

DC Board of Zoning Adjustment  
441 4th Street NW, Suite 200 South  
Washington, DC 20001  
bzsubmissions@dc.gov

-----  
DC for Reasonable Development  
Daniel Wolkoff, member  
Cynthia Carson, member  
Melissa Peffers, member  
Jerome Peloquin, member,  
James Fournier, member  
Linwood Norman, member,  
Jimmie Boykin, member

*Appellant,*

v.

DC Department of Consumer and  
and Regulatory Affairs,

*Respondent.*  
-----

**BZA Appeal No. 20191**

**EMERGENCY MOTION PURSUANT TO 11-Y DCMR 407.1, .2, et. seq., and 11-Y DCMR 408.1(b), 11-Y DCMR 506.1(b),(h) TO SUPPLEMENT RECORD WITH ADDITIONAL EXPERT CREDENTIALS BEFORE THE HEARING**

Appellants come now as an emergency pursuant to BZA regulations, 11-Y DCMR 407.1, .2, et. seq., and 11-Y DCMR 408.1(b), 11-Y DCMR 506.1(b), (h).

All parties have been served per 11-Y DCMR 205, et seq. Since this motion is being filed as an emergency and given the timing of submission, none of the opposition parties have actively granted consent to this motion, and we presume they will oppose. We understand opposition parties are allowed to respond to this motion pursuant to BZA regulation 11-Y DCMR 407.4, that is before the August 5, 2020 hearing that was noticed to all parties by BZA staff on Thursday afternoon, July 23, 2020.

*Appellant's Expert for the August 5, 2020 Hearing*

The BZA Ordered that Appellants file a pre-hearing submission by July 8, 2020 and Appellant's did so as shown on the record annotated as Exhibit No. 42 in BZA Case No. 20191.

On July 15, 2020, the Respondent, DCRA filed Exhibit No. 47. In this submission DCRA attorneys vociferously point out that Appellant's did not include enough information about our proffered expert

witness, Mr. Aristotle Theresa. In fact they assail & denigrate *Pro se* Appellants throughout and without once acknowledging that Appellants do not have access to legal help including, most strikingly, any help from the taxpayer funded independent Office of the Attorney General under Mr. Karl Racine.

Since the Respondent DCRA has made this an issue, Appellants come in an abundance of caution and to more fully inform BZA Commissioners as to the credentials of our proffered expert witness.

Mr. Aristotle Theresa is a zoning attorney in the District of Columbia Bar # 1014041. He's been the attorney on record in winning zoning appeals cases such as the McMillan Park appeal and Barry Farms appeal, among others. Mr. Theresa has also been attorney on record for various administrative and rulemaking procedures before the Zoning Commission as well as the Office of Administrative Hearings. Mr. Theresa is significantly versed in the zoning code and will bring this expertise with him to the August 5, 2020 virtual hearing on behalf of the Appellants.

We ask the BZA accept for review Mr. Aristotle Theresa's resume into the record to support his expert testimony which will be given virtually on August 5, 2020.

We ask the BZA grant this emergency motion pursuant to BZA regulations, 11-Y DCMR 407.1, .2, et. seq., and 11-Y DCMR 408.1(b), 11-Y DCMR 506.1(b), (h).

This motion is submitted as an emergency on July 27, 2020.

/s /n

**Chris Otten, co-facilitator**

DC for Reasonable Development

202-656-5874

dc4reality@gmail.com

**PROFFERED  
EXPERT  
RÉSUMÉ**

**ARISTOTLE “ARI” THERESA, ESQ.**  
1604 V St SE  
Washington DC 20009  
Cell: (202) 651-1148  
Email: [ACTheresa@stooplaw.com](mailto:ACTheresa@stooplaw.com)  
Website: [www.StoopLaw.com](http://www.StoopLaw.com)

**WORK EXPERIENCE:**

**Stoop Law, Founder, Principle Attorney**

**Washington, DC 9/2014-present**

- Civil Rights and Administrative Law Attorney, specializing in Land Use and Zoning Matters. Expert level understanding of the DC Comprehensive Plan, District of Columbia Zoning Regulations of 2016 and 1958, the District of Columbia Zoning Commission’s organic statute (§6-621.01), DC Administrative Procedures Act, and Congressional Administrative Procedures Act, relevant prevailing and historic case law, and how each interact, successfully utilizing novel approaches in their application. Practitioner with experience in 5<sup>th</sup> Amendment, Due Process claims (liberty and property interests), DC Human Rights Act, Fair Housing Act, Disparate Impact, Standing, and Supplemental Federal Jurisdiction. Sole attorney responsible for short and long term legal strategy and settlement negotiations.
- Trailblazed “Gentrification/Displacement Law” in *Barry Farm v. Zoning Commission* and *Friends of McMillan Park v Zoning Commission*, establishing displacement as a legally recognized “hardship”, as well as establishing standards of review for the District of Columbia Office of Planning and District of Columbia Zoning Commission to assess the “Adverse Impacts” of large development projects. “Adverse Impacts” include environmental and social (re-segregation/neighborhood destabilization) impacts. Established precedence for District of Columbia Public Housing residents facing displacement/relocation in re-development projects. Stoop Law continues to file appeals and is in an ongoing conversation with the District of Columbia Court of Appeals setting precedents which trend towards more protections for low income residents, placing scrutiny on “agency capture” at the District of Columbia Zoning Commission and District of Columbia Office of Planning.
- “Movement Attorney” whose clients include grassroots community organizations Barry Farm Tenants and Allies Association (BFTAA), Current Area Residents East of the River (CARE), NeRAC (Near Buzzard Point Resilient Action Committee), Union Market Neighbors (UMN), and Organizing Neighborhood Equity DC (ONE DC). Works closely with organizers and non-profits – large and small – to effectuate policy that strengthens neighborhoods and provides equity in development. Practice located in a high poverty area and has habilitated local populations towards high levels of engagement with local government. Stoop Law’s Work at the court of appeals was centered at largest turn out ever at the Wilson Building, with over 280 people testifying about potential Comprehensive Plan revisions, surpassing the previous record set by testimony for and against gay marriage.
- Filed billion-dollar class-action pattern and practice claim against the District of Columbia based on work uncovered in over a dozen zoning appeals, which also alleged intentionally discriminatory land use policy articulated in city planning documents, in the District of Columbia U.S. District Court, April, 2018—known as the “Gentrification Lawsuit”. Stoop Law filed an Amended Complaint in Aug. 2018. This complex litigation is currently pending and has been referred to a Magistrate for a Report and Recommendation, awaiting further briefing on pending Motions to Dismiss filed by the District of Columbia and the District of Columbia Housing Authority. Georgetown University Law Center Civil Rights Clinic signed on as co-counsel Sep. 2018. Stoop Law worked closely with the clinic’s Supervising Attorney, Clinic Director, and 3<sup>rd</sup> year students in order to craft responses to the Motions to Dismiss.
- Noted speaker that has been invited to speak to law students, masters and undergraduate level public policy students, mid-career fellows, non-profits, professional associations, community and political civic organizations, high school students, and at DC council oversight hearings. Was keynote speaker for the Consumer Health Foundation’s 20<sup>th</sup> anniversary event. Frequently invited

to speak on social justice, land use, and equity panels including BLSA's regional event Feb. 7, 2019 and an upcoming Washington Bar Association housing panel.

- Media savvy, and has been quoted in numerous publications locally, nationally, and internationally. Work has been highlighted/featured in the Washington Post, Washington Business Journal, Christian Science Monitor, Reuters, Essence, WAMU, Forbes, Bisnow, and the Wall Street Journal. Frequently appears on radio and has multiple appearances on the Kojo Nnamdi and Carl Nelson show. Stoop Law and client CARE is the subject of an ongoing, in-depth, long form journalism piece for German language Swiss Radio and Television slated to be published March, 2019.
- Frequently fields questions from Masters level students and Law students doing research projects about urban planning, gentrification, and displacement.
- Co-Published an Op-Ed in the Washington Post on land use and equity.

**Contract Attorney, Attorney**

**Washington, DC 1/2011-8/2014**

- Second Request, Anti-Trust

**Right Size Law, PLLC, Attorney (Of counsel)**

**Washington, DC 1/2011-8/2011**

- Draft pleadings, motions, and letters.
- Work-up cases by gathering facts and exhibits.

**Recording Industry Association of America (RIAA), Law Clerk**

**Washington, DC 8/2009-12/2009**

- Wrote memoranda on various issues, including allowable electronic searches and seizures.
- Independently researched and analyzed case law, pending legislation, and statutory requirements.
- Advised on effects of state and federal legislation.

**Civil Rights Clinic, Howard University School of Law**

**Washington, DC 8/2008-5/2009**

- Worked closely with team members to develop complex civil litigation cases.
- Co-team lead on multifaceted, long term research project (Voters' Rights Act Amicus brief for Supreme Court); edited team work product

**LICENSURE:**

DC Bar, Admitted/Good Standing

2013

**EDUCATION:**

Juris Doctor, Howard University School of Law

2010

Bachelor of Arts, English, Clark-Atlanta University

2003

## CERTIFICATE OF SERVICE

I, Chris Otten, attest to serving the above EMERGENCY MOTION PURSUANT TO 11-Y DCMR 407.1, .2, ET. SEQ., AND 11-Y DCMR 408.1(B), 11-Y DCMR 506.1(B),(H) TO SUPPLEMENT RECORD WITH ADDITIONAL EXPERT CREDENTIALS BEFORE THE HEARING on July 27, 2020, as follows:

### RESPONDENT DCRA

Hugh.Green@dc.gov  
Brendan.Heath@dc.gov  
Matthew.Legrant@dc.gov  
Esther.McGraw2@dc.gov

### APPLICANT DMPED

Fernando.Amarillas@dc.gov  
Andy.Saindon@dc.gov

### Mayor Muriel Bowser,

By email: [eom@dc.gov](mailto:eom@dc.gov)

*Courtesy copies to all complainants:*

Daniel Wolkoff <amglassart@yahoo.com>,  
Cynthia Carson <cyncarson@gmail.com>,  
Jerome Peloquin <aquaponikus@gmail.com>,  
Linwood Norman <Linwood.norman@gmail.com>,  
Melissa Peffers <mpeffs@gmail.com>,  
Christof Rotten <crotten2@gmail.com>,  
James Fournier <james.fournier@gmail.com>,

And by mail to:  
Jimmie Boykin  
2406 N Capitol St.  
WDC 20002