

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

Appeal of Lawrence M. and
Kathleen B. Ausubel

Appeal No. 18300
ANC 3C

AFFIDAVIT OF RACHELLE LLONTOP

Rachelle Llontop, under penalty of perjury, hereby states under oath as follows:

1. I am over the age of 18 and competent to give this Affidavit, which is based upon my personal knowledge of the events described below.
2. On July 6, 2011, I went to the Records Department at the District of Columbia Department of Consumer and Regulatory Affairs (“DCRA”) to retrieve a copy of the supporting plans and documents for Building Permit Application B1103986 (the “Application”), which was under review at the time;
3. I was told by Mabel Williams, an employee of DCRA, that because the Application was under review at the time, in order to obtain the documents I was requesting, I was required to file a Freedom of Information Act (“FOIA”) Request. Ms. Williams helped to direct me to the appropriate office in which to file a FOIA Request, where I was introduced to Mr. Hamilton Kuralt, FOIA Officer, at DCRA. Mr. Kuralt assisted me in preparing a FOIA request.
4. I received an acknowledgement of my July 6, 2011 FOIA request (the “FOIA Request”) on July 8, 2011 via electronic mail from Mr. Jonathan Williams. Mr. Williams e-mail noted that DCRA was “invoking our 10 business day statutory extension to our response deadline.”
5. On July 13, 2011 I was informed that the Application had been approved and that Building Permit B1103986 (the “Building Permit”) had been issued by DCRA. I requested that a colleague go to the Records Department at DCRA to obtain the supporting plans and documents for the Application, since the Building Permit had been issued and, subject to D.C. Code 2-536(a)(8A), the supporting documents were now publicly available information. My colleague, Travis Zorrilla, was told that the plans were unavailable.

6. By July 26, 2011 I still had not received the results of the FOIA Request, and we still required the requested documents. I inquired with Hamilton Kuralt as to the status of the FOIA Request. Mr. Kuralt informed me, by e-mail, that because the Building Permit had been issued, the documents in support of the Application should be available through the DCRA Records Department without submitting a FOIA Request.

7. On July 27, 2011, I phoned the Records Department and was informed that they could not locate the Application file.

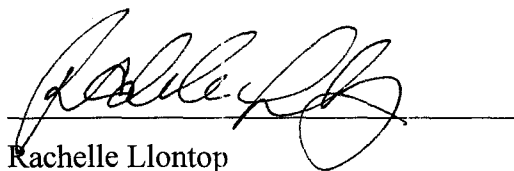
8. On July 28, 2011, I visited the Records Department in an attempt to retrieve the Application documents, and I spoke again to Ms. Williams. I filled out a form requesting the same documents, and left that with Ms. Williams.

9. Later that day, I received a phone call from Marcella Gooding in the DCRA Records Department, who informed me that take 7-10 business days to process my request, and there was no possibility of expediting the request.

10. On August 11, 2011 I was notified by telephone that the Records Room had the results of our FOIA request and that the plans were available for pickup at BlueBoy, DCRA's third party printing contractor.

11. On August 12, 2011 I retrieved the documents. This was more than a month after I first requested the documents from DCRA.

I declare under penalty of perjury under the laws of the District of Columbia and the United States of America that the foregoing is true and correct.


Rachelle Llontop

[Notary Block on following page]

DISTRICT OF COLUMBIA

Subscribed and sworn to before me in Washington, DC by Rachelle Llontop this 3rd day of November, 2011.

My commission expires: Matthew Duble
Notary Public, District of Columbia
My Commission Expires 8/14/2015



Notary Public

