

**DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT
441 4th Street, N.W.
Washington, D.C. 20001**

Appeal by Michael D. Hays
Appeal by DuPont East Civic Action Assoc.

BZA Appeal No. 20452
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**D.C. DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS’
PRAECEPTE JOINING PERSEUS TDC, LLC’S OPPOSITION TO APPELLANTS’
MOTION FOR EXPERT QUALIFICATION**

The D.C. Department of Consumer and Regulatory Affairs (“DCRA”), by and through counsel, and for its *Praecepte Joining in Perseus TDC, LLC’s Opposition to Appellants’ Motion for Expert Qualification*, states as follows:

DCRA hereby joins in Perseus TDC, LLC’s Opposition to Appellants’ Motion seeking to qualify James McCrery (“Mr. McCrery”) as an expert in D.C. Zoning Regulations. Mr. McCrery’s *Curriculum Vitae* (“CV”) fails to demonstrate that he qualifies as an expert in District zoning regulations. For example, Mr. McCrery claims to have instructed students in D.C. zoning regulations, however his CV fails to identify the title of any of his courses, nor does it state that he taught a course dedicated to D.C. Zoning Regulations. Furthermore, none of his presentations or published articles have addressed any zoning issue for any municipality—let alone the District. Moreover, Mr. McCrery lists a number of projects in the District in which claims he has “analyzed and advised,” however he fails to state what particular zoning issue(s) were analyzed and/or advised. The parties and Board are left to speculate as to the basis of his zoning expertise—outside of his architectural background for ecclesiastical structures. Mr. McCrery points to St. Dominic Church & Priory as a project demonstrating his prowess in zoning—however, his firm’s own

website declares that the project only dealt with “interior renovation.”¹ In short, Mr. McCrery’s expertise on zoning rests on his own self-serving statements.

Finally, Mr. McCrery, by his own admission, has not appeared in any capacity (as either an expert or witness) before either the BZA or the Zoning Commission in connection with *any project* in the District. Nor has Mr. McCrery been proffered as an expert (in either zoning or architecture) in any civil or administrative proceeding. Thus, although Mr. McCrery may have architectural experience, this alone fails to qualify him as an expert in D.C. zoning regulations.

WHEREFORE, DCRA respectfully requests that the Board deny the Motion.

Respectfully submitted,

/s/ Esther Yong McGraw

ESTHER YOUNG MCGRAW

General Counsel

Department of Consumer and Regulatory Affairs

/s/ Melanie Konstantopoulos

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¹ See, <https://www.mccreryarchitects.com/portfolio/saint-dominics-parish-church>. “McCrery Architects served Saint Dominic’s Parish by guiding *a series of interior improvements to the existing church* in Southwest Washington.”

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CERTIFICATE OF SERVICE

I certify that on this February 8, 2022, a copy of the foregoing was electronic mail to:

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