N.E., Washington, DC, 20002

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

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
10/9/2026

Notice is hereby given that:

License Number: ABRA-095112 **License Class/Type: B / Retail - Full Service Grocery**

Applicant: Harris Teeter, LLC

Trade Name: Harris Teeter

SMD: 8F01

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

401 M STREET SE

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:
11/23/2026

A HEARING WILL BE HELD ON:
12/14/2026

AT 10:00 a.m., Suite 4200-B, 899 North Capitol Street N.E., Washington, DC, 20002

Days	Hours of Operation	Hours of Sales/Service
Sunday:	6 am - 12 am	7 am - 12 am
Monday:	6 am - 12 am	7 am - 12 am
Tuesday:	6 am - 12 am	7 am - 12 am
Wednesday:	6 am - 12 am	7 am - 12 am
Thursday:	6 am - 12 am	7 am - 12 am
Friday:	6 am - 12 am	7 am - 12 am
Saturday:	6 am - 12 am	7 am - 12 am

ENDORSEMENT(S): Tasting

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
10/9/2026

Notice is hereby given that:

License Number: ABRA-095170 **License Class/Type: B / Retail - Full Service Grocery**

Applicant: Harris Teeter, LLC

Trade Name: Harris Teeter

SMD: 6E06

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

1201 1ST STREET NE

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:
11/23/2026

A HEARING WILL BE HELD ON:
12/14/2026

AT 10:00 a.m., Suite 4200-B, 899 North Capitol Street N.E., Washington, DC, 20002

Days	Hours of Operation	Hours of Sales/Service
Sunday:	7 am - 12 am	7 am - 12 am
Monday:	7 am - 12 am	7 am - 12 am
Tuesday:	7 am - 12 am	7 am - 12 am
Wednesday:	7 am - 12 am	7 am - 12 am
Thursday:	7 am - 12 am	7 am - 12 am
Friday:	7 am - 12 am	7 am - 12 am
Saturday:	7 am - 12 am	7 am - 12 am

ENDORSEMENT(S): Tasting

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
10/9/2026

Notice is hereby given that:

License Number: ABRA-095171 **License Class/Type: B / Retail - Full Service Grocery**

Applicant: Harris Teeter, LLC

Trade Name: Harris Teeter

SMD: 1C09

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

1631 KALORAMA ROAD NW

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:
11/23/2026

A HEARING WILL BE HELD ON:
12/14/2026

AT 10:00 a.m., Suite 4200-B, 899 North Capitol Street N.E., Washington, DC, 20002

Days	Hours of Operation	Hours of Sales/Service
Sunday:	7 am - 12 am	7 am - 12 am
Monday:	7 am - 12 am	7 am - 12 am
Tuesday:	7 am - 12 am	7 am - 12 am
Wednesday:	7 am - 12 am	7 am - 12 am
Thursday:	7 am - 12 am	7 am - 12 am
Friday:	7 am - 12 am	12 am - 12 am
Saturday:	7 am - 12 am	7 am - 12 am

ENDORSEMENT(S): Tasting

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
10/9/2026

Notice is hereby given that:

License Number: ABRA-096107 **License Class/Type: B / Retail - Grocery**

Applicant: 4686 MLK, LLC
Trade Name: Fort Drum Market
SMD: 8D05

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

4686 MARTIN LUTHER KING JR AVENUE SW

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:
11/23/2026

A HEARING WILL BE HELD ON:
12/14/2026

AT 10:00 a.m., Suite 4200-B, 899 North Capitol Street N.E., Washington, DC, 20002

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

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
10/9/2026

Notice is hereby given that:

License Number: ABRA-097695 **License Class/Type: B / Retail - Class B**

Applicant: NAI SATURN EASTERN LLC

Trade Name: Safeway

SMD: 4C03

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

3830 GEORGIA AVENUE NW

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:
11/23/2026

A HEARING WILL BE HELD ON:
12/14/2026

AT 10:00 a.m., Suite 4200-B, 899 North Capitol Street N.E., Washington, DC, 20002

Days	Hours of Operation	Hours of Sales/Service
Sunday:	5 am - 12 am	7 am - 12 am
Monday:	5 am - 12 am	7 am - 12 am
Tuesday:	5 am - 12 am	7 am - 12 am
Wednesday:	5 am - 12 am	7 am - 12 am
Thursday:	5 am - 12 am	7 am - 12 am
Friday:	5 am - 12 am	7am - 12 am
Saturday:	5 am - 12 am	7 am - 12 am

ENDORSEMENT(S): Tasting

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
10/9/2026

Notice is hereby given that:

License Number: ABRA-097697 **License Class/Type: B / Retail - Class B**

Applicant: NAI SATURN EASTERN LLC

Trade Name: Safeway

SMD: 6D04

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

1100 4TH STREET SW

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:
11/23/2026

A HEARING WILL BE HELD ON:
12/14/2026

AT 10:00 a.m., Suite 4200-B, 899 North Capitol Street N.E., Washington, DC, 20002

Days	Hours of Operation	Hours of Sales/Service
Sunday:	5 am - 12 am	9 am - 10 pm
Monday:	5 am - 12 am	9 am - 12 am
Tuesday:	5 am - 12 am	9 am - 12 am
Wednesday:	5 am - 12 am	9 am - 12 am
Thursday:	5 am - 12 am	9 am - 12 am
Friday:	5 am - 12 am	9 am - 12 am
Saturday:	5 am - 12 am	9 am - 12 am

ENDORSEMENT(S): Tasting

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
10/9/2026

Notice is hereby given that:

License Number: ABRA-097700 **License Class/Type: B / Retail - Grocery**

Applicant: NAI SATURN EASTERN LLC

Trade Name: Safeway

SMD: 7F01

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

322 40TH STREET NE

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:
11/23/2026

A HEARING WILL BE HELD ON:
12/14/2026

AT 10:00 a.m., Suite 4200-B, 899 North Capitol Street N.E., Washington, DC, 20002

Days	Hours of Operation	Hours of Sales/Service
Sunday:	5 am - 12 am	9 am - 10 pm
Monday:	5 am - 12 am	9 am - 10 pm
Tuesday:	5 am - 12 am	9 am - 10 pm
Wednesday:	5 am - 12 am	9 am - 10 pm
Thursday:	5 am - 12 am	9 am - 10 pm
Friday:	5 am - 12 am	9 am - 10 pm
Saturday:	5 am - 12 am	9 am - 10 pm

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
10/9/2026

Notice is hereby given that:

License Number: ABRA-097701 **License Class/Type: B / Retail - Grocery**

Applicant: NAI SATURN EASTERN LLC

Trade Name: Safeway

SMD: 1C05

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

1747 COLUMBIA ROAD NW

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:
11/23/2026

A HEARING WILL BE HELD ON:
12/14/2026

AT 10:00 a.m., Suite 4200-B, 899 North Capitol Street N.E., Washington, DC, 20002

Days	Hours of Operation	Hours of Sales/Service
Sunday:	5 am - midnight	10 am - 10 pm
Monday:	5 am - midnight	9 am - 10 pm
Tuesday:	5 am - midnight	9 am - 10 pm
Wednesday:	5 am - midnight	9 am - 10 pm
Thursday:	5 am - midnight	9 am - 10 pm
Friday:	5 am - midnight	9 am - 10 pm
Saturday:	5 am - midnight	9 am - 10 pm

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
10/9/2026

Notice is hereby given that:

License Number: ABRA-097702 **License Class/Type: B / Retail - Grocery**

Applicant: NAI SATURN EASTERN LLC

Trade Name: Safeway

SMD: 4B02

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

6500 PINEY BRANCH ROAD NW

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:
11/23/2026

A HEARING WILL BE HELD ON:
12/14/2026

AT 10:00 a.m., Suite 4200-B, 899 North Capitol Street N.E., Washington, DC, 20002

Days	Hours of Operation	Hours of Sales/Service
Sunday:	5 am - 12 am	7 am - 12 am
Monday:	5 am - 12 am	7am - 12 am
Tuesday:	5 am - 12 am	7 am - 12 am
Wednesday:	5 am - 12 am	7 am - 12 am
Thursday:	5 am - 12 am	7 am - 12 am
Friday:	5 am - 12 am	7 am - 12 am
Saturday:	5 am - 12 am	7 am - 12 am

ENDORSEMENT(S): Tasting

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
10/9/2026

Notice is hereby given that:

License Number: ABRA-097703 **License Class/Type: B / Retail - Grocery**

Applicant: NAI SATURN EASTERN LLC

Trade Name: Safeway

SMD: 5D07

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

1601 MARYLAND AVENUE NE

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:
11/23/2026

A HEARING WILL BE HELD ON:
12/14/2026

AT 10:00 a.m., Suite 4200-B, 899 North Capitol Street N.E., Washington, DC, 20002

Days	Hours of Operation	Hours of Sales/Service
Sunday:	5 am - 12 am	9 am - 9 pm
Monday:	5 am - 12 am	9 am - 9 pm
Tuesday:	5 am - 12 am	9 am - 9 pm
Wednesday:	5 am - 12 am	9 am - 9 pm
Thursday:	5 am - 12 am	9 am - 9 pm
Friday:	5 am - 12 am	9 am - 9 pm
Saturday:	5 am - 12 am	9 am - 9 pm

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
10/9/2026

Notice is hereby given that:

License Number: ABRA-097704 **License Class/Type: B / Retail - Grocery**

Applicant: NAI SATURN ESTERN LLC

Trade Name: Safeway

SMD: 7B05

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

2845 ALABAMA AVENUE SE

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:
11/23/2026

A HEARING WILL BE HELD ON:
12/14/2026

AT 10:00 a.m., Suite 4200-B, 899 North Capitol Street N.E., Washington, DC, 20002

Days	Hours of Operation	Hours of Sales/Service
Sunday:	5 am - 12 am	10 am - 10 pm
Monday:	5 am - 12 am	9 am - 10 pm
Tuesday:	5 am - 12 am	9 am - 10 pm
Wednesday:	5 am - 12 am	9 am - 10 pm
Thursday:	5 am - 12 am	9 am - 10 pm
Friday:	5 am - 12 am	9 am - 10 pm
Saturday:	5 am - 12 am	9 am - 10 pm

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
10/9/2026

Notice is hereby given that:

License Number: ABRA-097705 **License Class/Type: B / Retail - Grocery**

Applicant: NAI SATURN EASTERN LLC

Trade Name: Safeway

SMD: 2E07

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

1855 WISCONSIN AVENUE NW

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:
11/23/2026

A HEARING WILL BE HELD ON:
12/14/2026

AT 10:00 a.m., Suite 4200-B, 899 North Capitol Street N.E., Washington, DC, 20002

Days	Hours of Operation	Hours of Sales/Service
Sunday:	24 Hours -	7 am - 10 pm
Monday:	24 Hours -	7 am - 10 pm
Tuesday:	24 Hours -	7 am - 10 pm
Wednesday:	24 Hours -	7 am - 10 pm
Thursday:	24 Hours -	7 am - 10 pm
Friday:	24 Hours -	7 am - 10 pm
Saturday:	24 Hours -	7 am - 10 pm

ENDORSEMENT(S): Tasting

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
10/9/2026

Notice is hereby given that:

License Number: ABRA-097706 **License Class/Type: B / Retail - Grocery**

Applicant: NAI SATURN EASTERN LLC

Trade Name: Safeway

SMD: 6E02

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

490 L STREET NW

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:
11/23/2026

A HEARING WILL BE HELD ON:
12/14/2026

AT 10:00 a.m., Suite 4200-B, 899 North Capitol Street N.E., Washington, DC, 20002

Days	Hours of Operation	Hours of Sales/Service
Sunday:	5 am - 12 am	7 am - 12 am
Monday:	5 am - 12 am	7 am - 12 am
Tuesday:	5 am - 12 am	7 am - 12 am
Wednesday:	5 am - 12 am	7 am - 12 am
Thursday:	5 am - 12 am	7 am - 12 am
Friday:	5 am - 12 am	7 am - 12 am
Saturday:	5 am - 12 am	7 am - 12 am

ENDORSEMENT(S): Tasting

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
10/9/2026

Notice is hereby given that:

License Number: ABRA-097721 **License Class/Type: B / Retail - Class B**

Applicant: LeDroit Market, Inc.

Trade Name: Ledroit Market

SMD: 1B01

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

1901 4TH STREET NW

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:
11/23/2026

A HEARING WILL BE HELD ON:
12/14/2026

AT 10:00 a.m., Suite 4200-B, 899 North Capitol Street N.E., Washington, DC, 20002

Days	Hours of Operation	Hours of Sales/Service
Sunday:	6 am - 12 am	9 am - 12 am
Monday:	6 am - 12 am	9 am - 12 am
Tuesday:	6 am - 12 am	9 am - 12 am
Wednesday:	6 am - 12 am	9 am - 12 am
Thursday:	6 am - 12 am	9 am - 12 am
Friday:	6 am - 12 am	9 am - 12 am
Saturday:	6 am - 12 am	9 am - 12 am

ENDORSEMENT(S): Tasting

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
10/9/2026

Notice is hereby given that:

License Number: ABRA-098589 **License Class/Type: B / Retail - Grocery**

Applicant: ALFA LLC
Trade Name: Gold Coast Cafe & Mart
SMD: 4E01

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

5501 COLORADO AVENUE NW

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:
11/23/2026

A HEARING WILL BE HELD ON:
12/14/2026

AT 10:00 a.m., Suite 4200-B, 899 North Capitol Street N.E., Washington, DC, 20002

Days	Hours of Operation	Hours of Sales/Service
Sunday:	7 am - 12 am	7 am - 12 am
Monday:	7 am - 12 am	7 am - 12 am
Tuesday:	7 am - 12 am	7 am - 12 am
Wednesday:	7 am - 12 am	7 am - 12 am
Thursday:	7 am - 12 am	7 am - 12 am
Friday:	7 am - 12 am	7 am - 12 am
Saturday:	7 am - 12 am	7 am - 12 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
10/9/2026

Notice is hereby given that:

License Number: ABRA-099565 **License Class/Type: B / Retail - Grocery**

Applicant: HSR INC.
Trade Name: New Dodge Market
SMD: 1D07

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

3620 14TH STREET NW

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:
11/23/2026

A HEARING WILL BE HELD ON:
12/14/2026

AT 10:00 a.m., Suite 4200-B, 899 North Capitol Street N.E., Washington, DC, 20002

Days	Hours of Operation	Hours of Sales/Service
Sunday:	9 am - 12 am	9 am - 12 am
Monday:	9 am - 12 am	9 am - 12 am
Tuesday:	9 am - 12 am	9 am - 12 am
Wednesday:	9 am - 12 am	9 am - 12 am
Thursday:	9 am - 12 am	9 am - 12 am
Friday:	9 am - 12 am	9 am - 12 am
Saturday:	9 am - 12 am	9 am - 12 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
10/9/2026

Notice is hereby given that:

License Number: ABRA-104838 **License Class/Type: B / Retail - Grocery**

Applicant: Old City MAO, LLC

Trade Name: Old City Market and Oven

SMD: 6C01

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

522 K STREET NE

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:
11/23/2026

A HEARING WILL BE HELD ON:
12/14/2026

AT 10:00 a.m., Suite 4200-B, 899 North Capitol Street N.E., Washington, DC, 20002

Days	Hours of Operation	Hours of Sales/Service
Sunday:	7 am - 11 pm	7 am - 11 pm
Monday:	7 am - 11 pm	7 am - 11 pm
Tuesday:	7 am - 11 pm	7 am - 11 pm
Wednesday:	7 am - 11 pm	7 am - 11 pm
Thursday:	7 am - 11 pm	7 am - 11 pm
Friday:	7 am - 11 pm	7 am - 11 pm
Saturday:	7 am - 11 pm	7 am - 11 pm

ENDORSEMENT(S): Tasting

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
10/9/2026

Notice is hereby given that:

License Number: ABRA-105123 **License Class/Type: B / Retail - Full Service Grocery**

Applicant: S & H 4, Inc.

Trade Name: Streets Market

SMD: 2F08

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

1221 MASSACHUSETTS AVENUE NW

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:
11/23/2026

A HEARING WILL BE HELD ON:
12/14/2026

AT 10:00 a.m., Suite 4200-B, 899 North Capitol Street N.E., Washington, DC, 20002

Days	Hours of Operation	Hours of Sales/Service
Sunday:	7 am - 10 pm	8 am - 10 pm
Monday:	7 am - 10 pm	8 am - 10 pm
Tuesday:	7 am - 10 pm	8 am - 10 pm
Wednesday:	7 am - 10 pm	8 am - 10 pm
Thursday:	7 am - 10 pm	8 am - 10 pm
Friday:	7 am - 10 pm	8 am - 10 pm
Saturday:	7 am - 10 pm	8 am - 10 pm

ENDORSEMENT(S): Tasting

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
10/9/2026

Notice is hereby given that:

License Number: ABRA-105295 **License Class/Type: B / Retail - Full Service Grocery**

Applicant: NAI Saturn Eastern, LLC

Trade Name: Safeway

SMD: 2B03

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

1701 CORCORAN STREET NW

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:
11/23/2026

A HEARING WILL BE HELD ON:
12/14/2026

AT 10:00 a.m., Suite 4200-B, 899 North Capitol Street N.E., Washington, DC, 20002

Days	Hours of Operation	Hours of Sales/Service
Sunday:	5 am - 12 am	9 am - 9 pm
Monday:	5 am - 12 am	9 am - 9 pm
Tuesday:	5 am - 12 am	9 am - 9 pm
Wednesday:	5 am - 12 am	9 am - 9 pm
Thursday:	5 am - 12 am	9 am - 9 pm
Friday:	5 am - 12 am	9 am - 9 pm
Saturday:	5 am - 12 am	9 am - 9 pm

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
10/9/2026

Notice is hereby given that:

License Number: ABRA-105990 **License Class/Type: B / Retail - Class B**

Applicant: Wineandbutter, LLC

Trade Name: Wine and Butter

SMD: 6B05

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

1023 EAST CAPITOL STREET SE

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:
11/23/2026

A HEARING WILL BE HELD ON:
12/14/2026

AT 10:00 a.m., Suite 4200-B, 899 North Capitol Street N.E., Washington, DC, 20002

Days	Hours of Operation	Hours of Sales/Service
Sunday:	7 am - 10 pm	9 am - 10 pm
Monday:	7 am - 10 pm	9 am - 10 pm
Tuesday:	7 am - 10 pm	9 am - 10 pm
Wednesday:	7 am - 10 pm	9 am - 10 pm
Thursday:	7 am - 10 pm	9 am - 10 pm
Friday:	7 am - 10 pm	9 am - 10 pm
Saturday:	7 am - 10 pm	9 am - 10 pm

ENDORSEMENT(S): Tasting

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
10/9/2026

Notice is hereby given that:

License Number: ABRA-108071 **License Class/Type: B / Retail - Class B**

Applicant: BET Corporation

Trade Name: Whitelaw Market

SMD: 1B08

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

1846 13TH STREET NW

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:
11/23/2026

A HEARING WILL BE HELD ON:
12/14/2026

AT 10:00 a.m., Suite 4200-B, 899 North Capitol Street N.E., Washington, DC, 20002

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

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
10/9/2026

Notice is hereby given that:

License Number: ABRA-108109 **License Class/Type: B / Retail - Grocery**

Applicant: BE2 LLC

Trade Name: Suburban Market

SMD: 7C04

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

4600 SHERIFF ROAD NE

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:
11/23/2026

A HEARING WILL BE HELD ON:
12/14/2026

AT 10:00 a.m., Suite 4200-B, 899 North Capitol Street N.E., Washington, DC, 20002

Days	Hours of Operation	Hours of Sales/Service
Sunday:	7 am - 12am	9 am - 12am
Monday:	7 am - 12am	9 am - 12am
Tuesday:	7 am - 12am	9 am - 12am
Wednesday:	7 am - 12am	9 am - 12am
Thursday:	7 am - 12am	9 am - 12am
Friday:	7 am - 12am	9 am - 12am
Saturday:	7 am - 12am	9 am - 12am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
10/9/2026

Notice is hereby given that:

License Number: ABRA-108841 **License Class/Type: B / Retail - Full Service Grocery**

Applicant: S & H 6, Inc.

Trade Name: Streets Market

SMD: 6E04

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

51 M STREET NE

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:
11/23/2026

A HEARING WILL BE HELD ON:
12/14/2026

AT 10:00 a.m., Suite 4200-B, 899 North Capitol Street N.E., Washington, DC, 20002

Days	Hours of Operation	Hours of Sales/Service
Sunday:	7 am - 12 am	7 am - 12 am
Monday:	7 am - 12 am	7 am - 12 am
Tuesday:	7 am - 12 am	7 am - 12 am
Wednesday:	7 am - 12 am	7 am - 12 am
Thursday:	7 am - 12 am	7 am - 12 am
Friday:	7 am - 12 am	7 am - 12 am
Saturday:	7 am - 12 am	7 am - 12 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
10/9/2026

Notice is hereby given that:

License Number: ABRA-108896 **License Class/Type: B / Retail - Class B**

Applicant: Menkem, LLC
Trade Name: E Market
SMD: 7F03

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

4202 BENNING ROAD NE

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:
11/23/2026

A HEARING WILL BE HELD ON:
12/14/2026

AT 10:00 a.m., Suite 4200-B, 899 North Capitol Street N.E., Washington, DC, 20002

Days	Hours of Operation	Hours of Sales/Service
Sunday:	8:00 am - 11 pm	8:00 am - 11 pm
Monday:	8:00 am - 11 pm	8:00 am - 11 pm
Tuesday:	8:00 am - 11 pm	8:00 am - 11 pm
Wednesday:	8:00 am - 11 pm	8:00 am - 11 pm
Thursday:	8:00 am - 11 pm	8:00 am - 11 pm
Friday:	8:00 am - 11 pm	8:00 am - 11 pm
Saturday:	8:00 am - 11 pm	8:00 am - 11 pm

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
10/9/2026

Notice is hereby given that:

License Number: ABRA-109327 **License Class/Type: B / Retail - Full Service Grocery**

Applicant: S & H 5, Inc.

Trade Name: Streets Market

SMD: 3C06

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

3427 CONNECTICUT AVENUE NW

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:
11/23/2026

A HEARING WILL BE HELD ON:
12/14/2026

AT 10:00 a.m., Suite 4200-B, 899 North Capitol Street N.E., Washington, DC, 20002

Days	Hours of Operation	Hours of Sales/Service
Sunday:	7 am - 11 pm	8 am - 11 pm
Monday:	7 am - 11 pm	8 am - 11 pm
Tuesday:	7 am - 11 pm	8 am - 11 pm
Wednesday:	7 am - 11 pm	8 am - 11 pm
Thursday:	7 am - 11 pm	8 am - 11 pm
Friday:	7 am - 11 pm	8 am - 11 pm
Saturday:	7 am - 11 pm	8 am - 11 pm

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
10/9/2026

Notice is hereby given that:

License Number: ABRA-110419 **License Class/Type: B / Retail - Grocery**

Applicant: Umesh B. Kattel

Trade Name: Samber Food Store

SMD: 1D04

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

3243 MOUNT PLEASANT STREET NW

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:
11/23/2026

A HEARING WILL BE HELD ON:
12/14/2026

AT 10:00 a.m., Suite 4200-B, 899 North Capitol Street N.E., Washington, DC, 20002

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

ENDORSEMENT(S): Tasting

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
10/9/2026

Notice is hereby given that:

License Number: ABRA-111233 **License Class/Type: B / Beer and Wine**

Applicant: Elharia, Inc.

Trade Name: Nam's Market

SMD: 8A06

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

1327 W STREET SE

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:
11/23/2026

A HEARING WILL BE HELD ON:
12/14/2026

AT 10:00 a.m., Suite 4200-B, 899 North Capitol Street N.E., Washington, DC, 20002

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

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
10/9/2026

Notice is hereby given that:

License Number: ABRA-111692 **License Class/Type: B / Retail - Full Service Grocery**

Applicant: S & H 7, Inc.

Trade Name: Streets Market

SMD: 2B06

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

1255 22ND STREET NW

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:
11/23/2026

A HEARING WILL BE HELD ON:
12/14/2026

AT 10:00 a.m., Suite 4200-B, 899 North Capitol Street N.E., Washington, DC, 20002

Days	Hours of Operation	Hours of Sales/Service
Sunday:	7 am - 11 pm	8 am - 11 pm
Monday:	7 am - 11 pm	8 am - 11 pm
Tuesday:	7 am - 11 pm	8 am - 11 pm
Wednesday:	7 am - 11 pm	8 am - 11 pm
Thursday:	7 am - 11 pm	8 am - 11 pm
Friday:	7 am - 11 pm	8 am - 11 pm
Saturday:	7 am - 11 pm	8 am - 11 pm

ENDORSEMENT(S): Tasting

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
10/9/2026

Notice is hereby given that:

License Number: ABRA-113244 **License Class/Type: B / Retail - Full Service Grocery**

Applicant: S&H 9, Inc

Trade Name: Streets Market

SMD: 1C03

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

1864 COLUMBIA ROAD NW

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:
11/23/2026

A HEARING WILL BE HELD ON:
12/14/2026

AT 10:00 a.m., Suite 4200-B, 899 North Capitol Street N.E., Washington, DC, 20002

Days	Hours of Operation	Hours of Sales/Service
Sunday:	7 am - 12am	8 am - 12am
Monday:	7am - 12am	8 am - 12am
Tuesday:	7am - 12am	8 am - 12am
Wednesday:	7am - 12am	8 am - 12am
Thursday:	7am - 12am	8 am - 12am
Friday:	7am - 12am	8 am - 12am
Saturday:	7am - 12am	8 am - 12am

ENDORSEMENT(S): Tasting

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
10/9/2026

Notice is hereby given that:

License Number: ABRA-113353 **License Class/Type: B / Retail - Full Service Grocery**

Applicant: Grand Cata Concept, LLC

Trade Name: Grand Cata at La Cosecha

SMD: 5D01

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

1280 4TH STREET NE

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:
11/23/2026

A HEARING WILL BE HELD ON:
12/14/2026

AT 10:00 a.m., Suite 4200-B, 899 North Capitol Street N.E., Washington, DC, 20002

Days	Hours of Operation	Hours of Sales/Service
Sunday:	9 am - 1 am	9 am - 12 am
Monday:	9 am - 1 am	9 am - 12 am
Tuesday:	9 am - 1 am	9 am - 12 am
Wednesday:	9 am - 1 am	9 am - 12 am
Thursday:	9 am - 1 am	9 am - 12 am
Friday:	9 am - 1 am	9 am - 12 am
Saturday:	9 am - 1 am	9 am - 12 am

ENDORSEMENT(S): Tasting

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
10/9/2026

Notice is hereby given that:

License Number: ABRA-116874 **License Class/Type: B / Internet**

Applicant: Balance & Bloom LLC

Trade Name: Vinchase.com

SMD: 5D01

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

301 NEW YORK AVENUE NE

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:
11/23/2026

A HEARING WILL BE HELD ON:
12/14/2026

AT 10:00 a.m., Suite 4200-B, 899 North Capitol Street N.E., Washington, DC, 20002

Days	Hours of Operation	Hours of Sales/Service
Sunday:	-	-
Monday:	-	-
Tuesday:	10am - 4pm	10am - 4pm
Wednesday:	10am - 4pm	10am - 4pm
Thursday:	10am - 4pm	10am - 4pm
Friday:	10am - 4pm	10am - 4pm
Saturday:	-	-

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
10/9/2026

Notice is hereby given that:

License Number: ABRA-117261 **License Class/Type: B / Internet**

Applicant: Vino 301 Wine Concierge, LLC

Trade Name: The Wine Concierge

SMD: 5C04

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

3521 V STREET NE

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:
11/23/2026

A HEARING WILL BE HELD ON:
12/14/2026

AT 10:00 a.m., Suite 4200-B, 899 North Capitol Street N.E., Washington, DC, 20002

Days	Hours of Operation	Hours of Sales/Service
Sunday:	7am - 12am	7am - 12am
Monday:	7am - 12am	7am - 12am
Tuesday:	7am - 12am	7am - 12am
Wednesday:	7am - 12am	7am - 12am
Thursday:	7am - 12am	7am - 12am
Friday:	7am - 12am	7am - 12am
Saturday:	7am - 12am	7am - 12am

ENDORSEMENT(S): Tasting

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
10/9/2026

Notice is hereby given that:

License Number: ABRA-117459 **License Class/Type: B / Retail - Grocery**

Applicant: U First Mart, Inc.

Trade Name: U First Mart

SMD: 5E04

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

1942 1ST STREET NW

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:
11/23/2026

A HEARING WILL BE HELD ON:
12/14/2026

AT 10:00 a.m., Suite 4200-B, 899 North Capitol Street N.E., Washington, DC, 20002

Days	Hours of Operation	Hours of Sales/Service
Sunday:	7:30 am - 12 am	9 am - 12 am
Monday:	7:30 am - 12 am	9 am - 12 am
Tuesday:	7:30 am - 12 am	9 am - 12 am
Wednesday:	7:30 am - 12 am	9 am - 12 am
Thursday:	7:30 am - 12 am	9 am - 12 am
Friday:	7:30 am - 12 am	9 am - 12 am
Saturday:	7:30 am - 12 am	9 am - 12 am

ENDORSEMENT(S): Tasting

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
10/9/2026

Notice is hereby given that:

License Number: ABRA-118877 **License Class/Type: B / Beer and Wine**

Applicant: Sewa's Conveniency Store LLC

Trade Name: Sewa's Conveniency Store

SMD: 5F07

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

1633 NORTH CAPITOL STREET NE

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:
11/23/2026

A HEARING WILL BE HELD ON:
12/14/2026

AT 10:00 a.m., Suite 4200-B, 899 North Capitol Street N.E., Washington, DC, 20002

Days	Hours of Operation	Hours of Sales/Service
Sunday:	7am - 10pm	7am - 10pm
Monday:	7am - 10pm	7am - 10pm
Tuesday:	7am - 10pm	7am - 10pm
Wednesday:	7am - 10pm	7am - 10pm
Thursday:	7am - 10pm	7am - 10pm
Friday:	7am - 10pm	7am - 10pm
Saturday:	7am - 10pm	7am - 10pm

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
10/9/2026

Notice is hereby given that:

License Number: ABRA-119440 **License Class/Type: B / Internet**

Applicant: Nomad Wino LLC

Trade Name: 6ft Wine Club

SMD: 5C04

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

3521 V STREET NE

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:
11/23/2026

A HEARING WILL BE HELD ON:
12/14/2026

AT 10:00 a.m., Suite 4200-B, 899 North Capitol Street N.E., Washington, DC, 20002

Days	Hours of Operation	Hours of Sales/Service
Sunday:	6 am - 1 am	6 am - 1 am
Monday:	6 am - 1 am	6 am - 1 am
Tuesday:	6 am - 1 am	6 am - 1 am
Wednesday:	6 am - 1 am	6 am - 1 am
Thursday:	6 am - 1 am	6 am - 1 am
Friday:	6 am - 1 am	6 am - 1 am
Saturday:	6 am - 1 am	6 am - 1 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
10/9/2026

Notice is hereby given that:

License Number: ABRA-120254 **License Class/Type: B / Beer and Wine**

Applicant: Trinity Grill & Social Marketplace, LLC

Trade Name: Trinity Social DC

SMD: 5E06

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

200 MICHIGAN AVENUE NE

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:
11/23/2026

A HEARING WILL BE HELD ON:
12/14/2026

AT 10:00 a.m., Suite 4200-B, 899 North Capitol Street N.E., Washington, DC, 20002

Days	Hours of Operation	Hours of Sales/Service
Sunday:	6 am - 11 pm	10 am - 11 pm
Monday:	6 am - 11 pm	10 am - 11 pm
Tuesday:	6 am - 11 pm	10 am - 11 pm
Wednesday:	6 am - 11 pm	10 am - 11 pm
Thursday:	6 am - 11 pm	10 am - 11 am
Friday:	6 am - 12 am	10 am - 12 am
Saturday:	6 am - 12 am	10 am - 12 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
10/9/2026

Notice is hereby given that:

License Number: ABRA-120355 **License Class/Type: B / 25 Percent**

Applicant: Geda Holding, LLC

Trade Name: KW Store

SMD: 3C06

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

3133 CONNECTICUT AVENUE NW

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:
11/23/2026

A HEARING WILL BE HELD ON:
12/14/2026

AT 10:00 a.m., Suite 4200-B, 899 North Capitol Street N.E., Washington, DC, 20002

Days	Hours of Operation	Hours of Sales/Service
Sunday:	8 am - 9 pm	9 am - 9 pm
Monday:	8 am - 9 pm	9 am - 9 pm
Tuesday:	8 am - 9 pm	9 am - 9 pm
Wednesday:	8 am - 9 pm	9 am - 9 pm
Thursday:	8 am - 9 pm	9 am - 9 pm
Friday:	8 am - 9 pm	9 am - 9 pm
Saturday:	8 am - 9 pm	9 am - 9 pm

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
10/9/2026

Notice is hereby given that:

License Number: ABRA-121630 **License Class/Type: B / Retail - Grocery**

Applicant: Gebremariam, LLC
Trade Name: Shepherd St Beer & Wine
SMD: 4C07

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

434 SHEPHERD STREET NW

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:
11/23/2026

A HEARING WILL BE HELD ON:
12/14/2026

AT 10:00 a.m., Suite 4200-B, 899 North Capitol Street N.E., Washington, DC, 20002

Days	Hours of Operation	Hours of Sales/Service
Sunday:	7 am - 9 pm	9 am - 9 pm
Monday:	7 am - 9 pm	9 am - 9 pm
Tuesday:	7 am - 9 pm	9 am - 9 pm
Wednesday:	7 am - 9 pm	9 am - 9 pm
Thursday:	7 am - 9 pm	9 am - 9 pm
Friday:	7 am - 9 pm	9 am - 9 pm
Saturday:	7 am - 9 pm	9 am - 9 pm

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
10/9/2026

Notice is hereby given that:

License Number: ABRA-121791 **License Class/Type: B / Retail - Full Service Grocery**

Applicant: Lidl US Operations, LLC

Trade Name: LIdl

SMD: 1A05

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

3100 14TH STREET NW

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:
11/23/2026

A HEARING WILL BE HELD ON:
12/14/2026

AT 10:00 a.m., Suite 4200-B, 899 North Capitol Street N.E., Washington, DC, 20002

Days	Hours of Operation	Hours of Sales/Service
Sunday:	6am - 12am	6am - 12am
Monday:	6am - 12am	6am - 12am
Tuesday:	6am - 12am	6am - 12am
Wednesday:	6am - 12am	6am - 12am
Thursday:	6am - 12am	6am - 12am
Friday:	6am - 12am	6am - 12am
Saturday:	6am - 12am	6am - 12am

ENDORSEMENT(S): Tasting

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
10/9/2026

Notice is hereby given that:

License Number: ABRA-123447 **License Class/Type: B / Beer and Wine**

Applicant: Pizzetti 824, Inc.

Trade Name: Gemini / Happy Ice Cream / Komi

SMD: 2B07

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

1509 - 1511 17TH STREET NW

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:
11/23/2026

A HEARING WILL BE HELD ON:
12/14/2026

AT 10:00 a.m., Suite 4200-B, 899 North Capitol Street N.E., Washington, DC, 20002

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

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
10/9/2026

Notice is hereby given that:

License Number: ABRA-123533 **License Class/Type: B / Retail - Class B**

Applicant: Gmichael, LLC

Trade Name: Shipley Super Market

SMD: 8E01

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

2283 SAVANNAH STREET SE

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:
11/23/2026

A HEARING WILL BE HELD ON:
12/14/2026

AT 10:00 a.m., Suite 4200-B, 899 North Capitol Street N.E., Washington, DC, 20002

Days	Hours of Operation	Hours of Sales/Service
Sunday:	7 am - 12 am	7 am - 12 am
Monday:	7 am - 12 am	7 am - 12 am
Tuesday:	7 am - 12 am	7 am - 12 am
Wednesday:	7 am - 12 am	7 am - 12 am
Thursday:	7 am - 12 am	7 am - 12 am
Friday:	7 am - 12 am	7 am - 12 am
Saturday:	7 am - 12 am	7 am - 12 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
10/9/2026

Notice is hereby given that:

License Number: ABRA-123846 **License Class/Type: B / Retail - Full Service Grocery**

Applicant: PST Grocery, Inc.

Trade Name: Streets Market

SMD: 2E06

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

2617 - 2621 P STREET NW

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:
11/23/2026

A HEARING WILL BE HELD ON:
12/14/2026

AT 10:00 a.m., Suite 4200-B, 899 North Capitol Street N.E., Washington, DC, 20002

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

ENDORSEMENT(S): Tasting

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
10/9/2026

Notice is hereby given that:

License Number: ABRA-124095 **License Class/Type: B / Retail - Grocery**

Applicant: QuickPicks, LLC
Trade Name: Shepherd Market
SMD: 4C02

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

1247 SHEPHERD STREET NW

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:
11/23/2026

A HEARING WILL BE HELD ON:
12/14/2026

AT 10:00 a.m., Suite 4200-B, 899 North Capitol Street N.E., Washington, DC, 20002

Days	Hours of Operation	Hours of Sales/Service
Sunday:	7 am - 12 am	7 am - 12 am
Monday:	7 am - 12 am	7 am - 12 am
Tuesday:	7 am - 12 am	7 am - 12 am
Wednesday:	7 am - 12 am	7 am - 12 am
Thursday:	7 am - 12 am	7 am - 12 am
Friday:	7 am - 12 am	7 am - 12 am
Saturday:	7 am - 12 am	7 am - 12 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
10/9/2026

Notice is hereby given that:

License Number: ABRA-124438 **License Class/Type: B / Retail - Grocery**

Applicant: Victory In Him, LLC

Trade Name: Quality 01 Convenience Store

SMD: 8C03

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

2922 MARTIN LUTHER KING JR AVENUE SE

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:
11/23/2026

A HEARING WILL BE HELD ON:
12/14/2026

AT 10:00 a.m., Suite 4200-B, 899 North Capitol Street N.E., Washington, DC, 20002

Days	Hours of Operation	Hours of Sales/Service
Sunday:	7 am - 12 am	7 am - 12 am
Monday:	7 am - 12 am	7 am - 12 am
Tuesday:	7 am - 12 am	7 am - 12 am
Wednesday:	7 am - 12 am	7 am - 12 am
Thursday:	7 am - 12 am	7 am - 12 am
Friday:	7 am - 12 am	7 am - 12 am
Saturday:	7 am - 12 am	7 am - 12 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
10/9/2026

Notice is hereby given that:

License Number: ABRA-128986 **License Class/Type: B / Retail - Full Service Grocery**

Applicant: Mt Pleasant St, Inc.

Trade Name: Streets Market

SMD: 1D04

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

3146 MOUNT PLEASANT STREET NW

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:
11/23/2026

A HEARING WILL BE HELD ON:
12/14/2026

AT 10:00 a.m., Suite 4200-B, 899 North Capitol Street N.E., Washington, DC, 20002

Days	Hours of Operation	Hours of Sales/Service
Sunday:	7 am - 12 am	7 am - 12 am
Monday:	7 am - 12 am	7 am - 12 am
Tuesday:	7 am - 12 am	7 am - 12 am
Wednesday:	7 am - 12 am	7 am - 12 am
Thursday:	7 am - 12 am	7 am - 12 am
Friday:	7 am - 12 am	7 am - 12 am
Saturday:	7 am - 12 am	7 am - 12 am

ENDORSEMENT(S): Tasting

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
10/9/2026

Notice is hereby given that:

License Number: ABRA-130243 **License Class/Type: B / Retail - Full Service Grocery**

Applicant: Amko International 1 Inc

Trade Name: Capitol Grocer

SMD: 3C02

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

2616 CONNECTICUT AVENUE NW

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:
11/23/2026

A HEARING WILL BE HELD ON:
12/14/2026

AT 10:00 a.m., Suite 4200-B, 899 North Capitol Street N.E., Washington, DC, 20002

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

ENDORSEMENT(S): Tasting

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
10/9/2026

Notice is hereby given that:

License Number: ABRA-130825 **License Class/Type: B / Retail - Class B**

Applicant: Kalorama Market, LLC

Trade Name: Kalorama Market

SMD: 2D02

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

2160 CALIFORNIA STREET NW

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:
11/23/2026

A HEARING WILL BE HELD ON:
12/14/2026

AT 10:00 a.m., Suite 4200-B, 899 North Capitol Street N.E., Washington, DC, 20002

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

ENDORSEMENT(S): Tasting

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
10/9/2026

Notice is hereby given that:

License Number: ABRA-132543 **License Class/Type: B / Beer and Wine**

Applicant: SSHCOF II Washington DC, LLC

Trade Name: Holiday Inn Express Washington DC Downtown

SMD: 6E03

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

317 K STREET NW

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:
11/23/2026

A HEARING WILL BE HELD ON:
12/14/2026

AT 10:00 a.m., Suite 4200-B, 899 North Capitol Street N.E., Washington, DC, 20002

Days	Hours of Operation	Hours of Sales/Service
Sunday:	24 hours - 24 hours	7 am - 12 am
Monday:	24 hours - 24 hours	7 am - 12 am
Tuesday:	24 hours - 24 hours	7 am - 12 am
Wednesday:	24 hours - 24 hours	7 am - 12 am
Thursday:	24 hours - 24 hours	7 am - 12 am
Friday:	24 hours - 24 hours	7 am - 12 am
Saturday:	24 hours - 24 hours	7 am - 12 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
10/9/2026

Notice is hereby given that:

License Number: ABRA-132663 **License Class/Type: B / Beer and Wine**

Applicant: LALA LLC

Trade Name: Uptown Beer and Wine

SMD: 1A09

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

2701 14TH STREET NW

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:
11/23/2026

A HEARING WILL BE HELD ON:
12/14/2026

AT 10:00 a.m., Suite 4200-B, 899 North Capitol Street N.E., Washington, DC, 20002

Days	Hours of Operation	Hours of Sales/Service
Sunday:	9 am - 12 am	9 am - 12 am
Monday:	9 am - 12 am	9 am - 12 am
Tuesday:	9 am - 12 am	9 am - 12 am
Wednesday:	9 am - 12 am	9 am - 12 am
Thursday:	9 am - 12 am	9 am - 12 am
Friday:	9 am - 12 am	9 am - 12 am
Saturday:	9 am - 12 am	9 am - 12 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
10/9/2026

Notice is hereby given that:

License Number: ABRA-132855 **License Class/Type: B / Retail - Full Service Grocery**

Applicant: 1442 Penn Grocery, Inc.

Trade Name: Streets Market

SMD: 6B09

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

1442 PENNSYLVANIA AVENUE SE

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:
11/23/2026

A HEARING WILL BE HELD ON:
12/14/2026

AT 10:00 a.m., Suite 4200-B, 899 North Capitol Street N.E., Washington, DC, 20002

Days	Hours of Operation	Hours of Sales/Service
Sunday:	7 am - 12 am	7 am - 12 am
Monday:	7 am - 12 am	7 am - 12 am
Tuesday:	7 am - 12 am	7 am - 12 am
Wednesday:	7 am - 12 am	7 am - 12 am
Thursday:	7 am - 12 am	7 am - 12 am
Friday:	7 am - 12 am	7 am - 12 am
Saturday:	7 am - 12 am	7 am - 12 am

ENDORSEMENT(S): Tasting

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
10/9/2026

Notice is hereby given that:

License Number: ABRA-132981 **License Class/Type: B / Retail - Grocery**

Applicant: Smart Shop, LLC
Trade Name: Glover Park Market
SMD: 3B02

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

2411 37TH STREET NW

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:
11/23/2026

A HEARING WILL BE HELD ON:
12/14/2026

AT 10:00 a.m., Suite 4200-B, 899 North Capitol Street N.E., Washington, DC, 20002

Days	Hours of Operation	Hours of Sales/Service
Sunday:	6 am - 10 pm	6 am - 10 pm
Monday:	6 am - 10 pm	6am - 10 pm
Tuesday:	6 am - 10 pm	6 am - 10 pm
Wednesday:	6 am - 10 pm	6 am - 10 pm
Thursday:	6 am - 10 pm	6 am - 10 pm
Friday:	6 am - 12 am	6 am - 12 am
Saturday:	6 am - 12 am	6 am - 12 am

ENDORSEMENT(S): Tasting

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
10/9/2026

Notice is hereby given that:

License Number: ABRA-134211 **License Class/Type: B / Retail - Grocery**

Applicant: Saemyodi, LLC
Trade Name: DC Mini Supermarket
SMD: 5E03

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

1828 1ST STREET NW

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:
11/23/2026

A HEARING WILL BE HELD ON:
12/14/2026

AT 10:00 a.m., Suite 4200-B, 899 North Capitol Street N.E., Washington, DC, 20002

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

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
10/9/2026

Notice is hereby given that:

License Number: ABRA-134356 **License Class/Type: B / Retail - Class B**

Applicant: DC Sky, LLC
Trade Name: SKY- Market
SMD: 5D06

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

1107 BLADENSBURG ROAD NE

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:
11/23/2026

A HEARING WILL BE HELD ON:
12/14/2026

AT 10:00 a.m., Suite 4200-B, 899 North Capitol Street N.E., Washington, DC, 20002

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

ENDORSEMENT(S): Tasting

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
10/9/2026

Notice is hereby given that:

License Number: ABRA-134403 **License Class/Type: B / Retail - Class B**

Applicant: Lucana, LLC

Trade Name: Montello Market

SMD: 5D04

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

1613 MONTELLO AVENUE NE

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:
11/23/2026

A HEARING WILL BE HELD ON:
12/14/2026

AT 10:00 a.m., Suite 4200-B, 899 North Capitol Street N.E., Washington, DC, 20002

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

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
10/9/2026

Notice is hereby given that:

License Number: ABRA-134821 **License Class/Type: B / Retail - Grocery**

Applicant: George Town Convenience, Inc.

Trade Name: Palisades Deli & Market

SMD: 3D06

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

4554 MACARTHUR BOULEVARD NW

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:
11/23/2026

A HEARING WILL BE HELD ON:
12/14/2026

AT 10:00 a.m., Suite 4200-B, 899 North Capitol Street N.E., Washington, DC, 20002

Days	Hours of Operation	Hours of Sales/Service
Sunday:	9 am - 8 pm	9 am - 8 pm
Monday:	9 am - 8 pm	9 am - 8 pm
Tuesday:	9 am - 8 pm	9 am - 8 pm
Wednesday:	9 am - 8 pm	9 am - 8 pm
Thursday:	9 am - 8 pm	9 am - 8 pm
Friday:	9 am - 8 pm	9 am - 8 pm
Saturday:	9 am - 8 pm	9 am - 8 pm

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
10/9/2026

Notice is hereby given that:

License Number: ABRA-135246 **License Class/Type: B / Retail - Class B**

Applicant: Shemali's Inc.

Trade Name: Leez Deli

SMD: 3F03

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

4483 CONNECTICUT AVENUE NW

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:
11/23/2026

A HEARING WILL BE HELD ON:
12/14/2026

AT 10:00 a.m., Suite 4200-B, 899 North Capitol Street N.E., Washington, DC, 20002

Days	Hours of Operation	Hours of Sales/Service
Sunday:	10 am - 7pm	10am - 7pm
Monday:	8am - 9pm	8am - 9pm
Tuesday:	8am - 9pm	8am - 9pm
Wednesday:	8am - 9pm	8am - 9pm
Thursday:	8am - 9pm	8am - 9pm
Friday:	8am - 9pm	8am - 9pm
Saturday:	8am - 9pm	8am - 9pm

ENDORSEMENT(S): Tasting

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
10/9/2026

Notice is hereby given that:

License Number: ABRA-135351 **License Class/Type: B / Internet**

Applicant: Valdes + Daughter, LLC

Trade Name: Vino Valdes

SMD: 5D01

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

301 NEW YORK AVENUE NE

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:
11/23/2026

A HEARING WILL BE HELD ON:
12/14/2026

AT 10:00 a.m., Suite 4200-B, 899 North Capitol Street N.E., Washington, DC, 20002

Days	Hours of Operation	Hours of Sales/Service
Sunday:	7 am - 12 am	7 am - 12 am
Monday:	7 am - 12 am	7 am - 12 am
Tuesday:	7 am - 12 am	7 am - 12 am
Wednesday:	7 am - 12 am	7 am - 12 am
Thursday:	7 am - 12 am	7 am - 12 am
Friday:	7 am - 12 am	7 am - 12 am
Saturday:	7 am - 12 am	7 am - 12 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
10/9/2026

Notice is hereby given that:

License Number: ABRA-135569 **License Class/Type: B / Beer and Wine**

Applicant: Wharf Gangplank Marina Leaseholder, LLC

Trade Name: The Dock Shop

SMD: 6D01

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

658 WHARF STREET SW

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:
11/23/2026

A HEARING WILL BE HELD ON:
12/14/2026

AT 10:00 a.m., Suite 4200-B, 899 North Capitol Street N.E., Washington, DC, 20002

Days	Hours of Operation	Hours of Sales/Service
Sunday:	8am - 9pm	8am - 9pm
Monday:	8am - 9pm	8am - 9pm
Tuesday:	8am - 9pm	8am - 9pm
Wednesday:	8am - 9pm	8am - 9pm
Thursday:	8am - 9pm	8am - 9pm
Friday:	8am - 9pm	8am - 9pm
Saturday:	8am - 9pm	8am - 9pm

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
10/16/2026

Notice is hereby given that:

License Number: ABRA-078255 **License Class/Type: B / Retail - Grocery**

Applicant: Berhanu and Nega, LLC
Trade Name: Ogden Market
SMD: 1D06

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

1500 OGDEN STREET NW

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:
11/30/2026

A HEARING WILL BE HELD ON:
12/21/2026

AT 10:00 a.m., Suite 4200-B, 899 North Capitol Street N.E., Washington, DC, 20002

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

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
10/16/2026

Notice is hereby given that:

License Number: ABRA-014153 **License Class/Type: B / Retail - Grocery**

Applicant: Oasis Inc.

Trade Name: Oasis

SMD: 2B02

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

2024 P STREET NW

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:
11/30/2026

A HEARING WILL BE HELD ON:
12/21/2026

AT 10:00 a.m., Suite 4200-B, 899 North Capitol Street N.E., Washington, DC, 20002

Days	Hours of Operation	Hours of Sales/Service
Sunday:	8 am - 12 am	9 am - 12 am
Monday:	7 am - 12 am	9 am - 12 am
Tuesday:	7 am - 12 am	9 am - 12 am
Wednesday:	7 am - 12 am	9 am - 12 am
Thursday:	7 am - 12 am	9 am - 12 am
Friday:	7 am - 12 am	9 am - 12 am
Saturday:	8 am - 12 am	9 am - 12 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
10/16/2026

Notice is hereby given that:

License Number: ABRA-093115 **License Class/Type: B / Retail - Class B**

Applicant: YD Progress, LLC
Trade Name: Lucky Corner Store
SMD: 4D03

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

5415 GEORGIA AVENUE NW

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:
11/30/2026

A HEARING WILL BE HELD ON:
12/21/2026

AT 10:00 a.m., Suite 4200-B, 899 North Capitol Street N.E., Washington, DC, 20002

Days	Hours of Operation	Hours of Sales/Service
Sunday:	7 am - 12 am	7 am - 12 am
Monday:	7 am - 12 am	7 am - 12 am
Tuesday:	7 am - 12 am	7 am - 12 am
Wednesday:	7 am - 12 am	7 am - 12 am
Thursday:	7 am - 12 am	7 am - 12 am
Friday:	7 am - 12 am	7 am - 12 am
Saturday:	7 am - 12 am	7 am - 12 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
10/16/2026

Notice is hereby given that:

License Number: ABRA-094996 **License Class/Type: B / Retail - Full Service Grocery**

Applicant: MOM'S ORGANIC MARKET INC.

Trade Name: MOM'S Organic Market

SMD: 5D02

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

1501 NEW YORK AVENUE NE

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:
11/30/2026

A HEARING WILL BE HELD ON:
12/21/2026

AT 10:00 a.m., Suite 4200-B, 899 North Capitol Street N.E., Washington, DC, 20002

Days	Hours of Operation	Hours of Sales/Service
Sunday:	9AM - 8PM	10AM - 8PM
Monday:	9AM - 9PM	10AM - 9PM
Tuesday:	9AM - 9PM	10AM - 9PM
Wednesday:	9AM - 9PM	10AM - 9PM
Thursday:	9AM - 9PM	10AM - 9PM
Friday:	9AM - 9PM	10AM - 9PM
Saturday:	9AM - :9PM	10AM - 9PM

ENDORSEMENT(S): Tasting

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
10/16/2026

Notice is hereby given that:

License Number: ABRA-098204 **License Class/Type: B / Retail - Full Service Grocery**

Applicant: UK 3rd, LLC

Trade Name: Union Kitchen

SMD: 6C04

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

538 3RD STREET NE

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:
11/30/2026

A HEARING WILL BE HELD ON:
12/21/2026

AT 10:00 a.m., Suite 4200-B, 899 North Capitol Street N.E., Washington, DC, 20002

Days	Hours of Operation	Hours of Sales/Service
Sunday:	7 am - 10pm	7 am - 10pm
Monday:	7 am - 10pm	7am - 10pm
Tuesday:	7 am - 10pm	7am - 10pm
Wednesday:	7am - 10pm	7am - 10pm
Thursday:	7am - 10pm	7am - 10pm
Friday:	7am - 10pm	7am - 10pm
Saturday:	7am - 10pm	7am - 10pm

ENDORSEMENT(S): Tasting

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
10/16/2026

Notice is hereby given that:

License Number: ABRA-111480 **License Class/Type: B / Beer and Wine**

Applicant: Twilight, LLC

Trade Name: Novel Grocery

SMD: 3B03

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

4000 TUNLAW ROAD NW

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:
11/30/2026

A HEARING WILL BE HELD ON:
12/21/2026

AT 10:00 a.m., Suite 4200-B, 899 North Capitol Street N.E., Washington, DC, 20002

Days	Hours of Operation	Hours of Sales/Service
Sunday:	10 am - 7 pm	10 am - 7 pm
Monday:	10 am - 8 pm	10 am - 8 pm
Tuesday:	10 am - 8 pm	10 am - 8 pm
Wednesday:	10 am - 8 pm	10 am - 8 pm
Thursday:	10 am - 8 pm	10 am - 8 pm
Friday:	10 am - 8 pm	10 am - 8 pm
Saturday:	10 am - 8 pm	10 am - 8 pm

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
10/16/2026

Notice is hereby given that:

License Number: ABRA-112501 **License Class/Type: B / Retail - Grocery**

Applicant: Kush Project, LLC
Trade Name: Dent Place Market
SMD: 2E02

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

1643 34TH STREET NW

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:
11/30/2026

A HEARING WILL BE HELD ON:
12/21/2026

AT 10:00 a.m., Suite 4200-B, 899 North Capitol Street N.E., Washington, DC, 20002

Days	Hours of Operation	Hours of Sales/Service
Sunday:	8 am - 7 pm	9 am - 7 pm
Monday:	7 am - 9:30 pm	9 am - 9:30 pm
Tuesday:	7 am - 9:30 pm	9 am - 9:30 pm
Wednesday:	7 am - 9:30 pm	9 am - 9:30 pm
Thursday:	7 am - 9:30 pm	9 am - 9:30 pm
Friday:	7 am - 10 pm	9 am - 10 pm
Saturday:	8 am - 10 pm	9 am - 10 pm

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
10/16/2026

Notice is hereby given that:

License Number: ABRA-113420 **License Class/Type: B / Retail - Class B**

Applicant: JLAA, Inc.

Trade Name: Menick's Market

SMD: 7C09

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

4401 NANNIE HELEN BURROUGHS AVENUE NE

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:
11/30/2026

A HEARING WILL BE HELD ON:
12/21/2026

AT 10:00 a.m., Suite 4200-B, 899 North Capitol Street N.E., Washington, DC, 20002

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

ENDORSEMENT(S): Tasting

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
10/16/2026

Notice is hereby given that:

License Number: ABRA-117457 **License Class/Type: B / Retail - Grocery**

Applicant: DYD Trading LLC
Trade Name: Elmira Market
SMD: 8D06

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

4401 SOUTH CAPITOL STREET SW

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:
11/30/2026

A HEARING WILL BE HELD ON:
12/21/2026

AT 10:00 a.m., Suite 4200-B, 899 North Capitol Street N.E., Washington, DC, 20002

Days	Hours of Operation	Hours of Sales/Service
Sunday:	7 am - 12 am	7 am - 12 am
Monday:	7 am - 12 am	7 am - 12 am
Tuesday:	7 am - 12 am	7 am - 12 am
Wednesday:	7 am - 12 am	7 am - 12 am
Thursday:	7 am - 12 am	7 am - 12 am
Friday:	7 am - 12 am	7 am - 12 am
Saturday:	7 am - 12 am	7 am - 12 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
10/16/2026

Notice is hereby given that:

License Number: ABRA-118161 **License Class/Type: B / 25 Percent**

Applicant: Pacific District Lessee Corporation

Trade Name: Eaton DC

SMD: 2C04

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

1201 K STREET NW

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:
11/30/2026

A HEARING WILL BE HELD ON:
12/21/2026

AT 10:00 a.m., Suite 4200-B, 899 North Capitol Street N.E., Washington, DC, 20002

Days	Hours of Operation	Hours of Sales/Service
Sunday:	24 Hours -	6 am - 1 am
Monday:	24 Hours -	6 am - 1 am
Tuesday:	24 Hours -	6 am - 1 am
Wednesday:	24 Hours -	6 am - 1 am
Thursday:	24 Hours -	6 am - 1 am
Friday:	24 Hours -	6 am - 1 am
Saturday:	24 Hours -	6 am - 1 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
10/16/2026

Notice is hereby given that:

License Number: ABRA-118692 **License Class/Type: B / Retail - Full Service Grocery**

Applicant: Eckington UK, LLC

Trade Name: Union Kitchen

SMD: 5F06

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

1625 ECKINGTON PLACE NE

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:
11/30/2026

A HEARING WILL BE HELD ON:
12/21/2026

AT 10:00 a.m., Suite 4200-B, 899 North Capitol Street N.E., Washington, DC, 20002

Days	Hours of Operation	Hours of Sales/Service
Sunday:	8 am - 9 pm	8 am - 9 pm
Monday:	8 am - 9 pm	8 am - 9 pm
Tuesday:	8 am - 9 pm	8 am - 9 pm
Wednesday:	8 am - 9 pm	8 am - 9 pm
Thursday:	8 am - 9 pm	8 am - 9 pm
Friday:	8 am - 9 pm	8 am - 9 pm
Saturday:	8 am - 9 pm	8 am - 9 pm

ENDORSEMENT(S): Tasting

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
10/16/2026

Notice is hereby given that:

License Number: ABRA-120819 **License Class/Type: B / Retail - Full Service Grocery**

Applicant: Flores L, Inc.

Trade Name: La Herradura Supermarket

SMD: 1E03

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

3412 GEORGIA AVENUE NW

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:
11/30/2026

A HEARING WILL BE HELD ON:
12/21/2026

AT 10:00 a.m., Suite 4200-B, 899 North Capitol Street N.E., Washington, DC, 20002

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

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
10/16/2026

Notice is hereby given that:

License Number: ABRA-123471 **License Class/Type: B / Internet**

Applicant: RRG Catering, LLC

Trade Name: Extra Fancy

SMD: 6B03

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

721 8TH STREET SE

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:
11/30/2026

A HEARING WILL BE HELD ON:
12/21/2026

AT 10:00 a.m., Suite 4200-B, 899 North Capitol Street N.E., Washington, DC, 20002

Days	Hours of Operation	Hours of Sales/Service
Sunday:	7 am - 12 am	7 am - 12 am
Monday:	7 am - 12 am	7 am - 12 am
Tuesday:	7 am - 12 am	7 am - 12 am
Wednesday:	7 am - 12 am	7 am - 12 am
Thursday:	7 am - 12 am	7 am - 12 am
Friday:	7 am - 12 am	7 am - 12 am
Saturday:	7 am - 12 am	7 am - 12 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
10/16/2026

Notice is hereby given that:

License Number: ABRA-127377 **License Class/Type: B / Retail - Full Service Grocery**

Applicant: Aldi Inc. (Maryland)

Trade Name: Aldi #179

SMD: 5A09

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

5300 SOUTH DAKOTA AVENUE NE

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:
11/30/2026

A HEARING WILL BE HELD ON:
12/21/2026

AT 10:00 a.m., Suite 4200-B, 899 North Capitol Street N.E., Washington, DC, 20002

Days	Hours of Operation	Hours of Sales/Service
Sunday:	9 am - 8 pm	9 am - 8 pm
Monday:	9 am - 8 pm	9 am - 8 pm
Tuesday:	9 am - 8 pm	9 am - 8 pm
Wednesday:	9 am - 8 pm	9 am - 8 pm
Thursday:	9 am - 8 pm	9 am - 8 pm
Friday:	9 am - 8 pm	9 am - 8 pm
Saturday:	9 am - 8 pm	9 am - 8 pm

ENDORSEMENT(S): Tasting

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
10/16/2026

Notice is hereby given that:

License Number: ABRA-127993 **License Class/Type: B / Retail - Full Service Grocery**

Applicant: Aldi, Inc. (Maryland)

Trade Name: Aldi #15

SMD: 6A02

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

801 H STREET NE

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:
11/30/2026

A HEARING WILL BE HELD ON:
12/21/2026

AT 10:00 a.m., Suite 4200-B, 899 North Capitol Street N.E., Washington, DC, 20002

Days	Hours of Operation	Hours of Sales/Service
Sunday:	8 am - 9 pm	8 am - 9 pm
Monday:	8 am - 9 pm	8 am - 9 pm
Tuesday:	8 am - 9 pm	8 am - 9 pm
Wednesday:	8 am - 9 pm	8 am - 9 pm
Thursday:	8 am - 9 pm	8 am - 9 pm
Friday:	8 am - 9 pm	8 am - 9 pm
Saturday:	8 am - 9 pm	8 am - 9 pm

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
10/16/2026

Notice is hereby given that:

License Number: ABRA-129641 **License Class/Type: B / Retail - Full Service Grocery**

Applicant: Barracks Row UK, LLC

Trade Name: Union Kitchen

SMD: 6B04

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

430 8TH STREET SE

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:
11/30/2026

A HEARING WILL BE HELD ON:
12/21/2026

AT 10:00 a.m., Suite 4200-B, 899 North Capitol Street N.E., Washington, DC, 20002

Days	Hours of Operation	Hours of Sales/Service
Sunday:	7 am - 10 pm	7 am - 10 pm
Monday:	7 am - 10 pm	7 am - 10 pm
Tuesday:	7 am - 10 pm	7 am - 10 pm
Wednesday:	7 am - 10 pm	7 am - 10 pm
Thursday:	7 am - 10 pm	7 am - 10 pm
Friday:	7 am - 10 pm	7 am - 10 pm
Saturday:	7 am - 10 pm	7 am - 10 pm

ENDORSEMENT(S): Tasting

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
10/16/2026

Notice is hereby given that:

License Number: ABRA-129713 **License Class/Type: B / Retail - Full Service Grocery**

Applicant: Mom's Organic Market, Inc.

Trade Name: Mom's Organic Market

SMD: 3F05

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

4250 CONNECTICUT AVENUE NW

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:
11/30/2026

A HEARING WILL BE HELD ON:
12/21/2026

AT 10:00 a.m., Suite 4200-B, 899 North Capitol Street N.E., Washington, DC, 20002

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

ENDORSEMENT(S): Tasting

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
10/16/2026

Notice is hereby given that:

License Number: ABRA-130386 **License Class/Type: B / Retail - Full Service Grocery**

Applicant: DC Sushi, LLC

Trade Name: MITA Ethio- Japanese Market

SMD: 4D03

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

705 KENNEDY STREET NW

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:
11/30/2026

A HEARING WILL BE HELD ON:
12/21/2026

AT 10:00 a.m., Suite 4200-B, 899 North Capitol Street N.E., Washington, DC, 20002

Days	Hours of Operation	Hours of Sales/Service
Sunday:	7 am - 10 pm	7 am - 10 pm
Monday:	7 am - 10 pm	7 am - 10 pm
Tuesday:	7 am - 10 pm	7 am - 10 pm
Wednesday:	7 am - 10 pm	7 am - 10 pm
Thursday:	7 am - 10 pm	7 am - 10 pm
Friday:	7 am - 10 pm	7 am - 10 pm
Saturday:	7 am - 10 pm	7 am - 10 pm

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
10/16/2026

Notice is hereby given that:

License Number: ABRA-130914 **License Class/Type: B / Retail - Class B**

Applicant: SODO Inc.

Trade Name: Argonne Market Beer & Wine

SMD: 2B01

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

1629 CONNECTICUT AVENUE NW

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:
11/30/2026

A HEARING WILL BE HELD ON:
12/21/2026

AT 10:00 a.m., Suite 4200-B, 899 North Capitol Street N.E., Washington, DC, 20002

Days	Hours of Operation	Hours of Sales/Service
Sunday:	7 am - 8 pm	9 am - 8 pm
Monday:	7 am - 8 pm	9 am - 8 pm
Tuesday:	7 am - 8 pm	9 am - 8 pm
Wednesday:	7 am - 8 pm	9 am - 8 pm
Thursday:	7 am - 8 pm	9 am - 8 pm
Friday:	7 am - 8 pm	9 am - 8 pm
Saturday:	7 am - 8 pm	9 am - 8 pm

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
10/16/2026

Notice is hereby given that:

License Number: ABRA-132428 **License Class/Type: B / Retail - Grocery**

Applicant: Lost Sock Roasters, LLC

Trade Name: Lost Sock Roasters

SMD: 6C07

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

1100 4TH STREET NE

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:
11/30/2026

A HEARING WILL BE HELD ON:
12/21/2026

AT 10:00 a.m., Suite 4200-B, 899 North Capitol Street N.E., Washington, DC, 20002

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

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date:	October 16, 2026
Protest Petition Deadline:	November 30, 2026
Roll Call Hearing Date:	December 21, 2026
License No.:	ABRA-112489
Licensee:	FishScale, Inc.
Trade Name:	FishScale
License Class:	Retailer's Class "D" Restaurant
Address:	637 Florida Avenue, N.W.
Contact:	Henry Williams: (202) 903-4168, kristal@wearefishscale.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 December 21, 2026 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

Applicant requests a Class Change from a Retailer's Class "D" Restaurant to a Retailer's Class "C" Restaurant.

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

Sunday - CLOSED, Monday through Saturday 9 am – 2 am

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date:	October 16, 2026
Protest Petition Deadline:	November 30, 2026
Roll Call Hearing Date:	December 21, 2026

License No.:	ABRA-124807
Licensee:	New Queens Café, LLC
Trade Name:	Queens Café
License Class:	Retailer's Class "C" Restaurant
Address:	2405 18th Street, N.W.
Contact:	Nadi Fattah: (202) 629-8924, nadisaleh007@gmail.com

WARD 1 ANC 1C SMD 1C07

Notice is hereby given that this licensee has requested a Substantial Change to their license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the **Roll Call Hearing date on December 21, 2026 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 is requesting to change the Hours of Operation and Live Entertainment. Hours of Alcoholic Beverage Sales and Service will remain unchanged.

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

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

CURRENT HOURS OF LIVE ENTERTAINMENT

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

PROPOSED HOURS OF OPERATION AND LIVE ENTERTAINMENT

Sunday through Wednesday 2pm – 2am, Thursday 2pm – 3am, Friday and Saturday 2pm – 4am

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
10/16/2026

Notice is hereby given that:
License Number: ABRA-124187 **License Class/Type: C Hotel**
Applicant: 1337 Manager, LLC
Trade Name: Sixty DC/Casamara/Reynold's
SMD: 2B05

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

1337 CONNECTICUT AVENUE NW, WASHINGTON, DC 20036

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:
11/30/2026

A HEARING WILL BE HELD ON:
12/21/2026

AT 10:00 a.m., Suite 4200-B, 899 North Capitol Street N.E., Washington, DC, 20002

ENDORSEMENT(S): Entertainment Summer Garden

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

	Hours of Summer Garden Operation	Hours of Sales Summer Garden
Sunday:	8am - 11pm	8am - 11pm
Monday:	8am - 11pm	8am - 11pm
Tuesday:	8am - 11pm	8am - 11pm
Wednesday:	8am - 11pm	8am - 11pm
Thursday:	8am - 11pm	8am - 11pm
Friday:	8am - 1am	8am - 1am
Saturday:	8am - 1am	8am - 1am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date:	October 16, 2026
Protest Petition Deadline:	November 30, 2026
Roll Call Hearing Date:	December 21, 2026
Protest Hearing Date:	February 3, 2027
License No.:	ABRA-137618
Licensee:	TB Cantina, LLC
Trade Name:	Taco Bell Cantina
License Class:	Retailer's Class "C" Restaurant
Address:	1250 Half Street, S.E.
Contact:	Matthew Minora, Esq.: (202) 625-7700, mminora@malliosobrien.com

WARD 8 ANC 8F SMD 8F02

Notice is hereby given that this licensee has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the **Roll Call Hearing date on December 21, 2026, 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 **February 3, 2027, at 1:30 p.m.**

NATURE OF OPERATION

New Retailer's Class "C" Restaurant with a Seating Capacity of 70 and a Total Occupancy Load of 99.

HOURS OF OPERATION

Sunday through Saturday 12am to 12am (24-hour Operations)

HOURS OF ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION

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

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
10/16/2026

Notice is hereby given that:
License Number: ABRA-134728 **License Class/Type: C Tavern**
Applicant: The Pamir Group, LLC
Trade Name: The Berliner
SMD: 1C03

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

2436 18TH STREET NW, WASHINGTON, DC 20009

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:
11/30/2026

A HEARING WILL BE HELD ON:
12/21/2026

AT 10:00 a.m., Suite 4200-B, 899 North Capitol Street N.E., Washington, DC, 20002

ENDORSEMENT(S): Entertainment Sidewalk Cafe Summer Garden

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	9 am - 2am	11:30am - 2am	6pm - 2am
Monday:	9 am - 2am	11:30am - 2am	6pm - 2am
Tuesday:	9 am - 2am	11:30am - 2am	6pm - 2am
Wednesday:	9 am - 2am	11:30am - 2am	6pm - 2am
Thursday:	9 am - 2am	11:30am - 2am	6pm - 2am
Friday:	9 am - 2am	11:30am - 3am	6pm - 3am
Saturday:	9 am - 2am	11:30am - 3am	6pm - 3am

	Hours Of Sidewalk Cafe Operation	Hours of Summer Garden Operation
Sunday:	9:00am - 11:00pm	9am - 11pm
Monday:	9:00am - 11:00pm	9am - 11pm
Tuesday:	9:00am - 11:00pm	9am - 11pm
Wednesday:	9:00am - 11:00pm	9am - 11pm
Thursday:	9:00am - 11:00pm	9am - 11pm
Friday:	9:00am - 1:00am	9am - 1am
Saturday:	9:00am - 1:00am	9am - 1am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date:	October 9, 2026
Protest Petition Deadline:	November 23, 2026
Roll Call Hearing Date:	December 14, 2026
Protest Hearing Date:	January 27, 2027
License No.:	ABRA-137584
Licensee:	1254 Hospitality, LLC
Trade Name:	Wax Room
License Class:	Retailer's Class "C" Tavern
Address:	1254 4th Street, N.E.
Contact:	Matthew Minora: (202) 625-7700, mminora@malliosobrien.com

WARD 5 ANC 5D SMD 5D01

Notice is hereby given that this licensee has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the **Roll Call Hearing date on December 14, 2026 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 **January 27, 2027 at 1:30 p.m.**

NATURE OF OPERATION

A class "C" Tavern with 146 seats and an Occupancy Load of 173 indoors. Summer Garden Endorsement with 70 seats and an Occupancy Load of 80. The Total Occupancy Load of the entire establishment is 299. Entertainment Endorsement to provide Live Entertainment both indoors and outdoors. Extended Holiday Hours Endorsement.

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

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

HOURS OF LIVE ENTERTAINMENT FOR INSIDE PREMISES

Sunday through Saturday 10am – 1am

HOURS OF LIVE ENTERTAINMENT FOR OUTSIDE IN SUMMER GARDEN

Sunday through Saturday 10am – 12am

HISTORIC PRESERVATION REVIEW BOARD
NOTICE OF PUBLIC HEARING

The D.C. Historic Preservation Review Board will hold a public hearing to consider an application to designate the following property a historic landmark in the D.C. Inventory of Historic Sites. The Board will also consider the nomination of the property to the National Register of Historic Places:

Case No. 26-12: The National Theatre
1321 Pennsylvania Avenue NW
Square 254 Lot 842
Applicant: DC Preservation League
Affected Advisory Neighborhood Commission: 4C

The hearing will take place at **9:00 a.m. on Thursday, November 19, 2026**. The Board hearing will be online, the details for which will be available here: planning.dc.gov/node/1176060. It will be conducted in accordance with the Review Board's Rules of Procedure (10C DCMR 2, see planning.dc.gov/node/594182).

The Board's hearing is open to all interested parties or persons. Public and governmental agencies, Advisory Neighborhood Commissions, property owners, and interested organizations or individuals are invited to testify before the Board. Written testimony may also be submitted prior to the hearing. All submissions should be sent to the address above.

A copy of the historic designation application is currently on file and available for inspection by the public at the Historic Preservation Office. It is posted on the office website at planning.dc.gov/page/pending-nominations-dc-inventory. A copy of the staff report and recommendation will be available at the office five days prior to the hearing at https://planning.dc.gov/node/1176025. The office also provides information on the D.C. Inventory of Historic Sites, the National Register of Historic Places, and Federal tax provisions affecting historic property.

If the Historic Preservation Review Board designates a property, it will be included in the D.C. Inventory of Historic Sites and will be protected by the D.C. Historic Landmark and Historic District Protection Act of 1978. The Review Board will simultaneously consider the nomination of the property to the National Register of Historic Places. The National Register is the Federal government's official list of prehistoric and historic properties worthy of preservation. Listing in the National Register provides recognition and assists in preserving our nation's heritage. Listing provides recognition of the historic importance of properties and assures review of Federal undertakings that might affect the character of such properties. If a property is listed in the Register, certain Federal rehabilitation tax credits for rehabilitation and other provisions may apply. Public visitation rights are not required of owners. The results of listing in the National Register are as follows:

Consideration in Planning for Federal, Federally Licensed, and Federally Assisted Projects: Section 106 of the National Historic Preservation Act of 1966 requires that Federal agencies allow the Advisory Council on Historic Preservation an opportunity to comment on all projects

affecting historic properties listed in the National Register. For further information, please refer to 36 CFR 800.

Eligibility for Federal Tax Provisions: If a property is listed in the National Register, certain Federal tax provisions may apply. The Tax Reform Act of 1986 (which revised the historic preservation tax incentives authorized by Congress in the Tax Reform Act of 1976, the Revenue Act of 1978, the Tax Treatment Extension Act of 1980, the Economic Recovery Tax Act of 1981, and the Tax Reform Act of 1984) provides, as of January 1, 1987, for a 20% investment tax credit with a full adjustment to basis for rehabilitating historic commercial, industrial, and rental residential buildings. The former 15% and 20% Investment Tax Credits (ITCs) for rehabilitation of older commercial buildings are combined into a single 10% ITC for commercial and industrial buildings built before 1936. The Tax Treatment Extension Act of 1980 provides Federal tax deductions for charitable contributions for conservation purposes of partial interests in historically important land areas or structures. Whether these provisions are advantageous to a property owner is dependent upon the particular circumstances of the property and the owner. Because the tax aspects outlined above are complex, individuals should consult legal counsel or the appropriate local Internal Revenue Service office for assistance in determining the tax consequences of the above provisions. For further information on certification requirements, please refer to 36 CFR 67.

Qualification for Federal Grants for Historic Preservation When Funds Are Available: The National Historic Preservation Act of 1966, as amended, authorizes the Secretary of the Interior to grant matching funds to the States (and the District or Columbia) for, among other things, the preservation and protection of properties listed in the National Register.

Owners of private properties nominated to the National Register have an opportunity to concur with or object to listing in accord with the National Historic Preservation Act and 36 CFR 60. Any owner or partial owner of private property who chooses to object to listing must submit to the State Historic Preservation Officer a notarized statement certifying that the party is the sole or partial owner of the private property, and objects to the listing. Each owner or partial owner of private property has one vote regardless of the portion of the property that the party owns. If a majority of private property owners object, a property will not be listed. However, the State Historic Preservation Officer shall submit the nomination to the Keeper of the National Register of Historic Places for a determination of eligibility for listing in the National Register. If the property is then determined eligible for listing, although not formally listed, Federal agencies will be required to allow the Advisory Council on Historic Preservation an opportunity to comment before the agency may fund, license, or assist a project which will affect the property. If an owner chooses to object to the listing of the property, the notarized objection must be submitted to the above address by the date of the Review Board meeting.

For further information, contact Kim Williams, at kim.williams@dc. gov.

HISTORIC PRESERVATION REVIEW BOARD
NOTICE OF PUBLIC HEARING

The D.C. Historic Preservation Review Board will hold a public hearing to consider an application to designate the following property a historic landmark in the D.C. Inventory of Historic Sites. The Board will also consider the nomination of the property to the National Register of Historic Places:

Case No. 27-01: Lewis Crowe House
1842 Central Place NE
Washington, DC 20002
Applicant: Brenda Ingram, owner
Affected Advisory Neighborhood Commission: 5D

The hearing will take place at **9:00 a.m. on Thursday, November 19, 2026**. The Board hearing will be online, the details for which will be available here: planning.dc.gov/node/1176060. It will be conducted in accordance with the Review Board's Rules of Procedure (10C DCMR 2, see planning.dc.gov/node/594182).

The Board's hearing is open to all interested parties or persons. Public and governmental agencies, Advisory Neighborhood Commissions, property owners, and interested organizations or individuals are invited to testify before the Board. Written testimony may also be submitted prior to the hearing. All submissions should be sent to the address above.

A copy of the historic designation application is currently on file and available for inspection by the public at the Historic Preservation Office. It is posted on the office website at planning.dc.gov/page/pending-nominations-dc-inventory. A copy of the staff report and recommendation will be available at the office five days prior to the hearing at https://planning.dc.gov/node/1176025. The office also provides information on the D.C. Inventory of Historic Sites, the National Register of Historic Places, and Federal tax provisions affecting historic property.

If the Historic Preservation Review Board designates a property, it will be included in the D.C. Inventory of Historic Sites and will be protected by the D.C. Historic Landmark and Historic District Protection Act of 1978. The Review Board will simultaneously consider the nomination of the property to the National Register of Historic Places. The National Register is the Federal government's official list of prehistoric and historic properties worthy of preservation. Listing in the National Register provides recognition and assists in preserving our nation's heritage. Listing provides recognition of the historic importance of properties and assures review of Federal undertakings that might affect the character of such properties. If a property is listed in the Register, certain Federal rehabilitation tax credits for rehabilitation and other provisions may apply. Public visitation rights are not required of owners. The results of listing in the National Register are as follows:

Consideration in Planning for Federal, Federally Licensed, and Federally Assisted Projects: Section 106 of the National Historic Preservation Act of 1966 requires that Federal agencies allow the Advisory Council on Historic Preservation an opportunity to comment on all projects

affecting historic properties listed in the National Register. For further information, please refer to 36 CFR 800.

Eligibility for Federal Tax Provisions: If a property is listed in the National Register, certain Federal tax provisions may apply. The Tax Reform Act of 1986 (which revised the historic preservation tax incentives authorized by Congress in the Tax Reform Act of 1976, the Revenue Act of 1978, the Tax Treatment Extension Act of 1980, the Economic Recovery Tax Act of 1981, and the Tax Reform Act of 1984) provides, as of January 1, 1987, for a 20% investment tax credit with a full adjustment to basis for rehabilitating historic commercial, industrial, and rental residential buildings. The former 15% and 20% Investment Tax Credits (ITCs) for rehabilitation of older commercial buildings are combined into a single 10% ITC for commercial and industrial buildings built before 1936. The Tax Treatment Extension Act of 1980 provides Federal tax deductions for charitable contributions for conservation purposes of partial interests in historically important land areas or structures. Whether these provisions are advantageous to a property owner is dependent upon the particular circumstances of the property and the owner. Because the tax aspects outlined above are complex, individuals should consult legal counsel or the appropriate local Internal Revenue Service office for assistance in determining the tax consequences of the above provisions. For further information on certification requirements, please refer to 36 CFR 67.

Qualification for Federal Grants for Historic Preservation When Funds Are Available: The National Historic Preservation Act of 1966, as amended, authorizes the Secretary of the Interior to grant matching funds to the States (and the District or Columbia) for, among other things, the preservation and protection of properties listed in the National Register.

Owners of private properties nominated to the National Register have an opportunity to concur with or object to listing in accord with the National Historic Preservation Act and 36 CFR 60. Any owner or partial owner of private property who chooses to object to listing must submit to the State Historic Preservation Officer a notarized statement certifying that the party is the sole or partial owner of the private property, and objects to the listing. Each owner or partial owner of private property has one vote regardless of the portion of the property that the party owns. If a majority of private property owners object, a property will not be listed. However, the State Historic Preservation Officer shall submit the nomination to the Keeper of the National Register of Historic Places for a determination of eligibility for listing in the National Register. If the property is then determined eligible for listing, although not formally listed, Federal agencies will be required to allow the Advisory Council on Historic Preservation an opportunity to comment before the agency may fund, license, or assist a project which will affect the property. If an owner chooses to object to the listing of the property, the notarized objection must be submitted to the above address by the date of the Review Board meeting.

For further information, contact Kim Williams, at kim.williams@dc. gov.

BOARD OF ZONING ADJUSTMENT
NOTICE OF VIRTUAL PUBLIC HEARING

TIME AND PLACE: Wednesday, January 13, 2027, @9:30 a.m.
Via WebEx: https://dcoz.dc.gov/BZA01-13-2027
Via Telephone: 202-860-2110 Access Code: 2310 655 3296
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:	**Xiomara De Leon Medina**
Case No.:	**21530**
Address:	818 Tuckerman Street, N.W. (Square 2977, Lot 62)
ANC:	**4B**
Relief:	Special Exception from: • The rear yard requirements of Subtitle D § 207.1 (pursuant to Subtitle D § 5201 and Subtitle X § 901.2)
Project:	To construct a rear addition, to an existing semi-detached, two-story plus cellar, principal dwelling unit in the R-2 zone.

WARD FOUR

Application of:	**710 Otis Place, LLC**
Case No.:	**21536**
Address:	1362 Shepherd Street, N.W. (Square 2824, Lot 106)
ANC:	**4C**
Relief:	Special Exception under: • The residential conversion requirements of Subtitle U § 320.2 (pursuant to Subtitle X § 901.2)
Project:	To construct a third story and a three-story plus cellar rear addition, and convert to a 3-unit apartment house, an existing semi-detached, two-story plus cellar, principal dwelling unit in the RF-1 zone.

WARD SIX

Application of:	**Letitia H. White, Trustee**
Case No.:	**21539**
Address:	114 3rd Street S.E. (Square 788, Lot 57)
ANC:	**6B**
Relief:	Special Exception under: • The accessory apartment use requirements of Subtitle U § 301.1(e) (pursuant to Subtitle X § 901.2) Special Exceptions from: • The rear yard requirements of Subtitle E § 207.1 (pursuant to Subtitle E § 5201 and Subtitle X § 901.2) • The accessory structure maximum building area requirements of Subtitle E § 5003.1 (pursuant to Subtitle E § 5201 and Subtitle X § 901.2)
Project:	To construct a second story accessory dwelling unit to an existing, detached, accessory garage, in the rear of an existing, attached, two-story, principal dwelling unit in the RF-1/CAP zone.

WARD SIX

Application of:	**245-249 8th Street NE REI, LLC**
Case No.:	**21540**
Address:	245-249 8th Street, N.E. (Square 917, Lot 119)
ANC:	**6A**
Relief:	Special Exception under: • The residential conversion requirements of Subtitle U § 320.2 (pursuant to Subtitle X § 901.2) Special Exceptions from: • The lot occupancy requirements of Subtitle E § 210 (pursuant to Subtitle E § 5201 and Subtitle X § 901.2)
Project:	To construct a three-story plus cellar, rear addition, and convert to an 8-unit apartment house, an existing, attached, three-story plus cellar, 11-unit apartment house 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.

MICHELLE POURCIAU - CHAIRPERSON
JONATHAN GOLDSTEIN - VICE-CHAIRPERSON
ROBYN WELLS - MEMBER
MELISSA LINDSJO - 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 .

OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION

NOTICE OF FINAL RULEMAKING

The State Superintendent of Education ("State Superintendent"), pursuant to authority set forth in Sections 3(b)(11) and 3(b)(15) of the State Education Office Establishment Act of 2000, effective October 21, 2000 (D.C. Law 13-176; D.C. Official Code §§ 38-2602(b)(11) and (b)(15)); the Immunization of School Students Act of 1979, effective September 28, 1979 (D.C. Law 3-20; D.C. Official Code § 38-501 *et seq.*); the Immunization of School Students Amendment Act of 2023, effective January 23, 2024 (D.C. Law 25-108; 71 DCR 1656); and Mayor's Order 2025-092, dated September 12, 2025 (72 DCR 010049), hereby provides notice of her adoption of the following amendments to Chapter 53 (Public School Immunization Procedures and Requirements) of Subtitle A (Office of the State Superintendent of Education) and Subtitle E (Original Title 5) of Title 5 (Education) of the District of Columbia Municipal Regulations ("DCMR").

I. Purpose

The overarching purpose of this final rulemaking is to help ensure that schools in the District of Columbia are healthy and safe by updating the requirements and enforcement mechanisms related to student immunizations.

The Office of the State Superintendent of Education ("OSSE") last issued a comprehensive update of its regulations regarding school immunization procedures and requirements in October 2008. *See* Notice of Final Rulemaking, 55 DCR 010166 (October 3, 2008). The changes in this Notice of Final Rulemaking update the operating standards for schools in the District to reflect changes to District law and improved school immunization practices based on implementation experience. Many of the changes reflect input OSSE has received from stakeholders, including school and local educational agency ("LEA") staff, Public Charter School Board ("PCSB") staff, Department of Health staff, and OSSE staff.

II. Summary of Final Rulemaking

This final rulemaking makes amendments to Chapter 53 (Public School Immunization Procedures and Requirements) of Title 5-E DCMR (which is redesignated by the rulemaking as Chapter 53 of Title 5-A DCMR), which sets forth the requirements and standards for enforcing school immunization requirements in the District. Below is a summary of the key changes by topic:

Clarifying How the Rules Apply to Private, Parochial, and Independent Schools

Subsection 5300.1 clarifies that private, parochial, and independent schools maintain discretion as to whether to adopt OSSE's written notification and temporary exclusion guidance.

Applicable Students

Subsection 5300.2 clarifies which students must meet the immunization requirements. Subsection 5300.2 makes the rules applicable to all students enrolled in and attending a school in grade pre-K

3 through grade 12 who are under the age of 26 at the start of the school term for which admission is sought. This definition of applicable students is consistent with the definitions in the Immunization of School Students Act of 1979.

Required Immunizations

This rulemaking removes Subsection 5300.3 as the source of the immunization requirements and replaces it with amendments to Subsection 5300.2 to clarify that the list of required immunizations is established by the Department of Health in Title 22 of the DCMR.

Notification Requirements

Subsection 5300.3 enumerates the requirements for schools' annual notification of immunization information to the responsible person for each student. These requirements are aligned to the Immunization of School Students Amendment Act of 2023, have previously been included in OSSE guidance, and are aligned to the standard operating practice that schools currently follow to make families aware of the immunization requirements and the risk of temporary exclusion for failure to meet the requirements.

School Documentation of Student Immunization Status

Subsection 5300.4 clarifies that school officials shall use the Department of Health's data systems to receive, verify, and document each student's certification of immunization or exemption. This clarification aligns the rule to the standard practice within schools.

Notification and Temporary Exclusion Process

This rulemaking removes the existing language in Subsection 5300.5 regarding the notification and exclusion timeline for students who are out of compliance with immunization requirements. Subsection 5300.5 aligns the notification procedures to the standard operating procedures that schools follow under guidance issued by OSSE and details the information that must be included in notifications when a school determines a student is out of compliance with immunization requirements. This subsection also requires that schools make reasonable attempts to notify the student's responsible person and to provide the notifications in accessible formats.

Subsection 5300.6 clarifies the notification process for non-compliant students eligible for exclusion, aligns it to the standard operating procedures that schools follow under guidance issued by OSSE, and requires all schools to provide written notification to the responsible person of a non-compliant student no later than the final Monday of October. This rulemaking also amends the notification requirements to limit such notification requirements to non-compliant students in pre-K 3, kindergarten, seventh grade, and eleventh grade, although schools may choose to provide this notice to non-compliant students in all grades.

Subsection 5300.7 requires schools to temporarily exclude non-compliant students who remain non-compliant after the notification period. This rulemaking also specifies the attendance coding

for students who are temporarily excluded due to immunization non-compliance. These changes align the regulation to standard operating procedures under guidance issued by OSSE.

Medical and Religious Exemptions

Subsection 5300.10 updates the process for receiving medical and religious exemptions to align it to the standard operating procedure that is in place under guidance issued by OSSE and the Department of Health.

Students Experiencing Homelessness

Subsection 5300.11 clarifies the applicability of the rule to students experiencing homelessness. Under the federal McKinney-Vento Homeless Assistance Act of 1987, students experiencing homelessness are prohibited from being temporarily excluded from school, even if the student is unable to produce records normally required for enrollment, such as previous academic records, records of immunization and other required health records, proof of residency, or other documentation (42 U.S.C. § 11432(g)(3)(C)(i)). This addition aligns the rule to the federal statute.

OSSE Guidance

Subsection 5300.12 is added to require OSSE to publish annual guidance on how public schools shall implement the requirements of Chapter 53.

Specialized Instruction

This rulemaking removes the option to provide specialized instruction for non-compliant students. Pursuant to OSSE's current guidance, and to promote safety throughout the District, distance learning is prohibited for students who are temporarily excluded from school due to immunization non-compliance.

Immunization Points of Contact

This rulemaking adds a requirement in Subsection 5300.15 for public school leaders to designate two school officials to act as immunization points of contact. This addition aligns with standard operating procedures under guidance issued by OSSE. These individuals are responsible for ensuring school-level compliance with the immunization law and rules.

Monitoring and Enforcement

New Subsections 5300.13 and 5300.14 require OSSE, the Department of Health, District of Columbia Public Schools, and PCSB to monitor LEAs' and schools' enforcement of Chapter 53. New Subsection 5300.16 grants OSSE authority to subject LEAs to corrective actions for failure to enforce the rule.

Technical Corrections

Subsection 5300.8 clarifies that any authorized medical provider (including a physician or nurse practitioner or a physician or nurse practitioner's representative) or the public health authorities may provide the written notification that the student is in the process of receiving their required immunizations.

III. Notice of Proposed Rulemaking

OSSE published a Notice of Proposed Rulemaking in the *District of Columbia Register* for a thirty (30) day public comment period on June 12, 2026 at 73 DCR 008521. The public comment period closed on July 11, 2026. OSSE received no public comments and made no changes in this final rulemaking to the text of the rules as proposed.

IV. Adoption and Effective Date

This rulemaking was adopted as final by the State Superintendent of Education on September 29, 2026 and shall become effective upon publication of this Notice of Final Rulemaking in the *District of Columbia Register.*

Title 5 DCMR, EDUCATION, is amended as follows:

Chapter 53, PUBLIC SCHOOL IMMUNIZATION PROCEDURES AND REQUIREMENTS, of Subtitle E, ORIGINAL TITLE 5, is redesignated as Chapter 53 of Subtitle A, OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION.

Newly redesignated Chapter 53 of Subtitle A, OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION, is amended to read as follows:

Chapter 53
DISTRICT OF COLUMBIA SCHOOL IMMUNIZATION PROCEDURES AND REQUIREMENTS

5300 SCHOOL IMMUNIZATION PROCEDURES AND REQUIREMENTS

5300.1 All District of Columbia schools shall enforce immunization requirements for school admission and attendance as set forth in this chapter; except, that private, parochial, and independent schools are not required to follow OSSE guidance issued pursuant to Subsection 5300.12.

5300.2 Each student enrolled and attending a school in grade pre-K 3 through grade twelve (12) and under the age of twenty-six (26) at the start of the school term for which admission is sought shall be required to present valid certification of immunization documenting that the student has been immunized in accordance with the list of required immunizations established by the Department of Health in Title 22 of the District of Columbia Municipal Regulations, unless exempted in accordance with Section 5300.10. An immunization record forwarded from a student's previous school containing the immunization information required by this chapter may be

accepted by a school leader or other appropriate school official in lieu of the student providing a new certification of immunization.

5300.3 Each school shall, at least annually, distribute immunization information to the responsible person for each enrolled student that includes the following:

(a) The list of required immunizations established by the Department of Health in Title 22 of the District of Columbia Municipal Regulations;

(b) A statement that all students must be immunized in accordance with the list of required immunizations;

(c) The exclusion standards set forth in Section 5300.7; and

(d) As directed by OSSE or the Department of Health, advice or guidance on immunizations published by public health officials or the Advisory Committee on Immunization Practices.

5300.4 School officials shall verify each student's certification of immunization or exemption. School officials shall record documentary proof of the verified certification or exemption in the student's permanent school health record. School officials shall utilize data systems provided by the Department of Health for electronically receiving, verifying, and documenting each student's certification of immunization or exemption.

5300.5 (a) When a school official determines that a student who is attending school is missing a certification of immunization or exemption, the school shall immediately notify the responsible person in writing and provide the following information in the notice:

(1) A list of the student's missing immunization(s);

(2) A statement that the student must be immunized in accordance with the list of required immunizations established by the Department of Health, unless exempted in accordance with Subsection 5300.10;

(3) A statement that the student may be immunized and receive certification of immunization from a healthcare professional authorized to administer an immunization or from the public health authorities;

(4) Contact information for the public health authorities and information on where to obtain a list of locations specifying where and when immunization services are performed in the District of Columbia;

(5) The date by which the responsible person must submit a certification of immunization certification or exemption to the school; and

(6) A copy of the certificate of health form described in Section 3 of the Student Health Care Act of 1985, effective December 3, 1985 (D.C. Law 6-66; D.C. Official Code § 38-602).

(b) When considered appropriate by the school, or required by law, the written notification shall be translated into a language other than English or provided in an alternate format to facilitate communication with individuals with disabilities.

(c) The school shall also make reasonable attempts to establish positive contact with the responsible person.

5300.6 (a) No later than the final Monday of October, each public school shall provide written notification to the responsible person of a student who has attended at least one (1) day in the following grades and who is missing a certification of immunization or exemption:

(1) Pre-K 3;

(2) Kindergarten;

(3) Seventh grade; and

(4) Eleventh grade.

(b) Each private, parochial, and independent school shall provide written notification to the responsible person of a student who has attended at least one (1) day in the grades under paragraph (a) of this section no later than the final Monday of October.

(c) A school may also provide a written notification under paragraph (a) or (b) of this subsection to the responsible person of a student in any other grade if the student has attended at least one (1) day and is missing a certification of immunization or exemption.

(d) A written notification provided under this subsection shall include:

(1) The information required by Section 5300.5; and

(2) A statement that the responsible person must submit a certification of immunization or exemption to the school no later than the second Monday of December, to prevent the student from being temporarily excluded from school until a certification of immunization or

exemption is submitted to the school; provided, that if the school is a private, parochial, or independent school, the date by which the responsible person must submit the certification may instead be, at the discretion of the school, twenty (20) school days after the date of the written notification.

5300.7 After the twenty (20)-school day notification period described in Subsection 5300.6 has passed, or no later than the second Monday of December, whichever is applicable, the school shall immediately exclude and prohibit from further attendance any student enrolled in the grades specified in Subsection 5300.6(a) who is still missing a certification of immunization or exemption. The student shall be excluded from school until the responsible person submits a certification of immunization or exemption to the school. The student's attendance shall be classified as an "unexcused absence" for each day missed due to the missing certification of immunization or exemption until the responsible person submits a certification of immunization or exemption to the school. When the school receives a certification of immunization or exemption for the student, the school shall reclassify each day missed due to the missing a certification of immunization or exemption as an "excused absence." Public schools shall use the daily attendance codes established by OSSE to report these absences.

5300.8 (a) If a required immunization necessitates continuing treatment or a series of treatments ("subsequent treatment"), the student shall be allowed to attend school while the treatment is being received if the responsible person provides the school written notification from the student's physician or nurse practitioner, the physician or nurse practitioner's representative, or from a public health authority that school attendance is appropriate and treatment is in progress. The notification shall also indicate the date by which each subsequent treatment is to be obtained and the date by which the treatment is expected to be completed.

(b) The responsible person shall provide the certification of immunization to the school upon completion of the treatment.

(c) The immunization record of each student allowed to attend school pursuant to paragraph (a) of this subsection shall be reviewed periodically by the school to confirm and update the documentation of subsequent treatment to determine whether the student has become fully immunized within the time period indicated in the written notification provided under paragraph (a) of this subsection. If the student fails to timely continue the subsequent treatments, the school shall promptly notify the responsible person. If the student fails to complete the treatment by the date by which the treatment is expected to be completed, the school shall promptly notify the responsible person and initiate a notification and temporary exclusion process for any student enrolled in a grade specified in Subsection 5300.6(a).

5300.9 When a school has a reasonable basis to believe that a student who is not fully immunized against a specific communicable disease (as defined by the Department of Health in Title 22 of the District of Columbia Municipal Regulations) may have been exposed to that specific communicable disease, the school shall immediately report the information to the Department of Health and discuss with the appropriate official at the Department of Health whether the student is at risk of developing the disease and whether the student should be temporarily excluded from attending school until completion of a quarantine or isolation period when the disease is considered communicable.

5300.10 A student who is enrolled in a school in the District of Columbia shall not be subject to the certification of immunization requirements of this chapter, with respect to a specific immunization if:

(a) The responsible person provides the school with a valid religious exemption approval issued by the Department of Health; provided, that a private, parochial, or independent school that has religious practices and principles that contradict the Department of Health immunization policy may reject a student's Department of Health approved religious exemption; or

(b) The responsible person submits written certification from the student's physician or nurse practitioner, or from the physician or nurse practitioner's representative, stating that the immunization or treatment is medically inadvisable for the student. A student's medical exemption under this paragraph shall not expire unless the condition making the immunization(s) medically inadvisable is temporary and specified by the student's physician or nurse practitioner or their representative.

5300.11 The immunization requirements of this chapter shall apply to students who are experiencing homelessness; however, school authorities shall not exclude a student who is experiencing homelessness from school pursuant to Section 5300.7 for failure to comply with these requirements.

5300.12 (a) The school leader at each public school shall designate two (2) school officials to act as the school's immunization points of contact for monitoring school-level compliance with this chapter and coordinating with OSSE and the Department of Health pursuant to this chapter. In a public school that participates in the Department of Health's School Health Services Program, a school nurse or health suite personnel assigned to the public school shall serve as one (1) of the immunization points of contact for the public school.

(b) Compliance with paragraph (a) of this subsection shall be verified by the school leader prior to the start of each school year and periodically throughout the school year in a manner prescribed by OSSE.

5300.13 A public or public charter LEA that does not enforce this chapter may be subject to corrective actions, as determined appropriate by OSSE in accordance with guidance issued pursuant to Section 5300.12.

5300.14 OSSE shall annually issue guidance to implement the requirements of this chapter and to specify when written notifications shall be sent pursuant to Section 5300.6 and when temporary exclusions shall commence pursuant to Section 5300.7. This guidance shall be followed by public schools. Private, parochial, and independent schools may choose, but are not required, to follow guidance issued by OSSE pursuant to this subsection.

5300.15 OSSE, in coordination with the Department of Health, shall monitor enforcement of this chapter by public schools and by private, parochial, and independent schools.

5300.16 The District of Columbia Public Schools and the District of Columbia Public Charter School Board shall monitor and enforce District of Columbia Public Schools and public charter schools' compliance with this chapter, respectively.

5300.99 DEFINITIONS

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

Certification of immunization – certification or proof by a healthcare professional authorized to administer an immunization or their representative, the public health authority, or from a previous school demonstrating that a student has received a required immunization in accordance with the list of school immunizations established by the Department of Health in Title 22 of the District of Columbia Municipal Regulations.

LEA – a local education agency.

Local education agency – the District of Columbia Public Schools system or any individual or group of public charter schools operating under a single charter.

OSSE – the Office of the State Superintendent of Education.

Public school – a District of Columbia Public Schools school, a District of Columbia public charter school.

Responsible person – in the case of a student under eighteen (18) years of age, a parent, legal guardian, legal custodian, foster parent, or other adult charged with the ongoing care and supervision of the student, and, in the case of a student eighteen (18) years of age or older or a student under eighteen (18) years of age who is an emancipated child, the student themself.

School – a District of Columbia Public Schools school serving any grades pre-K through 12, a public charter school serving any grades pre-K through 12, or any private, parochial, or independent school that offers instruction at any level or grade from pre-K through 12.

School day – any day in which a school provides educational services, including a partial school day. A school day includes a day during which a school provides educational services in-person or via distance learning. A school day does not include a day in which students are not receiving educational services (e.g., weekends, holidays, school staff professional development days).

School leader – the school principal or individual in the head-of-school role.

Student – any person who seeks enrollment in a school, or for whom enrollment is sought by a responsible person, enrolled in grades pre-K 3 through 12 or pursuing an IEP Certificate of Completion, and who will not have attained the age of twenty-six (26) years by the start of the school term for which enrollment is sought.

OFFICE OF TAX AND REVENUE

NOTICE OF FINAL RULEMAKING

The Deputy Chief Financial Officer of the District of Columbia Office of Tax and Revenue (OTR) of the Office of the Chief Financial Officer, pursuant to the authority set forth in § 317 of the District of Columbia Deed Recordation Tax Act of 1962, approved March 2, 1962 (76 Stat. 11; D.C. Official Code § 42-1117 (2001 ed.)), as amended (the "Act"), Section 2(c)(3) of the District of Columbia Recordation of Economic Interests in Real Property Tax Amendment Act of 1989 (D.C. Law 8-20), D.C. Official Code § 47-916 (2015 Repl.), Section 201(a) of the 2005 District of Columbia Omnibus Authorization Act, approved October 16, 2006 (120 Stat. 2019, Pub. L. 109-356; D.C. Official Code § 1-204.24d (2016 Repl.)), and the Office of the Chief Financial Officer Financial Management and Control Order No. 00-5, effective June 7, 2000, hereby gives notice of this final action to amend Chapters 5 (Tax on Recordation of Deeds) and 6 (Real Property Transfer Tax) of Title 9 (Taxation and Assessments) of the District of Columbia Municipal Regulations (DCMR).

The amendments of Chapter 5, Section 502 and Chapter 6, Section 602 clarify the application of nominal consideration treatment to leases, as well as economic interests and other interests in real property. Under Section 303(a)(1)(B)(iii) of the Act (D.C. Official Code § 42-1103(a)(1)(B)(iii)), and D.C. Official Code § 47-903(a)(1)(B), if there is no consideration for a lease or the consideration is nominal, recordation and transfer taxes are computed based on the fair market value of the real property covered by the lease. The amendments add provisions specifically illustrating and discussing the application of the existing rules for determining whether a deed or transfer is for no or nominal consideration to leases, economic interests and other interests in real property.

An amendment is also made to incorporate the recent ruling of the District of Columbia Court of Appeals finding that the fair market value under the no or nominal consideration rule is to be made as of the time the deed is recorded, rather than at the time the transfer occurs. *LHL Realty Company DC LLC v. District of Columbia*, 357 A.3d 1165, 2026 WL 1725573 (D.C. June 11, 2026).

The regulations are also amended to reflect the specific appeal procedures applicable to determinations of fair market value under the no or nominal consideration rules that were enacted by the Transfer and Recordation Tax Appeals Amendment Act of 2025, D.C. Law 26-147, effective July 18, 2026. These recently enacted procedures replace the appeal procedures currently described in the regulations.

Conforming amendments are also made to the transfer tax regulations to include allocation rules already set forth in the recordation tax regulations.

A Notice of Proposed Rulemaking was published in the *District of Columbia Register* on August 7, 2026, at 73 DCR 011213. No comments were received concerning the proposed rulemaking. This final rulemaking is identical to the published text of the proposed rulemaking. This rule was adopted as final on October 7, 2026, and will become effective upon publication of this notice in the *District of Columbia Register*.

Chapter 5, TAX ON RECORDATION OF DEEDS, of Title 9 DCMR, TAXATION AND ASSESSMENTS, is amended as follows:

Section 502, PAYMENT OF THE RECORDATION TAX, is amended as follows:

Subsection 502.6 is amended to read as follows:

502.6 The term "nominal consideration" means any price paid or any item exchanged in return for title to, or an economic interest in, real property, or the taxable amount computed under Section 303(a)(1)(B)(i) or (ii) of the Act (D.C. Code § 42-1103(a)(1)(B)(i) or (ii)) for a lease of real property, which bears no reasonable resemblance to the fair market value of the real property. Any consideration paid for title or an economic interest, or the taxable amount computed for a lease, which equals less than 30% of the fair market value of the real property for which a deed is submitted for recordation shall be deemed to bear no reasonable resemblance to the fair market value of the real property and, therefore, shall be deemed to be nominal.

Subsection 502.7 is amended to read as follows:

502.7 The following formula shall be applied for purposes of determining if the consideration paid, or the taxable amount computed under Section 303(a)(1)(B)(i) or (ii) of the Act (D.C. Code § 42-1103(a)(1)(B)(i) or (ii)) for a lease of real property, is 'nominal consideration':

The fair market value of the real property shall be multiplied by 30%. If the consideration paid for title or an economic interest, or the taxable amount computed for a lease is less than 30% of the fair market value of the real property for which a deed is submitted for recordation, the consideration paid or taxable amount computed shall be deemed to be nominal. If the consideration paid or taxable amount computed is deemed nominal, the recordation tax shall be based on the fair market value of the property. If the paid or taxable amount computed is equal to or greater than 30% of the fair market value of the real property for which a deed is submitted for recordation, the consideration paid or taxable amount computed shall not be deemed to be nominal.

Subsection 502.8 is amended by adding a new Example 4 reading as follows:

4. The taxable amount computed under Section 303(a)(1)(B)(i) or (ii) of the Act (D.C. Code § 42-1103(a)(1)(B)(i) or (ii)) for a lease of real property is $200,000 and the fair market value of the real property covered by the lease which is submitted for recordation is $750,000. 30% of the fair market value of the property is $ 225,000 ($ 750,000 X .30 = $ 225,000). Since the taxable amount computed for the lease is less than 30% of the fair market value of the property, the taxable amount computed shall be deemed to be nominal. In this case, the recordation tax shall be

based upon the fair market value of the real property covered by the lease.

Subsection 502.9 is amended to read as follows:

502.9 If the Recorder of Deeds determines that the consideration paid for title or an economic interest or the taxable amount computed under Section 303(a)(1)(B)(i) or (ii) of the Act (D.C. Code § 42-1103(a)(1)(B)(i) or (ii)) for a lease of real property is nominal, the recordation tax shall be determined, assessed and imposed based on the fair market value of the real property as of the time of recordation. The tax so determined, assessed and imposed shall be paid at the time the deed is submitted for recordation before the deed shall be accepted for recordation.

The first paragraph of Subsection 502.10 is amended to read as follows:

502.10 In determining whether consideration paid for title or an economic interest or whether the taxable amount computed under Section 303(a)(1)(B)(i) or (ii) of the Act (D.C. Code § 42-1103(a)(1)(B)(i) or (ii)) for a lease of real property is nominal, the Recorder of Deeds may use his or her discretion in considering any information available to him or her at the time of recordation from which the market value of the property may be determined. Such information may include, but is not limited to:

Subsection 502.11 is amended to read as follows:

502.11 Where an interest in real property (other than a lease) is transferred, the nominal consideration rules provided by these regulations shall be applied on the basis of the fair market value of the interest transferred as determined under these regulations.

Subsection 502.12 is amended to read as follows:

502.12 The transferor or transferee (as those terms are defined by D.C. Code § 47-901(10) and (11)) of real property, or an interest therein (including a lease), or an economic interest in real property, may file a petition with the Office of Tax and Revenue (OTR) for review of the determination of fair market value made by the Recorder of Deeds under Sections 303(a) or 304(c) of the Act (D.C. Code §§ 42-1103(a) or 42-1104(c)) and these regulations within 45 days after the Recorder of Deeds imposes the recordation tax associated with the fair market value determination. The determination of fair market value is made and the tax is imposed at the time the deed is recorded and the tax is paid. A transferor or transferee aggrieved by OTR's notice of final determination may appeal to the Real Property Tax Appeals Commission (Commission) within 45 days after the date of the notice of final determination. A transferor or transferee aggrieved by the Commission's determination of fair market value may appeal the determination to the Superior Court of the District of Columbia in the same manner and to the same extent as provided in D.C. Code §§ 47-3303 and 47-3304 within 45 days after the final fair

market value determination is issued by the Commission; provided, that the recordation tax associated with the determination of fair market value being appealed by the transferor or transferee shall first have been paid to the D.C. Treasurer together with any penalties and interest due thereon; provided further, that the transferor or transferee shall have in good faith first appealed the determination to the Commission immediately preceding the appeal to the Superior Court of the District of Columbia.

Chapter 6, REAL PROPERTY TRANSFER TAX, of Title 9 DCMR, TAXATION AND ASSESSMENTS, is amended as follows:

Section 602, PAYMENT OF THE TRANSFER TAX, is amended as follows:

Subsection 602.4 is amended to read as follows:

602.4 If there is no consideration for the property which is the subject of the transfer (or if the consideration is nominal), or if the taxable amount computed under D.C. Code § 47-903(a)(2) or (3) for a lease of real property is zero or is nominal, consideration is construed to be the fair market value of the real property involved, in accordance with D.C. Code § 47-904. The fair market value shall be determined by the Recorder of Deeds, subject to the appeal procedures provided in Section 602.12.

Subsection 602.6 is amended to read as follows:

602.6 The term "nominal consideration" means any price paid or any item exchanged in return for title to real property, or the taxable amount computed under D.C. Code § 47-903(a)(2) or (3) for a lease of real property, which bears no reasonable resemblance to the fair market value of the real property. If the consideration paid for title or the taxable amount computed for a lease is less than 30% of the fair market value of the property, it shall be deemed to bear no reasonable resemblance to the fair market value of the property and, therefore, shall be deemed to be nominal.

Subsection 602.7 is amended to read as follows:

602.7 The following formula shall be applied for purposes of determining if the consideration paid is ‘nominal’:

The fair market value of the real property shall be multiplied by 30%. If the consideration paid for title or the taxable amount computed under D.C. Code § 47-903(a)(2) or (3) for a lease of real property is less than 30% of the fair market value of the real property for which the deed (including a lease) is submitted for recordation, the consideration paid shall be deemed to be nominal. If the consideration paid for title or the taxable amount computed for a lease is deemed nominal, the transfer tax shall be based on the fair market value of the real property. If the consideration paid for title or the taxable amount computed for a lease is equal

to or greater than 30% of the fair market value of the real property for which a deed is submitted for recordation, the consideration paid shall not be deemed to be nominal.

Subsection 602.8 is amended by striking the last sentence of each of Examples 1, 2, and 3 and adding a new Example 4 reading as follows:

4. The taxable amount computed under D.C. Code § 47-903(a)(2) or (3) for a lease of real property stated on the transfer tax return is $200,000 and the fair market value of the real property covered by the lease which is submitted for recordation is $750,000. 30% of the fair market value of the property is $ 225,000 ($ 750,000.00 X .30 = $ 225,000.00). Since the taxable amount computed for the lease is less than 30% of the fair market value of the real property covered by the lease, the taxable amount computed shall be deemed to be nominal. In this case, the transfer tax shall be based upon the fair market value of the property.

Subsection 602.9 is amended to read as follows:

602.9 If the Recorder of Deeds determines that the consideration paid for title or the taxable amount computed under D.C. Code § 47-903(a)(2) or (3) for a lease of real property is nominal, the transfer tax shall be determined, assessed and imposed based on the fair market value of the property as of the time the deed transferring the property is recorded. The transfer tax so determined, assessed and imposed shall be paid at the time the deed is submitted for recordation before the deed shall be accepted for recordation.

The first paragraph of Subsection 602.10 is amended to read as follows:

602.10 In determining whether consideration paid for title to real property or whether the taxable amount computed under D.C. Code § 47-903(a)(2) or (3) for a lease of real property is nominal, the Recorder of Deeds may use his or her discretion in considering any information available to him or her at the time of recordation from which the market value of the real property may be determined. Such information may include, but is not limited to:

Subsection 602.11 is amended to read as follows:

602.11 Where an interest in real property (other than a lease) is transferred, the nominal consideration rules provided by these regulations shall be applied on the basis of the fair market value of the interest transferred as determined under these regulations.

Subsection 602.12 is amended to read as follows:

602.12 The transferor or transferee (as those terms are defined by D.C. Code § 47-901(10) and (11)) of real property, or an interest therein, may file a petition with the Office

of Tax and Revenue (OTR) for review of the determination of fair market value made by the Recorder of Deeds under D.C. Code § 47-904 and these regulations within 45 days after the Recorder of Deeds imposes the transfer tax associated with the fair market value determination. The determination of fair market value is made and the tax is imposed at the time the deed is recorded and the tax is paid. A transferor or transferee aggrieved by OTR's notice of final determination may appeal to the Real Property Tax Appeals Commission (Commission) within 45 days after the date of the notice of final determination. A transferor or transferee aggrieved by the Commission's determination of fair market value may appeal the determination to the Superior Court of the District of Columbia in the same manner and to the same extent as provided in D.C. Code §§ 47-3303 and 47-3304 within 45 days after the final fair market value determination is issued by the Commission; provided, that the transfer tax associated with the determination of fair market value being appealed by the transferor or transferee shall first have been paid to the D.C. Treasurer together with any penalties and interest due thereon; provided further, that the transferor or transferee shall have in good faith first appealed the determination to the Commission immediately preceding the appeal to the Superior Court of the District of Columbia.

A new Subsection 602.14 is added to read as follows:

602.14 When a single transaction includes a transfer of property or an interest in property by a deed that is taxed under the Act as well as property or an interest not taxed under the Act, the consideration shall be allocated between the taxed transfer and nontaxed property or interest transferred for purposes of assessing the tax on the transfer. The allocation shall be made on the transfer tax return and substantiated by documents establishing the agreement of the parties as to the allocation at the time of the transfer. The taxpayer has the burden of establishing the amount of consideration allocable to any nontaxable property or interest in property. In the absence of an allocation by the taxpayer, all consideration shall be allocated to the taxable transfer, unless otherwise adjusted by the Recorder of Deeds. The Recorder of Deeds shall not be bound by any allocation made on a transfer tax return and may adjust the allocation on audit.

A new Subsection 602.15 is added to read as follows:

602.15 When a transfer conveys interests in real property located both within and outside the District of Columbia, the consideration for the transfer shall be allocated between the two categories of property, and the tax shall be imposed on the consideration for the transfer that is allocable to property within the District. The tax applies to the consideration payable in the same ratio that the value of the real property that is located in the District bears to the value of the entire property transferred. The allocation shall be made on the transfer tax return and shall include such substantiation as the Recorder of Deeds shall deem appropriate.

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF FINAL RULEMAKING[1]
Z.C. Case No. 08-06R
(Text Amendment – 11 DCMR)
(Technical Corrections to Z.C. Order No. 08-06A)
July 31, 2025

The Zoning Commission for the District of Columbia (Commission), pursuant to its authority under § 1 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797), as amended; D.C. Official Code § 6-641.01 (2012 Rep1.)), hereby gives notice of its adoption of amendments to Subtitle A (Authority and Applicability), Subtitle B (Definitions, Rules of Measurement, and Use Categories), Subtitle C (General Rules), Subtitle I (Downtown (D) Zones), Subtitle K (Special Purpose Zones), Subtitle U (Use Permissions), and Subtitle Y (Board of Zoning Adjustment Rules of Practice and Procedure) and to replace wherever it occurs, the terms "Department of Consumer and Regulatory Affairs" or "DCRA" with "Department of Buildings," of Title 11 (Zoning Regulations of 2016) of the District of Columbia Municipal Regulations (DCMR) to make a technical corrections to an amendment made by Z.C. Order No. 08-06A (Original Rulemaking). 2016.

FINDINGS OF FACT

1. Pursuant to the Original Rulemaking, the Commission approved amendments to Subtitles A, B, C, I, K, U, and Y of the Zoning Regulations, which became effective upon publication in the September 6, 2016 *District of Columbia Register*.

2. By report dated March 31, 2025 (Exhibit [Ex.] 2), OP submitted a request for technical corrections to the Original Rulemaking pursuant to Subtitle Z § 703 of the Zoning Regulations.

3. The purpose was to provide technical corrections, and not substantive changes, to the current regulations which would be beneficial to all D.C. residents and landowners. The technical corrections were not specific to any particular part of the District or any set of residents; they would simply make the regulations easier to understand and administer.

4. Since the Original Rulemaking was published, the Department of Consumer and Regulatory Affairs has been renamed the Department of Buildings, and all references in these sections have been updated accordingly.

CONCLUSIONS OF LAW

Pursuant to Subtitle Z § 703, the Commission is authorized to approve technical corrections to approved final orders through a consent calendar procedure without a public hearing. The Commission concludes that the request described herein is technical in nature, and the request falls within the scope of a technical correction that can be granted without a public hearing.

[1] For Office of Zoning tracking purposes only, this Notice of Final Rulemaking shall also be known as Z.C. Order No. 08-06R.

DECISION

In consideration of the Findings of Fact and Conclusions of Law contained herein, the Zoning Commission for the District of Columbia hereby **ORDERS APPROVAL** of the request for technical corrections to Z.C. Order No. 08-06A to correct the text of Subtitles A-C, I, K, U, and Y as shown below.

A full explanation for the corrections and modifications adopted may be found in the Office of Planning report, which appears as Exhibit 2 in this case, and which may be accessed on the Office of Zoning website at http://dcoz.dc.gov.

Proposed Action
At its April 10, 2025, public meeting, the Commission voted to take **PROPOSED ACTION** to adopt the proposed technical corrections and to authorize the publication of a Notice of Proposed Rulemaking.

VOTE (April 10, 2025): 5-0-0 (Anthony J. Hood, Robert E. Miller, Joseph S. Imamura, Tammy Stidham, and Gwen Wright to approve.)

A Notice of Proposed Rulemaking was published in the June 20, 2025 edition of the *District of Columbia Register* at 72 DCR 6879. No comments were received and no changes were made to the text as proposed.

Final Action
At its July 31, 2025, public meeting, the Commission voted to take **FINAL ACTION** to permanently adopt the text as published in the Notice of Proposed Rulemaking.

VOTE (July 31, 2025): 5-0-0 (Anthony J. Hood, Robert E. Miller, Joseph S. Imamura, Tammy Stidham, and Gwen Wright to approve.)

The complete record in the case can be viewed online at the Office of Zoning's Interactive Zoning Information System (IZIS), at https://app.dcoz.dc.gov/Content/Search/Search.aspx.

In accordance with the provisions of Subtitle Z § 604.9, this Order No. 08-06R shall become final and effective upon publication in the *District of Columbia Register*; that is, on October 9, 2026.

TEXT AMENDMENTS

The following amendments to the text of the Zoning Regulations are hereby adopted:

I. Amendments to Subtitle A, AUTHORITY AND APPLICABILITY

Section 102.2 of § 102, **VESTED RIGHTS UNDER THE PREVIOUS 1958 ZONING REGULATIONS, AS AMENDED**, of Chapter 1, **INTRODUCTION TO TITLE 11**, is amended to read as follows:

102.2 An application for a building permit that has been officially accepted by the Department of Buildings as being complete prior to the effective date of this title, if the building permit plans are consistent with the 1958 Regulations, shall be considered a vested project.

Section 301.5(a) of § 301, **BUILDING PERMITS**, of Chapter 3, **ADMINISTRATION AND ENFORCEMENT**, is amended to read as follows:

301.5 …

(a) If one (1) of the building permit applications listed in Subtitle A § 301.6 is officially accepted as being complete and under review by the Department of Buildings on or before the date on which the Zoning Commission makes a decision to hold a hearing on the amendment, the processing of the application and completion of the work shall be governed by the property's existing zoning classification pursuant to Subtitle A § 301.4. However, if no building permit has been issued prior to the date that the zoning map amendment becomes effective, the building permit application shall be processed in accordance with the adopted zoning map amendment. The building permit application shall;

Section 301.9(a) of § 301, **BUILDING PERMITS**, of Chapter 3, **ADMINISTRATION AND ENFORCEMENT**, is amended to read as follows:

301.9 …

(a) The Permit Application was legally filed with, and accepted as complete by, the Department of Building prior to February 1, 2015; or

Section 301.10(a) of § 301, **BUILDING PERMITS**, of Chapter 3, **ADMINISTRATION AND ENFORCEMENT**, is amended to read as follows:

301.10 (a) The Permit Application was legally filed with, and accepted as complete by, the Department of Building prior to July 17, 2014; or

Section 301.11(a) of § 301, **BUILDING PERMITS**, of Chapter 3, **ADMINISTRATION AND ENFORCEMENT**, is amended to read as follows:

301.11 (a) The Permit Application was legally filed with and accepted as complete by the Department of Buildings.

Section 301.13 of § 301, **BUILDING PERMITS**, of Chapter 3, **ADMINISTRATION AND ENFORCEMENT**, is amended to read as follows:

301.13 Notwithstanding Subtitle A § 301.4, a building permit application (including a foundation-to grade permit application) (the Application) for construction involving any penthouse or rooftop structure other than as restricted in Subtitle C § 1501.1(b) may be processed, and any work authorized by the building permit may be carried to completion, pursuant to the provisions of the roof structure regulations in place as of November 19, 2015, if the Application was legally filed with, and accepted as complete by, the Department of Buildings, and had received a Letter of Zoning Compliance from the Zoning Administrator prior to that date.

Section 301.14 of § 301, **BUILDING PERMITS**, of Chapter 3, **ADMINISTRATION AND ENFORCEMENT**, is amended to read as follows:

301.14 Notwithstanding Subtitle A § 301.4, Subtitle D §§ 306.3, 306.4, 706.3, 706.4, 1006.2, 1006.3 1206.3, and 1206.4, and Subtitle E §§ 205.4 and 205.5, a rear wall of a row or semi-detached building may be constructed to extend farther than ten feet (10 ft.) beyond the farthest rear wall of any adjoining principal residential building on an adjoining property provided that the building permit application for such construction was filed and accepted as complete by the Department of Buildings on or before March 27, 2017 and not substantially changed after filing.

Section 301.15 of § 301, **A BUILDING PERMITS**, of Chapter 3, **ADMINISTRATION AND ENFORCEMENT**, is amended to read as follows:

301.15 Notwithstanding Subtitle A § 301.4, any building permit application including a foundation-to grade permit application (the Permit Application), shall be processed, and any work authorized by the permit may be carried to completion pursuant to the rules for measuring floor area ratio, height, and stories1 as existed on August 17, 2018 if the Permit Application was legally filed with, and accepted as complete by the Department of Buildings on or before that date and not substantially changed after filing.

II. Amendments to Subtitle B, DEFINITIONS, RULES OF MEASUREMENT, AND USE CATEGORIES

Section 100.2 of § 100, **DEFINITIONS**, of Chapter 1, **DEFINITIONS**, is amended to read as follows:

100.2 **Short-Term Rental**: A use as defined by the Short-Term Rental Regulation Act of 2018 (D.C. Law 22-307), that has a valid Basic Business License from the Department of Buildings with a "Short-Term Rental" or "Short-Term Rental: Vacation Rental" endorsement.

Section 304.5(d) of § 304, **RULES OF MEASUREMENT FOR GROSS FLOOR AREA (GFA)**, of Chapter 3, **GENERAL RULES OF MEASUREMENT**, is amended to read as follows:

304.5 …

(d) Determine the portion of this line that is five feet (5 ft.) or more below the finished floor of the ground floor.

III. Amendments to Subtitle C, GENERAL RULES

Section 601.4(a) of § 601, **APPLICABILITY OF GREEN AREA RATIO STANDARDS**, of Chapter 6, **GREEN AREA RATIO**, is amended to read as follows:

601.4 …

(a) That has been officially accepted by the Department of Buildings as being complete prior to October 1, 2013 if the building permit plans are consistent; or

Section 604.8 of § 601, **SUBMITTAL REQUIREMENTS FOR GREEN AREA RATIO**, of Chapter 6, **GREEN AREA RATIO**, was amended to read as follows:

604.8 Prior to the issuance of the certificate of occupancy, a landscape checklist must be signed by a Certified Landscape Expert, verifying that that landscaping was installed according to the building permit approved by Department of Buildings.

Section 1001.6(f)(1) of § 1001, **APPLICABILITY**, of Chapter 10, **INCLUSIONARY ZONING**, is amended to read as follows:

1001.6 …

(f) …

(1) Prior to January 1, 2025, the Department of Buildings has accepted as complete an application for a building permit, not including a foundation-to-grade permit, to construct the development; and …

Section 1003.11(a) of § 1003, **SET ASIDE REQUIREMENTS**, of Chapter 10, **INCLUSIONARY ZONING**, is amended to read as follows:

1003.11 …

(a) Prior to January 1, 2025, the Department of Buildings has accepted as complete an application for a building permit, not including a foundation-to grade permit, to construct the Inclusionary Development; and …

Section 1200.6 of § 1200, **GENERAL PROVISIONS**, of Chapter 12, **COMBINED LOT PROVISIONS**, is amended to read as follows:

1200.6 A certified copy of the instrument of transfer shall be filed with the Zoning Administrator before approval by the Department of Buildings of any building permit application affected by such transfer.

Section 1507.10(a) of § 1507, **AFFORDABLE HOUSING PRODUCTION REQUIREMENT GENERATED BY CONSTRUCTION OF PENTHOUSE HABITABLE SPACE**, of Chapter 15, **PENTHOUSES AND ROOFTOP STRUCTURES**, is amended to read as follows:

1507.10 …

(a) Prior to the issuance of a building permit for any penthouse space, not less than one-half (1/2) of the required total Housing Production Trust Fund contribution shall be made in accordance with the calculation of Subtitle C § 1507.7, based on the fair market value of the land as indicated in the property tax assessment records of the OTR at the time that the building permit application is accepted as complete by the Department of Buildings; and

IV. Amendments to Subtitle I, DOWNTOWN (D) ZONES

New § 570.5 of § 570, **HEIGHT (D-7)**, of Chapter 5, **REGULATIONS SPECIFIC TO PARTICULAR DOWNTOWN (D) ZONES**, is added to read as follows:

570.5 The maximum permitted building height, not including the penthouse or rooftop structure, in the D-7 zone on a lot with no frontage on Pennsylvania Avenue, N.W. shall be one hundred thirty feet (130 ft.).

Section 607.5 of § 607, **DOWNTOWN ARTS SUB-AREA**, of Chapter 6, **LOCATION-BASED REGULATIONS FOR DOWNTOWN SUB-AREAS AND DESIGNATED STREET SEGMENTS**, is amended to read as follows:

607.5 Arts uses shall comprise the arts uses listed in Subtitle U § 700.6.

Section 805.3 of § 805, **ACKNOWLEDGMENT OF RESIDENTIAL, ARTS, AND PREFERRED USE CREDITS,** of Chapter 8, **GENERATION AND CERTIFICATION OF CREDITS**, is amended to read as follows:

805.3 The Zoning Administrator, in his or her discretion, may request the General Counsel of the Department of Buildings or the Office of Zoning Legal Division to undertake a legal sufficiency review.

Section 807.14 of § 807, **GENERATION AND CERTIFICATION OF CREDITS FOR HISTORIC PRESERVATION**, of Chapter 8, **GENERATION AND CERTIFICATION OF CREDITS** , is amended to read as follows:

807.14 The Zoning Administrator, in his or her discretion, may request the General Counsel of the Department of Buildings or the Office of Zoning Legal Division to undertake a legal sufficiency review.

Section 901.5 of § 901, **TRANSFER OF CREDITS**, of Chapter 9, **USE OF CREDITS**, is proposed to be amended to read as follows:

901.5 The Zoning Administrator, in his or her discretion, may request the General Counsel of the Department of Buildings s or the Office of Zoning Legal Division to undertake a legal sufficiency review of the draft Certificate of Credit Transfer.

Section 902.4 of § 902, **RETRANSFER OF CREDITS**, of Chapter 9, **USE OF CREDITS**, is amended to read as follows:

902.4 The Zoning Administrator, in his or her discretion, may request the General Counsel of the Department of Buildings or the Office of Zoning Legal Division to undertake a legal sufficiency review of the draft Certificate of Credit Retransfer.

V. Amendments to Subtitle K, SPECIAL PURPOSE ZONES

Section 412.1(k) of § 412, **USES PERMITTED BY SPECIAL EXCEPTION (HE)**, of Chapter 4, **HILL EAST ZONES – HE-1 THROUGH HE-4**, is amended to read as follows:

412.1 …

(k) Other principal uses that are not permitted by Subtitle K § 410, but not prohibited by Subtitle K § 415 shall be permitted in the HE zones as a special exception subject to the following conditions in addition to the general special exception criteria of Subtitle X and Subtitle K § 413; provided the Zoning Commission considers that the use is appropriate in furthering the purposes of the HE zones.

Section 608.2 of § 608, **PARKING (STE)**, of Chapter 6, **SAINT ELIZABETHS EAST CAMPUS ZONES – STE-1 THROUGH STE-19**, is amended to read follows:

608.2 Each application to the Department of Buildings for a development that includes above-grade or below-grade structured parking, or surface parking shall provide an accounting of the total number of parking spaces within the StE zones which count towards the four thousand eight hundred (4,800) parking space limit.

Sections 917.3 and 917.5 of § 917, **VEHICLE PARKING (WR)**, of Chapter 9, **WALTER REED ZONES – WR-1 THROUGH WR-15**, is amended to read as follows:

917.3 Each application to the Department of Buildings for a development within the WR-1 through WR-8 zones that includes parking shall provide an accounting of the total

number of parking spaces which count towards the parking space limit of Subtitle K § 917.2.

…

917.5 Each application to the Department of Buildings for a development within the WR-9 through WR-15 zones that includes parking shall provide an accounting of the total number of parking spaces which count towards the parking space limit of Subtitle K § 917.4.

Sections 1008.1 and 1008.2 of § 1008, **SUSTAINABILITY (NHR)**, of Chapter 10, **NORTHERN HOWARD ROAD (NHR) ZONE**, is amended to read as follows:

1008.1 Each building constructed or substantially improved shall earn certification at the LEED v4.1 for New Construction Gold level, provided that prior to receipt of the first certificate of occupancy for the new construction or substantial improvement, the applicant shall submit to the Department of Buildings a financial security that is compliant with the provisions of § 6 of the Green Building Act of 2006, as amended (D.C. Official Code § 61451.05).

1008.2 Each building constructed or substantially improved shall have an on-site renewable energy system installed and operating prior to receipt of the first certificate of occupancy for the new construction or substantial improvement, which renewable energy system shall generate at least one percent (1%) of the total energy estimated to be needed to operate the building as calculated in the energy model submitted with the building permit application to the Department of Buildings.

Section 1103.2(c) of § 1103, **VEHICLE AND BICYCLE PARKING (BF)**, of Chapter 11, **BARRY FARM ZONES – BF-1 THROUGH BF-2**, is amended to read as follows:

1103.2 …

(c) Each application to the Department of Buildings for a development that requires parking shall clearly demonstrate compliance with conditions (a) and (b) of this subsection.

VI. Amendments to Subtitle U, USE PERMISSIONS

Section 253.13 of § 253, **ACCESSORY APARTMENT (R)**, of Chapter 2, **USE PERMISSIONS RESIDENTIAL HOUSE (R) ZONES**, is amended to read follows:

253.13 Prior to renting an accessory apartment in any zone, the property owner shall obtain a Residential Rental Business License from the Department of Buildings and the property shall be inspected for relevant housing code compliance.

Section 301.2(a) of § 301, **MATTER-OF-RIGHT USES (RF)**, of Chapter 3, **USE PERMISSIONS RESIDENTIAL FLATS (RF) ZONES**, is amended to read follows:

301.2 …

(a) The building or structure to be converted is in existence on the property at the time the building permit application for the conversion is accepted as complete by the Department of Buildings; and …

Section 320.2(a) of § 320, **SPECIAL EXCEPTION USES (RF)**, of Chapter 3, **USE PERMISSIONS RESIDENTIAL FLATS (RF) ZONES**, is proposed to be amended to read follows:

320.2 …

(a) The building to be converted or expanded is in existence on the property at the time the Department of Buildings accepts as complete the building permit application for the conversion or expansion; …

Section 805.1 of § 805, **EXTERNAL EFFECTS PERMIT APPLICATIONS (PDR)**, of Chapter 8, **USE PERMISSIONS PRODUCTION, DISTRIBUTION, AND REPAIR (PDR) ZONES**, is proposed to be amended to read follows:

805.1 When filing an application for a building permit or certificate of occupancy with the Department of Buildings for a use permitted subject to Subtitle U § 804, the applicant shall submit with the application three (3) copies of…

VII. Amendments to Subtitle Y, BOARD OF ZONING ADJUSTMENT RULES OF PRACTICE AND PROCEDURE

Section 101.9 of § 101, **GENERAL PROVISIONS**, of Chapter 1, **ADMINISTRATION**, is proposed to be amended to read follows:

101.9 Except for Subtitle Y §§ 100 through 105, 604.6, 604.5, 700.3, and 1602.5 the Board may, for good cause shown, waive any of the provisions of this subtitle if, in the judgment of the Board, the waiver will not prejudice the rights of any party and is not otherwise prohibited by law.

Section 501.2(b) of § 501, **INTERVENOR STATUS: GENERAL GUIDELINES**, of Chapter 5, **PRE-HEARING AND HEARING PROCEDURES: ZONING APPEALS**, is proposed to be amended to read follows:

501.2 …

(b) Oral argument by the appellee, the Department of Buildings;

…

DISTRICT OF COLUMBIA BOARD OF ELECTIONS

NOTICE OF PROPOSED RULEMAKING

The District of Columbia Board of Elections, pursuant to the authority set forth in the District of Columbia Election Code of 1955, approved August 12, 1955, as amended (69 Stat. 699; D.C. Official Code § 1-1001.05(a)(14) (2016 Repl.)), hereby gives notice of proposed rulemaking action to adopt amendments to Chapters 10, "Initiative and Referendum," 11, "Recall of Elected Officials," 14, "Candidate Nominations: Political Party Primaries For Presidential Preference and Convention Delegates," 15, "Candidate Nominations: Electors of President And Vice President of the United States," Chapter 16, "Candidate Nomination: Delegate to the U.S. House of Representatives, Mayor, Chairman and Members of the Council of the District of Columbia, Attorney General, U.S. Senator, U.S. Representative, Members of the State Board of Education, and Advisory Neighborhood Commissioner," and Chapter 17, "Candidates: Members and Officials of Local Committees of Political Parties and National Committee Persons" of the District of Columbia Municipal Regulations (DCMR).

The purpose of the amendments is to establish regulations consistent with the Petition Administration Clarification Emergency Amendment Act of 2026 (D.C. Act A26-0256) with respect to ballot measures and to clarify the Board's requirements for validly filed challenges to signatures on various ballot access petitions in light of guidance received from the DC Court of Appeals by way of opinions rendered in appeals from Board orders resolving challenges to nominating petitions in connection with the 2026 Primary, Special, and General Elections and the Board's experience resolving such challenges itself during the 2026 Election challenge periods.

The Board hereby gives notice of its intent to take final rulemaking action to adopt these amendments in not less than thirty (30) days from the date of publication of this notice in the *District of Columbia Register.*

Chapter 10, INITIATIVE AND REFERENDUM, of Title 3 DCMR, ELECTIONS AND ETHICS, is amended as follows:

Subsection 1006.1 of Section 1006, PETITION CHALLENGES, is amended to read as follows:

1006.1 The Executive Director or his or her designee shall post initiative or referendum petitions, or facsimiles thereof, in the Board's office for public inspection and opportunity to challenge on the basis of an insufficient number of valid signatures or any other grounds (except as to the merits of the measure) by any qualified elector(s) for ten (10) days, including Saturdays, Sundays, and holidays, beginning on the third (3rd) calendar day after the petition-filing deadline required by law. Prior to the start of the challenge period, an official form for ballot measure petition challenges ("Ballot Measure Petition Challenge Form") shall be posted on the Board's website and available at its offices, provided that the agency is not required to supply multiple copies of such blank forms to challengers. A challenge to an

initiative or referendum petition that is not properly submitted to the Board within the challenge period shall not be accepted by the Board's Registrar of Voters.

Subsection 1006.2 of Section 1006, PETITION CHALLENGES, is amended to read as follows:

1006.2 Except as provided in this section, the Board shall adjudicate the validity of each properly filed challenge in accordance with the procedures prescribed in Chapter 4 of this title.

(a) A challenge that does not satisfy the requirements of this section shall be rejected as not properly filed and shall not proceed to adjudication on the merits.

(b) A challenge to the validity of the signatures on a petition is properly filed only if it satisfies each of the following requirements, each of which shall be strictly construed:

(1) The challenge is submitted on the Board's official Ballot Measure Petition Challenge Form and identifies concisely, in the appropriate form fields corresponding to specific petition sheets and lines, the basis for the challenge to each particular signature sought to be discounted.

(2) Each challenged signature shall be identified with sufficient particularity to permit the Registrar of Voters to locate and evaluate the challenged entry without speculation as to the challenger's intent. A challenge shall not be considered sufficiently particular if the Registrar cannot determine from the face of the submission:

(A) the exact signature being challenged; and

(B) the specific defect alleged, without reference to materials outside the challenge form.

(3) The challenge shall clearly identify the specific rule of this chapter or other applicable legal authority that supports the asserted basis for discounting the signature.

(4) Generalized assertions, categorical claims, or statistical or inferential arguments shall not constitute a properly filed challenge unless they are tied to individually identified signatures or circulator affidavits.

(A) Assertions shall be deemed generalized where they are not tied to such specific entries or where identical allegations are

applied without regard to the content of the particular signature or affidavit challenged.

(B) A statistical or inferential argument shall not substitute for such particularized identification of a challenge basis for each signature.

(C) Where an inferential argument is based on alleged misconduct associated with another signature or circulator affidavit, the challenge will identify the signature by petition sheet and line, or the affidavit containing the alleged predicate misconduct, and each additional signature sought to be discounted on that basis.

(D) An inferential argument based on alleged circulator misconduct may extend only to those signatures collected by the circulator or circulators whose alleged misconduct forms the basis for the inference.

(5) A narrative statement, cover letter, attachment accompanying the Ballot Measure Petition Challenge Form, etc., shall not expand the scope of the challenge beyond the specific signatures, circulator affidavits, and defects identified in the form fields, and any ground, theory, or category of defect not so identified shall be deemed waived and may not be raised during adjudication or on appeal. A generalized narrative assertion of petition fraud or irregularity, without identification of specific signatures or affidavits, shall not constitute a properly filed non-signature challenge and shall not preserve any such theory for adjudication or appeal.

(6) The challenge is signed and submitted in person at the Board's office by a qualified elector no later than 5:00 p.m. on the tenth (10th) day of the challenge period. Submission by mail, electronic transmission, or any means other than in-person delivery shall not be accepted.

(7) The challenge alleges a sufficient number of signature defects that:

(A) Are sufficiently identified to allow the Registrar of Voters to readily locate the challenged signatures in the petition;

(B) Are sufficiently articulated to allow the Registrar of Voters to readily determine the signature validity rule of this chapter or the applicable legal authority being invoked;

(C) If established, would render the proposed measure ineligible for ballot access; and

(D) Are presented in a manner that permits evaluation based solely on the information provided by the challenger. The Board shall not be required to investigate, infer, reconstruct, or supplement the challenger's allegations to identify or substantiate defects.

(8) The challenge is based on a good faith review of the petition signatures and/or circulator affidavits. A challenge shall be deemed to be based on a good faith review only where the pattern, volume, and nature of the alleged defects reasonably demonstrate that the challenger has examined the specific signatures or circulator affidavits being challenged. Indicators of a lack of good faith review may include, but are not limited to:

(A) The repeated assertion of defect categories that are facially inapplicable to the identified signatures or affidavits;

(B) The use of identical or boilerplate allegations across numerous signatures without regard to the content of those signatures; or

(C) The assertion of defects that could not reasonably be determined from the face of the petition or accompanying materials.

(c) The grounds for a challenge shall be limited to those specifically identified in the challenge as filed within the challenge period. No new categories of defects, theories of invalidity, or challenges to additional signatures or circulator affidavits may be raised after the deadline for filing a challenge.

(d) A narrative statement or attachment filed with the initial challenge does not preserve for adjudication or appeal any ground, theory, or category of defect not identified with particularity in the form fields of the Ballot Measure Petition Challenge Form. This subsection applies regardless of whether the narrative statement was filed within the challenge period.

(e) The threshold determination of proper filing shall be made by the Executive Director or his or her designee, based on a written determination identifying the specific deficiencies under this section.

(f) A challenger whose submission is rejected as not properly filed shall be notified in writing of the basis for rejection. Such notification shall not constitute an opportunity to cure or supplement the challenge, and no additional submissions shall be accepted after the close of the challenge period.

(g) The burden of demonstrating that a challenged signature or circulator affidavit is invalid rests at all times with the challenger. The Board's acceptance of a ballot measure petition as facially sufficient shall stand unless the challenger satisfies each requirement of this section. The Board shall not bear any burden of demonstrating the invalidity of challenged signatures.

(h) A challenge on grounds other than the alleged invalidity of individual petition signatures shall be properly filed only if it concisely sets forth the specific procedural or legal defect that is not based on the merits of the legislative change sought. A challenge to a ballot measure petition based on a theory of systemic invalidity, fraud, or pattern-based petition disqualification shall not be cognizable as a challenge based on grounds other than the invalidity of signatures and must be asserted in accordance with (b) above.

Section 1009, PETITION CERTIFICATION, is amended to read as follows:

1009 PETITION CERTIFICATION

1009.1 Within thirty (30) calendar days after the acceptance of an initiative or referendum petition for filing, the Board shall determine whether the petition contains the number of valid signatures necessary, in terms of percentage and ward distribution requirements, to be certified for ballot access.

1009.2 Upon the acceptance of a petition, the Executive Director or his or her designee shall:

(a) Verify the registration of each petition signer; and

(b) Determine the number of signatures of verified registrants.

1009.3 The signatures of the verified registrants shall comprise the universe of signatures from which a random sample will be drawn for purposes of verifying the signatures' authenticity ("random sample universe").

1009.4 A signature will not be counted and included in the random sample universe if:

(a) The signer's voter registration was designated as inactive on the voter roll at the time the petition was signed;

(b) The signer, according to the Board's records, is not registered to vote at the address listed on the petition at the time the petition was signed, except that, if the Board's records indicate that the voter filed a change of address after the date on which the petition was signed but that was received on or before

the petition was submitted, the signature shall be included in the random sample universe;

(c) The signature is a duplicate of a valid signature;

(d) The signature is not dated;

(e) The petition does not include the printed or typed address of the signer;

(f) The petition does not include the printed or typed name of the signer where the signature is not sufficiently legible for identification;

(g) The circulator of the petition sheet was not a qualified petition circulator at the time the petition was signed;

(h) The circulator of the petition failed to complete or correctly enter all required information in the circulator's affidavit;

(i) [REPEALED];

(j) The signature was obtained on a petition sheet that was submitted on behalf of a previously filed initiative or referendum petition that was rejected or found to be numerically insufficient;

(k) The signature was obtained outside of the presence of the circulator;

(l) Correction fluid or tape was used on information provided by the circulator in the circulator affidavit;

(m) Correction fluid or tape was used on information provided by the signer, including their name, address, signature, date of signing, or ward; or

(n) Information about the signer was written, altered, corrected, clarified, or obscured on the petition by a person other than the signer, and the signer did not request such assistance before affixing their signature.

1009.5 Each signature in the random sample universe shall be ascribed to the ward in which the signer was a duly registered voter on the date the petition was signed regardless of whether any subsequent redistricting causes the voter to be assigned to a new ward, except that if the Board's records indicate that the voter filed a change of address after the date on which the petition was signed, but that was received on or before the petition was submitted, the signature shall be included in the ward of the voter's new address.

1009.6 If the number of signatures in the random sample universe does not meet or exceed the established ward and District-wide requirements, the Board shall reject the petition as numerically insufficient.

1009.7 If the number of signatures in the random sample universe meets or exceeds the established minimum ward and District-wide requirements, the Board shall supply the Data Analysis and Visualization Division of the Office of Planning with the signatures in the random sample universe, broken down by ward. The Data Analysis and Visualization Division shall draw and identify for the Board a sample of one hundred (100) signatures from each ward to be verified, except where:

(a) The Data Analysis and Visualization Division determines that sampling the signatures of a given ward would not be necessary for the Board to make a determination to accept or reject the petition; or

(b) The Data Analysis and Visualization Division determines that a sample larger than one hundred (100) must be drawn in order for the Board to make a determination to accept or reject the petition, and thus draws and identifies an appropriate sample size. If necessary to reach the required levels of statistical certainty, the Data Analysis and Visualization Division may draw progressively larger sample sizes or, at the discretion of the Board, the entire random sample universe of signatures may be tested.

1009.8 In making the determination as to the authenticity of a signature, the Board shall disqualify a signature if the signature appearing on the petition does not match the signature on file in the Board's records.

1009.9 The Board shall report the number of authentic signatures in each ward sample ("random sample results") to the Data Analysis and Visualization Division. Using the random sample results, the Data Analysis and Visualization Division shall employ formulas from the fields of probability and statistics to determine the following:

(a) Whether a ward equals or exceeds the required number of authentic signatures with ninety-five percent (95%) confidence, and should thus be accepted;

(b) Whether a ward does not equal or exceed the required number of authentic signatures with ninety-five percent (95%) confidence, and should thus be rejected; or

(c) Whether a larger sample should be drawn since no decision could be made with ninety-five percent (95%) confidence from the sample used.

1009.10 If is the Data Analysis and Visualization Division determines that at least five (5) of the eight (8) election wards have the required number of valid signatures, then it

shall use a stratified random sampling formula to combine the figures from all wards which were sampled to determine whether the entire number of authentic signatures appearing on the petition is equal in number to five percent (5%) of the registered electors in the District of Columbia with ninety-five percent (95%) confidence. The Data Analysis and Visualization Division shall request that the Board verify additional signatures for authenticity if a larger sample is needed to make a determination, unless the Board in the exercise of its discretion requires that the entire random sample universe of signatures shall be tested.

1009.11 If the total number of authentic signatures equals or exceeds the ward and District-wide signature requirements with ninety-five percent (95%) confidence, the Board shall certify the petition as numerically sufficient for ballot access.

1009.12 If the total number of authentic signatures fails to equal or exceed the ward and District-wide signature requirements with ninety-five percent (95%) confidence, the Board shall certify the petition as numerically insufficient to qualify for ballot access.

Chapter 11, RECALL OF ELECTED OFFICIALS, of Title 3 DCMR, ELECTIONS AND ETHICS, is amended as follows:

Subsection 1106.1 of Section 1106, PETITION CHALLENGES, is amended to read as follows:

1106.1 The Executive Director or his or her designee shall post recall petitions, or facsimiles thereof, in the Board's office for public inspection and opportunity to challenge on the basis of an insufficient number of valid signatures or any other grounds (except as to the merits of the recall) by any qualified elector(s) for ten (10) days, including Saturdays, Sundays, and holidays, beginning on the third (3rd) calendar day after the petition-filing deadline required by law. Prior to the start of the challenge period, an official form for ballot measure petition challenges ("Ballot Measure Petition Challenge Form") shall be posted on the Board's website and available at its offices, provided that the agency is not required to supply multiple copies of such blank forms to challengers. A challenge to a recall petition that is not properly submitted to the Board within the challenge period shall not be accepted by the Board's Registrar of Voters.

Subsection 1106.2 of Section 1106, PETITION CHALLENGES, is amended to read as follows:

1106.2 Except as provided in this section, the Board shall adjudicate the validity of each properly filed challenge in accordance with the procedures prescribed in Chapter 4 of this title.

(a) A challenge that does not satisfy the requirements of this section shall be rejected as not properly filed and shall not proceed to adjudication on the merits.

(b) A challenge to the validity of the signatures on a petition is properly filed only if it satisfies each of the following requirements, each of which shall be strictly construed:

(1) The challenge is submitted on the Board's official Ballot Measure Petition Challenge Form and identifies concisely, in the appropriate form fields corresponding to specific petition sheets and lines, the basis for the challenge to each particular signature sought to be discounted.

(2) Each challenged signature shall be identified with sufficient particularity to permit the Registrar of Voters to locate and evaluate the challenged entry without speculation as to the challenger's intent. A challenge shall not be considered sufficiently particular if the Registrar cannot determine from the face of the submission:

(A) the exact signature being challenged; and

(B) the specific defect alleged, without reference to materials outside the challenge form.

(3) The challenge shall clearly identify the specific rule of this chapter or other applicable legal authority that supports the asserted basis for discounting the signature.

(4) Generalized assertions, categorical claims, or statistical or inferential arguments shall not constitute a properly filed challenge unless they are tied to individually identified signatures or circulator affidavits.

(A) Assertions shall be deemed generalized where they are not tied to such specific entries or where identical allegations are applied without regard to the content of the particular signature or affidavit challenged.

(B) A statistical or inferential argument shall not substitute for such particularized identification of a challenge basis for each signature.

(C) Where an inferential argument is based on alleged misconduct associated with another signature or circulator affidavit, the challenge shall identify the signature by

petition sheet and line, or the affidavit containing the alleged predicate misconduct, and each additional signature sought to be discounted on that basis.

(D) An inferential argument based on alleged circulator misconduct may extend only to those signatures collected by the circulator or circulators whose alleged misconduct forms the basis for the inference.

(5) A narrative statement, cover letter, attachment accompanying the Ballot Measure Petition Challenge form, etc., shall not expand the scope of the challenge beyond the specific signatures, circulator affidavits, and defects identified in the form fields, and any ground, theory, or category of defect not so identified shall be deemed waived and may not be raised during adjudication or on appeal. A generalized narrative assertion of petition fraud or irregularity, without identification of specific signatures or affidavits, shall not constitute a properly filed non-signature challenge and shall not preserve any such theory for adjudication or appeal.

(6) The challenge is signed and submitted in person at the Board's office by a qualified elector no later than 5:00 p.m. on the tenth (10th) day of the challenge period. Submission by mail, electronic transmission, or any means other than in-person delivery shall not be accepted.

(7) The challenge alleges a sufficient number of signature defects that:

(A) Are sufficiently identified to allow the Registrar of Voters to readily locate the challenged signatures in the petition;

(B) Are sufficiently articulated to allow the Registrar of Voters to readily determine the signature validity rule of this chapter or the applicable legal authority being invoked;

(C) If established, would render the recall measure ineligible for ballot access; and

(D) Are presented in a manner that permits evaluation based solely on the information provided by the challenger. The Board shall not be required to investigate, infer, reconstruct, or supplement the challenger's allegations to identify or substantiate defects.

(8) The challenge is based on a good faith review of the petition signatures and/or circulator affidavits. A challenge shall be deemed

to be based on a good faith review only where the pattern, volume, and nature of the alleged defects reasonably demonstrate that the challenger has examined the specific signatures or circulator affidavits being challenged. Indicators of a lack of good faith review may include, but are not limited to:

(A) The repeated assertion of defect categories that are facially inapplicable to the identified signatures or affidavits;

(B) The use of identical or boilerplate allegations across numerous signatures without regard to the content of those signatures; or

(C) The assertion of defects that could not reasonably be determined from the face of the petition or accompanying materials.

(c) The grounds for a challenge are limited to those specifically identified in the challenge as filed within the challenge period. No new categories of defects, theories of invalidity, or challenges to additional signatures or circulator affidavits may be raised after the deadline for filing a challenge.

(d) A narrative statement or attachment filed with the initial challenge does not preserve for adjudication or appeal any ground, theory, or category of defect not identified with particularity in the form fields of the Ballot Measure Petition Challenge Form. This subsection applies regardless of whether the narrative statement was filed within the challenge period.

(e) The threshold determination of proper filing shall be made by the Executive Director or his or her designee, based on a written determination identifying the specific deficiencies under this section.

(f) A challenger whose submission is rejected as not properly filed shall be notified in writing of the basis for rejection. Such notification shall not constitute an opportunity to cure or supplement the challenge, and no additional submissions shall be accepted after the close of the challenge period.

(g) The burden of demonstrating that a challenged signature or circulator affidavit is invalid rests at all times with the challenger. The Board's acceptance of a nominating petition as facially sufficient shall stand unless the challenger satisfies each requirement of this section. The Board shall not bear any burden of demonstrating the invalidity of challenged signatures.

(h) A challenge on grounds other than the alleged invalidity of individual petition signatures shall be properly filed only if it concisely sets forth the specific procedural or legal defect that is not based on the merits of the reasons for or against the recall. A challenge to a recall petition based on a theory of systemic invalidity, fraud, or pattern-based petition disqualification shall not be cognizable as a challenge based on grounds other than the invalidity of signatures and must be asserted in accordance with (b) above.

Section 1109, PETITION CERTIFICATION, is amended to read as follows:

1109 PETITION CERTIFICATION

1109.1 Within thirty (30) calendar days after the acceptance of a recall petition for filing, the Board shall determine whether the petition contains the number of valid signatures necessary, in terms of percentage and ward distribution requirements, to be certified for ballot access.

1109.2 Upon the acceptance of a petition, the Executive Director or his or her designee shall:

(a) Verify the registration of each petition signer; and

(b) Determine the number of signatures of verified registrants.

1109.3 The signatures of the verified registrants shall comprise the universe of signatures from which a random sample will be drawn for purposes of verifying the signatures' authenticity ("random sample universe").

1109.4 A signature will not be counted and included in the random sample universe if:

(a) The signer's voter registration was designated as inactive on the voter roll at the time the petition was signed;

(b) The signer, according to the Board's records, is not registered to vote at the address listed on the petition at the time the petition was signed, except that, if the Board's records indicate that the voter filed a change of address after the date on which the petition was signed but that was received on or before the petition was submitted, the signature shall be included in the random sample universe;

(c) The signature is a duplicate of a valid signature;

(d) The signature is not dated;

(e) The petition does not include the printed or typed address of the signer;

(f) The petition does not include the printed or typed name of the signer where the signature is not sufficiently legible for identification;

(g) The circulator of the petition sheet was not a qualified petition circulator at the time the petition was signed;

(h) The circulator of the petition failed to complete or correctly enter all required information in the circulator's affidavit;

(i) The signer was also the circulator of the same petition sheet where the signature appears;

(j) The signature was obtained on a petition sheet that was submitted on behalf of a previously filed initiative or referendum petition that was rejected or found to be numerically insufficient;

(k) The signer is not a registered voter in the ward or Single-Member District of the elected official sought to be recalled;

(l) The signature was obtained outside of the presence of the circulator;

(m) Correction fluid or tape was used on information provided by the circulator in the circulator affidavit;

(n) Correction fluid or tape was used on information provided by the signer, including their name, address, signature, date of signing, or ward; or

(o) Information about the signer was written, altered, corrected, clarified, or obscured on the petition by a person other than the signer, and the signer did not request such assistance before affixing their signature.

1109.5 Each signature in the random sample universe shall be ascribed to the ward in which the signer was a duly registered voter on the date the petition was signed regardless of whether any subsequent redistricting causes the voter to be assigned to a new ward, except that if the Board's records indicate that the voter filed a change of address after the date on which the petition was signed, but that was received on or before the petition was submitted, the signature shall be included in the ward of the voter's new address.

1109.6 If the number of signatures in the random sample universe does not meet or exceed the established ward and District-wide requirements, the Board shall reject the petition as numerically insufficient. If necessary to reach the required levels of statistical certainty, the Data Analysis and Visualization Division may draw progressively larger sample sizes or, at the discretion of the Board, the entire random sample universe of signatures may be tested.

1109.7 If the number of signatures in the random sample universe meets or exceeds the established minimum requirements and the officer sought to be recalled is an Advisory Neighborhood Commissioner, the Board shall verify the authenticity of all of the signatures in the random sample universe.

1109.8 If the number of signatures in the random sample universe meets or exceeds the established minimum requirements and the officer sought to be recalled is elected from a ward or at-large, the Board shall supply the Data Analysis and Visualization Division of the Office of Planning with the signatures in the random sample universe, further broken down by ward if the elected official sought to be recalled is elected at-large.

1109.9 If the elected official sought to be recalled is elected at-large, the Data Analysis and Visualization Division shall draw and identify for the Board a sample of one hundred (100) signatures from each ward to be verified, except where:

(a) The Data Analysis and Visualization Division determines that sampling the signatures of a given ward would not be necessary for the Board to make a determination to accept or reject the petition; or

(b) The Data Analysis and Visualization Division determines that a sample larger than one hundred (100) must be drawn in order for the Board to make a determination to accept or reject the petition, and thus draws and identifies an appropriate sample size.

1109.10 If the elected official sought to be recalled is elected from a ward, the Data Analysis and Visualization Division shall determine the size of the random sample.

1109.11 In making the determination as to the authenticity of a signature, the Board shall disqualify a signature if the signature appearing on the petition does not match the signature on file in the Board's records.

1109.12 The Board shall report the number of authentic signatures in each ward sample ("random sample results") to the Data Analysis and Visualization Division. Using the random sample results, the Data Analysis and Visualization Division shall employ formulas from the fields of probability and statistics to determine the following:

(a) Whether a ward equals or exceeds the required number of authentic signatures with ninety-five percent (95%) confidence, and should thus be accepted;

(b) Whether a ward does not equal or exceed the required number of authentic signatures with ninety-five percent (95%) confidence, and should thus be rejected; or

(c) Whether a larger sample should be drawn since no decision could be made with ninety-five percent (95%) confidence from the sample used.

1109.13 In the event that the elected official sought to be recalled is elected at–large, if the Data Analysis and Visualization Division determines that at least five (5) of the eight (8) election wards have the required number of valid signatures, then it shall use a stratified random sampling formula to combine the figures from all wards which were sampled to determine whether the entire number of authentic signatures appearing on the petition is equal in number to five percent (5%) of the registered electors in the District of Columbia with ninety-five percent (95%) confidence. The Data Analysis and Visualization Division shall request that the Board verify additional signatures for authenticity if a larger sample is needed to make a determination, unless the Board in the exercise of its discretion requires that the entire random sample universe of signatures shall be tested.

1109.14 If the total number of authentic signatures equals or exceeds the ward and District-wide signature requirements with ninety-five percent (95%) confidence, the Board shall certify the petition as numerically sufficient for ballot access.

1109.15 If the total number of authentic signatures fails to equal or exceed the ward and District-wide signature requirements with ninety-five percent (95%) confidence, the Board shall certify the petition as numerically insufficient to qualify for ballot access.

Chapter 14, CANDIDATE NOMINATIONS: POLITICAL PARTY PRIMARIES FOR PRESIDENTIAL PREFERENCE AND CONVENTION DELEGATES, of Title 3 DCMR, ELECTIONS AND ETHICS, is amended as follows:

Subsection 1406.1 of Section 1406, PETITION CHALLENGES, is amended to read as follows:

1406.1 The Executive Director or his or her designee shall post nominating petitions, or facsimiles thereof, in the Board's office for public inspection and opportunity to challenge on the basis of an insufficient number of valid signatures or any other grounds by any qualified elector(s) for ten (10) days, including Saturdays, Sundays, and holidays, beginning on the third (3rd) calendar day after the petition-filing deadline required by law. Prior to the start of the challenge period, an official form for nominating petition challenges ("Nominating Petition Challenge Form") shall be posted on the Board's website and available at its offices, provided that the agency is not required to supply multiple copies of such blank forms to challengers. A challenge to a nominating petition that is not properly submitted to the Board within the challenge period shall not be accepted by the Board's Registrar of Voters.

Subsection 1406.2 of Section 1406, PETITION CHALLENGES, is amended to read as follows:

1406.2 Except as provided in this section, the Board shall adjudicate the validity of each properly filed challenge in accordance with the procedures prescribed in Chapter 4 of this title.

(a) A challenge that does not satisfy the requirements of this section shall be rejected as not properly filed and shall not proceed to adjudication on the merits.

(b) A challenge to the validity of the signatures on a petition is properly filed only if it satisfies each of the following requirements, each of which shall be strictly construed:

(1) The challenge is submitted on the Board's official Nominating Petition Challenge Form and identifies concisely, in the appropriate form fields corresponding to specific petition sheets and lines, the basis for the challenge to each particular signature sought to be discounted.

(2) Each challenged signature shall be identified with sufficient particularity to permit the Registrar of Voters to locate and evaluate the challenged entry without speculation as to the challenger's intent. A challenge shall not be considered sufficiently particular if the Registrar cannot determine:

(A) the exact signature being challenged; and

(B) the specific defect alleged, without reference to materials outside the challenge form;

(3) The challenge shall clearly identify the specific rule of this chapter or other applicable legal authority that supports the asserted basis for discounting the signature.

(4) Generalized assertions, categorical claims, or statistical or inferential arguments shall not constitute a properly filed challenge unless they are tied to individually identified signatures or circulator affidavits.

(A) Assertions shall be deemed generalized where they are not tied to such specific entries or where identical allegations are applied without regard to the content of the particular signature or affidavit challenged.

(B) A statistical or inferential argument shall not substitute for such particularized identification of a challenge basis for each signature.

(C) Where an inferential argument is based on alleged misconduct associated with another signature or circulator affidavit, the challenge shall identify the signature by petition sheet and line, or the affidavit containing the alleged predicate misconduct, and each additional signature sought to be discounted on that basis.

(D) An inferential argument based on alleged circulator misconduct may extend only to those signatures collected by the circulator or circulators whose alleged misconduct forms the basis for the inference.

(5) A narrative statement, cover letter, attachment accompanying the Nominating Petition Challenge Form, etc., shall not expand the scope of the challenge beyond the specific signatures, circulator affidavits, and defects identified in the form fields, and any ground, theory, or category of defect not so identified shall be deemed waived and may not be raised during adjudication or on appeal. A generalized narrative assertion of petition fraud or irregularity, without identification of specific signatures or affidavits, shall not constitute a properly filed non-signature challenge and shall not preserve any such theory for adjudication or appeal.

(6) The challenge is signed and submitted in person at the Board's office by a qualified elector no later than 5:00 p.m. on the tenth (10th) day of the challenge period. Submission by mail, electronic transmission, or any means other than in-person delivery shall not be accepted.

(7) The challenge alleges a sufficient number of signature defects that:

(A) Are sufficiently identified to allow the Registrar of Voters to readily locate the challenged signatures in the petition;

(B) Are sufficiently articulated to allow the Registrar of Voters to readily determine the rule of this chapter or the applicable legal authority being invoked;

(C) If established, would render the candidate ineligible for ballot access; and

(D) Are presented in a manner that permits evaluation based solely on the information provided by the challenger. The Board shall not be required to investigate, infer, reconstruct, or supplement the challenger's allegations to identify or substantiate defects.

(8) The challenge is based on a good faith review of the petition signatures and/or circulator affidavits. A challenge shall be deemed to be based on a good faith review only where the pattern, volume, and nature of the alleged defects reasonably demonstrate that the challenger has examined the specific signatures or circulator affidavits being challenged. Indicators of a lack of good faith review may include, but are not limited to:

(A) The repeated assertion of defect categories that are facially inapplicable to the identified signatures or affidavits;

(B) The use of identical or boilerplate allegations across numerous signatures without regard to the content of those signatures; or

(C) The assertion of defects that could not reasonably be determined from the face of the petition or accompanying materials.

(c) The grounds for a challenge are limited to those specifically identified in the challenge as filed within the challenge period. No new categories of defects, theories of invalidity, or challenges to additional signatures or circulator affidavits may be raised after the deadline for filing a challenge.

(d) A narrative statement or attachment filed with the initial challenge does not preserve for adjudication or appeal any ground, theory, or category of defect not identified with particularity in the form fields of the Nominating Petition Challenge Form. This subsection applies regardless of whether the narrative statement was filed within the challenge period.

(e) The threshold determination of proper filing shall be made by the Executive Director or his or her designee, based on a written determination identifying the specific deficiencies under this section.

(f) A challenger whose submission is rejected as not properly filed shall be notified in writing of the basis for rejection. Such notification shall not constitute an opportunity to cure or supplement the challenge, and no additional submissions shall be accepted after the close of the challenge period.

(g) The burden of demonstrating that a challenged signature or circulator affidavit is invalid rests at all times with the challenger. The Board's acceptance of a nominating petition as facially sufficient shall stand unless the challenger satisfies each requirement of this section. The Board shall not bear any burden of demonstrating the invalidity of challenged signatures.

(h) A challenge on grounds other than the alleged invalidity of individual petition signatures shall be properly filed only if it concisely sets forth the specific procedural or legal defect. A challenge to a nominating petition based on a theory of systemic invalidity, fraud, or pattern-based petition disqualification shall not be cognizable as a challenge based on grounds other than the invalidity of signatures and must be asserted in accordance with (b) above.

Chapter 15, CANDIDATE NOMINATIONS: ELECTORS OF PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES, of Title 3 DCMR, ELECTIONS AND ETHICS, is amended as follows:

Subsection 1506.1 of Section 1506, PETITION CHALLENGES, is amended to read as follows:

1506.1 The Executive Director or his or her designee shall post nominating petitions, or facsimiles thereof, in the Board's office for public inspection and opportunity to challenge on the basis of an insufficient number of valid signatures or any other grounds by any qualified elector(s) for ten (10) days, including Saturdays, Sundays, and holidays, beginning on the third (3rd) calendar day after the petition-filing deadline required by law. Prior to the start of the challenge period, an official form for nominating petition challenges ("Nominating Petition Challenge Form") shall be posted on the Board's website and available at its offices, provided that the agency is not required to supply multiple copies of such blank forms to challengers. A challenge to a nominating petition that is not properly submitted to the Board within the challenge period shall not be accepted by the Board's Registrar of Voters.

Subsection 1506.2 of Section 1506, PETITION CHALLENGES, is amended to read as follows:

1506.2 Except as provided in this section, the Board shall adjudicate the validity of each properly filed challenge in accordance with the procedures prescribed in Chapter 4 of this title.

(a) A challenge that does not satisfy the requirements of this section shall be rejected as not properly filed and shall not proceed to adjudication on the merits.

(b) A challenge to the validity of the signatures on a petition is properly filed only if it satisfies each of the following requirements, each of which shall be strictly construed:

(1) The challenge is submitted on the Board's official Nominating Petition Challenge Form and identifies concisely, in the appropriate form fields corresponding to specific petition sheets and lines, the basis for the challenge to each particular signature sought to be discounted.

(2) Each challenged signature shall be identified with sufficient particularity to permit the Registrar of Voters to locate and evaluate the challenged entry without speculation as to the challenger's intent. A challenge shall not be considered sufficiently particular if the Registrar cannot determine from the face of the submission:

(A) the exact signature being challenged; and

(B) the specific defect alleged, without reference to materials outside the challenge form.

(3) The challenge shall clearly identify the specific rule of this chapter or other applicable legal authority that supports the asserted basis for discounting the signature.

(4) Generalized assertions, categorical claims, or statistical or inferential arguments shall not constitute a properly filed challenge unless they are tied to individually identified signatures or circulator affidavits.

(A) Assertions shall be deemed generalized where they are not tied to such specific entries or where identical allegations are applied without regard to the content of the particular signature or affidavit challenged.

(B) A statistical or inferential argument shall not substitute for such particularized identification of a challenge basis for each signature.

(C) Where an inferential argument is based on alleged misconduct associated with another signature or circulator affidavit, the challenge shall identify the signature by petition sheet and line, or the affidavit containing the alleged predicate misconduct, and each additional signature sought to be discounted on that basis.

(D) An inferential argument based on alleged circulator misconduct may extend only to those signatures collected by the circulator or circulators whose alleged misconduct forms the basis for the inference.

(5) A narrative statement, cover letter, attachment accompanying the Nominating Petition Challenge Form, etc., shall not expand the scope of the challenge beyond the specific signatures, circulator affidavits, and defects identified in the form fields, and any ground, theory, or category of defect not so identified shall be deemed waived and may not be raised during adjudication or on appeal. A generalized narrative assertion of petition fraud or irregularity, without identification of specific signatures or affidavits, shall not constitute a properly filed non-signature challenge and shall not preserve any such theory for adjudication or appeal.

(6) The challenge is signed and submitted in person at the Board's office by a qualified elector no later than 5:00 p.m. on the tenth (10th) day of the challenge period. Submission by mail, electronic transmission, or any means other than in-person delivery shall not be accepted.

(7) The challenge alleges a sufficient number of signature defects that:

(A) Are sufficiently identified to allow the Registrar of Voters to readily locate the challenged signatures in the petition;

(B) Are sufficiently articulated to allow the Registrar of Voters to readily determine the rule of this chapter or the applicable legal authority being invoked;

(C) If established, would render the candidate ineligible for ballot access; and

(D) Are presented in a manner that permits evaluation based solely on the information provided by the challenger. The Board shall not be required to investigate, infer, reconstruct, or supplement the challenger's allegations to identify or substantiate defects.

(8) The challenge is based on a good faith review of the petition signatures and/or circulator affidavits. A challenge shall be deemed to be based on a good faith review only where the pattern, volume, and nature of the alleged defects reasonably demonstrate that the challenger has examined the specific signatures or circulator

affidavits being challenged. Indicators of a lack of good faith review may include, but are not limited to:

(A) The repeated assertion of defect categories that are facially inapplicable to the identified signatures or affidavits;

(B) The use of identical or boilerplate allegations across numerous signatures without regard to the content of those signatures; or

(C) The assertion of defects that could not reasonably be determined from the face of the petition or accompanying materials.

(c) The grounds for a challenge are limited to those specifically identified in the challenge as filed within the challenge period. No new categories of defects, theories of invalidity, or challenges to additional signatures or circulator affidavits may be raised after the deadline for filing a challenge.

(d) A narrative statement or attachment filed with the initial challenge does not preserve for adjudication or appeal any ground, theory, or category of defect not identified with particularity in the form fields of the Nominating Petition Challenge Form. This subsection applies regardless of whether the narrative statement was filed within the challenge period.

(e) The threshold determination of proper filing shall be made by the Executive Director or his or her designee, based on a written determination identifying the specific deficiencies under this section.

(f) A challenger whose submission is rejected as not properly filed shall be notified in writing of the basis for rejection. Such notification shall not constitute an opportunity to cure or supplement the challenge, and no additional submissions shall be accepted after the close of the challenge period.

(g) The burden of demonstrating that a challenged signature or circulator affidavit is invalid rests at all times with the challenger. The Board's acceptance of a nominating petition as facially sufficient shall stand unless the challenger satisfies each requirement of this section. The Board shall not bear any burden of demonstrating the invalidity of challenged signatures.

(h) A challenge on grounds other than the alleged invalidity of individual petition signatures shall be properly filed only if it concisely sets forth the specific procedural or legal defect. A challenge to a nominating petition based on a theory of systemic invalidity, fraud, or pattern-based petition

disqualification shall not be cognizable as a challenge based on grounds other than the invalidity of signatures and must be asserted in accordance with (b) above.

Chapter 16, CANDIDATE NOMINATION: DELEGATE TO THE U.S. HOUSE OF REPRESENTATIVES, MAYOR, CHAIRMAN AND MEMBERS OF THE COUNCIL OF THE DISTRICT OF COLUMBIA, ATTORNEY GENERAL, U.S. SENATOR, U.S. REPRESENTATIVE, MEMBERS OF THE STATE BOARD OF EDUCATION, AND ADVISORY NEIGHBORHOOD COMMISSIONER, of Title 3 DCMR, ELECTIONS AND ETHICS, is amended as follows:

Subsection 1606.1 of Section 1606, PETITION CHALLENGES, is amended to read as follows:

1606.1 The Executive Director or his or her designee shall post nominating petitions, or facsimiles thereof, in the Board's office for public inspection and opportunity to challenge on the basis of an insufficient number of valid signatures or any other grounds by any qualified elector(s) for ten (10) days, including Saturdays, Sundays, and holidays, beginning on the third (3rd) calendar day after the petition-filing deadline required by law. Prior to the start of the challenge period, an official form for nominating petition challenges ("Nominating Petition Challenge Form") shall be posted on the Board's website and available at its offices, provided that the agency is not required to supply multiple copies of such blank forms to challengers. A challenge to a nominating petition that is not properly submitted to the Board within the challenge period shall not be accepted by the Board's Registrar of Voters.

Subsection 1606.2 of Section 1606, PETITION CHALLENGES, is amended to read as follows:

1606.2 Except as provided in this section, the Board shall adjudicate the validity of each properly filed challenge in accordance with the procedures prescribed in Chapter 4 of this title.

(a) A challenge that does not satisfy the requirements of this section shall be rejected as not properly filed and shall not proceed to adjudication on the merits.

(b) A challenge to the validity of the signatures on a petition is properly filed only if it satisfies each of the following requirements, each of which shall be strictly construed:

(1) The challenge is submitted on the Board's official Nominating Petition Challenge Form and identifies concisely, in the appropriate form fields corresponding to specific petition sheets and lines, the

basis for the challenge to each particular signature sought to be discounted.

(2) Each challenged signature shall be identified with sufficient particularity to permit the Registrar of Voters to locate and evaluate the challenged entry without speculation as to the challenger's intent. A challenge shall not be considered sufficiently particular if the Registrar cannot determine from the face of the submission:

(A) the exact signature being challenged; and

(B) the specific defect alleged, without reference to materials outside the challenge form.

(3) The challenge shall clearly identify the specific rule of this chapter or other applicable legal authority that supports the asserted basis for discounting the signature.

(4) Generalized assertions, categorical claims, or statistical or inferential arguments shall not constitute a properly filed challenge unless they are tied to individually identified signatures or circulator affidavits.

(A) Assertions shall be deemed generalized where they are not tied to such specific entries or where identical allegations are applied without regard to the content of the particular signature or affidavit challenged.

(B) A statistical or inferential argument shall not substitute for such particularized identification of a challenge basis for each signature.

(C) Where an inferential argument is based on alleged misconduct associated with another signature or circulator affidavit, the challenge shall identify the signature by petition sheet and line, or the affidavit containing the alleged predicate misconduct, and each additional signature sought to be discounted on that basis.

(D) An inferential argument based on alleged circulator misconduct may extend only to those signatures collected by the circulator or circulators whose alleged misconduct forms the basis for the inference.

(5) A narrative statement, cover letter, attachment accompanying the Nominating Petition Challenge Form, etc., shall not expand the

scope of the challenge beyond the specific signatures, circulator affidavits, and defects identified in the form fields, and any ground, theory, or category of defect not so identified shall be deemed waived and may not be raised during adjudication or on appeal. A generalized narrative assertion of petition fraud or irregularity, without identification of specific signatures or affidavits, shall not constitute a properly filed non-signature challenge and shall not preserve any such theory for adjudication or appeal.

(6) The challenge is signed and submitted in person at the Board's office by a qualified elector no later than 5:00 p.m. on the tenth (10th) day of the challenge period. Submission by mail, electronic transmission, or any means other than in-person delivery shall not be accepted.

(7) The challenge alleges a sufficient number of signature defects that:

(A) Are sufficiently identified to allow the Registrar of Voters to readily locate the challenged signatures in the petition;

(B) Are sufficiently articulated to allow the Registrar of Voters to readily determine the rule of this chapter or the applicable legal authority being invoked;

(C) If established, would render the candidate ineligible for ballot access; and

(D) Are presented in a manner that permits evaluation based solely on the information provided by the challenger. The Board shall not be required to investigate, infer, reconstruct, or supplement the challenger's allegations to identify or substantiate defects.

(8) The challenge is based on a good faith review of the petition signatures and/or circulator affidavits. A challenge shall be deemed to be based on a good faith review only where the pattern, volume, and nature of the alleged defects reasonably demonstrate that the challenger has examined the specific signatures or circulator affidavits being challenged. Indicators of a lack of good faith review may include, but are not limited to:

(A) The repeated assertion of defect categories that are facially inapplicable to the identified signatures or affidavits;

(B) The use of identical or boilerplate allegations across numerous signatures without regard to the content of those signatures; or

(C) The assertion of defects that could not reasonably be determined from the face of the petition or accompanying materials.

(c) The grounds for a challenge shall be limited to those specifically identified in the challenge as filed within the challenge period. No new categories of defects, theories of invalidity, or challenges to additional signatures or circulator affidavits may be raised after the deadline for filing a challenge.

(d) A narrative statement or attachment filed with the initial challenge does not preserve for adjudication or appeal any ground, theory, or category of defect not identified with particularity in the form fields of the Nominating Petition Challenge Form. This subsection applies regardless of whether the narrative statement was filed within the challenge period.

(e) The threshold determination of proper filing shall be made by the Executive Director or his or her designee, based on a written determination identifying the specific deficiencies under this section.

(f) A challenger whose submission is rejected as not properly filed shall be notified in writing of the basis for rejection. Such notification shall not constitute an opportunity to cure or supplement the challenge, and no additional submissions shall be accepted after the close of the challenge period.

(g) The burden of demonstrating that a challenged signature or circulator affidavit is invalid rests at all times with the challenger. The Board's acceptance of a nominating petition as facially sufficient shall stand unless the challenger satisfies each requirement of this section. The Board shall not bear any burden of demonstrating the invalidity of challenged signatures.

(h) A challenge on grounds other than the alleged invalidity of individual petition signatures shall be properly filed only if it concisely sets forth the specific procedural or legal defect. A challenge to a nominating petition based on a theory of systemic invalidity, fraud, or pattern-based petition disqualification shall not be cognizable as a challenge based on grounds other than the invalidity of signatures and must be asserted in accordance with (b) above.

Chapter 17, CANDIDATES: MEMBERS AND OFFICIALS OF LOCAL COMMITTEES OF POLITICAL PARTIES AND NATIONAL COMMITTEE PERSONS, of Title 3 DCMR, ELECTIONS AND ETHICS, is amended as follows:

Subsection 1706.1 of Section 1706, PETITION CHALLENGES, is amended to read as follows:

1706.1 The Executive Director or his or her designee shall post nominating petitions, or facsimiles thereof, in the Board's office for public inspection and opportunity to challenge on the basis of an insufficient number of valid signatures or any other grounds by any qualified elector(s) for ten (10) days, including Saturdays, Sundays, and holidays, beginning on the third (3rd) calendar day after the petition-filing deadline required by law. Prior to the start of the challenge period, an official form for nominating petition challenges ("Nominating Petition Challenge Form") shall be posted on the Board's website and available at its offices, provided that the agency is not required to supply multiple copies of such blank forms to challengers. A challenge to a nominating petition that is not properly submitted to the Board within the challenge period shall not be accepted by the Board's Registrar of Voters.

Subsection 1706.2 of Section 1706, PETITION CHALLENGES, is amended to read as follows:

1706.2 Except as provided in this section, the Board shall adjudicate the validity of each properly filed challenge in accordance with the procedures prescribed in Chapter 4 of this title.

(a) A challenge that does not satisfy the requirements of this section shall be rejected as not properly filed and shall not proceed to adjudication on the merits.

(b) A challenge to the validity of the signatures on a petition is properly filed only if it satisfies each of the following requirements, each of which shall be strictly construed:

(1) The challenge is submitted on the Board's official Nominating Petition Challenge Form and identifies concisely, in the appropriate form fields corresponding to specific petition sheets and lines, the basis for the challenge to each particular signature sought to be discounted.

(2) Each challenged signature shall be identified with sufficient particularity to permit the Registrar of Voters to locate and evaluate the challenged entry without speculation as to the challenger's intent. A challenge shall not be considered sufficiently particular if the Registrar cannot determine from the face of the submission:

(A) the exact signature being challenged; and

(B) the specific defect alleged, without reference to materials outside the challenge form.

(3) The challenge shall clearly identify the specific rule of this chapter or other applicable legal authority that supports the basis for discounting the signature.

(4) Generalized assertions, categorical claims, or statistical or inferential arguments shall not constitute a properly filed challenge unless they are tied to individually identified signatures or circulator affidavits.

(A) Assertions shall be deemed generalized where they are not tied to such specific entries or where identical allegations are applied without regard to the content of the particular signature or affidavit challenged.

(B) A statistical or inferential argument shall not substitute for such particularized identification of a challenge basis for each signature.

(C) Where an inferential argument is based on alleged misconduct associated with another signature or circulator affidavit, the challenge shall identify the signature by petition sheet and line, or the affidavit containing the alleged predicate misconduct, and each additional signature sought to be discounted on that basis.

(D) An inferential argument based on alleged circulator misconduct may extend only to those signatures collected by the circulator or circulators whose alleged misconduct forms the basis for the inference.

(5) A narrative statement, cover letter, attachment accompanying the Nominating Petition Challenge Form, etc., shall not expand the scope of the challenge beyond the specific signatures, circulator affidavits, and defects identified in the form fields, and any ground, theory, or category of defect not so identified shall be deemed waived and may not be raised during adjudication or on appeal. A generalized narrative assertion of petition fraud or irregularity, without identification of specific signatures or affidavits, shall not constitute a properly filed non-signature challenge and shall not preserve any such theory for adjudication or appeal.

(6) The challenge is signed and submitted in person at the Board's office by a qualified elector no later than 5:00 p.m. on the tenth (10th) day of the challenge period. Submission by mail, electronic transmission, or any means other than in-person delivery shall not be accepted.

(7) The challenge alleges a sufficient number of signature defects that:

(A) Are sufficiently identified to allow the Registrar of Voters to readily locate the challenged signatures in the petition;

(B) Are sufficiently articulated to allow the Registrar of Voters to readily determine the rule of this chapter or the applicable legal authority being invoked;

(C) If established, would render the candidate ineligible for ballot access; and

(D) Are presented in a manner that permits evaluation based solely on the information provided by the challenger. The Board shall not be required to investigate, infer, reconstruct, or supplement the challenger's allegations to identify or substantiate defects.

(8) The challenge is based on a good faith review of the petition signatures and/or circulator affidavits. A challenge shall be deemed to be based on a good faith review only where the pattern, volume, and nature of the alleged defects reasonably demonstrate that the challenger has examined the specific signatures or circulator affidavits being challenged. Indicators of a lack of good faith review may include, but are not limited to:

(A) The repeated assertion of defect categories that are facially inapplicable to the identified signatures or affidavits;

(B) The use of identical or boilerplate allegations across numerous signatures without regard to the content of those signatures; or

(C) The assertion of defects that could not reasonably be determined from the face of the petition or accompanying materials.

(c) The grounds for a challenge are limited to those specifically identified in the challenge as filed within the challenge period. No new categories of

defects, theories of invalidity, or challenges to additional signatures or circulator affidavits may be raised after the deadline for filing a challenge.

(d) A narrative statement or attachment filed with the initial challenge does not preserve for adjudication or appeal any ground, theory, or category of defect not identified with particularity in the form fields of the Nominating Petition Challenge Form. This subsection applies regardless of whether the narrative statement was filed within the challenge period.

(e) The threshold determination of proper filing shall be made by the Executive Director or his or her designee, based on a written determination identifying the specific deficiencies under this section.

(f) A challenger whose submission is rejected as not properly filed shall be notified in writing of the basis for rejection. Such notification shall not constitute an opportunity to cure or supplement the challenge, and no additional submissions shall be accepted after the close of the challenge period.

(g) The burden of demonstrating that a challenged signature or circulator affidavit is invalid rests at all times with the challenger. The Board's acceptance of a nominating petition as facially sufficient shall stand unless the challenger satisfies each requirement of this section. The Board shall not bear any burden of demonstrating the invalidity of challenged signatures.

(h) A challenge on grounds other than the alleged invalidity of individual petition signatures shall be properly filed only if it concisely sets forth the specific procedural or legal defect. A challenge to a nominating petition based on a theory of systemic invalidity, fraud, or pattern-based petition disqualification shall not be cognizable as a challenge based on grounds other than the invalidity of signatures and must be asserted in accordance with (b) above.

All persons desiring to comment on the subject matter of this rulemaking should file written comments by no later than thirty (30) days after the date of publication of this notice in the District of Columbia Register. Comments should be filed with the Office of the General Counsel, Board of Elections, 1015 Half Street S.E., Suite 750, Washington D.C. 20003. Please direct any questions or concerns to the Office of the General Counsel at 202-727-2194 or ogc@dcboe.org. Copies of the proposed rules may be obtained at cost from the above address, Monday through Friday, between the hours of 9:00 a.m. and 4:00 p.m.

DISTRICT DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULEMAKING

The Director of the District Department of Transportation ("DDOT"), pursuant to the authority set forth in Sections 5(a)(1)(U), (a)(3)(J), and 6(c) of the Department of Transportation Establishment Act of 2002, effective May 21, 2002 (D.C. Law 14-137; D.C. Official Code §§ 50-921.04(a)(1)(U), (a)(3)(J), and 50-921.05(c)) and Sections 4(a)(1) and (a)(2)(A) of the Traffic Act of 1925, approved March 3, 1925 (43 Stat. 1121; D.C. Official Code § 50-2201.03(a)(1) and (a)(2)(A)) hereby gives notice of her intent to adopt the following amendments to Chapter 25 (Size, Weight, Construction, and Loading of Vehicles), Chapter 26 (Civil Fines for Moving and Non-Moving Infractions), and Chapter 99 (Definitions) of Title 18 (Vehicles and Traffic) of the District of Columbia Municipal Regulations ("DCMR").

These proposed rules create an escort vehicle program in the District of Columbia. These rules would require that vehicles that exceed certain height, weight, and length limits be accompanied by an escort vehicle.

The rulemaking defines superload vehicles and sets a requirement for this vehicle type to be accompanied by an escort vehicle when driving within the District. The rulemaking also establishes operating standards for escort vehicles that operate in the District. This rulemaking will protect public safety, as unaccompanied superload vehicles can pose a significant risk to pedestrians, cyclists, and drivers travelling in the District. Superload vehicles, due to their size, are more difficult to drive and have more blind spots. An escort vehicle operator's primary responsibilities are to warn the public of the presence of the large vehicle load and to assist the superload vehicle in maneuvering safely around the District. This rulemaking will standardize requirements for superload vehicle operators and escort vehicle operators, as well as help the District conform to the current Federal Highway Administration ("FHWA") guidance for these operator types. Finally, this rulemaking establishes fines for special permit violations related to superload and escort vehicles.

The DDOT Director hereby provides notice of her intent to take final rulemaking action on these proposed rules in not less than thirty (30) days after the date of publication of this notice in the *District of Columbia Register* and the completion of the Council review period under Section 105 of the District of Columbia Traffic Adjudication Act of 1978, effective September 12, 1978 (D.C. Law 2-104; D.C. Official Code § 50-2301.05).

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

Chapter 25, SIZE, WEIGHT, CONSTRUCTION, AND LOADING OF VEHICLES, is amended as follows:

A new Section 2513, SUPERLOAD VEHICLES, is added to read as follows:

2513 SUPERLOAD VEHICLES

2513.1 An applicant seeking to move a superload vehicle in the District shall obtain a special permit as specified in § 2508. An applicant seeking to move a superload vehicle with an overall height greater than thirteen feet, six inches (13 ft. 6 in.) or width greater than or equal to fourteen feet (14 ft.) shall submit, with its special permit application, a plan, in a format prescribed by the Director, to ensure the protection of utilities and other public property.

2513.2 A superload vehicle with a width greater than twelve feet (12 ft.) shall be escorted by at least two (2) escort vehicles.

2513.3 A superload vehicle with a height greater than thirteen feet, and six inches (13 ft 6 in) shall be escorted by at least one (1) pole vehicle in the front.

2513.4 A superload vehicle with a length greater than seventy-five feet (75 ft.) shall be escorted by at least one (1) escort vehicle.

2513.5 A superload vehicle with a length greater than eighty-five feet (85 ft.) shall be escorted by at least one (1) escort vehicle in the front.

2513.6 A superload vehicle with a weight greater than one hundred twenty thousand pounds (120,000 lbs.) shall be escorted by at least one (1) escort vehicle.

2513.7 A superload vehicle with a weight greater than one hundred forty thousand pounds (140,000 lbs.) shall be escorted by at least two (2) escort vehicles.

2513.8 An applicant seeking to move a superload vehicle carrying Class 1 explosives as defined in 49 CFR § 173.50 shall be escorted by at least one (1) escort vehicle and shall contact the Metropolitan Police Department (MPD) to determine whether an MPD escort of the vehicle is required prior to moving in the District.

2513.9 An applicant seeking to move a superload vehicle carrying Class 7 radioactive materials as defined in 49 CFR § 173.403 shall be escorted by at least one escort vehicle and shall contact MPD to determine if an MPD escort of the vehicle is required prior to moving in the District.

2513.10 (a) In addition to any escort required by this section, MPD may, when it deems it necessary for the protection of the public;

(1) Require a superload vehicle to be escorted by MPD; and

(2) Escort any superload vehicle operating in the District.

(b) If MPD requires a superload vehicle to be escorted by MPD, the superload vehicle shall not be moved in the District pursuant to a special permit issued under § 2508 unless the superload vehicle is escorted by MPD.

A new Section 2514, ESCORT VEHICLE REQUIREMENTS FOR OVERSIZE VEHICLES, is added to read as follows:

2514 ESCORT VEHICLE REQUIREMENTS FOR OVERSIZED VEHICLES

2514.1 When two (2) escort vehicles are required by § 2513, one (1) shall follow, and one (1) shall precede, the escorted vehicle.

2514.2 When road conditions dictate that the use of the escort vehicle in another position would be more effective or safer, the escort vehicle may be temporarily positioned in a configuration other than as prescribed by § 2514.1.

2514.3 An escort vehicle shall not escort more than one (1) vehicle at the same time.

2514.4 An escort vehicle operator shall not operate within the District as an escort vehicle operator for a move of a superload vehicle if the escort vehicle operator incurred a fine for a moving violation within the twelve (12)-months preceding the date the special permit was issued for the move of the superload vehicle or during the period between the issuance of the special permit and the move of the superload vehicle under the special permit.

2514.5 An escort vehicle operator shall not operate within the District as an escort vehicle operator for a move of a superload vehicle if the escort vehicle operator has been convicted of a violation of federal, state, or local law relating to motor vehicle traffic control arising in connection with any traffic accident while escorting a superload vehicle and such conviction occurred within the four (4) years preceding the date the special permit was issued for the move of the superload vehicle or during the period between the issuance of the special permit and the move of the superload vehicle under the special permit.

2514.6 An escort vehicle operator shall possess a valid Class A, B, C, or D driver's license and be twenty-one (21) years of age or older or possess a valid Class A, B, or C commercial driver's license and be eighteen (18) years of age or older.

2514.7 An escort vehicle operator shall have no authority to order the movement of other vehicles on District roads.

2514.8 An escort vehicle operator shall not have any passengers, human or animal, while escorting a vehicle, except for:

(a) An individual in training status or a designated flag person, with the approval of the escort vehicle operator; or

(b) A service animal that is located somewhere other than the front seat of the vehicle.

Chapter 26, CIVIL FINES FOR MOVING AND NON-MOVING INFRACTIONS, is amended as follows:

Section 2600, CIVIL FINES FOR MOTOR VEHICLE MOVING INFRACTIONS, is amended as follows:

The chart set forth in § 2600.1 is amended by adding the following section of infractions and fine amounts after the infraction and fine amount for "Snow emergency violations, Violation of [§ 2219]**":**

Special Permit Violations	
Escort vehicle escorting more than one (1) vehicle at a time [§ 2514.3]	$250.00
Failure to obtain a special permit [§ 2513.1]	$750.00
Failure of escort vehicle operator below age 21 to have a valid Class A, B, or C commercial driver's license. [§ 2514.7]	$250.00
Failure of an escort vehicle operator over the age of 21 to have a valid Class A, B, C or D driver's license. [§ 2514.7]	$250.00
Driving without required escort vehicles [§ 2513.2, 2513.3, 2513.4, 2513.5, 2513.6, and § 2513.7]	$250.00
Failure to obtain MPD escort determination before moving superload vehicle [§ 2513.8, 2513.9]	$250.00
Driving without an MPD escort when required by MPD's determination [§§2513.8, 2513.9, 2513.10(b-c)]	$250.00
Violation of special permit conditions [§ 2513.11]	$250.00

Chapter 99, DEFINITIONS, is amended as follows:

Section 9901, DEFINITIONS, is amended as follows:

A new definition, "Overall height", is added after the definition of "Operator" to read as follows:

Overall height - the vertical distance from the level surface on which a vehicle is standing to the highest point of the vehicle or load, whichever is higher.

A new definition, "Escort vehicle", is added after the definition of "Entrance" to read as follows:

Escort vehicle - any non-law enforcement vehicle that accompanies a superload vehicle to enhance safety by alerting the traveling public to the presence or approach of that vehicle and to reduce delays to the normal flow of traffic.

A new definition, "Pole vehicle", is added after the definition of "Pole Trailer", to read as follows:

Pole vehicle - a lead escort vehicle that measures any height obstructions along the route.

A new definition, "Superload Vehicle", is added after the definition of "Streetcar" to read as follows:

Superload vehicle - any vehicle and load that is seventy-five feet (75 ft.) in total length or longer, any vehicle and load twelve feet (12) wide or wider, any vehicle and load exceeding thirteen feet and six inches (13 ft. 6 in.) in height, or any vehicle and load with a total gross weight of one hundred twenty thousand pounds (120,000 lb.) or more.

All persons interested in commenting on the subject matter in this proposed rulemaking may file comments in writing, not later than thirty (30) days after the publication of this notice in the *District of Columbia Register*, with Emily Bell, Policy and Legislative Affairs Division, DDOT, 250 M Street, S.E., Washington, D.C. 20003. An interested person may also send comments electronically to publicspace.policy@dc.gov. Copies of this proposed rulemaking are available, at cost, by writing to the above address, and are also available electronically, at no cost, on the Office of Documents and Administrative Issuances' website at www.dcregs.dc.gov.

ACADEMY OF HOPE ADULT PUBLIC CHARTER SCHOOL

REQUEST FOR PROPOSALS

Strategic Communications, Digital Engagement, and Brand Advisory Consulting Services

Academy of Hope Adult Public Charter School (AoH) is a 501(c)3 tax-exempt nonprofit and adult public charter school in Washington D.C., offering excellence in adult education since 1985. Our mission is to provide high-quality education and services that change lives and improve our communities. At Academy of Hope, students become part of a learning community where everyone is valued, adds value and is both a teacher and a learner. Our curriculum is experiential and focuses on life skills, which means that students can immediately begin applying what they're learning to their own lives and reap the benefits.

Academy of Hope Adult Public Charter School (AoH) seeks proposals from qualified independent consultants or firms with demonstrated expertise in strategic communications, digital engagement, brand development, and nonprofit organizational communications. For detailed project scope and requirements, please refer to the full RFP available on our website.

Responses must be submitted electronically via email to Tomika Carter at advancement@aohdc.org by **Friday**, **October 30, 2026**. Please contact Tomika Carter by email with any questions you may have regarding this RFP.

- Vendors should align with Academy of Hope's core values: CARES—Community, Acceptance, Respect, Empowerment, and Service. We seek partners who foster inclusive, authentic environments and actively engage with the communities they serve. We welcome vendors who demonstrate these values through inclusive hiring, community partnerships, and socially responsible practices.

You can find the full request for proposal and submission instructions at https://aohdc.org/get-involved/request-for-proposals/

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ALCOHOLIC BEVERAGE AND CANNABIS BOARD

NOTICE OF PUBLIC HEARINGS
CALENDAR

WEDNESDAY, OCTOBER 21, 2026
899 NORTH CAPITOL STREET NE, SUITE 4200 A-B
WASHINGTON, DC 20002

Donovan W. Anderson, Chairperson
Members: Silas Grant, Jr., Teri Janine Quinn, Ryan Jones,
David Meadows and James Turner

I. MORNING SESSION

Show Cause Hearing (Status) **10:30 AM**

Case # 26-CIT-00110
Chopsmith LLC t/a Chopsmith
11 District Square SW
License #115588
Retailer DR
ANC 6D
Failed to File Quarterly Statement

Show Cause Hearing (Status) **10:30 AM**

Case # 26-CMP-00058
Colony Club, LLC t/a Doubles
3118 Georgia Ave NW
License #94321
Retailer CT
ANC 1E
Delivered alcoholic beverages without food

Board's Calendar
October 21, 2026

Show Cause Hearing (Status) **10:30 AM**

Case # 25-251-00014
Brooklyn on U, LLC t/a Tipsy Lounge and Restaurant 1
1212 U Street NW
License #111411
Retailer CR
ANC 1B
Operating After Hours, Interfered with an ABCA and MPD investigation, Failed to Provide Video Footage within 48 Hours, Violation of Settlement Agreement

Show Cause Hearing (Status) **10:30 AM**

Case # 25-CMP-00075
Brooklyn on U, LLC t/a Tipsy Lounge and Restaurant 1
1212 U Street NW
License #111411
Retailer CR
ANC 1B
Operating After Hours, Failed to Provide Video Footage within 48 Hours

Show Cause Hearing (Status) **10:30 AM**

Case # 25-CIT-00804
Machu Picchu, LLC, t/a Miramar
1033 31st Street NW
License #115376
Retailer CR
ANC 2E
Failed to File Quarterly Statement

Board's Calendar
October 21, 2026

Show Cause Hearing (Status) **10:30 AM**

Case # 25-CIT-00710
Maggiano's Holding Corporation t/a Maggiano's
5333 Wisconsin Ave NW
License #127592
Retailer Caterer
ANC 3E
Failed to File a Caterers Report

Show Cause Hearing **10:30 AM**

Case # 26-CC-00003/26-CC-0003(a)
Bud Love, LLC t/a Bud Love
1221 Pennsylvania Ave SE
License #128413
Retailer MC
ANC 6B
Dispensed Medical Marijuana to customer other than a qualifying patient or caregiver, Dispensed Medical Marijuana to customer who failed to produce a vailed identification card, Entered False Information into METRC (two counts), Received or Purchased Medical Cannabis from a source other than a licensed Cultivation Center, Manufacturer, or Retailer licensed in the District of Columbia, Stored Medical Cannabis products at an unauthorized location, Transported Medical Cannabis without a transport license to an unauthorized location.

Show Cause Hearing **10:30 AM**

Case # 26-CC-00010
Green Tree Incorp t/a Greenway's
3617 14th Street NW
License #132335
Retailer MC
ANC 1A
Dispensed Medical Marijuana to customer other than a qualifying patient or caregiver, Dispensed Medical Marijuana to customer who failed to produce a vailed identification card, Entered False Information into METRC (two counts)

Board's Calendar
October 21, 2026

II. ADMINISTRATIVE AGENDA

During this portion of the meeting, the Board will review and vote on matters indicated on its previously published agendas. The Board will vote and decide these matters based on agency materials and the filings of parties without oral presentations or appearance by the parties.

III. BOARD RECESS – 12:00 PM

IV. AFTERNOON SESSION

Protest Hearing **1:30 PM**

Case # 26-PRO-00049
Sunflower Inc. t/a Flavors of India/Marshall's Bar
2524 L Street NW
License #91022
Retailer CT
ANC 2A
Application to Renew the License

Protest Hearing **1:30 PM**

Case # 26-PRO-00043
Consortium for Sustainable Workforce, Inc. t/a The Consortium
201 Massachusetts Ave NE
License #130329
Retailer CT
ANC 6C
Substantial Change (request for change of hours of operation and sales of alcoholic beverages; and entertainment endorsement to provide live entertainment)

Board's Calendar
October 21, 2026

This meeting will be conducted virtually and livestreamed on ABCA's YouTube channel at: https://www.youtube.com/@ABCA_DC.
ABCA's offices are located at 899 North Capitol Street NE, Suite 4200 A-B, Washington DC 20002.

****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.***

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ALCOHOLIC BEVERAGE AND CANNABIS BOARD

NOTICE OF MEETING
CEASE AND DESIST AGENDA – CLASS B LICENSES

WEDNESDAY, OCTOBER 21, 2026 AT 10:30 AM
899 NORTH CAPITOL STREET, N.E., SUITE 4200-B, WASHINGTON, DC 20002

The ABC Board will be issuing Orders to Cease and Desist to the following Licensees for the reasons outlined below:

ABRA-003815 - **Freedom Market** - B - Retail - Grocery - 1901 NEW HAMPSHIRE AVE NW
[Licensee did not renew.]

ABRA-017772 - **Manhattan Market** - B - Retail - Grocery - 2647 CONNECTICUT AVENUE NW
[Licensee did not renew.]

ABRA-021578 - **Dupont Market** - B - Retail - Grocery - 1807 18TH STREET NW
[Licensee did not renew.]

ABRA-023503 - **Missouri Avenue Market** - B - Retail - Grocery - 5900 GEORGIA AVENUE NW
[Licensee did not renew.]

ABRA-078895 - **Target Store T-2259** - B - Retail - Grocery - 3100 14TH STREET NW
[Licensee did not renew.]

ABRA-080595 - **The Market** - B - Retail - Class B - 400 NEW JERSEY AVENUE NW
[Licensee did not renew.]

ABRA-082376 - **Lena Market** - B - Retail - Class B - 1206 UNDERWOOD STREET NW
[Licensee did not renew.]

ABRA-092730 - **Wagshal's** - B - Retail - Full Service Grocery - 3201 NEW MEXICO AVENUE NW

[Licensee did not renew.]

ABRA-093115 - **Lucky Corner Store** - B - Retail - Class B - 5415 GEORGIA AVENUE NW
[Licensee did not renew.]

ABRA-095169 - **Shaw Howard Deli** - B - Beer and Wine - 1911 7TH STREET NW
[Licensee did not renew.]

ABRA-095245 - **Minnesota Store** - B - Retail - Class B - 3728 MINNESOTA AVENUE NE
[Licensee did not renew.]

ABRA-101706 - **Wagshal's** - B - Retail - Full Service Grocery - 4857 MASSACHUSETTS AVENUE NW
[Licensee did not renew.]

ABRA-104694 - **Union Kitchen Grocery** - B - Retail - Full Service Grocery - 1251 9TH STREET NW
[Licensee did not renew.]

ABRA-106366 - **Salumeria 2703** - B - Retail - Full Service Grocery - 2703 12TH STREET NE
[Licensee did not renew.]

ABRA-107663 - **Officina** - B - Retail - Full Service Grocery - 1120 MAINE AVENUE SW
[Licensee did not renew.]

ABRA-109297 - **Pho Viet USA Inc.** - B - Retail - Grocery - 2628 11TH STREET NW
[Licensee did not renew.]

ABRA-112618 - **No Rules Distributors** - B - Wholesaler - 1701 FLORIDA AVENUE NW
[Licensee did not renew.]

ABRA-116836 - **Yang's Market** - B - Retail - Grocery - 138 U STREET NE
[Licensee did not renew.]

ABRA-118815 - **R & L Bubbles** - B - Internet - 3521 V STREET NE
[Licensee did not renew.]

ABRA-119369 - **Whispering Grapes** - B - Wholesaler - 1200 UPSHUR STREET NW
[Licensee did not renew.]

ABRA-122483 - **Habesha Market & Carry-Out Restaurant** - B - Beer and Wine - 1919 9TH STREET NW
[Licensee did not renew.]

ABRA-122502 - **Friendship Heights Convenience Store** - B - Retail - Class B - 5252 WISCONSIN AVENUE NW
[Licensee did not renew.]

ABRA-122598 - **VinBoheme** - B - Internet - 645 TAYLOR STREET NE
[Licensee did not renew.]

ABRA-128136 - **Hedon State** - B - Wholesaler - 3521 V STREET NE
[Licensee did not renew.]

ABRA-128500 - **Fizzesse** - B - Internet - 5909 BLAIR ROAD NW
[Licensee did not renew.]

ABRA-129523 - **Mott's Market** - B - Retail - Class B - 233 12TH STREET SE
[Licensee did not renew.]

ABRA-129641 - **Union Kitchen** - B - Retail - Full Service Grocery - 430 8TH STREET SE
[Licensee did not renew.]

ABRA-129916 - **Waldorf Astoria Washington DC** - B - 25 Percent - 1100 PENNSYLVANIA AVENUE NW
[Licensee did not renew.]

ABRA-133642 - **Mastiha Taverna** - B - Beer and Wine - 1309 5TH STREET NE
[Licensee did not renew.]

ABRA-134142 - **Filomena Emporium** - B - Beer and Wine - 1063 WISCONSIN AVENUE NW
[Licensee did not renew.]

ABRA-135303 - **Aspritza** - B - Wholesaler - 301 NEW YORK AVENUE NE
[Licensee did not renew.]

In accordance with the Open Meetings Act (D.C. Official Code §2-571 *et. seq*.) this meeting may be closed to consult with an attorney to obtain legal advice pursuant to §2-575(b)(4)(A). The Board's vote will be held in an open session and the public is permitted to attend. This meeting is governed by the Open Meetings Act. Please address any questions or concerns arising under this meeting to the Office of Open Government at opengovoffice@dc.gov.

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ALCOHOLIC BEVERAGE AND CANNABIS BOARD

NOTICE OF MEETING
CEASE AND DESIST AGENDA – CLASS C AND D LICENSES

WEDNESDAY, OCTOBER 21, 2026 AT 10:30 AM
899 NORTH CAPITOL STREET, N.E., SUITE 4200-B, WASHINGTON, DC 20002

The ABC Board will be issuing Orders to Cease and Desist to the following Licensees for the reasons outlined below:

ABRA-076011 - **Red Lounge Hookah -** Retail - C - Tavern - 2013 14TH STREET NW
[Licensee did not pay the second-year annual fee.]

ABRA-104782 - **Hush Harbor -** Retail - C - Tavern - 1337 H STREET NE
[Licensee did not pay the second-year annual fee.]

ABRA-112519 - **Kraken Axes -** Retail - C - Tavern - 840 E STREET NW
[Licensee did not pay the second-year annual fee.]

ABRA-115385 - **Boulevard Lounge -** Retail - C - Tavern - 6233 GEORGIA AVENUE NW
[Licensee did not pay the second-year annual fee.]

ABRA-118307 - **Mosaico by Arepa Zone -** Retail - C - Tavern - 1280 4TH STREET NE
[Licensee did not pay the second-year annual fee.]

ABRA-119877 - **Qategna Cafe -** Retail - C - Tavern - 1207 TUCKERMAN STREET NW
[Licensee did not pay the second-year annual fee.]

ABRA-120258 - **Shellfish -** Retail - C - Tavern - 443 KENNEDY STREET NW
[Licensee did not pay the second-year annual fee.]

ABRA-120622 - **Easy Company -** Retail - C - Tavern - 98 BLAIR ALLEY SW
[Licensee did not pay the second-year annual fee.]

ABRA-123636 - **Dog Daze -** Retail - C - Tavern - 1100 RHODE ISLAND AVENUE NW

[Licensee did not pay the second-year annual fee.]

ABRA-123728 - **Chucks -** Retail - C - Tavern - 2718 GEORGIA AVENUE NW
[Licensee did not pay the second-year annual fee.]

ABRA-125294 - **202 Lounge One -** Retail - C - Tavern - 609 H STREET NW
[Licensee did not pay the second-year annual fee.]

ABRA-125727 - **IL Supremo Italian Restaurant & Bar -** Retail - C - Tavern - 3209 MOUNT PLEASANT STREET NW
[Licensee did not pay the second-year annual fee.]

ABRA-128057 - **Bammy's -** Retail - C - Tavern - 301 WATER STREET SE
[Licensee did not pay the second-year annual fee.]

ABRA-129163 - **Henceforth DC -** Retail - C - Tavern - 1335 H STREET NE
[Licensee did not pay the second-year annual fee.]

ABRA-129239 - **Hash DC -** Retail - C - Tavern - 1359 U STREET NW
[Licensee did not pay the second-year annual fee.]

ABRA-129940 - **The Ugly Duckling -** Retail - C - Tavern - 1550 7TH STREET NW
[Licensee did not pay the second-year annual fee.]

ABRA-130689 - **KATA -** Retail - C - Tavern - 600 F STREET NW
[Licensee did not pay the second-year annual fee.]

ABRA-130697 - **Otis.@12 -** Retail - C - Tavern - 3625 12TH STREET NE
[Licensee did not pay the second-year annual fee.]

ABRA-131764 - **Port Royal -** Retail - C - Tavern - 1118 9TH STREET NW
[Licensee did not pay the second-year annual fee.]

ABRA-132056 - **Tavern Eighteen -** Retail - C - Tavern - 2621 CONNECTICUT AVENUE NW
[Licensee did not pay the second-year annual fee.]

ABRA-133717 - **Game On -** Retail - C - Tavern - 1330 U STREET NW
[Licensee did not pay the second-year annual fee.]

In accordance with the Open Meetings Act (D.C. Official Code §2-571 *et. seq*.) this meeting may be closed to consult with an attorney to obtain legal advice pursuant to §2-575(b)(4)(A). The Board's vote will be held in an open session and the public is permitted to attend. This meeting is governed by the Open Meetings Act. Please address any questions or concerns 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 October 19, 2026, 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 hybrid meeting in person at 200 I st SE and livestreamed via Zoom 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.

DEPARTMENT OF BEHAVIORAL HEALTH

NOTICE OF FUNDING AVAILABILITY (NOFA)

Place-Based Outreach and Behavioral Health Engagement

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

General Information:

Funding Opportunity Title:	FY27 Place-Based Outreach and Behavioral Health Engagement
Funding Opportunity Number:	RFA RM0 PBOE101626
Opportunity Category:	Competitive
DBH Branch/Division Unit:	Public Engagement and Outreach
DBH Administrative Unit	Office the Director
Program Contact:	Anthony Hall 202.671.6494 anthony.hall@dc.gov
Program Description:	The District of Columbia Department of Behavioral Health (DBH) seeks qualified organizations to provide data-informed, place-based outreach and behavioral health engagement within designated high-need catchment areas. Grantees will maintain a consistent and visible presence at DBH-designated anchor locations while retaining flexibility to respond to changing patterns of behavioral health need, substance use, overdose risk, housing instability, and service engagement throughout the broader catchment. The initiative emphasizes relationship development, direct behavioral health support, overdose prevention, resource brokering, warm handoffs, and coordinated linkage to treatment and community resources.
Eligible Applicants:	Must be a District of Columbia nonprofit (501(c)(3)) community-based organization.
Anticipated Number of Awards:	Up to three (3) awards.
Anticipated Amount Available:	Up to $250,000 per award
Floor Award Amount:	N/A
Ceiling Award Amount:	$250,000

Funding Authorization:

Legislative Authorization:	D.C. Act 26-320
Cost Sharing/Match Required?	No
RFA Release Date:	Friday, October 16, 2026
Application Deadline Date:	Friday, November 6, 2026
Application Deadline Time:	12:00 PM ET
Pre Application Conference (Date):	Monday.October 19, 2026
Pre-Application Conference (Time):	11:00 AM ET
Pre-Application Conference (Microsoft Teams Access):	Pre-Application Conference for FY27 Place-Based Outreach and Behavioral Health Engagement
Links to Additional Information about this Funding Opportunity:	Serve DC: Mayors Office of Community Affairs DBH RFA Opportunities: DBH - Request to Applications

Notes:

A. **DBH reserves the right to issue addenda and/or amendments subsequent to the issuance of the NOFA or RFA, or to rescind the NOFA or RFA.**
B. **Awards are contingent upon the availability of funds.**
C. **Individuals are not eligible for DBH grant funding.**
D. **Applicants must have a UEI#, Tax ID#, and be registered in the federal Systems for Award Management (SAM).**
E. **Contact the program manager assigned to this funding opportunity for additional information.**
F. **Competition is being accelerated to minimize the risk of a lapse in critical services and supports for the communities currently being served. Expediting the process will help promote continuity of services while allowing for a timely transition to the new grant period.**

BRIDGES PUBLIC CHARTER SCHOOL

REQUEST FOR PROPOSALS

Bridges Public Charter School in accordance with section 2204(c) of the District of Columbia School Reform Act of 1995 solicits proposals for SY26-27 for the following services:

- Math and reading High Intensity Tutoring (HIT)

For the detailed RFP of each service, please email bids@bridgespcs.org. Proposals should be submitted in PDF format to bids@bridgespcs.org no later than **5:00 pm Friday October 30th, 2026.**

GOVERNMENT OF THE DISTRICT OF COLUMBIA
CONTRACT APPEALS BOARD

APPEAL OF:	)	
	)	
EMMANUEL O. IRONO	)	
MOTIR SERVICES, INC.	)	CAB No. D-1577
	)	
Under CPO Debarment Case Nos.	)	
0021-0001A and 21-0001B	)	

For the Appellants, Emmanuel O. Irono and Motir Services, Incorporated: Tillman J. Finley, Esq., Daniel Marino, Esq., Marino Finley LLP; Carol Elder Bruce, Esq., Law Office of Carol Elder Bruce, PLLC. For the Appellee, the District of Columbia: Tyrone L. Hankerson, Jr., Esq., Rebecca P. Barnes, Esq., Nicholas Hopkins, Esq., Brett A. Baer, Esq., Office of the Attorney General.

Opinion by Chief Administrative Judge Marc D. Loud, Sr., with Administrative Judge Nicholas A. Majett, concurring.

OPINION

Filing ID #78502163

These appeals arise from two District of Columbia Chief Procurement Officer ("CPO") Decisions debarring appellants Emmanuel O. Irono, President and Chief Executive Officer of Motir Services, Inc. (Irono or the Company President) and Motir Services, Inc. (Motir), from District contract awards for certain alleged misconduct. In particular (and as simplified), the District contends that to secure Option Year 4 of a contract to provide nurses to the District, Motir and the Company President hid then-pending U.S. General Services Administration (GSA) proposed debarments from appropriate District officials. The District further contends that in an alleged later attempt to cover-up the initial failure to disclose the proposed debarments, Motir and Irono created false records suggesting that they emailed the District a corrected and amended certification disclosing the proposed debarments. The appellants contend that the District has failed to prove either of the above two causes for debarment, and that appellants have demonstrated present responsibility. The Board conducted a *de novo* hearing in this matter from July 22 to July 24, 2025.

Upon review of the record and for the reasons discussed below, the Board finds that the District has established that both appellants are liable for debarment for failing to disclose a proposed GSA debarment in 2019 to District officials when renewing a nursing contract, but that Motir alone is liable for debarment for creating and using fabricated documents during an unrelated CPO debarment proceeding in 2021. With respect to the debarment causes for which Motir and the Company President have been found liable, Motir has failed to establish present responsibility.

I. BACKGROUND

At all times material to this matter and as pertinent to the allegations herein, appellant Emmanuel O. Irono served as President and CEO of appellant Motir Services, Inc. (Joint Notice

of Stipulations of Fact & to the Admissibility of Certain Exs. ("JSOF") No. 3; *see also* Hr'g Tr. 79:17-19, July 22, 2025.)[1] It is undisputed herein that in 2015, the District awarded a contract to Motir to provide nurses to the D.C. Department of Health (hereafter CW40399). (Compl. 9 n.8.) It is further undisputed that in 2019 the appellants sought to secure Option Year 4 of CW40399 to continue providing nurses to the health department. (JSOF Nos. 5-6; Appellee's Hr'g Ex. 9-A, 47-53; AF Ex. 9-A-F, 47-53; Appellee's Hr'g Ex. 9-B, 54-57; AF Ex. 9-A-F, 54-57.)[2] The two distinct but related debarment causes presently before the Board trace largely back to events surrounding the appellants' efforts to secure Option Year 4 of CW40399. To facilitate review herein and with the above option renewal as pertinent backdrop, the Board addresses the two debarment causes separately, along with the facts and circumstances unique to each.

A. The Debarment Cause that Appellants Submitted a False Bidder/Offeror Certification to OCP in 2019 that Failed to Disclose Proposed GSA Debarments.

As is pertinent hereto, the District requires an executed Bidder/Offeror Certification Form (hereafter bidder certification or certification) from contractors to award or extend a contract, and the certification must disclose certain background information about the contractor, including whether it has been suspended or debarred, or proposed for suspension or debarment, under federal, District or state statutes. (*See, e.g.*, Hr'g Tr. 45:15-47:1; 49:18-22, July 22, 2025; Appellee's Hr'g Ex. 9-B, 54-57; AF Ex. 9-A-F, 54-57.) As regards the first debarment cause, the record reveals that Motir submitted an executed bidder certification as noted above for extension of CW40399 to the District on October 30, 2019, which bore the signature of the Company President and was dated October 3, 2019. (Appellee's Hr'g Ex. 9-A, 47-53; Appellee's Hr'g Ex. 9-B, 54-57; AF Ex. 9-A-F, 47-57.)

Specifically, Motir's certification informed District officials that neither Motir nor its president (or any other employees) had been "proposed for suspension or debarment" or been "the subject of an investigation, whether open or closed, by any government entity for a civil or criminal violation for any business-related conduct" within five years of the certification date. (Appellee's Hr'g Ex. 9-B, 55 (answered no for items 2.2, 2.3, 2.4, 3.1, 3.2, 3.3); AF Ex. 9-A-F, 55 (answered no for items 2.2, 2.3, 2.4, 3.1, 3.2, 3.3); *see also* Hr'g Tr. 96:21-97:10, July 22, 2025.) The bidder certification submitted by Motir, however, was erroneous. Motir and its president had in fact been proposed for debarment by the GSA a few weeks earlier on September 11, 2019.[3] (*See* Appellee's Hr'g Ex. 9-D, 66-79; AF Ex. 9-A-F, 66-79.) The appellants admit that the bidder certification is

[1] The merits hearing in this matter was conducted over three days (July 22-24, 2025). The initial version of the hearing transcript identified each volume of the transcript by date only, rather than by number. All citations by the Board to the hearing transcript refer to the initial version transmitted to the Board by the District on August 19, 2025. On January 16, 2026, the court reporter service corrected the initial transcript to provide a volume number for each day of the hearing, but in so doing altered the pagination of the initial transcript. For ease and consistency of review, the Board has not cited the January 16, 2026, version of the transcript. Additionally, the Board's citation to the parties' Joint Stipulations of Fact ("JSOF") refers to the Joint Notice of Stipulations of Fact and to the Admissibility of Certain Exhibits, Section I, ("Joint Stipulations of Fact"), 2-6.

[2] The Board has omitted leading zeroes from Bates numbers in its citations to hearing and Appeal File exhibits.

[3] The GSA's 2019 proposed debarment of Motir and the Company President (among others not relevant hereto) centered on allegations that they helped a small business submit false past performance information to win a government contract. (*See* Appellee's Hr'g Ex. 9-D, 66-79; AF Ex. 9-A-F, 66-79.) The GSA terminated the proposed debarments on October 4, 2019. (Appellee's Hr'g Ex. 9-N, 426, para. 1; AF Ex. 9-H-W, 426, para. 1.)

inaccurate but contend that it resulted from an oversight rather than from an intent to conceal the proposed debarments. (*See, e.g.*, Appellants' Post-Hr'g Br. 19-20.)

According to the record, the Company President's Executive Assistant, Elizabeth Rapp (Executive Assistant or EA), was responsible for, *inter alia*, preparing the company's bidder certifications. (Hr'g Tr. 45:15-47:1, 108:19-109:8, 114:15-22, July 23, 2025.) The EA testified that after the certifications were prepared, they were reviewed by either a Motir department director or the Company President. (*Id.* at 111:17-112:2.) As to the Motir bidder certification and review process, the EA testified that certifications were initially set up in "template format" without dates or contract numbers, (*id.* at 110:18-111:9), and that a lot were "pre-signed" with the president's signature, (*id.* at 112:3-8). Specifically, the EA testified that she completed the inaccurate certification template used for the 2019 CW40399 contract extension by adding a contract number, date, and the president's signature. (*Id.* at 117:10-118:17; 120:11-16; Appellee's Hr'g Ex. 9-B, 54-57; AF Ex. 9-A-F, 54-57.) But the EA testified that she used the "wrong template" because "we had redone the template for the bidder/offeror that disclosed the debarment," (*see* Hr'g Tr. 121:1-124:20, July 23, 2025), and that she did not review the template beforehand, (*id.* at 153:14-154:13, 160:13-22). The EA did not know whether the CW40399 bidder certification was given to the president to review, (*id.* at 120:20-22), but does not believe that he reviewed it, (*id.* at 159:18-160:13).

The Company President, however, testified consistently that he reviewed bidder certifications as part of his "job." Thus, the Company President testified that when given bidder certifications, answers to the debarment questions had already been provided by "administrative people" and his "job was to look over it before it's send [sic] out." (Hr'g Tr. 102:20-103:17, July 22, 2025.) The Company President also testified that "[n]ormally administratively, they will prepare these forms [the bidder certification, insurance and tax documents] and then I will review and sign." (*Id.* at 92:3-94:6.) The Company President did not dispute "in any way" signing the CW40399 certification. (*Id.* at 200:3-15.) Additionally, the Company President stated that he was not personally "aware" that the CW40399 certification was false and was not "directly involved with the administrative aspect." (*Id.* at 106:1-16.) Finally, the Company President testified that he was not trying to hide the GSA proposed debarment from the District when the inaccurate CW40399 bidder certification was sent to District officials. (*Id.* at 199:10-202:2.)

As noted, the record reveals that the CW40399 bidder certification template was finalized by adding, *inter alia*, the date of October 3, 2019. (Hr'g Tr. 117:10-118:14, July 23, 2025.) Also as noted, the Company President did not dispute "in any way" signing the October 3, 2019, CW40399 certification. (Hr'g Tr. 200:3-15, July 22, 2025.) The record reveals that during the one-week period surrounding the October 3, 2019, date appearing on the CW40399 bidder certification, the appellants expended considerable effort to resolve the proposed GSA debarments, the Company President stating that "the GSA action jeopardizes the very survival of our business and the jobs of our employees." (Appellee's Hr'g Ex. 9-G, 120, para. 26; AF Ex. 9-G, 120, para. 26.) The efforts undertaken by Motir and its president during the week that the certification was dated place in context the extent to which the GSA matter had become a crisis. Those efforts included the following:

- On September 24, 2019, the Company President met with GSA officials and was advised that the proposed GSA debarment would result in the "de-scope" of a design-build contract then underway between Motir and GSA. (Appellants' Hr'g Ex. 9-G, 119, para. 21.)

- On September 25, 2019, a District contracting official sent Motir a Notice of Stop Work on a separate contract (CW66534) via email because GSA had filed an exclusion stating the company's ineligibility to participate in procurements. (*Id.* at 119, para. 22; 138.)

- On September 30, 2019, Motir filed a Motion for a Temporary Restraining Order and Preliminary Injunction against GSA in *Motir Services, Inc. v. United States*, No. 19-CV-01503 (Fed. Cl. Oct. 7, 2019) (Westlaw, Fed. Cl. Dockets). In a sworn affidavit filed in the above matter dated September 27, 2019, the Company President stated that Motir had "over 270 full-time employees, working on primarily (95%) government contracts. *All of these contracts are now in immediate jeopardy as a result of the GSA action which is the subject of this matter*." (Appellee's Hr'g Ex. 9-G, 114, para. 2 (emphasis added); AF Ex. 9-G, 114, para. 2 (emphasis added).) The Company President's sworn declaration also complained that GSA's proposed debarment "threatens to cause further irreparable damage to Motir's business and the livelihoods of its more than 270 full-time, plus part-time, employees." (Appellee's Hr'g Ex. 9-G, 119, para. 19; AF Ex. 9-G, 119, para. 19.)

- In the same *Motir Services, Inc. v. United States* case noted above, the EA also executed a sworn affidavit in which she, *inter alia*, denied making certain statements attributed to her in the GSA Notice of Proposed Debarment to Motir, denied that the Company President made certain statements attributed to him in the GSA Notice of Proposed Debarment, and generally credited Motir's Business Conduct employee handbook for highlighting "the need to avoid potential conflicts of interest, the prohibition on employees doing tasks other than for the authorized business purposes of Motir, Inc., and the need for employees to immediately report any misconduct or unauthorized activity." (Appellee's Hr'g Ex. 9-J, 376-82, paras. 5-6, 25; AF Ex. 9-H-W, 376-82, paras. 5-6, 25.)

- On October 1, 2019 (two days before the "October 3" execution date on the CW40399 bidder certification), the Company President stated "I attended a meeting with the GSA [Suspension and Debarment Officer (SDO)]. Also at the meeting were my and Motir's counsel, Elizabeth Rapp, and various members of the SDO's staff. We explained the mistaken logic of the GSA notice's theory of misconduct and presented information, and answered questions, regarding Motir's compliance policies and practices and all of the steps Motir had taken to try to prevent something like what Mr. Ray had done from happening again." (Hr'g Ex. 9-G, 103, para. 5; AF Ex. 9-G, 103, para. 5; *see also* Hr'g Tr. 192:5-197:1, July 22, 2025.)

- On October 4, 2019 (one day after the "October 3" execution date on the CW40399 bidder certification), Motir entered into a GSA Administrative Compliance Agreement that conditionally terminated the proposed debarments. (Hr'g Ex. 9-G, 103-04, paras. 6-7; AF Ex. 9-G, 103-04, paras. 6-7; Appellee's Hr'g Ex. 9-N, 422-29; AF Ex. 9-H-W, 422-29.) The one-year administrative compliance agreement provided that "GSA therefore, agrees, based upon the facts currently known to it, to terminate the proposed debarments of

> Emmanuel Irono, Motir Services, Inc. . . . subject to the terms and conditions set forth below." (Appellee's Hr'g Ex. 9-N, 422; AF Ex. 9-H-W, 422.) One of the terms of the agreement provided that Motir "operations shall be conducted according to the highest code of corporate ethics, generally prevailing lawful and honest behavior, and the guidelines set by the letter and the spirit of this Agreement." (Appellee's Hr'g Ex. 9-N, 422; AF Ex. 9-H-W, 422.)

Additionally, in a letter to a District contracting official written a few months after the GSA matter had been resolved, the Company President recalled "the days and weeks following Motir's receipt" of the GSA proposed debarment notice, stating that "Motir's time and resources were taxed in working with our firm and others to make sense of the proposal and the allegations on which it purported to rely and determine a course of action to address it quickly and efficiently. Motir also was working to manage a large number of issues with other contracts that had arisen as a result of the proposed debarment." (Appellants' Hr'g Ex. 8.)

Thus, the crisis engendered by GSA's proposed debarments of Motir and its Company President reached fever pitch during the week of October 3, 2019. As noted, however, the GSA-proposed debarments against appellants were terminated by the administrative compliance agreement reached on October 4, 2019, after pending for a total period of approximately three weeks. (*See* Appellee's Hr'g Ex. 9-G-C, 143-44; AF Ex. 9-G-C, 143-44.) Also as noted, Motir (through the EA) delivered the inaccurate bidder certification to the District contract specialist for CW40399 on October 30, 2019, without the debarment being disclosed. (*See* Appellee's Hr'g Ex. 9-A, 48; Appellee's Hr'g Ex. 9-B, 54-57; AF Ex. 9-A-F, 48, 54-57.) It appears from the record that sometime thereafter Motir was ultimately awarded the 4th option year of CW40399. (Appellee's Hr'g Ex. 9-E, 81, para. 5; AF Ex. 9-A-F, 81, para. 5; Appellee's Hr'g Ex. 9-G, 106-07, para. 15; AF Ex. 9-G, 106-07, para. 15.)

On the surface at least, and certainly as pertains to the outcome of this case, nothing extraordinary occurred between the parties for the next 15 months regarding CW40399 and the inaccurate bidder certification submitted by appellants to extend it. Then on January 27, 2021, the appellants were revisited with the inaccurate CW40399 bidder certification and GSA's proposed 2019 debarments in a most unexpected way.

B. The Cause that Appellants Provided False Documents to District Officials in 2021 to Establish that the Proposed GSA Debarments Were Voluntarily Disclosed in 2020.

It appears from the record that on January 27, 2021, during the course of an unrelated CPO debarment proceeding against appellants, District counsel learned that Motir and the Company President did not disclose the 2019 proposed GSA debarments on the bidder certification for renewal of CW40399. (*See* Appellee's Hr'g Ex. 7, 32, para. 4; AF Ex. 7, 32, para. 4; Appellee's Hr'g Ex. 8, 41, para. 4; AF Ex. 8, 41, para. 4.) Quite naturally, the District entered the inaccurate 2019 bidder certification into the administrative record of the unrelated case, intending therewith to impugn appellants' credibility and honesty in the unrelated debarment. (*See* JSOF Nos. 15-16; *see also* Hr'g Tr. 226:19-227:2, July 23, 2025.)

District counsel's January 27, 2021, discovery of the potential impeachment evidence then set off the chain of events which led ultimately to the CPO's second debarment cause against appellants herein. The chain of events proceeded as follows. On January 28, 2021, Motir's counsel emailed the Executive Assistant about whether she could locate an amended and corrected CW40399 bidder certification (presumably as rebuttal evidence), stating, "[c]an you dig up the Amended Cert submitted for Contract No. CW40399?" (Appellants' Hr'g Ex. 12.) The following day (January 29, 2021) the EA appeared to have located an amended CW40399 bidder certification which fully disclosed the proposed GSA 2019 debarment. (Appellants' Hr'g Ex. 14; *see also* Appellee's Hr'g Ex. 9-C, 59-61, 62 (answering yes to items 2.2, 2.3, 2.4, 3.2, 3.3), 63-65; AF Ex. 9-A-F, 59-61, 62 (answering yes to items 2.2, 2.3, 2.4, 3.2, 3.3), 63-65). Moreover, and very significantly, the EA located, along with the purportedly amended bidder certification, an email appearing to have been sent from the Company President's account that purportedly transmitted the amended bidder certification to the CW40399 contract specialist on February 11, 2020. (Appellee's Hr'g Ex. 9-C, 61; AF Ex. 9-A-F, 61.) The EA found the purported transmittal email in her email account "draft" box. (Hr'g Tr. 125:17-127:2; 154:14-156:3, July 23, 2025.) The EA testified variously that she created the February 11 transmittal email, (*id.* at 127:16-18), but also that she did *not* create it, (*id.*at 126:2-127:1). The EA also testified that she thought the February 11 email had been "sent out" to the CW40399 contracting officer. (*Id.* at 127:19-21.) Thus, having purportedly located a February 11, 2020, transmittal email and an amended CW40399 bidder certification that were responsive to the Motir attorney's January 27 request, the EA transmitted both documents to the attorney on January 29, 2021. (*See* JSOF Nos. 17-18; Appellants' Hr'g Ex. 14; *see also* Hr'g Tr. 127:22-128:3; 214:9-215:14, July 23, 2025.) The Motir counsel then entered the referenced documents (the purported February 11 email and the amended CW40399 bidder certification) into the record of the unrelated CPO debarment, anticipating their potential use as rebuttal evidence as necessary. (Hr'g Tr. 214:9-215:14, July 23, 2025; JSOF Nos. 18-21.)

As subsequent events were to establish, however, the purported "amended" CW40399 rebuttal documents located by the EA, transmitted to Motir's counsel and subsequently entered into the unrelated CPO debarment proceeding record, were complete *hoaxes*. Clear record evidence from *both parties* established that the February 11, 2020, "email" and the "amended" CW40399 bidder certification were fabrications. First, Motir and the Company President conceded that the February 11, 2020, transmittal email from the Company President's corporate account was fabricated. (*See* Appellee's Hr'g Ex. 9-G, 110-11, paras. 28-30; AF Ex. 9-G, 110-11, paras. 28-30.) This concession was made after appellants were unable to locate a February 11, 2020, email originating from the Company President's account to the CW40399 contract specialist in Motir's email archives or on its computers. (Appellee's Hr'g Ex. 9-G, 93.) Further, a subsequent investigation undertaken by "former FBI agents" at the Company President's behest found that "the document that purports to be the email . . . was created in May of 2020. So it couldn't possibly an [sic] accurate document of a February transmission."[4] (*See* Appellee's Hr'g Ex. 10, at 650:13-651:3; AF Ex. 10, at 650:13-651:3 (CPO virtual meeting transcript).)

[4] While the instant case was pending before the CPO, the Company President "directed counsel to investigate [the allegedly false CW40399 rebuttal documents] and engage information technology and computer forensics consultants." (Appellee's Hr'g Ex. 9-G, 107-08, para. 18; AF Ex. 9-G, 107-08, para. 18.) The results of the investigation were shared at a virtual meeting between the CPO and the appellants on April 26, 2021. During the meeting, both the Company President and Motir's attorney summarized the various key findings of the investigation. (*See* Appellee's Hr'g Ex. 10, 638:11-12, 638:19-21; AF Ex. 10, 638:11-12; 638:19-21.) The consultant's investigative report, however, is not a part of our record.

Likewise, the purportedly revised CW40399 bidder certification also proved to be a fabrication. In this regard, the same investigation as noted above regarding the February 11 email, noted that metadata for the purportedly revised certification showed it had a "created date [sic] of May 15, 2020[,] and a date modified date of January 29, 2021," and that the document did not "exist[] at all in February of 2020." (*See* Appellee's Hr'g Ex. 10, at 647:4-9, 647:18-21, 652:12-653:9, 658:22-659:3; Appellee's Hr'g Ex. 10, at 647:4-9, 647:18-21, 652:12-653:9, 658:22-659:3.)

In addition, the record herein establishes that the contracting specialist for CW40399 denied ever receiving an email transmittal from the Company President updating the initial 2019 bidder certification. (JSOF Nos. 23-24; Appellee's Hr'g Ex. 9-E, 81-82, paras. 8-10; AF Ex. 9-A-F, 81-82, paras. 8-10; Hr'g Tr. 62:17-63:20; 67:6-18, July 22, 2025.) Specifically, the contract specialist stated that she received Motir's initial 2019 certification failing to disclose the proposed GSA debarments, (Appellee's Hr'g 9-E, 81, para. 5), was never advised by Motir that the certification needed revision, (*id*. para. 6), did not recall receiving an amended certification and transmittal email from Motir, (*id.* para. 7), and that:

> 8. I have searched my Office of Contracting and Procurement e-mail history for February 11, 2020, and separately searched each of the terms "Motir", "eirono@motirservices.com","CW40399", and "Revised Bidder Offeror Certificate" and did not find the Alleged E-mail in my Office of Contracting and Procurement e-mail history.
>
> 9. I have no knowledge of a revised Bidder/Offeror Certification Form for Contract Number CW40399.
>
> 10. The official contract file for Contract Number CW40399 does not include a revised Bidder/Offeror Certification Form.

(*Id.* at 81-82, paras. 8-10.)

Further, in corroboration of the contract specialist's evidence, the record herein includes a sworn declaration from a D.C. Office of the Chief Technology Officer (OCTO) "Information Technologist Specialist" with over 20 years' experience. (*See* Appellee's Hr'g Ex. 9-F, 87, para. 2; AF Ex. 9-A-F, 87, para. 2.) The OCTO specialist stated that "[t]he District maintains and stores all email traffic sent either to or from a District employee's government email account . . . [and] retains all email traffic of past and present District Government employees for retrieval purposes." (*Id.* para. 3.) After noting that his regular job duties included "conducting searches for emails that have been sent to or from a District employee's account," (*id.* para. 4), the specialist stated as follows:

> 5. On or about February 10, 2021, I conducted a search of all inbound and outbound email traffic that was sent to or from the account of monica.bailey-delissaint@dc.gov between February 7, 2020 through February 14, 2020. That search produced no results for an email from eirono@motirservices.com.

(Appellee's Hr'g Ex. 9-F, 88, para. 5; AF Ex. 9-A-F, 88, para. 5.)

As a result of the above and under the theory that the appellants submitted a false bidder certification to the OCP contract specialist in 2019 (omitting the GSA proposed debarment), and then later fabricated an updated certification and transmittal email in 2021 (acknowledging the GSA proposed debarment), the CPO issued separate "Notice(s) of Suspension and Proposed Debarment" to Motir and its Company President on February 25, 2021.[5] (*See* Appellee's Hr'g Ex. 3, 10-12; AF Ex. 3, 10-12; Appellee's Hr'g Ex. 4, 15-17; AF Ex. 4, 15-17.) Per the Notices, Motir and the Company President were proposed for debarment because they allegedly "(1) submitted a false bidder/offeror certification [in 2019], and (2) provided a false or fraudulent document to the District during the course of a debarment proceeding [in 2021]." (Appellee's Hr'g Ex. 3, 10; AF Ex. 3, 10; Appellee's Hr'g Ex. 4, 15; AF Ex. 4, 15.) On May 21, 2021, the CPO issued separate final debarment decisions which debarred Motir and the Company President, "[u]nder D.C. Official Code § 2-359.07(c)(7)," for a period of "five (5) years from February 25, 2021" based on the reasons given in the notices of suspension and proposed debarment. (Appellee's Hr'g Ex. 7, 30-37; AF Ex. 7, 30-37; Appellee's Hr'g Ex. 8, 39-46; AF Ex. 8, 39-46.) The appellants appealed both decisions to the Board on July 23, 2021. After several aborted settlement attempts, the Board conducted a merits hearing from July 22-24, 2025.[6]

II. DISCUSSION

A. Jurisdiction.

The Board has jurisdiction over contractor appeals of CPO suspension and debarment decisions pursuant to D.C. Code § 2-359.07(f) (2025). Here, the Board has jurisdiction over this appeal because it was filed within 60 days of the date on which appellants received the CPO's debarment decisions (May 26, 2021). In addition, the Board exercises jurisdiction over suspension and debarment cases as "appeals," which are subject to a *de novo* standard of review. (*See* Order Denying District's Mot. to Stay at 3-7, Sept. 22, 2023 (citing *Jones & Artis Constr. Co. v. D.C. Cont. Appeals Bd.*, 549 A.2d 315, 317 (D.C. 1988)) (other citations omitted)); *see also* D.C. CODE § 2-360.03(a) (2025); D.C. MUN. REGS. tit. 27, § 101.7 (2020). The recitation of facts stated in the background, discussion, and conclusion sections constitutes the Board's findings of fact in accord with D.C. MUN. REGS. tit. 27, § 214.2 (2020). Additionally, rulings on questions of law, and mixed questions of fact and law are set forth throughout our decision.

[5] The CPO revised the February 25, 2021, Notices on March 16, 2021, but the substance of the counts against Motir and the Company President remained the same, and the March revisions are not material to the outcome of the Board's decision herein. (*Compare* AF Ex. 3, 10-12, *and* AF Ex. 4, 15-17, *with* AF Ex. 5, 20-22, *and* AF Ex. 6, 25-27.)

[6] Prior to the hearing and at the parties' request, this case was stayed for approximately one year after the parties signed a tentative Settlement Agreement on September 22, 2023. (*See* Appellee the District of Columbia's Joint Mot. for Continuance of the Hr'g Date at 2, para. 7; Order Granting Joint Mot. for Continuance of the Hr'g Date at 1 (beginning the stay on Sept. 25, 2023); Telephone Status Conference Order at 1, Sept. 3, 2024 (ending the stay effective Sept. 18, 2024).) Settlement efforts were unsuccessful, however, and as a practical matter the case resumed active status on or around January 16, 2025. (*See* Telephone Status Conference Order at 1, Jan. 16, 2025; *see also* Telephone Status Conference Order at 1, May 23, 2025 (continuing the trial until July 22-24, 2025).)

B. The Debarment Cause that Appellants Submitted a False Bidder/Offeror Certification to OCP in 2019 that Failed to Disclose Proposed GSA Debarments.

In pertinent part, the applicable District of Columbia debarment law provides that a person may be debarred for "[a]ny . . . cause the CPO determines to be sufficiently serious and compelling to affect responsibility as a District government contractor." *See* D.C. CODE § 2-359.07(c)(7) (2025); *see also* D.C. MUN. REGS. tit. 27, § 2213.1 (2019). In the case of corporations, they are held vicariously liable for debarment for the actions of the individuals who act on their behalf. *Principals of Fort Myer Const. Corp.*, CAB No. D-1235, 52 D.C. Reg. 4237, 4240 (Nov. 23, 2004). Moreover, to establish corporate liability, it is only necessary that the suspect conduct is taken by an individual acting for the corporation whose conduct is taken in the course of performance of corporate duties. *Id*.

As applied to the first debarment cause noted above, we conclude that the Motir Company President willfully submitted an inaccurate bidder certification to District officials in 2019 for the purpose of extending CW40399. The inaccurate bidder certification failed to disclose a short-lived GSA proposed debarment against Motir and the president that was initiated on September 11, 2019. The Company President's purposeful submission of an inaccurate CW40399 bidder certification is sufficiently serious and compelling to affect responsibility as a District government contractor. In addition, Motir is held vicariously liable for the misconduct of its president, whose actions were taken on Motir's behalf.

In this matter, the appellants admit that the CW40399 bidder certification submitted to District officials on October 30, 2019, was inaccurate. The appellants contend, however, that the inaccurate certification was submitted through a "mistake." The EA testified that multiple certification templates had been prepared to renew CW40399, but that she filled out the wrong one and did not review it. (Hr'g Tr. 123:16-124:9, 153:14-154:13, July 23, 2025.) The Company President testified that bidder certifications are "review(ed) and sign(ed)" by him, (Hr'g Tr. 92:3-94:6, July 22, 2025), but that debarment information is already put on certifications by Motir "administrative people," (*id.* at 102:20-103:17). The president testified that "we normally fix" an "error" but "during this time it was an oversight." (*Id.* at 103:7-17.)

We have reviewed the record and cannot but conclude that the Company President willfully approved an inaccurate CW40399 certification for submission to District contracting officials. We note firstly that there are clear statements in our record wherein the Company President indicates that he reviews and approves Motir's certifications before submission to contracting officials. In an April 1, 2021, sworn declaration, the Company President described himself as having "final signature authority" over several bidder certifications that were executed during the same period that the CW40399 certification was executed. (*See* Appellee's Hr'g Ex. 9-G, 104-10, paras. 9, 21-25; AF Ex. 9-G, 104-10, paras. 9, 21-25.) During the hearing, the Company President twice stated that he reviewed and approved bidder certifications. In the first instance, the Company President stated that "[n]ormally administratively, they will prepare [insurance, tax, and bidder/offeror forms], and then I will review and sign." (Hr'g Tr. 93:9-94:6, July 22, 2025.) In the other instance, the president stated that the debarment information on the CW40399 certification was completed "by my administrative people" and that "it's my job to look over it before it's send [sic] out." (*Id.* at 100:1-103:15.) We therefore take the Company President at his word that he reviews and

approves bidder certifications before they are sent out and find that he specifically reviewed and approved the CW40399 certification before it was sent out.[7]

Secondly, we note it that strains credulity to believe that the Company President reviewed the CW40399 certification on or around October 3, 2019, and was unmindful of the pending proposed GSA debarments as he reviewed the document. The key consideration is the bidder certification's *October 3, 2019,* execution date. When the October 3, 2019, execution date is viewed in the context of the events occurring in the *same week*, it becomes patently clear that the Company President could not have been oblivious to the proposed debarments as he reviewed the certification. The evidence shows the following for the days immediately preceding and following the Company President's October 3, 2019, execution of the bidder certification:

- September 24, 2019: In a meeting held on this date, the Company President is advised by GSA officials that the proposed GSA debarment will result in a "de-scope" of the company's design-build contract with GSA. (Appellee's Hr'g Ex. 9-G, 119, para. 21; AF Ex. 9-G. 119, para. 21.)

- September 25, 2019: Appellants are sent a Notice of Stop Work Order on a separate contract (CW66534) via email by a District contracting official because GSA filed an Exclusion stating Motir's ineligibility to participate in procurements. (Appellee's Hr'g Ex. 9-G, 119, para. 22; 138-39; AF Ex. 9-G, 119, para. 22; 138-39.)

- September 27, 2019: In preparation for filing a lawsuit to challenge the GSA proposed debarment, the Company President signs a sworn declaration under penalty of perjury stating that, *inter alia*, "the GSA action jeopardizes the very survival of our business and the jobs of our employees". (Appellee's Hr'g Ex. 9-G, 120, para. 26; AF Ex. 9-G, 120, para. 26.)

- September 30, 2019: In *Motir Services, Inc. v. United States*, appellants file a Motion for a Temporary Restraining Order and Preliminary Injunction to stop the proposed GSA debarments. (*See* Appellee's Hr'g Ex. 9-G, 114, para. 1; AF Ex. 9-G, 114, para. 1.)

- October 1, 2019: Motir's president, attorney, and the president's EA meet with the GSA Suspension and Debarment Officer at GSA headquarters to discuss the proposed debarment. At the meeting, the Company President and his team "explained the mistaken logic of the GSA notice's theory of misconduct and presented information, and answered questions, regarding Motir's compliance policies and practices and all of the steps Motir had taken to try to prevent" the misconduct alleged in GSA's September 11 notices of proposed debarment. (Appellee's Hr'g Ex. 9-G, 103 para. 5; AF Ex. 9-G, 103 para. 5; Hr'g Tr. 193:3-196:21, July 22, 2025.)

- October 3, 2019: The CW40399 bidder certification is reviewed and approved by the Company President. (*See* Appellee's Hr'g Ex. 9-B, 54-57, AF Ex. 9-A-F, 54-57; *see also* Hr'g Tr. 92:3-94:6; 102:20-103:17, July 22, 2025.)

[7] We also note that the EA testified that her duties included preparation of "each [bidder] certification before it was submitted" to the Company President or other Motir official for *review*. (*See* Hr'g Tr. 110:18-112:2, July 23, 2025.)

- October 4, 2019: One day *after* the "October 3" date on the CW40399 bidder certification, Motir entered into a GSA Administrative Compliance Agreement that conditionally terminated the proposed debarments. (Hr'g Ex. 9-G, 103-04, paras. 6-7; AF Ex. 9-G, 103-04, paras. 6-7; Appellee's Hr'g Ex. 9-N, 422-29; AF Ex. 9-H-W, 422-29.) The one-year administrative compliance agreement provided that "GSA therefore, agrees, based upon the facts currently known to it, to terminate the proposed debarments of Emmanuel Irono, Motir Services, Inc. . . . subject to the terms and conditions set forth below." (Appellee's Hr'g Ex. 9-N, 422; AF Ex. 9-H-W, 422.) One of the terms of the agreement provided that Motir "operations shall be conducted according to the highest code of corporate ethics, generally prevailing lawful and honest behavior, and the guidelines set by the letter and the spirit of this Agreement." (Appellee's Hr'g Ex. 9-N, 422; AF Ex. 9-H-W, 422.)

Thus, in the one-week period surrounding the Company President's October 3 execution of the CW40399 certification, Motir officials filed a lawsuit against GSA at the Court of Federal Claims, the Company President held in-person meetings twice with GSA officials (one time regarding the proposed GSA debarment and a second time to discuss a GSA contract threatened by the proposed debarment), the Company President executed two sworn affidavits generally denying the allegations contained in GSA's Notices of Proposed Debarment, Motir contended with at least one District government Stop Work Order, and the Company President executed a GSA Administrative Compliance Agreement conditionally terminating the proposed debarments.

It is reasonable to infer from the above evidence, therefore, that the Company President was actively engaged in resolving the GSA proposed debarment crisis during the days immediately preceding and following the October 3 CW40399 bidder certification, the Company President reviewed and executed the CW40399 bidder certification on October 3, the Company President did not disclose the proposed GSA debarments on the certification, and that the Company President failed to do so because he did not want them disclosed. It is not credible to believe that the Company President reviewed the CW40399 certification on October 3, 2019, completely unmindful of his meeting at GSA with the suspension and debarment officer two days earlier, unmindful of the federal lawsuit which Motir filed against GSA three days earlier, and unmindful of his own affidavit five days earlier which stated that "the GSA action jeopardizes the very survival of our business and the jobs of our employees, etc." We conclude that the preponderance of the evidence shows that the Company President willfully approved an inaccurate CW40399 for submission to District contracting officials. The appellants later gave the inaccurate bidder certification to a District contract specialist to secure extension of CW40399. (Appellee's Hr'g Ex. 9-A, 48; Appellee's Hr'g Ex. 9-B, 54-57; AF Ex. 9-A-F, 48, 54-57.)

Notwithstanding the above, appellants challenge the first debarment cause on three grounds. First, appellants contend that there is no evidence that they were "seeking to conceal anything from the District, or that they even realized they had made a mistake." (*See* Appellants' Post-Hr'g Br. 1, 17-21.) Second, the appellants contend that there were multiple instances in 2019 and early 2020 where they *disclosed* the proposed GSA debarments to the District, which would not make sense "[i]f [the appellants] had any desire to conceal anything from the District." (*Id.* at 20-23.) Lastly, the appellants argue that the District's evidence failed to establish that the undisclosed GSA proposed debarments were a "sufficiently serious and compelling" cause to

affect their responsibility because at least five "OCP contracting officers" determined Motir to be responsible for contract and option awards during the period in question herein.[8] (Appellants' Post-Hr'g Br. 21.) We address each of these arguments below.

We have addressed the appellants' first argument above and, accordingly, find it to be without merit. Far from there being "no evidence" that appellants concealed the inaccurate CW40399 bidder certification from District officials, there is a preponderance of evidence that appellants concealed the certification. Given the flurry of crisis management activity that the Company President engaged in because of the GSA proposed debarment only days before he reviewed and signed the October 3, 2019, inaccurate bidder certification – the meeting with the GSA suspension and debarment officer two days earlier, the federal lawsuit which Motir filed against GSA three days earlier, the affidavit the Company President executed five days earlier complaining that "the GSA action jeopardizes the very survival of our business and the jobs of our employees" – it strains credulity to believe that failure to include the proposed debarments on the certification form was an "oversight" or "error."

Second, we review appellants' argument that because there were multiple instances in 2019 and early 2020 where appellants *disclosed* the proposed GSA debarments to District officials, that its failure to do so relative to CW40399 was merely an oversight. (Appellants' Post-Hr'g Br. 20-23.) In this regard, appellants have identified four instances between October 2019 and January 2020 where its bidder certifications disclosed the proposed GSA debarments to District officials: CW66534 (January 13, 2020); CW55317 (November 14, 2019); CW51078 (October 30, 2019); and CW57426 (January 20, 2020). (*Id.* at 6-7, 20-22.) We do not find this argument to be persuasive because it appears from the record that in the majority of instances where appellants disclosed the proposed GSA debarments, they were compelled to do so by circumstances unique to those instances. We address each instance below.

On January 13, 2020, appellants disclosed the proposed GSA debarment to District officials in the bidder certification submitted for CW66534. (Appellee's Hr'g Ex. 9-G, 170; AF Ex. 9-G, 170.) The record reveals, however, that appellants disclosed the GSA proposed debarments in this instance because District officials issued a Stop Work Order on CW66534 three months earlier *because of the proposed GSA debarment*. (*See* Appellee's Hr'g Ex. 9-G, 119, para. 22; AF Ex. 9-G, 119, para. 22.) Per the record, a District contracting official issued a Stop Work Order against appellants for CW66534 on September 25, 2019. (Appellee's Hr'g Ex. 9-G, 138; AF Ex. 9-G, 138.) Thus, the record supports the conclusion that appellants disclosed the proposed GSA debarment relative to CW66534 because the District was already aware of it, and it would not have been possible to lift the September 25 stop work order without an accurate certification.

On November 14, 2019, appellants disclosed the proposed GSA debarments to District officials in the bidder certification submitted for CW55317. (Appellee's Hr'g Ex. 9-G, 165; AF

[8] The Board treats as moot the argument of appellants that a CPO debarment decision is not dispositive of whether conduct is sufficiently serious and compelling to affect contractor responsibility in a proceeding before the Board, since the District did not address appellants' argument that a CPO debarment decision is not dispositive of whether conduct is sufficiently serious and compelling to affect contractor responsibility in a proceeding before the Board. (*Compare* Appellants' Post-Hr'g Br. 15-17, *with* Appellee's Reply to Appellants' Post-Hr'g Br. ("Appellee's Reply Br.") 1-2.)

Ex. 9-G, 165.) Earlier that day, the District had requested a "revised" bidder certification form for CW55317. (Appellee's Hr'g Ex. 9-G, 160; AF Ex. 9-G, 160.) The record, however, is inconclusive as to whether appellants' accurate November 14, 2019, bidder certification was submitted voluntarily or was done in direct response to the District's request for an updated certification. The record, however, is clear that appellants submitted an *inaccurate* CW55317 bidder certification to District officials on October 1, 2019, that failed to disclose the proposed GSA debarments. (*See* Appellee's Hr'g Ex. 9-G, 217; AF Ex. 9-G, 217.) It was only in response to the District's request for a "revised" bidder certification that appellants submitted the corrected November 14, 2019, certification disclosing the proposed GSA debarments.[9] (Appellee's Hr'g Ex. 9-G, 165; AF Ex. 9-G, 165.)

On October 30, 2019, appellants' CW51078 bidder certification disclosed the proposed GSA debarment to District officials. (Appellee's Hr'g Ex. 9-G, 156; AF Ex. 9-G, 156.) The record, however, is inconclusive as to whether appellants' October 30 bidder certification disclosing the proposed debarment was done voluntarily or made in direct response to a request by District officials to correct an earlier submission. The record merely reveals that a District contracting official's October 30 email to the president requested an "updated" bidder certification for CW51078. (Appellee's Hr'g Ex. 9-G-E, 148-149; AF Ex. 9-G-E, 148-149.) The express language used in the contracting official's email asked the president to "[p]lease also complete the attached Bidder/Offeror form before COB today. An updated form is required." (*Id.*) The record herein, and the email thread pertaining to CW51078 is inconclusive as to whether any earlier submitted form disclosed the proposed GSA debarment. (*See* Appellee's Hr'g Ex. 9-G, 147-55; AF Ex. 9-G, 147-55.)

On January 20, 2020, appellants disclosed the proposed GSA debarment to District officials in the bidder certification submitted for CW57426. (Appellee's Hr'g Ex. 9-G, 185; AF Ex. 9-G, 185.) Unlike the disclosures pertaining to CW66534, CW55317, and CW51078, the record as to CW57426 appears clearer that appellants proactively disclosed the GSA proposed debarment to District contracting officials. For example, there is no indication that the CW57426 certification was a revised or corrected submission. The other three disclosures noted by appellants are inconclusive. In one instance, the appellants' GSA debarment disclosure involved a contract where District officials knew about the GSA matter and had previously imposed a stop worker order (CW66534). In the other two instances (CW51078 and CW55317), the record is inconclusive as to whether initial certifications made by appellants failed to disclose the proposed GSA debarments.

Additionally, appellants contend that the proposed GSA debarment was disclosed to a senior District contracting official in April 2020 pursuant to discussions to modify CW40399 to add medical personnel necessitated by the COVID-19 pandemic. (*See* Appellants' Post-Hr'g Br. 22; *see also* Appellee's Hr'g Ex. 9-G-K, 195-210; AF Ex. 9-G-K, 195-210.) The record, however, is inconclusive on this matter. While the appellants disclosed that they had been proposed for debarment to District officials on April 13, 2020, the disclosure fails to state that *GSA* proposed the debarment, what *year* the proposed debarment occurred, or the circumstances surrounding the

[9] Ironically, the initial inaccurate CW55317 bidder certification was executed by the Company President on the same day (October 1, 2019) that he met with GSA officials to discuss the debarment matter. (*See, e.g.*, Appellee's Hr'g Ex. 9-G, 103, para. 5; AF Ex. 9-G, 103, para. 5.)

proposed debarment. (*See* Appellee's Hr'g Ex. 9-G, 205-09; AF 9-G, 205-09.) In particular, the specific bidder certification in which appellant discloses the proposed debarment notes that an explanation of the debarment is "attached." (*Id*. at 206.) The attachment, however, was not included with the bidder certification emailed to the District contracting official on April 13, 2020. (Hr'g Tr. 11:6-13:3, July 23, 2025; *see also* Appellants' Hr'g Ex. 33, 3451; Appellee's Hr'g Ex. 9-G, 206; AF Ex. 9-G, 206.) Moreover, the purported attachment was not filed with the Board in this case prior to trial. (Hr'g Tr. 12:10-16:17, July 23, 2025.) On the first day of trial, however, appellants' counsel added the attachment to the record as appellants' hearing exhibit 33. (*Id.* at 13:4-13:21; Appellants' Hr'g Ex. 33, 3451-3461.) The attachment purports to have been finally sent to the District contracting official on April 20, 2020. (Appellants' Hr'g Ex. 33, 3451.) In his brief testimony on the document, the Company President read from the attachment but did not expressly state that he was personally familiar with it. (Hr'g Tr. 15:18-16:17, July 23, 2025.) Under these circumstances, we find the *record* inconclusive as to whether the proposed GSA debarment was disclosed to a senior District contracting official seeking to modify CW40399 in April 2020.

Taken as a whole, therefore, appellants' evidence herein of "multiple instances" of disclosure of the proposed GSA debarment to District officials is inconclusive regarding whether the inaccurate October 3, 2019, CW40399 bidder certification was an "oversight" or "error." Rather, the majority of the evidence cited by appellants to back their claim of "multiple instances" of disclosure is either vague or demonstrates that disclosure was actually made to rectify earlier inaccurate submissions (or, in one instance, made to help lift a District stop work in CW66534 order based on the proposed GSA debarments). Further, we emphasize that while appellants' evidence herein of "multiple instances" of disclosure is vague or not persuasive, the record is clear that there were five other bidder certifications filed by appellants during the period in question that also did not disclose the 2019 GSA proposed debarments to District officials. (*See, e.g.*, Appellee's Hr'g Ex. 9-G, 104-10, paras. 9, 20-25; AF Ex. 9-G, 104-10, paras. 9, 20-25.) If the latter five instances where appellants admit failure to disclose the proposed 2019 GSA debarments are combined with the several instances above where proactive disclosure appears ambiguous at best, there appear to be few instances where appellants disclosed the 2019 proposed GSA debarments on their own initiative. Accordingly, we conclude that the preponderance of the evidence demonstrates that appellants' submission of an inaccurate CW40399 bidder certification was willful and that appellants' contention that submission was a mistake is not credible, nor supported by the evidence.[10]

Lastly, we address appellants' argument that because OCP and other District contracting officials continued to award contracts and exercise options with appellants, even "with knowledge of the GSA proposed debarment," that appellants' conduct was not so sufficiently serious and compelling as to affect responsibility. (Appellants' Post-Hr'g Br. 21-23.) In this regard, the

[10] Although the preponderance of the evidence is that the inaccurate October 3, 2019, certification herein was willfully made, we agree with the District that "conduct need not be intentional or calculated to deceive to be sufficiently serious or compelling to affect contractor responsibility where negligent conduct may suffice." (*See* Appellee's Reply Br. 4 (citing *Am. Raisin Packers, Inc. v. U.S. Dep't of Agric*., 221 F. Supp. 2d 1209, 1220 (E.D. Cal. 2002), *aff'd* 66 F. App. 706 (9th Cir. 2003).)) The Company President herein clearly testified that "it's my job to look over [a bidder certification] before it's send [sic] out." (Hr'g Tr. 103:7-17, July 22, 2025.) Assuming arguendo that the president failed to do his "job" and approved the October 3, 2019, bidder certification without reviewing it, his lack of care performing certification review is still sufficiently serious or compelling to affect contractor responsibility.

appellants argue that there were "four instances detailed . . . between October 2019 and January 2020 where Motir's Bidder/Offeror Certification disclosed the proposed GSA debarment, [and] OCP awarded the contract, renewed the contract, or went ahead with the option year." (*Id.* 21.) This argument is completely lacking in merit. Appellants' argument is a roundabout way of stating that the determination of what is sufficiently serious and compelling to affect contractor responsibility *in this debarment proceeding*, has already been established by District contracting officials *other than the CPO*, on facts different from those alleged in this proceeding, between persons that are not parties to this proceeding, and in matters that may or may not be debarment cases. This argument has been rejected previously, and we reject it instantly. The instant "debarment proceeding has nothing to do with [the other] responsibility determinations" referenced by appellants. *See, e.g.*, *Karawia v. U.S. Dep't. of Labor*, 627 F. Supp. 2d 137, 153 (S.D.N.Y. 2009) (rejecting plaintiff's argument that a GSA responsibility determination was pertinent in a Department of Labor debarment proceeding, partly because GSA was not a party to the debarment proceeding).

In this matter, the Board has determined on this record that the Company President's submission of an inaccurate CW40399 bidder certification was willful. The conduct of the president is imputed to the corporation. We find that a contractor's willful submission of an inaccurate bidder certification to extend a District contract is sufficiently serious and compelling as to affect contractor responsibility under D.C. Code § 2-359.07(c)(7).

C. The Cause that Appellants Provided False Documents to District Officials in 2021 to Establish that the Proposed GSA Debarments Were Voluntarily Disclosed in 2020.

1. Motir Services, Inc.

We conclude herein that the preponderance of the evidence has established that appellant Motir is liable for submitting false documents to District officials in January 2021 during the course of a debarment proceeding. A corporation is vicariously liable for debarment for the actions of the individuals who act on its behalf. *Principals of Fort Myer Const. Corp.*, CAB No. D-1235, 52 D.C. Reg. at 4240. "To debar a corporation, it is only necessary that the suspect action[s] have been taken in the course of performance of corporate duties by any individual acting for the corporation." *Id*. Knowledge by those in control of a corporation is not an essential element to proceed with debarment *against a corporation*. *Id*. It is only necessary to show that the wrongful act was taken on behalf of the corporation. *Id.* at 4240-41.

The facts are not in dispute. The preponderance of the evidence shows that on January 29, 2021, appellants' counsel entered two fabricated documents into the administrative record of an unrelated CPO debarment.[11] The counsel entered the two fabricated documents into the record upon his receipt of them from the Company President's Executive Assistant. (*See, e.g.*, Appellee's Hr'g Ex. 9-C, 59; AF Ex. 9-A-F, 59.) The EA transmitted the documents to the company attorney following the attorney's January 28, 2021, 2:35 p.m. email asking her to "dig up the Amended Cert submitted for Contract No. CW40399[.]" (Appellants' Hr'g Ex. 12, 1; *see also* Appellee's Hr'g Ex. 9-G, 92; AF Ex. 9-G, 92; Appellee's Hr'g Ex. 9-G, 107, para. 16; AF Ex. 9-G, 107, para. 16.)

[11] We note that the appellants were ultimately not debarred in the unrelated proceeding.

Read together, the two documents entered into the administrative record of the unrelated CPO debarment proceeding by appellants' counsel gave the erroneous impression that they corrected the initial inaccurate CW40399 bidder certification with an amended and corrected one transmitted to the contracting officer by email on February 11, 2020. The evidence in this case shows, however, that the purportedly amended and corrected bidder certification and February 11, 2020, email were completely fabricated. (Appellee's Hr'g Ex. 9-E, 81-82, paras. 8-10 (contracting specialist's affidavit); Appellee's Hr'g Ex. 9-F, 87-88, 88 para. 5 (OCTO Information Technology specialist's affidavit); AF Ex. 9-A-F, 81-82, paras. 8-10 (contracting specialist's affidavit), 87-88, para. 5 (OCTO Information Technology specialist's affidavit); Appellee's Hr'g Ex. 9-G, 93; AF Ex. 9-G, 93 (appellants could not locate a February 11, 2020, email to the CW40399 contracting specialist from the Company President's business account or in Motir's email archives); Appellee's Hr'g Ex. 9-G, 110-11, paras. 28-30; AF Ex. 9-G, 110-11, paras. 28-30 (appellants concede that the purportedly updated bidder certification and February 11, 2020, cover email from the president's email account are false); Appellee's Hr'g Ex. 10, 647:4-9, 647:18-21, 652:12-653:9; AF Ex. 10, 647:4-9, 647:18-21, 652:12-653:9 (the metadata for the updated bidder certification showed it was created on May 15, 2020, and modified on January 29, 2021); *see also* Appellee's Hr'g Ex. 10, 650:13-651:3; AF Ex. 10, 650:13-651:3 (the purported February 11, 2020, cover email from Irono's email account to the CW40399 contracting officer was created in May 2020).)

Within the Motir organization, the Executive Assistant had served in that capacity for approximately 15 years. (Hr'g Tr. 106:5-107:22, July 23, 2025.) The EA's duties included preparation of "each [bidder] certification before it was submitted" to the president or other Motir official for review, (*id.* at 110:18-112:2; Appellee's Hr'g Ex. 9-G, 112, para. 32; AF Ex. 9-G, 112, para. 32), and identifying such certifications that failed to disclose the company's proposed 2019 GSA debarment, (Appellee's Hr'g Ex. 9-G, 106, para. 13; AF Ex. 9-G, 106, para. 13). The EA's testimony as to creation of the fabricated email is somewhat ambiguous, testifying at one point that she did not create the email, but stating twice a few moments later that she did create the email. (Hr'g Tr. 125:17-127:18; 128:4-7, July 23, 2025.) The EA's testimony is clear that she "prepared" the fabricated bidder certificate for CW40399 that was submitted into the record by the company attorney. (*Id.* at 128:4-7.)

It is clear from our record that in creating and then transmitting the documents that were later determined to be false, the EA was performing one of her normal duties, i.e., preparing, reviewing and correcting inaccurate bidder certifications, and then transmitting them to appropriate Motir officials. The EA was also acting on Motir's behalf, which had decided through counsel to use an amended CW40399 certification to rebut the government's anticipated impeachment use of the inaccurate CW40399 certification in the unrelated CPO debarment proceeding. Given that a corporation is liable for debarment where its employee acts in the normal course of duties and on the corporation's behalf, Motir is liable for debarment herein due to the EA's fabrication of the February 11, 2020, email and purportedly amended CW40399 certification.

Notwithstanding the above, the appellants contend that Motir is not liable for the second debarment cause herein. First, appellants contend that Motir is not liable because the EA's wrongful act was taken "for her own benefit and protection," not on Motir's behalf. (*See*

Appellee's Post-Hr'g Br. 27-29.) Secondly, appellants contend that Motir is not liable because it did not accept benefits from the EA's wrongful act where the fabricated documents were not used in the unrelated CPO debarment proceeding. (*Id*.)

First as we outline above, a preponderance of the evidence shows that the EA's wrongful act was taken on Motir's behalf, not for her own "benefit and protection." On January 28, 2021, during business hours, Motir's counsel asked the EA to "dig up the Amended Cert submitted for Contract No. CW40399" so that the corporation could use it to rebut anticipated impeachment evidence in the unrelated CPO debarment proceeding. (*See* Appellants' Hr'g Ex. 12, 1; *see also* Appellee's Hr'g Ex. 9-G, 92, 107, para. 16; AF Ex. 9-G, 92, 107, para. 16.) The EA complied with the request during business hours on January 29, 2021. (*See* Appellants' Hr'g Ex. 14, at 2, 10.) Motir's counsel transmitted the documents for record inclusion in the unrelated CPO debarment on the same date at 10:28 p.m. (Appellee's Hr'g Ex. 9-C, 59; AF Ex. 9-A-F, 59.) This was one continuous transaction undertaken on Motir's behalf by its attorney and the EA so that Motir could rebut potentially damaging impeachment evidence in the unrelated CPO debarment proceeding.

The *sole* indication in our record that the EA allegedly acted for her own benefit comes from the Company President's sworn April 1, 2021, Declaration that "I do not know whether [the EA] felt that she had failed me by neglecting to amend the certifications as I had asked (and counsel had recommended) in January 2020 after the incident with DCPL and wished to conceal that neglect." (Appellee's Hr'g Ex. 9-G, 111, para. 29; AF Ex. 9-G, 111, para. 29.) The Company President's statement, however, is purely conclusory and self-serving, and there is *no* corroborating evidence in our record to support it. In fact, the Company President himself wavers somewhat in making the statement ("*I do not know* whether [the EA] felt she had failed me . . . and wished to conceal that neglect . . . ." (emphasis added)). (Appellee's Hr'g Ex. 9-G, 111, para. 29; AF Ex. 9-G, 111, para. 29.)

Second, appellants argue that Motir is not liable for debarment because it rejected benefits from the EA's wrongful act. To support this argument, the appellants cite *Principals of Fort Myer Const. Corp.*, CAB No. D-1235, 52 D.C. Reg. at 4237. (*See* Appellants' Post-Hr'g Br. 27-28.) Appellants' reliance on *Principals of Fort Myer* is misplaced. In that case we simply held that a person's status as a corporate "officer" was insufficient evidence to conclude that the person knew or had reason to know of specific employee wrongdoing which warrants debarment. *Principals of Fort Myer Const. Corp.*, CAB No. D-1235, 52 D.C. Reg. at 4240-41 (citing D.C. MUN. REGS. tit. 27, § 2217.3 (1988)). The *Principals of Fort Myer* case nowhere requires the acceptance of benefits as a condition of corporate debarment.[12] In fact, that case makes it clear that a corporation *is* vicariously liable for debarment for the actions of the individuals who act in its behalf, and that the only necessary requirement is that the suspect action has been committed in the course of the employee's performance of corporate duties. *See id*. at 4240. The appellants' argument is specious. Accordingly and as stated above, we conclude that Motir is liable for debarment herein pursuant to D.C. Code § 2-359.07(c)(7).

[12] D.C. MUN. REGS. tit. 27, § 2217.2 (1988), quoted in *Principals of Fort Myer*, CAB No. D-1235, 52 D.C. Reg. at 4240, only states that "[t]he contractor's acceptance of the benefits derived from the conduct shall be evidence of knowledge, approval, or acquiescence;" it does not *require* acceptance of the benefits.

2. The Motir President

We conclude herein that the District has failed to establish by a preponderance of the evidence that the Company President is liable for debarment under the second debarment cause. An officer or employee of a contractor may be subject to debarment based on others acting on behalf of the corporation where the officer (or employee) "participated in, knew of, or had reason to know of the wrongful conduct." *Id.* at 4240-41 (citing D.C. MUN. REGS. tit. 27, § 2217.3). For the reasons discussed below, the District has failed to prove that the Motir president participated in, knew of, or had reason to know that the company (through its Executive Assistant) submitted fraudulent documents into the record of an official CPO proceeding.

In this case the District contends that the misconduct of Motir's agents is "imputed" to the president through "the use of his own email address" and (in part) his status as "CEO and own [sic]" of Motir. (Appellee's Post-Hr'g Br. 18-19; Appellee's Reply Br. 6-7.) In this regard, the District argues that the Company President, whilst fully cognizant that he had never transmitted a revised CW40399 bidder certificate to the District, nonetheless "authorized" his attorney and executive assistant to "respond to the CPO's inquiry regarding the false Bidder/Offeror Certification for Contract No. CW40399." (Appellee's Post-Hr'g Br. 18.) Then, when the EA's response came in the form of a purported transmittal email from the president's "own email address" and a "revised" bidder certification bearing his signature, the District contends that the Company President either knew or should have known that the documents transmitted were "fraudulent." (*Id.* at 19; Appellee's Reply Br. 6-7.) The District further contends that the "reason to know" standard is satisfied as to the Company President because he "made no inquiry into the matter, but had exposure to communications [i.e., the email purportedly coming from his Motir account] that would have made [him] aware" of the fraudulent transmission. (Appellee's Reply Br. 7 (citing *Kisser v. Cisneros*, 14 F.3d 615 (D.C. Cir. 1994)).)

The District's argument fails because the preponderance of the *evidence* does not establish that the Company President knew the Motir attorney and EA were gathering potential rebuttal evidence for the unrelated CPO debarment. The Company President is not copied on any of the pertinent emails exchanged between the Motir attorney and the EA, nor those exchanged between District officials and the Motir attorney. (*See* Appellee's Hr'g Ex. 9-C, 58-60; AF Ex. 9-A-F, 58-60; Appellants' Hr'g Ex. 10, 1-3; Appellants' Hr'g Ex. 11, 1-4; Appellants' Hr'g Ex. 16, 1-2; *see also* Appellants' Hr'g Ex. 12, 1; Appellants' Hr'g Ex. 13, 1-6; Appellants' Hr'g Ex. 14, 1-8; Appellants' Hr'g Ex. 15, 1-9.) The Company President offered testimony, without equivocation, that he was not aware that, between January 27-29, 2021, the Motir attorney and EA were seeking an amended CW40399 bidder certification. (*See* Hr'g Tr. 18:22-19:19, July 23, 2025.) The Motir attorney corroborated the Company President in this regard, also offering testimony without equivocation, that he did not communicate with the Company President between January 27-29, 2021, about the search for and identification of an amended CW40399 bidder certification. (*Id.* at 216:22-217:4.) In short, there is no evidence that the Company President ever had knowledge of the fabricated rebuttal documents during the period of January 27-29, 2021, such that he participated in, knew or should have known that Motir agents were engaged in misconduct.

The evidence arguably suggesting that the Company President participated in, knew or should have known that the EA retrieved CW 40399 certification documents for debarment

rebuttal purposes is that the February 11, 2020, email purportedly originated from his account. As to the Company President's knowledge that a purported February 11 email originated from his account, we note that the Company President did not know that the EA and attorney were gathering an amended CW40399 certification, was not included on any of the pertinent emails, and was not presented with the falsified CW40399 documentation between January 27-29, 2021. Under these circumstances, the Company President would not have even known that a February 11, 2020, email purportedly from his account existed.

The District also relies on the EA's testimony that she told the president about the Motir attorney's request for the documents in "late January of 2021." (Hr'g Tr. 150:13-16, July 23, 2025.) The record also includes testimony from the EA that she had a conversation with the Company President notifying him that she was submitting the rebuttal CW40399 documents to the company attorney. (*Id.* at 152:22-153:10.) Further, the EA testified that "maybe" the first time she mentioned the CW40399 rebuttal certification documents to the Company President was "between January 27th and January 29th". (*Id.* at 157:8-158:21.) In each instance where the EA testified that she informed the Company President about the CW40399 rebuttal documents, however, she also qualifies or cancels out her testimony. For example, immediately after the EA testified that she told the president that Motir's attorney requested CW40399 rebuttal documentation in "late January of 2021," she testified that she did not "recall specifically" when she told him. (*Id.* at 150:13-20.) The EA's testimony that she had a conversation with the Company President notifying him that she was submitting the rebuttal CW40399 documents to the company attorney, was followed immediately by testimony that she "would assume" she had the conversation but did not "recall specifically having it -- that actual conversation, but I would assume I did." (*Id.* at 153:5-10.) Finally, the EA's testimony that "maybe" the first time she mentioned the CW40399 rebuttal certification documents to the Company President was "between January 27th and January 29th," was immediately preceded by her testimony that "I want to say yes . . . " she spoke to the president before January 29 "but I don't recall specifically" and "I can't say yes or no." (*Id.* at 157:8-14.) Thus, the EA's pattern of cancelling out or qualifying her own testimony renders it less than persuasive on the key issue of whether and when the Company President knew or should have known that fabricated CW40399 documents were admitted into the unrelated CPO debarment record.

Similarly, the District's reliance on *Kisser*, is misplaced since in that case the D.C. Circuit found "substantial evidence in the record to establish that [the debarred individual] not only had 'reason to know' of [his employer]'s misconduct, but *participated in it as well*." 14 F.3d at 623 (emphasis added). As we have found above, there is no evidence in this case that the Company President had reason to know that the EA created false CW40399 documents while the misconduct was still underway, let alone that he participated in it. We have noted above that the preponderance of the evidence establishes that the Company President is not copied on any of the January 27-29, 2021, emails exchanged between the Motir attorney, the EA, and District officials regarding the false CW40399 documents. (Appellee's Hr'g Ex. 9-C, 58-60; AF Ex. 9-A-F, 58-60; Appellants' Hr'g Ex. 10, 1-3; Appellants' Hr'g Ex. 11, 1-4; Appellants' Hr'g Ex. 16, 1-2; *see also* Appellants' Hr'g Ex. 12, 1; Appellants' Hr'g Ex. 13, 1-6; Appellants' Hr'g Ex. 14, 1-8; Appellants' Hr'g Ex. 15, 1-9.) We have also noted that the Company President's testimony that he was not aware between January 27-29, 2021, that the Motir attorney and EA were working together to locate an amended CW40399 bidder certification, is corroborated by the Motir attorney. (Hr'g Tr. 216:22-

217:4, July 23, 2025.) Given that the Company President did not know that the EA and attorney were gathering an amended CW40399 certification, that he was not included on any of the pertinent emails, and that he was not presented with the falsified CW40399 documentation between January 27-29, 2021, the Company President would not have even known about the purported February 11, 2020, email. Accordingly, we conclude that the District has not established that the Company President is liable for debarment based on Motir's use of fabricated CW40399 documents in an unrelated CPO debarment proceeding.

D. The Record Pertaining to Appellants' Present Responsibility.

In the above, the Board has concluded that the evidence establishes that there is sufficient cause to debar Motir and the Company President for failing to disclose a proposed GSA debarment in 2019 against them upon extending CW40399, and to debar Motir for the conduct of the Executive Assistant fabricating evidence in 2021 for use in an unrelated CPO debarment proceeding. We turn now to the issue of present responsibility,[13] since the debarments herein were based on "[a]ny . . . cause the CPO determines to be sufficiently serious and compelling *to affect responsibility as a District government contractor*." D.C. CODE § 2-359.07(c)(7) (emphasis added); *see also* D.C. CODE § 2-359.07(a)(1)(A) (2025) ("The CPO shall debar a person . . . for a CPO determination of a violation under subsection . . . (7) of this section, unless the CPO makes a finding in writing that it would be contrary to the best interests of the District to do so or the present responsibility of the person is such that a debarment would not be warranted[.]") The contractor has the burden of demonstrating its present responsibility to the debarring official. *See, e.g.*, *Burke v. EPA*, 127 F. Supp. 2d 235, 240 (D.D.C. 2001) (citation omitted). We have previously laid out 10 factors which should be considered by the debarring official when determining whether debarment is not necessary due to the contractor's present responsibility. *Fort Myer Const. Corp*., CAB No. D-1206, 50 D.C. Reg. 7507, 7510-11 (June 6, 2003).[14] We consider each of these factors below in light of the record herein.

1. Whether the contractor had effective standards of conduct and internal control systems in place at the time of the activity which constitutes cause for debarment or had adopted such procedures prior to any Government investigation of the activity cited as a cause for debarment.

These criteria measure Motir's standards of conduct and internal control systems at two distinct points in time. The first criterion measures the conduct standards and internal controls *at the time of* the activity constituting the alleged debarment cause (i.e., October 2019 for the inaccurate bidder certificate and January 28-29, 2021, for the fabricated CW40399 documents). The second criterion measures whether conduct standards and internal controls were adopted *prior*

[13] Under District procurement law, contractors must be determined to be "responsible," meaning, *inter alia*, that the contractor "[h]as a satisfactory record of integrity and business ethics." D.C. CODE § 2-353.01(a)(4) (2025).

[14] In *Fort Myer Const. Corp*., CAB No. D-1206, the Board stated that "interpretations of similar suspension and debarment provisions in the Federal Acquisition Regulation [("FAR")] and other Federal regulations by the General Accounting Office and Federal boards of contract appeals are therefore relevant to our consideration" before laying out the 10 factors (taken from the FAR) and concluding that "the final decision as to debarment . . . must consider the [contractor's] present responsibility and a finding [of] the public interest, including the interest of doing business with participants who are presently responsible and the interest in preserving adequate competition." 50 D.C. Reg. at 7510-13 (citations omitted).

to any Government investigation of the activity cited as a debarment cause. We address each criterion separately below.

The record is clear that Motir's Business Conduct Guide preceded the 2019 and 2021 debarment causes alleged herein. The record includes a 2017 version of Motir's Business Conduct Guide, which also provides employees, "on an anonymous (email) basis," an opportunity to apprise the Motir executive team of ethics or conduct issues. (*See* Appellee's Hr'g Ex. 9-G, 278-92; AF Ex. 9-G, 278-92.) The referenced "Business Conduct Guide" includes, *inter alia*, sections addressing conduct expectations, communicating about ethical violations, and fraud:

> **I. INTRODUCTION**
> This is a central and defining policy of Motir Services, Inc that all employees must adhere to high ethical and legal standards in performing their job responsibilities. The spirit of this commitment requires us to live by basic rules of fair play and honesty in our business conduct, and to avoid coercion, conspiracy, bribery, corruption or abuse of economic power. This Business Conduct Guide will serve as a working guide to the laws and ethical principles which support this broad policy as it intersects with the many different situations we are confronted with in our working lives at MOTIR.
> . . .
> **III. COMMUNICATING ABOUT LEGAL OR ETHICS VIOLATIONS; THE MOTIR BUSINESS MAILBOX**
> . . .
> It is your responsibility to report all activities which you believe are in violation of the Business Conduct Guide.
> . . .
> Accordingly, MOTIR has established an anonymous "email" where employees can send notes about business ethics and conduct issues without being required to identify themselves. Your comment or question will then be referred, on an anonymous basis, to the MOTIR Executive Team which will take action accordingly. Emails can be sent to: lossprevention@motirservices.com.
> . . .
> **Fraud**
> MOTIR deals with Constituents every day in a wide variety of transactions. We should never take unfair advantage of our Constituents by taking steps to hide the real facts or make our actions appear other than what they really are. Misrepresentation of the cost, composition, origin, quality or character of MOTIR's services or programs is illegal and contrary to MOTIR policy. Share appropriate information without embellishment or omission.
>
> When a Constituent asks a question, such as what services MOTIR will perform or what benefits may accrue from entering into a partnership with MOTIR, complete and truthful answers should be given. The controlling principle is that our Constituents are always to be given what has been promised, at the promised price, or treated in accordance with the spirit of the representations and agreements which formed the basis for our relationship. If a transaction is governed by a contract, the contract terms should be strictly adhered to.

(Appellee's Hr'g Ex. 9-G, 278-79, 282; AF Ex. 9-G, 278-79, 282.)

Additionally, the record includes Motir's revised February 2020 Bid Process Guide, which was developed after the 2019 alleged debarment cause but prior to the 2021 alleged debarment cause. (*See* Appellee's Hr'g Ex. 9-G, 294-95; AF Ex. 9-G, 294-95.) The Bid Process Guide includes internal control steps for bid submissions. Specifically, the Guide provides, *inter alia*, that two days before a bid submission deadline all "reps & certs and any other documents requiring signatures are sent to President & CEO for review, approval and signature" and that "Emmanuel Irono, President & CEO is the ONLY authorized person to bind the company." (Appellee's Hr'g Ex. 9-G, 294-95; AF Ex. 9-G, 294-95.)

Finally, the record includes the training materials from Motir's August 2020 Ethics and Compliance Training Program, which occurred after the 2019 alleged debarment cause but prior to the alleged 2021 cause. (Appellee's Hr'g Ex. 9-G, 310-57; AF Ex. 9-G, 310-57.) The ethics training materials covered Motir's business code of conduct and internal control mechanisms. (Appellee's Hr'g Ex. 9-G, 318-46; AF Ex. 9-G, 318-46.) Specifically, the training materials list, *inter alia*, clearly delineated types of misconduct (corruption, civil and criminal fraud (including false statements), and conflicts of interest) and also identify means to report violations (e.g., reporting to a supervisor, to the Motir Executive Team, or to the Ethics Compliance Hotline). (Appellee's Hr'g Ex. 9-G, 318-46; AF Ex. 9-G, 318-46.)

As to internal control systems adopted prior to any government *investigation* of the activity cited as causes for debarment, we note that the District's investigation of both causes for debarment herein began on or around February 18, 2021.[15] Thus, we note that our record contains several identified internal control systems adopted by Motir prior to February 18, 2021. We have already mentioned Motir's 2017 Business Conduct Guide, anonymous email tipline for pre-empting misconduct, and 2020 Bid Process Guide including review steps for getting final approval of bidder certifications. We have also broadly described Motir's August 2020 Ethics and Compliance Training, which set forth clear standards of conduct and implemented a reporting system that included an anonymous compliance hotline.

In addition to the above, our record establishes that Motir revised its procedure for the review and approval of bidder certifications beginning around January 2020. In this regard, Motir was notified by D.C. Public Library officials on January 27, 2020, that it had submitted a bidder certification to the library on September 23, 2019, that failed to disclose the 2019 proposed GSA debarment. (Appellee's Hr'g Ex. 9-G, 105, para. 11; AF Ex. 9-G, 105, para. 11.) Following the incident with the library, Motir updated its bidder certification template to include the 2019 proposed GSA debarment and "directed that the amended form we provided to [the library] on January 29, 2020, be used as a template for all such certifications going forward." (Appellee's Hr'g Ex. 9-G, 106, para. 13; AF Ex. 9-G, 106, para. 13.) Motir also "required the certifications to be prepared closer in time to their actual submission, and required that either Ms. Rapp [the EA] or the [Company President] personally review each certification before it was submitted." (Appellee's Hr'g Ex. 9-G, 112, para. 32; AF Ex. 9-G, 112, para. 32.)

[15] The sworn affidavit of the contract specialist for CW40399 was completed on February 18, 2021, which marks the earliest clear indication of a District government investigation herein of either the 2019 alleged debarment cause or the 2021 alleged cause. (*See* Appellee's Hr'g Ex. 9-E, 80-82; AF Ex. 9-A-F, 80-82.)

To summarize, prior to the alleged debarment activities herein and prior to the District's investigation of the same, the appellants developed a robust complement of standards of conduct and internal control systems. These included (as specified above) Motir's Business Conduct Guide, its anonymous telephone and email tiplines to report misconduct, a Bid Process Guide, an Ethics and Compliance training seminar and materials, and a revised procedure to get bidder certifications corrected, reviewed, approved, and submitted to District officials. Although the standards and internal controls did not prevent the debarment activities alleged herein, Motir produced comprehensive standards, clear mechanisms for reporting misconduct and offered training to educate employees on ethical and reporting requirements.

2. Whether the contractor brought the activity cited as a cause for debarment to the attention of the appropriate Government agency in a timely manner.

Motir did not bring the company's failure to disclose the 2019 proposed GSA debarment, nor Motir's 2021 conduct fabricating CW40399 rebuttal documents to the attention of District officials in a timely manner. There is no evidence in the record to conclude otherwise, the appellants do not argue otherwise, and the appellants specifically concede that it did not bring the 2021 debarment activity to the attention of District officials. (*See* Appellants' Post-Hr'g Br. 30, para. 2 ("Appellants did not bring [the EA's] activity to the District's attention because they did not know of it until the conclusion of counsel's investigation.").)

3. Whether the contractor has fully investigated the circumstances surrounding the cause for debarment and if so, made the result of the investigation available to the debarring official.

The appellants did not fully investigate the circumstances surrounding its failure to submit an accurate bidder certification to District officials in 2019 when renewing CW40399. The appellants do not argue otherwise. (*See id.* at 30, para. 3.) The record does establish, however, that appellants fully investigated the fabricated CW40399 rebuttal documents that were submitted into the record of the unrelated CPO debarment proceeding in 2021. As we have stated above, Motir's investigation included, but was not limited to, Motir's search of its email archives and computer systems to locate the Company President's purported February 11, 2020, email that transmitted an amended bidder certification to the CW40399 contract specialist (no such email was ever found on Motir systems). (Appellee's Hr'g Ex. 9-G, 93; AF Ex. 9-G, 93.) The record also includes Motir's further investigation of the purported February 11, 2020, email undertaken by former FBI agents and information technology and computer forensics consultants, which found that the email was actually created in "May of 2020." (*See* Appellee's Hr'g Ex. 10, at 650:13-651:3; AF Ex. 10, at 650:13-651:3.)

The record also established that Motir fully investigated the purportedly amended CW40399 bidder certification that was supposedly emailed on February 11, 2020. As to such, Motir's investigation concluded that metadata for the purportedly revised certification showed it had a "created date [sic] of May 15, 2020[,] and a date modified date of January 29, 2021," and that the document did not "exist … at all in February of 2020." (*See* Appellee's Hr'g Ex. 10, at 647:4-9, 647:18-21, 652:12-653:9; AF Ex. 10, at 647:4-9, 647:18-21, 652:12-653:9.) Our record is clear that Motir shared the results of its investigation with the CPO in this debarment matter in

a written submission on April 1, 2021. (*See* Appellee's Hr'g Ex. 9-G, 89-100; AF Ex. 9-G, 89-100.)

4. Whether the contractor cooperated fully with Government agencies during the investigation and any court or administrative action.

The appellants have elected not to address this criterion, noting that "no investigations or court actions have been directed at these issues, nor have any matters at all other than the instant debarment actions." (Appellants' Post-Hr'g Br. 30, para. 4.)

5. Whether the contractor has paid or has agreed to pay all criminal, civil, and administrative liability for the improper activity, including any investigative or administrative costs incurred by the Government, and has made or agreed to make full restitution.

This criterion is not applicable because financial liability was not imposed on Motir or the Company President for the debarment causes at issue presently. (*See id.* at 30, para. 5.)

6. Whether the contractor has taken appropriate disciplinary action against the individuals responsible for the activity which constitutes cause for debarment.

First, we note that there is no evidence, nor representation by appellants, that Motir has taken *any* disciplinary action against the Company President (or any other employee) for certifying a false bidder certification in 2019 that failed to disclose a proposed GSA debarment against appellants. (*See, e.g*, *id.* at 30-32.) We conclude, therefore, that Motir took no disciplinary action against the Company President (nor any other employee) for failing to disclose the 2019 proposed GSA debarment in connection with extension of CW40399.

Motir relies upon the following to establish that it has taken appropriate disciplinary action against the Executive Assistant for the 2021 fabricated CW40399 rebuttal documents: Motir placed the EA on administrative leave, removed her access to the Company President's email, precluded her from company offices and directed her to not have anything to do with Motir. (*Id.* at 30-32.) The District contends that the EA was not placed on administrative leave, "was never disciplined and continued her regular duties," and that Motir's misrepresentations since April 1, 2021, regarding administrative leave "demonstrates that [it] cannot be trusted to act with integrity in District contracting." (*See* Appellee's Post-Hr'g Br. 22-23.)

Upon review of the record, we conclude that appellants have not taken appropriate disciplinary action against the EA for falsification of CW40399 rebuttal documents in the unrelated CPO debarment proceeding. Our record indicates that the Motir Business Conduct Guide and the company's August 18, 2020, Ethics and Compliance Training identified several forms of company disciplinary action. (Appellee's Hr'g Ex. 9-G, 288, 349; AF Ex. 9-G, 288, 349.) The Business Conduct Guide includes verbal reprimands, written reprimands, and employee termination as disciplinary actions, and the Ethics training states (in pertinent part) that criminal proceedings, civil fraud proceedings, prison terms, and individual debarment could result from violations of the company policy against false statements. (*See* Appellee's Hr'g Ex. 9-G, 288, 349; AF Ex. 9-G, 288, 349.) We note also that upon learning of the EA's involvement in the fabrication of the

CW40399 rebuttal documents, the Motir president represented to District officials that "[a]bsent new information coming to light, he anticipates he will terminate [the EA's] employment permanently."[16] (Appellee's Hr'g Ex. 9-K, 388, para. 6; AF Ex. 9-H-W, 388, para. 6.) Further, at the virtual hearing conducted by the CPO on April 26, 2021, company attorneys speaking on the president's behalf stated that the Executive Assistant would likely be terminated after being given an opportunity to further explain her actions. (Appellee's Hr'g Ex. 10, 655:18-656:2; AF Ex. 10, 655:18-656:2.)

The disciplinary action taken by appellants as contained in this record falls far short of even the company's applicable policies for violations of prohibited conduct. First, there is no record that the EA was ever reprimanded, verbally or in writing, for the falsified CW40399 rebuttal documents as stated in Motir's Business Conduct Guide policy. (Appellee's Hr'g Ex. 9-G, 288; AF Ex. 9-G, 288.) Motir's April 1, 2021, letter placing the EA on "30 days of paid administrative leave" contains no language reprimanding the EA, nor even mentioning that she fabricated CW40399 rebuttal documents. (Appellants' Hr'g Ex. 18.) There are no other official letters from Motir to the EA in our record regarding the falsified CW40399 rebuttal documents.[17] We believe the misconduct that Motir's own ethics training states could result in criminal proceedings, civil fraud proceedings, prison terms and individual debarment should at the very least have been officially reprimanded.

In addition, the record is clear that Motir viewed termination as the appropriate disciplinary action for the EA's conduct fabricating CW40399 documents in 2021. In this regard, the Company President told District officials that the EA would be terminated "permanently" unless "new information" vindicated her. (Appellee's Hr'g Ex. 9-K, 388, para. 6; AF Ex. 9-H-W, 388, para. 6.) This sentiment was repeated on April 26, 2021, by company attorneys speaking on Motir's behalf at a virtual CPO meeting when the attorneys stated that "absent any new information all of a sudden coming to light, which it doesn't look like is going to happen . . . the anticipation is that [the EA] will be terminated." (Appellee's Hr'g Ex. 10, 655:18-656:2; AF Ex. 10, 655:18-656:2.)

We note that the record establishes that Motir placed the EA on administrative leave following its discovery of the fabricated CW40399 rebuttal documents. (Appellants' Hr'g Ex. 18; Hr'g Tr. 148:15-17, July 22, 2025.) The record also indicates that after being placed on leave, the EA was not allowed to return to the Company President's office to perform work. (Hr'g Tr. 149:21-150:11, July 22, 2025.) The record further establishes, via the CPO virtual meeting, that the Executive Assistant no longer has access to the president's email account. (Appellee's Hr'g Ex. 10, 659:5-16; AF Ex. 10, 659:5-16.)

But the record is also clear that the EA has been on continuous administrative leave with Motir since April 2021, has been paid the entire time that she has been on administrative leave,

[16] The statement referenced herein is contained in a letter written by Motir attorneys Carol Elder Bruce and Tillman J. Finley, but expressly written "on behalf of our clients, Emmanuel O. Irono and Motir Services, Inc." (Appellee's Hr'g Ex. 9-K, 384; AF Ex. 9-H-W, 384.)

[17] The administrative leave letter mentioned above refers to the falsified documents euphemistically as "the information provided for the District of Columbia, Office of Procurement (OCP) 2nd Debarment Matter." (Appellants' Hr'g Ex. 18.) Motir was well aware by April 1, 2021, that documents had been fabricated for the unrelated CPO proceeding and that the EA had fabricated them, because its internal investigation had so concluded by that date. (Appellee's Hr'g Ex. 9-G, 89-95; AF Ex. 9-G, 89-95.)

has been allowed to do work for Motir during that period albeit work "that is not related to the District," and has her own Motir email account. (Hr'g Tr. 149:21-153:20, July 22, 2025.) Further, although the EA was supposedly "not to communicate with [Motir/the Company President] at all," (Appellee's Hr'g Ex. 10, 639:22-641:3; AF Ex. 10, 639:22-641:3), the Company President testified at trial that "whatever" the company attorney "asked me" about bonding issues on a GSA contract, he contacted the EA and "said, please, Elizabeth, can you find it and send it to [the attorney]." (Hr'g Tr. 168:9-169:8, July 22, 2025.) In addition, the record includes many emails after the EA was placed on administrative leave where she is described as a Motir "accounting point of contact" (on one occasion) or as a Motir "Executive Assistant" (on numerous occasions). (*See, e.g.*, Appellee's Hr'g Ex. 11, 693; Appellee's Hr'g Ex. 12, 697; Appellee's Hr'g Ex. 13, 701; Appellee's Hr'g Ex. 14, 706; Appellee's Hr'g Ex. 15, 710.) In each of the emails described above, the EA also lists the Motir business address, office telephone and fax number as her own. (*Compare* Appellee's Hr'g Ex. 14, 706, *with* Appellee's Hr'g Ex. 9-G, 160 (showing that the EA's emails used the same Motir telephone number, address, and fax number on her emails before and after being placed on administrative leave).)

Therefore, we conclude that the superficial form of administrative leave that the EA was placed on herein[18] is not appropriate as disciplinary action because Motir's own policies subject the making of false statements to discipline that includes (as noted above) reprimands, termination, criminal proceedings, civil fraud proceedings, prison terms and individual debarment. There is no indication in our record that Motir pursued any of the above herein. The wrongful conduct herein of fabricating evidence for a CPO debarment proceeding required greater disciplinary action than paid administrative leave, continued use of Motir's email account for company business, on-going conversations with the Company President about Motir business, etc.

7. Whether the contractor has implemented or agreed to implement remedial measures, including any identified by the Government.

Our record shows that there were three types of outcomes as to remedial measures attempted by Motir. First, there were remedial measures that Motir agreed to implement but as to which it failed to take any meaningful action. Second, there were remedial measures that Motir agreed to implement, but as to which its efforts failed. Finally, there were remedial measures that Motir successfully implemented. We address each of these matters below.

As we have discussed herein, upon learning that the EA fabricated CW40399 rebuttal documents for use in an unrelated CPO debarment proceeding, Motir stated that the EA would be terminated. (Appellee's Hr'g Ex. 9-K, 388, para. 6; Appellee's Hr'g Ex. 10, 655:18-656:2; AF Ex. 10, 655:18-656:2.) The record shows, however, that no meaningful actions were taken thereafter by Motir to terminate the EA. Instead, the EA was placed on administrative leave, in which status she continued to receive pay, work on Motir's behalf on contracts not related to the District, send and receive emails at the same Motir account she used prior to administrative leave, and represent herself as a Motir "Executive Assistant" in the emails that she sent. Every indication

[18] We note that the "administrative leave" the EA was placed on herein, beginning in April 2021 in the midst of the COVID-19 pandemic, does not appear to be substantially different from the remote work that many persons were performing at that time.

in our record is that the EA was neither terminated nor placed on genuine administrative leave as remedial measures for fabrication of the CW40399 rebuttal documents.

In addition to the above where Motir simply failed to take any meaningful action, there were remedial actions that Motir agreed and attempted to implement, but as to which it failed. At a virtual meeting with the CPO on April 26, 2021, Motir's president stated that he had recently hired a business manager with overall responsibility for corporate compliance:

> **DR. IRONO**: Well, I hired Mr. Kabba because prior to this everything flows through Elizabeth [the Executive Assistant] and then most of the time they have checked all the boxes and all I have to do is sign and since all of this confusion, o [sic] I hire Mr. Kabba to be a safeguard and also to ensure that everything, the I's are crossed and dotted. So, yes, as a risk manager on my behalf he can make sure that all the -- and he's also a financial person that understands all the regulatory items. So he can look at contracts and procurement documents and make sure before it gets to me to sign that he has already [sic] going to read and then before I get to sign it and then it would be a witnessed signature, not somebody cutting and pasting my signature into something they already have.

(Appellee's Hr'g Ex. 10, 660:20-661:14; AF Ex. 10, 660:20-661:14.) Additionally, Motir's attorney reiterated the company's commitment to hiring Mr. Kabba, telling the CPO at the virtual meeting that "the idea is to make Mr. Kabba kind of responsible for the [bidder certification] templates" and later saying that Mr. Kabba "will be the custodian" for "get[ting] the most up-to-date, most current template." (*Id.* at 662:19-663:7.)

Although Motir attempted to implement the remedial action centering on Mr. Kabba, it ultimately did not succeed. The record indicates that Mr. Kabba was employed by Motir for approximately eight months before leaving and was not replaced. In this regard, the Company President testified at the merits hearing that Mr. Kabba left the company "probably towards the either [sic] first of the year, the next year, something like that." (Hr'g Tr. 248:1-249:6, July 23, 2025; *see also* Appellants' Post-Hr'g Br. 33, para. 8 ("[T]he CPO having debarred Motir anyway[,] the company did not have the resources to keep Mr. Kabba or replace him after he left Motir.").) Kabba's departure and Motir's failure to replace him resulted in the company not implementing the remedial measure to hire a "risk manager" and "safeguard" for certification review as was described at the CPO virtual meeting in April 2021.

On the other hand, there were remedial measures as to which Motir in fact succeeded. For example, Motir agreed to engage an outside consultant ("Dr. Amoussou") to develop an independent email and information technology policy for general purposes and to prevent staff from accessing email accounts other than their own. (*See* Appellee's Hr'g Ex. 10, at 665:7-669:5; AF Ex. 10, at 665:7-669:5.) At the time of the virtual CPO meeting, Motir had already engaged Amoussou. (Appellee's Hr'g Ex. 10, 687:18-688:4; AF Ex. 10, 687:18-688:4.) The record indicates that Motir completed a Records Management & Retention policy through the assistance of Amoussou. (Appellants' Hr'g Ex. 29; Hr'g Tr. 254:13-255:5, July 23, 2025.) And although Amoussou did not complete a policy restricting staff to use of their email accounts only, Motir's July 2024 revised employee handbook contains a prohibition against employees "sharing their

password [or] allow[ing] anyone to login under their password to any resource" and/or "attempt[ing] to login as someone else." (Appellants' Hr'g Ex. 30, 25.)

There were other remedial measures that Motir agreed to implement that were completed. These included a revised Business Conduct Code completed in July 2024, creation of a Use of Templates policy completed in July 2024 (mandating, *inter alia*, "Executive Office" approval of all templates), a July 2024 revision of its aforementioned employee handbook (including a provision prohibiting employees from attempting to login to computers or networks as someone else, allowing others to use their login credentials, or sharing passwords with others), incorporation of its previous compliance hotlines into a new Speak Up Policy completed in July 2024, and a July 2020 revision of a Bidder Process checklist for reviewing certifications that was initially developed in February 2020. (Appellants' Hr'g Exs. 28, 30-32; Appellee's Hr'g Ex. 9-G, 293-95; AF Ex. 9-G, 293-95.) The Use of Templates policy and the Bid Process guide specifically require the Motir president to approve all company templates and bidder certifications. (Appellants' Hr'g Ex. 32; Appellee's Hr'g Ex. 9-G, 293-95.) In summary, Motir undertook several remedial measures herein as to which it experienced a mix of outcomes.

8. Whether the contractor has instituted or agreed to institute new or revised review and control procedures and ethics training programs.

We note at the outset that Motir has not instituted or agreed to institute new ethics training programs. At the April 2021 virtual CPO meeting, Motir (directly or through counsel) represented that "the thinking" was that upon completion of its Bid Process and IT policy updates, a consultant would "come in and do broad training." (*See* Appellee's Hr'g Ex. 10, at 672:22-675:7; AF Ex. 10, at 672:22-675:7.) That training, however, never took place and Motir represents that "cost implications" have precluded "outside training" since completion of its ethics and compliance training in 2020. (Hr'g Tr. 22:5-24:4, July 24, 2025.) Thus, we conclude that Motir has not undertaken training in several years, nor instituted new or revised ethics training programs.

We have already noted above several new or revised review and control procedures written by Motir. Summarized briefly, these included the revised Business Conduct Code, the Use of Templates policy, the Employee Handbook, the Speak Up Policy, the Records Management and Retention policy, and the Bidder Process checklist for reviewing certifications. (Appellants' Hr'g Exs. 28-32; Appellee's Hr'g Ex. 9-G, 293-95; AF Ex. 9-G, 293-95.)

9. Whether the contractor has had adequate time to eliminate the circumstances within the contractor's organization that led to the cause for debarment.

The Board notes that appellants were first apprised of the causes for debarment in revised notices of suspension and debarment issued by the CPO on March 16, 2021. (*See* Appellee's Hr'g Ex. 5, 20-22; Appellee's Hr'g Ex. 6, 25-27; AF Ex. 5, 20-22; AF Ex. 6, 25-28.) The CPO's final decisions of debarment against Motir and the Company President were issued on May 21, 2021. (Appellee's Hr'g Ex. 7, 30-37; Appellee's Hr'g Ex. 8, 39-46; AF Ex. 7, 30-37; AF Ex. 8, 39-46.) Additionally, the appellants have not argued that additional time is needed to eliminate the circumstances that led to the causes for debarment herein. (*See, e.g.*, Appellants' Post-Hr'g Br. 33, para. 9.) Accordingly, we conclude that the intervening period between the CPO's debarment

decisions and these proceedings has provided Motir with adequate time to eliminate the circumstances within the company that led to the causes for debarment.

10. Whether the contractor's management recognizes and understands the seriousness of the misconduct giving rise to the cause for debarment and has implemented programs to prevent recurrence.

The record herein demonstrates that Motir management recognizes and understands the seriousness of the alleged debarment misconduct herein to a certain extent, but that Motir management also *fails* to recognize and understand the seriousness of the alleged debarment misconduct in key aspects. Ultimately, we do not believe that Motir's management has implemented programs to prevent recurrence. We explain below.

The Motir management's attention to, and revision of, the company's *written* policies (as noted above) clearly demonstrate its recognition and understanding of the seriousness of the misconduct herein. The company's robust and genuine efforts at revising Motir's policies for template use, bidder certification review and sign-off, business conduct, etc., have been discussed. (*See* Appellants' Hr'g Exs. 28, 30, 32; *see also* Appellee's Hr'g Ex. 9-G, 294-95; AF Ex. 9-G, 294-95.) These efforts required considerable operational effort and fortitude, and Motir completed each noted policy. (Appellants' Hr'g Exs. 28-32.) Additionally, Motir's engagement of forensics experts to investigate the source and authenticity of the fraudulent CW40399 rebuttal documents also demonstrates its recognition and understanding of the seriousness of the misconduct herein. Recognizing its own lack of capacity to investigate computer fraud, Motir turned to former FBI agents and forensics experts who were sufficiently skilled to determine the exact date that documents relevant to this proceeding were created, the dates they were modified, and whether certain emails were ever sent, and/or deleted, from the Company President's account. (Appellee's Hr'g Ex. 9-G, 93-94; AF Ex. 9-G, 93-94.) It was Motir's engagement of forensic consultants that established that the February 11, 2020, email and purportedly amended CW40399 bidder certification were fabrications. (*Id*. at 94.)

Motir's failure, however, to impose any meaningful disciplinary action on the two people whose misconduct led to the debarment causes herein demonstrates its lack of recognition and understanding of the seriousness of the alleged debarment misconduct. Although the Company President was responsible in 2019 for Motir's submission of a false bidder certification for extension of CW40399, there is no record in our proceeding of any disciplinary action taken against him. According to Motir's 2017 and revised 2024 Business Conduct Guides, Motir could have at least tasked its "Motir Executive Team" to review the 2019 CW40399 bidder certification incident and recommend appropriate action.[19] Instead, Motir has remained firm in its position that no wrongdoing occurred with the 2019 incident and that the misconduct is best characterized as

[19] In the 2017 and 2024 versions of the company's Business Conduct Guide, the Motir Executive Team's responsibilities include, but are not limited to, receiving and resolving ethics and conduct inquiries. (*See* Appellee's Hr'g Ex. 9-G, 278 (2017 version); Appellants' Hr'g Ex. 28, Sec. II. THE MOTIR EXECUTIVE TEAM (revised 2024 version).) The 2024 version lists the President and Executive Vice President as members of the Executive Team, (Appellants' Hr'g Ex. 28, Sec. II. THE MOTIR EXECUTIVE TEAM), whereas the 2017 version does not identify its members, (Appellee's Hr'g Ex. 9-G, 278). In theory at least, and assuming proper recusals were made by officials with conflicts, the company's executive team could have reviewed the 2019 CW40399 bidder certification misconduct and recommended disciplinary action as appropriate.

an "error." (*See, e.g.*, Appellants' Post-Hr'g Br. 19 ("error"), 21 ("[i]nadvertently [f]ailed to [d]isclose").)

In addition, we have noted above that no meaningful disciplinary action has ever been taken against the EA for falsifying CW40399 rebuttal documents in the unrelated CPO debarment proceeding. On our record, Motir failed to even reprimand the EA for misconduct. Further, although Motir stated on at least two occasions that it planned to terminate the EA, no such termination has ever occurred. (Appellee's Hr'g Ex. 9-K, 388 para. 6; Appellee's Hr'g Ex. 10, 655:18-656:2; AF Ex. 10, 655:18-656:2.) The failure to impose any meaningful discipline against the EA (as is allowable under Motir's own 2017 and revised 2024 policies), further demonstrates the company's lack of recognition and understanding of the gravity of the EA's misconduct herein.

Further we note that in the course of Motir's very commendable investigation of the false February 11, 2020, transmittal email and purportedly amended CW40399 certification, evidence surfaced of a deleted January 29, 2021, email from the Company President's business account regarding the CW40399 bidder certification. (*See* Appellee's Hr'g Ex. 9-G, 93-94; Hr'g Tr. 228:10-229:21; 235:8-16; July 23, 2025.) There is no indication, however, that Motir investigated the circumstances surrounding the deletion of the January 29, 2021, email. It is clear, however, that the deleted email could arguably have been linked to whether another company employee or agent participated in, knew or should have known about the EA's misconduct. (*See, e.g.*, Hr'g Tr. 179:19-180:20, July 24, 2025.) Motir's failure to further investigate the deleted January 29, 2021, email when brought to its attention by forensics consultants, suggests that the company genuinely lacks recognition and understanding of the gravity of creating false evidence for a government proceeding. Thus, our record is mixed regarding whether Motir management recognizes and understands the seriousness of the alleged debarment misconduct herein.

In summary, we have reviewed the 10 present responsibility factors set forth in *Fort Myer Construction Corp.*, CAB No. D-1206, 50 D.C. Reg. at 7510-11. We note that the burden is on Motir to establish present responsibility. Based on our review of the 10 pertinent factors, we conclude that Motir has not established present responsibility *on this record*. Although Motir has offered evidence of isolated indicia of responsibility, as a whole Motir has simply failed to take any meaningful disciplinary action against the persons whose misconduct has resulted in the present debarment matters. In the case of the Company President and the false 2019 bidder certification for CW40399, there is no record of *any* disciplinary action having ever occurred. In the case of the EA and the clearly fraudulent CW40399 rebuttal evidence, the record shows that no substantive disciplinary action occurred. Although the EA was placed on administrative leave in form, in substance she continued employment with Motir as nearly as before the 2021 evidentiary fabrication. The EA continued employment with Motir, she continued to receive a Motir salary, she continued using the Motir email account, she continued to identify herself as the Motir "Executive Assistant" in her emails, and she continued in emails to represent that she could be reached at the Motir business address, telephone and fax numbers.

Motir's failure to impose disciplinary action herein overrides several of the mitigation factors in which Motir has been commendable. For example, Motir has been commendable in its revision of written policies and procedures for completing bidder certifications and templates. (Appellee's Hr'g Ex. 9-G, 294-95; Appellants' Hr'g Ex. 32.) Motir has also been commendable

in its update of written company policies on ethical business conduct and prohibiting improper access to email accounts other than one's own. (Appellants' Hr'g Exs. 28-30.) But these are *written* upgrades and *written policies* alone are insufficient to prevent recurrences of the instant misconduct. In this regard, we note that Motir had *written* policies on ethical conduct when the misconduct leading to both of the debarment causes herein was committed. (Appellee's Hr'g Ex. 9-G, 278-92.) Unless those engaged in egregious misconduct incur some form of meaningful disciplinary action, however, misconduct as occurred herein is likely to recur. The type of disciplinary action taken should vary with the egregiousness of the contractor's misconduct, but here there was no meaningful discipline, not even a reprimand. Accordingly, we conclude that Motir has not established its present responsibility *on our record*.

E. The Public Interest and the Debarment Period.

We close our review by briefly addressing this debarment matter in light of the public interest and the applicable debarment period. D.C. Code § 2-359.07(a)(1)(A) states, in relevant part, that after the CPO determines that a person has engaged in conduct sufficiently serious and compelling as to affect their responsibility as a District contractor, the CPO may nonetheless decline to debar that person if the CPO makes a written finding that debarment "would be contrary to the best interests of the District." *See* D.C. CODE § 2-359.07(a)(1)(A); *see also* D.C. CODE § 2-359.07(e)(3); D.C. MUN. REGS. tit. 27, § 2213.1. We have reviewed in full appellants' arguments herein that debarment is not in the District's best interests. (*See* Appellants' Post-Hr'g Br. 35-36 (at one time appellants met 50 percent of the District's medical staffing needs and 30 percent of the District's non-medical cleaning and sanitation needs for its COVID-19 related facilities), 36 (debarment herein will discourage disclosure and compliance by other contractors because of appellants attempts at remedial measures and transparency herein).) These arguments are without merit. We agree with the District that there is no evidence in the record that the District has been harmed by appellants' unavailability during the debarment period. (*See* Appellee's Reply Br. 11.) Moreover, while appellants' remedial measures were commendable in some respects (e.g., revised policies for employee conduct, email use, reporting misconduct, etc.), the measures fell woefully short where it counted most (i.e., taking disciplinary action consistent with the company's policies against the persons whose misconduct led to the debarment causes herein).

With respect to the appropriate debarment period herein, D.C. Code § 2-359.07(a)(2) states that a person's period of debarment shall not exceed five years. D.C. CODE § 2-359.07(a)(2) (2025). Similarly, District regulations provide (in relevant part) that debarments shall be imposed "for a period commensurate with the seriousness of the cause(s), but shall not exceed five (5) years." *See* D.C. MUN. REGS. tit. 27, § 2213.4 (2019). In their post-hearing brief, appellants contend that the five-year debarment imposed by the CPO for the two debarments was "excessive and unreasonable" because (1) appellants have not been convicted of any crime; and (2) in two unrelated, non-criminal debarment matters in which the CPO imposed a five-year period of debarment, the debarred parties had allegedly engaged in conduct that was "far more egregious." (*See* Appellants' Post-Hr'g Br. 36-40 (citations omitted).) We note, however, that "a debarment for the maximum term is within the discretion of the decisionmaker so long as there is a clear consideration of the relevant factors, . . . even if another factfinder might find a different result to be reasonable." (*See* Appellee's Reply Br. 12-14 (citing *Shane Meat Co. v. U.S. Dep't of Def.*, 800 F.2d 334, 339 (3d Cir. 1986) (other citations omitted)).)

We have carefully reviewed the evidence herein relevant to the debarment causes and the contractor's present responsibility. In light of our review, the Board finds that a five-year debarment period for Motir is reasonable because it has been found liable for engaging in the same type of misconduct *twice*, namely creating false records (i.e., falsifying the CW40399 bidder certification in 2019 that failed to disclose proposed GSA debarments and fabrication of evidence in 2021 for a CPO debarment proceeding). When the two debarment offenses are also viewed in light of Motir's failure to impose disciplinary action on the persons engaging in the misconduct, the reasonableness of the five-year debarment period holds. The period of debarment for Motir will expire on February 24, 2026.[20]

We have also reviewed the Company President's debarment and note that the evidence established his liability for a single offense only (i.e., falsifying the CW40399 bidder certification in 2019 that failed to disclose proposed GSA debarments). We do not, therefore, conclude that the maximum five-year debarment period imposed on Motir should also apply to the president. In the case of the Company President only, we remand the case back to the CPO to determine an appropriate debarment period. The debarment period imposed by the CPO must be tied to the single debarment offense for which the president has been found liable and (obviously) must expire prior to February 24, 2026.[21]

III. CONCLUSION

In light of the above, we find that the District has established that Motir and the Company President are liable for debarment for failing to disclose a proposed GSA debarment in 2019 to District officials when renewing CW40399, but that Motir alone is liable for debarment for creating and using fabricated CW40399 documents during an unrelated CPO debarment proceeding in 2021. The CPO's May 21, 2021, imputation of debarment liability against the Company President for Motir's "fabrication and submission of documents to OCP during the course of Mr. Irono's and Motir's debarment proceedings" is vacated. (*See* Appellee's Hr'g Ex. 7, 33.) With respect to the debarment causes for which Motir is liable, and for which the Company President is liable, the appellant contractor has failed to establish present responsibility. The period of debarment for Motir will expire on February 24, 2026. In the case of the Company President only, we remand the case back to the CPO to determine an appropriate debarment period consistent with our decision.[22]

SO ORDERED.

[20] As mentioned above, the CPO's final decision debarred Motir "for five (5) years from February 25, 2021. The period of debarment will expire on February 24, 2026." (AF Ex. 8, at 45.)

[21] The CPO's final decision also debarred Irono "for five (5) years from February 25, 2021. The period of debarment will expire on February 24, 2026." (AF Ex. 7, at 36.)

[22] Because we have made our findings and conclusions on the record noted herein, we do not reach the matters raised in the several post-trial motions filed by the parties. Further, we deny as moot the several post-trial motions filed by the parties. (*See* Appellants' Post Hr'g Br. 35-40; Appellee District of Columbia's Mot. for Judicial Notice of Public R. 5-9; Appellee District of Columbia's 2d Mot. for Leave to File Mot. for Judicial Notice of Public R. 1-3; Appellee District of Columbia's Mot. for Leave to File Mot. to Strike 1-3.)

Date: February 18, 2026

/s/ Marc D. Loud, Sr.
MARC D. LOUD, SR.
Chief Administrative Judge

CONCURRING:

/s/ Nicholas A. Majett
NICHOLAS A. MAJETT
Administrative Judge

Electronic Service to:

Rebecca P. Barnes, Esq.
Assistant Attorney General
Office of the Attorney General
400 Sixth Street, N.W., Suite 9100
Washington, DC 20001

Tillman J. Finley, Esq.
Daniel Marino, Esq.
Marino Finley LLP
818 Connecticut Avenue, N.W., Suite 801
Washington, DC 20006

Carol Elder Bruce, Esq.
Law Office of Carol Elder Bruce, PLLC
8764 Mount Pleasant Court
St. Michaels, MD 21663

DISTRICT OF COLUMBIA CONTRACT APPEALS BOARD

APPEAL OF:

REGENT DEVELOPMENT CONSULTING, INC.)
) CAB No. D-1609
Under Contract No. DCKA-2013-T-0123)

ORDER DISMISSING APPEAL

Filing #79509340

Regent Development Consulting, Inc. ("Regent" or "appellant") has filed an appeal of a deemed denial of a claim. Specifically, Regent's claim alleges that the District breached a contract by failing to pay Regent's invoices. The District has moved to dismiss the appeal for lack of jurisdiction and for failure to state a claim. For the reasons set forth below, the Board dismisses the appeal for failure to state a claim.

STATEMENT OF FACTS FOR PURPOSES OF THE MOTION

On September 16, 2013, Regent and the District of Columbia Office of Contracting and Procurement ("OCP") entered into Contract No. DCKA-2013-T-0123 ("the Contract"). Appeal File Ex. 1, at 2,[1] *Regent Dev. Consulting, Inc.*, CAB No. D-1592 (Oct. 27, 2025), http://app.cab.dc.gov/cabasp/GetDoc.aspx?Database=CAB_DOCS&docnum=90831&version=1, File & ServeXpress Transaction ID 71483615;[2] (*see also* Notice of Appeal and Compl. at 7, para. 29). The Contract was an indefinite-quantity contract in which Regent was to provide architect and engineering services to the District Department of Transportation ("DDOT"). Appeal File Ex. 1, at 2, *Regent Dev. Consulting, Inc.*, CAB No. D-1592, File & ServeXpress Transaction ID 71483615.

Section B.2 of the Contract stated, *inter alia*, that "[d]elivery or performance shall be made only as authorized in accordance with the Ordering Clause, G.9." *Id.* at 2. Section C.3 of the Contract stated, in pertinent part, that "[n]either the District's review, approval or acceptance of, nor payment for, any of the services required under the Contract shall be construed to operate as a waiver of any rights under the Contract." *Id.* at 4. Section G.9 of the Contract, "Ordering Clause," stated, in relevant part, (1) "[a]ny supplies and services to be furnished under this contract *must be ordered by issuance of delivery orders or task orders by the Contracting Officer*; and (2) "task orders are *subject to the terms and conditions of this contract*." *Id.* at 11 (emphasis added). The Contract identified Courtney B. Lattimore as the contracting officer and stated that "[c]ontracts will be entered into and signed on behalf of the District *only by contracting officers*." *Id.* at 10 (§ G.6) (emphasis added). William Sharp also acted as a contracting officer on the Contract. (*See* District's Mot. to Dismiss for Lack of Jurisdiction or Failure to State a Claim ("District's Mot. to Dismiss") Ex. 2, at 2); Appeal File Ex. 5, *Regent Dev. Consulting, Inc.*, CAB No. D-1592, File & ServeXpress Transaction ID 71699870.[3] The Contract also specified that (1) the contracting officer "is the only person authorized to approve changes in any of the requirements of this contract," Appeal File Ex. 1, at 10 (§ G.7.1), *Regent Dev. Consulting, Inc.*, CAB No. D-1592, File & ServeXpress

[1] Because certain documents lack consistent internal page numbering and/or Bates numbering, the Board has used the page numbers assigned by Adobe Reader when citing to all documents herein.
[2] This document can be found at:
http://app.cab.dc.gov/cabasp/GetDoc.aspx?Database=CAB_DOCS&docnum=90281&version=1.
[3] This document can be found at:
http://app.cab.dc.gov/cabasp/GetDoc.aspx?Database=CAB_DOCS&docnum=90961&version=1.

Transaction ID 71483615; and (2) "[t]he [contracting officer's technical representative] *shall not have authority to make any changes* in the specifications or scope of work *or terms and conditions of the contract*," *id.* at 11 (§ G.8.2) (emphasis added). The Contract also stated that "[t]he Contractor . . . *may be denied compensation or other relief for any additional work performed*" that was not authorized in writing by the contracting officer. *Id.* at 11 (§ G.8.3) (emphasis added). The Contract required Regent to "submit proper invoices on a monthly basis." *Id.* at 7 (§ G.2.1). On August 25, 2016, the contracting officer issued a task order, Task Order No.2 ("Task Order 2"), to Regent under the Contract. Appeal File Ex. 3, at 1-2, *Regent Dev. Consulting, Inc.*, CAB No. D-1592, File & ServeXpress Transaction ID 71699870.[4] Task Order 2 stated that the District would pay for services rendered by Regent under Task Order 2 "up to a cost not to exceed" $198,150.00. *Id.* at 1.

In October 2023, Regent filed a Notice of Appeal and Complaint with the Board, appealing the denial of a claim for payment of $183,392.61 for four invoices (#802018-1919, #902018-0062, #802018-0043, and #902018-0061) ("the Invoices") under the Contract. (*See* District's Mot. to Dismiss Ex. 2, at 2, paras. 1-3); *see also* Notice of Appeal and Complaint, at 1, 3, *Regent Dev. Consulting, Inc.*, CAB No. D-1592, File & ServeXpress Transaction ID 71234512.[5] On February 21, 2025, the Board issued an order which granted in part and denied in part the District's motion for summary judgment in that case. (*See* District's Mot. to Dismiss Ex. 2, at 3, para. 4); *see also* Order on District's Mot. for Summ. J. at 1, *Regent Dev. Consulting, Inc.*, CAB No. D-1592, File & ServeXpress Transaction ID 75692615.[6] That Board order held, *inter alia*, that the Board did not have jurisdiction over Regent's allegations (made during briefing on summary judgment) regarding "whether services were otherwise 'ordered' and 'ratified'" since they were not part of the claim presented to the contracting officer. Order on District's Mot. for Summ. J. at 14 (citations omitted), *Regent Dev. Consulting, Inc.*, CAB No. D-1592, File & ServeXpress Transaction ID 75692615; (*see also* District's Mot. to Dismiss Ex. 2, at 3, paras. 8-9).

On April 30, 2025, Regent submitted a new claim to the contracting officer ("the Claim"), seeking payment of $179,818.75 for the Invoices. (District's Mot. to Dismiss Ex. 2, at 2, 5-6, paras. 22-25; *see also* Notice of Appeal and Compl. at 6, paras. 22-23). According to the Claim:

> 11. Through September 2015, and prior to issuing Task Order 2, DDOT ordered and received services from Regent in excess of the Task Order 1 ceiling, and paid Regent $97,067.09 in excess of the Task Order 1 ceiling, prior to issuing Task Order 2 and prior to funding Task Order 2 with associated purchase orders. *See Exhibit C, Table of Billing Details.*
>
> 12. After already paying Regent $97,067.09 in excess of the Task Order 1 ceiling, on or about October 2015, DDOT directed Regent to delay submitting any further invoices in further excess of the Task Order 1 ceiling, and ensured Regent that DDOT would issue a new task order to cover the additional charges that it was incurring in excess of the Task Order 1 ceiling.

[4] This document can be found at:
http://app.cab.dc.gov/cabasp/GetDoc.aspx?Database=CAB_DOCS&docnum=90954&version=1.
[5] This document can be found at:
http://app.cab.dc.gov/cabasp/GetDoc.aspx?Database=CAB_DOCS&docnum=90227&version=1.
[6] This document can be found at:
http://app.cab.dc.gov/cabasp/GetDoc.aspx?Database=CAB_DOCS&docnum=90705&version=1.

13. While DDOT directed Regent to delay submitting its invoices, DDOT continued, on an ongoing basis, to order and receive Regent's services in excess of the Task Order 1 ceiling. *See Exhibit D, Emails from October 2015 through March 2016.*

. . .

20. On or about November 2016, as DDOT was again continuing to incur charges for services it was receiving, which would exceed the pertinent task order ceiling, DDOT again directed Regent to delay submitting invoices for services provided after November 2016, and ensured Regent that DDOT would issue a new task order to cover the additional charges that it was incurring in excess of the Task Order 2 ceiling.

21. And again, while DDOT directed Regent to delay submitting its invoices, DDOT continued, on an ongoing basis, to order and receive Regent's services in excess of the Task Order 2 ceiling.

22. Eventually, on or about August 2018, DDOT directed Regent to submit the invoices that DDOT had directed Regent to delay submitting, which Regent did in September 2018 and October 2018, when Regent submitted the Invoices (Invoice Nos. 802018-1919, 902018-0062, 802018-0043, and 902018-0061), which were for the time-period from January 2017 through June 2017 (the "Second Gap Time Period").

23. Despite ordering and receiving Regent's services for and during the Second Gap Time Period, DDOT never issued a third task order (or otherwise sought to increase and fund the Task Order 2 ceiling) and failed to pay the Invoices for the services it received during the Second Gap Time Period.

(District's Mot. to Dismiss Ex. 2, at 4-6 (underline emphasis added).)

On December 2, 2025, Regent filed a Notice of Appeal and Complaint with the Board, appealing the deemed denial of the Claim. (Notice of Appeal and Compl. at 1, para. 0.1.) Regent alleges that the District breached the Contract and seeks payment of $179,818.75. (*Id.* at 7, paras. 31-34.) On January 2, 2026, the District moved to dismiss the appeal, arguing (1) the Board lacks jurisdiction; and (2) Regent has failed to state a claim. (District's Mot. to Dismiss at 6-10.) On January 26, 2026, Regent filed its opposition to the motion to dismiss. (Regent's Opp'n to the District's Mot. to Dismiss at 1-10.)

DISCUSSION

I. The Board Has Jurisdiction Over the Claim

The Board is the exclusive hearing tribunal for "[a]ny appeal by a contractor from a final decision by the contracting officer on a claim by a contractor, when the claim arises under or relates to a contract." D.C. CODE § 2-360.03(a)(2) (2025). The Claim, in which Regent alleges it is owed payment for the Invoices submitted under the Contract, (*see* District's Mot. to Dismiss Ex. 2, at 2, 5-6, paras. 20-25), is one which "arises under or relates to" the Contract for the purposes of determining jurisdiction. *See Honeywell Int'l, Inc.*, ASBCA No. 57779, 13 BCA ¶ 35,380 (stating that "[a] claimant need only make a non-frivolous

assertion as to the existence of a contract to trigger our jurisdiction" and finding jurisdiction because "[t]he claim and complaint are premised upon allegations that the [delivery order] imposes valid contractual obligations" (citations omitted)).[7] The District's argument that "[the] Claim does not arise under or relate to a contract" because "Regent alleges that the Contract had been modified" by "an alleged illegal scheme," (District's Mot. to Dismiss at 6-7), is unavailing, as the District does not deny the existence of the Contract but only makes arguments regarding *the extent of* the existing contract. *See Honeywell Int'l, Inc.*, ASBCA No. 57779, 13 BCA ¶ 35,380 ("Thus, even under the government's theory, we must determine the extent of the enforceability of an existing contract."). Accordingly, the Board has jurisdiction over this appeal pursuant to D.C. CODE §§ 2-359.08(b)-(c), 2-360.03(a)(2) (2025), which confer jurisdiction over an appeal from the "deemed denial" of a contractor claim where the contracting officer fails to issue a final decision within 120 days of receiving the contractor's claim.

II. Regent Has Failed to State a Claim Upon Which Relief Can Be Granted

The District has also moved to dismiss the appeal for failing to state a claim upon which relief can be granted. In order to withstand such a motion, "a complaint must contain sufficient factual matter, accepted as true, to 'state a claim to relief that is plausible on its face.'" *Quadri-Technology, Ltd.*, CAB No. D-1494, 65 D.C. Reg. 5590, 5601 (Aug. 4, 2017) (quoting *Potomac Dev. Corp. v. District of Columbia*, 28 A.3d 531, 544 (D.C. 2011)); *see also Fort Myer Constr. Corp.*, CAB No. D-1195, 50 D.C. Reg. 7479, 7483 n.6 (Mar. 24, 2003) (citations omitted), *remanded without opinion*, 03-AA-0738 (D.C. Mar. 4, 2005), http://efile.dcappeals.gov/public/caseView.do?csIID=38926; *Samho Enter.*, ASBCA No. 63587, 25-1 BCA ¶ 38,891 ("We dismiss a claim if the complaint does not allege facts plausibly suggesting entitlement to relief." (citations omitted)). "Threadbare recitals of the elements of a cause of action, supported by mere conclusory statements, do not suffice." *Strawberry Hill, LLC v. Gen. Servs. Admin.*, CBCA No. 5149, 16-1 BCA ¶ 36,561 (quoting *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009)). The Board is "not bound to accept as true a legal conclusion couched as a factual allegation." *Grayson v. AT&T Corp.*, 140 A.3d 1155, 1162 (D.C. 2011) (citation omitted). The Board also "need not accept allegations 'too meager, vague, or conclusory to remove the possibility of relief from the realm of mere conjecture.'" *John Douglas Burke v. Dep't of Health & Hum. Servs.*, CBCA No. 7492, 23-1 BCA ¶ 38,304 (quoting *Doe v. Stonehill Coll., Inc.*, 55 F.4th 302, 333 (1st Cir. 2022)), *reconsideration denied*, 2023 WL 3910417, *aff'd*, 2024 WL 4579346 (Fed. Cir. 2024).

In the context of appeals of claims pursuant to government contracts, "the primary document setting forth the claim is not the complaint, *per se*, but is either the contractor's claim or the government's claim." *Lockheed Martin Integrated Sys., Inc.*, ASBCA No. 59508, 17-1 BCA ¶ 36,597. And "[i]n examining the sufficiency of the complaint, the court may consider the complaint itself and any documents it incorporates by reference." *Abdelrhman v. Ackerman*, 76 A.3d 883, 887 (D.C. 2013) (citation omitted). When assessing a breach of contract claim, the Board "must interpret the contract's provisions to ascertain whether the facts [appellant] alleges would, if true, establish [a] breach of contract." *Commissioning Sols. Glob., LLC*, ASBCA No. 59254, 14-1 BCA ¶ 35,695 (first alteration in original) (quoting *Bell/Heery, A Joint Venture v. United States*, 739 F.3d 1324, 1330 (Fed. Cir. 2014)). Accordingly, we examine Regent's Complaint as well as the Claim (and the exhibits and other documents incorporated by reference in them), the Contract (including Task Order 2 issued under the Contract), and this Board's order on summary judgment in

[7] The Board routinely looks to our federal government contracting forum counterparts for guidance. *See, e.g.*, *Keystone Plus Constr. Corp.*, CAB No. D-1358, 62 D.C. Reg. 4262, 4267 (Jan. 27, 2012); *see also Abadie v. D.C. Cont. Appeals Bd.*, 916 A.2d 913, 919 (D.C. 2007) ("Because 'District contracting practice parallels federal government contract law,' we also look to the relevant decisions of federal tribunals with 'particular expertise in this area.'" (quoting *Dano Res. Recovery, Inc. v. District of Columbia*, 620 A.2d 1346, 1351 (D.C.1993))).

Regent's prior case involving the Contract and the Invoices (which was apparently attached to the Claim[8]). *See Mindseeker, Inc.*, ASBCA No. 63197, 2024 WL 4252067 ("'We are not limited to the four-corners of the complaint, but look also to the contractor's or government's claim - the wellspring of our jurisdiction' and may review '"matters incorporated by reference or integral to the claim, items subject to judicial notice, matters of public record, orders, items appearing in the record of the case, and exhibits attached to the complaint whose authenticity is unquestioned," as appropriate.'" (quoting *Fluor Intercontinental, Inc.*, ASBCA No. 62550, 22-1 BCA ¶ 38105)); *Quadri-Technology, Ltd.*, CAB No. D-1494, 65 D.C. Reg. at 5601 (citations omitted); *see also Sys. Mgmt. & Rsch. Techs. Corp. v. Dep't of Energy*, CBCA No. 4068, 15-1 BCA ¶ 35,976 (looking to the terms of the contract in considering the agency's motion to dismiss for failure to state a claim despite appellant not attaching the contract to its complaint; "[appellant] repeatedly cites to, quotes from, and relies upon the contract in its complaint, rendering it integral to the complaint" (citations omitted)); *Drake v. McNair*, 993 A.2d 607, 616 (D.C. 2010) (trial court's reliance on public land records when deciding a motion to dismiss for failure to state a claim was not improper (citations omitted)); *Covad Commc'ns Co. v. Bell Atl. Corp.*, 407 F.3d 1220, 1222 (D.C. Cir. 2005) ("[W]e took 'judicial notice of facts on the public record'—that is, consulted the relevant opinions—as a court may do upon a motion to dismiss[.]" (quoting *Marshall Cnty. Health Care Auth. v. Shalala*, 988 F.2d 1221, 1228 (D.C. Cir. 1993))).

In the Claim, Regent seeks payment of the Invoices, which were for services provided under Task Order 2 of the Contract (*see, e.g.*, Notice of Appeal and Compl. Exs. at 12), in the amount of $179,818.75. (*See* District's Mot. to Dismiss Ex. 2, at 5-6, paras. 22-23, 25.) This amount, as set forth in the Claim, is the "excess" of the Invoices' amount over the Task Order 2 ceiling.[9] Regent alleges that the District breached the Contract by failing to pay the $179,818.75. (*See* Notice of Appeal and Compl. at 7, para. 34.) According to Regent's Complaint, "[a]lthough the Contract provided for Task Order Ceilings, the Contract was modified to allow for Regent to be paid in excess of the Task Order Ceilings." (*Id.* at 7, para. 30.) However, Regent's assertion that "the Contract was modified" is a legal conclusion which we need not accept; we must look at the *factual* allegations to determine whether the Contract was modified as Regent argues. *See Grayson v. AT&T Corp.*, 140 A.3d at 1162; *Mills v. United States*, 69 Fed. Cl. 358, 366 (2006) ("whether the parties effected a valid contractual modification" is a legal question). Yet Regent only makes vague, non-specific, and conclusory allegations on this point: Regent's only allegations regarding the Contract modification are that "DDOT . . . ensured" Regent that a new task order would cover the charges in excess of Task Order 2 and that "DDOT" continued to order and receive services in excess of the Task

[8] The Claim begins by referencing Regent's prior case filed in October 2023, "which was docketed as Case No. D-1592 (the 'Case')" and further states: "On February 21, 2023 [sic], the Contract Appeals Board entered an Order (the 'Order') in the Case, granting in part, and denying in part, the District's Motion for Summary Judgment. *See Exhibit A, Order*." (District's Mot. to Dismiss Ex. 2, at 2-3, paras. 1, 4.) The Notice of Appeal and Complaint also relies on the Board's "findings" in "the Order" in its Statement of Facts. (Notice of Appeal and Compl. at 3-4, paras. 5-7, 9.)

[9] Specifically, the Claim states:

> 5. The Order found that the District's liability in the Case was limited to the dollar amount of the ceiling for Task Order 2, which was $198,150.
>
> 6. The Order found that prior to Regent issuing the Invoices, Regent had been paid $194,576.14, allocable to Task Order 2, which left a balance of $3,573.86, for Task Order 2 (the "Balance").
>
> 7. Accordingly, the Order found that the District's liability in the Case would be limited to $3,573.86, and denied summary judgment as to that amount, but granted summary judgment as to the amount in excess of the Balance, i.e. $179,818.75.

(District's Mot. to Dismiss Ex. 2, at 3.)

Order 2 ceiling. (District's Mot. to Dismiss Ex. 2, at 5-6, paras. 20-23.) No individual or specific person is identified in the Claim or Complaint for these allegations, and no detail given regarding what the "assurance" or "orders" were. (*Id.*; Notice of Appeal and Compl. at 5-6, paras. 20-23.) The Contract stated that (1) OCP, *not DDOT*, was the contracting agency; (2) only the contracting officer was authorized to approve changes to the Contract; (3) the contracting officer's technical representative had no authority to modify the Contract; (4) "[n]either the District's review, approval or acceptance of, nor payment for, any of the services required under the Contract shall be construed to operate as a waiver of any rights under the Contract;" (5) all services to be provided under the Contract "*must be ordered by issuance of delivery orders or task orders by the Contracting Officer*;" and (6) "[t]he Contractor . . . *may be denied compensation or other relief for any additional work performed*" that was not authorized in writing by the contracting officer. Appeal File Ex. 1, at 2, 4, 10-11 (§§ C.3, G.7.1, G.8.2, G.8.3, G.9.1), *Regent Dev. Consulting, Inc.*, CAB No. D-1592, File & ServeXpress Transaction ID 71483615.

Under the terms of the Contract, the District would only pay for services rendered by Regent under Task Order 2 up to $198,150.00, unless Task Order 2 was modified *by the contracting officer* to a higher amount; no other persons at OCP or DDOT could modify the Contract. Regent has not alleged that Courtney B. Lattimore, William Sharp, *or any other contracting officer* modified the Contract and has not plausibly alleged that an individual with authority to modify the Contract did so. *See 6601 Dorchester Inv. Grp., LLC v. United States*, 154 Fed. Cl. 685, 692-93 (2021) (dismissing for failure to state a claim; "[e]ven assuming *arguendo* that [an agent of the contracting agency] orally reached some agreement with [the plaintiff] in contravention of the [relevant federal] regulations, [the plaintiff] alleges no facts demonstrating that the agent had actual authority, whether express or implied, to bind the United States in contract" since "[the plaintiff] provides no information about the agent's job or duties such that any inference could be made that the agent may have had implied actual authority – let alone express authority – to modify the [] program requirements" (citations omitted)); *Kennedy v. United States*, 179 Fed. Cl. 426, 434-35 (2025) (dismissing for failure to state a claim; plaintiff's allegation "that unnamed [agency] employees agreed to lift the levy, and that these employees 'had actual authority to bind the government to the parties' agreement'" is "entirely conclusory[;]" to properly state a claim the plaintiff needed to "allege that a person *authorized to bind the government* agreed to pay him"); *Sahagun-Pelayo v. United States*, 602 Fed. Appx. 822, 825-26 (Fed. Cir. 2015) ("[Appellant] has not alleged facts that plausibly suggest that any of the federal agents with whom he allegedly had contact had express or implied actual authority. . . . [E]ven if [appellant]'s response to the government's motion to dismiss could be construed to include a statement alleging actual authority, 'such a bare statement would be a mere legal conclusion which would not be entitled to the favorable inferences of a factual allegation.' Finally, we agree with the Court of Federal Claims that [appellant]'s vague reference to an individual or individuals from Washington, DC is 'not specific enough to survive a challenge to the sufficiency of the complaint.'" (quoting *Sahagun-Pelayo v. United States*, 2014 WL 3643471 (Fed. Cl. 2014))); *Sanchez v. United States*, 179 Fed. Cl. 688, 709 (2026) (dismissing for failure to state a claim; "[p]laintiff's failure to identify an individual with authority to enter into the alleged [contract], or an individual with authority to subsequently ratify the alleged [contract], is fatal to plaintiff's breach of contract claim"); *see also Sinil Co.*, ASBCA No. 55819, 09-2 BCA ¶ 34,213 (rejecting contractor's argument that the government should not be relieved of responsibility to pay for additional work ordered by the government; only the contracting officer had the authority to modify the contract); *ANA Towing, Inc.*, 65 D.C. Reg. 5474, 5485 (Mar. 15, 2017) (contractor not entitled to payment for provision of services after contract term ended; "only the contracting officer can exercise the District's option to extend a contract" (citations omitted)).

In its opposition to the District's Motion to Dismiss, Regent relies on Board cases for the proposition that it has stated a claim based on "an alleged oral modification ordered by an unauthorized representative." (Regent's Opp'n to the District's Mot. to Dismiss at 6 (citations omitted).) However, each of these cases, despite Regent's attempt to frame them otherwise, involved a contractor who *alleged* that *someone with authority* modified the contract. In *Stress Management Center*, the Board stated that

"Appellant alleges that the amendment was implicitly ratified *by the contracting officer by the written approval of payment for Appellant's invoices*" when denying the motion to dismiss. *Stress Mgmt. Ctr.*, CAB No. D-1174 (May 29, 2003), http://app.cab.dc.gov/cabasp/GetDoc.aspx?Database=CAB_DOCS&docnum=14292&version=1. In *Adsystech*,[10] the Board found that "contracting officers Peck and Witty directed" the contractor to finish work and that "contracting officials Peck and Witty *ratified* the conduct of [] agency representatives" since the contracting officers *had actual or constructive knowledge of the representatives' unauthorized act and expressly or implicitly adopted the act*. *Adsystech, Inc.*, CAB No. D-1210, 63 D.C. Reg. 12017, 12031, 12033-34 (Aug. 15, 2013) (underline emphasis added), *reconsideration denied*, 63 D.C. Reg. 12054 (Sept. 26, 2013), *dismissed per appellant's motion*, 16-AA-0890 (D.C. Nov. 4, 2016), http://efile.dcappeals.gov/public/caseView.do?csIID=59526. In *Claim of Chief Procurement Officer*, the Board denied summary judgment because "the contract may still be valid if the contract action that exceeds the contracting officer's authority was ratified *by an official with sufficient authority*" and "[t]here is a genuine issue of fact in this matter as to whether there was similar *knowledge among senior officials* both before and after award of the contract." *Claim of Chief Procurement Officer*, CAB No. D-1182, 50 D.C. Reg. 7465, 7469 (Nov. 29, 2002) (emphasis added). And in *W.M. Schlosser*, the Board found "evidence in the record showing that those changes not covered by [change orders] were ratified during the project *by authorized agency contracting officials*." *W.M. Schlosser Co.*, CAB No. D-0903, 42 D.C. Reg. 4824, 4847 (Sept. 13, 1994). All of these cases involved allegations that *a contracting officer or someone else with authority* took actions that either expressly or implicitly modified a contract. In contrast to these cases, Regent here has made no allegations that a *contracting officer or anyone else with authority* took actions that either expressly modified the Contract *or* had actual or constructive knowledge that unnamed DDOT representative(s) had allegedly "ensured" that a new task order would be issued and "order[ed] and receive[d] services in excess of the Task Order 2 ceiling" and either expressly or implicitly ratified such conduct. Again, Regent's meager, vague, non-specific and conclusory allegations regarding *someone* at DDOT does not plausibly allege that the Contract was somehow modified. *See Pa. Dep't of Pub. Welfare v. United States*, 48 Fed. Cl. 785, 788-89 (2001) (dismissing for failure to state a claim since plaintiff failed to allege that government officials had express or implied actual authority (citations omitted)); *RMA Eng'g S.A.R.L. v. United States*, 140 Fed. Cl. 191, 235 (2018) (dismissing for failure to state a claim since complaint did not allege the contracting officer directed additional work, authorized any changes, or knew of any changes; "these Counts are conclusory allegations stating, *e.g.*, that 'Defendant knew, or should have known' about the work, or 'Defendant accepted the benefits' without compensating [plaintiff]" which "fail to state a claim on which the court may grant relief" (citations omitted)); *Nu-Way Concrete Co. v. Dep't of Homeland Sec.*, CBCA No. 1411, 11-1 BCA ¶ 34,636 ("In order for [the contractor] to prevail under an implied ratification theory, [they] must show that the *contracting officer had actual or constructive knowledge* of all of the facts upon which the unauthorized actions were taken *and failed to take action* to investigate or stop such actions."), *aff'd*, 449 Fed. Appx. 945 (Fed. Cir.); *Three S Consulting v. United States*, 104 Fed. Cl. 510, 523-24 (2012) (dismissing for failure to state a claim since "plaintiff does not allege that [an agency official]'s actions were ever ratified by . . . the contracting officer, or anyone else with authority" and "plaintiff's suspicions that the record indicates 'knowledge of some joint plan' . . . is not sufficient to demonstrate beyond speculation that [the contracting officer] 'ratified' [the agency official]'s activities" (citations omitted)), *aff'd*, 562 Fed. Appx. 964 (Fed. Cir. 2014); *see also Black Creek Integrated Sys. Corp.*, CAB No. D-1500, 68 D.C. Reg. 9590, 9607-08 (July 1, 2019) ("[I]n order to establish that ratification occurred, the contractor must demonstrate that the ratifying

[10] All of the purported *Adsystech* quotes relied on by Regent are *not* actually found in the Board's official August 15, 2013, decision in the case. The official August 15, 2013, decision is available to Regent (and the public) at 63 D.C. Reg. 12017 and on the Board's website. Since Regent's purported quotes are not from the Board's August 15, 2013, decision, we discuss the true *Adsystech* decision herein. Regent's *Adsystech* quotes, though inaccurate and not taken from our August 15, 2013, decision, appear to have been taken from multiple preliminary decision drafts dated September 1, 2011, that inadvertently appeared on the Board's website. The preliminary drafts have since been removed from the Board's website.

official had actual knowledge of the unauthorized act, or the contractor must provide such facts that would permit a court to infer that the ratifying official had such knowledge." (citation omitted)), *aff'd*, 283 A.3d 84 (D.C. 2022) (unpublished table decision).

To the extent that Regent is arguing that the "[T]ask [O]rder [2] ceiling is not dispositive" because that contract term was somehow *otherwise* inapplicable, (Regent's Opp'n to the District's Mot. to Dismiss at 8),[11] the Claim also fails to plausibly allege facts showing that the Task Order 2 ceiling was waived by the parties' course of dealing. As this Board has previously discussed, "[a] prior course of dealing is defined as 'a *sequence* of previous conduct between the parties to an agreement which is fairly to be regarded as establishing a common basis of understanding for interpreting their expressions and other conduct.'" *C&D Tree Serv., Inc.*, CAB No. D-1347, 63 D.C. Reg. 12004, 12012 (Aug. 8, 2013) (emphasis added) (quoting *DeLeon Indus., LLC v. Dep't of Veterans Affs.*, CBCA No. 986, 12-1 BCA ¶ 34,904); *see also Pearsall v. Alexander*, 572 A.2d 113, 117 n.5 (D.C. 1990) (using the same definition when finding a course of dealing).[12] It is well-settled that "[t]he emphasis is on a sequence of events; a *single transaction cannot constitute a course of dealing*." *DeLeon Indus., LLC*, CBCA No. 986, 12-1 BCA ¶ 34,904 (emphasis added) (quoting *Underground Constr. Co. v. United States*, 16 Cl. Ct. 60, 67 (1988)); *see also Ecology Mir Grp., LLC*, ASBCA No. 63768, 24-1 BCA ¶ 38,573 (finding that "there is no prior course of dealing evidencing the agency waived" a contract requirement when "there was only *one instance* regarding removal of these services from a task order *which did not happen over an extended period of time* and there is no joint or common understanding of the parties on this matter" (emphasis added) (citation omitted)); *Data Comput. Corp. of Am. v. United States*, 80 Fed. Cl. 606, 618 (2008) ("[The agency]'s single act of waiving its right to establish final indirect cost rates in the [prior] contract does not extend to the government's remaining contracts with [the contractor]." (citations omitted)); *see also* 1 RALPH C. NASH, JR. & STEVEN W. FELDMAN, GOVERNMENT CONTRACT CHANGES §11:14 (July 2025 update) ("A single interaction does not qualify as a course of dealing " (citations omitted)).

Here, the Claim alleges that DDOT paid Regent "$97,067.09 in excess of the Task Order 1 ceiling" and "directed Regent to delay submitting its invoices" while DDOT "continued to order and receive Regent's services in excess of the Task Order 1 ceiling" for which Regent was subsequently paid. (District's Mot. to Dismiss Ex. 2, at 4, paras. 12-13.) However, this single allegation, assumed as true, cannot plausibly show a *sequence of events* that is fairly regarded as establishing that for future task orders under the Contract (such as Task Order 2) OCP would waive the task order's ceiling. *See Jumah v. United*

[11] In its opposition to the District's Motion to Dismiss, Regent alleges that "DDOT directed Regent to continue performing services that exceeded the Task Order No. 1 ceiling and paid $97,067.09 exceeding the task order ceiling for Task Order No. 1" to support its argument that Regent can still be "paid for services exceeding the ceiling amount." (Regent's Opp'n to the District's Mot. to Dismiss at 9-10.)

[12] Evidence of a course of dealing is used either (1) as extrinsic evidence to interpret an ambiguous contract term; or (2) evidence of a waiver of unambiguous contract terms. *Raytheon Co.*, ASBCA No. 60448, 20-1 BCA ¶ 37,637 (citations omitted). Task Order 2 stated that the District would pay for services rendered by Regent under Task Order 2 "up to a cost not to exceed" $198,150.00, Appeal File Ex. 3, at 1, *Regent Dev. Consulting, Inc.*, CAB No. D-1592, File & ServeXpress Transaction ID 71699870, and that "[t]he Contractor . . . may be denied compensation or other relief for any additional work performed" that was not authorized in writing by the contracting officer, Appeal File Ex. 1, at 11 (§ G.8.3), *Regent Dev. Consulting, Inc.*, CAB No. D-1592, File & ServeXpress Transaction ID 71483615, which can only be reasonably read as a "ceiling" that the District would not pay more than $198,150.00 for Task Order 2 services and thus is unambiguous. The Claim does not allege otherwise, only alleging that the "Task Order 2 ceiling is not dispositive" because of actions that DDOT took. (District's Mot. to Dismiss Ex. 2, at 3, para. 10.) Regardless, our analysis of the allegations of the parties' course of dealing would result in the same outcome since, for the reasons set forth herein, the allegations do not suffice to show a "course of dealing" regardless of how that course of dealing would be applied (either (1) evidencing that the Task Order 2's language of "up to a cost not to exceed" $198,150.00 is ambiguous and should be interpreted as not an actual limit on the amount the District would pay for Task Order 2; or (2) evidencing a waiver by the District of the unambiguous contract term that stated that the District would only pay "up to a cost not to exceed" $198,150.00.)

States, 385 Fed. Appx. 987, 990 (Fed. Cir. 2010) (affirming trial court's dismissal of complaint for failure to state a claim; "[the plaintiff] alleges only a single instance where he received payment . . . , which alone is insufficient to allege a course of dealing"); *Tekkon Eng'g Co.*, ASBCA No. 56831, 10-2 BCA ¶ 34,563 (granting the agency judgment as a matter of law; "[a] single prior payment for increased transportation costs under [a previous contract] does not constitute a course of dealing" (citations omitted)); *Broce Constr. Co.*, DOTCAB No. 4464, 07-1 BCA ¶ 33,457 ("[A] waiver of a contract requirement by course of dealing cannot be established by a single incident." (citations omitted)); *Mitchell Enters., Inc.*, GSBCA No. 16130, 03-2 BCA ¶ 32,403 ("[O]ne swallow does not make a summer -- or, to put our conclusion in more legalistic terms, a single instance does not constitute a course of dealing on which a contractor might justifiably rely to its detriment, leading to a conclusion that the Government must make similar payments in future, similar situations." (footnote omitted) (citations omitted)); *Int'l Res. Recovery, Inc. v. United States*, 60 Fed. Cl. 428, 432 (2004) ("[W]aiver of a contractual requirement by course of dealing cannot be established by a single occurrence. Rather, in order to establish waiver of a contractual requirement a party must establish an extended course of conduct, such as that found in *Gresham* which involved the waiver of a specific contract requirement in 36 contracts with the same party." (citations omitted)); *Pyrotechnic Specialties, Inc.*, ASBCA No. 57890, 17-1 BCA ¶ 36,696 ("A prior course of dealing, if established, can extinguish an otherwise explicit contractual requirement These two instances are insufficient to establish consistent conduct by the government in its contract dealings with the contractor over an extended period of time." (citations omitted)), *reconsideration denied*, 19-1 BCA ¶ 37,304, *aff'd*, 835 Fed. Appx. 607 (Fed. Cir. 2021); *CFP FBI-Knoxville, LLC v. Gen. Servs. Admin.*, CBCA No. 5210, 17-1 BCA ¶ 36,648 ("Two payments over two years is not the extended period required to render the lease term dead. The facts, in the light most favorable to appellant, do not establish a course of dealing resulting in waiver " (citations omitted)); *ECC Int'l, LLC*, ASBCA No. 60484, 18-1 BCA ¶ 37,203 ("[The contractor]'s *two contracts* with [another agency] ran concurrently with the instant contract although they began some months before the award of the subject contract. [The contractor] cannot rely on concurrent contracts to establish a course of dealing '*over an extended period of time*'" (emphasis added) (quoting *Comptech Corp.*, ASBCA No. 55526, 08-2 BCA ¶ 33,982)).

In sum, even assuming the truth of the factual allegations, we find that Regent has not plausibly alleged that the Task Order 2 "ceiling" (the contract term which limited the District's liability to pay Regent for Task Order 2 services) was either modified or waived. Accordingly, Regent has failed to state a claim for breach of contract since the contract did not require the District to pay Regent more than the Task Order 2 ceiling and its claim seeks $179,818.75 in excess of the ceiling.[13]

[13] It has now been nearly *nine years* since the services that Regent seeks payment for in the Invoices were allegedly provided, and Regent has filed two cases with the Board which have been dismissed without Regent recovering $179,818.75 of the Invoices' amount. Though there is no statute of limitations for contractor claims under the District's procurement laws currently, any future attempt by Regent to assert a claim before the Board for payment of the Invoices may fail due to the above-noted passage of time. *See Advantage Healthplan*, CAB Nos. D-1239, D-1247, 2013 WL 6042884 (Oct. 4, 2013) (finding that the Board lacked jurisdiction over the contractor's claims and dismissing the claims *with prejudice* because the Board "conclude[s] that it would not be reasonable for the appellant to file claims in the above matters nine years after the alleged disputes occurred"), *reconsideration denied*, http://app.cab.dc.gov/cabasp/GetDoc.aspx?Database=CAB_DOCS&docnum=33812&version=1 (Dec. 22, 2015), *petition for review dismissed per stipulation*, 16-AA-0367 (D.C. Dec. 16, 2016), http://efile.dcappeals.gov/public/caseView.do?csIID=58946; *see also Anis Avasta Constr. Co.*, ASBCA No. 61107, 18-1 BCA ¶ 37,036 (finding that the contractor "waited over five years after it purportedly performed to seek compensation from the government" and denying the contractor's appeal due to laches (citations omitted)), *reconsideration denied*, 18-1 BCA ¶ 37,060.

CONCLUSION

For the reasons set forth above, we find that the Board has jurisdiction over this appeal but we grant the District's motion to dismiss for failure to state a claim upon which relief can be granted. Accordingly, this appeal is dismissed with prejudice.

SO ORDERED.

Date: May 19, 2026

/s/ Nicholas A. Majett
NICHOLAS A. MAJETT
Administrative Judge

CONCURRING:

/s/ Marc D. Loud, Sr.
MARC D. LOUD, SR.
Chief Administrative Judge

Electronic Service to:

Tyler Jay King, Esq.
Franklin Square Law Group
700 12th Street, N.W., Suite 700
Washington, D.C. 20005

Sheila Schreiber, Esq.
Tamar Glazer, Esq.
Office of the Attorney General
400 6th Street, N.W.
Washington, D.C. 20001

DISTRICT OF COLUMBIA CONTRACT APPEALS BOARD

APPEAL OF:

PADULA CONSTRUCTION COMPANY, INC.)
) CAB No. D-1610
Under DCHA Request for Proposals Solicitation No.: 54-2024)

ORDER OF DISMISSAL

Filing ID #78898035

Padula Construction Company, Inc. ("Padula") has filed what it purports is an "appeal" regarding a decision pursuant to a solicitation issued by the District of Columbia Housing Authority ("DCHA"). For the reasons set forth below, we find that the Board lacks jurisdiction over this matter.

BACKGROUND

On or around July 19, 2024, DCHA issued Request for Proposals Solicitation No.: 54-2024 ("the Solicitation") seeking "licensed, qualified professionals to provide Job Order Contract General Construction services in response to this solicitation." (Appellee's Answer Ex. 2.)[1] The Solicitation stated that DCHA would award "Job Order Contract(s)," which, as the Solicitation explained, are "competitively proposal [sic], lump sum, firm-fixed-price indefinite-quantity contract[s]." (Appellee's Answer Ex. 1, at 5, 50.) Each Job Order Contract would have an initial term of one year (or when the maximum contract value had been reached) and a "Minimum Contract Value" of $25,000. (*Id.* at 129, 248.) DCHA would subsequently order work, a "Job Order," to any contractor who had a Job Order Contract. (*Id.* at 68.)

The Solicitation's contents included many forms from the federal U.S. Department of Housing and Urban Development ("HUD"), such as "Instructions to Bidders for Contracts – Public and Indian Housing Programs," (*id.* at 8), and "General Conditions for Construction Contracts – Public Housing Programs," (*id.* at 13). The Solicitation made clear that both federal funds as well as District funds would be used to fund the Contract work. For instance, one of the Solicitation's "special conditions" stated: "When the Contract includes Work[2] for which the *Federal Government is to pay a portion of the cost thereof*, such Work shall also be subject to the inspection and approval by the representatives of the Federal Government." (Appellee's Answer Ex. 2, at 105 (emphasis added).)

Proposals under the Solicitation were due on November 20, 2024. (*See* Appellee's Answer Ex. 7, at 7.) On or around May 13, 2025, Padula's proposal was rejected. (*See* Notice of Appeal and Compl. on Appeal Ex. 1, at 1.) On April 9, 2025, DCHA approved the award of Job Order Contracts under the Solicitation to 21 offerors, for the total minimum amount of $525,000.[3] (Appellee's Br. Regarding Expenditure of Federal Funds Exs. at 328.) DCHA's "Certification of Funds Available," issued by DCHA's Chief Financial Officer, stated that the 21 awarded Job Order Contracts had a "Funding Source" of "Operating Capital- *Mixed* Funding *HUD* & City." (*Id.* at 329 (emphasis added).)

[1] Because certain documents in the record lack consistent internal page numbering, the Board has used the page numbers assigned by Adobe Reader when citing to all documents herein.
[2] The Solicitation defined "Work" as the work needed to complete a *Job Order*. (Appellee's Answer Ex. 2, at 53.)
[3] $525,000 is the sum of 21 IDIQ contracts awarded at the Solicitation-stated minimum of $25,000. (*See* Appellee's Answer Ex. 2, at 129, 148.)

On January 2, 2026, Padula filed what it purports is a "Notice of Appeal and Complaint on Appeal" which "challeng[es] the District of Columbia Housing Authority's ('DCHA') final decision denying Appellant's bid protest relating to Job Order Contract Program Proposal No. 54-2024." (Notice of Appeal and Compl. on Appeal at 1 (emphasis added).) On February 27, 2026, the Board ordered the District to, in relevant part, "file a brief regarding whether DCHA Request for Proposals Solicitation No.: 54-2024 is a procurement by DCHA involving the expenditure of federal funds as provided for in D.C. CODE § 6-219." (Order, Feb. 27, 2026.) On March 5, 2026, the District filed a brief which stated, in relevant part, that "[t]his Certification signed by the DCHA Chief Financial Officer states that *the funding source for the contracts* is 'Operating Capital – *Mixed Funding HUD* & City.'" (Appellee's Br. Regarding Expenditure of Federal Funds Exs. at 328 (emphasis added).) On March 10, 2026, Padula filed a response to the District's brief, in which Padula stated that this procurement "'*involves' federal funds* because it is part of a federally regulated program." (Padula's Resp. and Objs. to Appellee's Mar. 5, 2026, Br. Regarding Expenditure of Federal Funds ("Padula's Resp.") at 2 (emphasis added).) Like the District's brief had done, Padula pointed to the "Certification of Funds Available" issued by DCHA when awarding the 21 Job Order Contracts: "The accompanying Certification of Funds Available—signed by DCHA's Chief Financial Officer—*expressly identifies the funding source for these JOC contracts as 'Operating Capital – Mixed Funding HUD & City*,' thereby confirming the procurement involves the expenditure of federal funds." (*Id.* at 5 (underline emphasis added).) Padula further stated that "[t]he solicitation's incorporation of federal requirements is dispositive,"[4] (Padula's Resp. at 3), and "the governing resolution's CFO certification of 'Mixed Funding HUD & City' for the JOC contracts confirms federal funds are part of the authorized and available funding for the procurement," (*id.* at 8). On March 13, 2026, the District moved to dismiss this case, (Appellee's Mot. to Dismiss at 1-11), which Padula opposes, (Padula's Opp'n to Appellee's Mot. to Dismiss at 1-18).

DISCUSSION

This Board is an administrative tribunal created by the Procurement Practices Reform Act of 2010 ("the PPRA") § 1001, codified at D.C. CODE § 2-360.01 (2025). As an administrative tribunal created by the Council of the District of Columbia ("the Council"), the Board possesses only narrowly defined statutory powers. *Ramos v. D.C. Dep't of Consumer & Regul. Affs.*, 601 A.2d 1069, 1073 (D.C. 1992),

[4] Specifically, Padula stated the following with regards to the Solicitation's incorporation of federal requirements:

> The solicitation package requires offerors to acknowledge and complete multiple U.S. Department of Housing and Urban Development (HUD) forms, including HUD 5369 (Instructions to Bidders for Public and Indian Housing Programs), HUD 5369-A (Representations, Certifications and Other Statements of Bidders), and HUD 5370/5370-C (General Conditions), which integrate federal program requirements into the procurement, *further demonstrating that the procurement involves federal program funding* and compliance.
>
> The solicitation's pricing and wage frameworks also reference determinations "where HUD, or their designated representative, has determined the wage decision Construction Type" (Residential, Building, Service, Heavy & Highway), reinforcing that performance under the procurement is governed by federal labor standards and program conditions associated with HUD funding.
>
> Moreover, DCHA's Section 3 Contractor Compliance Agreement, incorporated into the procurement package and executed by offerors, recites that covered opportunities arise from development, operating, and modernization "funded by HUD," and imposes Section 3 obligations pursuant to 12 U.S.C. § 1701u and 24 C.F.R. Part 135—requirements that apply when HUD funds are involved—*further evidencing that the procurement involves federal funds*.

(Padula's Resp. at 8 (emphasis added).)

cited in Prince Constr. Co. v. D.C. Cont. Appeals Bd., 892 A.2d 380, 384 (D.C. 2006). Section 2-360.03(b) of the D.C. Code states the following:

> (b) Jurisdiction of the Board *shall be consistent with the coverage of this chapter [3A of Title 2]*[5] *as set forth in § 2-351.05*, except that the Board may enter into fee-for-service agreements with agencies, departments, boards, commissions, and instrumentalities of the District or other public entities that are not subject to the Board's jurisdiction. The agreements shall provide for the Board to resolve contract disputes, including appeals and protests of those agencies, departments, boards, commissions, and instrumentalities. With agreements of the parties, the Board may provide alternate dispute resolution services.

D.C. CODE § 2-360.03(b) (2025) (emphasis added).

Section 2-351.05 of the D.C. Code exempts "[p]rocurements by the District of Columbia Housing Authority *involving the expenditure of federal funds* as provided for in § 6-219[6]" from Chapter 3A of Title 2 (the PPRA, *see supra* note 5).[7] D.C. CODE §§ 2-351.05(c)(16A), 2-352.02 (2025).[8] The District has provided a brief and exhibits which show that the Job Order Contracts awarded under the Solicitation involved federal funds (since they come from a fund which has *mixed* federal and local dollars). (Appellee's Br. Regarding Expenditure of Federal Funds Exs. at 328 (emphasis added).) And, as mentioned above, Padula *agrees* that the Solicitation involves federal funds. (*See* Padula's Resp. at 2-3, 5, 8.) Amongst other statements that the Solicitation involves federal funds, Padula asserts that "[t]he accompanying Certification of Funds Available . . . confirm[s] the procurement involves the expenditure of federal funds," (*id.* at 5), and "[the District]'s motion [to dismiss] *confirms federal funding's applicability*, (Padula's Opp'n to Appellee's Mot. to Dismiss at 10). We agree with both the District and Padula that the Solicitation involves federal funds for the reasons both parties have given (primarily that the 21 Job Order Contracts awarded pursuant to the Solicitation used *mixed federal and local funding* when funding the minimum $25,000 for each contract, (*see* Appellee's Br. Regarding Expenditure of Federal Funds Exs. at 328)). Accordingly, the Board lacks jurisdiction over this case pursuant to D.C. CODE §§ 2-351.05(c)(16A), 2-360.03(b).[9]

---

[5] The PPRA was codified as Chapter 3A, "Government Procurement." *See D.C. Law 18-371 - Procurement Practices Reform Act of 2010*, COUNCIL OF D.C., http://code.dccouncil.gov/dc/council/laws/18-371 (last visited Mar. 30, 2026).

[6] D.C. CODE § 6-219 allows DCHA to issue "rules governing procurements involving the expenditure of federal funds that are inconsistent with [the PPRA]" but still requires DCHA to submit multiyear contracts and contracts in excess of $1 million to the Council for review and approval, *see infra* note 7. D.C. CODE § 6-219(b) (2025).

[7] Such DCHA procurements involving the expenditure of federal funds are still subject to the requirement that multiyear contracts and contracts in excess of $1 million be submitted to the Council for review and approval. D.C. CODE §§ 2-351.05(c)(16), 2-352.02 (2025).

[8] The removal of DCHA procurements involving federal funds (D.C. CODE §§ 2-351.05(c)(16A)) was the result of the Council's enactment of the Fiscal Year 2024 Budget Support Act of 2023, D.C. Law 25-50, 70 D.C. Reg. 12679, 12679, http://lims.dccouncil.gov/Legislation/B25-0202. That law (enacted by the Council as Act 25-176) (1) added paragraph (16A) to the list of PPRA exemptions; and (2) specifically *removed* the Board's jurisdiction (Title IX of the PPRA) over DCHA procurements. Fiscal Year 2024 Budget Support Act of 2023, D.C. Act 25-176, 70 D.C. Reg. 10366, 10373, http://lims.dccouncil.gov/Legislation/B25-0202.

[9] This Board does not have a D.C. CODE § 2-360.03(b) "fee-for-service agreement" with DCHA to otherwise give the Board jurisdiction over DCHA procurements involving the expenditure of federal funds.

CONCLUSION

For the reasons set forth herein, the Board finds that it lacks jurisdiction over this matter since the procurement at issue is a DCHA procurement involving the expenditure of federal funds. Accordingly, we dismiss this case with prejudice.

SO ORDERED.

Date: March 30, 2026

/s/ Nicholas A. Majett
NICHOLAS A. MAJETT
Administrative Judge

CONCURRING:

/s/ Marc D. Loud, Sr.
MARC D. LOUD, SR.
Chief Administrative Judge

Electronic Service to:

Thomas A. Mauro, Esq.
Mauro Law Offices P.C.
700 Pennsylvania Avenue, S.E., Suite 2039
Washington, D.C. 20003

Eric Topor, Esq.
Office of the General Counsel
District of Columbia Housing Authority
300 7th Street, S.W., 10th Floor
Washington, D.C. 20024

DISTRICT OF COLUMBIA CONTRACT APPEALS BOARD

PROTEST OF:

UK CONSULTING, LLC D/B/A UNION KITCHEN)
) CAB No. P-1216
Re: FY26 DC SNAP Employment and Training Program)

ORDER DISMISSING PROTEST

Filing ID #77409147

On May 2, 2025, the District of Columbia Department of Human Services ("DHS") issued a Notice of Funding Availability for "FY26 DC SNAP Employment and Training Program *Grants*." (District's Mot. to Dismiss for Lack of Jurisdiction in Lieu of Agency Report and Mot. for Protective Order ("District's Mot. to Dismiss") Ex. 1, at 2 (emphasis added).)[1] The notice stated that the program was "a cost-reimbursable *grant funding* opportunity" and that a Request for Applications would also be issued. (District's Mot. to Dismiss Ex. 1, at 2 (emphasis added).) The Request for Applications, RFA # SNAP E&T-2026-01 ("the RFA"), stated that "[t]he purpose of these *grants* is to advance DHS's mission to empower every District resident to reach their full potential by providing meaningful connections to work opportunities, economic assistance and supportive services." (District's Mot. to Dismiss Ex. 2, at 2, 6 (emphasis added).) Under section 1.12, "DHS's Authority to Make *Grants*," the RFA stated the following:

> DHS has *grant*-making authority under:
> • 1 DCMR §§ 5000, et seq. (Subgrants to Private and Public Agencies).
> • Food and Nutrition Act of 2008 (Pub. L. No 110-246, §6(d)(4); 7 U.S.C. §2015(d)(4).

(*Id.* at 9-10 (emphasis added).)

The RFA also included sections regarding "Permissible Use of *Grant* Funds," "*Grant* Monitoring," "Projects Proposed for *Grant* Funding," and "*Grantee* Document Requirements," (*id.* at 9-10, 36 (emphasis added)), and used the word "grant" several hundred times. The RFA required all applications to be submitted by May 30, 2025. (*Id.* at 27.) Section 1.4 of the RFA set out the "Competition for a *Grant* Award:"

> This RFA is competitive. Each Applicant must demonstrate its ability to carry out the activities for the *grant* for which it applies (called a "project") . . . . *The proposal/s with the highest score/s will be awarded a grant*.
>
> Specifically, *grant awards* will be made based on eligibility (Section 1.6), the extent to which the proposed project fits *within the scope and available funding of the grant*, strength of the application, and the organization's capacity to achieve *the grant's goals*.

(*Id.* at 7 (emphasis added).)

[1] Because certain documents in the record lack consistent internal page numbering, the Board has used the page numbers assigned by Adobe Reader when citing to all documents herein.

On September 2, 2025, UK Consulting, LLC d/b/a Union Kitchen ("Union Kitchen") filed a protest with the Board titled "Re: Protest of FY 2026 SNAP E&T Funding Denial – Union Kitchen (UK Consulting, LLC)." (Protest at 117.) The protest stated that it was "Union Kitchen's formal protest of the Department of Human Services' decision to deny Union Kitchen FY 2026 funding under the District's SNAP Employment & Training ('SNAP E&T') program." (*Id.*) The protest alleged that Union Kitchen "is an aggrieved offeror pursuant to D.C. Code § 2–360.08(a), as we applied for FY26 SNAP E&T provider funding and on August 20, 2025 were not selected – effectively a contract award denial" and that Union Kitchen "file[d] this protest within ten business days of receiving the denial (the denial notice was sent August 20, 2025), thus making it timely under D.C. Code § 2–360.08(b)(2)." (*Id.*) As "background," Union Kitchen's protest stated that it "has been a SNAP E&T provider for over ten years" and made allegations regarding DHS' actions regarding Union Kitchen's "FY*25 grant*." (*Id.* at 117-23 (emphasis added).) Union Kitchen's "grounds for protest" alleged that (1) "DHS failed to adhere to fundamental principles of fairness and transparency in the solicitation and evaluation process for the FY26 funding;" (2) "DHS acted with bad faith and retaliatory intent toward Union Kitchen, rendering the funding denial improper;" and (3) "the decision to deny Union Kitchen FY26 funding was arbitrary and capricious on its face." (*Id.* at 123-26.)

On September 23, 2025, the District moved to dismiss the protest, arguing that "the Board lacks jurisdiction to hear grant-related challenges." (District's Mot. to Dismiss at 2.) Union Kitchen opposes dismissal and argues that the Board has jurisdiction because, *inter alia*, "the FY*25* Agreement is a procurement contract and that the protest arises under and relates to the contract." (Union Kitchen's Opp'n to the District's Mot. to Dismiss and Resp. to Mot. for Protective Order ("Union Kitchen's Opp'n") at 15 (emphasis added).) The majority of Union Kitchen's opposition to the District's Motion to Dismiss focuses on allegations regarding DHS' conduct during the FY*25* agreement. (*See, e.g.*, *id.* at 12 ("DHS Breached the Contract by Failing to Exercise the Option Year"), 13 ("DHS Violated . . . the Contract by Withholding Payments and Imposing Improper Conditions").)

We agree with the District that we lack jurisdiction. This Board is an administrative tribunal created by the Procurement Practices Reform Act of 2010 § 1001 (codified at D.C. CODE § 2-360.01 (2024)). As an administrative tribunal created by the Council, the Board possesses only narrowly defined statutory powers. *Ramos v. D.C. Dep't of Consumer & Regul. Affs.*, 601 A.2d 1069, 1073 (D.C. 1992), *cited in Prince Constr. Co. v. D.C. Cont. Appeals Bd.*, 892 A.2d 380, 384 (D.C. 2006). D.C. CODE § 2-360.03(b) (2024) states that the "[j]urisdiction of the Board shall be consistent with the coverage of this chapter [3A of Title 2][2] as set forth in § 2-351.05." In short, this Board's jurisdiction, including the Board's bid protest authority, is coextensive with Chapter 3A of Title 2 (§§ 2-351.01 to 2-362.03) of the D.C. Code; if a procurement action or a contract action is outside D.C. CODE §§ 2-351.01 to 2-362.03 (2024), then it is not within the Board's jurisdiction. *See, e.g.*, *FTI Consulting, Inc.*, CAB No. P-1071, 2018 WL 3694128 ("[W]e adhere to the jurisdictional limitations of the PPRA statute." (citations omitted)); *Barton & Assocs.*, CAB No. D-1444, 2009 WL 8691071 (stating that the Procurement Practices Reform Amendment Act of 2010 "expressly defines and limits our jurisdiction"). And D.C. CODE § 2-351.05(c)(12) states that Chapter 3A of Title 2 *does not apply to* "[a] contract or agreement receiving or making grants or loans or for federal financial assistance." Thus, the Board lacks jurisdiction over protests involving grants. *See Masjid Muhammad, Inc.*, CAB No. P-1148, 69 D.C. Reg. 13035, 13036 (Jan. 3, 2022) ("[T]he PPRA specifically excludes from its coverage and, therefore, from the Board's jurisdiction 'a contract or agreement receiving

[2] The Procurement Practices Reform Act of 2010 was codified as Chapter 3A, "Government Procurement." *See D.C. Law 18-371 - Procurement Practices Reform Act of 2010*, COUNCIL OF D.C., https://code.dccouncil.gov/dc/council/laws/18-371 (last visited Oct. 21, 2025). As such, this chapter is generally referred to as the Procurement Practices Reform Act of 2010 (or "the PPRA"), *see, e.g.*, *FTI Consulting, Inc.*, CAB No. P-1071, 2018 WL 3694128 (May 8, 2018); *Barton & Assocs.*, CAB No. D-1444, 2009 WL 8691071 (May 16, 2012), though there have been certain amendments to Chapter 3A, none of which are relevant here.

or making grants or loans or for federal financial assistance.'" (quoting D.C. CODE § 2-351.05(c)(12))). Accordingly, the Board lacks jurisdiction over the instant protest because Union Kitchen's protest grounds relate to the RFA in which DHS is seeking *grant* applications in order to award a *grant* agreement and disburse *grant* funds, (*see* District's Mot. to Dismiss Ex. 2, at 6, 9); the RFA involves "[a] contract or agreement receiving or making grants," D.C. CODE § 2-351.05(c)(12). *See PEEK, LLC*, CAB No. P-1196, 71 D.C. Reg. 13238, 13239 (June 4, 2024) (dismissing protest for lack of jurisdiction since it related to a request for grant applications in order to award a grant and disburse grant funds (citation omitted)); *Masjid Muhammad, Inc.*, CAB No. P-1148, 69 D.C. Reg. at 13036 (finding that "[i]n the event that the protester's application had been successful, it would have resulted in a grant award" and dismissing the protest for lack of jurisdiction "since this matter relates to the award of a grant").[3]

To the extent that, in its opposition to the District's Motion to Dismiss, Union Kitchen is alleging that DHS "breached" Union Kitchen's prior FY*25* contract "by failing to exercise the option year and by issuing a new RFA," (Union Kitchen's Opp'n at 16), the Board also lacks jurisdiction over this allegation in the present protest matter. In addition to its authority to hear and resolve bid protests, the Board also has authority to review, as an appeal, a contracting officer's decision to not exercise a contract option. *See, e.g.*, *Am. Flag Constr., Inc.*, CAB No. D-1135, 50 D.C. Reg. 7441, 7441, 7443 (July 25, 2002) (finding that the District did not abuse its discretion in declining to exercise an option to extend the contract term, despite giving preliminary notice to the contractor of its intent to do so). With respect to such appeals, the Board has jurisdiction over "[a]ny appeal by a contractor from a final decision by the contracting officer on a claim by a contractor, when the claim arises under or relates to a contract."[4] D.C. CODE § 2-360.03(a)(2). The Board also has jurisdiction over the "deemed denial" of a claim, if a contracting officer does not issue a final decision on a contractor's written claim within 120 days. *See id.* § 2-359.08(a)-(c). Union Kitchen does not allege that there has been a final decision (or deemed denial) from the contracting officer or any written claim submitted by Union Kitchen to the contracting officer regarding the alleged "FY25 Contract." In the absence of a contracting officer's final decision, or the deemed denial of a Union Kitchen claim, by the contracting officer, the Board is without jurisdiction to hear Union Kitchen's allegations regarding the District's decision to not exercise an option year.[5] *Blocker & Brown Polygraph Servs., Inc.*, CAB No. P-1028, 2017 WL 1968357 (Feb. 10, 2017) (citations omitted).

For the reasons set forth herein, the Board grants the District's motion to dismiss, finding that we lack jurisdiction over Union Kitchen's challenges regarding the RFA because the RFA involves grant

[3] Union Kitchen's attempt to distinguish these cases because they involved "new grants" and did not have an "existing contractual relationship," (Union Kitchen's Opp'n at 14), shows a misunderstanding of the issue: Union Kitchen's protest is a protest regarding the RFA, which involves a contract or agreement receiving or making grants. As explained below, Union Kitchen's allegations regarding its FY*25* contract/agreement with DHS are outside of the jurisdiction of this protest case.

[4] Again, such jurisdiction does *not* extend to "[a] contract or agreement receiving or making grants or loans or for federal financial assistance." D.C. CODE § 2-351.05(c)(12).

[5] We are not deciding here whether the Board *would* have jurisdiction (as an appeal/dispute) over Union Kitchen's allegations regarding its prior FY25 "Contract" (as labeled by Union Kitchen), *i.e.*, Union Kitchen's allegations that DHS' failure to exercise the option period was improper. Rather, *even if* Union Kitchen's FY25 Contract was a procurement contract over which the Board *could* have jurisdiction pursuant to D.C. CODE § 2-360.03(a)(2), the Board would lack jurisdiction in this protest matter since Union Kitchen has not alleged that there was a contract claim by Union Kitchen sent to the contracting officer (which was denied or deemed denied), *see Blocker & Brown Polygraph Servs., Inc.*, CAB No. P-1028, 2017 WL 1968357. In other words, because the prerequisite of a "claim" has not been satisfied, the Board need not and does not decide whether it would have jurisdiction over a "claim" brought under the FY25 Contract or whether such FY25 Contract is a grant agreement over which the Board does not have jurisdiction.

applications to receive a grant agreement. Accordingly, we dismiss Union Kitchen's protest with prejudice, and dismiss its appeal allegation without prejudice.[6]

SO ORDERED.

Date: October 21, 2025

/s/ Nicholas A. Majett
NICHOLAS A. MAJETT
Administrative Judge

CONCURRING:

/s/ Marc D. Loud, Sr.
MARC D. LOUD, SR.
Chief Administrative Judge

Electronic Service to:

Thomas M. Wolf, Esq.
O'Hagan Meyer, PLLC
411 East Franklin Street, Suite 500
Richmond, VA 23219

Hunter S. Cox, Esq.
Office of the Attorney General
400 6th Street, N.W., Suite 9100
Washington, D.C. 20001

Elena Gonzalez, Chief Operating Officer
UK Consulting, LLC d/b/a Union Kitchen
1369 New York Avenue, N.E.
Washington, D.C. 20002

[6] On October 16, 2025, after briefing was completed in this matter, counsel for Union Kitchen filed a notice withdrawing as the representative for Union Kitchen. (Notice of Withdrawal as Counsel.) The Board will electronically serve this decision to both Union Kitchen and its former counsel.

DISTRICT OF COLUMBIA CONTRACT APPEALS BOARD

PROTEST OF:

HUNT REPORTING COMPANY)
) CAB No. P-1219
Under Solicitation No. Doc786271)

ORDER OF DISMISSAL

Filing ID #77944830

This protest arises from a solicitation for court reporting and transcription services, issued by the District of Columbia Office of Contracting and Procurement ("OCP") on behalf of the Department of Employment Services. Hunt Reporting Company ("Hunt" or "the protester") challenges the District's decision to award a contract to Neal R. Gross & Co., Inc. ("Neal Gross"), arguing that the District should have reissued the solicitation on the open market instead of making an award to Neal Gross. In response, the District argues that the protester lacks standing and raised an untimely challenge to the terms of the solicitation and, in the alternative, that the contracting officer's award decision was reasonable. For the reasons set forth below, the Board dismisses the protest for lack of standing.

BACKGROUND

On August 20, 2025, OCP issued an Invitation for Bids through Solicitation No. Doc786271 ("the IFB") seeking "verbatim stenographic and court reporting services of formal hearings and pre-hearing conferences." (*See* District's Mot. to Dismiss and Agency Report ("AR") Ex. G, at 2-3; AR at 5.)[1] The IFB was set aside for bidders designated as "certified business enterprises" ("CBEs") by the District of Columbia Department of Small and Local Business Development.[2] (*See* AR Ex. G, at 2; AR at 5.) The IFB stated that "[t]he District *may* award multiple contracts for these services" and that the awarded contract(s) would be a one-year requirements contract with up to four one-year option periods. (AR Ex. G, at 3 (§ B.1), 11 (§§ F.1, F.2.1) (emphasis added).) The IFB included a "Price Schedule" whereby bidders were to enter their "price per unit" for various services and then multiply the unit price by the IFB's estimated units to arrive at a total price. (*Id.* at 4-5 (§ B.4).)

By the September 2, 2025, deadline for bids, two bidders had submitted bids: (1) Neal Gross; and (2) The Excalibur Group ("Excalibur"). (*See* AR Ex. H, at 2-4; AR at 6.) Hunt, who is not a CBE and therefore could not bid on the IFB, (*see* Protest at 4), did not submit a bid, (*see* AR Ex. H, at 2-4; AR at 6). OCP tabulated the total bid prices as follows:

Term	Neal R Gross & CO Inc		The Excalibur Group	
	Bidder A		Bidder B	
Base Year		$219,970.00		$209,640.00
Option Year One		$224,522.40		$209,640.00

[1] Because certain documents in the record lack consistent internal page numbering, the Board has used the page numbers assigned by Adobe Reader when citing to all documents herein.

[2] Pursuant to D.C. CODE § 2-218.02(1D) (2024), a "'[c]ertified business enterprise' means a local business enterprise," further defined as meaning that the business, *inter alia*, "[h]as its principal office located physically in the District of Columbia" and "[r]equires that its chief executive officer and the highest level managerial employees of the business enterprise perform their managerial functions in their principal office located in the District," *id.* § 2-218.31.

Option Year Two		$228,934.80		$209,640.00
Option Year Three		$233,362.20		$209,640.00
Option Year Four		$237,799.60		$209,640.00
TOTAL		**$1,144,589.00**		**$1,048,200.00**

(AR Ex. H, at 4.)

During the period of September 10-15, 2025, OCP requested that the two bidders provide certain insurance and experience requirements, which the bidders provided. (AR Exs. I, J.) On September 24, 2025, the contracting officer ("the CO") issued determinations finding that the prices in each of the two bids received were fair and reasonable. (AR Ex. K, at 2-3, 7-8.) Specifically, the CO stated that they (1) "conducted market research by examining prior District contracts for stenographic and court reporting services to compare rates and total expenditures;" (2) "[r]eviewed publicly available open market pricing for similar services to establish a benchmark;" and (3) "reviewed historical rates paid under prior contracts (CW84512) for comparable services and determined that the proposed price is consistent with past expenditures." (*Id.*) On October 1, 2025, the District awarded contracts to both Neal Gross (Contract No. CW128208) and Excalibur (Contract No. CW129208), each in a not-to-exceed amount of $250,000.00. (AR Ex. L, at 2; AR Ex. M, at 2.)

On October 10, 2025, Hunt filed the instant protest against "Contract Number: CW128208 . . . Awardee: Neal R Gross and Co., Inc.," arguing that "the award is contrary to Code §§ 2-218.44(b) and 2-218.45(c), unsupported by the required written determination, and irreconcilable with the procurement record" because "Gross's bid was more than **30% higher** than Hunt [R]eporting's fees" under a prior contract." (Protest at 2-5.) Hunt's protest did not challenge the award to Excalibur. (*See id.* at 1-6.) According to Hunt's protest, on October 3, 2025, Hunt received a response to a FOIA request that Hunt had submitted which provided OCP's entire bid tabulation of the bids received from Neal Gross and Excalibur, (Protest at 5-6), which showed, *inter alia*, the above-mentioned total bid prices (i.e., that Excalibur had submitted the low bid), (*id.* at 99-100). On October 21, 2025, the District filed a Determination and Findings to Proceed with Contract Performance After Receipt of a Protest ("the D&F to Proceed") which stated, in pertinent part, that OCP had awarded contracts under the IFB to both Neal Gross and Excalibur. (Determination and Findings to Proceed With Contract Performance After Receipt of a Protest at 1; *see also* District's Notice of the District of Columbia's Determination and Findings to Proceed While a Protest Is Pending at 1.) On October 30, 2025, the District filed a Motion to Dismiss and Agency Report ("the AR"), arguing, *inter alia*, that (1) Hunt lacks standing to bring its protest; and (2) Hunt is untimely challenging "the propriety of the set-aside;" and (3) alternatively, the CO has discretion in determining whether to decline award of a set-aside solicitation and instead reissue the solicitation on the open market and the CO's decision not to in this instance was reasonable. (AR at 8-16.) On November 10, 2025, Hunt filed its response to the AR. (Protester's Opp'n to the District's Mot. to Dismiss and Resp. on the Merits (In the Alternative) at 1-12.)

DISCUSSION

The District argues that Hunt does not have standing to protest because Hunt is not a CBE and "it would not have been in line for award." (AR at 8-9 (quoting *C & E Servs., Inc.*, CAB No. P-0356, 40 D.C. Reg. 4942, 4945 (Feb. 10, 1993)).) We agree that Hunt lacks standing in this protest.

The Board's protest jurisdiction extends only to a protest "by any actual or prospective bidder, offeror, or the contractor who is aggrieved in connection with the solicitation or award of a contract." D.C. CODE § 2-360.03(a)(1) (2024). Although undefined by statute, our rules define an aggrieved person as "an actual or prospective bidder or offeror (i) whose direct economic interest would be affected by the award of a contract or by the failure to award a contract, or (ii) who is aggrieved in connection with the solicitation

of a contract." Board Rule 199.1, D.C. MUN. REGS. tit. 27, § 199.1 (2020). It is well-settled that a protester has standing as an aggrieved person when "it would be next in line for award if its protest were sustained." *C.P.F. Corp.*, CAB No. P-0521, 45 D.C. Reg. 8697, 8699 (Jan. 12, 1998). Conversely, "[a] protester lacks standing where it would not be in line for award even if its protest were upheld." *AMI Risk Consultants, Inc.*, CAB No. P-0900, 2012 WL 4753867 (May 25, 2012) (quoting *C.P.F. Corp.*, CAB No. P-0521, 45 D.C. Reg. at 8699); *see also IAP World Servs., Inc.*, B-418735.3 *et al.*, 2021 CPD ¶ 212 at *5 (Comp. Gen. Apr. 30, 2021) (finding that the protester was not an interested party because it would not be in line for award even if its protest were sustained since the protester did not challenge the intervening offeror and rejecting the protester's argument that it did challenge the intervening offeror, finding that the protester's filings only included "general statements about all or other offerors" and "were limited to the agency's award decision relative to [the awardee]'s proposal").[3]

Hunt's protest solely challenges the award to Neal Gross (Contract No. CW128208), and *does not* state that it is challenging the award made to Excalibur. (*See* Protest at 2 ("Contract Number: CW128208 . . . Awardee: Neal R Gross and Co., Inc.,"), 3 ("obvious bias of OPC [sic] towards Gross"), 3 ("[t]he Bid Tabulation provides that Gross bid $12.49 a page for the initial year of the contract, a substantial increase (almost 30%!) from the $9.62 a page Gross previously bid"), 3 ("Gross's bid was more than 30% higher than Hunt [R]eporting's fees"), 4 ("[t]he prior incumbent, Hunt Reporting, performed the contract at fees approximately 30% lower than Gross's bid under the Contract").) Although Hunt's protest was apparently under the incorrect belief that Excalibur was not awarded a contract, (*see id.* at 3), by October 21, 2025, when the District filed the D&F to Proceed in this matter, Hunt knew (or should have known) that *both* Excalibur and Neal Gross were awarded contracts under the IFB (in addition to Hunt knowing the bid prices based on the previously-mentioned FOIA response provided to Hunt), (*see* Determination and Findings to Proceed With Contract Performance After Receipt of a Protest at 1; *see also* District's Notice of the District of Columbia's Determination and Findings to Proceed While a Protest Is Pending at 1). Yet Hunt did not file a supplemental protest challenging the award made to Excalibur, and the statutory deadline to raise such protest grounds has passed, *see* D.C. CODE § 2-360.08(b)(2) (2024) ("[P]rotests shall be filed not later than 10 business days after the basis of protest is known or should have been known, whichever is earlier.").[4] As such, since Hunt's protest grounds only relate to the award to Neal Gross, Hunt would not be in line for award *even if* the Board were to sustain Hunt's protest since the award to Excalibur would remain. In other words, even if the Board were to determine that the CO's decision to award a contract to Neal Gross was unreasonable because "Gross's bid was more than 30% higher than Hunt [R]eporting's fees," (Protest at 3 (emphasis removed)), the award to Excalibur would remain.[5] Accordingly, we find that

[3] The Board often looks to decisions of its federal bid protest counterparts, such as the Government Accountability Office ("the GAO") for guidance. *See, e.g.*, *Phoenix Cap. Partners, LLC*, CAB No. P-0938, 63 D.C. Reg. 12041, 12044 (Sept. 4, 2013); *Total Healthcare Sols., LLC*, CAB No. P-1082, 68 D.C. Reg. 9627, 9629 n.3 (Oct. 3, 2018). The relevant GAO definition regarding standing is substantially similar to the Board's. *See* 4 C.F.R. § 21.0(a)(1) (2025) ("*Interested party* means an actual or prospective bidder or offeror whose direct economic interest would be affected by the award of a contract or by the failure to award a contract.").

[4] Hunt's response to the AR does not mention "Excalibur" at all. (*See* Protester's Opp'n to the District's Mot. to Dismiss and Resp. on the Merits (In the Alternative) at 1-12.) But even if Hunt's response to the AR were to somehow be construed as containing a supplemental protest ground challenging award to Excalibur, this supplemental protest ground would be untimely since Hunt knew of the basis of the protest ground at least by October 21, 2025 (via the D&F to Proceed filing) yet the response was filed on November 10, 2025, more than ten business days later. *See* D.C. CODE § 2-360.08(b)(2); *see also Tree Servs., Inc.*, CAB No. P-0982, 63 D.C. Reg. 12279, 12282 (May 1, 2015) (protester lacked standing where its initial protest did not challenge the offeror who was next in line to receive award and the protester's subsequent challenge to such offeror was untimely; independent protest grounds filed after initial protest must still satisfy timeliness requirements (citation omitted)).

[5] Although the IFB stated that the District *may* award multiple contracts, (AR Ex. G, at 3 (§ B.1)), this does not *require* multiple awards. *See Neal R. Gross & Co.*, B-233144, 89-1 CPD ¶ 160 at *2 (Comp. Gen. Feb. 15, 1989) (denying the protester's argument that "the agency was required to make multiple awards" because the solicitation "stated only

Hunt lacks standing. *See Trusted Health Plan (D.C.), Inc.*, CAB No. P-1169, 70 D.C. Reg. 14015, 14024 n.15 (Dec. 23, 2022) (finding that the protester lacked standing since, even if the protest were sustained, two awards would remain and "any remote chance that the District may start an entirely new procurement is not requisite showing of the *direct economic interest* needed to show standing" (citations omitted)), *petition for review dismissed by consent*, 2023-CAB-000520 (D.C. Super. Ct. June 5, 2025), http://portal-dc.tylertech.cloud/portal; *see also IAP World Servs., Inc.*, B-418735.3 *et al.*, 2021 CPD ¶ 212 at *5; *Panum Telcom, LLC*, B-418202, 2020 CPD ¶ 34 at *2-3 (Comp. Gen. Jan. 17, 2020) (finding that the protester was not an interested party because it would not be in line for award even if its protest were sustained since the protester did not challenge the intervening offeror and rejecting the protester's argument that "its allegation that the agency improperly evaluated [the awardee]'s proposed staffing also applies to the evaluation of [the intervening offeror]'s proposal, finding that the protester initially "limited its challenge to the agency's evaluation of [the awardee]'s proposal" and only subsequently *untimely* challenged the intervening offeror).

Moreover, although we need not reach the issue because we have found that Hunt lacks standing as discussed above, the Board points out that Hunt's protest also may have failed to state a valid basis of protest. The basis of Hunt's protest is that "Gross's bid was more than 30% higher" than what Hunt alleges the open market price would be, and thus, pursuant to D.C. CODE § 2-218.44(b) (2024), the CO should have been "reissued on the open market." (Protest at 5 (emphasis removed).) However, D.C. CODE § 2-218.44(b) expressly grants agencies *the discretion* to decline to award a set-aside contract (and instead reissue the procurement on the open market).[6] Considering that the goal of CBE set-aside contracts, as stated by the Council of the District of Columbia when enacting D.C. CODE § 2-218.44(b), is "to improve contracting and procurement opportunities for local, small, and disadvantaged businesses based in the District," Fiscal Year 2006 Budget Support Act of 2005, D.C. Law No. 16-33, preamble, 52 D.C. Reg. 7503, 7509 (Oct. 20, 2005), and also considering that agencies have their own requirements to contract a certain amount of money with CBEs, *see* D.C. CODE § 2-218.41 (2024), it would appear to be contrary to the legislative intent to allow non-CBEs, such as Hunt, to force a contracting agency to withdraw a set-aside solicitation and reissue the solicitation on the open market.[7] *See Pearson VUE*, CAB No. P-0997, 65
D.C. Reg. 5426, 5432 (Oct. 13, 2016) ("[A]n interpretation of the statute that allows non-CBEs, such as the protester, to force a contracting agency to pursue a waiver of the subcontracting requirements — to the detriment of CBEs — would be contrary to the purpose and intent of the SCBED Act." (citation omitted)).

---

that the government 'may' make multiple awards); *Hawkeye Glove Mfg., Inc.*, B-299741, 2007 CPD ¶ 143 at *2 (Comp. Gen. Aug. 2, 2007) ("Even where a solicitation specifically states an intention to award multiple contracts, it does not impose on the agency a legal obligation to make more than one award." (citations omitted)). Any remote chance that the District would start an entirely new procurement, issued on the open market instead of as a mandatory set-aside, is not a requisite showing of the *direct economic interest* needed to show standing, *see* Board Rule 199.1, D.C. MUN. REGS. tit. 27, § 199.1. *See Tyonek Worldwide Servs., Inc.*, B-409326.6, 2014 CPD ¶ 156 at *1, 3 (Comp. Gen. May 15, 2014) (denying reconsideration of decision that found the protester lacked standing to challenge the awardee's proposal because the agency reasonably determined the protester's proposal was unacceptable; "[the protester]'s *speculation concerning what might have occurred* if its challenge to the evaluation of [the awardee]'s proposal had been sustained is too tenuous to show the direct economic interest required to be considered an interested party to raise such a challenge" (emphasis added)).

[6] The Board further notes that the protester incorrectly argues that a written decision by the CO regarding D.C. CODE § 2-218.44(b) is required. (*See* Protest at 4 ("OCP wholly ignored" the "contemporaneous written determination"), 5 ("the award is . . . unsupported by the required written determination"), 5 ("OCP must comply . . . by issuing a contemporaneous written determination addressing the 30% price disparity and posting it as required").) But the provision only requires that *if* an agency determines to decline to award (i.e., withdraw the set-aside), *then* the agency needs to issue a public written determination (that states that bids are believed to be 12% or more above the likely open market price). D.C. CODE § 2-218.44(b)-(c) (2024). There is no need for any written determination when, as here, the set-aside procurement continues (and is not declined/withdrawn).

[7] In fact, the protester's position would give *no* discretion to agencies at all. The protester argues that "if . . . the agency determines that the set-aside pricing is more than 12% above likely open-market levels, the procurement *must be reissued on the open market*," (Protest at 5), which is contrary to what D.C. CODE § 2-218.44(b) provides.

Finally, in its protest Hunt states that "the Board may want to investigate the extreme bias that has been shown in favor of Gross" though Hunt states this is "not an element" of its protest. (Protest at 5 n.3.) To the extent that this can somehow be seen as a protest ground alleging bias towards Neal Gross, the Board rejects this protest ground since it is based on the protester's incorrect assertion that Neal Gross was the only contract awardee and its unsubstantiated allegation that Excalibur may have been "just a decoy bidder used to satisfy the appearance of competition," (Protest at 3 n.1), and accordingly fails to meet the standard of "well-nigh irrefragable proof – that is, clear and convincing evidence – of the alleged wrongdoing" needed to show that a government official was biased.[8] *Hayat Brown LLC*, CAB No. P-1101, 68 D.C. Reg. 9867, 9884 (Oct. 3, 2019) (citations omitted).

CONCLUSION

For the reasons set forth herein, the Board grants the District's motion to dismiss, finding that Hunt lacks standing to protest since Hunt's protest only challenges the award made to Neal Gross and even if the Board were sustain that protest, Hunt would not be in line for award since Excalibur would remain an awardee. Accordingly, we dismiss the instant protest with prejudice.

SO ORDERED.

Date: December 8, 2025

/s/ Nicholas A. Majett
NICHOLAS A. MAJETT
Administrative Judge

CONCURRING:

/s/ Marc D. Loud, Sr.
MARC D. LOUD, SR.
Chief Administrative Judge

Electronic Service to:

Eli Greenberg, Esq.
Schwartz Sladkus Reich Greenberg Atlas, LLP
444 Madison Avenue, 6th Floor
New York, NY 10022

Kirti Suri, Esq.
Office of the Attorney General
400 6th Street, N.W., Suite 9100
Washington, D.C. 20001

[8] Hunt also misunderstands the role of the Board, which is an adjudicatory tribunal for protests and contract claims disputes, *see* D.C. CODE § 2-360.03 (2024), not an investigatory body.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
CONTRACT APPEALS BOARD

PROTEST OF:

DATCO SERVICES CORPORATION	)	
	)	CAB No. P-1220
Under Solicitation No. Doc778975	)	

For the Protester, DATCO Services Corporation: Courtney Morgan, *pro se*. For the District of Columbia: Jason Soltis Esq., Office of the Attorney General.

Opinion by: Administrative Judge Monica C. Parchment, with Chief Administrative Judge Marc D. Loud, Sr., concurring.

ORDER OF DISMISSAL
Filing ID # 78012213

This matter arises from DATCO Services Corporation's ("DATCO" or the "protester") challenge to the District of Columbia's cancellation of the above-captioned solicitation for drug screening services for youth in the custody of the District of Columbia Department of Youth Rehabilitation Services ("DYRS"). DATCO contends that the District improperly cancelled this solicitation when it failed to provide a compelling reason to support this decision and also did not otherwise identify any significant deficiencies in the solicitation's terms that would justify cancellation. Additionally, DATCO alleges that the District's conduct at the time of this cancellation contradicted its claim that the solicitation was deficient, which materially prejudiced DATCO's company by depriving it of the opportunity to perform.

The District moves to dismiss this matter for lack of jurisdiction on the basis that DACTO allegedly failed to properly file its protest with the Board by mail, hand-delivery, or electronically through the Board's electronic filing system as required by Board rules, which consequently resulted in the untimely filing of its protest allegations. Alternatively, the District contends that DATCO lacks standing and does not qualify as an aggrieved party under procurement law because DATCO does not have an economic interest in this procurement since it is not eligible for award. DATCO did not file an opposition or any other response to the District's dispositive motion to challenge this dismissal request.

For the reasons discussed below, we grant the District's unopposed motion to dismiss based upon our finding that DATCO never properly filed its protest letter with the Board which therefore precludes our exercise of jurisdiction over its protest allegations. We, therefore, dismiss the instant protest with prejudice.

FACTUAL BACKGROUND

On July 2, 2025, the District of Columbia Office of Contracting and Procurement ("OCP"), on behalf of DYRS, issued Invitation for Bid No. Doc778975 (the "Solicitation") seeking contractors to "perform urinalysis collection and drug screening services for youth in the care and custody of [DYRS]." (District's Mot. to Dismiss Ex. 1, at 3, § B.1; District's Mot. to Dismiss Ex. 2, at 2.)[1] The Solicitation contemplated the award of a single contract to the responsive and responsible bidder with the lowest bid. (District's Mot. to Dismiss Ex. 1, at 58, § L.1.2.)

[1] Because several documents lack consistent internal page numbering, the Board has used the page numbers assigned by Adobe Reader when referring to all documents in the record.

By the closing date for the Solicitation, July 18, 2025, the District received five bid responses, including a bid from DATCO. (*See* District's Mot. to Dismiss at 2; District's Mot. to Dismiss Ex. 2, at 2.) On August 14, 2025, the District issued a notice of non-award to DATCO stating that Connextion Health Screening Services, LLC, was selected as the successful awardee for the contract, and not the protester. (*See* District's Mot. to Dismiss Ex. 3, at 2.) DATCO did not file a protest with the Board challenging the foregoing award decision. (*See* District's Mot. to Dismiss at 2.)

The District, however, subsequently issued a notice cancelling the subject Solicitation on September 10, 2025, on the basis that the Solicitation's terms required revision to adequately meet the District's needs. (*See* District's Mot. to Dismiss Ex. 4, at 3-4.) In particular, the District noted that the contracting officer's review of the bid responses revealed aspects of the Solicitation that were "ambiguous" and required the addition of "special requirements." (*Id.* at 3, para. 4.) Accordingly, the District concluded that it would be in its best interests to cancel the Solicitation and resolicit the services through a future procurement once the District has clearly redefined the Solicitation's scope of work. (*See id.*) The District notified DATCO of this cancellation decision on September 18, 2025. (*See id.* at 2.)

On September 26, 2025, the record reflects that the DACTO Chief Operating Officer sent an email, with an attached protest letter challenging the cancellation of the Solicitation, to an email address that is not affiliated with the Board (clerk@dccontractappealsboard.gov). (*See* District's Mot. to Dismiss Ex. 5, at 2-3.) DATCO contemporaneously emailed a copy of the same protest letter to the OCP contracting officer, the OCP contracting specialist, and the District of Columbia Office of the Attorney General ("OAG"). (*See id.*; District's Mot. to Dismiss at 2.) Approximately two weeks later, on October 10, 2025, OAG sent an email with an attached copy of DATCO's same September 26, 2025, protest letter to the Board's General Counsel and the Board's Appeals Clerk. (*See* District's Mot. to Dismiss Ex. 6, at 2-4.) On this same date, October 10, 2025, the Board's Appeals Clerk docketed receipt of this document from OAG. (*See* Acknowledgement at 1.)

PROCEDURAL HISTORY

DATCO challenges the District's post-award decision to cancel the instant Solicitation and argues that the District acted arbitrarily by failing to provide a "compelling reason" demonstrating that cancelling the Solicitation served the best interests of the District. (*See* Protest at 4-5.) DATCO claims that the District's contention that the Solicitation had to be cancelled on the basis that the stated scope of services required revision was vague and lacked specificity, particularly because the Solicitation already included clear and detailed requirements. (*See id.* at 4.) DATCO thus alleges that the District's cancellation decision was "excessive and improper" since the District instead could have simply issued amendments to revise the Solicitation's terms. (*Id.*) Also, DATCO asserts that the District acted inconsistently with its claim that the Solicitation's requirements were "fatally flawed" by contacting DATCO to inquire whether its company could perform the contract work around the time that the Solicitation was cancelled. (*Id.*) DATCO additionally argues that the cancellation of the Solicitation materially prejudiced its company by depriving it of the opportunity to perform since DATCO had a chance of receiving the contract award if the awardee was deemed ineligible. (*See id.*)

On October 30, 2025, the District moved to dismiss this action for lack of jurisdiction arguing that DATCO's protest was defective because DATCO did not file its protest in accordance with the Board's filing rules and as a result DATCO's protest did not timely reach the Board within 10 business days of DATCO's receipt of the cancellation notice at issue. (*See* District's Mot. to Dismiss at 1-7.) In particular, the District contends that DATCO improperly filed its protest with the Board by email which is explicitly prohibited by the Board's rules governing the manner in which a protest must be filed to initiate a new action. (*See id.* at 3-5.) The District therefore maintains that the Board did not receive DATCO's protest letter until October 10, 2025, when OAG forwarded the protest to the Board's Appeals Clerk, which was after the 10-business day period to timely file a protest for the Board's consideration. (*See id.*)

Alternatively, the District argues that this protest should be dismissed on the basis that DATCO lacks standing to challenge the Solicitation's cancellation because DATCO is not an aggrieved party as defined by Board rules since DATCO does not have a direct economic interest in the Solicitation. (*See id.* at 5-6.) The District maintains that DATCO ceased to be an aggrieved party when its company was informed that it was an unsuccessful bidder six weeks prior to the Solicitation's cancellation. (*See id.*) The District states that DATCO would nonetheless be ineligible for award because the contract award would presumably go to the prior awardee should the Board sustain this protest. (*See id.* at 6.)

DATCO failed to file an opposition to, or comments on, the District's dispositive motion. DATCO has not made any additional filings with the Board since its initial protest.

DISCUSSION

The Board may exercise jurisdiction over protests of a solicitation or award of a contract by any actual or prospective offeror who is aggrieved in connection with the solicitation or award pursuant to D.C. CODE § 2-360.03(a)(1) (2024). However, before considering the merits of the present protest, we must first address the propriety of the District's contention that the Board lacks jurisdiction over this matter because DATCO improperly filed the present protest by email, which then also resulted in the Board's receipt of this protest more than 10 business days after DATCO learned of the Solicitation's cancellation. (*See* District's Mot. to Dismiss at 3-5.) For the reasons discussed below, we dismiss this protest with prejudice.

The Board's rules specifically dictate the methods by which a party must file its protest letter with the Board for our consideration. *See* Board Rule 302.1, D.C. MUN. REGS. tit. 27, § 302.1 (2020). In this regard, a party may *only* submit a filing to initiate a protest by hand-delivery, mail, or commercial carrier to the Board, or electronically through the Board's designated vendor, File & ServeXpress. *See id.*; *see also* Board Rule 400.1, D.C. MUN. REGS. tit. 27, § 400.1 (2020). Further, Board rules explicitly prohibit a party from making a protest filing with the Board by email transmission. *See* Board Rule 103.2(b), D.C. MUN. REGS. tit. 27, § 103.2(b) (2020) ("Sending an email to the Board is *not* a proper method of electronic filing." (emphasis added)).

Therefore, DATCO's failure to use the proper method to electronically file its protest with the Board, or to file its protest by mail, hand-delivery, or commercial carrier, rendered its protest filing defective and not a matter over which our Board can exercise jurisdiction to consider its merits. DATCO's transmission of its protest by email on September 26, 2025, to an email address not affiliated with the Board was an improper means of filing, or attempting to file, its protest. *See* D.C. MUN. REGS. tit. 27, § 103.2(b). Although OAG ultimately forwarded DATCO's September 26, 2025, protest letter to the Board's General Counsel and the Board's Appeals Clerk by email two weeks later on October 10, 2025, this email similarly cannot be accepted by the Board as a proper protest filing because, again, it was sent by email transmission to the Board which is prohibited by our rules. *See id.* Accordingly, DATCO never properly filed a protest letter with the Board and thus there was never an actual protest challenge to the Solicitation over which we can exercise jurisdiction.

Nonetheless, even assuming *arguendo* that the Board could have accepted DATCO's protest letter as a proper filing after the Board received OAG's email on October 10, 2025, which it cannot, DATCO's protest allegations would still be untimely. The statutory rules governing bid protests impose strict deadlines for their timely submission and these timeliness rules require, in relevant part, that a protest be filed with the Board "not later than 10 business days after the basis of protest is known or should have been known, whichever is earlier." D.C. CODE § 2-360.08(b)(2) (2024). DATCO's protest was not sent to the Board by OAG until 16 business days after DATCO received notice of the District's cancellation decision on September 18, 2025, and consequently, this protest would still be untimely filed and not within the Board's jurisdiction. *See Progressive Educ. Experiences in Coop. Cultures*, CAB No. P-0889, 62 D.C. Reg. 4248, 4250 (Nov. 3, 2011) (dismissing protest as untimely because protest was filed 18 business days after protester learned basis of protest); *Heroes*

Supply LLC, CAB No. P-1041, 2017 WL 5905664 (June 23, 2017) (dismissing protest as untimely because it was not filed within 10 business days of the protester being notified of protest grounds).

We also note that DATCO failed to file any opposition or response to the District's motion to dismiss this protest for lack of jurisdiction and therefore we find that DATCO has conceded this assertion by the District. *See* Board Rule 110.5, D.C. MUN. REGS. tit. 27, § 110.5 (2020) ("If a statement of opposing points and authorities is not filed within the prescribed time, the Board may treat the motion as conceded.").[2] Consequently, we grant the District's unopposed motion to dismiss. *See MN Assocs., Inc.*, CAB No. P-1109, 68 D.C. Reg. 9910, 9912 (Dec. 20, 2019) (dismissing protest and finding that the protester conceded its failure to comply with District procurement law because protester failed to respond to District's motion to dismiss).

CONCLUSION

Accordingly, for the reasons set forth herein, we dismiss the present protest with prejudice for lack of jurisdiction.[3]

SO ORDERED.

Date: December 16, 2025

/s/ Monica C. Parchment
MONICA C. PARCHMENT
Administrative Judge

CONCURRING:

/s/ Marc D. Loud, Sr.
MARC D. LOUD, SR.
Chief Administrative Judge

Electronic Service to:

Courtney Morgan
Chief Operating Officer
DATCO Services Corporation
2280 Grass Valley Hwy, Suite 232
Auburn, CA 95603

Jason Soltis, Esq.
Office of the Attorney General
400 6th St. N.W., Suite 9100
Washington, D.C. 20001

[2] Our protest rules state that when a dispositive motion is filed in lieu of an agency report under Board Rule 306.1, as it was in this case, the protester may file a reply or response opposing the motion within seven business days. *See* Board Rule 307.1, D.C. MUN. REGS. tit. 27, § 307.1 (2020).

[3] Because we have dismissed the protester's allegations on the grounds detailed herein, we find it unnecessary to address the District's additional bases for dismissal. (*See* District's Mot. to Dismiss at 5-6.)

DISTRICT OF COLUMBIA CONTRACT APPEALS BOARD

PROTEST OF:

PRECISION SAFE SIDEWALKS, LLC)
) CAB No. P-1221
Under Solicitation No. DCKA-2025-B-0119)

ORDER DISMISSING PROTEST

Filing ID #77964463

This protest arises from a solicitation for sidewalk cutting services. Following the District's opening of bids, Precision Safe Sidewalks, LLC ("PSS" or "the protester") filed a protest alleging that the apparent low bid is "unrealistically low, mathematically unbalanced" and that the apparent low bidder is not a responsible contractor due to its bid price. (Protest at 1.)

In lieu of filing an Agency Report, on November 10, 2025, the District filed a Motion to Dismiss pursuant to Board Rule 306.1, D.C. MUN. REGS. tit. 27, § 306.1 (2020). (District's Mot. to Dismiss at 1.) In its motion, the District argues that the protest is premature because the contracting officer has not evaluated the bids received and has not yet made any responsibility determination. (*Id.* at 3-4.) The protester failed to file an opposition to the District's dispositive motion and has not made any additional filings with the Board since its initial protest.

Our protest rules state that when a dispositive motion is filed under Board Rule 306.1, "the protester . . . may file a reply or response" within seven business days. D.C. MUN. REGS. tit. 27, § 307.1 (2020). Moreover, the Board's general rules on motions practice provide that the Board may treat as conceded any motion that is not opposed within the prescribed time. *See id.* § 110.5. As noted above, the protester did not file an opposition to the District's instant motion, and the filing deadline has since passed. Accordingly, we grant the District's unopposed motion to dismiss.

Furthermore, we find that the protest is premature.[1] We have previously held that a protest alleging that an apparent low bidder is non-responsive or non-responsible is premature when the District has not yet conducted the relevant evaluation or determination. For instance, in *Petersen Mfg. Co.*, CAB No. P-0728, 54 D.C. Reg. 2017, 2017 (July 18, 2006), the District had neither made an award nor determined whether any of the bids were responsive. We held that "the proper action is to dismiss the protest as premature, without prejudice to [the protester] to file a new protest if it is aggrieved by subsequent actions of [the District agency]." *Id.* at 2018 (citing *Consol. Waste Indus.*, CAB No. P-0430, 42 D.C. Reg. 4983, 4985 (June 12, 1995)); *see also, e.g.*, *Urban Serv. Sys. Corp.*, CAB No. P-0714, 54
D.C. Reg. 1973, 1973, 1979 (Nov. 15, 2005) (dismissing protest as premature when the protest alleged the low bidder was non-responsible but the District had not yet made a determination of the low bidder's responsibility), *petition for review dismissed*, 2005-CA-009544-B (D.C. Super. Ct. July 10, 2006) (Westlaw, D.C. Super. Ct. Dockets), *appeal dismissed*, 06-CV-0900 (D.C. Sept. 21, 2006), http://efile.dcappeals.gov/public/caseView.do?csIID=44211.

[1] Notwithstanding our dismissal of this protest based on the protester's failure to file an opposition to the District's Motion to Dismiss as discussed above, we also address the merits of the underlying protest allegations.

In the instant protest, although the bids submitted in response to the solicitation have been opened, "the agency's evaluation of bids . . . has not yet occurred" and "a contract has not been awarded, nor has any responsibility assessment been completed." (District's Mot. to Dismiss at 4; *see also* District's Mot. to Dismiss Ex. 2, at para. 5 (declaration from the contracting officer that they "have not completed the bids' price evaluation or any other evaluation such as responsibility or responsiveness").) Accordingly, the protest is premature and we dismiss it without prejudice. PSS may file a new protest if it is aggrieved by the District's subsequent actions in this procurement. *See Env't Design & Constr., LLC*, CAB No. P-1078, 66 D.C. Reg. 6001, 6002 (June 5, 2018) (citing *Petersen Mfg. Co.*, CAB No. P-0728, 54 D.C. Reg. at 2017; *Urban Serv. Sys. Corp.*, CAB No. P-0714, 54 D.C. Reg. at 1979).

For the reasons set forth herein, the Board hereby dismisses without prejudice the instant protest.

SO ORDERED.

Date: December 10, 2025

/s/ Nicholas A. Majett
NICHOLAS A. MAJETT
Administrative Judge

CONCURRING:

/s/ Marc D. Loud, Sr.
MARC D. LOUD, SR.
Chief Administrative Judge

Electronic Service to:

Julian Brooks, Regional Manager
Precision Safe Sidewalks, LLC
25 Maryland Avenue
Annapolis, MD 21401

Tamar N. Glazer, Esq.
Office of the Attorney General
400 6th Street, N.W., Suite 9100
Washington, D.C. 20001

GOVERNMENT OF THE DISTRICT OF COLUMBIA
CONTRACT APPEALS BOARD

PROTEST OF:

CAPITAL CONSTRUCTION GROUP, LLC	)	
	)	CAB No. P-1222
	)	
Under Solicitation No. RFQ DCAM-25-CS-RFQ-002	)	

For the Protester, Capital Construction Group, LLC: Reginald Herndon, *pro se*. For the District of Columbia: Kirti Suri, Esq., Office of the Attorney General.

Opinion by: Administrative Judge Monica C. Parchment, with Administrative Judge Nicholas A. Majett, concurring.

OPINION
Filing ID # 78425223

This protest arises under a Request for Qualifications ("RFQ") issued by the District of Columbia Department of General Services ("DGS") seeking to prequalify multiple contractors to provide heating, ventilation, and air conditioning ("HVAC") services at DGS facilities across the District pursuant to the award of a basic ordering agreement ("BOA"). The protester, Capital Construction Group, LLC ("CCG" or "the protester") challenges the District's decision to exclude it from the District's shortlist of prequalified contractors, and from the award of a BOA, on the basis that the contracting officer unreasonably evaluated and scored its submission. In this regard, the protester argues that its submission should have received a higher evaluation score under each of the four technical criteria stated in the solicitation to qualify its company for the award of a BOA because its submission provided overwhelming evidence demonstrating its qualifications and positive performance history with the District.

In response, the District contends that the protest should be denied because the contracting officer reasonably evaluated the protester's submission in accordance with the solicitation's evaluation criteria and procurement law and, further, asserts that the contracting officer's final score for the protester's submission is supported by the procurement record. The District therefore maintains that the contracting officer's determination that the protester did not meet the minimum required evaluation score to be awarded a BOA and to be eligible to compete for the future HVAC-related work was reasonable since the protester failed to meet its burden of proving that there was an impropriety in the contracting officer's evaluation.

Based upon our consideration of the allegations raised by the protester, and the underlying record, the Board sustains the protest, in part, finding that the District unreasonably evaluated the protester's submission under the Key Personnel technical criterion using an unstated evaluation criterion, which ultimately prejudiced the protester during the evaluation. The Board, however, denies and dismisses the remainder of the protest allegations in this matter for lack of merit as explained in more detail below.

FACTUAL BACKGROUND

On January 8, 2025, DGS issued Solicitation No. DCAM-25-CS-RFQ-0002 ("the Solicitation"), an RFQ seeking statements of qualifications ("SOQ") from prospective contractors to establish a list of qualified contractors to compete for HVAC-related maintenance and repair work on an as-needed basis at various facilities within DGS' real estate portfolio. (*See* District's Agency Report ("AR") Ex. A, at 1-7; AR

at 2.)[1] The Solicitation stated that the requested work generally includes "a range of small, medium and large-sized HVAC-related projects," (*see* AR Ex. A, at 6, § B.1), as DGS will subsequently detail the specific scope of work and pricing for a project through the issuance of competitive task orders, in which participation would be limited solely to the contractors prequalified through the present procurement, (*see id.* at 3, § A.1.1). Accordingly, the Solicitation contemplated the award of a BOA to each contractor prequalified by the District resulting from this procurement, which "will set forth the general terms and conditions of the process as well as establish the method by which . . . specific work will be competed and awarded."[2] (*See* AR Ex. A, at 3, § A.1.1.)

Evaluation Criteria

Section D of the Solicitation described the District's evaluation and award criteria. (*See* AR Ex. A, at 26-28, §§ D.1-D.4.5.) The offerors' SOQs were to be evaluated on a 112-point scale, with 100 points available for the evaluation of technical submissions, and up to 12 additional preference points could be awarded to offerors that were designated as a Certified Business Enterprise ("CBE") pursuant to the Small and Certified Business Enterprise Development and Assistance Act of 2005, D.C. CODE §§ 2-218.01 to .82 (2025). (*See* AR Ex. A, at 27, § D.4.) The Solicitation stated that a BOA would be awarded to contractors with a minimum evaluated score of 70 points, including CBE preference points. (*See id.*; AR at 5.)

The Solicitation identified the following four evaluation criteria for technical submissions: (1) Past Performance, Experience & References (25 possible points); (2) Key Personnel (25 possible points); (3) Project Management Plan (25 possible points); (4) Capacity (25 possible points).[3] (*See* AR Ex. A, at 5, § A.5, at 27-33, §§ D.4.1-D.4.4, E.4.1.) The Past Performance, Experience & References technical evaluation criterion provided that the District "desires to pre-qualify Contractors with the experience necessary to perform the types of projects described in Section A of this [Solicitation]." (*Id.* at 27, § D.4.1.) Therefore, the District was to evaluate offerors based upon their demonstrated experience in: (1) upgrading and replacing HVAC systems; (2) working in occupied school and/or municipal facilities; (3) knowledge of, and access to, the local subcontracting market; (4) knowledge of local regulatory agencies and code officials; and (5) managing small capital projects with a compressed delivery schedule.[4] (AR Ex. A, at 27, § D.4.1.)

Under the Key Personnel technical evaluation criterion, the Solicitation required offerors to provide resumes of the key personnel that will be assigned to the project and also to indicate the percentage of time that each key personnel will devote to the project. (*See id.* at § D.4.2.) The Solicitation required that an offeror's proposed key personnel include, at a minimum: (1) "the key Project Manager(s) who will supervise the work;" (2) "the Field Superintendents who will oversee the work in the field;" and (3) "the Lead HVAC Mechanic." (*See id.*)

The Project Management Plan technical evaluation criterion required offerors to submit a project management plan that clearly explains how the offeror intends to manage and implement the requested HVAC-related work, the processes and impediments that must be overcome, and ensure that sufficient staffing will be provided. (*See id.* at 28, § D.4.3.) In this regard, the Solicitation required that an offeror's project management plan include, at a minimum: (1) the identification of key personnel and their specific

[1] Because several documents lack consistent internal page numbering, the Board has used the page numbers assigned by Adobe Reader when referring to all documents in the record.
[2] The term of a BOA is for one base year with four one-year option periods. (*See* AR Ex. A, at 4, § A.1.3.)
[3] Section E of the Solicitation set forth the specific information that the offerors' technical proposals were required to include, as well as the manner in which SOQ submissions should be proffered, to properly respond to each of the four technical criteria. (*See* AR Ex. A, at 29-33, §§ E.4.1-E.4.2.)
[4] In instances where the offeror is a team or joint venture of multiple companies, the Solicitation stated that the District will evaluate the experience of each company "in light of their role in the proposed team or joint venture." (AR Ex. A, at 27, § D.4.1.)

roles in managing the project; (2) how an offeror will conduct site walk-throughs and develop cost estimates; (3) how an offeror will implement the upgrade and replacement work of HVAC systems; (4) a description of the key challenges inherent to this project and a plan to mitigate those risks; and (5) a description of the offeror's approach to managing emergency HVAC projects. (*See id.*)

With respect to the final technical evaluation criterion, Capacity, the Solicitation stated that offerors would be evaluated based upon their submission of a detailed analysis substantiating that they have the necessary capacity to meet anticipated project schedules as well as the necessary resources to complete the project work. (*See id.* at 28, § D.4.4, at 31, § E.4.1.5.) Therefore, the Solicitation required that offerors include the following in their SOQ: (1) the number of years that the firm has been in business; (2) a Dun & Bradstreet report for calendar year 2024; (3) the annual work volume in "maintenance and repair dollars" over the past five years, including a list of all projects identifying client names, project values, and completion dates; (4) the percentage split between public and private sector work over the past five years; (5) a list of the firm's present and future work for active projects, including current firm workloads projected over the next year, as well as other contracts and their contract values; (6) a tabular list of all full-time staff which indicates their roles within the organization (and whether they are designated as key personnel) and years of experience. (*See* AR Ex. A, at 31-32, § E.4.1.5; AR Ex. B, at 2.)

The Evaluation of Submissions

By the Solicitation's closing date, February 20, 2025, (*see* AR Ex. B at 3), the District received SOQs from 29 offerors, including the protester, (*see* AR at 3). The District convened a technical evaluation panel ("TEP") composed of three individuals to review and individually score each submission under the Solicitation's evaluation criteria. (*See* AR Ex. E, at 1-19; *see also* AR Ex. A, at 26, § D.2.)

For purposes of the TEP's evaluation, the record reflects that the TEP used scoresheets for each offeror that utilized "subfactors" under each of the four technical evaluation criteria. (*See* AR Am. Ex. D; AR at 3-4.) In this regard, each scoresheet "subfactor" incorporated the specific elements of each technical criteria that required a response in the submissions and was weighted equally in terms of points.[5] (*See* AR Am. Ex. D; AR at 3-4.) The TEP members individually assessed the merits of each technical submission, and assigned each "subfactor" a rating according to the scale below[6]:

Numeric Rating	Adjective	Description
0	Unacceptable	Fails to meet minimum requirements; e.g., no demonstrated capacity, major deficiencies which are not correctable; Offeror did not address the criteria.
1	Poor	Marginally meets minimum requirements; major deficiencies.
2	Minimally Acceptable	Marginally meets minimum requirements; minor deficiencies which may be correctable.

[5] For example, as stated above, the Key Personnel criterion, which was worth 25 points, required offerors to submit resumes for (1) the project manager(s); (2) the field superintendents; and (3) the lead HVAC mechanic for evaluation, (*see* AR Ex. A, at 27, § D.4.2), and each of the three foregoing positions was separately listed as a subfactor in the TEP scoresheet under the Key Personnel technical criterion and was worth 8.33 points (25÷3), (*see* AR Am. Ex. D).

[6] A rating of 5 (Excellent) resulted in receiving 100% of the subfactor's points (5 out of 5 = 100%), a rating of 4 (Good) resulted in receiving 80% of the subfactor's points (4 out of 5 = 80%), a rating of 3 (Acceptable) resulted in receiving 60% of the subfactor's points (3 out of 5 = 60%), a rating of 2 (Minimally Acceptable) resulted in receiving 40% of the subfactor's points (2 out of 5 = 40%), a rating of 1 (Poor) resulted in receiving 20% of the subfactor's points (1 out of 5 = 20%), and a rating of 0 (Unacceptable) resulted in receiving none of the subfactor's points. (*See* AR Am. Ex. D.)

3	Acceptable	Meets requirements; no deficiencies.[7]
4	Good	Meets requirements and exceeds some requirements; no deficiencies.
5	Excellent	Exceeds most, if not all requirements; no deficiencies.

(AR Ex. E, at 4; *see also* AR at 5-7.)

Following the TEP members' individual evaluations, the TEP met as a group on April 14, 2025, to discuss their respective ratings and develop a "consensus" technical score for each offeror's SOQ. (*See* AR Ex. E, at 4; AR at 5-7.) On August 6, 2025, the TEP submitted a report to the contracting officer which included the TEP's final consensus rating for each offeror under the technical evaluation criteria and the TEP's consensus remarks, strengths, weaknesses, and deficiencies (if any) regarding each submission. (*See* AR Ex. E, at 1-19.) The TEP's consensus score for CCG's SOQ was as follows:

TEP Consensus Summary		
D.4.1	**Past Performance, Experience & References (Up to 25 points)**	
	Subfactor and Points	CCG Rating
1.	Evaluate the Offeror's demonstrated experience in upgrading and replacing HVAC systems. (0-5 Points)	4
2.	Evaluate the Offeror's demonstrated experience working in occupied school and/or municipal facilities. (0-5 Points)	4
3.	Evaluate the Offeror's knowledge of, and access to, the local subcontracting market. (0-5 Points)	3
4.	Evaluate the Offeror's knowledge of the local regulatory agencies and Code Officials. (0-5 Points)	2
5.	Evaluate the Offeror's demonstrated experience managing small capital projects with compressed delivery schedule. (0-5 Points)	1
	Total Points	**14**
D.4.2	**Key Personnel (Up to 25 points)**	
	Subfactor and Points	CCG Rating
1.	Evaluate the proposed Project Manager(s)' level of experience and education. (0-8.33 Points)	3
2.	Evaluate the proposed Filed Superintendents' level of experience and education. (0-8.33 Points)	3
3.	Evaluate the proposed Lead HVAC Mechanic's level of experience and education. (0-8.33 Points)	3
	Total Points	**15**
D.4.3	**Project Management Plan (Up to 25 points)**	
	Subfactor and Points	CCG Rating
1.	Has the Offeror clearly explained its approach to (i) identify the key personnel and their specific roles in managing a project? Evaluate. (0-5 Points)	3
2.	Has the Offeror clearly explained its approach to (i)identify how the Offeror will perform the site walk-throughs and develop cost estimates? Evaluate. (0-5 Points)	3

[7] The Agency Report notes that the TEP report included an error in which ratings 3 ("Acceptable") and 4 ("Good") contained duplicative definitions. (*See* AR at 5 n.1.) The technical rating scale herein is revised to address this error noted by the District.

3.	Has the Offeror clearly explained its approach to (i)identify how the Offeror will implement the upgrade and replacement work for HVAC systems? Evaluate. (0-5 Points)	2
4.	Has the Offeror clearly explained its approach to (i) describe the key challenges inherent in a typical project and explain how they will be overcome or mitigated? Evaluate. (0-5 Points)	3
5.	Has the Offeror clearly explained its approach to (i) describe your approach managing emergency HVAC projects? Evaluate. (0-5 Points)	0
	Total Points	**11**
D.4.4	**Capacity (Up to 25 Points)**	
	Subfactor and Points	CCG Rating
1.	Has the Offeror clearly demonstrated the number of years the firm has been in business and provided sufficient background to establish its industry experience? (0 - 4.17 points)	3
2.	Has the Offeror provided a Dun & Bradstreet report for 2024, and does it indicate financial stability and capacity to support project execution? Evaluate. (0 - 4.17 points)	0
3.	Has the Offeror provided a detailed summary of its annual work volume over the past five years, including project history with client names, project values, and completion dates? (0 - 4.17 points)	3
4.	Has the Offeror clearly identified the percentage split between public and private sector work over the past five years, and does this experience align with the [Solicitation]'s requirements? (0 - 4.17 points)	3
5.	Has the Offeror demonstrated its current and future workload capacity, including active projects, projected workload over the next year, and potential impact on resource availability? (0 - 4.17 points)	3
6.	Has the Offeror provided a detailed list of full-time staff, their roles, years of experience, and identified Key Personnel essential for project execution? (0 - 4.17 points)	3
	Total Points	**12.50**
	Total Technical Points	**52.50**

(AR Am. Ex. D; *see* AR Ex. E, at 17-18.) Based upon the TEP's review and technical evaluation, the TEP assigned CCG's SOQ a total score of 52.50 technical points. (*See* AR Ex. E, at 18.)

Subsequently, the contracting officer issued a memorandum detailing her assessment of the TEP's evaluation processes and consensus scores for each offeror's SOQ submission.[8] (*See* AR Ex. F, at 1-29.) The contracting officer concluded that the TEP's assessment of the offerors' SOQs was "both proper and reasonable" and that the TEP's overall evaluation process was "thorough and consistent with the requirements of the [Solicitation]." (*Id.* at 2.) Based upon her review of the merits of each SOQ that had been submitted in response to the Solicitation, the contracting officer "adopt[ed] the [TEP]'s technical evaluation and proposed scores," despite the contracting officer also stating in the same document that "my individual scoring of the Offerors varied slightly."[9] The contracting officer also provided additional

[8] The Board notes that the formality of the contracting officer's memorandum is sorely lacking in this case. The document fails to, at minimum, even identify the name of the author of the document, and also does not include a date on which the document was actually issued. (*See* AR Ex. F, at 1-29.) Nonetheless, the District represents in the Agency Report that this memorandum was issued on August 22, 2025, (*see* AR at 7), and that the contracting officer for this procurement was Suzi Tabot, (*see, e.g.*, AR Ex. E, at 2; AR Ex. G).

[9] The contracting officer's final technical scores for at least five offerors (out of a total of 29 offerors) did, in fact, vary from the consensus scores assigned by the TEP for those same offerors. (*Compare* AR Ex. F, at 29, *with* AR Ex. E, at 18.)

remarks in this memorandum concerning the strengths, weaknesses, and deficiencies (if any) regarding each submission. (*See* AR Ex. F, at 2.)

As it relates to the SOQ submitted by the protester, CCG proposed a team of subcontractors to assist its company in fulfilling the requirements of the Solicitation that included Coffman Engineers, Inc. ("Coffman") and Magnolia Plumbing, Inc. ("Magnolia"). (*See* AR Ex. C, at 5-9.) In this regard, under the Past Performance, Experience & References technical evaluation criterion, the contracting officer stated that "CCG itself did not clearly demonstrate direct experience in upgrading or replacing HVAC systems" because CCG presented previous work experience that "contained only limited HVAC components and appeared to focus primarily on tenant fit-outs, which do not fully align with the scope and complexity of the requested work." (AR Ex. F, at 4.) On the other hand, the contracting officer remarked that CCG's subcontractor, Magnolia, demonstrated past experience "that more directly reflect[ed] past performance in HVAC upgrades and replacements;" however, she still ultimately determined that two-thirds (i.e., 4 out of 6) of those projects were completed in residential settings rather than schools or municipal facilities as requested by the Solicitation. (*See id.*) The contracting officer also stated that CCG's submission "included limited information on project schedules and cost data, making it difficult to assess the firm's ability to deliver within required timelines and budgets constraints." (*Id.* at 4.) Consequently, the contracting officer concluded that CCG's past performance submission "lacks sufficient depth in relevant, District-specific HVAC experience and supporting performance details," (*id.* at 4-5), and assigned 14 points (out of 25 possible points) to CCG's SOQ under this technical evaluation criterion, (*id.* at 29).

With respect to the contracting officer's evaluation under the Key Personnel technical evaluation criterion, the contracting officer determined that CCG "presented a team with strong qualifications and relevant experience, indicating their capacity to manage construction projects effectively." (AR Ex. F, at 13.) However, the contracting officer concluded that CCG's "team composition did not fully meet the minimum requirements outlined in the [Solicitation]" because "CCG failed to include two Lead HVAC Technicians, a critical omission given the HVAC-focused scope of work." (*Id.* at 13-14.) The contracting officer ascribed 15 points (out of possible 25 points) to CCG's SOQ for this technical evaluation criterion. (*See id.* at 29.)

As it relates to the Project Management Plan technical evaluation criterion, the contracting officer commented that CCG's project management plan "effectively addressed all requirements necessary for the successful completion of small, medium, and large-sized HVAC-related system work and upgrades to DGS facilities." (*Id.* at 19.) The contracting officer noted a deficiency in CCG's project management plan because CCG's plan "did not identify key personnel or define their roles and responsibilities" as required by the Solicitation and determined that this omission represented a "significant gap" in assessing CCG's ability to meet the requirements of the Solicitation. (*Id.*) The contracting officer resultingly awarded 11 points (out of a possible 25 points) to CCG for this technical evaluation criterion. (*See id.* at 29.)

Lastly, under the Capacity technical evaluation criterion, the contracting officer explained that CCG's failure to include the required Dun & Bradstreet Report for its firm, which was required by the Solicitation, "reduce[d] transparency in the evaluation process." (*Id.* at 25.) The contracting officer noted that CCG's submission represented that obtaining this Dun & Bradstreet Report represented a significant cost for its small business and the contracting officer commented that "the rationale provided is reasonable and highlights the challenges of balancing proposal preparation costs with operational expenses." (*Id.*) Although the contracting officer remarked that CCG's decision to exclude this report does "not necessarily indicate financial weakness," the contracting officer did conclude that CCG's omission of the report left a "gap in assessing their risk profile under this [Solicitation]." (*Id.*) The contracting officer assigned 12.50 points (out of a possible 25 points) to CCG for this technical evaluation criterion. (*See id.* at 29.)

Of note, the contracting officer's memorandum gives no indication as to whether the contracting officer applied the same technical subfactors as the TEP utilized when evaluating the technical submissions of CCG or any other offeror. (*Compare* AR Ex. F, at 29, *with* AR Am. Ex. D.) Notwithstanding, the contracting officer ultimately ascribed the following technical score and CBE preference points, to CCG's SOQ to arrive at the following total score:

Contracting Officer's Rating		Score
D.4.1	Past Performance, Experience & References (Up to 25 Points)	14.00
D.4.2	Key Personnel (Up to 25 Points)	15.00
D.4.3	Project Management Plan (Up to 25 Points)	11.00
D.4.4	Capacity (Up to 25 Points)	12.50
	Total Technical Score	**52.50**
	CBE Preference Points	12.00
	Total Evaluated Score	**64.50**

(AR Ex. F, at 29.)

Because CCG received a total score of 64.50 points, its firm did not prequalify for the award of a BOA, which required a total minimum score of at least 70 points. (*See* AR Ex. A at 27, § D.4.) The District issued a notice of non-award to CCG on August 8, 2025, informing it that its SOQ "scored below the minimum required evaluated score required to be pre-qualified" for the award of a BOA. (AR Ex. G.)

CCG requested a debriefing with the District, as well as the scoring sheets used during the evaluations, on August 11, 2025. (*See* Protest at 2.) Following multiple rescheduled debriefings, (*see id.*), the District met with CCG for a debriefing on October 24, 2025, (*see* AR Ex. H, at 1-5; AR Ex. I). This protest followed.

PROCEDURAL HISTORY

On November 7, 2025, CCG filed the instant protest[10] challenging the District's decision to exclude its company from the award of a BOA and from the District's list of prequalified contractors. (*See* Protest at 1-7.) More specifically, CCG argues that the District unreasonably evaluated its technical submission under each of the four technical evaluation criteria stated in the Solicitation given the "overwhelming evidence of team qualifications" and its positive performance history working with DGS. (*Id.* at 7.) In this regard, CCG maintains that the District should have ascribed its technical submission a higher score of at least 58 points (as opposed to 52.50 points) which, when coupled with 12 CBE preference points, would result in a minimum evaluated score of 70 points and thus qualify its company for the award of a BOA to compete in future procurements of the requested HVAC work.[11] (*See* Protest at 7.)

The District responds that the protest should be denied on its merits because both the contracting officer and the TEP reasonably evaluated and scored CCG's submission in accordance with the Solicitation's evaluation criteria and procurement law and therefore reasonably rejected CCG for the award of a BOA. (*See* AR at 1-17.) In particular, the District contends that the contracting officer reasonably assigned scores to CCG's technical submission that accurately reflected the strengths and weaknesses of its submission when reviewed in accordance with the Solicitation's evaluation criteria, which is supported by

[10] The protester informed the Board's General Counsel on November 7, 2025, via email that it encountered technical issues in its attempt to electronically file its protest on that date with the Board's electronic filing platform, File&ServeXpress. Pursuant to Board Rule 404.1, we accept the document as filed on November 7, 2025. *See* D.C. MUN. REGS. tit. 27, § 404.1 (2020).

[11] Additionally, CCG maintains that the District did not follow appropriate source selection procedures in conducting a debriefing with the protester prior to the filing of this protest. (*See* Protest at 2.)

the procurement record. (*See id.* at 10-15.) Furthermore, the District argues that CCG failed to meet its burden of proving that there was an impropriety in the contracting officer's evaluation because CCG's protest allegations amount to mere disagreements with the District's evaluation which is insufficient to render the evaluation unreasonable. (*See id.* at 8-10.) The protester failed to file comments, or any other response, to the District's Agency Report in further support of its initial protest.[12]

DISCUSSION

The Board exercises exclusive jurisdiction over "[a]ny protest of a solicitation or award of a contract . . . by any actual or prospective bidder, offeror, or the contractor who is aggrieved in connection with the solicitation or award of a contract." D.C. CODE § 2-360.03(a)(1) (2025). CCG timely filed its protest on November 7, 2025, within ten business days of October 24, 2025, the date on which it learned the basis of its protest grounds during its debriefing with the District. *See id.* § 2-360.08(b)(2) (2025). Accordingly, we exercise jurisdiction over the protester's allegations herein challenging the District's evaluation of its SOQ. *See id.* § 2-360.03(a)(1).

I. The District Reasonably Evaluated CCG's SOQ Under Three of the Four Technical Evaluation Criteria

CCG's protest challenges the District's evaluation of its technical submission under each of the four technical criteria as further discussed below. (*See* Protest at 1-7.) In reviewing a protest which challenges the propriety of an agency's evaluation, it is not the function of the Board to independently evaluate and substitute the Board's judgment for that of the agency. *Emergency Assocs. of Physician's Assistants & Nurse Pracs., Inc.*, CAB No. P-0500, 46 D.C. Reg. 8527, 8532 (Dec. 15, 1998) (citations omitted). Rather, the Board will examine the record to determine whether the agency's judgement was reasonable and in accord with the evaluation criteria listed in the solicitation and whether there were any violations of procurement laws or regulations. *Trifax Corp.*, CAB No. P-0539, 45 D.C. Reg. 8842, 8847 (Sept. 25, 1998) (citations omitted); *see* D.C. CODE § 2-360.08(d) (2025) ("[T]he Board shall decide whether the solicitation or award was in accordance with the applicable law, rules, and terms and conditions of the solicitation."). The protester has the burden of affirmatively proving its case and the fact that the protester does not agree with the agency's technical conclusions does not by itself render an agency's evaluation unreasonable. *FEI Constr. Co.*, CAB No. P-0902, 62 D.C. Reg. 4401, 4406 (Dec. 14, 2012) (citations omitted); *Lorenz Lawn & Landscape, Inc.*, CAB No. P-0869, 62 D.C. Reg. 4239, 4246 (Sept. 29, 2011) (citations omitted).

As set forth below, we find no evidence that there was an impropriety in the District's technical evaluation as it specifically relates to the Past Performance, Experience & References, Project Management Plan, and Capacity technical criteria, and we therefore conclude that the District's evaluation was reasonable in this regard.

Past Performance, Experience & References

CCG challenges the District's evaluation of its past performance submission under the Past Performance, Experience & References technical criterion on the grounds that its team "provided sufficient information to justify a higher score than was received against the evaluation criteria." (Protest at 2.) We find no support for this allegation in the record before us.

As stated above, the Past Performance, Experience & References technical criterion required that offerors demonstrate their previous experience in: (1) upgrading and replacing HVAC systems; (2) working in occupied school and/or municipal facilities; (3) knowledge of, and access to, the local subcontracting

[12] The Board, therefore, treats as conceded the District's factual assertions in the Agency Report that are not otherwise contradicted by the protest or documents in the record. *See* D.C. MUN. REGS. tit. 27, § 307.4 (2020).

market; (4) knowledge of the local regulatory agencies and Code Officials; and (5) managing small capital projects with compressed delivery schedules. (*See* AR Ex. A, at 27, § D.4.1.) The contracting officer evaluated CCG's submission under this criterion and ultimately assigned CCG's past performance submission a score of 14 points, out of 25 possible points, for this technical criterion because of perceived deficiencies in its demonstrated work history and responses related to project schedules and cost data. (*See* AR Ex. F, at 4-5, 29.)

In its protest filing, CCG points to multiple statements in its past performance submission describing its prior work experience to support its allegation that its team should have received a higher score under this technical criterion. (*See, e.g.,* Protest at 3 ("CCG has a track record of ***success working on projects with heavy HVAC elements***); at 3 ("Services, ***including HVAC upgrades***, for Amtrak Police Department Renovations.").) As previously discussed, however, the Board's standard of review for evaluations and the related selection decision is whether the District's actions were reasonable, in accord with the evaluation and selection criteria identified in the solicitation, and whether there were violations of procurement laws or regulations. *See Trifax Corp.*, CAB No. P-0539, 45 D.C. Reg. at 8847. Here, the record in this matter supports the contracting officer's finding that CCG's past performance submission described renovation projects that its company performed with somewhat sparse details regarding the scope of any HVAC work performed by CCG. (*See, e.g.*, AR Ex. C, at 15 ("CCG was tasked with renovating vacant space and upgrad[ing] HVAC controls to allow for proper heating and cooling of the larger space."); at 16 ("Tenant fit out with related HVAC work to upgrade the existing HVAC system. Work also included new ceilings, energy efficient lighting and finishes.").) Furthermore, CCG's representative past projects for its own company did not include specific descriptions of HVAC upgrade and replacement work that it performed in municipal type buildings, as these projects were primarily completed in a train station police department, a hospital building, and an administrative office on a college campus. (*See id.* at 12-15.) Similarly, although CCG's subcontractor Magnolia demonstrated more direct HVAC upgrade and replacement experience in its six past projects listed in the submission, this work was also primarily completed in non-municipal sites including, for example, apartment complexes, an office building, and a private college. (*See id.* at 20.) Therefore, we find nothing unreasonable about the contracting officer's noted deficiency during the evaluation that CCG's submission lacked sufficient depth in relevant HVAC upgrade and replacement experience in municipal and school buildings. (*See* AR Ex. F, at 4.)

Moreover, we find no support for CCG's contention that the District should have assigned its SOQ a higher score under this technical criterion because CCG's past performance submission demonstrates knowledge and access to the local subcontracting market, as well as local regulatory agencies and code officials, which were also requirements of the Solicitation. (*See* Protest at 4-5.) The Executive Summary section of CCG's SOQ, which is an entirely separate section from its past performance submission, at best, only briefly mentions CCG's connections with the local subcontracting market and knowledge of regulatory agencies. (*See, e.g.*, AR Ex. C, at 6 ("We recruit partner subcontractors from the hundreds of local and regional subs with whom we have working relationships."), at 6 ("We leverage our knowledge of the local regulatory agencies and Code Officials to develop comprehensive work plans.").) These statements alone are insufficient evidence of an impropriety in the evaluation or evidence that CCG should have received a higher technical score.

Lastly, the contracting officer noted that CCG's past performance submission provided limited information on project schedules and cost data which made it "difficult to assess the firm's ability to deliver within required timelines and budget constraints." (AR Ex. F, at 4.) In challenging this finding, CCG does nothing more than reference the projects in its past performance submission and assert that the start and end dates for each project demonstrated adequate experience with compressed delivery schedules. (*See* Protest at 5.) Because CCG provides no further explanation as to how these referenced projects prove that its SOQ should have received a higher score, we also find this challenge to be without merit.

Consequently, based upon the contemporaneous record of the evaluation, we find that the District's evaluation of CCG's past performance submission was reasonable and in accordance with the Solicitation's evaluation criteria. *See MDB Commc'ns, Inc.*, CAB No. P-1138, 69 D.C. Reg. 12959, 12971 (Oct. 22, 2021) (finding that the record reasonably supported the contracting officer's ascribed past performance score for the awardee based upon the contracting officer's consideration and evaluation of the merits, and lack thereof, of the information in its technical proposal). CCG's belief that it should have been assigned a higher score amounts to mere disagreement with the contracting officer's findings and is not a sufficient basis for us to conclude that the District's determination was unreasonable. *See Capitol Ent. Servs., Inc.*, CAB No. P-0932, 63 D.C. Reg. 11984, 11990-91 (May 22, 2013) (finding protester's unsubstantiated allegations disagreeing with the evaluation scoring of the awardee's proposal were insufficient to render evaluation and award decision unreasonable (citations omitted)); *Hayat Brown LLC*, CAB No. P-1101, 68 D.C. Reg. 9867, 9882-83 (Oct. 3, 2019) (denying protester's challenge to past performance rating because the protester did not meet burden to show how evaluation was unreasonable and instead merely disagrees with evaluation (citations omitted)). Accordingly, we deny and dismiss this protest ground.

Project Management Plan

The protester also challenges the District's evaluation of its submission under the Project Management Plan technical criterion, arguing that it should have received a higher score. (*See* Protest at 6-7.) We find no support for this allegation.

The Project Management Plan evaluation criterion, which was worth 25 possible points, required offerors to explain how they intended to manage and implement HVAC-related services, to demonstrate their knowledge of the process and impediments that must be overcome, and to ensure that sufficient staffing will be provided. (*See* AR Ex. A, at 28, § D.4.3.) As noted previously, the Solicitation stated that an offeror's project management plan would be evaluated based upon the following: (1) the key personnel and their specific roles in managing the Project; (2) how the Offeror will perform the site walk-throughs and develop cost estimates; (3) how the Offeror will implement the upgrade and replacement work of HVAC systems; (4) describe the key challenges inherent in this Project and explain how they will be overcome or mitigated; and (5) describe their approach managing emergency HVAC projects. (*See id.*)

The contracting officer assigned CCG's project management plan a total of 11 points under this factor and noted a deficiency because CCG's project management plan failed to identify its key personnel and their specific roles and responsibilities in providing the requested work as required by the express terms of this criterion. (*See* AR Ex. F, at 19, 29.) In this regard, the contracting officer explained that CCG's omission of key personnel in its project management plan represented a "significant gap" that did not allow the contracting officer to accurately assess CCG's ability to staff and manage the project team which overall limited the District's confidence in their ability to fulfill the requirements of the Solicitation. (*See id.* at 19.) In its protest, CCG refers to select portions of its overall SOQ submission which it argues will fulfill the project management criterion in a manner that justifies a higher evaluation score under this technical criterion by identifying key personnel and their roles, as well as its technical approach to perform different aspects of the contract work. (*See* Protest at 6-7.)

While we agree with the protester that its SOQ includes resumes, names, and titles of the key personnel that it was proposing for the contract in several instances throughout its submission, CCG's proposed project management plan itself did not provide any explanation regarding the specific roles that each key personnel would be performing to manage the contract, (*see* AR Ex. C, at 22-27), as required by the Solicitation's criterion, (AR Ex. A, at 28, § D.4.3). Indeed, we have previously stated that offerors are responsible for submitting a well-written proposal with adequately detailed information that allows for a meaningful review by the procuring agency. *See Pro. Acct. Mgmt. LLC*, CAB No. P-1089, 2019 WL 3250300 (Apr. 17, 2019) (finding that the contracting officer reasonably downgraded protester's proposal for only addressing certain past performance experience in its proposal's executive summary and not in the

actual technical proposal (citations omitted)). By the same token, agencies are not required to infer information from an inadequately detailed proposal, and an offeror risks having its proposal evaluated unfavorably where it fails to submit an adequately detailed proposal. *See id.* (citing *James Constr.*, B-402429, 2010 CPD ¶ 98 (Comp. Gen. Apr. 21, 2010) (agency is not required to piece together general statements and disparate parts of the protester's proposal to determine the protester's intent or consider pre-offer statements that were not included in the proposal)).[13] Thus, it was reasonable for the contracting officer to assign CCG's submission a deficit in this regard because CCG's project management plan did not explicitly explain, or even mention, the particular roles that each of its key personnel would be performing to manage the contract.

Moreover, the fact that the District did not find additional merit in CCG's project management plan that would warrant a higher score under this technical criterion, particularly as it relates to CCG's approach to performing certain aspects of the required work including site walkthroughs and cost estimates, HVAC upgrades and replacement work, and handling emergency HVAC projects, alone does not render the evaluation improper. We have previously explained that the contracting officer "is in the best position to understand the exact requirements of the Solicitation and how those requirements are best met by potential contractors." *Pro. Acct. Mgmt.*, CAB No. P-1089, 2019 WL 3250300; *see, e.g.*, *U.S. Textiles, Inc.*, B-289685.3, 2002 CPD ¶ 218 at *2 (Comp. Gen. Dec. 19, 2002) ("The evaluation of technical proposals is a matter within the contracting agency's discretion, since the agency is responsible for defining its needs and the best method of accommodating them." (citation omitted)); *Team BOS/Naples-Gemmo S.p.A./DelJen*, B-298865.3, 2008 CPD ¶ 11 at *8 (Comp. Gen. Dec. 28, 2007) (stating that the agency's determination as to whether it would credit the protester for proposing to exceed the minimum technical requirements is a matter of the agency's discretion and the protester's disagreement provides no basis to sustain the protest (citations omitted)).

The Board again will not substitute its judgement for that of the agency regarding the merits of CCG's technical approach to performing certain aspects of the contract work, simply because CCG subjectively believes that it deserves a higher score. *See Trifax Corp.*, CAB No. P-0539, 45 D.C. Reg. at 8847. CCG has not demonstrated that there was an impropriety in the contracting officer's evaluation and we find that CCG's allegations challenging the scoring of its project management plan amount to mere disagreements with the District's evaluation scores. *See Lorenz Lawn & Landscape, Inc.*, CAB No. P-0869, 62 D.C. Reg. at 4246 (rejecting protester's argument that it was more qualified than the awardee based upon various professional accolades because the allegations constituted mere disagreement with the award decision (citations omitted)); *Dist. Cmty. Care, Inc.*, CAB No. P-1123, 68 D.C. Reg. 9993, 10001-02 (Sept. 30, 2020) (denying protester's challenge on the basis that the protester merely disagrees with the contracting officer's determination that its proposal only met, not exceeded, the requirements of the solicitation (citation omitted)). Thus, we deny and dismiss this protest ground.

Capacity

The protester also challenges the District's evaluation of its submission under the Capacity technical criterion and similarly argues that it should have received a higher score because its team allegedly demonstrated the necessary resources required for project completion. (*See* Protest at 7.) In the record before the Board, there is no evidence demonstrating that the contracting officer improperly evaluated CCG's technical submission under this criterion.

[13] The Board often looks to decisions of its federal bid protest counterparts, such as the Government Accountability Office and the United States Court of Federal Claims, for guidance. *See, e.g., Phoenix Cap. Partners, LLC*, CAB No. P-0938, 63 D.C. Reg. 12041, 12044 (Sept. 4, 2013); *Total Healthcare Sols., LLC*, CAB No. P-1082, 68 D.C. Reg. 9627, 9629 n.3 (Oct. 3, 2018).

As previously discussed, the Solicitation's Capacity criterion required offerors to provide a detailed analysis demonstrating that it has the necessary capacity to meet anticipated project schedules and the necessary resources required for completion of the project. (*See* AR Ex. A, at 28, § D.4.4.) As it relates to the resolution of the present protest allegations, the Solicitation required that offerors submit as part of their capacity submission a copy of the firm's 2024 Dun & Bradstreet report as well as a list detailing all full-time staff, their roles within the organization, and their years of experience that also indicates which staff are designated as key personnel. (*See id.* at 31-32, § E.4.1.5.)

The contracting officer assigned CCG's capacity submission a score of 12.50 points, out of a possible 25 points, for this technical evaluation criterion and noted as a deficiency that CCG omitted a 2024 Dun & Bradstreet report, which was explicitly required by the Solicitation. (*See* AR Ex. F, at 26, 29.) The contracting officer ultimately concluded that this omission left a "gap" in assessing their risk profile under the technical criterion. (*See id.* at 26.)

CCG challenges the District's evaluation of its capacity submission on the basis that the contracting officer should have assigned its technical submission a higher score, and to support its allegation CCG highlights two excerpts from its submission that generally state that CCG's team has staff resources of 34 professionals that would allow it "to provide maximum responsiveness to DGS." (Protest at 7.) The protest does not address the contracting officer's finding of a deficiency for failing to include a Dun & Bradstreet report. (*See id.*) Thus, beyond complaining that it should have received a higher score under this evaluation criterion, the protester has offered no further evidence demonstrating how the District's evaluation was unreasonable or contrary to procurement law. Again, CCG merely disagrees with the contracting officer's evaluation results, which alone is not a basis for finding that they were improper. *See BRSI, LP*, CAB No. P-1145, 69 D.C. Reg. 12998, 13016-17 (Dec. 21, 2021) (denying protest ground because protester's mere disagreement with the agency's evaluation and resulting score is not sufficient evidence to find the evaluation unreasonable where the evaluation is supported by the record (citations omitted)), *petition for review denied*, 2022-CA-000344-P(MPA) (D.C. Super. Ct. Aug. 30, 2022), http://portal-dc.tylertech.cloud/portal. On this basis, we deny and dismiss this protest ground.

II. The District Unreasonably Evaluated CCG's SOQ Under the Key Personnel Technical Evaluation Criterion

CCG also challenges the District's evaluation under the Key Personnel technical criterion, arguing that its technical submission deserved a higher score since its key personnel submission presented the very individuals required by the Solicitation's criterion that will provide the requested HVAC-related work. (*See* Protest at 5.) Based upon our review of the record, we agree and find that the District improperly applied an unstated evaluation criterion when evaluating CCG's key personnel submission. Accordingly, we sustain this protest ground for the reasons discussed below.

The Key Personnel technical evaluation criterion, worth a total of 25 possible points, required offerors to provide resumes of the key personnel that will be assigned to this project, and in addition, to indicate the percentage of time that each key personnel will devote to the project. (*See* AR Ex. A, at 27, § D.4.2.) Specifically, offerors were required to provide resumes for the following key personnel positions: "(i) the key Project Manager(s) who will supervise the work, (ii) the Field Superintendents who will oversee the work in the field, and (iii) *the* Lead HVAC Mechanic." (*Id.* (emphasis added).)

The record demonstrates that CCG's key personnel submission presented each of the foregoing key personnel required by the Solicitation. (*See* AR Ex. C, at 32-45.) Specifically, CCG's key personnel submission included two project managers, (*see id.* at 35, 42), two field superintendents, (*see id.* at 36, 43), and one lead HVAC mechanic, (*see id.* at 44). In this regard, the contracting officer stated that CCG presented a key personnel "team with strong qualifications and relevant experience, indicating their capacity to manage construction projects effectively." (AR Ex. F, at 14.) The contracting officer, however,

noted that CCG's submission was deficient because it failed to include *two* lead HVAC mechanics/technicians:

> [CCG's] team composition did not fully meet the minimum requirements outlined in the Request for Qualifications (RFQ). CCG failed to include two Lead HVAC Technicians, a critical omission given the HVAC-focused scope of work. The absence of these key technical personnel raises concerns about the team's ability to execute HVAC-specific tasks, such as system maintenance, upgrades, and troubleshooting. Without the required HVAC expertise, the proposal does not align with the RFQ's staffing criteria and may impact the firm's ability to deliver specialized services effectively.

(*Id.* at 13-14.) CCG's key personnel submission was therefore apparently downgraded by the District because it did not propose two lead HVAC technicians in response to the Solicitation's technical evaluation criterion.[14] (*See* AR Ex. F, at 13-14.)

We have previously held that an agency's evaluation is improper where the District unreasonably applies a new evaluation criterion during the evaluation that was not explicitly stated in the solicitation. *See, e.g.*, *Eco-Coach, Inc*., CAB No. P-0976, 63 D.C. Reg. 12270, 12277-78 (Dec. 29, 2014) (sustaining protest where the District improperly evaluated offeror's past performance credentials based upon an undisclosed requirement that was not stated in the solicitation and assigned relative strengths or weaknesses to each proposal based upon this requirement), *reconsideration denied*, http://app.cab.dc.gov/cabasp/GetDoc.aspx?Database=CAB_DOCS&docnum=30113&version=1 (Jan. 22, 2015), *petition for review dismissed per petitioner's motion sub nom. D.C. Dep't of Gen. Servs. v. Cont. Appeals Bd.*, 2015-CA-000613-P(MPA) (D.C. Super. Ct. June 5, 2015) (Westlaw, D.C. Super. Ct. Dockets); *M.C. Dean, Inc.*, CAB No. P-0955, 62 D.C. Reg. 6199, 6223 (June 2, 2014) (sustaining protest where the District improperly evaluated the protester's proposal using evaluation criterion that were not stated in the solicitation and impermissibly penalized protester as a result (citations omitted)), *reconsideration on other grounds denied*, 62 D.C. Reg. 6228 (Oct. 9, 2014), *petition for review dismissed per consent motion sub nom. Citelum DC, LLC v. Contract Appeals Bd.*, 2014-CA-004172-P(MPA) (D.C. Super. Ct. Apr. 27, 2015) (Westlaw, D.C. Super. Ct. Dockets); *see also Banknote Corp. of Am. v. United States*, 56 Fed. Cl. 377, 386 (2003) (noting that it is "beyond peradventure that the government may not rely upon undisclosed evaluation criteria in evaluating proposals" (citation omitted)), *aff'd*, 365 F.3d 1345 (Fed. Cir. 2004).

In the present matter, the explicit terms under the Key Personnel technical criterion are clear that the lead HVAC mechanic requirement only required offerors to propose *one* individual in this role. (AR Ex. A, at 27, § D.4.2 ("At a minimum, this should include . . . *the* Lead HVAC Mechanic." (emphasis added)).) CCG's submission met this requirement by proposing one lead HVAC mechanic with over 20 years of experience in "servicing, repairing, and installing HVAC systems." (*See* AR Ex. C, at 44.) Notwithstanding, both the contracting officer, as well as the TEP, applied a new requirement during their evaluations that offerors must propose at least two lead HVAC mechanics despite this not being a requirement disclosed in the Solicitation. (*See* AR Ex. E, at 8-11; AR Ex. F, at 11-17.) The contemporaneous record shows that the contracting officer clearly perceived CCG's omission of an additional lead HVAC mechanic as having an overall impact to CCG's ability to successfully perform the

[14] Of note, the record also reflects that the contracting officer, as well as the TEP, applied this same unstated requirement for two lead HVAC mechanics when evaluating the SOQ submissions for the remaining 28 offerors in this procurement. (*See, e.g.*, AR Ex. E, at 11 ("The [Solicitation] required *2 personnel* for each of the 3 labor categories." (emphasis added)); AR Ex. F, at 17 ("The [Solicitation] explicitly required *two personnel* for each of the three labor categories." (emphasis added)).)

contract, which likely affected the overall score ascribed to CCG under this technical evaluation criterion.[15] (*See* AR Ex. F, at 14 ("The absence of these key technical personnel raises concerns about the team's ability to execute HVAC-specific tasks ").)

Therefore, we find that the District's application of this new key personnel criterion was improper because the District is required to evaluate submissions based solely upon the stated criteria in the Solicitation so that offerors are fairly given notice of the criteria against which their submissions will be scored. *See RJO Enters., Inc.*, B-260126 *et al.*, 95-2 CPD ¶ 93 at *8-9 (Comp. Gen. July 20, 1995) (finding agency applied unstated evaluation criteria when it downgraded protester's proposal for failure to submit resumes for certain labor skill levels where solicitation did not require resumes for every skill level (citations omitted)); *FreeAlliance.com, LLC*, B-419201.3 *et al.*, 2021 CPD ¶ 56 at *12 (Comp. Gen. Jan. 19, 2021) (sustaining protest challenge to agency's evaluation of technical proposal under the key personnel experience evaluation criterion where the agency unreasonably assessed a weakness to a resume that was based upon an unstated evaluation criterion (citation omitted)). Although we are unable to determine the precise impact to CCG's overall score arising from the District's application of an unstated criterion during its evaluation of CCG's key personal submission, and potentially when it evaluated CCG's submission under other criteria where its proposed key personnel had a bearing, it is still obvious from the record that CCG's submission was substantially criticized and downgraded based upon this perceived omission of an additional lead HVAC mechanic and was prejudiced as a result.[16] *See Eco-Coach, Inc.*, CAB No. P-0976, 63 D.C. Reg. at 12277-78 (Dec. 29, 2014) (finding prejudice to the protester when the agency's unreasonable evaluation affected both the protester's score and the awardee's score although "the numerical impact . . . cannot be precisely determined" (citation omitted)); *Martha's Table, Inc.*, CAB No. P-0896, 62 D.C. Reg. 4306, 4318 (May 10, 2012) (finding the protester was prejudiced by the District's failure to follow proper evaluation procedures given that the protester could have received the highest technical score but for an improper evaluation process). For this reason, we sustain this protest as a result of this impropriety.

CONCLUSION

For the reasons stated herein, the Board sustains this protest, in part. Accordingly, the District is hereby ordered to re-evaluate and re-score CCG's technical submission consistent with the Solicitation's express requirements under the Key Personnel criterion along with the other Solicitation criteria. Finally, we deny and dismiss the protester's remaining protest grounds.

SO ORDERED.

Date: February 9, 2026

/s/ Monica C. Parchment
MONICA C. PARCHMENT
Administrative Judge

CONCURRING:

/s/ Nicholas A. Majett
NICHOLAS A. MAJETT
Administrative Judge

[15] As noted earlier, the contracting officer's memorandum does not specify if subfactors were used for the technical criteria or how the contracting officer arrived at a score of 15 points for CCG for this criterion (i.e., if a 0-5 rating scale was used).
[16] CCG's final SOQ score was only 5.5 points short of being eligible to receive a BOA. (*See* AR Ex. F at 29.)

Electronic Service to:

Reginald Herndon
Capital Construction Group LLC
3321 12th St NE, Suite 3
Washington, DC 20017

Kirti Suri, Esq.
Office of the Attorney General
400 6th St. N.W., Suite 9100
Washington, D.C. 20001

GOVERNMENT OF THE DISTRICT OF COLUMBIA
CONTRACT APPEALS BOARD

PROTEST OF:

ONE KARE ENTERPRISE, LLC	)	
	)	CAB No. P-1229
Solicitation No. DCPL-2026-R-0014	)	

For the protester, One Kare Enterprise, LLC: Selamawit Tewolde, *pro se*. For the District of Columbia: Kirti Suri, Esq., Office of the Attorney General.

Opinion By: Administrative Judge Monica C. Parchment, with Administrative Judge Nicholas A. Majett, concurring.

ORDER DISMISSING PROTEST
Filing ID # 80522538

The present protest arises from Solicitation No. DCPL-2026-R-0014 ("the Solicitation") seeking a contractor to provide janitorial and supplemental services at branch libraries within the District of Columbia Public Library ("DCPL") system. (*See* District's Mot. to Dismiss Ex. A, at 2-3.)[1] The protester, One Kare Enterprise, LLC, ("One Kare"), filed a protest with the Board on June 17, 2026, challenging DCPL's rejection of its proposal in response to the Solicitation, as well as DCPL's decision to award the resulting contract to TRI Consulting, Inc. (*See* Protest at 1-96.) More specifically, One Kare alleges that DCPL improperly reduced its overall technical score during the evaluation process when, in several instances, it failed to credit One Kare's proposal for offering features that were otherwise identified as strengths by the evaluators. (*See id.* at 3-5.) One Kare also contends that DCPL suppressed the strength of its overall technical score by inaccurately misstating information included in its proposal that demonstrated its capabilities and assigned it marginal evaluation scores based upon these inaccuracies. (*See id.* at 4-5.) In this regard, One Kare maintains that DCPL's evaluation of its proposal and award decision were inconsistent with the Solicitation's criteria whereas the awardee was, on the other hand, improperly ascribed a higher technical score by DCPL although its proposal did not have the same merits as the protester.[2] (*See* Protest at 5-6.) In lieu of filing an agency report, the District filed a motion to dismiss this protest on July 7, 2026. (*See* District's Mot. to Dismiss at 1-7.)

As an initial matter, we find that the Board lacks jurisdiction to consider the instant protest because it was not timely filed. The Board's statutory requirements concerning timeliness provide, in relevant part, that a bid protest "shall be filed not later than 10 business days after the basis of the protest is known or should have been known, whichever is earlier." D.C. CODE § 2-360.08(b)(2) (2025). Further, the Board's rules explicitly state that a submission to the Board "shall only be considered timely filed if it is *actually received* in the Board's office during business hours . . . within the time established by law." Board Rule 107.2, D.C. MUN. REGS. tit. 27, § 107.2 (2020) (emphasis added).

Here, One Kare asserts that it became aware of its protest grounds on June 1, 2026, which it states was the date when it was advised by DCPL that the technical evaluation panel would not change the overall

[1] Because several documents lack consistent internal page numbering, the Board has used the page numbers assigned by Adobe Reader when referring to all documents in the record.
[2] The protester also argues that, during an earlier debriefing with the agency, DCPL's Chief Contracting Officer acknowledged to the protester that she had "major concerns" with how the evaluation was conducted and decided to reconvene the technical evaluation panel after the protester initially complained to the agency about the award decision prior to filing this protest. (*See* Protest at 3, 6.)

evaluation score assigned to its proposal after One Kare complained of irregularities in the evaluation process. (*See* Protest at 1-2; *see also* District's Mot. to Dismiss Ex. C, at 2-3.) As such, One Kare was required to file its protest challenging DCPL's evaluation by June 15, 2026, the tenth business day after June 1, 2026, and it failed to do so. *See* D.C. CODE § 2-360.08(b)(2). Specifically, One Kare filed its protest letter with the Board via United States Postal Service ("USPS") mail and it was received in the Board's office on June 17, 2026, and therefore was deemed filed on this date, *see* D.C. MUN. REGS. tit. 27, § 107.2, which was two business days after the deadline by which it was required to protest DCPL's evaluation and award decision. [3] (*See* Protest at 1; Acknowledgment at 1). Consequently, we are without jurisdiction to decide One Kare's protest because it is untimely. *See Robinson Assocs., LLC*, CAB No. P-1097, 68 D.C. Reg. 9663, 9664 (May 2, 2019) (dismissing protest as untimely because protest was filed 3 days after the filing deadline (citations omitted)); *Progressive Educ. Experiences in Coop. Cultures*, CAB No. P-0889, 62 D.C. Reg. 4248, 4250 (Nov. 3, 2011) (dismissing protest as untimely because protest was filed 18 business days after protester learned basis of protest); *Heroes Supply LLC*, CAB No. P-1041, 2017 WL 5905664 (June 23, 2017) (dismissing protest as untimely because it was not filed within 10 business days of the protester being notified of protest grounds (citation omitted)).

Moreover, we also note that the District's motion to dismiss this matter was filed with the Board on July 7, 2026, and One Kare failed to file a timely response. Our protest rules provide that when a dispositive motion is filed in lieu of an agency report under Board Rule 306.1, as it was in this case, "the protester . . . may file a reply or response" within seven business days. Board Rule 307.1, D.C. MUN. REGS. tit. 27, § 307.1 (2020). Therefore, the deadline for the protester to file a response to the District's motion to dismiss was no later than July 17, 2026 (i.e., the seventh business day after the District filed its motion to dismiss this matter on July 7, 2026). [4] One Kare, however, did not properly file an opposition to this motion with the Board until July 29, 2026, which was twelve days after the deadline and thus One Kare's response was untimely filed for our consideration.[5] (*See* Protester's Resp. to District's Mot. to Dismiss at 1-5.) Thus, since One Kare did not timely file an opposition to the District's motion to dismiss, we treat the District's motion as conceded pursuant to Board Rule 110.5, D.C. MUN. REGS. tit. 27, § 110.5 (2020), as an additional basis to dismiss this protest. *See Amerigroup D.C., Inc.*, CAB No. P-1147, 69 D.C. Reg. 13026, 13028-29 (Dec. 20, 2021) (dismissing protest as conceded where the protester failed to timely oppose the District's motion to dismiss (citation omitted)).

Accordingly, we hereby grant the District's request for dismissal of this matter with prejudice but do so based upon the grounds set forth herein.[6]

SO ORDERED.

---

[3] The notation in One Kare's protest letter that it was delivered to the Board "via eFiling, Email, and Hand Delivery," (Protest at 1), is an inaccurate statement of the manner in which its protest letter was sent to the Board as, again, it was only received in the Board's office through USPS mail delivery.

[4] The District filed its motion to dismiss with the Board electronically at 6:21 p.m. on July 7, 2026, when the Board's office was closed. Pursuant to the Board's Rules, July 8, 2026, marks the start date for computing the protester's deadline by which to file a response. *See* Board Rule 122.4, D.C. MUN. REGS. tit. 27, § 122.4 (2020). Accordingly, the protester's response to the District's motion to dismiss was due on July 17, 2026.

[5] Of note, the protester initially attempted to respond to the District's motion to dismiss on July 20, 2026, (i.e., three days *after* the July 17, 2026, deadline) by sending an email to the Board; however, the Board's General Counsel informed the protester on this same date that email was not a proper method of filing documents with the Board pursuant to Board Rule 103.2(b), D.C. MUN. REGS. tit. 27, § 103.2(b) (2020). The protester subsequently sent its response to the Board by USPS mail that was received by the Board's office on July 29, 2026.

[6] In its motion to dismiss, the District argues that the Board should dismiss this matter because One Kare failed to exhaust the administrative remedies required by DCPL procurement rules prior to filing this protest with the Board. (*See* District's Mot. to Dismiss at 1-7.) As discussed above, we dismiss this matter as untimely and therefore find it unnecessary to address the merits of this contention by the District.

Date: September 1, 2026

/s/ Monica C. Parchment
MONICA C. PARCHMENT
Administrative Judge

CONCURRING:
/s/ Nicholas A. Majett
NICHOLAS A. MAJETT
Administrative Judge

Electronic Service to:

Selamawit Tewolde
One Kare Enterprise, LLC
10 G Street, NE
Suite 600
Washington, DC 20002

Kirti Suri, Esq.
Assistant Attorney General
400 6th Street, NW
Suite 10100
Washington, DC 20001

OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION

NOTICE OF FUNDING AVAILABILITY

FISCAL YEAR 2027 NATIONAL SCHOOL LUNCH PROGRAM

EQUIPMENT ASSISTANCE GRANT

Request for Application (RFA) Release Date: October 16, 2026, 3:00 p.m.

A previous version of this notice was published in the September 4 and October 2 DC Register Issues. Please use this current notice for the most up to date information for this grant opportunity.

The Full-Year Continuing Appropriations and Extensions Act, 2025 (Public Law 119-4), and the Continuing Appropriations, Agriculture, Legislative Branch, Military Construction and Veterans Affairs, extensions Act, 2026 (Public Law 119-37) authorizes funding through the Office of the State Superintendent of Education (OSSE) - Division of Health and Wellness, is soliciting grant applications from School Food Authorities (SFAs) participating in the National School Lunch Program (NSLP). The goal is to provide subgrants to purchase equipment to serve healthier meals, improve food safety, and support the establishment, maintenance, and expansion of the School Breakfast Program (SBP).

Eligibility and Selection Criteria: These funds will be available through a competitive grant process to District of Columbia NSLP participating public schools, public charter schools and private/non-public schools.

Applications will be scored on the following selection criteria: project vision and implementation, project justification, sustainability, benefit to students with disabilities, and budget justification.

These funds will make a significant investment by allowing the purchase of capital equipment used to serve healthier meals, meet the nutritional standards with emphasis on more fresh fruits and vegetables in school meals, improve food safety and expand accessibility to food services.

In order to make the most effective use of these grant funds, equipment requests must address at least one of the following focus areas:

- Improve food safety and sanitation of food served in the NSLP and/or Breakfast Program.
- Improve food quality and ensure consistent preparation results and improve the nutrition and quality of meals.
- Improve operational efficiency by reducing preparation time, increase productivity and workflow for food distribution and food storage.

Length of the Award: The total award period for this grant will be two years, ending on Sept. 30, 2028, contingent upon availability of funds. Each budget period is one year, with the first budget period ending Sept. 30, 2027. The applicant will be required to complete a continuation application each fiscal year. Receipt of funding for each continuation year is contingent upon:

- Availability of funds;

- Recipient's implementation and/or operation of the program as submitted in the application;
- Recipient's demonstration that substantial progress has been made toward meeting the objectives set forth in the approved application, based on ongoing monitoring and review of the recipient's reports;
- Compliance with District and federal laws, regulations and guidance; and
- Appropriate expenditure of funds throughout the grant award period.

Available Funding for Award: The total funding available for this award period is approximately $69,829.00. The estimated number of awards ranges from 8 to 10 with the minimum award amount being $1,000 and the maximum award amount being $10,000.

Application Process: OSSE will use an external review panel to review and score each application for this RFA. The review panel will be composed of external neutral, qualified, professional individuals selected for their expertise, knowledge or related experiences. Each application will be scored against a rubric and applications will have multiple reviewers to ensure accurate scoring. Upon completion of its review, the panel(s) shall make recommendations for awards based on the scoring rubric(s). The State Superintendent or her designee will make all final award decisions.

Applications must be submitted by December 1, 2026 (3 p.m.). OSSE anticipates issuing awards by January 29, 2027.

Pre-Application Question Period: To ensure an equal opportunity for all applicants, OSSE requests that applicants submit questions regarding the RFA electronically to Kimberly Thompson by 12 p.m. on November 11, 2026. To ensure a fair process, questions submitted after Noevmeber 11, 2026 will not receive responses. Responses to questions will be published by November 19, 2026.

- Applicants are strongly encouraged to participate in the following webinar information session. A recording of the information session will be available on the OSSE website.
    - Pre-application webinar: October 20, 2026 10:00-11:00 am.
    - Register here.

For additional information regarding this grant competition, please contact::

Kimberly Thompson
Grant Manager
Office of the State Superintendent of Education
1050 First Street, NE, 6th Floor
Washington, D.C. 20002
Email: Kimberlya.Thompson@dc.gov

The RFA will be available on OSSE's website.The RFA will also be available on the ServeDC's Grants Clearinghouse website. All applications must be submitted through the Enterprise Grants Management System (EGMS) at grants.osse.dc.gov.

D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
CITYWIDE REGISTRATION SUMMARY
AS OF SEPTEMBER 30, 2026

WARD	DEM	REP	STG	N-P	OTH	TOTALS
1	43,002	1,850	560	9,024	255	54,691
2	34,907	3,552	314	10,341	261	49,375
3	39,850	3,754	412	10,461	269	54,746
4	47,541	2,023	556	9,180	294	59,594
5	51,863	2,248	730	10,596	388	65,825
6	46,620	5,207	483	11,641	341	64,292
7	45,508	1,869	595	8,986	364	57,322
8	36,769	1,979	520	8,050	308	47,626
TOTALS	**346,060**	**22,482**	**4,170**	**78,279**	**2,480**	**453,471**
Percentage by Party	**76.31%**	**4.96%**	**0.92%**	**17.26%**	**0.55%**	**100.00%**

DISTRICT OF COLUMBIA BOARD OF ELECTIONS MONTHLY REPORT OF
VOTER REGISTRATION STATISTICS AND REGISTRATION TRANSACTIONS
AS OF THE END OF SEPTEMBER 30, 2026

COVERING CITY-WIDE TOTALS BY:
WARD, PRECINCT, AND PARTY

1015 HALF STREET, SE SUITE 750
WASHINGTON, DC 20003
(202) 727-2525
http://www.dcboe.org



D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
WARD 1 REGISTRATION SUMMARY
AS OF SEPTEMBER 30, 2026

PRECINCT	DEM	REP	STG	N-P	OTH	TOTALS
20	823	36	10	164	5	1,038
22	4,102	253	30	843	20	5,248
23	2,831	127	36	580	25	3,599
24	2,668	116	18	555	14	3,371
25	4,087	225	34	884	17	5,247
35	3,497	98	51	635	15	4,296
36	3,905	182	56	779	20	4,942
37	3,673	128	46	939	36	4,822
38	2,698	108	42	628	18	3,494
39	3,879	137	63	748	20	4,847
40	3,168	113	57	602	11	3,951
41	3,044	156	53	755	25	4,033
42	1,656	66	23	320	8	2,073
43	1,691	56	26	337	8	2,118
137	1,280	49	15	255	13	1,612
TOTALS	**43,002**	**1,850**	**560**	**9,024**	**255**	**54,691**

D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
WARD 2 REGISTRATION SUMMARY
AS OF SEPTEMBER 30, 2026

PRECINCT	DEM	REP	STG	N-P	OTH	TOTALS
2	435	49	4	171	2	661
3	1,638	232	26	628	20	2,544
4	2,289	292	19	813	25	3,438
5	2,177	423	17	855	22	3,494
6	2,160	463	17	1,051	18	3,709
13	1,296	156	12	388	9	1,861
14	2,787	233	26	725	20	3,791
15	2,959	201	24	718	17	3,919
16	3,514	264	19	837	14	4,648
17	4,352	349	30	1,176	21	5,928
18	4,359	261	34	932	25	5,611
21	1,007	44	12	206	12	1,281
129	3,500	419	52	1,279	37	5,287
141	2,434	166	22	562	19	3,203
TOTALS	**34,907**	**3,552**	**314**	**10,341**	**261**	**49,375**

D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
WARD 3 REGISTRATION SUMMARY
AS OF SEPTEMBER 30, 2026

PRECINCT	DEM	REP	STG	N-P	OTH	TOTALS
7	1,350	250	12	505	17	2,134
8	2,837	495	16	952	22	4,322
9	996	275	7	411	6	1,695
10	1,987	271	22	657	17	2,954
11	3,181	317	58	1,018	42	4,616
12	648	146	2	246	6	1,048
26	3,294	211	20	768	17	4,310
27	2,422	171	22	545	8	3,168
28	2,458	266	31	682	13	3,450
29	1,791	108	26	502	16	2,443
30	1,445	148	15	366	10	1,984
31	2,683	207	21	554	16	3,481
32	2,887	175	25	671	20	3,778
33	2,896	141	28	611	14	3,690
34	3,468	169	38	800	10	4,485
50	2,109	175	29	460	19	2,792
136	1,242	75	18	250	5	1,590
138	2,156	154	22	463	11	2,806
TOTALS	**39,850**	**3,754**	**412**	**10,461**	**269**	**54,746**

D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
WARD 4 REGISTRATION SUMMARY
AS OF SEPTEMBER 30, 2026

PRECINCT	DEM	REP	STG	N-P	OTH	TOTALS
45	2,222	77	24	387	10	2,720
46	2,822	71	27	459	23	3,402
47	3,102	115	53	620	18	3,908
48	2,733	108	36	557	14	3,448
49	965	35	11	204	6	1,221
51	3,629	333	17	678	14	4,671
52	1,443	91	6	267	6	1,813
53	1,048	52	12	226	8	1,346
54	2,148	76	26	430	18	2,698
55	2,160	74	22	410	11	2,677
56	3,001	115	52	626	24	3,818
57	2,262	81	31	499	17	2,890
58	1,906	65	22	396	16	2,405
59	2,314	75	22	405	12	2,828
60	2,025	148	26	628	24	2,851
61	1,397	64	22	267	12	1,762
62	3,804	146	38	589	10	4,587
63	3,789	148	58	717	17	4,729
64	2,143	62	21	368	18	2,612
65	2,628	87	30	447	16	3,208
TOTALS	**47,541**	**2,023**	**556**	**9,180**	**294**	**59,594**

D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
WARD 5 REGISTRATION SUMMARY
AS OF SEPTEMBER 30, 2026

PRECINCT	DEM	REP	STG	N-P	OTH	TOTALS
19	4,369	199	80	985	40	5,673
44	2,253	180	43	575	15	3,066
66	4,220	146	50	749	34	5,199
67	2,646	87	28	448	9	3,218
68	1,834	120	22	344	12	2,332
69	2,061	67	22	350	10	2,510
70	1,386	70	23	286	6	1,771
71	2,235	76	31	432	18	2,792
72	3,801	151	54	786	43	4,835
73	1,748	75	18	305	14	2,160
74	5,088	248	92	1,184	44	6,656
75	4,845	199	53	1,004	24	6,125
76	2,768	127	39	650	24	3,608
77	2,641	125	43	516	29	3,354
78	2,488	112	38	556	15	3,209
79	1,911	88	34	482	18	2,533
135	2,706	117	31	509	16	3,379
139	2,863	61	29	435	17	3,405
TOTALS	**51,863**	**2,248**	**730**	**10,596**	**388**	**65,825**

D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
WARD 6 REGISTRATION SUMMARY
AS OF SEPTEMBER 30, 2026

PRECINCT	DEM	REP	STG	N-P	OTH	TOTALS
1	5,055	418	63	1,407	40	6,983
81	3,209	309	27	674	21	4,240
82	2,611	216	24	537	15	3,403
83	3,265	266	39	676	21	4,267
84	1,956	346	21	458	13	2,794
85	2,547	433	16	648	18	3,662
88	1,943	233	14	431	18	2,639
89	2,550	469	23	641	18	3,701
90	1,552	167	18	429	12	2,178
91	4,007	318	39	957	27	5,348
127	4,621	364	61	1,190	29	6,265
128	2,040	161	27	525	11	2,764
130	3,326	912	24	1,071	43	5,376
142	2,738	283	45	864	22	3,952
143	354	26	5	51	2	438
144	4,846	286	37	1,082	31	6,282
TOTALS	**46,620**	**5,207**	**483**	**11,641**	**341**	**64,292**

D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
WARD 7 REGISTRATION SUMMARY
AS OF SEPTEMBER 30, 2026

PRECINCT	DEM	REP	STG	N-P	OTH	TOTALS
80	1,795	204	52	403	24	2,478
86	2,864	156	38	635	32	3,725
87	2,554	209	28	556	17	3,364
92	1,256	33	16	215	7	1,527
93	1,335	42	18	249	11	1,655
94	1,718	66	20	364	13	2,181
95	1,555	56	21	339	16	1,987
96	1,662	57	17	311	14	2,061
97	1,234	49	21	287	14	1,605
98	1,898	67	24	371	19	2,379
99	1,197	42	11	282	7	1,539
100	1,897	54	20	363	9	2,343
101	1,350	47	15	255	11	1,678
102	2,067	82	24	382	17	2,572
103	2,591	89	41	466	18	3,205
104	2,677	110	44	588	27	3,446
105	2,099	78	26	453	12	2,668
106	2,312	64	22	427	18	2,843
107	931	42	8	188	9	1,178
108	919	22	5	141	6	1,093
109	864	40	8	140	4	1,056
110	3,185	95	39	479	21	3,819
111	1,861	53	31	400	12	2,357
113	2,001	63	24	350	18	2,456
132	1,686	49	22	342	8	2,107
TOTALS	**45,508**	**1,869**	**595**	**8,986**	**364**	**57,322**

D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
WARD 8 REGISTRATION SUMMARY
AS OF SEPTEMBER 30, 2026

PRECINCT	DEM	REP	STG	N-P	OTH	TOTALS
112	1,220	31	13	223	7	1,494
114	2,457	116	57	557	26	3,213
115	1,524	46	24	329	8	1,931
116	2,263	103	29	482	11	2,888
117	2,350	87	34	507	25	3,003
118	2,718	91	33	555	23	3,420
119	1,698	86	20	362	21	2,187
120	1,730	64	16	309	13	2,132
121	2,698	98	31	529	17	3,373
122	1,652	74	24	344	10	2,104
123	1,483	132	33	391	13	2,052
124	1,875	59	36	387	15	2,372
125	3,027	104	40	622	36	3,829
126	2,573	116	46	583	15	3,333
131	3,390	611	32	1,090	39	5,162
133	1,335	59	13	236	6	1,649
134	1,541	51	22	297	12	1,923
140	1,235	51	17	247	11	1,561
TOTALS	**36,769**	**1,979**	**520**	**8,050**	**308**	**47,626**

DEPARTMENT OF HEALTH
PUBLIC NOTICE

District of Columbia Board of Dentistry Fiscal Year 2027 Meetings and Hearings

The District of Columbia Board of Dentistry ("Board") hereby gives notice of its upcoming meetings, pursuant to § 405 of the District of Columbia Health Occupation Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1204.05 (b)).

The Board holds its meetings on a monthly basis on the third Wednesday of each month. The meetings are open to the public from 9:00 AM until 10:00 AM, or until there is no further open session business for the Board to consider. In accordance with § 575(b) of the Open Meetings Act of 2010 (D.C. Official Code § 2-575(b)), the Board will meet in executive (closed/non-public) session to seek the advice of counsel to the board, pursuant to D.C. Official Code § 2-575(b)(4); to discuss disciplinary matters pursuant to D.C. Official Code § 2-575(b)(9); and to discuss ongoing or planned investigations pursuant to D.C. Official Code § 2-575(b)(14).

The upcoming meetings for the Board for FY2027 are:

October 21, 2026	(Virtual)
November 18, 2026	(Virtual)
December 16, 2026	(In Person and Virtual)
January 20, 2027	(Virtual)
February 17, 2027	(Virtual)
March 17, 2027	(In Person and Virtual)
April 21, 2027	(Virtual)
May 19, 2027	(Virtual)
June 16, 2027	(In Person and Virtual)
July 21, 2027	(Virtual)
August 2027	(Recess)
September 15, 2027	(In Person and Virtual)

Additionally, the Board is scheduled to hold disciplinary action hearings as follows:

November 10, 2026, at 9:00 a.m., in the matter of Alexus Myers, DA (Virtual)
December 1, 2026, at 9:00 a.m., in the matter of Gina Pham, DDS (Virtual)
January 11, 2027, at 9:00 a.m., in the matter of Larry McNair, DDS (Virtual)

The Board will be utilizing a hybrid schedule of virtual and in-person meetings. The public may attend the virtual meeting open session by videoconference or by phone. All in-person meetings will be held at 2201 Shannon Place, SE, 2nd Floor, Washington, DC 20020. Information on how to access the public portion of the meeting virtually will be listed on the posted Open Session Meeting Agenda.

The agendas for all open (public) session meetings and videoconference and telephone information will be posted at least one business day before the meeting on the Board of Ethics and Government Accountability website at http://www.bega-dc.gov/board-commission/meetings and on the DOH website at https://dchealth.dc.gov/event/board-dentistry-monthly-meeting-and-open-session-board-agenda. For additional information, please contact the Health Licensing Specialist at Tiffany.Johnson1@dc.gov.

DEPARTMENT OF HEALTH

PUBLIC NOTICE

District of Columbia Board of Pharmacy Fiscal Year 2027 Meetings and Hearings

The District of Columbia Board of Pharmacy ("Board") hereby gives notice of its upcoming meetings, pursuant to § 405 of the District of Columbia Health Occupation Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1204.05 (b)).

The Board holds its meetings on a monthly basis on the first Thursday of each month.

The meetings are open to the public from 9:30 AM until 10:30 AM, or when there is no further open session business for the Board to consider. In accordance with § 575(b) of the Open Meetings Act of 2010 (D.C. Official Code § 2-575(b)), the Board will meet in executive (closed/non-public) session to seek the advice of counsel to the board, pursuant to D.C. Official Code § 2-575(b)(4); to discuss disciplinary matters pursuant to D.C. Official Code § 2-575(b)(9); and/or to discuss ongoing or planned investigations pursuant to D.C. Official Code § 2-575(b)(14).

The upcoming meetings for the Board for FY2027 are:

November 5, 2026	(Virtual)
December 3, 2026	(Virtual)
January 7, 2027	(Virtual)
February 4, 2027	(In Person and Virtual)
March 4, 2027	(Virtual)
April 1, 2027	(Virtual)
May 6, 2027	(In Person and Virtual)
June 3, 2027	(Virtual)
July 2027	(Recess)
August 5, 2027	(Virtual)
September 2, 2027	(In Person and Virtual)

Additionally, the Board is scheduled to hold disciplinary action hearings as follows:

October 20, 2026, at 9:00 a.m., in the matter of Mohammad Hussain, R.Ph. (Virtual)
October 23, 2026, at 9:00 a.m., in the matter of Rereloluwa Oyediran. (Virtual)

The Board will be utilizing a hybrid schedule of virtual and in person meetings. The public may attend the virtual meeting open session by videoconference or by phone. All in-person meetings will be held at 2201 Shannon Place, SE, 2nd Floor, Washington, DC 20020.

The agendas for all open (public) session meetings and videoconference and telephone information will be posted at least one business day before the meeting on the Board of Ethics and Government Accountability website at http://www.bega-dc.gov/board-commission/meetings and on the DOH website at https://dchealth.dc.gov/publication/meeting-agenda-and-minutes-board-pharmacy.

DEPARTMENT OF HEALTH

PUBLIC NOTICE

District of Columbia Board of Respiratory Care Fiscal Year 2027 Meetings

The District of Columbia Board of Respiratory Care ("Board") hereby gives notice of its upcoming meetings, pursuant to § 405 of the District of Columbia Health Occupation Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1204.05 (b)).

The Board holds its meetings on a quarterly basis on the second Tuesday of the month. The meetings are open to the public from 9:00 AM until 10:00 AM, or until there is no further open session business for the Board to consider. In accordance with § 575(b) of the Open Meetings Act of 2010 (D.C. Official Code § 2-575(b)), the Board will meet in executive (closed/non-public) session to seek the advice of counsel to the board, pursuant to D.C. Official Code § 2-575(b)(4); to discuss disciplinary matters pursuant to D.C. Official Code § 2-575(b)(9); and to discuss ongoing or planned investigations pursuant to D.C. Official Code § 2-575(b)(14).

The upcoming meetings for the Board for FY2027 are:

December 14, 2026	(Virtual)
March 8, 2027	(In Person and Virtual)
June 14, 2027	(Virtual)
September 13, 2027	(In Person and Virtual)

The Board will be utilizing a hybrid schedule of virtual and in-person meetings. The public may attend the virtual meeting open session by videoconference or by phone. All in-person meetings will be held at 2201 Shannon Place, SE, 2nd Floor, Washington, DC 20020. Information on how to access the public portion of the meeting virtually will be listed on the posted Open Session Meeting Agenda.

The agendas for all open (public) session meetings and videoconference and telephone information will be posted at least one business day before the meeting on the Board of Ethics and Government Accountability website at http://www.bega-dc.gov/board-commission/meetings and on the DOH website at https://dchealth.dc.gov/node/1171773.

DEPARTMENT OF HEALTH

PUBLIC NOTICE

Board of Social Work Meeting Schedule for Fiscal Year 2027

The District of Columbia Board of Social Work ("Board") hereby gives notice of its regular meeting schedule pursuant to § 405 of the District of Columbia Health Occupation Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1204.05 (b)) (2012 Repl.).

The Board's regular meetings shall be conducted on the fourth Monday of every month starting on October 26, 2026, unless otherwise indicated. The meetings will be held from 10:00 AM to 2:00 PM and will be open to the public from 10:00 AM until 11:00 AM to discuss various agenda items and any comments and/or concerns from the public. In accordance with Section 405(b) of the Open Meetings Amendment Act of 2010, D.C. Official Code § 2-575(b), the meetings will be closed from 11:00 AM until 2:00 PM to plan, discuss, or hear reports concerning licensing issues, ongoing or planned investigations of practice complaints, and/or violations of law or regulations.

The schedule of the Board's meetings during the next twelve-month period will be as follows:

October 26, 2026
November 23, 2026
January 25, 2027
February 22, 2027
March 22, 2027
April 26, 2027
May 24, 2027
June 28, 2027
July 26, 2027
September 27, 2027

All Board meetings will be virtual until further notice. Information on how to access the public portion of the meeting will be listed on the posted Open Session Meeting Agenda.

Agendas will be available at: https://dchealth.dc.gov/publication/board-social-work-agendas-and-minutes

For additional information, contact the Board at dcbosw@dc.gov or visit the Board website at https://dchealth.dc.gov/service/social-work-licensing.

DEPARTMENT OF LICENSING AND CONSUMER PROTECTION

NOTICE OF PUBLIC MEETING

District of Columbia Board of Architecture, Interior Design and Landscape Architecture

The District of Columbia Board of Architecture, Interior Design and Landscape Architecture ("Board") hereby gives notice of its regular meeting, pursuant to the section 406 of the Open Meetings Act of 2010, effective January 19, 2011 (D.C. Law 18-350; D.C. Official Code § 2-576). The proposed agenda for each meeting will be posted on the Department of Licensing and Consumer Protection's website at www.dlcp.dc.gov and the Office of Open Government's website at https://www.open-dc.gov/public-bodies/meetings, not less than forty-eight (48) hours before the meeting.

The Board will hold its next meeting on Friday, October 23, 2026, at 9:30 a.m.

The Board holds its meetings every month at 9:30 a.m. The meetings are open to members of the public virtually through Zoom. For additional information, please contact Ms. Avis B. Pearson, Board Administrator, at (202) 615-2331 or avis.pearson@dc.gov.

Draft Agenda

1. Call to Order – 9:30 a.m.
2. Attendance
3. Comments from the Public
4. Approval of Minutes
5. Old Business
6. New Business
   Motion - Executive Session (Closed to the Public) Pursuant D.C. Official Code § 2-575(b) (4) (A); D.C. Official Code § 2-575(b) (9) and (13) to discuss complaints/legal matters, applications, and legal counsel report. We will resume the public portion of the meeting at the conclusion of the executive session. Please stand by for our return if you are participating online.
7. Adjourn
8. The next regularly scheduled meeting will take place on November 6, 2026, at 9:30 a.m., via Zoom.

Join the meeting:
https://dc-gov.zoom.us/j/85472127849?pwd=hQZIe9EKCdDJa7kSbDlY7Pjqdjfpm0.1
Webinar ID: 854 7212 7849**; Passcode:** 100926

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 open.govoffice@dc.gov.

DEPARTMENT OF LICENSING AND CONSUMER PROTECTION

District of Columbia Board of Funeral Directors

NOTICE OF EMERGENCY PUBLIC MEETING

The District of Columbia Board of Funeral Directors ("Board") hereby gives notice of its upcoming meeting, pursuant to section 406 of the Open Meetings Act of 2010, effective January 19, 2011 (D.C. Law 18-350; D.C. Official Code § 2-576). The proposed agenda for each meeting will be posted on the Department of Licensing and Consumer Protection's website at www.dlcp.dc.gov and the Office of Open Government's website at https://www.open-dc.gov/public-bodies/meetings, not less than forty-eight (48) hours before the meeting.

The Board will hold an emergency meeting on Friday, October 9, 2026, at 11:00 a.m.

The Board holds its regularly scheduled meetings on the first Thursday of each month at 1:00 p.m. The meetings are open to members of the public virtually via Zoom. Please direct all inquiries and questions for public comment to Ms. Allison Wade, Board Administrator, at (202) 369-0135 or allison.wade@dc.gov.

AGENDA

1. Call to order -11:00 a.m.
2. Attendance
3. Proactive Inspections
4. Motion - Executive Session, which is closed to the public, in order to consult with our attorneys to seek legal advice; to discuss disciplinary matters; and to deliberate upon decisions in adjudication actions and proceedings, as provided by D.C. Code § 2-575(b)(4)(A), § 2-575(b)(9), and § 2-575(b)(13). We will resume the public portion of the meeting at the conclusion of the executive session.
5. Recommendations/Actions
6. Adjourn
7. Next scheduled board meeting – November 5, 2026, via Zoom.

Meeting Login Information:
https://dc-gov.zoom.us/j/88207407744?pwd=plX3IuhLU9m3mQmkzwsP848ApzOR5P.1
Meeting ID: 882 0740 7744; **Passcode: 271654**

*****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 LICENSING AND CONSUMER PROTECTION

District of Columbia Board of Professional Engineers

NOTICE OF PUBLIC MEETING

The District of Columbia Board of Professional Engineers ("Board") hereby gives notice of its upcoming meeting, pursuant to the section 406 of the Open Meetings Act of 2010, effective January 19, 2011 (D.C. Law 18-350; D.C. Official Code § 2-576). The proposed agenda for each meeting will be posted on the Department of Licensing and Consumer Protection's website at www.dlcp.dc.gov and the Office of Open Government's website at https://www.open-dc.gov/public-bodies/meetings, not less than forty-eight (48) hours before the meeting.

The Board will hold its upcoming meeting on Thursday, October 22, 2026, at 11:00 a.m.

The Board holds its meetings on the fourth Thursday of every month, unless otherwise noted, at 11:00 a.m. The meetings are open to members of the public virtually through Zoom. For additional information, please contact Ms. Avis B. Pearson, Board Administrator, at (202) 615-2331 or avis.pearson@dc.gov.

Draft Agenda

1. Call to Order – 11:00 a.m.
2. Attendance
3. Comments from the Public
4. Approval of Minutes
5. Old Business
6. New Business
   Motion - Executive Session, which is closed to the public, in order to consult with our attorneys to seek legal advice; to discuss disciplinary matters; and to deliberate upon decisions in adjudication actions and proceedings, as provided by D.C. Code § 2-575(b)(4)(A), § 2-575(b)(9), and § 2-575(b)(13). We will resume the public portion of the meeting at the conclusion of the executive session. Please stand by for our return if you are participating online.
7. Adjourn
8. Next Scheduled Meeting – November 19, 2026, at 11:00 a.m. via Zoom.

Meeting Login Information
https://dc-gov.zoom.us/j/84154560447?pwd=E7bl2pbU8KHFr3BQyE3bb8D8N0qtpL.1
Webinar ID: 841 5456 0447; **Password:** 102226

***** 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 LICENSING AND CONSUMER PROTECTION

District of Columbia Board of Real Estate Appraisers

NOTICE OF PUBLIC MEETING

The District of Columbia Board of Real Estate Appraisers ("Board") hereby gives notice of its regular meeting, pursuant to the section 406 of the Open Meetings Act of 2010, effective January 19, 2011 (D.C. Law 18-350; D.C. Official Code § 2-576). The proposed agenda for each meeting will be posted on the Department of Licensing and Consumer Protection's website at www.dlcp.dc.gov and the Office of Open Government's website at https://www.open-dc.gov/public-bodies/meetings, not less than forty-eight (48) hours before the meeting.

The Board will hold its upcoming meeting on Wednesday, October 21, 2026, at 10:00 a.m.

The Board holds its meetings on the third Wednesday of every month at 10:00 a.m. The meetings are open to members of the public virtually through Zoom. For additional information, please contact Ms. Brittney Cheshier, Board Administrator, at (202) 442-4461 or Brittney.Cheshier1@dc.gov.

Draft Agenda

1. Call to Order – 10:00 a.m.
2. Attendance
3. Comments from the Public
4. Approval of Meeting Minutes
5. Recommendations – Education Committee Report
6. Correspondence
7. Old Business
8. New Business
9. Motion – Executive Session (Closed to the Public) to consult with an attorney pursuant to D.C. Official Code § 2-575(b)(4)(A); D.C. Official Code § 2-575(b)(9) to discuss complaints/legal matters, applications, and legal counsel report. We will resume the public portion of the meeting at the conclusion of the executive session. Please stand by for our return if you are participating online.
10. Recommendations
    a. Applications
    b. Legal recommendations for complaints and legal matters
11. Adjourn – Next Scheduled Meeting – November 18, 2026, at 10 a.m. via Zoom

Meeting Login Information:
https://dc-gov.zoom.us/j/84204652837
Webinar ID: 842 0465 2837
***** 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***

MUNDO VERDE BILINGUAL PUBLIC CHARTER SCHOOL

REQUEST FOR PROPOSALS

ELA/Mathematics Intervention and Home & Hospital Instruction Services

Mundo Verde Public Charter School is seeking qualified contractors to provide ELA/Mathematics Intervention and Home & Hospital Instruction Services for the 2026–2027 school year. The selected contractor(s) will deliver targeted instructional support and intervention services to students needing assistance in reading, math, and home/hospital-bound instruction.

The RFP with bidding requirements and supporting documentation can be obtained by contacting Brandan Persaud at bpersaud@mundoverdepcs.org or Maria-Jose Carrasco at mcarrasco@mundoverdepcs.org.

All bids not addressing all areas as outlined in the RFP will not be considered. The deadline for RFP submission is 3:00 p.m. on October 23, 2026.

DISTRICT OF COLUMBIA PUBLIC CHARTER SCHOOL BOARD

2027 MEETINGS DATES and REGISTRATION LINKS

Meetings begin at 6:00 PM ET

January 25, 2027
https://dcpcsb.zoom.us/webinar/register/WN_FWkNXnCXR9y6T8tQdVBP_Q

February 22, 2027
https://dcpcsb.zoom.us/webinar/register/WN_WisBo3rUSP2UR6hlSyubDg

March 29, 2027
https://dcpcsb.zoom.us/webinar/register/WN_-NS0zqloSbmySDEWMogURw

April 26, 2027
https://dcpcsb.zoom.us/webinar/register/WN_QErZoGG7S3KGpgji0oeaDA

May 24, 2027
https://dcpcsb.zoom.us/webinar/register/WN_0SOQLE-RRxOYotPA25L3Fg

June 28, 2027
https://dcpcsb.zoom.us/webinar/register/WN_ID_oJ-O7RIufRnZw95pRKw

August 23, 2027
https://dcpcsb.zoom.us/webinar/register/WN_ViEAjOsITt2oeiRhk2ehig

September 27, 2027
https://dcpcsb.zoom.us/webinar/register/WN_T-uxV6GeR-qA9bQYL8Pt8g

October 25, 2027
https://dcpcsb.zoom.us/webinar/register/WN_IXLcgrdoRwCppvByY6Sklg

November 22, 2027
https://dcpcsb.zoom.us/webinar/register/WN_nHAuBQEIRwqWWt91x5ooCQ

December 13, 2027
https://dcpcsb.zoom.us/webinar/register/WN_krECZKM6Ri6HxGfTJIxggw

Meeting agendas and participation information are posted on our website –
https://www.dcpcsb.org/

Questions
Email: OfficeOfExecutive@dcpcsb.org.
Phone: (202) 328-2660

DISTRICT OF COLUMBIA
COMMISSION ON SELECTION AND TENURE OF
ADMINISTRATIVE LAW JUDGES OF
THE OFFICE OF ADMINISTRATIVE HEARINGS
NOTICE OF PUBLIC MEETING

In accordance with D.C. Code § 2-576(1), the District of Columbia Commission on Selection and Tenure of Administrative Law Judges of the Office of Administrative Hearings hereby gives notice that it will conduct a meeting on **October 16, 2026, at 4:00 p.m.** to discuss candidates for Administrative Law Judge. The meeting will be held in Conference Room #6500 at the H. Carl Moultrie Courthouse (500 Indiana Avenue, NW) but will be accessible to the public only remotely via Webex. A portion of the meeting will be closed pursuant to D.C. Code § 2-575(b)(10), which permits closed meetings to "discuss the appointment, employment, assignment, performance evaluation, compensation, discipline, demotion, removal, or resignation of government appointees, employees, or officials." The agenda below will be posted on the OAH website at www.oah.dc.gov and the Office of Open Government/BEGA website at www.open-dc.gov.

For further information about this meeting, please contact Jacqueline Spencer at jacqueline.spencer1@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.

AGENDA

I. Call to Order (Commission Chair)

II. Ascertainment of Quorum

III. Adoption of Agenda

IV. Executive Session (non-public).

a. Vote to enter closed session to discuss personnel matters pursuant to D.C. Official Code § 2-575(b)(10).
b. Discussion of candidates.
c. Vote to reopen the meeting.

V. Other Business

VI. Adjournment (Commission Chair)

Information on Joining the Webex Meeting

- Telephone
  Telephone Number: 1-202-860-2110
  Meeting Number (Access Code): 2306 919 3402

- Online
  Link: https://dcnet.webex.com/dcnet/j.php?MTID=me96097f76336ce214c9ef26428d1eb7c
  Meeting Number (Access Code): 2306 919 3402
  Meeting Password: tZFpQ6ZJp36

DISTRICT OF COLUMBIA SENTENCING COMMISSION

NOTICE OF HYBRID MEETING

The Commission meeting will be held on Tuesday, October 20, 2026, 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

The Commission's meeting are available both in-person and virtually. Meetings can be viewed on the Commission's Facebook page.

Agenda

1. Review and Approval of the Minutes from the Tuesday, September 15, 2026, 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, November 17, 2026

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.

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 Thursday, October 22, 2026, 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. The Interim Chief Executive Officer and General Manager invites the public to attend the meeting 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 Debra Mathis, Acting Board Secretary at (202) 787-2331 or Debra.Mathis@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, October 22, 2026, at 9:30 a.m. This meeting will not be held in the Board Room (2nd floor) at 1385 Canal Street, S.E. The Interim 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 Debra Mathis, Acting Board Secretary at (202) 787-2331 or Debra.Mathis@dcwater.com.

DRAFT AGENDA

1. Call to Order	Committee Chairperson
2. October 22, 2026 Financial Report	Vice President, Budget
3. Action Items	CFO and EVP, Finance and Procurement
4. Agenda for November 2026 Committee Meeting Chairperson	Committee
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

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, October 20, 2026, at 10:00 a.m. The meeting will not be held in the Board Room (2nd floor) at 1385 Canal Street, S.E. The Interim Chief Executive Officer and General Manager invites the public to attend the meeting 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 Debra Mathis, Acting Board Secretary at (202) 787-2331 or Debra.Mathis@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

Application No. 20377 of 16th Street Residential LLC, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle U § 420.1(g) to allow a nonresidential adjunct use (a café) as an accessory use within an apartment house and, pursuant to Subtitle X, Chapter 10, for an area variance from Subtitle U § 420.1(g)(5) to allow a nonresidential adjunct use in an apartment house with a principal entrance less than one-quarter-mile walking distance from the nearest MU, NMU, or PDR zone in an existing apartment house in the RA-4 Zone at 1630 Columbia Road, NW (Square 2578, Lot 834).

HEARING DATES: April 7 and May 5, 2021
DECISION DATES: May 5, 2021 and September 30, 2026

DECISION AND ORDER

This self-certified application was filed on September 22, 2020 on behalf of 16th Street Residential LLC, the owner of the property that is the subject of the application (the "Applicant"). Following the public hearing, the Board voted to deny the application.

PRELIMINARY MATTERS:

Notice of Application and Notice of Hearing. By memoranda dated December 14, 2020, the Office of Zoning sent notice of the application and the public hearing to the Applicant, the Office of Planning ("OP"), the District Department of Transportation ("DDOT"), Advisory Neighborhood Commission ("ANC") 1C, the ANC for the area within which the subject property is located, the single-member district ANC 1C06, the Office of Advisory Neighborhood Commissions, the owners of all property within 200 feet of the subject property, and to the Councilmember for Ward 1 as well as the Chairman and three at-large members of the D.C. Council. Notice of the public hearing was published in the *District of Columbia Register* on December 4, 2020 (67 DCR 14123).

Party status. Pursuant to Subtitle Y § 403.5, the Applicant and ANC 1C were automatically parties in this proceeding. The Board received no requests for party status.

Applicant's case. The Applicant presented evidence and testimony in support of the application, including from Hope Richardson and Anthony Lanier. The application sought zoning relief to allow a café on the ground floor of an apartment house as a nonresidential adjunct use.

OP report. By memoranda dated March 26 and April 30, 2021, OP recommended approval of the application subject to a condition that would limit access to the proposed adjunct use. (Exhibits 36, 44.)

DDOT report. By memorandum dated February 11, 2021, the District Department of Transportation indicated no objection to approval of the application. (Exhibit 32.)

ANC report. By letter dated November 29, 2020, ANC 1C stated that, at a public meeting on November 4, 2020, with a quorum present, the ANC voted in support of the Applicant's request for a special exception "under Subtitle U § 420.1(g) to allow for a ground floor dining/café amenity space." (Exhibit 16.)

Persons in support. The Board received letters from persons in support of the application, including the owner of an existing building, on an adjoining tax lot, that was connected to the Applicant's apartment house. The persons in support commented favorably on the Applicant's initial proposal to allow public access to a café in the new apartment house at the subject property.

FINDINGS OF FACT

1. The property that is the subject of this application is a corner lot located at the southeast corner of the intersection of Columbia Road and Mozart Place, N.W., with the address 1630 Columbia Road, N.W. (Square 2578, Lot 834).

2. The subject property is irregularly shaped, with approximately 130 feet of frontage on Mozart Place and 181 feet of frontage on Columbia Road. The lot area is 25,592 square feet.

3. The Applicant began construction of a new apartment house at the subject property after obtaining a building permit issued on September 6, 2019.

4. The subject property abuts Lot 835 to the east, which is improved with a building known as the Scottish Rite Temple (2800 16th Street N.W.). The new apartment house on Lot 834 is attached to and constitutes an addition to the existing building on Lot 835.[1] Both the existing building and the apartment house border an interior courtyard.

5. The building on Lot 835 was constructed in 1939 and is used for weekly meetings and special events for Scottish Rite Masons as well as office space for Scottish Rite staff. The subject property, Lot 834, was formerly used as a parking lot for the building on Lot 835. (Exhibits 12, 38.)

6. The new nine-story apartment house at the subject property will contain 172 dwelling units. A two-level below-grade garage will provide 59 vehicle parking spaces, 68 bicycle parking spaces, and loading facilities.

[1] Assessment and Taxation Lots 834 and 835 together occupy Lot 25, the underlying record lot. According to the Office of Planning, the lot area of Lot 25 was 45,252 square feet, comprising Lot 834 (25,592 square feet) and Lot 835 (19,660 square feet).

7. The apartment house will front on Columbia Road, with an entrance approximately 30 feet east of Mozart Place.

8. The apartment house will contain a community dining room for residents and their guests. The community dining room will be located in the northeast portion of the ground floor, adjacent to the lobby, and accessible only from the lobby and via the connection to the temple building. The Applicant indicated that neither the 70-seat community dining room nor any exterior signage will be visible from the sidewalk along Columbia Road.

9. The Applicant proposed to use the community dining room as a "dining/café amenity space" that would operate as "a food and drink establishment" and would "provide a 'hotel-like' experience for apartment residents, and … non-residents," including "members of the Scottish Rite Temple, their guests and members of the general public." The "dining/café amenity space" would be open "most of the day" (i.e. from 8:00 a.m. until 11:00 p.m. or midnight, depending on the day of the week), serving "breakfast, lunch and dinner as well as brunch on the weekends," with sales of coffee and alcohol. (Exhibit 33.)

10. The subject property is located in a Residential Apartment (RA) zone, RA-4. Nearby properties to the north, east, and south are also zoned RA-4. The abutting lot to the south was approved in 2011 as a consolidated planned unit development and related map amendment to the R-5-D zone to allow a residential building with 110 to 135 dwelling units on the site of a former embassy (see Zoning Commission Case No. 11-08).

11. Properties to the west of the subject property, across Mozart Place, are zoned RA-2, except for a Mixed Use (MU) zone, MU-5 along both sides of Columbia Road to the west of Mozart Place. Other MU properties are located to the southwest of the subject property, including MU-5A/RC zones along Kalorama Road between 16th Street and Ontario Road and on the west side of Ontario Road north of Florida Avenue.

12. The area surrounding the subject property contains a variety of building types and uses, including numerous moderately sized or large apartment houses, small-scale businesses, diplomatic functions, institutional uses, and office space for non-profits.

13. In 1999 the Board granted two applications to allow nonresidential adjunct uses in an apartment house at 1629 Columbia Road, N.W. (Square 2589, Lot 476) directly north of the subject property. The approved nonresidential adjunct uses were "a retail pet food store (commercial adjunct/convenience store) in part of the basement" of the apartment house and "a retail florist shop as a nonresidential adjunct use." Both applications requested special exceptions under § 354 of the 1958 Zoning Regulations; the later application also requested a variance from a requirement stated in § 354 relating to visibility of the adjunct use from a sidewalk.[2] See Application No. 16381 (H and M Enterprises; January 22, 1999) and Application No. 16496 (H and M Enterprises; October 28, 1999).

[2] Under § 354 of the 1958 Zoning Regulations, the Board was authorized to permit the sale of certain "convenience commodities and services as accessory uses and appropriate adjuncts to an apartment house that are designed to serve

14. The Residential Apartment (RA) zones are residential zones, designed to provide for residential areas suitable for multiple dwelling unit development and supporting uses. (Subtitle F § 100.2.) The RA zones are intended to (a) permit flexibility by allowing all types of residential development, (b) promote stable residential areas while permitting a variety of types of urban residential neighborhoods, (c) promote a walkable living environment, (d) allow limited non-residential uses that are compatible with adjoining residential uses, (e) encourage compatibility between the location of new buildings or construction and the existing neighborhood, and (f) ensure that buildings and developments around fixed rail stations, transit hubs, and streetcar lines are oriented to support active use of public transportation and safety of public spaces. (Subtitle F § 100.3.)

15. The RA-4 zone provides for areas developed with predominantly medium- to high-density residential use. The purposes of the RA-4 zone are to (a) permit flexibility of design by permitting all types of urban residential development if they conform to the height, density, and area requirements established for the district and (b) permit the construction of those institutional and semi-public buildings that would be compatible with adjoining residential uses and that are excluded from the more restrictive residential zones.

CONCLUSIONS OF LAW AND OPINION

The Applicant seeks a special exception under Subtitle U § 420.1(g) and an area variance from a requirement for that special exception stated in Subtitle U § 420.1(g)(5) to allow a nonresidential adjunct use – described by the Applicant as a café – in an apartment house in the RA-4 zone at 1630 Columbia Road, N.W. (Square 2578, Lot 834), which has its principal entrance less than one-quarter mile walking distance from the nearest Mixed-Use zone. Based on the findings of fact, and having given great weight to the recommendation of the Office of Planning as well as the views of ANC 1C, the Board determined that the application did not meet the requirements for approval of the requested zoning relief.

Special exception. The Board is authorized under § 8 of the Zoning Act, D.C. Official Code § 6-641.07(g)(2), to grant special exceptions, as provided in the Zoning Regulations, when, in the judgment of the Board, the special exception 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

---

the tenants' daily living needs" in the R-5 zones by special exception, subject to specified requirements. The requirements included that the "center of the principal entrance of the apartment house shall be more than one-fourth (1/4) mile walking distance from the nearest principal business street frontage of any business district previously established and operating in a Commercial or Industrial District." (§ 354.6).

The adjuncts authorized under § 354 – sales of "foods, drugs, and sundries" and "personal services" – were "intended to supply tenants of the apartment house with commodities and services supplementary to those in established Commercial Districts." To "protect the value and stability of [Commercial] Districts," the Board was directed to consider certain factors, including the "proximity of Commercial Districts, … [t]he adequacy and scope of commodities and services provided within those Commercial Districts; and [t]he size and character of the apartment house, since the tenants of the apartment house will be expected to furnish all or substantially all of the financial support of the requested adjunct." (§ 354.8.)

neighboring property in accordance with the Zoning Regulations and Zoning Map, subject to specific requirements. (See Subtitle X § 901.2.) The Board is authorized under Subtitle U § 420.1 to approve specific uses in the RA zones by special exception, subject to the requirements stated in that provision. In accordance with Subtitle U § 420.1(g), the uses that may be permitted by special exception in the RA-4 zone include "Nonresidential adjunct uses as an accessory use within an apartment house, consisting of the sale of foods, drugs, and sundries and personal services designed to serve the tenants' daily living needs," subject to the requirements stated in Subtitle U §§ 420.1(g)(1) through 420.1(g)(7).

According to the Applicant, the project at the subject property comprised an apartment house "designed and permitted to include a by-right Café use for only resident tenants of the Apartment House" such that "under the by-right use patrons of the [Scottish Rite] Temple or the general public are not allowed to use the Café." The Applicant described the "limited purpose" of the application as a request for "special exception relief under Subtitle U § 420.1(g) to allow for a ground floor dining/cafe amenity space (the 'Café') to be accessible for the public and variance relief from one special exception condition due to the Property's proximity to an MU Zone."[3]

Despite the Applicant's explanation that the "'accessory community dining room' [was] referenced [in the application] as the Café," those two terms were not interchangeable. The application requested both a special exception under Subtitle U § 420.1(g) to allow a nonresidential adjunct use (i.e., a use that required approval as a special exception, not the same use as a community dining room permitted as a matter of right) and an area variance from one of the requirements for approval of that special exception. The Board considered the purpose of the application, therefore, not solely to seek permission to expand access to the "Café" to encompass persons not living in the apartment house or their guests but also to allow the nonresidential adjunct use itself, along with a variance from a requirement for that approval.[4] The Board did not agree

[3] The Applicant asserted that "DCRA's Zoning Administrator confirmed this relief." (Exhibit 38.) The only submission provided by the Applicant in support of that contention – an eight-page letter about the Applicant's project, dated February 13, 2017 and signed by the Zoning Administrator – did not mention a "café" or any nonresidential adjunct use. The letter did not specifically mention a "community dining room" but described the planned apartment house at the subject property as "a 'U-shaped' rear addition to the Temple with approximately 176 residential units, including the required Inclusionary Zoning ('IZ') set aside units, off-street loading, vehicle and bicycle parking spaces and resident amenity space (the 'Project')." (Exhibit 43A.)

[4] The Applicant apparently read "nonresidential adjunct use" as "*nonresident* adjunct use; that is, a use that could be accessible to persons other than residents of the apartment house and their guests. See e.g. Exhibit 43, which stated that "The Café is permitted by-right for tenant use only, and *the same Café use for the public* is deemed to be appropriate for the RA zone given it is allowed by special exception" (emphasis added). The Office of Planning apparently concurred, as reflected in the initial wording of its recommended condition, which was intended to limit "non-resident use of the café." (Exhibit 36.)

The Board was not persuaded by the Applicant's characterization of the two uses (community dining room and nonresidential adjunct use) as being the same use or with the contention that the only difference between the two uses was the degree of access that is allowed. The Zoning Regulations do not prescribe different requirements for the same use under different names, and the Applicant did not explain why a "community dining room" should be considered a type of "nonresidential adjunct use." The Zoning Regulations also do not permit the same use in the same zone both as a matter of right and by special exception except when a clear difference is stated (for example, pursuant to Subtitle U § 251.1(b) a child development home is permitted as a matter of right for up to nine individuals and may be permitted

with the Applicant that the "community dining room," permitted at the subject property as a matter of right, and the proposed "Café," for which the Applicant requested approval as a special exception, would constitute the same use except with respect to whether access was limited to residents of the apartment house and their guests. Instead, the proposed "Café" required approval as a special exception in accordance with the requirements of Subtitle U § 420.1(g). The "nonresidential adjunct uses" that require approval as a special exception are "nonresidential" because of the types of uses that are contemplated (that is, sales of foods, drugs, and sundries and personal services, not dwelling units or something essential to the operation of the apartment house as a residential building). A "nonresidential adjunct use" does not describe who has access to the adjunct uses or indicate that access is available to persons other than residents of the apartment house where the nonresidential adjunct use is located. Accordingly, the Board did not agree with the Applicant that "special exception relief under Subtitle U § 420.1(g) [was needed solely] in order to use the Café as a nonresidential adjunct use within the Apartment House, meaning the Café is accessible to the public."

The Zoning Regulations permit, as a matter of right, an "accessory community dining room within an apartment house solely for the use of tenants and their guests" as an accessory use in the RA-4 zone.[5] (Subtitle U § 410.1(g).) The Applicant sought relief from the restriction that limited access to the community dining room solely to residents of the new apartment house and their guests. Based on the evidence in the record, the Board did not conclude that an accessory community dining room constituted the same use as the "Café" planned by the Applicant, even if limited to residents of the building and their guests. The application did not provide substantial evidence about the nature of the community dining room authorized by the building permit issued to the Applicant, including with respect to what cooking facilities, if any, would be provided. Under the circumstances, the Board did not conclude that a "community dining room" permitted as a matter of right under Subtitle U § 410.1(g) solely for residents of the apartment house and their guests would encompass the sort of all-day "café" use described by the Applicant serving food and drink in a "hotel-like experience."

---

for up to 12 individuals if approved as a special exception). The Applicant did not explain why a use designated as a "community dining room," and permitted as a matter of right under one provision of the Zoning Regulations, should also be considered a "nonresidential adjunct use" permitted by special exception under a different provision.

The Applicant's assertion that the two uses are the same except for the degree of access permitted was also unavailing. The Board did not interpret the phrase "nonresidential adjunct use" as a means to permit greater access to a community dining room. Subtitle U § 410.1(g) expressly limits the use of a community dining room "solely" to residents of the apartment house and their guests. Subtitle U § 420.1(g) does not state any restriction on access to a nonresidential adjunct use. The use of "nonresidential" in Subtitle U § 420.1(g) describes the nature of the uses permitted by special exception (accessory uses that, unlike the principal apartment house use, are not residential). The Zoning Regulations generally categorize uses as residential or nonresidential (for example, the RA zones are "residential" zones, as stated in Subtitle F § 100.2; see also Subtitle A § 101.9). A community dining room and a nonresidential adjunct use are both considered accessory uses to a principal apartment house use but are not the same use and differ in ways not limited to a distinction in access.

[5] The Zoning Regulations define an "accessory use" as "A use customarily incidental and subordinate to the principal use and located on the same lot with the principal use." With certain exceptions not applicable to this application, "an accessory use shall be limited to twenty percent (20%) of the gross floor area." (Subtitle B § 100.2.)

The Zoning Regulations also permit, by special exception, "Nonresidential adjunct uses as an accessory use within an apartment house, consisting of the sale of foods, drugs, and sundries and personal services designed to serve the tenants' daily living needs …." (Subtitle U § 420.1(g).) The application addressed each of the seven elements listed in that provision in support of the requested special exception. However, the application did not demonstrate that the proposed "café" would operate as an accessory use designed to serve residents' daily living needs. Nothing in the Zoning Regulations limits access to a nonresidential adjunct use solely to residents of an apartment house and their guests, but the adjunct use itself must be accessory to the principal apartment house and the regulations contemplate that the residents "will be expected to furnish all or substantially all of the financial support" of any adjunct.

With respect to the criteria applicable to a request for a special exception to allow a nonresidential adjunct use in an apartment house, the application demonstrated that the adjunct use proposed by the Applicant would be limited to the main floor of the Applicant's apartment house, occupying a portion of the ground floor adjacent to the lobby. (Subtitle U § 420.1(g)(1).) The area occupied by the proposed nonresidential adjunct use would not have a direct entrance from outside the building. (Subtitle § 420.1(g)(2).) The Applicant testified that no part of the adjunct use or the entrance to the adjunct use would be visible from the sidewalk along Columbia Road, closest to the adjunct use. (Subtitle § 420.1(g)(3).) The Applicant did not propose any sign or display indicating the existence of the adjunct use that would be visible outside the building. (Subtitle § 420.1(g)(4).) The Applicant planned to utilize a patio in the interior courtyard consistent with Subtitle U § 420.1(g)(6), which permits a nonresidential adjunct use within an interior patio or other type of open ground level area.

Pursuant to Subtitle U § 420.1(g)(5), the center of the principal entrance of an apartment house containing a nonresidential adjunct use must be more than one-fourth-mile walking distance from the nearest Mixed Use (MU), Neighborhood Commercial (NC), or Production, Distribution, and Repair (PDR) zone. As discussed below, the Applicant requested an area variance from this requirement, which would not be met at the subject property.

In considering an application for a special exception under Subtitle U § 420.1(g), the Board is directed to take into account the proximity of the proposed nonresidential adjunct use to MU and NC zones, the adequacy and convenience of parking spaces existing in or for the MU and NC zones, the adequacy and scope of commodities and services provided within those MU and NC zones, and the size and character of the apartment house, since the tenants of the apartment house will be expected to furnish all or substantially all of the financial support of the requested adjunct use. (Subtitle U § 420.1(g)(7).) The subject property was located in close proximity to an MU zone, and the Office of Planning was concerned that a café in that location could adversely affect nearby businesses, existing or potential. The Board was not persuaded by the Applicant's assertion that the café would constitute a benefit to the community, which lacked eating and drinking establishments similar to the Applicant's proposal, because the subject property is located in a residential zones where restaurants generally are not permitted. The Applicant testified that non-residential uses in proximity to the subject property include "only a handful of small retailers" as well as "non-retail or eating and drinking uses," where "the closest retail hubs" are more than a

quarter-mile away. (Exhibit 38.) The Office of Planning described a broad range of commodities and services provided in the MU zones near the subject property.

With respect to the parking spaces, the application reflected that the apartment house will provide parking in a below-grade garage for both residents of the apartment house and persons traveling to the existing building that is connected to the apartment house. The Applicant testified that the proposed adjunct use would be intended primarily to serve residents of the apartment house and persons at the adjoining building as well as persons who could walk from other nearby buildings. The Applicant asserted that the proposed adjunct use could attract customers from nearby apartment buildings and from religious and cultural institutions in the surrounding area without "markedly" increasing traffic to the site because Columbia Road "is a highly trafficked street for both pedestrians and vehicles." (Exhibit 38.) The Board credited DDOT's conclusion that approval of the application might "lead to a minor increase in vehicle, transit, pedestrian, and bicycle trips on the localized transportation network." (Exhibit 32.)

The Board was not persuaded that the Applicant's proposal was consistent with the terms of Subtitle U § 420.1(g) to allow a nonresidential adjunct use as an accessory use within an apartment house consisting of the sale of foods designed to serve the tenants' daily living needs, including the expectation stated in Subtitle U § 420.1(g)(7)(G) that "the tenants of the apartment house will be expected to furnish all or substantially all of the financial support of the requested adjunct." The Applicant noted the convenient location of the proposed adjunct for the building's residents and asserted, without supporting evidence, that the residents of the Applicant's 172-unit apartment house "can financially support" the proposed adjunct. However, the Applicant also stated an expectation that the café would attract a range of customers not limited to residents of the apartment house in emphasizing that the outdoor seating available at the subject property would differentiate the proposed adjunct use "from the limited amount of similar services in the nearby area" such that the Applicant proposed a "unique establishment for the neighborhood, which has limited options for all-day food and drink service in a large, informal setting." (Exhibit 33.)

The Office of Planning noted the Applicant's characterization of the planned establishment – "a unique setting with large indoor and outdoor seating capacity that serves a wide range of cuisine all-day, including, breakfast, coffee and has alcohol services as well" in an area with "no establishments that offer the same food and drink services … nor have the indoor and outdoor seating capacity" – and stated a concern about the impacts of the planned establishment on existing or potential commercial uses in the vicinity of the apartment house. The Office of Planning opposed the Applicant's proposal to allow public access to the Café, citing "the potential for bleed-off from the existing commercial area" in the vicinity of the subject property. To avoid a scenario in which "the café could effectively be transformed from an adjunct accessory use permitted in the RA-4 zone to a general restaurant and bar use not permitted in the zone," OP recommended a condition intended to restrict the "non-resident" use of the adjunct to people having "a programmatic connection" with the attached building "through attendance at events, presentations, activities, programs, education, volunteering, touring, membership activities or general

visitation."[6] (Exhibits 36, 44.) The Board credited OP's testimony that "making the café open to the general public … would be contrary to the wording and intent of the zoning regulations." (Exhibit 44.)

The Board did not determine that a condition precluding access to the proposed nonresidential adjunct use by the general public, even if readily workable and enforceable,[7] would be sufficient to ensure that the adjunct use would meet the requirements of Subtitle U § 420.1(g). The application did not demonstrate that the planned nonresidential adjunct use would be consistent with the requirements of Subtitle U § 420.1(g) as an accessory use consisting of the sale of foods, drugs, and sundries, and personal services designed to serve the daily living needs of the residents of the apartment house, where the size and character of the apartment house would support a conclusion that the residents would furnish all or substantially all of the financial support of the requested adjunct.

Subtitle X, Chapter 9. Pursuant to Subtitle X § 901.2, the Board is authorized to grant a special exception where, in the judgment of the Board, the special exception (a) will be in harmony with

[6] The Office of Planning stated that the Applicant agreed to the condition, which OP recommended to ensure that approval of the variance requested by the Applicant, concerning proximity to a Mixed Use zone, would not result in substantial detriment to the public good or substantial impairment of the zone plan (see Exhibit 36). The Office of Planning also considered the condition necessary to ensure that approval of the application would be "in general harmony with the special exception regulation," citing a concern related to "the location's proximity to nearby commercial areas." (Exhibit 44.) Without discussing the wording of Subtitle U § 420.1(g), OP asserted that "with the Condition the proposed use would be an accessory use to the overall building and in general harmony with the special exception regulation."

The Applicant initially maintained that the condition was not necessary because "the variance standard is satisfied and the use by non-residents can be granted under the permitted special exception standard." However, "the Applicant worked with the Office of Planning to develop mutually acceptable language for a condition" and "would consent" to a condition in keeping with OP's proposal. (Exhibit 33.) The Office of Planning and the Applicant both submitted revised conditions to clarify the intent to allow access to the Café by residents of the apartment house, their guests, and persons having a "programmatic connection" to the building attached to the apartment house, although not to the general public. (Exhibits 43, 44.) The Applicant's revised condition stated: "The Special Exception Use is allowed subject to use only by members of the DC Scottish Rite Center and others that have a programmatic connection with the DC Scottish Rite Center headquartered at 2800 16th Street, N.W. through attendance at events, presentations, activities, programs, education, volunteering, touring, membership activities or general visitation." (Exhibit 43.) The revision provided by OP was: "The Special Exception Use is permitted only to residents of the apartment building at 1630 Columbia Road, N.W. and their guests, and members of the DC Scottish Rite and others that have a programmatic connection with the DC Scottish Rite Center headquartered at 2800 16th Street, N.W. through attendance at events, presentations, activities, programs, education, volunteering, touring, membership activities or general visitation." (Exhibit 43.)

[7] In support of the initial request to allow access by the general public as well as the claim of practical difficulty, the Applicant asserted that employees of the apartment house could not easily prevent non-residents from utilizing the proposed adjunct; a restriction on access would require the employees "to 'police' the Café's patrons to determine whether they were an Apartment House tenant or not," and to ask ineligible persons to leave or deny them service. (Exhibits 33, 38.) The Office of Planning seemed to agree, citing the Applicant's assertion in recommending approval of the application. However, neither the Applicant nor OP addressed how the staff of the apartment house would implement a condition intended to preclude access to the adjunct use by the general public or to determine which persons were eligible to use the Café by virtue of having an appropriate "programmatic connection" to the building connected to the new apartment house.

the general purpose and intent of the Zoning Regulations and Zoning Map, (b) will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Map, and (c) will meet the requirements specified in the Zoning Regulations for the particular special exception. In this case, the Board notes the recommendations of approval from the Office of Planning and ANC 1C. However, the record in this proceeding did not provide a sufficient basis for the Board to conclude that the proposed use would not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations. As noted above, the Board did not agree with the Applicant's assertion that the proposed "Café" use was permitted as a matter of right and did not find adequate information in the record of this proceeding to conclude that the operation of the planned nonresidential adjunct use met the requirements for approval as a special exception, including with respect to whether the use would tend to affect adversely the use of neighboring properties. The Board also concluded that the application failed to meet the requirements of Subtitle X § 901.2 because the Applicant's proposal would not meet all the requirements specified in the Zoning Regulations for approval of a special exception under Subtitle U § 420.1(g), including, as discussed below, the requirements for a variance from one of those requirements. Therefore, approval of the application would not be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Map and would not meet all the requirements specified in the Zoning Regulations for the requested special exception.

Variance. The Applicant requested an area variance from Subtitle U § 420.1(g)(5) to allow a nonresidential adjunct use in an apartment house whose principal entrance was less than a quarter-mile walking distance from a MU, NC or PDR zone. The entrance to the Applicant's apartment house is located approximately 30 feet from an MU zone. The Board is authorized under § 8 of the Zoning Act to grant variance relief where, "by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the original adoption of the regulations or by reason of exceptional topographical conditions or other extraordinary or exceptional situation or condition of a specific piece of property," the strict application of the Zoning Regulations would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of the property, provided that relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map. (See Subtitle X § 1000.1.)

The Board has the flexibility to consider a number of factors when deciding whether to approve an application for a variance, including the weight of the burden of strict compliance, the severity of the variance requested, and the effect the proposed variance would have on the overall zone plan. *Gilmartin v. District of Columbia Bd. of Zoning Adjustment*, 579 A.2d 1164, 1171 (D.C. 1990); *see also Washington Canoe Club v. District of Columbia Zoning Com'n*, 889 A.2d 995, 1001 (D.C. 2006). In this case, the Applicant's proposal would require a substantial degree of variance relief, given that the entrance to the apartment house is located approximately 30 feet from a Mixed Use zone, where the zoning requirement is a separation of at least one-quarter mile walking distance, and would have a detrimental effect on the overall zone plan. Based on the findings of fact, and having given great weight to the recommendation of the Office of Planning and to the report of ANC 1C, the Board concluded that the application failed to satisfy the burden of proof with respect to the requested variance.

Exceptional situation. The Board did not determine that the subject property was faced with any exceptional situation or condition that would warrant approval of the requested variance. The Applicant asserted that the subject property exhibited an exceptional condition as a result of its unique lot size, configuration, and connection to the adjoining building. The Applicant emphasized that the configuration of the apartment house as an addition to the adjoining building created an exceptional condition because the connection between the two portions of what was considered a single building for zoning purposes had to provide "free and unrestricted" passage. According to the Applicant, the location of the connection, "running along the courtyard and entering into" the proposed adjunct area adjacent to the lobby of the apartment house, would allow non-residents to enter the common spaces of the apartment house and tenants to have access to the facilities in the adjoining building but "[d]espite this physical connection, non-residents are unable to use the Café under a by-right scenario."[8] (Exhibit 33.) In recommending approval of the requested variance, the Office of Planning repeated the Applicant's assertion, apparently agreeing that, without the requested variance, "the members and users of the Center would not be able to use the café in the apartment building lobby unless they were guests of an apartment building resident." (Exhibit 36.)

The Board did not agree. The subject property is irregularly shaped but not unusual with respect to its size or configuration in any way relevant to the requested variance. The Applicant's desire to operate a nonresidential adjunct use in the apartment house did not in itself create an exceptional condition. Generally, an applicant's desire to utilize property for a certain use is not by itself sufficient to create an extraordinary or exceptional situation or condition under the zoning regulations. *Palmer v. District of Columbia Bd. of Zoning Adjustment*, 287 A.2d 535, 540 (D.C. 1972). Similarly, the existence of a connection between the apartment house and an existing building, such that the two structures are considered one building for zoning purposes, did not result in an exceptional situation. The owner of the record lot, which was configured as two tax lots, opted to redevelop the subject property (i.e. one of the tax lots) with a new apartment house built as an addition to the existing building on the adjoining tax lot. That decision likely was made to provide certain zoning advantages to the owner.[9] The Zoning Regulations permit new construction as an addition to an existing building, even if both portions of the project would be located on different tax lots and would be devoted to different uses; for that reason the Zoning Regulations contain provisions that govern the distinction between a single building and portions of a structure that constitute multiple buildings.[10] The application did not demonstrate that the

[8] As discussed in this order, the Board did not agree with the Applicant's characterization of the "Café" as "a by-right scenario." Because the Applicant submitted a self-certified application for a special exception under Subtitle U § 420.1(g), as well as a variance from Subtitle U § 420.1(g)(5), the Board deliberated on the relief requested by the Applicant. In concluding that the application did not meet the requirements for approval of the zoning relief requested, the Board did not address or make a determination as to whether the "café" proposed by the Applicant should be considered an accessory use involving the sale of foods for purposes of Subtitle U § 420.1(g).

[9] The Applicant stated that the apartment house and the existing building on the adjoining tax lot were "connected in order to create a single building with operational efficiencies, including for access to the underground parking level.

[10] See, e.g. the definition of "building" (Subtitle B § 100.2) and the requirements for a connection when structures or sections of a structure would be considered parts of a single building. (Subtitle B § 309.)

connection or any related requirement to provide access through the connection for persons using the adjoining building created an exceptional situation with respect to a prospective nonresidential adjunct use in the apartment house.

Practical difficulty. The Board did not determine that the strict application of the Zoning Regulations would result in any practical difficulty to the Applicant as the owner of the subject property. The application did not demonstrate that the quarter-mile distance requirement – the provision from which the variance was requested – would result in any practical difficulty to the Applicant. Instead, the application alleged that a practical difficulty would result from perceived limits on access to the proposed nonresidential adjunct use.

The RA-4 zone is a residential zone where certain nonresidential uses are permitted as accessory to a principal residential use. The subject property contains a development permitted as a matter of right, comprising an apartment house with an accessory community dining room and below-grade parking. As a matter-of-right accessory use, the community dining room is available only to the residents of the apartment house and their guests. The application did not indicate that persons using the connection would have access to the apartment house except for purposes of using the below-grade garage. The Applicant claimed a practical difficulty arising from an inability to allow access to the planned nonresidential adjunct use to the general public and, especially, to persons visiting the building on the adjoining tax lot, which shares a connection with the apartment house. In recommending approval of the requested variance, the Office of Planning repeated the Applicant's assertion, apparently agreeing that, without the requested variance, persons utilizing the connection from the original building "would not be able to use the café in the apartment building lobby unless they were guests of an apartment building resident" and "the managers of the apartment building would need to 'police' a restriction on café use by people who are members of the Scottish Rite, may be visiting the Scottish Rite Center, or may be attending functions in the Center and who come from the Center to the apartment building lobby or who had wandered onto the café's open-air patio. It would be difficult to distinguish such people from apartment residents or their guests." (Exhibit 36.)

The Board was not persuaded by the Applicant's claim that the strict application of the Zoning Regulations would result in a practical difficulty related to the exclusion of either persons using the connection or the general public from a nonresidential adjunct use in the apartment house. The subject property is located in a residential zone which permits an apartment house and various accessory uses intended to serve residents of the apartment house. An accessory "community dining room" within an apartment house is permitted as a matter of right under Subtitle U § 410.1(g) "solely for the use of tenants and their guests." A nonresidential adjunct use, permitted as a special exception in accordance with Subtitle U § 420.1(g), is an accessory use intended to serve the daily living needs of the apartment house where the adjunct use is located, and is subject to requirements limiting the location of the adjunct use (only on the main floor), its entrance (not directly from the outside of the building), and its visibility from outside the building (no part of the adjunct or its entrance shall be visible from a sidewalk, and no sign or display indicating the existence of the adjunct shall be visible from outside the building). However, nothing in the Zoning Regulations expressly limits access to a nonresidential adjunct use or excludes persons

other than residents of the apartment house and their guests. For that reason, the Board did not conclude that the strict application of the Zoning Regulations would result in any practical difficulty related to the connection between the apartment house and the building on the adjoining tax lot or their shared access to an interior courtyard.

Substantial detriment to the public good. The Board did not determine that the requested variance could be approved without substantial detriment to the public good. The building permit issued to the Applicant authorized the use of a portion of the ground floor of the new apartment house as an "accessory community dining room … solely for the use of tenants and their guests" consistent with Subtitle U § 410.1(g). The relevant special exception provision (Subtitle U § 420.1(h)) permits, as a special exception, a "nonresidential adjunct use … consisting of the sale of foods, drugs, and sundries and personal services designed to serve the tenants' daily living needs," subject to specific requirements. The Applicant proposed a 70-seat "café" use that would be open seven days per week, for 15 or 16 hours per day, serving food and drink, including alcohol, in a "hotel-like experience." The Board noted the support for the application stated by the Office of Planning, DDOT, and ANC 1C but concluded that the application did not provide sufficient information about whether the proposed use would be operated without substantial detriment to the public good, including with respect to potential adverse impacts on residents of the apartment house and on nearby properties.

Substantial impairment of the zone plan. The Board did not conclude that the requested variance could be granted without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map, even assuming that the proposed "café" would be operated as a nonresidential adjunct use accessory to the principal apartment house use, consisting of the sale of foods designed to serve the daily needs of building residents and their guests. Approval of the requested variance would require a substantial degree of relief from the minimum requirement of one-fourth mile walking distance from the nearest MU, NMU, or PDR zone.[11] The Zoning Regulations emphasize the importance of the distance between a nonresidential adjunct use and nearby mixed-use zones; approval of a special exception to allow a nonresidential adjunct use requires the Board to consider the proximity of MU and NMU zones even when no variance from the minimum quarter-mile distance requirement is needed. Under the circumstances of this application, the Board determined that approval of the requested variance would not be consistent with the RA-4 zoning of the subject property as a residential zone intended to allow all types of residential development and to promote stable residential areas, or with the intent of the RA zones to allow limited non-residential uses that are compatible with adjoining residential uses.

[11] Notwithstanding the request for relief to allow a nonresidential adjunct use as an accessory use to a principal apartment house use, the Applicant initially described the proposed "café" as a "community-serving restaurant space" that would "be open to all residents of the surrounding buildings as well as the Temple's patrons" and "bring new retail to the community and the Scottish Rite patrons" in the form of "a new all-day eating and drinking establishment in a part of the neighborhood where there are no such uses." (Exhibits 33, 38.) The Zoning Regulations address a "café" as a type of "restaurant … where food, drinks, or refreshments are prepared on the premises and sold to customers primarily for consumption on the premises …." (See Subtitle B §§ 100.2, 200.2(i)(2).) A "restaurant" use is not permitted in the RA zones either as a matter of right or by special exception. (See Subtitle U §§ 401, 410, 420.)

Great weight. The Board is required to give "great weight" to the recommendation of the Office of Planning. (D.C. Official Code § 6-623.04.) For the reasons discussed above, the Board did not agree with the recommendation of the Office of Planning that the application should be approved subject to one condition.

The Board is also required to give "great weight" to the issues and concerns raised by an affected ANC. (D.C. Official Code § 1-309.10(d)(3)(A).) In this case, ANC 1C submitted a report indicating the ANC's support for the application. However, the report did not state any legally relevant issues or concerns or address the requirements for approval of the zoning relief requested by the Applicant. The Board credited the unique view of the affected ANC but was unable to accord great weight to the report of ANC 1C or to find its views persuasive advice to grant the application.

Exceptions to the Proposed Order. Because a majority of the Board members participating in the issuance of this order did not personally hear the evidence in this application, a proposed order was provided to the parties on August 28, 2026 to afford them an opportunity to present written exceptions, in accordance with D.C. Official Code § 2-509(d). The Board received no exceptions.

Based on the findings of fact and conclusions of law, the Board concludes that the Applicant has not satisfied the burden of proof for a special exception under Subtitle U § 420.1(g) to allow a nonresidential adjunct use (a café) as an accessory use within an apartment house or an area variance from Subtitle U § 420.1(g)(5) to allow a nonresidential adjunct use in an apartment house with a principal entrance less than one-quarter-mile walking distance from the nearest MU, NMU, or PDR zone in the RA-4 zone at 1630 Columbia Road, N.W. (Square 2578, Lot 834). Accordingly, it is **ORDERED** that the application is **DENIED**.

VOTE: **4-0-1** (Frederick L. Hill, Lorna L. John, Chrishaun S. Smith, and Peter A. Shapiro to DENY, Carl H. Blake not participating)

VOTE: **4-0-1** (Paul Goldstein, Robyn Jackson Wells, Melissa Lindsjo, and Joseph S. Imamura voting to issue this Order; Michelle Pourciau not present, not participating)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT
A majority of the Board members approved the issuance of this order.

FINAL DATE OF ORDER: September 30, 2026

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.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 21295 of Justin Ryan Gomez and Jesse Martinez, Jr., pursuant to 11 DCMR Subtitle X, Chapter 9 for a special exception under Subtitle E § 5201 from the rear yard requirements of Subtitle E § 207.1 and, pursuant to Subtitle X § 1002, for an area variance from the lot occupancy requirements of Subtitle E § 210.1 to allow a new rear deck addition to an existing two-story attached principal dwelling in the RF-1 zone at 1151 Abbey Place, N.E. (Square 773, Lot 199).

HEARING DATE: June 11, 2025
DECISION DATES: June 18, 2025 and September 30, 2026

DECISION AND ORDER

This application was filed on March 13, 2025 on behalf of Justin Ryan Gomez and Jesse Martinez, Jr. (the "Applicants"), the owners of the property that is the subject of the application. Following a public hearing, the Board voted to deny the application.

PRELIMINARY MATTERS

Notice of Application and Notice of Hearing. In accordance with Subtitle Y §§ 400.4 and 402.1, the Office of Zoning provided notice of the application and of the public hearing by memoranda dated April 4, 2025 to the Applicant, the Office of Planning ("OP"), the District Department of Transportation, the Department of Buildings ("DOB"), the Office of Advisory Neighborhood Commissions, the Councilmember for Ward 6 as well as the Chairman and the at-large members of the D.C. Council, Advisory Neighborhood Commission ("ANC") 6C, the ANC in which the property is located, Single Member District ANC 6C07, and the owners of all property within 200 feet of the subject property. Notice was published in the *District of Columbia Register* on May 9, 2025 (72 DCR 005737).

Parties. Pursuant to Subtitle Y § 403.5, the Applicant and ANC 6C were automatically parties in this proceeding. The Board received no requests for party status.

Applicant's Case. The Applicant provided evidence and testimony in support of their request for the zoning relief needed to allow a rear deck addition to the existing row building at the subject property.

OP Report. By memorandum dated May 29, 2025, the Office of Planning recommended approval of the zoning relief requested in the application. (Exhibit 40.)

ANC Report. By letter dated June 9, 2025, ANC 6C stated that, at a public meeting on May 14, 2025 with a quorum present, the ANC voted to oppose the application. (Exhibit 49.)

Persons in support. The Board received letters in support of the application from persons living near the subject property, who stated generally that the Applicants' project did not raise concerns with respect to privacy or impacts on nearby properties and would be consistent with the character of the neighborhood.

Person in opposition. The Board heard testimony in opposition to the application from a person living near the subject property who objected to the degree of zoning relief needed for the Applicants' planned rear deck addition and asserted that the application had not met the requirements for approval of the requested relief.

FINDINGS OF FACT

1. The property that is the subject of this application is an interior lot on the east side of Abbey Place between L and M Streets, N.E., with the address 1151 Abbey Place, N.E. (Square 773, Lot 199).

2. The subject property is rectangular, with a lot width of 16 feet and a depth of approximately 64.9 feet. The lot area is 1,038 square feet.

3. The subject property abuts a public alley, 15 feet wide, along its rear (east) lot line.

4. The subject property is improved with an attached building used as a principal dwelling. The Applicants testified that the lowest level is used as a short-term rental unit. (Transcript of June 11, 2025 at 97.)

5. The existing building is 25 feet and two stories in height. (Exhibit 34.)

6. The existing lot occupancy is 63 percent.[1] (Exhibit 34.)

[1] The Applicants submitted a referral memorandum, without notes and computations, dated January 15, 2025 (Exhibit 9) and an updated referral memorandum, with notes and computations, dated March 6, 2025 (Exhibits 25 and 26) as well as an exhibit purportedly "notes and computations" but not accompanied by a referral memorandum (Exhibit 30B), and finally a second revised referral memorandum, with notes and computations, dated May 20, 2025 (Exhibit 34). The Applicants acknowledged that their original filing contained some "factual inconsistencies" but asserted that the "scope of zoning relief requested remain[ed] unchanged." (Exhibit 30.) The Office of Planning report noted that the Applicants' original submission contained "errors in measurements and calculations on the site plan" and that the second revised referral memorandum was based on updated plans provided by the Applicants to the Zoning Administrator's office. The Office of Planning identified certain typographical errors in the second revised referral memorandum but confirmed that the Applicants' proposal would eliminate the rear yard setback and result in lot occupancy of 90 percent at the subject property. (Exhibit 40.) According to ANC 6C, the lot occupancy of the existing dwelling, without the deck addition, was 71 percent, taking into account an existing covered front porch. (Exhibit 49.) The Board based its deliberations on this application on the notes and computations provided by the Office of Zoning Administration in the second revised referral memorandum (Exhibit 34).

7. The existing rear yard is 12.75 feet deep. (Exhibit 34.)

8. A prior owner of the subject property constructed a one-story rear deck addition on the first floor of the dwelling.

9. As constructed, the deck is 16 feet wide, extending to both side lot lines, and approximately 12 feet, nine inches deep, extending from the rear wall of the dwelling to the rear lot line. A spiral stair installed in the southeast corner provides access to the ground level at the rear of the lot.

10. A railing, three feet high, extends around the sides and rear edges of the deck.

11. The lower portion of the deck is 8.5 feet above grade. The area below the deck is configured as one vehicle parking space accessible from the public alley.

12. The rear deck addition would increase lot occupancy to 90 percent. (Exhibit 34.)

13. The rear deck addition would eliminate the rear yard setback. (Exhibit 34.)

14. The lots abutting the subject property to the north and south are improved with two-story row dwellings similar to the Applicants' dwelling. The rear walls of the three buildings are in alignment.

15. Both adjoining lots have stairs to grade in the rear yard and are bounded by solid wood fences along their side and rear lot lines.

16. Other properties in Square 773 fronting on Abbey Place are rectangular lots similar in size to the subject property and are improved with row dwellings similar to the Applicants' dwelling. Some of the nearby dwellings have rear deck additions.

17. Properties in Square 773 to the east of the subject property, across the alley from the Applicants' lot, are configured as rectangular lots and are improved with row dwellings that front on 4th Street. Several of the dwellings fronting on 4th Street, including those nearest to the subject property, contain rear deck additions.

18. The subject property and the majority of properties in Square 773 are located in a Residential Flat (RF) zone, RF-1.[2]

19. The Residential Flat zones are residential zones that provide for areas developed primarily with residential row buildings but within which there have been limited conversions of dwellings or other buildings to more than two principal dwellings. (Subtitle E § 101.1.)

[2] A lot in the southwest corner of Square 733, with frontage on Abbey Place, L Street, and 3rd Street is located in a Mixed Use zone, MU-5A.

The RF zones are intended to (a) recognize and reinforce the importance of neighborhood character, walkable neighborhoods, housing affordability, aging in place, preservation of housing stock, improvements to the overall environment, and low- and moderate-density housing to the overall housing mix and health of the city; (b) allow for limited compatible non-residential uses; (c) allow for the matter-of-right development of existing lots of record; (d) establish minimum lot area and lot width for the subdivision and creation of new lots of record in RF zones; (e) allow for the limited conversion of single household dwellings and other structures for flats; and (f) prohibit the conversion of single household dwellings and flats for apartment house as anticipated in the Residential Apartment (RA) zone. (Subtitle E § 101.1.)

20. The purpose of the RF-1 zone is to provide for areas predominantly developed with residential row buildings on small lots within which no more than two principal dwelling units are permitted. (Subtitle E § 101.4.)

CONCLUSIONS OF LAW AND OPINION

The Applicants seek an area variance from the lot occupancy requirements of Subtitle E § 210.1 and a special exception under Subtitle E § 5201 from the rear yard requirements of Subtitle E § 207.1 to allow a new rear deck addition to an existing two-story attached principal dwelling in the RF-1 zone at 1151 Abbey Place, N.E. (Square 773, Lot 199). A maximum lot occupancy of 60 percent is permitted as a matter of right for a single-household dwelling (or flat) in the RF-1 zone. (Subtitle E § 210.1.) The Applicants proposed a lot occupancy of 90 percent at the subject property. A minimum rear yard of 20 feet is required in the RF-1 zone. (Subtitle E § 207.1.) The Applicants proposed no rear yard setback at the subject property. Based on the findings of fact, and having given great weight to the recommendation of the Office of Planning and to the issues and concerns stated by ANC 6C, the Board concluded that the application did not meet the requirements for approval of the zoning relief requested.

Area variance. The Board is authorized under § 8 of the Zoning Act to grant a variance where, "by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the original adoption of the regulations or by reason of exceptional topographical conditions or other extraordinary or exceptional situation or condition of a specific piece of property," the strict application of the Zoning Regulations would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of the property, provided that relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map. See Subtitle X § 1000.1.

The Board has the flexibility to consider a number of factors when deciding whether to approve an application for a variance, including the weight of the burden of strict compliance, the severity of the variance requested, and the effect the proposed variance would have on the overall zone plan. *See Gilmartin v. District of Columbia Bd. of Zoning Adjustment*, 579 A.2d 1164, 1171 (D.C. 1990). The Applicants' proposal would require a significant degree of variance relief, given that

the planned deck would exceed the matter-of-right limit on lot occupancy by 50 percent and would exceed the 70 percent permissible by special exception by approximately 30 percent. The degree of relief requested in this application was not *de minimis* in nature. *See Gilmartin v. District of Columbia Bd. of Zoning Adjustment*, 579 A.2d 1164, 1172 (D.C. 1990) (Board may consider whether a variance is *de minimis* in nature and whether for that reason a correspondingly lesser burden of proof rests on the applicant).

The Applicants contended that a variance from the lot occupancy requirements was "necessary due to the property's non-conforming status" and the need for the "already constructed deck to fully utilize the property's limited space, enhancing personal use" of the dwelling. According to the Applicants, the subject property faced an exceptional situation due to its lot area ("far below the typical RF-1 lot size") and constraints created by the building area of the existing dwelling (occupying 63 percent of the lot), which limited "space for alternative solutions" and "by a 12-foot rear yard and an 8-foot elevated rear of the house, combined with the limited space of the rear alley," which "make it impractical to fully utilize the rear yard." The Applicants asserted that the deck would provide "essential access to the alley" that was feasible only via the existing deck and spiral stair and would "maximize[] outdoor space, enabling reasonable use of the property as envisioned by zoning regulations." (Exhibits 5, 15, 30A.)

The Board did not determine that the subject property faced any exceptional situation or condition that would warrant approval of the requested area variance. Uniqueness may arise from a confluence of factors; the critical point is that the extraordinary or exceptional condition must affect a single property. *Gilmartin v. District of Columbia Bd. of Zoning Adjustment*, 579 A.2d 1164, 1168 (D.C. 1990); see also, *Metropole Condominium Ass'n v. District of Columbia Bd. of Zoning Adjustment*, 141 A.3d 1079, 1082-1083 (D.C. 2016). In this case, the subject property is a lot with regular dimensions that did not exhibit any exceptional narrowness, shallowness, or shape. The change in grade between the front and rear of the existing dwelling is not unusual and did not create any exceptional topographical conditions. Similarly, the nonconforming lot area and lot width of the subject property are not exceptional features, especially in Square 733, where almost every lot in the square is nonconforming with respect to lot area and lot width.[3] The Board credited the testimony of the Office of Planning that the subject property was "smaller than the current required lot area" for the RF-1 zone but was also "similar in size or larger than most other lots on this square or those in adjacent squares facing Abbey Place, N.E. or 4th Street, N.E." The Office of Planning countered the Applicants' claim of an exceptional situation based on the slope exhibited at the subject property, noting that "[i]t appears that the [Applicants'] lot and others facing Abbey Place, N.E. slope down from the street to the alley, making the main floor of the house being substantially raised above grade and making the existing deck well above the grade at the rear, so it counts towards lot occupancy." The Board credited the testimony of the Office of Planning that "[t]his is not a unique circumstance on the block, or throughout DC."

[3] According to ANC 6C, the subject property was created in a subdivision undertaken in 1924 that "created Abbey Place [and] 36 lots with identical dimensions (16' x 64.855') on the east side of the new street and another 29 houses on the west side of the street with these same dimensions….All these lots retain these same dimensions today." (Exhibits 49, 49A.)

The Board was not persuaded that the subject property faced an exceptional situation based on the Applicants' alleged need for a first-floor deck. Generally, an applicant's desire to use property for a certain use is not by itself sufficient to create an extraordinary or exceptional situation or condition under the zoning regulations. *Palmer v. District of Columbia Bd. of Zoning Adjustment*, 287 A.2d 535, 540 (D.C. 1972); *Metropole Condominium Ass'n v. District of Columbia Bd. of Zoning Adjustment*, 141 A.3d 1079, 1083 (D.C. 2016) (proposed use of a property, rather than the condition of the property itself, was not a sufficient basis to justify a conclusion that extraordinary conditions affected the property such that the owner should be relieved from general zoning restrictions applicable to other properties in the area). The Applicants did not cite any provision in the Zoning Regulations that requires "functional outdoor access from the main living level" of the dwelling or "ground level at the rear of the property [that is] viable for outdoor use" in light of the requirement or benefit of providing a vehicle parking space at the subject property (see Exhibit 30A). For the same reasons, the Board was not persuaded by the Office of Planning's testimony that the subject property faced an exceptional situation in that "any viable or reasonable outdoor use of the rear of the property would be limited as access to the ground level or to a conforming deck (no more than 4 feet above grade) via a stair and landing in addition to the required off-street parking space would consume the entire rear yard." According to OP, the Applicants "cannot utilize the rear yard in the same way that a typical RF-1 homeowner might," but a deck at the first-floor level would allow the continued use of a parking area below the deck without creating a need for zoning relief from requirements for vehicle parking stated in the Zoning Regulations. (Exhibit 40.)

The Board was not persuaded that any perceived need to retain a vehicle parking pad at the subject property warranted approval of the requested area variance to allow 90-percent lot occupancy. A dwelling built before the enactment of a zoning requirement to provide vehicle parking would not be required to meet the current zoning requirement but would be permitted to remain without providing parking as a nonconforming aspect. The Applicants and the Office of Planning did not demonstrate that the Zoning Regulations required the provision of a vehicle parking space at the subject property or cite any zoning provision that would require the retention of an existing vehicle parking space, whether required or not, or that would create the need for zoning relief for any proposal not to provide parking at the subject property. The Board agreed with ANC 6C that the parking pad at the subject property did not meet the minimum standards stated in the Zoning Regulations for the dimensions of a zoning-compliant vehicle parking space, given that the depth of the existing rear yard is less than 13 feet.[4]

[4] See, e.g., Subtitle C § 712.3(e) ("No parking space, whether required or not required, shall have dimensions less than the compact-sized dimensions specified in Subtitle C § 712.6) and Subtitle C § 712.3(f) ("No parking space, whether required or not required, shall have a length less than the full-sized dimensions specified in Subtitle C § 712.5 if the space is directly accessible from a public alley that is fifteen (15) feet or less in width."). For a full-sized vehicle parking space, the minimum depth of a stall perpendicular to an aisle, in the case of a 90-degree parking angle, is 18 feet. (Subtitle C § 712.5.) For a compact vehicle parking space, the minimum depth of a stall perpendicular to an aisle, in the case of a 90-degree parking angle, is 16 feet. (Subtitle C § 712.6.) The Applicants' parking pad was created in the rear yard between the rear of the existing dwelling and the rear lot line, which extends to a depth of 12 feet, eight inches. (Exhibit 41E.) The rear yard at the subject property is not large enough for a compact space, or for the full-sized space that would be required under the current zoning regulations due to the 15-foot width of the abutting alley.

The Board may consider "a wide range of factors in determining whether there is an 'unnecessary burden' or 'practical difficulty'…. Increased expense and inconvenience to an applicant for a variance are among the factors for the BZA's consideration." *Gilmartin v. District of Columbia Bd. of Zoning Adjustment*, 579 A.2d 1164, 1171 (D.C. 1990). In this case, the Board did not conclude that the strict application of the Zoning Regulations would result in peculiar and exceptional practical difficulties to the Applicants as the owner of the subject property. The Applicants contended that the subject property contained "limited space for alternative solutions" for providing usable outdoor space, especially considering the 65-percent lot occupancy created by the existing dwelling, the eight-foot elevation of the rear of the first floor above the alley level, and that "access to the rear alley is only feasible through the existing deck and stairs." According to the Applicants, the rear deck was needed because otherwise the Applicants would not be able to "utilize the rear yard in the same way that a typical RF-1 homeowner might," where a first-floor deck would be "the only practical means of providing safe, usable, and accessible outdoor living space." The Applicants contended that the rear deck was the only means to avoid "unreasonable hardship in fully utilizing the property" and to "maximize[ ] outdoor space, enabling reasonable use of the property as envisioned by zoning regulations." (Exhibits 5, 15.)

The Board was not persuaded by the Applicants' assertion that the Zoning Regulations require access to usable outdoor space. The Applicants' expectations of a "typical RF-1 homeowner" and "reasonable use" did not account for the nonconforming aspects of their lot, especially its small size and the lot occupancy attributable to the existing dwelling. The subject property was legally established before the effective date of the Zoning Regulations but does not meet current zoning requirements, including with respect to lot dimensions, lot occupancy, and rear yard.[5] A nonconforming lot is not required to meet current zoning requirements with respect to the areas of nonconformity but also might not provide the same attributes as a lot that meets the development standards stated in the 2016 Zoning Regulations.

Moreover, the Board agreed with ANC 6C that retention of the existing deck was not essential to the provision of usable outdoor space at the subject property (see Exhibit 49). Without a rear deck, the Applicants would have a rear yard at least 12 feet deep, which could be accessible via a stair from the first floor of the dwelling. As ANC 6C noted, uncovered stairs are excluded from the zoning definition of "building area" (see Subtitle B § 100.2) and so would not increase lot occupancy at the subject property and would not necessarily "consume the entire rear yard," as claimed by the Applicants. Instead, as noted by ANC 6C, the spiral stair already installed with the existing, unpermitted deck provide access to the rear yard without occupying a large area.[6]

The Office of Planning identified a practical difficulty in that "there is no reasonable alternative to

[5] The 2016 Zoning Regulations generally require a lot width of at least 18 feet and a lot area of at least 1,800 square feet for the creation of a new record lot containing a row building in the RF-1 zone. (Subtitle E § 202.1.) At 16 feet lot width and 1,038 square feet in lot area, the subject property is approximately 11 percent smaller in terms of lot width and 42 percent (762 square feet) smaller in terms of lot area than the current requirements.

[6] The proposed spiral stair would have required an area, approximately square, with sides that would not exceed 5.5 feet, as shown on the Applicants' revised plat at Exhibit 41E.

the owner to provide conforming usable outdoor open space to the rear of the house without removal of the existing parking space, which would require parking relief from the zoning regulations" and that the existing deck was installed by a prior owner and "reducing its size or removing the deck would be costly and a practical difficulty. (Exhibit 40.) For the reasons discussed above, the Board did not agree with the Office of Planning that removal of the existing parking pad would constitute a practical difficulty. Similarly, the Board did not agree with OP that costs incurred by the Applicants to correct a zoning violation by reducing the size or removing the existing deck, which was installed without a permit, would create a practical difficulty as a result of the strict application of the zoning regulations. Compare, *Dwyer v. District of Columbia Bd. of Zoning Adjustment*, 320 A.2d 306, 308 (D.C. 1974) (hardship, if any, did not result from the location, situation, or condition of a property located in a residential zone but solely from applicant's acquisition of the property for commercial purposes without first having obtained the necessary change in zoning). The Applicants acknowledged that the plans approved by the Department of Buildings for a renovation project undertaken at the subject property by a prior owner did not include a rear deck addition. (Exhibit 51; Transcript of June 11, 2025 at 95, 123-124.) Nonetheless, a rear deck was constructed. The Applicants also acknowledged knowing about the zoning violation before buying the subject property, at least since DOB issued a stop-work order on the subject property "[w]hile the property was under contract, shortly before settlement." (Transcript of June 11, 2025 at 93-94; see also Exhibit 49, Transcript of June 11, 2025 at 107.) Under the circumstances, the Board determined that any "increased expense" incurred by the Applicants in connection with the rear deck addition was not a result of the strict application of the Zoning Regulations and did not create any practical difficulty that would warrant approval of the requested variance.

The Board was not persuaded that the requested area variance, allowing an increase in lot occupancy to 90 percent, could be granted without resulting in substantial detriment to the public good. The Applicants contended that the deck addition would not create negative impacts on neighboring properties but would align "with the character of the neighborhood" and would not encroach onto neighboring properties. (Exhibit 5.) The unsubstantiated claims in the application did not provide sufficient evidence to warrant a determination that the proposed deck would avoid creating objectionable conditions, especially related to privacy. *See, Tenleytown Preservation Ass'n v. District of Columbia Bd. of Zoning Adjustment*, No. 24-AA-1126 at 6-7, 9 (D.C. 2026) (Substantial evidence is such relevant evidence as a reasonable mind might accept as adequate to support a conclusion; Court "[did] not think a party's stated commitment during an agency proceeding constitutes record evidence – parties routinely make unilateral assurances before agencies and courts, without them constituting 'new evidence'; Court affirmed Board's decision where – even if applicant's representations to the Board constituted new evidentiary facts, rather than mere party assurances or illustrative comments to contextualize the applicant's proposal at a hearing – they were not material to the Board's decision, which "overwhelmingly focused" on evidence in the record) (internal quotation and citation omitted).

The Office of Planning report included conclusory assertions that the existing, unpermitted deck "has not proven to be a detriment to the public good" and was not visible from Abbey Place but was similar to a variety of existing decks along the alley, as well as the unfounded claim that the

deck would allow "for retention of the required one parking space on the property" and therefore would not impede traffic movements along the alley.[7] (Exhibit 40.) The OP report acknowledged that "views from the deck onto other properties are possible." Photographs submitted by the Applicants illustrated the proximity and direct views into nearby dwellings associated with the unpermitted deck. Given the privacy impacts created by an elevated rear deck that would increase the lot occupancy at the subject property to 90 percent, the Board was not persuaded that the requested area variance from lot occupancy requirements could be approved without causing substantial detriment to the public good.

Similarly, the Board was not persuaded by the Applicants or the Office of Planning that approval of the requested variance would not substantially impair the purpose and intent of the zone plan. The Residential Flat zones are residential zones that provide for areas developed primarily with residential row buildings devoted to use as one or two principal dwellings, with limited conversions of buildings to more than two principal dwellings. The RF zones are intended, among other things, to recognize and reinforce the importance of neighborhood character, preservation of housing stock, improvements to the overall environment, and low- and moderate-density housing to the overall housing mix and health of the city.

The Applicants asserted that approval of the requested area variance would "not undermine" the intent of the zoning regulations because the deck would support the "functional residential use" of the subject property, "maintain[ ] the residential character of the area," and allow "the Applicants to make reasonable use of the property, consistent with zoning objectives." (Exhibits 5, 15.) According to the Office of Planning, the proposed deck "would not appear to result in a building form, bulk height or use unanticipated in zoning, and should not appear as an over-development of the site on the block." (Exhibit 40.)

The Board determined that approval of the requested area variance would substantially impair the intent of the zoning regulations because the deck addition would increase lot occupancy to 90 percent in the absence of any exceptional situation or practical difficulty that would warrant approval of the variance. The deck addition was not necessary for the residential use of the subject property consistent with the purpose of the RF-1 zone to provide for areas predominantly developed with residential row buildings containing one or two principal dwellings on small lots because the subject property could continue in residential use as one or two dwellings on a small lot without a rear deck that would occupy the entire rear yard. Contrary to the testimony of the Office of Planning, the Board concluded that the proposed deck would result in a structure and use unanticipated in zoning and would appear as an overdevelopment of the site. The deck addition would increase lot occupancy at the subject property – where the existing dwelling exceeds the

[7] The letters in support cited by the Office of Planning (Exhibits 28, 31, and 35) expressed "support (or lack of objection) for the existing rear deck" and stated that the writer had "no concerns regarding the deck's appearance, privacy, or impact on my property." See also Exhibits 36, 38, and 39. The letters were submitted by the owners of the two lots abutting the subject property to the north and south as well as the owners of four properties to the east, across the alley from the subject property. However, all of the submissions in support of the application were brief form letters, identical except for the signatures and addresses, which did not provide a persuasive basis for a determination that approval of the requested zoning relief would not cause substantial detriment to the public good, especially due to concerns about privacy.

maximum 60 percent permitted as a matter of right – to 90 percent, contrary to the intent of Subtitle C § 202.2 to prevent the enlargement of a nonconforming structure with an addition that would not conform to development standards and would increase an existing nonconforming aspect of the structure without meeting the requirements for relief from the applicable development standards.

Special exception. The Applicants requested a special exception under Subtitle E § 5201 from the rear yard requirements of Subtitle E § 207.1 to allow a rear deck addition that would eliminate the rear yard setback at the subject property. The Board is authorized under § 8 of the Zoning Act, D.C. Official Code § 6-641.07(g)(2), to grant special exceptions, as provided in the Zoning Regulations, when, in the judgment of the Board, the special exception 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 Map, subject to specific requirements. (*See* Subtitle X § 901.2.)

Pursuant to Subtitle E § 5201.1, the Board is authorized to grant relief, as a special exception, from specific development standards to allow an addition to a principal residential building on a non-alley lot, subject to specific requirements. The eligible development standards include rear yards. (Subtitle E § 5201.1(b).) Approval of the special exception requires a showing that the proposed addition would not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property; specifically, (a) the light and air available to neighboring properties must not be unduly affected, (b) the privacy of use and enjoyment of neighboring properties must not be unduly compromised; and (c) the proposed addition, together with the original building, as viewed from the street, alley, and other public way, must not substantially visually intrude on the character, scale, and pattern of houses along the street and alley frontage. (Subtitle E § 5201.4.)

The Board was not persuaded that approval of the requested special exception would not unduly affect the light and air available to neighboring properties. The deck would not be an enclosed addition and would have railings with openings that would not completely obstruct the light and air available to nearby properties. However, the deck would eliminate the rear yard at the subject property (besides increasing lot occupancy to 90 percent). The RF-1 zone requires a rear yard of at least 20 feet, in part to avoid adverse impacts on the light and air available to neighboring properties. The Applicants described the proposed deck as "carefully positioned, with appropriate setbacks, avoiding any encroachment or obstruction of views." (Exhibits 5, 15, 30A.) The proposed deck addition would not have any setbacks from the side or rear lot lines of the Applicants' lot and would occupy the entire rear yard except for the relatively small portion occupied by a spiral stair.

The Board determined that the proposed deck would unduly compromise the privacy of use and enjoyment of neighboring properties. The application contained conclusory statements that the design of the proposed deck "respects the neighborhood's character, maintaining privacy and light for adjacent homes," noting that its "placement avoids intruding on neighbors' privacy and does not obstruct light or air." (Exhibits 5, 15, 30A.) However, the photographs submitted in the application illustrated the proximity of the rear deck to nearby dwellings and the views available

from the deck into the windows of nearby dwellings, including the abutting row dwellings and other row dwellings fronting on Abbey Place as well as those located to the east across the alley. Although the dwellings to the east are located across a 15-foot-wide alley from the Applicants' lot and appear to have rear yard setbacks, the Board was not persuaded, based on the evidence in the record, that the distances between the proposed deck and nearby dwellings were sufficient to avoid unduly compromising the privacy of use and enjoyment of neighboring properties. The Board credited the testimony of ANC 6C that the photographs submitted by the Applicants demonstrated that the rear deck would provide views "from an elevated position" into the windows of abutting dwellings "from as close as 12 [feet]." (Exhibit 49.) The Board did not agree with the Office of Planning that the "urban setting" of the subject property, where "views are possible," provided a basis for approval of a special exception to allow a deck that would eliminate the rear yard setback at the subject property and provide "views towards decks and rear yards of the adjacent properties to the north and south and into properties across the alley," as described by OP. (Exhibit 40.)

The Board did not determine that the proposed deck addition, together with the original building, as viewed from the alley would not substantially visually intrude on the character, scale, and pattern of houses along the alley frontage. The rear deck addition to the Applicants' dwelling would not be visible from Abbey Place or other public way except for the alley abutting the subject property along its rear lot line. The Applicants asserted that the elevation of the planned deck was "similar to those on more than 80% of the homes on the block, ensuring compatibility …" and that deck addition would be "consistent with the established pattern of rear decks along the alley [with a] design … in keeping with the character and scale of the surrounding properties." (Exhibits 5, 15, 30A.) The Office of Planning testified that the Applicants' proposed deck would not be "dissimilar to other decks along the alley," where "[a] majority of the lots in the square and along the alley have open decks." According to the Office of Planning, the nearby decks varied in terms of "heights, color, materials and sizes" where "some are enclosed, and some are above enclosed garages … [and] some property owners … have taken steps to secure their privacy and the privacy of others through privacy fences." (Exhibit 40.) However, the Board agreed with the conflicting testimony provided by ANC 6C, who noted that the Applicants' "own photographs show that there are essentially no other decks that go all the way out to the rear lot line" on the Abbey Place side of the alley (i.e. the same side as the Applicants' lot), especially excluding one deck at "at the end of the block … that was constructed illegally." (Transcript of June 11, 2025 at 116-117.) The Applicants submitted photographs of the rear of the subject property and nearby lots, both to the north and to the south (see Exhibits 10, 12, 24, 30A). The photographs reflected that few, if any, of the properties along the west side of the alley had rear deck additions, especially a deck extending to the rear lot line. Some lots, including both lots abutting the subject property, appear to have exterior stairs leading from the first-floor level down to the level of the rear yard. Many of the nearby rear yards are enclosed by solid fences, at least one with roll-up doors. Rear deck additions appear more common at properties along the east side of the alley but the application did not provide any information about those lots.[8]

[8] The application did not indicate whether any of the nearby deck additions, whether along the east or west side of the alley, were nonconforming structures. A review of past zoning decisions involving properties located, like the Applicants' lot, in Square 733 on the east side of Abbey Place, did not produce applications in which the Board granted relief from rear yard requirements to allow deck additions that would extend to the rear lot line. Instead, the prior

Review standards. Approval of a special exception requires a determination by the Board that the special exception would be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Map, would not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps, and would meet the specific requirements specified in the Zoning Regulations for approval of the requested relief. (Subtitle X § 901.2.) For the reasons discussed above, the Board determined in this case that the application did not demonstrate consistency with the general purpose and intent of the Zoning Regulations

---

applications generally involved smaller rear additions on lots the same size as the Applicants' lot and generally requested special exceptions or variances requiring smaller degrees of relief than the variance requested in this application. See, Application No. 13045 (Canady; November 8, 1979) (Board granted area variances to allow a one-story rear addition, eight feet deep by 16 feet wide, to an existing two-story row dwelling at 1109 Abbey Place, N.E. (Lot 178); the lot was 16 feet wide by approximately 64 feet deep, and the addition required variances of 17.31 feet (three percent) from the lot occupancy requirement and 3.15 feet (15.75 percent) from the rear yard requirement; Application No. 13046 (John Williams; November 8, 1979) (Board granted area variances to allow a one-story rear addition, eight feet deep by 16 feet wide, to an existing two-story row dwelling in the R-4 zone at 1129 Abbey Place, N.E. (Lot 188); the applicant's lot was 16 feet wide and approximately 64 feet deep, and the addition required variances of 17.31 feet (three percent) from the lot occupancy requirement and 3.15 feet (15.75 percent) from the rear yard requirement; Application No. 18447 (Karen Slachetku; January 16, 2013): Board granted special exceptions from requirements for lot area, lot width, lot occupancy, and rear yard to allow a rear deck addition to an existing row dwelling in the R-4 zone at 1139 Abbey Place, N.E. (Lot 193); according to the report of the Office of Planning, the applicant proposed a rear deck 7.5 feet deep by 16 feet wide on a lot that was 16 feet wide with a lot area of 1,038 square feet, resulting in lot occupancy of 62 percent (60 percent existing) and a rear yard of 18 feet (25 feet, eight inches existing); Application No. 18768 (Shad A. Gohn; June 10, 2014): Board granted a special exception to allow a rear deck and pergola addition, not meeting requirements for lot occupancy or rear yard, to an existing two-story row dwelling in the R-4 zone at 1162 Abbey Place, N.E. (Lot 216); according to the OP report, the applicant's lot was 16 feet wide with a lot area of 1,038 square feet, and the addition would result in lot occupancy of 65 percent (57 percent existing) and a rear yard of 14.75 feet (20.5 feet existing); Application No. 19222 (Robert Bailey; March 24, 2016) (Board granted special exceptions to allow rear additions not meeting requirements for minimum lot width, lot occupancy, rear yard, and enlargement of a nonconforming structure, to an existing two-story row dwelling in the R-4 zone at 1105 Abbey Place, N.E. (Lot 176); according to the OP report, the applicant's lot was 16 feet wide with a lot area of 1,037.38 square feet, and the new construction (a two-story plus basement rear addition and a 38-square-foot deck on the first floor) would result in lot occupancy of 69 percent (65 percent existing) and a rear yard of 13 feet, 6.5 inches (16 feet, eight inches existing); Application No. 19622 (Mark Rivetti; January 12, 2018) (Board granted special exceptions from requirements for lot occupancy and rear yard to allow a new third floor and a three-story rear addition (replacing an existing one-story rear addition) to an existing two-story row dwelling in the RF-1 Zone at 1121 Abbey Place, N.E. (Lot 184); according to the OP report, the applicant's lot was 16 feet wide and 64.86 feet deep, with a lot area of 1,037 square feet, and the new construction would result in lot occupancy of 64 percent (64 percent existing) and a rear yard of 12 feet, 11 inches (12 feet, 11 inches existing); Application No. 19840 (Julie Qureshi Hummel; November 5, 2018) (Board granted special exceptions from requirements for lot occupancy, rear yard, enlargement of a nonconforming structure, and vehicle parking to allow a two-story rear addition, with a first-floor deck and stairs to grade, to an existing two-story row dwelling for use as a flat in the RF-1 zone at 1119 Abbey Place, N.E. (Lot 183); according to the OP report, the applicant's lot was 16 feet wide, with a lot area of 1,038 square feet, and the new construction (replacing an existing one-story rear addition) would result in lot occupancy of 69.74 percent (66.76 percent existing) and a rear yard of 17.35 feet (16.79 feet existing); and Application No. 16168 (Melvoyd L. Sloan and Phillip L. Portlock; March 28, 1997) (Board denied an application for variances from requirements for lot occupancy and rear yard to allow an addition, 14 feet wide by 16 feet long, to an existing row dwelling in the R-4 zone at 1161 Abbey Place, N.E. (Lot 204); Board found no uniqueness to the Applicants' lot that would distinguish it from neighboring properties (1,037.68 square feet of land area, "a rectangular piece of land similar to the other lots in the Square") and no practical difficulty caused by the application of the zoning regulations because the applicants had "[a]nother, less convenient alternative" that did not require zoning relief.

and Map or meet the specific requirements for approval of the requested special exception. The application included unsubstantiated claims about a lack of adverse impacts on the use of neighboring properties, which were disputed by ANC 6C, and instead emphasized the Applicants' perceived need for the proposed rear deck to "[enhance their] ability to make full use of the property" and to "[support their] reasonable use of the property by providing access to the rear and usable outdoor space." (Exhibits 5, 15.) The Board did not agree with the Office of Planning that the proposed deck, which would occupy the entire rear yard at the subject property at an elevation of eight feet above grade, "would not result in a structure that would be inconsistent with the RF-1 Zone in terms of bulk, use, or height." (Exhibit 40.)

For the reasons discussed above, the Board concluded that approval of the application would tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Map. The Board was not persuaded by the Applicants' conclusory assertions that the proposed deck addition would not create adverse impacts related to light, air, and privacy, especially considering the size and elevation of the planned deck as well as its proximity to nearby dwellings.

Great weight. The Board is required to give "great weight" to the recommendation of the Office of Planning. (D.C. Official Code § 6-623.04.) For the reasons discussed above, the Board did not agree with the Office of Planning's recommendation to approve the application.

The Board is also required to give "great weight" to the issues and concerns raised by the affected ANC. (Section 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)(3)(A)).) In this case, ANC 6C voted not to support the application, stating issues and concerns including with respect to the degree of variance relief requested and adverse impacts associated with the proposed deck. For the reasons discussed above, the Board agreed with ANC 6C that the application should be denied.

Exceptions to the Proposed Order. Because a majority of the Board members participating in the issuance of this order did not personally hear the evidence in this application, a proposed order was provided to the parties on August 25, 2026 to afford them an opportunity to present written exceptions, in accordance with D.C. Official Code § 2-509(d). The Board received no exceptions.

Based on the findings of fact and conclusion of law, the Board concluded that the application did not meet the burden of proof for an area variance from the lot occupancy requirements of Subtitle E § 210.1 or for a special exception under Subtitle E § 5201 from the rear yard requirements of Subtitle E § 207.1 to allow a new rear deck addition to an existing two-story attached principal dwelling in the RF-1 zone at 1151 Abbey Place, N.E. (Square 773, Lot 199). Accordingly, it is **ORDERED** that the application is **DENIED**.

VOTE: 4-0-1 (Frederick L. Hill, Carl H. Blake, Chrishaun S. Smith, and Gwen M. Wright to DENY; one Board seat vacant)

VOTE: **4-0-1** (Paul Goldstein, Robyn Jackson Wells, Melissa Lindsjo, and Joseph S. Imamura voting to issue this Order; Michelle Pourciau not present, not participating)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT
A majority of the Board members approved the issuance of this order.

FINAL DATE OF ORDER: September 30, 2026

PURSUANT TO 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.

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 FOR THE DISTRICT OF COLUMBIA
NOTICE OF CLOSED MEETING

TIME AND PLACE: **Tuesday, October 6, 2026 @ 2 p.m.**
Virtually via WebEx

CASES ON AGENDA:

1. Application No. 21404 of 512 Taylor, LLC
2. Application No. 21490 of District Line Development, LLC
3. Application No. 21209 of 304, 306, 308 K Street, LLC
4. Application No. 21493 of 3621 T ST, LLC
5. Application No. 21498 of Ronald Briscoe
6. Application No. 21499 of Mark Sherman and Edith Shine
7. Application No. 21502 of SSDS1, LLC
8. Application No. 21515 of Royal Embassy of Saudi Arabia

REASON(S) FOR HOLDING CLOSED MEETING (PER § 406 OF THE DISTRICT OF COLUMBIA ADMINISTRATIVE PROCEDURE ACT) (D.C. OFFICIAL CODE § 2-576): (CHECK ALL WHICH APPLY)

__X__ To receive legal advice from counsel on cases noted on the Board's agenda (listed above) for the above meeting to be held **October 7, 2026** – D.C. Official Code § 2-575(b)(4).

__X__ To deliberate upon, but not vote on, the contested cases noted on the Board's agenda (listed above) for the above meeting to be held **October 7, 2026**, for the reasons cited at D.C. Official Code § 2-575(b)(13).

BY THE BOARD OF ZONING ADJUSTMENT FOR THE DISTRICT OF COLUMBIA (Roll call vote taken at September 30, 2026 Public Hearing):

MICHELLE POURCIAU (CHAIR)	**ABSENT**	
PAUL GOLDSTEIN (VICE CHAIR)	**X YES**	**NO**
ROBYN WELLS, MAYORAL APPOINTEE	**X YES**	**NO**
MELISSA LINDSJO, NCPC REPRESENTATIVE	**X YES**	**NO**
JOSEPH IMAMURA, ROTATING ZONING COMMISSIONER	**X YES**	**NO**

KEARA MEHLERT, SECRETARY TO THE BOARD OF ZONING ADJUSTMENT FOR THE DISTRICT OF COLUMBIA.

BOARD OF ZONING ADJUSTMENT
NOTICE OF VIRTUAL PUBLIC MEETING

TIME AND PLACE: Wednesday, January 13, 2027, @ 9:30 a.m.
Via WebEx: https://dcoz.dc.gov/BZA01-13-2027
Via Telephone: 202-860-2110 Access Code: 2310 655 3296
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.

EXPEDITED REVIEW

WARD THREE

Application of:	Christopher Hebdon and Vanessa Berruetta
Case No.:	**21538**
Address:	2420 Chain Bridge Road, NW (Square 1413, Lot 76)
ANC:	**3D**
Relief:	Special Exception from: • The rear yard requirements of Subtitle D § 208.7 (pursuant to Subtitle D § 5201 and Subtitle X § 901.2)
Project:	To construct a front and second story addition, to an existing, detached, two-story plus basement, 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.

MICHELLE POURCIAU - CHAIRPERSON
JONATHAN GOLDSTEIN - VICE-CHAIRPERSON
ROBYN WELLS, MEMBER
MELISSA LINDSJO – MEMBER, NATIONAL CAPITOL 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 .

OFFICE OF DOCUMENTS AND ADMINISTRATIVE ISSUANCES

DISTRICT OF COLUMBIA REGISTER
2026 AGENCY SUBMISSION DEADLINE SCHEDULE

The *District of Columbia Register* is published weekly on Fridays including on public holidays that fall on a Friday. The deadline for submitting notices for publication by District agencies, boards, commissions, and public charter schools is **THURSDAY**, noon of the **PREVIOUS** week. For example, the deadline for the January 16, 2026 *District of Columbia Register* is noon on Thursday January 8, 2026.

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 19, 2026 (Martin Luther King Jr. Day) is an official District of Columbia holiday therefore, the deadline for the January 23, 2026 *District of Columbia Register* is noon on Wednesday, January 14, 2026.

If an official government holiday falls on a Thursday, the deadline for submitting documents is WEDNESDAY. Because Thursday, January 1, 2026 is New Years Day, the deadline for the January 9, 2026 *District of Columbia Register* is noon on Wednesday, December 31, 2025.

Because Thursday, November 26, 2026 is Thanksgiving Day, the deadline for submitting documents for the December 4, 2026 *District of Columbia Register* is noon on Wednesday, November 25, 2026.

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 at https://dcregs.dc.gov:



Since the deadline changes for a Register to be published during a week that has an official District of Columbia Government holiday, the 2026 holiday schedule is provided here for your convenience.

2026 District of Columbia Government Holiday Schedule	
New Year's Day	Thursday, January 1, 2026
Dr. Martin Luther King, Jr.'s Birthday	Monday, January 19, 2026
Washington's Birthday	Monday, February 16, 2026
DC Emancipation Day	Thursday, April 16, 2026
Memorial Day	Monday, May 25, 2026
Juneteenth National Independence Day	Friday, June 19, 2026
Independence Day (Observed)	Friday, July 3, 2026
Labor Day	Monday, September 7, 2026
Indigenous Peoples' Day	Monday, October 12, 2026
Veterans Day	Wednesday, November 11, 2026
Thanksgiving Day	Thursday, November 26, 2026
Christmas Day	Friday, December 25, 2026

Below is the 2026 District of Columbia Register Submission Deadline schedule.

OFFICE OF DOCUMENTS AND ADMINSTRATIVE ISSUANCES
DISTRICT OF COLUMBIA REGISTER
2026 AGENCY SUBMISSION DEADLINE SCHEDULE

D.C. Register Issue		Submission Deadline	
Vol. 73/1	January 2, 2026*	Wednesday	December 24, 2025
Vol. 73/2	January 9, 2026	Wednesday	December 31, 2025
Vol. 73/3	January 16, 2026	Thursday	January 8, 2026
Vol. 73/4	January 23, 2026*	Wednesday	January 14, 2026
Vol. 73/5	January 30, 2026	Thursday	January 22, 2026
Vol. 73/6	February 6, 2026	Thursday	January 29, 2026
Vol. 73/7	February 13, 2026	Thursday	February 5, 2026
Vol. 73/8	February 20, 2026*	Wednesday	February 11, 2026
Vol. 73/9	February 27, 2026	Thursday	February 19, 2026
Vol. 73/10	March 6, 2026	Thursday	February 26, 2026
Vol. 73/11	March 13, 2026	Thursday	March 5, 2026
Vol. 73/12	March 20, 2026	Thursday	March 12, 2026
Vol. 73/13	March 27, 2026	Thursday	March 19, 2026
Vol. 73/14	April 3, 2026	Thursday	March 26, 2026
Vol. 73/15	April 10, 2026	Thursday	April 2, 2026
Vol. 73/16	April 17, 2026*	Wednesday	April 8, 2026
Vol. 73/17	April 24, 2026	Wednesday	April 15, 2026
Vol. 73/18	May 1, 2026	Thursday	April 23, 2026
Vol. 73/19	May 8, 2026	Thursday	April 30, 2026
Vol. 73/20	May 15, 2026	Thursday	May 7, 2026
Vol. 73/21	May 22, 2026	Thursday	May 14, 2026
Vol. 73/22	May 29, 2026 *	Wednesday	May 20, 2026
Vol. 73/23	June 5, 2026	Thursday	May 28, 2026
Vol. 73/24	June 12, 2026	Thursday	June 4, 2026
Vol. 73/25	June 19, 2026*	Wednesday	June 10, 2026
Vol. 73/26	June 26, 2026	Thursday	June 18, 2026
Vol. 73/27	July 3, 2026 *	Wednesday	June 24, 2026
Vol. 73/28	July 10, 2026	Thursday	July 2, 2026
Vol. 73/29	July 17, 2026	Thursday	July 9, 2026
Vol. 73/30	July 24, 2026	Thursday	July 16, 2026
Vol. 73/31	July 31, 2026	Thursday	July 23, 2026
Vol. 73/32	August 7, 2026	Thursday	July 30, 2026
Vol. 73/33	August 14, 2026	Thursday	August 6, 2026
Vol. 73/34	August 21, 2026	Thursday	August 13, 2026
Vol. 73/35	August 28, 2026	Thursday	August 20, 2026
Vol. 73/36	September 4, 2026	Thursday	August 27, 2026
Vol. 73/37	September 11, 2026*	Wednesday	September 2, 2026
Vol. 73/38	September 18, 2026	Thursday	September 10, 2026
Vol. 73/39	September 25, 2026	Thursday	September 17, 2026
Vol. 73/40	October 2, 2026	Thursday	September 24, 2026
Vol. 73/41	October 9, 2026	Thursday	October 1, 2026
Vol. 73/42	October 16, 2026*	Wednesday	October 7, 2026
Vol. 73/43	October 23, 2026	Thursday	October 15, 2026
Vol. 73/44	October 30, 2026	Thursday	October 22, 2026
Vol. 73/45	November 6, 2026	Thursday	October 29, 2026
Vol. 73/46	November 13, 2026*	Wednesday	November 4, 2026
Vol. 73/47	November 20, 2026	Thursday	November 12, 2026
Vol. 73/48	November 27, 2026*	Wednesday	November 18, 2026
Vol. 73/49	December 4, 2026	Wednesday	November 25, 2026
Vol. 73/50	December 11, 2026	Thursday	December 3, 2026
Vol. 73/51	December 18, 2026	Thursday	December 10, 2026
Vol. 73/52	December 25, 2026*	Wednesday	December 16, 2026
Vol. 74/1	January 1, 2027*	Wednesday	December 23, 2026

*Weeks with District of Columbia Government public holidays. Last Updated December 5, 2025