

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Department of Consumer and Regulatory Affairs

Office of the General Counsel



May 23, 2005

BY FACSIMILE AND MAIL

Mr. Geoffrey Griffis
c/o Ms. Jerrily Kress
441 Fourth Street, N.W, Suite 210S.
Washington, D.C. 20001

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D.C. OFFICE OF ZONING
2005 MAY 24 AM 7:48

Re: *In the Matter of Patrick J. Carome*
BZA Appeal No. 17285

Dear Mr. Griffis:

At the public hearing on May 3, 2005, the Appellant requested that the Board of Zoning Adjustment (BZA) require the appearance of the Zoning Administrator, Teye Bello, for the purpose of cross examination. The Appellant, Patrick Carome, argued that he had not been able to cross examine the Zoning Administrator (ZA) on the substance of the PowerPoint presentation used to accompany his oral testimony. The Board agreed with the District of Columbia that Mr. Bello did not need to appear again at the public hearing for further cross examination on a demonstrative visual aid. However, as a courtesy to appellant, the Board granted leave to the Appellant to submit five written questions as cross examination on the PowerPoint presentation *only*. The questions were submitted to the ZA on May 12, 2005, with responses due on May 17, 2005. Due to other time commitments, the ZA requested additional time to respond to the questions. The new deadline is today, May 23, 2005.

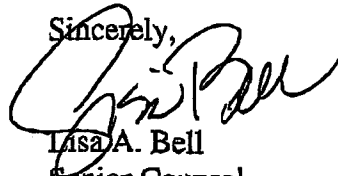
Attached please find the ZA's responses to the five questions. The District views the cross examination questions in the same light as testimony elicited through cross examination at the hearing. Accordingly, the same obligations and rules of evidence apply. Therefore, the District has objected to any questions to which Mr. Bello already has provided responses in that the questions are duplicative. The District also has objected to questions seeking information beyond the scope of Mr. Bello's prior testimony. Moreover, to the extent the questions raise hypothetical facts, refer to information upon which Mr. Bello did not testify or rely upon assumptions presented in the Appellant's case, a response was not provided.

BZA
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Exhibit No. 84

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The District reminds the Board and the parties that the PowerPoint presentation was a demonstrative visual aid. It was intended to highlight Mr. Bello's testimony. It did not raise issues, information or facts which were not part of his oral testimony

We hope the Board finds this additional information helpful.

Sincerely,

Lisa A. Bell
Senior Counsel

cc: Toye Bello
Zoning Administrator

941 North Capitol Street, N.E., Suite 9406,
Washington, D.C. 20002

**DEPARTMENT OF
CONSUMER AND
REGULATORY
AFFAIRS - Office of
the General Counsel**

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Mr. Geoffrey Griffis

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Page(s): ~~28~~, INCLUSIVE

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CC:

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