

The District of Columbia Home Rule Act, DC Code § 1–207.42. Open meetings, *requires this Commission to make transcripts of all of its public meetings*. Under DC Code § 1–207.42(b) “A written transcript or a transcription shall be kept for all such meetings [including hearings]...”

Open Meeting Act has been violated: § 2–578. of the *Open Meetings Act* states:

(a) All meetings¹ of public bodies, whether open or closed, shall be recorded by electronic means...

(b)(2) A copy of the full record, including any recording or transcript, ***shall be made available*** for public inspection as soon as practicable, but **no later than 7 business days after the meeting**. (Emphasis added)

Subtitle Z §104 TRANSCRIPTS OF PUBLIC MEETINGS AND HEARINGS states:

104.1 The transcripts of Commission public meetings and hearings are a matter of public record and shall be available through the Office of Zoning.

104.2 **The public meetings and hearings shall be reported** under the supervision of the presiding officer, **by transcription** or by other means, by an official reporter who may be designated by the Director or who may be an employee of the Office of Zoning.

104.3 The transcript prepared by the reporter shall be the sole official transcript of public meetings and hearings.

104.4 **Copies of the transcript will be made available by the Office of Zoning fourteen (14) days after the public meeting or hearing.** (Emphasis added)

¹ § 2–574. defines “meetings” to include hearings:

For the purposes of this subchapter, the term:

(1) “Meeting” means any gathering of a quorum of the members of a public body, including hearings and roundtables, whether formal or informal, regular, special, or emergency, at which the members consider, conduct, or advise on public business, including gathering information, taking testimony...

The below screenshots show the March 18, 2024 transcript is missing and has not been posted on IZIS as of April 12, 2024:

Transcripts		Transcripts	
Transcript Date	Meeting Type	Transcript Date	Meeting Type
02/23/2023	Public Meeting	01/08/2024	Public Hearing
06/26/2023	Public Hearing	01/18/2024	Public Hearing
11/20/2023	Public Hearing	01/29/2024	Public Hearing
12/14/2023	Public Meeting	02/12/2024	Public Hearing

First Previous 1 2 3 Next Last

First Previous 1 2 3 Next Last

Transcripts		
Transcript Date	Meeting Type	Action
02/26/2024	Public Hearing	View

Showing 9 to 9 of 9 entries

First Previous 1 2 3 Next Last

Videos

Related Videos	Action
Zoning Commission Public Meeting on 02/23/2023	View
Public Meeting Public Meeting on 02/23/2023	View
Zoning Commission Public Hearing on 06/26/2023	View
Public Hearing Public Hearing on 06/26/2023	View
Zoning Commission Public Hearing on 11/20/2023	View

62°F Partly sunny 5:01 PM 4/12/2024

In summary, the written transcript of the crucial March 18, 2024 hearing has not been filed and is not available to the parties. This transcript contains the testimony of all of the witnesses of the parties in opposition. The *Open Meetings Act* and the Zoning Commission's own regulations require the transcript to have been already filed. Subtitle Z §601 is unambiguous that no party can be made to file Findings of Fact less than 7 days after the transcript becomes available."

It is obvious that serious fairness issues and due process issues arise as a result of the March 18, 2024 transcript not being available, especially given the content of this transcript.

A new date needs to be set for the parties in opposition to file their Findings of Fact and Conclusions of Law after the March 18, 2024 transcript is made available.

For all the foregoing reasons Movants respectfully request the Commission grant this motion.

Respectfully submitted,

/s/ Edward V. Hanlon

Edward V. Hanlon, Esq. DC Bar No. 421789
Law Office of Edward V. Hanlon, Chartered
5510 Cherrywood Lane, Suite G
Greenbelt, Maryland 20770
(301) 466-4492
Ed.Hanlon.3@gmail.com
(Attorney for Dupont Circle Citizens Association)

/s/ Gregory Adams

Gregory Adams
2105 17th St NW
Washington, DC 20009
202 251-7843
Adams.gregory1@yahoo.com
(Representative for Black Neighbors of 1617 U St. NW)

/s/ Arlene Feskanich

Arlene Feskanich
1701 Seaton St NW
Washington, DC 20009
202 387-3681
Feskanicha@gmail.com
(Representative for Homeowners within 200 Feet of Lots 826 and 827)

/s/ Randall Jones

Randall Jones
2109 17th St NW
Washington, DC 20009
609 213-1875
rjj0302@gmail.com
(Representative for Randall Jones)

CERTIFICATE OF SERVICE

I certify that on this date one copy of the forgoing Motion was sent via email to the

Daniel Lyons
DMPED
Daniel.Lyons@dc.gov

Jennifer Steingasser, Deputy Director
Office of Planning
Jennifer.Steingasser@dc.gov

Joel Lawson
Office of Planning
Joel.Lawson@dc.gov

Office of Zoning
dcoz@dc.gov

ANC1B
1B@anc.dc.gov

ANC2B
2B@anc.dc.gov

/s/ Edward V. Hanlon
Edward V. Hanlon, Esq.

4/13/24
Date