

Exhibit C

GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
Business and Professional Licensing Administration



OFFICE OF THE ADMINISTRATOR

PERSONAL SERVICE

Senior Dwelling Inc
Attn: Rosemary Ogbenna
223 56th Place NE
Washington, DC 20019

Senior Dwelling Inc.
Attn: Rosemary Ogbenna
225 56th Place NE
Washington, DC 20019

NOTICE TO REVOKE LICENSES

This is official notice ("Notice") from the Department of Consumer and Regulatory Affairs ("DCRA") that License Nos. 68006374 and 68006375 are revoked effective ten (10) business days from the mailing of this Notice.

Basic business license numbers 68006374 and 68006375 were issued to Senior Dwelling Inc. for 223 and 225 56th Place NE. The licenses contained endorsements which allowed the buildings to be operated as rooming houses. Certificates of occupancy were also issued for use of the buildings as rooming houses.

Subsequent to the issuance of the Licenses, DCRA became aware of allegations that the buildings were being operated not as rooming houses but as a community residence facilities and/or assisted living residences. A December 3, 2013 investigation confirmed that the buildings were being operated as assisted living residences and/or community residence facilities.

A facility qualifies as a community residence facility if it "provides a sheltered living environment for individuals who desire or need such an environment because of their physical, mental, familial, social, or other circumstances, and who are not in the custody of the Department of Corrections." D.C. Code § 44-501. Assisted living residence "means an entity, whether public or private, for profit or not for profit, that combines housing, health, and personalized assistance, in accordance to individually developed service plans, for the support of individuals who are unrelated to the owner or operator of the entity." D.C. Code § 44-102.01. A license is required to operate community residence facilities and/or assisted living residences. D.C. Code § 44-502; D.C. Code § 44-103.01. A certificate of occupancy is also generally required allowing for the use of the facility as a community residence facility and/or an assisted living establishment. 11 D.C.M.R. § 3203.1; 22B D.C.M.R. § 3102.3.

The December 3 investigation revealed that 223 and 225 56th Place NE were being operated as assisted living residences and/or community residence facilities. It was discovered that the residents of 223 and 225 56th Place NE are provided assisted living services and supervision from outside sources unrelated to Senior Dwelling Inc. In particular, a clinical staff provided meals and medication to the tenants.

The investigation additionally uncovered various other violations. It was found that 223 and 225 56th Place NE are connected by an opening in a first floor wall. This illegally constructed opening improperly converted the two buildings into one facility. Various fire code violations were also noted including a non-interconnected smoke detector system, lack of a physical fire alarm system, an improperly affixed outlet, excess combustibles in storage room, lack of automatic sprinkler system, lack of 2nd exit, and outdated fire extinguishers.

Pursuant to D.C. Code § 47-2844, D.C. Code § 47-2851.02, and D.C. Code § 47-2851.03c and on the basis of the above described violations, DCRA is revoking License Nos. 68006374 and 68006375. This revocation will be effective ten (10) business days from the mailing of this Notice.

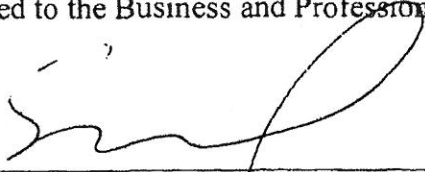
RIGHT TO APPEAL

You have the right to appeal the revocation of License Nos. 68006374 and 68006375 by filing an appeal with the District of Columbia Office of Administrative Hearings, 441 4th Street NW, Suite 450 North, Washington, DC 20001 within ten (10) business days of receipt of this Notice. See 14 D.C.M.R. § 107; D.C. Code § 2-1831.03(a). If you do not request a hearing within the time and manner specified in this notice your permit will be immediately revoked without any further written notice.

Any questions about this Notice may be directed to the Business and Professional Licensing Administration at (202) 442-4508.

3/11/14

Date



Eric Rogers, Administrator
Business and Professional
Licensing Administration

Exhibit D

IN THE SUPERIOR COURT
FOR THE DISTRICT OF COLUMBIA

- - - - - x
SENIOR DWELLING, INC. :
Plaintiff, :

vs. : Case No.
2014-CA-000643B
DISTRICT OF COLUMBIA, :
Defendant. :
- - - - - x

September 3, 2014

Washington, D.C.

DEPOSITION OF:

THOMAS SMOOT

Was called for examination by counsel for the
Plaintiff, pursuant to notice, in the offices of,
Doumar Martin, 1629 K Street, N.W., Suite 300,
Washington, D.C., commencing at 2:52 p.m., before
Carolyn Friend, a Notary Public in and for the
District of Columbia, when were present on behalf of
the respective parties:

1 tell me the time of day you were there. Do you
2 remember that?

3 A It was before lunch. I believe it was
4 before lunch.

5 Q Was your colleague, Mr. Dedrick, out
6 there that day as well?

7 A Right.

8 Q Anybody else out there that day?

9 A That was it. It was just the two of us.

10 Q Was anybody else from any other
11 department that you --

12 A No.

13 Q Was there anybody in the house that you
14 recall?

15 A Other than --

16 Q Any human being.

17 A Yes, yes.

18 Q You don't remember there being any other
19 District residents?

20 A No.

21 Q Excuse me. District employees?

22 A No.

Misty Klapper & Associates
703-780-9559

1 Q It sounds like you got somebody's
2 permission to do the inspection. Is that right?

3 A Right.

4 Q How did you get somebody's permission?
5 What did you say?

6 A We asked, you know, could we come in to
7 do the inspection.

8 Q Did you identify yourselves as being --

9 A Yes, we did, yes.

10 Q And asked that. What did the lady say?

11 A First there was some -- how should I say
12 it -- opposition. It was opposition at first.

13 Q How did that get resolved?

14 A What?

15 Q How did it get resolved, if there was
16 opposition?

17 A I think we explained to them that we had
18 a right to come in there, city officials.

19 Q What is your right as a city official to
20 come in for an unannounced inspection like that?

21 A Whenever there's a need of somebody --
22 of -- a life safety issue.

Misty Klapper & Associates
703-780-9559

1 Q When you go out to do something like
2 this -- was this an unusual request from your
3 supervisor to go out and assist somebody else?

4 A Not -- no. I've been on numerous
5 inspections like that.

6 Q What procedure did you employ in this
7 case to go out there? Did you look at anything
8 before you went out there, for example?

9 A No, I did not.

10 Q So what did you do once you got out
11 there?

12 A We entered the house -- we knocked on the
13 door and we entered the facility and I started
14 looking for -- as soon as we were able to, we -- I
15 told them why I was out there, to do a fire safety
16 inspection. As soon as we were given permission to
17 do it, I proceeded to look over the facility.

18 Q That's a question like -- when you
19 knocked on the door, who answered the door, if you
20 remember?

21 A I forget the -- one of the ladies that
22 was -- answered the door.

Misty Klapper & Associates
703-780-9559

1 Q Did you understand there to be a life
2 safety issue at the residence there?

3 A No. I didn't know about it until I got
4 inside, no.

5 Q How would you know that you had a right
6 to go in if you didn't know there was a life safety
7 issue?

8 A Well, the -- you know, we -- we -- what's
9 the word -- we have an obligation in the city to --
10 to -- as long as it -- I forget how it reads. It
11 says, as long as there's a reasonable -- as long as
12 we don't disrupt the business -- I can't remember
13 what it says, offhand.

14 Q Does this come up oftentimes when you go
15 out to inspect residences or does it? Is this
16 something that comes up --

17 A What, the opposition?

18 Q Yes, sir.

19 A No, no.

20 Q Has it never happened, that somebody says
21 we don't want you to come in today?

22 A Not that I can recall, no.

Misty Klapper & Associates
703-780-9559

- 1 Q Your supervisor just sent you out there
2 to do a fire safety inspection?
3 A Yes.
4 Q Did he tell you why a fire safety
5 inspection needed to be done that day particularly?
6 A No, he did not.
7 Q Mr. Dedrick, who you met out there, was
8 he already there when you got there?
9 A We met there together.
10 Q You didn't travel together; you just met
11 there together?
12 A No, we did not.
13 Q So you got into the building and you
14 start looking around. Do you recall what you saw?
15 A I think the first thing I saw was -- I
16 think it was a loose cover on a light switch -- I'm
17 sorry -- like an outlet, I think it was.
18 Q So I'm looking at a receptacle in --
19 A Yes.
20 Q You mean like the little cover there?
21 A Yes.
22 Q Is that typically something that can be

Misty Klapper & Associates
703-780-9559

- 1 inspected -- did you consider it an assisted-living
2 facility?
3 A Yes.
4 Q Or did you think it might be a rooming
5 house?
6 A It was either or. It was either or at
7 the time, yes.
8 Q So it's your testimony that under DC
9 regulations you need a fire alarm system for a
10 rooming house?
11 A Right.
12 Q And you never found a fire alarm system
13 at all?
14 A No, sir, I did not.
15 Q Isn't that something that would have come
16 to light when the house was inspected?
17 A It would, yes.
18 Q How did the house get a certificate of
19 occupancy and a license if that was a requirement?
20 A I have no idea.
21 Q Did you know that the house was -- the
22 owner of the house was licensed as a rooming house

Misty Klapper & Associates
703-780-9559

- 1 easily remedied?
2 A It is, yes.
3 Q Then what do you recall?
4 A Let's see. I looked around for a --
5 for -- for a fire alarm system.
6 Q And what did you find?
7 A That one did not exist.
8 Q Why would you necessarily need a fire
9 alarm system in the house?
10 A Because the type of facility that I was
11 looking at.
12 Q What type of facility was that that you
13 considered you were looking at?
14 A Either a boarding house or either
15 assisted-living facility.
16 Q What if it's just a regular rooming
17 house, would you need a fire alarm system?
18 A What's that now?
19 Q If it's a regular rooming house, would
20 you need a fire alarm system?
21 A Exactly, yes, sir.
22 Q Did you consider this when you

Misty Klapper & Associates
703-780-9559

- 1 at that location?
2 A Not at that time I didn't.
3 Q Theoretically, or even practically, if
4 that was a requirement to be a rooming house,
5 someone should have inspected to confirm that at the
6 time the house got a CO, correct?
7 A Correct.
8 MS. CHHE: Objection. You can answer.
9 If I make an objection, just wait until I'm done so
10 we don't speak over each other.
11 BY MR. DOUMAR:
12 Q So your answer is that lack of a fire
13 alarm system should have been something that was
14 noted before a CO was issued?
15 A Correct.
16 Q What else did you see?
17 A The lack of a sprinkler system.
18 Q A sprinkler system. Again, is a
19 sprinkler system something that's required for
20 residential housing?
21 A For a rooming house or assisted-living
22 facility, yes.

Misty Klapper & Associates
703-780-9559

1 Q Again, that's something that should have
2 come to light in an inspection before a certificate
3 of occupancy was issued, correct?

4 A Correct.

5 Q Is it common for that kind of thing to
6 slip through the cracks?

7 A I don't know.

8 MS. CHHE: Objection. You can answer.

9 BY MR. DOUMAR:

10 Q What was your answer?

11 A I don't know.

12 Q Is it common for you to inspect buildings
13 that have lots of what appear to be construction
14 defects that have gotten certificates of occupancy
15 notwithstanding those defects?

16 MS. CHHE: Objection. You can answer.

17 THE WITNESS: Repeat that, sir.

18 BY MR. DOUMAR:

19 Q The question is, is it common for you to
20 run across in your inspections buildings that have
21 gotten certificates of occupancy notwithstanding
22 defects in the fire safety or inspection systems?

Misty Klapper & Associates
703-780-9559

1 A They're supposed to be all connected one
2 to the other, yes.

3 Q Anything else you noticed?

4 A I looked in an area that appeared to be a
5 storage area that had an accumulation of clothing
6 and some other bags in the room.

7 Q Anything else you remember?

8 A Okay. That the building with -- the
9 building had only -- only one exit, which was the
10 stairwell down -- coming down the stairs.

11 Q Was that like the front side door or
12 something when you say --

13 A It was an open stairwell. It was an open
14 stairwell.

15 Q Right.

16 A And with a -- with an assisted-living
17 facility, you should have at least two means of
18 egress from each part of the house.

19 Q You should have what from each part of
20 the house?

21 A Two means of egress.

22 Q Two means of egress?

Misty Klapper & Associates
703-780-9559

1 A It's common, very common.

2 Q It's common. Why do you think that
3 happens in the District of Columbia?

4 A I have no idea.

5 Q What else did you note?

6 A That it lacked an integrated smoke
7 detector system.

8 Q What does that mean, when you say
9 integrated smoke detector?

10 A It means that when you push one smoke
11 detector, they all go off in the same house.

12 Q Again, is that something that is
13 required just for the rooming house, slash,
14 assisted-living facility?

15 A Yes.

16 Q It's not required for a regular
17 residential house?

18 A It is.

19 Q It is even in a residential house?

20 A Yes.

21 Q You need an integrated smoke alarm
22 system?

Misty Klapper & Associates
703-780-9559

1 A Um-hmm.

2 Q So when you say two means of egress, you
3 mean -- what if there is a front door and a back
4 door, is that sufficient?

5 A What's the question?

6 Q Is it sufficient to have a front door and
7 a back door?

8 A When I say two means of egress, I mean
9 like -- like here, you have a choice of going down
10 the hallway, which is a fire rated corridor, or you
11 can take the stairs, which is a fire rated -- a fire
12 rated means of egress. It only had one and there
13 was an open stairwell.

14 Q So are you saying they should have had
15 like an elevator or other stairwell? I don't follow
16 what -- if they have a front door and like a back
17 door --

18 A That was on the first floor. The front
19 door and the back door was on the first floor, but
20 from each level of that facility, there should have
21 been two ways of getting out of the place and they
22 only had one, which was right down the open

Misty Klapper & Associates
703-780-9559

- 1 stairwell.
- 2 **Q** I think I understand. So if you are up
3 on the third floor, there has to be another way,
4 according to you, to get down besides just the
5 stairwell?
- 6 **A** Exactly, yes.
- 7 **Q** Do you know if there's a porch or outside
8 area outside the second or third floor so people
9 could have exited?
- 10 **A** I didn't notice that.
- 11 **Q** What else did you notice?
- 12 **A** I believe that was it. I'm sorry. The
13 extinguishers were -- weren't -- hadn't been
14 inspected since -- I think since 2009, I believe it
15 was.
- 16 **Q** What is the problem with that? I'm just
17 not familiar.
- 18 **A** They're supposed to be inspected and
19 tagged annually.
- 20 **Q** You said there was clothes and baggage in
21 the storage area. Wouldn't it be common in any
22 house or building to have baggage in a storage area

Misty Klapper & Associates
703-780-9559

- 1 sometimes?
- 2 **A** It's the way -- you know, if it's stored
3 away neatly, you know, on shelves or put away
4 neatly, but this stuff was just -- it was just
5 placed without any order, in other words. I have
6 another one also.
- 7 **Q** What else?
- 8 **A** They had combustibles too close to the
9 hot water heater.
- 10 **Q** When you say combustibles, what do you
11 mean by that?
- 12 **A** Anything that would burn, of course.
- 13 **Q** Could it have been like clothes, bags
14 or --
- 15 **A** I'm looking at a hot water -- I'm looking
16 at -- it was a plastic pail and a mop and some other
17 things. I think there was some cardboard there too,
18 I believe it was.
- 19 **Q** Was anyone accompanying you while you
20 were doing this inspection?
- 21 **A** I was -- I was -- I was going by myself
22 doing the inspection.

Misty Klapper & Associates
703-780-9559

- 1 **Q** What happened to Mr. Dedrick? Was he
2 there with you?
- 3 **A** He was there. He was doing his
4 inspection as well.
- 5 **Q** What inspection was he doing?
- 6 **A** I have no idea, sir.
- 7 **Q** He wasn't doing a fire inspection?
- 8 **A** No, he was not.
- 9 **Q** Ms. Ogbenna was not there?
- 10 **A** No, she wasn't.
- 11 **Q** Have you ever met her before?
- 12 **A** Not -- not -- I believe I met her when
13 she -- I believe it was she who came up on -- I
14 think it was my return inspection. I think she came
15 as we were leaving on the second occasion.
- 16 **Q** We will get to that too. If you are
17 doing this kind of inspection, somebody from the
18 house, presumably, they can just take the mop and
19 pail and move it for a feet and that would solve
20 that problem?
- 21 **A** Right.
- 22 **Q** So you were there about an hour that day?

Misty Klapper & Associates
703-780-9559

- 1 **A** I believe it was about an hour, yes, sir.
- 2 **Q** So what did you do as a result of that
3 inspection? Was there anything else? I should ask
4 you that.
- 5 **A** I think that was it.
- 6 **Q** Then what did you do?
- 7 **A** Well, I -- on the next day I started
8 doing my report.
- 9 **Q** When you left the building, did you come
10 back later that day?
- 11 **A** To -- no, I did not.
- 12 **Q** You came back a subsequent day, though,
13 correct?
- 14 **A** Right, I did. I think it was 30 days
15 after.
- 16 **Q** All right. Let me go through some of
17 these documents with you. Let me go through your
18 timeline before I go through the documents. Let me
19 go through your timeline. So you do your report.
20 You go back the next day and start drafting a
21 report?
- 22 **A** Correct.

Misty Klapper & Associates
703-780-9559

- 1 door or walked in?
- 2 A We knocked on the door.
- 3 Q Do you remember who you saw the second
- 4 time?
- 5 A The same lady that was there the first
- 6 time.
- 7 Q All right. How long were you there the
- 8 second time?
- 9 A I think maybe about 15 minutes to 30
- 10 minutes, I believe. It wasn't an hour.
- 11 Q It was follow-up this time?
- 12 A It was follow-up, yes.
- 13 Q Did you see Ms. Ogbenna that time?
- 14 A She came as we were leaving. I think she
- 15 came as we were leaving.
- 16 Q Did you have any conversation with her?
- 17 A I may have spoke and -- I can't recall.
- 18 Q Did you have any other conversation with
- 19 her at any time by phone or otherwise?
- 20 A No, sir.
- 21 Q Did she indicate that she had tried to
- 22 fix anything that you had --

Misty Klapper & Associates
703-780-9559

- 1 A We didn't talk about that.
- 2 Q Did you do a follow-up report at all?
- 3 A After that, no, I did not.
- 4 Q Why not?
- 5 A It wasn't a follow-up report. I
- 6 started -- I started the process of -- I forget the
- 7 term -- when you prepare your case to go to court.
- 8 Q How did you prepare the case to go to
- 9 court? What is the process for that?
- 10 A Oh, God. You -- you label your pictures,
- 11 you make sure that -- that everything is correct,
- 12 you know. It's a long process. I can't even hardly
- 13 think about it right now. I've only done it once or
- 14 twice.
- 15 Q Only once or twice in your whole career?
- 16 A Yes.
- 17 Q Why only once or twice, if you have been
- 18 an inspector all these years?
- 19 A Because mostly --
- 20 MS. CHHE: Objection. You can answer.
- 21 THE WITNESS: Because mostly -- the
- 22 majority of my work is done with construction,

Misty Klapper & Associates
703-780-9559

- 1 inspecting -- routine inspections.
- 2 BY MR. DOUMAR:
- 3 Q Okay.
- 4 A I may have done two, you know, since I've
- 5 been with DCRA.
- 6 Q So you never find violations?
- 7 A No, I'm not saying that. There's a
- 8 different procedure. You know, when somebody is
- 9 building something, building a house or an office,
- 10 you don't go out and give advice. When you find
- 11 something, you give them time to abate it. There's
- 12 an abating period. You give them time to abate it.
- 13 Q Abate it?
- 14 A Yeah.
- 15 Q And that's just for new construction?
- 16 A That's new construction, yes.
- 17 Q That's not for existing construction?
- 18 A If I do an existing property, it's the
- 19 same process. You know, we -- the only time they
- 20 are given fines is if they don't correct the -- the
- 21 violation.
- 22 MR. DOUMAR: Let me have you mark this as

Misty Klapper & Associates
703-780-9559

- 1 Plaintiff's Exhibit -- I will mark it as Exhibit 5
- 2 since we have four exhibits today.
- 3 MS. CHHE: You want to mark it as Smoot 1
- 4 and keep them separate?
- 5 MR. DOUMAR: I don't really care.
- 6 (Whereupon, Deposition
- 7 Exhibit Number 1 was marked
- 8 for Identification.)
- 9 BY MR. DOUMAR:
- 10 Q You give the -- for the new construction
- 11 and it sounds like for the existing -- is it also
- 12 true for existing construction you give an owner
- 13 some time to abate the violation?
- 14 A Well, mostly for -- well, if it's -- our
- 15 job is to go out -- it's either a new business --
- 16 it's something new, it's something new. This is a
- 17 new office building or it's a new business, change
- 18 in ownership, things like that, you know.
- 19 Q That's when you go out?
- 20 A That's when we go out, yes, sir.
- 21 Q And you are not aware that there was a
- 22 new business or new ownership or new construction

Misty Klapper & Associates
703-780-9559

- 1 here at 223 56th Place, were you?
- 2 A I was not.
- 3 Q You were just told to go out and inspect?
- 4 A I was told to go out.
- 5 Q Was it pretty unusual for you to go out
- 6 and inspect just an existing building that wasn't
- 7 new construction or a change in business?
- 8 A I think since this was dealing with
- 9 zoning or -- I think that's why we were asked to go
- 10 out.
- 11 Q Do you know that or are you just
- 12 guessing?
- 13 A Well, we do zoning as well, you know.
- 14 Q Now, why don't you look at what's been
- 15 marked as Smoot Number 1, Mr. Smoot. Do you
- 16 recognize this document?
- 17 A Yes, I do.
- 18 Q This is a two-page document that's listed
- 19 as your affidavit?
- 20 A Um-hmm.
- 21 Q Do you recall how this got drafted?
- 22 A It was done with myself and the assistant

Misty Klapper & Associates
703-780-9559

- 1 Q Was she talking to you as she typed it
- 2 up?
- 3 A Yes.
- 4 Q And, basically, you go through the
- 5 various violations that you talked about earlier?
- 6 A Right.
- 7 Q I think you got just about everything.
- 8 A Right.
- 9 Q I would say you got everything. You note
- 10 the date on Ms. Robinson's statement. Your
- 11 signature is not dated, but hers states that you
- 12 appeared on December 11, 2013 to make this
- 13 statement?
- 14 A I'm not sure of the date.
- 15 Q Turn to page 3. This is your page.
- 16 A Okay.
- 17 Q So you went out there on December 3rd,
- 18 but by December 11th you were already working with
- 19 the assistant attorney general to put an affidavit
- 20 together, correct?
- 21 A Correct.
- 22 Q You would only do this if you are going

Misty Klapper & Associates
703-780-9559

- 1 attorney general.
- 2 Q On page 2, is that your signature?
- 3 A Yes, it is, uh-huh.
- 4 Q And on page 3 is the name of Ebony
- 5 Robinson. Is she the assistant attorney general
- 6 who --
- 7 A Yes, yes, sir.
- 8 Q -- who worked with you on this?
- 9 A She did.
- 10 Q How long did you guys work to put this
- 11 together?
- 12 A I would say maybe two hours, maybe more.
- 13 Q Was it all drafted and finalized at the
- 14 same time or was it done over different days?
- 15 A I think this was done as we were, you
- 16 know -- while I was in her office with her.
- 17 Q How was it typed? Did you write it out
- 18 or did she write it out?
- 19 A She typed it. It was typed up by --
- 20 by --
- 21 Q Ms. Robinson?
- 22 A Yes, it was typed by Ms. Robinson.

Misty Klapper & Associates
703-780-9559

- 1 to some sort of enforcement action?
- 2 A Right.
- 3 Q How many times in your career have you
- 4 gotten to the point of putting together an affidavit
- 5 like this with a lawyer in the office?
- 6 A I think this was my -- I may have done
- 7 one with the fire department and I think this is my
- 8 first one with DCRA.
- 9 Q And how long have you worked with DCRA?
- 10 A Since 2002. I'm sorry. 2003.
- 11 Q Right. I knew it was somewhere around
- 12 there. So I see your letter and I think you have
- 13 explained all of that. In paragraph 10 you
- 14 explained -- paragraph 11 was the fire code
- 15 violation?
- 16 A Where?
- 17 Q You go through in your affidavit.
- 18 A The affidavit?
- 19 Q Yes. I'm looking at page 1 there.
- 20 A Okay.
- 21 Q The one with the yellow sticker on it.
- 22 You do review all the -- you actually put in your

Misty Klapper & Associates
703-780-9559

1 affidavit the square numbers and lot numbers of the
2 houses, if you look on the first page, Mr. Smoot.

3 A Um-hmm.

4 Q And then you actually have the specific
5 dates of the COs for the rooming houses, for use of
6 the rooming houses. Do you see that, in these
7 paragraphs 4, 5, 7, and 8?

8 A Right, okay.

9 Q Did you actually write that or did the
10 lawyer find that information and insert that into
11 the affidavit?

12 A No, I --

13 MS. CHHE: Objection.

14 BY MR. DOUMAR:

15 Q Or someone else did?

16 MS. CHHE: I will make an objection. The
17 question calls for speculation.

18 BY MR. DOUMAR:

19 Q Did you actually write out or know the
20 square numbers and the lot numbers here?

21 A That was gotten -- I think the square and
22 lot number was just taken off the -- the other -- it

Misty Klapper & Associates
703-780-9559

1 that information.

2 MS. CHHE: -- not to respond with
3 information that Ms. Robinson provided you. But if
4 you know, you can tell him, but I would instruct you
5 not to speculate or to guess and not to divulge any
6 information that Ms. Robinson communicated to you.

7 So with those provisos, you can answer
8 his answer.

9 THE WITNESS: I don't know.

10 BY MR. DOUMAR:

11 Q Did you meet any residents while you were
12 at the house or do you know if you did or not?

13 A I didn't meet any.

14 Q Now, let's look at the notices of
15 violation. The first one that's attached is
16 Plaintiff's Exhibit 1. And do you recognize your
17 signature on this?

18 A I do, yes, sir.

19 Q And this has two notices of violation for
20 the fire extinguishers and the proper egress?

21 A Right.

22 Q And then on the second page, you talk

Misty Klapper & Associates
703-780-9559

1 was taken off -- it should be on here.

2 Q Should be on here, meaning your notices
3 of violations?

4 A I believe it does, yes. It is on there,
5 yes.

6 Q Well, you've also got -- paragraphs 7 and
7 8, you've got actual dates when the COs were issued
8 and the CO numbers. Is that something you would
9 have had handy?

10 A I mean, I may have had it in my package.
11 I probably -- I think I got that from the
12 investigation officer.

13 Q Could that have been done by someone else
14 who helped you put this affidavit together?

15 MS. CHHE: I will make an objection.

16 Mr. Smoot, please wait. Your question is bordering
17 on the attorney-client privilege information. If
18 you are looking for information that Ms. Robinson
19 provided to him, you know, I would object and I
20 would instruct you not to answer any questions
21 about --

22 MR. DOUMAR: Well, I'm not looking for

Misty Klapper & Associates
703-780-9559

1 about the smoke detector not properly placed?

2 A Right.

3 Q So you have got three violations on this
4 first notice of violation and then you've got -- on
5 this first notice of violation is, cited violation
6 must be abated within one day from receipt of that
7 notice. Do you see that?

8 A What -- what --

9 Q I'm looking right under violation number
10 3.

11 A Right.

12 Q Isn't that unusual to have a cited
13 violation that's ordered to be abated within one day
14 from receipt of the notice?

15 A These things are computer generated, and
16 we have no control with respect to that.

17 Q It sounded like you -- in your normal
18 tickler, you said you would go out 30 days later?

19 A Yes, that's right.

20 Q Somehow when you say it's computer
21 generated -- let me show you the next notice of
22 violation. There's a notice of violation with four

Misty Klapper & Associates
703-780-9559

1 additional violations with your signature. It's
2 failure to properly install and maintain a required
3 facility with a fire alarm and sprinkler system, the
4 electrical wall outlet is defective, there's loose
5 trash, garbage and miscellaneous refuse on the
6 premises, and there's old rags, papers or similar
7 refuse within the building.

8 So you cited four pages [sic] and for
9 those violations, you said those cited violations
10 must be abated within 30 days from receipt of the
11 notice?

12 A Again, you know, our inspections are a
13 schedule. Whenever the scheduling person decides
14 for me to go back out, he puts it on my schedule. I
15 just don't go back out on my own.

16 Q I understand that. I mean, is it typical
17 for a homeowner to have 30 days, 60 days, or 90 days
18 to abate, or do you know?

19 A I don't know, sir.

20 Q It sounds like you would typically, based
21 on your experience, go out 30 or 40 days later or
22 something like that, after the 30-day period

Misty Klapper & Associates
703-780-9559

1 life-threatening. I mean, if there's a fire, you
2 know, the residents need to be notified of a fire.

3 Q Well, that's probably not unusual for a
4 building not to have a fire alarm system, so it's
5 not like a hole in the floor where they can fall in
6 right away?

7 A Right.

8 MS. CHHE: Objection to form.
9 Argumentative.

10 BY MR. DOUMAR:

11 Q It seems to be of a different quality of
12 danger, at least, than a hole in the floor, doesn't
13 it?

14 MS. CHHE: Objection to form,
15 argumentative.

16 BY MR. DOUMAR:

17 Q Doesn't it, Mr. Smoot?

18 MS. CHHE: Objection. Asked and
19 answered. You can answer again.

20 THE WITNESS: Let me just go back a
21 little bit. You had asked me what now, sir?
22

Misty Klapper & Associates
703-780-9559

1 expires?

2 MS. CHHE: Objection to form. You can
3 answer.

4 THE WITNESS: Normally, if it's a 30-day
5 notice -- well, I'm not going to try to guess why
6 they didn't schedule -- the first one within one
7 day, but after 30 days here, I was ordered to go
8 back out. That's all I know.

9 BY MR. DOUMAR:

10 Q I'm just asking in your experience when
11 you do these inspections and find the violation in
12 any kind of situation, do you typically go out one
13 day later, thirty days later, sixty days later?
14 What is your experience?

15 A If it's something egregious, you know,
16 where -- a big hole in the floor, you know, that
17 would be like you go back the next day and if it's
18 not fixed, then the city will fix it itself, you
19 know, something that was kind of life-threatening.

20 Q But there was nothing like that here, was
21 there?

22 A The fire alarm system is

Misty Klapper & Associates
703-780-9559

1 BY MR. DOUMAR:

2 Q Well, I was asking you to answer the
3 question. Well, you said in a very egregious
4 circumstance you may have a situation where someone
5 has to abate a violation in a day. The example you
6 provided was having like a hole in the floor, where
7 somebody presumably could fall through at any time.

8 A Right.

9 Q Here you have listed some sort of fire
10 alarm systems, but it's not an immediate threat to
11 someone's life if there's not a fire alarm unless
12 there's a fire that goes off --

13 A Right.

14 MS. CHHE: Objection to form.

15 BY MR. DOUMAR:

16 Q -- or a fire alarm system, especially --
17 in this case, there were smoke detectors as well in
18 the house, correct?

19 A There were.

20 Q So this -- at least the violations here
21 would seem to be less serious than having a hole in
22 the floor of the house; isn't that correct?

Misty Klapper & Associates
703-780-9559

1 A Our right to enter the property and
2 inspect the property.

3 Q So what did the police do?

4 A I'm not sure, but I think he, more or
5 less, told them that we had a right to get in the
6 property and inspect the property.

7 Q Did the police ask you to leave at all?

8 A No, sir.

9 Q Do you know for sure that someone from
10 Senior Dwelling didn't call the police?

11 A I'm not sure. I assume that Clifford
12 called the police.

13 Q So you assume that Mr. Dedrick called the
14 police?

15 A No. I think Mr. Dedrick did call the
16 police. I know that he was summoned.

17 Q That the police were summoned?

18 A They were called to the address, yes.

19 MR. DOUMAR: Why don't we have this
20 marked as Smoot Number 2.

21 (Whereupon, Deposition

22 Exhibit Number 2 was marked

Misty Klapper & Associates
703-780-9559

1 BY MR. DOUMAR:

2 Q Just a couple of final questions,

3 Mr. Smoot. Thank you for your time. You didn't see
4 any -- or inspect any other properties of Senior
5 Dwelling on North Capitol Street or First Street,
6 Northwest?

7 A We didn't -- we were unable to gain
8 entrance at those places.

9 Q Did you actually try to go to those
10 places?

11 A Yes, sir.

12 Q Was it on the same day that you --

13 A No. This was sometime after, way after.

14 Q Way after sometime. Why weren't you able
15 to gain entrance?

16 A The place was locked and we knocked on
17 the door and no one answered the door.

18 Q At both places?

19 A At both places, right.

20 Q You said you got an e-mail from your
21 supervisor that you were assigned to this project?

22 A Um-hmm.

Misty Klapper & Associates
703-780-9559

1 for Identification.)

2 BY MR. DOUMAR:

3 Q Are you aware that Mr. Dedrick wrote up a
4 report on the property?

5 A I'm not sure, sir.

6 Q I will ask you to look at this. On its
7 face it appears to be a report of Mr. Dedrick. It's
8 C. Dedrick. Do you know his first name?

9 A Clifford.

10 Q Do you recognize this document at all?

11 A I've never seen it before, sir.

12 Q Do you know from what department
13 Mr. Dedrick came from at the time?

14 A Investigation.

15 Q And you have not seen this report before?

16 A No, I have not.

17 Q You went back to the property a second
18 time. Did you go back again after that time?

19 A No, I did not.

20 MR. DOUMAR: Let me take a short break.

21 (Thereupon, a brief recess was
22 taken.)

Misty Klapper & Associates
703-780-9559

1 Q Do you have a copy of that still
2 somewhere?

3 A I'm not sure. I'm not sure.

4 Q It's probably responsive to our document
5 request, so I'd ask that you look for it and if you
6 find it, give it to your attorney.

7 A I will.

8 MR. DOUMAR: I have nothing else.

9 MS. CHHE: We waive.

10 (Whereupon, signature having
11 been waived, at 4:11 p.m. the
12 deposition concluded.)
13
14
15
16
17
18
19
20
21
22

Misty Klapper & Associates
703-780-9559