

Detailed Grounds for Exceptions to the DCRA Decision:

The BZA's decision dated March 2004 is the sole basis for the DCRA decision to revoke Bannum, Inc.'s Certificate of Occupancy. Attachment 1. Bannum Inc. timely appealed that BZA decision to the District of Columbia Court of Appeals. The principal and reply brief list each and every exception Bannum has to this BZA decision and are incorporated in this appeal by reference. Attachments 2 and 3.

In addition, Bannum objects to the issuance of the notice of revocation. The DCRA issued a notice of proposed revocation on April 27, 2004, Attachment 4, which Bannum appealed. Under the administrative procedures existing at that time, the matter was heard by a DCRA Administrative Law Judge ("ALJ") on August 6, 2004. After hearing the arguments of the parties, the ALJ issued an oral decision which granted Bannum's request for a postponement of any ruling on the notice of revocation until such time as the Court of Appeals rules on the appeal of the BZA's March 2004 decision and accordingly continued the matter until that time.

After that ALJ ruling, the District internally reorganized the Office of Adjudication. ALJs no longer conduct hearings on proposed revocations of certificates of occupancy. DCRA then, without notice to Bannum, purported to "rescind" the April 27, 2004 "notice of proposed revocation" and to issue a new "notice of revocation". Attachment 1. That notice entitled Bannum to submit reasons within 8 days of its issuance on why that notice should be rescinded ad 10 days to appeal to the BZA.

Bannum's position is that this "rescission" obviously intended to nullify the ALJ's ruling was illegal since nothing in the reorganization purported to retroactively void ALJ decisions. Further, DCRA's claim that the new notice made the basis for the decision clear is specious since (a) the April 27, 2004 letter was perfectly clear and (b) during the August 6, 2004 ALJ hearing, the ALJ stated (and it was conceded by DCRA) that the sole basis for the proposed revocation was the BZA decision. No new notice was required. Accordingly, the new notice of revocation is a legal nullity and should be reversed by the BZA. Indeed, the United States District Court for the District of Columbia issued an oral temporary restraining order up to and including May 5, 2005 because of its concerns with DCRA's reasoning.

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EXHIBIT No.

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