

OFFICE OF CAMPAIGN FINANCE  
DISTRICT OF COLUMBIA BOARD OF ELECTIONS AND ETHICS

SUMMARY OF REGISTERED LOBBYISTS INFORMATION

The Director of Campaign Finance herewith publishes a summary of registered lobbyists' information submitted to the Office of Campaign Finance on or before August 15, 2003 by persons registered as lobbyists with the Director, pursuant to the District of Columbia Campaign Finance Reform and Conflict of Interest Act of 1974, as amended, D.C. Official Code § 1-1105.04 (2001 Edition).

A person is required to register as a lobbyist with the Director of Campaign Finance on or before January 15th each year, or not later than 15 days after becoming a lobbyist, if such person receives compensation or expends funds in an amount of \$250 or more in any three (3) consecutive calendar month period for communicating directly with any official in the legislative or executive branch of the District of Columbia government with the purpose of influencing any legislative action or an administrative decision. D.C. Official Code §§ 1-1105.02 and 1-1105.04(a).

If information, pertaining to a lobbyist registered with the Office of Campaign Finance, is not contained herein and/or if a person requires additional information regarding District of Columbia lobbying statutes, please contact the Office of Campaign Finance, at 2000-14th Street, N.W., Suite 420, Washington, D.C., 20009 or telephone at (202) 671-0547.

OFFICE OF CAMPAIGN FINANCE

Summary of Registered Lobbyists: July, 2003

| <i>LOBBYIST ID</i>                | <i>LOBBYISTNAME</i>       | <i>COMPENSATING REGISTRANT</i>    | <i>REGISTRANT DATE</i> |
|-----------------------------------|---------------------------|-----------------------------------|------------------------|
| <i>REGISTRANT NAME</i>            |                           | <i>ADDRESS</i>                    | <i>JAN DATE</i>        |
| <i>PERM ADDRESS</i>               |                           | <i>CITY STATE ZIP</i>             | <i>JULY DATE</i>       |
| <i>CITY STATE ZIP</i>             |                           | <i>NATURE OF LOBBYING</i>         | <i>TERM DATE</i>       |
| LB3001148                         | Mimi Castaldi             | AARP                              | 1/10/2003              |
| AARP                              | Carol A. Page             | 601 E Street, NW                  | 1/10/2003              |
| 601 E Street, NW                  |                           | Washington DC 20049               | 7/9/2003               |
| Washington DC 20049               |                           | Issues regarding health care      |                        |
| LB3001161                         | The Kerry S. Pearson, LLC | N/A                               | 1/16/2003              |
| ACS State & Local Solutions, Inc. |                           |                                   | 1/16/2003              |
| 1200 K Street, NW                 |                           |                                   | 7/16/2003              |
| Washington DC 20005               |                           | Parking and transportation issues | 1/30/1997              |
| LB3001018                         | Angela Lee                | AT & T Corporate                  | 1/15/2003              |
| AT & T Corp.                      | The Carmen Group          | 1120 - 20th Street, NW,#1000      | 1/14/2003              |
| 1120-20th Street, N.W. #1000      |                           | Washington, DC 20036              | 7/10/2003              |
| Washington, DC 20036              |                           | Telecommunications & Cable Issues |                        |

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| LB3001125                            | Joann Waiters                   | American Council of Life Insurance   | 1/13/2003              |
| American Council of Life Insurance   |                                 | 1001 Pennsylvania Avenue, N.W.       | 1/13/2003              |
| 101 Constitution Ave., N.W. St       |                                 | Washington, DC 20004-2599            | 7/10/2003              |
| Washington, DC 20001                 |                                 | Life/health ins., annuities etc.     |                        |
| LB3001171                            | Scott Henderson                 | N/A                                  | 1/10/2003              |
| Amerigroup District of Columbia      | Jane Thompson                   |                                      | 1/10/2003              |
| 750 First Street, SE, #1120          |                                 |                                      | 7/10/2003              |
| Washington DC 20004                  |                                 | Health insurance, medicaid topics    |                        |
| LB3001038                            | W. Shaun Parr                   | Apartment and Office Building Assoc. | 1/10/2003              |
| Apartment and Office Building Assoc. | Greenstein, DeLorme & Luchs, PC | 1050 17th Street, N.W. #300          | 1/10/2003              |
| 1050 17th Street, N.W. #300          | Margaret O. Jeffers             | Washington, DC 20036                 | 7/11/2003              |
| Washington, DC 20036                 |                                 | Matters regarding housing/taxes      |                        |
| LB3001219                            | Searetha Smith-Collins          | N/A                                  | 1/13/2003              |
| Apple Computer, Inc.                 |                                 |                                      | 1/13/2003              |
| 1 Infinite Loop                      |                                 |                                      | 7/11/2003              |

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| LB30C1023                              | Richard A. Newman   | The Phillips Collection                 | 12/11/2002             |
| Arent Fox Kintner Plotkin & Kahn, PLLC |                     | 1600 21st Street, NW                    | 1/10/2003              |
| 1050 Connecticut Avenue, NW            |                     | Washington DC 20009                     | 7/10/2003              |
| Washington, DC 20036                   |                     | Authorization of bond financing         |                        |
| LB30G1024                              | George Covucci      | Tregaron Limited Partnership            | 1/10/2003              |
| Arnold & Porter                        | Thorn Pozen         | 100 Ring Road West, #208                | 1/10/2003              |
| 555 12th Street, NW                    |                     | Garden City NY 11530                    | 7/10/2003              |
| Washington DC 20004                    |                     | Real Estate matters re: Tregaron Estate |                        |
| LB30H1024                              | N/A                 | Bear Saint Properties, Inc.             | 1/15/2003              |
| Arnold & Porter                        |                     | 1050 Thomas Jefferson Street,           |                        |
| 555 12th, NW                           |                     | Washington DC 20004                     | 7/10/2003              |
| Washington DC 20004                    |                     | GPO Site                                |                        |
| LB30I1024                              | Stephen Porter      | Trammell Crow Company                   | 1/15/2003              |
| Arnold & Porter                        | Michael Goodwin     | 1055 Thomas Jefferson Street,           |                        |
| 555 12th Street, NW                    |                     | Washington DC 20007                     | 7/10/2003              |

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| LB3001119                             | Patricia W. Marshall     | Bank of America                            | 12/18/2002             |
| Bank of America                       | Manatt Phelps & Phillips | 315 Montgomery Street, 8th Fl              | 1/9/2003               |
| 315 Montgomery Street, 8th Fl.        |                          | San Francisco CA 94104                     | 7/3/2003               |
| San Francisco CA 94104                |                          | Banking and financial institution issues   |                        |
| LB3001222                             | Stephen Porter           | Bear Saint Properties, Inc.                | 1/15/2003              |
| Bear Saint Properties, Inc.           | Michael Goodwin          | 1050 Thomas Jefferson Street,              |                        |
| 1050 Thomas Jefferson Street,         | Thorn Pozen              | Washington DC 20007                        | 7/10/2003              |
| Washington DC 20007                   |                          | GPO Site                                   |                        |
| LB3001151                             | Ron Linton               | William H. Hayden                          | 1/15/2003              |
| Bear, Stearns & Co. Inc.              |                          | 245 Park Avenue                            | 1/15/2003              |
| 245 Park Avenue                       |                          | New York NY 10167                          | 7/10/2003              |
| New York, NY 10167                    |                          | Underwriting DC bonds and commercial paper |                        |
| LB3001091                             | Robert Gunther           | Cable Telecomms. Assoc. of MD, DE & DC     | 1/9/2003               |
| Cable Telecomms Assoc. of MD, DE & DC | Wayne O'Dell             | 2530 Riva Road, Ste. 316                   | 1/9/2003               |
| 2530 Riva Road, Ste. 316              |                          | Annapolis MD 21401                         | 7/9/2003               |

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| LB3001225                                     | Paul Feola           | N/A   | 1/30/2003              |
| Carr Enterprises, LLC                         |                      |   | 1/30/2002              |
| 1750 H Street, NW, Ste. 500                   |                      |   | 7/10/2003              |
| Washington DC 20006                           |                      | Alley Closing legislation                           |                        |
| LB3001059                                     | Jacqueline D. Bowens | N/A   | 1/15/2003              |
| Children's National Medical Center            | Greta Todd           |   | 1/10/2003              |
| 111 Michigan Avenue                           |                      |   | 7/10/2003              |
| Washington, DC 20010                          |                      | Health Care Issues                                  |                        |
| LB3001157                                     | David Wilmot         | N/A   | 1/10/2003              |
| Cingular Wireless                             |                      |   | 1/10/2003              |
| 1818 N Street, NW                             |                      |   | 7/11/2003              |
| Washington DC 20036                           |                      | Legislative matters of concern to Cingular Wireless |                        |
| LB3001165                                     | Robert Pohlman       | N/A   | 1/24/2003              |
| Coalition for Non-profit Housing & Econ. Dev. | David Wiley          |   | 1/24/2003              |
| 5 Thomas Circle, NW Rm 209                    |                      |   | 7/29/2003              |

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| LB3001190                        | John Ray            | N/A                                       | 1/9/2003               |
| D.C. Chartered Health Plan, Inc. |                     |   | 1/9/2003               |
| 1101 15th Street, NW             |                     |   | 7/10/2003              |
| Washington DC 20005              |                     | Provision of Health care services in D.C. |                        |
| LB3001026                        | C. Jay Brown        | D.C. Dental Society                       | 1/3/2003               |
| D.C. Dental Society              |                     | 502 C Street, N.E.                        | 1/3/2003               |
| 502 C Street, N.E.               |                     | Washington, DC 20002-5810                 | 7/16/2003              |
| Washington, DC 20002-58          |                     | Healthcare issues                         |                        |
| LB3001092                        | Robert Malson       | D.C. Hospital Association                 | 1/10/2003              |
| D.C. Hospital Association        | Joan Lewis          | 1250 Eye Street, NW Suite 700             | 1/10/2003              |
| 1250 Eye Street, NW Suite 700    | Debi Tucker         | Washington, DC 20005-3922                 | 7/7/2003               |
| Washington, DC 20005-39          |                     | Matters affecting hospital services       |                        |
| LB3001019                        | Lawrence E. Berman  | D.C. Insurance Federation                 | 1/10/2003              |
| D.C. Insurance Federation        |                     | 50 F Street, NW, Suite 600                | 1/10/2003              |
| 50 F Street, NW, Suite 600       |                     | Washington DC 20001                       | 7/10/2003              |

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| LB3001002                      | David Wilmot        | PEPCO                                  | 1/10/2003              |
| David Wilmot                   |                     | 1900 Pennsylvania Ave., N.W.           | 1/10/2003              |
| 1010 Vermont Avenue, N.W. #810 |                     | Washington, DC 20005                   | 7/11/2003              |
| Washington, DC 20005           |                     |  |                        |
| LB30L1002                      | David Wilmot        | Fannie Mae                             | 1/14/2003              |
| David Wilmot                   |                     | 3900 Wisconsin Ave., N.W.              | 1/10/2003              |
| 1010 Vermont Ave., N.W., #810  |                     | Washington, DC 20036                   | 7/11/2003              |
| Washington, DC 20005           |                     | All legislative matters re: Fannie Mae |                        |
| LB30M1002                      | David Wilmot        | Hotel Association of Washington, D.C.  | 1/14/2003              |
| David Wilmot                   |                     | 1201 New York Ave., N.W.               | 1/10/2002              |
| 1010 Vermont Ave., N.W., #810  |                     | Washington, DC 20005                   | 7/11/2003              |
| Washington, DC 20005           |                     | Matters re: The Hotel Industry         |                        |
| LB30O1002                      | David Wilmot        | Anheuser Busch Companies, Inc.         | 1/14/2003              |
| David Wilmot                   |                     | 1776 Eye Street, NW, Ste 200           | 1/10/2003              |
| 1010 Vermont Ave. N.W. #810    |                     | Washington, DC 20006                   | 7/11/2003              |

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| LB30Q1002                    | David Wilmot            | Worldcom Corporation                 | 1/14/2003              |
| David Wilmot                 |                         | 1133 - 19th Street, N.W.             | 1/14/2003              |
| 1010 Vermont Ave., N.W.,#810 |                         | Washington, DC 20036                 | 7/11/2003              |
| Washington, DC 20005         |                         | Telecommunication industry matters   |                        |
| LB3001082                    | Ellen Valentino-Benitez | MD-DE-DC Soft Drink Assoc.           | 1/13/2003              |
| Ellen Valentino-Benitez      |                         | 3 Church Circle, Suite 201           | 1/13/2003              |
| 12 Francis Street            |                         | Annapolis, MD 21401                  | 7/9/2003               |
| Annapolis, MD 21401          |                         | Issues affecting soft drink industry |                        |
| LB3001160                    | Frank D. Boston, III    | Krafts Foods, Inc.                   | 1/15/2003              |
| Frank D. Boston, III         |                         | P.O. Box 26603                       | 1/10/2003              |
| Village Square One Suite 169 |                         | Richmond VA 23261                    | 7/10/2003              |
| Baltimore MD 21210           |                         | Food Issues                          |                        |
| LB30B1160                    | Frank D. Boston, III    | Philip Morris Management Corp.       | 1/15/2003              |
| Frank D. Boston, III         |                         | P.O. Box 26603                       | 1/10/2003              |

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| LB3001027                          | Larry E. Hinton        | Government Employees Insurance Co.    | 1/10/2003              |
| Government Employees Insurance Co. |                        | One GEICO Plaza                       | 1/10/2003              |
| One GEICO Plaza                    |                        | Washington, DC 20076                  | 7/10/2003              |
| Washington, DC 20076               |                        | Property/Casualty Insurance           | 1/13/1998              |
| LB3001016                          | Robert Peck            | Greater Washington Board of Trade     | 1/10/2003              |
| Greater Washington Board of Trade  | William Lecos          | 1129 - 20th Street, N.W.,#200         | 1/10/2003              |
| 1129 20th Street, N.W.,Ste.200     | Mary Rudolph           | Washington, DC 20036                  | 7/10/2003              |
| Washington, DC 20036               |                        | Legislative business decisions        |                        |
| LB3001109                          | Abraham J. Greenstein  | Washington DC Association of Realtors | 1/13/2003              |
| Greenstein, DeLorme & Luchs, P.C.  | Vincent Mark J. Policy | 1400 Eye Street, N. W., #400          | 1/13/2003              |
| 1620 L Street, N.W. Suite 900      | Richard W. Luchs       | Washington, DC 20005                  | 8/4/2003               |
| Washington, DC 20036-56            |                        | Legislation:real estate, housing etc. |                        |
| LB30G1159                          | Max Brown              | Washington Baseball Club              | 1/27/2003              |
| Group 360, LLC                     |                        | 1919 M Street, NW, 2nd Floor          | 1/8/2003               |
| 3208 O Street, NW                  |                        | Washington DC 20036                   | 8/4/2003               |

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| LB3011159                          | Max Brown           | The Edmund Burke School                                | 1/27/2003              |
| Group 360, LLC                     |                     | 2955 Upton Street, Nw                                  | 1/8/2003               |
| 3208 Q Street, NW                  |                     | Washington DC 20008                                    | 7/9/2003               |
| Washington DC 20007                |                     | Land Issues  |                        |
| LB3001199                          | John L. Ray         | N/A  | 1/9/2003               |
| H Street Investment Corporation    |                     |  | 1/9/2003               |
| 501 H Street, NE                   |                     |  | 7/7/2003               |
| Washington DC 20002                |                     | Development project and contracts                      |                        |
| LB3001191                          | John L. Ray         | N/A  | 1/13/2003              |
| H2O Entertainment Group, Inc.      |                     |  | 1/13/2003              |
| 2111 Wilson Blvd, Suite 232        |                     |  | 7/10/2003              |
| Arlington VA 22201                 |                     | Assistance re: arrangement for the Washington Marathon |                        |
| LB3001080                          | Jeff Tindall        | Health Insurance Assoc. of America                     | 1/8/2003               |
| Health Insurance Assoc. of America |                     | 1201 F Street, NW, Suite #500                          | 1/8/2003               |
| 1201 F Street, NW #500             |                     | Washington DC 20004                                    | 7/9/2003               |

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| LB30Y1120                    | Douglas J. Patton   | Xspand   | 1/15/2003              |
| Holland & Knight, LLP        |                     | 35 Airport Road, Suite 150                     | 1/15/2003              |
| 2099 Pennsylvania Avenue, NW |                     | Morristown NJ 07960                            | 7/11/2003              |
| Washington DC 20006          |                     | Securing the DC-TLC Trust                      |                        |
| LB3AA1120                    | Douglas J. Patton   | HRGM Corp.                                     | 1/15/2003              |
| Holland & Knight, LLP        |                     | 2020 Shannon Place, SE                         | 1/15/2003              |
| 2099 Pennsylvania Avenue, NW |                     | Washington DC 20020                            | 7/10/2003              |
| Washington DC 20006          |                     | Regarding construction and development in D.C. |                        |
| LB3AD1120                    | Douglas J. Patton   | Premier Yachts d/b/a/ Odyssey Cruises          | 1/15/2003              |
| Holland & Knight, LLP        |                     | 600 Water Street, SW                           | 1/15/2003              |
| 2099 Pennsylvania Avenue, NW |                     | Washington DC 20024                            | 7/10/2003              |
| Washington DC 20006          |                     | Tax issues in D.C.                             |                        |
| LB3AF1120                    | Doug J. Patton      | Miller & Long                                  | 1/31/2003              |
| Holland & Knight, LLP        | Rod Woodson         | 4824 Rugby Avenue                              | 1/15/2003              |
| 2099 Pennsylvania Avenue, NW |                     | Bethesda MD 20814                              | 7/10/2003              |

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| LB3AJ1120                     | Douglas J. Patton   | The Wash. Ctr. for Internships & Acad. Sem. | 1/15/2003              |
| Holland & Knight, LLP         |                     | 2301 M Street, NW, 5th Floor                |                        |
| 2099 Pennsylvania Ave., NW    |                     | Washington DC 20037                         | 7/10/2003              |
| Washington DC 20006           |                     | Re: Acquisition of Land and Buildings       |                        |
| LB3AK1120                     | Douglas J. Patton   | Dupont                                      | 1/15/2003              |
| Holland & Knight, LLP         |                     | 601 Penn., Avenue, NW, Ste. 32              | 1/15/2003              |
| 2099 Pennsylvania Ave., NW    |                     | Washington DC 20004                         | 7/10/2003              |
| Washington DC 20006           |                     | Re: Building Security Issues                |                        |
| LB3AQ1120                     | Douglas J. Patton   | The Hawthorn Group, L.C.                    | 1/15/2003              |
| Holland & Knight, LLP         | Roderic L. Woodson  | 1199 North Fairfax Street                   | 1/15/2003              |
| 2099 Pennsylvania Avenue, NW, |                     | Alexandria VA 22314                         | 7/10/2003              |
| Washington DC 20004           |                     | Health Issues in the DC                     |                        |
| LB3AS1120                     | Douglas J. Patton   | Studio Theatre                              | 1/15/2003              |
| Holland & Knight, LLP         |                     | 1333 P Street, NW                           | 1/15/2003              |
| 2099 Pennsylvania Ave. NW     |                     | Washington. DC 20005                        | 7/10/2003              |

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| LB3PAL112                    | Douglas J. Patton   | Florida Rock Properties                    | 1/15/2003              |
| Holland & Knight, LLP        |                     | 34 Loveton Circle, Ste. 100                | 1/15/2003              |
| 2099 Pennsylvania Avenue, NW |                     | Sparks MD 21152                            | 7/10/2003              |
| Washington DC 20006          |                     | Re: Anacostia River Development            |                        |
| LB3PAP112                    | Douglas J. Patton   | Lincoln Property Company                   | 1/15/2003              |
| Holland & Knight, LLP        |                     | 101 Constitution Ave., NW,                 | 1/15/2003              |
| 2099 Pennsylvania Avenue, NW |                     | Washington DC 20001                        | 7/10/2003              |
| Washington DC 20006          |                     | Re: Assistance with Maritime Plaza Project |                        |
| LB3PAR112                    | Douglas J. Patton   | Landmark Organization                      | 1/15/2003              |
| Holland & Knight, LLP        |                     | 1700 Rio Grande                            | 1/15/2003              |
| 2099 Pennsylvania Ave., NW   |                     | Austin, TX 78701                           | 7/10/2003              |
| Washington DC 20006          |                     | For Convention Site                        |                        |
| LB3PAT112                    | Douglas J. Patton   | Universal Martial Arts Center              | 1/15/2003              |
| Holland & Knight, LLP        |                     | 7616 Georgia Avenue, NW                    | 1/15/2003              |
| 2099 Pennsylvania Ave. NW    |                     | Washington DC 20012                        | 7/10/2003              |

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| <i>LOBBYIST ID</i>                          | <i>LOBBYISTNAME</i> | <i>COMPENSATING REGISTRANT</i>     | <i>REGISTRANT DATE</i> |
|---|---------------------|------------------------------------|------------------------|
| <i>REGISTRANT NAME</i>                      |                     | <i>ADDRESS</i>                     | <i>JAN DATE</i>        |
| <i>PERM ADDRESS</i>                         |                     | <i>CITY STATE ZIP</i>              | <i>JULY DATE</i>       |
| <i>CITY STATE ZIP</i>                       |                     | <i>NATURE OF LOBBYING</i>          | <i>TERM DATE</i>       |
| LB30G1120                                   | Douglas J. Patton   | William Calomiris Investment Corp. | 1/15/2003              |
| Holland & Knight, LLP                       |                     | 1112 16th Street, NW               | 1/28/2002              |
| 2099 Pennsylvania Avenue, NW                |                     | Washington, DC 20036               | 7/10/2003              |
| Washington, DC 20006                        |                     | Zoning and land use matters in DC  |                        |
| LB3PAO112                                   | Douglass Patton     | Columbia Hospital for Women        | 1/15/2003              |
| Holland & Knigh, LLP                        |                     | 2425 L Street, NW                  | 1/15/2003              |
| 2099 Pennsylvania Avenue, NW                |                     | Washinton DC 20037                 | 7/10/2003              |
| Washington DC 20006                         |                     | Re: Closure of Columbia Hospital   |                        |
| LB3001133                                   | Rick Powell         | Hotel & Restaurant Emp. Local 25   | 1/15/2003              |
| Hotel & Restaurant Employees, Local 25      |                     | 1003 K Street, N.W. 7th Floor      | 1/15/2003              |
| 1003 K Street, N.W. 7th Floor               |                     | Washington, DC 20001               | 7/10/2003              |
| Washington, DC 20001                        |                     | Noise Bill/related labor issues    |                        |
| LB3001051                                   | David W. Wilmot     | Members of the Hotel Association   | 1/10/2003              |
| Hotel Association of Washington, D.C., Inc. |                     | 1201 New york Ave NW Suite 601     | 1/10/2003              |
| 1201 New York Ave NW Suite 601              |                     | Washington DC 20005                | 7/10/2003              |

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| <i>LOBBYIST ID</i>                               | <i>LOBBYISTNAME</i>  | <i>COMPENSATING REGISTRANT</i>               | <i>REGISTRANT DATE</i> |
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| <i>REGISTRANT NAME</i>                           |                      | <i>ADDRESS</i>                               | <i>JAN DATE</i>        |
| <i>PERM ADDRESS</i>                              |                      | <i>CITY STATE ZIP</i>                        | <i>JULY DATE</i>       |
| <i>CITY STATE ZIP</i>                            |                      | <i>NATURE OF LOBBYING</i>                    | <i>TERM DATE</i>       |
| LB3001031  | Tonya Vidal Kinlow   | Kaiser Foundation Health Plan of the MidAtla | 1/15/2003              |
| Kaiser Foundation Health Plan of the Mid-Atlanti | Gail M. Thompson     | 2101 E. Jefferson Street                     | 1/10/2003              |
| 2101 E. Jefferson Street                         |                      | Rockville, MD 20852                          | 7/10/2003              |
| Rockville, MD 20852                              |                      | Healthcare, Business regulations             |                        |
| LB3001053  | Frank D. Boston, III | Kraft Foods North America, Inc.              | 1/15/2003              |
| Kraft Foods North America, Inc.                  | Dan Colegrave        | P.O. Box 26603                               | 1/10/2003              |
| P.O. Box 26603                                   | Mary Eva Candon      | Richmond VA 23261                            | 7/3/2003               |
| Richmond VA 23261                                |                      | Matters relating to food products            |                        |
| LB3001170  | N/A                  | Nationwide Insurance                         | 1/16/2003              |
| Lars Kristiansen                                 |                      |  | 1/16/2003              |
| 1997 Annapolis Exchange Pkwy.                    |                      |  | 7/3/2003               |
| Annapolis MD 21401                               |                      | Insurance, financial products                |                        |
| LB3001036  | Leo W. Doyle         | National Assoc. of Independent Insurers      | 1/13/2003              |
| Leo W. Doyle                                     |                      | 2600 River Road,                             | 1/13/2003              |
|  |                      | Rockville, MD 20852                          | 7/10/2003              |

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| <i>LOBBYIST ID</i>             | <i>LOBBYISTNAME</i> | <i>COMPENSATING REGISTRANT</i>                               | <i>REGISTRANT DATE</i> |
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| <i>PERM ADDRESS</i>            |                     | <i>CITY STATE ZIP</i>  | <i>JULY DATE</i>       |
| <i>CITY STATE ZIP</i>          |                     | <i>NATURE OF LOBBYING</i>                                    | <i>TERM DATE</i>       |
| LB30O1009                      | John Ray            | H Street Investment Corporation                              | 1/7/2003               |
| Manatt Phelps & Phillips       |                     | 501 H Street, NW   | 1/7/2003               |
| 1501 M Street, NW              |                     | Washington DC 20002  | 7/10/2003              |
| Washington DC 20005            |                     | Re: Government-Assisted Development Project                  |                        |
| LB30F1009                      | John Ray            | D.C. Chartered Heath Plan, Inc.                              | 1/7/2003               |
| Manatt Phelps & Phillips,      | Margaret Gentry     | 1101 15th Street, NW   | 1/7/2003               |
| 1501 M Street, NW              |                     | Washington DC 20005  | 7/10/2003              |
| Washington DC 20005            |                     | Contract an policy matters re: provision health care service |                        |
| LB30Q1009                      | John Ray            | Sam Wang Produce, Inc.                                       | 1/7/2003               |
| Manatt, Phelps & Phillips, LLC |                     |  | 1/7/2003               |
| 1501 M Street, NW              |                     |  | 7/10/2003              |
| Washington DC 20005            |                     | Proposal for disposition                                     |                        |
| LB30R1009                      | N/A                 | Medias & Regies Europe                                       | 1/7/2003               |
| Manatt, Phelps, & Phillips     |                     | 1375 East 9th St., Ste. 2810                                 | 1/7/2003               |
| 1501 M Street, NW              |                     | Cleveland OH 44114   | 7/10/2003              |

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| <i>LOBBYIST ID</i>                 | <i>LOBBYISTNAME</i>            | <i>COMPENSATING REGISTRANT</i>       | <i>REGISTRANT DATE</i> |
|------------------------------------|--------------------------------|--------------------------------------|------------------------|
| <i>REGISTRANT NAME</i>             |                                | <i>ADDRESS</i>                       | <i>JAN DATE</i>        |
| <i>PERM ADDRESS</i>                |                                | <i>CITY STATE ZIP</i>                | <i>JULY DATE</i>       |
| <i>CITY STATE ZIP</i>              |                                | <i>NATURE OF LOBBYING</i>            | <i>TERM DATE</i>       |
| LB3001194                          | Ronnie L. Johnson              | Community Loans of America, Inc.     | 1/9/2003               |
| McGlinchey Stafford, PLLC          | J. Michael Cutshaw             | 8601 Dunwoody Place, Suite 406       | 1/9/2003               |
| One American Pl, 9th Flr.          | Deborah Duplechin Harkins      | Atlanta GA 30350                     | 7/2/2003               |
| Baton Rouge LA 70825               |                                | Lending Law Compliance Issues        |                        |
| LB3001005                          | Barbara Allen                  | Medical Society of DC                | 1/9/2003               |
| Medical Society of DC              | K. Edward Shanbacker           | 2175 K Street, NW, #200              | 1/9/2003               |
| 2175 K Street, NW, #200            | Scott Henderson                | Washington, DC 20037                 | 7/9/2003               |
| Washington, DC 20037               | Dianne Bricker                 | Health Care Issues                   |                        |
| LB3001094                          | Greenstein, DeLorme & Luchs, P | Mortgage Bankers Assoc.of Metro DC   | 1/15/2003              |
| Mortgage Bankers Assoc of Metro DC |                                | 4424 Montgomery Ave., #102           | 1/15/2003              |
| P. O. Box 1522                     |                                | Bethesda, MD 20814                   | 7/9/2003               |
| Olney MD 20830-15                  |                                | Legis.matters/mortgage banking in DC |                        |
| LB3001044                          | Paul L. Pascal                 | D.C.Assoc.of Bev.Alcohol Wholesalers | 1/8/2003               |
| Paul L. Pascal                     |                                | 1008 Pennsylvania Ave.,S.E.          | 1/8/2003               |
| 1008 Pennsylvania Ave. S.E.        |                                | Washington, DC 20003                 | 7/15/2003              |

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| <i>LOBBYIST ID</i>               | <i>LOBBYISTNAME</i>  | <i>COMPENSATING REGISTRANT</i>       | <i>REGISTRANT DATE</i> |
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| <i>REGISTRANT NAME</i>           |                      | <i>ADDRESS</i>                       | <i>JAN DATE</i>        |
| <i>PERM ADDRESS</i>              |                      | <i>CITY STATE ZIP</i>                | <i>JULY DATE</i>       |
| <i>CITY STATE ZIP</i>            |                      | <i>NATURE OF LOBBYING</i>            | <i>TERM DATE</i>       |
| LB3001043                        | Dan Colegrove        | Philip Morris USA, Inc.              | 1/15/2003              |
| Philip Morris USA, Inc.          | Frank D. Boston, III | 101 Constitution Ave., NW,#400       | 1/10/2003              |
| 101 Constitution Ave., NW,#400   | Mary Eva Candon      | Washington DC 20001                  | 7/9/2003               |
| Washington DC 20001              |                      | Matters relating to tobacco products |                        |
| LB3001012                        | Beverly Perry        | Potomac Capital Investment Corp.     | 1/10/2003              |
| Potomac Capital Investment Corp. | Theodore E. Trabue   | 1801 K Street, N.W. #900             | 1/10/2003              |
| 1801 K Street, NW #900           |                      | Washington, DC 20006                 | 7/7/2003               |
| Washington, DC 20006             |                      | Matters re:Real Estate               |                        |
| LB3001011                        | Theodore E. Trabue   | N/A                                  | 1/10/2003              |
| Potomac Electric Power Company   |                      |                                      | 1/10/2003              |
| 701 Ninth Stret, NW              |                      |                                      | 7/7/2003               |
| Washington, DC 20036             |                      | Matters concerning PEPCO             |                        |
| LB30A1011                        | John M. Derrick, Jr. | Potomac Electric Power Company       | 1/10/2003              |
| Potomac Electric Power Company   | William T. Torgerson | 1900 Pennsylvania, N.W. #804         | 1/10/2003              |
| 701 Ninth Street, NW             | Beverly Perry        | Washington DC 20068                  | 7/11/2003              |

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| <i>LOBBYIST ID</i>     | <i>LOBBYISTNAME</i> | <i>COMPENSATING REGISTRANT</i>           | <i>REGISTRANT DATE</i> |
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| <i>REGISTRANT NAME</i> |                     | <i>ADDRESS</i>                           | <i>JAN DATE</i>        |
| <i>PERM ADDRESS</i>    |                     | <i>CITY STATE ZIP</i>                    | <i>JULY DATE</i>       |
| <i>CITY STATE ZIP</i>  |                     | <i>NATURE OF LOBBYING</i>                | <i>TERM DATE</i>       |
| LB3001134              | Rick Powell         | Hotel Restaurant Employees Local 25      | 1/15/2003              |
| Rick Powell            |                     | 1003 K Street, NW,7th Flr.               | 1/15/2003              |
| 1013 48th Place, NE    |                     | Washington, DC 20001                     | 7/10/2003              |
| Washington, DC 20019   |                     | Workers Comp, Unemployment Comp.         |                        |
| LB3001141              | Ron M. Linton       | Bear Stearns & Co. Inc., William Hayden  | 1/8/2003               |
| Ron M. Linton          |                     | 245 Park Avenue                          | 1/8/2003               |
| 202 N. Water Street    |                     | New York NY 10157                        | 6/30/2003              |
| Chestertown MD 21620   |                     | Matters re: to municipal finance by D.C. |                        |
| LB3001196              | John Ray            | N/A                                      | 1/9/2003               |
| Sam Wang Produce, Inc. |                     |  | 1/9/2003               |
| 300 Morse Street, NE   |                     |  | 7/11/2003              |
| Washington DC 20002    |                     | Proposal for disposition                 |                        |
| LB30K1158              | N/A                 | Carr Enterprises, LLC                    | 1/30/2003              |
| Shaw Pittman, LLP      |                     | 17560 H Street, NW, Ste. 500             |                        |
| 2300 N Street NW       |                     | Washington DC 20006                      | 7/10/2003              |

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| <i>LOBBYIST ID</i>             | <i>LOBBYISTNAME</i> | <i>COMPENSATING REGISTRANT</i>               | <i>REGISTRANT DATE</i> |
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| <i>REGISTRANT NAME</i>         |                     | <i>ADDRESS</i>                               | <i>JAN DATE</i>        |
| <i>PERM ADDRESS</i>            |                     | <i>CITY STATE ZIP</i>                        | <i>JULY DATE</i>       |
| <i>CITY STATE ZIP</i>          |                     | <i>NATURE OF LOBBYING</i>                    | <i>TERM DATE</i>       |
| LB20K1020                      | Diane Jemmott       | The Field School                             | 1/10/2002              |
| The Carmen Group               | Ryan Adesnik        | 2126 Wyoming Avenue, NW                      | 1/10/2003              |
| 1299 Pennsylvania Ave., NW#800 | John Hassell        | Washington DC 20008                          | 7/10/2003              |
| Washington, DC 20004           |                     | Transportation & infrastructure improvements |                        |
| LB20L1020                      | David Carmen        | Related Companies                            | 1/10/2002              |
| The Carmen Group               | Diane Jemmott       | 625 Madison Avenue                           | 1/10/2003              |
| 1299 Pennsylvania Ave, NW#800  |                     | New York NY 10022                            | 7/10/2003              |
| Washington DC 20004            |                     | Economic Development Projects                |                        |
| LB20M1020                      | Diane Jemmott       | Washington Hosptial Center                   | 1/10/2002              |
| The Carmen Group               | Ryan Adesnik        | 110 Irving Street, NW                        | 1/10/2003              |
| 1299 Pennsylvania Ave, NW #800 |                     | Washington DC 20010                          | 7/10/2003              |
| Washington DC 20004            |                     | Health Care Funding                          |                        |
| LB20N1020                      | Ron M. Linton       | US Filter                                    | 1/31/2002              |
| The Carmen Group               |                     | 55 Shuman Blvd.                              | 1/10/2003              |

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| <i>LOBBYIST ID</i>                  | <i>LOBBYISTNAME</i> | <i>COMPENSATING REGISTRANT</i>          | <i>REGISTRANT DATE</i> |
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| <i>REGISTRANT NAME</i>              |                     | <i>ADDRESS</i>                          | <i>JAN DATE</i>        |
| <i>PERM ADDRESS</i>                 |                     | <i>CITY STATE ZIP</i>                   | <i>JULY DATE</i>       |
| <i>CITY STATE ZIP</i>               |                     | <i>NATURE OF LOBBYING</i>               | <i>TERM DATE</i>       |
| LB3001020                           | Diane Jemmott       | Western Development Corporation         | 7/10/2003              |
| The Carmen Group c/o Sarah Bartlett | Max Brown           | 1000 Potomac Street, NW, #200           | 1/10/2002              |
| 1299 Pennsylvania Ave, NW, #800     | Aisha Tyus          | Washington, DC 20007                    | 7/10/2003              |
| Washington, DC 20004                |                     | Land Development of property            |                        |
| LB20E1020                           | Diane Jemmott       | Metropolitan Washington Airport Auth.   | 1/10/2002              |
| The Carmen Group, Inc.              | David M. Carmen     | 44 Canal Center Plaza                   | 1/10/2003              |
| 1299 Pennsylvania Ave., NW #800     |                     | Alexandria, VA 22314                    | 7/10/2003              |
| Washington, DC 20004                |                     | Taxicab issues and other airport issues |                        |
| LB20G1020                           | Ryan Adesnik        | Major Medicaid Hospital Coalition       | 1/10/2002              |
| The Carmen Group, Inc.              | Diane Jemmott       | 111 Michigan Avenue, NW                 | 1/10/2003              |
| 1299 Pennsylvania Ave., NW #800     |                     | Washington DC 20004-2424                | 7/10/2003              |
| Washington DC 20004                 |                     | Medicaid- DHS funding level in D.C.     |                        |
| LB30P1020                           |                     | Urban Services Systems Corporation      |                        |
| The Carmen Group, Inc.              |                     | 212 Van Buren Street, NW                |                        |

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| <i>LOBBYIST ID</i>                  | <i>LOBBYISTNAME</i>            | <i>COMPENSATING REGISTRANT</i>           | <i>REGISTRANT DATE</i> |
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| <i>REGISTRANT NAME</i>              |                                | <i>ADDRESS</i>                           | <i>JAN DATE</i>        |
| <i>PERM ADDRESS</i>                 |                                | <i>CITY STATE ZIP</i>                    | <i>JULY DATE</i>       |
| <i>CITY STATE ZIP</i>               |                                | <i>NATURE OF LOBBYING</i>                | <i>TERM DATE</i>       |
| LB3001145                           | Ronald P. Adolph               | Waste Management of Maryland, Inc.       | 1/14/2003              |
| The TAC Companies, LLC              |                                | 4900 Beech Place                         | 1/14/2003              |
| 6188 Oxon Hill Rd, Suite 306        |                                | Temple Hills MD 20748                    | 7/8/2003               |
| Oxon Hill MD 20745                  |                                | Matters re: Waste Management of MD, Inc. |                        |
| LB3001121                           | Carol D. Melamed, VP           | The Washington Post                      | 1/10/2003              |
| The Washington Post                 | Eric Lieberman, Assoc. Counsel | 1150 - 15th St., N.W.                    | 1/10/2003              |
| 1150-15th Street, N.W.              |                                | Washington, DC 20071                     | 7/10/2003              |
| Washington, DC 20071                |                                | Matters affecting newspaper business     |                        |
| LB3001193                           | John Ray                       | N/A                                      | 1/9/2003               |
| Thompson, Cobb, Bazilio & Assoc. PC |                                |  | 1/9/2003               |
| 1101 15th Street, NW, Ste. 400      |                                |  | 7/10/2003              |
| Washington DC 20005                 |                                | Procurement policies                     |                        |
| LB3001130                           | Montedonico, Belcuore & Tazarr | Tort Reform Institute, Inc.              | 1/13/2003              |
| Tort Reform Institute, Inc.         |                                | 1115 30th Street, N.W.                   | 1/10/2002              |
| 1115 30th Street, N.W.              |                                | Washington, DC 20007                     |                        |

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| <i>LOBBYIST ID</i>             | <i>LOBBYISTNAME</i>   | <i>COMPENSATING REGISTRANT</i>              | <i>REGISTRANT DATE</i> |
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| <i>PERM ADDRESS</i>            |                       | <i>CITY STATE ZIP</i>                       | <i>JULY DATE</i>       |
| <i>CITY STATE ZIP</i>          |                       | <i>NATURE OF LOBBYING</i>                   | <i>TERM DATE</i>       |
| LB3001192                      | George Covucci        | Tregaron Limited Partnership                | 1/10/2003              |
| Tregaron Limited Partnership   | Thorn Pozen           | 100 Ring Road West, #308                    | 1/10/2003              |
| 100 Ring Road West, #208       |                       | Garden City NY 11530                        | 7/10/2003              |
| Garden City NY 11530           |                       | Real Estate matters re: the Tregaron Estate |                        |
| LB3001212                      | H. Stewart Van Scoyoc | Atlantic Transportation & Equipment         | 1/13/2003              |
| Van Scoyoc Associates          | George H. Lowe, Jr.   | 12120 Conway Road                           | 1/13/2003              |
| 101 Constitution Ave., NW #600 |                       | Beltsville MD 20705                         | 8/7/2003               |
| Washington DC 20001            |                       | District School Bus Issues                  |                        |
| LB30A1212                      | H. Stewart Van Scoyoc | Chelsea School                              | 1/13/2003              |
| Van Scoyoc Associates          | George H. Lowe, Jr.   | 711 Pershing Drive                          | 1/13/2003              |
| 101 Constitution Ave, NW, #600 |                       | Silver Spring MD 20910                      | 8/7/2003               |
| Washington DC 20001            |                       | Appropriations                              |                        |
| LB30C1212                      | H. Stewart Van Scoyoc | Reino Parking Systems                       | 8/7/2003               |
| Van Scoyoc Associates          | George H. Lowe        | 4723 Tidewater Avenue, Suite C              |                        |
| 101 Constitution Ave, NW, Ste  |                       | Oakland CA 94601                            | 8/7/2003               |

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| <i>LOBBYIST ID</i>                       | <i>LOBBYISTNAME</i>   | <i>COMPENSATING REGISTRANT</i>       | <i>REGISTRANT DATE</i> |
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| <i>REGISTRANT NAME</i>                   |                       | <i>ADDRESS</i>                       | <i>JAN DATE</i>        |
| <i>PERM ADDRESS</i>                      |                       | <i>CITY STATE ZIP</i>                | <i>JULY DATE</i>       |
| <i>CITY STATE ZIP</i>                    |                       | <i>NATURE OF LOBBYING</i>            | <i>TERM DATE</i>       |
| LB30B1212                                | H. Stewart Van Scoyoc | The Public Access Corp. of D.C.      | 1/10/2003              |
| Van Scoyoc Associates, Inc.              |                       | 901 Newton Street, NE                | 1/13/2003              |
| 101 Constitution Ave, NW, #600           |                       | Washington DC 20017                  | 8/7/2003               |
| Washington DC 20001                      |                       | Appropriations                       |                        |
| LB3001000                                | Gerard N. Murphy      | Membership of the Association        | 1/9/2003               |
| Wash. Area New Automobile Dealers Assoc. | Thomas S. Mann        | N/A                                  | 1/9/2003               |
| 5301 Wisconsin Ave., NW, #210            |                       |                                      | 7/8/2003               |
| Washington, DC 20015                     |                       | Legislation re: motor vehicles sales |                        |
| LB3001098                                | William A. Hanbury    | Wash.DC Convention & Tourism Corp.   | 1/24/2003              |
| Wash.DC Convention & Tourism Corp.       | Chuck Morse           | 1212 New York Ave., N.W.#600         | 1/24/2003              |
| 1212 New York Ave., N.W.#600             |                       | Washington, DC 20005-3992            | 7/11/2003              |
| Washington, DC 20005-39                  |                       | Econ. matters affecting conventions  |                        |
| LB3001058                                | Steven Jumper         | Washington Gas                       | 1/9/2003               |
| Washington Gas                           | Kathy Sternberg       | 1100 H Street, NW                    | 1/9/2003               |
| 1100 H Street                            |                       | Washington, DC 20080                 | 7/10/2003              |

## DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS

## NOTICE OF PUBLIC INTEREST

The Director of the Department of Consumer and Regulatory Affairs pursuant to D.C. Law 2-144, effective March 3, 1979-, "The Historic Landmark and District Protection Act of 1978" hereby gives notice that the addresses listed below, as requested permission to demolish, altar, sub-divide or erect new structures at the following location(s):

| Application Date | Address                                 | Lot | Square | Use                             |
|------------------|---|-----|--------|---------------------------------|
| 7/31/03          | 1666 Connecticut Ave., NW               | 830 | 93     | Sidewalk Café                   |
| 8/1/03           | 1247 35 <sup>th</sup> Street, NW        | 73  | 1221   | Add/SFD                         |
| 8/4/03           | 3106 M Street, NW                       | 54  | 1199   | Sign Retail                     |
|                  | 2657 Connecticut Avenue, NW             | 149 | 2204   | Canopy/Sign Restaurant          |
|                  | 2623 Connecticut Avenue, NW             | 132 | 2204   | Canopy/Sign Restaurant          |
|                  | 1341 G Street, NW                       | 60  | 252    | Canopy/Sign Restaurant          |
|                  | 1513 & 1515 11 <sup>th</sup> Street, NW | 815 | 337    | Raze 1-story Community Building |
| 8/5/03           | 3062 Q Street, NW                       | 300 | 1269   | Patio/Deck                      |
|                  | 3347 M Street, NW                       | 810 | 1205   | Windows                         |
| 8/6/03           | 3110 Quebec Place, NW                   | 805 | 2061   | Replace Retaining Wall/SFD      |

**DEPARTMENT OF CONSUMER AND REGULATORY  
AFFAIRS****NOTICE OF PUBLIC INTEREST**

Forwarded for your information is a weekly listing of raze permit application filed with the Permit Service Center of the Building and Land Regulation Administration, requesting a permit to raze listed structures with the District of Columbia.

| <b>Application Date</b> | <b>Address</b>  | <b>Lot</b> | <b>Square</b> | <b>Use</b>          |
|-------------------------|---|------------|---------------|---------------------|
| 7/30/03                 | 821 Eye Street, SE                                      | 808        | 695           | 1-Story Switch Room |
|                         | 1419 Jackson Street, NE<br>(2 <sup>nd</sup> Submission) | 20         | 4015          | 2-Story SFD         |

**NOTICE OF FUNDS AVAILABILITY****District of Columbia Department of Human Services  
Office of Early Childhood Development****FY 2003 Latchkey, CPR and First Aid Grant**

The District of Columbia Department of Human Services (DHS) Office of Early Childhood Development (OECD) is soliciting grant applications from qualified organizations to develop Latchkey, CPR and First Aid programs. Specifically, funds will be provided for the purpose of (1) administering a telephone support hotline for school age children, ages 5-13, which is in self-care during after-school hours, living in the District of Columbia. Additionally, funds will be provided to enhance the knowledge and skills training of childcare providers, volunteers and parents in performing Pediatric First Aid and CPR (infants, toddlers, and children).

Applications are requested from organizations that can provide the required services. This may include any licensed childcare provider, nonprofits, including centers and faith-based organizations, private and for-profit organizations. Institutions of post-secondary education may also apply.

Funding is made available through the U.S. Department of Health and Human Services, Administration for Children, Youth and Families, Child Care and Development Fund (CCDF). Approximately \$200,000 will be made available in fiscal year (FY) 2003. Funds will be awarded to sustain support services, training and technical assistance. OECD intends to award up to \$100,000 per program in the following areas:

**Program Area 1:** Telephone Hotline for Latchkey Children

**Program Area 2:** First Aid and Pediatric Cardiopulmonary Resuscitation (CPR) Training

The Request for Application (RFA) will be released on August 8, 2003, and the deadline for submission is September 12, 2003 at 5:00 p.m. Applications may be obtained from 441 4<sup>th</sup> Street, NW, Suite 400 South, Washington, DC, 20001. For additional information please contact the Office of Research and Analysis (ORA) at (202) 727-7775. The RFA will be available on the OCFO website, <http://www.cfo.washingtondc.gov> no later than August 7, 2003.

**HYDE LEADERSHIP PUBLIC CHARTER SCHOOL****Request for Proposals****Bathroom remodeling**

The Hyde Leadership Public Charter School of Washington, DC requests sealed proposals for remodeling service of three (03) boys and three (03) girls bathrooms at 101 T Street, NE, Washington, DC location.

**SCOPE OF WORK:****BOYS BATH ROOMS (FIRST, SECOND, AND THIRD FLOORS)**

- Demo and dispose of 10 existing toilets, 8 urinals and 3 lavatories and all existing toilet partitions.
- Furnish and install five (05) new phenolic toilet partition stalls, including one handicapped accessible stall.
- Furnish and install five (05) new toilets including one ADA approved toilet.
- Re-locate all plumbing as required.
- Cap all unused lines.
- Furnish and install four (04) new urinals at new location.
- Furnish and install three (03) new phenolic urinal screens.
- Furnish and install three new wall hung lavatories with auto shut-off faucets at new location
- Furnish and install new bathroom accessories including mirrors, toilet paper dispensers, soap dispensers, towel dispensers and grab bars for the ADA stall.
- Furnish and install new bath exhaust fan at window with exposed spiral duct.
- Furnish and install eight (08) new 2x4 fluorescent light fixtures.
- Paint entire bathroom including exposed piping.
- Patch and paint existing door.
- Furnish and install new skid-resistant commercial grade ceramic tile in all bathrooms.\*
- Furnish and install new suspended 2x2 acoustical ceiling tile system in all bathrooms.\*

**GIRLS BATH ROOMS (FIRST, SECOND, AND THIRD FLOORS)**

- Demo and dispose of 12 existing toilets, and 3 lavatories and all existing toilet partitions
- Furnish and install six (06) new phenolic toilet partition stalls including one handicapped accessible stall.
- Furnish and install one new phenolic private screen.
- Furnish and install six (06) new toilets including one ADA approved toilet.
- Cap all unused lines.
- Re-locate all plumbing as required.
- Furnish and install three (03) new wall hung lavatories with auto-shut off faucets at new location
- Furnish and install new bathroom accessories including mirrors, toilet paper dispensers, soap dispensers, towel dispensers and grab bars for the ADA stall.
- Furnish and install new bath exhaust fan at window
- Paint entire bathroom including exposed piping.
- Patch and paint existing floor.
- Furnish and install new skid-resistant commercial grade ceramic tile in all bathrooms.\*
- Furnish and install new suspended 2x2 acoustical ceiling tile system in all bathrooms.\*

\*Provide cost-estimate as "options."

Proposals are due August 22, 2003 to Hyde Leadership PCS, 101 T Street, NE, Washington, DC 20002, Attention: Pierre Goubourn.

**HYDE LEADERSHIP PUBLIC CHARTER SCHOOL**

**Request for Proposals**

**Building architectural feasibility study**

The Hyde Leadership Public Charter School of Washington, DC requests sealed proposals for an architectural feasibility study of its building at 101 T Street, NE, Washington, DC location.

**SCOPE OF WORK:**

- Inspect building for maximum capacity utilization
- Provide recommendations for expansion and/or remodeling
- Compile report for presentation to the Board of directors

Proposals are due September 15, 2003, to Hyde Leadership PCS, 101 T Street, NE, Washington, DC 20002, attention: Wendy Smith.

**HYDE LEADERSHIP PUBLIC CHARTER SCHOOL****Special Education Support Service Request for Proposals**

The Hyde Leadership Public Charter School of Washington, DC requests sealed proposals to establish a contract through competitive negotiations for providing special education support services at its 101 T Street, NE, Washington, DC location. Services would be provided to assist Hyde staff in developing a special education system that complements the Hyde mission and philosophy and complies with IDEA. Educational support services for a 80 students, would include:

- Record tracking and retrieval as needed to make sure all students identified as disabled have IEPs on file.
- Determining the number of instructional hours and related services needed to address needs on existing IEPs.
- Helping identify related service providers.
- Conducting Building Level conferences in collaboration with Hyde staff to review records, discuss teacher input, determine need for IEP or revised IEP, referral for initial evaluation, and/or referral for re-evaluation.
- Conducting classroom observations on students referred to for IEP revision and/or evaluation/re-evaluation.
- Identifying evaluation team (Multi-Disciplinary Team or MDT) and referring students to evaluation team members.
- Administering evaluation, eligibility, and IEP development processes in conjunction with MDT chairperson and Hyde staff.
- Developing a handbook individualized for the Hyde Leadership PCS program and service delivery model.
- Advising Hyde Leadership PCS in cases involving parents/guardians of special education students who question and/or disagree with Hyde interventions, programming, and/or service delivery prior to mediation or due process action. This includes advising Hyde staff of IDEA rules and requirements; ways to comply with IDEA while maintaining program philosophy; and ways to improve administrative functions, such as the intake and application process, to protect Hyde from unreasonable claims of failure to provide special education and related services.
- Training staff in areas relating to special education on an as needed basis.

Proposals are due August 22, 2003, to Hyde Leadership PCS, 101 T Street, NE, Washington, DC 20002, attention: Wendy Smith.

Options Public Charter School

Request for Proposal (RFP)

Options Public Charter School is seeking bids for Special Education Support Services for Occupational Therapy, Speech/Language Therapy, and Psychology. Bids will be received until 3:00 P.M. (EST), August 31, 2003. Copies of the bid specifications can be obtained after August 15, 2003 after 9:00 A.M. Bids should be sent to:

Tanya Pearson, Business Manager  
Options Public Charter School  
800 3<sup>rd</sup> Street, NE  
Washington, DC 20002  
Tel: 202-547-1028  
Fax: 202-547-1272

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**PUBLIC CHARTER SCHOOL BOARD**

**NOTICE OF PUBLIC MEETING**

Washington, DC: The DC Public Charter School Board will hold its monthly public meeting on Monday, August 18, 2003 at 6:30pm. Board members will decide on the eleven charter school applications submitted in June. The meeting will take place at the Board headquarters at 1436 U Street, NW, Suite 401.

Community members interested in public charter school education are encouraged to attend.  
For more information, call 202/328-2660.

Government of the District of Columbia  
Public Employee Relations Board

|                                 |  |   |                            |
|---------------------------------|--|---|----------------------------|
| _____                           |  | ) |                            |
| In the Matter of:               |  | ) |                            |
|                                 |  | ) |                            |
| Dr. Judy A. Christian,          |  | ) |                            |
|                                 |  | ) |                            |
| Complainant,                    |  | ) | PERB Case No. 02-S-05      |
|                                 |  | ) |                            |
| v.                              |  | ) | Opinion No. 700            |
|                                 |  | ) |                            |
| University of the District of   |  | ) | Motion for Reconsideration |
| Columbia Faculty Association/   |  | ) |                            |
| National Education Association, |  | ) | <b>FOR PUBLICATION</b>     |
|                                 |  | ) |                            |
| Respondent.                     |  | ) |                            |
| _____                           |  | ) |                            |

**DECISION AND ORDER**

**I. Statement of the Case**

This matter involves a Motion for Reconsideration filed by Dr. Judy A. Christian (“Complainant” or “Dr. Christian”). The Complainant is requesting that the Board reverse the Executive Director’s dismissal of her Complaint.

The Complainant filed a Standards of Conduct Complaint against the University of the District of Columbia Faculty Association/National Education Association (“UDCFA”, “Union” or “Respondent”). It is asserted in the Complaint that UDCFA violated the Comprehensive Merit Personnel Act. Specifically, it is alleged that UDCFA failed to: (1) provide the Complainant with adequate representation; (2) advise the Complainant that the arbitrator’s award could be appealed; and (3) advise the Complainant that she could file a standards of conduct complaint against UDCFA. (Compl. at p. 3). In addition, the Complaint asserts that UDCFA “concealed and withheld [from the Complainant] the regulations and deadlines for filing both an Arbitration Review Request and a Union Grievance with PERB.” (Compl. at p. 3). Finally, it is alleged in the Complaint that “the union and the University of the District of Columbia conspired to defeat the [Complainant’s] Arbitration Review Request with PERB.” (Compl. at p. 4).

After reviewing the pleadings, the Executive Director determined that the Complaint: (1) was untimely; and (2) failed to state a basis for a claim under the Comprehensive Merit Personnel Act (“CMPA”). As a result, the Executive Director dismissed the Complaint.

The Complainant filed a Motion for Reconsideration requesting that the Board reverse the

Decision and Order  
PERB Case No. 02-S-05  
Page 2

Executive Director's decision. The Respondent filed a response to the present Motion. The Motion for Reconsideration is now before the Board for disposition.

## II. Discussion

We believe that the arguments raised in the Complainant's Motion were previously considered and addressed by the Executive Director. Therefore, the Board must determine whether the Executive Director erred in dismissing the Complaint.

Board Rule 544.4 provides as follows:

A complaint alleging a violation under this section **shall be filed not later than one hundred and twenty (120) days from the date the alleged violation(s) occurred.** (Emphasis added.)

The Board has held that "[t]his deadline date is 120 days after the date Petitioner admits he actually became aware of the event giving rise to [the] complaint allegations." Hoggard v. DCPS and AFSCME, Council 20, Local 1959, 43 DCR 1297, Slip Op. No. 352 at p. 3, PERB Case No. 93-U-10 (1993).<sup>1</sup> Also, the Board has determined that "the time for filing a complaint with the Board concerning [] alleged violations [which may provide for] a statutory cause of action, commences when the basis of those violations occurred. . . . However, proof of the occurrence of an alleged statutory violation is not necessary to commence the time limit for initiating a cause of action before the Board. The validation, i.e. proof, of the alleged statutory violation is what proceedings before the Board are intended to determine." Jackson and Brown v. American Federation of Government Employees, Local 2741, AFL-CIO, 48 DCR 10959, Slip Op. No. 414 at p. 3, PERB Case No. 95-S-01 (1995).

In the present case, the Complaint asserts that UDCFA failed to provide fair representation to the Complainant during a December 10, 2000, arbitration proceeding in which the Complainant was grieving her bumping rights.<sup>2</sup> The Complainant claims that as a result of UDCFA's action, the arbitrator issued an award on January 19, 2001, denying her grievance. Furthermore, the Complaint alleges that UDCFA failed to: (1) file an arbitration review request; (2) advise the Complainant that

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<sup>1</sup>See also, American Federation of Government Employees, Local 2725, AFL-CIO v. District of Columbia Housing Authority, 46 DCR 119, Slip Op. No. 509, PERB Case No. 97-U-07 (1997).

<sup>2</sup>The underlying grievance arose out of a reduction-in-force (RIF) conducted by the University of the District of Columbia. As a result of the RIF, the Complainant was terminated. Subsequently, the Complainant filed a grievance which ultimately went to arbitration. The arbitrator identified the issue as follows: "was the date of employment (EOD) the agency applied for the purpose of determining the grievant's Reduction In Force (RIF) 'bumping rights' under provisions of the [collective bargaining agreement] the proper date?"

Decision and Order  
PERB Case No. 02-S-05  
Page 3

the arbitrator's award could be appealed; and (3) advise the Complainant that she could file a standards of conduct complaint against UDCFA. (Compl. at p. 3).

After reviewing the pleadings, the Executive Director determined that the events giving rise to the Complaint allegations took place on or about January 19, 2001 (date of the arbitrator's award). Therefore, the Executive Director concluded that Dr. Christian was required to file her Complaint (against UDCFA) within one hundred twenty (120) days of the January 19, 2001 date. However, the present Complaint was not filed until March 10, 2002. As a result, the Executive Director found that the filing in this case occurred more than one year after the Complainant became aware of the alleged violations. In light of the above, the Executive Director concluded that the Complainant's filing exceeded the 120 day requirement in Board Rule 544.4. Therefore, he determined that the Complaint was not timely and the Complaint was dismissed.<sup>3</sup>

Board Rules governing the initiation of actions before the Board are jurisdictional and mandatory. As such, they provide the Board with no discretion or exception for extending the deadline for initiating an action. See, Public Employee Relations Board v. D.C. Metropolitan Police Department, 593 A. 2d 641 (D.C. 1991). As a result, the Board can not extend the time for filing a complaint. After reviewing the present Motion, we note that the Complainant does not dispute the Executive Director's determination concerning the timeliness of her claims. Instead, the Complainant contends that UDCFA "withheld and manipulated information. . . concerning filing [deadlines] . . . [Also, the Complainant asserts that UDCFA's actions] caused the [Complainant] to miss the 120 day filing deadline." (Motion at p. 1). In view of the above, we believe that the Complainant's claims amount to a disagreement with the Executive Director's findings. In addition, we find that the Complainant's arguments are just a repetition of the allegations contained in the Complaint and are not a sufficient basis for reversing the Executive Director's decision. Furthermore, after reviewing the pleadings, we find that the Executive Director's determination was reasonable and supported by Board precedent. As a result, we concur with the Executive Director's finding that the Complainant's claims regarding UDCFA's alleged violations of the CMPA, are untimely.

Notwithstanding the untimeliness of the allegations concerning UDCFA, the Executive Director found that the Complaint also failed to state a statutory cause of action with regard to UDFA's alleged failure to provide fair representation to Dr. Christian when she was terminated due to a reduction-in-force (RIF).

D.C. Code §1-617.04(b)(1) (2001 ed.) prohibits employees, labor organizations, their agents or representatives from "[i]nterfering with, restraining or coercing any employees or the District in the exercise of rights guaranteed by this subchapter . . .". "Employee rights under this subchapter are prescribed under D.C. Code. [1-617.06(a) and (b) (2001 ed.)] and consist of the following: (1) [t]o

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<sup>3</sup>The Executive Director informed the Complainant's counsel of his decision in a letter dated January 10, 2003.

Decision and Order  
PERB Case No. 02-S-05  
Page 4

organize a labor organization free from interference, restraint or coercion; (2) [t]o form, join or assist any labor organization; (3) [t]o bargain collectively through a representative of their own choosing. . . ; (4) [to] present a grievance at any time to his or her employer without the intervention of a labor organization [.]” American Federation of Government Employees, Local 2741 v. District of Columbia Department of Recreation and Parks, 45 DCR 5078, Slip Op. No. 553 at p.2, PERB Case No. 98-U-03 (1998). “[The Board has] ruled, . . . that D.C. Code §1-617.04(b)(1) (2001 ed.) also encompasses the right of employees to be fairly represented by the labor organization that has been certified as the exclusive representative for the collective-bargaining unit of which the employee is a part . . . . Specifically, the right to bargain collectively through a designated representative includes the duty of labor organizations to represent [ ] the interest of all employees in the unit without discrimination and without regard to membership in the labor organization . . . .” Glendale Hoggard v. American Federation of State, County and Municipal Employees, District Council 20, Local 1959, AFL-CIO, 43 DCR 2655, Slip Op. No. 356 at pgs. 2-3, PERB Case No. 93-U-10 (1996).

In her submission, Dr. Christian does not claim that any of her employee rights as prescribed under D.C. Code §1-617.06(a) and (b) (2001 ed.), have been violated in any manner by UDCFA. Instead, the asserted violation of the CMPA, appears to be based on the alleged breach by UDCFA of Dr. Christian’s right to fair representation. Under certain circumstances, a labor organization can violate D.C. Code §1-617.04(b)(1) or (2) (2001 ed.) by failing to fairly represent a bargaining unit employee. However, for the reasons discussed below, we find that the Complainant failed to make any allegation that, if proven, would constitute a statutory violation by UDCFA.

“Under D.C. Code Section [1-617.03 (2001 ed.)], a member of the bargaining unit is entitled to ‘fair and equal treatment under the governing rules of the [labor] organization’. As [the] Board has observed: ‘[the union as the statutory representative of the employee is subject always to complete good faith and honesty of purpose in the exercise of its discretion regarding the handling of union members’ interest’. ” Stanley Roberts v. American Federation of Government Employees, Local 2725, 36 DCR 1590, Slip Op. No. 203 at p. 2, PERB Case No. 88-S-01 (1989). The Board has determined that “the applicable standard in cases [like this], is not the competence of the union, but rather whether its representation was in good faith and its actions motivated by honesty of purpose....[Furthermore,] ‘in order to breach this duty of fair representation, a union’s conduct must be arbitrary, discriminatory or in bad faith, or be based on considerations that are irrelevant, invidious or unfair’.” Id.

Also, the Board has found that “[r]egardless of the effectiveness of a union’s representation in the handling or processing of a bargaining unit employee’s grievance, such matters are within the discretion of the union or the bargaining unit’s exclusive bargaining representative.” Enoch Williams v. American Federation of State, County and Municipal Employees, District Council 20, Local 2290, 43 DCR 5598, Slip Op. No. 454 at p. 2, PERB Case No. 95-U-28 (1995). Furthermore, the Board has held that “judgmental acts of discretion in the handling of a grievance, do not constitute the requisite arbitrary, discriminatory or bad faith element [needed to find a violation of the CMPA].” Brenda Beeton v. D.C. Department of Corrections and Fraternal Order of Police/Department of

Decision and Order  
PERB Case No. 02-S-05  
Page 5

Corrections Labor Committee, 45 DCR 2078, Slip Op. No. 538, PERB Case No. 97-U-26 (1998). Specifically, the Board has determined “that the fact that there may have been a better approach to handling the Complainant’s grievance or that the Complainant disagrees with the approach taken by [the union] does not render the [union’s] actions or omissions a breach of the standard for its duty of fair representation.” Enoch Williams v. American Federation of State, County and Municipal Employees, District Council 20, Local 2290, supra.

In the present case, the Complainant fails to assert or demonstrate that UDCFA’s conduct in handling her grievance, was arbitrary, discriminatory, or the product of bad faith. Instead, the Complainant asserts that “throughout the UDC court-ordered remedial bumping rights process, the UDCFA/NEA (i.e. union) and it’s agents maliciously and repeatedly allowed UDC to repeatedly deny [the] grievant’s evidence and witnesses, which [would have] affirm[ed] the grievant’s . . . full faculty bumping rights in early childhood education and elementary education.” (Compl. at p.5). In addition, the Complainant claims that “on specific occasions in the court-ordered remedial bumping rights process, Brenda Brown, President of the UDCFA/NEA (i.e. union) encouraged . . . Dr. Christian to accept a resolution/disposition of her . . . grievance in a manner, which had nothing to do with the merits of [ ] Dr. Christian’s bumping rights . . . grievance.” (Compl. at p. 5). Furthermore, Dr. Christian contends that if she had accepted Ms. Brown’s recommendation, it would have “force[d] [her] to accept diminished compensation for her wrongful discharge and would have forced her to relinquish her rights and entitlements.” (Compl. at p.5). In view of the above, it appears that the Complainant disagrees with Ms. Brown’s (UDCFA’s President) recommendation that she (Dr. Christian) accept a settlement. However, the Complainant asserts no basis for attributing an unlawful motive to Ms. Brown’s recommendation or to the manner by which the Union handled the Complainant’s grievance. In addition, the Complainant fails to provide any allegations or assertions that, if proven, would establish a statutory violation. In short, the Complainant has neither sufficiently pled bad faith or discrimination, nor raised circumstances that would give rise to such an inference.

While a Complainant need not prove their case on the pleadings, they must plead or assert allegations that, if proven, would establish the alleged statutory violation. See, Virginia Dade v. National Association of Government Employees, Services Employees International Union, Local R3-06, 46 DCR 6876, Slip Op. No. 491 at p. 4, PERB Case No. 96-U-22 (1996); and Gregory Miller v. American Federation of Government Employees, Local 631, AFL-CIO and D.C. Department of Public Works, 48 DCR 6560, Slip Op. Nos. 93-S-02 and 93-U-25 (1994).

Furthermore, the Board has determined that “[t]o maintain a cause of action, [a] Complainant must [allege] the existence of some evidence that, if proven, would tie the Respondent’s actions to the asserted [statutory violation]. Without the existence of such evidence, Respondent’s actions [can not] be found to constitute the asserted [statutory violation]. Therefore, a Complaint that fails to allege the existence of such evidence, does not present allegations sufficient to support the cause of action.” Goodine v. FOP/DOC Labor Committee, 43 DCR 5163, Slip Op. No. 476 at p. 3, PERB Case No. 96-U-16 (1996). For the reasons stated above, the Executive Director determined that Dr. Christian’s Complaint did not contain allegations which were sufficient to support a cause of action.

Decision and Order  
PERB Case No. 02-S-05  
Page 6

As a result, the Complaint was dismissed.

In her Motion, the Complainant asserts that the Executive Director erred in finding that the Complainant failed to state a cause of action under the CMPA. As a result, the Complainant requests that the Board reverse the Executive Director's decision. However, the Complainant's Motion does not raise any issues or arguments not considered and addressed by the Executive Director. As a result, we believe that the Complainant's claims amount to nothing more than a disagreement with the Executive Director's determination. Moreover, we find that a mere disagreement with the Executive Director's decision is not a sufficient basis for reversing the decision. Furthermore, the Complainant does not identify any law or legal precedent which the Executive Director's decision contravenes. Instead, the Complainant contends she is being denied an opportunity to have her case heard. (Motion at p. 2). However, we find that this argument is just a repetition of the allegation contained in the Complaint and is not a sufficient basis for reversing the Executive Director's decision.

Upon review of the pleadings in a light most favorable to the Complainant and taking all the allegations as true, we find for the reasons stated above, that the Complaint fails to state a cause of action under the CMPA. Therefore, no basis exists for disturbing the Executive Director's administrative dismissal of the Complaint. As a result, we affirm the Executive Director's dismissal of the Complaint.

In light of the above, we find that the Executive Director's decision was reasonable and supported by Board precedent. Therefore, we deny the Complainant's Motion for Reconsideration.

### **ORDER**

#### **IT IS HEREBY ORDERED THAT:**

1. The Complainant's Motion for Reconsideration is denied.
2. The Complaint is dismissed in its entirety.
3. Pursuant to Board Rule 559.1, this Decision and order is final upon issuance.

**BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD**  
WASHINGTON, D.C.

June 11, 2003

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
PUBLIC EMPLOYEE RELATIONS BOARD

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|                                   |   |                        |
|-----------------------------------|---|------------------------|
| In the Matter of:                 | ) |                        |
|                                   | ) |                        |
| American Federation of Government | ) |                        |
| Employees, Local 2978, AFL-CIO,   | ) |                        |
|                                   | ) |                        |
|                                   | ) |                        |
| Petitioner,                       | ) |                        |
|                                   | ) | PERB Case No. 01-RC-02 |
| and                               | ) |                        |
|                                   | ) | Opinion No. 701        |
| District of Columbia Department   | ) |                        |
| of Health, Maternal and Family    | ) |                        |
| Health Administration,            | ) | <b>FOR PUBLICATION</b> |
|                                   | ) |                        |
|                                   | ) |                        |
| Agency.                           | ) |                        |
|                                   | ) |                        |
|                                   | ) |                        |

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AMENDED DECISION CONCERNING CERTIFICATION OF REPRESENTATIVE

On February 22, 2001, the American Federation of Government Employees ("AFGE"), Local 2978, filed a Recognition Petition ("Petition") with the Public Employee Relations Board ("Board"), in the above-captioned proceeding. AFGE was seeking to represent, for purpose of collective bargaining, a unit of unrepresented individuals employed by the District of Columbia Department of Health, Maternal and Family Health Administration.

The unit sought by AFGE was as follows:

All non-professional employees employed by the District of Columbia Department of Health, Maternal and Family Health Administration, including research assistants, social service assistants, statistical assistants, public health outreach technicians, clerks, clerical assistants, secretaries, secretary/typists, office automation clerks, program assistants, administrative support assistants (typing) and computer specialists; excluding registered nurses, managers, confidential employees, supervisors, employees engaged in personnel work in other than a purely clerical capacity and employees engaged in administering the provisions of Title XVII of the District of

**Decision and Order**  
**PERB Case No. 01-RC-02**  
**Page 2**

Columbia Comprehensive Merit Personnel Act of 1978, D.C. Law 2-139.

After reviewing the Petition and attached exhibits, the Board determined that these employees share a community of interest. As a result, the Board found that this unit of employees constitute an appropriate unit under the Comprehensive Merit Personnel Act. Therefore, the Board directed that an election be held to determine the will of the eligible employees in the unit described above, regarding their desire to be represented by AFGE for purpose of collective bargaining with the Department of Health, Maternal and Family Health Administration on compensation and other terms and conditions of employment.

After the election, it was determined that a majority of the employees desired to be represented by AFGE. Therefore, on January 13, 2003, the Board issued Certification Number 125, in which it certified AFGE as the exclusive representative for the above-referenced group of non-professional employees. Unfortunately, the unit description contained in Certification Number 125, inadvertently omitted several job titles. As a result, we are issuing this Amended Decision and a "corrected copy" of Certification Number 125, in order to correct this administrative error. In view of the above, the original certification issued on January 13, 2003, should be discarded and the attached "corrected copy" substituted in its place.

**ORDER**

**IT IS HEREBY ORDERED THAT:**

1. The following unit is an appropriate unit for collective bargaining over terms and conditions of employment:

All non-professional employees employed by the District of Columbia Department of Health, Maternal and Family Health Administration, including research assistants, social service assistants, statistical assistants, public health outreach technicians, clerks, clerical assistants, secretaries, secretary/typists, office automation clerks, program assistants, administrative support assistants (typing) and computer specialists; excluding registered nurses, managers, confidential employees, supervisors, employees engaged in personnel work in other than a purely clerical capacity and employees engaged in administering the provisions of Title XVII of the District of Columbia Comprehensive Merit Personnel Act of 1978, D.C. Law 2-139.

2. The attached "corrected copy" of Certification Number 125, replace the original certification

**Decision and Order**  
**PERB Case No. 01-RC-02**  
**Page 3**

issued on January 13, 2003.

3. Pursuant to Board Rule 559.1, this Decision and Order is final upon issuance.

**BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD**  
Washington, D.C.

March 12, 2003

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
PUBLIC EMPLOYEE RELATIONS BOARD**

\_\_\_\_\_  
 In the Matter of: )  
 )  
 American Federation of Government )  
 Employees, Local 2978, AFL-CIO, )  
 )  
                     Petitioner, )  
 )  
                     and )  
 )  
 District of Columbia Department of )  
 Health, Maternal and Family Health )  
 Administration, )  
 )  
                     Agency. )  
 )  
 \_\_\_\_\_ )

PERB Case No. 01-RC-02

Certification No. 125\*

**CORRECTED COPY**

**CERTIFICATION OF REPRESENTATIVE**

A representation proceeding having been conducted in the above-captioned matter by the Public Employee Relations Board ("Board"), in accordance with the District of Columbia Comprehensive Merit Personnel Act of 1978 ("CMPA"), the Rules of the Board and an Election Agreement executed by the parties, and it appearing that a majority of the valid ballots have been cast for a representative for the purpose of exclusive recognition;

Pursuant to the authority vested in the Board by D.C. Code Section 1-605.02 (2) (2001 ed.) and Section 515.3 of the Board Rules;

**IT IS HEREBY CERTIFIED THAT:**

The American Federation of Government Employees ("AFGE"), Local 2978, AFL-CIO, has been designated by the employees of the above-named public employer in the unit described below, as their exclusive representative for the purpose of collective bargaining over terms and condition of employment, including compensation, with the named employer.

Unit Description:

All non-professional employees employed by the District of Columbia Department of Health, Maternal and Family Health Administration, including research assistants,

\_\_\_\_\_  
\*/This certification replaces the original Certification Number 125, issued on January 13, 2003. The original certification inadvertently omitted several job titles. As a result, the certification

Certification of Representative  
PERB Case No. 01-RC-02  
Page 2

social service assistants, statistical assistants, public health outreach technicians, clerks, clerical assistants, secretaries, secretary/typists, office automation clerks, program assistants, administrative support assistants (typing) and computer specialists; excluding registered nurses, managers, confidential employees, supervisors, employees engaged in personnel work in other than a purely clerical capacity and employees engaged in administering the provisions of Title XVII of the District of Columbia Comprehensive Merit Personnel Act of 1978, D.C. Law 2-139.

**BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD**  
**Washington, D.C.**

March 12, 2003

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**Julio A. Castillo**  
Executive Director

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(continued)

issued on January 13, 2003, should be discarded and this "corrected copy" substituted in its place.

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
PUBLIC EMPLOYEE RELATIONS BOARD

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|                               |   |                        |
|-------------------------------|---|------------------------|
| In the Matter of:             | ) |                        |
|                               | ) |                        |
| FRATERNAL ORDER OF POLICE/    | ) |                        |
| DEPARTMENT OF CORRECTIONS     | ) | PERB Case No. 01-U-07  |
| LABOR COMMITTEE,              | ) | Opinion No. 705        |
|                               | ) |                        |
|                               | ) | <b>FOR PUBLICATION</b> |
|                               | ) |                        |
| Complainant,                  | ) |                        |
|                               | ) |                        |
|                               | ) |                        |
| v.                            | ) |                        |
|                               | ) |                        |
| DISTRICT OF COLUMBIA          | ) |                        |
| DEPARTMENT OF CORRECTIONS,    | ) |                        |
|                               | ) |                        |
| and                           | ) |                        |
|                               | ) |                        |
| OFFICE OF LABOR RELATIONS AND | ) |                        |
| COLLECTIVE BARGAINING,        | ) |                        |
|                               | ) |                        |
|                               | ) |                        |
| Respondents.                  | ) |                        |
|                               | ) |                        |
|                               | ) |                        |

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**DECISION AND ORDER**

This case involves an unfair labor practice complaint filed by the Fraternal Order of Police/Department of Corrections Labor Committee<sup>1</sup> (“Complainant” or “FOP”) against the D.C. Department of Corrections (“Respondent”, “DOC”, or “Agency”) and the D.C. Office of Labor Relations and Collective Bargaining<sup>2</sup> (“Respondent” or “OLRCB”). Specifically, FOP alleges that the Respondents committed unfair labor practices by: (1) ceasing to commence negotiations with

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<sup>1</sup>The Fraternal Order of Police/Department of Corrections Labor Committee is the exclusive certified bargaining representative for all non-managerial employees of the Department of Corrections. (R & R at pg.3).

<sup>2</sup>OLRCB serves as DOC’s representative for negotiations.

Decision and Order

PERB Case No. 01-U-07

Page 2

the Union<sup>3</sup>; (2) recognizing and allowing rival labor organizations to represent FOP/DOC employees; (3) refusing to submit ground rules in a timely manner and otherwise delaying negotiations; and (4) implementing new policies prior to negotiating with the Union concerning these new policies<sup>4</sup>. As a result of these acts, FOP contends that DOC and OLRCB violated D.C. Code §1-617.04 (a)(1), (2) and (5) (2001 ed.).<sup>5</sup>

The Respondents deny the allegations. DOC and OLRCB argue that negotiations were delayed for several reasons. First, the parties did not begin negotiations until they had agreed on ground rules. Also, the Respondents argue that they did not begin bargaining until it was clear who was representing the bargaining unit employees FOP claimed to represent.<sup>6</sup> DOC, through its representative OLRCB, asserts that once it became clear who was representing FOP and once the parties signed off on ground rules in December of 2001, negotiations began. As a result, the Respondents contend that since the parties did in fact begin negotiating, that issue is *moot*. With respect to the final allegation raised by FOP, the Respondents contend that the Complainants did not point to any specific policies that were implemented prior to the parties negotiating concerning them.<sup>7</sup> This was the case even after FOP was given several opportunities to identify those particular

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<sup>3</sup>The parties were in the process of negotiating a new collective bargaining agreement covering FOP's bargaining unit members who work for DOC.

<sup>4</sup>FOP argues that the Respondents promised that former policies would stay in effect until such time as the parties negotiated concerning the implementation of any new policies. (See, R & R at p. 1). The record did not contain any evidence concerning which policies FOP alleged were implemented without proper negotiations. However, FOP's Complaint alleges that DOC had established thirty-nine (39) new Department Orders/Program Statements which unilaterally changed terms and conditions of employment on an expedited basis. (Complaint at ¶16).

<sup>5</sup>Throughout this Opinion, any references to the D.C. Code will refer to the 2001 edition.

<sup>6</sup>The record contains some evidence that there were claims from Suzanne Pooler-Johnson, FOP's National Representative and George Johnson of the American Federation of State, County and Municipal Employees that they represented the employees which FOP claims that they were certified to represent. (R & R at p. 7). There was also some confusion concerning who was representing the employees. This was the case because on or about the same time, there was a citywide "Metropolitan Labor Coalition" representing other Unions in the District of Columbia in their negotiations for a new collective bargaining agreement. OLRCB stated that it was informed that FOP was being represented by the Metropolitan Labor Coalition. (R & R at p. 7).

<sup>7</sup>An Agency representative testified that she provided FOP's Chairman, Mr. Dupree, with the opportunity to review any new policies, and that "Mr. Dupree advised her that he had no intention of reviewing the policies, but rather that he was going to file an unfair labor practice complaint." (R & R at p. 8 and Tr. at p. 119). Also, the Agency asserts that "the proposed policies contain language that if no comments or objections are received during the comment

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policies. On this basis, the Respondents assert that the Complaint should be dismissed.

A hearing was held and the Hearing Examiner issued a Report and Recommendation. (R & R). The Hearing Examiner found that FOP did not meet its burden of proof with respect to each allegation raised. In making this finding, the Hearing Examiner noted that the Respondents did not commit an unfair labor practice because negotiations eventually commenced between the parties, despite delays. The Hearing Examiner also found that the Respondents did not intentionally cause delays.<sup>8</sup> Additionally, the record contains no evidence that the Respondents recognized or negotiated with other Unions.<sup>9</sup> Instead, the Hearing Examiner found that the record reveals that the Respondents merely sought clarification on who was, at that time, representing the workers which FOP claimed to represent.<sup>10</sup> Furthermore, on the policy issue, the Hearing Examiner observed that FOP was given many opportunities during and between hearings to point to the policies which they desired to negotiate over, but were not permitted to. However, FOP never pointed to any specific ones. As a result, the Hearing Examiner had no basis on which to find an unfair labor practice violation concerning the Respondents' handling of policies. Therefore, the Hearing Examiner recommended that the Board dismiss FOP's complaint.

Neither party filed exceptions to the Hearing Examiner's Report and Recommendation.

Pursuant to D.C. Code §1-605.02 (3) (2001ed.) and Board Rule 520.14, the Board has reviewed the findings, conclusions and recommendations of the Hearing Examiner and find them to be reasonable, persuasive, supported by the record, and consistent with Board precedent. As a

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period, an assumption is made that there is concurrence." (R & R at p. 8).

<sup>8</sup>Relying on the standard found in AFGE, Local 1741 v. D.C. Department of Parks and Recreation, the Hearing Examiner concluded that the evidence did not establish that the Respondents refused or failed to negotiate with the Union or that there was a deliberate delay. See, 46 DCR 6502, Slip Op. No. 588, PERB Case No. 98-U-16 (1999). AFGE, Local 1741 v. D.C. Department of Parks and Recreation held, *inter alia*, that the totality of a party's actions must be examined to determine if the party's conduct establishes an intent to avoid negotiating an agreement. 46 DCR 6502, Slip Op. No. 588, PERB Case No. 98-U-16 (1999). No such intent was found by the Hearing Examiner in this case.

<sup>9</sup>The Hearing Examiner noted that OLRCB admitted that "there was some confusion in the staff at OLRCB...[because all those involved were] new to the office during that period" and it was unclear to them if FOP was participating in the Metropolitan Labor Coalition. (R & R at pgs. 7-8 and Tr. at pp. 23-24).

<sup>10</sup>By letter dated December 15, 2000, OLRCB representative, Michael Jacobs, apologized for his "confusion" over who was authorized to bargain on behalf FOP's bargaining employees. (R & R at p. 7-8). Shortly thereafter, ground rules were completed and the parties began bargaining.

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result, we adopt the Hearing Examiner's findings and conclusion that DOC and OLRCB did *not* commit any of the alleged unfair labor practices described in the complaint and dismiss FOP's unfair labor practice complaint.

**ORDER**

**IT IS HEREBY ORDERED THAT:**

1. The Unfair Labor Practice Complaint is dismissed.
2. Pursuant to Board Rule 559.1, this Decision and Order is final upon issuance.

**BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD**  
Washington, D.C.

April 11, 2003



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PERB Case No. 02-N-01  
Page 2

declared non-negotiable<sup>2</sup> by the D.C. Department of Health<sup>3</sup> ("DOH") during impact and effects bargaining over the elimination of the Health and Hospitals Public Benefit Corporation (PBC) and the resulting Reductions-in-Force (RIFs). (Appeal at p.3). The Petitioners are requesting that the Board order DOH to bargain over two proposals which concern wages and bonuses. These wages and bonuses are to be paid to union members who are currently or will be separated as a result of the dissolution of the PBC.

The two proposals are described below.

Pursuant to the Petitioners' two proposals, DOH would be required to do the following:

1. Pay DCGH employees, retroactively for one year, the same (higher rate of pay) as received by Compensation Bargaining Unit 20 members employed at the neighborhood ambulatory health clinics.<sup>4</sup>  
(Proposal 1, Appeal at p.4).
2. Pay bargaining unit members a \$1,700 lump sum bonus, as received by

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<sup>2</sup>Petitioners assert that the proposals were declared non-negotiable in the Agency's Response to a Notice of Impasse in PERB Case No. 01-I-07, a separate, but related matter which the Petitioners filed with the Board. In that matter, the Petitioners alleged that the parties had reached an impasse in their impact and effects bargaining concerning the abolishment of the PBC and the subsequent termination of the majority of former PBC employees. (Exhibit A, Response to Notice of Impasse). The Agency filed a response to the Impasse Notice. The Executive Director determined that the parties were at impasse. As a result, the parties were assigned to mediation before mediator Hugh Jascourt.

<sup>3</sup>In April 2001, the PBC was abolished. As a result, the Department of Health is the successor to the D.C. Health and Hospitals Public Benefit Corporation (PBC). Pursuant to §4 of the Health Care Privatization Amendment Act of 2001 ("HCPAA" or "Act"), approximately 1600 former PBC employees were transferred to the Department of Health ("DOH") on April 30, 2001, and assigned to a division called the Health Care Safety Net Administration. See also, Compensation Unit 21 v. D.C. Health and Hospitals Public Benefit Corporation, 48 DCR 8547, Slip Op. No. 659 at footnote 6, p.3, PERB Case No. 99-U-37 (2001).

<sup>4</sup>This proposal seeks to adjust the basic rate of pay for individuals in Compensation Unit 20 who were employed at D.C. General Hospital in order to bring it in line with the higher rate of pay which was applicable to employees in Compensation Unit 20 who are based at the PBC neighborhood ambulatory health clinics, namely, the PBC ANACOSTIA Clinic, PBC CONGRESS HEIGHTS Clinic, PBC WALKER JONES Clinic, PBC HUNT PLACE Clinic and PBC WOODRIDGE Clinic. The proposed pay adjustments would be retroactive for one year.

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members of Compensation Units 1 and 2.<sup>5</sup> (Proposal 2, Appeal at p. 4).

The Petitioners claim that the two proposals noted above are proper subjects for bargaining. Specifically, the Petitioners claim that Proposal 1 would increase an employee's base pay and relates to the impact and effects of a RIF. Therefore, the proposal is negotiable. (Appeal at p. 6). The Petitioners support this contention by asserting that the "level of base pay at the time of separation affects the amount of one's severance and retirement annuity."<sup>6</sup> (Appeal at p. 6). In addition, the Petitioners claim that Proposal 2 is a proper subject for bargaining because the bonus funds could be used to help unemployed workers meet expenses such as health care insurance, job search costs, or other expenses resulting from the RIFs. (Appeal at p. 6). In view of the above, the Petitioners contend that the Board should find that both proposals are appropriate subjects for impact and effects bargaining. (Appeal at p. 7).

In its response to the Negotiability Appeal, DOH claims that Proposals 1 and 2 are contrary to law and concern matters that are not within the limited scope of impact and effects bargaining. (Response at pgs. 4 and 5). Specifically, DOH argues that the proposals are contrary to law because they inappropriately attempt to negotiate basic compensation for union members in the context of impact and effects bargaining. (Response at p.5). In addition, DOH asserts that the attempt to bargain over compensation in this manner is inconsistent with the guidelines set forth for compensation bargaining in D.C. Code<sup>7</sup> §§1-617.16 and 1-617.17 (2001 ed.).<sup>8</sup> Furthermore, DOH claims that by submitting these proposals, the Unions are now attempting to initiate compensation bargaining, pursuant to D.C. Code §1-617.17, which they failed to initiate prior to the dissolution of the PBC. (Response at p. 5). Finally, DOH contends that the subject matter is preempted by the Health Care Privatization Amendment Act of 2001 ("HCPAA" or "Act"). Specifically, DOH claims that the HCPAA has addressed compensation by mandating that former PBC employees be placed permanently in a non-pay and non-duty status. DOH bases its contention on language in the HCPAA which requires that the PBC health care delivery system be dissolved and restructured, in

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<sup>5</sup>This proposal concerns a request for a bonus to be paid to Compensation Unit 20 employees in the same manner it was paid to employees in Compensation Units 1 and 2. The purpose of the bonus is to compensate workers for losses due to furloughs and years without pay increases.

<sup>6</sup>The Petitioners claim that severance pay is calculated based on the base pay at the time of an employee's termination. (Appeal at p.6).

<sup>7</sup>Throughout this Opinion, all references to the D.C. Code shall refer to the 2001 edition.

<sup>8</sup>D.C. Code §§1-617.16 and 1-617.17 outline the statutory procedures for collective bargaining concerning compensation. These two sections do not address compensation bargaining in the context of bargaining over the impact and effects of a management decision.

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accordance with the recommendations made in the Financial Responsibility Management Assistance Authority's (Control Board) Resolution, Recommendations and Orders Concerning the Public Benefit Corporation (Resolution) and its Restructuring Plan.<sup>9</sup> (Response at p. 6). In view of the above, DOH asserts that the pay raise, which is based on the ambulatory clinics' pay schedules and a bonus payment are inconsistent with the Control Board's mandate to close the PBC and reduce costs. (Response at p.6).

The Board has the authority to consider the negotiability of the proposals pursuant to Board Rules 532.1 and 532.4.

The Board has held that management is required to bargain, upon request of the exclusive representative, over the "effects or impact of a non-bargainable management decision upon terms and conditions of employment." Teamsters Unions No. 639 and 730- a/w International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, AFL-CIO v. District of Columbia Public Schools, 38 DCR 96, Slip Op. No. 249, PERB Case No. 89-U-17 (1991). (Teamsters v. DCPS). "Included within this limited scope of bargaining is the obligation to bargain over procedures for implementing that decision when it is made." Id.

The specific issue presented in this Negotiability Appeal is whether the Petitioners' wage and bonus payment proposals are proper subjects for impact and effects bargaining concerning the closure of the PBC, transfer of PBC employees to DOH, and the eventual separation of PBC employees through a RIF.

The Board has held that compensation, whether in the form of regular or overtime pay, is generally a negotiable matter under the Comprehensive Merit Personnel Act (CMPA). See, International Association of Fire Fighters, Local 36 and D.C. Fire and Emergency Management Service, 45 DCR 8080, Slip Op. No. 505, PERB Case No. 97-N-01 (1998). In addition, the Board has previously considered the precise issue<sup>10</sup> that is presently before us. In Unions in Compensation Unit 21 and DOH, the Board determined that wages and bonuses are proper subjects for impact and effects bargaining pursuant to D.C. Code §1-617.08 (2001 ed.) (Matters Subject to Collective

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<sup>9</sup>As recommended by the Control Board in its Resolution of December 4, 2000 and in accordance with its Restructuring Plan of December 15, 2000, the HCPAA authorized the implementation of an alternative publicly-financed health care delivery system to provide the health care services formerly provided by the PBC. (Response at p. 6 and §2(5) of the HCPAA). The Control Board Resolution and Restructuring Plan require the privatization of certain PBC services, the closure of D.C. General Hospital and the reduction of personnel. (Response at p. 6; Control Board Resolution at pgs. 2 and 4; Restructuring Plan at p. 1).

<sup>10</sup>In Unions in Compensation Unit 21 and DOH, the Board considered whether compensation proposals concerning wages and bonuses were proper subjects for impact and effects bargaining. Id.

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PERB Case No. 02-N-01  
Page 5

Bargaining) and D.C. Code §1-617.16 (2001 ed.) (“Collective Bargaining Concerning Compensation). See, 49 DCR 7756, Slip Op. No. 674, PERB Case No. 02-N-02 (2002). Specifically, the Board found that compensation, including wages and bonuses<sup>11</sup>, is presumptively bargainable pursuant to the language of the CMPA and the Board’s previous decisions. See, Unions in Compensation Unit 21 and DOH, 49 DCR 7756, Slip Op. No. 674, PERB Case No. 02-N-02 (2002) and International Association of Fire Fighters, Local 36 and D.C. Fire and Emergency Management Service, 45 DCR 8080, Slip Op. No. 505, PERB Case No. 97-N-01 (1998).<sup>12</sup> Furthermore, the Board determined that the HCPAA does not pre-empt bargaining over compensation. In making the determination in Unions in Compensation Unit 21 and DOH, we found that the language of the HCPAA did not expressly address the subject of compensation. Id. In addition, we found that the Act did not evidence a clear and unambiguous intent to exclude compensation from either regular bargaining or impact and effects bargaining. Id. Furthermore, the Board considered the fact that the HCPAA does not specifically use the word “compensation”, nor does the CMPA expressly exclude bargaining over wages and bonuses in the context of impact and effects bargaining. Id. Consistent with the Board’s determination in Unions in Compensation Unit 21 v. DOH case, we do not find any language in the HCPAA or CMPA that expressly prohibits negotiation over the wage increase or bonus provisions proposed by the Unions in the present case. Id. Because we believe that the case presently before us is analogous to the Unions in Compensation Unit 21 and DOH case, the Board concludes that it should be decided the same way. Id. As a result, we find that Compensation Unit 20’s proposals concerning wages and bonuses are negotiable.

On the issue of severance pay, the Board has indicated that severance pay is negotiable in the context of impact and effects bargaining over a RIF. See, Id. and National Association of Government Employees, Local R3-06 v. D.C. Water and Sewer Authority, 47 DCR 7551, Slip Op. No. 635 at p. 7, PERB Case No. 99-U-04 (2000). In view of the above, the Board finds that Compensation Unit 20’s proposals are negotiable.

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<sup>11</sup>In Unions in Compensation Unit 21 v. DOH, the Board found that wages and bonuses are compensation.

<sup>12</sup> In IAFF v. DCFEMS, the Board held that compensation, whether in the form of regular or overtime pay, is generally a negotiable matter under the Comprehensive Merit Personnel Act. 45 DCR 8080, Slip Op. No. 505, PERB Case No. 97-N-01 (1998).

Decision and Order  
PERB Case No. 02-N-01  
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**ORDER**

**IT IS HEREBY ORDERED THAT:**

1. The Unions' proposals, concerning wages and bonuses, are within the scope of impact and effects bargaining and are, therefore, negotiable.
2. Pursuant to Board Rule 559.1, this decision is final upon issuance.

**BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD**

Washington, D.C.

May 19, 2003



Decision on Unit Determination and  
Direction of Election  
PERB Case No. 02-RC-02  
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comments received.

AFSCME seeks to represent the following proposed unit:

All professional and non-professional employees of the District of Columbia Office of Contracting and Procurement; excluding all management officials, supervisors, confidential employees, employees engaged in work in other than a purely clerical capacity and employees engaged in administering the provisions of Title XVII of the District of Columbia Comprehensive Merit Personnel Act of 1978, D.C. Law 2-139.

D.C. Code § 1-617.09(a) (2001 ed.), requires that a community of interest exist among employees in order for a unit to be found appropriate by the Board for collective bargaining over terms and conditions of employment. An appropriate unit must also promote effective labor relations and efficiency of agency operations.

Our review of the Petition and exhibits reveal that the proposed unit consists of the following employee positions: contract specialists, contract specialists (bilingual), procurement analysts, contract administrators, program analysts, clerical assistants, procurement technicians, staff assistants, staff assistants (office automation), administrative assistants, motor vehicle operators, administrative aides, materials handler leaders, management analysts, purchasing agents, computer specialists, computer programmer analysts, program specialists, contract representatives (legal) and property disposal specialists. All of these employees are assigned to the District of Columbia Office of Contracting and Procurement. In addition, all of these employees share a common mission within the District of Columbia Office of Contracting and Procurement. No other labor organization represents these employees. Also, there is no collective bargaining agreement in effect covering any of these employees.

In view of the above, we believe that sufficient factors exist for the Board to find that these employees share a community of interest. Such a unit of all professional and non-professional employees sharing a common mission, would in our view, promote effective labor relations and efficiency of agency operations and thereby constitute an appropriate unit under the Comprehensive Merit Personnel Act.

Regarding the question of representation, the Board orders that an election be held to determine the will of the eligible employees (in the unit described above), regarding their desire to be represented by AFSCME for purposes of collective bargaining with the District of Columbia Office

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unit with the non-professional employees, then the specific position titles should be identified in each separate unit. AFSCME does not oppose OLR CB's request. We concur with this request.

Decision on Unit Determination and  
Direction of Election  
PERB Case No. 02-RC-02  
Page 3

of Contracting and Procurement. Also, in order to conform with the requirements of D.C. Code § 1-617.09(b)(5) (2001 ed.) and Board Rule 510.5 (concerning the inclusion of professional employees and non-professional employees in the same unit), eligible professional employees shall indicate their choice on separate ballots as to: (1) whether they desire to be represented for bargaining on terms and conditions of employment by AFSCME; and (2) whether they wish to be included in a consolidated unit with non-professional employees. Eligible non-professional employees, in the same election, shall indicate their choice only as to the former question. Finally, we believe that a mail ballot election is appropriate in this case.

**ORDER**

**IT IS HEREBY ORDERED THAT:**

1. The following unit is an appropriate unit for collective bargaining over terms and conditions of employment:

All professional and non-professional employees employed by the District of Columbia Office of Contracting and Procurement; excluding all management officials, supervisors, confidential employees, employees engaged in work in other than a purely clerical capacity and employees engaged in administering the provisions of Title XVII of the District of Columbia Comprehensive Merit Personnel Act of 1978, D.C. Law 2-139.

2. A mail ballot election shall be held in accordance with the provisions of D.C. Code § 1-617.10 (2001 ed.) and Board Rules 510-515 in order to determine whether or not: (1) all eligible employees desire to be represented for bargaining on terms and conditions of employment by either the American Federation of State, County and Municipal Employees, District Council 20, Local 2401 or No Union; and (2) all eligible professional employees wish to be included in a consolidated unit with non-professional employees. Eligible non-professional employees, in the same election, shall indicate their choice only as to the former question.
3. Pursuant to Board Rule 559.1, this Decision and Order is final upon issuance.

**BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD**  
Washington, D.C.

June 12, 2003

Government of the District of Columbia  
Public Employee Relations Board

|  |   |                        |
|--|---|------------------------|
| _____                                  | ) |                        |
| In the Matter of:                      | ) |                        |
|  | ) |                        |
| District of Columbia                   | ) |                        |
| Metropolitan Police Department,        | ) |                        |
|  | ) | PERB Case No. 01-A-05  |
| Petitioner,                            | ) |                        |
|  | ) | Opinion No. 719        |
| and                                    | ) |                        |
|  | ) | <b>FOR PUBLICATION</b> |
| Fraternal Order of Police/Metropolitan | ) |                        |
| Police Department Labor Committee      | ) |                        |
| (on behalf of Grievant Anthony Brown), | ) |                        |
|  | ) |                        |
| Respondent.                            | ) |                        |
| _____                                  | ) |                        |

**DECISION AND ORDER**

I. Statement of the Case

In a Decision and Order (Slip Op. No. 662) issued on September 25, 2001, the Board denied an Arbitration Review Request filed by the District of Columbia Metropolitan Police Department ("MPD"). MPD was seeking review of an arbitration award ("Award") which rescinded the termination imposed on a bargaining unit employee. MPD claimed that the: (1) Arbitrator was without authority to grant the Award; and (2) Award was contrary to law and public policy. The Fraternal Order of Police/Metropolitan Police Department Labor Committee ("FOP") opposed the Arbitration Review Request.

The issue before the Board was whether "the award on its face [was] contrary to law and public policy" or whether "the arbitrator was without or exceeded his or her jurisdiction. . . ." D.C. Code Sec. 1-605.02(6) (2001 ed.). Upon consideration of the Arbitration Review Request, the Board found that MPD did not establish a statutory basis for review. Therefore, pursuant to Board Rule 538.4, MPD's Arbitration Review Request was denied.

MPD appealed the Board's decision to the District of Columbia Superior Court. Superior Court Judge Ellen Abrecht vacated the Board's Order and remanded the case to the Board for entry of an order reversing the arbitrator's award. As a result, this case is before the Board for a decision consistent with Judge Abrecht's Order.

**Decision and Order****PERB Case No. 01-A-05****Page 2**

## II. Discussion

MPD terminated the grievant, a police officer for: (1) conduct unbecoming an officer which would "affect adversely the employee's or the agency's ability to perform effectively"; (2) conviction of a criminal or quasi-criminal offense; and (3) willfully and knowingly making an untruthful statement to a superior officer. Before ruling on the merits of the case, the Arbitrator determined that the Grievant's termination was in violation of the procedural rights guaranteed to him by the parties' collective bargaining agreement (CBA). Specifically, the Arbitrator concluded that MPD violated Article 12, Section 7, of the parties' CBA when the Chief of Police failed to respond to the employee's appeal within the fifteen (15) day time limit. As a result, the Arbitrator rescinded the termination and reinstated the Grievant.

MPD took issue with the Arbitrator's Award. Specifically, MPD asserted that the: (1) Arbitrator exceeded his authority by rescinding the Grievant's termination; and (2) award was contrary to law and public policy.

After reviewing the pleadings, the Board found that the Arbitrator's conclusion was based on a thorough analysis and could not be said to be clearly erroneous or contrary to law and public policy. As a result, no statutory basis existed for setting aside the Award. Therefore, MPD's Arbitration Review Request was denied.

MPD appealed the Board's decision to the District of Columbia Superior Court. Superior Court Judge Ellen Abrecht vacated the Board's Order and remanded the case to the Board for entry of an order reversing the arbitrator's award.

In view of the above, the Board is: (1) reversing the Arbitrator's award; and (2) remanding this case to the Arbitrator and directing the Arbitrator to issue a decision on the merits.

For the reasons stated above, we direct the parties to their grievance-arbitration process to resolve the present grievance on the merits. Furthermore, the time limits in the parties' collective bargaining agreement concerning the filing, processing and/or decision to arbitrate are waived to facilitate and effectuate the purposes of the Comprehensive Merit Personnel Act. See, FOP/DOC Labor Committee v. OLR CB and DOC, 48 DCR 2920, Slip Op. No. 419, PERB Case No. 94-U-14 (1995).

**ORDER****IT IS HEREBY ORDERED THAT:**

1. The Arbitration Award issued on March 19, 2001 is reversed.
2. This matter is remanded to Arbitrator Salvatore Arrigo. In addition, the Board directs that Arbitrator Arrigo consider Anthony Brown's grievance and issue a decision on the merits of the case.

**Decision and Order**

**PERB Case No. 01-A-05**

**Page 3**

- 3 The time limits in the parties' collective bargaining agreement concerning the filing, processing and/or decision to arbitrate are waived in order to facilitate and effectuate the purposes of the Comprehensive Merit Personnel Act.
- 4 Pursuant to Board Rule 559.2, this Decision and Order is final upon issuance.

**BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD**

Washington, D.C.

June 16, 2003

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
PUBLIC EMPLOYEE RELATIONS BOARD**

|  |                       |   |
|--|-----------------------|---|
| <hr/>  |                       | ) |
| In the Matter of:  |                       | ) |
|  |                       | ) |
| FRATERNAL ORDER OF POLICE/<br>METROPOLITAN POLICE DEPARTMENT<br>LABOR COMMITTEE (on behalf of<br>Grievant Gregory Powell), |                       | ) |
|  | PERB Case No. 03-A-01 | ) |
|  |                       | ) |
| Petitioner,  |                       | ) |
|  | Opinion No. 720       | ) |
|  |                       | ) |
| and  | FOR PUBLICATION       | ) |
|  |                       | ) |
|  |                       | ) |
| DISTRICT OF COLUMBIA<br>METROPOLITAN POLICE DEPARTMENT,  |                       | ) |
|  |                       | ) |
| Respondent.  |                       | ) |
| <hr/>  |                       | ) |

**DECISION AND ORDER**

On October 15, 2002, the Fraternal Order of Police/Metropolitan Police Department Labor Committee (“FOP” or “Union”) filed an Arbitration Review Request on behalf of Sergeant Gregory Powell.<sup>1</sup> FOP seeks review of an Arbitration Award (“Award”)<sup>2</sup> which affirmed the termination of Gregory Powell. FOP contends that the: (1) Arbitrator was without authority to grant the Award; and (2) Award is contrary to law. The Metropolitan Police Department (“MPD”) opposes the Request.

The issue before the Board is whether “the award on its face is contrary to law and public policy” or whether “the arbitrator was without or exceeded his or her jurisdiction...” D.C. Code §1-

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<sup>1</sup>Sergeant Gregory Powell’s rank was reduced as a result of this disciplinary action. He may be referred to as either “Sergeant” or “Officer”, throughout this decision. He is also referred to as “Powell”, his surname.

<sup>2</sup>Arbitrator Lois Hochhauser issued the Opinion and Award in this matter.

Decision and Order  
PERB Case No. 03-A-01  
Page 2

605.02(6). Upon consideration of the Request, we find that FOP has not established a statutory basis for our review. Therefore, pursuant to Board Rule 538.4, FOP's request for review is denied.

MPD terminated the Grievant, a Sergeant, for: (1) conduct unbecoming of a police officer by, *inter alia*, fighting with another police officer; and (2) willfully and knowingly making an untruthful statement in the context of MPD's investigation of the incident.<sup>3</sup> The Arbitrator found that the charges against Officer Powell were supported by the evidence. In addition, the Arbitrator found that the Police Chief had authority to increase the disciplinary penalty from a recommended suspension to a termination.

FOP takes issue with the Arbitrator's Award. FOP asserts that the Arbitrator exceeded her authority by finding that Chief Ramsey had the authority to increase Powell's penalty from a 35-day suspension to a termination. Specifically, the Union claims, *inter alia*, that the Arbitrator erred by concluding that: (1) there was substantial evidence to support a finding that Powell committed the alleged acts; and (2) Chief Ramsey had the authority to increase the penalty for the disciplinary violation. Additionally, FOP contends that the Arbitrator erred by basing her decision on the Chief's discretion to "modify" the disciplinary penalty recommended by the Trial Board.<sup>4</sup> Furthermore, FOP asserts that the Chief's act of modifying the Trial Board's decision is inconsistent

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<sup>3</sup>On March 2, 2000, Sergeant Powell was involved in an altercation with another police officer. As a result, on March 13, 2000, the Metropolitan Police Department ("MPD") issued a Notice of Proposed Adverse Action against Sergeant Powell. The Notice charged Sergeant Powell with misconduct and proposed to terminate him. In January 2001, the Proposed Notice against Sergeant Powell was amended and issued. (Award at pg. 2). Subsequently, in March 2001, the Trial Board heard the officer's grievance against Sergeant Powell. Thereafter, in April 2001, the Trial Board sustained all, but one count against Powell and recommended a reduction in rank and a 35-day suspension. The Union, on behalf of Sergeant Powell, appealed the Trial Board's decision to Chief Ramsey. Finding that Powell's misconduct was serious, the Chief of Police decided to affirm the Trial Board's decision; however, he increased the penalty to a termination. Pursuant to the parties' collective bargaining agreement, Sergeant Powell appealed the increased penalty. After hearing the case, the Arbitrator affirmed the decision of the Trial Board and confirmed Chief Ramsey's authority to increase Sergeant Powell's penalty.

<sup>4</sup>In support of this argument, FOP asserts that the Arbitrator's reliance on Black's Law Dictionary's definition of "modify" is ambiguous and is inconsistent with MPD Manual § 10.1.21, which states that the deciding officer may "confirm the findings and impose the penalty recommended..., reduce the penalty or... declare the Board's proceedings void and refer the case to another regularly appointed trial board." (Request at pg. 3).

Decision and Order  
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with § 1613.2 of the District of Columbia Personnel Manual<sup>5</sup> (“DPM”). (Request at pg. 3). Finally, FOP argues that pursuant to Douglas v. Veterans Administration, 5 M.S.P.R. 280 (1981), the Trial Board did not assign “proper” weight to the fact that this situation was the first adverse action initiated against Powell and that Powell was provoked by the other officer when the misconduct occurred

In light of the above, FOP’s ground for review only involves a disagreement with the Arbitrator’s interpretation of DPM § 1613.2 and other regulations which are cited in support of its position.<sup>6</sup> Moreover, FOP merely requests that we adopt its interpretation of the above-referenced provision of the DPM.

Based on the above and the Board’s statutory basis for reviewing arbitration awards, FOP contends that the Arbitrator exceeded her authority by affirming the termination. We disagree.

The Board has held that an arbitrator’s authority is derived “from the parties’ agreement and any applicable statutory and regulatory provision.” D.C. Dept. of Public Works and AFSCME, Local 2091, 35 DCR 8186, Slip Op. No. 194, PERB Case No. 87-A-08 (1988). Furthermore, the Board has held that “[b]y agreeing to submit the settlement of [a] grievance to arbitration, it [is] the Arbitrator’s interpretation, not the Board’s, that the parties have bargained for.” University of the District of Columbia and University of the District of Columbia Faculty Association/NEA, 39 DCR 9628, Slip Op. No. 320 at p. 2, PERB Case No. 92-A-04 (1992). Also, we have found that by submitting a matter to arbitration, “the parties agree to be bound by the Arbitrator’s interpretation of the parties’ agreement and related rules and regulations, as well as his evidentiary findings and conclusions upon which the decision is based.” Id. Moreover, “[t]he Board will not substitute its own interpretation or that of the Agency’s for that of the duly designated arbitrator.” District of Columbia Department of Corrections and International Brotherhood of Teamsters, Local Union No. 246, 34 DCR 3616, Slip Op. No. 157 at p. 3, PERB Case No. 87-A-02 (1987).

FOP also claims that the Arbitrator’s Award is contrary to law. We disagree. In making this

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<sup>5</sup>Chapter 16 of the District of Columbia Personnel Manual (“DPM”) outlines the District government’s regulations concerning the disciplining of employees. DPM § 1613.2 provides that: “[t]he deciding official shall either sustain the proposed (disciplinary) penalty, reduce it, remand the action with instruction for further consideration, or dismiss the action with or without prejudice, but in no event shall he or she increase the penalty.”

<sup>6</sup>While FOP *did* point to other regulations which were favorable to its position, the Arbitrator noted that she reviewed various provisions of the District Personnel Manual, Statutes, MPD General Orders and other authorities cited by the parties and was not persuaded. (Award at p. 6).

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determination, we note that a "disagreement with the Arbitrator's interpretation. . . does not make the Award contrary to law and public policy." AFGE, Local 1975 and Dept. of Public Works, 48 DCR 10955, Slip Op. No 413, PERB Case No. 95-A-02 (2001). To set aside an award as contrary to law and public policy, a Petitioner must present applicable law and definite public policy that mandates that the arbitrator arrive at a different result. See, AFGE, Local 631 and Dept. of Public Works, 45 DCR 6617, Slip Op. No. 365, PERB Case No. 93-A-03 (1998).

In the present case, FOP's claim involves only a disagreement with the Arbitrator's interpretation of DPM § 1613.2 and other authority that is relied on. This is not a sufficient basis for concluding that the: (1) Arbitrator has exceeded her authority; or (2) Award is contrary to law or public policy. Therefore, we find that FOP has failed to point to any clear or legal public policy which the Award contravenes.

We find that the Arbitrator's conclusion is based on a thorough analysis and cannot be said to be clearly erroneous or contrary to law and public policy. For the reasons discussed, no statutory basis exists for setting aside the Award; the Request is therefore, denied.

**ORDER**

**IT IS HEREBY ORDERED THAT:**

1. The Fraternal Order of Police/Metropolitan Police Department Labor Committee's Arbitration Review Request is denied.
2. Pursuant to Board Rule 559.1, this Decision and Order is final upon issuance.

**BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD**

Washington, D.C.

June 25, 2003

PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA  
1333 H STREET, N.W., 2<sup>nd</sup> FLOOR, WEST TOWER  
WASHINGTON, D.C. 20005

**NOTICE AND REQUEST FOR COMMENTS ON THE  
FILING OF THE PRODUCTIVITY IMPROVEMENT WORKING GROUP'S  
CUSTOMER SERVICE AND RELIABILITY STANDARDS REPORT**

**FORMAL CASE NO. 1002, IN THE MATTER OF THE JOINT APPLICATION OF  
PEPCO AND NEW RC INC. FOR AUTHORIZATION AND APPROVAL OF MERGER  
TRANSACTION**

1. The Public Service Commission of the District of Columbia ("Commission") hereby gives notice of and invites public comment on the Potomac Electric Power Company's ("PEPCO") filing with the Commission of PEPCO's Customer Service and Reliability Standards Report ("Standards") of the Productivity Improvement Working Group ("PIWG Report").<sup>1</sup> The PIWG Report is filed pursuant to Commission Order No. 12395 in Formal Case No. 1002,<sup>2</sup> in which the Commission directed PEPCO to submit to the PIWG the customer service and reliability standards enumerated in the PEPCO/Conectiv Merger Application, and to include in its Productivity Improvement Plan ("PIP") its activities and results.<sup>3</sup>

2. Following meetings of the PIWG, the members reached general agreement on a list of measures to be included in the list of Standards. The Standards consist of two customer service and three reliability measures to be reported in the PIP, filed annually on February 15. The measures for Customer Service include: 1) Call Center Service Level, including how quickly calls to the Center are answered, and 2) Abandoned Calls, such as calls not answered before callers hang up. Reliability measures include: 1) Worst Performing Circuits, 2) Prompt Restoration of service, and 3) Reporting Indices of System Average Interruption Frequency Index, Customer Average Interruption Index, and System Average Interruption, all of which measure the frequency and duration of outages and number of customers affected. The proposed Standards are presented in Enclosure A of the PIWG Report.

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<sup>1</sup> *Formal Case No. 1002, In the Matter of the Joint Application of PEPCO and New RC Inc., for Authorization and Approval of Merger Transaction, Customer Service and Reliability Standards Report of the Productivity Improvement Working Group in Response to Commission Order No. 12395 (June 4, 2003).*

<sup>2</sup> *Formal Case No. 1002, In the Matter of the Joint Application of PEPCO and New RC Inc., for Authorization and Approval of Merger Transaction, Order Approving Merger in Accordance with Terms and Conditions of Unanimous Settlement Agreement, Order No. 12395 (May 1, 2002).*

<sup>3</sup> Order No. 12395 at 59-60.

3. Three issues are addressed with regard to developing reliability standards for distribution system outage performance benchmarks. These issues are: 1) treatment of the variability of system performance from year to year due to varying weather conditions and other expected causes, such as downed trees or limbs, animals, routine equipment failures, etc.; 2) normalization of data to account for unusual events such as major storms; and 3) a newly implemented change in the method used for collecting and processing outage information. Each of these three issues is addressed individually and in detail in the PIWG Report.

4. The PIWG Report is on file with the Commission. A copy of the Report may be reviewed at the Office of the Commission Secretary, Second Floor, West Tower, 1333 H Street, N.W., Washington, D.C. 20005, between the hours of 9:00 a.m. and 5:30 p.m., Monday through Friday. Copies of the Report are available, upon request, at a reproduction cost. Comments on the PIWG Report, setting forth the specific grounds for each representation, should be made in writing to Sanford M. Speight, Acting Commission Secretary, at the above address. Comments must be received within 30 days of publication of this Notice in the D.C. Register. Interested persons may file reply comments within 45 days of the publication of the Notice, after which time the Commission will take final action on the PIWG Report.

Office of the Secretary of the  
District of Columbia

Notice is hereby given that the following named persons have been appointed as Notaries Public in and for the District of Columbia, effective on or after September 1, 2003.

|                        |     |  |
|------------------------|-----|--|
| Allard, Julie          | Rpt | Zuckerman Spaeder<br>1201 Conn Ave,NW 20036                  |
| Berning, Grant R.      | Rpt | Landmark Title<br>730 24 <sup>th</sup> St,NW#15 20037        |
| Blalock, Margaret H.   | Rpt | 3926 17 <sup>th</sup> Pl,NE<br>20018                         |
| Bristow, Sharon C.     | Rpt | Osborne Law Offices<br>4301 Conn Ave,NW 20008                |
| Clark, Lois            | Rpt | Natl Osteoporosis Found<br>1232 22 <sup>nd</sup> St,NW 20037 |
| Cleckley, Wanda D.     | Rpt | Union Temple Bapt Church<br>1225 W St,SE 20020               |
| DelRosario, Liberty C. | Rpt | National Distributing<br>4235 Sheriff Rd,NE 20019            |
| Ferguson, Linda L.     | Rpt | National Distributing<br>4235 Sheriff Rd,NE 20019            |
| Gentry, Betty N.       | Rpt | Alan Toppelberg & Assoc<br>1444 N St,NW 20005                |
| Glenn, Carole J.       | Rpt | Ropes & Gray<br>1301 K St,NW#800E 20005                      |
| Goldman, Harry         | Rpt | 4201Cathedral Ave,NW#512W<br>20016                           |

|                      |     |   |
|----------------------|-----|---|
| Gomez, Carlos A.     | Rpt | 5747 13 <sup>th</sup> St,NW<br>20011                                |
| Harden, Mary L.      | Rpt | HowardUnivHosp/MedRecords<br>2041 Ga Ave,NW#2048 20060              |
| Harris, Sharon M.    | Rpt | Baach Robinson Lewis<br>1Thomas Circle,NW#200 20005                 |
| Hartke, Vance        | Rpt | Counterpart International<br>1200 18 <sup>th</sup> St,NW#1100 20036 |
| Killion, Rebecca W.  | Rpt | Hogan & Hartson<br>555 13 <sup>th</sup> St,NW 20004                 |
| Luchs, Barbara B.    | Rpt | 3633 Appleton St,NW<br>20008  |
| Mason, Mary T.       | Rpt | Jason Corporation<br>4420 Conn Ave,NW#200 20015                     |
| Rawi, Brahim         | Rpt | Bank of America<br>3131 Mt Pl St,NW 20010                           |
| Rosario, Vincent     | Rpt | 510 Missouri Ave,NW<br>20011  |
| Sucin, S. Anna       | Rpt | Willkie Farr & Gallagher<br>1875 K St,NW 20006                      |
| Tran, Phuong D.      | Rpt | Capitol Paving of D.C.<br>2211 Channing St,NE 20018                 |
| Tyler, Margie M.     | Rpt | Heller Ehrman et al<br>1666 K St,NW#300 20006                       |
| Wagner, Camille D.   | Rpt | Paragon Title & Escrow<br>2201 Wisc Ave,NW#360 20007                |
| Whitfield, Milton B. | Rpt | Shaw Pittman<br>2300 N St,NW 20037                                  |
| Winstead, Bridget    | Rpt | Vista Contracting<br>1310 Pa Ave,SE 20003                           |

**Washington Convention Center Authority**

**Board of Directors**

**Changes in Meeting Dates**

The Board of Directors of the Washington Convention Center Authority hereby gives notice of the following changes in its schedule of public meetings, published at 50 DCR 403 on January 10, 2003.

The Board's public meeting scheduled for August 28, 2003 has been cancelled. Also the September 25, 2003 Board Meeting has been rescheduled to Thursday, September 11, 2003. The meeting will begin at 10:00 a.m. in the Board Room of the new Washington Convention Center, 801 Mount Vernon Place, NW, Washington, DC 20001.

**ZONING COMMISSION NOTICE OF FILING**

**Case No. 03-26**

**(Consolidated PUD for Lots 59, 60, 178, 203, 801, 815-818, & 820 in Square 235)**

**July 30, 2003**

**THIS CASE IS OF INTEREST TO ANC 1B**

On July 21, 2003, the Office of Zoning received an application from P.N. Hoffman, Inc. on behalf of the owners, Square 235 LP, George Galich, Helen Galich Marx, Kathryn Galich Rozansky, and the Washington Metropolitan Area Transit Authority, (the "applicant") for approval of a consolidated planned unit development.

The property that is the subject of this application consists of Square 235, Lots 59, 60, 178, 203, 801, 815-818, and 820, in Southwest Washington, D.C. (Ward 1), with a street address of 2101-25 14<sup>th</sup> Street, N.W. The property is split-zoned with the portion fronting on 14<sup>th</sup> Street located in the Arts/C-3-A District and the remainder of the site located in the R-5-B District.

The applicant seeks approval of consolidated PUD for mixed-use development of residential, retail, and commercial uses composed of approximately 314,968 square feet of gross floor area. This request is not inconsistent with the Comprehensive Plan of the District of Columbia.

For additional information, please contact, the Secretary to the Zoning Commission at (202) 727-6311.

**ZONING COMMISSION NOTICE OF FILING**

**Case No. 03-27**

**(Consolidated PUD and Map Amendment for Lots 817 & 820 in Square 1732)**

**July 30, 2003**

**THIS CASE IS OF INTEREST TO ANC 3E**

On July 22, 2003, the Office of Zoning received an application from 4600 Brandywine Associates, LLC (the "applicant") for approval of a consolidated planned unit development and a map amendment for the above-referenced property.

The property that is the subject of this application consists of Square 1732, Lots 817 and 820, in Southwest Washington, D.C. (Ward 3), with a street address of 4600-4614 Wisconsin Avenue, N.W. The property is currently zoned C-2-A.

The applicant proposes to develop a mixed-use, primarily residential, project consisting of 43 residential condominium units and approximately 4,500 square feet of ground floor retail. In addition, the applicant seeks a map amendment to change the current zoning of C-2-A to C-2-B. This request is not inconsistent with the Comprehensive Plan of the District of Columbia.

For additional information, please contact, the Secretary to the Zoning Commission at (202) 727-6311.

**ZONING COMMISSION NOTICE OF FILING**  
**Case No. 03-28**  
**(Consolidated PUD and Map Amendment for Parcels 123/56 and 123/57)**  
**August 6, 2003**

**THIS CASE IS OF INTEREST TO ANC 5A**

On July 31, 2003, the Office of Zoning received an application from the District of Columbia's Department of Public Works (the "applicant") for approval of a consolidated planned unit development and a map amendment for the above-referenced property.

The property that is the subject of this application consists of Parcels 123/56 and 123/57, in Southeast Washington, D.C. (Ward 5), with a street address of 4900 Bates Road, N.E. The property is currently zoned R-5-A.

The applicant proposes to modify its Fort Totten Solid Waste Transfer Station with a more modern, environmentally improved solid waste transfer facility. In addition, the applicant seeks a map amendment to change the current zoning of R-5-A to M. This request is not inconsistent with the Comprehensive Plan of the District of Columbia.

For additional information, please contact, the Secretary to the Zoning Commission at (202) 727-6311.

**ZONING COMMISSION NOTICE OF FILING**  
**Case No. 03-29**  
**(Consolidated PUD & Related Map Amendment – 2025 F Street, N.W.)**  
**August 7, 2003**

**THIS CASE IS OF INTEREST TO ANC 2A**

On July 30, 2003, the Office of Zoning received an application from The George Washington University (the “applicant”) for approval of a consolidated planned unit development and a related map amendment for the above-referenced property.

The property that is the subject of this application consists of Square 103, Lot 817, in Northwest Washington, D.C. (Ward 2), with a street address of 2025 F Street, N.W. The property is currently zoned R-5-D.

The applicant proposes to construct a 530-bed residence hall on a surface parking lot. This site also contains a two-story Support Building and a service yard, both of which will remain. In addition, the applicant seeks a related map amendment to change the current zoning of R-5-D to C-3-C. This request is not inconsistent with the Comprehensive Plan of the District of Columbia.

For additional information, please contact, the Secretary to the Zoning Commission at (202) 727-6311.

**ZONING COMMISSION ORDER NO. 03-08**  
**Case No. 03-08/99-02M**  
**Extension of the Consolidated Planned Unit Development**  
**At 1000 K Street, NW**  
**April 14, 2003**

By Order No. 556, as subsequently amended and extended, the Zoning Commission granted approval of an application for a planned unit development ("PUD") for Lot 23 in Square 343 for construction of a 12-story retail/office building. The PUD was extended on a number of occasions.

By Order No. 905, with an effective date of October 8, 1999, the Commission approved modification of the PUD to allow construction of a 14-story hotel. The hotel was approved to include 472 sleeping rooms and suites. The modification also revised the off-site affordable housing amenity to be delivered under the PUD. The off-site housing amenity required under the PUD was constructed at 1223-1229 12<sup>th</sup> Street, N.W. and a certificate of occupancy was obtained on January 30, 2003.

By Order No. 905-A, with an effective date of April 21, 2000, the Commission further modified the PUD to allow for modest design changes, consisting of an atrium at the front of the building, a multi-story restaurant, a redesigned wall, a permitted reduction in the number of sleeping rooms at the option of the property owner from 472 regular rooms and suites to 383 suites, and minor window changes. The Commission provided that the minor PUD modification, as an alternative to the previously approved PUD, shall be valid for a period of two (2) years from the effective date of Order No. 905-A, to April 21, 2002, within which time application must be made for a building permit. Construction under the minor PUD modification shall start within three (3) years of the effective date of Order No. 905-A, April 21, 2003.

Pursuant to § 2408.10 of the Zoning Regulations, the Zoning Commission may extend the validity of the PUD approval for good cause shown upon a request made before the expiration of the approval. Section 2408.11 provides that an extension of the validity of a planned unit development may be granted by the Zoning Commission for good cause shown if an applicant has demonstrated with substantial evidence one or more of the following criteria: (a) an inability to obtain sufficient project financing for the PUD, following an applicant's diligent good faith efforts to obtain such financing, because of changes in economic and market conditions beyond the applicant's reasonable control; (b) an inability to secure all required governmental agency approvals for a PUD by the expiration date of the PUD order because of delays in the governmental agency approval process that are beyond the applicant's reasonable control; or (c) the existence of pending litigation or such other condition or factor beyond the applicant's reasonable control which renders the applicant unable to comply with the time limits of the PUD order.

By letter dated and received by the Zoning Commission February 14, 2003, counsel on behalf of 1000 K, LLC, filed a request to extend the validity of the PUD approval for a period of one (1) year, to April 21, 2004. The letter indicates that the basis for extension of the validity of the PUD is as follows:

"The Applicant, an LLC formed by the International Union of Painters and Allied Trades Pension Fund, purchased the Subject Property in early 2001, with plans to construct a hotel pursuant to the [PUD] approvals. The Project moved forward according to schedule for the first half of 2001. As a result of the devastation of the terrorist attacks of September, 2001, the local hotel and restaurant industry was uniquely shaken, as visitor numbers to the District of Columbia fell to unprecedented low levels. After many months of uncertainty, the local economy has slowly rebounded, and the Applicant is again moving forward with the hotel project. However, owing to the unprecedented events and surrounding uncertainty for the local hospitality industry, work on the project halted for several months. Unfortunately, because of the delay, design work was completed far behind the original schedule and financing is still being secured for the Project, including Tax Increment Financing ("TIF"), for which the Applicant applied in December, 2002. The Applicant requests the instant extension in order to provide itself with a sufficient period of time to secure financing for this hotel project at a time when lenders remain reluctant toward providing financing for the local hospitality industry. With respect to TIF, the Applicant expects to receive a decision from the District of Columbia within eight to twelve months. With the exception of the instant application, the Applicant is in compliance with the terms of the PUD Order, including the requirement that application for a building permit be filed by April 21, 2002."

The District of Columbia Office of Zoning referred this matter to the District of Columbia Office of Planning for analysis and recommendation. By memorandum dated April 4, 2003, the Office of Planning recommended that the Zoning Commission approve the requested extension of the PUD validity.

Section 2408.12 of the Zoning Regulations provides that the Zoning Commission shall hold a public hearing on a request for an extension of the validity of a PUD only if, in the determination of the Commission, there is a material factual conflict that has been generated by the parties to the PUD concerning any of the criteria set forth in § 2408.11. The hearing shall be limited to the specific and relevant evidentiary issues in dispute. The Zoning Commission concludes that there is no material factual conflict at issue and that consideration of the request for extension is appropriate without need for a public hearing.

Pursuant to notice, a public meeting of the Zoning Commission was held on April 14, 2003. At the meeting, the Zoning Commission considered the request of counsel for 1000 K, LLC and the recommendation of the Office of Planning. The Commission concurs with the Office of Planning and the applicant. The Commission also determines that an extension of time of the

AUG 15 2003

validity of the PUD is in the best interests of the District of Columbia and is not inconsistent with the intent and purposes of the Comprehensive Plan.

In consideration of the reasons set forth in this order, the Zoning Commission for the District of Columbia hereby Orders that the validity of Zoning Commission Order Nos. 905 and 905-A be extended for a period of eighteen (18) months; that is, until October 21, 2004. Construction shall start not later than October 21, 2005.

This order was adopted by the Zoning Commission at its public meeting on April 14, 2003, by a vote of 4-0-1 (Anthony J. Hood, John G. Parsons, Carol J. Mitten, James H. Hannaham, to adopt, Peter G. May not present, abstained by absentee vote).

In accordance with the provisions of 11 DCMR §3028.8, this order shall become final and effective upon publication in the D.C. Register; that is, on \_\_\_\_\_.

THE APPLICANT SHALL COMPLY FULLY WITH THE PROVISIONS OF THE HUMAN RIGHTS ACT OF 1977, D.C. LAW 2-38, AS AMENDED, CODIFIED AS CHAPTER 25 IN TITLE 1 OF THE D.C. CODE. *SEE* D.C. CODE § 1-2531 (1999). THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THE HUMAN RIGHTS ACT. THE FAILURE OR REFUSAL OF THE APPLICANT TO COMPLY SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER. OF THE D.C. CODE. *SEE* D.C. CODE SECTION 2-1402.67 (2001). THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THE HUMAN RIGHTS ACT. THE FAILURE THE APPLICANT SHALL COMPLY FULLY WITH THE PROVISIONS OF THE HUMAN RIGHTS ACT OF 1977, D.C.LAW 2-38, AS AMENDED, CODIFIED AS CHAPTER 14 IN TITLE 2 OR REFUSAL OF THE APPLICANT TO COMPLY SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER. NOTE IN SECTION 2-1401.01 OF THE D.C. HUMAN RIGHTS ACT THAT IT IS THE INTENT OF THE COUNCIL OF THE DISTRICT OF COLUMBIA, IN ENACTING THIS CHAPTER, TO SECURE AN END IN THE DISTRICT OF COLUMBIA TO DISCRIMINATION FOR ANY REASON OTHER THAN THAT OF INDIVIDUAL MERIT, INCLUDING, BUT NOT LIMITED TO, DISCRIMINATION BY REASON OF RACE, COLOR, RELIGION, NATURAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, DISABILITY, SOURCE OF INCOME, AND PLACE OF RESIDENCE OR BUSINESS.

**OFFICE OF DOCUMENTS AND ADMINISTRATIVE ISSUANCES  
PUBLICATIONS PRICE LIST**

**DISTRICT OF COLUMBIA MUNICIPAL REGULATIONS (DCMR)**

| TITLE | SUBJECT  | PRICE   |
|-------|--|---------|
| 1     | DCMR MAYOR AND EXECUTIVE AGENCIES (JUNE 2001) .....  | \$16.00 |
| 3     | DCMR ELECTIONS & ETHICS (JUNE 1998) .....  | \$20.00 |
| 4     | DCMR HUMAN RIGHTS (MARCH 1995) .....   | \$13.00 |
| 5     | DCMR BOARD OF EDUCATION (DECEMBER 2002) .....  | \$26.00 |
| 6A    | DCMR POLICE PERSONNEL (MAY 1988) .....   | \$8.00  |
| 7     | DCMR EMPLOYMENT BENEFITS (JANUARY 1986) .....  | \$8.00  |
| 8     | DCMR UNIVERSITY OF THE DISTRICT OF COLUMBIA (JUNE 1988) .....  | \$8.00  |
| 9     | DCMR TAXATION & ASSESSMENTS (APRIL 1998) .....   | \$20.00 |
| 10    | DCMR DISTRICT'S COMPREHENSIVE PLAN (PART 1, FEBRUARY 1999) .....   | \$33.00 |
| 10    | DCMR PLANNING & DEVELOPMENT (PART 2, MARCH 1994)<br>w/1996 SUPPLEMENT* .....                             | \$26.00 |
| 11    | DCMR ZONING (FEBRUARY 2003) .....  | \$35.00 |
| 12    | DCMR CONSTRUCTION CODES (NOVEMBER 1999) .....  | \$20.00 |
| 13    | DCMR ELECTRICAL & MECHANICAL CODE (MARCH 1987) .....   | \$10.00 |
| 13B   | DCMR BOILER & PRESSURE VESSEL CODE (MAY 1984) .....  | \$7.00  |
| 14    | DCMR HOUSING (JULY 1991) .....   | \$20.00 |
| 15    | DCMR PUBLIC UTILITIES & CABLE TELEVISION (JUNE 1998) .....   | \$20.00 |
| 16    | DCMR CONSUMERS, COMMERCIAL PRACTICES & CIVIL INFRACTIONS<br>(JULY 1998) W/DECEMBER 1998 SUPPLEMENT ..... | \$20.00 |
| 17    | DCMR BUSINESS, OCCUPATIONS & PROFESSIONS (MAY 1990) .....  | \$26.00 |
| 18    | DCMR VEHICLES & TRAFFIC (APRIL 1995) w/1997 SUPPLEMENT* .....  | \$26.00 |
| 19    | DCMR AMUSEMENTS, PARKS & RECREATION (JUNE 2001) .....  | \$26.00 |
| 20    | DCMR ENVIRONMENT - CHAPTERS 1-39 (FEBRUARY 1997) .....   | \$20.00 |
| 20    | DCMR ENVIRONMENT - CHAPTERS 40-70 (FEBRUARY 1997) .....  | \$26.00 |
| 21    | DCMR WATER & SANITATION (FEBRUARY 1998) .....  | \$20.00 |
| 22    | DCMR PUBLIC HEALTH & MEDICINE (AUGUST 1986) .....  | \$26.00 |
| 22    | DCMR HEALTH CARE & COMMUNITY RESIDENCE FACILITIES<br>SUPPLEMENT (AUGUST 1986 - FEBRUARY 1995) .....      | \$13.00 |
| 23    | DCMR ALCOHOLIC BEVERAGES AND FOOD (JUNE 1997) .....  | \$20.00 |
| 24    | DCMR PUBLIC SPACE & SAFETY (DECEMBER 1996) .....   | \$20.00 |
| 24    | DCMR CHAPTER 5 - VENDORS & SOLICITORS (MAY 1996) .....   | \$9.00  |
| 26    | DCMR INSURANCE (FEBRUARY 1985) .....   | \$9.00  |
| 27    | DCMR CONTRACTS AND PROCUREMENT (JULY 1988) .....   | \$22.00 |
| 28    | DCMR CORRECTIONS, COURTS & CRIMINAL JUSTICE (MAY 1987) .....   | \$20.00 |
| 29    | DCMR PUBLIC WELFARE (MAY 1987) .....   | \$8.00  |
| 30    | DCMR LOTTERY AND CHARITABLE GAMES (MARCH 1997) .....   | \$20.00 |
| 31    | DCMR TAXICABS & PUBLIC VEHICLES FOR HIRE (DECEMBER 1998) .....   | \$16.00 |

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| 1997 - 1998 Indices .....                                    | \$52.00 + \$5.50 postage |
| Complete Set of <i>D.C. Municipal Regulations</i> .....      | \$627.00                 |
| D.C. Register yearly subscription .....                      | \$195.00                 |
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