

**DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**
441 4th Street, N.W.
Washington D.C. 20001

Appeal of Susan Lynch

Appeal No. 18469

DISTRICT OF COLUMBIA SUPPLEMENTAL FILING

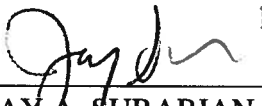
Pursuant to the Board's request for additional information at the October 16, 2012 hearing, the Appellee, the District of Columbia Department of Consumer and Regulatory Affairs ("DCRA"), by and through undersigned counsel, respectfully submits the Declarations of Matthew LeGrant and Rohan Reid.

Respectfully Submitted,

IRVIN B. NATHAN
Attorney General for the District of Columbia

MELINDA M. BOLLING
General Counsel for the Department of Consumer
and Regulatory Affairs

October 31, 2012


JAY A. SURABIAN (DC Bar # 977657)
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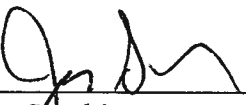
CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing filing was served by email, this 31st day of October 2012, to the following:

Martin Sullivan, Esq.
Sullivan, Styles and Barros, LLP
1990 M St., NW, Suite 200
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msullivan@sullivanbarros.com

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Advisory Neighborhood Commission 3D
c/o Stuart Ross
P.O. Box 40846 Palisades Station, N.W.
Washington, D.C. 20016
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Jay Surabian

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DECLARATION OF MATTHEW LEGRANT

I, Matthew LeGrant, declare as follows:


1. I make this declaration upon personal knowledge, information, and belief, including information provided to me by other District of Columbia officials and employees in my official capacity. I would testify as stated herein if called to do so.
2. I am currently employed as the Zoning Administrator for the District of Columbia Department of Consumer and Regulatory Affairs ("DCRA"), a position I have held since 2007.
3. I began my employment with DCRA in 2006 as the Deputy Zoning Administrator.
4. As Zoning Administrator I am responsible for administering and enforcing the *District of Columbia Zoning Regulations*. This includes reviewing building plans and applications for building permits, certificates of occupancy, and home occupation permits for consistency with the *Zoning Regulations*.
5. I manage a staff of 10. My staff consists of a deputy zoning administrator, 6 plan reviewers, a zoning enforcement officer, and 2 support staff.
6. On May 30, 2012, I gave final zoning approval to Building Permit application nos. RW1200111 and RW1200113 for the construction of the retaining wall/platform structure on 2334 and 2338 King Pl., NW ("the King Place Properties").
7. On June 1, 2012, I received an email from Martin Sullivan, in which he stated that he understood that, "there has been a zoning approval on the new building permit applications for the elevated platform structure/retaining wall on the King Place lots."
8. Immediately after receiving this email on June 1, I telephoned Mr. Sullivan and explained that I had approved the pending plans.

9. On June 12, 2012, I met with Mr. Sullivan on a different matter. At the conclusion of that meeting, Mr. Sullivan and I briefly discussed my decision to approve the revised permits for the retaining wall/platform structure for the King Place Properties. I told Mr. Sullivan that the plans were public records and he was welcome to review them.
10. On June 29, 2012, DCRA issued Building Permit nos. RW1200111 and RW1200113.
11. Between June 1 and June 29, Mr. Sullivan did not request a meeting with me to review the plans for the King Place Properties.
12. I understand that Rohan Reid, a member of my staff, met with Mr. Sullivan on July 3, 2012 to review the plans for the King Place Properties.
13. I have read the Affidavit of Rochelle B. Joseph, which has been filed in BZA Appeal no. 18469.
14. Rochelle Joseph served as my Deputy Zoning Administrator from October 2007 to February 2010.
15. There is no DCRA policy that prohibits me or my staff from sharing copies of pending applications and plans with members of the general public. Likewise, there is no DCRA policy that prohibits me or my staff from meeting with members of the public to discuss pending building permit applications. In fact, I am often contacted by members of the public who are concerned about a pending building permit application for construction on a neighboring property. I respond to these inquiries, and when requested, I will meet with concerned parties and discuss and review the pending plans with them.
16. Neither Mr. Sullivan nor Ms. Joseph ever communicated to me that they were refused access at DCRA to the application or plans for any building permit associated with the King Place Properties.

I hereby swear, subject to the penalties of perjury, that the foregoing is true and correct.



MATTHEW LEGRANT



DATE

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Washington, DC 20001

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DECLARATION OF ROHAN REID

I, Rohan Reid, declare as follows:

1. I make this declaration upon personal knowledge, information, and belief, including information provided to me by other District of Columbia officials and employees in my official capacity. I would testify as stated herein if called to do so.
2. I am currently employed as a program analyst in the Office of the Zoning Administrator, which is an office within the District of Columbia Department of Consumer and Regulatory Affairs ("DCRA"). I have held this position since August 2011.
3. As a program analyst in the Office of the Zoning Administrator, I act as the zoning enforcement officer and work with the Zoning Administrator in the enforcement of the *District of Columbia Zoning Regulations*.
4. I have worked for DCRA since 2005. From 2007 until I started my current position, I was responsible for managing the file room of DCRA's Permit Operations Division.
5. In March 2012, I became aware of the construction at 2334 and 2338 King Pl., NW (the "King Place Properties") when the Zoning Administrator asked me to assist him with an enforcement action to revoke the building permits that had been issued for the construction of a retaining wall/platform structure.
6. On Friday, June 29, 2012, I received an email from John Patrick Brown, an attorney representing a neighbor of the King Place Properties. In that email, Mr. Brown requested a meeting with me on either Monday or Tuesday to review the plans for the construction of a retaining wall at the Property.
7. I scheduled a meeting with him for Tuesday, July 3, 2012. Mr. Brown sent me a confirmation email and indicated that Marty Sullivan would be accompanying him to the meeting. See Exhibit A.

8. On July 3, 2012, I met with Messrs. Brown and Sullivan. At that meeting, we reviewed the permit file, application, and plans for the houses (Building Permit nos. B1207072 or B1207074) and the retaining wall/platform structure (Building Permit nos. RW1200111 and RW1200113).

9. At the meeting, Messrs. Brown and Sullivan requested copies of certain pages of the plans. I provided them with copies of those pages. They also asked for complete copies of the application and plans for the retaining wall/platform structure. We agreed that they could retrieve those copies the week after the July 4th holiday.

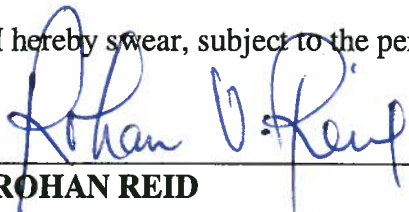
10. I made the copies they requested and provided them to Rochelle Joseph on July 11, 2012.

11. I have read the Affidavit of Rochelle B. Joseph, which has been filed in BZA Appeal no. 18469.

12. Neither Mr. Sullivan nor Ms. Joseph ever communicated to me that they were refused access at DCRA to the application or plans for any building permit associated with the King Place Properties.

13. There is no policy at DCRA that prohibits members of the public from reviewing or getting a copy of pending building permit applications or plans. From my experience working in file room of DCRA's Permit Center, the public was allowed to view pending files and obtain copies. Additionally, I would refer members of the public to DCRA's Freedom of Information Act officer, who could process their requests for documents.

I hereby swear, subject to the penalties of perjury, that the foregoing is true and correct.



ROHAN REID

10-26-12
DATE

Reid, Rohan (DCRA)

From: John Patrick Brown Jr. [JPB@gdllaw.com]
Sent: Tuesday, July 03, 2012 12:23 PM
To: Reid, Rohan (DCRA)
Subject: RE: King Place

Thanks, my colleague Marty Sullivan will be accompanying me. Pat

From: Reid, Rohan (DCRA) [mailto:rohan.reid@dc.gov]
Sent: Tuesday, July 03, 2012 12:20 PM
To: John Patrick Brown Jr.
Subject: RE: King Place

Hi Mr. Brown,

We are still on for 1pm.

Regards,

Rohan Reid

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From: John Patrick Brown Jr. [mailto:JPB@gdllaw.com]
Sent: Tuesday, July 03, 2012 11:59 AM
To: Reid, Rohan (DCRA)
Subject: King Place

Just confirming we are go to go for 1pm today. Thanks, Pat