

**IN THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
CIVIL DIVISION**

DISTRICT OF COLUMBIA,
a municipal corporation,
441 4th Street NW,
Washington, D.C. 20001,

PLAINTIFF,

v.

ANDREW SCHAEFFER
1020 S. Glenn Road
Potomac, Maryland 20854

2201 CHANNING STREET, LLC
1801 Bladensburg Road NE
Washington, D.C. 20002

RIGHT HOUR AUTO SALES, INC.
2201 Channing Street NE
Washington, DC 20018

WAVE RIDES COMPANY
2201 Channing Street NE
Washington, DC 20018

CAPITOL HILL AUTO REPAIR, INC.
2405 22nd Street NE
Washington, DC 20018

DEFENDANTS.

Case No.:

Judge:

COMPLAINT

JURY TRIAL DEMANDED

PRELIMINARY STATEMENT

Plaintiff the District of Columbia (District), by its Attorney General, files this action against Defendants Andrew Schaeffer, 2201 Channing Street LLC, Right Hour Auto Sales, Inc., Wave Rides Company, and Capitol Hill Auto Repair Inc., the

owners or occupants of property located at 2201 Channing St. NE in the District of Columbia. The District seeks injunctive relief and civil penalties against Defendants for their continued and repeated violations of the Water Pollution Control Act of 1984 (WCPA) and the Hazardous Waste Management Act of 1977 (HWMA). These violations, similar to previous violations that Defendants have been cited for over the past 10 years, include mismanagement and illegal discharges of used oil into public spaces and waters of the District of Columbia. The discharges constitute a near constant nuisance and hazard both to District residents who are exposed to the oily discharges on sidewalks, median strips and streets, and to the District's resources because the discharges have contributed, or threaten to contribute, to the environmental degradation of the District's public resources including Hickey Run and the Anacostia River. In addition, the District seeks recovery of penalty amounts that two of the Defendants have failed to pay, in violation of Defendants' agreements. The District alleges as follows:

JURISDICTION

1. This Court has subject matter jurisdiction over this case pursuant to D.C. Code § 8-103.08(b) and D.C. Code § 8-1310.
2. This Court has personal jurisdiction over each of the Defendants pursuant to D.C. Code § 13-423(a)(1) and (3) on the grounds that each of the Defendants transacts business in the District of Columbia and has caused "tortious injury in the District of Columbia" by their acts or omissions in the District.

PARTIES

3. Plaintiff, the District of Columbia (District), a municipal corporation empowered to sue and be sued, is the local government for the territory constituting the permanent seat of the government of the United States. The District's Department of Energy and Environment (DOEE) is the agency charged with the administration and oversight of the District's environmental laws, regulations, and programs. D.C. Code §§ 8–151.02, 8–151.03(a).

4. The District is represented by and through its chief legal officer, the Attorney General for the District of Columbia. The Attorney General has general charge and conduct of all legal business of the District and all suits initiated by and against the District and is responsible for upholding the public interest. D.C. Code § 1–301.81(a)(1). The Attorney General is also specifically authorized to enforce the WPCA and HWMA, pursuant to D.C. Code § 8–103.08(b); § 8–1310.

5. At all relevant times, Defendant Andrew Schaeffer is and has been an owner and principal of 2201 Channing St., LLC, the listed owner of the property located at 2201 Channing St., NE, Washington, D.C. 20018 (Site) where the violations occurred or originated. At all relevant times, Defendant Schaeffer has transacted business in the District of Columbia by managing, leasing, owning, and/or operating one or more of the businesses at the Site, or had the authority to control the conduct of those businesses doing business at the Site where used oil or hazardous waste is and has been generated, stored and managed. At all relevant times, Defendant Andrew Schaeffer is a “person,” an “owner and/or operator” of the

Site, and a “used oil generator” as those terms are defined by the WCPA and the HWMA.

6. Defendant 2201 Channing Street, LLC is a District of Columbia limited liability corporation conducting business at 1801 Bladensburg Road NE, Washington, D.C. 20002, and is and has been at all relevant times, the owner of the Site and possesses the authority to control the conduct of those businesses who are doing business at the Site where used oil or hazardous waste is and has been generated, stored and managed. At all relevant times, Defendant 2201 Channing St. LLC is a “person,” an “owner and/or operator” of the Site, and “used oil generator” as those terms are defined by the WPCA or the HWMA.

7. Defendant Right Hour Auto Sales, Inc. (Right Hour Auto) is a District of Columbia company conducting business at 2201 Channing Street NE, Washington, D.C. 20018. At all relevant times, Defendant Right Hour Auto is and has been an operator with a leasehold or other interest in all or portions of the Site where used oil or hazardous waste is and has been generated, stored and managed. At all relevant times, Defendant Right Hour Auto is a “person,” an “owner and/or operator” of the Site, and “used oil generator” as those terms are defined by the WCPA or the HWMA.

8. Defendant Wave Rides Company (Wave Rides) is a District of Columbia company conducting business at 2201 Channing Street NE, Washington, D.C. 20018. From approximately April 1, 2018 to the present, Defendant Wave Rides is and has been an operator with a leasehold or other interest in all or

portions of the Site where used oil or hazardous waste is and has been generated, stored and managed. At all relevant times, Defendant Wave Rides is a “person,” an “owner and/or operator” of the Site, and “used oil generator” as those terms are defined by the WCPA or the HWMA.

9. Defendant Capitol Hill Auto Repair, Inc., is a District of Columbia company with a business address at 2405 22nd Street NE, Washington, D.C. 20018. Defendant Capitol Hill Auto Repair, Inc. is or may be doing business as, Bay Cab, a registered trade name of the former (hereinafter, collectively referred to as Capitol Hill Auto). From approximately April 1, 2018 to the present, Defendant Capitol Hill Auto is and has been an operator with a leasehold or other interest in all or portions of the Site where used oil or hazardous waste is and has been generated, stored and managed. At all relevant times, Defendant Capitol Hill Auto is a “person,” an “owner and/or operator” of the Site, and “used oil generator” as those terms are defined by the WPCA or the HWMA.

**THE WATER POLLUTION CONTROL ACT OF 1984
(WCPA)**

10. The Water Pollution Control Act, as amended, D.C. Code § 8-103.01 *et seq.*, prohibits the discharge of pollutants into the Waters of the District, except in accordance with a permit issued by the Mayor. D.C. Code §§ 8–103.02, 8–103.06.

11. For purposes of this Complaint, the WPCA includes the following definitions:

- i. Discharge “means the spilling, leaking, releasing, pumping, pouring, emitting, emptying, or dumping of any pollutant or hazardous

substance, including a discharge from a storm sewer drain, into or so that it may enter District of Columbia Waters.” D.C. Code § 8–103.01(5).

- ii. Onshore facility “means equipment, instruments, buildings, vehicles and other structures not in the water.” D.C. Code § 8–103.01(15).
- iii. Owner or operator “means, for . . . onshore . . . facilities, a person owning, [or] operating, . . . the facilities . . .” D.C. Code § 8–103.01(16).
- iv. Person “means any individual, including any owner or operator . . . partnership, corporation, . . . or any other entity.” D.C. Code § 8–103.01(17).
- v. Pollutant “means any substance which may alter or interfere with the restoration or maintenance of the chemical, physical, . . . and biological integrity of the Waters of the District; or any . . . oil, gasoline and related petroleum products . . .” D.C. Code § 8–103.01(19).
- vi. Waters of the District or District waters “means the flowing and still bodies of water, whether artificial or natural, whether underground or on land, so long as in the District of Columbia . . .” D.C. Code § 8–103.01(26).

12. The WPCA authorizes the Mayor to institute a civil action for civil penalties, for a prohibitory or mandatory injunction, or for other appropriate relief by way of a temporary restraining order, preliminary or permanent injunction, or

other judicial decree, in the Superior Court of the District of Columbia for violations of the WPCA. D.C. Code § 8–103.18.

13. Under the WPCA, “[w]henver . . . there is a discharge or substantial threat of discharge into the Waters of the District of a pollutant which may present an imminent and substantial danger to the public health or welfare, including danger to the livelihood of members of the public health or welfare, the Mayor is authorized to act to remove or arrange for the removal of the pollutant . . .” The Attorney General is authorized to bring a suit “to restrain immediately any person causing or contributing to a discharge or threat of discharge, to recover any costs of removal incurred by the District, to impose civil penalties or seek any other relief as the public interest may require.” D.C. Code § 8–103.08(b).

14. The WPCA authorizes the court to grant an injunction without requiring a showing of a lack of an adequate remedy at law upon a showing that any person is violating or is about to violate any provisions of the Act or regulations promulgated under the Act. D.C. Code § 8–103.18(a)(3).

15. The WPCA prohibits “[t]he discharge of oil, gasoline, anti-freeze, acid, or other hazardous substance, pollutant or nuisance material to any street, alley, sidewalk or other public space in quantities sufficient to constitute a hazard or nuisance . . .” D.C. Code § 8–103.07(d). The WPCA also prohibits the discharge of used oil to any sewer. D.C. Code § 8–103.07(e).

16. Under the WPCA, “an owner or operator of any . . . onshore . . . facility from which a hazardous substance or pollutant is discharged shall be liable for the

full costs of removal, or for the cost of any assistance provided or arranged by the Mayor . . . , in addition to any civil penalty.” D.C. Code § 8–103.17(e).

17. The maximum penalty provided for each violation of the WPCA is \$50,000. D.C. Code § 8–103.18(b)(2)(A).

18. Each violation of the WPCA is considered a separate violation. D.C. Code § 8–103.18(b)(2)(A) and (b)(4).

19. In determining the amount of the penalty, the Court shall consider: “(1) the size of the person’s business; (2) the ability of the person to continue the business despite the penalty; (3) the seriousness of the violation; and (4) the nature and extent of success in the person’s efforts to mitigate the effects of the discharge.” D.C. Code § 8–103.18(b)(2)(C).

**HAZARDOUS WASTE MANAGEMENT ACT OF 1977
(HWMA)**

20. The Hazardous Waste Management Act of 1977, as amended, D.C. Code § 8–1301, *et seq.*, is a comprehensive regulatory scheme for the generation, storage, management, and disposal of hazardous waste including used oil. The HWMA’s implementing regulations relevant to this action incorporate by reference the federal hazardous waste management regulations. 20 DCMR § 4279.

21. For purposes of this Complaint, the HWMA includes the following definitions (including certain definitions incorporated by reference from the federal hazardous waste rules per 20 DCMR § 4279.1):

- i. Disposal “means the discharge, deposit, injection, dumping, spilling, leaking, or placing of any hazardous waste into or on any land or water

so that hazardous waste or any constituent thereof may enter the environment, be emitted into the air, or discharged into any Waters, including ground Waters.” D.C. Code § 8–1302(1).

- ii. Generation means “the act or process of producing hazardous waste.” D.C. Code § 8–1302(3).
- iii. Generator “means any person by site whose act or process produces hazardous waste or whose act first causes a hazardous waste to be subject to regulation.” D.C. Code § 8–1302(3A).
- iv. Hazardous waste “means any waste or combination of wastes of a solid, liquid, contained gaseous, or semisolid form which, because of its quantity, concentration, or physical [or] chemical . . . characteristics, as established by the Mayor, may . . . pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed.” D.C. Code § 8–1302(2).
- v. Used oil “means any oil that has been refined from crude oil, or any synthetic oil, that has been used and as a result of such use is contaminated by physical and chemical impurities.” 40 C.F.R. § 279.1.
- vi. Used oil generator “means any person, by site, whose act or process produces used oil or whose act first causes used oil to become subject to regulation.” 40 C.F.R. § 279.1.

vii. Person means “any individual, partnership, corporation, . . . or any other entity.” D.C. Code § 8–1302(5).

22. The HWMA’s implementing regulations contain the following specific requirements and prohibitions upon persons who generate, store or otherwise manage used oil or hazardous wastes, i.e., generators:

- i. No person may dispose of, permit or cause the disposal of hazardous waste, used oil, or mixture of used oil into or upon any land or water in the District, or into the District’s storm water system. 20 DCMR § 4202.2.
- ii. Containers and aboveground tanks for the placement or storage of used oil must have secondary containment approved by DOEE. 20 DCMR § 4279.7(b)(1).
- iii. Containers and aboveground tanks for the placement or storage of used oil must be labeled or marked clearly with the words “Used Oil”. 40 C.F.R. § 279.22(c)(1) incorporated by reference by 20 DCMR § 4279.1.
- iv. Containers and aboveground tanks for the placement or storage of used oil must always be closed, except when necessary to add or remove waste. 20 DCMR § 4279.7(b)(2).
- v. Used oil generators, upon detection of a release of used oil to the environment, are required to stop the release, contain the release, clean up and properly manage the released used oil and other

materials, and repair or replace the leaking storage containers prior to returning them to service. 40 C.F.R. § 279.22(d) incorporated by reference by 20 DCMR § 4279.1.

23. The HWMA authorizes the Mayor to request the Attorney General to commence an appropriate civil action in the Superior Court of the District to secure a temporary restraining order, a preliminary injunction, a permanent injunction, or other appropriate relief if any person is operating a storage, treatment, or disposal facility, or is generating or transporting hazardous wastes in an illegal, unsafe, or otherwise improper manner that endangers the public health, the public welfare, or the environment. D.C. Code § 8–1310.

24. Pursuant to the HWMA, “[a]ny person who violates this chapter or the rules shall be liable for a civil penalty in an amount not to exceed \$25,000 for each violation.” D.C. Code § 8–1311(b)(1).

25. Each day of a violation of the HWMA or its implementing regulations constitutes a separate offense and penalties apply separately to each offense. D.C. Code § 8–1311(b)(2).

The Site of Defendants’ Violations

26. The Site where Defendants’ violations occurred is located in Ward 5 in the District of Columbia near the corner of 22nd St. NE and Channing St. NE. The property consists of approximately one quarter acre and is zoned for moderate density commercial use.

27. The Site is approximately 400 feet from the nearest downstream stormwater catchment basin that collects stormwater runoff from this property and other properties in the area. The stormwater catchment basin connects to an outfall that discharges directly into Hickey Run, a tributary to the Anacostia River, and both waterways are considered Waters of the District.

28. The Anacostia River and Hickey Run are resources that suffer from severe degradation due to past and on-going discharges of contaminants, such as used oil, originating from facilities like this Site that do not properly manage, dispose or prevent contaminants from discharging into the stormwater catchment basins connected to these resources.

The Lengthy History of Environmental Violations at the Site

29. Used oil is a pollutant which includes benzene, gasoline and other hydrocarbons that, when discharged to the public space, poses potential serious health risks to the public and the Waters of the District. Benzene is a known carcinogen to humans and animals. Gasoline and other hydrocarbons have been shown to have adverse effects on water-dwelling biota, including plants, microscopic organisms and fish. For example, petroleum acts as an asphyxiant to micro- and macro-organisms in streams.

30. In 2008, DOEE began inspecting the Site, repeatedly observing the same or similar violations that have persisted through July 2018. As a result of these inspections, DOEE issued Notices of Violations, Notices of Infractions, and

written Directives, all in an attempt to amend Defendants' non-compliant practices. DOEE's inspections and resulting actions are summarized as follows:

2008 Inspection

31. On or about December 9, 2008, inspectors from DOEE inspected the Site. DOEE issued two Notices of Infraction, dated April 1 and April 22, 2009, for failure to provide secondary containment for used oil storage, in violation of 20 DCMR § 4279.7(b)(1) and failure to obtain an EPA Identification number, in violation of 20 DCMR § 4204.1. Secondary containment is a berm or other structure that prevents spills or leaks from may occur from primary containment vessels (tanks or portable containers containing hazardous substances or used oil) from discharging to the environment.

2013 Inspection

32. On or about March 27, 2013, DOEE inspectors performed an inspection of the Site and observed used oil discharging from the Site to the public space, across the sidewalk and into the street. As a result of that inspection and follow-up inspections, DOEE issued a Directive Letter dated May 2, 2013, directing Defendant Right Hour Auto to retain an environmental contractor to determine the extent of contamination, to clean up contaminated areas, and to remove and properly dispose of all contaminated soils. On the same date, DOEE also issued a Notice of Infraction (NOI) against Defendant Right Hour Auto imposing penalties of \$8500 for violations of the HWMA including unlawful disposal of used oil and hazardous waste; illegal discharge of used oil into a public space; failure to respond

to the discharge of used oil; failure to label used oil containers; and failure to properly manage and store used oil containers. Defendants settled these violations, pursuant to an Administrative Consent Order, wherein Defendant Right Hour Auto agreed to pay \$2500 in penalties.

2015 Inspections

33. On or about August 20 and September 10, 2015, DOEE inspectors again observed used oil discharging from the Site to the public space across the sidewalk, into a grassy area near the intersection of 22nd St. NE and Channing St. NE, and into a trench (below grade) drain. On September 16, 2015, DOEE issued an Administrative Order to Right Hour Auto requiring it to immediately cease the discharge of pollutants from the Site to the trench drain and the public space.

34. On or about September 23, 2015, inspectors from DOEE and the District Water and Sewer Authority (DC Water) conducted a test of the trench drain and determined that the drain was connected to, and discharging runoff from the Site to the sanitary sewer. On October 14, 2015, DC Water issued a Directive to Defendant 2201 Channing St., LLC to plug the trench drain in order to prevent further pollutants from discharging to the sanitary sewer.

35. On or about September 30, 2015, DOEE inspectors again observed used oil discharging from the Site to the public space in violation of D.C. Code 8–103.07(d) and in violation of DOEE’s Order issued on September 16, 2015. On November 23, 2015, DOEE issued an NOI for the foregoing violations and referred the case to the District’s Office of Administrative Hearings (OAH) for resolution

after Defendant contested the violations. Prior to the hearing, Defendant Right Hour Auto agreed to settle the violations listed in the NOI, admitted liability for illegally discharging used oil, and agreed to pay a fine of \$3,000 in 6 equal installments of \$500. A copy of the Settlement Agreement is attached as Exhibit A.

36. After Defendant Right Hour Auto failed to pay the fine in accordance with the terms of the Settlement Agreement, Defendant Right Hour Auto entered into an Installment Payment Plan with DOEE, dated April 21, 2018, that required Defendant to make monthly installment payments beginning May 15, 2018, and every month thereafter until the settlement amount was fully paid. If Defendant failed to timely make, or missed any installment payment, the full balance of the settlement amount becomes immediately due and payable. A copy of the Installment Payment Plan is attached as Exhibit B.

37. Defendant Right Hour Auto failed to make certain installment payments when due and missed other payments in accordance with the Installment Payment Plan.

2016 Inspection

38. On or about February 10, 2016, prompted by a citizen complaint regarding paint odors, DOEE air quality inspectors inspected the Site and found evidence of auto body repair and painting operations. On or about March 23, 2016, DOEE issued an NOI against Defendant Right Hour Auto for performing auto body painting at the Site without the required air quality permits in violation of 20 DCMR §§ 200.1 and 200.2. The District's Air Pollution Control Act of 1984 (APCA),

as amended, D.C. Code § 8–101.05 *et seq.*, and its implementing regulations establish a “comprehensive program for the control and prevention of air pollution in the District . . .” D.C. Code § 8–101.05(a). Certain sources of air pollutants including auto body painting operations require air quality permits to control and minimize air pollution. *See, e.g.*, 20 DCMR §§ 199 and 200.

39. Defendant Right Hour Auto appealed the NOI. After an administrative appeal, the presiding Administrative Law Judge issued an Amended Final Order on July 21, 2017, concluding that Defendant Right Hour Auto failed to obtain permits to construct and operate an auto body paint facility in violation of the APCA. The Amended Final Order imposed a fine against Defendant in the amount of \$4,000 payable to the District within 20 days after service of the Order with interest at the rate of 1.5% per month accruing on any amount outstanding after the due date.

40. Defendant Right Hour Auto failed to pay the penalty amount as required by the Amended Final Order.

Defendants’ Recent Violations of the WPCA and HWMA

June 19, 2017 Inspection – Illegal Containment and Storage of Used Oil

41. In response to the citations issued after the December 11, 2008 inspection, Defendant Right Hour Auto constructed secondary containment consisting of a raised cement berm around the used oil storage area. *See* ¶ 31. However, on June 19, 2017, a DOEE inspector observed that a control valve on a pipe installed within the wall of the containment berm had been removed. According to Defendant, the pipe was used to drain the contents of the secondary

containment into other containers for recycling or disposal. By removing the control valve on the drain pipe, the containment berm could no longer functionally operate as secondary containment, allowing spills or leaks of used oil and other pollutants in the containment area to be illegally discharged to the Site and potentially to public spaces. The inspector also observed a used oil container within the secondary containment area that was not properly labeled in violation of 20 DCMR § 4279.1 (40 C.F.R. § 279.22(c)(1)).

42. During the inspection, DOEE instructed Defendant Right Hour Auto to seal and place a cover over the secondary containment to prevent spills and leaks from discharging to the Site and rain from overflowing the containment area. Defendant Right Hour Auto was also instructed to submit proof of correction of these violations to DOEE within two weeks after the inspection. Defendant Right Hour Auto failed to submit proof that these violations were corrected.

43. On September 14, 2017, DOEE issued a Notice of Violation (NOV) against Defendant Right Hour Auto with an order to correct the violations set forth in Paragraph 42 by October 23, 2017. Defendant has not responded to the NOV or provided any evidence that the violations have been corrected.

July 25 and 27, 2017 Inspections – Illegal Discharges of Used Oil

44. On or about July 25, 2017, DOEE inspectors again observed used oil discharging from the Site to a public space and issued a Site Directive directing Defendant Right Hour Auto to, among other things: 1) send a plan to DOEE to address how pollutants will be prevented from entering the shop floor drain; 2)

install a cap on the drain pipe to prevent materials from escaping the secondary containment; 3) provide documentation that used oil stored in containers on Site has been properly disposed or recycled; and 4) remove and dispose of oil contaminated soil.

45. Defendant Right Hour Auto submitted to DOEE proof of disposal of used oil from containers at the Site, but failed to provide any evidence that the remaining items in the Site Directive had been completed.

46. On or about July 27, 2017, during a heavy rainfall event, DOEE inspectors observed used oil discharging from the secondary containment area onto and across the Site to a public space and towards the stormwater catchment basin which discharges to Hickey Run.

47. These discharges, because of their proximity to surrounding residences and to the stormwater collection system, posed a hazard and a nuisance to the public health and welfare and to the Waters of the District.

February 8 and 12, 2018 Inspections – Illegal Discharges of Used Oil

48. On or about February 8, 2018, DOEE inspectors once again observed used oil discharging from the Site to the public space. Inspectors noted that Defendants Andrew Schaeffer and 2201 Channing Street LLC, the only identifiable owner or operators at the Site at that time, had taken no action to stop, contain, or clean up the readily apparent used oil discharging from the Site.

49. At the time of the inspection, DOEE inspectors instructed Defendants Andrew Schaeffer and 2201 Channing Street LLC to place absorbent material on

the discharge to prevent any discharge of used oil to a public space. The next day, DOEE inspectors conducted a follow-up inspection and found no evidence that Defendants Andrew Schaeffer and 2201 Channing Street LLC had taken any action to stop, contain or remove the ongoing discharge of used oil.

50. On or about February 12, 2018, DOEE inspectors again observed an illegal discharge of used oil from the Site to a public space. Similar to the prior discharge, DOEE Inspectors found that the Defendants had taken no action to stop, contain or remove the used oil discharging from the Site.

51. The discharges observed on February 8 and February 12, 2018, because of their proximity to surrounding residences and to the stormwater collection system, posed a hazard and a nuisance to the public health and welfare and to the Waters of the District.

June 26, 2018 Inspection – Illegal Storage and Labeling of Used Oil

52. On or about June 26, 2018, DOEE inspectors again performed an inspection of the Site. At the time of the inspection, DOEE inspectors were informed by a representative of Defendant Andrew Schaeffer that operations at the Site had been divided: the north side of the property where Defendants Wave Rides and Capitol Hill Auto were operating, and had been operating for approximately two months; and the south side of the property where Right Hour Auto continued to operate.

53. On the north side of the property, DOEE inspectors observed two used oil containers, both of which were open, not in active use, and stored in secondary

containment that was functionally inadequate because of the open drain pipe. One of the used oil containers was not labeled as “used oil.”

54. During that inspection, DOEE observed automobile parts and other items that were left outside, uncovered, and exposed to precipitation including several engine blocks and other automobile parts, which typically have petroleum-based lubricants, and drip pans and plastic buckets with visible quantities of used oil.

July 18, 2018 Inspection – Illegal Discharges and Storage of Used Oil

55. On or about July 18, 2018, DOEE inspectors observed another discharge of used oil originating from the secondary containment area on the Site. The discharge was flowing from the north side of the property to the public space. Again, DOEE inspectors noted that Defendants took no action to stop, contain or clean up the used oil discharging from the Site.

56. Due to the discharge to the public space surrounding the Site and the proximity of the discharge to the storm water drainage system, the discharge posed a hazard or nuisance to human health and the environment and a substantial threat of discharge to Waters of the District.

57. During the inspection, DOEE inspectors also observed that the secondary containment berm that Defendants Andrew Schaefer and 2201 Channing Street LLC had been ordered to repair more than one year prior still had no control valve on the drain pipe or cover to prevent precipitation from filling the

containment area, thereby allowing contents within the containment to discharge directly to the Site and to the environment.

58. DOEE inspectors also observed one 275-gallon tote, one 55-gallon drum, and two 5-gallon buckets containing used oil, none of which were properly labelled or closed, within the functionally inadequate secondary containment berm.

CLAIMS FOR RELIEF

COUNT ONE

Unlawful Discharges of Used Oil or Hazardous Substance in Violation of the WPCA (against all named Defendants)

59. The District re-alleges paragraphs 1 through 58 of the Complaint as if fully set forth herein.

60. At all relevant times, Defendants Andrew Schaeffer, 2201 Channing St. LLC, Right Hour Auto, Wave Rides, and Capitol Hill Auto are “persons,” “owners and/or operators” of the Site where used oil is and has been generated, stored, and managed, and “generators” of used oil as those terms are defined in the WPCA.

61. The WPCA prohibits the discharge of oil, gasoline, anti-freeze, acid, or other hazardous substance to any street, alley, sidewalk or other public space in quantities sufficient to constitute a hazard or nuisance. D.C. Code § 8-103.07(d).

62. Each discharge constitutes a separate violation and each violation is subject to a maximum civil penalty of \$50,000.

63. On or about July 25, 2017, July 28, 2017, February 8, 2018, and February 12, 2018, Defendants 2201 Channing Street LLC, Right Hour Auto, and

Andrew Schaeffer, individually or in concert, caused or contributed to the discharge of used oil to a public space in quantities sufficient to constitute a hazard or public nuisance in violation of D.C. Code § 8–103.07(d).

64. On July 18, 2018, Defendants Andrew Schaeffer, 2201 Channing St. LLC, Right Hour Auto, Wave Rides, and Capitol Hill Auto, individually or in concert caused or contributed to the discharge of used oil and/or other hazardous substances to a public space in quantities sufficient to constitute a hazard or public nuisance in violation of D.C. Code § 8–103.07(d).

65. Defendants’ repeated discharges of used oil entered the public space and entered or threatened to enter the stormwater catchment that drains directly to Hickey Run, a tributary to the Anacostia River, both Waters of the District. Defendants’ discharges pose not only an imminent and substantial danger to the public who may be exposed directly or indirectly to these pollutants, but they also endanger public health and welfare by further degrading important public resources including the Anacostia River.

66. Whenever there is a discharge or a substantial threat of a discharge to the Waters of the District of pollutants which may present an imminent and substantial danger to the public health or welfare, the Attorney General is authorized pursuant to the WPCA to bring a suit on behalf of the District “to restrain immediately any person causing or contributing to a discharge or threat of discharge, to recover any costs of removal incurred by the District, to impose civil

penalties or seek any other relief as the public interest may require.” D.C. Code § 8–103.08(b).

67. The District seeks to enjoin Defendants’ continued mismanagement and illegal discharges of pollutants and to prevent further risk of danger to the public health and welfare. The District also seeks penalties against Defendants for each and every violation of the WPCA.

COUNT TWO

Unlawful Storage and Management of Used Oil in Violation of the HWMA and Implementing Regulations (against all named Defendants)

68. Paragraphs 1 through 67 are re-alleged as if fully set forth herein.

69. At all relevant times, Defendants Andrew Schaeffer, 2201 Channing St. LLC, Right Hour Auto, Wave Rides, and Capitol Hill Auto are “persons,” “owners and/or operators” of the Site where used oil is and has been generated, stored, and managed, and “generators” of used oil as those terms are defined in the HWMA.

70. The HWMA requires persons who generate used oil to store used oil in closed and labelled containers and within approved secondary containment. 20 DCMR §§ 4279.7(b)(2), 4279.1 (40 C.F.R. § 279.22(c)(1)), and 4279.7(b)(1).

71. Used oil generators, upon detection of a release of used oil into the environment, are required to stop, contain, clean up, and properly manage the used oil and other materials from the release. 40 C.F.R. § 279.22(d) incorporated by reference by 20 DCMR § 4279.1.

72. Each day of violation of the HWMA or its implementing regulations constitutes a separate violation and each violation is subject to a maximum civil penalty of \$25,000. D.C. Code 8–1311(b)(2).

73. On or about June 19, 2017, Defendants 2201 Channing St. LLC, Andrew Schaeffer, and Right Hour Auto, individually or in concert, failed to label one 275–gallon tote container of used oil with the words “Used Oil” in violation of 20 DCMR § 4279.1 (40 C.F.R. § 279.22(c)(1)).

74. On or about June 19, 2017, Defendants 2201 Channing St. LLC, Andrew Schaeffer, and Right Hour Auto, individually or in concert, failed to place two containers, one 275–gallon tote and one 55–gallon drum of used oil in secondary containment in violation of 20 DCMR § 4279.7(b)(1).

75. On or about July 25, 2017, July 28, 2017, February 8, 2018, and February 12, 2018, Defendants Andrew Schaeffer, Right Hour Auto, and 2201 Channing Street LLC, individually or in concert, disposed of used oil without a permit by discharging to the public space in violation of 20 DCMR § 4202.2.

76. On or about July 25, 2017, July 28, 2017, February 8, 2018, and February 12, 2018, Defendants 2201 Channing St. LLC, Andrew Schaeffer, and Right Hour Auto, individually or in concert, failed upon detection of the release of used oil, to stop or contain the release, failed to clean up and properly manage the discharge of used oil, and failed to make any necessary repairs of containers prior to returning them to service in violation of 20 DCMR § 4279.1 (incorporating by reference 40 C.F.R. § 279.22(d)).

77. On or about June 26, 2018, Defendants 2201 Channing St. LLC, Andrew Schaeffer, Right Hour Auto, Wave Rides, and Capitol Hill Auto, individually or in concert, failed to appropriately label one container of used oil in violation of 20 DCMR § 4279.1 (40 C.F.R. § 279.22(c)(1)).

78. On or about June 26, 2018, Defendants 2201 Channing St. LLC, Andrew Schaeffer, Right Hour Auto, Wave Rides, and Capitol Hill Auto, individually or in concert, failed to close two containers (one 55-gallon drum and one 275-gallon tote) of used oil that were not in use in violation of 20 DCMR § 4261.7(c).

79. On or about June 26, 2018, Defendants 2201 Channing St. LLC, Andrew Schaeffer, Right Hour Auto, Wave Rides, and Capitol Hill Auto, individually or in concert, failed to place two used oil containers (one 275-gallon tote and one 55-gallon drum) into secondary containment in violation of 20 DCMR § 4279.7(b)(1).

80. On or about July 18, 2018, Defendants 2201 Channing St. LLC, Andrew Schaeffer, Right Hour Auto, Wave Rides, and Capitol Hill Auto, individually or in concert, failed to close four containers (one 275-gallon tote, one 55-gallon drum, and two 5-gallon buckets) of used oil when they were not in use, in violation of 20 DCMR § 4261.7(c).

81. On or about July 18, 2018, Defendants 2201 Channing St. LLC, Andrew Schaeffer, Right Hour Auto, Wave Rides, and Capitol Hill Auto, individually or in concert, failed to appropriately label four containers (one 275-

gallon tote, one 55-gallon drum, and two 5-gallon buckets) of used oil, in violation of 20 DCMR § 4279.1 (40 C.F.R. § 279.22(c)(1)).

82. On or about July 18, 2018, Defendants 2201 Channing St. LLC, Andrew Schaeffer, Right Hour Auto, Wave Rides, and Capitol Hill Auto, individually or in concert, disposed of used oil in violation of 20 DCMR § 4202.2.

83. On or about July 18, 2018, Defendants 2201 Channing St. LLC, Andrew Schaeffer, Right Hour Auto, Wave Rides, and Capitol Hill Auto, individually or in concert, failed upon detection of the release of used oil, to stop or contain the release, to clean up and properly manage the released used oil, and to make any necessary repairs of containers prior to returning them to service in violation of 20 DCMR § 4279.1 (incorporating by reference 40 C.F.R. § 279.22(d)).

84. On or about July 18, 2018, Defendants 2201 Channing St. LLC, Andrew Schaeffer, Right Hour Auto, Wave Rides, and Capitol Hill Auto, individually or in concert, failed to have required secondary containment for the storage of four used oil containers (one 275-gallon tote, one 55-gallon drum, and two 5-gallon buckets), in violation of 29 DCMR § 4279.7(b)(1).

85. The Attorney General is authorized pursuant to the HWMA and its implementing regulations, to “commence appropriate civil action in the Superior Court of the District of Columbia to secure a temporary restraining order, a preliminary injunction, a permanent injunction, or other appropriate relief” when any person is operating a storage, treatment, or disposal facility, or is generating or transporting hazardous waste, including used oil, in an illegal, unsafe, or otherwise

improper manner that endangers the public health, the public welfare, or the environment. D.C. Code § 8–1310; 20 DCMR § 4313.1.

86. The District seeks to enjoin Defendants’ continued mismanagement and illegal discharges of pollutants and to prevent further risk of danger to the public health and welfare. The District also seeks penalties against Defendants for each and every violation of the HWMA.

COUNT THREE

Breach of April 21, 2018, Installment Payment Plan (against Defendant Right Hour Auto)

87. The District re-alleges paragraphs 1 through 86 of the Complaint as if fully set forth herein.

88. Pursuant to the April 21, 2018, Installment Payment Plan agreement, Defendant Right Hour Auto agreed to pay the outstanding settlement amount of \$1,500 for prior violations of the WPCA in monthly installment payments beginning May 15, 2018.

89. To date, Defendant Right Hour Auto has failed to make any timely installment payments pursuant to the April 21, 2018, Installment Payment Plan.

90. The District seeks recovery against Defendant Right Hour Auto of the outstanding amount owed to the District under the Installment Payment Plan.

PRAYER FOR RELIEF

WHEREFORE, the District respectfully requests that judgment be entered in its favor and against Defendants on its claims, and that this Court impose injunctive relief, penalties, and damages as follows:

1. A preliminary and/or permanent injunction against Defendants Andrew Schaeffer, Right Hour Auto, 2201 Channing St. LLC, Wave Rides, and Capitol Hill Auto to enjoin them from performing any business at the Site until such time as the foregoing Defendants have demonstrated to the satisfaction of the District the completion of the following:
 - i. Correction of all violations identified in this Complaint;
 - ii. Approved hazardous waste and used oil secondary containment;
 - iii. Proper used oil storage and management practices including primary containment practices (e.g., sealed containers when not in use), container labelling, housekeeping, and routine inspections.
 - iv. Routine recycling or disposal of used oil; and
 - v. Proper record-keeping practices including identification of all hazardous wastes and used oil, duration of storage, and manifests from licensed used oil recycling or disposal companies.
2. A declaratory judgment that Defendants have violated the District's Water Pollution Control Act and Hazardous Waste Management Act as set forth in

this Complaint, and an injunction against Defendants enjoining further violations of these Acts;

3. Statutory penalties against Defendants, as authorized by the Water Pollution Control Act and Hazardous Waste Management Act, in an amount to be proven at trial;

4. Damages for Defendant Right Hour Auto's breach of the Installment Plan, in an amount to be proven at trial;

5. An award of costs of this action, including reasonable attorney's fees, pursuant to D.C. Code § 8-103.16(f); and

6. Such other relief as this Court deems just and proper.

JURY DEMAND

The District demands a jury trial on all issues triable of right by a jury in this matter.

Dated: August ____, 2018

Respectfully submitted,

KARL A. RACINE
Attorney General for the District of
Columbia

ROBYN R. BENDER
Deputy Attorney General
Public Advocacy Division

/s/ Catherine A. Jackson
CATHERINE A. JACKSON [1005415]
Chief, Public Integrity Section

/s/ David Hoffmann
DAVID HOFFMANN [983129]
Assistant Attorney General
441 4th Street, NW

6th Floor South
Washington, D.C. 20001
(202) 442-9889 (phone)
(202) 715-7768 (fax)
david.hoffmann@dc.gov

Attorneys for the District of Columbia

EXHIBIT A

**DEPARTMENT OF ENERGY AND
ENVIRONMENT,
PETITIONER,**

v.

**RIGHT HOUR AUTO, INC.,
RESPONDENT.**

**Case No.: 2016-DOEE-I500010
2016-DOEE-I500011
2016-DOEE-I500012**

SETTLEMENT AGREEMENT

BETWEEN

**DEPARTMENT OF ENERGY AND ENVIRONMENT
AND
RIGHT HOUR AUTO, INC.**

WHEREAS, the District of Columbia, Department of Energy and Environment (DOEE), pursuant to the Water Pollution Control Act of 1984, D.C. Official Code § 8-103.01 *et seq.* prohibits the discharge of oil, gasoline, anti-freeze, acid or other hazardous substance, pollutant or nuisance material into a public space in a quantity sufficient to cause a hazard or nuisance; and

WHEREAS, DOEE currently has pending before the Office of Administrative Hearings (OAH), Notices of Infraction (NOIs) 2016-DOEE-I500010, 2016-DOEE-I500011, 2016-DOEE-I500012, which allege that Right Hour Auto, Inc. (Respondent) discharged or caused to be discharged oil, gasoline, anti-freeze, acid or other hazardous substance, pollutant or nuisance material into a public space in a quantity sufficient to cause a hazard or nuisance; and

WHEREAS, the NOIs carry fines totaling twelve thousand dollars (\$12,000); and

WHEREAS, the Respondent admits liability for the infractions and has ceased the discharge of oil, gasoline, anti-freeze, acid or other hazardous substance, pollutant or nuisance material into the public space; and

THEREFORE, upon consent and agreement of DOEE and the Respondent, collectively “the Parties”;

IT IS HEREBY AGREED as follows:

This Settlement Agreement (Agreement) is made by and between the Parties to fully and finally settle and end all disputes arising out of NOIs 2016-DOEE-I500010, 2016-DOEE-I500011, and 2016-DOEE-I500012. The Parties, in consideration of the covenants and agreements to be performed set forth herein, expressly agree to the terms of this Agreement.

I. FINES AND PENALTIES

In consideration of the Parties' willingness to settle this matter which conserves the time and resources of the Parties, the Respondent shall pay a fine of three thousand dollars (\$3,000.00).

II. OBLIGATIONS OF PETITIONER:

- A. DOEE shall accept payment of three thousand dollars (\$3,000.00).
- B. DOEE shall draft a Motion to Dismiss without Prejudice with the Office of Administrative Hearings, to allow Respondent to fulfill its obligations under this Settlement Agreement. Should Respondent fail to fulfill his obligations under this Settlement Agreement DOEE shall petition the Office of Administrative Hearings to reinstate the Notices of Infraction.

III. OBLIGATIONS OF RESPONDENT:

- A. The Respondent shall submit payment of three thousand dollars (\$3,000.00). Payment terms: \$500.00 due on execution of this Settlement Agreement, followed by five (5) payments of \$500.00 each on or before June 15, 2016, July 15, 2016, August 15, 2016, September 15, 2016 and October 15, 2016. Payment shall be made payable to the "D.C. Treasurer" and reference the NOI numbers, and mailed to:

Department of Energy and Environment
Office of Enforcement and Environmental Justice
1200 First Street, NE, 5th Floor
Washington, D.C 20002
Attn: Diane Johnson

III. GENERAL TERMS:

- A. This Settlement Agreement is binding upon the Parties and their respective officers, employees, contractors, agents, successors, and assigns.
- B. Nothing herein shall be construed to create any private rights of actions to any third party, and this Agreement is not intended to waive any protections afforded settlement agreements under any rules of evidence or any other rule, authority, or doctrine.
- C. Nothing herein shall prevent the DOEE from taking action against The Respondent for violations of District of Columbia laws or regulations that are not specifically released herein, or which occur after this Agreement.

- D. This Agreement shall be governed by, and be construed in accordance with, the laws of the District of Columbia, including, without limitation, in relation to all matters of formation, interpretation, construction, validity, performance, and enforcement.
- E. This Agreement may only be modified by written mutual agreement of the Parties.
- F. This Agreement constitutes the final, complete and exclusive agreement and understanding among the Parties with respect to settlement embodied in the Agreement. The Parties acknowledge that there are no presentations, agreements or understanding relating to the settlement other than those expressly contained in this Agreement.
- G. The Parties are signing and delivering this Agreement of their free will in exchange for the consideration to be given them, which they acknowledge and agree is adequate and satisfactory.
- H. The Parties represent that they have read all of the terms of this Agreement, and have consulted with their counsel in connection with the execution of this Agreement.
- I. The Parties further represent that their signatories have the authority to enter into this Agreement.
- J. The Parties and their representatives may execute this Agreement through the use of fax transmittals which shall have the same effect as original signatures, and the executed faxed copies shall constitute duplicated originals for all purposes.
- K. If the Respondent fails to fulfill its obligations as set forth in Section III of this Agreement, DOEE may petition the Office of Administrative Hearings to enter this Agreement as a Final Order and enforce.
- L. This Settlement Agreement may be used as evidence in later proceedings in which either party alleges breach of the agreement.

For Petitioner:

DAVID DICKMAN
General Counsel,
Department of Energy and Environment



CAROLINE BURNETT (DC Bar #425821)
Assistant General Counsel
Department of Energy and Environment
1200 First Street, N.E., 5th Floor
Washington, DC 20002-3323

6/22/2016

Date



Collin R. Burrell
Associate Director,
Watershed Protection Division
Department of Energy and Environment

6/22/16

Date

Respondent:

Date

For Petitioner:

DAVID DICKMAN
General Counsel,
Department of Energy and Environment

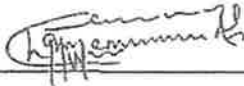
CAROLINE BURNETT (DC Bar #425821)
Assistant General Counsel
Department of Energy and Environment
1200 First Street, N.E., 5th Floor
Washington, DC 20002-3323

Date

Collin Burrell
Associate Director,
Watershed Protection Division
Department of Energy and Environment

Date

Respondent:



05-11-16

Date

EXHIBIT B

RECEIVED
MAY 01 2018
BY: *[Signature]*

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Department of Energy and Environment



Installment Payment Agreement

Notice of Infractions Nos: 2016-DOEE-I500010
2016-DOEE-I500011
2016-DOEE-I500012

I, the undersigned, admitted liability for the infraction(s) set forth in the Enforcement Notice listed above and agreed to pay a fine in the amount of three thousand dollars (\$3,000), per a Settlement Agreement I entered into with the Department of Energy and Environment (DOEE) on May 11, 2016. As of April 1, 2018 I have paid \$1,500, with a balance due and owing of an additional \$1,500. I accept the following terms of this Installment Payment Agreement.

I agree to:

- 1. Make the payments specified below:

Payment Number	Amount Due (\$1,500.00)	Date Due With this signed agreement)
1	\$200.00	05/15/2018
2	\$200.00	06/15/2018
3	\$200.00	07/15/2018
4	\$200.00	08/15/2018
5	\$200.00	09/15/2018
6	\$200.00	10/15/2018
7	\$200.00	11/15/2018
8	\$100.00	12/15/2018
TOTAL	\$1,500.00	

- 2. Make payments with checks or money orders payable to "D.C. Treasurer" and include the Enforcement Notice Number and Payment Number on the check or money order.
- 3. Send payments to the following address:

Department of Energy and Environment
Office of Enforcement and Environmental Justice
1200 First Street, NE, 5th Floor
Washington, DC 20002
Attn: Diane Johnson

I understand that payments must be received or postmarked before the date due in the above table. I agree that if I miss or am late with any payment or make a payment of less than the amount owed, the full balance owed shall immediately become due and payable, unless the Department agrees in writing to an extension. I understand that if I make a late payment or payment of less than the full amount owed, the Department may forward a Notice of Infraction to the District of Columbia Office of Administrative Hearings for the violations set forth in the Enforcement Notice and that my signature below constitutes an admission of liability.

I attach or enclose my first payment with this Installment Payment Agreement.

Signature: LS

Name (print): LEO OLOYE

Date: 04/21/18

Respondent Name: Right Hour Auto Sales, Inc. Attn: Leo Oloye

Respondent Address: 2201 Channing Street, NE

Washington, DC 20018

Daytime Telephone: 240-286-2796

Email: lanre_olove@yahoo.com



**Superior Court of the District of Columbia
CIVIL DIVISION
500 Indiana Avenue, N.W., Suite 5000
Washington, D.C. 20001 Telephone: (202) 879-1133**

DISTRICT OF COLUMBIA

441 4th Street, NW, Suite 650S

Plaintiff

Washington, DC 20001 vs.

Case Number _____

ANDREW SCHAEFFER

Defendant

11020 S. Glenn Road

Potomac, Maryland 20854

SUMMONS

To the above named Defendant:

You are hereby summoned and required to serve an Answer to the attached Complaint, either personally or through an attorney, within twenty (20) days after service of this summons upon you, exclusive of the day of service. If you are being sued as an officer or agency of the United States Government or the District of Columbia Government, you have sixty (60) days after service of this summons to serve your Answer. A copy of the Answer must be mailed to the attorney for the party plaintiff who is suing you. The attorney's name and address appear below. If plaintiff has no attorney, a copy of the Answer must be mailed to the plaintiff at the address stated on this Summons.

You are also required to file the original Answer with the Court in Suite 5000 at 500 Indiana Avenue, N.W., between 8:30 a.m. and 5:00 p.m., Mondays through Fridays or between 9:00 a.m. and 12:00 noon on Saturdays. You may file the original Answer with the Court either before you serve a copy of the Answer on the plaintiff or within five (5) days after you have served the plaintiff. If you fail to file an Answer, judgment by default may be entered against you for the relief demanded in the complaint.

David S. Hoffmann, Assistant Attorney General
Name of Plaintiff's Attorney

Clerk of the Court

Office of the Attorney General for DC
Address 441 4th Street, NW, Suite 650 South
Washington, DC. 20001
(202) 442-9889

By _____
Deputy Clerk

Telephone

Date _____

如需翻译, 请打电话 (202) 879-4828 Veuillez appeler au (202) 879-4828 pour une traduction Để có một bản dịch, hãy gọi (202) 879-4828
번역을 원하시면, (202) 879-4828 로 전화하십시오 የአማርኛ ትርጉም ለማግኘት (202) 879-4828 ይደውሉ

IMPORTANT: IF YOU FAIL TO FILE AN ANSWER WITHIN THE TIME STATED ABOVE, OR IF, AFTER YOU ANSWER, YOU FAIL TO APPEAR AT ANY TIME THE COURT NOTIFIES YOU TO DO SO, A JUDGMENT BY DEFAULT MAY BE ENTERED AGAINST YOU FOR THE MONEY DAMAGES OR OTHER RELIEF DEMANDED IN THE COMPLAINT. IF THIS OCCURS, YOUR WAGES MAY BE ATTACHED OR WITHHELD OR PERSONAL PROPERTY OR REAL ESTATE YOU OWN MAY BE TAKEN AND SOLD TO PAY THE JUDGMENT. IF YOU INTEND TO OPPOSE THIS ACTION, DO NOT FAIL TO ANSWER WITHIN THE REQUIRED TIME.

If you wish to talk to a lawyer and feel that you cannot afford to pay a fee to a lawyer, promptly contact one of the offices of the Legal Aid Society (202-628-1161) or the Neighborhood Legal Services (202-279-5100) for help or come to Suite 5000 at 500 Indiana Avenue, N.W., for more information concerning places where you may ask for such help.

See reverse side for Spanish translation
Vea al dorso la traducción al español



TRIBUNAL SUPERIOR DEL DISTRITO DE COLUMBIA
DIVISIÓN CIVIL

500 Indiana Avenue, N.W., Suite 5000
Washington, D.C. 20001 Teléfono: (202) 879-1133

DISTRICT OF COLUMBIA

441 4th Street, NW, Suite 650S contra Demandante
Washington, DC 20001

Número de Caso: _____

ANDREW SCHAEFFER

11020 S. Glenn Road Demandado
Potomac, Maryland 20854

CITATORIO

Al susodicho Demandado:

Por la presente se le cita a comparecer y se le requiere entregar una Contestación a la Demanda adjunta, sea en persona o por medio de un abogado, en el plazo de veinte (20) días contados después que usted haya recibido este citatorio, excluyendo el día mismo de la entrega del citatorio. Si usted está siendo demandado en calidad de oficial o agente del Gobierno de los Estados Unidos de Norteamérica o del Gobierno del Distrito de Columbia, tiene usted sesenta (60) días contados después que usted haya recibido este citatorio, para entregar su Contestación. Tiene que enviarle por correo una copia de su Contestación al abogado de la parte demandante. El nombre y dirección del abogado aparecen al final de este documento. Si el demandado no tiene abogado, tiene que enviarle al demandante una copia de la Contestación por correo a la dirección que aparece en este Citatorio.

A usted también se le requiere presentar la Contestación original al Tribunal en la Oficina 5000, sito en 500 Indiana Avenue, N.W., entre las 8:30 a.m. y 5:00 p.m., de lunes a viernes o entre las 9:00 a.m. y las 12:00 del mediodía los sábados. Usted puede presentar la Contestación original ante el Juez ya sea antes que Usted le entregue al demandante una copia de la Contestación o en el plazo de cinco (5) días de haberle hecho la entrega al demandante. Si usted incumple con presentar una Contestación, podría dictarse un fallo en rebeldía contra usted para que se haga efectivo el desagravio que se busca en la demanda.

David S. Hoffmann, Assistant Attorney General
Nombre del abogado del Demandante

SECRETARIO DEL TRIBUNAL

Office of the Attorney General for DC
Dirección 441 4th Street, NW, Suite 650 South
Washington, DC. 20001
(202) 442-9889
Teléfono

Por: _____
Subsecretario

Fecha _____

如需翻译,请打电话 (202) 879-4828

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Đề có một bản dịch, hãy gọi (202) 879-4828

번역을 원하시면, (202) 879-4828 로 전화주시요

የአማርኛ ትርጉም ለማግኘት (202) 879-4828 ይደውሉ

IMPORTANTE: SI USTED INCUMPLE CON PRESENTAR UNA CONTESTACIÓN EN EL PLAZO ANTES MENCIONADO, O, SI LUEGO DE CONTESTAR, USTED NO COMPARECE CUANDO LE AVISE EL JUZGADO, PODRÍA DICTARSE UN FALLO EN REBELDÍA CONTRA USTED PARA QUE SE LE COBRE LOS DAÑOS Y PERJUICIOS U OTRO DESAGRAVIO QUE SE BUSQUE EN LA DEMANDA. SI ESTO OCURRE, PODRÍAN RETENERLE SUS INGRESOS, O PODRÍAN TOMAR SUS BIENES PERSONALES O RAÍCES Y VENDERLOS PARA PAGAR EL FALLO. SI USTED PRETENDE Oponerse a esta acción, NO DEJE DE CONTESTAR LA DEMANDA DENTRO DEL PLAZO EXIGIDO.

Si desea conversar con un abogado y le parece que no puede afrontar el costo de uno, llame pronto a una de nuestras oficinas del Legal Aid Society (202-628-1161) o el Neighborhood Legal Services (202-279-5100) para pedir ayuda o venga a la Oficina 5000 del 500 Indiana Avenue, N.W., para informarse de otros lugares donde puede pedir ayuda al respecto.

Vea al dorso el original en inglés
See reverse side for English original



**Superior Court of the District of Columbia
CIVIL DIVISION
500 Indiana Avenue, N.W., Suite 5000
Washington, D.C. 20001 Telephone: (202) 879-1133**

DISTRICT OF COLUMBIA

441 4th Street, NW, Suite 650S

Plaintiff

Washington, DC 20001 vs.

Case Number _____

2201 CHANNING STREET, LLC

Defendant

c/o Chesapeake Leasing Company

1801 Bladensburg Road NE, Washington, DC **SUMMONS**

To the above named Defendant: 20002

You are hereby summoned and required to serve an Answer to the attached Complaint, either personally or through an attorney, within twenty (20) days after service of this summons upon you, exclusive of the day of service. If you are being sued as an officer or agency of the United States Government or the District of Columbia Government, you have sixty (60) days after service of this summons to serve your Answer. A copy of the Answer must be mailed to the attorney for the party plaintiff who is suing you. The attorney's name and address appear below. If plaintiff has no attorney, a copy of the Answer must be mailed to the plaintiff at the address stated on this Summons.

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David S. Hoffmann, Assistant Attorney General
Name of Plaintiff's Attorney

Clerk of the Court

Office of the Attorney General for DC

By _____

Address 441 4th Street, NW, Suite 650 South

Deputy Clerk

Washington, DC. 20001

(202) 442-9889

Date _____

Telephone

如需翻译, 请打电话 (202) 879-4828

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Vea al dorso la traducción al español



**TRIBUNAL SUPERIOR DEL DISTRITO DE COLUMBIA
DIVISIÓN CIVIL**

500 Indiana Avenue, N.W., Suite 5000
Washington, D.C. 20001 Teléfono: (202) 879-1133

DISTRICT OF COLUMBIA

441 4th Street, NW, Suite 600S
Washington, DC 20001

Demandante

Número de Caso: _____

2201 CHANNING STREET, LLC

c/o Chesapeake Leasing Company, 1801 Bladensburg Road NE
Washington, D.C. 20002

Demandado

CITATORIO

Al susodicho Demandado:

Por la presente se le cita a comparecer y se le requiere entregar una Contestación a la Demanda adjunta, sea en persona o por medio de un abogado, en el plazo de veinte (20) días contados después que usted haya recibido este citatorio, excluyendo el día mismo de la entrega del citatorio. Si usted está siendo demandado en calidad de oficial o agente del Gobierno de los Estados Unidos de Norteamérica o del Gobierno del Distrito de Columbia, tiene usted sesenta (60) días contados después que usted haya recibido este citatorio, para entregar su Contestación. Tiene que enviarle por correo una copia de su Contestación al abogado de la parte demandante. El nombre y dirección del abogado aparecen al final de este documento. Si el demandado no tiene abogado, tiene que enviarle al demandante una copia de la Contestación por correo a la dirección que aparece en este Citatorio.

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David S. Hoffmann, Assistant Attorney General
Nombre del abogado del Demandante

SECRETARIO DEL TRIBUNAL

Office of the Attorney General for DC
Dirección 441 4th Street, NW, Suite 650 South
Washington, DC. 20001
(202) 442-9889
Teléfono

Por: _____
Subsecretario

Fecha _____

如需翻译,请打电话 (202) 879-4828

Veillez appeler au (202) 879-4828 pour une traduction

Đề có một bản dịch, hãy gọi (202) 879-4828

번역을 원하시면, (202) 879-4828 로 전화하십시오

የአማርኛ ትርጉም ለማግኘት (202) 879-4828 ይደውሉ

IMPORTANTE: SI USTED INCUMPLE CON PRESENTAR UNA CONTESTACIÓN EN EL PLAZO ANTES MENCIONADO, O, SI LUEGO DE CONTESTAR, USTED NO COMPARECE CUANDO LE AVISE EL JUZGADO, PODRÍA DICTARSE UN FALLO EN REBELDÍA CONTRA USTED PARA QUE SE LE COBRE LOS DAÑOS Y PERJUICIOS U OTRO DESAGRAVIO QUE SE BUSQUE EN LA DEMANDA. SI ESTO OCURRE, PODRÍAN RETENERLE SUS INGRESOS, O PODRÍAN TOMAR SUS BIENES PERSONALES O RAÍCES Y VENDERLOS PARA PAGAR EL FALLO. SI USTED PRETENDE Oponerse a esta acción, NO DEJE DE CONTESTAR LA DEMANDA DENTRO DEL PLAZO EXIGIDO.

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Vea al dorso el original en inglés
See reverse side for English original



**Superior Court of the District of Columbia
CIVIL DIVISION
500 Indiana Avenue, N.W., Suite 5000
Washington, D.C. 20001 Telephone: (202) 879-1133**

DISTRICT OF COLUMBIA

441 4th Street, NW, Suite 650S

Plaintiff

Washington, DC 20001

vs.

Case Number _____

RIGHT HOUR AUTO SALES, INC.

Defendant

c/o Leo Aloye, 2201 Channing Street NE

Washington, D.C. 20018

SUMMONS

To the above named Defendant:

You are hereby summoned and required to serve an Answer to the attached Complaint, either personally or through an attorney, within twenty (20) days after service of this summons upon you, exclusive of the day of service. If you are being sued as an officer or agency of the United States Government or the District of Columbia Government, you have sixty (60) days after service of this summons to serve your Answer. A copy of the Answer must be mailed to the attorney for the party plaintiff who is suing you. The attorney's name and address appear below. If plaintiff has no attorney, a copy of the Answer must be mailed to the plaintiff at the address stated on this Summons.

You are also required to file the original Answer with the Court in Suite 5000 at 500 Indiana Avenue, N.W., between 8:30 a.m. and 5:00 p.m., Mondays through Fridays or between 9:00 a.m. and 12:00 noon on Saturdays. You may file the original Answer with the Court either before you serve a copy of the Answer on the plaintiff or within five (5) days after you have served the plaintiff. If you fail to file an Answer, judgment by default may be entered against you for the relief demanded in the complaint.

David S. Hoffmann, Assistant Attorney General
Name of Plaintiff's Attorney

Clerk of the Court

Office of the Attorney General for DC

By _____

Address 441 4th Street, NW, Suite 650 South

Deputy Clerk

Washington, DC. 20001

(202) 442-9889

Date _____

Telephone

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See reverse side for Spanish translation
Vea al dorso la traducción al español



TRIBUNAL SUPERIOR DEL DISTRITO DE COLUMBIA
DIVISIÓN CIVIL
500 Indiana Avenue, N.W., Suite 5000
Washington, D.C. 20001 Teléfono: (202) 879-1133

DISTRICT OF COLUMBIA

441 4th Street, NW, Suite 600S
 Washington, DC 20001

Demandante

contra

Número de Caso: _____

RIGHT HOUR AUTO SALES, INC.

c/o Leo Aloye, 2201 Channing Street NE
 Washington, D.C. 20018

Demandado

CITATORIO

Al susodicho Demandado:

Por la presente se le cita a comparecer y se le requiere entregar una Contestación a la Demanda adjunta, sea en persona o por medio de un abogado, en el plazo de veinte (20) días contados después que usted haya recibido este citatorio, excluyendo el día mismo de la entrega del citatorio. Si usted está siendo demandado en calidad de oficial o agente del Gobierno de los Estados Unidos de Norteamérica o del Gobierno del Distrito de Columbia, tiene usted sesenta (60) días contados después que usted haya recibido este citatorio, para entregar su Contestación. Tiene que enviarle por correo una copia de su Contestación al abogado de la parte demandante. El nombre y dirección del abogado aparecen al final de este documento. Si el demandado no tiene abogado, tiene que enviarle al demandante una copia de la Contestación por correo a la dirección que aparece en este Citatorio.

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David S. Hoffmann, Assistant Attorney General

SECRETARIO DEL TRIBUNAL

Nombre del abogado del Demandante

Office of the Attorney General for DC

Por: _____

Dirección 441 4th Street, NW, Suite 600 South

Subsecretario

Washington, DC. 20001

(202) 442-9889

Fecha _____

Teléfono

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**Superior Court of the District of Columbia
CIVIL DIVISION
500 Indiana Avenue, N.W., Suite 5000
Washington, D.C. 20001 Telephone: (202) 879-1133**

DISTRICT OF COLUMBIA

441 4th Street, NW, Suite 650S

Plaintiff

Washington, DC 20001 vs.

Case Number _____

WAVE RIDES COMPANY

c/o Anthony Dashtizadeh, 3010 Rhode Island, Avenue NE, Suite C

Defendant

Washington, D.C. 20018

SUMMONS

To the above named Defendant:

You are hereby summoned and required to serve an Answer to the attached Complaint, either personally or through an attorney, within twenty (20) days after service of this summons upon you, exclusive of the day of service. If you are being sued as an officer or agency of the United States Government or the District of Columbia Government, you have sixty (60) days after service of this summons to serve your Answer. A copy of the Answer must be mailed to the attorney for the party plaintiff who is suing you. The attorney's name and address appear below. If plaintiff has no attorney, a copy of the Answer must be mailed to the plaintiff at the address stated on this Summons.

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David S. Hoffmann, Assistant Attorney General
Name of Plaintiff's Attorney

Clerk of the Court

Office of the Attorney General for DC

By _____
Deputy Clerk

Address 441 4th Street, NW, Suite 650 South

Washington, DC. 20001

(202) 442-9889

Date _____

Telephone

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TRIBUNAL SUPERIOR DEL DISTRITO DE COLUMBIA

DIVISIÓN CIVIL

500 Indiana Avenue, N.W., Suite 5000
Washington, D.C. 20001 Teléfono: (202) 879-1133

DISTRICT OF COLUMBIA

441 4th Street, NW, Suite 650S
Washington, DC 20001

Demandante

Número de Caso: _____

WAVE RIDES COMPANY

c/o Anthony Dashtizadeh, 3010 Rhode Island Avenue NE, Suite C
Washington, D.C. 20018

Demandado

CITATORIO

Al susodicho Demandado:

Por la presente se le cita a comparecer y se le requiere entregar una Contestación a la Demanda adjunta, sea en persona o por medio de un abogado, en el plazo de veinte (20) días contados después que usted haya recibido este citatorio, excluyendo el día mismo de la entrega del citatorio. Si usted está siendo demandado en calidad de oficial o agente del Gobierno de los Estados Unidos de Norteamérica o del Gobierno del Distrito de Columbia, tiene usted sesenta (60) días contados después que usted haya recibido este citatorio, para entregar su Contestación. Tiene que enviarle por correo una copia de su Contestación al abogado de la parte demandante. El nombre y dirección del abogado aparecen al final de este documento. Si el demandado no tiene abogado, tiene que enviarle al demandante una copia de la Contestación por correo a la dirección que aparece en este Citatorio.

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David S. Hoffmann, Assistant Attorney General

SECRETARIO DEL TRIBUNAL

Nombre del abogado del Demandante

Office of the Attorney General for DC

Por: _____

Dirección 441 4th Street, NW, Suite 650 South

Subsecretario

Washington, DC. 20001

(202) 442-9889

Fecha _____

Teléfono

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**Superior Court of the District of Columbia
CIVIL DIVISION
500 Indiana Avenue, N.W., Suite 5000
Washington, D.C. 20001 Telephone: (202) 879-1133**

DISTRICT OF COLUMBIA

441 4th Street, NW, Suite 600S

Plaintiff

Washington, DC 20001

vs.

Case Number _____

CAPITOL HILL AUTO REPAIR, INC.

Defendant

c/o Registered Agents Inc., 1150 Connecticut Avenue NW, Suite 900

Washington, D.C. 2006

SUMMONS

To the above named Defendant:

You are hereby summoned and required to serve an Answer to the attached Complaint, either personally or through an attorney, within twenty (20) days after service of this summons upon you, exclusive of the day of service. If you are being sued as an officer or agency of the United States Government or the District of Columbia Government, you have sixty (60) days after service of this summons to serve your Answer. A copy of the Answer must be mailed to the attorney for the party plaintiff who is suing you. The attorney's name and address appear below. If plaintiff has no attorney, a copy of the Answer must be mailed to the plaintiff at the address stated on this Summons.

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David S. Hoffmann, Assistant Attorney General
Name of Plaintiff's Attorney

Clerk of the Court

Office of the Attorney General for DC
Address 441 4th Street, NW, Suite 650 South
Washington, DC. 20001
(202) 442-9889

By _____
Deputy Clerk

Telephone

Date _____

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DIVISIÓN CIVIL
 500 Indiana Avenue, N.W., Suite 5000
 Washington, D.C. 20001 Teléfono: (202) 879-1133

DISTRICT OF COLUMBIA

441 4th Street, NW, Suite 650S
 Washington, DC 20001

Demandante

Número de Caso: _____

CAPITOL HILL AUTO REPAIR, INC.

c/o Registered Agents Inc., 1150 Connecticut Avenue NE, Suite 900
 Washington, D.C. 20036

Demandado

CITATORIO

Al susodicho Demandado:

Por la presente se le cita a comparecer y se le requiere entregar una Contestación a la Demanda adjunta, sea en persona o por medio de un abogado, en el plazo de veinte (20) días contados después que usted haya recibido este citatorio, excluyendo el día mismo de la entrega del citatorio. Si usted está siendo demandado en calidad de oficial o agente del Gobierno de los Estados Unidos de Norteamérica o del Gobierno del Distrito de Columbia, tiene usted sesenta (60) días contados después que usted haya recibido este citatorio, para entregar su Contestación. Tiene que enviarle por correo una copia de su Contestación al abogado de la parte demandante. El nombre y dirección del abogado aparecen al final de este documento. Si el demandado no tiene abogado, tiene que enviarle al demandante una copia de la Contestación por correo a la dirección que aparece en este Citatorio.

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David S. Hoffmann, Assistant Attorney General

SECRETARIO DEL TRIBUNAL

Nombre del abogado del Demandante

Office of the Attorney General for DC

Por: _____

Dirección 441 4th Street, NW, Suite 650 South

Subsecretario

Washington, DC. 20001

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Superior Court of the District of Columbia

CIVIL DIVISION- CIVIL ACTIONS BRANCH

INFORMATION SHEET

District of Columbia _____ Case Number: _____

vs

Date: August 28, 2018

Andrew Schaeffer

One of the defendants is being sued
in their official capacity.

Name: <i>(Please Print)</i> David S. Hoffmann, Assistant Attorney General	Relationship to Lawsuit <input checked="" type="checkbox"/> Attorney for Plaintiff
Firm Name: Office of the Attorney General for the District of Columbia	<input type="checkbox"/> Self (Pro Se)
Telephone No.: <u>202-442-9889</u> Six digit Unified Bar No.: <u>983129</u>	<input type="checkbox"/> Other: _____

TYPE OF CASE: Non-Jury 6 Person Jury 12 Person Jury
 Demand: \$ Civil penalties and contractual damages Other: Injunctive relief

PENDING CASE(S) RELATED TO THE ACTION BEING FILED

Case No.: _____ Judge: _____ Calendar #: _____

Case No.: _____ Judge: _____ Calendar#: _____

NATURE OF SUIT: *(Check One Box Only)*

A. CONTRACTS

COLLECTION CASES

- | | | |
|---|--|---|
| <input type="checkbox"/> 01 Breach of Contract | <input type="checkbox"/> 14 Under \$25,000 Pltf. Grants Consent | <input type="checkbox"/> 16 Under \$25,000 Consent Denied |
| <input type="checkbox"/> 02 Breach of Warranty | <input type="checkbox"/> 17 OVER \$25,000 Pltf. Grants Consent | <input type="checkbox"/> 18 OVER \$25,000 Consent Denied |
| <input type="checkbox"/> 06 Negotiable Instrument | <input type="checkbox"/> 27 Insurance/Subrogation | <input type="checkbox"/> 26 Insurance/Subrogation |
| <input type="checkbox"/> 07 Personal Property | Over \$25,000 Pltf. Grants Consent | Over \$25,000 Consent Denied |
| <input type="checkbox"/> 13 Employment Discrimination | <input type="checkbox"/> 07 Insurance/Subrogation | <input type="checkbox"/> 34 Insurance/Subrogation |
| <input type="checkbox"/> 15 Special Education Fees | Under \$25,000 Pltf. Grants Consent | Under \$25,000 Consent Denied |
| | <input type="checkbox"/> 28 Motion to Confirm Arbitration
Award (Collection Cases Only) | |

B. PROPERTY TORTS

- | | | |
|---|---|--------------------------------------|
| <input type="checkbox"/> 01 Automobile | <input type="checkbox"/> 03 Destruction of Private Property | <input type="checkbox"/> 05 Trespass |
| <input type="checkbox"/> 02 Conversion | <input type="checkbox"/> 04 Property Damage | |
| <input type="checkbox"/> 07 Shoplifting, D.C. Code § 27-102 (a) | | |

C. PERSONAL TORTS

- | | | |
|---|--|---|
| <input type="checkbox"/> 01 Abuse of Process | <input type="checkbox"/> 10 Invasion of Privacy | <input type="checkbox"/> 17 Personal Injury- (Not Automobile,
Not Malpractice) |
| <input type="checkbox"/> 02 Alienation of Affection | <input type="checkbox"/> 11 Libel and Slander | <input type="checkbox"/> 18 Wrongful Death (Not Malpractice) |
| <input type="checkbox"/> 03 Assault and Battery | <input type="checkbox"/> 12 Malicious Interference | <input type="checkbox"/> 19 Wrongful Eviction |
| <input type="checkbox"/> 04 Automobile- Personal Injury | <input type="checkbox"/> 13 Malicious Prosecution | <input type="checkbox"/> 20 Friendly Suit |
| <input type="checkbox"/> 05 Deceit (Misrepresentation) | <input type="checkbox"/> 14 Malpractice Legal | <input type="checkbox"/> 21 Asbestos |
| <input type="checkbox"/> 06 False Accusation | <input type="checkbox"/> 15 Malpractice Medical (Including Wrongful Death) | <input type="checkbox"/> 22 Toxic/Mass Torts |
| <input type="checkbox"/> 07 False Arrest | <input type="checkbox"/> 16 Negligence- (Not Automobile,
Not Malpractice) | <input type="checkbox"/> 23 Tobacco |
| <input type="checkbox"/> 08 Fraud | | <input type="checkbox"/> 24 Lead Paint |

SEE REVERSE SIDE AND CHECK HERE IF USED

Information Sheet, Continued

C. OTHERS

- | | |
|---|---|
| <input type="checkbox"/> 01 Accounting | <input type="checkbox"/> 17 Merit Personnel Act (OEA) |
| <input type="checkbox"/> 02 Att. Before Judgment | (D.C. Code Title 1, Chapter 6) |
| <input type="checkbox"/> 05 Ejectment | <input type="checkbox"/> 18 Product Liability |
| <input type="checkbox"/> 09 Special Writ/Warrants
(DC Code § 11-941) | <input type="checkbox"/> 24 Application to Confirm, Modify,
Vacate Arbitration Award (DC Code § 16-4401) |
| <input type="checkbox"/> 10 Traffic Adjudication | <input type="checkbox"/> 29 Merit Personnel Act (OHR) |
| <input type="checkbox"/> 11 Writ of Replevin | <input type="checkbox"/> 31 Housing Code Regulations |
| <input type="checkbox"/> 12 Enforce Mechanics Lien | <input type="checkbox"/> 32 Qui Tam |
| <input checked="" type="checkbox"/> 16 Declaratory Judgment | <input type="checkbox"/> 33 Whistleblower |

II.

- | | | |
|--|---|--|
| <input type="checkbox"/> 03 Change of Name | <input type="checkbox"/> 15 Libel of Information | <input type="checkbox"/> 21 Petition for Subpoena
[Rule 28-I (b)] |
| <input type="checkbox"/> 06 Foreign Judgment/Domestic | <input type="checkbox"/> 19 Enter Administrative Order as
Judgment [D.C. Code § | <input type="checkbox"/> 22 Release Mechanics Lien |
| <input type="checkbox"/> 08 Foreign Judgment/International | 2-1802.03 (h) or 32-151 9 (a)] | <input type="checkbox"/> 23 Rule 27(a)(1)
(Perpetuate Testimony) |
| <input type="checkbox"/> 13 Correction of Birth Certificate | <input type="checkbox"/> 20 Master Meter (D.C. Code §
42-3301, et seq.) | <input type="checkbox"/> 24 Petition for Structured Settlement |
| <input type="checkbox"/> 14 Correction of Marriage
Certificate | | <input type="checkbox"/> 25 Petition for Liquidation |
| <input type="checkbox"/> 26 Petition for Civil Asset Forfeiture (Vehicle) | | |
| <input type="checkbox"/> 27 Petition for Civil Asset Forfeiture (Currency) | | |
| <input type="checkbox"/> 28 Petition for Civil Asset Forfeiture (Other) | | |

D. REAL PROPERTY

- | | |
|--|--|
| <input type="checkbox"/> 09 Real Property-Real Estate | <input type="checkbox"/> 08 Quiet Title |
| <input type="checkbox"/> 12 Specific Performance | <input type="checkbox"/> 25 Liens: Tax / Water Consent Granted |
| <input type="checkbox"/> 04 Condemnation (Eminent Domain) | <input type="checkbox"/> 30 Liens: Tax / Water Consent Denied |
| <input type="checkbox"/> 10 Mortgage Foreclosure/Judicial Sale | <input type="checkbox"/> 31 Tax Lien Bid Off Certificate Consent Granted |
| <input type="checkbox"/> 11 Petition for Civil Asset Forfeiture (RP) | |

/s/ David S. Hoffmann

Attorney's Signature

August 28, 2018

Date