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**Appeal No. 19550, "Appeal of ANC 6C"**

1125 7TH ST NE (Square 886, Lot 35)

Hearing date: January 24, 2018

**Statement in Opposition to Partial Consent Motion**

I, Kevin Cummins, respectfully submit this statement in opposition to DCRA's Partial Consent Motion to Continue to May 9, 2018 or later.

DCRA counsel sent me a draft motion via email at 3:44pm last Friday, January 19, 2018 and then very soon thereafter that afternoon filed this motion stating that I have not provided my consent. This action follows DCRA counsel's filing of a November 13, 2017 consent motion without actually obtaining my consent, which resulted in the present postponement of the hearing date until January 24.

In this January 19, 2018 partial consent motion, DCRA asserts "that it is in the interest of judicial economy to have [the Office of Administrative Hearings] determine the compliance of the adjacent vent with the Construction Codes, over which the Board lacks jurisdiction, before the Board considers this appeal which will rely on the OAH determination to resolve at least this one claim." However, that is not in fact the purpose of the OAH case in question (case no. 2017-DCRA-00207) which is a notice of appeal and request for hearing by the permit holder, Atlas Squared LLC, on a DCRA notice to revoke building permit B1706219. As DCRA states in its motion, the Board lacks jurisdiction over Construction Codes compliance. DCRA does not explain how the Board would rely on any OAH determination to resolve a Zoning Regulations-based claim in this BZA appeal.

I urge the Board to reject DCRA's motion to further delay the hearing on Appeal No. 19550 to May 9, 2018 and to order the immediate revocation of permit B1706219.

Respectfully submitted,



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Kevin Cummins

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on January 22, 2018, I caused a copy of the foregoing to be served by email, on:

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