

Temple Law Offices

1310 L STREET, N.W. SUITE 750
WASHINGTON, D.C. 20005

TELEPHONE (202) 628-1101
FACSIMILE (202) 628-1149

RECEIVED
D.C. OFFICE OF ZONING
2019 JAN -8 PM 1:32

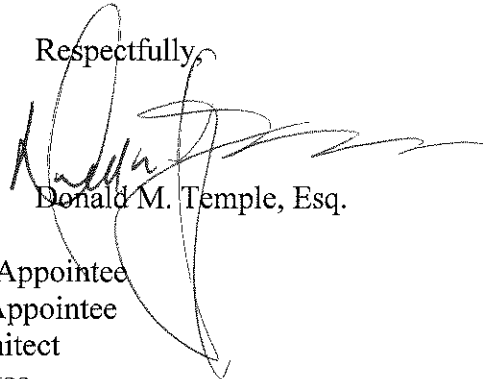
December 28, 2018

Mr. Anthony J. Hood
Chairperson Appointee
District of Columbia Zoning Commission
441 4th Street, NW, Suite 200S
Washington, DC 20001

Dear Mr. Hood:

Please find attached a civil action related to contemporary zoning regulations, that was filed in the District of Columbia Superior Court. I am respectfully requesting the Zoning Commission to investigate this matter – and/or to consider whether the subject regulations cited in the lawsuit related to Halfway Houses are indeed vague and require corrective scrutiny. This would avoid costly litigation and help to determine the rights of DC Homeowners. Please do not hesitate to contact me should you have any questions.

Respectfully,



Donald M. Temple, Esq.

cc: Robert Miller – Vice Chairperson Appointee
Peter Shapiro – District Resident Appointee
Michael G. Turnbull, FAIA – Architect
of the Capitol Designee Appointee
Peter G. May – National Park Service Designee

**SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
CIVIL DIVISION**

KASHIEF MOODY,
3605 Commodore Joshua Barney Dr. NE
Washington, D.C. 20018

PIERRE HINES,
3129 Fort Lincoln Drive, NE
Washington, D.C. 20018

MILDRED STEVENSON,
2213 Rand Pl. NE,
Washington, D.C. 20002

RALPH GILL,
2207 Rand Pl. NE,
Washington, D.C. 20002

DONNEL GILL,
2405 Rand Pl. NE,
Washington, D.C. 20002

BRIDGET DESMUKES,
2219 Rand Pl. NE,
Washington, D.C. 20002

DWAYNE THOMAS,
2115 St. NE,
Washington, D.C. 20002

ALISHA GOODMAN,
2220 Rand Pl. NE,
Washington, D.C. 20002

DERRICK JOHNSON,
2205 Rand Pl. NE,
Washington, D.C. 20002

LEONDRA RAY,
3604 Fort Lincoln Dr. NE,
Washington, D.C. 20018

Case No. 2018 CA 008697 B

BEATRICE DAVIS WILLIAMS,
3903 20th Street NE,
Washington, D.C. 20018

and

WANDA WALLACE,
2927 26th Street NE,
Washington, D.C. 20018

Plaintiffs,

v.

THE DISTRICT OF COLUMBIA,
A Municipal Corporation
Serve: Muriel Bowser
John A. Wilson Bldg.
1350 Pennsylvania Ave., NW
Washington, D.C. 20004

Office of the Attorney General,
441 4th Street, NW
6th Floor
Washington, D.C. 20001

Defendant.

COMPLAINT FOR DECLARATORY AND EQUITABLE RELIEF

COME NOW Plaintiffs, by and through the undersigned counsel, and respectfully file the immediate civil case for declaratory, injunction, and other relief.

JURISDICTION AND VENUE

1. This court has jurisdiction over this action pursuant to D.C. Code § 11-921.

2. Venue is proper because Defendant, the District of Columbia government, and Plaintiffs are located within the District of Columbia.

PARTIES

3. Defendant, District of Columbia, is a municipality, which acting through its Board of Zoning, implements certain zoning regulations which govern the location of various structures, buildings, and businesses throughout the District of Columbia; and in September 2016, the District promulgated revised zoning regulations which are particularly vague, ambiguous, and defective pertinent to critical definitions and terms that affect the location of a 300 person Halfway House in Zone PDR.
4. Plaintiffs include Kashief Moody, Pierre Hines, Mildred Stevenson, Ralph Gill, Donnel Gill, Brigett Desmukes, Dwayne Thomas, Alisha Goodman, Derick Johnson, Leondra Ray, and Wanda Wallace. Each Plaintiff is a citizen and resident of the District of Columbia and lives in close proximity to the subject Halfway House, which is located at 3400 New York Avenue NE.

FACTS COMMON TO ALL CLAIMS

5. On November 1, 2018, the Federal Bureau of Prisons awarded a five (5) year contract to CORE DC, LLC for a 300 bed Residential Reentry Management Center ("RRMC"), commonly referred to as a Halfway House. *See Ex. 1*
6. Pursuant to its contract award, CORE DC and the Federal Bureau of Prisons ("BOP") expect to locate the RRMC to 3400 New York Avenue, N.E. *Id.*
7. Prior to September, 2016, DC Zoning regulations clearly defined an RRMC (Halfway House) as a facility in which returning citizens would serve the final 3-6 months of their

respective sentences under the BOP's jurisdiction. More specifically, DC Zoning regulations at 11 DCMR ¶ 99.1 then defined a Halfway House as a "community-based residential facility" and correspondingly, an "adult rehabilitation house" as follows:

"A residential facility for persons who have a common need for treatment, rehabilitation, assistance, or supervision in their daily living. This definition includes, but is not limited to, facilities covered by the Community Residence Facilities Licensure Act of 1977, effective October 29, 1977 (D.C. Law 2-35; 24 DCR 4056) (repealed by District of Columbia Health Care and Community Residence Facility, Hospice and Home Care Licensure Act of 1983, effective February 24, 1984 (D.C. Law 5-48, as amended; D.C. Official Code §§ 44-5-1 to 44-509 (formerly codified at D.C. Code §§ 32-1301 to 32-1309 (1998 Repl. & 1999 Supp.))), and facilities formerly known as convalescent or nursing home, residential Halfway House or social service center, philanthropic or eleemosynary institution, and personal care home. If an establishment is a community-based residential facility as defined in this section, it shall not be deemed to constitute any other use permitted under the authority of these regulations. A community-based residential facility may include separate living quarters for resident supervisors and their families. All community-based residential facilities shall be included in one (1) or more of the following subcategories:

(a) Adult rehabilitation home – a facility providing residential care for one (1) or more individuals sixteen (16) years of age or older who are charged by the United States Attorney with a felony offense, or any individual twenty-one (21) years of age or older, under pre-trial detention or sentenced court orders;"

8. Consistent therewith, on June 24, 2016, Mathew W. Le Grant, the District of Columbia's ("DC") Zoning Administrator, penned an opinion related to a proposed BOP Halfway House, which the Contractor sought to locate at 475 School Street, S.W., (Zone c-3-c) as a matter of right. *See Ex. 2.*
9. Mr. Le Grant's June 24, 2016 letter-decision predated the then anticipated newly enacted BZA regulations. *Id.*

10. On August 22, 2016, the Southwest Business Improvement District appealed Mr. Le Grant's decision to the DC Zoning Commission, noting that applicable zoning regulations which contemplated a Community Based Residential Facility ("CBRF") did not adequately define the term "community based." It also challenged the Zoning Administration's failure to clearly define the phrase "large scale government use" pertinent to the RRMC and noted that his letter did not factor into consideration the anticipated changes in the revised regulations. *See Ex. 3.*
11. The Contractor subsequently withdrew its proposal.
12. On or around September 6, 2016, the D.C. Zoning Commission revised applicable Zoning and Administrative Regulations, the short title being "Zoning Regulations of the District of Columbia." These new regulations referred to adult rehabilitation homes.
13. Chapter 8 of the revised zoning regulations govern use permissions in the pertinent Zone, effectively called a Production, Distribution and Repair Zone ("PDR"), which are codified specifically at Section 800, General Provisions, and Section 801, Matter-of-Rights Uses (PDR).
14. Section 801, reads in relevant part as follows:

801.1 the following use shall be permitted in a PDR zone as a matter-of-right, subject to applicable conditions: "(f) Community-based institutional facility."
15. In so doing, the zoning regulations introduced new terms. Peculiarly, the term "Community-Based Institutions Facility" ("CBIF") includes a reference to the previously used term "Adult Rehabilitation Home" as follows:

- (1) A use providing court-ordered monitored care to individuals who have a common need for treatment, rehabilitation, assistance, or supervision in their daily living, have been assigned to the facility; or are being detained by the government, other than as a condition of probation;
- (2) *Examples* include, but are not limited to: *adult rehabilitation home*, youth rehabilitation home, or detention or correctional facilities that do not fall within the large-scale government use category; and
- (3) Exceptions: This use category does not include uses which more typically would fall within the emergency shelter or large-scale government use category.

16. Stunningly, the Commission's revised zoning regulations omit, from its 34 pages and over 250 definitions, the previous widely used terms "Halfway House", "Community Based Residential Facility" and "Adult Rehabilitation Home", which were the precise definitions that were referenced in Mr. LeGrand's June 2016 letter. These same revised regulations reference and define many more relatively simple terms such as "Car Wash," "Car Sharing Space," "Inn," and "Yard."

17. On November 9, 2018, *The Washington Post* reported that the BOP awarded CORE DC, a newly-formed private company, a five (5) year, \$60 million contract to open a Halfway House for 300 former inmates at 3400 New York Avenue in Northeast Washington, DC. *See Ex. 1.*

18. Neither the BOP nor Core DC communicated with the District's Congressional Delegate, Eleanor Holmes Norton, its Ward 5 City Councilmember, Kenyan McDuffie, or Ward 5 residents located near the proposed Halfway House site prior to the contract award. Nor were these elected officials involved in any respect during BOP or CORE DC's planning

processes, even though BOP's own solicitation requires the contractor to notify local government officials of its intent to open and operate a Halfway House. *See Ex. 4.*

19. Highly sensitive to CORE DC's actions, Delegate Norton noted the following about its contract: "Once it is a fait accompli, I'm not sure what anyone can do about it. You and I don't know much about it yet. That's a problem."
20. Absent any reference to the terms that previously defined Halfway Houses, CORE DC now asserts that it can construct and operate the proposed 300 bed halfway house at 3400 New York Avenue, as a matter of right in Zone PDR pursuant to the aforementioned revised regulations.
21. The present ambiguities and want of clear definitions in the revised Zoning Regulations directly impedes the neighboring residents ability to properly interpret said regulations and protect their rights. Specifically, the absence of a definition in the Zoning Regulations which defines any form of a halfway house prevents community challenge. Notwithstanding these ambiguities, Defendants constructed large scale 300 bed halfway house. *See Ex. 3.*
22. There are no longer definitions for a "Community Based Residential Facility" or an "Adult Rehabilitation Home" in the revised regulations.
23. The absence of a clear definition in the revised Zoning Regulations render Sections 800 and 801 ambiguous and ineffectual because it forecloses affected citizens' from a clear understanding of their legal significance, and impedes Plaintiffs' ability to protect their rights. Hence, these revised regulations are overbroad and vague, constitutionally void.

24. The BOP and CORE DC, by failing to consult with the affected local citizens and residents of neighboring communities, demonstrated the absolute highest level of disregard for the DC Government, its elected officials and DC citizens. *See Ex. 3, 4.*
25. Additionally, the vagueness and ambiguities in the attending regulations, and the peculiar removal of the terms "community based residential facility" and "adult rehabilitation home," notwithstanding the use of the latter term, appears to have been carefully designed to facilitate the location of a halfway house in the PDR zone without the burden of painstaking public scrutiny or DC Zoning Commission approval, as a matter of right.
26. Due to the vagueness of the revised Regulations, there is no clear and certain language defining 300 bed halfway houses that would give persons of ordinary intelligence affected by its actions reasonable opportunity to know what the law is or is not.
27. The revised regulations are substantially insufficient to guide either affected citizens or the Zoning Commission in the interpretation and application of the Zoning Regulations pertinent to CORE DC's matter of right location of its facility on New York Avenue in the PDR Zone.

COUNT I

PROCEDURAL DUE PROCESS VIOLATION VOID FOR VAGUENESS

28. Plaintiffs incorporate and reallege paragraphs 1-27, as if fully incorporated herein.
29. Defendant's revised Zoning Regulations fail to adequately define terms and definitions critically related to CORE DC's placement of a 300 bed halfway house in the District's

PDR zone as a matter of right and in a manner that citizens, legislators, and courts can adequately define and apply.

30. Defendant's revised regulations lack critical terms and definitions, which render the regulations vague on their face and as applied.

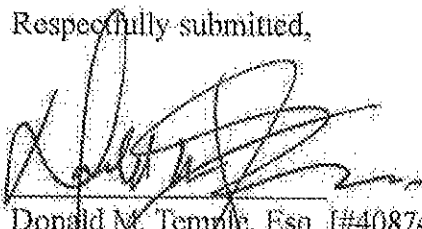
31. Further, the absence of clear and certain regulations effectively circumvents and offends District of Columbia citizens' right to knowledge of existing zoning laws and their intended application, as well their right to ensure transparency and public accountability from its elected and appointed Zoning Commission officials.

32. The immediate regulations directly affect Plaintiffs' rights.

WHEREFORE, Plaintiffs respectfully request and pray that this honorable Court issue:

- a. A declaratory judgment regarding the extent to which the terms and conditions, and want of definitions in Sections 800 and 801 of the zoning regulations are vague and void, that said regulations are deemed constitutionally infirm on due process grounds;
- b. Where appropriate, an order for equitable relief and attorneys' fees; and
- c. An order for any such other relief this Court deems necessary and appropriate.

Respectfully submitted,



Donald M. Temple, Esq. [#408749]
1310 L Street NW 750
Washington, DC 20005
(202) 628-1101 Phone
(202) 628-1149 Fax

DATED: December 18, 2018

Attached Exhibits List

Exhibit #	Document	Date
1	Washington Post Article	11/9/2018
2	Matthew LeGrant letter to Feola	6/24/2016
3	ANC Appeal + Accompanying Letter	8/22/16
4	Kenyan McDuffie Letter to Acting Director of BOP	11/28/2018

EXHIBIT

1

The Washington Post

New halfway house for 300 former inmates set to open next year in D.C.

By Justin Wm. Moyer
November 9 at 7:00 AM

A private company has won a five-year, \$60 million federal contract to open a halfway house for 300 former inmates in Northeast Washington.

The contract follows contentious battles in recent years over where such a facility could open in the District and leaves in question the future of Hope Village, the city's only existing halfway house for men.

Core DC was awarded the contract Nov. 1 by the Federal Bureau of Prisons, according to federal public records. A spokesman for the Bureau of Prisons said the halfway house is to open March 1 in an existing building at 3400 New York Ave. NE, an industrial area near the Maryland border cut off from neighborhoods by the highway and railroad tracks.

Kevin Donahue, the District's deputy mayor for public safety, said in a statement that city officials learned of the facility this week, adding that "while we would have welcomed the opportunity to participate in their planning process, we encourage the bureau to swiftly begin community and stakeholder engagement."

Representatives of Core DC didn't respond to multiple requests for comment.

D.C. Council member Kenyan R. McDuffie (D) of Ward 5, where the halfway house will open, criticized "the lack of community engagement from BOP regarding the facility," calling it "unacceptable."

"I am requesting that residents have an opportunity to thoroughly review the contract," he said in a statement.

Recent proposals to bring a halfway house to the city were met with disapproval among residents and community leaders. In 2016, Core DC proposed two halfway-house locations in the District, but neither advanced after opposition.

At that time, McDuffie fought a proposed halfway house on Edgewood Street in Northeast, citing "its proximity to several schools and businesses as well as the number of proposed beds." Council member Charles Allen (D-Ward 6) opposed putting a halfway house on Potomac Avenue in Southeast, citing its proximity to condo projects and a "tavern/nightclub that serves the area's LGBT community."

"It has been difficult to locate a halfway house in the District of Columbia," said D.C. Del. Eleanor Holmes Norton (D). "One of the things they may have taken into account is this halfway house is not near apartments and schools."

Norton sent a letter Thursday to Florida-based Correctional Management & Communications Group, Core DC's parent company, asking how the halfway house will help residents readjust to life outside prison when it is "not near a Metrorail station and appears to be a mile from the nearest bus stop."

She said she wasn't consulted about the contract — what she called "a flaw in the process."

"Once it's a fait accompli, I'm not sure what anyone can do about it," she said. "You and I don't know much about it yet. That's a problem." ✓

According to the Bureau of Prisons, Hope Village's existing contract was extended through Feb. 28 — ✓ the day before the new halfway house would open — and the Core DC contract "will replace the current contract with Hope Village." The Bureau of Prisons didn't discuss the future of Hope Village, which opened in 1978 off the Suitland Parkway in Southeast.

The facility's downsizing or closure would be a significant shift for the D.C. corrections system. Hope Village, which enjoyed a monopoly in the District, has housed generations of former inmates — and has been the target of complaints from activists concerned about the rights of those returning from prison.

Our journalism keeps watch
on Washington and the
world.

Try 1 month for \$49 \$1

Send me this offer

The last time a competitor won a similar contract was 2003 — and that location closed in 2006, leaving Hope Village the only player in a lucrative market. Since then, the facility has been awarded more than \$125 million in federal contracts, according to federal records. ✓

Days before the announcement of the Core DC contract, Hope Village chief executive Jeffrey Varone praised his company, saying it has helped numerous former inmates return to a life outside of prison.

"I think we do a really good job," he said. "That's why we've outlasted everybody. A lot of our staff have been here 30 and 40 years. ... We really are dedicated to trying to help these returning citizens make a positive impact on their life."

Varone didn't respond to requests for comment about Hope Village's contract or Core DC's entry into the market.

Advocates and former Hope Village residents say substandard care has been overlooked for years, adding that men leaving prison have nowhere else to go. Some who have stayed at Hope Village say its shortcomings are unmistakable.

"Hope Village is the perfect dumping ground," said James Bethea, 63, who said he had done about nine stints at the halfway house since 1981, last leaving in 2016.

Bethea said he's been in the criminal-justice system since he was 12, serving time for crimes that include armed robbery and burglary. A lifelong addict who's been clean for about five months, Bethea said unsanitary conditions, a lack of employment services and open drug use made rehabilitation difficult. ✓

"To fight off addiction from Hope Village, you need to be super, super strong," he said.

Hope Village was pilloried by watchdogs in 2013, when the Corrections Information Council, a District agency that inspects and monitors conditions at the D.C. jail and other facilities, faulted its lack of job programming, transportation subsidies and grievance procedures. Varone declined to comment on specific allegations against the facility. ✓

Last year, the Council for Court Excellence, a nonprofit that advocates for improvements to the city's criminal-justice system, urged the Bureau of Prisons not to renew Hope Village's contract, citing insufficient services for residents and violent crime in the area. ✓

According to D.C. police, 29 homicides, 186 robberies and 276 assaults with a dangerous weapon have occurred within 1,000 feet of Hope Village since 1978. Andre Wright, commander of D.C.'s Seventh Police District, which includes Hope Village, said police don't consider the halfway house a public safety risk. ✓

Emily Tatro, deputy director of the Council for Court Excellence, said activists have called for the closure of Hope Village for years. In a statement, she said she's hopeful that residents of the Core DC facility will find improved living situations.

"While we and the public at large have received virtually no information about this new halfway house provider, the Council for Court Excellence is hopeful that they will offer client-centered services that uphold the residents' dignity and offer the support they need to successfully return home," she said.

Read more:

Man used Airbnb sites to stash marijuana in door-to-door delivery operation, authorities say

Halloween display targets Georgetown mansion once owned by Jackie Kennedy

Family of D.C. restaurant owner who was fatally hit by vehicle in 2016 seeks closure



Justin Wm. Moyer

Justin Wm. Moyer is a breaking news reporter for The Washington Post. After a long stint as a contributing writer at the Washington City Paper, he came to The Post in 2016.

EXHIBIT

2

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OFFICE OF THE ZONING ADMINISTRATOR**



June 24, 2016

Phil T. Feola, Esquire
Goulston Storrs
1999 K Street, N.W., Suite 500
Washington, D.C. 20006

Re: 475 School Street, S.W.

Dear Mr. Feola:

The property located at 475 School Street, S.W. is in the C-3-C Zone District. The C-3-C Zone District permits, as a matter of right, a wide variety of commercial, residential and institutional uses, including community-based residential facilities [CBRF] {11 DCMR Zoning Section 741.5(c)}, without restriction of the type of CBRF, or as to the number of residents.

A residential reentry facility for prison inmates (often referred to as a Halfway House), generally serving the final 3-6 months of their sentence, under the jurisdiction of the Federal Bureau of Prisons is, under the District of Columbia Zoning Regulations, considered a community-based residential facility, in particular, an adult rehabilitation home.

The relevant definitions of a community-based residential facility, and an adult rehabilitation home, as set forth in the Zoning Regulations, 11 DCMR 199.1 are:

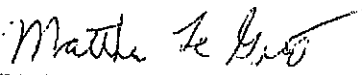
Community-based residential facility - a residential facility for persons who have a common need for treatment, rehabilitation, assistance, or supervision in their daily living. This definition includes, but is not limited to, facilities covered by the Community Residence Facilities Licensure Act of 1977, effective October 27, 1977 (D.C. Law 2-35; 24 DCR 4056) (repealed by District of Columbia Health Care and Community Residence Facility, Hospice and Home Care Licensure Act of 1983, effective February 24, 1984 (D.C. Law 5-48, as amended; D.C. Official Code §§ 44-501 to 44-509 (formerly codified at D.C. Code §§ 32-1301 to 32-1309 (1998 Repl. & 1999 Supp.))), and facilities formerly known as convalescent or nursing home, residential halfway house or social service center, philanthropic or eleemosynary institution, and personal care home.

If an establishment is a community-based residential facility as defined in this section, it shall not be deemed to constitute any other use permitted under the authority of these regulations. A community-based residential facility may include separate living quarters for resident supervisors and their families. All community-based residential facilities shall be included in one (1) or more of the following subcategories:

- (a) Adult rehabilitation home - a facility providing residential care for one (1) or more individuals sixteen (16) years of age or older who are charged by the United States Attorney with a felony offense, or any individual twenty-one (21) years of age or older, under pre-trial detention or sentenced court orders;

Consequently, a residential reentry facility for that meets the definition of a community-based residential facility, in particular, an adult rehabilitation home, is permitted at 475 School Street, S.W. as a matter-of-right.

If you have any questions with regard to this determination, please feel free to contact this office.

Sincerely, 
Matthew Le Grant
Zoning Administrator

EXHIBIT

3

August 22, 2016

Re: Appeal of Zoning Administrator Decision for mater-of-right uses at 475 School Street, SW

To Whom It May Concern:

This letter accompanies our Form 125 appealing the Zoning Administrator's (Matthew Le Grant) decision of the Residential Reentry Facility ("RRC") as a matter of right occupancy at 475 School Street, S.W. The membership of the Southwest Business Improvement District ("SWBID") strongly opposes the allowance of an RRC at the School Street site as a matter-of-right.

While the C-3-C Zone contemplates a community-based residential facility ("CBRF") as a use in Zoning Regulations, 11 DCMR 199.1, there is no definition of a "community-based" facility. How does a federally authorized private contractor fit into a "community based" facility? The proposed School Street RRC facility will not be run by a "community based" organization or a non-profit. In fact, it will be operated by the second largest private prison contractor in the United States, the GEO Group, Inc.

The Zoning Administrator also fails to affirm whether the use of this property as an RRC by matter-of-right will be altered by the new Zoning Code, set to take effect next month. Once the new regulations take effect, this property will be zoned D-5. Although D-5 also allows CBRF as a matter-of-right, the regulations state (Chapter 2, 200.2(h)), *"This use category does not include uses which more typically would fall within the emergency shelter or large-scale government use category."* A Government, Large Scale: is defined as *"(1) A use involving services owned, managed, or provided by a governmental entity and associated with providing regional or wider services; (2) Examples include, but are not limited to: airports, jails, truck dispatch facilities, or police/fire training facilities..."* (Chapter 2, 200.2(t)).

**BEFORE THE BOARD OF ZONING ADJUSTMENT
OF THE DISTRICT OF COLUMBIA**

FORM 125 - APPEAL

Before completing this form, please review the instructions on the reverse side.
Print or type all information unless otherwise indicated.

Pursuant to X 1101.1 of the Zoning Regulations of the District of Columbia, an appeal is hereby taken from the

administrative decision of: Matthew L. Grant, Zoning Administrator (Name of administrative officer: not title)

made on Date of decision
June 24, 2016

that states

A residential reentry facility that meets the definition of a community-based residential facility, in particular, an adult rehabilitation home, is permitted at 475 School St. SW as a matter-of-right

Address(es) of Affected Premises	Square(s)	Lot(s)	Zone Districts
475 School Street S.W.	0494	0660	C-3-C

Present use of Property: Vacant Office Building

Proposed use of Property: 300-Bed Residential Reentry Facility

Name of Owner of Property: WILL SCHOOL HOLDINGS LLC

Address: 411 THEODORE FREMONT AVE, RYE NY 10980-1410

Phone No(s): (814) 266-8100

Fax No.:

E-Mail:

Name of Lessee:

Address:

Phone No(s):

Fax No.:

E-Mail:

Name of Appellant, if other than Owner: Steve Moore, Executive Director, Southwest Business Improvement District

Address: 690 Water Street SW

Phone No(s): (202) 680-8875

Fax No.:

E-Mail:

smoore@swbid.org

I/We certify that the above information is true and correct to the best of my/our knowledge, information and belief. Any person(s) using a fictitious name or address and/or knowingly making any false statement on this appeal is in violation of D.C. Law and subject to a fine of not more than \$1,000 or 180 days imprisonment or both. (D.C. Official Code § 22-2405)

Date: 8/22/2016

Signature of Appellant^{*}:

Lyndie Abo

Waiver of Fee - Status of Appellant

☐ ANC ☐ DC Government Agency ☐ NCPC ☒ Citizens' Association/Association created for civic purposes that is not for profit

To be notified of hearing and decision (Appellant or Authorized Agent^{*}):

Name: Steve Moore

Address: 690 Water Street S.W., Washington, DC 20024

Phone No(s): (202) 680-8875

Fax No.:

E-Mail:

smoore@swbid.org

^{*} If an appeal is filed by the agent of the Appellant, Form 125 - Appeal shall be accompanied by a letter signed by the Appellant authorizing the agent to act on its behalf in this appeal.

ANY APPLICATION THAT IS NOT COMPLETED IN ACCORDANCE WITH THE INSTRUCTIONS ON THE BACK OF THIS FORM WILL NOT BE ACCEPTED.



BEFORE THE BOARD OF ZONING ADJUSTMENT
OF THE DISTRICT OF COLUMBIA



FORM 125 - APPEAL

Before completing this form, please review the instructions on the reverse side.
Print or type all information unless otherwise indicated.

Pursuant to X.1101.1 of the Zoning Regulations of the District of Columbia, an appeal is hereby taken from the

administrative decision of: Matthew Le Grant, Zoning Administrator Name of administrative officer and title

made on: Date of decision
June 24, 2016 that states:

A residential reentry facility that meets the definition of a community-based residential facility, in particular, an adult rehabilitation home, is permitted at 475 School St. SW as a matter-of-right.

Address(es) of Affected Premises	Square(s)	Lot(s)	Zone Districts
475 School Street S.W.	.0404	D850	C-3-C

Present use of Property: Vacant Office Building

Proposed use of Property: 300-Bed Residential Reentry Facility

Name of Owner of Property: WILLSCHOOL HOLDINGS LLC

Address: 411 THEODORE FREMONT AVE. NYE NY 10580-1410

Phone No(s): (914) 288-8100 Fax No.: E-Mail:

Name of Lessee:

Address:

Phone No(s): Fax No.: E-Mail:

Name of Appellant, if other than Owner: Steve Moore, Executive Director, Southwest Business Improvement District

Address: 690 Water Street SW

Phone No(s): (202) 680-8875 Fax No.: E-Mail: smoore@swbid.org

I/We certify that the above information is true and correct to the best of my/our knowledge, information and belief. Any person(s) using a fictitious name or address and/or knowingly making any false statement on this appeal is in violation of D.C. Law and subject to a fine of not more than \$1,000 or 180 days imprisonment or both. (D.C. Official Code § 22-2405)

Date: 8/22/2016 Signature of Appellant*: Lexia Albe

Waiver of Fee - Status of Appellant

☐ ANC ☐ DC Government Agency ☐ NCPC ☒ Citizens' Association/Association created for civic purposes that is not for profit

To be notified of hearing and decision (Appellant or Authorized Agent*):

Name: Steve Moore

Address: 690 Water Street S.W., Washington, DC 20024

Phone No(s): (202) 680-8875 Fax No.: E-Mail: smoore@swbid.org

* If an appeal is filed by the agent of the Appellant, Form 125 - Appeal shall be accompanied by a letter signed by the Appellant authorizing the agent to act on its behalf in this appeal.

ANY APPLICATION THAT IS NOT COMPLETED IN ACCORDANCE WITH THE INSTRUCTIONS ON THE BACK OF THIS FORM WILL NOT BE ACCEPTED.

EXHIBIT

4



COUNCIL OF THE DISTRICT OF COLUMBIA

THE JOHN A. WILSON BUILDING
1350 PENNSYLVANIA AVENUE, NW
WASHINGTON, D.C. 20004

KENYAN R. McDUFFIE
Councilmember, Ward 5
Chair Pro Tempore
Chair, Committee on Business and
Economic Development

Committee Member
Finance and Revenue
Labor and Workforce Development
Transportation and the Environment

Acting Director Hugh J. Hurwitz
Federal Bureau of Prisons
320 First St., NW
Washington, DC 20534

November 28, 2018

Acting Director Hurwitz,

Earlier this month, you received a letter from me dated November 14, 2018 regarding a Federal Bureau of Prisons ("BOP") contract awarded to CORE DC, LLC ("CORE") to operate home confinement services, and a residential reentry center (RRC) (RFP-200-1270-ES).¹

CORE is required to ensure that "at least two levels of local government officials have been notified of their intent to open and operate a residential reentry center."² As the Councilmember for Ward 5, I received no such notification. Furthermore, I have spoken with Advisory Neighborhood Commissioner Jacqueline Manning, whose single member district, 5C04, includes the RRC's location (3400 New York Avenue NE), she too received no notification of CORE's intent to operate a RRC.

On the cover page of the solicitation, BOP informs offerors that it "reserves the right to disclose or make public any environmental documentation or other information provided in response to the solicitation."³ With that in mind, I request that you make available, to my office and the public, CORE's (RFP-200-1270-ES) submission of the following:

1. All documents responding to *Technical/Management Evaluation Area, Factor: Site Location, Subfactor: Site Validity and Suitability*;
2. All documents responding to *Technical/Management Evaluation Area, Factor: Site Location, Subfactor: Community Relations Program*; and
3. Documentation of community support.

¹ Letter from Councilmember McDuffie to Acting Director Hurwitz, dated November 14, 2018.

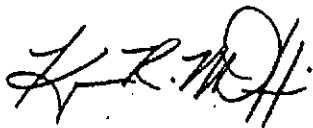
² Federal Bureau of Prisons, Procurement and Property Branch. Solicitation Number RFP 200-1270-ES. Section J, Attachment 9, Compliance Matrix, Page 8.

³ Federal Bureau of Prisons, Procurement and Property Branch. Stefanie Skroch, Contracting Officer. Solicitation Number RFP 200-1270-ES. Proposal Cover Sheet, January 15, 2016.

Based on CORE's failure to complete the community engagement requirements outlined in the solicitation, I am requesting BOP rescind CORE's contract award (RFP-200-1270-ES). In my previous letter, I highlighted CORE's blatant disregard for community engagement when they responded to an earlier contract solicitation that would impact Ward 5. As the representative for Ward 5, I find CORE's approach to bringing critical services to returning citizens sore lacking. Additionally, because of CORE's refusal to engage the community, yet again, a potentially positive relationship with them, at this point, is unlikely. Again, I urge you to only consider offerors that have properly engaged the community, as BOP solicitations presently require.

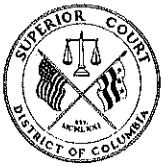
Thank you for your attention to this matter. If you have any questions, please contact my Senior Advisor, Silas Grant at (202) 957-5498 or shgrant@dccouncil.us.

Sincerely,

A handwritten signature in black ink, appearing to read "K.R. McDuffie". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Kenyan R. McDuffie

Cc: Representative Eleanor Holmes Norton
Mayor Muriel Bowser
Advisory Neighborhood Commissioner Jacqueline Manning, 5C04



SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
CIVIL DIVISION
Civil Actions Branch
500 Indiana Avenue, N.W., Suite 5000, Washington, D.C. 20001
Telephone: (202) 879-1133 • Website: www.dccourts.gov

KASHIEF MOODY et al
Vs.
DISTRICT OF COLUMBIA

C.A. No. 2018 CA 008697 B

INITIAL ORDER AND ADDENDUM

Pursuant to D.C. Code § 11-906 and District of Columbia Superior Court Rule of Civil Procedure ("Super. Ct. Civ. R.") 40-I, it is hereby **ORDERED** as follows:

(1) Effective this date, this case has assigned to the individual calendar designated below. All future filings in this case shall bear the calendar number and the judge's name beneath the case number in the caption. On filing any motion or paper related thereto, one copy (for the judge) must be delivered to the Clerk along with the original.

(2) Within 60 days of the filing of the complaint, plaintiff must file proof of serving on each defendant: copies of the summons, the complaint, and this Initial Order and Addendum. As to any defendant for whom such proof of service has not been filed, the Complaint will be dismissed without prejudice for want of prosecution unless the time for serving the defendant has been extended as provided in Super. Ct. Civ. R. 4(m).

(3) Within 21 days of service as described above, except as otherwise noted in Super. Ct. Civ. R. 12, each defendant must respond to the complaint by filing an answer or other responsive pleading. As to the defendant who has failed to respond, a default and judgment will be entered unless the time to respond has been extended as provided in Super. Ct. Civ. R. 55(a).

(4) At the time and place noted below, all counsel and unrepresented parties shall appear before the assigned judge at an initial scheduling and settlement conference to discuss the possibilities of settlement and to establish a schedule for the completion of all proceedings, including, normally, either mediation, case evaluation, or arbitration. Counsel shall discuss with their clients **prior** to the conference whether the clients are agreeable to binding or non-binding arbitration. **This order is the only notice that parties and counsel will receive concerning this Conference.**

(5) Upon advice that the date noted below is inconvenient for any party or counsel, the Quality Review Branch (202) 879-1750 may continue the Conference **once**, with the consent of all parties, to either of the two succeeding Fridays. Request must be made not less than seven business days before the scheduling conference date.

No other continuance of the conference will be granted except upon motion for good cause shown.

(6) Parties are responsible for obtaining and complying with all requirements of the General Order for Civil cases, each judge's Supplement to the General Order and the General Mediation Order. Copies of these orders are available in the Courtroom and on the Court's website <http://www.dccourts.gov/>.

Chief Judge Robert E. Morin

Case Assigned to: Judge FLORENCE Y PAN

Date: December 19, 2018

Initial Conference: 9:30 am, Friday, March 22, 2019

Location: Courtroom 415

500 Indiana Avenue N.W.

WASHINGTON, DC 20001

ADDENDUM TO INITIAL ORDER AFFECTING ALL MEDICAL MALPRACTICE CASES

In accordance with the Medical Malpractice Proceedings Act of 2006, D.C. Code § 16-2801, et seq. (2007 Winter Supp.), "[a]fter an action is filed in the court against a healthcare provider alleging medical malpractice, the court shall require the parties to enter into mediation, without discovery or, if all parties agree[,] with only limited discovery that will not interfere with the completion of mediation within 30 days of the Initial Scheduling and Settlement Conference ("ISSC"), prior to any further litigation in an effort to reach a settlement agreement. The early mediation schedule shall be included in the Scheduling Order following the ISSC. Unless all parties agree, the stay of discovery shall not be more than 30 days after the ISSC." D.C. Code § 16-2821.

To ensure compliance with this legislation, on or before the date of the ISSC, the Court will notify all attorneys and *pro se* parties of the date and time of the early mediation session and the name of the assigned mediator. Information about the early mediation date also is available over the internet at <https://www.dccourts.gov/pa/>. To facilitate this process, all counsel and *pro se* parties in every medical malpractice case are required to confer, jointly complete and sign an EARLY MEDIATION FORM, which must be filed no later than ten (10) calendar days prior to the ISSC. D.C. Code § 16-2825 Two separate Early Mediation Forms are available. Both forms may be obtained at www.dccourts.gov/medmalmediation. One form is to be used for early mediation with a mediator from the multi-door medical malpractice mediator roster; the second form is to be used for early mediation with a private mediator. Both forms also are available in the Multi-Door Dispute Resolution Office, Suite 2900, 410 E Street, N.W. Plaintiff's counsel is responsible for eFiling the form and is required to e-mail a courtesy copy to earlymedmal@dcsc.gov. *Pro se* Plaintiffs who elect not to eFile may file by hand in the Multi-Door Dispute Resolution Office.

A roster of medical malpractice mediators available through the Court's Multi-Door Dispute Resolution Division, with biographical information about each mediator, can be found at www.dccourts.gov/medmalmediation/mediatorprofiles. All individuals on the roster are judges or lawyers with at least 10 years of significant experience in medical malpractice litigation. D.C. Code § 16-2823(a). If the parties cannot agree on a mediator, the Court will appoint one. D.C. Code § 16-2823(b).

The following persons are required by statute to attend personally the Early Mediation Conference: (1) all parties; (2) for parties that are not individuals, a representative with settlement authority; (3) in cases involving an insurance company, a representative of the company with settlement authority; and (4) attorneys representing each party with primary responsibility for the case. D.C. Code § 16-2824.

No later than ten (10) days after the early mediation session has terminated, Plaintiff must eFile with the Court a report prepared by the mediator, including a private mediator, regarding: (1) attendance; (2) whether a settlement was reached; or, (3) if a settlement was not reached, any agreements to narrow the scope of the dispute, limit discovery, facilitate future settlement, hold another mediation session, or otherwise reduce the cost and time of trial preparation. D.C. Code § 16-2826. Any Plaintiff who is *pro se* may elect to file the report by hand with the Civil Actions Branch. The forms to be used for early mediation reports are available at www.dccourts.gov/medmalmediation.

Chief Judge Robert E. Morin