

GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS



Building and Land Regulation Administration
Office of the Administrator

December 17, 2003

Mr. John Robbins
Ms. Laura Elkins
20 Ninth Street, N.E.
Washington, D.C. 20002

PERSONAL SERVICE STAMP DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS	
Personally served upon _____	
by the undersigned this _____ day of _____, 200_____	
<input type="checkbox"/> Personal Service Attempted (Date _____, Time _____)	
Comments _____	

_____	Investigator

Re: Notice of Proposed Revocation of Building Permit Number B436647 and Amended Permit Numbers B440371, B440544, B444341, B444561, and B446508

Dear Mr. Robbins and Ms. Elkins:

In accordance with section 108.9 of Title 12 of the District of Columbia Municipal Regulations (12 DCMR § 108.9, (1999)), this is official notice to you that the Department of Consumer and Regulatory Affairs (the "Department" or "DCRA"), Building and Land Regulation Administration ("BLRA"), proposes to revoke Building Permit Number B 436647, issued to you on April 27, 2001, and all subsequent approvals and revisions for Amended Permit Numbers B440371, B440544, B444341, B444561, B446508 that were issued for the premises known as 20 Ninth Street, N.E., Washington, D.C.

Section 108.9 of Title 12 of the District of Columbia Municipal Regulations, in pertinent part, as follows:

"Revocation of Permits: The code official is authorized to revoke a permit or approval issued under the Construction Codes, for any of the following conditions:

1. Where there is a false statement or misrepresentation of fact in the application or on the plans on which a permit or approval was based, that substantively affected the approval; and
2. When the construction does not comply, pursuant to Section 111.0, with the Construction Codes, the permit, the revised permit, or the approved plans and other information filed to obtain the permit and when the permit holder fails to correct the non-conforming situation within the time period specified in a notice or order issued under Section 116.0...;"

The charges and specifications in support of this action are as follows:

Charge I. On March 19, 2001, you filed an application to perform building construction on private property located at 20 Ninth Street, N.E. in the District. In your application, you proposed alteration and repair construction for three (3) items of exterior work on the property only, including an increase in the height of the roof at the rear of the property. On or about April 27, 2001, after reviewing information provided in your application, the Department's Building and Land Regulation Administration approved your proposal and plan for construction and issued Building Permit B436647 to you based on the information provided in your application, including the accompanying plan. The Department charges you with providing false statements and misrepresentations of fact on the application and in the plans that were submitted to the Department to obtain Building Permit B436647. Therefore, because the Department's decision to approve and issue the permit was substantively affected by those false statements and misrepresentations of fact, the Department has proposed revocation of Building Permit B436647 pursuant to D.C. Mun. Regs. Tit. 12, § 108.9(1).

Specification A. On or about March 19, 2001, you applied for a building permit for construction at your residence located at 20 Ninth Street, N.E. You filed a single architectural drawing showing partial elevations, with no floor plans or demolition plans and no additional floor area, thus indicating the work would only involve the ground floor of the property, with no change in the proposed number of stories of the building, no change in gross floor area of the building, and no change in volume due to the construction. On March 4, 7 and 8, 2003, you were served with an official request to gain entry to your premises to conduct an inspection. You refused to grant entry. The D.C. Superior Court subsequently issued an administrative search warrant compelling you to grant entry. On March 27, 2003, an administrative search warrant was executed for inspection of the property. Pursuant to the inspection that was conducted during the search, the Department found a set of private construction plans—dated March 31, 2002 and April 27, 2002. Portions of the work were described as "future" or "unfinished" on the plans that you submitted to the Department for approval and issuance of Building Permit B436647, but the actual scope of your project was a full-scale renovation of your entire residence, including construction of a second floor bedroom and bathroom above the kitchen.

Specification B. On or about November 28, 2001, you obtained Building Permit B440544 as an amendment to Building Permit B436647. Your amended permit was for construction of two replacement walls to match the height and width of the original walls. You did not provide any information regarding demolition on the premises, nor did you submit any additional plans with the application to inform the Department of the substantial change in the condition of the property and the complete scope of the work required to rebuild the demolished structures. These misleading acts of omission concealed significant information that was critical to a proper zoning and permit review, and were not definitely determined until March 27, 2003, when an administrative search warrant was executed for inspection of the property. Pursuant to the inspection that was conducted during the search, the Department found actual, finished construction of two replacement walls that did not match the height and width of the original walls in addition to a set of private construction plans—dated March 31, 2002 and April 27, 2002,

which delineated your plans for the full-scale renovation of your entire residence, including construction of the non-conforming walls.

Specification C. On or about April 26, 2002, you obtained Building Permit B444561 as an amendment to Building Permit B436647. The approval and issuance of the amended permit was for construction of interior, non-structural partition walls, only, and included notice to you that a Court could subsequently require you to lower the roof of your addition. On March 27, 2003, an administrative search warrant was executed for inspection of the construction on your property. During the inspection, Inspectors from the Department observed and photographed finished construction of a bathroom on a second floor that is located in an area described as "unfinished" on the plans that you submitted to the Department for approval and issuance of Building Permit B443341.

Charge II. Your construction violates conditions set forth in Building Permit B436647, and Building Permit B443341 (an amendment to Building Permit B436647), and does not comply with the approved plans and other information you filed to obtain the permit and amendment. Additionally, when the Department issued a Notice of Violation and Notice to Abate, you failed to correct the non-conforming situation within the time period specified in the Notice.

Specification A. On or about March 8, 2002, you applied for an amendment to Building Permit B436647. The plans accompanying the amendment permit included square footage calculations showing that the storage lofts met the one-third (1/3) size restrictions. After reviewing the information you provided in your application, and the accompanying plans, the Department approved your application and issued Building Permit B443341 (as an amendment to Building Permit B436647) for interior construction to remove flooring above a future kitchen and convert that space to a storage loft above the future kitchen and a studio, not to exceed one-third (1/3) of the area of the floor below. On or about May 17, 2002, BLRA Inspector Vincent Ford observed your construction from the outside of the premises and issued a Notice of Violation and Notice to Abate because of an apparent change in volume of the residence due to your construction project. You were given fifteen (15) days to submit a complete permit application because the apparent change in volume directly contravened information you provided in your initial building permit application. You did not comply with the Notice of Violation and Notice to Abate within the specified time. Further, on March 4, 7 and 8, 2003, you were served with an official request to gain entry to your premises to conduct an inspection. After you refused to grant entry to the Department for an inspection of the construction on the premises, the Department obtained an administrative search warrant from the D.C. Superior Court compelling you to grant entry to the Department to conduct an inspection of the premises. On March 27, 2003, the administrative search warrant was executed for inspection of the property. During the inspection, Inspectors from the Department observed and photographed finished construction work that was described as "future" or "unfinished" on the plans that you submitted to the Department for approval and issuance of Building Permit B443341. Specifically, the Department found that you constructed a second floor that covers more than one-third (1/3) of the area below, in an area that was restricted to a storage loft covering no more than one-third (1/3) of the area below, and a bathroom has been installed in part of this second floor area.

Accordingly, based on these clear and egregious violations, the DCRA proposes to revoke permit Number B436647, including all of its amended and supplemental permits.

RIGHT TO HEARING

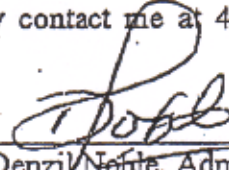
You have the right to challenge this proposed action to revoke the said building permit. In order to exercise this right, you must request, in writing, a hearing within ten (10) business days of your receipt of this Notice. Pursuant to D.C. Mun. Regs. Tit. 12, § 108.13, you must make a request for a hearing directly to the Office of Adjudication, Department of Consumer and Regulatory Affairs. Your request should be mailed first class, U.S. postage pre-paid, and addressed to E. Savannah Little, Chief Administrative Law Judge, Office of Adjudication, Department of Consumer and Regulatory Affairs, 941 North Capitol Street, N.E., Suite 9100, Washington, D.C. 20002. Alternatively, you may hand-deliver your written request for a hearing to the same address within fifteen (15) calendar days of your receipt of this Notice.

If you request a hearing, the DCRA Office of Adjudication will notify you of the date and time of the hearing. You may appear personally at such hearing and be represented by legal counsel. You have the right to produce witnesses and evidence, to examine evidence and ask questions of witnesses against you, and to have subpoenas issued on your behalf to require the production of witnesses and evidence. If you or any witness you intend to call is deaf or, because of a hearing impediment or language barrier, cannot readily understand or communicate in the spoken English language, you or your witness may apply to the Office of Adjudication for appointment of a qualified interpreter.

Please note that if you do not request a hearing within the time specified in this Notice, or if you fail to appear at a scheduled hearing, you shall be deemed to have admitted the validity of the charge(s) and specification(s) stated in this Notice, and a Final Notice of Revocation will be entered against you.

Hearings shall be conducted pursuant to the District of Columbia Administrative Procedures Act (D.C. Official Code § 2-501 *et seq.* (2001 Ed.)), and the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985 (D.C. Official Code § 2-1801.01 *et seq.* (2001 Ed.)). If you decide to challenge this proposed action, please send a copy of your request for a hearing, pleading, or other written communication in this case to Stephanie B. Ferguson, Assistant General Counsel, Department of Consumer and Regulatory Affairs, 941 North Capitol Street, N.E., Suite 9406, Washington, D.C. 20002.

If you have any questions, you may contact me at 442-4541, or Karen M. Edwards, General Counsel, at 442-8475.


Denzil Noble, Administrator
Building and Land Regulation Administration

12/17/03