Neighbors United for Livable Streets

Upton Street Neighbors

Van Ness South Tenants' Association, Inc.

Van Ness East Condominium Association

The Consulate

4107 Connecticut Avenue

4007 Connecticut Avenue, NW Tenants' Association

August 27, 2001

HAND DELIVERED

Ms. Sheila Cross
Chairperson
Board of Zoning Adjustment
441 4th Street, NW, 2nd Floor
Washington, DC

RECEIVED
D.C. OFFICE OF ZONING
2001 AUG 27 PM 3:09

Re: False Testimony /BZA Application No. 16611

Dear Madam Chair:

On behalf of Neighbors United for Livable Street (NULS), I am writing to request your immediate attention and to file a motion to reopen the record to submit important and relevant evidence to BZA application 16611. As a party to this case, we are requesting that the BZA record be opened to receive relevant evidence of false testimony presented by Gorove Slade traffic engineer Erwin Anders at the July 10, 2001, BZA hearing. The opening of the record and submission of this evidence is essential because Mr. Anders' false testimony was used as an attempt to discredit and invalidate NULS' traffic engineer expert witness and traffic study. This false testimony was presented during rebuttal late in the evening on July 10. His testimony contradicted NULS testimony and at the time, neither Mr. Anders nor NULS had any written documentation to support each one's claim.

I have since obtained significant documentation to prove the false testimony of Mr. Anders. I am asking that the record be opened to include written documentation from the US Park Police and Rock Creek Maintenance Department. In addition, this information must be submitted in the findings of fact. Enclosed are copies of the evidence and a brief description. I also certify that I have served all parties with this information by letter and first class mail.

This motion is also being made because it demonstrates a pattern of false testimony presented by Gorove Slade. I have also submitted to your office a letter dated August 27, 2001, that details false testimony given by Lou Slade regarding a summer traffic count on July 8, 1999. Given the false testimony from Gorove Slade witnesses, it can be concluded that their testimony regarding traffic analysis and the transportation management plan is not credible and must be ruled inadmissible to the BZA.

BZA
Case No. 16611
Exhibit No. 224

Board of Zoning Adjustment
District of Columbia
CASE NO.16611
EXHIBIT NO.224

This motion is being made without prejudice to a rehearing or reconsideration if this motion is denied.

Thank you for your immediate attention to this matter. The evidence of false testimony is significant and relevant to proving that the NULS traffic analysis is VALID and the Gorove Slade testimony is false. Please contact me at 202-537-3071 to discuss this matter further.

Sincerely,

Jodie Smolik, Coordinator
Neighbors United for Livable Street
202-537-3071

UNITED STATES PARK POLICE

MEDIA INFORMATION

U.S. DEPARTMENT of the INTERIOR, NATIONAL PARK SERVICE

FOR IMMEDIATE RELEASE

CONTACT:

YR		Incident Number					
0	0	■	3	4	3	8	9

Sgt. Robert MacLean, PIO (202) 619-7163

SEARCH FOR SUSPECT OF THE MURDER OF MD STATE TROOPER

On Thursday, November 9, 2000 at approximately 09:38 A.M., members of the US Park Police responded to investigate a report of the sighting of the suspect for the murder of the MD State Trooper northbound Beach Drive north of Grove 10, NW, Washington, DC. The north end of Rock Creek Park was closed from Sherril Drive to the MD line. U.S. Park Police deployed the Eagle, SWAT, K-9, and Horsemounted Units to conduct the search. A subject with a similar description was stopped, identified and released. The search was terminated and Rock Creek Park opened at approximately 11:00 A.M.

Anyone with information pertaining to this incident is requested to call the Tipline at (202)690-5080 or Communications at (202) 619-7310.

Lieutenant Stacey A. Collins 11/9/00

Authorizing Official / Date

PP FORM 84A (9/97)

United States Department of the Interior
National Park Service
United States Park Police
Shift Summary Report

[X] WASH, D.C.
[ ] S.F.F.O.
[ ] N.Y.F.O.

Weather Cool/Cloudy/Rainy
Shift Commander Lt. Stacey Collins

Relief [ ]1st [X] 2nd [ ] 3rd **DOW** Thursday **Date** 11/09/00

Criminal Complaints/Unusual Incidents

Case #	Location	Time	Nature	Arr	Unit Assigned
34396	Beach Dr. @ EW Hwy	1030	Suspicious Person	0	30-Lynch
34392	12519 Kenerton Dr. Bowie, MD	1115	Wanted person	1	491-White
34389	Beach dr. N/O Grove 10	0938	AOD-MPD	0	282-Schuet
34397	14th St @ Newton	1157	PDP	0	312-Leguil w

Motor Vehicle Accidents (PI,F,FV)

Case #	Location	Type

Total MVA 2 Total DWI 0 Except DWI 1

Beat Assignment Change

Name	From	To
Hayes	143	111
Evans	411	412
Spencer	412	411
White	413	491

Public Functions (P) Demonstrations (D)

Case #	Location	Time	Attendance

Remarks and Notifications

34389 0938 hrs. AOD-MPD A detective in route to work observed an individual matching the description for the suspect of the MD State Trooper murder. Search was initiated. A subject was stopped and identified but was not the suspect. Subject was released. Search was terminated at approx. 1100 hrs. Press release was issued.

34382 Administrative Complaint 957-Kerr

34402 Injured Force Member(Broken left index finger) 218-Guetz

D1	S/Silva	Report Writing
D2	S/Husser	Station Business
D3	S/Bosak	Weekly Bulletin
D4	S/Diethrich	Local Lookouts
D5	S/Upright	CIB Update

Submitted by: Lt. S. Collins

Description of False Testimony By Erwin Anders, Gorove Slade, July 10, 2001

At the hearing, the NULS group presented our traffic analysis, witness Joe Melia of MCV Associates and a video showing extensive traffic and car queuing at 8 am on November 9, 2000. At that time, I had personally contacted the US Park Police and Rock Creek Maintenance to verify that there were no closures during the time of the NULS traffic study (7:00 am – 8:30 am and the afternoon 2:00 pm – 6:00 pm).

During rebuttal testimony, Mr. Anders testified that our survey was invalid because a portion of Beach Drive in Rock Creek was closed from 7:30 am to 10:30 am for a search for a police murder suspect. He testified that he received this information from a Rock Creek Maintenance employee, one Mr. Jimmy Wilson.

I have received written documentation to support NULS' testimony and to prove that Mr. Anders provided significant false testimony.

I am enclosing the US Park Police press release and police report to verify that there was no 7:30 am 10:30 am closure on Beach Drive. The actual closure was very brief, from 9:38 am until approximately 11:00 am.

Further, I have personally spoken to Mr. Jimmy Wilson of Rock Creek Maintenance and he states that his log for November 9, 2000, shows no road closure during the time of the NULS morning or afternoon traffic analysis.

Pp. 421-422 - BZA Transcript, July 10 - Rebuttal / Grove Slade

MR. FEOLA: Mr. Andres, you heard testimony today, I assume, from NULS and Mr. Mehra, that the traffic counts that he did and the video we were seeing was done on November 9, 2000, is that correct?

MR. ANDRES: Yes, that's correct.

MR. FEOLA: And you heard testimony that their exploration of what may have caused the conditions on that day was just a normal day, is that correct?

MR. ANDRES: Yes, that's correct.

MR. FEOLA: Did you check into whether or not those were normal conditions?

MR. ANDRES: Yes, we did. We were notified by Walter Ales to do a little research because of the extensive queues that were developing that day which he thought that were out of the ordinary.

So, what I did is I called the National Park Service at Rock Creek Park and I spoke to Jimmy Wilson in the Maintenance Department, who I have a phone number here, and what he had mentioned to me was that Beach Drive was closed from 7:30 to 10:30 in conjunction with MPD and the Park Police. They closed a portion of Beach Drive because they were looking for, they had a tip that, they were looking for a person that killed a police officer.

MR. FEOLA: So essentially Beach Drive was closed during the period of Mr. Mehra's morning

counts [redacted] is that correct?