

Exhibit A

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



SERVICES VIA:
U.S. FIRST CLASS MAIL
ELECTRONIC MAIL OR
PERSONAL SERVICE

tarique@stonycreekhomes.com
Stephanie@primepermits.com
jaffar@stonycreekhomes.com
msullivan@sullivanbarros.com

Atlas Squared LLC
t/a Stony Creek Homes LLC
Registered Agent, Incorp Services, Inc.
1090 Vermont Avenue, N.W., Suite 910
Washington, D.C. 20005

NOTICE TO REVOKE BUILDING PERMIT NUMBER B1706219

This is official notice from the Department of Consumer and Regulatory Affairs (“DCRA/District”) that Building Permit Number B1706219 is revoked effective ten (10) business days (excluding Saturdays, Sundays and legal holidays) from the date of service of this notice. This action is taken pursuant to Title 12A, District of Columbia Municipal Regulations (DCMR) §105.6 (6), which authorizes the Director to revoke a permit that was issued in error.

On February 10, 2017, DCRA issued Building Permit No. B1706219 to Stony Creek Homes which authorized *a new addition as revision to building permit B1606543 and building permit B1512853 reflecting underpinning. Renovation of an existing single family dwelling unit to a 2-unit separate townhouse* at 1125 7th St NE., Washington, D.C. 20002. The construction of the third floor addition will be less than 10 feet from the neighbor’s chimney at 1123 7th Street, NE, resulting in noncompliance with the building code pursuant to 12A DCMR 3307.6 and IBC, Section 2113.9. DCRA determined that the permit owner should have obtained the adjoining property owner’s consent to raise the chimney or flue, or cap it before the issuance of the permit.

DCRA has determined that the Building Permit was issued in error. Accordingly, Building Permit No. B1706219 is hereby revoked.


RIGHT TO APPEAL

You have the right to appeal the revocation of your building permit within ten (10) business days (excluding Saturdays, Sundays and legal holidays) of receipt of this Notice to the Office of Administrative Hearings. 12A DCMR § 105.6.4. Should you appeal DCRA's decision, your appeal must be mailed to the Office of Administrative Hearings at 441 4th Street, N.W., Suite 450N, Washington, D.C. 20001. Alternatively, you may hand-deliver your appeal for a hearing to the Office of Administrative Hearings at 441 4th Street, N.W., Suite 450N, Washington, D.C. 20001. Additionally, if you file an appeal, please send a copy of your appeal to Assistant General Counsel Doris A. Parker-Woolridge at the Office of the General Counsel, Department of Consumer and Regulatory Affairs, 1100 4th Street, S.W., Suite 5266, Washington, D.C. 20024 and electronically to doris.parker-woolridge@dc.gov.

If you do not request a hearing within the time and manner specified in this notice (or fail to appear at a scheduled hearing), your permit will be immediately revoked without any further written notice.

Any questions about this Notice may be directed to Doris A. Parker-Woolridge, Assistant General Counsel at (202) 442-8407.

Date: April 13, 2017


Christopher Bailey
Deputy Building Official of Permits Operations
Building Permits Division

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



SERVICES VIA:
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tarique@stonycreekhomes.com
Stephanie@primepermits.com
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Atlas Squared LLC
t/a Stony Creek Homes LLC
Registered Agent, Incorp Services, Inc.
1090 Vermont Avenue, N.W., Suite 910
Washington, D.C. 20005

AMENDED NOTICE TO REVOKE BUILDING PERMIT NUMBER B1706219

This is an amended official notice reflecting the date of March 31, 2017 as the issued date of Building Permit No. B1706219. This is official notice from the Department of Consumer and Regulatory Affairs (“DCRA/District”) that Building Permit Number B1706219 is revoked effective ten (10) business days (excluding Saturdays, Sundays and legal holidays) from the date of service of this notice. This action is taken pursuant to Title 12A, District of Columbia Municipal Regulations (DCMR) §105.6 (6), which authorizes the Director to revoke a permit that was issued in error.

On March 31, 2017, DCRA issued Building Permit No. B1706219 to Stony Creek Homes which authorized *a new addition as revision to building permit B1606543 and building permit B1512853 reflecting underpinning. Renovation of an existing single family dwelling unit to a 2-unit separate townhouse* at 1125 7th St NE., Washington, D.C. 20002. The construction of the third floor addition will be less than 10 feet from the neighbor’s chimney at 1123 7th Street, NE, resulting in noncompliance with the building code pursuant to 12A DCMR 3307.6 and IBC, Section 2113.9. DCRA determined that the permit owner should have obtained the adjoining property owner’s consent to raise the chimney or flue, or cap it before the issuance of the permit.


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Any questions about this Notice may be directed to Assistant General Counsel Doris A. Parker-Woolridge at (202) 442-8407.

Date: April 11, 2017



Christopher Bailey
Interim Structural Supervisor, *CS*
Building Permits Division
Deputy Building Official of Permits Operations



Exhibit B

CRTR5925

Summary

<u>Case Number</u>	<u>Status</u>	<u>Judge</u>
2017 CSW 005568	Closed	EILPERIN, STEPHEN F
<u>In The Matter Of</u>	<u>Action</u>	
1123 SEVENTH ST NE WDC 20002	Search Warrant Filed	
<u>Party</u>	<u>Attorneys</u>	
1123 SEVENTH ST NE WDC 20002	CDEF	
<u>Opened</u>	<u>Disposed</u>	<u>Case Type</u>
11/08/2017	Closed-Search Warrant Returned	Search Warrant

Comments:

No.	Date of Pleadings Filed, Orders and Decrees Journal Book-Page-Nbr	Ref Nbr	Amount Owed/ Amount Dismissed	Balance Due
1	 11/17/17 Search Warrant Executed & Returned		0.00	0.00
2	11/13/17 Alert Served Srch Warr Filed served on: 11/13/2017 For: 1123 SEVENTH ST NE WDC 20002 WIN #: S002017		0.00	0.00
3	11/08/17 Alert Issued** Srch Warr Filed issued on: 11/08/2017 For: 1123 SEVENTH ST NE WDC 20002 Bond Amt: WIN #: S002017 Alert Conditions(s):		0.00	0.00
4	 11/08/17 Search Warrant Filed		0.00	0.00
Totals By: Information			0.00	0.00
*** End of Report ***				

17 CSO 5568

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
SEARCH WARRANT

TO: DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS INVESTIGATION OFFICIAL

(Specific Law Enforcement Officer or Classification of Officer of the Metropolitan Police Department or other Authorized Agency)

Affidavit, herewith attached, having been made before me by Deputy Chief Building Official Clarence G. Whitescarver On
Behalf of the District of Columbia Department of Consumer and Regulatory Affairs that he has probable cause to believe
that on the (person) (premises) (vehicle) (object) known as 1123 Seventh Street, N.E., Washington, D.C. 20002
The premises is described as a two-story, brick rowhouse

in the District of Columbia, there is now being concealed certain property, including both the physical plant and any documentary
Evidence the chimney or L-Vent visible on its roof was installed without the required permits from the Department of
Consumer and Regulatory Affairs, in violation of the Housing and Construction Code Regulations of the District of Columbia
as authorized by 12A D.C.M.R. §§ 105.1, 105.2, and § 3307.6, and any fuel-fired appliances that may be associated with that
chimney or vent, as well as of any other construction, permitted or otherwise, that may have been performed under the
building's current ownership.

which is necessary in order to confirm compliance with safety regulations and to protect public safety and as I am satisfied
(Alleged grounds for seizure)

that there is probable cause to believe that the property so described is being concealed on the above designated (person) (premises)
(vehicle) (object) and that the foregoing grounds for issuance of the warrant exist.

YOU ARE HEREBY AUTHORIZED within 10 days of the date of issuance of this warrant to search in the daytime/at any time of the
day or night, the designated (person) (premises) (vehicle) (object) for the property specified and if the property be found there.

YOU ARE COMMANDED TO SEIZE IT, TO WRITE AND SUBSCRIBE an inventory of the property seized, to leave a copy of this
warrant and return to file, a further copy of this warrant and return with the Court on the next Court day after its execution.

Issued this 8 day of August, 2017

[Signature]
Judge, Superior Court of the District of Columbia

RETURN

I received the above detailed warrant on _____, 20____ and have executed it as follows:
On _____, 20____, at _____ M., I searched the
(person) (premises) (vehicles) (object) described in the warrant and I left a copy of the warrant and return with _____
properly posted.
(Name of person searched or owner, occupant, custodian or person present at place of search)

The following is an inventory of the property taken pursuant to this warrant:

This inventory was made in the presence of _____

I swear that this is a true and detailed account of all property taken by me under this warrant.

Executing Officer

Subscribed and sworn to before me this _____ day of _____, 20____

Judge, Superior Court of the District of Columbia

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
AFFIDAVIT IN SUPPORT OF ADMINISTRATIVE SEARCH WARRANT

THE FOLLOWING ADMINISTRATIVE SEARCH WARRANT IS FOR THE INSPECTION OF THE ENTIRE PROPERTY KNOWN AS 1123 SEVENTH STREET, N.E., WASHINGTON, D.C. 20002.


I, Clarence G. Whitescarver, having been placed under oath, state the following:

- (1) I am over the age of 18 and competent to give testimony under oath.
- (2) I am employed as the Deputy Chief Building Official of the Inspections and Compliance Administration for the District of Columbia Department of Consumer and Regulatory Affairs (DCRA). I have been employed by DCRA for 7 years and 10 months. I am a Certified Building Official and I hold Eighteen (18) certifications with the International Code Council, including all trade disciplines and plan review, both commercial and residential. I have approximately 14 years of code compliance experience. My employment responsibilities include but are not limited to conducting inspections of housing and business structures within the District of Columbia to ensure compliance with all Housing or Construction Code Regulations of the District of Columbia. Said regulations are found within Title 12 and Title 14 of the District of Columbia Municipal Regulations (DCMR).
- (3) 1123 Seventh Street, N.E., is a residential, single-family, row house, owned by Mr. Kevin Cummins and Ms. Nicole Marie Devitt.
- (4) On March 31, 2017, Building Permit No. B1706219 was issued covering construction at 1125 Seventh Street, N.E.
- (5) In April 2017, DCRA received a request for the revocation of Building Permit No. B1706219 for, among other issues, the fact that it would lead to building within 10 feet of a chimney or vent, in violation of 12-E DCMR § 802.5.
- (6) On April 13, 2017, DCRA issued an Amended Notice to Revoke Building Permit B1706219, dated April 11, 2017, because the planned construction would be within 10 feet of the chimney or vent. Ex. A.
- (7) DCRA subsequently determined that no permit had been issued in recent years for a chimney or vent to be installed at 1123 Seventh Street, N.E. There have been additional allegations from the owners of 1125 Seventh Street, N.E., that there is other unpermitted and otherwise unlawful construction at 1123 Seventh Street, N.E.
- (8) On May 5, 2017, I sent an email to Mr. Cummins requesting access to inspect 1123 Seventh Street, N.E., offering to meet anytime, including weekends. Ex. B at 2. I received no answer. I repeated that request on May 9, 2017, and Mr. Cummins replied, denying my request. Ex. B at 1.
- (9) On May 18, 2017, DCRA Assistant General Counsel Doris Parker-Woolridge emailed Mr. Cummins twice, attempting to schedule an inspection of his property, 1123 Seventh Street,

N.E., to determine whether the chimney or vent had been properly installed or posed a threat to public safety. Mr. Cummins refused, responding by email that no inspection of his property was needed to determine whether Building Permit B1706219 should be revoked. Ex. C.

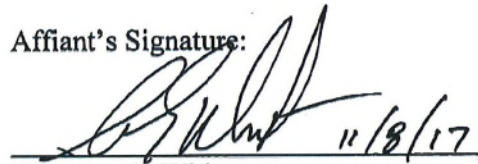
- (10) On May 19, 2017, I inspected the roof of 1123 Seventh Street, N.E., from the roof of 1125 Seventh Street, N.E., which I was inspecting pursuant to issuing a new Stop Work Order. On examination of the roof of 1123 Seventh Street, N.E., I saw coloration of the roof membrane surrounding the vent penetration that appeared new in contrast to the surrounding membrane and was layered on top, proving it was installed after laying the original membrane. The type-L vent cap showed no sign of being subjected to heat or soot from an attached appliance. The evidence strongly supports a conclusion that the installation of the type-L vent and any associated equipment is not compliant with the D.C. Building Code.
- (11) On September 19, 2017, I sent another email to Mr. Cummins, repeating the request. Ex. D. He did not respond to me but he complained of receiving the request in his September 26, 2017 testimony before the Council.
- (12) DCRA has now attempted to inspect 1123 Seventh Street, N.E., on at least three occasions and has been denied access each time. I believe there has been illegal construction, including the installation of the chimney or vent. An interior and exterior site inspection can provide DCRA with the information necessary to determine if there is an occupancy safety issue at 1123 Seventh Street, N.E.

Approved by:



Conrad Z. Risher
Assistant Attorney General

Affiant's Signature:



Clarence G. Whitescarver
Deputy Chief Building Official
Inspections and Compliance Administration
Department of Consumer & Regulatory Affairs

Judge, D.C. Superior Court

Sworn to and subscribed before me this _____ day of November 2017, in the District of Columbia.

19 (154) 5568

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



SERVICES VIA:
U.S. FIRST CLASS MAIL
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tarique@stonycreekhomes.com
Stephanie@primepermits.com
jaffar@stonycreekhomes.com
msullivan@sullivanbarros.com

Atlas Squared LLC
t/a Stony Creek Homes LLC
Registered Agent, Incorp Services, Inc.
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AMENDED NOTICE TO REVOKE BUILDING PERMIT NUMBER B1706219

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Exhibit A


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If you do not request a hearing within the time and manner specified in this notice (or fail to appear at a scheduled hearing), your permit will be immediately revoked without any further written notice.

Any questions about this Notice may be directed to Assistant General Counsel Doris A. Parker-Woolridge at (202) 442-8407.

Date: April 11, 2017


Christopher Bailey
Interim Structural Supervisor, *CWS*
Building Permits Division
Deputy Building Official of Permits Operations

17 CSEU 5568

Exhibit B

From: Kevin Cummins [mailto:kevin_cummins11@gmail.com]
Sent: Tuesday, May 09, 2017 2:10 PM
To: Whitescarver, Clarence (DCRA); Bolling, Melinda (DCRA)
Cc: Opkins, Nichole (Council); Allen, Charles (COUNCIL); Elissa Silverman; Hunt, Kelly (Council); Mendelson, Phil (COUNCIL); Powell, Randi (Council); rwhite@dccouncil.us; Strickland, Andre (Council); Eric Kerensky; Joel Kelty; Amy Stouffer; Eckenwiler, Mark (SMD 6C04)
Subject: Re: FW: Request that DCRA immediately revoke permit B1706219 (1125 7th ST NE)

Director Bolling, Inspector Whitescarver,

I decline your offer to meet at my home to "document [my] heating vent and to discuss [my] issues with the construction next door at 1125 7th St NE." You are already aware that this permit was not issued in accordance with building code requirements.

I reiterate my request that DCRA immediately revoke the improperly issued permit B1706219.

Sincerely,
Kevin
Kevin Cummins

On Tue, May 9, 2017 at 9:20 AM, Whitescarver, Clarence (DCRA) <clarence.whitescarver@dc.gov> wrote:

Good morning, Mr. Cummins –

I would like to reiterate my offer to meet you at your home in order to document your heating vent and to discuss your issues with the construction next door at 1125 7th St NE. Please advise if you would like to take me up on this offer and when you will be available if we are to meet.

Best regards,

Garret Whitescarver
Deputy Chief Building Official, *Acting*
Inspections and Compliance Administration
Dept. of Consumer and Regulatory Affairs
Government of the District of Columbia
1100 4th St SW, 4th Floor
Washington, DC 20024
(202) 481-3536 Office
(202) 579-0215 Cellular
clarence.whitescarver@dc.gov

STATEMENT OF CONFIDENTIALITY The information contained in this electronic message and any attachments to it are intended for the exclusive use of the addressee(s) and may contain confidential or privileged information. If you are not the intended recipient, please notify the sender immediately and destroy all copies of this message and any attachments.

Exhibit B

From: Whitescarver, Clarence (DCRA)
Sent: Friday, May 05, 2017 4:33 PM
To: 'Kevin Cummins'
Subject: RE: Request that DCRA immediately revoke permit B1706219 (1125 7th ST NE)

Good afternoon, Mr. Cummins –

If possible I would like to meet you at your property to discuss your issues with the construction site next door. One issue I would like to be able to verify for the record is the flue pipe connection through your roof to your equipment in the property.

We can meet at your convenience. I am also available to meet this weekend, if you prefer.

Please let me know if/when you would be available for such a meeting.

Best regards,

Garret Whitescarver

Deputy Chief Building Official, *Acting*
Inspections and Compliance Administration
Dept. of Consumer and Regulatory Affairs
Government of the District of Columbia
1100 4th St SW, 4th Floor
Washington, DC 20024
(202) 481-3536 Office
(202) 579-0215 Cellular
clarence.whitescarver@dc.gov

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Exhibit C

Parker-Woolridge, Doris (DCRA)

From: Kevin Cummins <kevin.cummins11@gmail.com>
Sent: Friday, May 19, 2017 6:07 PM
To: Bolling, Melinda (DCRA); Thomas, Charles (DCRA); Whitescarver, Clarence (DCRA); Parker-Woolridge, Doris (DCRA)
Cc: Opkins, Nichole (Council); Allen, Charles (COUNCIL); Elissa Silverman; Hunt, Kelly (Council); Mendelson, Phil (COUNCIL); Powell, Randi (Council); rwhite@dccouncil.us; Strickland, Andre (Council); Eric Kerensky; Joel Kelly; Amy Stouffer; Eckenwiler, Mark (SMD 6C04); Nadeau, Brianne K. (Council)
Subject: Request to revoke permit B1706219 (1125 7TH ST NE)

Director Bolling,

I would like to clear up some inaccuracies in the email sent to me yesterday by Ms. Parker-Woolridge from DCRA's Office of General Counsel.

I further wish to express how disappointed I am that you never informed me that DCRA issued a notice to revoke this permit on April 13th. It is stunning that while you were testifying before the D.C. Council in defense of the issuance of permit B1706219, your staff issued a notice to revoke the permit. Why did you never inform me of this contradiction?

Moreover, it troubles me that DCRA's notice to revoke the permit cites only a single construction code violation. The many other irregularities, building code and zoning violations associated with this permit are not mentioned in the copy of DCRA's notice. This document was provided to me by a lawyer for the owner of 1125 7TH ST NE. For example, DCRA does not cite the fact that this permit supposedly is a "revision" to two non-existent permits. It also does not show that DCRA apparently charged the applicant just \$36.30 for a permit to build two separate townhouses.

I further wish to express my dismay that Ms. Parker-Woolridge emailed me twice yesterday seemingly evening to schedule a DCRA inspection of my home this morning by Mr. Garrett Whitescarver. It is unnecessary for Mr. Whitescarver to inspect my property to evaluate whether permit B1706219 was issued in error. This follows your refusal to provide answers to me about the issuance of permit B1706219 until Mr. Whitescarver performs such an inspection inside my home.

Let me also clarify a few inaccuracies contained in Ms. Parker-Woolridge's email yesterday (included below):

I have not requested an OAH hearing for the same issue as the property owner of 1125 7TH ST NE. Atlas Squared LLC filed an OAH hearing request to appeal DCRA's Notice to Revoke permit B1706219 on the basis of a chimney violation. In contrast, my request for an OAH hearing is on the basis that DCRA issued permit B1706219 in error for a number of reasons, including:

1. Neighbor notification was not provided in accordance with Building Code Section 3307 (12A DCMR 3307);
2. The site plan submitted with the permit application does not accurately show the location of all existing construction on the site and distances from property lines in violation of Building Code Section 106.2.1;
3. The description of work for permit B1706219 states that it is a "Revision to building permit B1606543 and building permit B1512853 reflecting underpinning...." These earlier permit applications were either rejected or

cancel on October 3, 2016. So B1706219 cannot be a revision to B1606543 and B1512853, because those permits never existed;

Exhibit C

4. DCRA charged the applicants just \$36.30 for permit B1706219, a grossly deficient sum; and

5. The property developer listed on Permit B1706219, Stony Creek Homes, is not a registered business entity in DC, nor does it have a business license to operate legally here. A search for "Stony Creek Homes" returns no records from DCRA's Business License Verification website available at <https://eservices.dcr.dc.gov/BBLV/Default.aspx>.

While Atlas Squared LLC's appeal may be denied and the permit revoked based on the chimney violation alone, I am not willing to consolidate OAH cases nor waive the additional complaints and challenges to Building Permit B1706219 in my OAH request. That being said, I may be willing to agree to stay my case pending resolution of this Atlas Squared LLC's appeal. In doing so, my understanding is that I would not waive any of my claims against DCRA and the improper issuance of this permit. If Atlas Squared's appeal is successful, my case will not be moot since there are numerous other reasons that DCRA should revoke this permit immediately.

Thank you for your consideration and the courtesy of your written reply.

Sincerely,

Kevin

Kevin Cummins

On Thu, May 18, 2017 at 6:56 PM, Parker-Woolridge, Doris (DCRA) <doris.parker-woolridge@dc.gov> wrote:

Mr. Cummins,

I wanted to ensure that you receive this e-mail. The inspection will take place at 10:00 a.m. on May 19th.

Have a good evening.

Doris A. Parker-Woolridge
Assistant General Counsel
Office of the General Counsel
Department of Consumer and Regulatory Affairs
1100 4th Street, S.W., Suite 5266
Washington, D.C. 20024
[202-442-8407](tel:202-442-8407) (office)
[202-442-9447](tel:202-442-9447) (cell)
doris.parker-woolridge@dc.gov

Exhibit C

Confidentiality Notice: The information in this e-mail (including attachments, if any) is considered confidential and is intended only for the recipient(s) listed above. Any review, use, disclosure, distribution or copying of this e-mail is prohibited except by or on behalf of the intended recipient. If you have received this email in error, please notify me immediately by reply email, delete this email, and do not disclose its contents to anyone.

DCRA actively uses feedback to improve our delivery and services. Please take a minute to share your feedback on how we performed in our last engagement. Also, subscribe to receive DCRA news and updates.

From: Parker-Woolridge, Doris (DCRA)
Sent: Thursday, May 18, 2017 5:33 PM
To: 'Kevin Cummins'
Cc: Thomas, Charles (DCRA); Bolling, Melinda (DCRA); Whitescarver, Clarence (DCRA)
Subject: RE: OAH filing - case no. 2017-DCRA-00207

Mr. Cummins,

DCRA is in receipt of your Opposition Motion. You filed a requests for a hearing for the same issue, in which DCRA issued its Notice to Revoke the permit. You may be called as one of DCRA's witnesses as the neighboring property owner. I assume you would need the same witnesses that I have for my case. You cannot move to revoke a permit. However, you may appeal the validity of the issuance of the permit as you have done so. If the Court hears your case first, and your appeal is granted, then DCRA would move to revoke the permit.

If DCRA's case proceeds first, and its revocation is upheld, your issue would then be moot. The end result would be the same for DCRA and you. If you wanted to be an intervener in this pending matter, DCRA would not oppose because the parties and the issues are the same.

At this time, DCRA will let the Court make its decision on consolidating or hearing the matters separately.

Exhibit C

Mr. Whitescarver is conducting an inspection of the property at 1125 7th Street, N.W., on Friday, May 19, 2017, and he has a question concerning one of the issues that you raised in your complaint. Please call Mr. Whitescarver on 202-481-3536.

Please be advised that since this case is in litigation at OAH, all e-mails should be forwarded to DCRA's General Counsel Charles Thomas and me. I am also forwarding your e-mail to our General Counsel.

I look forward to speaking with you.

Thank you.

Doris A. Parker-Woolridge
Assistant General Counsel
Office of the General Counsel
Department of Consumer and Regulatory Affairs
1100 4th Street, S.W. , Suite 5266
Washington, D.C. 20024
202-442-8407 (office)
202-442-9447 (cell)
doris.parker-woolridge@dc.gov

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From: Kevin Cummins [<mailto:kevin.cummins11@gmail.com>]
Sent: Thursday, May 18, 2017 4:14 PM
To: Bolling, Melinda (DCRA); Parker-Woolridge, Doris (DCRA)
Subject: OAH filing - case no. 2017-DCRA-00207

Exhibit C

Director Bolling, Ms. Parker-Woolridge,

Please find attached the letter to Judge Jenkins I filed today for OAH case nos. 2017-DCRA-00207 and 2017-DCRA-00210 opposing consolidation of these cases.

Sincerely,

Kevin

Kevin Cummins

17 CRW 5568

Exhibit D

From: Whitescarver, Clarence (DCRA)
Sent: Tuesday, September 19, 2017 10:55 AM
To: 'Kevin Cummins'
Cc: Bolling, Melinda (DCRA); Underwood, Lynn (DCRA); Parker-Woolridge, Doris (DCRA)
Subject: 1123 7th St NE, Inspection Request

Good morning, Mr. Cummins –

DCRA again requests access to your property in order to determine the safety impact on your roof-mounted Type-L vent due to the proposed vertical construction at 1125 7th St NE. The purpose of this inspection will be to verify the type of equipment connected to this vent.

DCRA agrees to conduct the inspection at a date and time of your convenience, including Saturday or Sunday, with the caveat that we will need approximately 24-hour notice of the available appointment time you wish to use.

Please reply to this message at your earliest opportunity. If possible we would like to perform this site safety inspection before Monday, 9/25.

Thank you for your cooperation.

Garret Whitescarver
Deputy Chief Building Official, *Acting*
Inspections and Compliance Administration
Dept. of Consumer and Regulatory Affairs
Government of the District of Columbia
1100 4th St SW, 4th Floor
Washington, DC 20024
(202) 481-3536 Office
(202) 497-6028 Cellular
clarence.whitescarver@dc.gov

STATEMENT OF CONFIDENTIALITY The information contained in this electronic message and any attachments to it are intended for the exclusive use of the addressee(s) and may contain confidential or privileged information. If you are not the intended recipient, please notify the sender immediately and destroy all copies of this message and any attachments.

Exhibit C



Department of Consumer and Regulatory Affairs

Permit Operations Division

1100 4th Street SW

Washington DC 20024

Tel. (202) 442 - 4589 Fax (202) 442 - 4862



B

BUILDING PERMIT

THIS PERMIT MUST ALWAYS BE CONSPICUOUSLY DISPLAYED AT THE ADDRESS OF WORK UNTIL WORK IS COMPLETED AND APPROVED

Issue Date: 12/06/2017

PERMIT NO. B1802724

Expiration Date: 12/06/2018

Address of Project: 1123 7TH ST NE	Zone: RF-1	Ward: 6	Square 0886	Suffix:	Lot: 0034
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Description Of Work:
Remove existing pellet heater and install new ETL Listed pellet heater, connect to use existing rated flue.

Permission Is Hereby Granted To: Kevin Cummins	Owner Address: STACEY KEMPER 1123 7TH ST NE WASHINGTON, DC 20002-3614	PERMIT FEE: \$36.30
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Permit Type: New Building	Existing Use: Single Family Dwelling - R-3	Proposed Use: Single Family Dwelling - R-3	Building Construction Type TYPE V-B - Any Materials Permitted	Plans:
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Agent Name: Delaine Englebert	Agent Address: 43119 Center Chantilly, VA 20152	Existing Dwell Units:	Proposed Dwell Units: 1	No. of Stories: N/a	Floor(s) Involved: Floors (Specify)
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Conditions/ Restrictions:

This Permit Expires if no Construction is Started Within 1 Year or if the Inspection is Over 1 Year.

All Construction Done According To The Current Building Codes And Zoning Regulations;

As a condition precedent to the issuance of this permit, the owner agrees to conform with all conditions set forth herein, and to perform the work authorized hereby in accordance with the approved application and plans on file with the District Government and in accordance with all applicable laws and regulations of the District of Columbia. The District of Columbia has the right to enter upon the property and to inspect all work authorized by this permit and to require any change in construction which may be necessary to ensure compliance with the permit and with all the applicable regulations of the District of Columbia. Work authorized under this Permit must start within one(1) year of the date appearing on this permit or the permit is automatically void. If work is started, any application for partial refund must be made within six months of the date appearing on this permit.

Lead Paint Abatement

Whenever any such work related to this Permit could result in the disturbance of lead based paint, the permit holder shall abide by all applicable paint activities provisions of the 'Lead Hazard Prevention and Elimination Act of 2008' and the EPA 'Lead Renovation, Repair and Painting rule' regarding lead-based include adherence to lead-safe work practices. For more information, go to <http://ddoe.dc.gov>, Lead and Healthy Housing.

Director: Melinda Bolling	Permit Clerk Tyrone Thomas
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TO REPORT WASTE, FRAUD OR ABUSE BY ANY DC GOVERNMENT OFFICIAL, CALL THE DC INSPECTOR GENERAL AT 1-800-521-1639

FOR CONSTRUCTION INSPECTION INQUIRIES CALL (202) 442-9557

TO SCHEDULE INSPECTIONS PLEASE CALL (202) 442-9557.

Exhibit D

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Department of Consumer and Regulatory Affairs
Building Permit Division
1100 4th Street, S.W., 4th Floor
Washington, D.C. 20024



SERVICES VIA:
U.S. FIRST CLASS MAIL
ELECTRONIC MAIL AND/OR
PERSONAL SERVICE

Kevin Cummins and Nicole Devitt
1123 7th Street, N.E.
Washington, D.C. 2002-3614

Lindsay A. Thompson, Esq.
FRIEDLANDER MISLER PLLC
5335 Wisconsin Avenue, NW
Suite 600
Washington, D.C. 20015
lathompson@dclawfirm.com

SUMMARY CANCELLATION

This is official notice from the Department of Consumer and Regulatory Affairs ("DCRA/District") that Building Permit Number B1802724 is null and void and has been cancelled. This action is taken pursuant to Title 12A, District of Columbia Municipal Regulations (DCMR) §105.6 .1.1, which authorizes the Director to cancel a permit within 5 business days of issuance if that permit was issued erroneously as the result of an administrative error.


On December 6, 2017, DCRA issued Building Permit No. B1802724 to Kevin Cummins which authorized you "to remove an existing pellet heater and install a new ETL listed pellet heater, and connect to use existing rated flue" at 1123 7th Street, N.E., Washington, D.C. 20002. DCRA's records revealed that a permit was not issued for an installation of a flue at your property. Therefore, the existing flue was illegally constructed. This unpermitted flue is located less than 10 feet from the neighboring construction at 1125 7th Street, N.E., in violation of the

Title 12 B of the District of Columbia Municipal Regulations International Residential Code, Section M1804.2.4.

DCRA has determined based on the administrative error that Building Permit No. B1802724 is hereby cancelled. Upon receipt of this Notification, you are required to surrender the permit for cancellation, however the failure to surrender the permit voluntarily for cancellation shall not affect its invalidity and the permit shall be cancelled upon notification to you in accordance with 12 A DCMR 105.6.3

If you have any questions concerning this Notice, please contact my office at (202) 442-4533 or electronically send an e-mail to christopher.bailey@dc.gov.

Date: December 8, 2017


Christopher Bailey
Deputy Building Official of Permits Operations
Building Permits Division