**BEFORE THE DISTRICT OF COLUMBIA**
**BOARD OF ZONING ADJUSTMENT**

Application of The Tudor Place
Foundation for a Special Exception
under Section 217 to operate a museum
in an R–B-1 District at 1644 31st Street, N.W.

BZA No. 16974
Hearing Date: April, 29, 2003
ANC 2E

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D.C.

**THE Q STREET PARTIES' FURTHER OBJECTION TO THE APPLICANT'S UNAUTHORIZED "REPLY" IN SUPPORT OF ITS MOTION TO REOPEN THE RECORD**

On July 14, 2003, the Tudor Place Foundation asked this Board to reopen the record for the purpose of considering an unsigned and unsworn "supplemental statement" by its Executive Director, Leslie Buhler. The Q Street parties objected to that motion and asked the Board to return the "supplemental statement" to the applicant pursuant to § 3121.9 of the Board's Procedural Regulations.

On July 28, 2003, the foundation filed a further unauthorized pleading entitled "REPLY IN SUPPORT OF MOTION TO REOPEN THE RECORD CONCERNING USE OF DOWER HOUSE." The same "statement" by Ms. Buhler is again attached to the pleading, but this time signed and sworn under oath.

In addition to the sworn declaration, however, the foundation's lawyers have improperly used their so-called Reply as a vehicle for advancing a bevy of additional and unauthorized post-hearing arguments. In our view, those arguments are without basis and should neither be read nor considered by the Board Members.

Accordingly, for all of the reasons set forth in our July 21, 2003, Opposition, this most recent unauthorized submission should be summarily returned to the foundation pursuant to § 3121.9.

BZA
Case No. 16974
Exhibit No. 123



Board of Zoning Adjustment
District of Columbia
CASE NO. 16974
EXHIBIT NO. 123

If the submission is not so returned, the Board must provide the opposing parties with an opportunity to cross examine Ms. Buhler on this newly submitted evidence and to respond to the arguments advanced by the foundation's counsel in their wholly unauthorized three-page "Reply." *See, e.g., General Railway Signal Co. v. District Unemployment Compensation Bd.*, 354 A.2d 529 (D.C. 1976).

Respectfully submitted,

Don W. Crockett
3070 Q Street, NW
Party In Opposition

July 31, 2003

**Certificate of Service**

I certify that the foregoing opposition was served upon the parties herein by E-mail, this 31st day of July, 2003.