Special Public Meeting: DC Board of Zoning Adjustment

Statement of Geoffrey H. Griffis

27 July 2004

Board Members:

On June 16, 2004, the Board of Zoning Adjustment (DCBZA) received a motion to disqualify me from Case No. 16970 (Application of the National Child Research Center) and to vacate the votes taken on March 9, 2004, and April 13, 2004. The original vote on the NCRC case was taken on January 6, 2004.On March 9, 2004, the Board voted unanimously to reconsider the original denial of the construction requested by the applicant. On April 13, 2004, the Board voted 3-1-1 to grant the preschool the partial relief.

In essence, the motion before us now, alleges that I have a personal bias towards an NCRC trustee that taints the last two decisions in this case, both which were unfavorable to the "opposition parties." (The movants of this motion). They do move to vacate the January vote, as it was favorable to them.

I can state, without equivocation or hesitation, that my personal life and my personal relationships in no way influenced my thinking or votes regarding NCRC's application. I voted as I did based only on facts adduced on the record of this proceeding and my application of those facts to the Zoning Regulations as I interpreted them. I was not influenced by anything outside the four corners of the hearing room. No one could reasonably question whether my deliberation and conclusions were based extensively and exclusively on the facts in the record. My deliberations and conclusions were exhaustive in reference and not based on emotions, gut feelings or outside pressure.

As a Mayoral Appointee and Chairman, what is of greatest concern to me is preserving the integrity and functioning of this Board as well as ensuring the public, that every party will receive an objective, unbiased, thoughtful, and fair consideration of his or her case.

No one has complained about how I have managed this case. All parties were given equal and ample time to present their cases and cross examine witnesses. In the mind of the "average citizen" my conduct did not appear different in this case than in any of the other cases I have presided over.

Nevertheless, several individuals in opposition to this application have consistently maneuvered to remove members and impede, or worse, prohibit the processing of the application; Vice Chairperson Miller, the DC Attorney General and the applicant's attorney have all been victims of false accusations and fabricated controversies by the same people now bringing this motion against me.

As the motion before us illustrates, I am now the target of the party in opposition.

Their current maneuver, which has included hiring a private investigator to video tape and document my private life, is not the proper way to decide the outcome of an application or to overturn a decision by this Board. If a party in a case believes that a decision has been rendered in error, personal attacks will not remedy the matter. Our deliberations and decisions are public record, if there is not faith in our reasoning then offer it for review to the Court of Appeals and have the substance and fruit of our labor legally challenged. A hollow personal attack on my impartiality is not the proper, honest, or appropriate means to appeal a decision of this Board. The malicious actions taken by Steve Hunsicker, Sallie and Bruce Beckner, Henry Little and Linda Badami (collectively referred to as the "Opposition Party") seriously threaten the authority and proper functioning of the Board of Zoning Adjustment in this and all future cases.

BZA
Case No. 16970
Exhibit No. 378

Board of Zoning Adjustment
District of Columbia
CASE NO.16970
EXHIBIT NO.378

It is unnerving to think someone has been outside my house, 24 hours a day, for who knows how long and who knows if they are still following me around, documenting what I do, who talks with me and filming the whole thing- I have nothing to hide, but who wouldn't be unnerved? I wonder, are they following and photographing my daughter? And what are they doing with the video tapes? Who gets them, and what do they do with them? How can I not worry about that?

The photographs of me, distributed across this City, evidence that wonderful period of a new romance, and if my personal life is to be explored, it should be noted that I am not married. These pictures were taken in June, two months after the final vote on this application and no further action or proceedings on this case occurred since.

There is a swore affidavit submitted by Ana Evans, who also has children in the same school as my daughter and opposes this application, something, now that I think about it, I did not disclose. The affidavit states that I engaged in an animated conversation at my daughter's school on 23 January 2004. I do not dispute that I was animated, as I recall that day- I had just left my daughter's first grade Martin Luther King assembly where I had watch my daughter in a two hour performance- Leaving the school surrounded by parents I know I was animated, as were we all.

Bruce and Sallie Beckner, Steve Hunsicker and Linda Badami have shown the type of people that they are- But it is not my place to judge them, I'll let others do that. What is clear is that they have lots of time, money, and resources to try and get what they want. But our charge here is not to give privileged individuals what they demand. Our charge is to impartially hear the presentation of applications, both for and against, weight the facts, deliberate, and decide. We do not base our decision by popularity contests, by adding up how many people are for and how many are against.

What I fear, is that this malicious type of maneuver may be used by others to frustrate and manipulate the process. Mr. Hunsicker with his 600 attorney firm of Baker Botts is trying to force this board to work outside our established process by creating a threatening and fear filled environment where they control and manipulate facts to influence an outcome without the need for regulations or civility.

We, this Board and all future members, can not and should not be bullied into action. We must always rely on the strength of our process, deliberations, and decisions.

Much is asked of Mayoral Appointees to Boards and Commissions. We sacrifice our time and energy and we do so with enthusiasm and pleasure. We render decisions that can not always please everyone, but we do so objectively, fairly and before the public.

We Board members do not live socially sterile lives; rather, we mix with members of our community in various aspects of life- both socially and professionally. Relationships develop at different times and in various contexts. I have not hesitated to disclose a relationship or recuse myself from cases where I thought that a reasonable person might perceive an appearance of bias on my part. (Most recently in the Georgetown Day case and TC Midatlantic.).

The false perception is being created that I alone hear and decide on cases before this Board. This is not the case- There are five independent members on this board, one representing the National Capitol Planning Commission, one representing the Zoning Commission and three Mayoral appointees. We are five members that volunteer 10 to 20 hours a week to prepare for hearings; we hear applications for 8 to 12 hours, every Tuesday. We hold full time jobs outside of our volunteer service here on the Board and we are but a small element within the larger zoning relief process. There is the Office of Zoning, with its Director and full time staff. The Office of Attorney General which offers a bank of attorneys for legal analysis.

That I have been accused of controlling this Board, the Office of Zoning and the entire land use division of the Attorney General is flattering, but clearly a delusion on the part of Mr. Hunsicker, the Beckners, and Ms. Badami. Sensationalism and connecting information, facts, and events in a vacuum is the vehicle here to support the accusation that I and I alone control the entire zoning and approval process. Again, I am flattered by the accusation of such power, but I assure you it is not true.

Our decisions are votes, publicly voiced and recorded.

This board should not be reduced to this level, where it is forced to react, and worse, to potentially be rendered unable to function because a few unsatisfied people force the removal of board members.

All contentious cases before this Board invoke great personal passion and dedication. But most participants conduct themselves with civility, maturity, and respect for our process and they are met with the same from this Board.

This case created thousands of pages of transcripts, hundreds of filings, hundreds of letter. I and all the Board members, read, reviewed, reread, and deliberated on this evidence. There were no backroom deals; I have nothing professional, monetary, or personal to gain by the success or failure of this case.

There is a difference between being prejudiced and being vested in a case. We all invest our time, attention and conduct our own analysis of cases. We agree, we disagree, and we call a vote, all in public. I think all applicants before us expect that and would ask for nothing less.

What is of utmost importance to me is to protect the authority, the integrity and functioning of this Board as well as preserving the public confidence that every party will receive an objective, unbiased, thoughtful, and fair consideration.

Although there is no reason or legal basis for my votes to be vacated, the fact that a circus has been created outside of the authoritative process of this board by manipulating facts, dates and drawing conclusions without context, I believe that it is in the best interest of this Board for it to decide if my votes should be vacated, and to do so without my involvement. I will therefore recuse myself from any further processing of this case- I stand behind this Board and have full faith that it will continue to conduct business in a professional, judicial, and fair way, as it has done and will continue to do.

This is a low point, but it is not the Boards doing. This Board must maintain its authority when those who do not respect it, try to take that away. And so it is Mr. Etherly, because of how I fell about the invasive tactics of this motion, and because the pictures of me, taken in June, have resulted in creating an appearance of impartiality, I recuse myself prospectively and ask that you preside over the motion to disqualify me and vacate my votes-

Geoffrey H. Griffis