BEFORE THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Appeal of	)	
	)	**BZA Appeal No. 17356**
Bannum Inc.	)	
	)	
Re: 2210 Adams Place, N.E.	)	
	)	

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CLARIFICATION OF REGINA JAMES
MOTION TO INTERVENE

Comes Now Regina James (James) and respectfully clarifies her filing dated September 30, 2005 to intervene in the above captioned case.[1]

Ms. James was the appellant in the case preceding this one, which challenged the legality of Bannum's permit. Accordingly, given that the same factual and legal issues are at issue, she seeks intervention in this case as the former party appellant in the related case, and specifically given the relationship between the two cases. Further, she seeks to intervene in her capacity as an ANC Commissioner, not in her individual capacity.

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As noted in her intervention motion, your consideration of this matter directly affects your previous decision and determination that Bannum was in violation of D.C. Zoning law and therefore the ANC's interest as the party appellant in that case.

Moreover, this Board should also note that Ms. Joan Black filed an appeal long before Bannum's in which the ANC challenged specifically issuance of the Certificate of Occupancy. Notwithstanding that this issue was brought this Board's attention during its previous hearing,

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[1]/ The undersigned Counsel respectfully urge this panel to allow this filing out of time for two reasons: 1) Counsel is just completing a four (4) day trial which precluded him from addressing this matter in a more timely fashion. 2) Counsel experienced a health concern which cause additional minimal delay. Counsel notes for the record its otherwise diligent and extensive compliance with this Board's ruling in the related case.

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the Board has not considered Ms. Black's appeal in any respect whatsoever.

Hence, the ANC for the affected district has sought to address the legality of Bannum's certificate of occupancy in two different modes: Joan Black's appeal of the Certificate of Occupancy and Regina James' Motion to Intervene in this case. It is axiomatic under statutory and case law that the affected ANC is allowed to enjoy a party status in cases such as this. In the context of intervention, the ANC Appellant in the previous case enjoys even more so a distinct interest in the outcome of this appeal, as your consideration of this case can directly affect, by way of reversal or affirmance of your previous decision and therefore directly affect the claims which she filed in that case. In this respect, the ANC has indicated in the previous hearing its adamant opposition to Appellant's halfway house. James seeks by intervention to protect the ANC's interests, consistent with your previous ruling.

Given her status as an ANC Commissioner and the former Appellant in the previous related case, and the clear implications of this case on that case, we urge that you allow her to participate in this case as an intervenor.

Respectfully submitted,

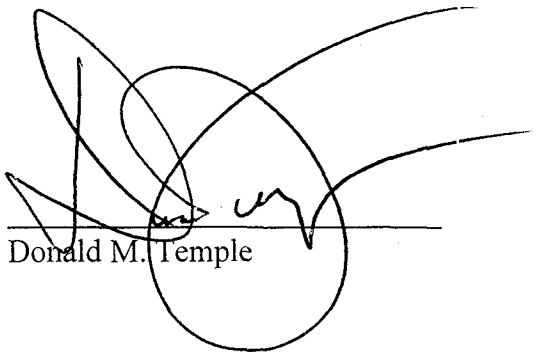
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CERTIFICATE OF SERVICE

Regina James hereby certifies that she mailed a copy of this Clarification on this 22nd day of November, 2005 to the following attorneys:

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