

**Todd Sperry
1507 A Street NE
Washington, DC 20002**

March 18, 2015

Mr. Anthony J. Hood
Chairman
Zoning Commission for the District of Columbia
441 Fourth Street NW, Suite 2105
Washington, DC 20001

Re: Zoning Commission Case No. 14-20, Map Amendment for Square 1070

Dear Chairman Hood and Members of the Commission:

I write in support of Zoning Commission Case No. 14-20, Map Amendment for Square 1070, to change the zoning from C-2-A (commercial) to R-4 (residential) for fourteen lots (Lots 38, 39, 73-76, 80-86 and 94) within the northwest quadrant of Square 1070. The current zoning designation, which appears to be an outdated zoning designation and current zoning discrepancy, allows the rowhome properties in the northwest quadrant of Square 1070, along A Street and 15th Street NE, to be redeveloped for commercial or mixed-use, which would be out of character with and significantly larger and/or denser than the immediate surrounding area. This zoning discrepancy must be corrected.

My family has lived at 1507 A Street NE (Square 1070, Lot 85) for 10 years. Our neighborhood was entirely unaware of this zoning discrepancy until a developer, Taiwo Demuren, d/b/a 57th Street Mews, acquired 1511 A Street NE (Square 1070, Lot 94) in 2013 and his permitting agent and consultant, Toye Bello, filed a permit application for a large-scale development. The current commercial zoning designation for the northwest portion of Square 1070 is (1) inconsistent with the residential character and use and current height and density of the neighborhood and (2) allows for matter-of-right construction that threatens the integrity and quality of the existing residential neighborhood. The proposed Map Amendment will effectively address this problem, while simultaneously preserving the handful of established, neighborhood serving commercial-use properties on the East Capitol Street, the southwest quadrant of the Square.

1. The Current C-2-A Designation for the Northwest Quadrant of Square 1070 is Inconsistent with the Residential Character and Current Height and Density of the Neighborhood.

Square 1070 is unusually divided compared to surrounding squares on Capitol Hill and Hill East; the eastern half of Square 1070 is currently zoned R-4, while the western half is zoned C-2-A. Due to the adjacency to the former DC Transit Car Barn, a level of commercial use associated with that enterprise took place on 15th Street NE beginning in the 1920s. However, over time, with the closing of the Car Barn as a trolley car maintenance facility in the early 1960s and its re-zoning and conversion to residential condominiums in 1978, the commercial use on Square 1070 diminished and has been altogether extinguished within the northwestern quadrant of the square.

**ZONING COMMISSION
District of Columbia**

CASE NO.

14-20

EXHIBIT NO.

83

**ZONING COMMISSION
District of Columbia
CASE NO. 14-20
EXHIBIT NO. 83**

The current C-2-A designation for the northwest quadrant of Square 1070 is not consistent with the residential character and use of the neighborhood – both the nature of our square and the neighboring squares. The current nature of the actual use of the *entire* square is primarily residential. Except for four commercial properties on the western half of the square that front on East Capitol Street NE and one multi-unit residential property on the southernmost portion of 15th Street NE,¹ the properties in Square 1070 are single-family residential, which are primarily two stories. The northwest quadrant of Square 1070 consists *only* of 13 rowhouse lots and one alley/garage lot, all of which are two and three story structures. The northwest quadrant of Square 1070 is currently used only for residential use, and has been *exclusively* single-family residential dwellings for almost twenty years.

All neighboring squares are primarily residential in nature. The adjacent squares to the north, south, and east are zoned entirely R-4. The entire adjacent square to the west is occupied entirely by the Car Barn residential condominiums, which is zoned for residential use.²

Both the historic and more recent structures present on the northwest quadrant of Square 1070 have never achieved a C-2-A density or height. But instead, these structures are reflective and nearly identical to the structures in adjacent R-4 designated squares to the north, south, and east. The 50' height, 75% lot occupancy, and 2.5/3.0 FAR allowance for C-2-A structures with Square 1070 is inconsistent with the current structures in the northwest quadrant of the square. Adjacent squares are no more than 40 feet tall. In fact, despite the current C-2-A FAR allowance for the rowhomes on the northwest quadrant of 1070, they have not even met the limits of density for an R-4 designation. Furthermore, even the majority of the four commercial properties on the western half of Square 1070 that are zoned C-2-A conform with the R-4 designation in both height and density.³

The current C-2-A designation for the northwest quadrant of Square 1070 is not consistent with the residential character or the current height and density of the neighborhood. In contrast, the proposed Map Amendment is consistent with the 2006 Comprehensive Plan, “which indicates Capitol Hill growth and neighborhood conservation should include rezoning the 15th Street commercial district for residential uses, consistent with the corridor’s designation.” Correcting the commercial zoning on 15th Street NE is

¹ Following Section 1507.2 of the Comprehensive Plan, these established, neighborhood serving commercial-use properties are not included in the proposed Map Amendment and will therefore not create any non-conforming areas.

² The historic Car Barn condominiums, which occupy the entirety of Square 1057, are primarily zoned R-5-B on the unit block of 14th Street and 1400 block of A Street NE and with a lesser zoning of C-2-A for the historically protected structures on the 1400 block of East Capitol Street and the unit block of 15th Street NE. This structure was added to the National Register of Historic Places in February 1974 and is listed in the District of Columbia Inventory of Historic Sites.

³ As noted above, these established, neighborhood-serving commercial use properties are not included in the proposed Map Amendment.

listed in the 2006 Comprehensive Plan as a matter the Zoning Commission should address in the short-term. And this amendment would do just that.

2. The Current C-2-A Designation Allows for Out of Scale Matter-of-Right Construction that Threatens the Integrity and Quality of this Residential Neighborhood.

The proposed Map Amendment will maintain the scale and density compatible with integrity and quality of this residential neighborhood, which looks like any other R-4 rowhouse, flat neighborhood, with buildings no taller than a maximum 40 feet. Unfortunately, the integrity and quality of the architecture of the neighborhood is already threatened. A developer has proposed replacing a two-story rowhouse on Lot 94 (1511 A Street NE) with a five-plus-story, matter-of-right residential structure containing 18 units. The building plans submitted to DCRA show a large-scale development, including an elevator, in excess of C-2-A regulations, which would tower over the surrounding two-story rowhouses on A Street and all structures in the immediate vicinity.

According to Sections 223.4 and 223.5 of the Comprehensive Plan, new development in Neighborhood Conservation Areas, like the northwest quadrant of Square 1070, which is entirely residential in character and has no vacant land, “should be compatible with the scale and the architectural character of the existing neighborhood.” The design and scale of this proposed development on Lot 94 would be inconsistent with the surrounding homes and detract from the integrity of the existing rowhouse architecture that dominates this square and in the surrounding neighborhood. The density of the proposed use would also be incompatible with the remainder of A Street NE and the surrounding rowhouse neighborhoods.

Any zoning designation other than R-4 is out of character for this neighborhood and no other residential designation would be the proper alternative. The elimination of the potential commercial use in Square 1070 is not the goal of the proposed amendment. Rather, the amendment is aimed at ensuring that the height, density, and lot occupancy of our residential row home portion of this square does not grow beyond what is characteristic of the square and surrounding neighborhood. Rezoning this C-2-A “enclave” of single-family rowhouse properties to R-4 will help ensure the scale and density of any future developments is compatible with our neighborhood and the proposed Map Amendment should therefore be adopted.

3. Other Questions Raised by the Zoning Commission.

Although proposed development at 1511 A Street NE/Lot 94 brought this zoning discrepancy to the neighborhood’s attention, that property is not being singled out, as it is just one of fourteen that would be affected by the map amendment and should be treated the same as the rest of the properties in this request. However, at the ANC petition’s Setdown Hearing on December 8, 2014, the Commission asked about why the permit for Lot 94 (1511 A Street NE) had not been approved.

As mentioned above, a developer, Taiwo Demuren, with the assistance of his permitting agent and consultant, Toye Bello, proposes to replace a two-story rowhouse on

Lot 94 (1511 A Street NE) with a more than 50-foot matter-of-right, multi-unit residential structure. Building permit (B1307755) was submitted to the Department of Consumer and Regulatory Affairs (DCRA) in June 2013, but the permit for this property has never been issued. It is my understanding that the building permit had not issued by DCRA for multiple reasons, including architectural and engineering design and compliance shortcomings. In fact, it is our understanding that as of March 17, 2015, the Acting-Director of DCRA rejected this building permit, pursuant to 12 DCMR A-105.3.1, because the "application or the plans do not conform to the requirements of all pertinent laws."

The architectural and engineering design and compliance shortcomings that may have led to DCRA's March 2015 rejection of the building permit for Lot 94 include the following:

- **The plans submitted to DCRA for 1511 A Street NE were technically inaccurate, exceeding the allowable scope of development under C-2-A zoning without a BZA variance.** In April 2014, the developer represented to DCRA and the community that the plans for 1511 A Street NE met C-2-A requirements. They did not. Instead, the plans reflected the developer's intention to build a structure exceeding the height limit applicable to C-2-A zoning, without seeking a BZA variance. Specifically, the grade and curb of the proposed property were dramatically misrepresented in the developer's favor. The ANC and community members brought these technical inaccuracies to DCRA's attention in the Spring and Fall of 2014. See Attachment 1. As a result, the DCRA Zoning Administrator revoked the Zoning Discipline Approval in October 2014 and has required the developer to correct those misrepresentations.
- **DCRA's Building Permit Discipline Reviews Revealed Shortcomings in the Developer's Plans.** A strict DCRA discipline review found the applicant had about 30 separate structural deficiencies needing correction to bring the plans into compliance with DC Municipal Regulations. Those structural deficiencies included: (1) environmental questionnaire, (2) a raze permit, (3) lead abatement screening forms, (4) geotechnical soil report, among others. Other shortcomings were revealed in Fire, DDOE, Wall Check, Plumbing, and Mechanical Reviews. See Attachment 2.⁴ Many standard components of a building application appear to have been filed with significant shortcomings.
- **The architectural and engineering plans filed with DCRA are affixed with the seal of a professional engineer whose license was revoked.** The structural engineer who officially sealed the building plans for 1511 A Street NE had his Professional Engineering license revoked in Virginia in September 2013. Virginia

⁴ This chart provides a snapshot of the permit review for 1511 A Street NE, as of March 15, 2015, from the Property Information Verification System, showing how significant amounts of required information or certifications were absent from the developers plan submissions to DCRA while application B1307755 was active. It is my understanding that because DCRA rejected the building permit, any further review of the building plans would have to be submitted as a new application.

licensing officials found that the engineer had repeatedly affixed his seal to building plans for which he had provided no input or supervision. In revoking his license, Virginia officials concluded that:

"...his total lack of candor demonstrates he cannot be trusted with the responsibilities of being a licensee. [He] fails to appreciate the risk to the public created by his actions. Thankfully, this project was submitted to Prince William County, which staffs its Building Official office with well trained, qualified professionals. If these plans had been submitted to a county that would accept the plans as is, based on the strength of [his] seal it is possible defective plans would have been used to complete the build out."

Revocation is reciprocal in DC when revoked in another jurisdiction, pursuant to DC Code § 47-2853.17. The DC Board of Professional Engineering began reviewing the engineer's license for revocation in the District in April 2014, providing him notice in April and June 2014 and a hearing in December 2014. On February 12, 2015, the Office of Administrative Hearing revoked the engineer's license. See Attachment 3.

- **The proposed property was designed by an unlicensed architect.** The plans for 1511 A Street NE were designed by an individual who is unlicensed and unaccredited to practice architecture in DC. This apparent violation of DC Official Code § 47-2853.02 was reported to the DC Board of Architecture and Interior Design, and in turn, referred the matter to the DCRA Licensing Administration. In June 2014, DCRA determined that the individual was unlicensed and issued a Class 1 Infraction (Notice of Infraction #S703294). See Attachment 4.

It appears that DCRA recognized that the actions of this developer raise serious concerns about the development of Lot 94 and have therefore rejected the building permit. As of the date of this hearing, the permitting process for this development began over 640 days ago. The development has not stalled due to the engagement of residents, the involvement of ANC 6A, or the District Government. But rather, it appears that the permit application was rejected due to a stream of the developer's own apparent errors, omissions, and inactions.

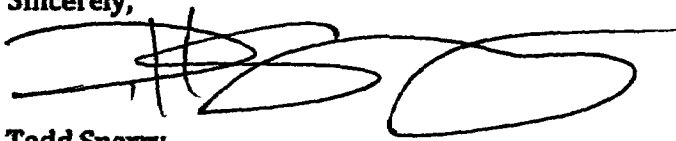
While this development is not the focus of the Map Amendment before the Commission, it clearly illustrates additional unwelcome risks and impacts to our neighborhood with the current zoning discrepancy.

4. Conclusion

The proposed Map Amendment for fourteen lots (Lots 38, 39, 73-76, 80-86 and 94) within the northwest quadrant of Square 1070 will unquestionably preserve the residential character of our square and adjacent Hill East squares while eliminating the opportunity for out-of-scale matter-of-right construction that could threaten the existing R-4 streetscape and the surrounding R-4 adjacencies. The Commission should therefore change the zoning designation for this area from C-2-A to R-4. Any zoning designation other than R-4 is out of character for this neighborhood and no other residential designation would be the proper alternative.

As a homeowner with a direct stake in this matter, I fully support this Map Amendment. The proposed Map Amendment would rezone an area as R-4 that for all intents and purposes is already serving and has been serving as R-4 for decades without the official designation. Yet, it specifically does not touch the established neighborhood-serving commercial uses along East Capitol Street and will therefore not create any non-conforming areas. This Map Amendment will reinforce and preserve the 'quiet enjoyment' of my residential property that I anticipated when moving to the neighborhood ten years ago.

Sincerely,

A handwritten signature in black ink, appearing to read 'Todd Sperry', with a large, stylized flourish extending to the right.

Todd Sperry
1507 A Street NE/Lot 85

Attachments

1. ANC6A Letter to Matthew Le Grant re: Additional Indication of Potential Zoning Violation (1511 A Street, NE), dated May 10, 2014.
2. DCRA Discipline Reviews for B1307755 Excerpt Chart
3. Copy of OAH Case File 2014-DCRA-00064, *In the matter of Suresh Baral*
4. Notice of Infraction, OAH Case File S703294 (Architectural Design Graphics, Zerhim, Benyam), dated August 18, 2014.
5. Pictures of Square 1070 and Neighboring Area

Attachment 1

ANC6A Letter to Matthew Le Grant

**re: Additional Indication of Potential Zoning Violation (1511 A Street, NE),
dated May 10, 2014**



District of Columbia Government
Advisory Neighborhood Commission 6A
Box 75115
Washington, DC 20013



May 10, 2014

Mr. Matthew Le Grant
Zoning Administrator
Department of Consumer and Regulatory Affairs
1100 Fourth Street, SW, Room 3102
Washington, DC 20024

Re: Additional Indication of Potential Zoning Violation (1511 A Street, NE)

Dear Mr. LeGrant,

At a regularly scheduled and properly noticed meeting¹ on May 8, 2014, our Commission voted 5-0-0 (with 4 Commissioners required for a quorum) to write to you again regarding the proposed construction of an 18-unit apartment building at 1511 A Street, NE and, specifically, to bring to your attention several significant issues related to the attached plans for the proposed structure. The developer has stated that these plans are the plans currently under review by your office.

First, the attached drawings show that the existing front porch will be retained and further denote that the property "grade" is located at a level almost immediately below that of the front porch. In reality, however, and as the attached photograph of 1511 A Street, NE shows, the property grade is in fact several feet below the front porch. The fact that the drawings do not accurately depict the location of the grade is highly significant, because it suggests that the basement floor of the proposed development would not count against the permissible FAR for the structure. If the basement floor were to count against the structure's FAR (which it would appear should be the case), it would result in a FAR greater than 3.0 and necessitate zoning relief.

Second, the attached drawings show the "curb" from which the building height is measured at a level far above the location of the existing curb. If the building height were measured from where the relevant curb is actually located, the building would be far in excess of the fifty-foot limit on building height in a C-2A zone. Accordingly, the structure as currently designed cannot be constructed on a by-right basis for that reason as well.

Finally, we would like to bring to your attention the fact that it appears that the professional engineer whose stamp can be seen on the plans, Suresh R. Baral, is the same Suresh R. Baral who had his professional engineer's license revoked in Virginia in September 2013. As the attached documents show, the Virginia board that revoked Mr. Baral's license found that he had affixed his stamp to drawings not prepared under his direct control and personal supervision. The board concluded that "Baral's utter disregard for his professional and regulatory responsibilities in conjunction with his total lack of candor demonstrates he cannot be trusted with the responsibilities of being a licensee," and that "Baral also fails to appreciate the risk to the public created by his actions." In view of these findings by the Virginia board, we are obviously troubled by Mr. Baral's involvement in this project.

¹ ANC 6A meetings are advertised electronically on the anc6a-announce@googlegroups.com, ANC-6A and NewHillEast yahoogroups, on the Commission's website, and through print advertisements in the Hill Rag.



District of Columbia Government
Advisory Neighborhood Commission 6A
Box 75115
Washington, DC 20013



We again ask that you closely scrutinize the plans provided by the developer and determine whether any zoning relief is required, particularly with regard to the FAR and height of the proposed structure. We believe such scrutiny is particularly warranted in view of Mr. Baral's involvement with this project. I would appreciate a response regarding this issue at your earliest convenience. I can be contacted at 6A04@anc.dc.gov.

On Behalf of the Commission,

A handwritten signature in cursive script that reads "Nicholas Alberti".

Nicholas Alberti
Chair, Advisory Neighborhood Commission 6A

Enclosures

Attachment 2

DCRA Discipline Reviews for B1307755 Excerpt Chart

**Excerpts from DCRA Discipline Reviews for B1307755
-as of 3/15/2015-**

Below are several excerpts from DCRA's PIVS building permit application tracker:

ApplicationID	Date Filed	Full Address	Agent Name	Phone Number
B1307755	6/12/2013	1511 A ST NE	LEON PAUL	202-882-1924

Discipline	Review Status	Status Date	Review Comment	Reviewer Name
Zoning Review	Zoning Review - HFC	08/29/2013	1. please submit a site-per-sub plat from dc surveyor's office. the plat shall depict the proposed new structure and parking spaces. 2. please submit scaled and dimensioned floor plans and elevation drawings. 3. the proposed structure exceeds maximum height in c-2-a. 4. please comply with §770.6, setback requirements for rooftop structures. 5. the cize form shall be signed and dated. 6. per §2605.6 iz units shall not be overly concentrated on any floor. 7. per §2605.3 iz units shall be comparable in all aspects to market-rate units. 8. the ratio of net to gross residential area seems very low (59.9). please re-check the calculations. 9. additional comments may follow upon submission of documents and drawings in required standards.	Mamadou Ndaw
Zoning Review	Zoning Review - HFC	02/12/2014	1. please address previous comments highlighted on the hfc list (# 3, 6, 7, & 8). 2. the proposed parking spaces (spaces # 8 & 9) shall be a minimum of 19 feet in depth. 3. please correct the highlighted boxes on the cize form. 4. please contact dhcd and start and obtain draft approval for the iz covenant. 5. additional comments may follow.	Mamadou Ndaw
Zoning Review	Zoning Review - HFC	03/12/2014	previous comments not addressed.	Mamadou Ndaw
Zoning Review	Zoning Review - HFC	04/22/2014	1. please address previous comments highlighted below. 2. the parking layout keep changing but all required space shall be a minimum of 9 feet in width. 3. please correct the highlighted boxes on the cize form. indicate the primary method of construction. 4. additional comments may follow.	Mamadou Ndaw
Zoning Review	Zoning Review - HFC	05/21/2014	1. please comply with minimum dimensions for required parking spaces. 2. please depict the proposed iz units on the floor plans 3. please fill out the attached cize form and clearly indicate the primary method of construction (only one box shall be checked). 4. the height of the first floor from grade and the height of the building from the adjacent curb are not accurately shown on the elevation drawings. the contour lines on the civil drawings (c-1) and the photographic image of the front of the existing house clearly show the first floor well above 4 feet in height from grade. please check for compliance with maximum far and building height. 5. additional comments may follow.	Mamadou Ndaw

Excerpts from DCRA Discipline Reviews for B1307755
-as of 3/15/2015-

Discipline	Review Status	Status Date	Review Comment	Reviewer Name
Zoning Review	Zoning Review Under Review	10/09/2014		Matthew LeGrant
Mechanical Review	Mechanical Review - HFC	07/19/2013	1. the scale of your mechanical and plumbing plans shall comply with 2008 dcmr 12 106.1.9 for the minimum size (not less than 1/8" : 1'). the indicated 3/16" : 1' is not real when measured). please comply. please respond to all comment items in writing/on the plans.	Godwin Ukwuani
Fire Review	Fire Review - HFC	06/27/2013	plans are to be stamped and signed by design professional in accordance with section 106.3.4, dcmr 12a -2008. 2. it appears that the drawings are not to the original designed scale. please resubmit plans to an appropriate scale complying with section 106a, dcmr 12a- 2008. 3. update cover sheet design summary to, •declare use group classification. •specify the type of construction in accordance with chapter 6, ibc 2006. •fire alarm system: yes, installed per nfpa 72 -2002. •declare the number of type a 9 (accessible) units. see section 1107.6.2, ibc 2006. 4. egress: •one of the main exit stairs must provide direct exit to exterior of the building complying with sections 1018.1 and 1024, ibc 2006. •please revise main exit stairs design on sheet a4.2 to reflect riser heights to match details on sheet a6.3 and complying with section 1009.3, ibc 2006. max. 7 inches riser. 5. the public roof-top terrace is being classified as an a-3 use group space. based on the type of construction for this building an a-3 space may not be allowed (see comment 1 above), the elevations on sheets a3.1 – a3.3 suggests that this building combines both type 3 and type 5 constructions. if building is declared to be less than a type 3b for the entire building, then this roof-top terrace is not allowed. please check design with section 503, ibc 2006. 6. include additional fire protection systems plan with the following: •riser diagram for automatic sprinkler/ standpipe system indicating the necessary flow controls to meet nfpa 13r-2002. •see standpipe requirements in section 905, ibc 2006. indicate standpipe hose connections at roof level in both stairwells. •indicate location of fire department connection per section 912, ibc 2006. •riser should indicate sprinkler system monitoring and alarm devices complying with section 903.4, ibc 2006. •update design to provide fire alarm systems notification inside all type a units complying with section 907.9.1.4, ibc 2006. 7. update door schedule on sheet a6.6 to list the fire rating in hours complying with table 715.4, ibc 2006. 8. elevator: •provide a full-height vertical cross-section detail through elevator shaft. specify dimensions for top and bottom clearances per asme a17.1- 2004 requirements. •label elevator machine room on the drawings. •update design to provide pit drain details. see section 3004.4, ibc 2006. •provide hoistway vent design details per 3004, ibc 2006. •update fire alarm plans to indicate [heat detector] shunt trip provisions complying with section 3006.5, ibc 2006.	Silroy Brown

Excerpts from DCRA Discipline Reviews for B1307755
-as of 3/15/2015-

Discipline	Review Status	Status Date	Review Comment	Reviewer Name
Zoning Review	Zoning Review - HFC	05/21/2014	1. please comply with minimum dimensions for required parking spaces. 2. please depict the proposed iz units on the floor plans 3. please fill out the attached cizc form and clearly indicate the primary method of construction (only one box shall be checked). 4. the height of the first floor from grade and the height of the building from the adjacent curb are not accurately shown on the elevation drawings. the contour lines on the civil drawings (c-1) and the photographic image of the front of the existing house clearly show the first floor well above 4 feet in height from grade. please check for compliance with maximum far and building height. 5. additional comments may follow.	Mamadou Ndaw
Zoning Review	Zoning Review - HFC	05/21/2014	1. please comply with minimum dimensions for required parking spaces. 2. please depict the proposed iz units on the floor plans 3. please fill out the attached cizc form and clearly indicate the primary method of construction (only one box shall be checked). 4. the height of the first floor from grade and the height of the building from the adjacent curb are not accurately shown on the elevation drawings. the contour lines on the civil drawings (c-1) and the photographic image of the front of the existing house clearly show the first floor well above 4 feet in height from grade. please check for compliance with maximum far and building height. 5. additional comments may follow.	Mamadou Ndaw
Zoning Review	Zoning Review - HFC	05/21/2014	1. please comply with minimum dimensions for required parking spaces. 2. please depict the proposed iz units on the floor plans 3. please fill out the attached cizc form and clearly indicate the primary method of construction (only one box shall be checked). 4. the height of the first floor from grade and the height of the building from the adjacent curb are not accurately shown on the elevation drawings. the contour lines on the civil drawings (c-1) and the photographic image of the front of the existing house clearly show the first floor well above 4 feet in height from grade. please check for compliance with maximum far and building height. 5. additional comments may follow.	Mamadou Ndaw
Structural Review	Structural Review - HFC	10/01/2014	1. raze permit as per dcmr 12 of 2008 section 105.1, not addressed, please refer to the complete removal of the structure at lot 803 and underpinning and reinforcing of the only remaining wall which is very small of the building 2. verification that projections comply with section chapter 32a dcmr 12 of 2008, not addressed, please note that existing projection was entirely demolished, and egress window well proposed. no projection is allowed at commercial zone as per 3202.11.1 dcmr 12 of 2008, 3. complete geotechnical soil report verifying 2000 psf to comply with ibc 2006 section 1802, not found 4. verification of no adverse effect of this construction due to increased loads caused by drift buildup to the adjoining properties by means of structural analysis, as per section 3307a dcmr 12 of 2008, not addressed, submit separate calculations verifying no adverse effect of this construction due to increased loads caused by drift buildup.	Bihon Debessai

**Excerpts from DCRA Discipline Reviews for B1307755
-as of 3/15/2015-**

Discipline	Review Status	Status Date	Review Comment	Reviewer Name
Structural Review	Structural Review - HFC	01/14/2015	25. verification of no adverse effect of this construction due to increased loads caused by drift buildup to the adjoining properties by means of structural analysis, as per section 3307a dcmr 12 of 2008, not addressed, submit separate calculations verifying no adverse effect of this construction due to increased loads caused by drift buildup, will take care of this issue by their structural, incomplete, verification of the structural capability of existing roofing is essential 15. complete geotechnical soil report verifying 2000 psf to comply with ibc 2006 section 1802, not found, will submit, not addressed 28. address comments from all other disciplines: green, zoning	Bihon Debessai
DDOE Review	DDOE Review - HFC	09/04/2013	please submit the following document at ddoe station (28) in the permit center: four sets of erosion sediment control plans, storm water management plans (civil plans), and copy of building application.	Ibrahim Khatib
DDOE Review	DDOE Review - HFC	02/10/2015	please submit the following document at ddoe station (28) in the permit center: four sets of erosion sediment control plans, storm water management plans (civil plans), and copy of building application.	Nykia Barnes
Wall Check Verification	Wall Check Pending			
Plumbing Review	Plumbing Review - HFC	07/19/2013	1. the scale of your mechanical and plumbing plans shall comply with 2008 dcmr 12 106.1.9 for the minimum size (not less than 1/8" : 1'). the indicated 3/16" : 1' is not real when measured). please comply. please respond to all comment items in writing/on the plans.	Godwin Ukwuani

Attachment 3

Copy of OAH Case File 2014-DCRA-00064, *In the matter of Suresh Baral*

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF PROFESSIONAL ENGINEERING**

IN THE MATTER OF

SURESH BARAL

:
:
:
:

NOTICE OF INTENT TO REVOKE LICENSE

To: Suresh Baral
10875 Main Street, Suite 101
Fairfax, VA 22030

In accordance with the provisions of the District of Columbia Administrative Procedure Act; Title 47 of the District of Columbia Code; and Title 17 of the District of Columbia Municipal Regulations, the District of Columbia Board of Professional Engineering ("the Board") hereby gives you notice that it intends to revoke your license as a professional engineer.

D.C. Official Code § 47-2853.17 and 17 D.C.M.R. § 1517 provide that the Board may revoke a license when the licensee has been disciplined by another jurisdiction, demonstrates a disregard for the standards of acceptable conduct, or affixes their seal to any plans not prepared under the licensee's direct control. DC Official Code § 47-2853.17 also provides that the Board may take action against a licensee who has provided false information in support of a license renewal application.

The Board has become aware that the Commonwealth of Virginia Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers, and Landscape Architects ("Commonwealth") revoked your license after concluding that you disregarded your professional responsibilities and lacked candor by submitting plans under seal that were not performed under your direct control or supervision. See attached Order. The Board has also discovered that you failed to disclose this information and provided false information by answering that you had never been disciplined in your application to renew your District license. See attached License Renewal Answers. Based on the Commonwealth's decision to revoke your license, the conduct underlying the Commonwealth's findings, and the false information in your license renewal application, the Board intends to revoke your license as a professional engineer.



RIGHT TO A HEARING

Pursuant to 17 D.C.M.R. § 101.2(c), you have the right to request a hearing on this matter by delivering a letter to the Board of Professional Engineering, in person, or by certified mail, within twenty (20) calendar days after service of this notice. Your request should be addressed to: The Board of Professional Engineering, 1100 4th Street, SW, 4th Floor, Washington, DC 20024. If a hearing is not requested in the time and manner specified, the Board may deny your request without a hearing.

A copy of your request should also be mailed to John Postulka, Assistant Attorney General, Office of the General Counsel, Department of Consumer and Regulatory Affairs, 1100 4th Street, SW, 5th Floor, Washington, DC 20024. Attorney Postulka can be reached by email at John.Postulka@DC.gov.

If you request a hearing, the Board will notify you of the hearing date. Thereafter, the District of Columbia will be represented by Assistant Attorney General John Postulka. Mr. Postulka is the attorney to whom you should deliver a copy of any pleading or written communication that you deliver to the Board.

You may appear personally at such hearing and you may be represented by legal counsel of your choice. You have the right to produce witnesses and evidence and to cross-examine witnesses. You may examine evidence produced and have subpoenas issued on your behalf to require the production of witnesses and evidence.

If you or any witnesses you intend to call are deaf or because of a hearing impediment cannot readily understand or communicate the spoken English language, you or your witnesses may apply to the Board for the appointment of qualified interpreter.

Your failure to appear at the time and place set for the hearing, either in person or through counsel, or both, will not preclude the Board from proceeding in this manner.

6/26/2014
Date

Eugene M. Bentley, III
Dr. Eugene M. Bentley, III
Chairperson
Board of Professional Engineering

July 16, 2014

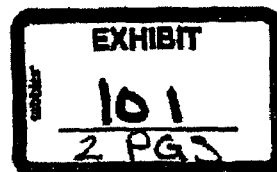
FROM: SURESH R. BARAL
10875 MAIN ST. #101
FAIRFAX, VA 22030

TO: THE BOARD OF PROF. ENGINEERING
1100 4TH ST. SW
4TH FLOOR, WASHINGTON, DC 20004
REQUEST HEARING

I HAVE BEEN LICENSED IN DISTRICT OF COLUMBIA
P.E. LIC. # 7262 SINCE 1978 BASED ON RESIDENCY FROM
STATE OF MARYLAND (EXAM TAKEN & REGISTERED FIRST IN
MARYLAND). I HAVE BEEN SERVING IN D.C. FOR OVER
36 YEARS WITHOUT ANY PROBLEM OR COMPLAINT FROM ME.

IN 2013, A COMPLAINT WAS FILED WITH THE
COMMONWEALTH OF VA BOARD FOR A SMALL STONE BOILER
OUT PROJECT FOR NON TECHNICAL REASONS VIZ. NO
DATE WITHIN SEAL, NO FIRM NAME/ADDRESS & WORK
NOT DONE UNDER MY SUPERVISION.

I HAVE BEEN TRUSTED OVER 36 YEARS IN D.C.
AND HAVE AN EXCELLENT TRACK RECORD ON ALL
PROJECTS DONE BY ME AND UNDER MY SUPERVISION. I
WAS JUST BAFPLED WHY VA BOARD DID THIS TO
ME. I HAD DONE THIS PROJECT UNDER MY SUPERVISION
WHICH THE ARCHITECT WILL SIGN A LETTER TO YOU &
ANYONE HIM AS A WITNESS TO THE ABOVE. I SHOULD
HAVE CONTESTED TO THIS TYPE OF ALLEGATION BY VA
BOARD, WHICH I MADE A BIG MISTAKE NOT DOING SO. IN
MY OPINION ALLEGATION IN COUNT 1 IS COMPLETELY WRONG
I ACCEPTED MY MISTAKE & OVERSIGHT IN NOT HAVING
MY FIRM NAME/ADDRESS IN DRAWING. AND NOT PUTTING
DATE WITHIN SEAL. MY CHARACTER, FITNESS & HONESTY
WAS NEVER QUESTIONED IN THE PAST 40 YEARS OF
MY SERVICE. I BELIEVE, I HAVE SERVED & WILL BE
SERVING IN THE MOST TRUSTED WAY, HONESTLY AND



(P.F.O.)

PAGE 2

I WITH HIGHEST POSSIBLE LEVEL OF CHARACTER AND FITNESS THRU MY ENTIRE PROFESSIONAL CAREER. I CAN & WILL SUBMIT TESTIMONY FROM MY LONG LIST OF CLIENTS OF ARCHITECTS, OWNERS, BUILDERS AND DEVELOPERS, IF YOU ALLOW ME TO PRESENT TO YOU AT THE HEARING...

I REQUEST A HEARING ON THIS MATTER. I SINCERELY REQUEST TO THE DISTRICT OF COLUMBIA BOARD OF PROF. ENGINEERING TO ALLOW ME TO CONTINUE MY WORK AS I HAVE ALWAYS DONE ON THE MOST HONEST & RESPONSIBLE MANNER AS A PROF. ENGINEER WITH THE HIGHEST POSSIBLE CHARACTER & FITNESS TO SERVE THE COMMUNITY I LIVE IN. I DID NOT SEE THE LINE INFO ON FALSE INFORMATION ITEM ON RENEWAL APPLICATION AND DID NOT INTEND TO PROVIDE FALSE INFORMATION IN SUPPORT OF A LICENSE RENEWAL APPLICATION. THANKING YOU.

Sincerely,
SUNSHINE BOND

cc JOHN PASTOLKA
ASSISTANT ATTORNEY GENERAL

**DISTRICT OF COLUMBIA
OFFICE OF ADMINISTRATIVE HEARINGS**
One Judiciary Square
441 Fourth Street, NW, Suite 450N
Washington, DC 20001-2714
TEL: (202) 442-9094
FAX: (202) 442-4789

2015 SEP 12 PM 4:22

IN THE MATTER OF

SURESH BARAL
Respondent

Case No.: 2014-DCRA-00064

FINAL ORDER

I. Introduction

On April 24, 2014, the Government, through the District of Columbia Board of Professional Engineering ("Board"), voted to serve a Notice of Intent to Revoke license ("Notice") against Respondent Suresh Baral. The Notice informed Respondent that the Government sought revocation of Respondent's license for violations of D.C. Official Code § 47-2853.17 and 17 DCMR 1517.

On September 25, 2014, the Board filed a copy of the Notice with this administrative court, along with a request from the Board for this administrative court to "conduct formal adjudication proceedings" in this matter. The file provided by the Board included a request for a hearing signed by the Respondent. The hearing was held on December 16, 2014. The Government was represented by Matthew J. Green, Jr, Assistant General Counsel for the Department of Consumer and Regulatory Affairs. Laurie Fowler, Coordinating Officer of the Board of Professional Engineers appeared as a witness for the Board. Petitioner did not appear.

This administrative court's Order scheduling the hearing was sent by first class mail to Respondent's last known address and was not returned as undeliverable. Therefore, Respondent received proper notice of these proceedings. See *Dusenberry v. United States*, 534 U.S. 161, 167-171 (2002); *Memnonite Board of Missions v. Adams*, 462 U.S. 791, 800 (1983); *McCaskill v. District of Columbia Dep't of Employment Servs.*, 572 A.2d 443, 445 (D.C. 1990); *Carroll v. District of Columbia Dep't of Employment Servs.*, 487 A.2d 622, 624 (D.C. 1985).

Based on the testimony of the witness, and the entire record, I now make the following findings of fact and conclusions of law.

III. Findings of Fact

On September 23, 2013, Petitioner's engineering license was revoked in Virginia, and fines were imposed. DCRA's Board of Administrators reviews applications for license renewal. At some time, Petitioner attempted to renew his engineering license in DC. DC issued a notice to revoke Petitioner's license on June 26, 2014.

IV. Conclusions of Law

DC Official Code § 47-2853.17 in pertinent part, provides that a licensing board may revoke a license where an applicant:

- (1) knowingly provides false or misleading information on or in support of an application or renewal application;
- (2) fraudulently or deceptively obtains, or attempts to obtain, a license or certificate, or to register, for another person;
- (3) fraudulently or deceptively uses a license, certificate, or registration;

(4) is disciplined by a licensing or disciplinary authority in another jurisdiction, or is convicted or disciplined by a court of any jurisdiction, for conduct that would be grounds for disciplinary action under this section

The government has proven by the preponderance of the evidence that Respondent violated DC Official Code § 47-2853.17, because he was disciplined in VA and his VA license was revoked. Accordingly, Petitioner's DC license shall be revoked.

It is this 12th day of February 2015:

ORDERED, that Petitioner's Engineering license shall be revoked; and it is further

ORDERED, that the reconsideration and appeal rights of any party aggrieved by this

Order are set forth below.


Audrey J. Jenkins
Administrative Law Judge

MOTIONS FOR RECONSIDERATION

Any party served with a final order may file a motion for reconsideration within ten (10) days of service of the final order in accordance with 1 DCMR 2828. When the final order is served by mail, five (5) days are added to the 10 day period in accordance with 1 DCMR 2812.5.

A motion for reconsideration shall be granted only if there has been an intervening change in the law; if new evidence has been discovered that previously was not reasonably available to the party seeking reconsideration; if there is a clear error of law in the final order; if the final order contains typographical, numerical, or technical errors; or if a party shows that there was a good reason for not attending the hearing.

The Administrative Law Judge has thirty (30) days to decide a motion for reconsideration. If a timely motion for reconsideration of a final order is filed, the time to appeal shall not begin to run until the motion for reconsideration is decided or denied by operation of law. If the Judge has not ruled on the motion for reconsideration and 30 days have passed, the motion is automatically denied and the 10 day period for filing an appeal to the D.C. Court of Appeals begins to run.

APPEAL RIGHTS

Pursuant to D.C. Official Code §§ 2-1831.16(c)-(e), any party suffering a legal wrong or adversely affected or aggrieved by this Order may seek judicial review by filing an original petition for review and six copies with the District of Columbia Court of Appeals at the following address:

Clerk
District of Columbia Court of Appeals
430 E Street, NW, Room 115
Washington, DC 20001
202-879-2700

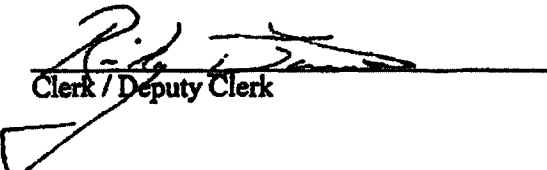
The petition for review (and required copies) may be mailed or delivered in person to the Clerk of the D.C. Court of Appeals, and must be received by the Clerk of the Court of Appeals within thirty (30) calendar days of the mailing date of this Order, pursuant to D.C. App. R. 15(a)(2). Information on petitions for review to the Court of Appeals can be found in Title III of the Rules of the District of Columbia Court of Appeals.

Certificate of Service:

By U.S. Mail (Postage Paid):

Suresh Baral
10875 Main Street
Suite 101
Fairfax, VA 22030-4732

I hereby certify that on 2-12, 2015
this document was caused to be served upon
the parties listed on this page at the
addresses listed
and by the means stated


Clerk / Deputy Clerk

By Inter-Agency Mail:

Charles E. Thomas
Interim General Counsel
Attn: Matthew J. Green, Jr.
Department of Consumer and
Regulatory Affairs
1100 4th Street, SW
Washington, DC 20024

Attachment 4

**Notice of Infraction, OAH Case File S703294
(Architectural Design Graphics, Zerhim, Benyam), dated August 18, 2014.**

GOVERNMENT OF THE DISTRICT OF COLUMBIA

NOTICE OF INFRACTION

Notice No.

S703294

Issuing Agency:

☐ DOH☐ DMH☒ DCRA☐ DDOE☐ FEMS☐ Other

Date of Service

10.2.14

Location of Infraction: 2626 TUNLAW ROAD, N.W., #304, WASH, D.C. 20007

Business/Company Name: Architectural Design Graphics

Individual Name (Last, First, Middle): Jeremiah BENJAMIN

Mailing/Email Address: 2626 TUNLAW ROAD #304

City: Washington, D.C. State: D.C. Zip Code: 20007

Business License/Permit Type: Business License/Permit No:

You are charged with violating the District of Columbia laws or regulations stated below. You MUST answer the charge within 15 calendar days of the date of service noted above (20 calendar days if you received this by mail). You must indicate below each infraction whether you ADMIT, ADMIT WITH EXPLANATION or DENY. Instructions on back.

If you DENY one or more of the infractions, you must appear for a hearing. You will receive a separate order from the Office of Administrative Hearings advising you where and when to appear for your hearing.

D.C. Official Code AND/OR D.C. Municipal Regulation Citation	Fine for Infraction
DC OFFICIAL Code 47-2853.02	\$ 2,000.00
Nature of Infraction: Practicing as an Architect w/o a valid license.	
Date of Infraction: 6/6/13	Time of Infraction: 11:00AM
Previous Infractions Committed: 1 2 3	
ANSWER: ☐ ADMIT (Pay Fine) ☐ DENY (Appear for a Hearing) ☐ ADMIT WITH EXPLANATION (Hearing by Mail)	
Signature: _____	

D.C. Official Code AND/OR D.C. Municipal Regulation Citation	Fine for Infraction
	\$
Nature of Infraction:	
Date of Infraction:	Time of Infraction:
Previous Infractions Committed: 1 2 3	
ANSWER: ☐ ADMIT (Pay Fine) ☐ DENY (Appear for a Hearing) ☐ ADMIT WITH EXPLANATION (Hearing by Mail)	
Signature: _____	

Total Fines and Penalties \$ 2,000.00

WARNING: If you fail to answer each charge on this Notice within 15 calendar days of the date of service (20 calendar days if you received this by mail), you will be subject to a penalty equal to twice the amount of the fine, in addition to the fine itself, and to the entry of a default order without additional notice. You also may be subject to other penalties and actions allowed by law including suspension or non-renewal of your license or permit, the sealing of your business, a lien being placed on your property, and attachment of your equipment. For information, call (202) 442-9094.

I personally declare under penalty of perjury that I observed and/or determined that the infraction(s) charged have been committed.

I further certify under penalty of perjury that (CHECK ONE):

☐ the Respondent is not in the military service of the United States.

☐ the Respondent is in the military service of the United States.

☒ I am unable to determine whether the Respondent is in the military service of the United States.

Inspector/Investigator's Signature: Steven S. Allen Steven G. Allen Date: 8/19/14 Badge/Identification Number: 31

sign my name below to acknowledge receipt of this Notice and not as an admission of guilt or liability to the charge(s) listed.

Inspector's Signature: JAH (WHITE) Respondent's Signature: Inspector's Signature: Enforcement (GOLDENROD)

2017 OCT 14 11:03

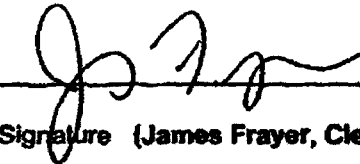
**DISTRICT OF COLUMBIA GOVERNMENT
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OFFICE OF CIVIL INFRACTIONS
1100 4th Street, SW, Suite E510
Washington, DC 20024**

Case No: S703294

CERTIFICATE OF SERVICE

I hereby certify that the attached Notice of Infraction and accompanying exhibits in Case No S703294 were served by first class U.S.mail postage prepaid on the respondent(s) at the address below, and by intra-office mail on all governmental parties on **OCTOBER 2, 2014**

**ARCHITECTURAL DESIGN GRAPHICS
ZERIHIM, BENYAM
2626 TUNLAW RD. N W # 304
WASHINGTON, D C 20007**



Signature (James Frayer, Clerical Assistant)

By Intra-office mail:

**Paul E. Waters, Esq
Department of Consumer and Regular Affairs
1100 4th Street, SW, Suite E510 Washington, D.C. 20024**

Attachment 5

Pictures of Square 1070 and Neighboring Area

Make Your Laws PAC, Inc. (FEC ID # C00529743)
% Nick Staddon, Secretary
122 Pinecrest Rd.
Durham, NC 27705

Federal Election Commission
Office of General Counsel
999 E Street, N.W.
Washington, DC 20463

Re: Advisory Opinion 2014-20 re. Foreign National Intellectual Property contributions

March 19, 2015

Dear Commissioners:

Thank you for approving AO 2014-20, and incorporating part 1 of our March 10 comment in the final draft. I'd also like to personally thank FEC counsel Neven Stipanović, Rachel Provencher, Amy Rothstein, and Robert Knop for their work.

Since there may be follow-up Commissioner statements regarding this AO, I'd like to briefly comment on the issues raised in today's meeting.

MYL PAC has no position on what kinds of foreign national services should or shouldn't be permitted. Our request was purely pragmatic, to ensure we obey the law while running an open source project.

We don't have any direct position on e.g. concert performances or recordings thereof, and we're not likely to benefit from one any time soon.

I believe that Commissioner Weintraub's analogy to Sir Elton John contributing the rights to *Candle in the Wind*¹ — or more closely, the distribution rights to a recording of the concert he performed for the Hillary Clinton campaign — is fairly apt. I also believe that Chair Ravel and Commissioner Goodman are correct that the IP is intertwined with the service; that is after all why we had to make this AOR, to ensure that we can accept such services.

Whether or not that service or contribution *should* be permitted is something we can't opine on, since it's a policy question not related to our core goals.

¹ (in a hypothetical where that song were newly made as part of a service)

However, in our March 2 comment, e.g. at p. 5, we distinguish between contributions of code (under the Internet activity exemption) and other kinds of IP such as logos (under the volunteer activity exemption). *Though we intend to accept both, they are reasonably severable.*

Also, the fact that the contribution of IP is *necessary* to use *volunteer* services to us is part of the material facts and circumstances of this AOR. Therefore, we understand this AO to not cover a contribution of pre-existing, paid-for, or costly IP. This significantly limits its scope for potential abuse of the sort that was of concern to Commissioner Weintraub.

Separately from this AO, a couple comments in closing:

I'd like to ask the Commission to change its draft publication policy, so that redlines of drafts (between both competing and successive versions) are published together with the drafts themselves, to make it easier for requesters and commenters to see the differences.

Publishing native electronic documents (and OCR'd PDFs of documents originally submitted by paper) would also be helpful, so that embedded links and screen reader accessibility are preserved.

Finally, on a more personal note, I'd like to thank all of you for a very positive experience working with both the Commission and its staff.

I understand that most people who come before the Commission are lawyers; I am not.

It's encouraging to find that even so, I've been able to make some contribution with AOs 2014-02 and 2014-20, and our comments on AOR 2013-15, AOR 2013-17, and REG 2014-01. I hope that this will be true of our forthcoming PfR and AORs as well.

In significant part due to my experience with the FEC, I'll be applying for law school this year, probably with a concentration in political law.

I look forward to talking with you all again about improving transparent politics in the Internet age.

Sincerely,
Sai
President & Treasurer
Make Your Laws PAC, Inc. (MYL PAC)

https://makeyourlaws.org/fec/volunteer_ip
sai@makeyourlaws.org

Make Your Laws PAC, Inc. (FEC ID # C00529743)
% Nick Staddon, Secretary
122 Pinecrest Rd.
Durham, NC 27705

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999 E Street, N.W.
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Sincerely,
Sai
President & Treasurer
Make Your Laws PAC, Inc. (MYL PAC)

https://makeyourlaws.org/fec/volunteer_ip
sai@makeyourlaws.org

Photos of Square 1070 and Adjacent Neighborhood



Photo #1 - View of the 1500 Block of A Street, NE.
(Square 1069, zoned R-4, is on the left; a portion of the “Northwest Quadrant” of Square 1070, zoned C-2-A, is on the right).



Photo # 2 - *View of the intersection at 15th and A Street, NE -- a portion of the "Northwest Quadrant" of Square 1070.*



Photo #3 - *View of the east side of the Unit Block of 15th Street, NE looking south -- a portion of the "Northwest Quadrant" of Square 1070.*



Photo #4 - *View of the east side of the Unit Block of 15th Street, NE looking south; A portion of the "Northwest Quadrant" of Square 1070 is on the left.*



Photo #5 - *View of the west side of the Unit Block of 15th Street, NE, looking north. The red brick structures are the historic outer shell walls of several trolley repair sheds at the Car Barn condominiums. Square 1070 is "to the right of the red car and across the street" and is out of frame.*