

Superior Court of the District of Columbia

CIVIL DIVISION- CIVIL ACTIONS BRANCH

INFORMATION SHEET

District of Columbia _____ Case Number: _____

vs Date: October 15, 2018

The Bennington Corporation et al. _____ One of the defendants is being sued in their official capacity.

Name: <i>(Please Print)</i> Argatonia D. Weatherington	Relationship to Lawsuit <input checked="" type="checkbox"/> Attorney for Plaintiff
Firm Name: Office of Attorney General for the District of Columbia	<input type="checkbox"/> Self (Pro Se)
Telephone No.: <u>202-727-6338</u> Six digit Unified Bar No.: <u>1021691</u>	<input type="checkbox"/> Other: _____

TYPE OF CASE: Non-Jury 6 Person Jury 12 Person Jury
 Demand: \$ _____ Other: _____

PENDING CASE(S) RELATED TO THE ACTION BEING FILED
 Case No.: _____ Judge: _____ Calendar #: _____
 Case No.: _____ Judge: _____ Calendar#: _____

NATURE OF SUIT: <i>(Check One Box Only)</i>		
A. CONTRACTS <input type="checkbox"/> 01 Breach of Contract <input type="checkbox"/> 02 Breach of Warranty <input type="checkbox"/> 06 Negotiable Instrument <input type="checkbox"/> 07 Personal Property <input type="checkbox"/> 13 Employment Discrimination <input type="checkbox"/> 15 Special Education Fees	COLLECTION CASES <input type="checkbox"/> 14 Under \$25,000 Pltf. Grants Consent <input type="checkbox"/> 17 OVER \$25,000 Pltf. Grants Consent <input type="checkbox"/> 27 Insurance/Subrogation Over \$25,000 Pltf. Grants Consent <input type="checkbox"/> 07 Insurance/Subrogation Under \$25,000 Pltf. Grants Consent <input type="checkbox"/> 28 Motion to Confirm Arbitration Award (Collection Cases Only)	<input type="checkbox"/> 16 Under \$25,000 Consent Denied <input type="checkbox"/> 18 OVER \$25,000 Consent Denied <input type="checkbox"/> 26 Insurance/Subrogation Over \$25,000 Consent Denied <input type="checkbox"/> 34 Insurance/Subrogation Under \$25,000 Consent Denied
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 checked="" 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)
(D.C. Code Title 1, Chapter 6) |
| <input type="checkbox"/> 02 Att. Before Judgment | <input type="checkbox"/> 18 Product Liability |
| <input type="checkbox"/> 05 Ejectment | <input type="checkbox"/> 24 Application to Confirm, Modify,
Vacate Arbitration Award (DC Code § 16-4401) |
| <input type="checkbox"/> 09 Special Writ/Warrants
(DC Code § 11-941) | <input type="checkbox"/> 29 Merit Personnel Act (OHR) |
| <input type="checkbox"/> 10 Traffic Adjudication | <input type="checkbox"/> 31 Housing Code Regulations |
| <input type="checkbox"/> 11 Writ of Replevin | <input type="checkbox"/> 32 Qui Tam |
| <input type="checkbox"/> 12 Enforce Mechanics Lien | <input type="checkbox"/> 33 Whistleblower |
| <input checked="" type="checkbox"/> 16 Declaratory Judgment | |

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 § | <input type="checkbox"/> 24 Petition for Structured Settlement |
| <input type="checkbox"/> 14 Correction of Marriage
Certificate | 42-3301, et seq.) | <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) | |


Attorney's Signature

10/15/18

Date

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

DISTRICT OF COLUMBIA)	
441 4th Street, NW)	
Washington, D.C. 20001)	
)	
<i>Plaintiff,</i>)	Civ. No.:
)	
v.)	
)	
THE BENNINGTON CORPORATION)	
12577 Royal Wolf Place)	
Fairfax, VA 22030-6648)	
)	
SERVE ON Registered Agent:)	
JAMES BROWN)	
4569 Benning Road, SE)	
Washington, D.C. 20036)	
)	
And)	
)	
MEHRDAD VALIBEIGI)	
12577 Royal Wolf Place)	
Fairfax, VA 22030-6648)	
)	
<i>Defendants.</i>)	
<hr style="border: 0.5px solid black;"/>		

**COMPLAINT FOR APPOINTMENT OF RECEIVER AND VIOLATIONS OF THE
CONSUMER PROTECTION PROCEDURES ACT¹**

The District of Columbia (the “District”) files suit against The Bennington Corporation and Mehrdad Valibeigi (collectively, “Defendants”), seeking appointment of a receiver for apartment buildings located at 4480 C Street, SE, 4559 Benning Road, SE, and 4569 Benning Road, SE, Washington, D.C., 20016 (collectively the “Benning Road Apartments”) in accordance with the Tenant Receivership Act, D.C. Code §§ 42-3651.01 to - .08 (“TRA”) and restitution, civil

¹ While the Tenant Receivership Act references a “Petition” for Appointment of Receiver and refers to relevant parties as “Petitioner” and “Respondents,” the District has captioned that matter as a “Complaint,” given its other claims, and will refer to parties throughout this matter as “Plaintiff” or “Defendants.”

penalties, costs, attorney's fees and injunctive relief pursuant to the Consumer Procedures Act ("CPPA"), D.C. Code §§ 28-3901, 3913. The District alleges the following:

PRELIMINARY STATEMENT

The TRA authorizes this Court to appoint a receiver for a rental housing accommodation in the District of Columbia in order to safeguard the health, safety, and security of tenants from a landlord's continued failure to address housing conditions. Receivership is statutorily authorized where a landlord has demonstrated a "pattern of neglect" toward the property that poses a serious threat to the health, safety, or security of the tenants for a period of thirty consecutive days.

The District files this action to appoint a receiver to address hazardous housing conditions that Defendants have failed to abate. This action also seeks to provide injunctive relief, restitution to tenants, assess penalties, and collect reasonable attorney's fees and costs for violations of the CPPA, and to deter such violations from occurring in the future.

The Benning Road Apartments is a rental housing accommodation located within the District of Columbia comprised of three apartment buildings with a total of thirty-five units that Defendants own, operate, manage, and otherwise control. When Defendants offered and leased the rental accommodations to their tenants, they represented that they would maintain the Property in accordance with the District of Columbia laws and regulations, including the District's housing code laws. Defendants have failed to do so.

The Property suffers from a demonstrated history of neglect and indifference resulting from the actions or omissions of the Defendants, jointly and severally. Defendants' pattern of neglect at the property stretches back decades. The tenants at the Property have suffered from numerous dangerous conditions, including;

- 1) severe rodent, roach, and bed bug infestations;

- 2) defective plumbing which has resulted in water damage and widespread mold contamination;
- 3) broken smoke detectors and fire suppression systems.

All of these conditions pose a serious threat to the health, safety, and security of the tenants. Tenants repeatedly informed Defendants of these hazardous conditions, yet Defendants allowed the conditions to remain unabated for several years – well above the thirty-day threshold necessary to warrant receivership under D.C. Code § 42-3651.02(b). The refusal of the Defendants to abate their housing code violations in a timely manner is particularly egregious in light of the fact that all of the tenants have modest financial means, and therefore lack feasible alternatives to the unsafe and unhealthy rental accommodations inflicted upon them by the Defendants.

Finally, the Defendants’ misrepresentations that they would make repairs to the Property and maintain it in accordance with the District’s laws and regulations, including the District’s housing code², constitute violations of the CPPA §§ 28-3904(a),(d),(e),(f), and (dd).

Accordingly, the District of Columbia Petitions the Court as follows:

- (a) Appoint a receiver pursuant to D.C. Code § 42-3651.05-.06 to develop and supervise a viable repair plan for the satisfactory rehabilitation of the Property;
- (b) Order that the Defendants, jointly and severally, contribute funds in excess of the rents collected from the rental housing accommodation, pursuant to D.C. Code § 42-3651.05(f), as necessary for the rehabilitation of the Property;
- (c) Award restitution to disgorge the rent amounts that Defendants charged tenants while the Property was in violation of the CPPA;

² The term “housing code” as used in this Complaint refers to title 14, chapters 1-16 of the District of Columbia Municipal Regulations.

- (d) Provide any other relief deemed appropriate by the Court.

Jurisdiction

1. The Court has subject matter jurisdiction pursuant to D.C. Code § 11-921 and § 28-3909.
2. The Court has personal jurisdiction pursuant to D.C. Code § 13-423.

Parties

3. The Plaintiff the District of Columbia (“District”) is a municipal corporation empowered to sue and be sued, and is the local government for the territory constituting the permanent seat of the federal government. The District brings this case through the Attorney General for the District of Columbia, who is the chief legal officer for the District. The Attorney General is responsible for upholding the public interest and is also specifically authorized to enforce the District’s Tenant Receivership Act and the District’s consumer protection laws, including the CPPA, pursuant to D.C. Code § 28-3909.

4. Defendant The Bennington Corporation (“Bennington Corporation”) is a corporate entity organized under the laws of the District of Columbia and maintains a principal place of business at 12577 Royal Wolf Place, Fairfax, Virginia, 22030. Bennington Corporation is managed by Defendant Merhdad Valibeigi.

5. Defendant Mehrdad Valibeigi, known to his tenants as Mike Valley, is a managing member Bennington Corporation. At all times material to this Complaint, acting alone or with others, Mehrdad Valibeigi formulated, directed, controlled, had the authority to control, participated in, or with knowledge approved of the acts or practices Bennington Corporation, including the acts and practices set forth in this Complaint.

Facts

6. The Property is a three-building apartment complex consisting of thirty-five units, located in Southeast Washington, D.C.

7. Defendant Bennington Corporation acquired legal title to the Property on October 19, 1987. (See Ex. 1 – Property Deed)

8. After acquiring the Property, Bennington Corporation through its principal, Mehrdad Valibeigi, leased units in the Property to tenants through lease agreements. Each lease agreement contained an implied warranty of habitability that obligated Defendants to maintain the Property in a livable condition and in compliance with the District’s housing code. Defendants then collected, and continue to collect, rent from tenants without disclosing that Defendants would not maintain the Property in a manner consistent with the District’s laws and regulations—including the District’s housing code—or in a habitable condition. (Ex. 2 – Lease Agreement)

9. Virtually all of the tenants are low income individuals. Many of these tenants have made the difficult decision to continue residing at the Property despite hazardous and dangerous conditions simply because they lack the means to seek other residential options.

10. Defendants inaction in abating serious and hazardous housing conditions for years despite repeated requests from tenants and code officials demonstrates a pattern of neglect.

A. The Defendants Have Demonstrated a Pattern of Neglect for the Property that Threatens the Health, Safety, and Security of the Tenants

11. Office of Attorney General for the District of Columbia (OAG) Investigator Renardra Brown inspected the property on May 25, 2018, June 6, 2018, and July 18, 2018. (See Ex. 3 Declaration of Investigator Renardra Brown)

12. Three current tenants of the Property have also submitted affidavits in connection with this Complaint:

- **Raymal Gregory**, a tenant who has resided at 4559 Benning Road, SE, Apt. 203 for over 30 years. (Ex.4, Aff. of Gregory Raymal (“Gregory Aff.”) ¶¶ 2-3.)
- **Phyllis Colbert**, a tenant who has resided at 4559 Benning Road, SE, Apt. 102 for a little over 6 months. (Ex. 5, Aff. of Phyllis Colbert (“Colbert Aff.”) ¶¶ 2.)
- **Tina Lindsay**, a tenant who has resided at 4569 Benning Road, SE, Apt. 203 for 6 years. (Ex. 6, Aff. of Tina Lindsay (“Lindsay Aff.”) ¶ 2)

13. All three tenants resided at the Property during the time Bennington Corporation owned the buildings and continue to reside at the Property.

14. All three tenants have suffered from a multitude of unsafe and unsanitary conditions. While the tenants notified Defendants of these conditions, in most cases repeatedly notified Defendants, Defendants failed to remedy the conditions. The failure to abate these hazardous conditions for months and years at a time demonstrates a pattern of neglect at the Property. Evidence of this pattern of neglect that is set out in the attached affidavits and declaration, which is summarized below in paragraphs 15-25.

a. Pest Infestation

15. The Property suffers from a severe mouse and rat infestation. (Brown Dclr. ¶ 4-6; Lindsay Aff. ¶ 3; Gregory Aff. ¶ 4-5.) The mice have eaten one tenant’s plants as well as the labels off of her canned goods. (Lindsay Aff. ¶ 3.) The mice infiltrate the apartments through holes in

sinks and walls and tenants must carefully put food away so that it is not eaten by rodents. (Lindsay Aff. ¶ 3.)

16. The Property currently suffers from a bed bug infestation, which is most acute in 4480 C Street SE. (Lindsay Aff. ¶ 5) (“I couldn’t sleep because I was always getting bit by the bed bugs. It took Mike a couple of weeks to get someone out after we notified him that we had bedbugs.”). At 4480 C Street, three of the occupied apartments that Investigator Brown inspected showed signs of a bedbug infestation. (Brown Dclr. ¶ 4).

17. Tenants have repeatedly raised their concerns about the mice infestation to Defendants. (Lindsay Aff. ¶ 3) (“I told the owner, Mike, about the mice and roaches.”); (Gregory Aff. ¶ 5) (“When I reported the problem to Mike, nothing was done. In all the time I’ve been there, an exterminator has only come to my unit three times. To try to get rid of the mice, I’ve purchased traps.”).

18. Tenants have also complained about roach infestation. (Brown Dclr. ¶ 4-6); (Lindsay Aff. ¶ 3); (Gregory Aff. ¶ 4) (“The roaches have been a problem for a long time. They were a problem when I was a kid and I’m over forty years old. Since I took over the unit from my mother, I have reported the problems to the Mike – the property owner.”).

b. Water Damage and Mold Growth

19. On July 17, 2018, licensed mold assessment firm Arrowhead Environmental Consulting (“Arrowhead”) conducted a mold inspection at the Property. (*See* Exs. 7-11 – Mold Assessment Report)

20. During Arrowhead’s inspection, Inspector William Spearman observed visible mold growth in all inspected units throughout the Property; specifically, in 4480 C Street SE #202, 4480 C Street SE # 301, 4559 Benning Road NE #201, 4559 Benning Road NE #204, and 4569

Benning Road SE # 203. (Exs. 7-11 at 6.) Inspector Spearman also noticed water intrusion within the interior walls of some units. (Exs. 7, 9-11 at 2.)

c. Fire Suppression and Safety

21. In addition to the inspections conducted by OAG, the District of Columbia Fire and Emergency Management Service (FEMS) conducted three inspections at the Property. (*See* Exs. 12-13 Fire Inspection Reports).

22. Fire Inspector James Pennington first inspected the Property on July 5-6, 2018. (*See* Exs. 12-13, First Fire Inspection Report). During the first inspection, Inspector Pennington issued citations for inoperable smoke detectors; lack of secondary form of egress in case of a fire on the first floor; fire suppression systems in need of maintenance; and breaches in certain walls needing repair.

23. When Fire Inspector Pennington returned to the Property on July 25, 2018, none of these issues had been addressed, and she assessed a fine of \$4,000.

24. The Inspector returned to the property again on August 28, 2018 and found that the violations remained unabated, and the fine was doubled to \$8,000.

d. Other Evidence of a Pattern of Neglect

23. Certain structures and portions of the Property are in a state of disrepair. (Lindsay Aff. ¶ 6) (“The nails are falling out of my ceiling. That started in 2017, the nails popped out of the ceiling and the ceiling was hanging. I told Mike about the ceiling. Told him that if it fell on anyone I would sue him. He had someone come in and cut a hole in the ceiling and the sheetrock and nail it up. But that was just a patch job, and now the ceiling is failing again.”) (Gregory Aff. ¶ 6) (“There are screws coming up from the floor in the bathroom. There is a hole in my bathroom ceiling that was never completed.”)

25. Tenants also have problems with their air conditioning units. (Lindsay Aff. ¶ 7) (“Every now and then the air conditioner goes out and it leaks water constantly. Most of the carpet in the living room is soaking wet from where the air conditioning unit is leaking.”)

B. Statutory Basis for Appointment of Receiver

26. In accordance with D.C. Code § 42-3651.03, the Attorney General for the District of Columbia, in the name of the District of Columbia, may request the Court to appoint a receiver of the rents or payments for use and occupancy for a rental housing accommodation when “a rental housing accommodation has been operated in a manner that demonstrates a pattern of neglect for the property for a period of 30 consecutive days and such neglect poses a serious threat to the health, safety, or security of the tenants.” D.C. Code § 42-3651.02(b). The term “pattern of neglect” includes “all evidence that the owner, agent, lessor, or manager of the rental housing accommodation has maintained the premises in a serious state of disrepair, including vermin or rat infestation, filth or contamination, inadequate ventilation, illumination, sanitary, heating or life safety facilities, inoperative fire suppression or warning equipment, or any other condition that constitutes a hazard to its occupants or to the public.” *Id.*

28. The D.C. Council enacted the Receivership Statute to protect tenants in instances where the landlord has refused to remedy dangerous housing code violations despite efforts to compel abatement. As stated in the 2008 Committee Report recommending adoption of the legislation:

Despite the existence of an inspections process, many tenants live in unsanitary and unsafe conditions without meaningful options for remedies. For example, reports abound of tenants living in housing units infested with vermin, of children developing respiratory problems caused by mold buildup, and of people living without heat or hot water. In the absence of a meaningful remedy, tenants are typically confronted with an impossible choice: persist in unsanitary conditions or move out. Disturbingly, some landlords have used the

lack of a meaningful remedy to their advantage. Recently, the *Washington Post* reported that some landlords purposely neglected apartment units in the hope that conditions would become so intolerable that tenants would be forced to vacate their homes. Once vacant, buildings command higher prices on the market because they are more easily converted to lucrative condominiums.

Comm. Rep., B17-0729, Abatement of Nuisance Properties and Tenant Am. Act of 2008, at 2 (Nov. 14, 2008) [hereinafter “Committee Report”].

29. Once appointed, the receiver shall, among other things: “Take charge of the operation and management of the rental housing accommodation and assume all rights to possess and use the building, fixtures, furnishings, records, and other related property and goods that the owner or property manager would have if the receiver had not been appointed” D.C. Code § 42-3651.06(1).

COUNT I
(Petition for Appointment of a Receiver for the Benning Road Apartments)

30. The District incorporates by reference Paragraphs 1 through 29.

31. Defendants have operated the Benning Road Apartments in a manner that demonstrates a pattern of neglect under D.C. Code § 42-3651.02(b). The Property has suffered from infestations of bedbugs, roaches, and mice as well as serious health concerns from mold growth and contamination at the Property.

32. The aforementioned and ongoing pattern of neglect has been established well beyond the statutory period of 30 consecutive days. Defendants have ignored repeated complaints from tenants. Defendants have shown themselves unwilling and incapable of undertaking the necessary actions to abate and eliminate these unhealthy and unsafe conditions.

COUNT II
(Violations of the Consumer Protection Procedures Act)

33. The District incorporates by reference paragraphs 1 through 32.

34. The District of Columbia Consumer Protection Procedures Act (“CPPA”) prohibits unlawful trade practices in connection with the offer, lease and supplying of consumer goods and services. D.C. Code § 28-3901(a)(6). The CPPA defines consumer goods and services to include “real estate transactions.” D.C. Code § 28-3901(a)(7).

35. The tenants in the Property are consumers because they rented their units in the Property for personal, household, or family purposes. D.C. Code §28-3901(a)(2).

36. Defendants, in the ordinary course of business, offer to lease or supply consumer goods and services and, therefore, are merchants under the CPPA. D.C. Code § 28-3901(a)(3).

37. The CPPA authorizes the Attorney General to file suit against any person the Attorney General has reason to believe “is using or intends to use any method, act, or practice [that is an unlawful trade practice] in violation of ... D.C. Code § 38-3904.” D.C. Code § 28-3909(a).

38. Under the CPPA, it is an unlawful trade practice for any person to:

(a) represent that goods or services have a source, sponsorship, approval, certification, or connection that they do not have;

* * *

(d) represent that goods or services are of particular standard, quality, grade, style, or model, if in fact they are of another;

(e) misrepresent as to a material fact which has a tendency to mislead; [or]

(f) fail to state a material fact if such failure tends to mislead [...]

D.C. Code § 28-3904.

39. Here, Defendants committed unlawful trade practices under the CPPA when they:

a. represented to tenants/consumers that the units Defendants offered to lease and did lease are or would be brought into compliance with the District’s laws and regulations (including the District’s housing code) when, in fact, the units were not habitable and were not maintained in a manner consistent with the District’s laws and regulations;

b. represented to tenants/consumers that the Property was habitable and would be maintained in compliance the District’s laws and

regulations (including the District's housing code) when, in fact, the Property is not habitable and Defendants have not maintained the Property in a manner consistent with the District's laws and regulations;

- c. represented to tenants/consumers that Defendants have abated or will abate all housing code violations and any other material defects that pose a serious threat to the health, safety, or security of the tenants/consumers when, in fact, Defendants have not done so; and
- d. collected rent from tenants/consumers while failing to inform them that Defendants would continuously and systematically fail to maintain the Property in a habitable condition.

40. Defendants' misrepresentations and material omissions of fact both had the capacity and tendency to mislead consumers and constitute unfair and deceptive trade practices in violation of §28-3904(a), (d), (e) and (f) of the CPPA.

41. Defendants' failure to address the numerous housing code violations found within their buildings constitute violations of 16 DCMR § 3305. Such violations are also unlawful trade practices that violate § 28-3904(dd) of the CPPA.

42. Tenants/consumers in the District have suffered substantial injury because of Defendants' violations of the CPPA. In particular, tenants have paid, and continue to pay, rent to Defendants while being forced to live in apartments with substantial housing code violations. Defendants have continued to collect rent payments from tenants despite Defendants' false representations, misrepresentations, and material omissions about the conditions of the Property and their willingness to maintain it. As such, Defendants have been unjustly enriched by their unlawful acts or practices.

43. Where the Attorney General establishes a violation of the CPPA, the Court may, among other relief, award "restitution for property lost or damages suffered," issue a temporary or permanent injunction against the use of the unlawful "method act or practice," and award "a civil penalty for each violation, the costs of the action, and reasonable attorney's fees." D.C. Code §

28-3909(a)-(b).

44. Defendant Mehrdad Valibeigi is personally liable under the CPPA because he possessed and/or exercised the authority to control the policies and trade practices of Defendant Bennington Corporation; was responsible for creating and implementing the alleged unfair and deceptive policies and trade practices of Defendant Bennington Corporation that are described herein; participated in the alleged deceptive trade practices that are described herein; directed or supervised those employees of Defendant Bennington Corporation who participated in the alleged unfair and deceptive trade practices that are described herein; and knew or should have known of the unfair and deceptive trade practices that are described herein and had the power to stop them, but rather than stopping them, promoted their use.

Relief Requested

Wherefore, Plaintiff, the District of Columbia, respectfully requests that the Court:

(a) Appoint a receiver who has demonstrated to the Court the expertise to develop and supervise a viable financial and repair plan for the satisfactory rehabilitation of the multi-unit rental housing accommodations which are the subject of this lawsuit;

(b) Order that the Defendants, jointly and severally, contribute funds in excess of the rents collected from the rental housing accommodation for the purposes of abating housing code violations and assuring that any conditions that are a serious threat to the health, safety, or security of the occupants or public are corrected pursuant to D.C. Code § 42-3651.05(f);

(c) Award restitution against the Defendants sufficient to disgorge the rent amounts that were unlawfully charged to tenants while the Properties were maintained in violation of the District's housing code, and was unfairly and deceptively offered and leased pursuant to D.C. Code § 28-3909(a);

- (d) Award civil penalties in an amount to be proven at trial and as authorized per violation of the CPPA pursuant to D.C. Code § 28-3909(b);
- (e) Enter injunctive relief as appropriate against Defendants for the use of any unlawful trade practices pursuant to D.C. Code § 28-3909(a);
- (f) Award all allowable costs;
- (g) Award reasonable attorney's fees pursuant to D.C. Code § 28-3909(b); and
- (h) Provide any other relief deemed appropriate by the Court, including a permanent injunction against any further violation of the CPPA.

Dated: October 15, 2018

KARL A. RACINE
Attorney General for the District of Columbia

ROBYN R. BENDER
Deputy Attorney General, Public Advocacy Division

/s/ Jimmy R. Rock
JIMMY R. ROCK (Bar #493521)
Assistant Deputy Attorney General, Public Advocacy
Division

BENJAMIN M. WISEMAN
Director, Office of Consumer Protection
Public Advocacy Division

/s/ Jane H. Lewis
JANE H. LEWIS (Bar # 198130)
Chief, Housing and Community Justice Section

/s/ Argatonia D. Weatherington
ARGATONIA D. WEATHERINGTON (Bar #1021691)
Assistant Attorney General
441 4th Street, N.W. Suite 630 South
Washington, D.C. 20001
(202) 727-6338 (phone)
(202) 730-1806 (e-fax)
Email: Argatonia.Weatherington@dc.gov

Attorneys for the District of Columbia

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

DISTRICT OF COLUMBIA)	
441 4th Street, NW)	
Washington, D.C. 20001)	
)	
<i>Plaintiff,</i>)	Civ. No.:
)	
v.)	
)	
THE BENNINGTON CORPORATION)	
12577 Royal Wolf Place)	
Fairfax, VA 22030-6648)	
)	
SERVE ON Registered Agent:)	
JAMES BROWN)	
4569 Benning Road, SE)	
Washington, D.C. 20036)	
)	
And)	
)	
MEHRDAD VALIBEIGI)	
12577 Royal Wolf Place)	
Fairfax, VA 22030-6648)	
)	
<i>Defendants.</i>)	
_____)	

ORDER TO SHOW CAUSE

Upon consideration and review of the Complaint for Appointment of Receiver and Violations of the Consumer Protection and Procedures Act, it is this ___ day of _____, 2018, to D.C. Code § 42-3651.04, hereby

ORDERED that defendants The Bennington Corporation and Mehrdad Valibeigi, shall appear on _____, 2018, at _____ a.m. in courtroom _____ to show cause why a receiver should not be appointed. Defendants are advised that the court will consider, in addition to the grounds for receivership set forth in § 42-3651.02, a plan submitted by defendants to abate the conditions alleged in the complaint.



Superior Court of the District of Columbia
CIVIL DIVISION
Civil Actions Branch
500 Indiana Avenue, N.W., Suite 5000 Washington, D.C. 20001
Telephone: (202) 879-1133 Website: www.dccourts.gov

District of Columbia

 Plaintiff

vs.

Case Number _____

The Bennington Corporation

 Defendant

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 one (21) 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 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 seven (7) 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.

Argatonia D. Weatherington

Clerk of the Court

 Name of Plaintiff's Attorney

441 4th Street, NW, Suite 630 South

By _____

Address

Deputy Clerk

Washington, D.C., 20001

202-727-6338

Date _____

Telephone

如需翻译, 请打电话 (202) 879-4828

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

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

번역을 원하시면, (202) 879-4828로 전화주세요. 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
 Veá al dorso la traducción al español



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

**Sección de Acciones Civiles
500 Indiana Avenue, N.W., Suite 5000, Washington, D.C. 20001
Teléfono: (202) 879-1133 Sitio web: www.dccourts.gov**

District of Columbia

_____ Demandante
contra

Número de Caso: _____

_____ Demandado
The Bennington Corporation

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 veintiún (21) 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 siete (7) 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.

Argatonia D. Weatherington
Nombre del abogado del Demandante

SECRETARIO DEL TRIBUNAL

441 4th Street, NW, Suite 630 South
Dirección
Washington, D.C. 20001

Por: _____
Subsecretario

202-727-6338
Teléfono

Fecha _____

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
반영을 위해 전화 (202) 879-4828 電話を掛ける (202) 879-4828 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, PODRÍA RETENÉRSELE SUS INGRESOS, O PODRÍA TOMÁRSELE SUS BIENES PERSONALES O BIENES RAÍCES Y SER VENDIDOS 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 pagarle a 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 sobre 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
Civil Actions Branch
500 Indiana Avenue, N.W., Suite 5000 Washington, D.C. 20001
Telephone: (202) 879-1133 Website: www.dccourts.gov

District of Columbia

 Plaintiff

vs.

Case Number _____

Mehrdad Valibeigi

 Defendant

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 one (21) 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 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 seven (7) 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.

Argatonia D. Weatherington

Clerk of the Court

Name of Plaintiff's Attorney

441 4th Street, NW, Suite 630 South

By _____

Address

Washington, D.C., 20001

Deputy Clerk

202-727-6338

Date _____

Telephone

如需翻译, 请打电话 (202) 879-4828

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

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

번역을 원하시면, (202) 879-4828로 전화주세요. 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
 Veá al dorso la traducción al español



TRIBUNAL SUPERIOR DEL DISTRITO DE COLUMBIA
DIVISIÓN CIVIL
Sección de Acciones Civiles
500 Indiana Avenue, N.W., Suite 5000, Washington, D.C. 20001
Teléfono: (202) 879-1133 Sitio web: www.dccourts.gov

District of Columbia

Demandante

contra

Número de Caso: _____

Mehrdad Valibeigi

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 veintiún (21) 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 siete (7) 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.

Argatonia D. Weatherington
 Nombre del abogado del Demandante

SECRETARIO DEL TRIBUNAL

441 4th Street, NW, Suite 630 South
 Dirección
 Washington, D.C. 20001

Por: _____
 Subsecretario

202-727-6338
 Teléfono

Fecha _____

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
 반문장을 번역하려면 (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, PODRÍA RETENÉRSELE SUS INGRESOS, O PODRÍA TOMÁRSELE SUS BIENES PERSONALES O BIENES RAÍCES Y SER VENDIDOS 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 pagarle a 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 sobre otros lugares donde puede pedirayuda al respecto.

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

TRUSTEE'S DEED

THIS DEED made this 19th day of October, 1987, by and between Daniel A. LaPlaca, Substitute Trustee, by Instrument recorded among the Land Records of the District of Columbia on the 11th day of September, 1986, as Instrument No. 37489,

Party of the First Part; and

Bennington Corporation, a District of Columbia Corporation.

Party of the Second Part;

Harrison Somerville and Andrew Jackson Somerville, Trustees, by a certain Deed of Trust dated September 10, 1964 and recorded in Instrument Numbered 32153 among the Land Records of the District of Columbia, granted and conveyed unto Riggs National Bank of Washington D.C., Trustee, all of the hereafter lot and parcel of land in trust to secure a certain negotiable promissory note fully described in said Deed of Trust; and,

WHEREAS, the Party of the First Part was substituted in the place and stead of Riggs National Bank, Trustee, pursuant to an Instrument of Appointment of Successor Trustee, duly signed by Bette-Claire Weiner, the noteholder of the original Deed of Trust and recorded on the 11th day of September, 1986, as Instrument No. 37489 of the Land Records of the District of Columbia.

WHEREAS, the Party of the First Part, by the terms of said Deed of Trust, was empowered upon default in payment of said note and upon request of the holder thereof, to sell the hereinafter described land and premises at public auction, and,

WHEREAS, default was made in the payment of said note, and the holder thereof requested said Party of the First Part to sell said land pursuant to the power of sale contained in said Trust, and,

WHEREAS, the Party of the First Part did announce that the sale would take place within the office of Adam A. Weschler & Son, Inc., Auctioneers, 905-9 E Street, N.W., Washington, DC on the 6th day of October, 1987, by advertising the place, time and terms of sale in The Washington Times, a newspaper published and having general circulation in the District of Columbia in its issues of September 24, 1987, September 28, 1987, September 30, 1987, October 1, 1987, and October 5, 1987.

WHEREAS, the Party of the First Part, at said time and place, did expose the hereinafter described property to sale at public auction for cash in strict accordance with the terms of the aforesaid Deed of trust at which sale the Party of the Second Part became the purchaser of the property for the sum of \$190,000.00, that being the highest bid therefore; and

WHEREAS, the purchase price has been paid in full; and

5965

PLAINTIFF'S
EXHIBIT

1

D.C. v. THE BENNINGTON CORPORATION, et al.

WHEREAS, none of the parties in interest is in the military service of the United States and has not been for six months prior thereto, and is therefore, not entitled to the benefits of the Soldiers and Sailors Relief Act; and,

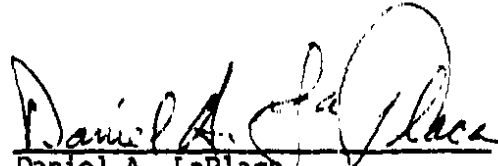
NOW, THEREFORE, in consideration of the premises of the sum of \$190,000.00 paid to the Party of the First Part by the Party of the Second Part, and before the sealing and delivery of this Deed, receipt of which is hereby acknowledged, which sum is to be appropriated and applied as provided in the aforesaid Deed of Trust, and pursuant to the laws of the District of Columbia, the Party of the First Part conveys unto the Party of the Second Part, with special warranty deed of title, all of that parcel of land located in the District of Columbia and more particularly described as follows:

lot numbered Eighty-five (85) in the combination made by Somerville and Somerville of lots in Square numbered Fifty-three Hundred and Fifty-one (5351) as per plat recorded in the Office of the Surveyor for the District of Columbia in Liber 145 at folio 111, also known as 4559 Benning Road, S.E., 4569 Benning Road, S.E., and 4480 C Street, S.E., Washington, D.C., 20019.

ALSO,

Subject to all restrictions, rights of way, easements and other conditions contained in the Deed forming the chain of title to the conveyed property.

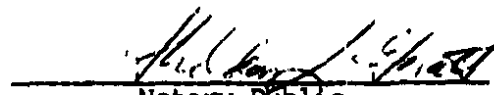
IN WITNESS WHEREOF, Daniel A. LaPlaca, Substitute Trustee, has executed the foregoing Deed, and acknowledges and delivers these presents as his act and deed.


Daniel A. LaPlaca

STATE OF MARYLAND) ss:
COUNTY OF PRINCE GEORGES)

I, WILLIAM L. GANTT, a Notary Public in and for the State and County aforesaid, hereby certify that Daniel A. LaPlaca, the Grantor, who is personally well known to me to be the person who executed the foregoing Deed bearing the date of October 19, 1987, personally appeared before me and acknowledged the said Deed to be his act and deed.

GIVEN under my hand and seal this 19th day of October, 1987.


Notary Public

My Commission Expires: 7/1/90

Corporate Acknowledgement

In testimony whereof, the said party of the First part has on this 20 day of October, 1987, caused these presents to be signed by Mehrdad Valibeigi, its president (or other officers), and attested by its secretary, and its corporate seal to be affixed and does hereby appoint Mehrdad Valibeigi, its true and lawful attorney in fact to acknowledge and delivery these presents as its act and deed.

Bennington Corporation.
Name of Corporation

Mehrdad Valibeigi → pres.
President or Officer

Attest:

[Signature]
Secretary

Attest my hand and seal this 20th day of October, 1987 SS:

I, Hugh A. McMullen, a Notary Public in and for the State of Maryland, do hereby certify that Mehrdad Valibeigi, who is personally well known to me as the person named as the attorney in fact in the foregoing and annexed deed, bearing date on the 19th day of October, 1987, personally appeared before me in said Bennington Corporation and as attorney in fact as foresaid, and by virtue of the power vested in him by said deed, acknowledged the same to be the act and deed of the Bennington Corporation grantor therein, or one of the parties therein.

Given under my hand and seal this 20 day of Oct., A.D., 19 87.

Hugh A. McMullen
Notary Public

HUGH A. McMULLEN
NOTARY PUBLIC STATE OF MARYLAND
Notary Public since July 1, 1980

RECEIVED

10/11/1914

59695

2

SS #



Equal Housing Opportunity
Bennington Apartments
Lease

Initial

Renewal

This lease dated the 13th day of: February 2017
By and between:

Hereinafter referred to: **Bennington Apartments**
As the Owner, and: **Ms. Kadajah Nesha Williams**
Hereinafter referred to As the Occupant (s):

WITNESSETH: In Consideration of the rental below specified and of the covenants hereinafter stipulated, the owner agrees to lease the following described premises:
Situating in the District of Columbia Known as: **4480 C. St. SE, Apt. 301 DC 20019**

To have and to hold the demised premises unto the Occupant, his/her successors and assigns:
For the term of: **One Year**

Beginning: 2/13/17

And ending: 2/13/18

Renewable: Yes

For the following purpose:

Dwelling

The rent for the lease term shall be: **Ninety-Six Hundred Dollars \$9,600.00 plus G&E**

Which shall accrue at the yearly rate of:

N/A

The said rent is to be payable in advance on the first of each calendar month for the term hereof, in installments as follows: **Eight-Hundred Dollars** **\$800.00**

At the office of:

Bennington Apts.

4569 Benning Road SE, Suite 103, Washington DC 20019

The rent for the renewed terms shall be:

N/A

Adjusted in accordance with laws of the District of Columbia and/or by the Owner.

THE ABOVE LETTING IS UPON THE FOLLOWING CONDITIONS:

REPRESENTING IN APPLICATION AND RIGHT TO CANCEL:

It is agreed that the Owner tenders and the Occupant accepts this agreement on the basis of representations contained in the application submitted to the Owner by the Occupant for the purpose of inducing the Owner to enter into this agreement with the Occupant.

The Owner reserves the right to cancel this agreement and repossess the demised premises should any of said representations be misleading, inaccurate or untrue.

ACCEPTANCE OF PROPERTY:

This agreement is made with specific understanding that the Occupant has examined the premises and has received the same in good order and repair with the exceptions as noted on the last page of this lease, and that no representations as to the condition thereof have been made by the Owner, or his/her agent, prior to or at the execution of this agreement that are not herein expressed or endorsed hereon.

AND THE OCCUPANT DOES HEREBY COVENANT AND AGREE AS FOLLOWS:

- 1. POSSESSION:** To take and hold said premises as an Occupant for the said term.
- 2. USE OF PREMISES AND NUMBER OF OCCUPANTS:** To use said premises for a residential dwelling and for no other purpose whatsoever. The law allows up to person (s) provided children use and occupy the premises.....
- 3. NOT TO SUFFER UNLAWFUL USE:** Not to use or allow said premises or any part thereof to be used for any unlawful purpose, or in any noisy, boisterous or other offensive manner which is

in violation of any written rules or policies, or disturbs the neighbors.

4. **NOT TO ASSIGN:** Not to transfer or assign this Agreement or let or sublet said premises without the written consent of the Owner.

5. **MAINTAINS PLUMBING FREE FROM STOPPAGE:** To maintain the plumbing free from stoppage and to pay the costs of clearing any obstruction or resultant damage due to the negligence or carelessness of the occupant. Said payment shall be made upon receipt of the bill.

6. **NOTICE OF DEFECTS, ETC.:** To give the Owner prompt written notice of any defects or repairs needed, except for emergencies, i.e., heat, hot water, etc.

Which shall be immediately by the most direct method.

7. **RIGHT OF INSPECTION AND ENTRY:** To allow the Owner to have access to said premises at any reasonable time for the purpose of inspection or for the purpose of making any repairs and/or replacements the Owner considers necessary or desirable. The Owner shall always give the Occupant reasonable notice before entry, if practical.

8. **TO MAKE ALTERATIONS:** Not to make any alterations, attachments, or additions to the structure, equipment or fixtures or apply paint or other coloring without the written consent of the Owner.

9. **NOT TO KEEP ANIMALS, ETC.:** Not to keep any living animals, pets, or birds of any description in said premises without written permission of the Owner.

18. **COST OR REPAIR RESULTING FROM MISUSE:** To reimburse the Owner for the cost of repairing any damage resulting from misuse, omissions, or commissions by the Occupant, to any of the fixtures, equipment or appurtenances in or around the premises. The Occupant shall pay for said damage. Failure of the Occupant to pay constitutes a violation of the agreement.

19. **UTILITIES:** To pay all bills for electricity and gas and to make the necessary deposits at the respective offices to secure services.

20. **PROPERTY ON PREMISES AT OCCUPANT'S RISK:** That all personal property in said premises shall be and remain at the sole risk of the Occupant, and the Owner shall not be liable for any damage to or loss of such personal property arising from any acts or negligence of any persons other than the Owner or his authorized agent, nor from the leaking of the roof or from the bursting of pipes or overflowing of water, sewer, or from any cause whatsoever.

21. **CONTROL OVER ACTIONS OF CHILDREN:** It is expressly agreed by the Occupant that failure of parents to maintain adequate control over the actions of the Occupant's children will constitute sufficient grounds to declare a breach of this agreement as if such violation of its terms had been committed by the Occupant him/herself.

22. **FAILURE TO PAY RENT:** It is further covenanted and agreed that upon failure of the Occupant to pay any installment of any charges herein provided to be paid at the time when same shall become due and payable, the whole amount of the charge herein provided to be paid through the terms of this lease, shall, at the option of the said Owner, be accelerated and become due and payable upon demand and in advance for the unexpired portion of the said lease, with all rights and privileges of the said Owner to sue for the same as is provided by the law. Rents remaining unpaid at the close of business on the 5th day of the month shall be subject to collection through Landlord/Tenant Court.

23. **SURCHARGE:** Should the rent be five (5) days in arrears there is a \$25.00 surcharge

and should the rent be ten (10) days in arrears there is an additional \$25.00 or a total of \$50.00 surcharge due and payable together with the installment of rent. Surcharges that are due but are not paid by the Occupant's security deposit. The Owner will, within Seven (7) days upon demand, be responsible to repay this amount to the security deposit.

24. **LATE PAYMENTS:** Tenant agrees that should the rent be more than ten (10) days late, the rent shall be payable in certified funds, either certified check or money order. It is further covenanted and agreed that any combination of 3 late payments within a twelve-month period shall constitute a basis for Owner to terminate the tenancy.

25. **DISHONORED CHECK CHARGE:** Occupant agrees that if any check tendered for rent shall be dishonored, in addition to the rent surcharge in paragraph 14, an additional charge \$30 dollars to cover administrative and extra handling expenses of the Owner for said check may be charged. Occupant agrees that if any check of the Occupant's is dishonored, the Owner may, in it's sole option, require an future payments to be in certified funds.

18. **SECURITY DEPOSIT:** Occupant has deposited with the Owner the sum of **Four-Hundred Fifty dollars(\$450.00)** , which is to be held by the Owner as collateral security, and applied on any damage suffered by the Owner as a result of a breach of a covenant. In the event no such liability shall exist, the said sum shall be refunded to the Occupant, in accordance with the Law of the District of Columbia.

19. **OCCUPANT:** Occupant may not deduct aforementioned security deposit for the last month's rent payment. A failure to render the final month's payment of rent as required shall be considered a breach of this agreement that the security deposit is for the safe keeping and good of the apartment and is not to be used unilaterally by the Occupant as the last month's rent.

21. OCCUPANT ACKNOWLEDGES GOOD CONDITION OF PREMISES:

Occupant hereby acknowledges that he has inspected said leased premises and that they are in god condition, habitable and in compliance with the D.C Housing Code and other applicable local and federal regulations and his acceptance of this lease is conclusive that said premises are in good and satisfactory order and repair, unless otherwise specified herein; and he agrees that on representation as to the condition of the premises has been made and no promise made to decorate, alter, repair or improve the premises unless otherwise specified in writing.

30. **DOORS:** Occupant shall keep or cause to be kept all doors leading from and into said leased premises closed at all times and Owner reserves the right to close all such doors in the event of the violation of this provision. This provision shall not, in any event, be construed as an undertaking that the Owner shall provide a security force.

31. **BREACH BY OTHER OCCUPANT:** A breach by any other Occupant, his family, agent, guest, or invitee, of any condition, covenants or rules herein, shall not constitute aground for breach of this lease by the complaining Occupant.

32. **TENANT'S PROPERTY AND INSURANCE:** Occupant expressly agrees that the Owner is not the insurer of the safety of Occupant's person or property and that Owner undertakes to provide only ordinary security precautions such as a reasonably secure apartment, and that no representations regarding security have been made other than those contained herein.
33. **PERMISSION TO SHOW APARTMENT:** Occupant will permit the leased premises to be shown at any time after having given of intention to quit. If Occupant refuses to allow leased premises to be shown at any time after having given notice of intent to quit, such refusal automatically voids Occupant's notice to quit. If the Occupant shall not be personally present when the Owner or agents thereof desire to show said premises, they may enter by use of a pass key or otherwise, without being liable to any prosecution, claim, or such entry affect the obligations of this agreement.
34. **COST AND ATTORNEY'S FEES:** In the event that the Owner and Occupant relationship created herein shall be terminated and Owner shall bring an action in debt in the appropriate court of general jurisdiction, then the Owner shall be entitled to collect all costs of litigation and reasonable attorney's fees, not to exceed 15% of term amount of the agreement. Further, Occupant expressly application to disclose to Owner the forwarding address or other information regarding Occupant.
35. **INSPECTION:** We have made an inspection on the -13th---- day of -Feb 2017. The following problem exists: None
36. The Tenant has inspected the unit for Bed Bugs and there was not any trace of Bed Bugs found in the unit. Tenant is responsible for elimination of Bed Bugs if carried in to the unit in furniture or other belongings.
37. The Occupant shall not sit upon or permit any member of his/her family or visitor to sit upon the entrances to the building; nor park any cycle, carriages, or other property in the entrance. The Occupant shall not park non-operating automobiles in areas reserved for Occupants. Non-operating automobiles, or automobiles with dead tags, will be removed at the automobiles owner expense five (5) days after written notice.
38. **CARPETING:** The Occupant is responsible for eighty percent (80%) carpeting of the floors. (Does not apply if the Owner carpets the unit). The apartment is carpeted: {} Yes {X} No
39. **WAIVER OF 30-DAY NOTICE FOR NON-PAYMENT CASES:** In the event the Occupant shall fail to pay the rent reserved herein, the owner shall be permitted to immediately proceed to file a suit for possession in the court of appropriate jurisdiction in the District Of Columbia, the right of the Occupant to receive a thirty (30) day notice to quit in the event of non-payment being expressly waived.

Kathleen Wilks
 Signature of Occupant

[Signature]
 Signature of Owner/Agent

Declaration of Investigator Renardra Brown

1. I am over the age of 18 and competent to give testimony.
2. I am an investigator with the Office of Attorney General for the District of Columbia (“OAG”). I have been an investigator there for less than a year; however, prior to my time at OAG, I was an investigator with the District of Columbia’s Department of Consumer and Regulatory Affairs (“DCRA”) for five years.
3. Since May 25, 2018, I have conducted investigations at the Benning Road Apartments: 4480 C St SE, 4559 Benning Road SE, and 4569 Benning Road SE. Specifically, I inspected the Benning Road Apartments on three separate occasions: May 25, 2018, June 6, 2018, and July 18, 2018. During my investigation, I interviewed multiple tenants, took note of certain living conditions, and took photographs.¹ Throughout the apartment complex tenants all reported the same or similar issues.
4. I inspected six units at 4480 C ST SE over the course of two visits. When I first went to 4480 C ST SE on June 6, 2018, I visited five units. Of the five units I inspected, tenants from two of those units stated that they had bed bugs, all tenants reported having mice and roaches, as well as cracks in the walls and ceilings. At least two units did not have working smoke detectors. To substantiate tenants’ claims, I observed and photographed roaches, mouse traps, and mouse holes in multiple units. I also observed an active water leak between units #301 and #201. When the tenants in #301 use the shower, water pours into the shower in unit #201 through a hole in the ceiling. Both units have active water leaks. When I returned to the property on July 18, 2018, I was not able to access units #201 and #103. However, the tenants in the remaining units stated that most, if not all, of their conditions remained the same. I was also able to access unit #203. The tenants in that unit had been at the property for less than two weeks. They reported that they had bed bugs and mice. They had mouse holes along the floor boards of their unit that they were in the process of filling. They also did not have electricity.
5. I first visited 4559 Benning Road SE on May 25, 2018. I was only able to gain access to Unit #203. During the inspection, I observed that there were damaged floors throughout the unit, the bathroom tiles were not properly installed and could pose a hazard to the tenants, there were holes behind the stove, and the unit had a rodent problem, which was confirmed by mouse droppings in and around the kitchen. When I returned on July 18, 2018, the only repair that had been made were that the holes behind the stove had been patched, but those were patched by the tenant’s brother not the property owner. During my second visit, on July 18, 2018, I was able to get into two other units in the building: #201 and #204. Both of those tenants reported rodent problems as well as leaks in their units. While in unit #201, I observed a crack in the tenants ceiling that was still leaking.

¹ Some of the photos that I took during my investigation have been submitted with the District’s complaint. Photos taken on May 25, 2018 are Bates Stamped BR.PIC000002 – BR.PIC000032. Photos taken on June 6, 2016 are Bates Stamped BR.PIC000033 – BR.PIC000043. Photos taken on July 18, 2018 are Bates Stamped BR.PIC000044 – BR.PIC000060.

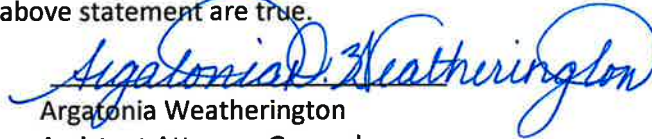


6. In 4569 Benning Road SE, I was able to access #202 and #203. I first visited the units on May 25, 2018. In unit #202, there was evidence of a roach and mouse infestation. There was also damage to the floor and carpet. In unit #203, I noted the following issues: that the carpet was wet from a leaking valve, water was coming in through the bedroom windows, there were mouse holes in the windowsill, there were cracks in the walls and ceiling, the fire alarm did not work, and there were mouse holes throughout the kitchen and bedrooms. When I returned to the property on July 18, 2018, I was only able to enter unit #203. In unit #203, I noticed that the situation was worse. There was an active water leak underneath the bathroom vanity. There were more cracks in the ceiling and the nails that hold the ceiling in place were starting to fall out. It had gotten so bad that the ceiling was sagging in certain parts. Also, nothing had been fixed since my first visit.



Investigator Renardra Brown

Renardra Brown personally appeared this 15 day of October 2018 and made oath before me that the facts set forth in the above statement are true.



Argatonia Weatherington
Assistant Attorney General

Oath Administered pursuant to D.C. Code § 1-301.88

AFFIDAVIT OF RAYMAL GREGORY

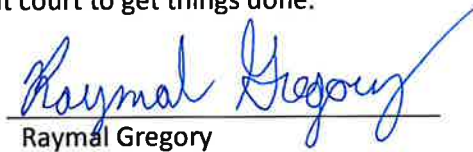
I, Raymal Gregory, having been put under oath, hereby state the following:

1. I am over the age of 18 and competent to give testimony.
2. I live at 4559 Benning Road SE, Apt. 203. Washington, DC 20019.
3. I have lived in my unit more than 30 years. My mother moved into the unit when I was in 3rd grade and I have been there ever since. My mother and brother have since moved out and I live by myself.
4. The roaches have been a problem for a long time. They were a problem when I was a kid and I'm over forty years old now. Since I took over the unit from my mother, I have reported the problems to Mike – the property owner. But nothing ever gets done. I've had to purchase my own spray to kill them. I bleach down the counters in the kitchen and I don't bring food back to the apartment to get rid of the roaches.
5. The mice have been a problem for a long time too. There are mouse holes throughout the apartment. When I reported the problem to Mike, nothing was done. In all the time I've been there, an exterminator has only come to my unit three times. To try to get rid of the mice, I've purchased traps. I have to replace the traps every week or so because they will be covered in mice. A few weeks ago, to keep the mice from coming into the apartment, my brother pulled out the stove and refrigerator to plug the mouse holes with steel wool. That has helped a lot, but the mice still get into the apartment. I still find mice on the sticky traps.
6. There are screws coming up from the floor in the bathroom. There is a hole in my bathroom ceiling that was never completed. I told the landlord about all of this in court. I also emailed him, but he never completed the work. The conditions are so bad that I've withheld rent twice. Each time he sues me, I pay into the court registry. But he still won't fix anything. Each time I've gone to court I had to pay the back rent because I can't afford a lawyer and I can't miss work to keep going to court. As part of my first Landlord-Tenant case in 2017, Mike and I entered into an agreement in January 2017 where I would pay the back rent and he would make repairs to my unit. The repairs were supposed to be completed by February 10, 2017. The agreement was signed by both of us and submitted to the Court.¹ The repairs were never made.
7. The problems in my unit have been going on for over 10 or 20 years. Mike doesn't fix anything and when he does they're only patch jobs. None of the maintenance people have skills. He just fixes things for the Court date. I have withheld rent because the conditions twice. May last year, I paid him \$7000.00. Despite me paying the rent, he keeps suing me because he doesn't keep receipts, so he doesn't know if I have paid him or not.

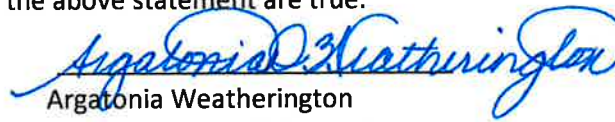
¹ The agreement to make repairs is attached to the District's Complaint as EXHIBIT 14.



8. It has gotten so bad that my brother has been making repairs in the apartment. He and I had to paint the apartment. We also had to fix a hole in my ceiling that the landlord put there. There are other problems in my unit. The windows will not stay open. I have to use a shower curtain rod to hold the windows open. There is also a wasp hive above me and my neighbor's windows.
9. Another problem is that Mike does not pay the maintenance people, so they make shoddy repairs. The repair people are just folks that Mike finds on the street.
10. The air conditioner keeps freezing over, and when it's not freezing over it leaks. If I want to use the air conditioning, I have to put a large aluminum tray under the air conditioner to catch the water, so the floor doesn't get wet.
11. All I want is everything fixed in my unit in a timely fashion. I have been living with some of these conditions for years. And I should not have to withhold rent and keep going back and forth to landlord tenant court to get things done.


Raymal Gregory

Raymal Gregory personally appeared this 21st day of September 2018 and made oath before me that the facts set forth in the above statement are true.


Argatonia Weatherington
Assistant Attorney General
Oath Administered pursuant to D.C. Code § 1-301.88

AFFIDAVIT OF PHYLLIS COLBERT

I, Phyllis Colbert, having been put under oath, hereby state the following:

1. I am over the age of 18 and competent to give testimony.
2. I live at 4559 Benning Road SE #102, Washington, D.C. I have lived there for approximately 6 months. I moved into the unit in February 2018.
3. The condition of the unit was not good from the first day I moved in. The bedroom door was not on the hinges. My son had someone fix that. But, the closet door was not on the hinges and is still not on the hinges. The furnace door was not of hinge and remains in the same conditions today.
4. When I have problem with things in my unit, I send the landlord, Mike, text messages. I strictly deal with Mike by text messages. Since I first moved in, we have always handled business that way.
5. The apartment also had mice and roaches. I first noticed the mice on my second day in the apartment. My grandkids were staying over that day. And I went into the room to check on them and saw then mouse sitting on the bed with my grandkids. I can often hear the mice running through the walls. I also have roaches. A lot of the roaches are behind the stove. I reported the problem to the landlord, but he would not get back to me. It got so bad that I have contracted with my own exterminator. I paid my exterminator \$75 to come out on September 11, 2018. I told the exterminator that I need him to come out every month. My exterminator patched up the holes and treated for the mice and the roaches.
6. During the last week in June, the water stopped working in my kitchen. I couldn't cook, and I couldn't wash dishes. I told Mike about it via text message. I sent him a message of July 1, 2018, Mike did not respond to me until July 25th. The sink did not get fixed until the last week in August. The water did not work for 2 months.
7. There was also a flood in the unit. Water rained down from the ceiling. A day after the flood, while I was at work, the ceiling collapsed. After the collapse, Mike left a hole in my ceiling for a month. It went on for so long that I called and pleaded with DCRA to make the landlord fix my ceiling. DCRA came out to my unit on June 12, 2018.¹ I was scared to live in the apartment because I thought something with come through the ceiling. I had to stay with my daughter. Based on my text messages the hole was there from around May 6, 2018 – June 20, 2018. Also, because of the flooding two TVs were destroyed. One of the TVs was only a day old. I purchased it the day before the flood, it was still in the box.
8. After the first flood, the unit flooded a second time. But this time the water came from the HVAC apartment. The carpet was soaking wet, it's still wet today. Mike refused to come and fix the problem. My son and I are getting sick because of all the flooding in the apartment. When we

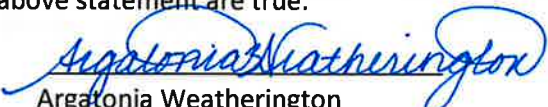
¹ The Notices of Violation issued by DCRA on June 12, 2018 are attached to the District's Complaint as Plaintiff's EXHIBIT 15.

spoke to other people in the building they told me that the previous tenants moved out because the unit kept flooding.

9. Another thing wrong in my apartment is that the floor is unlevel, especially in unlevel my bedroom. Sometimes when I am walking around my bedroom, I feel like I am going to sink through the floor.
10. My apartment is also a fire trap. The smoke detectors didn't work when I moved in. I told Mike about it and he didn't do anything. We have one working smoke detector and that's because my son installed it. There are no smoke detectors in any of the bedrooms. Also, because I am on the bottom floor my windows are supposed to open so I can get out in case of a fire. Mike refused to remove the bars from my windows. Eventually, the fire department had to come remove the locks off the windows.
11. After everything that I have been through all I want is a decent place to live.


Phyllis Colbert

Tina Lindsay personally appeared this 20th day of September 2018 and made oath before me that the facts set forth in the above statement are true.


Argatonia Weatherington
Assistant Attorney General
Oath Administered pursuant to D.C. Code § 1-301.88

AFFIDAVIT OF TINA LINDSAY

I, Tina Lindsay, having been put under oath, hereby state the following:

1. I am over the age of 18 and competent to give testimony.
2. I live 4569 Benning Road SE, Apt. 203, Washington, DC 20019. I have lived in my unit for six years. The first day that I moved in the apartment was clean. They had just cleaned and put new carpet on the floor.
3. The first problems started about 7 months after we moved in. I started noticing roaches and mice in my unit. In the summer we would have bees or wasps coming in through the vent in our kitchen. I told the owner, Mike, about the mice and roaches. Exterminators would spray and put mice traps down. But that didn't help at all. I bought Raid and Decon for the mice. We bought old fashion mice traps. We caught a couple of them. I have sealed up mouse holes. I have sealed up holes with caulk, but the mice eat through it. We also tried to stuff holes with steel wool and aluminum foil, but that didn't work either. The mice have even eaten through my plants. I can't keep food out because the mice will eat through our cookies and chips. And the mice have eaten the labels off my can goods I spray the kitchen down with bleach. We have traps down, but the mice just go around the glue traps. We still have the problems with the mice and roaches. Now we have water bugs, which are the big roaches. Within the last month or so we've started seeing the water bugs. There are roaches in the kitchen fuse box.
4. I told Mike about all the problems in the building. When I first moved in, I would communicate with Mike via telephone. I would call his phone number, but he never would answer my phone calls. So we, my family and I, would report our problems when we would catch him on the property. After a while, we realized the best way to communicate with Mike was via text message. Whenever anything was broken or need to be fixed, I would send him a text. Most of the time, he would respond after a few days or, if we were lucky, he would respond right away. Most of the time, Mike would say that he was coming but he would never show up or if he did it was weeks later.
5. We also had problems with bed bugs. Our neighbor had bedbugs first, then we had them. I couldn't sleep because I was always getting bit by the bed bugs. It took Mike a couple of weeks to get someone out after we notified him that we had bedbugs. We would text Mike about the bedbugs because if you call him he would not answer the phone. We kept complaining about the bed bugs. Mike eventually sent someone out. But they didn't get rid of them because my son kept getting bitten and had welts. The second time we hired our own exterminator. We had to leave the apartment for 24 hours and the exterminator sprayed the apartment. After he treated the unit and sprayed, the bedbugs never came back. We still buy bed bug spray and bombs to make sure they don't come back.
6. The nails are falling out of my ceiling. That started in 2017, the nails popped out of the ceiling and the ceiling was hanging. I told Mike about the ceiling. Told him that if it fell on anyone I would sue him. He had someone come in and cut a hole in the ceiling and the sheetrock and nail it up. But that was just a patch job, and now the ceiling is falling again.

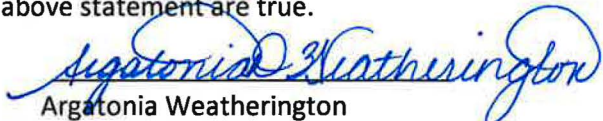


7. Every now and then the air conditioner goes out and it leaks water constantly. Most of the carpet in the living room is soaking wet from where the air conditioning unit is leaking. The carpet is wet to the touch. When we step on it, we can see water pooling around our shoes. We told Mike. He had someone come out to soak up the water and dry the carpet, but that didn't help because the air conditioning unit was still leaking water. Because of the wet carpet and mildew, the apartment smells bad.
8. There are also lots of problems in the kitchen. The refrigerator went out and we didn't have one for three or so days. We were cooling our food with ice. My kitchen cabinets are detaching from the wall. Mike won't replace them because he says that they are working fine. The bottom cabinets are even sinking into the floor. Underneath the sink, the wires are exposed around the garbage disposal. There is big hole in the wall behind my stove. Several months ago, the exterminator told me and Tracy, the maintenance man, that the wall in the kitchen needs to be replaced. The wall hasn't been replaced yet.
9. The bathroom also has problems. There is water in the light fixture in the bathroom that runs down the wall. I told Mike about it. It took over a week for someone to show up to fix it. When someone finally showed up, he just removed the light fixture and emptied the water. He didn't address the leak or the plumbing issue. The pipes burst in the bathroom. We knew that it was broken because the carpet was gushy with water. He fixed the valve but never addressed the pipes or the carpet. We're still taping the carpet with duct tape because it comes up and Mike won't replace it. There is also water damage on the walls in certain places. The faucets in the tub are broken, water runs from the knobs. Water is also leaking from underneath the sink in the bathroom. I have to put a bucket underneath the sink to catch all the water. I empty the bucket every two days or so. The floor in the bathroom needs to be replaced. There is a dip in the floor. When I try to close the door, it gets stuck. Despite complaining to Mike, nothing has been fixed.
10. Some problems in the unit are simple maintenance issues that need to be addressed. The bedroom door needs to be fixed because there is a gap so even with the door closed you can see inside the room. There is a space at the bottom of the front door where people can look into the apartment. All the windows are lopsided. They tried to fill in spaces between the window and the wall with caulk. Some of the windows don't have screens or the screens are broken. Air comes into the apartment from around the windows. In the winter we put towels up to keep the cold air out. Water is coming in from window in my son's room. The water leaked from the window to my son's bed. Some of the doors are coming apart. The nails are coming up from the floor boards. I told Mike about all of this, but he hasn't replaced or fixed anything.
11. Building wide and property wide issues are also a problem. We don't know who the resident manager is, and we don't know who has keys to the apartments. My husband trims the bushes sometimes to make the place look presentable. One truck has been parked in the parking lot since I have been there and hasn't been moved since. Trash piles up and had one of the porters moves it from our trash can and puts it in the public alley. None of the maintenance crew are licensed or certified. I fell down the steps because a rubberized mat was sticking up and when I tried to grab the railing it detached from the wall. I don't have a working smoke detector and there are no fire extinguishers in the building.

12. What I want is for the building to be fixed, the units to be fixed, and for Mike to pay for the suffering and aggravation that he has caused me and the other tenants.


Tina Lindsay

Tina Lindsay personally appeared this 19th day of September 2018 and made oath before me that the facts set forth in the above statement are true.



Argatonia Weatherington
Assistant Attorney General
Oath Administered pursuant to D.C. Code § 1-301.88



**Remediation Scope of Work
&
Laboratory Analysis Results**

**4480 C Street SE #202
Washington, DC 20032**

A Service Provided by Arrowhead Consulting Inc.
P.O. Box 217
Broad Run, Virginia 20137
240-832-5900

**PLAINTIFF'S
EXHIBIT**

7

D.C. v. THE BENNINGTON CORPORATION, et al.



Office of the Attorney General for the District of Columbia
441 4th Street NW, Suite 630 South
Washington, DC 20001

08/23/2018

Re: 4480 C Street SE #202

Ms. Weatherington,

Arrowhead Consulting Inc. conducted a mold inspection on 07/18/2018 at the above referenced property. This inspection was conducted to gather data for the assessment of potential mold growth within the home, moisture level evaluation of building materials, as well as the formation of a Microbial Remediation Scope of Work. Non-viable surface samples were taken during this inspection to confirm visible mold growth. Laboratory analysis results can be found in Appendix A. Digital photos were taken and are included in this report.

Client Provided Information

The following information was reported by the client at the time of this assessment

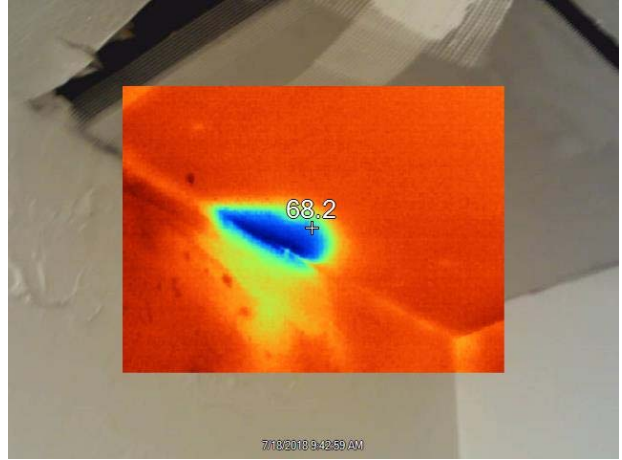
- Suspected mold growth in the apartment.

Inspectors Visual Inspection

- Evidence of active water events in the unit (elevated moisture content in bathroom ceiling).
- Evidence of active water events in hallway, kitchen and bedroom flooring materials.
- Visible mold growth on wood flooring and base trim.
- Hallway, kitchen and bedroom flooring soft and flexible under minimal weight (walking across).



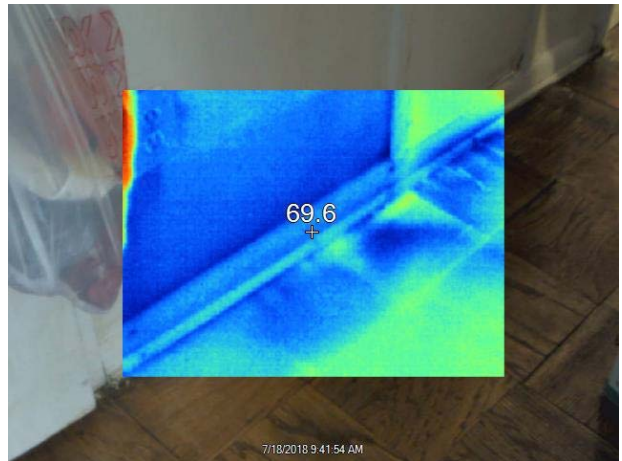
Impacted bathroom ceiling and wall



Visible mold growth and active in bathroom ceiling and wall



Impacted hallway flooring



Wet area of hallway flooring and walls (blue area)

Appendix A

Certificates of Laboratory Analysis



AIHA-LAP EMLAP# 102977

43760 Trade Center Place
Suite 100
Sterling, Virginia 20166



Certificate of Analysis
AIHA-LAP EMLAP# 102977

43760 Trade Center Place
Suite 100
Sterling, Virginia 20166
(877) 648-9150
www.aerobiology.net

Arrowhead Consulting, Inc.
5064 Country Creek Lane
Broad Run, Virginia 20137
Attn: Rusty Spearman
Project: **4480-202**
Condition of Sample(s) Upon Receipt: Acceptable

Date Collected: 07/18/2018
Date Received: 07/18/2018
Date Analyzed: 07/19/2018
Date Reported: 07/20/2018
Project ID: 18024961
Page 1 of 2

Client Sample #: 1
Sample Location: Hallway Floor
Test: 1051, Surface - Qualitative Direct Microscopic Exam SOP 3.7

Lab Sample #: 18024961-001

Results:	Observation
Numerous Chaetomium spores seen	3-4 per field (minimum)
Numerous Clear brown spores seen	3-4 per field (minimum)
Numerous hyphal elements seen	3-4 per field (minimum)
Moderate Penicillium/Aspergillus group spores seen	1 per 5 fields

Debris Rating: 3

Arrowhead Consulting, Inc.
5064 Country Creek Lane
Broad Run, Virginia 20137
Attn: Rusty Spearman
Project: **4480-202**
Condition of Sample(s) Upon Receipt: Acceptable

Date Collected: 07/18/2018
Date Received: 07/18/2018
Date Analyzed: 07/19/2018
Date Reported: 07/20/2018
Project ID: 18024961
Page 2 of 2

Footnotes and Additional Report Information

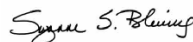
Debris Rating Table

1	Minimal (<5%) particulate present	Reported values are minimally affected by particulate load.
2	5% to 25% of the trace occluded with particulate	Negative bias is expected. The degree of bias increases directly with the percent of the trace that is occluded.
3	26% to 75% of the trace occluded with particulate	Negative bias is expected. The degree of bias increases directly with the percent of the trace that is occluded.
4	75% to 90% of the trace occluded with particulate	Negative bias is expected. The degree of bias increases directly with the percent of the trace that is occluded.
5	Greater than 90% of the trace occluded with particulate	Quantification not possible due to large negative bias. A new sample should be collected at a shorter time interval or other measures taken to reduce particulate load.

1. Penicillium/Aspergillus group spores are characterized by their small size, round to ovoid shape, being unicellular, and usually colorless to lightly pigmented. There are numerous genera of fungi whose spore morphology is similar to that of the Penicillium/Aspergillus type. Two common examples would be Paecilomyces and Acremonium. Although the majority of spores placed in this group are Penicillium, Aspergillus, or a combination of both. Keep in mind that these are not the only two possibilities.
2. Ascospores are sexually produced fungal spores formed within an ascus. An ascus is a sac-like structure designed to discharge the ascospores into the environment, e.g. Ascobolus.
3. Basidiospores are typically blown indoors from outdoors and rarely have an indoor source. However, in certain situations a high basidiospore count indoors may be indicative of a wood decay problem or wet soil.
4. The colorless group contains colorless spores which were unidentifiable to a specific genus. Examples of this group include Acremonium, Aphanocladium, Beauveria, Chrysosporium, Engyodontium microconidia, yeast, some arthrospores, as well as many others.
5. Hyphae are the vegetative mode of fungi. Hyphal elements are fragments of individual Hyphae. They can break apart and become airborne much like spores and are potentially allergenic. A mass of hyphal elements is termed the mycelium. Hyphae in high concentration may be indicative of colonization.
6. Dash (-) in this report, under raw count column means 'not detected (ND)'; otherwise 'not applicable' (NA).
7. The positive-hole correction factor is a statistical tool which calculates a probable count from the raw count, taking into consideration that multiple particles can impact on the same hole, for this reason the sum of the calculated counts may be less than the positive hole corrected total.
8. Due to rounding totals may not equal 100%.
9. Analytical Sensitivity for each spores is different for Non-viable sample when the spores are read at different percentage. Analytical Sensitivity is calculated as spr/m^3 divided by raw count. $\text{spr/m}^3 = \text{raw counts} \times (100\% \text{ read}) \times (1000/\text{Sample volume})$. If Analytical Sensitivity is 13 spr/m^3 at 100% read, Analytical Sensitivity at 50% read would be 27 spr/m^3 , which is 2 times higher. Analytical Sensitivity provided on the report is based on an assumed 100% of the trace being analyzed.
10. Minimum Reporting Limits (MRL) for BULKs, DUSTs, SWABS, and WATER samples are a calculation based on the sample size and the dilution plate on which the organism was counted. Results are a compilation of counts taken from multiple dilutions and multiple medias. This means that every genus of fungi or bacteria recovered can be counted on the plate on which it is best represented.
11. If the final quantitative result is corrected for contamination based on the blank, the blank correction is stated in the sample comments section of the report.
12. Analysis conducted on non-viable spore traps is completed using Indoor Environmental Standards Organization (IESO) Standard 2210.
13. The results in this report are related to this project and these samples only.
14. For samples with an air volume of < 100L, the number of significant figures in the result should be considered (2) two. For samples with air volumes between 100-999L, the number of significant figures in the result should considered (3) three. For example, a sample with a result of 55,443 spr/m^3 from a 75L sample using significant figures should be considered 55,000. The same result of 55,443 from a 150L sample using significant figures should be considered 55,400 spr/m^3 .
15. If the In/Out ratio is greater than 100 times it is indicated >100/1, rather than showing the real value.

Terminology Used in Direct Exam Reporting

Conidiophores are a type of modified hyphae from which spores are born. When seen on a surface sample in moderate to numerous concentrations they may be indicative of fungal growth.



Suzanne S. Blevins, B.S., SM (ASCP)
Laboratory Director

© 2018 Aerobiology Laboratory Associates, Inc. All rights reserved.

Non-Viable Microbial Sampling

Non-viable surface samples were collected in order to verify the suspected mold growth in areas of concern noted during the inspection. Samples were delivered to Aerobiology Laboratory Associates, Inc. of Dulles, Virginia for analysis. Fungal analysis was performed by a certified Microbiologist using direct microscopic examination to identify fungal groups and concentration.

Conclusion

Visible mold growth is verified (see lab results) in the living spaces of the unit. Testing and analysis results of the surface sample taken from the wood flooring verifies the growth of Penicillium/Aspergillus, Chaetomium, Clear Brown and Hyphal Elements in the areas of water intrusion and damage. “The spores of molds can be a source of exposure to toxins via inhalation” (American Industrial Hygiene Association AIHA, Recognition, Evaluation, and Control of Indoor Mold 1.3.3). It’s been determined that the existing mold growth is due to prior and current water events in the home. These water events are originating from the unit above.

Recommendations

Proper remedial actions should strictly follow industry accepted practices and procedures for fungal abatement.

At present there are government regulations in the District of Columbia addressing the assessment and/or the removal of mold. Mold is commonly found outside but can also become a contaminant once inside a building environment. Molds can potentially produce allergenic reactions to certain people when exposed to them.

Every remediation site is different and different protocol and methods may need to apply, you the home or building owner should be informed of progress as an ongoing dialog. The purpose of mold remediation is to remove contaminated materials thus allowing the home/building owner the opportunity to fix the source(s) of moisture.

The procedures in this document are ones that are found in industry recognized documents and/or the best practices deemed by Arrowhead Consulting Inc. Since mold requires water and/or high humidity to grow, Arrowhead Consulting Inc. cannot be responsible for future changes in the environment. It is important to fix the moisture problem that caused the microbial growth so that it does not re-occur. Arrowhead Consulting Inc. does not guarantee or warranty against any future re-occurrence. We guarantee that the procedures outlined in this document are the industry standards (or better) at the time of the issuance of this document. MSDS sheets should be made available for all products used and OSHA mandated work practices need to be followed. Insurances, Certifications, Licenses, and References should be made available for your inspection at any time.

Affected Area(s)

- Entire Unit

Remediation Specifications

- Personnel performing remediation or cleaning of fungal contamination may be at risk for developing Organic Toxic Dust Syndrome (OTDS) or Hypersensitivity Pneumonitis. OTDS may occur after a single heavy exposure to fungi-contaminated dust. All personnel must utilize appropriate personal protection (PPE) in the form of approved respirators, eye protection and protective clothing and gloves. Use of these measures should be restricted to those trained in their proper use.
- Use of Anti-Microbial solutions must be limited to properly ventilated areas. Do not combine chemicals as improper mixing may produce poisonous gasses.
- Remediation efforts should carefully follow the following documents: IICRC S520, EPA Mold Remediation in Commercial Buildings and Schools and New York City Standards for Mold Remediation.
- These Microbial Remediation Specifications do not address any other potential environmental hazards other than mold that might be present in the referenced property and only pertains to those areas included in the assessment and the data provided regarding those areas. Consideration for potential exposure to environmental hazards whether through implementation of these guidelines or any other activity taking place in the property must be evaluated.
- “Affected” is defined as “in close proximity, likely impacted from the same source of water intrusion or moisture accumulation”

"Hidden mold growth is of significance because mold particulate (spores, mycelia, etc.) has the potential to migrate into occupied areas and results in fungal particulate exposures to occupants".

Recognition, Evaluation, and Control of Indoor Mold (American Industrial Hygiene Association) Building Evaluation 2.6.6.

"Microenvironments: The indoor ecosystem comprises an interrelated complex of microenvironments, each of which has its own mix of physical and biological factors and can serve as a reservoir for a variety of pollutants that can potentially affect the quality of the air in occupied spaces. Some microenvironments are structural components such as interior and exterior wall cavities, ceiling spaces, air-handling systems and crawlspaces."

IICRC R520-2015 Reference Guide for Professional Mold Remediation (Third Edition) Microenvironments, Chapter 2, Page 14.

"Similarly, colorless hyphal growth usually extends beyond the limits of visible mold growth but is normally remediated by removing or cleaning a margin beyond the visible edges of growth, regardless of whether that growth is hidden."

"When the investigation identified hidden mold, it is advised that remediation plans include its removal or cleaning."

AIHA "Recognition, Evaluation, and Control of Indoor Mold". Chapter 17.5.2, pg. 211.

Scope of Remediation

1. Once the demolition portion is complete, studs, floor plates joists and sheathing (structural materials etc.) should be sanded and/or brushed (as required) to remove any fungi. Once the cleaning process is complete, the surfaces may be treated with an anti-microbial biocide compound to prevent further growth and kill any remaining spores. If the use of anti-microbial biocide is required, prior approval for application should be documented in writing and signed by a remediation company representative and all home/building owner(s) and tenants. Material Safety Data Sheets (MSDS) describing the compound and its risks should be provided to all occupants.
2. The remediation process should end when the project has been successful in returning the contaminated areas back to normal fungal ecology.

Demolition

Kitchen

- Wood flooring materials and sub-flooring (42 sf.)

Bathroom

- Wall and ceiling materials (36 sf.)

Hallway

- Ceiling and wall materials (78 sf.)
- Wood flooring materials and sub-flooring (45 sf.)

Bedroom

- Wood flooring materials and sub-flooring (144 sf.)
- **Note: Additional materials may require removal once the remediation is in progress.**
- **Note: A Structural Engineer should evaluate the structural integrity of the unit's floor.**

Remediation/Cleaning:

1. Sanding and/or wipe down of all exposed structural items (framing, floor plates etc.) as needed.
2. Application of Anti-Microbial Solution to exposed surfaces and full unit wipe down.

Post-abatement Sampling:

1. If required, non-viable spore trap and swab/tape sampling mirroring the initial series of tests should generally take place for clearance. Arrowhead Consulting Inc. is able to provide this post remediation clearance testing. Once the labs are analyzed, and the project passes clearance, Arrowhead Consulting Inc. will provide you the client with a Certified Clearance Letter and Laboratory Analysis confirmation.

Note: Clearance testing should be performed prior to encapsulation or the replacement of any removed building materials.

Remediation guidelines are generated by Arrowhead Consulting Inc. at the request of and for the exclusive use of The Office of the Attorney General of the District of Columbia. Copies of same will not be released by Arrowhead Consulting Inc. to any third party without the prior express written consent from the client named in this report. This report applies to those conditions at the time, place and location referenced in this report. This report makes no express or implied warranty or guarantee as to the implementation methodology used by the client. Arrowhead Consulting Inc. is not able to assess the degree of hazard resulting from implementation of these guidelines, or from personal exposure to mold.

DISCLAIMER: The information regarding the health significance of mold types contained in this report is for informational purposes only and should not be used to replace professional medical advice. Content in this report does not contain information on all diseases, ailments, physical conditions or their treatment. It is best to seek advice and attention from your physician or qualified healthcare professional

If you have any questions regarding this matter, please do not hesitate to contact me.

Sincerely,



William R. Spearman CIE, CMRS
Arrowhead Consulting Inc.
DC Mold Assessor License # MA-2016-I-01
Certified Remediation Reports
Post Remediation Inspection Services
Direct 240-832-5900
Email rustyahc@aol.com



**Remediation Scope of Work
&
Laboratory Analysis Results**

**4480 C Street SE #301
Washington, DC 20032**

A Service Provided by Arrowhead Consulting Inc.
P.O. Box 217
Broad Run, Virginia 20137
240-832-5900

**PLAINTIFF'S
EXHIBIT**

8

D.C. v. THE BENNINGTON CORPORATION, et al.



Office of the Attorney General for the District of Columbia
441 4th Street NW, Suite 630 South
Washington, DC 20001

08/23/2018

Re: 4480 C Street SE #301

Ms. Weatherington,

Arrowhead Consulting Inc. conducted a mold inspection on 07/18/2018 at the above referenced property. This inspection was conducted to gather data for the assessment of potential mold growth within the home, moisture level evaluation of building materials, as well as the formation of a Microbial Remediation Scope of Work. Non-viable surface samples were taken during this inspection to confirm visible mold growth. Laboratory analysis results can be found in Appendix A. Digital photos were taken and are included in this report.

Client Provided Information

The following information was reported by the client at the time of this assessment

- Suspected mold growth in the apartment.

Inspectors Visual Inspection

- Visible mold growth on kitchen base cabinet interior walls.
- Visible mold growth on drywall behind kitchen base cabinet.
- Repairs to shower wall incomplete (exposed drywall).



Kitchen base cabinet water damage and visible mold growth on wall materials behind



Incomplete shower wall (exposed drywall)



Visible mold growth on kitchen base cabinet

Appendix A

Certificates of Laboratory Analysis



AIHA-LAP EMLAP# 102977

43760 Trade Center Place
Suite 100
Sterling, Virginia 20166



Certificate of Analysis
AIHA-LAP EMLAP# 102977

43760 Trade Center Place
Suite 100
Sterling, Virginia 20166
(877) 648-9150
www.aerobiology.net

Arrowhead Consulting, Inc.
5064 Country Creek Lane
Broad Run, Virginia 20137
Attn: Rusty Spearman
Project: **4480-301**
Condition of Sample(s) Upon Receipt: Acceptable

Date Collected: 07/18/2018
Date Received: 07/18/2018
Date Analyzed: 07/19/2018
Date Reported: 07/20/2018
Project ID: 18024964
Page 1 of 2

Client Sample #: 1
Sample Location: Kitchen Base Cabinet
Test: 1051, Surface - Qualitative Direct Microscopic Exam SOP 3.7: 48hr TAT

Lab Sample #: 18024964-001

Results:	Observation
Numerous brown unidentified spores seen	3-4 per field (minimum)
Few Chaetomium spores seen	5 per cover slip
Few Cladosporium spores seen	5 per cover slip
Numerous hyphal elements seen	3-4 per field (minimum)
Numerous Penicillium/Aspergillus group spores seen	3-4 per field (minimum)

Debris Rating: 3

Arrowhead Consulting, Inc.
5064 Country Creek Lane
Broad Run, Virginia 20137
Attn: Rusty Spearman
Project: **4480-301**
Condition of Sample(s) Upon Receipt: Acceptable

Date Collected: 07/18/2018
Date Received: 07/18/2018
Date Analyzed: 07/19/2018
Date Reported: 07/20/2018
Project ID: 18024964
Page 2 of 2

Footnotes and Additional Report Information

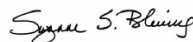
Debris Rating Table

1	Minimal (<5%) particulate present	Reported values are minimally affected by particulate load.
2	5% to 25% of the trace occluded with particulate	Negative bias is expected. The degree of bias increases directly with the percent of the trace that is occluded.
3	26% to 75% of the trace occluded with particulate	Negative bias is expected. The degree of bias increases directly with the percent of the trace that is occluded.
4	75% to 90% of the trace occluded with particulate	Negative bias is expected. The degree of bias increases directly with the percent of the trace that is occluded.
5	Greater than 90% of the trace occluded with particulate	Quantification not possible due to large negative bias. A new sample should be collected at a shorter time interval or other measures taken to reduce particulate load.

1. Penicillium/Aspergillus group spores are characterized by their small size, round to ovoid shape, being unicellular, and usually colorless to lightly pigmented. There are numerous genera of fungi whose spore morphology is similar to that of the Penicillium/Aspergillus type. Two common examples would be Paecilomyces and Acremonium. Although the majority of spores placed in this group are Penicillium, Aspergillus, or a combination of both. Keep in mind that these are not the only two possibilities.
2. Ascospores are sexually produced fungal spores formed within an ascus. An ascus is a sac-like structure designed to discharge the ascospores into the environment, e.g. Ascobolus.
3. Basidiospores are typically blown indoors from outdoors and rarely have an indoor source. However, in certain situations a high basidiospore count indoors may be indicative of a wood decay problem or wet soil.
4. The colorless group contains colorless spores which were unidentifiable to a specific genus. Examples of this group include Acremonium, Aphanocladium, Beauveria, Chrysosporium, Engyodontium microconidia, yeast, some arthrospores, as well as many others.
5. Hyphae are the vegetative mode of fungi. Hyphal elements are fragments of individual Hyphae. They can break apart and become airborne much like spores and are potentially allergenic. A mass of hyphal elements is termed the mycelium. Hyphae in high concentration may be indicative of colonization.
6. Dash (-) in this report, under raw count column means 'not detected (ND)'; otherwise 'not applicable' (NA).
7. The positive-hole correction factor is a statistical tool which calculates a probable count from the raw count, taking into consideration that multiple particles can impact on the same hole, for this reason the sum of the calculated counts may be less than the positive hole corrected total.
8. Due to rounding totals may not equal 100%.
9. Analytical Sensitivity for each spores is different for Non-viable sample when the spores are read at different percentage. Analytical Sensitivity is calculated as spr/m^3 divided by raw count. $\text{spr/m}^3 = \text{raw counts} \times (100\% \text{ read}) \times (1000/\text{Sample volume})$. If Analytical Sensitivity is 13 spr/m^3 at 100% read, Analytical Sensitivity at 50% read would be 27 spr/m^3 , which is 2 times higher. Analytical Sensitivity provided on the report is based on an assumed 100% of the trace being analyzed.
10. Minimum Reporting Limits (MRL) for BULKS, DUSTS, SWABS, and WATER samples are a calculation based on the sample size and the dilution plate on which the organism was counted. Results are a compilation of counts taken from multiple dilutions and multiple medias. This means that every genus of fungi or bacteria recovered can be counted on the plate on which it is best represented.
11. If the final quantitative result is corrected for contamination based on the blank, the blank correction is stated in the sample comments section of the report.
12. Analysis conducted on non-viable spore traps is completed using Indoor Environmental Standards Organization (IESO) Standard 2210.
13. The results in this report are related to this project and these samples only.
14. For samples with an air volume of < 100L, the number of significant figures in the result should be considered (2) two. For samples with air volumes between 100-999L, the number of significant figures in the result should considered (3) three. For example, a sample with a result of $55,443 \text{ spr/m}^3$ from a 75L sample using significant figures should be considered 55,000. The same result of $55,443$ from a 150L sample using significant figures should be considered $55,400 \text{ spr/m}^3$.
15. If the In/Out ratio is greater than 100 times it is indicated >100/1, rather than showing the real value.

Terminology Used in Direct Exam Reporting

Conidiophores are a type of modified hyphae from which spores are born. When seen on a surface sample in moderate to numerous concentrations they may be indicative of fungal growth.



Suzanne S. Blevins, B.S., SM (ASCP)
Laboratory Director

© 2018 Aerobiology Laboratory Associates, Inc. All rights reserved.

Non-Viable Microbial Sampling

Non-viable surface samples were collected in order to verify the suspected mold growth in areas of concern noted during the inspection. Samples were delivered to Aerobiology Laboratory Associates, Inc. of Dulles, Virginia for analysis. Fungal analysis was performed by a certified Microbiologist using direct microscopic examination to identify fungal groups and concentration.

Conclusion

Visible mold growth is verified (see lab results) in the living spaces of the unit. Testing and analysis results of the surface sample taken from the kitchen base cabinet verifies the growth of Penicillium/Aspergillus, Chaetomium, Unidentified Brown Spores and Hyphal Elements in the areas of water intrusion and damage. “The spores of molds can be a source of exposure to toxins via inhalation” (American Industrial Hygiene Association AIHA, Recognition, Evaluation, and Control of Indoor Mold 1.3.3). It’s been determined that the existing mold growth is due to prior and current water events in the home. These water events are originating from the unit above.

Recommendations

Proper remedial actions should strictly follow industry accepted practices and procedures for fungal abatement.

At present there are government regulations in the District of Columbia addressing the assessment and/or the removal of mold. Mold is commonly found outside but can also become a contaminant once inside a building environment. Molds can potentially produce allergenic reactions to certain people when exposed to them.

Every remediation site is different and different protocol and methods may need to apply, you the home or building owner should be informed of progress as an ongoing dialog. The purpose of mold remediation is to remove contaminated materials thus allowing the home/building owner the opportunity to fix the source(s) of moisture.

The procedures in this document are ones that are found in industry recognized documents and/or the best practices deemed by Arrowhead Consulting Inc. Since mold requires water and/or high humidity to grow, Arrowhead Consulting Inc. cannot be responsible for future changes in the environment. It is important to fix the moisture problem that caused the microbial growth so that it does not re-occur. Arrowhead Consulting Inc. does not guarantee or warranty against any future re-occurrence. We guarantee that the procedures outlined in this document are the industry standards (or better) at the time of the issuance of this document. MSDS sheets should be made available for all products used and OSHA mandated work practices need to be followed. Insurances, Certifications, Licenses, and References should be made available for your inspection at any time.

Affected Area(s)

- Kitchen

Remediation Specifications

- Personnel performing remediation or cleaning of fungal contamination may be at risk for developing Organic Toxic Dust Syndrome (OTDS) or Hypersensitivity Pneumonitis. OTDS may occur after a single heavy exposure to fungi-contaminated dust. All personnel must utilize appropriate personal protection (PPE) in the form of approved respirators, eye protection and protective clothing and gloves. Use of these measures should be restricted to those trained in their proper use.
- Use of Anti-Microbial solutions must be limited to properly ventilated areas. Do not combine chemicals as improper mixing may produce poisonous gasses.
- Remediation efforts should carefully follow the following documents: IICRC S520, EPA Mold Remediation in Commercial Buildings and Schools and New York City Standards for Mold Remediation.
- These Microbial Remediation Specifications do not address any other potential environmental hazards other than mold that might be present in the referenced property and only pertains to those areas included in the assessment and the data provided regarding those areas. Consideration for potential exposure to environmental hazards whether through implementation of these guidelines or any other activity taking place in the property must be evaluated.
- “Affected” is defined as “in close proximity, likely impacted from the same source of water intrusion or moisture accumulation”

"Hidden mold growth is of significance because mold particulate (spores, mycelia, etc.) has the potential to migrate into occupied areas and results in fungal particulate exposures to occupants".

Recognition, Evaluation, and Control of Indoor Mold (American Industrial Hygiene Association) Building Evaluation 2.6.6.

"Microenvironments: The indoor ecosystem comprises an interrelated complex of microenvironments, each of which has its own mix of physical and biological factors and can serve as a reservoir for a variety of pollutants that can potentially affect the quality of the air in occupied spaces. Some microenvironments are structural components such as interior and exterior wall cavities, ceiling spaces, air-handling systems and crawlspaces."

IICRC R520-2015 Reference Guide for Professional Mold Remediation (Third Edition) Microenvironments, Chapter 2, Page 14.

"Similarly, colorless hyphal growth usually extends beyond the limits of visible mold growth but is normally remediated by removing or cleaning a margin beyond the visible edges of growth, regardless of whether that growth is hidden."

"When the investigation identified hidden mold, it is advised that remediation plans include its removal or cleaning."

AIHA "Recognition, Evaluation, and Control of Indoor Mold". Chapter 17.5.2, pg. 211.

Scope of Remediation

1. Once the demolition portion is complete, studs, floor plates joists and sheathing (structural materials etc.) should be sanded and/or brushed (as required) to remove any fungi. Once the cleaning process is complete, the surfaces may be treated with an anti-microbial biocide compound to prevent further growth and kill any remaining spores. If the use of anti-microbial biocide is required, prior approval for application should be documented in writing and signed by a remediation company representative and all home/building owner(s) and tenants. Material Safety Data Sheets (MSDS) describing the compound and its risks should be provided to all occupants.
2. The remediation process should end when the project has been successful in returning the contaminated areas back to normal fungal ecology.

Demolition

Kitchen

- Base cabinet and wall materials behind (24 sf.)
- **Note: Additional materials may require removal once the remediation is in progress.**

Remediation/Cleaning:

1. Sanding and/or wipe down of all exposed structural items (framing, floor plates etc.) as needed.
2. Application of Anti-Microbial Solution to exposed surfaces.

Post-abatement Sampling:

1. If required, non-viable spore trap and swab/tape sampling mirroring the initial series of tests should generally take place for clearance. Arrowhead Consulting Inc. is able to provide this post remediation clearance testing. Once the labs are analyzed, and the project passes clearance, Arrowhead Consulting Inc. will provide you the client with a Certified Clearance Letter and Laboratory Analysis confirmation.

Note: Clearance testing should be performed prior to encapsulation or the replacement of any removed building materials.

Remediation guidelines are generated by Arrowhead Consulting Inc. at the request of and for the exclusive use of The Office of the Attorney General of the District of Columbia. Copies of same will not be released by Arrowhead Consulting Inc. to any third party without the prior express written consent from the client named in this report. This report applies to those conditions at the time, place and location referenced in this report. This report makes no express or implied warranty or guarantee as to the implementation methodology used by the client. Arrowhead Consulting Inc. is not able to assess the degree of hazard resulting from implementation of these guidelines, or from personal exposure to mold.

DISCLAIMER: The information regarding the health significance of mold types contained in this report is for informational purposes only and should not be used to replace professional medical advice. Content in this report does not contain information on all diseases, ailments, physical conditions or their treatment. It is best to seek advice and attention from your physician or qualified healthcare professional

If you have any questions regarding this matter, please do not hesitate to contact me.

Sincerely,



William R. Spearman CIE, CMRS
Arrowhead Consulting Inc.
DC Mold Assessor License # MA-2016-I-01
Certified Remediation Reports
Post Remediation Inspection Services
Direct 240-832-5900
Email rustyahc@aol.com



**Remediation Scope of Work
&
Laboratory Analysis Results**

**4559 Benning Road SE #201
Washington, DC 20032**

A Service Provided by Arrowhead Consulting Inc.
P.O. Box 217
Broad Run, Virginia 20137
240-832-5900

**PLAINTIFF'S
EXHIBIT**

9

D.C. v. THE BENNINGTON CORPORATION, et al.



Office of the Attorney General for the District of Columbia
441 4th Street NW, Suite 630 South
Washington, DC 20001

08/23/2018

Re: 4559 Benning Road SE #201

Ms. Weatherington,

Arrowhead Consulting Inc. conducted a mold inspection on 07/18/2018 at the above referenced property. This inspection was conducted to gather data for the assessment of potential mold growth within the home, moisture level evaluation of building materials, as well as the formation of a Microbial Remediation Scope of Work. Non-viable surface samples were taken during this inspection to confirm visible mold growth. Laboratory analysis results can be found in Appendix A. Digital photos were taken and are included in this report.

Client Provided Information

The following information was reported by the client at the time of this assessment

- Suspected mold growth in the apartment.

Inspectors Visual Inspection

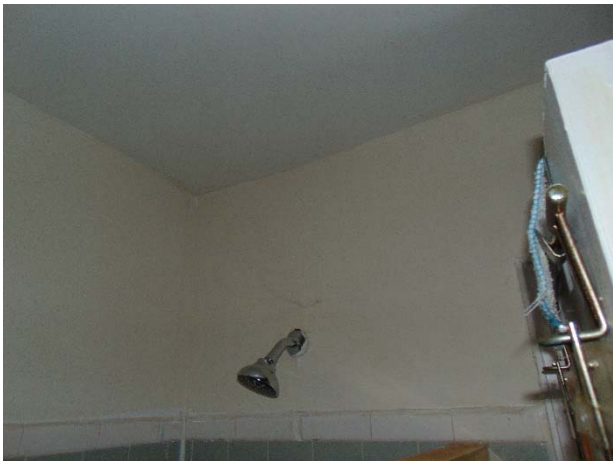
- Evidence of active water events in the unit (water staining and damage to living room, hallway and bathroom ceiling).
- Visible mold growth on closet hallway walls and ceiling.
- Visible mold growth on wood flooring and base trim.
- Water damaged hardwood flooring in the living room and hallway.



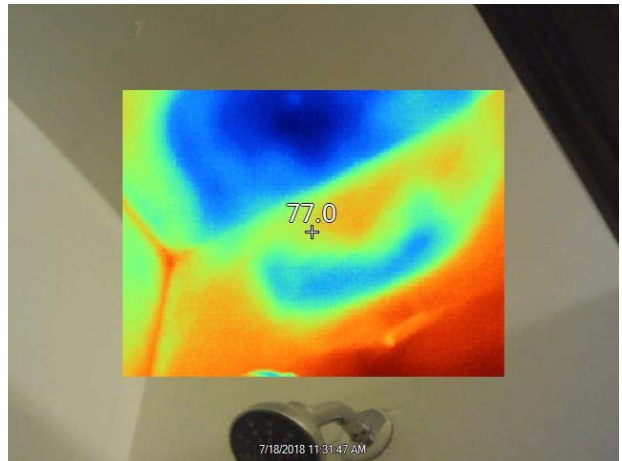
Impacted closet wall and ceiling



Visible mold growth and water damage hallway flooring



Impacted area in bathroom



Wet area in bathroom (blue area)



Water damaged ceiling materials



Active water intrusion into living room ceiling

Appendix A

Certificates of Laboratory Analysis



AIHA-LAP EMLAP# 102977

43760 Trade Center Place
Suite 100
Sterling, Virginia 20166



Certificate of Analysis
AIHA-LAP EMLAP# 102977

43760 Trade Center Place
Suite 100
Sterling, Virginia 20166
(877) 648-9150
www.aerobiology.net

Arrowhead Consulting, Inc.
5064 Country Creek Lane
Broad Run, Virginia 20137
Attn: Rusty Spearman
Project: **4559-201**
Condition of Sample(s) Upon Receipt: Acceptable

Date Collected: 07/18/2018
Date Received: 07/18/2018
Date Analyzed: 07/19/2018
Date Reported: 07/20/2018
Project ID: 18024963
Page 1 of 2

Client Sample #: 1
Sample Location: Wood Flooring
Test: 1051, Surface - Qualitative Direct Microscopic Exam SOP 3.7: 48hr TAT

Lab Sample #: 18024963-001

Results:	Observation
Few Chaetomium spores seen	5 per cover slip
Numerous hyphal elements seen	3-4 per field (minimum)
Moderate Penicillium/Aspergillus group spores seen	1 per 5 fields
Occasional Smuts, Periconia, Myxomycetes spores seen	1-5 per cover slip

Debris Rating: 3

Arrowhead Consulting, Inc.
5064 Country Creek Lane
Broad Run, Virginia 20137
Attn: Rusty Spearman
Project: **4559-201**
Condition of Sample(s) Upon Receipt: Acceptable

Date Collected: 07/18/2018
Date Received: 07/18/2018
Date Analyzed: 07/19/2018
Date Reported: 07/20/2018
Project ID: 18024963
Page 2 of 2

Footnotes and Additional Report Information

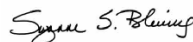
Debris Rating Table

1	Minimal (<5%) particulate present	Reported values are minimally affected by particulate load.
2	5% to 25% of the trace occluded with particulate	Negative bias is expected. The degree of bias increases directly with the percent of the trace that is occluded.
3	26% to 75% of the trace occluded with particulate	Negative bias is expected. The degree of bias increases directly with the percent of the trace that is occluded.
4	75% to 90% of the trace occluded with particulate	Negative bias is expected. The degree of bias increases directly with the percent of the trace that is occluded.
5	Greater than 90% of the trace occluded with particulate	Quantification not possible due to large negative bias. A new sample should be collected at a shorter time interval or other measures taken to reduce particulate load.

1. Penicillium/Aspergillus group spores are characterized by their small size, round to ovoid shape, being unicellular, and usually colorless to lightly pigmented. There are numerous genera of fungi whose spore morphology is similar to that of the Penicillium/Aspergillus type. Two common examples would be Paecilomyces and Acremonium. Although the majority of spores placed in this group are Penicillium, Aspergillus, or a combination of both. Keep in mind that these are not the only two possibilities.
2. Ascospores are sexually produced fungal spores formed within an ascus. An ascus is a sac-like structure designed to discharge the ascospores into the environment, e.g. Ascobolus.
3. Basidiospores are typically blown indoors from outdoors and rarely have an indoor source. However, in certain situations a high basidiospore count indoors may be indicative of a wood decay problem or wet soil.
4. The colorless group contains colorless spores which were unidentifiable to a specific genus. Examples of this group include Acremonium, Aphanocladium, Beauveria, Chrysosporium, Engyodontium microconidia, yeast, some arthrospores, as well as many others.
5. Hyphae are the vegetative mode of fungi. Hyphal elements are fragments of individual Hyphae. They can break apart and become airborne much like spores and are potentially allergenic. A mass of hyphal elements is termed the mycelium. Hyphae in high concentration may be indicative of colonization.
6. Dash (-) in this report, under raw count column means 'not detected (ND)'; otherwise 'not applicable' (NA).
7. The positive-hole correction factor is a statistical tool which calculates a probable count from the raw count, taking into consideration that multiple particles can impact on the same hole, for this reason the sum of the calculated counts may be less than the positive hole corrected total.
8. Due to rounding totals may not equal 100%.
9. Analytical Sensitivity for each spores is different for Non-viable sample when the spores are read at different percentage. Analytical Sensitivity is calculated as spr/m^3 divided by raw count. $\text{spr}/\text{m}^3 = \text{raw counts} \times (100\% \text{ read}) \times (1000/\text{Sample volume})$. If Analytical Sensitivity is $13 \text{ spr}/\text{m}^3$ at 100% read, Analytical Sensitivity at 50% read would be $27 \text{ spr}/\text{m}^3$, which is 2 times higher. Analytical Sensitivity provided on the report is based on an assumed 100% of the trace being analyzed.
10. Minimum Reporting Limits (MRL) for BULKS, DUSTS, SWABS, and WATER samples are a calculation based on the sample size and the dilution plate on which the organism was counted. Results are a compilation of counts taken from multiple dilutions and multiple medias. This means that every genus of fungi or bacteria recovered can be counted on the plate on which it is best represented.
11. If the final quantitative result is corrected for contamination based on the blank, the blank correction is stated in the sample comments section of the report.
12. Analysis conducted on non-viable spore traps is completed using Indoor Environmental Standards Organization (IESO) Standard 2210.
13. The results in this report are related to this project and these samples only.
14. For samples with an air volume of < 100L, the number of significant figures in the result should be considered (2) two. For samples with air volumes between 100-999L, the number of significant figures in the result should be considered (3) three. For example, a sample with a result of $55,443 \text{ spr}/\text{m}^3$ from a 75L sample using significant figures should be considered 55,000. The same result of $55,443$ from a 150L sample using significant figures should be considered $55,400 \text{ spr}/\text{m}^3$.
15. If the In/Out ratio is greater than 100 times it is indicated >100/1, rather than showing the real value.

Terminology Used in Direct Exam Reporting

Conidiophores are a type of modified hyphae from which spores are born. When seen on a surface sample in moderate to numerous concentrations they may be indicative of fungal growth.



Suzanne S. Blevins, B.S., SM (ASCP)
Laboratory Director

© 2018 Aerobiology Laboratory Associates, Inc. All rights reserved.

Non-Viable Microbial Sampling

Non-viable surface samples were collected in order to verify the suspected mold growth in areas of concern noted during the inspection. Samples were delivered to Aerobiology Laboratory Associates, Inc. of Dulles, Virginia for analysis. Fungal analysis was performed by a certified Microbiologist using direct microscopic examination to identify fungal groups and concentration.

Conclusion

Visible mold growth is verified (see lab results) in the living spaces of the unit. Testing and analysis results of the surface sample taken from the wood flooring verifies the growth of Penicillium/Aspergillus, Chaetomium and Hyphal Elements in the areas of water intrusion and damage. “The spores of molds can be a source of exposure to toxins via inhalation” (American Industrial Hygiene Association AIHA, Recognition, Evaluation, and Control of Indoor Mold 1.3.3). It’s been determined that the existing mold growth is due to prior and current water events in the home. These water events are originating from the unit above.

Recommendations

Proper remedial actions should strictly follow industry accepted practices and procedures for fungal abatement.

At present there are government regulations in the District of Columbia addressing the assessment and/or the removal of mold. Mold is commonly found outside but can also become a contaminant once inside a building environment. Molds can potentially produce allergenic reactions to certain people when exposed to them.

Every remediation site is different and different protocol and methods may need to apply, you the home or building owner should be informed of progress as an ongoing dialog. The purpose of mold remediation is to remove contaminated materials thus allowing the home/building owner the opportunity to fix the source(s) of moisture.

The procedures in this document are ones that are found in industry recognized documents and/or the best practices deemed by Arrowhead Consulting Inc. Since mold requires water and/or high humidity to grow, Arrowhead Consulting Inc. cannot be responsible for future changes in the environment. It is important to fix the moisture problem that caused the microbial growth so that it does not re-occur. Arrowhead Consulting Inc. does not guarantee or warranty against any future re-occurrence. We guarantee that the procedures outlined in this document are the industry standards (or better) at the time of the issuance of this document. MSDS sheets should be made available for all products used and OSHA mandated work practices need to be followed. Insurances, Certifications, Licenses, and References should be made available for your inspection at any time.

Affected Area(s)

- Entire Unit

Remediation Specifications

- Personnel performing remediation or cleaning of fungal contamination may be at risk for developing Organic Toxic Dust Syndrome (OTDS) or Hypersensitivity Pneumonitis. OTDS may occur after a single heavy exposure to fungi-contaminated dust. All personnel must utilize appropriate personal protection (PPE) in the form of approved respirators, eye protection and protective clothing and gloves. Use of these measures should be restricted to those trained in their proper use.
- Use of Anti-Microbial solutions must be limited to properly ventilated areas. Do not combine chemicals as improper mixing may produce poisonous gasses.
- Remediation efforts should carefully follow the following documents: IICRC S520, EPA Mold Remediation in Commercial Buildings and Schools and New York City Standards for Mold Remediation.
- These Microbial Remediation Specifications do not address any other potential environmental hazards other than mold that might be present in the referenced property and only pertains to those areas included in the assessment and the data provided regarding those areas. Consideration for potential exposure to environmental hazards whether through implementation of these guidelines or any other activity taking place in the property must be evaluated.
- “Affected” is defined as “in close proximity, likely impacted from the same source of water intrusion or moisture accumulation”

"Hidden mold growth is of significance because mold particulate (spores, mycelia, etc.) has the potential to migrate into occupied areas and results in fungal particulate exposures to occupants".

Recognition, Evaluation, and Control of Indoor Mold (American Industrial Hygiene Association) Building Evaluation 2.6.6.

"Microenvironments: The indoor ecosystem comprises an interrelated complex of microenvironments, each of which has its own mix of physical and biological factors and can serve as a reservoir for a variety of pollutants that can potentially affect the quality of the air in occupied spaces. Some microenvironments are structural components such as interior and exterior wall cavities, ceiling spaces, air-handling systems and crawlspaces."

IICRC R520-2015 Reference Guide for Professional Mold Remediation (Third Edition) Microenvironments, Chapter 2, Page 14.

"Similarly, colorless hyphal growth usually extends beyond the limits of visible mold growth but is normally remediated by removing or cleaning a margin beyond the visible edges of growth, regardless of whether that growth is hidden."

"When the investigation identified hidden mold, it is advised that remediation plans include its removal or cleaning."

AIHA "Recognition, Evaluation, and Control of Indoor Mold". Chapter 17.5.2, pg. 211.

Scope of Remediation

1. Once the demolition portion is complete, studs, floor plates joists and sheathing (structural materials etc.) should be sanded and/or brushed (as required) to remove any fungi. Once the cleaning process is complete, the surfaces may be treated with an anti-microbial biocide compound to prevent further growth and kill any remaining spores. If the use of anti-microbial biocide is required, prior approval for application should be documented in writing and signed by a remediation company representative and all home/building owner(s) and tenants. Material Safety Data Sheets (MSDS) describing the compound and its risks should be provided to all occupants.
2. The remediation process should end when the project has been successful in returning the contaminated areas back to normal fungal ecology.

Demolition

Living room

- Ceiling and wall materials (approx. 36 sf.)
- Wood flooring materials (24 sf.)

Bathroom

- Wall and ceiling materials (36 sf.)

Hallway

- Ceiling and wall materials (24 sf.)
- Wood flooring materials (20 sf.)
- Closet ceiling and wall materials (28 sf.)

- **Note: Additional materials may require removal once the remediation is in progress.**
- **Note: The removal of additional wood flooring may be required once the project begins.**

Remediation/Cleaning:

1. Sanding and/or wipe down of all exposed structural items (framing, floor plates etc.) as needed.
2. Application of Anti-Microbial Solution to exposed surfaces and full unit wipe down.

Post-abatement Sampling:

1. If required, non-viable spore trap and swab/tape sampling mirroring the initial series of tests should generally take place for clearance. Arrowhead Consulting Inc. is able to provide this post remediation clearance testing. Once the labs are analyzed, and the project passes clearance, Arrowhead Consulting Inc. will provide you the client with a Certified Clearance Letter and Laboratory Analysis confirmation.

Note: Clearance testing should be performed prior to encapsulation or the replacement of any removed building materials.

Remediation guidelines are generated by Arrowhead Consulting Inc. at the request of and for the exclusive use of The Office of the Attorney General of the District of Columbia. Copies of same will not be released by Arrowhead Consulting Inc. to any third party without the prior express written consent from the client named in this report. This report applies to those conditions at the time, place and location referenced in this report. This report makes no express or implied warranty or guarantee as to the implementation methodology used by the client. Arrowhead Consulting Inc. is not able to assess the degree of hazard resulting from implementation of these guidelines, or from personal exposure to mold.

DISCLAIMER: The information regarding the health significance of mold types contained in this report is for informational purposes only and should not be used to replace professional medical advice. Content in this report does not contain information on all diseases, ailments, physical conditions or their treatment. It is best to seek advice and attention from your physician or qualified healthcare professional

If you have any questions regarding this matter, please do not hesitate to contact me.

Sincerely,



William R. Spearman CIE, CMRS
Arrowhead Consulting Inc.
DC Mold Assessor License # MA-2016-I-01
Certified Remediation Reports
Post Remediation Inspection Services
Direct 240-832-5900
Email rustyahc@aol.com



**Remediation Scope of Work
&
Laboratory Analysis Results**

**4559 Benning Road SE #204
Washington, DC 20032**

A Service Provided by Arrowhead Consulting Inc.
P.O. Box 217
Broad Run, Virginia 20137
240-832-5900

**PLAINTIFF'S
EXHIBIT
10**

D.C. v. THE BENNINGTON CORPORATION, et al.



Office of the Attorney General for the District of Columbia
441 4th Street NW, Suite 630 South
Washington, DC 20001

08/23/2018

Re: 4559 Benning Road SE #204

Ms. Weatherington,

Arrowhead Consulting Inc. conducted a mold inspection on 07/18/2018 at the above referenced property. This inspection was conducted to gather data for the assessment of potential mold growth within the home, moisture level evaluation of building materials, as well as the formation of a Microbial Remediation Scope of Work. Non-viable surface samples were taken during this inspection to confirm visible mold growth. Laboratory analysis results can be found in Appendix A. Digital photos were taken and are included in this report.

Client Provided Information

The following information was reported by the client at the time of this assessment

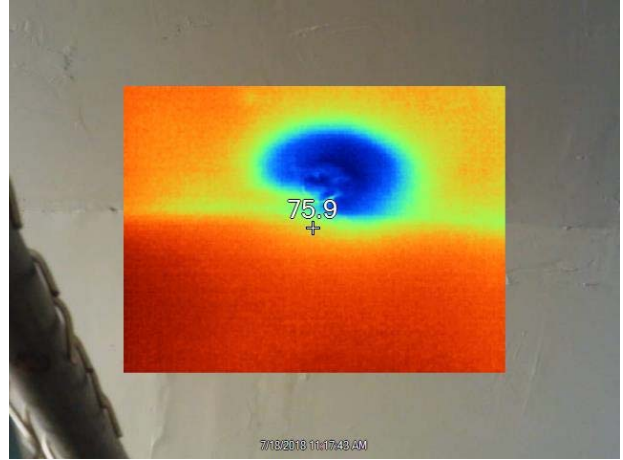
- Suspected mold growth in the apartment.

Inspectors Visual Inspection

- Active water events in the unit (elevated moisture content and damage to bathroom ceiling).
- Visible mold growth on bathroom ceiling.



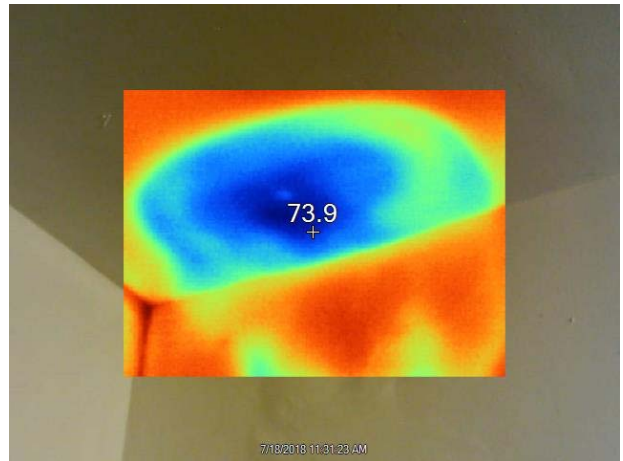
Wet bathroom ceiling and mold growth



Active leak in bathroom ceiling cavity
(blue area)



Wet bathroom ceiling and wall materials with
visible mold growth



Wet ceiling and wall in bathroom (blue area)

Appendix A

Certificates of Laboratory Analysis



AIHA-LAP EMLAP# 102977

43760 Trade Center Place
Suite 100
Sterling, Virginia 20166



Certificate of Analysis
AIHA-LAP EMLAP# 102977

43760 Trade Center Place
Suite 100
Sterling, Virginia 20166
(877) 648-9150
www.aerobiology.net

Arrowhead Consulting, Inc.
5064 Country Creek Lane
Broad Run, Virginia 20137
Attn: Rusty Spearman
Project: **4559-204**
Condition of Sample(s) Upon Receipt: Acceptable

Date Collected: 07/18/2018
Date Received: 07/18/2018
Date Analyzed: 07/19/2018
Date Reported: 07/20/2018
Project ID: 18024962
Page 1 of 2

Client Sample #: 1
Sample Location: Bathroom Ceiling
Test: 1051, Surface - Qualitative Direct Microscopic Exam SOP 3.7: 48hr TAT

Lab Sample #: 18024962-001

Results:	Observation
Numerous Chaetomium spores seen	3-4 per field (minimum)
Numerous hyphal elements seen	3-4 per field (minimum)
Occasional Smuts, Periconia, Myxomycetes spores seen	1-5 per cover slip

Debris Rating: 3

Arrowhead Consulting, Inc.
5064 Country Creek Lane
Broad Run, Virginia 20137
Attn: Rusty Spearman
Project: **4559-204**
Condition of Sample(s) Upon Receipt: Acceptable

Date Collected: 07/18/2018
Date Received: 07/18/2018
Date Analyzed: 07/19/2018
Date Reported: 07/20/2018
Project ID: 18024962
Page 2 of 2

Footnotes and Additional Report Information

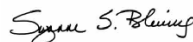
Debris Rating Table

1	Minimal (<5%) particulate present	Reported values are minimally affected by particulate load.
2	5% to 25% of the trace occluded with particulate	Negative bias is expected. The degree of bias increases directly with the percent of the trace that is occluded.
3	26% to 75% of the trace occluded with particulate	Negative bias is expected. The degree of bias increases directly with the percent of the trace that is occluded.
4	75% to 90% of the trace occluded with particulate	Negative bias is expected. The degree of bias increases directly with the percent of the trace that is occluded.
5	Greater than 90% of the trace occluded with particulate	Quantification not possible due to large negative bias. A new sample should be collected at a shorter time interval or other measures taken to reduce particulate load.

1. Penicillium/Aspergillus group spores are characterized by their small size, round to ovoid shape, being unicellular, and usually colorless to lightly pigmented. There are numerous genera of fungi whose spore morphology is similar to that of the Penicillium/Aspergillus type. Two common examples would be Paecilomyces and Acremonium. Although the majority of spores placed in this group are Penicillium, Aspergillus, or a combination of both. Keep in mind that these are not the only two possibilities.
2. Ascospores are sexually produced fungal spores formed within an ascus. An ascus is a sac-like structure designed to discharge the ascospores into the environment, e.g. Ascobolus.
3. Basidiospores are typically blown indoors from outdoors and rarely have an indoor source. However, in certain situations a high basidiospore count indoors may be indicative of a wood decay problem or wet soil.
4. The colorless group contains colorless spores which were unidentifiable to a specific genus. Examples of this group include Acremonium, Aphanocladium, Beauveria, Chrysosporium, Engyodontium microconidia, yeast, some arthrospores, as well as many others.
5. Hyphae are the vegetative mode of fungi. Hyphal elements are fragments of individual Hyphae. They can break apart and become airborne much like spores and are potentially allergenic. A mass of hyphal elements is termed the mycelium. Hyphae in high concentration may be indicative of colonization.
6. Dash (-) in this report, under raw count column means 'not detected (ND)'; otherwise 'not applicable' (NA).
7. The positive-hole correction factor is a statistical tool which calculates a probable count from the raw count, taking into consideration that multiple particles can impact on the same hole, for this reason the sum of the calculated counts may be less than the positive hole corrected total.
8. Due to rounding totals may not equal 100%.
9. Analytical Sensitivity for each spores is different for Non-viable sample when the spores are read at different percentage. Analytical Sensitivity is calculated as spr/m^3 divided by raw count. $\text{spr/m}^3 = \text{raw counts} \times (100\% \text{ read}) \times (1000/\text{Sample volume})$. If Analytical Sensitivity is 13 spr/m^3 at 100% read, Analytical Sensitivity at 50% read would be 27 spr/m^3 , which is 2 times higher. Analytical Sensitivity provided on the report is based on an assumed 100% of the trace being analyzed.
10. Minimum Reporting Limits (MRL) for BULKS, DUSTS, SWABS, and WATER samples are a calculation based on the sample size and the dilution plate on which the organism was counted. Results are a compilation of counts taken from multiple dilutions and multiple medias. This means that every genus of fungi or bacteria recovered can be counted on the plate on which it is best represented.
11. If the final quantitative result is corrected for contamination based on the blank, the blank correction is stated in the sample comments section of the report.
12. Analysis conducted on non-viable spore traps is completed using Indoor Environmental Standards Organization (IESO) Standard 2210.
13. The results in this report are related to this project and these samples only.
14. For samples with an air volume of < 100L, the number of significant figures in the result should be considered (2) two. For samples with air volumes between 100-999L, the number of significant figures in the result should considered (3) three. For example, a sample with a result of $55,443 \text{ spr/m}^3$ from a 75L sample using significant figures should be considered 55,000. The same result of $55,443$ from a 150L sample using significant figures should be considered $55,400 \text{ spr/m}^3$.
15. If the In/Out ratio is greater than 100 times it is indicated >100/1, rather than showing the real value.

Terminology Used in Direct Exam Reporting

Conidiophores are a type of modified hyphae from which spores are born. When seen on a surface sample in moderate to numerous concentrations they may be indicative of fungal growth.



Suzanne S. Blevins, B.S., SM (ASCP)
Laboratory Director

© 2018 Aerobiology Laboratory Associates, Inc. All rights reserved.

Non-Viable Microbial Sampling

Non-viable surface samples were collected in order to verify the suspected mold growth in areas of concern noted during the inspection. Samples were delivered to Aerobiology Laboratory Associates, Inc. of Dulles, Virginia for analysis. Fungal analysis was performed by a certified Microbiologist using direct microscopic examination to identify fungal groups and concentration.

Conclusion

Visible mold growth is verified (see lab results) in the living spaces of the unit. Testing and analysis results of the surface sample taken from the bathroom ceiling verifies the growth of Chaetomium and Hyphal Elements in the areas of water intrusion and damage. “The spores of molds can be a source of exposure to toxins via inhalation” (American Industrial Hygiene Association AIHA, Recognition, Evaluation, and Control of Indoor Mold 1.3.3). It’s been determined that the existing mold growth is due to prior and current water events in the home. These water events are originating from the unit above.

Recommendations

Proper remedial actions should strictly follow industry accepted practices and procedures for fungal abatement.

At present there are government regulations in the District of Columbia addressing the assessment and/or the removal of mold. Mold is commonly found outside but can also become a contaminant once inside a building environment. Molds can potentially produce allergenic reactions to certain people when exposed to them.

Every remediation site is different and different protocol and methods may need to apply, you the home or building owner should be informed of progress as an ongoing dialog. The purpose of mold remediation is to remove contaminated materials thus allowing the home/building owner the opportunity to fix the source(s) of moisture.

The procedures in this document are ones that are found in industry recognized documents and/or the best practices deemed by Arrowhead Consulting Inc. Since mold requires water and/or high humidity to grow, Arrowhead Consulting Inc. cannot be responsible for future changes in the environment. It is important to fix the moisture problem that caused the microbial growth so that it does not re-occur. Arrowhead Consulting Inc. does not guarantee or warranty against any future re-occurrence. We guarantee that the procedures outlined in this document are the industry standards (or better) at the time of the issuance of this document. MSDS sheets should be made available for all products used and OSHA mandated work practices need to be followed. Insurances, Certifications, Licenses, and References should be made available for your inspection at any time.

Affected Area(s)

- Bathroom

Remediation Specifications

- Personnel performing remediation or cleaning of fungal contamination may be at risk for developing Organic Toxic Dust Syndrome (OTDS) or Hypersensitivity Pneumonitis. OTDS may occur after a single heavy exposure to fungi-contaminated dust. All personnel must utilize appropriate personal protection (PPE) in the form of approved respirators, eye protection and protective clothing and gloves. Use of these measures should be restricted to those trained in their proper use.
- Use of Anti-Microbial solutions must be limited to properly ventilated areas. Do not combine chemicals as improper mixing may produce poisonous gasses.
- Remediation efforts should carefully follow the following documents: IICRC S520, EPA Mold Remediation in Commercial Buildings and Schools and New York City Standards for Mold Remediation.
- These Microbial Remediation Specifications do not address any other potential environmental hazards other than mold that might be present in the referenced property and only pertains to those areas included in the assessment and the data provided regarding those areas. Consideration for potential exposure to environmental hazards whether through implementation of these guidelines or any other activity taking place in the property must be evaluated.
- “Affected” is defined as “in close proximity, likely impacted from the same source of water intrusion or moisture accumulation”

"Hidden mold growth is of significance because mold particulate (spores, mycelia, etc.) has the potential to migrate into occupied areas and results in fungal particulate exposures to occupants".

Recognition, Evaluation, and Control of Indoor Mold (American Industrial Hygiene Association) Building Evaluation 2.6.6.

"Microenvironments: The indoor ecosystem comprises an interrelated complex of microenvironments, each of which has its own mix of physical and biological factors and can serve as a reservoir for a variety of pollutants that can potentially affect the quality of the air in occupied spaces. Some microenvironments are structural components such as interior and exterior wall cavities, ceiling spaces, air-handling systems and crawlspaces."

IICRC R520-2015 Reference Guide for Professional Mold Remediation (Third Edition) Microenvironments, Chapter 2, Page 14.

"Similarly, colorless hyphal growth usually extends beyond the limits of visible mold growth but is normally remediated by removing or cleaning a margin beyond the visible edges of growth, regardless of whether that growth is hidden."

"When the investigation identified hidden mold, it is advised that remediation plans include its removal or cleaning."

AIHA "Recognition, Evaluation, and Control of Indoor Mold". Chapter 17.5.2, pg. 211.

Scope of Remediation

1. Once the demolition portion is complete, studs, floor plates joists and sheathing (structural materials etc.) should be sanded and/or brushed (as required) to remove any fungi. Once the cleaning process is complete, the surfaces may be treated with an anti-microbial biocide compound to prevent further growth and kill any remaining spores. If the use of anti-microbial biocide is required, prior approval for application should be documented in writing and signed by a remediation company representative and all home/building owner(s) and tenants. Material Safety Data Sheets (MSDS) describing the compound and its risks should be provided to all occupants.
2. The remediation process should end when the project has been successful in returning the contaminated areas back to normal fungal ecology.

Demolition

Bathroom

- Wall and ceiling materials (49 sf.)
- **Note: Additional materials may require removal once the remediation is in progress.**

Remediation/Cleaning:

1. Sanding and/or wipe down of all exposed structural items (framing, floor plates etc.) as needed.

Post-abatement Sampling:

1. If required, non-viable spore trap and swab/tape sampling mirroring the initial series of tests should generally take place for clearance. Arrowhead Consulting Inc. is able to provide this post remediation clearance testing. Once the labs are analyzed, and the project passes clearance, Arrowhead Consulting Inc. will provide you the client with a Certified Clearance Letter and Laboratory Analysis confirmation.

Note: Clearance testing should be performed prior to encapsulation or the replacement of any removed building materials.

Remediation guidelines are generated by Arrowhead Consulting Inc. at the request of and for the exclusive use of The Office of the Attorney General of the District of Columbia. Copies of same will not be released by Arrowhead Consulting Inc. to any third party without the prior express written consent from the client named in this report. This report applies to those conditions at the time, place and location referenced in this report. This report makes no express or implied warranty or guarantee as to the implementation methodology used by the client. Arrowhead Consulting Inc. is not able to assess the degree of hazard resulting from implementation of these guidelines, or from personal exposure to mold.

DISCLAIMER: The information regarding the health significance of mold types contained in this report is for informational purposes only and should not be used to replace professional medical advice. Content in this report does not contain information on all diseases, ailments, physical conditions or their treatment. It is best to seek advice and attention from your physician or qualified healthcare professional

If you have any questions regarding this matter, please do not hesitate to contact me.

Sincerely,



William R. Spearman CIE, CMRS
Arrowhead Consulting Inc.
DC Mold Assessor License # MA-2016-I-01
Certified Remediation Reports
Post Remediation Inspection Services
Direct 240-832-5900
Email rustyahc@aol.com



**Remediation Scope of Work
&
Laboratory Analysis Results**

**4569 Benning Road SE #203
Washington, DC 20032**

A Service Provided by Arrowhead Consulting Inc.
P.O. Box 217
Broad Run, Virginia 20137
240-832-5900

**PLAINTIFF'S
EXHIBIT
11**

D.C. v. THE BENNINGTON CORPORATION, et al.



Office of the Attorney General for the District of Columbia
441 4th Street NW, Suite 630 South
Washington, DC 20001

08/23/2018

Re: 4569 Benning Road SE #203

Ms. Weatherington,

Arrowhead Consulting Inc. conducted a mold inspection on 07/18/2018 at the above referenced property. This inspection was conducted to gather data for the assessment of potential mold growth within the home, moisture level evaluation of building materials, as well as the formation of a Microbial Remediation Scope of Work. Non-viable surface samples were taken during this inspection to confirm visible mold growth. Laboratory analysis results can be found in Appendix A. Digital photos were taken and are included in this report.

Client Provided Information

The following information was reported by the client at the time of this assessment

- Suspected mold growth in the apartment.
- Suspected water intrusion in the apartment.

Inspectors Visual Inspection

- Evidence of active water events in the unit (bathroom wall cavity).
- Visible mold growth on bedroom 2 window trim and framing.
- Visible mold growth inside bathroom vanity.
- Active water intrusion into hallway ceiling cavity.
- Bathroom flooring settled on right side (structural integrity is compromised).



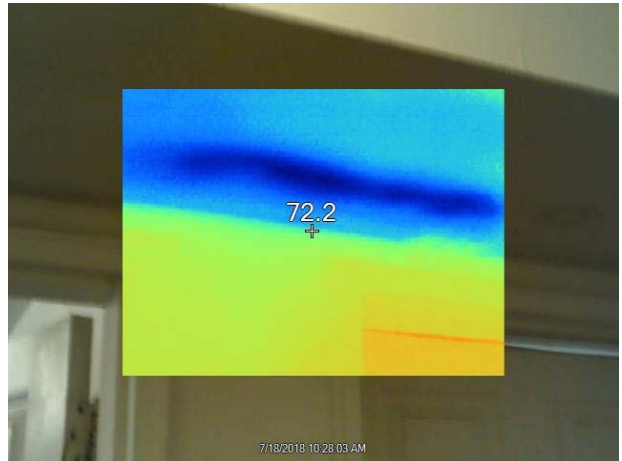
Visible mold growth inside bathroom vanity



Visibly damaged bathroom flooring



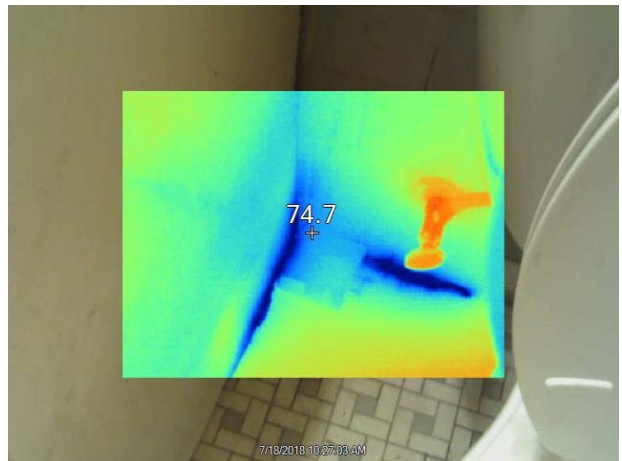
Impacted area in hallway



Wet area in hallway ceiling (blue area)



Visible mold growth and water damaged wall materials



Active water intrusion into bathroom wall cavities

Appendix A

Certificates of Laboratory Analysis



AIHA-LAP EMLAP# 102977

43760 Trade Center Place
Suite 100
Sterling, Virginia 20166



Certificate of Analysis
AIHA-LAP EMLAP# 102977

43760 Trade Center Place
Suite 100
Sterling, Virginia 20166
(877) 648-9150
www.aerobiology.net

Arrowhead Consulting, Inc.
5064 Country Creek Lane
Broad Run, Virginia 20137
Attn: Rusty Spearman
Project: **4569-203**
Condition of Sample(s) Upon Receipt: Acceptable

Date Collected: 07/18/2018
Date Received: 07/18/2018
Date Analyzed: 07/19/2018
Date Reported: 07/20/2018
Project ID: 18024965
Page 1 of 2

Client Sample #: 1
Sample Location: Bathroom Vanity
Test: 1051, Surface - Qualitative Direct Microscopic Exam SOP 3.7: 48hr TAT

Lab Sample #: 18024965-001

Results:	Observation
Moderate hyphal elements seen	1 per 5 fields
Numerous Penicillium/Aspergillus group spores seen	3-4 per field (minimum)
Moderate Petriella-like spores seen	1 per 5 fields
Numerous Stachybotrys spores seen	3-4 per field (minimum)
Few Yeast seen	5 per cover slip

Debris Rating: 3

Arrowhead Consulting, Inc.
5064 Country Creek Lane
Broad Run, Virginia 20137
Attn: Rusty Spearman
Project: **4569-203**
Condition of Sample(s) Upon Receipt: Acceptable

Date Collected: 07/18/2018
Date Received: 07/18/2018
Date Analyzed: 07/19/2018
Date Reported: 07/20/2018
Project ID: 18024965
Page 2 of 2

Footnotes and Additional Report Information

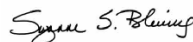
Debris Rating Table

1	Minimal (<5%) particulate present	Reported values are minimally affected by particulate load.
2	5% to 25% of the trace occluded with particulate	Negative bias is expected. The degree of bias increases directly with the percent of the trace that is occluded.
3	26% to 75% of the trace occluded with particulate	Negative bias is expected. The degree of bias increases directly with the percent of the trace that is occluded.
4	75% to 90% of the trace occluded with particulate	Negative bias is expected. The degree of bias increases directly with the percent of the trace that is occluded.
5	Greater than 90% of the trace occluded with particulate	Quantification not possible due to large negative bias. A new sample should be collected at a shorter time interval or other measures taken to reduce particulate load.

1. Penicillium/Aspergillus group spores are characterized by their small size, round to ovoid shape, being unicellular, and usually colorless to lightly pigmented. There are numerous genera of fungi whose spore morphology is similar to that of the Penicillium/Aspergillus type. Two common examples would be Paecilomyces and Acremonium. Although the majority of spores placed in this group are Penicillium, Aspergillus, or a combination of both. Keep in mind that these are not the only two possibilities.
2. Ascospores are sexually produced fungal spores formed within an ascus. An ascus is a sac-like structure designed to discharge the ascospores into the environment, e.g. Ascobolus.
3. Basidiospores are typically blown indoors from outdoors and rarely have an indoor source. However, in certain situations a high basidiospore count indoors may be indicative of a wood decay problem or wet soil.
4. The colorless group contains colorless spores which were unidentifiable to a specific genus. Examples of this group include Acremonium, Aphanocladium, Beauveria, Chrysosporium, Engyodontium microconidia, yeast, some arthrospores, as well as many others.
5. Hyphae are the vegetative mode of fungi. Hyphal elements are fragments of individual Hyphae. They can break apart and become airborne much like spores and are potentially allergenic. A mass of hyphal elements is termed the mycelium. Hyphae in high concentration may be indicative of colonization.
6. Dash (-) in this report, under raw count column means 'not detected (ND)'; otherwise 'not applicable' (NA).
7. The positive-hole correction factor is a statistical tool which calculates a probable count from the raw count, taking into consideration that multiple particles can impact on the same hole, for this reason the sum of the calculated counts may be less than the positive hole corrected total.
8. Due to rounding totals may not equal 100%.
9. Analytical Sensitivity for each spores is different for Non-viable sample when the spores are read at different percentage. Analytical Sensitivity is calculated as spr/m^3 divided by raw count. $\text{spr/m}^3 = \text{raw counts} \times (100\% \text{ read}) \times (1000/\text{Sample volume})$. If Analytical Sensitivity is 13 spr/m^3 at 100% read, Analytical Sensitivity at 50% read would be 27 spr/m^3 , which is 2 times higher. Analytical Sensitivity provided on the report is based on an assumed 100% of the trace being analyzed.
10. Minimum Reporting Limits (MRL) for BULKS, DUSTS, SWABS, and WATER samples are a calculation based on the sample size and the dilution plate on which the organism was counted. Results are a compilation of counts taken from multiple dilutions and multiple medias. This means that every genus of fungi or bacteria recovered can be counted on the plate on which it is best represented.
11. If the final quantitative result is corrected for contamination based on the blank, the blank correction is stated in the sample comments section of the report.
12. Analysis conducted on non-viable spore traps is completed using Indoor Environmental Standards Organization (IESO) Standard 2210.
13. The results in this report are related to this project and these samples only.
14. For samples with an air volume of < 100L, the number of significant figures in the result should be considered (2) two. For samples with air volumes between 100-999L, the number of significant figures in the result should considered (3) three. For example, a sample with a result of $55,443 \text{ spr/m}^3$ from a 75L sample using significant figures should be considered 55,000. The same result of $55,443$ from a 150L sample using significant figures should be considered $55,400 \text{ spr/m}^3$.
15. If the In/Out ratio is greater than 100 times it is indicated >100/1, rather than showing the real value.

Terminology Used in Direct Exam Reporting

Conidiophores are a type of modified hyphae from which spores are born. When seen on a surface sample in moderate to numerous concentrations they may be indicative of fungal growth.



Suzanne S. Blevins, B.S., SM (ASCP)
Laboratory Director

© 2018 Aerobiology Laboratory Associates, Inc. All rights reserved.

Non-Viable Microbial Sampling

Non-viable surface samples were collected in order to verify the suspected mold growth in areas of concern noted during the inspection. Samples were delivered to Aerobiology Laboratory Associates, Inc. of Dulles, Virginia for analysis. Fungal analysis was performed by a certified Microbiologist using direct microscopic examination to identify fungal groups and concentration.

Conclusion

Visible mold growth is verified (see lab results) in the living spaces of the unit. Testing and analysis results of the surface sample taken from the bathroom vanity verifies the growth of Penicillium/Aspergillus, Stachybotrys, Petriella Spores and Hyphal Elements in the areas of water intrusion and damage. “The spores of molds can be a source of exposure to toxins via inhalation” (American Industrial Hygiene Association AIHA, Recognition, Evaluation, and Control of Indoor Mold 1.3.3). It’s been determined that the existing mold growth is due to prior and current water events in the home. These water events are originating from the unit above.

Recommendations

Proper remedial actions should strictly follow industry accepted practices and procedures for fungal abatement.

At present there are government regulations in the District of Columbia addressing the assessment and/or the removal of mold. Mold is commonly found outside but can also become a contaminant once inside a building environment. Molds can potentially produce allergenic reactions to certain people when exposed to them.

Every remediation site is different and different protocol and methods may need to apply, you the home or building owner should be informed of progress as an ongoing dialog. The purpose of mold remediation is to remove contaminated materials thus allowing the home/building owner the opportunity to fix the source(s) of moisture.

The procedures in this document are ones that are found in industry recognized documents and/or the best practices deemed by Arrowhead Consulting Inc. Since mold requires water and/or high humidity to grow, Arrowhead Consulting Inc. cannot be responsible for future changes in the environment. It is important to fix the moisture problem that caused the microbial growth so that it does not re-occur. Arrowhead Consulting Inc. does not guarantee or warranty against any future re-occurrence. We guarantee that the procedures outlined in this document are the industry standards (or better) at the time of the issuance of this document. MSDS sheets should be made available for all products used and OSHA mandated work practices need to be followed. Insurances, Certifications, Licenses, and References should be made available for your inspection at any time.

Affected Area(s)

- Bathroom, Hallway and Bedroom 2

Remediation Specifications

- Personnel performing remediation or cleaning of fungal contamination may be at risk for developing Organic Toxic Dust Syndrome (OTDS) or Hypersensitivity Pneumonitis. OTDS may occur after a single heavy exposure to fungi-contaminated dust. All personnel must utilize appropriate personal protection (PPE) in the form of approved respirators, eye protection and protective clothing and gloves. Use of these measures should be restricted to those trained in their proper use.
- Use of Anti-Microbial solutions must be limited to properly ventilated areas. Do not combine chemicals as improper mixing may produce poisonous gasses.
- Remediation efforts should carefully follow the following documents: IICRC S520, EPA Mold Remediation in Commercial Buildings and Schools and New York City Standards for Mold Remediation.
- These Microbial Remediation Specifications do not address any other potential environmental hazards other than mold that might be present in the referenced property and only pertains to those areas included in the assessment and the data provided regarding those areas. Consideration for potential exposure to environmental hazards whether through implementation of these guidelines or any other activity taking place in the property must be evaluated.
- “Affected” is defined as “in close proximity, likely impacted from the same source of water intrusion or moisture accumulation”

"Hidden mold growth is of significance because mold particulate (spores, mycelia, etc.) has the potential to migrate into occupied areas and results in fungal particulate exposures to occupants".

Recognition, Evaluation, and Control of Indoor Mold (American Industrial Hygiene Association) Building Evaluation 2.6.6.

"Microenvironments: The indoor ecosystem comprises an interrelated complex of microenvironments, each of which has its own mix of physical and biological factors and can serve as a reservoir for a variety of pollutants that can potentially affect the quality of the air in occupied spaces. Some microenvironments are structural components such as interior and exterior wall cavities, ceiling spaces, air-handling systems and crawlspaces."

IICRC R520-2015 Reference Guide for Professional Mold Remediation (Third Edition) Microenvironments, Chapter 2, Page 14.

"Similarly, colorless hyphal growth usually extends beyond the limits of visible mold growth but is normally remediated by removing or cleaning a margin beyond the visible edges of growth, regardless of whether that growth is hidden."

"When the investigation identified hidden mold, it is advised that remediation plans include its removal or cleaning."

AIHA "Recognition, Evaluation, and Control of Indoor Mold". Chapter 17.5.2, pg. 211.

Scope of Remediation

1. Once the demolition portion is complete, studs, floor plates joists and sheathing (structural materials etc.) should be sanded and/or brushed (as required) to remove any fungi. Once the cleaning process is complete, the surfaces may be treated with an anti-microbial biocide compound to prevent further growth and kill any remaining spores. If the use of anti-microbial biocide is required, prior approval for application should be documented in writing and signed by a remediation company representative and all home/building owner(s) and tenants. Material Safety Data Sheets (MSDS) describing the compound and its risks should be provided to all occupants.
2. The remediation process should end when the project has been successful in returning the contaminated areas back to normal fungal ecology.

Demolition

Bathroom

- Vanity and wall materials (16 sf.)

Hallway

- Ceiling and wall materials (36 sf.)

Bedroom 2

- Wall materials around window (14 sf.)
- **Note: Additional materials may require removal once the remediation is in progress.**
- **Note: A Structural Engineer should inspect the bathroom flooring to evaluate it's complete structural integrity.**

Remediation/Cleaning:

1. Sanding and/or wipe down of all exposed structural items (framing, floor plates etc.) as needed.
2. Application of Anti-Microbial Solution to exposed surfaces and full unit wipe down.

Post-abatement Sampling:

1. If required, non-viable spore trap and swab/tape sampling mirroring the initial series of tests should generally take place for clearance. Arrowhead Consulting Inc. is able to provide this post remediation clearance testing. Once the labs are analyzed, and the project passes clearance, Arrowhead Consulting Inc. will provide you the client with a Certified Clearance Letter and Laboratory Analysis confirmation.

Note: Clearance testing should be performed prior to encapsulation or the replacement of any removed building materials.

Remediation guidelines are generated by Arrowhead Consulting Inc. at the request of and for the exclusive use of The Office of the Attorney General of the District of Columbia. Copies of same will not be released by Arrowhead Consulting Inc. to any third party without the prior express written consent from the client named in this report. This report applies to those conditions at the time, place and location referenced in this report. This report makes no express or implied warranty or guarantee as to the implementation methodology used by the client. Arrowhead Consulting Inc. is not able to assess the degree of hazard resulting from implementation of these guidelines, or from personal exposure to mold.

DISCLAIMER: The information regarding the health significance of mold types contained in this report is for informational purposes only and should not be used to replace professional medical advice. Content in this report does not contain information on all diseases, ailments, physical conditions or their treatment. It is best to seek advice and attention from your physician or qualified healthcare professional

If you have any questions regarding this matter, please do not hesitate to contact me.

Sincerely,



William R. Spearman CIE, CMRS
Arrowhead Consulting Inc.
DC Mold Assessor License # MA-2016-I-01
Certified Remediation Reports
Post Remediation Inspection Services
Direct 240-832-5900
Email rustyahc@aol.com



District of Columbia Fire & EMS Department
 Fire Prevention Division
 1100 4th Street SW, Suite: E-700
 Washington, D.C. 20024-4451



C1-Complaint (General Public) Assigned To PENNINGTON, James on 7/6/2018

Start Date:		Finish Date:	
Business Name:	Bennington Apartments	Occupancy ID:	FP-100-433
Address:	4559 Benning RD SE	Station No.:	
City/State/Zip:	Washington, DC 20019	Business Phone:	

<u>Complex Info</u>	<u>Main Floor</u>	<u>Stories</u>	<u>Estimated Values</u>
Commercial Units: 0	Length: 0	Above Grade: 0	Property: \$0.00
Residential Units: 12	Width: 0	Below Grade: 0	Content: \$0.00
Complex Type: 4	Area: 0	Upper Construction: -	
Complex:	Construction: -		

An authorized representative of the Fire Chief of the District of Columbia Fire and EMS Department has observed the following violation(s) of the District of Columbia Fire Prevention Code at your premises.

ALL VIOLATIONS MUST BE ABATED IMMEDIATELY

<u>Violations</u>	<u>Date Found</u>	<u>Date Cleared</u>	<u>Standard/Reference</u>
OTHER-FCV			
OTHER FIRE CODE VIOLATION	7/6/2018		

Comment: SMOKE DETECTORS ARE NEEDED IN EACH BEDROOM OF EACH UNIT IN BUILDING.
 {IFC 2012 International Code set}
 907.2.11.2 - 907.2.11.2 Groups R-2, R-3, R-4 and I-1.: Single or multiple-station smoke alarms shall be installed and maintained in Groups R-2, R-3, R-4 and I-1 regardless of occupant load at all of the following locations:
 1. On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms.
 2. In each room used for sleeping purposes.
 Exception: Single- or multiple-station smoke alarms in Group I-1 shall not be required where smoke detectors are provided in the sleeping rooms as part of an automatic smoke detection system.
 3. In each story within a dwelling unit, including basements but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.

2012 IFC CH 09
MAINTENANCE INSPECTION AND TESTING **7/6/2018**

Comment: SMOKE DETECTORS THROUGHOUT BUILDING IN EACH UNIT NEED TO BE SERVICED.
 {IFC 2012 International Code set}
 907.8.5 - 907.8.5 Maintenance, inspection and testing.: The building owner shall be responsible to maintain the fire and life safety systems in an operable condition at all times. Service personnel shall meet the qualification requirements of NFPA 72 for maintaining, inspecting and testing such systems. A written record shall be maintained and shall be made available to the fire code official.

DCMR CH #01
POSTING THE PERMIT **7/6/2018** [L] DCMR 12H 2013
 2013 DCMR 12H FIRE CODE SUPPLEMENT

F-105.3.4 Posting the Permit. Issued permits shall be kept on the premises designated therein at all times and shall be readily available for inspection by the code official.

Comment: A COPY OF BUSINESS LICENSE NEEDS TO BE EITHER POSTED OR AVAILABLE FOR VIEWING IN BUILDING. A COPY OF CERTIFICATE OF OCCUPANCY IS ALSO REQUIRED.



C1-Complaint (General Public) Assigned To PENNINGTON, James on 7/6/2018

Start Date:
Business Name: Bennington Apartments
Address: 4559 Benning RD SE
City/State/Zip: Washington, DC 20019

Finish Date:
Occupancy ID: FP-100-433
Station No.:
Business Phone:

<u>Violations</u>	<u>Date Found</u>	<u>Date Cleared</u>	<u>Standard/Reference</u>
-------------------	-------------------	---------------------	---------------------------

2012 IFC CH 07 MAINTENANCE	7/6/2018		
---------------------------------------	-----------------	--	--

Comment: .BREACHES IN WALLS AROUND ELECTRICAL PANEL NEEDS TO BE SEALED. BREACH UNDER STAIRWAY ON GROUND LEVEL NEEDS TO BE SEALED.

EACH UNIT THAT WAS INSPECTED, HAD HOLES IN BATHROOM CEILING AND WALLS THAT COULD CONTRIBUTE TO FIRE SPREAD. THESE WALL BREACHES NEED TO BE SEALED.

{IFC 2012 International Code set}

703.1 - 703.1 Maintenance.: The required fire-resistance rating of fire-resistance-rated construction (including walls, firestops, shaft enclosures, partitions, smoke barriers, floors, fire-resistive coatings and sprayed fire-resistant materials applied to structural members and fire-resistant joint systems) shall be maintained. Such elements shall be visually inspected by the owner annually and properly repaired, restored or replaced when damaged, altered, breached or penetrated. Where concealed, such elements shall not be required to be visually inspected by the owner unless the concealed space is accessible by the removal or movement of a panel, access door, ceiling tile or similar movable entry to the space. Openings made therein for the passage of pipes, electrical conduit, wires, ducts, air transfer openings and holes made for any reason shall be protected with approved methods capable of resisting the passage of smoke and fire. Openings through fire-resistance-rated assemblies shall be protected by self- or automatic-closing doors of approved construction meeting the fire protection requirements for the assembly.

2012 IFC CH 10 ILLUMINATION EMERGENCY POWER	7/6/2018		
--	-----------------	--	--

Comment: EMERGENCY LIGHTS NOT WORKING PROPERLY IN HALLWAY AREA. NEED TO BE SERVICED.

{IFC 2012 International Code set}

[B] 1006.3 - [B] 1006.3 Emergency power for illumination.: The power supply for means of egress illumination shall normally be provided by the premises' electrical supply.

In the event of power supply failure, an emergency electrical system shall automatically illuminate all of the following areas:

1. Aisles and unenclosed egress stairways in rooms and spaces that require two or more means of egress.
2. Corridors, interior exit stairways and ramps and exit passageways in buildings required to have two or more exits.
3. Exterior egress components at other than their levels of exit discharge until exit discharge is accomplished for buildings required to have two or more exits.
4. Interior exit discharge elements, as permitted in Section 1027.1, in buildings required to have two or more exits.
5. Exterior landings as required by Section 1008.1.6 for exit discharge doorways in buildings required to have two or more exits.

The emergency power system shall provide power for a duration of not less than 90 minutes and shall consist of storage batteries, unit equipment or an on-site generator. The installation of the emergency power system shall be in accordance with Section 604.

2012 IFC CH 03 MEANS OF EGRESS	7/6/2018		
---	-----------------	--	--

Comment: IMPROPER STORAGE IN HALLWAY NEEDS TO BE CLEARED.

{IFC 2012 International Code set}

315.3.2 - 315.3.2 Means of egress.: Combustible materials shall not be stored in exits or enclosures for stairways and ramps.

OTHER-FCV OTHER FIRE CODE VIOLATION	7/6/2018		
--	-----------------	--	--

Comment: PULL STATION PLACARDS MISSING IN HALLWAY ABOVE PULL STATIONS. MUST BE REPLACED.

C1-Complaint (General Public) Assigned To PENNINGTON, James on 7/6/2018

Start Date:
Business Name: Bennington Apartments
Address: 4559 Benning RD SE
City/State/Zip: Washington, DC 20019

Finish Date:
Occupancy ID: FP-100-433
Station No.:
Business Phone:

<u>Violations</u>	<u>Date Found</u>	<u>Date Cleared</u>	<u>Standard/Reference</u>
{IFC 2012 International Code set} 907.4.2.4 - 907.4.2.4 Signs.: Where fire alarm systems are not monitored by a supervising station, an approved permanent sign shall be installed adjacent to each manual fire alarm box that reads: WHEN ALARM SOUNDS—CALL FIRE DEPARTMENT. Exception: Where the manufacturer has permanently provided this information on the manual fire alarm box.			

2012 IFC CH 06

WORKING SPACE CLEARANCE

7/6/2018

Comment: STORAGE AROUND ELECTRICAL METERS IN HALLWAY NEEDS TO BE CLEARED .

{IFC 2012 International Code set}
605.3 - 605.3 Working space and clearance.: A working space of not less than 30 inches (762 mm) in width, 36 inches (914 mm) in depth and 78 inches (1981 mm) in height shall be provided in front of electrical service equipment. Where the electrical service equipment is wider than 30 inches (762 mm), the working space shall not be less than the width of the equipment. No storage of any materials shall be located within the designated working space.
Exceptions:
1. Where other dimensions are required or allowed by NFPA 70.
2. Access openings into attics or under-floor areas which provide a minimum clear opening of 22 inches (559 mm) by 30 inches (762 mm).

OTHER-FCV

OTHER FIRE CODE VIOLATION

7/6/2018

Comment: ALL BARS AND GRILLS ON THE GROUND FLOOR COVERING BEDROOMS MUST BE ABLE TO RELEASE IN CASE OF EMERGENCY EGRESS. THIS MUST BE DONE IMMEDIATELY.

{IFC 2012 International Code set}
[B] 1029.4 - [B] 1029.4 Operational constraints.: Emergency escape and rescue openings shall be operational from the inside of the room without the use of keys or tools. Bars, grilles, grates or similar devices are permitted to be placed over emergency escape and rescue openings provided the minimum net clear opening size complies with Section 1029.2 and such devices shall be releasable or removable from the inside without the use of a key, tool or force greater than that which is required for normal operation of the escape and rescue opening. Where such bars, grilles, grates or similar devices are installed in existing buildings, smoke alarms shall be installed in accordance with Section 907.2.11 regardless of the valuation of the alteration.

2012 IFC CH 06

ABATEMENT OF ELECTRICAL HAZARDS

7/6/2018

Comment: APT #203 HAS OUTLET IN BEDROOM THAT SPARKS. THIS NEEDS TO BE SERVICED. ALSO HAS EXPOSED ELECTRICAL WIRES ON HVAC UNIT IN CLOSET.

{IFC 2012 International Code set}
605.1 - 605.1 Abatement of electrical hazards.: Identified electrical hazards shall be abated. Identified hazardous electrical conditions in permanent wiring shall be brought to the attention of the responsible code official . Electrical wiring, devices, appliances and other equipment that is modified or damaged and constitutes an electrical shock or fire hazard shall not be used.

2012 IFC CH 09

GENERAL REQUIREMENTS

7/6/2018

Comment: FIRE EXTINGUISHERS MISSING IN HALLWAY AREA. ALL FIRE EXTINGUISHERS NEED TO BE SERVICED AND HAVE PROPER TAGS TO SHOW SERVICE HAS BEEN DONE

C1-Complaint (General Public) Assigned To PENNINGTON, James on 7/6/2018

Start Date:
Business Name: Bennington Apartments
Address: 4559 Benning RD SE
City/State/Zip: Washington, DC 20019

Finish Date:
Occupancy ID: FP-100-433
Station No.:
Business Phone:

{IFC 2012 International Code set}

906.2 - 906.2 General requirements.: Portable fire extinguishers shall be selected, installed and maintained in accordance with this section and NFPA 10.

Exceptions:

1. The travel distance to reach an extinguisher shall not apply to the spectator seating portions of Group A-5 occupancies.
2. Thirty-day inspections shall not be required and maintenance shall be allowed to be once every three years for dry-chemical or halogenated agent portable fire extinguishers that are supervised by a listed and approved electronic monitoring device, provided that all of the following conditions are met:
 - 2.1. Electronic monitoring shall confirm that extinguishers are properly positioned, properly charged and unobstructed.
 - 2.2. Loss of power or circuit continuity to the electronic monitoring device shall initiate a trouble signal.
 - 2.3. The extinguishers shall be installed inside of a building or cabinet in a noncorrosive environment.
 - 2.4. Electronic monitoring devices and supervisory circuits shall be tested every three years when extinguisher maintenance is performed.
 - 2.5. A written log of required hydrostatic test dates for extinguishers shall be maintained by the owner to verify that hydrostatic tests are conducted at the frequency required by NFPA 10.
3. In Group I-3, portable fire extinguishers shall be permitted to be located at staff locations .

FE21464BCE872

**PENALTIES-SECTION 112
FAILURE TO COMPLY WITH THE
DISTRICT OF COLUMBIA FIRE CODE**

F-112.3 Penalty for Violations: Any person, firm or corporation violating any of the provisions of this code or failing to comply with any order issued pursuant to any section thereof, upon conviction thereof shall be punished by a fine of not more than three hundred dollars (\$300) or imprisonment for not more than ninety (90) days, or both. Each day that a violation continues, after a service of notice as provided in this code, shall be deemed a separate offense.

F-112.4 Civil Infractions: Civil fines, penalties, and fees may be imposed as alternative sanctions for any infraction of the provisions of this code, or any rules or regulations issued under authority of this code or pursuant to Title I-III of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985, D.C. Law 6-42, D.C. Code sec.6-2700 et seq.

(NOTICE)

Notwithstanding the existence of the above penalties, any violation or attempted violation of this code may be restrained, corrected or abated, as the case may be, by injunction or other appropriate proceeding.

SECTION 113 APPEALS

DCMR 12H F-113.1 Right of Appeal. Any person directly affected by a notice or order issued under this *Fire Prevention Code* shall have the right to appeal to the Office of Administrative Hearings, pursuant to the Office of Administrative Hearings Act, effective March 6, 2002 (D.C. Law 14-76; D.C. Official Code §2-1831.01 *et seq.* and regulations promulgated thereunder. The appeal shall be filed within ten (10) days of the date of service of the notice or order. An appeal shall be based on a claim that the true intent of this code has been incorrectly interpreted, the provisions of the code do not fully apply, or the requirements of this code are adequately satisfied by other means. Appeals of notices (other than notices pursuant to Section F-110H (Unsafe Conditions) or section F-111H (Emergency Measures) shall stay the enforcement of the notice until the appeal is heard by the Office of Administrative Hearings.

Failure to remedy said violations will subject you to the penalties as prescribed by Section 112.2 and F-112.3 of the International Fire Code (2006) as amended by the D.C. Fire Prevention code Supplement (2008) (DCMR 12H) shall constitute the D.C. Fire Prevention Code (2008). If you do not understand any part of this notice, please contact this office at **(202) 727-1600**

C1-Complaint (General Public) Assigned To PENNINGTON, James on 7/6/2018

Start Date:
Business Name: Bennington Apartments
Address: 4559 Benning RD SE
City/State/Zip: Washington, DC 20019

Finish Date:
Occupancy ID: FP-100-433
Station No.:
Business Phone:

Signature

Recipient:

NO SIGNATURE

Mehrdad Valibeigi

Inspector



James Pennington

(202) 727-1600 (office)

(202) 727-3238 (fax)

www.fems.dc.gov

“Fire Sprinklers and Smoke Alarms Save Lives”



District of Columbia Fire & EMS Department
 Fire Prevention Division
 1100 4th Street SW, Suite: E-700
 Washington, D.C. 20024-4451



C1-Complaint (General Public) Assigned To PENNINGTON, James on 7/6/2018

Start Date: 7/5/2018 12:00:00AM	Finish Date: 7/5/2018 12:00:00AM
Business Name: Bennington Apartments	Occupancy ID: FP-100-437
Address: 4569 Benning RD SE	Station No.:
City/State/Zip: Washington, DC 20019	Business Phone:

<u>Complex Info</u>	<u>Main Floor</u>	<u>Stories</u>	<u>Estimated Values</u>
Commercial Units: 0	Length: 0	Above Grade: 0	Property: \$0.00
Residential Units: 11	Width: 0	Below Grade: 0	Content: \$0.00
Complex Type: 4	Area: 0	Upper Construction: -	
Complex:	Construction: -		

An authorized representative of the Fire Chief of the District of Columbia Fire and EMS Department has observed the following violation(s) of the District of Columbia Fire Prevention Code at your premises.

ALL VIOLATIONS MUST BE ABATED IMMEDIATELY

<u>Violations</u>	<u>Date Found</u>	<u>Date Cleared</u>	<u>Standard/Reference</u>
-------------------	-------------------	---------------------	---------------------------

OTHER-FCV

OTHER FIRE CODE VIOLATION **7/6/2018**

Comment: SMOKE DETECTORS ARE NEEDED IN EACH BEDROOM OF EACH UNIT IN BUILDING.

{IFC 2012 International Code set}
 907.2.11.2 - 907.2.11.2 Groups R-2, R-3, R-4 and I-1.: Single or multiple-station smoke alarms shall be installed and maintained in Groups R-2, R-3, R-4 and I-1 regardless of occupant load at all of the following locations:
 1. On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms.
 2. In each room used for sleeping purposes.
 Exception: Single- or multiple-station smoke alarms in Group I-1 shall not be required where smoke detectors are provided in the sleeping rooms as part of an automatic smoke detection system.
 3. In each story within a dwelling unit, including basements but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.

OTHER FIRE CODE VIOLATION **7/6/2018**

Comment: ALL BARS AND GRILLS ON THE GROUND FLOOR COVERING BEDROOM WINDOWS MUST BE ABLE TO RELEASE IN CASE OF EMERGENCY EGRESS. THIS MUST BE DONE IMMEDIATELY.

{IFC 2012 International Code set}
 [B] 1029.4 - [B] 1029.4 Operational constraints.: Emergency escape and rescue openings shall be operational from the inside of the room without the use of keys or tools. Bars, grilles, grates or similar devices are permitted to be placed over emergency escape and rescue openings provided the minimum net clear opening size complies with Section 1029.2 and such devices shall be releasable or removable from the inside without the use of a key, tool or force greater than that which is required for normal operation of the escape and rescue opening. Where such bars, grilles, grates or similar devices are installed in existing buildings, smoke alarms shall be installed in accordance with Section 907.2.11 regardless of the valuation of the alteration.

2012 IFC CH 09

GENERAL REQUIREMENTS **7/6/2018**

Comment: FIRE EXTINGUISHERS MISSING IN HALLWAY AREA. ALL FIRE EXTINGUISHERS NEED TO BE SERVICED AND HAVE PROPER TAGS TO SHOW SERVICE HAS BEEN DONE.

C1-Complaint (General Public) Assigned To PENNINGTON, James on 7/6/2018

Start Date: 7/5/2018 12:00:00AM
Business Name: Bennington Apartments
Address: 4569 Benning RD SE
City/State/Zip: Washington, DC 20019

Finish Date: 7/5/2018 12:00:00AM
Occupancy ID: FP-100-437
Station No.:
Business Phone:

<u>Violations</u>	<u>Date Found</u>	<u>Date Cleared</u>	<u>Standard/Reference</u>
-------------------	-------------------	---------------------	---------------------------

{IFC 2012 International Code set}
 906.2 - 906.2 General requirements.: Portable fire extinguishers shall be selected, installed and maintained in accordance with this section and NFPA 10.
 Exceptions:
 1. The travel distance to reach an extinguisher shall not apply to the spectator seating portions of Group A -5 occupancies.
 2. Thirty-day inspections shall not be required and maintenance shall be allowed to be once every three years for dry-chemical or halogenated agent portable fire extinguishers that are supervised by a listed and approved electronic monitoring device, provided that all of the following conditions are met:
 2.1. Electronic monitoring shall confirm that extinguishers are properly positioned, properly charged and unobstructed.
 2.2. Loss of power or circuit continuity to the electronic monitoring device shall initiate a trouble signal.
 2.3. The extinguishers shall be installed inside of a building or cabinet in a noncorrosive environment.
 2.4. Electronic monitoring devices and supervisory circuits shall be tested every three years when extinguisher maintenance is performed.
 2.5. A written log of required hydrostatic test dates for extinguishers shall be maintained by the owner to verify that hydrostatic tests are conducted at the frequency required by NFPA 10.
 3. In Group I-3, portable fire extinguishers shall be permitted to be located at staff locations .

DCMR CH #01

POSTING THE PERMIT	7/6/2018	[L] DCMR 12H 2013
2013 DCMR 12H FIRE CODE SUPPLEMENT		

F-105.3.4 Posting the Permit. Issued permits shall be kept on the premises designated therein at all times and shall be readily available for inspection by the code official.

Comment: A COPY OF BUSINESS LICENSE NEEDS TO BE EITHER POSTED OR AVAILABLE FOR VIEWING IN BUILDING. A COPY OF CERTIFICATE OF OCCUPANCY IS ALSO REQUIRED.

2012 IFC CH 07

DOOR OPERATIONS	7/6/2018
------------------------	-----------------

Comment: FRONT ENTRY DOOR TO BUILDING NEEDS TO BE SERVICED. IT WILL NOT CLOSE PROPERLY.

{IFC 2012 International Code set}
 703.2.3 - 703.2.3 Door operation.: Swinging fire doors shall close from the full-open position and latch automatically. The door closer shall exert enough force to close and latch the door from any partially open position.

2012 IFC CH 09

MAINTENANCE INSPECTION AND TESTING	7/6/2018
---	-----------------

Comment: SMOKE DETECTORS THROUGHOUT BUILDING IN EACH UNIT NEED TO BE SERVICED

{IFC 2012 International Code set}
 907.8.5 - 907.8.5 Maintenance, inspection and testing.: The building owner shall be responsible to maintain the fire and life safety systems in an operable condition at all times. Service personnel shall meet the qualification requirements of NFPA 72 for maintaining, inspecting and testing such systems. A written record shall be maintained and shall be made available to the fire code official.

2012 IFC CH 07

MAINTENANCE	7/6/2018
--------------------	-----------------

Comment: BREACH IN WALL AROUND ELECTRICAL PANEL NEED TO BE SEALED.

EACH UNIT THAT WAS INSPECTED HAD HOLES IN BATHROOM CEILING AND WALLS THAT COULD CONTRIBUTE TO FIRE SPREAD. THESE WALL BREACHES NEED TO BE SEALED.

C1-Complaint (General Public) Assigned To PENNINGTON, James on 7/6/2018

Start Date: 7/5/2018 12:00:00AM
Business Name: Bennington Apartments
Address: 4569 Benning RD SE
City/State/Zip: Washington, DC 20019

Finish Date: 7/5/2018 12:00:00AM
Occupancy ID: FP-100-437
Station No.:
Business Phone:

<u>Violations</u>	<u>Date Found</u>	<u>Date Cleared</u>	<u>Standard/Reference</u>
<p>{IFC 2012 International Code set} 703.1 - 703.1 Maintenance.: The required fire-resistance rating of fire-resistance-rated construction (including walls, firestops, shaft enclosures, partitions, smoke barriers, floors, fire-resistive coatings and sprayed fire-resistant materials applied to structural members and fire-resistant joint systems) shall be maintained. Such elements shall be visually inspected by the owner annually and properly repaired, restored or replaced when damaged, altered, breached or penetrated. Where concealed, such elements shall not be required to be visually inspected by the owner unless the concealed space is accessible by the removal or movement of a panel, access door, ceiling tile or similar movable entry to the space. Openings made therein for the passage of pipes, electrical conduit, wires, ducts, air transfer openings and holes made for any reason shall be protected with approved methods capable of resisting the passage of smoke and fire. Openings through fire-resistance-rated assemblies shall be protected by self- or automatic-closing doors of approved construction meeting the fire protection requirements for the assembly.</p> <p>2012 IFC CH 06 WORKING SPACE CLEARANCE</p>	<p>7/6/2018</p>		
<p>Comment: STORAGE AROUND ELECTRICAL METERS IN HALLWAY NEEDS TO BE CLEARED.</p> <p>{IFC 2012 International Code set} 605.3 - 605.3 Working space and clearance.: A working space of not less than 30 inches (762 mm) in width, 36 inches (914 mm) in depth and 78 inches (1981 mm) in height shall be provided in front of electrical service equipment. Where the electrical service equipment is wider than 30 inches (762 mm), the working space shall not be less than the width of the equipment. No storage of any materials shall be located within the designated working space. Exceptions: 1. Where other dimensions are required or allowed by NFPA 70. 2. Access openings into attics or under-floor areas which provide a minimum clear opening of 22 inches (559 mm) by 30 inches (762 mm).</p> <p>2012 IFC CH 03 MEANS OF EGRESS</p>			
<p>Comment: IMPROPER STORAGE IN HALLWAY NEEDS TO BE CLEARED ON GROUND LEVEL AND 2ND FLOOR.</p> <p>{IFC 2012 International Code set} 315.3.2 - 315.3.2 Means of egress.: Combustible materials shall not be stored in exits or enclosures for stairways and ramps.</p> <p>OTHER-FCV OTHER FIRE CODE VIOLATION</p>	<p>7/6/2018</p>		
<p>Comment: .PULL STATION PLACARDS MISSING IN HALLWAY PULL STATIONS, MUST BE REPLACED</p> <p>{IFC 2012 International Code set} 907.4.2.4 - 907.4.2.4 Signs.: Where fire alarm systems are not monitored by a supervising station, an approved permanent sign shall be installed adjacent to each manual fire alarm box that reads: WHEN ALARM SOUNDS—CALL FIRE DEPARTMENT. Exception: Where the manufacturer has permanently provided this information on the manual fire alarm box.</p>			

C1-Complaint (General Public) Assigned To PENNINGTON, James on 7/6/2018

Start Date: 7/5/2018 12:00:00AM
Business Name: Bennington Apartments
Address: 4569 Benning RD SE
City/State/Zip: Washington, DC 20019

Finish Date: 7/5/2018 12:00:00AM
Occupancy ID: FP-100-437
Station No.:
Business Phone:

E24A51285C890

**PENALTIES-SECTION 112
FAILURE TO COMPLY WITH THE
DISTRICT OF COLUMBIA FIRE CODE**

F-112.3 Penalty for Violations: Any person, firm or corporation violating any of the provisions of this code or failing to comply with any order issued pursuant to any section thereof, upon conviction thereof shall be punished by a fine of not more than three hundred dollars (\$300) or imprisonment for not more than ninety (90) days, or both. Each day that a violation continues, after a service of notice as provided in this code, shall be deemed a separate offense.

F-112.4 Civil Infractions: Civil fines, penalties, and fees may be imposed as alternative sanctions for any infraction of the provisions of this code, or any rules or regulations issued under authority of this code or pursuant to Title I-III of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985, D.C. Law 6-42, D.C. Code sec.6-2700 et seq.

(NOTICE)

Notwithstanding the existence of the above penalties, any violation or attempted violation of this code may be restrained, corrected or abated, as the case may be, by injunction or other appropriate proceeding.

SECTION 113 APPEALS

DCMR 12H F-113.1 Right of Appeal. Any person directly affected by a notice or order issued under this *Fire Prevention Code* shall have the right to appeal to the Office of Administrative Hearings, pursuant to the Office of Administrative Hearings Act, effective March 6, 2002 (D.C. Law 14-76; D.C. Official Code §2-1831.01 *et seq.* and regulations promulgated thereunder. The appeal shall be filed within ten (10) days of the date of service of the notice or order. An appeal shall be based on a claim that the true intent of this code has been incorrectly interpreted, the provisions of the code do not fully apply, or the requirements of this code are adequately satisfied by other means. Appeals of notices (other than notices pursuant to Section F-110H (Unsafe Conditions) or section F-111H (Emergency Measures) shall stay the enforcement of the notice until the appeal is heard by the Office of Administrative Hearings.

Failure to remedy said violations will subject you to the penalties as prescribed by Section 112.2 and F-112.3 of the International Fire Code (2006) as amended by the D.C. Fire Prevention code Supplement (2008) (DCMR 12H) shall constitute the D.C. Fire Prevention Code (2008). If you do not understand any part of this notice, please contact this office at (202) 727-1600

C1-Complaint (General Public) Assigned To PENNINGTON, James on 7/6/2018

Start Date: 7/5/2018 12:00:00AM
Business Name: Bennington Apartments
Address: 4569 Benning RD SE
City/State/Zip: Washington, DC 20019

Finish Date: 7/5/2018 12:00:00AM
Occupancy ID: FP-100-437
Station No.:
Business Phone:

Signature

Recipient:

NO SIGNATURE

Mehrdad Valibeigi

Inspector



James Pennington

(202) 727-1600 (office)

(202) 727-3238 (fax)

www.fems.dc.gov

"Fire Sprinklers and Smoke Alarms Save Lives"



District of Columbia Fire & EMS Department
 Fire Prevention Division
 1100 4th Street SW, Suite: E-700
 Washington, D.C. 20024-4451



C1-Complaint (General Public) Assigned To PENNINGTON, James on 7/6/2018

Start Date: 7/5/2018 12:00:00AM **Finish Date:** 7/5/2018 12:00:00AM
Business Name: Bennington Apartments **Occupancy ID:** FP-100-438
Address: 4480 C ST SE **Station No.:**
City/State/Zip: Washington, DC 20019 **Business Phone:**

<u>Complex Info</u>	<u>Main Floor</u>	<u>Stories</u>	<u>Estimated Values</u>
Commercial Units: 0	Length: 0	Above Grade: 0	Property: \$0.00
Residential Units: 12	Width: 0	Below Grade: 0	Content: \$0.00
Complex Type: 4	Area: 0	Upper Construction: -	
Complex:	Construction: -		

An authorized representative of the Fire Chief of the District of Columbia Fire and EMS Department has observed the following violation(s) of the District of Columbia Fire Prevention Code at your premises.

ALL VIOLATIONS MUST BE ABATED IMMEDIATELY

<u>Violations</u>	<u>Date Found</u>	<u>Date Cleared</u>	<u>Standard/Reference</u>
-------------------	-------------------	---------------------	---------------------------

OTHER-FCV

OTHER FIRE CODE VIOLATION 7/6/2018

Comment: ALL BARS AND GRILLS ON THE GROUND FLOOR COVERING BEDROOM WINDOWS MUST BE ABLE TO RELEASE IN CASE OF EMERGENCY EGRESS. THIS MUST BE DONE IMMEDIATELY.
 {IFC 2012 International Code set}
 [B] 1029.4 - [B] 1029.4 Operational constraints.: Emergency escape and rescue openings shall be operational from the inside of the room without the use of keys or tools. Bars, grilles, grates or similar devices are permitted to be placed over emergency escape and rescue openings provided the minimum net clear opening size complies with Section 1029.2 and such devices shall be releasable or removable from the inside without the use of a key, tool or force greater than that which is required for normal operation of the escape and rescue opening. Where such bars, grilles, grates or similar devices are installed in existing buildings, smoke alarms shall be installed in accordance with Section 907.2.11 regardless of the valuation of the alteration.

2012 IFC CH 09

INSPECTION TESTING AND MAINTENANCE 7/6/2018

Comment: FIRE ALARM SYSTEM FOR THIS BUILDING IS NOT IN SERVICE. THE ALARM SYSTEM MUST BE SERVICED AND MAINTAINED. THIS MUST BE TAKEN CARE OF IMMEDIATELY
 {IFC 2012 International Code set}
 901.6 - 901.6 Inspection, testing and maintenance.: Fire detection, alarm, and extinguishing systems, mechanical smoke exhaust systems, and smoke and heat vents shall be maintained in an operative condition at all times, and shall be replaced or repaired where defective. Nonrequired fire protection systems and equipment shall be inspected, tested and maintained or removed.

2012 IFC CH 07

MAINTENANCE 7/6/2018

Comment: BREACH IN WALL AROUND ELECTRICAL METERS NEED TO BE SEALED.

EACH UNIT THAT WAS INSPECTED HAD HOLES IN BATHROOM CEILING AND WALLS THAT COULD CONTRIBUTE TO FIRE SPREAD. THESE WALLS NEED TO BE SEALED.

C1-Complaint (General Public) Assigned To PENNINGTON, James on 7/6/2018

Start Date: 7/5/2018 12:00:00AM
Business Name: Bennington Apartments
Address: 4480 C ST SE
City/State/Zip: Washington, DC 20019

Finish Date: 7/5/2018 12:00:00AM
Occupancy ID: FP-100-438
Station No.:
Business Phone:

<u>Violations</u>	<u>Date Found</u>	<u>Date Cleared</u>	<u>Standard/Reference</u>
<p>{IFC 2012 International Code set}</p> <p>703.1 - 703.1 Maintenance.: The required fire-resistance rating of fire-resistance-rated construction (including walls, firestops, shaft enclosures, partitions, smoke barriers, floors, fire-resistive coatings and sprayed fire-resistant materials applied to structural members and fire-resistant joint systems) shall be maintained. Such elements shall be visually inspected by the owner annually and properly repaired, restored or replaced when damaged, altered, breached or penetrated. Where concealed, such elements shall not be required to be visually inspected by the owner unless the concealed space is accessible by the removal or movement of a panel, access door, ceiling tile or similar movable entry to the space. Openings made therein for the passage of pipes, electrical conduit, wires, ducts, air transfer openings and holes made for any reason shall be protected with approved methods capable of resisting the passage of smoke and fire. Openings through fire-resistance-rated assemblies shall be protected by self- or automatic-closing doors of approved construction meeting the fire protection requirements for the assembly.</p> <p>2012 IFC CH 03</p> <p>MEANS OF EGRESS</p> <p>7/6/2018</p> <p>Comment: IMPROPER STORAGE IN HALLWAY NEEDS TO BE CLEARED.</p> <p>{IFC 2012 International Code set}</p> <p>315.3.2 - 315.3.2 Means of egress.: Combustible materials shall not be stored in exits or enclosures for stairways and ramps.</p> <p>OTHER-FCV</p> <p>OTHER FIRE CODE VIOLATION</p> <p>7/6/2018</p> <p>Comment: SMOKE DETECTORS ARE NEEDED IN EACH BEDROOM OF EACH UNIT IN BUILDING.</p> <p>{IFC 2012 International Code set}</p> <p>907.2.11.2 - 907.2.11.2 Groups R-2, R-3, R-4 and I-1.: Single or multiple-station smoke alarms shall be installed and maintained in Groups R-2, R-3, R-4 and I-1 regardless of occupant load at all of the following locations:</p> <ol style="list-style-type: none"> 1. On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms. 2. In each room used for sleeping purposes. <p>Exception: Single- or multiple-station smoke alarms in Group I-1 shall not be required where smoke detectors are provided in the sleeping rooms as part of an automatic smoke detection system.</p> <ol style="list-style-type: none"> 3. In each story within a dwelling unit, including basements but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level. <p>DCMR CH #01</p> <p>POSTING THE PERMIT</p> <p>7/6/2018</p> <p>[L] DCMR 12H 2013</p> <p>2013 DCMR 12H FIRE CODE SUPPLEMENT</p> <p>F-105.3.4 Posting the Permit. Issued permits shall be kept on the premises designated therein at all times and shall be readily available for inspection by the code official.</p> <p>Comment: A COPY OF BUSINESS LICENSE NEEDS TO BE EITHER POSTED OR AVAILABLE FOR VIEWING IN BUILDING. A COPY OF CERTIFICATE OF OCCUPANCY IS ALSO REQUIRED.</p> <p>OTHER-FCV</p> <p>OTHER FIRE CODE VIOLATION</p> <p>7/6/2018</p> <p>Comment: PULL STATION PLACARDS MISSING IN HALLWAY OVER PULL STATIONS . MUST BE REPLACED.</p> <p>{IFC 2012 International Code set}</p> <p>907.4.2.4 - 907.4.2.4 Signs.: Where fire alarm systems are not monitored by a supervising station, an approved permanent sign shall be installed adjacent to each manual fire alarm box that reads: WHEN ALARM SOUNDS—CALL FIRE DEPARTMENT.</p> <p>Exception: Where the manufacturer has permanently provided this information on the manual fire alarm box.</p>			

C1-Complaint (General Public) Assigned To PENNINGTON, James on 7/6/2018

Start Date: 7/5/2018 12:00:00AM
Business Name: Bennington Apartments
Address: 4480 C ST SE
City/State/Zip: Washington, DC 20019

Finish Date: 7/5/2018 12:00:00AM
Occupancy ID: FP-100-438
Station No.:
Business Phone:

<u>Violations</u>	<u>Date Found</u>	<u>Date Cleared</u>	<u>Standard/Reference</u>
-------------------	-------------------	---------------------	---------------------------

2012 IFC CH 09

GENERAL REQUIREMENTS

7/6/2018

Comment: FIRE EXTINGUISHERS MISSING IN HALLWAY AREA. ALL FIRE EXTINGUISHERS NEED TO BE SERVICED AND HAVE PROPER TAGS TO SHOW SERVICE HAS BEEN DONE
{IFC 2012 International Code set}
906.2 - 906.2 General requirements.: Portable fire extinguishers shall be selected, installed and maintained in accordance with this section and NFPA 10.
Exceptions:
1. The travel distance to reach an extinguisher shall not apply to the spectator seating portions of Group A -5 occupancies.
2. Thirty-day inspections shall not be required and maintenance shall be allowed to be once every three years for dry-chemical or halogenated agent portable fire extinguishers that are supervised by a listed and approved electronic monitoring device, provided that all of the following conditions are met:
2.1. Electronic monitoring shall confirm that extinguishers are properly positioned, properly charged and unobstructed.
2.2. Loss of power or circuit continuity to the electronic monitoring device shall initiate a trouble signal.
2.3. The extinguishers shall be installed inside of a building or cabinet in a noncorrosive environment.
2.4. Electronic monitoring devices and supervisory circuits shall be tested every three years when extinguisher maintenance is performed.
2.5. A written log of required hydrostatic test dates for extinguishers shall be maintained by the owner to verify that hydrostatic tests are conducted at the frequency required by NFPA 10.
3. In Group I-3, portable fire extinguishers shall be permitted to be located at staff locations .

MAINTENANCE INSPECTION AND TESTING

7/6/2018

Comment: SMOKE DETECTORS THROUGHOUT BUILDING IN EACH UNIT NEED TO BE SERVICED.
{IFC 2012 International Code set}
907.8.5 - 907.8.5 Maintenance, inspection and testing.: The building owner shall be responsible to maintain the fire and life safety systems in an operable condition at all times. Service personnel shall meet the qualification requirements of NFPA 72 for maintaining, inspecting and testing such systems. A written record shall be maintained and shall be made available to the fire code official.

2012 IFC CH 06

ABATEMENT OF ELECTRICAL HAZARDS

7/6/2018

Comment: APT #301 HAS MISSING OUTLET COVER IN LIVING ROOM AREA. THIS NEEDS TO BE REPLACED.
{IFC 2012 International Code set}
605.1 - 605.1 Abatement of electrical hazards.: Identified electrical hazards shall be abated. Identified hazardous electrical conditions in permanent wiring shall be brought to the attention of the responsible code official . Electrical wiring, devices, appliances and other equipment that is modified or damaged and constitutes an electrical shock or fire hazard shall not be used.

WORKING SPACE CLEARANCE

7/6/2018

Comment: STORAGE AROUND ELECTRICAL METERS IN HALLWAY NEED TO BE CLEARED.

C1-Complaint (General Public) Assigned To PENNINGTON, James on 7/6/2018

Start Date: 7/5/2018 12:00:00AM
Business Name: Bennington Apartments
Address: 4480 C ST SE
City/State/Zip: Washington, DC 20019

Finish Date: 7/5/2018 12:00:00AM
Occupancy ID: FP-100-438
Station No.:
Business Phone:

{IFC 2012 International Code set}

605.3 - 605.3 Working space and clearance.: A working space of not less than 30 inches (762 mm) in width, 36 inches (914 mm) in depth and 78 inches (1981 mm) in height shall be provided in front of electrical service equipment. Where the electrical service equipment is wider than 30 inches (762 mm), the working space shall not be less than the width of the equipment. No storage of any materials shall be located within the designated working space.

Exceptions:

1. Where other dimensions are required or allowed by NFPA 70.
2. Access openings into attics or under-floor areas which provide a minimum clear opening of 22 inches (559 mm) by 30 inches (762 mm).

EB858899FD902

**PENALTIES-SECTION 112
FAILURE TO COMPLY WITH THE
DISTRICT OF COLUMBIA FIRE CODE**

F-112.3 Penalty for Violations: Any person, firm or corporation violating any of the provisions of this code or failing to comply with any order issued pursuant to any section thereof, upon conviction thereof shall be punished by a fine of not more than three hundred dollars (\$300) or imprisonment for not more than ninety (90) days, or both. Each day that a violation continues, after a service of notice as provided in this code, shall be deemed a separate offense.

F-112.4 Civil Infractions: Civil fines, penalties, and fees may be imposed as alternative sanctions for any infraction of the provisions of this code, or any rules or regulations issued under authority of this code or pursuant to Title I-III of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985, D.C. Law 6-42, D.C. Code sec.6-2700 et seq.

(NOTICE)

Notwithstanding the existence of the above penalties, any violation or attempted violation of this code may be restrained, corrected or abated, as the case may be, by injunction or other appropriate proceeding.

SECTION 113 APPEALS

DCMR 12H F-113.1 Right of Appeal. Any person directly affected by a notice or order issued under this *Fire Prevention Code* shall have the right to appeal to the Office of Administrative Hearings, pursuant to the Office of Administrative Hearings Act, effective March 6, 2002 (D.C. Law 14-76; D.C. Official Code §2-1831.01 *et seq.* and regulations promulgated thereunder. The appeal shall be filed within ten (10) days of the date of service of the notice or order. An appeal shall be based on a claim that the true intent of this code has been incorrectly interpreted, the provisions of the code do not fully apply, or the requirements of this code are adequately satisfied by other means. Appeals of notices (other than notices pursuant to Section F-110H (Unsafe Conditions) or section F-111H (Emergency Measures) shall stay the enforcement of the notice until the appeal is heard by the Office of Administrative Hearings.

Failure to remedy said violations will subject you to the penalties as prescribed by Section 112.2 and F-112.3 of the International Fire Code (2006) as amended by the D.C. Fire Prevention code Supplement (2008) (DCMR 12H) shall constitute the D.C. Fire Prevention Code (2008). If you do not understand any part of this notice, please contact this office at **(202) 727-1600**

C1-Complaint (General Public) Assigned To PENNINGTON, James on 7/6/2018

Start Date: 7/5/2018 12:00:00AM
Business Name: Bennington Apartments
Address: 4480 C ST SE
City/State/Zip: Washington, DC 20019

Finish Date: 7/5/2018 12:00:00AM
Occupancy ID: FP-100-438
Station No.:
Business Phone:

Signature

Recipient:

NO SIGNATURE

Mehrdad Valibeigi

Inspector



James Pennington

(202) 727-1600 (office)

(202) 727-3238 (fax)

www.fems.dc.gov

"Fire Sprinklers and Smoke Alarms Save Lives"

NOTICE OF INFRACTION

Notice No.

W302197

7/25/18

Date of Service

Issuing Agency: DOH DMH DCRA

DDOE FEMS Other

2018 JUL 26 AM 11: 54

4480 C ST. SE
Location of Infraction: Type of Location: Vacant Lot Construction Site Occupied Other

BENNINGTON CORPORATION
Business/Company Name Charge as Respondent (circle): YES NO Telephone Number
VALI BEIGI, MEHRDAD 703-909-2091

Individual Name (Last, First, Middle) Charge as Respondent (circle): YES NO Telephone Number
12577 ROYAL WOLF PLACE

Mailing/Email Address
FAIRFAX VA 22030
City State Zip Code

Business License/Permit Type Business License/Permit No. 50002605

You are charged with violating the District of Columbia laws or regulations stated below. You MUST answer the charge(s) within 15 calendar days of the date of service noted above (20 calendar days if you received this by mail). You must indicate below each infraction whether you ADMIT, ADMIT WITH EXPLANATION or DENY. Instructions on back.

If you DENY one or more of the infractions, you must appear for a hearing. You will receive a separate order from the Office of Administrative Hearings advising you where and when to appear for your hearing.

D.C. Official Code AND/OR D.C. Municipal Regulation Citation 12 H DCMR 109.2.4 (2013)	Fine for Infraction \$ 2000.00
--	-----------------------------------

Nature of Infraction FAILURE TO COMPLY WITH NOTICE OF VIOLATION ISSUED BY OFFICER
Date of Infraction 7/20/18 Time of Infraction 1230 PM Previous Infractions Committed 1 2 3 4

ANSWER: ADMIT (Pay Fine) DENY (Appear for a Hearing) ADMIT WITH EXPLANATION (Hearing by Mail)

Signature _____

D.C. Official Code AND/OR D.C. Municipal Regulation Citation 12 H DCMR 110.5 (2013)	Fine for Infraction \$ 2000.00
--	-----------------------------------

Nature of Infraction FAILURE TO MAINTAIN FIRE PROTECTION EQUIPMENT
Date of Infraction 7/20/18 Time of Infraction 1230 PM Previous Infractions Committed 1 2 3 4

ANSWER: ADMIT (Pay Fine) DENY (Appear for a Hearing) ADMIT WITH EXPLANATION (Hearing by Mail)

Signature _____

Total Fines and Penalties \$ 4000.00

WARNING: If you fail to answer each charge on this Notice within 15 calendar days of the date of service (20 calendar days if you received this by mail), you will be subject to a penalty equal to twice the amount of the fine, in addition to the fine itself, and to the entry of a default order without additional notice. You also may be subject to other penalties and actions allowed by law including suspension or non-renewal of your license or permit, the sealing of your business, a lien being placed on your property, and attachment of your equipment. For information, call (202) 442-9094.

I personally declare under penalty of perjury that I observed and/or determined that the infraction(s) charged have been committed.

I further certify under penalty of perjury that (CHECK ONE):

- the Respondent is not in the military service of the United States.
- the Respondent is in the military service of the United States.
- I am unable to determine whether the Respondent is in the military service of the United States.

Inspector's/Investigator's Signature JAMES BENNINGTON Print Name 7/25/18 Date FMS8 Badge/Identification Number

I sign my name below to acknowledge receipt of this Notice and not as an admission of guilt or liability to the charge.

Respondent's Signature _____ Print Name _____ Date _____ Te _____

OAH (WHITE) RESPONDENT (YELLOW) INSPECTOR (PINK) ENFORC

PLAINTIFF'S EXHIBIT 13
D.C. v. THE BENNINGTON CORPORATION, et al.

**DISTRICT OF COLUMBIA
CONSTRUCTION CODES SUPPLEMENT OF 2013
12 DCMR H FIRE CODE SUPPLEMENT**

The District of Columbia has adopted the 2012 edition of the *International Fire Code* (IFC), as amended by this Supplement.

IFC CHAPTERS AMENDED BY THIS SUPPLEMENT:

CHAPTER 1	ADMINISTRATION AND ENFORCEMENT
CHAPTER 2	DEFINITIONS
CHAPTER 3	GENERAL REQUIREMENTS
CHAPTER 5	FIRE SERVICE FEATURES
CHAPTER 6	BUILDING SERVICES AND SYSTEMS
CHAPTER 9	FIRE PROTECTION SYSTEMS
CHAPTER 10	MEANS OF EGRESS
CHAPTER 11	CONSTRUCTION REQUIREMENTS FOR EXISTING BUILDINGS
CHAPTER 56	EXPLOSIVES AND FIREWORKS
CHAPTER 61	LIQUEFIED PETROLEUM GASES
APPENDIX B	FIRE-FLOW REQUIREMENTS FOR BUILDINGS
APPENDIX C	FIRE HYDRANT LOCATIONS AND DISTRIBUTION
APPENDIX D	FIRE APPARATUS ACCESS ROADS
APPENDIX H	HAZARDOUS MATERIALS MANAGEMENT PLAN (HMMP) AND HAZARDOUS MATERIALS INVENTORY STATEMENT (HMIS) INSTRUCTIONS

The *District of Columbia Fire Code* (2013), referred to as the "Fire Code," consists of the 2012 edition of the *International Fire Code* (*International Fire Code*), published by the International Code Council (ICC), as amended by the *District of Columbia Fire Code Supplement* (2013) (12 DCMR H). The *International Fire Code* is copyrighted by the ICC and therefore is not republished here. However, a copy of the text may be obtained at: <http://publicecodes.cyberregs.com/icod/ifc/2012/index.htm?bu=IC-P-2012-000003&bu2=IC-P-2012-000019>.



Sign in Sign up

D.C. Municipal Regulations (Last Updated: June 21, 2017)
Title 16. CONSUMERS, COMMERCIAL PRACTICES, AND CIVIL INFRACTIONS
Chapter 16-34. FIRE AND EMERGENCY MEDICAL SERVICES (EMS) DEPARTMENT INFRACTIONS

Section 16-3401. FIRE PREVENTION CODE INFRACTIONS

Latest version.

Updated Version

The following abbreviations apply to this section:

IFC §- International Fire Code (2012 edition)

NFPA- National Fire Protection Association

3401.1 **Violation of any of the following provisions shall be a Class 1 infraction:**

(a) 12-H DCMR § 102.3.1 (change in occupancy that will subject the structure to special provisions of the Fire Code or Building Code without the approval of the code official);

(b) 12-H DCMR § 105.1.1 (failure to obtain and maintain required permits on the premises, including operational or installation permits as described by 12-H DCMR §§ 105.1.2 and 105.6);

(c) 12-H DCMR § 104.11.6.2 (obstructing operations of the Fire Department in connection with extinguishment or control of any fire, or action relating to other emergencies);

110.1.2
(d) 12-H DCMR § ~~100.2.5~~ (failure to remedy dangerous condition or remove hazardous materials);

(e) 12-H DCMR § 110.1 (failure to remedy hazardous conditions liable to cause or contribute to the spread of fire in, or on, the premises, building or structure, or endangering life or property);

5003.2.6
(f) IFC § ~~5003.2.4~~ (failure to remedy hazardous conditions arising from defective or improperly installed equipment for handling or using combustible, explosive or otherwise hazardous materials);

(g) 12-H DCMR § 110.5 (failure to maintain, on a structure, premises, or lot, the fire protection equipment, systems or devices, means of egress or safeguards required by the Fire Code);



- (h) 12-H DCMR § 110.1.1 (failure to remedy unsafe conditions in an existing structure or vacant structure, or a deficiency in a means of egress);
- (i) 12-H DCMR § 110.2 (refusal to leave, or interference with the evacuation of other occupants or continuance of any operation after receiving an evacuation order);
- (j) 12-H DCMR § 109.2.4 (failure to comply with a notice of violation issued by the code official);
- (k) IFC § 311.2.1 (failure to secure exterior and interior openings of vacant premises);
- (l) IFC § 603.4 (failure to prohibit the use of portable unvented heaters or fuel fired heating equipment in use groups A, E, I, R-1, R-2, R-3 and R-4);
- (m) IFC § 604.1 (failure to maintain and inspect emergency and standby systems in accordance with the Fire Code, NFPA110 and NFPA111);
- (n) IFC § 904.1 (failure to inspect, test and maintain automatic fire-extinguishing systems (except sprinkler systems) in accordance with the Fire Code and the applicable referenced standards);
- (o) IFC § 1004.3 (failure to post occupant load);
- (p) 12-H DCMR § 107.5 (permitting overcrowding or admitting persons beyond the established occupant load); or
- (q) 12-H DCMR § 5609.1.1.1 (engaging in the manufacturing, possession, storage or display, sale, setting off, or discharge of prohibited fireworks).

3401.2 Violations of any of the following provisions shall be a Class 2 infraction:

- (a) 12-H DCMR § 308.1.4 (operating charcoal burners and other open-flame cooking devices on a balcony or within ten (10) feet of combustible construction);
- (b) IFC § 308.2 (failure to obtain a permit for open flame use in an educational or assembly occupancy);
- (c) IFC § 404.2 (failure to prepare and maintain a fire safety and evacuation plan in accordance with this section);
- (d) IFC § 405.5 (failure to maintain emergency evacuation drill records);



(a) For Class 1 infractions, the fines are as follows:

- (1) For the first offense.....\$ 2,000;
- (2) For the second offense.....\$ 4,000;
- (3) For the third offense..... \$ 8,000;
- (4) For the fourth and subsequent offenses.....\$16,000;

(b) For Class 2 infractions, the fines are as follows:

- (1) For the first offense.....\$ 1,000;
- (2) For the second offense.....\$ 2,000;
- (3) For the third offense.....\$ 4,000;
- (4) For the fourth and subsequent offenses.....\$ 8,000;

(c) For Class 3 infractions, the fines are as follows:

- (1) For the first offense.....\$ 500;
- (2) For the second offense.....\$ 1,000;
- (3) For the third offense..... \$ 2,000;
- (4) For the fourth and subsequent offenses.....\$ 4,000;

(d) For Class 4 infractions, the fines are as follows:

- (1) For the first offense.....\$ 100;
- (2) For the second offense.....\$ 200;
- (3) For the third offense..... \$ 400;
- (4) For the fourth and subsequent offenses.....\$ 800;

(e) For Class 5 infractions, the fines are as follows:

- (1) For the first offense.....\$ 50;

7012 2012 1640 0002 3100 6164

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com.

OFFICIAL USE

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

Postmark
Here

Sent To
MEH RDAD VALIBELGI

Street, Apt. No.,
or PO Box No. **12577 ROYAL WOLF PLACE**

City, State, ZIP+4
FAIRFAX, VA 22030



District of Columbia Fire & EMS Department
 Fire Prevention Division
 1100 4th Street SW, Suite: E-700
 Washington, D.C. 20024-4451



C1-Complaint (General Public) Assigned To PENNINGTON, James on 7/6/2018

Start Date:
Business Name: Bennington Apartments
Address: 4559 Benning RD SE
City/State/Zip: Washington, DC 20019

Finish Date:
Occupancy ID: FP-100-433
Station No.:
Business Phone:

<u>Complex Info</u>	<u>Main Floor</u>	<u>Stories</u>	<u>Estimated Values</u>
Commercial Units: 0	Length: 0	Above Grade: 0	Property: \$0.00
Residential Units: 12	Width: 0	Below Grade: 0	Content: \$0.00
Complex Type: 4	Area: 0	Upper Construction: -	
Complex:	Construction: -		

An authorized representative of the Fire Chief of the District of Columbia Fire and EMS Department has observed the following violation(s) of the District of Columbia Fire Prevention Code at your premises.

ALL VIOLATIONS MUST BE ABATED IMMEDIATELY

<u>Violations</u>	<u>Date Found</u>	<u>Date Cleared</u>	<u>Standard/Reference</u>
-------------------	-------------------	---------------------	---------------------------

OTHER-FCV

OTHER FIRE CODE VIOLATION

7/6/2018

Comment: SMOKE DETECTORS ARE NEEDED IN EACH BEDROOM OF EACH UNIT IN BUILDING.

{IFC 2012 International Code set}

907.2.11.2 - 907.2.11.2 Groups R-2, R-3, R-4 and I-1.: Single or multiple-station smoke alarms shall be installed and maintained in Groups R-2, R-3, R-4 and I-1 regardless of occupant load at all of the following locations:

1. On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms.
2. In each room used for sleeping purposes.

Exception: Single- or multiple-station smoke alarms in Group I-1 shall not be required where smoke detectors are provided in the sleeping rooms as part of an automatic smoke detection system.

3. In each story within a dwelling unit, including basements but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.

2012 IFC CH 09

MAINTENANCE INSPECTION AND TESTING

7/6/2018

Comment: SMOKE DETECTORS THROUGHOUT BUILDING IN EACH UNIT NEED TO BE SERVICED.

{IFC 2012 International Code set}

907.8.5 - 907.8.5 Maintenance, inspection and testing.: The building owner shall be responsible to maintain the fire and life safety systems in an operable condition at all times. Service personnel shall meet the qualification requirements of NFPA 72 for maintaining, inspecting and testing such systems. A written record shall be maintained and shall be made available to the fire code official.

DCMR CH #01

POSTING THE PERMIT

7/6/2018

[L] DCMR 12H 2013

2013 DCMR 12H FIRE CODE SUPPLEMENT

F-105.3.4 Posting the Permit. Issued permits shall be kept on the premises designated therein at all times and shall be readily available for inspection by the code official.

Comment: A COPY OF BUSINESS LICENSE NEEDS TO BE EITHER POSTED OR AVAILABLE FOR VIEWING IN BUILDING. A COPY OF CERTIFICATE OF OCCUPANCY IS ALSO REQUIRED.

C1-Complaint (General Public) Assigned To PENNINGTON, James on 7/6/2018

Start Date:
Business Name: Bennington Apartments
Address: 4559 Benning RD SE
City/State/Zip: Washington, DC 20019

Finish Date:
Occupancy ID: FP-100-433
Station No.:
Business Phone:

<u>Violations</u>	<u>Date Found</u>	<u>Date Cleared</u>	<u>Standard/Reference</u>
-------------------	-------------------	---------------------	---------------------------

2012 IFC CH 07 MAINTENANCE	7/6/2018		
-------------------------------	----------	--	--

Comment: .BREACHES IN WALLS AROUND ELECTRICAL PANEL NEEDS TO BE SEALED. BREACH UNDER STAIRWAY ON GROUND LEVEL NEEDS TO BE SEALED.

EACH UNIT THAT WAS INSPECTED, HAD HOLES IN BATHROOM CEILING AND WALLS THAT COULD CONTRIBUTE TO FIRE SPREAD. THESE WALL BREACHES NEED TO BE SEALED.

{IFC 2012 International Code set}

703.1 - 703.1 Maintenance.: The required fire-resistance rating of fire-resistance-rated construction (including walls, firestops, shaft enclosures, partitions, smoke barriers, floors, fire-resistive coatings and sprayed fire-resistant materials applied to structural members and fire-resistant joint systems) shall be maintained. Such elements shall be visually inspected by the owner annually and properly repaired, restored or replaced when damaged, altered, breached or penetrated. Where concealed, such elements shall not be required to be visually inspected by the owner unless the concealed space is accessible by the removal or movement of a panel, access door, ceiling tile or similar movable entry to the space. Openings made therein for the passage of pipes, electrical conduit, wires, ducts, air transfer openings and holes made for any reason shall be protected with approved methods capable of resisting the passage of smoke and fire. Openings through fire-resistance-rated assemblies shall be protected by self- or automatic-closing doors of approved construction meeting the fire protection requirements for the assembly.

2012 IFC CH 10 ILLUMINATION EMERGENCY POWER	7/6/2018		
--	----------	--	--

Comment: EMERGENCY LIGHTS NOT WORKING PROPERLY IN HALLWAY AREA. NEED TO BE SERVICED.

{IFC 2012 International Code set}

[B] 1006.3 - [B] 1006.3 Emergency power for illumination.: The power supply for means of egress illumination shall normally be provided by the premises' electrical supply.

In the event of power supply failure, an emergency electrical system shall automatically illuminate all of the following areas:

1. Aisles and unenclosed egress stairways in rooms and spaces that require two or more means of egress.
2. Corridors, interior exit stairways and ramps and exit passageways in buildings required to have two or more exits.
3. Exterior egress components at other than their levels of exit discharge until exit discharge is accomplished for buildings required to have two or more exits.
4. Interior exit discharge elements, as permitted in Section 1027.1, in buildings required to have two or more exits.
5. Exterior landings as required by Section 1008.1.6 for exit discharge doorways in buildings required to have two or more exits.

The emergency power system shall provide power for a duration of not less than 90 minutes and shall consist of storage batteries, unit equipment or an on-site generator. The installation of the emergency power system shall be in accordance with Section 604.

2012 IFC CH 03 MEANS OF EGRESS	7/6/2018		
-----------------------------------	----------	--	--

Comment: IMPROPER STORAGE IN HALLWAY NEEDS TO BE CLEARED.

{IFC 2012 International Code set}

315.3.2 - 315.3.2 Means of egress.: Combustible materials shall not be stored in exits or enclosures for stairways and ramps.

OTHER-FCV OTHER FIRE CODE VIOLATION	7/6/2018		
--	----------	--	--

Comment: PULL STATION PLACARDS MISSING IN HALLWAY ABOVE PULL STATIONS. MUST BE REPLACED.

C1-Complaint (General Public) Assigned To PENNINGTON, James on 7/6/2018

Start Date:
Business Name: Bennington Apartments
Address: 4559 Benning RD SE
City/State/Zip: Washington, DC 20019

Finish Date:
Occupancy ID: FP-100-433
Station No.:
Business Phone:

{IFC 2012 International Code set}

906.2 - 906.2 General requirements.: Portable fire extinguishers shall be selected, installed and maintained in accordance with this section and NFPA 10.

Exceptions:

1. The travel distance to reach an extinguisher shall not apply to the spectator seating portions of Group A -5 occupancies.
2. Thirty-day inspections shall not be required and maintenance shall be allowed to be once every three years for dry-chemical or halogenated agent portable fire extinguishers that are supervised by a listed and approved electronic monitoring device, provided that all of the following conditions are met:
 - 2.1. Electronic monitoring shall confirm that extinguishers are properly positioned, properly charged and unobstructed.
 - 2.2. Loss of power or circuit continuity to the electronic monitoring device shall initiate a trouble signal.
 - 2.3. The extinguishers shall be installed inside of a building or cabinet in a noncorrosive environment.
 - 2.4. Electronic monitoring devices and supervisory circuits shall be tested every three years when extinguisher maintenance is performed.
 - 2.5. A written log of required hydrostatic test dates for extinguishers shall be maintained by the owner to verify that hydrostatic tests are conducted at the frequency required by NFPA 10.
3. In Group I-3, portable fire extinguishers shall be permitted to be located at staff locations .

FE21464BCE872

**PENALTIES-SECTION 112
FAILURE TO COMPLY WITH THE
DISTRICT OF COLUMBIA FIRE CODE**

F-112.3 Penalty for Violations: Any person, firm or corporation violating any of the provisions of this code or failing to comply with any order issued pursuant to any section thereof, upon conviction thereof shall be punished by a fine of not more than three hundred dollars (\$300) or imprisonment for not more than ninety (90) days, or both. Each day that a violation continues, after a service of notice as provided in this code, shall be deemed a separate offense.

F-112.4 Civil Infractions: Civil fines, penalties, and fees may be imposed as alternative sanctions for any infraction of the provisions of this code, or any rules or regulations issued under authority of this code or pursuant to Title I-III of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985, D.C. Law 6-42, D.C. Code sec.6-2700 et seq.

(NOTICE)

Notwithstanding the existence of the above penalties, any violation or attempted violation of this code may be restrained, corrected or abated, as the case may be, by injunction or other appropriate proceeding.

SECTION 113 APPEALS

DCMR 12H F-113.1 Right of Appeal. Any person directly affected by a notice or order issued under this *Fire Prevention Code* shall have the right to appeal to the Office of Administrative Hearings, pursuant to the Office of Administrative Hearings Act, effective March 6, 2002 (D.C. Law 14-76; D.C. Official Code §2-1831.01 *et seq.* and regulations promulgated thereunder. The appeal shall be filed within ten (10) days of the date of service of the notice or order. An appeal shall be based on a claim that the true intent of this code has been incorrectly interpreted, the provisions of the code do not fully apply, or the requirements of this code are adequately satisfied by other means. Appeals of notices (other than notices pursuant to Section F-110H (Unsafe Conditions) or section F-111H (Emergency Measures) shall stay the enforcement of the notice until the appeal is heard by the Office of Administrative Hearings.

Failure to remedy said violations will subject you to the penalties as prescribed by Section 112.2 and F-112.3 of the International Fire Code (2006) as amended by the D.C. Fire Prevention code Supplement (2008) (DCMR 12H) shall constitute the D.C. Fire Prevention Code (2008). If you do not understand any part of this notice, please contact this office at (202) 727-1600

C1-Complaint (General Public) Assigned To PENNINGTON, James on 7/6/2018

Start Date:
Business Name: Bennington Apartments
Address: 4559 Benning RD SE
City/State/Zip: Washington, DC 20019

Finish Date:
Occupancy ID: FP-100-433
Station No.:
Business Phone:

Signature

Recipient:

NO SIGNATURE

Mehrdad Valibeigi

Inspector



James Pennington

(202) 727-1600 (office)

(202) 727-3238 (fax)

www.fems.dc.gov

"Fire Sprinklers and Smoke Alarms Save Lives"



District of Columbia Fire & EMS Department
 Fire Prevention Division
 1100 4th Street SW, Suite: E-700
 Washington, D.C. 20024-4451



C1-Complaint (General Public) Assigned To PENNINGTON, James on 7/6/2018

Start Date: 7/5/2018 12:00:00AM **Finish Date:** 7/5/2018 12:00:00AM
Business Name: Bennington Apartments **Occupancy ID:** FP-100-437
Address: 4569 Benning RD SE **Station No.:**
City/State/Zip: Washington, DC 20019 **Business Phone:**

<u>Complex Info</u>	<u>Main Floor</u>	<u>Stories</u>	<u>Estimated Values</u>
Commercial Units: 0	Length: 0	Above Grade: 0	Property: \$0.00
Residential Units: 11	Width: 0	Below Grade: 0	Content: \$0.00
Complex Type: 4	Area: 0	Upper Construction: -	
Complex:	Construction: -		

An authorized representative of the Fire Chief of the District of Columbia Fire and EMS Department has observed the following violation(s) of the District of Columbia Fire Prevention Code at your premises.

ALL VIOLATIONS MUST BE ABATED IMMEDIATELY

<u>Violations</u>	<u>Date Found</u>	<u>Date Cleared</u>	<u>Standard/Reference</u>
-------------------	-------------------	---------------------	---------------------------

OTHER-FCV

OTHER FIRE CODE VIOLATION 7/6/2018

Comment: SMOKE DETECTORS ARE NEEDED IN EACH BEDROOM OF EACH UNIT IN BUILDING.

{IFC 2012 International Code set}
 907.2.11.2 - 907.2.11.2 Groups R-2, R-3, R-4 and I-1.: Single or multiple-station smoke alarms shall be installed and maintained in Groups R-2, R-3, R-4 and I-1 regardless of occupant load at all of the following locations:
 1. On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms.
 2. In each room used for sleeping purposes.
 Exception: Single- or multiple-station smoke alarms in Group I-1 shall not be required where smoke detectors are provided in the sleeping rooms as part of an automatic smoke detection system.
 3. In each story within a dwelling unit, including basements but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.

OTHER FIRE CODE VIOLATION 7/6/2018

Comment: ALL BARS AND GRILLS ON THE GROUND FLOOR COVERING BEDROOM WINDOWS MUST BE ABLE TO RELEASE IN CASE OF EMERGENCY EGRESS. THIS MUST BE DONE IMMEDIATELY.

{IFC 2012 International Code set}
 [B] 1029.4 - [B] 1029.4 Operational constraints.: Emergency escape and rescue openings shall be operational from the inside of the room without the use of keys or tools. Bars, grilles, grates or similar devices are permitted to be placed over emergency escape and rescue openings provided the minimum net clear opening size complies with Section 1029.2 and such devices shall be releasable or removable from the inside without the use of a key, tool or force greater than that which is required for normal operation of the escape and rescue opening. Where such bars, grilles, grates or similar devices are installed in existing buildings, smoke alarms shall be installed in accordance with Section 907.2.11 regardless of the valuation of the alteration.

2012 IFC CH 09

GENERAL REQUIREMENTS 7/6/2018

Comment: FIRE EXTINGUISHERS MISSING IN HALLWAY AREA. ALL FIRE EXTINGUISHERS NEED TO BE SERVICED AND HAVE PROPER TAGS TO SHOW SERVICE HAS BEEN DONE.

C1-Complaint (General Public) Assigned To PENNINGTON, James on 7/6/2018

Start Date: 7/5/2018 12:00:00AM
Business Name: Bennington Apartments
Address: 4569 Benning RD SE
City/State/Zip: Washington, DC 20019

Finish Date: 7/5/2018 12:00:00AM
Occupancy ID: FP-100-437
Station No.:
Business Phone:

<u>Violations</u>	<u>Date Found</u>	<u>Date Cleared</u>	<u>Standard/Reference</u>
-------------------	-------------------	---------------------	---------------------------

{IFC 2012 International Code set}
 906.2 - 906.2 General requirements.: Portable fire extinguishers shall be selected, installed and maintained in accordance with this section and NFPA 10.
 Exceptions:
 1. The travel distance to reach an extinguisher shall not apply to the spectator seating portions of Group A -5 occupancies.
 2. Thirty-day inspections shall not be required and maintenance shall be allowed to be once every three years for dry-chemical or halogenated agent portable fire extinguishers that are supervised by a listed and approved electronic monitoring device, provided that all of the following conditions are met:
 2.1. Electronic monitoring shall confirm that extinguishers are properly positioned, properly charged and unobstructed.
 2.2. Loss of power or circuit continuity to the electronic monitoring device shall initiate a trouble signal.
 2.3. The extinguishers shall be installed inside of a building or cabinet in a noncorrosive environment.
 2.4. Electronic monitoring devices and supervisory circuits shall be tested every three years when extinguisher maintenance is performed.
 2.5. A written log of required hydrostatic test dates for extinguishers shall be maintained by the owner to verify that hydrostatic tests are conducted at the frequency required by NFPA 10.
 3. In Group I-3, portable fire extinguishers shall be permitted to be located at staff locations .

DCMR CH #01

POSTING THE PERMIT	7/6/2018	[L] DCMR 12H 2013
2013 DCMR 12H FIRE CODE SUPPLEMENT		

F-105.3.4 Posting the Permit. Issued permits shall be kept on the premises designated therein at all times and shall be readily available for inspection by the code official.

Comment: A COPY OF BUSINESS LICENSE NEEDS TO BE EITHER POSTED OR AVAILABLE FOR VIEWING IN BUILDING. A COPY OF CERTIFICATE OF OCCUPANCY IS ALSO REQUIRED.

2012 IFC CH 07

DOOR OPERATIONS	7/6/2018
------------------------	-----------------

Comment: FRONT ENTRY DOOR TO BUILDING NEEDS TO BE SERVICED. IT WILL NOT CLOSE PROPERLY.

{IFC 2012 International Code set}
 703.2.3 - 703.2.3 Door operation.: Swinging fire doors shall close from the full-open position and latch automatically. The door closer shall exert enough force to close and latch the door from any partially open position.

2012 IFC CH 09

MAINTENANCE INSPECTION AND TESTING	7/6/2018
---	-----------------

Comment: SMOKE DETECTORS THROUGHOUT BUILDING IN EACH UNIT NEED TO BE SERVICED

{IFC 2012 International Code set}
 907.8.5 - 907.8.5 Maintenance, inspection and testing.: The building owner shall be responsible to maintain the fire and life safety systems in an operable condition at all times. Service personnel shall meet the qualification requirements of NFPA 72 for maintaining, inspecting and testing such systems. A written record shall be maintained and shall be made available to the fire code official.

2012 IFC CH 07

MAINTENANCE	7/6/2018
--------------------	-----------------

Comment: BREACH IN WALL AROUND ELECTRICAL PANEL NEED TO BE SEALED.

EACH UNIT THAT WAS INSPECTED HAD HOLES IN BATHROOM CEILING AND WALLS THAT COULD CONTRIBUTE TO FIRE SPREAD. THESE WALL BREACHES NEED TO BE SEALED.

C1-Complaint (General Public) Assigned To PENNINGTON, James on 7/6/2018

Start Date: 7/5/2018 12:00:00AM
Business Name: Bennington Apartments
Address: 4569 Benning RD SE
City/State/Zip: Washington, DC 20019

Finish Date: 7/5/2018 12:00:00AM
Occupancy ID: FP-100-437
Station No.:
Business Phone:

Violations

Date Found

Date Cleared

Standard/Reference

{IFC 2012 International Code set}
703.1 - 703.1 Maintenance.: The required fire-resistance rating of fire-resistance-rated construction (including walls, firestops, shaft enclosures, partitions, smoke barriers, floors, fire-resistive coatings and sprayed fire-resistant materials applied to structural members and fire-resistant joint systems) shall be maintained. Such elements shall be visually inspected by the owner annually and properly repaired, restored or replaced when damaged, altered, breached or penetrated. Where concealed, such elements shall not be required to be visually inspected by the owner unless the concealed space is accessible by the removal or movement of a panel, access door, ceiling tile or similar movable entry to the space. Openings made therein for the passage of pipes, electrical conduit, wires, ducts, air transfer openings and holes made for any reason shall be protected with approved methods capable of resisting the passage of smoke and fire. Openings through fire-resistance-rated assemblies shall be protected by self- or automatic-closing doors of approved construction meeting the fire protection requirements for the assembly.

2012 IFC CH 06

WORKING SPACE CLEARANCE

7/6/2018

Comment: STORAGE AROUND ELECTRICAL METERS IN HALLWAY NEEDS TO BE CLEARED.

{IFC 2012 International Code set}
605.3 - 605.3 Working space and clearance.: A working space of not less than 30 inches (762 mm) in width, 36 inches (914 mm) in depth and 78 inches (1981 mm) in height shall be provided in front of electrical service equipment. Where the electrical service equipment is wider than 30 inches (762 mm), the working space shall not be less than the width of the equipment. No storage of any materials shall be located within the designated working space.

Exceptions:

1. Where other dimensions are required or allowed by NFPA 70.
2. Access openings into attics or under-floor areas which provide a minimum clear opening of 22 inches (559 mm) by 30 inches (762 mm).

2012 IFC CH 03

MEANS OF EGRESS

7/6/2018

Comment: IMPROPER STORAGE IN HALLWAY NEEDS TO BE CLEARED ON GROUND LEVEL AND 2ND FLOOR.

{IFC 2012 International Code set}
315.3.2 - 315.3.2 Means of egress.: Combustible materials shall not be stored in exits or enclosures for stairways and ramps.

OTHER-FCV

OTHER FIRE CODE VIOLATION

7/6/2018

Comment: .PULL STATION PLACARDS MISSING IN HALLWAY PULL STATIONS, MUST BE REPLACED

{IFC 2012 International Code set}
907.4.2.4 - 907.4.2.4 Signs.: Where fire alarm systems are not monitored by a supervising station, an approved permanent sign shall be installed adjacent to each manual fire alarm box that reads: WHEN ALARM SOUNDS—CALL FIRE DEPARTMENT.
Exception: Where the manufacturer has permanently provided this information on the manual fire alarm box.

C1-Complaint (General Public) Assigned To PENNINGTON, James on 7/6/2018

Start Date: 7/5/2018 12:00:00AM
Business Name: Bennington Apartments
Address: 4569 Benning RD SE
City/State/Zip: Washington, DC 20019

Finish Date: 7/5/2018 12:00:00AM
Occupancy ID: FP-100-437
Station No.:
Business Phone:

E24A51285C890

**PENALTIES-SECTION 112
FAILURE TO COMPLY WITH THE
DISTRICT OF COLUMBIA FIRE CODE**

F-112.3 Penalty for Violations: Any person, firm or corporation violating any of the provisions of this code or failing to comply with any order issued pursuant to any section thereof, upon conviction thereof shall be punished by a fine of not more than three hundred dollars (\$300) or imprisonment for not more than ninety (90) days, or both. Each day that a violation continues, after a service of notice as provided in this code, shall be deemed a separate offense.

F-112.4 Civil Infractions: Civil fines, penalties, and fees may be imposed as alternative sanctions for any infraction of the provisions of this code, or any rules or regulations issued under authority of this code or pursuant to Title I-III of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985, D.C. Law 6-42, D.C. Code sec.6-2700 et seq.

(NOTICE)

Notwithstanding the existence of the above penalties, any violation or attempted violation of this code may be restrained, corrected or abated, as the case may be, by injunction or other appropriate proceeding.

SECTION 113 APPEALS

DCMR 12H F-113.1 Right of Appeal. Any person directly affected by a notice or order issued under this *Fire Prevention Code* shall have the right to appeal to the Office of Administrative Hearings, pursuant to the Office of Administrative Hearings Act, effective March 6, 2002 (D.C. Law 14-76; D.C. Official Code §2-1831.01 *et seq.* and regulations promulgated thereunder. The appeal shall be filed within ten (10) days of the date of service of the notice or order. An appeal shall be based on a claim that the true intent of this code has been incorrectly interpreted, the provisions of the code do not fully apply, or the requirements of this code are adequately satisfied by other means. Appeals of notices (other than notices pursuant to Section F-110H (Unsafe Conditions) or section F-111H (Emergency Measures) shall stay the enforcement of the notice until the appeal is heard by the Office of Administrative Hearings.

Failure to remedy said violations will subject you to the penalties as prescribed by Section 112.2 and F-112.3 of the International Fire Code (2006) as amended by the D.C. Fire Prevention code Supplement (2008) (DCMR 12H) shall constitute the D.C. Fire Prevention Code (2008). If you do not understand any part of this notice, please contact this office at **(202) 727-1600**

C1-Complaint (General Public) Assigned To PENNINGTON, James on 7/6/2018

Start Date: 7/5/2018 12:00:00AM
Business Name: Bennington Apartments
Address: 4569 Benning RD SE
City/State/Zip: Washington, DC 20019

Finish Date: 7/5/2018 12:00:00AM
Occupancy ID: FP-100-437
Station No.:
Business Phone:

Signature

Recipient:

NO SIGNATURE

Mehrdad Valibeigi

Inspector



James Pennington

(202) 727-1600 (office)

(202) 727-3238 (fax)

www.fems.dc.gov

"Fire Sprinklers and Smoke Alarms Save Lives"



District of Columbia Fire & EMS Department
 Fire Prevention Division
 1100 4th Street SW, Suite: E-700
 Washington, D.C. 20024-4451



C1-Complaint (General Public) Assigned To PENNINGTON, James on 7/6/2018

Start Date: 7/5/2018 12:00:00AM
Business Name: Bennington Apartments
Address: 4480 C ST SE
City/State/Zip: Washington, DC 20019

Finish Date: 7/5/2018 12:00:00AM
Occupancy ID: FP-100-438
Station No.:
Business Phone:

<u>Complex Info</u>	<u>Main Floor</u>	<u>Stories</u>	<u>Estimated Values</u>
Commercial Units: 0	Length: 0	Above Grade: 0	Property: \$0.00
Residential Units: 12	Width: 0	Below Grade: 0	Content: \$0.00
Complex Type: 4	Area: 0	Upper Construction: -	
Complex:	Construction: -		

An authorized representative of the Fire Chief of the District of Columbia Fire and EMS Department has observed the following violation(s) of the District of Columbia Fire Prevention Code at your premises.

ALL VIOLATIONS MUST BE ABATED IMMEDIATELY

<u>Violations</u>	<u>Date Found</u>	<u>Date Cleared</u>	<u>Standard/Reference</u>
-------------------	-------------------	---------------------	---------------------------

OTHER-FCV

OTHER FIRE CODE VIOLATION	7/6/2018		
----------------------------------	-----------------	--	--

Comment: ALL BARS AND GRILLS ON THE GROUND FLOOR COVERING BEDROOM WINDOWS MUST BE ABLE TO RELEASE IN CASE OF EMERGENCY EGRESS. THIS MUST BE DONE IMMEDIATELY.
 {IFC 2012 International Code set}
 [B] 1029.4 - [B] 1029.4 Operational constraints.: Emergency escape and rescue openings shall be operational from the inside of the room without the use of keys or tools. Bars, grilles, grates or similar devices are permitted to be placed over emergency escape and rescue openings provided the minimum net clear opening size complies with Section 1029.2 and such devices shall be releasable or removable from the inside without the use of a key, tool or force greater than that which is required for normal operation of the escape and rescue opening. Where such bars, grilles, grates or similar devices are installed in existing buildings, smoke alarms shall be installed in accordance with Section 907.2.11 regardless of the valuation of the alteration.

2012 IFC CH 09

INSPECTION TESTING AND MAINTENANCE	7/6/2018		
---	-----------------	--	--

Comment: FIRE ALARM SYSTEM FOR THIS BUILDING IS NOT IN SERVICE. THE ALARM SYSTEM MUST BE SERVICED AND MAINTAINED. THIS MUST BE TAKEN CARE OF IMMEDIATELY
 {IFC 2012 International Code set}
 901.6 - 901.6 Inspection, testing and maintenance.: Fire detection, alarm, and extinguishing systems, mechanical smoke exhaust systems, and smoke and heat vents shall be maintained in an operative condition at all times, and shall be replaced or repaired where defective. Nonrequired fire protection systems and equipment shall be inspected, tested and maintained or removed.

2012 IFC CH 07

MAINTENANCE	7/6/2018		
--------------------	-----------------	--	--

Comment: BREACH IN WALL AROUND ELECTRICAL METERS NEED TO BE SEALED.

 EACH UNIT THAT WAS INSPECTED HAD HOLES IN BATHROOM CEILING AND WALLS THAT COULD CONTRIBUTE TO FIRE SPREAD. THESE WALLS NEED TO BE SEALED.

C1-Complaint (General Public) Assigned To PENNINGTON, James on 7/6/2018

Start Date: 7/5/2018 12:00:00AM
Business Name: Bennington Apartments
Address: 4480 C ST SE
City/State/Zip: Washington, DC 20019

Finish Date: 7/5/2018 12:00:00AM
Occupancy ID: FP-100-438
Station No.:
Business Phone:

<u>Violations</u>	<u>Date Found</u>	<u>Date Cleared</u>	<u>Standard/Reference</u>
-------------------	-------------------	---------------------	---------------------------

{IFC 2012 International Code set}
703.1 - 703.1 Maintenance.: The required fire-resistance rating of fire-resistance-rated construction (including walls, firestops, shaft enclosures, partitions, smoke barriers, floors, fire-resistive coatings and sprayed fire-resistant materials applied to structural members and fire-resistant joint systems) shall be maintained. Such elements shall be visually inspected by the owner annually and properly repaired, restored or replaced when damaged, altered, breached or penetrated. Where concealed, such elements shall not be required to be visually inspected by the owner unless the concealed space is accessible by the removal or movement of a panel, access door, ceiling tile or similar movable entry to the space. Openings made therein for the passage of pipes, electrical conduit, wires, ducts, air transfer openings and holes made for any reason shall be protected with approved methods capable of resisting the passage of smoke and fire. Openings through fire-resistance-rated assemblies shall be protected by self- or automatic-closing doors of approved construction meeting the fire protection requirements for the assembly.

2012 IFC CH 03

MEANS OF EGRESS

7/6/2018

Comment: IMPROPER STORAGE IN HALLWAY NEEDS TO BE CLEARED.

{IFC 2012 International Code set}
315.3.2 - 315.3.2 Means of egress.: Combustible materials shall not be stored in exits or enclosures for stairways and ramps.

OTHER-FCV

OTHER FIRE CODE VIOLATION

7/6/2018

Comment: SMOKE DETECTORS ARE NEEDED IN EACH BEDROOM OF EACH UNIT IN BUILDING.

{IFC 2012 International Code set}
907.2.11.2 - 907.2.11.2 Groups R-2, R-3, R-4 and I-1.: Single or multiple-station smoke alarms shall be installed and maintained in Groups R-2, R-3, R-4 and I-1 regardless of occupant load at all of the following locations:
1. On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms.
2. In each room used for sleeping purposes.
Exception: Single- or multiple-station smoke alarms in Group I-1 shall not be required where smoke detectors are provided in the sleeping rooms as part of an automatic smoke detection system.
3. In each story within a dwelling unit, including basements but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.

DCMR CH #01

POSTING THE PERMIT

7/6/2018

[L] DCMR 12H 2013

2013 DCMR 12H FIRE CODE SUPPLEMENT

F-105.3.4 Posting the Permit. Issued permits shall be kept on the premises designated therein at all times and shall be readily available for inspection by the code official.

Comment: A COPY OF BUSINESS LICENSE NEEDS TO BE EITHER POSTED OR AVAILABLE FOR VIEWING IN BUILDING. A COPY OF CERTIFICATE OF OCCUPANCY IS ALSO REQUIRED.

OTHER-FCV

OTHER FIRE CODE VIOLATION

7/6/2018

Comment: PULL STATION PLACARDS MISSING IN HALLWAY OVER PULL STATIONS . MUST BE REPLACED.

{IFC 2012 International Code set}
907.4.2.4 - 907.4.2.4 Signs.: Where fire alarm systems are not monitored by a supervising station, an approved permanent sign shall be installed adjacent to each manual fire alarm box that reads: WHEN ALARM SOUNDS—CALL FIRE DEPARTMENT.
Exception: Where the manufacturer has permanently provided this information on the manual fire alarm box.

C1-Complaint (General Public) Assigned To PENNINGTON, James on 7/6/2018

Start Date: 7/5/2018 12:00:00AM
Business Name: Bennington Apartments
Address: 4480 C ST SE
City/State/Zip: Washington, DC 20019

Finish Date: 7/5/2018 12:00:00AM
Occupancy ID: FP-100-438
Station No.:
Business Phone:

<u>Violations</u>	<u>Date Found</u>	<u>Date Cleared</u>	<u>Standard/Reference</u>
-------------------	-------------------	---------------------	---------------------------

2012 IFC CH 09

GENERAL REQUIREMENTS

7/6/2018

Comment: FIRE EXTINGUISHERS MISSING IN HALLWAY AREA. ALL FIRE EXTINGUISHERS NEED TO BE SERVICED AND HAVE PROPER TAGS TO SHOW SERVICE HAS BEEN DONE
{IFC 2012 International Code set}
906.2 - 906.2 General requirements.: Portable fire extinguishers shall be selected, installed and maintained in accordance with this section and NFPA 10.
Exceptions:
1. The travel distance to reach an extinguisher shall not apply to the spectator seating portions of Group A -5 occupancies.
2. Thirty-day inspections shall not be required and maintenance shall be allowed to be once every three years for dry-chemical or halogenated agent portable fire extinguishers that are supervised by a listed and approved electronic monitoring device, provided that all of the following conditions are met:
2.1. Electronic monitoring shall confirm that extinguishers are properly positioned, properly charged and unobstructed.
2.2. Loss of power or circuit continuity to the electronic monitoring device shall initiate a trouble signal.
2.3. The extinguishers shall be installed inside of a building or cabinet in a noncorrosive environment.
2.4. Electronic monitoring devices and supervisory circuits shall be tested every three years when extinguisher maintenance is performed.
2.5. A written log of required hydrostatic test dates for extinguishers shall be maintained by the owner to verify that hydrostatic tests are conducted at the frequency required by NFPA 10.
3. In Group I-3, portable fire extinguishers shall be permitted to be located at staff locations.

MAINTENANCE INSPECTION AND TESTING

7/6/2018

Comment: SMOKE DETECTORS THROUGHOUT BUILDING IN EACH UNIT NEED TO BE SERVICED.
{IFC 2012 International Code set}
907.8.5 - 907.8.5 Maintenance, inspection and testing.: The building owner shall be responsible to maintain the fire and life safety systems in an operable condition at all times. Service personnel shall meet the qualification requirements of NFPA 72 for maintaining, inspecting and testing such systems. A written record shall be maintained and shall be made available to the fire code official.

2012 IFC CH 06

ABATEMENT OF ELECTRICAL HAZARDS

7/6/2018

Comment: APT #301 HAS MISSING OUTLET COVER IN LIVING ROOM AREA. THIS NEEDS TO BE REPLACED.
{IFC 2012 International Code set}
605.1 - 605.1 Abatement of electrical hazards.: Identified electrical hazards shall be abated. Identified hazardous electrical conditions in permanent wiring shall be brought to the attention of the responsible code official. Electrical wiring, devices, appliances and other equipment that is modified or damaged and constitutes an electrical shock or fire hazard shall not be used.

WORKING SPACE CLEARANCE

7/6/2018

Comment: STORAGE AROUND ELECTRICAL METERS IN HALLWAY NEED TO BE CLEARED.

C1-Complaint (General Public) Assigned To PENNINGTON, James on 7/6/2018

Start Date: 7/5/2018 12:00:00AM
Business Name: Bennington Apartments
Address: 4480 C ST SE
City/State/Zip: Washington, DC 20019

Finish Date: 7/5/2018 12:00:00AM
Occupancy ID: FP-100-438
Station No.:
Business Phone:

{IFC 2012 International Code set}

605.3 - 605.3 Working space and clearance.: A working space of not less than 30 inches (762 mm) in width, 36 inches (914 mm) in depth and 78 inches (1981 mm) in height shall be provided in front of electrical service equipment. Where the electrical service equipment is wider than 30 inches (762 mm), the working space shall not be less than the width of the equipment. No storage of any materials shall be located within the designated working space.

Exceptions:

1. Where other dimensions are required or allowed by NFPA 70.
2. Access openings into attics or under-floor areas which provide a minimum clear opening of 22 inches (559 mm) by 30 inches (762 mm).

EB858899FD902

**PENALTIES-SECTION 112
FAILURE TO COMPLY WITH THE
DISTRICT OF COLUMBIA FIRE CODE**

F-112.3 Penalty for Violations: Any person, firm or corporation violating any of the provisions of this code or failing to comply with any order issued pursuant to any section thereof, upon conviction thereof shall be punished by a fine of not more than three hundred dollars (\$300) or imprisonment for not more than ninety (90) days, or both. Each day that a violation continues, after a service of notice as provided in this code, shall be deemed a separate offense.

F-112.4 Civil Infractions: Civil fines, penalties, and fees may be imposed as alternative sanctions for any infraction of the provisions of this code, or any rules or regulations issued under authority of this code or pursuant to Title I-III of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985, D.C. Law 6-42, D.C. Code sec.6-2700 et seq.

(NOTICE)

Notwithstanding the existence of the above penalties, any violation or attempted violation of this code may be restrained, corrected or abated, as the case may be, by injunction or other appropriate proceeding.

SECTION 113 APPEALS

DCMR 12H F-113.1 Right of Appeal. Any person directly affected by a notice or order issued under this *Fire Prevention Code* shall have the right to appeal to the Office of Administrative Hearings, pursuant to the Office of Administrative Hearings Act, effective March 6, 2002 (D.C. Law 14-76; D.C. Official Code §2-1831.01 *et seq.* and regulations promulgated thereunder. The appeal shall be filed within ten (10) days of the date of service of the notice or order. An appeal shall be based on a claim that the true intent of this code has been incorrectly interpreted, the provisions of the code do not fully apply, or the requirements of this code are adequately satisfied by other means. Appeals of notices (other than notices pursuant to Section F-110H (Unsafe Conditions) or section F-111H (Emergency Measures) shall stay the enforcement of the notice until the appeal is heard by the Office of Administrative Hearings.

Failure to remedy said violations will subject you to the penalties as prescribed by Section 112.2 and F-112.3 of the International Fire Code (2006) as amended by the D.C. Fire Prevention code Supplement (2008) (DCMR 12H) shall constitute the D.C. Fire Prevention Code (2008). If you do not understand any part of this notice, please contact this office at (202) 727-1600

C1-Complaint (General Public) Assigned To PENNINGTON, James on 7/6/2018

Start Date: 7/5/2018 12:00:00AM
Business Name: Bennington Apartments
Address: 4480 C ST SE
City/State/Zip: Washington, DC 20019

Finish Date: 7/5/2018 12:00:00AM
Occupancy ID: FP-100-438
Station No.:
Business Phone:

Signature

Recipient:

NO SIGNATURE

Mehrdad Valibeigi

Inspector



James Pennington

(202) 727-1600 (office)

(202) 727-3238 (fax)

www.fems.dc.gov

"Fire Sprinklers and Smoke Alarms Save Lives"

①



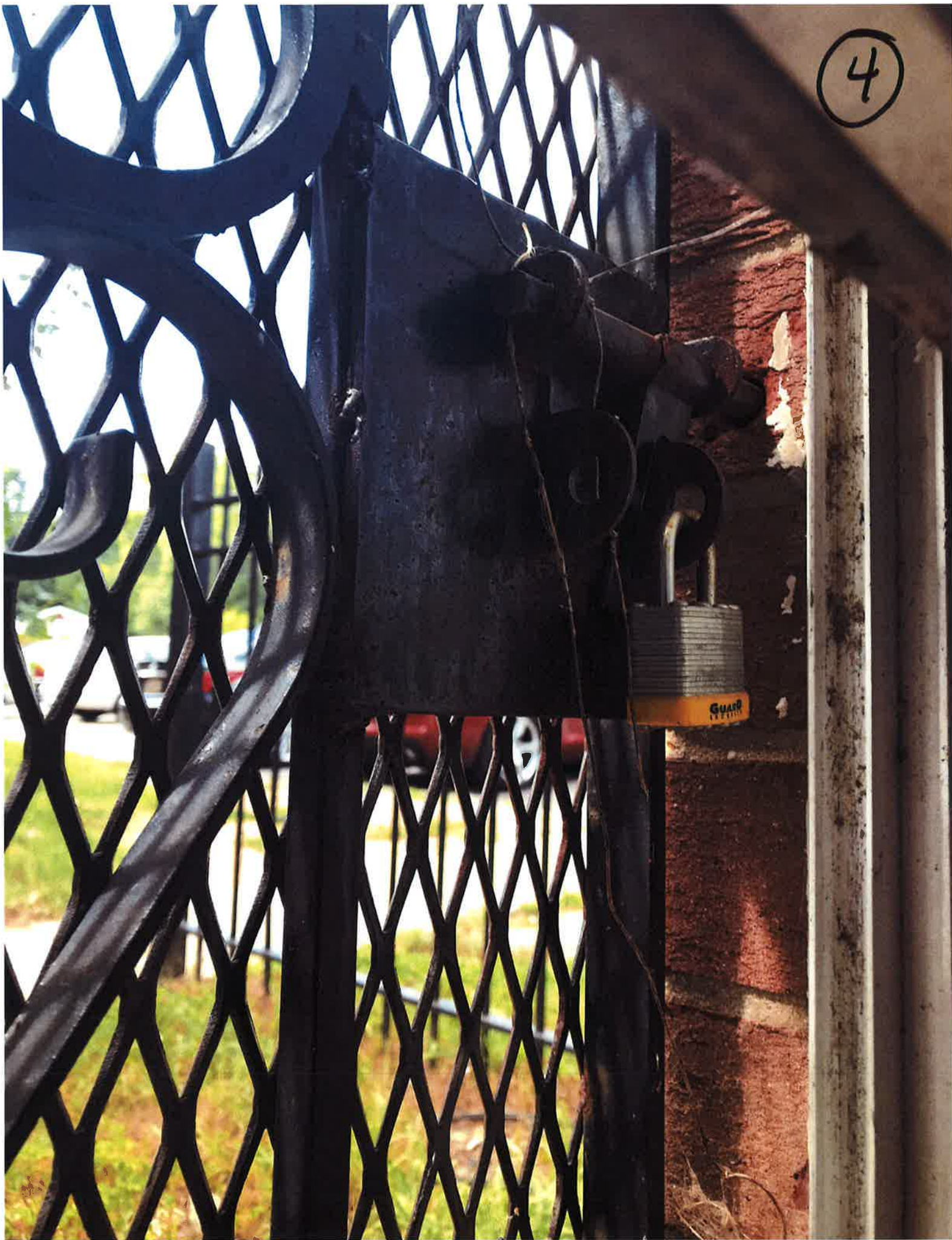
2



3



4





6





8



9



10



AMERICA
YARDS RENT

11

Contact In Case
of Emergency
202-582-7155



THE INTERIOR LOCAL ALARM IN THIS
BUILDING IS NOT CONNECTED TO
MUNICIPAL FIRE DEPT. THIS IS
FOR EVALUATION PURPOSES
IN CASE



12

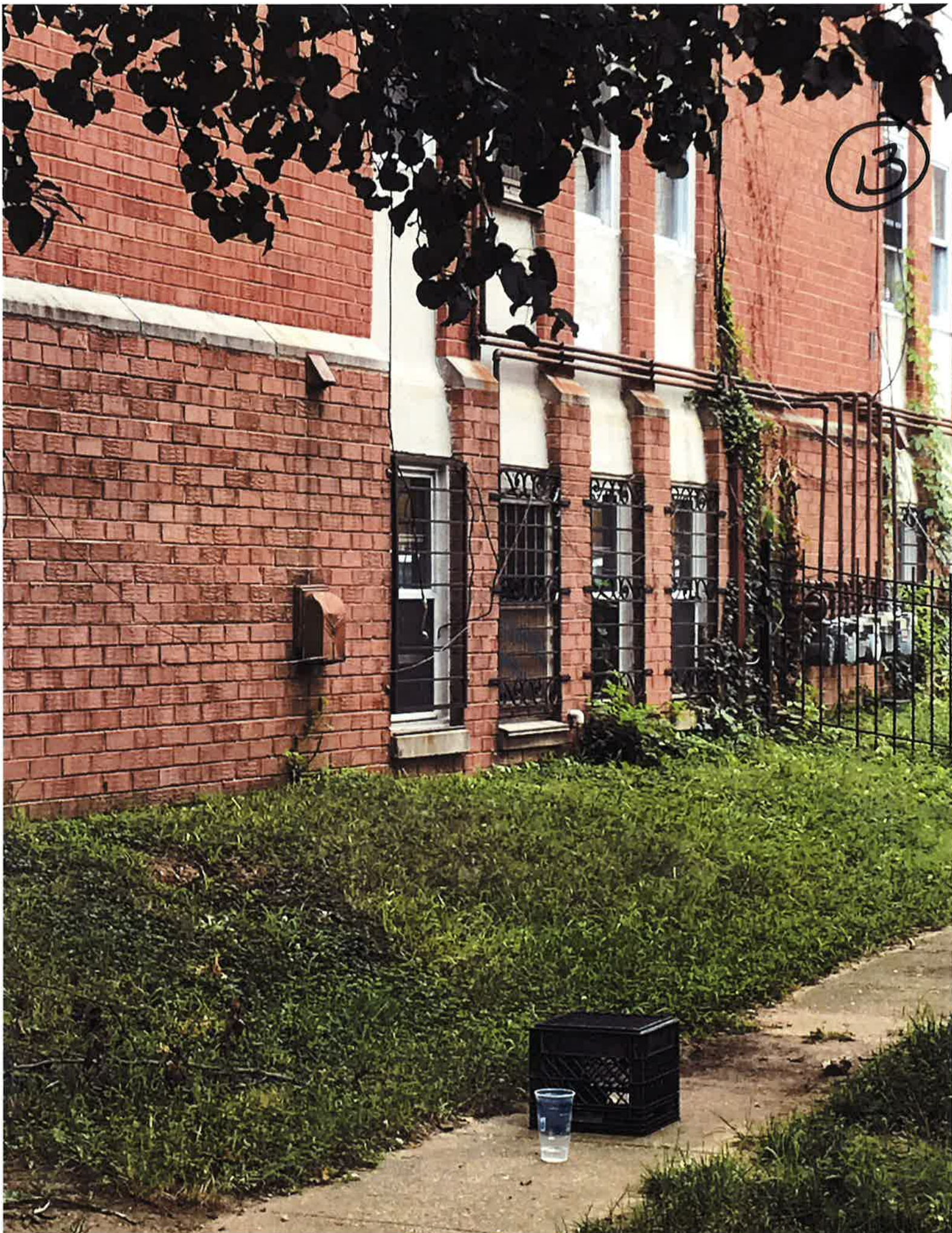
THE INTERIOR LOCAL ALARM IN THIS BUILDING IS NOT CONNECTED TO THE MUNICIPAL FIRE DEPT. THIS SYSTEM IS FOR EVACUATION PURPOSES ONLY.

IN CASE OF FIRE

1. PULL FIRE ALARM
2. LEAVE BUILDING BY EXIT OR EXIT STAIR
3. CALL FIRE DEPT. (ORAL 611)

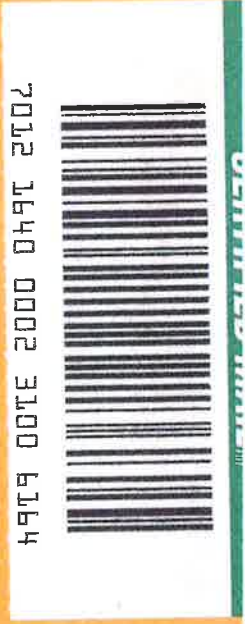
See Fire Extinguisher Service, Inc.

D-Block



13

DC Fire An EMS Department
Fire Prevention Division
1100 4th Street SW Suite E 700
Washington, DC 20024
(202) 727-1600



MEHRDAD VALIBEIGI
12577 ROYAL WOLF PLACE
FAIRFAX, VA 22030

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

MEHRDAD VALIBEI
12577 ROYAL WOLF PLACE
FAIRFAX, VA 22030



9590 9403 0420 5163 9057 87

Article Number (Transfer from carrier label)

7012 1640 0002 3100 6164

PS Form 3811, April 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent
X Addressee

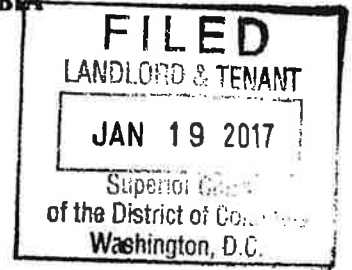
B. Received by (Printed Name) C. Date of Delivery

D. Is delivery address different from item 1? Yes
if YES, enter delivery address below: No

3. Service Type
- Adult Signature
 - Adult Signature Restricted Delivery
 - Certified Mail®
 - Certified Mail Restricted Delivery
 - Collect on Delivery
 - Insured Mail (over \$500)
 - Insured Mail Restricted Delivery
 - Priority Mail Express®
 - Registered Mail™
 - Registered Mail Restricted Delivery
 - Return Receipt for Merchandise
 - Signature Confirmation™
 - Signature Confirmation Restricted Delivery

Domestic Return Receipt

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
CIVIL DIVISION Landlord and Tenant Branch
Bldg. B, 510 4TH St., N.W., RM. #110
Washington, D.C. 20001
(202) 879-4879



THE 19th DAY OF Jan, 2017.

The Bennington Apartments
Landlord (Plaintiff)

L&T 31701-16

v.

Raymond Antonio Gregory
Tenant (Defendant)

JUDGMENT FOR POSSESSION BY CONSENT

The CLERK OF THE COURT will please enter a judgment for possession by consent and note that the execution of the said judgment will be stayed conditioned upon the following terms:

I. TENANT OBLIGATIONS. Tenant agrees to make all of the following payments including late charges (LC):

- | | | | | | |
|----|----------------|-----------------------|-----|----------|-----------------------------|
| 1. | <u>Apr May</u> | rent of \$ <u>575</u> | and | <u>—</u> | LC by <u>March 31, 2017</u> |
| 2. | <u>June</u> | rent of \$ <u>800</u> | and | <u>—</u> | LC by <u>March 31, 2017</u> |
| 3. | <u>July</u> | rent of \$ <u>800</u> | and | <u>—</u> | LC by <u>March 31, 2017</u> |
| 4. | <u>Sept</u> | rent of \$ <u>450</u> | and | <u>—</u> | LC by <u>March 31, 2017</u> |
| 5. | <u>Oct</u> | rent of \$ <u>650</u> | and | <u>—</u> | LC by <u>March 31, 2017</u> |

In addition, the Tenant will pay court costs of \$ 26.00 directly to the Landlord. This payment is due with any payment but must be paid by the last payment above.

IF THE TENANT FAILS TO MAKE THE ABOVE PAYMENTS IN THE AMOUNT STATED AND BY THE DATES STATED, THEN IN ORDER TO AVOID EVICTION, THE TENANT MUST BECOME CURRENT BY PAYING ALL OF THE RENT STATED PLUS ALL ADDITIONAL RENT AND COSTS WHICH HAVE COME DUE.

II. LANDLORD OBLIGATIONS. Check here if the Landlord agrees to make repairs and attach Addendum A setting forth all repairs to be made and their completion dates. If the Landlord fails to make the repairs listed in Addendum A, a Tenant may file a Motion to Compel the Landlord to complete the repairs and/or may seek any other appropriate relief.

III. REMEDIES. If the Tenant fails to make any payment as agreed, the Landlord shall be entitled to resume the process which will lead to an eviction. Before the Landlord is allowed to file the writ of restitution (the order which allows an eviction to occur), the Landlord must file an Application for Termination of Stay (FORM 5). A copy must be mailed or hand delivered to the Tenant. Whether the Form 5 is mailed or hand-delivered, the Form 5 may be presented for filing on or after the 5th day after mailing or hand-delivery (not counting the day of service, Saturdays, Sundays and holidays). If the Tenant TIMELY pays all the above payments, the Tenant cannot be evicted in this case and a permanent stay of execution on the judgment will automatically be entered.

Raymond Gregory
Tenant (Defendant)

[Signature]
Landlord (Plaintiff)

WHITE - COURT

PINK - PLAINTIFF



Page 2

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
CIVIL DIVISION Landlord and Tenant Branch
Bldg. B, 510 4TH St., N.W., RM. #110
Washington, D.C. 20001
(202) 879-4879

THE 19 DAY OF Jan, 2017

The Dennington Apartments
Landlord (Plaintiff)

L&T 31701-16

v.

Raymond Antonio Gregory
Tenant (Defendant)

JUDGMENT FOR POSSESSION BY CONSENT

The CLERK OF THE COURT will please enter a judgment for possession by consent and note that the execution of the said judgment will be stayed conditioned upon the following terms:

I. TENANT OBLIGATIONS. Tenant agrees to make all of the following payments including late charges (LC):

- | | | | | | |
|----|--------------|-----------------------|-----|----------|-----------------------------|
| 1. | <u>Nov</u> | rent of \$ <u>800</u> | and | <u>—</u> | LC by <u>March 31, 2017</u> |
| 2. | <u>Dec</u> | rent of \$ <u>500</u> | and | <u>—</u> | LC by <u>March 31, 2017</u> |
| 3. | <u>Jan</u> | rent of \$ <u>800</u> | and | <u>—</u> | LC by <u>March 31, 2017</u> |
| 4. | <u>Feb</u> | rent of \$ <u>800</u> | and | <u>—</u> | LC by <u>Feb. 6, 2017</u> |
| 5. | <u>March</u> | rent of \$ <u>800</u> | and | <u>—</u> | LC by <u>March 5, 2017</u> |

In addition, the Tenant will pay court costs of \$ directly to the Landlord. This payment is due with any payment but must be paid by the last payment above.

IF THE TENANT FAILS TO MAKE THE ABOVE PAYMENTS IN THE AMOUNT STATED AND BY THE DATES STATED, THEN IN ORDER TO AVOID EVICTION, THE TENANT MUST BECOME CURRENT BY PAYING ALL OF THE RENT STATED PLUS ALL ADDITIONAL RENT AND COSTS WHICH HAVE COME DUE.

II. LANDLORD OBLIGATIONS. Check here if the Landlord agrees to make repairs and attach Addendum A setting forth all repairs to be made and their completion dates. If the Landlord fails to make the repairs listed in Addendum A, a Tenant may file a Motion to Compel the Landlord to complete the repairs and/or may seek any other appropriate relief.

III. REMEDIES. If the Tenant fails to make any payment as agreed, the Landlord shall be entitled to resume the process which will lead to an eviction. Before the Landlord is allowed to file the writ of restitution (the order which allows an eviction to occur), the Landlord must file an Application for Termination of Stay (FORM 5). A copy must be mailed or hand delivered to the Tenant. Whether the Form 5 is mailed or hand-delivered, the Form 5 may be presented for filing on or after the 5th day after mailing or hand-delivery (not counting the day of service, Saturdays, Sundays and holidays). If the Tenant TIMELY pays all the above payments, the Tenant cannot be evicted in this case and a permanent stay of execution on the judgment will automatically be entered.

Raymond Gregory
Tenant (Defendant)

[Signature]
Landlord (Plaintiff)

WHITE - COURT

YELLOW - DEFENDANT

PINK - PLAINTIFF

The Bennington Apartments
Landlord (Plaintiff)

v.

L&T 31201-16

Raymond Antonio Gregory
Tenant (Defendant)

IV. PAYMENTS under this agreement are to be made:

A. Directly to Landlord

B. Into the Registry of the Court until all repairs listed in Addendum A are completed, after which Tenant shall pay all remaining amounts directly to Landlord. All monies in the Registry may be released to the Landlord upon motion with reasonable notice, unless the parties agree otherwise.

ALL PAYMENTS, WHETHER TO THE REGISTRY OR TO THE LANDLORD SHOULD BE MADE PERSONALLY TO INSURE RECEIPT AND MUST BE BY CASH, MONEY ORDER OR CERTIFIED CHECK.

V. OTHER:

- 1. This Agreement does not waive the balance of any late fee that is contained in the parties' written lease nor does it waive any breach of lease or outstanding notice to quit based upon other than non-payment of rent.

VI. The Tenant has read this agreement and/or had the agreement explained and understands the same, and by his/her signature below acknowledges receipt of a copy of the agreement and the terms contained herein.
I have the authority to sign this agreement on behalf of the other defendant(s).

Raymond Gregory
Tenant/Attorney for Tenant

[Signature]
Attorney for Plaintiff

Address

202-372-6815

Telephone Number

Bar Number

COLE, GOODSON & ASSOCIATES, LLC
4350 East West Highway, Suite 1150
Bethesda, MD 20814
(240) 744-7220

Timothy P. Cole 464644
Antionice Goodson 437756
Susan Magazine 133488

APPROVED

[Signature]
Interview & Judgement Officer

WHITE - COURT YELLOW - TENANT PINK - LANDLORD

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
CIVIL DIVISION - LANDLORD AND TENANT BRANCH

THE 19 DAY OF Jan 2017

The Kensington Apartments
Landlord (Plaintiff)

L&T 31701-16

Raymond Antonio Shogary
Tenant (Defendant)

ADDENDUM A - LIST OF REPAIRS

If this ADDENDUM is attached to either Form 4(a) or Form 4(b), the Landlord agrees to make the repairs which follow and the tenant agrees to give the landlord access upon reasonable notice:

- I. KITCHEN
 - 1. Repair floor will be fixed by Feb. 10, 2017
 - 2. Close up holes & cracks will be fixed by Feb. 10, 2017
 - 3. in walls & ceiling will be fixed by Feb. 10, 2017
 - 4. _____ will be fixed by _____
 - 5. _____ will be fixed by _____

- II. BATHROOM
 - 1. Locate & Repair leak in ceiling will be fixed by Feb. 10, 2017
 - 2. Repair ceiling & walls will be fixed by Feb. 10, 2017
 - 3. Repair floor will be fixed by Feb. 10, 2017
 - 4. Repair wall behind toilet will be fixed by Feb. 10, 2017
 - 5. Repair floor under toilet will be fixed by Feb. 10, 2017

- III. BEDROOMS
 - 1. Locate cause of mold in closet & Repair will be fixed by Feb. 10, 2017
 - 2. _____ will be fixed by _____
 - 3. _____ will be fixed by _____
 - 4. _____ will be fixed by _____
 - 5. _____ will be fixed by _____

- IV. LIVING ROOM/DINING ROOM
 - 1. Locate & Repair cause of leak in ceiling will be fixed by Feb. 10, 2017
 - 2. Repair ceiling will be fixed by Feb. 10, 2017
 - 3. Repair window latches will be fixed by Feb. 10, 2017
 - 4. _____ will be fixed by _____
 - 5. _____ will be fixed by _____

- V. COMMON AREAS/SAFETY/OTHER
 - 1. Exterminate for insects & rodents will be fixed by Feb. 10, 2017
 - 2. Close up holes & cracks will be fixed by Feb. 10, 2017
 - 3. where insects & rodents enter will be fixed by Jan 20, 2017
 - 4. Install smoke detector will be fixed by _____
 - 5. _____ will be fixed by _____

- VI. HEAT AND HOT WATER
 - 1. Seal around A/C unit & Repair unit will be fixed by Feb. 10, 2017
 - 2. _____ will be fixed by _____
 - 3. _____ will be fixed by _____

Tenant will allow access for repairs Monday through Saturday between 11:00 a.m. and 5:00 p.m. RG

APU
Landlord (Plaintiff)

Raymond Shogary
Tenant (Defendant)

**SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
CIVIL DIVISION, LANDLORD AND TENANT BRANCH**

Bldg. B, 510 4th Street, N.W., Rm. #110
Washington, D.C. 20001



The 28 day of MARCH 2017
(month and year)

The Bennington Apt.
Landlord/Plaintiff

vs.

L&T 31701-16

Raymal Gregory
Tenant/Defendant

NOTICE TO SHOW CAUSE – INCOMPLETE REPAIRS

Set the above-entitled cause of action for hearing on April 10, 2017

at ~~10:00~~ 9:30 a.m. in the Landlord and Tenant Courtroom, for the landlord/plaintiff to show cause why the repairs have not been completed in accordance with the consent agreement approved and filed herein.

CERTIFICATE OF SERVICE

I hereby certify that a copy of this Notice to Show Cause – Incomplete Repairs, was

hand delivered mailed postage prepaid to the landlord landlord's attorney,

Timothy Cole, at 4350 East West Highway Suite 1150, Bethesda, MD
(name) (address) 20814

this 28 day of MARCH 2017
(month and year)

Raymal Gregory
Tenant/Defendant

4559 Benning Rd SE Apt. 203
Address
Washington, DC 20019

202-372-6815
Telephone Number

White – Court Yellow – Defendant Pink – Plaintiff

GOVERNMENT OF THE DISTRICT OF COLUMBIA



INSPECTIONS AND COMPLIANCE ADMINISTRATION
CODE COMPLIANCE DIVISION
NOTICE OF VIOLATION

NOTICE NO: 18ENF-HOUSI-00289_1

DATE: June 12, 2018

Order for the corrections of conditions at 4559 BENNING RD SE, APT# 102, WASHINGTON, DC 20019	WARD 7	SQUARE/SUFFIX/LOT 5351 0085	ANC 7F
---	-----------	--------------------------------	-----------

RESPONSIBLE PARTY AND MAILING ADDRESS BENNINGTON CORP (THE) MEHRDAD VALIBEIGI 12577 ROYAL WOLF PL FAIRFAX, VA 22030-6648				
		Owner <input checked="" type="checkbox"/>	Tenant <input type="checkbox"/>	Agent <input type="checkbox"/>

NOTICE: A recent inspection of the premises listed above was made by a representative of DCRA. This notice is to inform you that the violation(s) listed below were found on your property. You are hereby ordered to correct these violation(s) within the specified time frame.

NOTICE: A \$90 reinspection fee will be assessed for each reinspection required.

It could also result in you having to pay fines for civil infractions in the amounts stated in the potential fine column below. Also, DCRA may correct the condition(s) without further notice, charge you for the cost, and place a lien against your property that could result in it being sold in a tax sale if payment is not made.

IMPORTANT: SEE SECTIONS (A) AND (B) FOR FURTHER EXPLANATION AND APPEAL RIGHTS

VIOLATION No.	LAW VIOLATED	VIOLATION DESCRIPTION	LOCATION/REQUIRED CORRECTIVE ACTION	POTENTIAL FINE
1	12-G DCMR § 702.4	Having bars, grilles, grates or similar devices over emergency escape and rescue openings that are not releasable or removable from the inside without the use of a key, tool or force greater than that which is required for normal operation of the escape and rescue opening	Location: 2nd and Master sleeping rooms-Remove bars and/or replace with breakaway bars.	\$2,034.00
2	12-G DCMR § 704.1.2	(Failure keep all required portable fire extinguishers visible and readily accessible	Location: Common Hallway-Replace missing fire extinguisher.	\$2,034.00
3	12-G DCMR § 704.2	(Failure to install or maintain single- or multiple-station smoke alarms in Groups R-2, R-3, and R-4, and dwellings not regulated as Group R occupancies, regardless of occupant load on the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms	Location: 2nd and Master sleeping rooms-Install smoke detectors	\$2,034.00
4	IPMC § 605.1	Failure to install electrical equipment, wiring, or appliances in a safe and approved manner	Location: Hallway (ceiling light fixture has water damage) and Cooking room (electrical panel box missing door)-Repair or replace	\$509.00

THE CITED VIOLATION(S) MUST BE ABATED AS ORDERED WITHIN [x] 1 DAY(S) FROM RECEIPT OF THIS NOTICE.

Total Amount of Potential Fines \$6,611.00

INSPECTOR'S SIGNATURE <i>Matthew Price</i>	matthew.price@dc.gov	
INSPECTOR'S NAME (PRINT) Matthew Price	202-478-9270	
INSPECTOR'S BADGE # 503	INSPECTION DATE 06/12/2018	

PERSONAL SERVICE AND POSTING

NAME OF PERSON NOTIFIED (Please Print)	RELATIONSHIP TO THE RESPONSIBLE PARTY (for example, agent, spouse, etc.)	DATE/TIME OF SERVICE OR POSTING
SIGNATURE OF PERSON RECEIVING NOTICE	NAME OF THE PERSON SERVING NOTICE	POSITION OF N inspector, proces

PLAINTIFF'S EXHIBIT 15

D.C. v. THE BENNINGTON CORPORATION, et al.

GOVERNMENT OF THE DISTRICT OF COLUMBIA



INSPECTIONS AND COMPLIANCE ADMINISTRATION
CODE COMPLIANCE DIVISION
NOTICE OF VIOLATION

NOTICE NO: 18ENF-HOUSI-00289_30

DATE: June 12, 2018

Order for the corrections of conditions at 4559 BENNING RD SE, APT# 102, WASHINGTON, DC 20019	WARD 7	SQUARE/SUFFIX/LOT 5351 0085	ANC 7F
---	-----------	--------------------------------	-----------

RESPONSIBLE PARTY AND MAILING ADDRESS

BENNINGTON CORP (THE)
MEHRDAD VALIBEIGI
12577 ROYAL WOLF PL
FAIRFAX, VA 22030-6648

Owner Tenant Agent

NOTICE: A recent inspection of the premises listed above was made by a representative of DCRA. This notice is to inform you that the violation(s) listed below were found on your property. You are hereby ordered to correct these violation(s) within the specified time frame.

NOTICE: A \$90 reinspection fee will be assessed for each reinspection required.

It could also result in you having to pay fines for civil infractions in the amounts stated in the potential fine column below. Also, DCRA may correct the condition(s) without further notice, charge you for the cost, and place a lien against your property that could result in it being sold in a tax sale if payment is not made.

IMPORTANT: SEE SECTIONS (A) AND (B) FOR FURTHER EXPLANATION AND APPEAL RIGHTS

VIOLATION No.	LAW VIOLATED	VIOLATION DESCRIPTION	LOCATION/REQUIRED CORRECTIVE ACTION	POTENTIAL FINE
1	12-G DCMR § 305.3	Failure to correct cracked or loose plaster, holes, decayed wood, water damage and/or other defective surface conditions	Location: Master sleeping room (wall cracks), Master sleeping room closet (wall holes), Hallway (ceiling and wall dampness, ceiling hole, wall cracks), Bathroom (ceiling and wall dampness), Dining/Living area (ceiling and wall dampness and cracks)- Locate the source of the water leak, repair the leak and replace walls and ceilings. Repair all cracks and holes	\$509.00
2	12-G DCMR § 305.3	Failure to maintain interior surfaces in good, clean, and sanitary condition and good repair	Location: Master sleeping room (missing baseboards and ceiling not done in workmanlike manner), Hallway and Bathroom (ceiling and wall not done in a workmanlike manner)-Install missing baseboards and use materials of a quality and kind suitable for used purposes, and repair work in a workmanlike manner, by plastering drywall, sand & paint.	\$509.00

INSPECTOR'S SIGNATURE *Matthew Price*
 INSPECTOR'S NAME (PRINT) Matthew Price
 INSPECTOR'S BADGE # 503
 INSPECTION DATE 06/12/2018

PERSONAL SERVICE AND POSTING

NAME OF PERSON NOTIFIED (Please Print)	RELATIONSHIP TO THE RESPONSIBLE PARTY (for example, agent, spouse, etc.)	DATE/TIME OF SERVICE OR POSTING
SIGNATURE OF PERSON RECEIVING NOTICE	NAME OF THE PERSON SERVING NOTICE	POSITION OF NOTICE SERVER (e.g. inspector, process server, etc.)

GOVERNMENT OF THE DISTRICT OF COLUMBIA



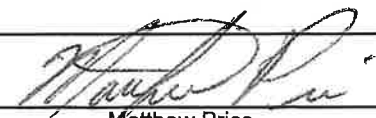
INSPECTIONS AND COMPLIANCE ADMINISTRATION
 CODE COMPLIANCE DIVISION
 NOTICE OF VIOLATION

NOTICE NO: 18ENF-HOUSI-00289_30

DATE: June 12, 2018

VIOLATION No.	LAW VIOLATED	VIOLATION DESCRIPTION	LOCATION/REQUIRED CORRECTIVE ACTION	POTENTIAL FINE
3	12-G DCMR § 305.3.1	Failure to properly eliminate peeling, flaking, chipping and defective paint in a pre-1978 structure in accordance with the regulations promulgated by the District's Dept. of the Environment or the Federal EPA and in conformance with all pertinent lead abatement requirements in D.C. Official Code 8-231.01 et seq. 2012 Supp.	Location: Master sleeping room and hallway-Remove peeling paint and re-paint surface to match the existing paint.	\$1,017.00
4	12-G DCMR § 305.4	Failure to maintain stairs and/or other walking surfaces in sound condition, good repair and free from hazardous conditions	Location: Master sleeping room (floor not level), 2nd sleeping room closet (floor hole)and Cooking room (floor missing tile) -Repair or replace floor holes, make level, and replace missing tile.	\$1,017.00
5	12-G DCMR § 309.1	Failure of the owner to keep structure free from insect and rodent infestation	Location: Cooking room-Eliminate mice infestation by extermination. Provide documentation of service.	\$509.00
6	IPMC § 304.15	Failure to maintain exterior doors, door assemblies, operator systems, if provided, and/or hardware in good condition.	Location: Unit Entrance door (missing hardware and defective knob lock)-Repair or replace.	\$509.00
7	IPMC § 305.6	Failure to maintain interior doors that are securely attached to jambs, headers or tracks as intended by the manufacturer of the attachment hardware	Location: Unit Entrance door-Properly secure furnace door to tracks.	\$102.00
8	IPMC § 504.1	Failure to properly install and maintain a plumbing fixture in working order	Location: Bathroom (water closet broken seat)-Replace broken toilet seat.	\$509.00
9	IPMC § 605.2	Failure to have receptacle outlets with the appropriate faceplate covers for the location	Location: Master sleeping room-Install cover plate	\$509.00

THE CITED VIOLATION(S) MUST BE ABATED AS ORDERED WITHIN [x] 30 DAY(S) FROM RECEIPT OF THIS NOTICE.
 Total Amount of Potential Fines \$5,190.00

INSPECTOR'S SIGNATURE 

INSPECTOR'S NAME (PRINT) Matthew Price

INSPECTOR'S BADGE # 503

INSPECTION DATE 06/12/2018

PERSONAL SERVICE AND POSTING

NAME OF PERSON NOTIFIED (Please Print)	RELATIONSHIP TO THE RESPONSIBLE PARTY (for example, agent, spouse, etc.)	DATE/TIME OF SERVICE OR POSTING
SIGNATURE OF PERSON RECEIVING NOTICE	NAME OF THE PERSON SERVING NOTICE	POSITION OF NOTICE SERVER (e.g. inspector, process server, etc.)

TO REPORT WASTE, FRAUD OR ABUSE BY ANY D.C. GOVERNMENT OFFICE OR OFFICIAL,
 CALL THE INSPECTOR GENERAL AT 1-800-521-1639. ALL CALLS ARE CONFIDENTIAL.

(SECTION A)
FURTHER EXPLANATION
REINSPECTION AND OTHER ENFORCEMENT

The District of Columbia Department of Consumer and Regulatory Affairs ("DCRA") will conduct a re-inspection of the property on or after the date you are required to complete the specified corrective action. If DCRA determines that you have failed to correct the violation(s) within the specified period of time, your case may be referred to the Office of the Attorney General of the District of Columbia for criminal prosecution. In addition, DCRA has the right to abate any conditions for which you have been cited pursuant to D.C. Official Code § 42-3131.01 and other law, and to assess the costs of correcting the condition as a tax on the premises. Failure to pay such costs will result in a lien being placed upon your property without notice that could result in the property being sold at a tax sale if you do not reimburse the District for its cost of correction.

Lead Paint

Disturbing Paint in Pre-1978 Residential Properties or in Child-Occupied Facilities

If work related to curing the violations cited in this NOV will disturb more than 2 square feet of paint, the respondent must use Lead-Safe Work Practices and abide by all other applicable requirements in the District's "Lead Hazard Prevention and Elimination Act, as amended" (for more info, see www.ddoe.dc.gov, Lead and Healthy Housing Division), and must also abide by any applicable requirements of EPA's "Renovation, Repair and Painting Rule" (for more info, see www.epa.gov/lead, Renovation, Repair and Painting).

If you do not correct the violations for which you have been cited in this Notice of Violation, you may be issued a Notice of Infraction which requires you to pay a fine for the violation(s) that you did not timely correct. The Notice of Infraction is a separate civil matter from this Notice of Violation. If you are issued a Notice of Infraction which assesses a fine for the violation(s), you will have separate appeal rights for the Notice of Infraction. Those appeal rights will be explained in the Notice of Infraction.

REQUESTS FOR EXTENSIONS

You may request additional time to correct the conditions specified in this Notice. Extension requests must be in writing and submitted to The Chief Building Inspector, Department of Consumer and Regulatory Affairs, 1100 4th Street, S.W., Washington, D.C. 20024, prior to the expiration of the time set for making the corrections. **The Inspector who issued this Notice of Violation does not have the authority to grant an extension.** Extensions will not be granted unless you demonstrate that (a) you have been proceeding in good faith to correct the violations, and (b) there is good cause for the delay.

Any questions about this Notice may be directed to the Inspections and Compliance Administration at 202-481-3524.

SECTION B.
(YOUR APPEAL RIGHTS)

You have the right to challenge this Notice requiring you to correct the violation(s) cited by requesting a hearing. To request a hearing, you may obtain a copy of the appeal form from the Office of Administrative Hearings located at One Judiciary Square 441 4th St., NW, Washington, DC 20001 or ask that it be faxed to you. You may file the appeal form in person at the Office of Administrative Hearings, or you may fax it to (202) 442-9451. Alternatively, you may mail your appeal form requesting a hearing to the Office of Administrative Hearings at P.O. Box 77880, Washington, D.C. 20013-8880. Any notice of violation that you are appealing should be attached to your appeal form.

Your appeal must be filed within the timeframe specified for correction in this notice. If the last day for filing your appeal falls on a Saturday, Sunday or legal holiday in the District of Columbia, then your appeal period for requesting a hearing extends to the next business day that is not a Saturday, Sunday or legal holiday. You may call the Office of Administrative Hearings at 442-9094 for assistance.