TO: Ms. Jerrily Kress
Director, Office of Zoning

Fax No. 202.727.6092
Pages: 3 including cover page

Date: January 15, 2004

FROM: Andrea Doughty
On behalf of the Appellants in BZA Case No. 17092

Fax No. 202.319.2808
Tel. No. 202.319.1151

RECEIVED
D.C. OFFICE OF ZONING
2004 JAN 15 PM 2:59

Subject: **BZA Appeal No. 17092: Lack of Cooperation**

Ms. Kress,

As requested, please find attached a signed copy of my e-mail to Mr. Noble. I will keep you apprised of any developments regarding this matter. Please contact me if there is any problem with this fax or if you have further instructions. (I will be in meetings until 4:00pm).

Thank you and regards,

Andrea Doughty

On behalf of the Appellants

1417 Q Street, NW
Washington, DC 20009
andrea@capitalpolicies.com

BZA
Case No. 17092
Exhibit No. 33

FAX

Board of Zoning Adjustment
District of Columbia
CASE NO. 17092
EXHIBIT NO. 33

Andrea Doughty
From: Andrea Doughty [andrea@capitalpolicies.com]
Sent: Thursday, January 15, 2004 1:18 PM
To: Denzil Noble (E-mail)
Cc: Faye Ogunneye (E-mail); Jerrily Kress (E-mail); Rick Nero (E-mail); Stephanie Mencimer (E-mail); Al Collins (E-mail); Joan Ferraris (E-mail)
Subject: BZA No. 17092: Lack of Cooperation

Importance: High

RECEIVED
D.C. OFFICE OF ZONING
2004 JAN 15 PM 2:53

Mr. Noble:

On behalf of the Appellants in BZA Appeal Case Number 17092, I have been requesting a copy of WagTime's C of O ***Application*** from your office since Monday January 5. I have still neither received this document nor received any response to my request below to review the Office of the Zoning Administrator's file on this case. This is an urgent matter that is scheduled for hearing before the BZA on Tuesday January 20, and, as the Zoning Administrator's Office is fully aware, the document that I am requesting is essential to preparation of the Appellants case. My repeated calls about this matter over the last 10 days have either gone unanswered or I have been told that this document cannot be found or that you currently have the file that contains this document. The email below has also gone unanswered.

While I appreciate the work pressure that your office is under, I believe that the lack of effective cooperation from your office on this matter is damaging the Appellants' right to due process by means of a fully-informed and fully-prepared Appeal. The fact that the Application for the C of O has not yet been made available, thereby hampering the Appellants preparations for the hearing of this Appeal, also prevents BZA members from having all relevant information made available to them in a timely manner in respect of this case, thus inhibiting the BZA's effectiveness.

Please make available to me without further delay (1) WagTime's C of O Application (it can be faxed to 202.319.2808), and (2) the relevant case file of the Zoning Administrator's Office.

Sincerely,

Andrea Doughty
On behalf of the Appellants (BZA No. 17092)

Andrea Doughty
1417 Q Street, NW
Washington, DC 20009
T. 202.319.1151
F. 202.319.2808

-----Original Message-----
From: **Andrea Doughty** [mailto:andrea@capitalpolicies.com]
Sent: Tuesday, January 13, 2004 4:13 PM
To: Faye Ogunneye (E-mail)
Cc: Denzil Noble (E-mail); Jerrily Kress (E-mail); Rick Nero (E-mail); Stephanie Mencimer (E-mail)
Subject: BZA Appeal No. 17092: WagTime's C of O application & DCRA's file
Importance: High

Ms. Ogunneye:

I am contacting the Zoning Administrator's Office on behalf of the appellants in BZA Appeal No. 17092 (regarding the issuance of Certificate of Occupancy No. 57903 dated July 23, 2003, to

WagTime, LLC, 1412 Q Street, NW, Square 209, Lot 878) to make two requests on an urgent basis:

(1) a copy of the Application for the Certificate of Occupancy lodged with DCRA in this case; and,
(2) an opportunity to review DCRA's file regarding this Application for Certificate of Occupancy and DCRA's internal consideration of the same.

As you know, the BZA hearing on this matter is scheduled for Tuesday, January 20, so I would appreciate access to these materials at the earliest possible convenience of the Zoning Administrator's office. I am available to come down to DCRA tomorrow at 2pm to review the file if this is convenient to you. Please call me to confirm whether or not this would be a suitable time. Regarding the Application for the C of O, we discussed this matter by telephone last Tuesday, January 6, at which time the Application could not be located. I hope that the week that has now passed has been sufficient time for the Application to be located within DCRA. If so, I would be grateful if a copy of it could please be faxed to me as soon as possible.

We appreciate how busy your office is and we thank you again for your assistance with matters relating to this case, sincerely

Andrea Doughty
On behalf of Stephanie Mencimer et al

Andrea Doughty
1417 Q Street, NW
Washington, DC 20009
T. 202.319.1151
F. 202.319.2808