Law Offices
STEPHEN N. GELL
A Professional Corporation

1101 30th St. N.W.
Fifth Floor
Washington, D.C. 20007
Telephone: (202) 625-8311
Facsimile: (703) 522-5503

April 27, 2004

Mr. Geoffrey Griffis, Chairman
Board of Zoning Adjustment
Room 210
441 4th Street, N.W.
Washington, DC 20001

Re: 1417 17th Street, N.W. Square 181, Lot 149
Application for Variance
BZA Case No. 17075

Dear Mr. Griffis:

Enclosed is a Prehearing Statement in the subject case.

Our proposed witnesses will be Mr. Ming Zhan, Mr. Peter Chang, and Mr. Salvatore Gorgone.

Please call if there are any questions.

Yours very truly,

Stephen N. Gell

Enclosures
cc: Peter Chang
Ming Zhang

BZA
Case No. 17075
Exhibit No. 38

Board of Zoning Adjustment
District of Columbia
CASE NO. 17075
EXHIBIT NO. 38

PREHEARING STATEMENT

SUPPORTING AN APPLICATION

TO THE BOARD OF ZONING ADJUSTMENT

OF THE DISTRICT OF COLUMBIA

FOR A USE VARIANCE

PURSUANT TO SECTIONS 350.1 and 3103

OF THE DISTRICT OF COLUMBIA ZONING REGULATIONS

1417 17th Street, N.W.

(SQUARE181, LOT 149)

BZA Case No. 17075

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INTRODUCTION

This is a Prehearing Statement and Statement of Explanation and Reasons supporting the application of Mr. Ming Jin Zhang operating as Chef's Express at 1417 17th Street, N.W., for a variance from the provisions governing non-conforming uses in an R-5-E Zone District.

The District refused Mr. Zhang a Certificate of Occupancy citing violations of 11 DCMR Section 350.4 (Permitted uses in R Districts). The applicant seeks a variance from that provision to permit a carryout restaurant in space that has had a certificate of occupancy for a delicatessen since before 1958. Although the notice indicates that the applicant alternatively seeks a special exception from the provisions of §354.1 to permit a convenience store in an apartment house, we are not pressing that issue. A convenience store will not meet the needs of the applicant.

DESCRIPTION OF THE APPLICANTS

Mr. Zhang rented this basement space from the owner, Mr. Salvatore Gorgone on February 28, 1998, and has used it to sell Chinese food on a carryout basis since then.

THE SUBJECT PROPERTY

A. Location and Description of the Property

The property which is the subject of this Application is the basement of a building located at 1417 17th Street, N.W., (Square 181, Lot 149). There are three-stories of apartments above the basement.

B. Area Surrounding the Property

The Property is on the East side of 17th Street near P Street, N.W. The other buildings surrounding it are of the same general size and type as the subject.

C. Zoning History and Use History

The area is zoned R-5-E. The building was licensed for use as a delicatessen beginning in 1958. More recently tenants have used it as a carryout, such as the Peking Tokyo Express, whose license to operate (deli) was issued in 1997. Likewise, Mr. Zhang has operated a carryout under a deli license since 1998 and various inspections did not disclose any zoning problem.

REASONS IN SUPPORT OF THE APPLICATION FOR A VARIANCE

A. Compliance with D.C. Zoning Regulations

Uniqueness and extraordinary or exceptional conditions creating a practical difficulty

The use of the property for many years for a commercial use renders it unique in the neighborhood. Moreover, the prior use and extensive renovations has created an exceptional condition which is cognizable under the law for variance. The exceptional condition need not be "physical" as has been found in numerous cases: In *Tyler v. DCBZA*, 606 A.2d 1362, 1365 (D.C. 1992) economic considerations were considered a valid basis for finding practical difficulty. (high cost of preserving historic buildings); Similarly, *Draude v. DCBZA*, 582 A.2d 949, 955, *Wolf v. DCBZA* 397 A.2d 936 (DC App. 1979) (likelihood of owner losing money if he could not build three apartments). See also *de Azacarate v. DCBZA*, 388 A.2d 1233, 1239 (DC App. 1978) and *Monaco v. DC BZA,* 407 A2d 1091, where the Court said: "Applicants' good faith, detrimental reliance on previous zoning actions can also be relevant to determine undue hardships...", at 1100.

Both the landlord and the tenant will suffer a hardship if this variance is not granted. Mr. Gorgone, the owner, has rented this property for use as a carryout for at least 7 years. For the several years before that, delicatessens did not do well in the neighborhood. Mr. Zhang has built a successful business and Mr. Gorgone is now able to realize a fair return for his investment. If the carryout were were forced to shut down, rental to another deli would be problematic and rental for residential use of this basement space would likewise be problematic.

For Mr. Zhang, the hardship is even more acute. He spent over $80,000 in renovating the premises and installing expensive kitchen equipment to meet the needs of the neighborhood. If he were to lose his business, the cost of relocating would be prohibitive. Moving costs and loss of business would be upwards of $150,000.

Hardship caused in part by District action

When Mr. Zhang rented the space for use as the Chef's Express, in 1998, he made extensive renovations under DC permits. It was clear to the District government, which inspected the buildout for zoning conformity, that he was running a carryout. Apparently, both Mr. Zhang and the District government believed, that a permit to operate a deli included this Chinese carryout. The Zoning Regulations do not define "carryout" and it was not unreasonable to assume that a deli was legally the same as a deli which had been grandfathered.

The District is estopped from asserting a non-conformity

Notwithstanding that the Board does not normally consider issues of estoppel in the context of a variance application (except as it may support a finding of hardship), a comprehensive discussion of the issues should include some mention of the history and judicial environment. Because the District knew about the use of the premises for the last 7 years and continued to issue licenses for the continuation of Chef's Express, it is now

estopped from refusing to grant a certificate of occupancy or license based on zoning considerations. The elements of an estoppel are found where "a party (1) acting in good faith, (2) on affirmative acts of a municipal corporation, (3) makes expensive and permanent improvements in reliance thereon, and (4) the equities strongly favor the party invoking the doctrine." *Wieck v. DCBZA*, 383 A.2d 7 (DC App. 1978). In *Wieck,* the court concluded that the owner showed good faith and demonstrated the affirmative acts of the municipality. However, the court found that the owner had not relied on the affirmative act it. Nevertheless, it ruled for the homeowner on the grounds of laches. See also *Saah v. DCBZA* 433 A.2d 1114 (DC App. 1981) where the Court, after noting that both the architect and the District should have known that the revised plans exceeded the percent of lot occupancy regulations, concluded that petitioner's reliance on the District's approval of the plans was justified. *Saah,* at 1117

Here, Mr. Zhang and Mr. Gorgone relied on the District's interpretation of the Zoning Regulations permitting a carryout to continue for seven years under a license that described it as a deli and caused Mr. Zhang to expend enormous sums of money in such reliance. Through hard work and financial sacrifice, Mr. Zhang has built a thriving business serving hundreds of his neighbors, as is attested by the over 500 signatures on the petitions attached hereto. (See Exhibit A) Equitable principles should estop the District from enforcing its current interpretation of the Zoning Regulations under these circumstances.

B. No Adverse Effects

Chef's Express Carryout has been operating for six years. It has been an important contributor to neighborhood well being. Many singles and families who live in the neighborhood depend on the carryout to provide quality food quickly and conveniently. There have been few complaints from neighbors and these largely revolve around the rat problem which is epidemic in many parts of Washington. There are many sources of food waste in the neighborhood and constant vigilence is required on the part of all the neighbors. Mr. Zhang has taken a number of steps to assure that the rats are not there because of his operation:

1. He has had regular exterminator service, sometimes overlapping the owner's separate service for the upper floors. (See copies of pest control reports over the past year attached hereto as Exhibit B.)
2. Rules for handling food and food waste have been stringent. Trash is kept in closed containers.
3. Restaurant inspectors visit the carryout every 3-4 weeks. A problem with handling of food waste 6 months ago prompted the District to close the restaurant down over a weekend. Improved procedures for handling of food and trash have resulted in better inspection reports and more effective pest control.
4. Floors are washed every night so that no residue of waste is left around to encourage vermin growth.
5. All fresh food is kept in refrigerator compartments or in closed lid containers.

As a consequence, rats and roaches are rarely if ever seen on the premises of the carryout.

COMPLIANCE WITH THE COMPREHENSIVE PLAN

A. Appropriate Residential Use

While a carryout is not a permitted use in the R-5-E District, the use of the premises for a deli has been grandfathered since before the establishment of the Zoning Regulations in 1958. The first license to operate a deli was issued in 1958.

573 neighbors have signed a petition favoring the continuation of the Chef Express Carryout. (See Exhibit A attached) Most neighbors want the facility to remain because they have come to rely on it for their noon or evening or late evening meal. Residents lead busy work and social lives and have little time to cook. They have come to regard the carryout as essential to their daily routine and one of the many conveniences of living in the urban core.

CONCLUSION

The Applicants should be granted a variance to allow operation of a carryout restaurant in the premises. Moreover, such a use will be in harmony with the purpose and intent of the Zoning Regulations. The delicatessen use which was grandfathered in is little different from this carryout, a fact that led the District to assume for the last 7 years that it was legal under Zoning Regulations.

Respectfully submitted,



Stephen N. Gell, Esq.

PETITION OF OCCUPANCY

February 14, 2004

CHEF EXPRESS
1417 17TH STREET NW
WASHINGTON, DC 20036

OWNER AND OPERATOR: MING JIN ZHANG

Dear Clients and Patrons;

Since 1998, we have operated and maintained quality food, expediate service and good customer relations to all of our clients.

We are asking for your support to help us remain here to continue to deliver the variety of food we specialize in.

Please help us by signing the attached petition to acknowledge the importance of our establishment. We will continue to deliver quality food and maintain the good relations to all our existing clients as well as potential clientelles.

Thank you for your support!

Ming Jin Zhang



	NAMES:	DATES:		NAMES:	DATES:
1)	Ernesto Solis	4-22-04	26)	Luis Soto	4/22/04
2)	Debra Winfield	4-23-04	27)	Bill Melton	4/22/04
3)	Bill Tutte	4-23-04	28)	Charlotte Mayo	4/22/04
4)	Genesis Dixon	4-23-04	29)		4/22/04
5)		4/22/04	30)		4/22/04
6)	Frankie Thomas	4/22/04	31)		4/22/04
7)		4/22/04	32)		4/22/04
8)		4/22/04	33)		4/22/04
9)		4/22/04	34)		4/22/04
10)		4/22/04	35)		4/22/04
11)		4.22.2004	36)		4/22/04
12)		4.22.2004	37)		4/22/04
13)		4-22-04	38)		4/22/04
14)		4/22/04	39)		4/22/04
15)		4/22/04	40)		4/22/04
16)		4/24/04	41)		4-22-04
17)		4/22/04	42)		4-22-04
18)		4/22/04	43)		4-22-04
19)		4/22/04	44)		4-23-04
20)	Jesen Kabaeva	4/22/04	45)		4.23.04
21)	Navbahor Imamova	4/22/04			
22)		4/22/04		Len Maranan	4.23.04
23)		4/22/04			4-23-04
24)		4/22/04			4/24/04
25)		4/22/04			
	Laura Franek	4/26/04			

	NAMES:	DATES:		NAMES:	DATES:
1)	Juliana Ro	4/22/04	26)		
2)	Leslie Lis	4/23/04	27)		
3)	Michelle L Butler	4/23/04	28)		
4)	Ted Cyrkin	4/23/04	29)		
5)		4/23/04	30)		
6)	Marina Smith	4/23/04	31)		
7)	Chris Dan	4/23/04	32)		
8)	John Peterson	4/23/04	33)		
9)	Tiffany Owens	4/24/04	34)		
10)	Malik Kaze	4/24/04	35)		
11)		9/24/04	36)		
12)		4/24/04	37)		
13)		4/25/04	38)		
14)		4/26/04	39)		
15)		4/26/04	40)		
16)		4/26/04	41)		
17)	Michael Lockhart	4/25/04	42)		
18)		4/25/04	43)		
19)		4/25/04	44)		
20)		4/26/04	45)		
21)		4/26/04	46)		
22)		4/26/04	47)		
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24)		4/26/04	49)		
25)			50)		

	NAMES:	DATES:		NAMES:	DATES:
1)	R. Nurjaman	4/20/04	26)	[illegible]	04/21/04
2)	[illegible]	4/20/04	27)	[illegible]	04/21/04
3)	M. Yamt	4/20/04	28)	[illegible]	4/21/04
4)	Yuko. Saito	4/20/04.	29)	[illegible]	4/21/04
5)	NANCY GORELLO	4/20/04	30)	[illegible]	4/21/04
6)	Nora Enriquez	4/20/04	31)	[illegible]	4/21/04
7)	[illegible]	4/21/04	32)	[illegible]	4/21/04
8)	[illegible]	4/21/04	33)	[illegible]	4/21/04
9)	[illegible]	4/21/04	34)	[illegible]	4/21/04
10)	[illegible]	4/21/04	35)	MIKE D. ANDERSON	4/21/04
11)	[illegible]	4/21/04	36)	Courtney Holshouser	4/21/04
12)	[illegible]	4/21/04	37)	Hope Saguil	4/22/04
13)	[illegible]	4/21/04	38)	[illegible]	4/21/04
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16)	[illegible]	21/Apr/04	41)	[illegible]	4/21/04
17)	[illegible]	21/4/4	42)	[illegible]	4/21/04
18)	[illegible]	4/21/04	43)	[illegible]	4/21/04
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22)	[illegible]	4/21/04	47)	[illegible]	4/21/04
23)	[illegible]	4/21/04	48)	[illegible]	4/21/04
24)	[illegible]	4/21/04	49)	[illegible]	04/21/04
25)	[illegible]	4/21/04	50)	[illegible]	4/22/04

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1)		02/16/04	26)	Renee	2/17/04
2)		16 FEB 2004	27)	Charles Underwood	2/17/04
3)		2/16/04	28)		2/17/04
4)		2/16/04	29)	B. Badie	2/17/04
5)		2.16.04	30)		2/17/04
6)		2/16/04	31)		2/17/04
7)		2-16-04	32)		2/17/04
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24)		2/17/04	49)		2/17/04
25)		2/17/04	50)		2/17/04

	NAMES:	DATES:		NAMES:	DATES:
1)	Linda S. Awgum	2/20/04	26)	Sam Tabor	2/26/04
2)	[illegible]	2/20/04	27)	[illegible]	2/27/04
3)	[illegible]	2-20/04	28)	[illegible]	3/2/04
4)	[illegible]	2-20-04	29)	[illegible]	3/2/04
5)	[illegible]	2/20/04	30)	[illegible]	3/9/04
6)	Jonathan L. Hand	2/20/04	31)	[illegible]	3/9/04
7)	Francis Brannen	2/20/04	32)	[illegible]	3/9/04
8)	Shantmay Sethoe	2/20/04	33)	[illegible]	3/9/04
9)	Roberto Iglesias	2/20/04	34)	[illegible]	3/9/04
10)	Damon Sexton	2/21/04	35)	[illegible]	3/9/04
11)	Jingyong Zhou	2/21/04	36)	[illegible]	3/9/04
12)	Ronnie Richardson	2/21/04	37)	[illegible]	3/10/04
13)	[illegible]	2/21/04	38)	[illegible]	3/10/04
14)	[illegible]	2/21/04	39)	[illegible]	3/10/04
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16)	[illegible]	2/21/04	41)	[illegible]	3/11/04
17)	[illegible]	2/21/04	42)	[illegible]	3/11/04
18)	Elizabeth Walton	2/21/04	43)	[illegible]	3/12/04
19)	[illegible]	2/24/04	44)	[illegible]	3/10/04
20)	[illegible]	2/25/04	45)	[illegible]	3-11-04
21)	[illegible]	2/25/04	46)	[illegible]	3/11/04
22)	[illegible]	2/25/04	47)	[illegible]	3/11/04
23)	Jim E. Kendrick	2/26/04	48)	[illegible]	3/11/04
24)	Arden A. Lewis	2/26/04	49)	[illegible]	3/11/04
25)	[illegible]	2/26/04	50)	[illegible]	3/11/04

	NAMES:	DATES:		NAMES:	DATES:
1)	Deb Meyers	4/3/04	26)		4/6/04
2)	S. Nolan	4/3/04	27)		4-7-04
3)		4/3/04	28)		4-7-04
4)		4/3/04	29)		4-7-04
5)	Jerrold M. Davis	4/3/04	30)		4-7-04
6)	Jaimye Bastak	4/3/04	31)	Susan Mcphelin	4-7-04
7)	Radhika Jain	4/3/04	32)	Chris D'Amico	4-7-04
8)		4/3/04	33)	Jesse Phelps	4-8-04
9)		4/3/04	34)	Robert Underwood	4-8-04
10)		4/3/04	35)		4-9-04
11)		4/4/04	36)		4-9-04
12)		4/4/04	37)		4-9-04
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15)		4.4.04	40)		4-10-04
16)		04-04-04	41)		4-10-04
17)		04/04/04	42)		
18)		04/04/04	43)	Ilan Weinglass	4-10-04
19)		4/5/04	44)		4-10-04
20)		4-5-04	45)		4-10-04
21)		4-5-04	46)		4-10-04
22)		4-5-04	47)		4/10/04
23)		4/5/04	48)		4/11/04
24)		4/5/04	49)	Andrew Warnick	4/11/04
25)		4/6/04	50)	Meg Duffy	4/11/04

	NAMES:	DATES:		NAMES:	DATES:
1)	WALTER DECK	3/4/04	26)	Erin Keim	3/14/04
2)	CESAR GONZALES	3/11/04	27)	Rhodora de Guzman	3/14/04
3)	Jennis Wall	3.11.04	28)	[illegible]	3/15/04
4)	Masha Key	3/12/04	29)	[illegible]	3/15/04
5)	William Lynberg	3/12/2004	30)	[illegible]	3/15/04
6)	[illegible]	3/12/04	31)	[illegible]	3/15/04
7)	[illegible]	3/12/04	32)	[illegible]	3/15/04
8)	[illegible]	3/12/04	33)	[illegible]	3/11/04
9)	[illegible]	3/12/04	34)	[illegible]	3/15/04
10)	Jane Milliken	3/13/04	35)	N. L. HART	3/15/04
11)	Amy Milliken	3/13/04	36)	JOEL WISHENGRAD	3/15/04
12)	Katherine Barr	3/13/04	37)	Chris Adams	3/15/04
13)	Adam Hollingsworth	3/13/04	38)	[illegible]	3/16/04
14)	[illegible]	3/14/04	39)	[illegible]	3/16/04
15)	[illegible]	3/14/04	40)	[illegible]	3/16/04
16)	[illegible]	3/14/04	41)	[illegible]	3/16/04
17)	[illegible]	3/14/04	42)	Charisma Lee	03/16/04
18)	Dean O'Donnell	3/14/04	43)	[illegible]	3/16/04
19)	Michele Brake	3/14/04	44)	Stephen Collins	3/16/04
20)	FARES BAKHE	3/14/04	45)	Frank Politano	3/16/04
21)	Renae butler	3/14/04	46)	Michael Barnes	3/16/04
22)	[illegible]	3/14/04	47)	Wei Jing	3/16/04
23)	[illegible]	3-14-04	48)	Lynn Johnson	3/17/04
24)	[illegible]	3-14-04	49)	Martha Deuce	3/17/04
25)	[illegible]	3-14-04	50)	Charles S. Allen	3/17/04

	NAMES:	DATES:		NAMES:	DATES:
1)	[illegible] Collett	2/18/04	26)	Tony Smith	2-19-04
2)	[illegible]	2/18/04	27)	Tasha Jones	2-19-04
3)	[illegible]	2/18/04	28)	Michelle Jones	2/19/04
4)	[illegible]	2/18/04	29)	Stella Jones	2/19/04
5)	[illegible] 9/7/64	2/18/04	30)	Angela Ayles	2-19-/04
6)	[illegible]	2/18/04	31)	Sherman W.	2-19-04
7)	[illegible]	2/18/04	32)	Falishia L.	2/19/04
8)	[illegible]	2/18/04	33)	Regina W.	2/19/04
9)	[illegible]	2/18/04	34)	Marcus Smith	2/19/04
10)	[illegible]	2/18/04	35)	Kisha Parker	2/19/04
11)	[illegible]	2/18/04	36)	BRIAN BECKWITH	2/19/04
12)	Ed Hamblin	2/18/04	37)	ZAID SAFDAR	2/19/04
13)	[illegible]	2/19/04	38)	SEAN JOHNSTON	2/19/04
14)	M. Hunt	2/19/04	39)	WILL NGUYEN	2/19/04
15)	[redacted]		40)	[illegible]	2/19/04
16)	B Reynolds	2/19/04	41)	[illegible]	2/19/04
17)	[illegible]	2/19/04	42)	David M Schwartz	2/20/04
18)	[illegible]	2/19-04	43)	Adrian Woodhouse	2/20/04
19)	[illegible]	2/19/04	44)	[illegible]	2/20/04
20)	[illegible]	2/19/04	45)	Jordy Cim.	2/20/04
21)	[illegible]	2/19/04	46)	Cassandra Richards	2/20/04
22)	[illegible]	2/19/04	47)	Hope Abeyta	2/20/04
23)	[illegible]	2/19/04	48)	[illegible]	2/20/04
24)	[illegible]	2/19/04		[illegible]	2/20/04
25)	Tawanna Kennyman	2/19/04			

	NAMES:	DATES:		NAMES:	DATES:
1)	Peter [illegible]	2/17/04	26)	P. Austin Howe	2/18/04
2)	David Mast	2/17/04	27)	[illegible]	2/18/04
3)	[illegible]	2/17/04	28)	[illegible]	2/18/04
4)	[illegible]	2/17/04	29)	[illegible]	2/18/04
5)	M.T. ABRAHA	2/17/04	30)	[illegible]	2-18-04
6)	Tewodaj Mengistu	2/17/04	31)	[illegible]	2-18-04
7)	Meti Zegeye	2/17/04	32)	[illegible]	2/18/04
8)	Chris St Pierre	2/17/04	33)	Lisa Phillips	2/18/04
9)	DENNIS WALL	2/17/04	34)	Mike Kane	2/18/04
10)	Reilly Horswig-Pope	2/17/04	35)	Christa Myers	2/18/04
11)	[illegible]	2/18/04	36)	Faith [illegible]	2/18/04
12)	[illegible]	2/18/04	37)	[illegible]	2/18/04
13)	[illegible]	2/18/04	38)	Andrie Wickham	2/18/04
14)	Jim Slagmaster	2-18-04	39)	[illegible]	2/18/04
15)	James Boyd	2/18/04	40)	[illegible]	2/18/04
16)	Gail Chambers	2/18/04	41)	[illegible]	2/18/04
17)	[illegible]	2/18/04	42)	[illegible]	2/18/04
18)	[illegible]	2/18/04	43)	[illegible]	2/18/04
19)	Ana Claros	2/18/04	44)	[illegible]	2/18/04
20)	Marty Williamson	2/18/04	45)	[illegible]	2/18/04
21)	Christie Kaess	2-18-04	46)	[illegible]	2/18/04
22)	[illegible]	2/18/04	47)	[illegible]	2-18-04
23)	[illegible]	2/18/04	48)	[illegible]	2/18/04
24)	[illegible]	2/18/04	49)	[illegible]	2/18/04
25)	Patrick Welsh	2/18/04	50)	[illegible]	2/18/04

	NAMES:	DATES:		NAMES:	DATES:
1)		3-18-2004	26)		3/21/04
2)		3/18/04	27)		3/21/04
3)	Elizabeth Wood	3/18/04	28)		3/21/04
4)		3/18/04	29)		3/22/04
5)		3/18/04	30)		3/22/04
6)		3/18/04	31)		3/22/04
7)		3/18/04	32)		3/22/04
8)		3/18/04	33)		3/22/04
9)		3/18/04	34)		3/22/04
10)		3/18/04	35)		3-22-04
11)		3/18/04	36)		3-22-04
12)		3/19/04	37)		3/22/04
13)		3/19/04	38)		3/22/04
14)		3/19/04	39)		3/22/04
15)		3/19/04	40)		3/22/04
16)		3/19/04	41)		3/22/04
17)		3/19/04	42)		3/22/04
18)		3/19/04	43)		3/22/04
19)		3/19/04	44)		3/22/04
20)		3/20/04	45)		03/22/04
21)		3/21/04	46)		3/24/04
22)		3/21/04	47)		3/24/04
23)		3/21/04	48)		3/28/04
24)		3/21/04	49)		3-23-04
25)		3/21/04	50)		3/23/04
	David Silva	3/23/04			

	NAMES:	DATES:		NAMES:	DATES:
1)	Thomas Rivello	3.23.04	26)	Velma Velazquez	3/25/04
2)	Radhika Vey	3-23-04	27)		3/26/04
3)	Robert Atalw	3-24-04	28)		3/26/04
4)	GERARD GUERRA	3/24/04	29)		3/26/04
5)	Phyllis Hayes	3/24/04	30)		3/26/04
6)	Darya Brod	3/24/04	31)		3/27/04
7)	Zoo Development	3/24/04	32)		3/27/04
8)		3/24/04	33)		3/27/04
9)		3/24/04	34)	Tumeke Allison	3/27/04
10)		3/24/04	35)	Bola Allison	3/27/04
11)		3/24/04	36)	Irwin L. Rose	3/27/04
12)		3/24/04	37)		3/27/04
13)		3/24/04	38)		3/27/04
14)		3/24/04	39)		3/27/04
15)		3/25/04	40)		3/27/04
16)		3/25/04	41)		3/27/04
17)		3/25/04	42)		3/30/04
18)		3/25/04	43)		3/30/04
19)		3/25/04	44)		3/31/04
20)		3/25/04	45)		3/31/04
21)		3/25/04	46)		3/31/04
22)		3/25/04	47)		4/2/04
23)		3/26/04	48)		4/2/04
24)		3/26/04	49)		4/2/04
25)		3/26/04	50)		4/2/2004

	NAMES:	DATES:		NAMES:	DATES:
1)		4/11/04	26)	Kate Wentz	4/13/04
2)	David Perry	4/11/04	27)	Meg Stevens	4-13/04
3)		4/12/04	28)		4/13/04
4)		4/12/04	29)	Laurie Dimsey	4/14/04
5)	Maria Joseph	4/12/04	30)		4/14/04
6)		4/12/04	31)		4/14/04
7)	Richard Wellons	4/12/04	32)		4/14/04
8)	Karine Aigner	4/12/04	33)		4/15/04
9)	Charles Arten	4/12/04	34)		4/16/04
10)	Rebecca C Stach	4/12/04	35)		4/16/04
11)	Nick Russo	4/12/04	36)		4/16/04
12)	Denissa Mendoza	4/12/04	37)		4/17/04
13)		4/12/04	38)		4-17-04
14)		4/13/04	39)	Brandon Kames	4-17-04
15)	James Jenkins	4/13/04	40)		4-19-04
16)		4/13/04	41)		4-19-04
17)		4/13/04	42)		4-20-04
18)		4/13/04	43)		4-20-04
19)		4/13/04	44)		4/20/04
20)		4-13-04	45)		4/20/04
21)		4-13-04	46)		4/20/04
22)		4-13-04	47)		
23)		4/13/04	48)		4/20/04
24)		4/13/04	49)	George Irvan	4/20/04
25)		4/13/04	50)		4/20/04

Service Report

1# 0119-1

Rentokil
Pest Control

Customer	Time In: 9:28 Time Out: 10:12	Service Date:
CHEFS EXPRESS 1417 17TH ST NW WASHINGTON, DC 20036		4-11-04

- ☐ **Initial Service**–Implementation of Rentokil programs to rapidly control pest problems.
- ☑ **Routine Service**–Maintenance of Rentokil programs to insure continued protection against pests.
- ☐ **Emergency Service**–Rapid response to request for additional services.
- ☐ **Follow-up Service**–Quality assurance visit to confirm the effectiveness of treatment.

Was Evidence of the Following Pests Found?

Rats/Mice	☐ Yes	☑ No	Ants	☐ Yes	☐ No
Cockroaches	☐ Yes	☐ No	Other	☐ Yes	☐ No:

Follow-Up Service Required: ☐ Yes ☐ No **Date:**

Service Performed by Rentokil: INSPECTED ALL MAPS, BACK STORAGE RM, BATHROOM, MECHANICAL ROOM, AND FRONT SERVICE RM.

NO COCKROACH OR RODENT FINDS ON THIS SERVICE.

TREATED ALL RMS WITH A CRACK-N-CREVICE GEL BAIT TREATMENT.

Cooperation Requested from Customer:

Proofing Adequate? ☑ Yes ☐ No

Sanitation Needed? ☐ Yes ☑ No

Customer Agreed To Prepare For This Service? ☐ Yes ☑ No Preparation Complete? ☐ Yes ☐ No

Preparation Requested on Future Services? ☐ Yes ☑ No

All Food Utensils and Food Preparation Surfaces Must Be Washed Prior To Use.

Materials Used

Target Pest*	Material*	%	Amount	Application Method*
3	21	0.0019	TUBE	A

*See Reverse For Code Key

Rentokil, Inc. - Pest Control Services

Customer Signature

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R-130 Revised 8/03

Service Report

Rentokil
Pest Control

Customer	Time In: 10:49 Time Out: 11:17	Service Date: 3-3-04
CHOPS EXPRESS 1417 17th ST NW WASHINGTON, DC 20036		

- ☐ **Initial Service**–Implementation of Rentokil programs to rapidly control pest problems.
- ☑ **Routine Service**–Maintenance of Rentokil programs to insure continued protection against pests.
- ☐ **Emergency Service**–Rapid response to request for additional services.
- ☐ **Follow-up Service**–Quality assurance visit to confirm the effectiveness of treatment.

Was Evidence of the Following Pests Found?

Rats/Mice	☐ Yes	☑ No	Ants	☐ Yes	☐ No
Cockroaches	☐ Yes	☑ No	Other	☐ Yes	☐ No:

Follow-Up Service Required: ☐ Yes ☐ No **Date:**

Service Performed by Rentokil: INSPECTED ALL RMS, BAR FREEZER RM, BATHROOM HOTWATER TANK RM, COOLING RM AND FRONT SERVICE LINE.

NO COCKROACHES OR RODENTS FOUND ON THIS SERVICE.

TREATED ALL RMS WITH B-CYFLUTHRIN-CRACK SPRAY TREATMENT

Cooperation Requested from Customer:

Proofing Adequate? ☑ Yes ☐ No

Sanitation Needed? ☐ Yes ☑ No

Customer Agreed To Prepare For This Service? ☐ Yes ☑ No Preparation Complete? ☐ Yes ☐ No

Preparation Requested on Future Services? ☐ Yes ☑ No

All Food Utensils and Food Preparation Surfaces Must Be Washed Prior To Use.

Materials Used

Target Pest*	Material*	%	Amount	Application Method*
3	9	05%	2621	03

*See Reverse For Code Key

Rentokil, Inc. - Pest Control Services

Customer Signature

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R-130 Revised 8/03

Service Report

Rentokil
Pest Control

Customer	Time In: 6:30 Time Out: 7:15	Service Date: 2-11-04
CHEF EXPRESS 1417 17TH ST NW WASHINGTON, DC 20036		

- ☐ **Initial Service**–Implementation of Rentokil programs to rapidly control pest problems.
- ☑ **Routine Service**–Maintenance of Rentokil programs to insure continued protection against pests.
- ☐ **Emergency Service**–Rapid response to request for additional services.
- ☐ **Follow-up Service**–Quality assurance visit to confirm the effectiveness of treatment.

Was Evidence of the Following Pests Found?

Rats/Mice	☐ Yes	☑ No	Ants	☐ Yes	☐ No
Cockroaches	☐ Yes	☑ No	Other	☐ Yes	☐ No:

Follow-Up Service Required: ☐ Yes ☐ No **Date:**

Service Performed by Rentokil: INSPECTED ALL AREAS, BASEMENT STORAGE AREA, BATHROOM, HOT WATER TANK AREA, COOKING EQUIPMENT AND FRONT UTILITY CLOSET.

NO CONDITIONS FOUND AT THIS SERVICE.

TREATED ALL AREAS WITH A PREVENTATIVE PEST TREATMENT.

Cooperation Requested from Customer:

Proofing Adequate? ☑ Yes ☐ No

Sanitation Needed? ☐ Yes ☑ No

Customer Agreed To Prepare For This Service? ☐ Yes ☑ No Preparation Complete? ☐ Yes ☑ No

Preparation Requested on Future Services? ☐ Yes ☑ No

All Food Utensils and Food Preparation Surfaces Must Be Washed Prior To Use.

Materials Used

Target Pest*	Material*	%	Amount	Application Method*
3	21	0.01%	TWO	A

*See Reverse For Code Key

Rentokil, Inc. - Pest Control Services

Customer Signature

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R-130 Revised 8/03

Service Report

240 - 508-2569
Rusty

Rentokil Pest Control

Customer	Time In: 9:00 Time Out: 9:37	Service Date: 1-10-05
CHEF'S EXPRESS 1417 17th ST NW WASHINGTON, DC 20036		

- ☐ **Initial Service**–Implementation of Rentokil programs to rapidly control pest problems.
- ☑ **Routine Service**–Maintenance of Rentokil programs to insure continued protection against pests.
- ☐ **Emergency Service**–Rapid response to request for additional services.
- ☐ **Follow-up Service**–Quality assurance visit to confirm the effectiveness of treatment.

Was Evidence of the Following Pests Found?

Rats/Mice	☐ Yes	☑ No	Ants	☐ Yes	☐ No
Cockroaches	☐ Yes	☑ No	Other	☐ Yes	☐ No:

Follow-Up Service Required: ☐ Yes ☐ No **Date:**

Service Performed by Rentokil: INSPECTED ALL RMS - BACK STORAGE AREA, BATHROOM HOT WATER TANK ROOM, KITCHEN AND FRONT RADIATOR STORAGE.

NO COCKROACHES OR RODENTS FOUND IN THE SAME.

TREATED ALL RMS WITH WATER BASE.

Cooperation Requested from Customer:

Proofing Adequate? ☑ Yes ☐ No

Sanitation Needed? ☐ Yes ☑ No

Customer Agreed To Prepare For This Service? ☐ Yes ☑ No Preparation Complete? ☐ Yes ☐ No

Preparation Requested on Future Services? ☐ Yes ☑ No

All Food Utensils and Food Preparation Surfaces Must Be Washed Prior To Use.

Materials Used

Target Pest*	Material*	%	Amount	Application Method*
1	47	0.005%	12 Bl oz	G

*See Reverse For Code Key

Rodney McDaniel
Rentokil, Inc. - Pest Control Services

Customer Signature

Our competitive advantage is highly trained individuals delivering consistently superior quality service to our customer.

R-130 Revised 8/03

Service Report

240-508-2569
Rusic

Rentokil
Pest Control

Customer	Time In: 6:40 Time Out: 7:29	Service Date:
CHEF'S EXPRESS 1417 17TH ST NW WASHINGTON, DC 20036		12-16-03

- ☐ **Initial Service**–Implementation of Rentokil programs to rapidly control pest problems.
- ☑ **Routine Service**–Maintenance of Rentokil programs to insure continued protection against pests.
- ☐ **Emergency Service**–Rapid response to request for additional services.
- ☐ **Follow-up Service**–Quality assurance visit to confirm the effectiveness of treatment.

Was Evidence of the Following Pests Found?

Rats/Mice	☑ Yes	☐ No	Ants	☐ Yes	☐ No
Cockroaches	☐ Yes	☐ No	Other	☐ Yes	☐ No:

Follow-Up Service Required: ☐ Yes ☐ No **Date:**

Service Performed by Rentokil: INSPECTED ALL AREAS, BASEMENT STORAGE AREA, BACK OF KITCHEN, KITCHEN - COOLING EQUIPMENT AND BOILER AREA, FRONT STORAGE CLOSET AND BACK EXTERIOR.

FOUND RODENT ACTIVITY IN BACK OF RESTAURANT - BURROWS IN A NEIGHBOR PROPERTY AND GAPS IN BACK DOOR.

TREATED BACK AREA WITH TALON WEATHER BLOCKS AND VOIDS WITH TALCUM POWDER.

Cooperation Requested from Customer:

Proofing Adequate? ☐ Yes ☑ No

Sanitation Needed? ☐ Yes ☑ No OK

Customer Agreed To Prepare For This Service? ☐ Yes ☑ No Preparation Complete? ☐ Yes ☐ No

Preparation Requested on Future Services? ☐ Yes ☑ No

All Food Utensils and Food Preparation Surfaces Must Be Washed Prior To Use.

Materials Used

Target Pest*	Material*	%	Amount	Application Method*
1	47	0.05%	16 oz	G

*See Reverse For Code Key

Rodney Mabry
Rentokil, Inc. - Pest Control Services

Xi Fang Jiang
Customer Signature

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R-130 Revised 8/03

Service Report

Rentokil Pest Control

Customer	Time In: 9:12 Time Out: 9:41	Service Date:
CHEFS EXPRESS 1417 17TH ST NW WASHINGTON, DC 20036		11-2-03

- ☐ **Initial Service**–Implementation of Rentokil programs to rapidly control pest problems.
- ☑ **Routine Service**–Maintenance of Rentokil programs to insure continued protection against pests.
- ☐ **Emergency Service**–Rapid response to request for additional services.
- ☐ **Follow-up Service**–Quality assurance visit to confirm the effectiveness of treatment.

Was Evidence of the Following Pests Found?

Rats/Mice	☑ Yes	☐ No	Ants	☐ Yes ☐ No
Cockroaches	☐ Yes	☐ No	Other	☐ Yes ☐ No:

Follow-Up Service Required: ☐ Yes ☐ No **Date:**

Service Performed by Rentokil: INSPECTED MECHANICAL ROOM - FOUND 1 RAT RUNNING ON LEDGE - TREATED HOLE WITH WEATHER BLOX

NO CONCERNING FOUND ON THIS SERVICE.

TREATED ALL HOLES WITH WEATHER BLOX INSIDE OF HOUSE.

Cooperation Requested from Customer:

Proofing Adequate? ☐ Yes ☑ No WORKING ON IT

Sanitation Needed? ☐ Yes ☑ No OK

Customer Agreed To Prepare For This Service? ☐ Yes ☑ No Preparation Complete? ☐ Yes ☐ No

Preparation Requested on Future Services? ☐ Yes ☑ No

All Food Utensils and Food Preparation Surfaces Must Be Washed Prior To Use.

Materials Used

Target Pest*	Material*	%	Amount	Application Method*
1	47	0.005%	13 oz	G

*See Reverse For Code Key

Rodriguez McDaniel

Rentokil, Inc. - Pest Control Services

Yu Fang Jiang

Customer Signature

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R-130 Revised 8/03

Service Report

Rentokil
Pest Control

Customer	Time In: 9:27 Time Out: 10:03	Service Date:
CHEF'S EXPRESS 1417 17TH ST NW WASHINGTON DC 20036		10-17-03

- ☐ **Initial Service**–Implementation of Rentokil programs to rapidly control pest problems.
- ☑ **Routine Service**–Maintenance of Rentokil programs to insure continued protection against pests.
- ☐ **Emergency Service**–Rapid response to request for additional services.
- ☐ **Follow-up Service**–Quality assurance visit to confirm the effectiveness of treatment.

Was Evidence of the Following Pests Found?

Rats/Mice	☑ Yes	☐ No	Ants	☐ Yes	☐ No
Cockroaches	☐ Yes	☐ No	Other	☐ Yes	☐ No:

Follow-Up Service Required: ☐ Yes ☐ No **Date:**

Service Performed by Rentokil: INSPECTED ALL AREAS - BACK KITCHEN AREA, BACK DOOR AREA, KITCHEN / RESTAURANT EQUIPMENT AREA AND FRONT LOBBY AREA.

NO COCKROACHES OR RODENTS FOUND DURING SERVICE.

TREATED ALL VOIDS WITH WEATHER BLOCKS.

Cooperation Requested from Customer:

Proofing Adequate? ☑ Yes ☐ No IN SOME AREAS - THANK FOR REPAIRING HOLES.

Sanitation Needed? ☐ Yes ☑ No OK

Customer Agreed To Prepare For This Service? ☐ Yes ☑ No Preparation Complete? ☐ Yes ☐ No

Preparation Requested on Future Services? ☐ Yes ☑ No

All Food Utensils and Food Preparation Surfaces Must Be Washed Prior To Use.

Materials Used

Target Pest*	Material*	%	Amount	Application Method*
1	47	0.05%	10 Hrs	G

*See Reverse For Code Key

Rentokil, Inc. - Pest Control Services

Customer Signature

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R-130 Revised 8/03

Service Report

Rentokil
Pest Control

Customer	Time In: 8:30 Time Out: 9:00	Service Date:
CHEF EXPRESS 1417 17th ST NW WASHINGTON, DC 20036		8-3-03

- ☐ **Initial Service**–Implementation of Rentokil programs to rapidly control pest problems.
- ☑ **Routine Service**–Maintenance of Rentokil programs to insure continued protection against pests.
- ☐ **Emergency Service**–Rapid response to request for additional services.
- ☐ **Follow-up Service**–Quality assurance visit to confirm the effectiveness of treatment.

Was Evidence of the Following Pests Found?

Rats/Mice	☑ Yes	☐ No	Ants	☐ Yes	☐ No
Cockroaches	☐ Yes	☐ No	Other	☐ Yes	☐ No:

Follow-Up Service Required: ☐ Yes ☐ No **Date:**

Service Performed by Rentokil: INSPECTED ALL AREAS - NO COCKROACHES OR RODENTS FOUND ON THIS SERVICE.

TREATED FOR RODENTS WITH WEATHER BLOCK.

* GOOD JOB ON REPAIRING AND SEALING HOLES IN WALLS.

Cooperation Requested from Customer:

Proofing Adequate? ☐ Yes ☐ No WORKING ON IT.

Sanitation Needed? ☐ Yes ☑ No SANITATION IS OK

Customer Agreed To Prepare For This Service? ☐ Yes ☐ No Preparation Complete? ☐ Yes ☐ No

Preparation Requested on Future Services? ☐ Yes ☑ No

All Food Utensils and Food Preparation Surfaces Must Be Washed Prior To Use.

Materials Used

Target Pest*	Material*	%	Amount	Application Method*
L	44	0.05%	12 oz	G

*See Reverse For Code Key

Rasheed McNeil
Rentokil, Inc. Pest Control Services

Customer Signature

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R-130 Revised 6/01

Service Report

Rentokil
Pest Control

Customer	Time In: 9:10 Time Out: 9:43	Service Date:
CHEFS EXPRESS 1417 17TH ST NW WASHINGTON, DC 20036		7-16-03

- ☐ **Initial Service**–Implementation of Rentokil programs to rapidly control pest problems.
- ☑ **Routine Service**–Maintenance of Rentokil programs to insure continued protection against pests.
- ☐ **Emergency Service**–Rapid response to request for additional services.
- ☐ **Follow-up Service**–Quality assurance visit to confirm the effectiveness of treatment.

Was Evidence of the Following Pests Found?

Rats/Mice	☐ Yes	☑ No	Ants	☐ Yes	☐ No
Cockroaches	☐ Yes	☑ No	Other	☐ Yes	☐ No:

Follow-Up Service Required: ☐ Yes ☐ No **Date:**

Service Performed by Rentokil: INSPECTED ALL AREAS - NO COCKROACHES OR RODENTS FOUND IN THIS SERVICE.

TREATED FOR COCKROACHES WITH A CRACK-N-CRANNY GEL BAIT TREATMENT AND RODENTS WITH WARFARIN B/B.

Cooperation Requested from Customer:

Proofing Adequate? ☐ Yes ☑ No WORKING ON IT

Sanitation Needed? ☐ Yes ☑ No SANITATION IS OK

Customer Agreed To Prepare For This Service? ☐ Yes ☑ No Preparation Complete? ☐ Yes ☑ No

Preparation Requested on Future Services? ☐ Yes ☑ No

All Food Utensils and Food Preparation Surfaces Must Be Washed Prior To Use.

Materials Used

Target Pest*	Material*	%	Amount	Application Method*
3	[illegible]	0.01%	1/2 tube	A
1	[illegible]	0.005%	10 blocks	C

*See Reverse For Code Key

Rentokil, Inc. - Pest Control Services

Customer Signature

Our competitive advantage is highly trained individuals delivering consistently superior quality service to our customer.

R-130 Revised 6/01

Service Report

Rentokil
Pest Control

Customer	Time In: 10:00 Time Out: 10:46	Service Date:
CHOP EXPRESS 1417 17th St NW WASHINGTON, DC 20009		6-6-03

- ☐ **Initial Service**–Implementation of Rentokil programs to rapidly control pest problems.
- ☑ **Routine Service**–Maintenance of Rentokil programs to insure continued protection against pests.
- ☐ **Emergency Service**–Rapid response to request for additional services.
- ☐ **Follow-up Service**–Quality assurance visit to confirm the effectiveness of treatment.

Was Evidence of the Following Pests Found?

Rats/Mice	☑ Yes	☐ No	Ants	☐ Yes	☐ No
Cockroaches	☐ Yes	☑ No	Other	☐ Yes	☐ No:

Follow-Up Service Required: ☐ Yes ☐ No **Date:**

Service Performed by Rentokil: INSPECTED BASIC PREVENTION AROUND BATHROOM, STORAGE AREA AND FRONT COOLING AREA.

NO COCKROACHES FOUND ON THIS SERVICE.

ALSO INSPECTED FRONT CLOSET AND RADIATOR DOOR ON FRONT AREA.

NO ACTIVE LIVE RODENTS FOUND.

Cooperation Requested from Customer:

Proofing Adequate? ☐ Yes ☑ No WORKING ON IT - THANKS

Sanitation Needed? ☐ Yes ☑ No SANITATION IS OK

Customer Agreed To Prepare For This Service? ☐ Yes ☑ No Preparation Complete? ☐ Yes ☑ No

Preparation Requested on Future Services? ☐ Yes ☑ No

All Food Utensils and Food Preparation Surfaces Must Be Washed Prior To Use.

Materials Used

Target Pest*	Material*	%	Amount	Application Method*
1	44	0.005%	12 oz	G

*See Reverse For Code Key

Roosevelt McNeil
Rentokil, Inc. - Pest Control Services

Customer Signature

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R-130 Revised 6/01

Service Report

Rentokil
Pest Control

Customer	Time In: 7:20 Time Out: 8:02	Service Date:
CHEK EXPRESS 1417 17th ST NW WASHINGTON, DC 20036		4-3-03

- ☐ **Initial Service**–Implementation of Rentokil programs to rapidly control pest problems.
- ☑ **Routine Service**–Maintenance of Rentokil programs to insure continued protection against pests.
- ☐ **Emergency Service**–Rapid response to request for additional services.
- ☐ **Follow-up Service**–Quality assurance visit to confirm the effectiveness of treatment.

Was Evidence of the Following Pests Found?

Rats/Mice	☑ Yes	☐ No	Ants	☐ Yes ☐ No
Cockroaches	☐ Yes	☑ No	Other	☐ Yes ☐ No:

Follow-Up Service Required: ☐ Yes ☐ No **Date:**

Service Performed by Rentokil: INSPECTED ALL AREAS - FOUND 3 DEAD RATS IN STORE ROOM - TRACKING POWDER IS STILL GOOD.

NO COCKROACHES FOUND IN THIS SERVICE.

PLACED OUT FRESH FOOD AND WEATHER BLOX INSIDE VOIDS.

Cooperation Requested from Customer:

Proofing Adequate? ☐ Yes ☑ No

Sanitation Needed? ☐ Yes ☑ No SANITATION IS OK

Customer Agreed To Prepare For This Service? ☐ Yes ☑ No Preparation Complete? ☐ Yes ☐ No

Preparation Requested on Future Services? ☐ Yes ☑ No

All Food Utensils and Food Preparation Surfaces Must Be Washed Prior To Use.

Materials Used

Target Pest*	Material*	%	Amount	Application Method*
1	32	0.005%	7	G
1	37	0.005%	7	G

Rossmont McNeil
Rentokil, Inc. - Pest Control Services

Customer Signature

Our competitive advantage is highly trained individuals