

Washington, D.C. 20012)
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and)
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ONTARIO PARTNERS LLC)
1420 Walnut Street, Suite 650)
Philadelphia, PA 19102)
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CAPITOL EAST PARTNERS LLC)
1420 Walnut Street, Suite 650)
Philadelphia, PA 19102)
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and)
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CAPITOL EAST PARTNERS II LLC)
1420 Walnut Street, Suite 650)
Philadelphia, PA 19102)
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and)
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NICKOLAS JEKOGIAN, III)
1420 Walnut Street, Suite 650)
Philadelphia, PA 19102)
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and)
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ERIC KRETSCHMAN)
1420 Walnut Street, Suite 650)
Philadelphia, PA 19102)
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and)
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EDWARD KNOTT)
4924 Maury Place)
Oxon Hill, MD 20745)
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and)
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ADOLPHE EDWARDS)
12 Longfellow Street, N.W.)
Washington, D.C. 20011)

and)
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MABEL EDWARDS)
12 Longfellow Street, N.W.)
Washington, D.C. 20011)
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and)
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VINCENT L. ABELL)
6425 4th Street, N.W.)
Washington, D.C. 20012)
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and)
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MARTA BERTOLA)
6425 4th Street, N.W.)
Washington, D.C. 20012)
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and)
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3514 13TH STREET LLC)
6425 4th Street, N.W.)
Washington, D.C. 20012)
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and)
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7444 GEORGIA AVENUE, NW LLC)
8511 Cedar Street)
Silver Spring, MD 20910)
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and)
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SCOTT POSEY)
8511 Cedar Street)
Silver Spring, MD 20910)
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and)
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MICHAEL FRIEDMAN)
8511 Cedar Street)
Silver Spring, MD 20910)
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Respondents)
_____)

**AMENDED PETITION AND COMPLAINT FOR APPOINTMENT OF RECEIVERSHIP
AND FOR DECLARATORY AND INJUNCTIVE RELIEF**

The District of Columbia, by and through its attorney, the Office of the Attorney General, hereby files this amended complaint and petition for appointment of receivership and for declaratory and injunctive relief and states as follows:

Preliminary Statement

1. This is an action in which the District of Columbia seeks appointment of a receivership for 13 rental housing accommodations located within the District of Columbia, pursuant to D.C. Code Section 42-3651.01 *et seq.* The purpose of this action is to keep buildings open and in compliance with all of the District laws. Each of the 13 rental properties suffers from a history of neglect and indifference resulting from the actions or lack of action by the Respondents, which has resulted in the steady decline of living conditions within the properties. These building owners often respond to notices of pervasive housing code violations that pose an immediate danger or serious threat to the health, safety, or security of the tenants, by simply ignoring them. The Respondents' failures to abate immediately dangerous and serious housing code violations pose a grave risk of harm to the safety, health, or security of the tenants residing within these properties. In addition, the refusal of the Respondents to abate their housing code violations is particularly egregious in light of the fact that many of their tenants have modest financial means and therefore, lack viable alternatives to the unsafe and unhealthy rental accommodations inflicted upon them by their landlord.

2. In a number of cases, as has been widely reported in the local media, apartment building owners have intentionally allowed their buildings to deteriorate to inhumane conditions in a cynical effort to force their tenants to vacate the building in order to allow for a cheaper and more expeditious conversion of the apartment units to condominiums. See [washingtonpost.com](http://www.washingtonpost.com) articles, dated March 9, 2008, March 10, 2008, and March 11, 2008 and entitled, “*Forced Out, The Cost of D.C.’s Condo Boom,*” by Debbie Cenziper and Sarah Cohen; and March 29, 2008 entitled, “*Code Violations Plague Owner*” by Debbie Cenziper. Exhibit 1, Bates # 00001.

3. The District of Columbia has joined each of the above-named Respondents in this action, and may join additional similar individuals and entities, because they own rental housing accommodations within the District of Columbia that have been cited on numerous occasions by inspectors of the Department of Consumer and Regulatory Affairs (“DCRA”) for housing code violations that present an immediate danger or serious threat to the health, safety, or security of the tenants and have failed to abate a significant number of these violations, as required by law; or they have failed to obtain a basic business license for their single-family rental housing accommodations and a certificate of occupancy for their multi-family rental housing accommodations. The imposition of fines upon the Respondents has failed to motivate them to improve the substandard conditions of their properties. Indeed, the District of Columbia has brought criminal charges against some Respondents including Sharlon Williams, Robert Williams, and Rufus Stancil, and even that severe action has not resulted in the abatement of their housing code violations. There has been a similar lack of response from those Respondents who have had civil actions brought against them for violation of housing codes. Importantly,

many of the Respondents do not have the appropriate basic business license and/or certificate of occupancy to legally operate their rental housing accommodations.

4. The Respondents have been unjustly enriched by their receipt of monthly rental payments from their tenants because they have failed to fulfill their obligations to utilize a portion of the rent proceeds to maintain their property in a manner that ensures that the tenants live in safe and decent housing. As a result, the District of Columbia seeks an appointment of a receiver, namely the District of Columbia Housing Authority, pursuant to D.C. Code Section 42-3651.01, who will take charge of the operation and management of the Respondents' named properties and allocate rental income separately for each of Respondents' named properties that are currently in a state of gross disrepair.

5. However, the powers expressly granted to the receiver by D.C. Code Section 42-3651.06 do not necessarily provide for the immediate abatement of housing code violations that pose an imminent danger and serious threat to the health, safety, or security of the tenants. The receiver must first collect sufficient rent to undertake a given repair. The collection of repair funds is further delayed by the provision in the tenant receivership statute requiring the receiver to devote 50% of rent proceeds to ordinary business expenses such as utility bills, mortgage payments, maintenance costs and the like. *See* D.C. Code Section 42-3651.06(c) (2001). While the receiver awaits collection of sufficient rental income to undertake a major effort to effect repairs, the safety, health, and security of the residents remain in jeopardy. As a result, in the event that the named receiver finds that the proceeds from the rent is insufficient to abate the immediate and serious housing code violations pursuant to the statutory relief, the District of Columbia may seek, pursuant to this Court's equitable powers, declaratory and injunctive relief

ordering the Respondents to abate the housing code violations and impose sanctions for failure to comply with the court order.

Jurisdiction

6. Jurisdiction and authority of this Honorable Court to grant the requested relief is founded on D.C. Code Section 11-921 (2001), which provides that the Superior Court of the District of Columbia may adjudicate any civil action at law or in equity brought in the District of Columbia.

7. Personal jurisdiction over each and every named Respondent is founded on D.C. Code Section 13-423(a)(5) (2001).

Parties

8. Petitioner District of Columbia, is a municipal corporation created under the laws of the United States and is capable of bringing petitions and suits pursuant to D.C. Code Section 1-102 (2001).

9. Respondents Sharlon L. Williams and Robert L. Williams own, as tenants in common, the rental housing accommodation located at 2907 Gainesville Street, S.E., Lot 0073 Square 5729.

10. Respondents Rufus Stancil, Gary Stancil and Albert Stancil own the rental housing accommodation located at 220 Hamilton Street, N.W., Lot 0087, Square 3326.

11. Respondent Albert Stancil owns the rental housing accommodations located at 3809 V Street, S.E., Lot 2011, Square 5673.

12. Respondents Rufus Stancil and Delores Stancil own the rental housing accommodations located at:

- a. 1420 Perry Place, N.W., Lot 0033, Square 2688;
- b. 5350 East Capital Street, N.E., Lot, 0007, Square 5243;
- c. 915 Sheridan Street, N.W., Lot 0033, Square 2978;
- d. 5921 2nd Place, N.W., Lot 0109, Square 3337;
- e. 1136 Branch Avenue, S.E., Lot 0108, Square 5498;
- f. 925 Kennedy Street, N.W., Lot 2992, Square 0081;
- g. 415 Varnum Street, N.W., Lot 0044, Square 3244;
- h. 1119 Queen Street, N.E., Lot 0031, Square 4058;
- i. 646 Newton Place, N.W., Lot 0822, Square 3038; and
- j. 4226 7th Street, N.W., Lot 0039, Square 3136.

13. Respondent Ontario Partners LLC, which is a limited liability company and registered within the District of Columbia, owns the rental housing accommodations located at 2401 Ontario Road, N.W., Lot 0822, Square 2566; and 2359 Ontario Road, N.W., Lot 0009, Square 2566.

14. Respondent Capitol East Partners LLC, which is a limited liability company and registered within the District of Columbia, owns the rental housing accommodation located at 518 9th Street, N.E., Lot 0054, Square 0914.

15. Respondent Capitol East Partners II LLC, which is a limited liability company and registered within the District of Columbia, owns the rental housing accommodation located at 1114 F Street, N.E., Lot 0855, Square 0983.

16. Respondent Nickolas Jekogian, III is a member of Ontario Partners LLC, Capitol East Partners LLC, and Capitol East Partners II LLC.

17. Respondent Eric Kretschman is the managing member of Ontario Partners LLC, Capitol East Partners LLC, and Capitol East Partners II LLC.

18. Respondent Edward Knott owns the rental accommodation located at 3339 10th Street, S.E., Lot 0800, Square 5939.

19. Respondents Adolphe Edwards and Mabel Edwards own the rental housing accommodation located at 2913 Knox Place, S.E., Lot 0862 Square 5741.

20. Respondent Vincent L. Abell owns the rental housing accommodations located at: 866 Bellevue Circle, S.E., Lot 0115, Square 6159; 1118 50th Street, N.E., Lot 0816, Square 5174; 1435 Good Hope Road, S.E., Lot 1021, Square 5767; 1304 S Street, S.E., Lot 0101, Square 5603; 306 Emerson Street, N.W., Lot 3304, Square 0044; 1825 Kilbourne Place, N.W., Lot 2603, Square 0111; 1487 Morris Road, S.E., Lot 5809, Square 0078; 108 Q Street, N.W., Lot 0552, Square 0097; 3420 23rd Street, S.E., Lot 5896, Square 0044; 636 14th Place, N.E., Lot 1051, Square 0066; 217 20th Street, N.E., Lot 1125, Square 0028; 2724 2nd Street, S.E., Lot 5598, Square 0848; 2536 34th Street, S.E., Lot 5693, Square 0817; 5006 5th Street, N.W., Lot 3212, Square 0155; 1606 A Street, S.E., Lot 1085, Square 0034; 4672 A Street, S.E., Lot 5349, Square 0065; 3409 Brown Street, N.W., Lot 2622, Square 0392; 120 Danbury Street, S.W., Lot 6223, Square 2031; 6034 Eastern Avenue, N.E., Lot 3732, Square 0094; 4507 Illinois Avenue, N.W., Lot 3221, Square 0054; 211 Ingraham Street, N.W., Lot 3328, Square 0055; 4021 Malboro Place, N.W., Lot 3313, Square 0085; 424 Q Street, N.W., Lot 0510, Square 0153; 443 S Street, N.W., Lot 0475S, Square 0018; 1213 Staples Street, N.E., Lot 4067, Square 0008; 1732 Taylor Street, N.W., Lot 2634, Square 0856; 1516 Trinidad Avenue, N.E., Lot 4060, Square 0150; 1925 Valley Terrace, S.E., Lot 5905, Square 0076; 1776 Lyman Place, N.E., Lot 4471, Square 0288; 613

Gresham Place, N.W., Lot 3056, Square 0071; 164 Uhland Terrace, N.E., Lot 3535E, Square 0106; 5312 James Place, N.E., Lot 5206, Square 0802; and 4310 E Street, S.E., Lot 5395, Square 0010.

21. Respondent Marta Bertola owns the rental housing accommodation located at 4600 Hillside Road, S.E., Lot 0083, Square 5362.

22. Respondent 3514 13th Street LLC, which is a limited liability company and registered within the District of Columbia, owns the rental housing accommodation located at 3514 13th Street, N.W., Lot 0853, Square 2834.

23. Respondent Vincent L. Abell is a member of 3514 13th Street LLC.

24. Respondent 7444 Georgia Avenue, NW LLC, which is a limited liability company and registered within the District of Columbia, owns the rental housing accommodation located at 7444 Georgia Avenue, N.W., Lot 0021, Square 2956.

25. Scott Posey is a managing member of 7444 Georgia Avenue, NW LLC.

26. Michael Friedman is a managing member of 7444 Georgia Avenue, NW LLC.

Count I
(Petition for Appointment of a Receiver)

Statutory Basis for Receivership

27. Pursuant to D.C. Code Section 42-3651.03, the Attorney General for the District of Columbia, in the name of the District of Columbia, may petition the Superior Court of the District of Columbia to appoint a receiver of the rents or payments for use and occupancy for a rental housing accommodation.

28. Pursuant to D.C. Code Section 42-3651.02, a receiver may be appointed if:

(1) A rental housing accommodation has been cited by the Department of Consumer and Regulatory Affairs for a violation of chapters 1 through 16 of Title 14 of the District of Columbia Municipal Regulations, or its equivalent, which violation poses a serious threat to the health, safety, or security of the tenants; and

(2) The owner, agent, lessor, or manager has been properly notified of the violation but has failed timely to abate the violations.

29. Pursuant to D.C. Code Section 42-3651.04, upon the filing of a petition, the Chief Judge of the Superior Court, or the Judge's designee, shall immediately issue an order requiring the owner, agent, lessor or manager, as respondent, to show cause why a receiver should not be appointed. Additionally, in lieu of an order to show cause, Section 42-3651.04(b)(1) permits the issuance of an ex parte order directing the appointment of a receiver for a maximum of 14 days where:

the Court finds probable cause to believe a condition or practice in the affected rental housing accommodation poses an immediate danger to the health, safety, or security of the tenants.

Basis for Receivership for 2907 Gainesville Street, S.E.
(Respondents Sharlon L. Williams and Robert L. Williams)

Housing Code Violations

30. The rental housing accommodation located at 2907 Gainesville Street, S.E., Washington, D.C. is a 13-unit apartment building for which Respondents Sharlon L. Williams and Robert L. Williams, who own it, and have failed to abate at least 46 violations of Title 14 of the District of Columbia Municipal Regulations ("DCMR") upon information and belief. *See* Deed. Exhibit 2, Bates # 00025. These unabated housing code violations were uncovered as a result of inspections and re-inspections that were conducted between May 17, 2006 and February 11, 2008. *See* Affidavit of Virgil Williams Regarding 2907 Gainesville Street, S.E. Exhibit 5,

Bates # 00049.

31. Tenants of the building have been forced to endure continuing housing code violations that include structurally unsound ceilings, rotted floors, missing smoke detectors, unsafe electrical outlets, improperly secured toilets, missing faucets and other violations that dramatically impact upon their health, safety, or security. For example:

- a. During an inspection on August 22, 2007, a District inspector, while inspecting apartment 103, was able to look through a hole in the ceiling in the apartment and see the floor to apartment 203; observed gaping holes in the living room ceiling of apartment 203; and observed that the living room floor area had sagging sub flooring from water damage. *See* Photographs. (Exhibit 5a, Bate # 00049a-00052a).
- b. During an inspection on August 22, 2007, a District inspector determined that apartments 103 and 203 had a structural problem with their ceilings because of obstructed gutters outside the building that caused water to accumulate. Apartment 203 actually had a collapsed ceiling that had struck a ten-year old on the head and he was taken to the hospital. Families of both units were placed at a local hotel by the Red Cross while DCRA hired a contractor to undertake emergency repairs and a lien was placed on the property for the cost of the repairs. *See* Photographs. (Exhibit 5a, Bate # 00053a-00056a).
- c. During an inspection on June 25, 2007, a District inspector observed a window with a missing pane and covered with a priority mail envelope with duct tape in the sleeping room; a toilet that was unsteady and rocked; a 1 ½ inch gap between the bathroom sink and the wall; a missing tile from the bathroom wall; cracked paint and an unsealed widow in the bathroom; holes in the ceiling around a bathroom light fixture; missing floor tiles; a sunken living room ceiling; and a hole in the wall with exposed wires in the eating room. *See* Photographs (Exhibit 5a, Bate # 00068a – 00073a).
- d. During an inspection on October 10, 2006, a District inspector observed extra large gaping holes in the ceilings of several apartments. *See* Photograph (Exhibit 5a Bate # 00074a-000075a).

- e. During an inspection on April 14, 2006, a District inspector observed a bedroom door knob that was loose and falling off; a door hinge that was cracked and unsecured; a bathtub with peeling finish around the drain area; cracked and chipped paint around the window seal and ledge; a gaping hole in the wall with a rod protruding from the hole; and holes in a cooking-room utensils drawer. The same violations were unabated at the time of a June 9, 2006 re-inspection. *See* Photographs (Exhibit 5a, Bate # 00075a-00078a).
- f. During an inspection on July 12, 2007, a District inspector observed gaping holes in the living room window. . *See* Photograph (Exhibit 5a, Bate # 00079).

32. On April 14, 2006, the District's inspectors conducted an inspection of apartment 103 of said property and observed four (4) violations for which Respondents were cited. *See* Notice of Violation No. 83372_1. Exhibit 5, Bates # 00054. On May 2, 2006, the Notice of the Violation was personally served upon Respondents who reside on said property. On May 17, 2006, the District's inspectors conducted a re-inspection of said property and determined that of the four (4) violations cited, four (4) remained unabated. Furthermore, the four (4) unabated housing code violations were considered to be an immediate danger to the health, safety, or security of the tenants of said property. *See* Unabated Housing Code Violations (Exhibit 4, Bates # 00044), Affidavit of Virgil Williams Regarding 2907 Gainesville Street, S.E. (Exhibit 5, Bates # 00049-53), and Photographs (Exhibits 5, Bates # 00056).

33. On July 10, 2007, the District's inspectors conducted an inspection of apartment 104 of said property and observed five (5) violations for which Respondents were cited. *See* Notice of Violation Nos. 123430_1 and 123430_3. Exhibit 5, Bates # 00060-67. On October 1, 2007 the Notice of Violations were personally served upon Respondents who reside at said property. On October 9, 2007, the District's inspectors conducted a re-inspection of said

property and determined that of the five (5) violations cited, four (4) were unabated.

Furthermore, of the four (4) unabated violations, four (4) were considered to be an immediate danger to the health, safety, or security of the tenants of said property. *See* Unabated Housing Code Violations (Exhibit 4, Bates # 00044), Affidavit of Virgil Williams Regarding 2907 Gainesville Street, S.E. (Exhibit 5, Bates # 00049-53), and Photographs (Exhibits 5, Bates # 00060-67).

34. On July 12, 2007, the District's inspectors conducted an inspection of apartment 102 of said property and observed six (6) violations for which Respondents were cited. *See* Notice of Violation Nos. 123438_1 and 123438_7. Exhibits 5, Bates # 00068-75. The Notice of Violations were personally served upon Respondents who reside at said property. On October 9, 2007 and October 29, 2007, the District's inspectors conducted re-inspections of said property and determined that of the six (6) violations cited, four (4) remained unabated. Furthermore, the four (4) unabated violations were considered to be an immediate danger to the health, safety, or security of the tenants of said property. *See* Unabated Housing Code Violations (Exhibit 4, Bates # 00044), Affidavit of Virgil Williams Regarding 2907 Gainesville Street, S.E. (Exhibit 5, Bates # 00049-53), and Photographs (Exhibits 5, Bates # 00068-75).

35. On August 2, 2007, the District's inspectors conducted an inspection of apartment B-1 of said property and observed nine (9) violations for which Respondents were cited. *See* Notice of Violation Nos. 125197_1, 125197_3, and 125197_7. Exhibits 5, Bates # 00076-90. On October 1, 2007, the Notice of Violations was personally served upon Respondents who reside at said property. On October 9 and October 25 2007 the District's inspectors conducted a re-inspection of said property and determined that of the nine (9) violations cited, nine (9) remained

unabated. Furthermore, of the nine (9) unabated violations, nine (9) were considered to be an immediate danger to the health, safety, or security of the tenants of said property. *See* Unabated Housing Code Violations (Exhibit 4, Bates # 00044), Affidavit of Virgil Williams Regarding 2907 Gainesville Street, S.E. (Exhibit 5, Bates # 00049-53), and Photographs (Exhibits 5, Bates # 00076-90).

36. On August 14, 2007, the District's inspectors conducted an inspection of apartment 304 of said property and observed three (3) violations for which Respondents were cited. *See* Notice of Violation No. 125645_1. Exhibits 5, Bates # 00091-96. On October 1, 2007, the Notice of the Violation was personally served upon Respondents who reside at said property. On October 25, 2007, the District's inspectors conducted a re-inspection of said property and determined that of the three (3) violations cited, three (3) remained unabated. Furthermore, of the three (3) unabated violations, three (3) were considered to be an immediate danger to the health, safety, or security of the tenants of said property. *See* Unabated Housing Code Violations (Exhibit 4, Bates # 00045), Affidavit of Virgil Williams Regarding 2907 Gainesville Street, S.E. (Exhibit 5, Bates # 00049-53), and Photographs (Exhibits 5, Bates # 00091-96).

37. On August 21, 2007, the District's inspectors conducted an inspection of apartment 103 of said property and observed four (4) violations for which Respondents were cited. *See* Notice of Violation Nos. 126213_1 and 126213_3. Exhibits 5, Bates # 00097-103. On October 1, 2007, the Notice of Violations were personally served upon Respondents who reside at said property. On October 9, 2007, the District's inspectors conducted a re-inspection of said property and determined that of the four (4) violations cited, three (3) were unabated.

Furthermore, of the three (3) unabated violations, three (3) were considered to be an immediate danger to the health, safety, or security of the tenants of said property. *See Unabated Housing Code Violations (Exhibit 4, Bates # 00045), Affidavit of Virgil Williams Regarding 2907 Gainesville Street, S.E. (Exhibit 5, Bates # 00049-53), and Photographs (Exhibits 5, Bates # 00097-103).*

38. On August 22, 2007, the District's inspectors conducted an inspection of apartments 103 and 203 and determined that both units had a structural problem with their ceilings because of obstructed gutters outside the building that caused water to accumulate. Apartment 203 had a collapsed ceiling that had struck a ten-year old on the head and he was taken to the hospital. Families of both units were placed at a local hotel by the Red Cross while DCRA hired a contractor to undertake emergency repairs and a lien was placed on the property for the cost of the repairs. *See Affidavit of Virgil Williams Regarding 2907 Gainesville Street, S.E. (Exhibit 5, Bates # 00049-53) and Photographs (Exhibit 5a, Bates # 00049a-00057a).*

39. On August 24, 2007, the District's inspectors conducted an inspection of apartment 204 of said property and observed 12 violations for which Respondents were cited. *See Notice of Violation Nos. 126395_1, 126395_3, and 126395_7. Exhibits 5, Bates # 00104-122.* On October 1, 2007 the Notice of Violations were personally served upon Respondents who reside at said property. On October 25, 2007, the District's inspectors conducted a re-inspection of said property and determined that of the 12 violations cited, 10 remained unabated. Furthermore, of the 10 unabated violations, 10 were considered to be an immediate danger to the health, safety, or security of the tenants of said property. *See Unabated Housing Code Violations*

(Exhibit 4, Bates # 00046), Affidavit of Virgil Williams Regarding 2907 Gainesville Street, S.E. (Exhibit 5, Bates # 00049-53), and Photographs (Exhibits 5, Bates # 00104-122).

40. On January 10, 2008, the District's inspectors conducted an inspection of apartment 104 of said property and observed nine (9) housing code violations for which Respondents were cited. *See* Notice of Violation Nos. 131622_1, 131622_7 and 131622_15. Exhibits 5, Bates # 00123-31. On January 24, 2008, the Notice of Violations were personally served upon Respondents who reside at said property. On January 30, February 4, and February 11, 2008, the District's inspectors conducted re-inspections of said property and determined that of the nine (9) violations cited, all nine (9) were unabated. Furthermore of the nine (9) violations, three (3) violations were considered to be an immediate danger to the health, safety, or security of the tenants of said property; and six (6) violations were determined to constitute a serious threat to the health, safety, or security of the tenants. *See* Unabated Housing Code Violations (Exhibit 4, Bates # 00047), Affidavit of Virgil Williams Regarding 2907 Gainesville Street, S.E. (Exhibit 5, Bates # 00049-53), and Photographs (Exhibits 5, Bates # 00123-31).

41. Additionally, according to DCRA records Respondents do not have a certificate of occupancy to operate a rental housing accommodation for a multi-family dwelling pursuant to 11 DCMR Section 3203.1 (2008). *See* Letter of no certificate of occupancy for 2907 Gainesville Street, S.E., from the Department of Consumer and Regulatory Affairs. Exhibit 3, Bates # 00043.

42. Since August of 2007, a receivership has been in place on behalf of Washington Gas, which is owned more than \$134,000 from the Respondents, in Civil Action No. 8165-06. *See* Order Appointing Receiver. Exhibit 6, Bates # 00132.

Notice of Violations to Respondents

43. Respondents Sharlon and Robert Williams were properly notified of the housing code violations giving rise to this petition for a receivership when they were personally served copies of all of the District's Housing Violation Notices which arose out of the inspections as noted above.

44. Additionally, Respondents received notice of all the housing code violations as part of criminal charges that were filed against each of them on January 14, 2008, in the Superior Court of the District of Columbia, Criminal Division, *District of Columbia v. Sharlon L. Williams*, case number 2008 CDC 00198, and *District of Columbia v. Robert L. Williams*, case number 2008 CDC 00199. *See* Criminal Informations. Exhibit 7, Bates # 00138.

Probable Cause of Conditions or Practices Posing an Immediate Danger or Serious Threat to the Health Safety, or Security of the Building's Tenants

45. During their many inspections, District inspectors determined that the unabated housing code violations constituted an immediate danger or serious threat to the tenants' health, safety, or security. *See* Affidavit of Virgil Williams Regarding 2907 Gainesville Street, S.E. Exhibit 5, Bates # 00049-53.

46. Respondents Sharlon and Robert Williams' practice of utterly failing to abate the housing code violations, despite numerous citations, re-inspections, and criminal prosecution, demonstrates that they are unwilling and incapable of undertaking the necessary actions required by law to abate dangerous and serious housing code violations. The failures of Respondents Sharlon and Robert Williams pose an immediate and continuing danger to the health, safety, or security of the tenants of 2907 Gainesville Street, S.E.

47. The facts and circumstances detailed in paragraphs 30 through 46 establish probable cause to believe that conditions and practices affecting the public housing accommodation located at 2907 Gainesville Street, S.E. pose an immediate danger or serious threat to the tenants' health, safety, or security.

Basis for Receivership for 4226 7th Street, N.W.
(Respondents Rufus Stancil and Delores Stancil)

Housing Code Violations

48. The rental housing accommodation located at 4226 7th Street, N.W. Washington, D.C. is a 15-unit apartment building for which Respondents Rufus Stancil and Delores Stancil, who own it, and have failed to abate at least 102 violations of Title 14 of DCMR upon information and belief. *See* Deed. Exhibit 8, Bates # 00148. These unabated housing code violations were uncovered as a result of inspections and re-inspections that were conducted between March 2004 and February 2008. *See* Affidavit of Tiffany (Reed) Magruder Regarding 4226 7th Street, N.W. (Exhibit 11, Bates # 00163), Affidavit of Kevin Jackson Regarding 4226 7th Street, N.W. (Exhibit 12, Bates # 00184), and Affidavit of William Winter regarding 4226 7th Street, N.W. (Exhibit 13, Bates # 00202).

49. Tenants of the building have been forced to endure continuing housing code violations that include structurally unsound walls and stairs, rodent infestation, defective smoke detectors, inoperable fire extinguishers, and other violations that dramatically impact upon the health, safety, or security of the tenants. For example:

- a. During an inspection on February 10, 2005, a District inspector observed an inoperable fire extinguisher. The same violation was unabated at the time of re-inspection on March 31, 2005. *See* Notice of Violation No. 60732_30 and Photographs. (Exhibit 11, Bates # 00165).

- b. During an inspection on February 3, 2005, a District inspector observed a broken window and glass in the front of the building. The same violation was unabated at the time of re-inspection on March 4, 2005. *See* Notice of Violation 60399_15 and Photographs. (Exhibit 22, Bates # 00327).
- c. During an inspection on July 20, 2004, a District inspector, while inspecting the foyer entrance observed missing hardware from the stairway hand railing. The same violation was unabated at the time of re-inspection on August 27, 2004. *See* Notice Violation No. 46728_30 and Photographs. (Exhibit 12, Bates # 00192).
- d. During an inspection on May 27, 2004, a District inspector observed a defective electrical wall outlet and a missing electrical light fixture cover in the bathroom. Further, the inspector discovered broken window glass in the living and sleeping rooms. The same violations were unabated at the time of re-inspection on July 8, 2004. *See* Notice of Violation No. 40389_15 and Photographs. (Exhibit 22, Bates # 00296).
- e. During an inspection on May 27, 2004, a District inspector observed several holes in the living room floor and sleeping room closet; cracks in the ceiling; loose and peeling paint; a rotted window frame; loose plaster; a defective door; and cracks in the walls. The same violations were unabated at the time of re-inspection on July 23, 3004. *See* Notice of Violation No. 38866_30 and Photographs. (Exhibit 22, Bates # 00299).
- f. During an inspection on April 23, 2004, a District inspector observed an accumulation of loose trash and garbage. The same violation was unabated at the time of re-inspection on May 7, 2004. *See* Notice of Violation No. 32482_7 and Photographs. (Exhibit 12, Bates # 00194).
- g. During an inspection on March 10, 2004, a District inspector observed live rodents in the building. The same violation was unabated at the time of re-inspection on March 26, 2004. *See* Notice of Violation No. 29453_7. (Exhibit 11, Bates # 00172).

50. On March 10, 2004, the District's inspectors conducted an inspection of said property and observed 24 violations for which Respondents were cited. *See* Notice of Violation Nos. 29453_1, 29453_7, 29453_15, and 29453_30 (Exhibit 11, Bates # 00172-00179).

Respondents were served with Notice of Violation Nos. 29453_1, 29453_7, 29453_15, and

29453_30 by regular mail on March 12, 2004 and by certified mail, which was unclaimed. *See* Affidavit of Tiffany Magruder Regarding 4226 7th Street, N.W. (Exhibit 11, Bates # 00165). On March 26, 2004, April 14, 2004, and May 11, 2004, the District's inspectors conducted re-inspections of said property and determined that of the 24 violations cited, 13 remained unabated. Of the 13 unabated violations two (2) violations constituted an immediate danger to the health, safety, or security of the tenants; and 11 violations constituted a serious threat to the health, safety, or security of the tenants. *See* Unabated Housing Code Violations and Affidavit of Tiffany Magruder Regarding 4226 7th Street, N.W. (Exhibit 11, Bates # 00163).

51. On April 23, 2004, the District's inspectors conducted an inspection of said property and observed one (1) violation for which Respondents were cited. *See* Notice of Violation No. 32482_7. (Exhibit 12, Bates # 00194). Respondents were served with Notice of Violation No. 32482_7 on April 28, 2004 by personal service. *See* Affidavit of Kevin Jackson Regarding 4226 7th Street, N.W. (Exhibit 12, Bates # 00184). On May 7, 2004, the District's inspectors conducted a re-inspection of said property and determined that one (1) violation remained unabated. Furthermore, the one (1) unabated violation was considered to be an immediate danger to the health, safety, or security of the tenants of said property. *See* Unabated Housing Code Violations Regarding 4226 7th Street, N.W. (Exhibit 9, Bates # 00150).

52. On May 27, 2004, the District's inspectors conducted an inspection of said property and observed 47 violations for which Respondents were cited. *See* Notice of Violation Nos. 40389_15, 40389_30, 38866_15, and 38866_30 (Exhibit 22, Bates # 00296-00332). Respondents were served with Notice of Violation Nos. 40389_15, 40389_30, 38866_15, and 38866_30 on June 10, 2004 by regular mail and by certified mail (which was unclaimed)

(Exhibit 22, Bates # 00296-00332). *See* United States Postal Service Track and Confirm Receipt numbers 7002 2030 0003 5175 6795 (Exhibit 22, Bates # 00298), 7002 2030 0003 5175 6771 (Exhibit 22, Bates # 00308), 70002 2030 0003 5175 6757(Exhibit 22, Bates # 00313), and 7002 2030 0003 5175 6740 (Exhibit 22, Bates # 00303). On July 8, 2004, July 21, 2004, and July 23, 2004, the District's inspectors conducted re-inspections of said property and determined that 43 violations cited remained unabated. Furthermore 43 of the unabated violations were all considered to be a serious threat to the health, safety, or security of the tenants of said property. *See* Unabated Housing Code Violations Regarding 4226 7th Street, N.W. (Exhibit 9, Bates # 00150). The 15 unabated violations found during the May 27, 2004 inspection were also adjudicated by the Office of Administrative Hearing ("OAH"), and on December 12, 2005 and December 19, 2005, OAH ordered Respondent Delores Stancil to pay a total of \$3,270.00 in fines. *See* Office of Administrative Hearings Orders for Case Numbers CR-I-05-Q101200, CR-I-05-R100925, and CR-I-05-R101359 (Exhibit 18, Bates # 00262).

53. On July 20, 2004, the District's inspectors conducted an inspection of said property and observed five (5) violations for which Respondents were cited. *See* Notice of Violation No. 46728_30 (Exhibit 12, Bates # 00192). Respondents were served with Notice of Violation No. 46728_30 on July 21, 2004 by personal service. *See* Affidavit of Kevin Jackson Regarding 4226 7th Street, N.W. (Exhibit 12, Bates # 00184). On August 27, 2004, the District's inspectors conducted a re-inspection of said property and determined that the five (5) cited violations remained unabated. Additionally, the five (5) violations constituted a serious threat to the health, safety, or security of the tenants. *See* Unabated Housing Code Violations and Affidavit of Kevin Jackson Regarding 4226 7th Street, N.W. (Exhibit 12, Bates # 00184). The

five (5) unabated violations found during the July 20, 2004 inspection were also adjudicated by OAH and on June 12, 2006, OAH ordered Respondent Delores Stancil to pay a total of \$3,360.00 in fines. *See* Office of Administrative Hearings Order for Case Number CR-I-05 R100920/R101232. (Exhibit 18, Bates # 00281).

54. On January 6, 2005, the District's inspectors conducted an inspection of said property and observed 25 violations for which Respondents were cited. *See* Notice of Violation No. 59035_30 and Photographs. (Exhibit 13, Bates # 00204). Respondents were served with Notice of Violation No. 59035_30 on January 12, 2005 by personal service. *See* Affidavit of William Winter Regarding 4226 7th Street, N.W. (Exhibit 13, Bates # 00202). On March 24, 2005, the District's inspectors conducted a re-inspection of said property and determined that 11 violations cited remained unabated. Furthermore, the 11 unabated violations were considered to be a serious threat to the health, safety, or security of the tenants of said property. *See* Unabated Housing Code Violations (Exhibit 9, Bates # 00150) and Affidavit of William Winter Regarding 4226 7th Street, N.W. (Exhibit 13, Bates # 00202). The 11 unabated violations found during the January 6, 2005 inspection were also adjudicated by OAH and on January 30, 2006, OAH ordered Respondent Delores Stancil to pay a total of \$1,100.00 in fines. *See* Office of Administrative Hearings Order for Case Number CR-I-05 Q101840/Q102423. (Exhibit 18, Bates # 00256).

55. On February 3, 2005, the District's inspectors conducted an inspection of said property and observed 10 violations for which Respondents were cited. *See* Notice of Violation Nos. 60399_15 and 60399_30 (Exhibit 22, Bates # 00325-00328). Respondents were served with Notice of Violation No. 60399_15 and 60399_30 on February 10, 2005, by regular mail and

by certified mail (which was unclaimed). *See* United States Postal Service Track and Confirm Receipt numbers 7001 2510 0008 3917 4983 and 7001 2510 0008 3917 5003 (Exhibit 22, Bates # 00330-00332). On March 4, 2005, the District's inspectors conducted a re-inspection of said property and determined that seven (7) violations cited remained unabated. Furthermore, the seven (7) unabated violations were considered to be a serious threat to the health, safety, or security of the tenants of said property. *See* Unabated Housing Code Violations Regarding 4226 7th Street, N.W. (Exhibit 9, Bates # 00150).

56. On February 10, 2005, the District's inspectors conducted an inspection of said property and observed one (1) violation for which Respondents were cited. *See* Notice of Violation No. 60732_30 (Exhibit 11, Bates # 00165). Respondents were served with Notice of Violation No. 60732_30 by regular mail on February 16, 2005, and by certified mail which was delivered on March 15, 2005. *See* Affidavit of Tiffany Magruder Regarding 4226 7th Street, N.W. (Exhibit 11, Bates # 00163) and 7001 2510 0008 3917 4907 (Exhibit 11, Bates # 00183). On March 31, 2005, the District's inspectors conducted a re-inspection of said property and determined that the one (1) violation was unabated and constituted a serious threat to the health, safety, or security of the tenants. *See* Unabated Housing Code Violations (Exhibit 9, Bates # 00150) and Affidavit of Tiffany Magruder Regarding 4226 7th Street N.W. (Exhibit 11, Bates # 00163) and 7001 2510 0008 3917 4907 (Exhibit 11, Bates # 00183). The one (1) unabated violation found during the February 10, 2005 inspection was also adjudicated by OAH and on December 14, 2005, OAH ordered Respondent Delores Stancil to pay a total of \$1,500.00 in fines. *See* Office of Administrative Hearings Order for Case Number CR-I-05-Q101587/CR-I-05-Q101890. (Exhibit 18, Bates # 00269).

57. On August 17, 2005, the District's inspectors conducted an inspection of said property and observed two (2) violations for which Respondents were cited. *See* Notice of Violation No. 74067_7 (Exhibit 12, Bates # 00186). Respondents were served with Notice of Violation No. 74067_7 on August 19, 2005, by personal service. *See* Affidavit of Kevin Jackson Regarding 4226 7th Street, N.W. (Exhibit 12, Bates # 00184). On August 29, 2005, the District's inspectors conducted a re-inspection of said property and determined that the two (2) violations cited remained unabated. Furthermore, the two unabated violations were considered to be an immediate danger to the health, safety, or security of the tenants of said property. *See* Unabated Housing Code Violations (Exhibit 9, Bates # 00150) and Affidavit of Kevin Jackson Regarding 4226 7th Street, N.W. (Exhibit 12, Bates # 00184).

58. On February 25, 2008, the District's inspectors conducted an inspection of said property and observed 20 violations for which Respondents were cited. *See* Notice of Violation Nos. 133927_3, 133927_7, and 133927_15 (Exhibit 14, Bates # 00219-00225). Respondents were served with Notice of Violation Nos. 133927_3, 133927_7, and 133927_15 on February 27, 2008, by personal service. *See* Affidavit of Delores Lassiter Regarding 4226 7th Street, N.W. (Exhibit 14, Bates # 00217). On April 7, 2008, a re-inspection was conducted for violations found on February 25, 2008, and it was determined that 19 of the violations were not abated. Of the 19 unabated violations, one (1) constituted an immediate danger to the health, safety, or security of the tenants. *See* Unabated Housing Code Violations (Exhibit 9, Bates # 00150) and Affidavit of Delores Lassiter Regarding 4226 7th Street, N.W. (Exhibit 14, Bates # 00217).

59. Even as recently as March 28, 2008, the District's inspectors conducted an inspection of said property and observed 37 violations for which Respondents were cited. The

violations include a defective smoke detector, a defective electrical fixture, holes in the ceiling and walls, dampness in the ceiling and walls, cracks with separation in walls, ill-fitting windows, missing door hardware, and loose ceiling and floor coverings. Of these 37 violations, five (5) are considered to be an immediate danger to the health, safety, or security of the tenants and the remaining 32 violations are considered to be a serious threat to the health, safety, or security of the tenants. *See* Notice of Violation Nos. 135144_1, 135144_5, 135144_30, 135142_10, 135145_15, 135142_15, 135142_30, 135145_3, and 135145_15. (Exhibit 14, Bates # 00226-00231; Exhibit 15, Bate # 00234-00240; Exhibit 16, Bate # 00244-00248). *See also* Unabated Housing Code Violations (Exhibit 9, Bates # 00150) and Affidavits of Delores Lassiter (Exhibit 14, Bates # 00217), William Harris (Exhibit 15, Bates # 00232), and Jerome Sydnor Regarding 4226 7th Street, N.W. (Exhibit 16, Bates # 00242). Although these violations have not been re-inspected, they are included based on information and belief that they remain unabated due to Respondents' well-documented pattern and practice of failing to abate such violations.

60. Respondents were also cited by the Department of Health, Environmental Health Administration, Bureau of Community Hygiene, after an inspection on December 17, 2002, during which time an inspector observed plastic bags filled with solid wastes and a large quantity of bulk trash, including mattresses, a rug, a refrigerator, and a stroller lying on the ground at the rear of the property. *See* Infraction Notice No. 72691. (Exhibit 19, Bates # 00288). The Department of Health, Office of Adjudication and Hearings fined Respondents \$3000.00 for their failure to store and containerize solid waste for collection of which the Department of Health Environmental Health Administration Office of Community Hygiene issued a Notice of Lien on

February 3, 2004 for failing to pay the fine. *See* Case Number I-02 -72633 and I-02-72691 and Notice of Lien. (Exhibit 17, Bates # 00249)

61. During an inspection on April 7, 2006, a District inspector discovered the 4226 7th Street, N.W. property was operating without a basic business license between November 1, 2004 to October 31, 2006. *See* Notice of Infraction No. Q 101737 (Exhibit 19, Bates # 00287) and Certificate of no basic business license for 4226 7th Street, N.W. from Department of Regulatory and Consumer Affairs, Business License Division (Exhibit 10, Bates # 00162).

62. A civil action (Civil Action No. 05-4364) was brought by Washington Gas Light Company against Rufus and Delores Stancil on June 9, 2005, regarding their delinquent gas utility bills concerning 4226 7th Street, N.W. The court found Respondents to be in default to Washington Gas Light Company in the amount of \$138,933.44. Respondents' refusal to pay the utility bills of their property while tenants occupied the building shows their utter indifference for their tenants' safety and welfare. *See* Civil Action No. 05-4364 (Exhibit 20, Bates # 00289).

63. On June 15, 2007, the Office of the Attorney General filed a complaint for injunctive relief and request for a temporary restraining order and preliminary injunction in *District of Columbia v. Rufus Stancil*, 2007 CA 4120, due to lead hazards that were found in a unit where a child under the age of eight years old tested with an elevated blood level of lead. *See* Complaint for Injunctive Relief (Exhibit 22(a), Bates # 00335a). This was after Mr. Stancil received an Abatement Order from DCRA on May 23, 2007 and failed to respond or abate the lead hazard in a timely manner. Once the case was filed, Mr. Stancil requested and was granted an extension from DCRA and eventually abated the lead hazard.

64. Respondent Rufus Stancil also had a criminal case filed against him in 2000,

involving another property, 2922 Sherman Avenue, N.W., which he owned. Respondent pled guilty to housing code violations in *District of Columbia v. Rufus Stancil*, Case No. D-1499-00. See Judgment and Commitment/Probation Order (Exhibit 22(b), Bates # 00341b). The previous criminal involvement has not had an impact on how Respondents maintain all of their properties.

65. In addition, Rufus and Delores Stancil are known to many district agencies due to numerous complaints received by the agencies from tenants and neighbors. The Neighborhood Coordinator for Ward Four in the Executive Office of the Mayor has received numerous complaints regarding this and another property. This demonstrates the pervasiveness of Respondents' actions and the many lives that are affected. See Affidavit of Ayana Rockett (Exhibit 21, Bates # 00295).

Notice of Violations to Respondents

66. Respondents Rufus and Delores Stancil were properly notified of the housing code violations giving rise to this petition for a receivership when either of the Respondents was personally served by hand delivered copies of the District's Housing Violation Notices or were sent copies of the District's Housing Violation Notices by regular or certified mail as noted above.

67. In addition, as to the Notice of Violation Numbers 29453_15, 29453_30, 38866_15, 38866_30, and 40389_30 notification was sent by certified mail to Deloris Stancil and was returned to the District of Columbia because it was not claimed by the addressee.

Probable Cause of Conditions or Practices Posing an Immediate Danger or Serious Threat to the Health Safety, or Security of the Building's Tenants

68. During their many inspections, District inspectors determined that the unabated

housing code violations noted above constituted an immediate danger or serious threat to the tenants' health, safety, or security. *See* Affidavits of Inspectors (Exhibit 11, Bates # 00163, Exhibit 12, Bates # 00184, Exhibit 13, Bates # 00202, Exhibit 14, Bates # 00217, Exhibit 15, Bates # 00232, Exhibit 16, Bates # 00242 and Exhibit 21, Bates # 00295).

69. Respondents Rufus and Delores Stancil's practice of utterly failing to abate the housing code violations, despite numerous citations, re-inspections, and criminal prosecution involving another property, demonstrates that they are unwilling and incapable of undertaking the necessary actions required by law to abate dangerous and serious housing code violations. The failures of Respondents Rufus and Delores Stancil pose an immediate and continuing danger to the health, safety, or security of the tenants of 4226 7th Street, N.W.

70. The facts and circumstances detailed in paragraphs 48 through 69 establish probable cause to believe that conditions and practices affecting the public housing accommodation located at 4226 7th Street, N.W. pose an immediate danger and serious threat to the tenants' health, safety, or security.

Basis for Receivership for 220 Hamilton Street, N.W.
(Respondents Rufus Stancil, Gary Stancil, and Albert Stancil)

Housing Code Violations

71. The rental housing accommodation located at 220 Hamilton Street, N.W., Washington, D.C. is a 34-unit apartment building for which Respondents Rufus Stancil, Gary Stancil, and Albert Stancil, who own it, and have failed to abate at least 43 violations of Title 14 of the DCMR upon information and belief. *See* Deed (Exhibit 23, Bates # 00335). These unabated housing code violations were uncovered as a result of inspections and re-inspections

that were conducted between March 17, 2005 and October 10, 2006.

72. Tenants of the building have been forced to endure unabated housing code violations that include, missing smoke detectors, broken and completely missing glass in window panes, broken skylights, inoperative lighting fixtures, a leaking roof that has resulted in a collapsed ceiling, as well as damp walls and ceilings and many other violations that dramatically impact upon the health, safety, or security of the tenants. For example:

- a. During an inspection on April 27, 2006, District inspectors observed in apartment 201, three windows with broken glass for which the owners were cited for housing code violations. A re-inspection on August 5, 2006 revealed that the violations had not been abated. *See* Notice of Violation No. 92050_15 and Photographs. (Exhibit 28, Bates # 00379).
- b. During an inspection on April 27, 2006, District inspectors observed in apartment 3, defective light fixtures, missing and loose floor parts, ceiling holes and loose and peeling paint, for which the owners were cited for housing code violations. A re-inspection on August 5, 2006 revealed that the violations had not been abated. *See* Notice of Violation No. 92055_15 and Photographs. (Exhibit 28, Bates # 00373).
- c. During an inspection on April 27, 2006, District inspectors observed in common areas of the building, broken glass in a skylight, a ceiling in need of complete plastering and holes in the ceilings and walls for which the owners were cited for housing code violations. A re-inspection on August 5, 2006 revealed that the violations had not been abated. *See* Notice of Violation No. 92045_15 and Photographs. (Exhibit 28, Bates # 00384).
- d. During an inspection on April 27, 2006, District inspectors observed in apartment 206, an exterior door missing hardware and defective light fixtures for which the owners were cited for housing code violations. A re-inspection on August 5, 2006 revealed that the violations had not been abated. *See* Notice of Violation No. 92048_15 and Photographs. (Exhibit 28, Bates # 00381).
- e. During an inspection on April 27, 2006, District inspectors observed in apartment 210, damp walls, ceiling holes, peeling and loose paint, and missing and loose floor parts for which the owners were cited for housing code violations. A re-inspection on October 10, 2006 revealed that the violations had not been abated. *See* Notice of Violation No. 92044_15 and Photographs. (Exhibit 28, Bates #

00392).

- f. During an inspection on June 6, 2005, District inspectors observed in three apartments that smoke detectors were defective and observed that tenant mail boxes were not secure for which the owners were cited for housing code violations. A re-inspection on July 19, 2005, revealed that two of the smoke detector violations and the mail box violation had not been abated. *See* Notice of Violation No. 71527_1. (Exhibit 28, Bates # 00397).
- g. During an inspection on March 9, 2005, District inspectors observed in apartment 209, a collapsed ceiling that was caused by a leaking roof. Missing window panes were also observed by the inspector, for which the owners were cited for two housing code violations. A re-inspection on April 18, 2008, revealed that the violations had not been abated. *See* Notice of Violation No. 62268_15 and Photographs. (Exhibit 27, Bates # 00363).
- h. During an inspection on March 9, 2005, District inspectors observed on the lot surrounding the building an accumulation of garbage for which the owners were cited for housing code violations. A re-inspection on March 29, 2005, revealed that the violations had not been abated. *See* Notice of Violation No. 62268_7. (Exhibit 27, Bates # 00356).

73. On November 3, 2004, the District's inspectors conducted an inspection of said property and observed one (1) violation for which Respondents were cited. *See* Notice of Violation No. 53240_7. (Exhibit 30, Bates # 00403). On November 4, 2004 the Notice of Violation was personally served upon Rufus Stancil. *See* Affidavit of Kevin Jackson Regarding 220 Hamilton Street, N.W. (Exhibit 30, Bates # 00402). On April 20, 2006, the District's inspectors conducted a re-inspection of said property and determined that the one (1) violation remained unabated. Furthermore, the one (1) unabated violation was considered to be an immediate danger to the health, safety, or security of the tenants of said property. *See* Unabated Housing Code Violations (Exhibit 24, Bates # 00337) and Affidavit of Inspector Kevin Jackson Regarding 220 Hamilton Street, N.W. Exhibit 30, Bates # 00402.

74. On March 9, 2005, the District's inspectors conducted an inspection of said property and observed two (2) violations for which Respondents were cited. *See* Notice of Violation No.62268_7 and Photographs. (Exhibit 27, Bates # 00356). On March 14, 2005, the Notice of Violation was personally served upon Respondent. *See* Affidavit of William Winter Regarding 220 Hamilton Street, N.W. Exhibit 27, Bates # 00354. On March 29, 2006, the District's inspectors conducted a re-inspection of said property and determined that the two (2) violations remained unabated. Furthermore, the two (2) unabated violations were considered to be an immediate danger to the health, safety, or security of the tenants of said property. *See* Unabated Housing Code Violations (Exhibit 24, Bates # 00337) and Affidavit of William Winter Regarding 220 Hamilton Street, N.W. (Exhibit 27, Bates # 00354).

75. On June 6, 2005, the District's inspectors conducted an inspection of said property and observed 10 violations for which Respondents were cited. *See* Notice of Violation Nos. 71527_1 and 71527_15 and Photographs. (Exhibit 29, Bates # 00397). On March 14, 2005, the Notice of Violations was personally served upon the Respondent. *See* Affidavit of Jesse Kingsberry Regarding 220 Hamilton Street, N.W. Exhibit 29, Bates # 00395. On July 19, 2005, the District's inspectors conducted a re-inspection of said property and determined that of the 10 violations cited, seven (7) remained unabated. Furthermore, of the seven (7) unabated violations, five (5) were considered to be an immediate danger to the health, safety, or security of the tenants of said property; two (2) were considered to be a serious threat to the health, safety, or security of the tenants of said property. *See* Unabated Housing Code Violations (Exhibit 24, Bates # 00337) and Affidavit of Jesse Kingsberry Regarding 220 Hamilton Street, N.W. (Exhibit 29, Bates # 00395).

76. On April 27, 2006, the District's inspectors conducted an inspection of said property and observed 33 violations for which Respondents were cited. *See* Notice of Violation Nos. 92055_15, 92050_15, 92048_15, and 92045_15 (Exhibit 28, Bates # 00373-00384). On May 9, 2006, the Notice of Violations were personally served upon the Respondent. *See* Affidavit of Robert Gary Regarding 220 Hamilton Street, N.W. (Exhibit 28, Bates # 00371). On August 5, 2006, the District's inspectors conducted a re-inspection of said property and determined that of the 33 violations cited, all 33 remained unabated. Furthermore, of the 33 unabated violations all were considered to be a serious threat to the health, safety, or security of the tenants of said property. *See* Unabated Housing Code Violations (Exhibit 24, Bates # 00337) and Affidavit of Robert Gary Regarding 220 Hamilton Street, N.W. (Exhibit 28, Bates # 00371).

77. As recently as March 24, 2008, the District's inspectors conducted an inspection of said property and observed 27 violations for which Respondents were cited. *See* Notice of Violation Nos. 135140_3, 135140_7, 135140_15, and 135140_30. (Exhibit 26, Bates # 00349-00353). The District's inspectors observed many of the same problems for which Respondents have been previously cited over the course of several years including a structurally unsound ceiling, ceilings and walls with loose and peeling paint, and defective floors. Clearly, the building is being maintained in a chronically substandard manner. Of the 26 housing code violations cited, five (5) are considered to be an immediate danger to the health, safety, or security of the tenants of said property and 22 are considered to be a serious threat to the health, safety, or security of the tenants of said property. *See* Cited Housing Code Violations (Exhibit 24, Bates # 00337) and Affidavit of Rene Marquez Regarding 220 Hamilton Street, N.W.

(Exhibit 26, Bates # 00347). Although these violations have not been re-inspected, they are included based on information and belief that they remain unabated due to Respondents' well-documented pattern and practice of failing to abate such violations.

78. Additionally, on May 16, 2006, and again on August 22, 2006, Respondents were cited by District's inspectors for failure to have a basic business license for the property in violation of D.C. Code Section 47-2851.02(a) (2001). *See* Notice of Infractions Q103019 and Q103265 (Exhibit 32, Bates # 00405). Respondents continue to demonstrate their disregard for their tenants and the law for the District of Columbia by their refusal to obtain the necessary business license. *See* Certificate of no basic business license for 220 Hamilton Street, N.W. from Department of Regulatory and Consumer Affairs, Business License Division (Exhibit 25, Bates # 00346).

79. Also, on March 5, 2008, the Office of the Attorney General filed a complaint for injunctive relief and request for a temporary restraining order and preliminary injunction, in *District of Columbia v. Rufus Stancil*, 2008 CA 1911 at 220 Hamilton Street, N.W., asking the court to order Rufus Stancil to clean up the accumulated trash and ensure that he has sufficiently sized dumpsters and regular trash collections. The court granted the Temporary Restraining Order on March 12, 2008. *See* Temporary Restraining Order dated March 12, 2008 (Exhibit 33, Bates # 00407).

80. In addition, Rufus and Delores Stancil are known to many district agencies due to numerous complaints received by the agencies from tenants and neighbors. The Neighborhood Coordinator for Ward Four in the Executive Office of the Mayor has received numerous complaints regarding this and another property. This demonstrates the pervasiveness of

Respondents' actions and the many lives that are affected. *See* Affidavit of Ayana Rockett (Exhibit 31, Bates # 00404).

Notice of Violations to Respondents

82. Respondents Rufus, Gary and Albert Stancil were properly notified of the housing code violations giving rise to this petition for a receivership when Rufus Stancil was personally served copies of all the District's Housing Violation Notices which arose out of the inspections as noted above.

Probable Cause of Conditions or Practices Posing an Immediate Danger or Serious Threat to the Health Safety, or Security of the Building's Tenants

83. During their many inspections, District inspectors determined that the unabated housing code violations constituted an immediate danger or serious threat to the tenants' health, safety, or security. *See* Affidavits of Inspectors noted above (Exhibit 26, Bates # 00347, Exhibit 27, Bates # 00354, Exhibit 28, Bates # 00371, Exhibit 29, Bates # 00395, Exhibit 30, Bates # 00402 and Exhibit 31, Bates # 00404).

84. Respondents Rufus, Gary, and Albert Stancil's practice of utterly failing to abate housing code violations, despite numerous citations and re-inspections and previous criminal prosecution of Rufus Stancil involving another property, demonstrates that they are unwilling and incapable of undertaking the necessary actions required by law to abate dangerous and serious housing code violations. The failures of Respondents Rufus, Gary, and Albert Stancil pose an immediate and continuing danger to the health, safety, or security of the tenants of 220 Hamilton Street, N.W.

85. The facts and circumstances detailed in paragraphs 71 through 83 establish

probable cause to believe that conditions and practices affecting the public housing accommodation located at 220 Hamilton Street, N.W. pose an immediate danger or serious threat and continuing danger to the tenants' health, safety, or security.

Basis for Receivership for 646 Newton Place, N.W.
(Respondents Rufus Stancil and Delores Stancil)

Housing Code Violations

86. The rental housing accommodation located at 646 Newton Place, N.W. Washington, D.C. is a six-unit apartment building for which Respondents Rufus Stancil and Delores Stancil, who own it, and have failed to abate at least 34 violations of Title 14 of DCMR upon information and belief. *See* Deed. (Exhibit 34, Bates # 00409). These unabated housing code violations were uncovered as a result of inspections and re-inspections that were conducted between September 2004 and May 2005.

87. Tenants of the building have been forced to endure continuing housing code violations that include holes in the walls, broken glass, rotted window frames, rodent infestation, and other violations that dramatically impact upon the health, safety, or security of the tenants.

For example:

- a. During the re-inspection conducted on June 14, 2005 for violations found on May 26, 2005, a District inspector, while inspecting apartment 1, observed broken windows in the cooking room and living room. *See* Notice of Violations No. 63854_15 and Photographs. (Exhibit 38, Bates # 00439).
- b. During the inspection on April 8, 2005, and the re-inspection conducted on July 1, 2005, a District inspector observed holes in the wall in several locations in the cooking room. Additionally, during both the inspection and the re-inspection on July 1, 2005, the inspector observed a defective front door frame that prevented the dead bolt from functioning. *See*

Notice of Violation No. 63854_30 and Photographs. (Exhibit 38, Bates # 00444).

88. On September 9, 2004, the District's inspectors conducted an inspection of said property and observed 26 violations for which Respondents were cited. *See* Notice of Violation No. 33464_30. (Exhibit 37, Bates # 00428). The Notice of Violation was personally served upon Rufus Stancil on September 10, 2004. *See* Affidavit of Rene Marquez Regarding 646 Newton Place, N.W. (Exhibit 37, Bates # 00426). On December 1, 2004, the District's inspectors conducted a re-inspection of said property and determined that of the 26 violations cited, 18 remained unabated. All 18 unabated violations were considered to be a serious threat to the health, safety, or security of the tenants of said property. *See* Unabated Housing Code Violations (Exhibit 35, Bates # 00413) and Affidavit of Rene Marquez Regarding 646 Newton Place, N.W. (Exhibit 37, Bates # 00426).

89. The 18 unabated violations found during the September 8, 2004 inspection were also adjudicated by the Office of Administrative Hearing ("OAH"), and on January 5, 2006, OAH ordered Respondent Delores Stancil to pay \$2,940.00 in fines. *See* Office of Administrative Hearings Order for case number CR-I-05-R100886. (Exhibit 43, Bates # 00487).

90. On April 8, 2005, the District's inspectors conducted an inspection of said property and observed 20 violations for which Respondents were cited. *See* Notice of Violation No. 63854_30. (Exhibit 38, Bates # 00444) The Notice of Violation was personally service upon Delores Stancil on May 26, 2006. *See* Affidavit of Virgil Williams Regarding 646 Newton Place, N.W. (Exhibit 38, Bates # 00437) On July 1, 2005, the District's inspectors conducted a re-inspection of said property and determined that of the 20 violations cited, 12 remained

unabated. All 12 unabated violations were considered to be a serious threat to the health, safety, or security, of the tenants of said property. *See* Unabated Housing Code Violations (Exhibit 35, Bates # 00413) and Affidavit of Virgil Williams Regarding 646 Newton Place, N.W. (Exhibit 38, Bates # 00437).

91. On May 10, 2005, the District's inspectors conducted an inspection of said property and observed one (1) violation for which Respondents were cited. *See* Notice of Violation No. 66879_7. (Exhibit 38, Bates # 00446). The Notice of Violation was personally served upon Delores Stancil on May 16, 2005. *See* Affidavit of Virgil Williams Regarding 646 Newton Place, N.W. (Exhibit 38, Bates # 00437). On June 1, 2005, the District's inspectors conducted a re-inspection of said property and determined that the violation remained unabated. Moreover, the unabated violation was considered to be an immediate danger to the health, safety, or security of the tenants of said property. *See* Unabated Housing Code Violations (Exhibit 35, Bates # 00413) and Affidavit of Virgil Williams Regarding 646 Newton Place, N.W. (Exhibit 38, Bates # 00437).

92. On May 26, 2005, the District's inspectors conducted an inspection of said property and observed four (4) violations for which Respondents were cited. *See* Notice of Violation No. 63854_15. (Exhibit 38, Bates # 00439). The Notice of Violation was personally serviced upon Delores Stancil on May 26, 2005. *See* Affidavit of Virgil Williams Regarding 646 Newton Place N.W. (Exhibit 38, Bates # 00437). On June 14, 2005, the District's inspectors conducted a re-inspection of said property and determined that of the four (4) violations cited, three (3) remained unabated. All three (3) unabated violations were considered to be a serious threat to the health, safety, or security of the tenants of said property. *See* Unabated Housing

Code Violations (Exhibit 35, Bates # 00413) and Affidavit of Virgil Williams Regarding 646 Newton Place, N.W. (Exhibit 38, Bates # 00437).

93. Furthermore, conditions of neglect continue to exist. District inspectors conducted an inspection on March 19, 2008, and found numerous housing code violations including: windows with missing glass, accumulation of refuse and trash around the entire building, broken fences, rotted or broken window frames throughout, cracks along the exterior wall in several locations, and an accumulation of standing water. The District's inspectors observed a total of 18 housing code violations for which Respondents were cited. *See* Notice of Violation Nos. 134931_1, 134931_3, 134931_7, 134931_10, 134931_15, and 134931_30 and Photographs. (Exhibit 39, Bates # 00449-00465).

94. Of these 18 violations, 10 are considered to be an immediate harm to the health, safety, or security of the tenants and the remaining eight (8) violations are considered to be a serious threat to the health, safety, or security of the tenants. *See* Unabated Housing Code Violations (Exhibit 35, Bates # 00413) and Affidavit of Elsie Burchette Regarding 646 Newton Place, N.W. (Exhibit 39, Bates # 00447). The Notice of Violations was served on Respondent, Delores Stancil, by personal service on March 30, 2008; Ms. Stancil refused to sign the Notice of Violations. *See* Affidavit of Anthony Rembert Regarding Service of Delores Stancil. (Exhibit 40, Bates # 00466).

95. Even as recently as March 26, 2008, the District's inspectors conducted an inspection of said property and observed 56 violations for which Respondents were cited. Of these 56 violations, 12 are considered to be an immediate danger to the health, safety, or security of the tenants and the remaining 44 violations are considered to be a serious threat to the health,

safety, or security of the tenants. *See* Notice of Violation Nos. 135050_1, 135050_7, 135050_15, and 135050_30, 135049_1, 135049_5, 135049_7, and 135049_15. (Exhibit 42, Bates # 00478-00486; (Exhibit 41, Bates # 00469-00475). These Notice of Violations were personally served upon Respondent Rufus Stancil on April 9, 2008. *See* Affidavit of Mandoza Lowery Regarding 646 Newton Place, N.W. (Exhibit 41, Bates # 00467). Although these violations have not been re-inspected, they are included based on information and belief that they remain unabated due to Respondents' well-documented pattern and practice of failing to abate such violations.

96. Additionally, Respondents have neglected to obtain a basic business license to operate their business at 646 Newton Place, N.W., as the law requires pursuant to D.C. Code Section 47-2851.02 (2001). *See* Housing Violation Notice – VI Case No. 55362_0 (Exhibit and Certificate of no business license for 646 Newton Place, N.W. from Department of Consumer and Regulatory Affairs, Business License Division. (Exhibit 36, Bates # 00424-00425).

Notice of Violations to Respondents

97. Respondents, Rufus and Delores Stancil, were properly notified of the housing code violations giving rise to this petition for a receivership when notices of violations which arose out of the inspections were personally served on Delores Stancil, who refused to sign all Notices of Violations, on May 26, 2005 (Notice No. 63854_30), May 16, 2005 (Notice No. 66879_7), and April 19, 2005 (Notice No. 63854_15) as noted above. Rufus Stancil was personally served on September 10, 2004 (Notice No. 33464_30).

Probable Cause of Conditions or Practices Posing an Immediate Danger or Serious Threat to the Health Safety, or Security of the Building's Tenants

98. During their many inspections, District inspectors determined that the unabated

housing code violations constituted an immediate danger or serious threat to the tenants' health, safety, or security. *See* Affidavits of Inspectors. (Exhibit 37, Bate # 00426, Exhibit 38, Bate # 00437, Exhibit 39, Bate # 00447, Exhibit 40, Bate # 00466, Exhibit 41, Bate # 00467, and Exhibit 42, Bate # 00476).

99. Respondents, Rufus and Delores Stancil's, practice of utterly failing to abate the housing code violations, despite numerous citations, re-inspections, and criminal prosecution involving another property, demonstrates that they are unwilling and incapable of undertaking the necessary actions required by law to abate dangerous and serious housing code violations. The failures of Respondents Rufus and Delores Stancil, pose an immediate and continuing danger to the health, safety, or security of the tenants of 646 Newton Place, N.W.

100. The facts and circumstances detailed in paragraphs 86 through 99 establish probable cause to believe that conditions and practices affecting the public housing accommodation located at 646 Newton Place, N.W. pose an immediate danger or serious threat to the tenants' health, safety, or security.

Basis for Receivership for 415 Varnum Street N.W.
(Respondents Rufus Stancil and Delores Stancil)

Housing Code Violations

101. The rental housing accommodation located at 415 Varnum Street, N.W. Washington, D.C. is a multi-family row house for which Respondents Rufus Stancil and Delores Stancil, who own it, and have failed to abate 20 violations of Title 14 of DCMR upon information and belief. *See* Deed. (Exhibit 44, Bates # 00495). These unabated housing code violations were uncovered as a result of inspections and re-inspections that were conducted in January 2007.

102. Tenants of the building have been forced to endure continuing housing code violations that include defective electrical outlets, peeling paint throughout the premises and other violations that dramatically impact upon their health, safety, and security of the tenants. For example, during an inspection on January 25, 2007, a District inspector, while inspecting apartment 2, observed peeling paint in the living room, the sleeping room, and the bathroom and defective electrical outlets in the bathroom and the sleeping room. *See* Notice of Violations Nos. 114597_7 and 114597_15 (Exhibit 47, Bates # 00506-00511) and Affidavit of Kevin Jackson Regarding 415 Varnum Street, N.W. (Exhibit 47, Bates # 00504).

103. On January 25, 2007, the District's inspectors observed a total of 30 violations for which Respondents were cited. *See* Notice of Violation Nos. 114597_7 and 114597_15. (Exhibit 47, Bates # 00506-00511). The Respondents were served with Notice of Violation Nos. 114597_7 and 114597_15 on January 29, 2007, by personal service. *See* Affidavit of Kevin Jackson Regarding 415 Varnum Street, N.W. (Exhibit 47, Bates # 00504). On April 12, 2007, the District's inspectors conducted a re-inspection of said property and observed that of the 30 violations, 20 remained unabated. Of the 20 unabated violations three (3) violations constituted an immediate danger to the health, safety, or security of the tenants; and 17 of the violations constituted a serious threat to the health, safety, or security of the tenants. *See* Unabated Housing Code Violations (Exhibit 45, Bates # 00497) and Affidavit of Kevin Jackson Regarding 415 Varnum Street, N.W. (Exhibit 47, Bates # 00504).

104. Even as recently as March 31, 2008, the District's inspectors conducted an inspection of said property and observed 34 violations for which Respondents were cited. Of these 34 violations, four (4) are considered to be an immediate danger to the health, safety, or

security of the tenants and the remaining 30 violations are considered to be a serious threat to the health, safety, or security of the tenants. *See* Notice of Violation Nos. 135147_1, 135146_7, 135147_7, 135146_15, 135147_15, and 135146_30. (Exhibit 48, Bates # 00513-00519 and (Exhibit 49, Bates # 00523-00527). *See also* Affidavit of Jesse Kingsberry Regarding 415 Varnum Street, N.W. (Exhibit 48, Bates # 00512) and Affidavit of William Harris Regarding 415 Varnum Street, N.W. (Exhibit 49, Bates # 00521) Although these violations have not been re-inspected, they are included based on information and belief that they remain unabated due to Respondents' well-documented pattern and practice of failing to abate such violations.

105. Additionally, Respondents have neglected to obtain a basic business license to operate their business at 415 Varnum Street, N.W., as the law requires pursuant to D.C. Code Section 47-2851.02 (2001). *See* Certificate of no business license for 415 Varnum Street, N.W. from Department of Consumer and Regulatory Affairs, Business License Division. (Exhibit 46, Bates # 00503).

Notice of Violations to Respondents

106. Respondents, Rufus and Delores Stancil, were properly notified of the housing code violations giving rise to this petition for a receivership when notices of violations which arose out of the January 25, 2007 inspection were personally served on Delores Stancil, who refused to sign both notices, on January 29, 2007.

Probable Cause of Conditions or Practices Posing an Immediate Danger or Serious Threat to the Health Safety, or Security of the Building's Tenants

107. During their many inspections, District inspectors determined that the unabated housing code violations constituted an immediate danger or serious threat to the

tenants' health, safety, or security. *See* Affidavit of Inspectors. (Exhibit 47, Bates # 00504; Exhibit 48, Bate # 00512 and Exhibit 49, Bate # 00521).

108. Respondents, Rufus and Delores Stancil's, practice of utterly failing to abate the housing code violations, despite several citations, re-inspections, and criminal prosecution involving another property, demonstrates that they are unwilling and incapable of undertaking the necessary actions required by law to abate dangerous and serious housing code violations. The failures of Respondents, Rufus and Delores Stancil, pose an immediate and continuing danger to the health, safety, or security of the tenants of 415 Varnum Street, N.W.

109. The facts and circumstances detailed in paragraphs 101 through 108 establish probable cause to believe that conditions and practices affecting the public housing accommodation located at 415 Varnum Street, N.W. pose an immediate danger or serious threat to the tenants' health, safety, or security.

Basis for Receivership for 1420 Perry Place, N.W.
(Respondents Rufus Stancil and Delores Stancil)

Housing Code Violations

110. The rental housing accommodation located at 1420 Perry Place, N.W. Washington, D.C. is a single-family row house for which Respondents Rufus Stancil and Delores Stancil, who own it, and have failed to abate at least seven (7) violations of Title 14 of DCMR upon information and belief. *See* Deed. (Exhibit 50, Bates # 00529). These unabated housing code violations were uncovered as a result of inspections and re-inspections that were conducted on August 9, 2005. *See* Affidavit of Elsie Burchette Regarding 1420 Perry Place, N.W. (Exhibit 52, Bates # 00535).

111. Tenants of the building have been forced to endure continuing housing code violations that include improperly installed downspouts which can result in drainage problems. *See* Notice of Violations Nos. 73366_7 and 73366_30. (Exhibit 52, Bates # 00537-00539).

112. On August 9, 2005, the District's inspectors conducted an inspection of said property and observed seven (7) violations for which Respondents were cited. *See* Notice of Violation Nos. 73366_7 and 73366_30. (Exhibit 52, Bates # 00537-00539). Respondents were served with Notice of Violation Nos. 73366_7 and 73366_30 by regular mail on August 15, 2005 and by certified mail; Notice of Violation No. 73366_7 was delivered on August 20, 2005. *See* United States Postal Service Track and Confirm Receipt numbers 7701 2510 0008 3915 8662, 7001 2510 0008 3915 8655, 7001 2510 0008 3915 8624, and 7001 2510 0008 3915 8631. (Exhibit 52, Bates # 00541-00545). On September 14, 2005 and September 20, 2005, the District's inspectors conducted re-inspections of said property and determined that of the seven (7) violations cited seven (7) remained unabated. Additionally, one (1) violation constituted an immediate danger to the health, safety, or security of the tenants; and six (6) violations constituted a serious threat to the health, safety, or security of the tenants. *See* Unabated Housing Code Violations (Exhibit 50, Bates # 00531) and Affidavit of Elsie Burchette Regarding 1420 Perry Place, N.W. (Exhibit 52, Bates # 00535). The seven (7) unabated violations found during the August 9, 2005 inspection were also adjudicated by the Office of Administrative Hearing ("OAH"), and on October 18, 2006, OAH ordered Respondent Delores Stancil to pay a total of \$4,200.00 in fines. *See* Office of Administrative Hearings Orders for case nos. CR-I-OF-

Q102392, CR-I-06-Q102392A, CR-I-05-Q102391, and CR-I-05-Q102391A. (Exhibit 55, Bates # 00555-00566).

113. As recently as March 19, 2008, the District's inspectors conducted an inspection of said property and observed eight (8) violations for which Respondents were cited. *See* Notice of Violation Nos. 134915_3, 134915_7 and 134915_15. (Exhibit 52, Bates # 00546-00552). *See also* Affidavit of Inspector Elsie Burchette Regarding 1420 Perry Place, N.W. (Exhibit 52, Bates # 00535). Three (3) of the cited violations are considered to be an immediate danger to the health, safety, or security of the tenants of said property and five (5) of the cited violations are considered to be a serious threat to the health, safety, or security of the tenants of said property. *See* Affidavit of Elsie Burchette Regarding 1420 Perry Place, N.W. (Exhibit 52, Bates # 00535). The Respondents were served with Notice of Violation Nos. 134915_3, 134915_7 and 134915_15 by personal service on March 30, 2008. *See* Affidavit of Anthony Rembert. (Exhibit 53, Bates # 00553). Although these violations have not been re-inspected, they are included based on information and belief that they remain unabated due to Respondents' well-documented pattern and practice of failing to abate such violations.

114. Additionally, Respondents have neglected to obtain a basic business license to operate their business at 1420 Perry Place, N.W., as the law requires pursuant to D.C. Code Section 47-2851.02 (2001). *See* Certificate of no business license for 1420 Perry Place, N.W. from Department of Consumer and Regulatory Affairs, Business License Division. (Exhibit 54, Bates # 00554).

Notice of Violations to Respondents

115. Respondents, Rufus and Delores Stancil were properly notified of the housing code violations giving rise to this petition for a receivership as noted above when Delores Stancil was served by certified mail on August 20, 2005 with copies of all the District's Housing Violation Notices which arose out of the inspections. Notice No. 73366_30 was sent to Delores Stancil by certified mail and was ready for pick-up on August 18, 2005 but was unclaimed.

Probable Cause of Conditions or Practices Posing an Immediate Danger or Serious Threat to the Health Safety, or Security of the Building's Tenants

116. During their many inspections, District inspectors determined that the unabated housing code violations constituted an immediate danger or serious threat to the tenants' health, safety, or security. *See* Affidavit of Inspector. (Exhibit 52, Bates # 00535).

117. Respondents Rufus and Delores Stancil's practice of utterly failing to abate the housing code violations, despite several citations, re-inspections and criminal prosecution involving another property, demonstrates that they are unwilling and incapable of undertaking the necessary actions required by law to abate dangerous and serious housing code violations. The failures of Respondents, Rufus and Delores Stancil, pose an immediate and continuing danger to the health, safety, or security of the tenants of 1420 Perry Place, N.W.

118. The facts and circumstances detailed in paragraphs 110 through 117 establish probable cause to believe that conditions and practices affecting the public housing accommodation located at 1420 Perry Place, N.W. pose an immediate danger or serious threat to the tenants' health, safety, or security.

Basis for Receivership for 2401 Ontario Road, N.W.
(Respondents Ontario Partners LLC, Nickolas Jekogian, III and Eric Kretschman)

Housing Code Violations

119. The rental housing accommodation located at 2401 Ontario Road, N.W. Washington, D.C. is a 22-unit apartment building for which Respondents Ontario Partners LLC which owns it, and Nickolas Jekogian, III and Eric Kretschman who are members of Ontario Partners LLC, have failed to abate at least 44 violations of Title 14 of DCMR upon information and belief. *See* Deed. (Exhibit 56, Bates # 00567). These unabated housing code violations were uncovered as a result of inspections and re-inspections that were conducted between March, 2007 and January, 2008.

120. Tenants of the building have been forced to endure continuing housing code violations that include rodents and vermin, rotted floors, fire code hazards, and other violations that dramatically impact upon the health, safety, and security of the tenants. For example:

- a. During an inspection on March 31, 2007, a District inspector, while inspecting the rear yard was able to see signs of rat burrows. The broken basement window exacerbated the problem allowing rats to enter directly into the building. *See* Notice of Violation No. 116861_3. (Exhibit 61, Bates # 00614).
- b. During an inspection on March 31, 2007, a District inspector was compelled to cite the owner for a noxious odor so foul that the smell constituted a nuisance.
- c. During an inspection on March 31, 2007, a District inspector observed several defective fire doors and obstructions at the exit doors that would prevent egress during an emergency. *See* Notice of Violation No. 116861_1. (Exhibit 61, Bates # 00611).

121. On March 31, 2007, the District's inspectors conducted an inspection of said property and observed 59 violations for which Respondent was cited. *See* Notice of Violation Nos. 116861_1, 116861_3, and 116861_15. (Exhibit 61, Bates # 00611-00620). On May 10, 2007, the District's inspectors conducted a re-inspection of said property and determined that of the 59 violations cited, 48 remained unabated. *See* Affidavit of Myriam Villarroel Regarding 2401 Ontario Road, N.W. (Exhibit 61, Bates # 00609). Furthermore, of the 48 unabated housing code violations, 12 were considered to be an immediate danger to the health, safety, or security of the tenants of said property; 36 were considered to be a serious threat to the health, safety, or security of the tenants. *See* Affidavit of Myriam Villarroel Regarding 2401 Ontario Road, N.W. (Exhibit 61, Bates # 00609) and Unabated Housing Code Violations (Exhibit 58, Bates # 00585). On April 3, 2007, District Inspector Rene Marquez personally served Anthony Serette at CT Corporation Systems, 1015 15th Street, N.W., Suite 1000, Washington, D.C. 20005, with Notice of Violation No. 116861_1. *See* Affidavit of Myriam Villarroel Regarding 2401 Ontario Road, N.W. (Exhibit 61, Bates # 00609). On April 4, 2007, District Inspector Warren Turner personally served Anthony Serette at CT Corporation Systems, in Washington, D.C., with Notice of Violation Nos. 116861_3 and 116861_15. *See* Affidavit of Myriam Villarroel Regarding 2401 Ontario Road, N.W. (Exhibit 61, Bates # 00609) CT Corporation Systems is listed as the registered agent for Ontario Partners LLC; however, Mr. Serette refused to sign the Notice of Violation. *See* Ontario Partners LLC Two-Year Report for Foreign and Domestic Limited Liability Companies (LLC). (Exhibit 57, Bates # 00581). *See also*, Affidavit of Myriam Villarroel Regarding 2401 Ontario Road, N.W. (Exhibit 61, Bates # 00609).

122. On October 23, 2007, the District's inspectors conducted an inspection of said property and observed one (1) violation for which Respondent was cited. *See* Notice of Violation No. 129016_1. (Exhibit 60, Bates # 00607). On November 14, 2007, the District's inspectors conducted a re-inspection of said property and determined that the violation cited remained unabated. *See* Affidavit of Elsie Burchette Regarding 2401 Ontario Road, N.W. (Exhibit 60, Bates # 00603). Furthermore, the unabated housing code violation was considered to be an immediate danger to the health, safety, or security of the tenants. *See* Affidavit of Elsie Burchette Regarding 2401 Ontario Road, N.W. (Exhibit 60, Bates # 00603); Affidavit of Mandoza Lowery Regarding 2401 Ontario Road, N.W. (Exhibit 60, Bates # 00605). *See also*, Unabated Housing Code Violations (Exhibit 58, Bates # 00585). On October 29, 2007, District inspector Mandoza Lowery unsuccessfully attempted personal service at 2401 Ontario Road, N.W. On November 6, 2007, he sent the Notice of Violation by certified and regular mail to Ontario Partners LLC, 1420 Walnut Street, Suite 650, Philadelphia, PA 19102. The United States Postal Service confirmed that the Notice of Violation was undeliverable and being returned. The owner was never served. *See* Affidavit of Mandoza Lowery Regarding 2401 Ontario Road, N.W. (Exhibit 60, Bates # 00605).

123. On November 5, 2007, the District's inspectors conducted an inspection of said property and observed 34 violations for which Respondent was cited. *See* Notice of Violation Nos. 129931_1, 129931_15, and 129932_15 and Photographs. (Exhibit 59, Bates # 00590-00602) On January 3, 2008, the District's inspectors conducted a re-inspection of said property and determined that of the 34 violations cited, six (6) remained unabated. *See* Affidavit of Lakethia Stroman Regarding 2401 Ontario Road, N.W. (Exhibit 59, Bates # 00588).

Furthermore, of the six (6) unabated housing code violations, two (2) were considered to be an immediate danger to the health, safety, or security of the tenants of said property; four (4) were considered to be a serious threat to the health, safety, or security of the tenants. *See* Affidavit of Lakethia Stroman Regarding 2401 Ontario Road, N.W. (Exhibit 59, Bates # 00588). *See also*, Unabated Housing Code Violations. (Exhibit 58, Bates # 00585). On November 7, 2007, Lakethia Stroman personally served Ayodei Babaloia, an agent of Ontario Partners LLC, at 2401 Ontario Road, N.W., with Notice of Violation Nos. 129931_15, 129931_1, and 129932_15. Mr. Babaloia signed the Notice of Violations. *See* Affidavit of Lakethia Stroman Regarding 2401 Ontario Road, N.W. (Exhibit 59, Bates # 00588).

Notice of Violations to Respondent

124. Respondents Ontario Partners LLC, Nickolas Jekogian, III, and Eric Kretschman were properly notified, with the exception of one violation, of the housing code violations giving rise to this petition for a receivership as noted above, when Anthony Serette, the property manager and Ayodeji Babaloia, an agent, were personally served copies of all the District's Housing Violation Notices which arose out of the inspections.

Probable Cause of Conditions or Practices Posing an Immediate Danger or Serious Threat to the Health Safety, or Security of the Building's Tenants

125. During their many inspections, District inspectors determined that the unabated housing code violations constituted an immediate danger or serious threat to the tenants' health, safety, or security. *See* Affidavit of Inspectors. (Exhibit 59, Bate #00588, Exhibit 60, Bate # 603, Exhibit 60, Bate # 605, Exhibit 61, Bate # 00609).

126. Respondents' practice of utterly failing to abate the housing code

violations, despite numerous citations and re-inspections, demonstrates that they are unwilling and incapable of undertaking the necessary actions required by law to abate dangerous and serious housing code violations. The failures of Respondents pose an immediate and continuing danger to the health, safety, or security of the tenants of 2401 Ontario Road, N.W.

127. The facts and circumstances detailed in paragraphs 119 through 126 establish probable cause to believe that conditions and practices affecting the public housing accommodation located at 2401 Ontario Road, N.W. pose an immediate danger or serious threat to the tenants' health, safety, or security.

Basis for Receivership for 2359 Ontario Road, N.W.
(Respondents Ontario Partners LLC, Nickolas Jekogian, III and Eric Kretschman)

Housing Code Violations

128. The rental housing accommodation located at 2359 Ontario Road, N.W. Washington, D.C. is a 28-unit apartment building for which Respondents Ontario Partners LLC, which owns it, and Nickolas Jekogian, III and Eric Kretschman, who are members of Ontario Partners LLC, have failed to abate at least 14 violations of Title 14 of DCMR upon information and belief. *See* Deed. (Exhibit 62, Bates # 00622). These unabated housing code violations were uncovered as a result of inspections and re-inspections that were conducted between August, 2005 and January, 2008.

129. Tenants of the building have been forced to endure continuing housing code violations that include rodents and vermin, rotted floors, filthy lavatories, and other violations that dramatically impact upon the health, safety, and security of the tenants. For example:

- a. During an inspection on March 31, 2007, a District inspector, while inspecting apartment 406, encountered numerous roaches and flying pests causing unwholesome premises. *See* Notice of Violation No. 116867_3. (Exhibit 67, Bates # 00660).
- b. During an inspection on March 31, 2007, a District inspector, while inspecting apartment 406, observed evidence of rodent infestation causing unsafe and unsanitary conditions. *See* Notice of Violation No. 116867_3. (Exhibit 52, Bates # 00660)

130. On August 9, 2005, the District's inspectors conducted an inspection of said property and observed one (1) violation for which Respondent was cited. *See* Notice of Violation No. 73407_30 and Photographs. (Exhibit 66, Bates # 00654). On September 20, 2005, the District's inspectors conducted a re-inspection of said property and determined that the violation cited remained unabated. *See* Affidavit of Virgil Williams Regarding 2359 Ontario Road, N.W. (Exhibit 66, Bates # 00652). Furthermore, this unabated housing code violation was considered to be a serious threat to the health, safety, or security of the tenants of said property. *See* Affidavit of Virgil Williams Regarding 2359 Ontario Road, N.W. (Exhibit 66, Bates # 00652). *See also*, Unabated Housing Code Violations. (Exhibit 64, Bates # 00642). On August 19, 2005, District Inspector Virgil Williams personally served Anthony Serette, Fulfillment Specialist, at CT Corporation Systems, in Washington D.C., with Notice of Violation No. 73407_30. *See* Affidavit of Virgil Williams Regarding 2359 Ontario Road, N.W. (Exhibit 66, Bates # 00652). CT Corporation Systems is listed as the registered agent for Ontario Partners LLC; however, Mr. Serette refused to sign the Notice of Violation. *See* Ontario Partners LLC Two-Year Report for Foreign and Domestic Limited Liability Companies (LLC). (Exhibit 63, Bates # 00638). *See also*, Affidavit of Virgil Williams Regarding 2359 Ontario Road, N.W. (Exhibit 66, Bates # 006520).

131. On January 2, 2008, the District's inspectors conducted an inspection of said property and observed two (2) violations for which Respondent was cited. *See* Notice of Violation No. 131667_15. (Exhibit 65, Bates # 00648). On September 20, 2007, the District's inspectors conducted a re-inspection of said property and determined that of the two (2) violations cited, two (2) remained unabated. *See* Affidavit of Warren Turner Regarding 2359 Ontario Road, N.W. (Exhibit 65, Bates # 00646). Furthermore, of the two (2) unabated housing code violations, two (2) were considered to be a serious threat to the health, safety, or security of the tenants. *See* Affidavit of Warren Turner Regarding 2359 Ontario Road, N.W. (Exhibit 65, Bates # 00646). *See also*, Unabated Housing Code Violations for 2359 Ontario Road (Table II). (Exhibit 64, Bates # 00643). On January 7, 2008, District inspector Warren Turner personally served Mark Diffenbaugh, Team Leader, at CT Corporation Systems, in Washington D.C., with Notice of Violation No. 131667_15. *See* Affidavit of Warren Turner Regarding 2359 Ontario Road, N.W. (Exhibit 65, Bates # 00646). CT Corporation Systems is listed as the registered agent for Ontario Partners LLC; however, Mr. Diffenbaugh refused to sign the Notice of Violation. *See* Ontario Partners LLC Two-Year Report for Foreign and Domestic Limited Liability Companies (LLC). (Exhibit 63, Bates # 00638). *See also*, Affidavit of Warren Turner Regarding 2359 Ontario Road, N.W. (Exhibit 65, Bates # 00646).

132. On March 31, 2007, the District's inspectors conducted an inspection of said property and observed 27 violations for which Respondent was cited. *See* Notice of Violation Nos. 116867_1, 116867_3, and 116867_15. (Exhibit 65, Bates # 00660-00667). On May 8, 2007, the District's inspectors conducted a re-inspection of said property and determined that of the 27 violations cited, 11 remained unabated. *See* Affidavit of Virgil Williams

Regarding 2359 Ontario Road, N.W. (Exhibit 65, Bates # 00652). Furthermore, of the 11 unabated housing code violations, three (3) were considered to be an immediate danger to the health, safety, or security of the tenants of said property; eight (8) were considered to be a serious threat to the health, safety, or security of the tenants. *See* Affidavit of Myriam Villarroel Regarding 2359 Ontario Road, N.W. (Exhibit 65, Bates # 00658). *See also*, Unabated Housing Code Violations for 2359 Ontario Road (Tables I and II). (Exhibit 64, Bates # 00642). On April 3, 2007, District inspector Myriam Villarroel personally served Anthony Serette, Fulfillment Specialist, at CT Corporation Systems, in Washington D.C., with Notice of Violation No. 116867_15. *See* Affidavit of Myriam Villarroel Regarding 2359 Ontario Road, N.W. CT Corporation Systems is listed as the registered agent for Ontario Partners LLC; however, Mr. Serette refused to sign the Notice of Violation. *See* Ontario Partners LLC Two-Year Report for Foreign and Domestic Limited Liability Companies (LLC). (Exhibit 63, Bates # 00638).

Notice of Violations to Respondents

133. Respondents Ontario Partners LLC, Nickolas Jekogian, III, and Eric Kretschman were properly notified of the housing code violations giving rise to this petition for a receivership as noted above, when Anthony Serette, and/or Mark Diffenbauh, agents, were personally served copies of all the District's Housing Violation Notices which arose out of the inspections.

Probable Cause of Conditions or Practices Posing an Immediate Danger or Serious Threat to the Health Safety, or Security of the Building's Tenants

134. During their many inspections, District inspectors determined that the unabated housing code violations constituted an immediate danger or serious threat to the

tenants' health, safety, or security. *See* Affidavits of Inspectors. (Exhibit 65, Bates # 00646; Exhibit 66, Bate # 00652 and Exhibit 67, Bate # 00658).

135. Respondents' practice of utterly failing to abate the housing code violations, despite numerous citations and re-inspections, demonstrates that they are unwilling and incapable of undertaking the necessary actions required by law to abate dangerous and serious housing code violations. The failures of Respondents pose an immediate and continuing danger to the health, safety, or security of the tenants of 2359 Ontario Road, N.W.

136. The facts and circumstances detailed in paragraphs 128 through 135 establish probable cause to believe that conditions or practices affecting the public housing accommodation located at 2359 Ontario Road, N.W. pose an immediate danger or serious threat to the tenants' health, safety, or security.

Basis for Receivership for 518 9th Street, N.E.
(Respondents Capitol East Partners LLC, Nickolas Jekogian, III and Eric Kretschman)

Housing Code Violations

137. The rental housing accommodation located at 518 9th Street, N.E., Washington, D.C. is a 64-unit apartment building for which Respondents Capitol East Partners LLC, which owns it, and Nickolas Jekogian, III and Eric Kretschman who are members of Capitol East Partners LLC, have failed to abate at least 166 violations of Title14 of DCMR upon information and belief. *See* Deed (Exhibit 68, Bates # 00669). These unabated housing code violations were uncovered as a result of inspections and re-inspections that were conducted between January, 2006 and March, 2006.

138. Tenants of the building have been forced to endure continuing housing code violations that include leaking drain pipes, cracked and peeling walls, rotted floors, filthy lavatories, and other violations that dramatically impact upon the health, safety, and security of the tenants. For example:

- a. During a re-inspection on March 25, 2006, a District inspector, while inspecting unit 412, observed dampness on the ceiling and walls indicative of an unseen leaking water source. *See* Notice of Violation No. 83638_30. (Exhibit 72, Bates # 00721).
- b. During a re-inspection on March 25, 2006, a District inspector, while inspecting unit 405, observed holes in the walls and floors. *See* Notice of Violation No. 83638_30. (Exhibit 72, Bates # 00721).

139. On January 14, 2006, the District's inspectors conducted an inspection of said property and observed 307 violations for which Respondent was cited. *See* Notice of Violation Nos. 83609_1, 83637_15, 83608_30, and 83638_30 and Photographs. (Exhibit 71, Bates # 00705-00718; Exhibit 72, Bates # 00721-00755). On March 18, 2006, March 20, 2006, and March 25, 2006, the District's inspectors conducted re-inspections of said property and determined that of the 307 violations cited, 166 remained unabated. *See* Affidavit of Kenneth Oliver (Exhibit 71, Bates # 00703) and Affidavit of Valeria Myers Regarding 518 9th Street, N.E. (Exhibit 72, Bates # 00719). Furthermore, of the 166 unabated housing code violations, two (2) were considered to be an immediate danger to the health, safety, or security of the tenants of said property; 164 were considered to be a serious threat to the health, safety, or security of the tenants. *See* Affidavit of Kenneth Oliver (Exhibit 71, Bates # 00703) and Affidavit of Valeria Myers Regarding 518 9th Street, N.E. (Exhibit 72, Bates # 00719). *See also* Unabated Housing Code Violations (Exhibit 70, Bates # 00685). On January 24, 2006, District Inspector, Michael

Brown, personally served Louis Lance, Fulfillment Specialist, at CT Corporation Systems, in Washington D.C., with Notice of Violation Nos. 83609_1, 83637_15, 83608_30, and 83638_30. *See* Affidavit of Kenneth Oliver (Exhibit 71, Bates # 00703) and Affidavit of Valeria Myers Regarding 518 9th Street, N.E. (Exhibit 72, Bates # 00719). CT Corporation Systems is listed as the registered agent for Capitol East Partners LLC; however, Mr. Lance refused to sign the Notice of Violations. *See* Capital East Partners LLC Two-Year Report for Foreign and Domestic Limited Liability Companies (LLC) (Exhibit 69, Bates # 00679); *See also*, Affidavit of Kenneth Oliver (Exhibit 71, Bates # 00703) and Affidavit of Valeria Myers Regarding 518 9th Street, N.E. (Exhibit 72, Bates # 00719).

140. As recently as April 9 and 10, 2008, the District's inspectors conducted an inspection of said property and observed 100 violations for which Respondent was cited. *See* Notice of Violation Nos. 136034_1, 136035_3, 136066_7, 136069_3, 136069_1, 136066_1, 136069_5, 136029_1, 136008_1, 136007_3, 136028_7, 136007_7, 136070_1, 136072_3, 136034_15, 136033_30, 136035_15, 136033_15, 136066_15, 136068_30, 136067_15, 136069_7, 136007_15, 136008_15, 136072_15, 136071_15, and 136070_15. (Exhibit 72, Bate # 00756-00767, Exhibit 73, Bate # 00770-00781, Exhibit 74, Bate # 00784-00802 , Exhibit 75, Bate # 00805-00817) , and Exhibit 76, Bate # 00820-00823). Respondent's agent Michael Simpson was personally served with the above Notices on April 11, 2008. Of the 100 violations, 18 of these violations are considered to be an immediate danger to the health, safety, or security of the tenants of the said property, and 89 of these violations are considered to be a serious threat to the health, safety, or security of the tenants of said property. *See* Affidavits of Robert Gary (Exhibit 75, Bates # 00803, Richard Johnson (Exhibit 74, Bates # 00782, Thomas Small (Exhibit

76, Bates # 00818, Michael Brown (Exhibit 73, Bates # 00768, and Valerie Myers (Exhibit 72, Bates # 00719 Regarding 518 9th Street, N.W.)

141. The tenants of the building have been forced to endure continuing housing code violations that include rodents, defective smoke detectors, a defective water line pipe, leaking water lines, defective cooking facilities, leaking bathroom drains, cracks in lavatories, defective electrical outlets, defective water closet mechanisms, doors with broken glass, rotted floor parts, holes and cracks in the walls and ceiling, ceiling dampness, missing floor covering, accumulation of trash for more than seven (7) days, and other violations that dramatically impact upon the health, safety, and security of the tenants. Although these violations have not been re-inspected, they are included based on information and belief that they remain unabated due to Respondent's well-documented pattern and practice of failing to abate such violations.

Notice of Violations to Respondents

142. Respondents Capitol East Partners LLC, Nickolas Jekogian, III, and Eric Kretschman were properly notified of the housing code violations giving rise to this petition for a receivership as noted above, when one of the Respondents or their agent(s) were personally served by hand-delivered copies of the District's Housing Violation Notices, or were sent copies of the District's Housing Violation Notices by regular or certified mail.

Probable Cause of Conditions or Practices Posing an Immediate Danger or Serious Threat to the Health Safety, or Security of the Building's Tenants

143. During their many inspections, District inspectors determined that the unabated housing code violations constituted an immediate danger or serious threat to the tenants' health, safety, or security. *See* Affidavits of Inspectors. (Exhibit 71, Bates # 00703,

Exhibit 72, Bates # 00719, Exhibit 73, Bates # 00768, Exhibit 74, Bates # 00782, Exhibit 75, Bates # 00803 and Exhibit 76, Bates # 00818).

144. Respondents' practice of utterly failing to abate the housing code violations, despite numerous citations and re-inspections, demonstrates that they are unwilling and incapable of undertaking the necessary actions required by law to abate dangerous and serious housing code violations. The failures of Respondents pose an immediate and continuing danger to the health, safety, or security of the tenants of 518 9th Street, N.E.

145. The facts and circumstances detailed in paragraphs 137 through 144 establish probable cause to believe that conditions and practices affecting the public housing accommodation located at 518 9th Street, N.E. pose an immediate danger or serious threat to the tenants' health, safety, or security.

Basis for Receivership for 1114 F Street, N.E.
(Respondents Capitol East Partners II LLC, Nickolas Jekogian, III and Eric Kretschman)

Housing Code Violations

146. The rental housing accommodation located at 1114 F Street, N.E., Washington, D.C. is a 48-unit apartment building for which Respondents Capitol East Partners II LLC, which owns it, and Nickolas Jekogian, III and Eric Kretschman who are members of Capitol East Partners II LLC, have failed to abate at least 11 violations of Title 14 of DCMR upon information and belief. *See* Deed. (Exhibit 77, Bates # 00824). These unabated housing code violations were uncovered as a result of inspections and re-inspections that were conducted between December, 2004 and November, 2005.

147. Tenants of the building have been forced to endure continuing housing code violations that include heating issues, peeling walls, mold developing violations, and other violations that dramatically impact upon the health, safety, or security of the tenants. For example:

- a. During a re-inspection on December 20, 2004, a District inspector, while inspecting unit 3, observed several damaged and inoperable radiators, making them incapable of providing the necessary heat for living standards. *See* Notice of Violation No. 55494_1 and Photographs. (Exhibit 80, Bates # 00850).
- b. During a re-inspection on April 28, 2005, a District inspector, while inspecting unit B4, observed dampness in the ceilings that fosters the creation of mold. *See* Notice of Violation No. 60024_30 and Photographs. (Exhibit 80, Bates # 00855).

148. On December 7, 2004, the District's inspectors conducted an inspection of said property and observed three (3) violations for which Respondent was cited. *See* Notice of Violation No. 55494_1 (Exhibit 80, Bates # 00850) and Affidavit of Deloris Lassiter Regarding 1114 F Street, N.E. (Exhibit 80, Bates # 00848). On December 20, 2004, the District's inspectors conducted a re-inspection of said property and determined that of the three (3) violations cited, three (3) remained unabated. *See* Affidavit of Deloris Lassiter Regarding 1114 F Street, N.E. (Exhibit 80, Bates # 00848). Furthermore, all three (3) of the unabated housing code violations were considered to be an immediate danger to the health, safety, or security of the tenants of said property. *See* Unabated Housing Code Violations (Exhibit 79, Bate # 00841) and Affidavit of Deloris Lassiter Regarding 1114 F Street, N.E. (Exhibit 80, Bates # 00848). On December 8, 2004, District Inspector, Deloris Lassiter, personally served Anthony Serette, Fulfillment Specialist, at CT Corporation Systems, in Washington D.C., with Notice of Violation

No. 55494_1. *See* Affidavit of Deloris Lassiter Regarding 1114 F Street, N.E. (Exhibit 80, Bates # 00848). CT Corporation Systems is listed as the registered agent for Capital East Partners II LLC; however, Mr. Serette refused to sign the Notice of Violation. *See* Affidavit of Deloris Lassiter Regarding 1114 F Street, N.E. (Exhibit 80, Bates # 00848) and Two-Year Report for Capitol East Partners II, LLC. (Exhibit 78, Bates # 00840).

149. On January 31, 2005, the District's inspectors conducted an inspection of said property and observed 13 violations for which Respondent was cited. *See* Notice of Violation Nos. 60024_15 and 60024_30 (Exhibit 80, Bates # 00853, 00855) and Affidavit of Deloris Lassiter Regarding 1114 F Street, N.E. (Exhibit 80, Bates # 848). On April 28, 2005, the District's inspectors conducted a re-inspection of said property and determined that of the 13 violations cited, seven (7) remained unabated. *See* Affidavit of Deloris Lassiter Regarding 1114 F Street, N.E. (Exhibit 80, Bates # 00848). Furthermore, the seven (7) remaining violations were considered to be a serious threat to the health, safety, or security of the tenants of said property. *See* Unabated Housing Code Violations (Exhibit 79, Bates # 00841) and Affidavit of Deloris Lassiter Regarding 1114 F Street, N.E. (Exhibit 80, Bates # 00848). On February 3, 2005, District Inspector, Deloris Lassiter personally served Nicholas Knight, Fulfillment Specialist, at CT Corporation Systems, in Washington D.C., with Notice of Violation Nos. 60024_15 and 60024_30. *See* Affidavit of Deloris Lassiter Regarding 1114 F Street, N.E. (Exhibit 80, Bates # 00848). Mr. Knight refused to sign the Notice of Violation. *See* Affidavit of Deloris Lassiter Regarding 1114 F Street, N.E. (Exhibit 80, Bates # 00848).

150. On September 6, 2005, the District's inspectors conducted an inspection of said property and observed two (2) violations for which Respondent was cited. *See* Notice of

Violation No. 76660_30 (Exhibit 80, Bates # 00865) and Affidavit of Carlton McLaughlin Regarding 1114 F Street, N.E. (Exhibit 80, Bates # 00863). On November 15, 2005, the District's inspectors conducted a re-inspection of said property and determined that of the two (2) violations cited, one (1) remained unabated. *See* Affidavit of Carlton McLaughlin Regarding 1114 F Street, N.E. (Exhibit 80, Bates # 00863). Furthermore, the remaining violation was considered to be a serious threat to the health, safety, or security of the tenants of said property. *See* Unabated Housing Code Violations (Exhibit 79, Bates # 00841) and Affidavit of Carlton McLaughlin Regarding 1114 F Street, N.E. (Exhibit 80, Bates # 00863). On September 7, 2005, District inspector, Carlton McLaughlin personally served Alice Williams, Assistant Manager, at 1114 F Street, N.E., with Notice of Violation No. 76660_30. *See* Affidavit of Carlton McLaughlin Regarding 1114 F Street, N.E. (Exhibit 80, Bates # 00863). Ms. Williams signed the Notice of Violation. *See* Affidavit of Carlton McLaughlin Regarding 1114 F Street, N.E. and Notice of Violation No. 76660_30. (Exhibit 80, Bates # 00863, 00865).

151. On April 9 and 10, 2008, the District's inspectors conducted additional inspections of 1114 F Street, N.E. and observed 91 violations for which Respondents were cited. *See* Notice of Violation Nos. 136023_1, 136032_1, 136061_1, 136062_1, 136064_1, 136073_1, 136032_3, 136073_3, 135802_5, 136064_7, 136073_7, 136020_15, 136021_15, 136022_15, 136024_15, 136059_15, 136061_15, 136062_15, 136064_15, 136073_15, 136032_30, 136061_30, and 136062_30. (Exhibit 82, Bate # 00873-00894, Exhibit 83, Bate # 00897-00904, Exhibit 84, Bate # 00907-00918, and Exhibit 85, Bate # 00921-00930). *See also* Affidavits of Robert Gary, Richard Johnson, Valeria Myers, and Thomas Small Regarding 1114 F Street, N.E. (Exhibit 8, Bate # 00895, Exhibit 82, Bate # 00871, Exhibit 85, Bate # 00919, and Exhibit 84,

Bate # 00905). Seventeen (17) of the cited violations are considered to be an immediate danger to the health, safety, or security of the tenants of said property and 74 of the cited violations are considered to be a serious threat to the health, safety, or security of the tenants of said property. *See* Affidavits of Robert Gary, Richard Johnson, Valeria Myers, and Thomas Small Regarding 1114 F Street, N.E. (Exhibit 8, Bate # 00895, Exhibit 82, Bate # 00871, Exhibit 85, Bate # 00919, and Exhibit 84, Bate # 00905). The Respondents were served with Notice of Violation Nos. 136023_1, 136061_1, 136062_1, 136064_1, 136073_1, 136032_3, 136073_3, 135802_5, 136064_7, 136073_7, 136020_15, 136021_15, 136022_15, 136024_15, 136059_15, 136061_15, 136062_15, 136064_15, 136073_15, 136032_30, 136061_30, and 136062_30 by personal service on April 11, 2008. *See* Affidavits of Robert Gary, Richard Johnson, Valeria Myers, and Thomas Small Regarding 1114 F Street, N.E. (Exhibit 8, Bate # 00895, Exhibit 82, Bate # 00871, Exhibit 85, Bate # 00919, and Exhibit 84, Bate # 00905). Although these violations have not been re-inspected, they are included based on information and belief that they remain unabated due to Respondents' well-documented pattern and practice of failing to abate such violations.

Notice of Violations to Respondents

152. Respondents Capitol East Partners II LLC, Nickolas Jekogian, III, and Eric Kretschman were properly notified of the housing code violations giving rise to this petition for a receivership as noted above, when Anthony Serette and Nicholas Knight, corporate agents, as well as Alice Williams, assistant property manager, were personally served copies of all District Housing Violation Notices which arose out of the inspections. *See* Affidavits of Deloris Lassiter

and Carlton McLaughlin Regarding 1114 F Street, N.E. (Exhibit 80, Bate # 00848 and Exhibit 81, Bate # 00863).

Probable Cause of Conditions or Practices Posing an Immediate Danger or Serious Threat to the Health Safety, or Security of the Building's Tenants

153. During their many inspections, District inspectors determined that the unabated housing code violations constituted an immediate danger or serious threat to the tenants' health, safety, or security. *See* Affidavits of Inspectors. (Exhibit 80, Bate # 0848, Exhibit 81, Bate # 00863 Exhibit 82, Bate # 00871, Exhibit 83, Bate # 00895, Exhibit 84, Bate # 00905 and Exhibit 85, Bate # 00919.

154. Respondents' practice of utterly failing to abate the housing code violations, despite numerous citations and re-inspections, demonstrates that they are unwilling and incapable of undertaking the necessary actions required by law to abate dangerous and serious housing code violations. The failures of Respondents pose an immediate and continuing danger to the health, safety, or security of the tenants of 1114 F Street, N.E.

155. The facts and circumstances detailed in paragraphs 146 through 154 establish probable cause to believe that conditions and practices affecting the public housing accommodation located at 1114 F Street, N.E. pose an immediate danger or serious threat to the tenants' health, safety, or security.

Basis for Receivership for 3339 10th Place, S.E.
(Respondent Edward Knott)

Housing Code Violations

156. The rental housing accommodation located at 3339 10th Place, S.E., Washington, D.C. is a 12-unit apartment building for which Respondent Edward Knott, who

owns it has failed to abate at least 405 violations of Title 14 of DCMR upon information and belief. *See* Deed. (Exhibit 86, Bate # 00931). These unabated housing code violations were uncovered as a result of inspections and re-inspections that were conducted between October 2003 and April 2008.

157. Tenants of the building have been forced to endure continuing housing code violations that include a lack of heat and a defective heating unit to heat the entire building in the middle of December, structurally unsound ceilings, a building with accumulated trash or debris, unsafe windows with broken glass or with entirely missing glass panes that were filled with either taped plastic or broken wood coverings, gaping holes in the ceiling and other violations that dramatically impact upon the health, safety, or security of the tenants. For example:

- a. During an initial inspection on July 6, 2007, a District inspector observed in the rear of the building, the common windows in the basement, by which the public may easily gain access, contained broken glass panes or a broken piece of wood, which did not secure the windows for which the owner was cited with six (6) housing code violations. During a subsequent re-inspection on July 20, 2007, the District inspector observed that the owner had failed to abate any of the cited housing code violations. *See* Notice of Violation No. 123546_3 and Photographs. (Exhibit 89, Bate # 01001).
- b. During an inspection on January 24, 2007, a District inspector observed a large accumulation of uncovered and unsecured trash on the premises. An adequate trash receptacle had not been provided to accommodate the 12-unit building. The owner was cited for two housing code violations. During a subsequent re-inspection on February 20, 2007, the District inspector observed that the owner had failed to abate the nuisance in that the trash remained at the premises without adequate trash receptacles. *See* Notice Violation No. 114498_3 and Photographs. (Exhibit 89, Bate # 00997).

- c. During an inspection on February 20, 2004, a District inspector cited the owner, who had previously been cited for an excessive accumulation of trash and showed a pattern of failing to provide adequate receptacles to contain trash on the premises, for similar problems. By the time of a re-inspection on March 1, 2004, the housing code violations had not been abated. *See* Notice of Violation No. 28520_7 and Photographs. (Exhibit 89, Bate # 00985).
- d. During an inspection on December 11, 2003, a District inspector, while inspecting the building learned that the building failed to maintain heat at a minimum of 68 degrees Fahrenheit, and that the central heating unit failed to maintain heat at the necessary minimum temperature. The owner was cited and required to abate the immediate hazard within one (1) day. The owner had failed to abate the nuisance as of a re-inspection on December 15, 2003. *See* Notice of Violation Notice No. 25877_1 and Photographs. (Exhibit 89, Bate # 00990).
- e. During an initial inspection on October 23, 2003, a District inspector observed broken glass in the windows in the kitchen, bathroom and a rear sleeping room for which the owner was cited. During a re-inspection on November 10, 2003, the District inspector observed that none of the housing code violations had been abated. The window in the kitchen was covered with plastic, using duct tape to secure it, and the bathroom window was completely missing in the second floor unit. *See* Notice of Violation No. 24031_15 and Photographs. (Exhibit 89, Bate # 01015).
- f. During an initial inspection on October 23, 2003, a District inspector observed an extra large gaping hole in the wall of one particular unit for which the owner was cited. During the re-inspection on November 26, 2003, the District inspector observed that this housing code violation had not been abated. *See* Notice of Violation No. 24032_30 and Photographs. (Exhibit 89, Bate # 01020).

158. On October 23, 2003, the District's inspector conducted an inspection of said property and observed 76 violations for which Respondent was cited. *See* Notice of Violation Nos. 24032_15, 24032_30, 24031_15, and 24031_30. (Exhibit 89, Bate # 00980, 01020, 01015, and 01025). On October 24, 2003, the notices were personally served upon Respondent. *See* Affidavit of Michael Byrd Regarding 3339 10th Place, S.E. (Exhibit 89, Bate #

00975). On November 10, 2003 and November 26, 2003, the District's inspectors conducted re-inspections of said property and determined that of the 76 violations cited 73 violations remained unabated. Furthermore, the 73 unabated violations were considered to be a serious threat to the health, safety, or security of the tenants of said property. *See Unabated Housing Code Violations (Exhibit 88, Bate # 00936) and Affidavit of Michael Byrd Regarding 3339 10th Place, S.E. (Exhibit 89, Bate # 00975).*

159. On November 3, 2003, the District's inspectors conducted an inspection of said property and observed 42 violations for which Respondent was cited. *See Notice of Violation Nos. 24524_15 and 24524_30. (Exhibit 89, Bate # 01029, 01031).* On November 4, 2003, the notices were personally served upon an agent of Respondent, a resident manager, at the property address of 3339 10th Place, S.E., Washington, D.C. *See Affidavit of Michael Byrd Regarding 3339 10th Place, S.E. (Exhibit 89, Bate # 00975).* On November 13, 2003 and December 8, 2003, the District's inspectors conducted re-inspections of said property and determined that of the 42 violations cited, 36 remained unabated. Furthermore, the 36 unabated violations were considered to be a serious threat to the health, safety, or security of the tenants of said property. *See Unabated Housing Code Violations (Exhibit 88, Bate # 00936) and Affidavit of Michael Byrd Regarding 3339 10th Place, S.E. (Exhibit 89, Bate # 00936, 00975).*

160. On November 25, 2003, the District's inspectors conducted an inspection of said property and observed 257 violations for which Respondent was cited. *See Notice of Violation Nos. 25667_1, 25667_15, and 25667_30. (Exhibit 89, Bate # 00982, 01035, 01037).* On December 8, 2003, the notices were personally served upon an agent of Respondent, a resident manager, at the property address of 3339 10th Place, S.E., Washington, D.C. *See*

Affidavit of Michael Byrd Regarding 3339 10th Place, S.E. (Exhibit 89, Bate # 00975). On December 10, 2003 and February 13, 2004, the District's inspectors conducted re-inspections of said property and determined that of the 257 violations cited, 254 remained unabated.

Furthermore, eight (8) unabated violations were considered to be an immediate danger to the health, safety, or security of the tenants of said property; and 246 were considered to be a serious threat to the health, safety, or security of the tenants of said property. *See Unabated Housing Code Violations* (Exhibit 88, Bate # 00936) and *Affidavit of Michael Byrd Regarding 3339 10th Place, S.E.* (Exhibit 89, Bate # 00975).

161. On December 11, 2003, the District's inspectors conducted an inspection of said property and observed two (2) violations for which Respondent was cited. *See Notice of Violation No. 25877_1.* (Exhibit 89, Bate # 00990). On December 11, 2003, the notice was personally served upon an agent of Respondent, a resident manager, at the property address of 3339 10th Place, S.E., Washington, D.C. *See Affidavit of Michael Byrd Regarding 3339 10th Place, S.E.* (Exhibit 89, Bate # 00975). On December 15, 2003, the District's inspectors conducted a re-inspection of said property and determined that of the two (2) violations cited, both remained unabated. Furthermore, the two (2) unabated violations were considered to be an immediate danger to the health, safety, or security of the tenants of said property. *See Unabated Housing Code Violations* (Exhibit 88, Bate # 00936) and *Affidavit of Michael Byrd Regarding 3339 10th Place, S.E.* (Exhibit 89, Bate # 00975).

162. On February 20, 2004, the District's inspectors conducted an inspection of said property and observed one (1) violation for which Respondent was cited. *See Notice of Violation No. 28520_7.* (Exhibit 89, Bate # 00985). On February 20, 2004, the notice was

personally served upon a relative of an agent of Respondent, at the property address of 3339 10th Place, S.E., Washington, D.C. *See* Affidavit of Michael Byrd Regarding 3339 10th Place, S.E. (Exhibit 89, Bate # 00975). On March 1, 2004, the District's inspectors conducted a re-inspection of said property and determined that the violation remained unabated. Furthermore, the violation was considered to be an immediate danger to the health, safety, or security of the tenants of said property. *See* Unabated Housing Code Violations (Exhibit 88, Bate # 00936) and Affidavit of Michael Byrd Regarding 3339 10th Place, S.E. (Exhibit 89, Bate # 00975).

163. On July 8, 2005, the District's inspectors conducted an inspection of said property and observed two (2) violations for which Respondent was cited. *See* Notice of Violation No. 71599_1. (Exhibit 89, Bate # 00992). On July 12, 2005, Respondent was provided notice through regular mail and again on July 14, 2005, notice was sent to Respondent via certified mail and accepted as delivered on July 20, 2005. *See* United States Postal Service Track and Confirm receipt number, 7001 2510 0008 3921 6591. (Exhibit 89, Bate # 00994). On July 26, 2005, the District's inspectors conducted a re-inspection of said property and determined that of the two (2) violations cited, two (2) remained unabated. Furthermore, the two (2) unabated housing code violations were considered to be an immediate danger to the health, safety, or security of the tenants of said property. *See* Unabated Housing Code Violations (Exhibit 88, Bate # 00936) and Affidavit of Michael Byrd Regarding 3339 10th Place, S.E. (Exhibit 89, Bate # 00975).

164. On January 24, 2007, the District's inspectors conducted an inspection of said property and observed two (2) violations for which Respondent was cited. *See* Notice of Violation No. 114498_3. (Exhibit 89, Bate # 00997). On January 26, 2007, notice was provided

to Respondent through regular mail and again on January 30, 2007, notice was sent via certified mail and regular mail. On February 12, 2007, the District's inspectors conducted a re-inspection of said property and determined that of the two (2) violations cited, both remained unabated. Furthermore, the two (2) unabated violations were considered to be an immediate danger to the health, safety, or security of the tenants of said property. *See Unabated Housing Code Violations* (Exhibit 88, Bate # 00936) and *Affidavit of Michael Byrd Regarding 3339 10th Place, S.E.* (Exhibit 89, Bate # 00975).

165. On May 7, 2007, the District's inspectors conducted an inspection of said property and observed two (2) violations for which Respondent was cited. *See Notice of Violation No. 118952_7.* (Exhibit 89, Bate # 00998). On May 7, 2007, notice was provided by posting at the property site of 3339 10th Place, S.E., Washington, D.C. On May 11, 2007, notice was provided to Respondent through regular mail and certified mail and accepted as delivered on May 22, 2007. *See United States Postal Service Track and Confirm receipt number, 7001 2510 0008 3921 2685.* (Exhibit 89, Bate # 01000). On June 4, 2007, the District's inspectors conducted a re-inspection of said property and determined that of the two (2) violations cited, two (2) remained unabated. Furthermore, the two (2) unabated housing code violations were considered to be an immediate danger to the health, safety, or security of the tenants of said property. *See Unabated Housing Code Violations* (Exhibit 88, Bate # 00936) and *Affidavit of Michael Byrd Regarding 3339 10th Place, S.E.* (Exhibit 89, Bate # 00975).

166. On July 6, 2007, the District's inspectors conducted an inspection of said property and observed six (6) violations for which Respondent was cited. *See Notice of Violation No. 123546_3.* (Exhibit 89, Bate # 01001). On July 6, 2007, notice was provided by

posting at the property site of 3339 10th Place, S.E., Washington, D.C. and sent by regular and certified mail and accepted as delivered on July 23, 2007. *See* United States Postal Service Track and Confirm receipt number, 7006 0810 0001 3491 1021. (Exhibit 89, Bate # 01003). On July 20, 2007, the District's inspectors conducted a re-inspection of said property and determined that of the six (6) violations cited, all six (6) remained unabated. Furthermore, the six (6) unabated housing code violations were considered to be an immediate danger to the health, safety, or security of the tenants of said property. *See* Unabated Housing Code Violations (Exhibit 88, Bate # 00936) and Affidavit of Michael Byrd Regarding 3339 10th Place, S.E. (Exhibit 89, Bate # 00975).

167. Most recently as of March 2008, the tenants continue to be forced to reside in a premise that remains in a state of extreme disrepair. Specifically, inspectors found violations that included rodent infestation, an improperly secured toilet, no smoke detectors provided, defective electrical outlets and fixtures, holes and cracks in walls and ceilings, holes or missing parts in floors, rotting ceilings, improperly maintained temperature, an improperly maintained central heating unit, and leaking pipes. Also, the same apartment units that were previously inspected continue to have peeling and loose paint and at least one apartment unit continues to have a damaged ceiling and defective tub and other violations that continue to dramatically impact upon their health, safety, or security of the tenants. *See* Notice of Violation Nos. 134615_1, 134615_15, 134675_15, 134607_7, 134486_7, 134487_3, 134519_1, and 134486_1. (Exhibit 90, Bate # 01055, 01067, 01073, 01077, 01071; Exhibit 90A, Bate # 01075a, 01071a; and Exhibit 92A, Bate # 01091a).

168. In addition to housing code violations, District inspectors from fire protection, electrical and plumbing conducted inspections as recently as March 2008. Each inspector from their respective disciplines noted violations. Specifically, the fire protection inspector noted very serious violations, including but not limited to, an inoperable fire alarm system, missing fire extinguishers, and missing emergency and exit lights. An electrical inspector observed violations including exposed cords running across the floor, missing or broken light fixtures, and permissible electrical loads in excess of the branch-circuit rating, and worn, damaged, or deteriorating switch-ears. A plumbing inspection revealed violations where a draft diverter or exhaust pipe on the water heater was non-existent and at least three heating boilers were defective. *See* Notice of Violations Nos. 216962 and 21690 and Notice of Violation of Michael Pearson. (Exhibit 94, Bate # 01093).

169. Specifically on March 6, 2008, the District's inspectors conducted an inspection of said property and observed 78 violations for which Respondent was cited. *See* Notice of Violation Nos. 134486_1, 134486_7, 134486_15, 134486_30, 134487_1, 134487_3, 134487_15, 134518_5, 134518_3, 134518_0, 134519_1, 134519_7, and 134519_15. (Exhibit 91a, Bate # 01078a, 01080a; Exhibit 91, Bate # 01071-01078; Exhibit 92, Bate # 01081-01091; and Exhibit 92a, Bate # 01091a). *See also* Affidavit of Robert Gary and Affidavit of Kevin Jackson Regarding 3339 10th Place, S.E. (Exhibit 92, Bate # 01079 and Exhibit 91, Bate # 01069). Additionally, on March 6, 2008, the District's electrical and fire protection inspectors conducted an inspection and observed 11 violations. *See* Notice of Violations Nos. 216962, 21690 and Notice of Violation of Michael Pearson. (Exhibit 94, Bate # 01093). On March 29, 2008, notice was provided to Respondent by personal service. *See* Affidavit of Anthony Rembert

Regarding 3339 10th Place, S.E. (Exhibit 93, Bate # 01092). On April 4, 2008, the District's inspectors conducted a re-inspection of the said property for Notice of Violation Nos. 134487_1 and 134487_3 and determined that none of the four (4) cited violations had been abated. *See* Affidavit of Kevin Jackson Regarding 3330 10th Place, S.E. (Exhibit 91, Bate # 01069).

170. On March 12, 2008, the District's inspectors conducted an inspection of said property and observed 71 violations for which Respondent was cited. *See* Notice of Violation Nos. 134615_1, 134615_3, 134615_7, and 134615_15 (Exhibit 90, Bate # 01055-01060 and Exhibit 90a, Bate # 01075a) and Affidavit of Virgil Williams Regarding 3339 10th Place, S.E. (Exhibit 90, Bate # 01052). Additionally, on March 12, 2008, a plumbing inspector conducted an inspection and observed two (2) violations for which the Respondent was cited. *See* Notice Violation No. 21690. (Exhibit 94, Bate # 01095). On March 22, 2008, notice was provided to Respondent by personal service.

171. On March 13, 2008, the District's inspectors conducted an inspection of said property and observed 49 violations for which Respondent was cited. *See* Notice of Violation Nos. 134675_0, 134675_1, and 134675_15 (Exhibit 91A, Bate # 01080a, # 01071a and Exhibit 90, Bate # 01061) and Affidavit of Virgil Williams Regarding 3339 10th Place, S.E. (Exhibit 90, Bate # 01052). On March 29, 2008, notice was provided to Respondent by personal service. On April 1, 2008, the District's inspector conducted a re-inspection of said property for Notice of Violation No. 134675_1 at which time, he determined that two (2) violations were unabated. *See* Affidavit of Virgil Williams Regarding 3339 10th Place, S.E. (Exhibit 90, Bate # 01052).

172. On March 14, 2008, the District's inspectors conducted an inspection of said property and observed 34 violations for which Respondent was cited. See Notice of Violation Nos. 134607_1, 134607_3, 134607_7, and 134607_15 (Exhibit 90, Bate # 01063-01068 and Exhibit 91A, Bate # 01068a) and Affidavit of Virgil Williams Regarding 3339 10th Place, S.E. (Exhibit 90, Bate # 01052). On March 29, 2008, notice was provided to Respondent by personal service. See Affidavit of Anthony Rembert Regarding 3339 10th Place, S.E. (Exhibit 93, Bate # 01092). On April 3, 2008, District's inspectors conducted re-inspections of said property for Notice of Violation Nos. 134607_1, 134607_3, 134607_7, 134615_1, 134615_3, 134615_7, 134486_1, and 134486_7 and determined that 21 of the cited violations were unabated. See Affidavit of Virgil Williams and Affidavit of Kevin Jackson Regarding 3330 10th Place, S.E. (Exhibit 90, Bate # 01052 and Exhibit 91, Bate # 01069).

173. Moreover, Respondent failed to obtain a basic business license to operate his business at 3339 10th Place, S.E., as the law requires pursuant to D.C. Code Section 47-2851.02 (2001). See Department of Consumer and Regulatory Affairs Certification of no business license for 3339 10th Place, S.E., dated March 28, 2008. (Exhibit 87, Bate # 00934).

174. Additionally, Respondent has failed to obtain a Certificate of Occupancy to utilize the building in its current fashion, as the law requires pursuant to 11 DCMR Section 3203 (2008). See Department of Consumer and Regulatory Affairs Letter of no certificate of occupancy for 3339 10th Place, S.E. (Exhibit 87, Bate # 00935).

175. Several tenants in said property have filed a civil action against Respondent, in Civil Action No. 2008 CA 2207, alleging numerous housing code violations that Respondent has been on notice of and failed to abate. The plaintiffs are seeking an injunction

ordering Respondent to abate the violations and monetary damages for negligence. *See* Complaint for *Karen Rush, et al. v. Edward Knott*. (Exhibit 96, Bate # 01104).

176. Also, on September 23, 2004, Respondent entered a Consent Order Appointing Receiver and Entering Judgment for Arrearage and Staying Execution of Order, in Civil Action No. 2004 CA 7227, with petitioner Washington Gas Light Company for payments past due and owing in the amount of \$24,956.77. *See* Consent Order for *Washington Gas Light Company v. Edward L. Knott*. (Exhibit 95, Bate # 01096).

177. The physical conditions of the premises at 3339 10th Place, S.E. are so abhorrent for tenants that the building has received widespread attention in the Washington Post as recently as March 11, 2008. The article discusses and re-affirms that the conditions amount to nothing less than the need for a receiver to address the numerous housing code violations. Specifically, the article shows pictures of maggots, mold, and mud in the basement of the premises as a result of leaking pipes, causing the apartments above the basement to reek of a foul stench and demonstrates how a young child receives heat from a stove as opposed to a properly operating central heating unit. *See* washingtonpost.com Article, dated March 11, 2008 in section A11, entitled, “*Trenton’s Story As a Building Falls Apart Around Him, a Child Plays and Shivers,*” by Debbie Cenziper and Sarah Cohen. (Exhibit 97, Bate # 01134).

Notice of Violations to Respondent

178. Respondent Edward Knott was properly notified of the housing code violations giving rise to this petition for a receivership as noted above when either Respondent was served copies of the District’s Housing Violation Notices via posting, regular or certified mail or when Respondent or his resident manager, Elaine Dupree, was personally served copies

of the remaining District's Housing Violation Notices which arose out of the inspections. *See* Affidavits of Michael Byrd, Virgil Williams, Kevin Jackson, and Anthony Rembert Regarding 3339 10th Place, S.E. (Exhibit 89, Bate # 00975, Exhibit 90, Bate # 01052, Exhibit 91, Bate # 01069, and Exhibit 93, Bate # 01092). *See also* United States Postal Service Track and Confirm receipt number, 7001 2510 0008 3921 6591 (Exhibit 89, Bate # 00994); United States Postal Service Track and Confirm receipt number, 7006 0810 0001 3491 1021 (Exhibit 89, Bate # 01003).

Probable Cause of Conditions or Practices Posing an Immediate Danger or Serious Threat to the Health Safety, or Security of the Building's Tenants

179. During their many inspections, District inspectors determined that the unabated housing code violations constituted an immediate danger or serious threat to the tenants' health, safety, or security. *See* Affidavits of Inspectors. (Exhibit 89, Bate # 00975, Exhibit 90, Bate # 01052, Exhibit 91, Bate # 01069, and Exhibit 92, Bate # 01079).

180. Respondent Edward Knott's practice of utterly failing to abate the housing code violations, despite numerous citations and re-inspections, demonstrates that he is unwilling and incapable of undertaking the necessary actions required by law to abate dangerous and serious housing code violations. The failures of Respondent Edward Knott pose an immediate and continuing danger to the health, safety, or security of the tenants of 3339 10th Place, S.E.

181. The facts and circumstances detailed in paragraphs 156 through 180 establish probable cause to believe that conditions and practices affecting the housing accommodation located at 3339 10th Place, S.E. pose an immediate danger or serious threat to the tenants' health, safety, or security.

Basis for Receivership for 2913 Knox Place, S.E.
(Respondents Adolphe Edwards and Mabel Edwards)

Housing Code Violations

182. The rental housing accommodation located at 2913 Knox Place, S.E. Washington, D.C. is a 30-unit apartment building for which Respondents Adolphe Edwards and Mabel Edwards, who own it, have failed to abate at least 87 violations of Title 14 of DCMR upon information and belief. *See* Deed (Exhibit 98, Bate # 01137). These unabated housing code violations were uncovered as a result of inspections and re-inspection that were conducted between July, 2001 and December, 2007.

183. Tenants of the building have been forced to endure continuing housing code violations that include rodents, cracks in the ceiling and walls, holes in the floor, rotting window panes, defective hardware on doors, loose and peeling paint, dampness in the walls and ceiling, leaky faucets, loose molding from the walls, defective smoke detectors, a loose water closet, unsafe electrical outlets, and other violations that dramatically impact upon the health, safety and security of the tenants. For example:

- a. During an inspection on October 26, 2007, a District inspector observed a defective door frame; broken or missing tile from a wall; defective door hardware; and loose and peeling paint. The same violations were unabated at the time of the December 5, 2007 re-inspection. *See* Notice of Violation No. 129334_15 and Photographs. (Exhibit 102, Bate # 01163).
- b. During an inspection on May 5, 2006, a District inspector observed live rodents in the building; broken window panes; missing stair treads; and leaky faucets. The same violations were unabated at the time of the July 29, 2006 re-inspection. *See* Notice of Violation No. 93052_3 and Photographs. (Exhibit 103, Bate # 01206)
- c. During an inspection on May 5, 2006, a District inspector observed cracks in the walls; defective door hardware; loose and peeling paint; rotten

window frames; ceiling dampness; missing parts in the floors; broken cabinets; an unclean bathing facility; loose sinks; and defective mechanical room ventilation. The same violations were unabated at the time of the July 29, 2006 re-inspection. *See* Notice of Violation No. 92514_15 and Photographs. (Exhibit 10., Bate # 01215).

- d. During an inspection on July 23, 2001, a District inspector observed defective cabinets; loose and peeling paint; missing hardware on the doors; missing thermostat cover; a missing ceiling light-fixture cover; an unfitting door frame; and an improperly secured lavatory. The same violations were unabated at the time of the October 11, 2001 re-inspection. *See* Notice of Violation No. 595810. (Exhibit 101, Bate # 01159).

184. On July 23, 2001, the District's inspectors conducted an inspection of said property and observed 18 violations for which Respondents were cited. *See* Notice of Violation No. 595810. The Respondents were mailed Notice of Violation No. 595810 by certified mail on September 5, 2001. (Exhibit 101, Bate # 01159) *See* United States Postal Service Certified Mail Receipt number 7001 1140 0002 5491 2106. (Exhibit 101, Bate # 01161). On October 11, 2001, the District's inspectors conducted a re-inspection of said property and determined that of the 18 violations cited, 12 remained unabated. *See* Affidavit of Elsie Burchette Regarding 2913 Knox Place, S.E. (Exhibit 101, Bate # 01157). Furthermore, of the 12 unabated housing code violations, all 12 were considered to be a serious threat to the health, safety, or security of the tenants of said property. *See* Unabated Housing Code Violations (Exhibit 100, Bate # 01140) and Affidavit of Elsie Burchette Regarding 2913 Knox Place, S.E. (Exhibit 101, Bate # 01157).

185. On March 5, 2006, the District's inspectors conducted an inspection of said property and observed 72 violations for which Respondents were cited. *See* Notice of Violation Nos. 93052_3 and 92514_15. (Exhibit 103, Bate # 01206, 01215). The Respondents were served the Notices by certified mail on June 29, 2006. *See* United States Postal Service

Track and Confirm receipts numbers, 7001 2510 0008 3922 4541 (Exhibit 103, Bate # 01209) and 7001 2510 0008 3922 4503 (Exhibit 103, Bate # 01211). On July 29, 2006, the District's inspectors conducted a re-inspection of said property and determined that of the 72 violations cited, 70 remained unabated. *See* Affidavit of Valeria Myers Regarding 2913 Knox Place, S.E. (Exhibit 103, Bate # 01204). Furthermore, of the 70 unabated violations, eight (8) were considered to be an immediate danger to the health, safety, or security of the tenants of said property and 62 were considered to be a serious threat to the health, safety, or security of the tenants of said property. *See* Unabated Housing Code Violations (Exhibit 100, Bate # 01140) and Affidavit of Valeria Myers Regarding 2913 Knox Place, S.E. (Exhibit 103, Bate # 01204)

186. On October 26, 2007, the District's inspectors conducted an inspection of said property and observed five (5) violations for which Respondents were cited. *See* Notice of Violation No. 129334_15. (Exhibit 102, Bate # 01163). Respondents' agent was personally served with the Notice on October 31, 2007. *See* Notice of Violation No. 129334_15 and Affidavit of Virgil Williams Regarding 2913 Knox Place, S.E. (Exhibit 102, Bate # 01163, 01162). On December 5, 2007, the District's inspectors conducted a re-inspection of said property and determined that none of the violations cited had been abated. *See* Affidavit of Virgil Williams Regarding 2913 Knox Place, S.E. (Exhibit 102, Bate # 01162). Of the five (5) unabated violations, all five (5) were considered to be a serious threat to the health, safety, or security of the tenants of said property. *See* Unabated Housing Code Violations (Exhibit 100, Bate # 01140) and Affidavit of Virgil Williams Regarding 2913 Knox Place, S.E. (Exhibit 102, Bate # 01162)

187. Most recently on March 19, 2008, the District's inspectors conducted an inspection of said property and observed 137 violations for which Respondent was cited. *See* Notice of Violation Nos. 135006_1, 135007_1, 135008_1, 135009_1, 135010_1, 135007_3, 135009_3, 135007_7, 135009_7, 135013_0, 135011_1, 135015_1, 135014_1, 135016_3, 135015_3, 135016_7, 135012_7, 135013_7, 135016_1, 135015_7, 135006_15, 135007_15, 135008_15, 135009_15, 135010_15, 135011_15, 135012_15, 135013_15, 135014_15, 135015_15, and 135016_15 (Exhibit 102, Bates # 01173-01187, 01189-01202, and Exhibit 104, Bates # 01228-01238, 01239-01253). Respondents' agent was personally served the Notices on March 24, 2008. Of the 137 violations, 36 of these violations are considered to be an immediate danger to the health, safety, or security of the tenants of the said property and 101 of these violations are considered to be a serious danger to the health, safety, or security of the tenants of said property. The tenants of the building have been forced to endure continuing housing code violations that include rodents and roaches, bed-bugs, lice, termites, fleas, flies, or other insects, rotting window frames, defective smoke detectors, inoperable fire extinguishers, unsafe electrical outlets, broken thermostats, holes in the walls and floors, defective doors, loose and peeling paint in the walls and ceiling, damp walls, broken hardware on doors and cabinets, and other violations that dramatically impact upon the health, safety, or security of the tenants. Although these violations have not been re-inspected, they are included based on information and belief that they remain unabated due to Respondents' well-documented pattern and practice of failing to abate such violations.

Notice of Violations to Respondents

188. Respondents Adolphe and Mabel Edwards were properly notified of the

housing code violations giving rise to this petition for a receivership as noted above when either of the Respondents or their agent(s) were personally served by hand-delivered copies of the District's Housing Violation Notices, or were sent copies of the District's Housing Violation Notices by regular or certified mail. *See* United States Postal Service Certified Mail Receipt number 7001 1140 0002 5491 2106 (Exhibit 101, Bate # 01161); United States Postal Service Track and Confirm receipts numbers, 7001 2510 0008 3922 4541 (Exhibit 103, Bate # 01209) and 7001 2510 0008 3922 4503 (Exhibit 103, Bate # 01211); and Notice of Violation No. 129334_15. (Exhibit 102, Bate # 01163).

Probable Cause of Conditions or Practices Posing an Immediate Danger or Serious Threat to the Health Safety, or Security of the Building's Tenants

189. During their many inspections, District inspectors determined that the unabated housing code violations constituted an immediate danger or serious threat to the tenants' health, safety, or security. *See* Affidavits of Inspectors. (Exhibit 101, Bate # 01157, Exhibit 102, Bate # 01162, Exhibit 103, Bate # 01204, Exhibit 103, Bate # 01204, and Exhibit 104, Bate # 01226).

190. Respondents Adolphe and Mabel Edwards' practice of utterly failing to abate the housing code violations, despite numerous citations and re-inspections, which demonstrates that they are unwilling and incapable of undertaking the necessary actions required by law to abate dangerous and serious housing code violations. The failures of Respondents Adolphe and Mabel Edwards pose an immediate and continuing danger to the health, safety, or security of the tenants of 2913 Knox Place, S.E.

191. The facts and circumstances detailed in paragraphs 182 through 190

establish probable cause to believe that conditions and practices affecting the public housing accommodation located at 2913 Knox Place, S.E. pose an immediate danger or serious threat to the tenants' health, safety, or security.

Basis for Receivership for 7444 Georgia Avenue, N.W.
(Respondents 7444 Georgia Avenue, NW LLC, Scott Posey, and Michael Friedman)

Housing Code Violations

192. The rental housing accommodation located at 7444 Georgia Avenue, N.W. Washington, D.C. is a 21-unit apartment building for which Respondents 7444 Georgia Avenue, NW LLC, which owns it, and Scott Posey and Michael Friedman who are members of 7444 Georgia Avenue, NW LLC, have failed to abate at least 12 violations of Title 14 of DCMR upon information and belief. *See* Deed. (Exhibit 105, Bate # 01255). These unabated housing code violations were uncovered as a result of inspections and a re-inspection that were conducted between July 2007 and March 2008.

193. Tenants of the building have been forced to endure continuing housing code violations that include defective electrical outlets, low water pressure, holes in the walls and floors, loose or peeling paint on the walls and ceiling, defective door hardware, defective bathing facility faucets, and other violations that dramatically impact upon the health, safety, or security of the tenants. For example:

- a. During an inspection on July 23, 2007, a District inspector observed defective electrical outlets. The same violations were unabated at the time of the March 21, 2008 re-inspection. *See* Notice of Violation No. 123501_7. (Exhibit 107, Bate # 01265).
- b. During an inspection on July 23, 2007, a District inspector observed low water pressure in a bathroom, holes in walls and floors, loose or peeling paint on the walls and ceiling; defective door hardware, and a defective

bathing facility faucet. The same violations were unabated at the time of the March 21, 2008 re-inspection. *See* Notice of Violation No. 123501_15. (Exhibit 107, Bate # 01267).

194. On July 16, 2007, a District inspector conducted an inspection of said property and observed 60 violations for which Respondent was cited. *See* Notice of Violation Nos. 123502_1, 123502_3, and 123502_7. (Exhibit 109, Bate # 01287-01297). The Respondent's property manager, Steven Madeoy was personally served with Notice of Violation Nos. 123502_1, 123502_3, and 123502_7 on September 7, 2007. The District's inspector attempted re-inspection for Notice of Violation No. 123502_1 on September 10, 2007, unsuccessfully. The District's inspector attempted re-inspection for Notice of Violation Nos. 123502_3 and 123502_7 on September 18, 2007, unsuccessfully. *See* Affidavit of Stephanie Dodson Regarding 7444 Georgia Avenue, N.W. (Exhibit 108, Bate # 01272). The District's inspectors determined that of the 50 violations cited, all 50 were considered to be an immediate danger to the health, safety, or security of the tenants of said property. *See* Unabated Housing Code Violations (Exhibit 106, Bate # 01258) and Affidavit of Stephanie Dodson Regarding 7444 Georgia Avenue, N.W. (Exhibit 108, Bate # 01272). Although these violations have not been re-inspected, they are included based on information and belief that they remain unabated due to Respondent's well-documented pattern and practice of failing to abate such violations. *See* Notice of Violation Nos. 123502_1, 123502_3, and 123502_7. (Exhibit 109, Bate # 01287-01297). *See also* Affidavit of Stephanie Dodson Regarding 7444 Georgia Avenue, N.W. (Exhibit 108, Bate # 01272).

195. On July 16, 2007, a District inspector conducted an inspection of said property and observed 50 violations for which Respondent was cited. *See* Notice of Violation

No. 123502_15. (Exhibit 109, Bate # 01294). The Notice was sent to Respondent by certified mail on September 18, 2007. The District's inspector determined that of the 50 violations cited were considered to be a serious threat to the health, safety, or security of the tenants of the said property. *See* Unabated Housing Code Violations (Exhibit 106, Bate # 01258) and Affidavit of Stephanie Dodson Regarding 7444 Georgia Avenue, N.W. (Exhibit 108, Bate # 01272). The tenants of the unit have been forced to endure continuing housing code violations that include broken or missing floor tile, cracks in the walls and ceiling, loose or peeling paint on the walls and ceilings, loose plaster on the walls and ceiling, missing baseboards, holes in the floor, missing caulking in the bathing facility, wall separation, defective door hardware, stairs with defective handrails, and other violations that dramatically impact upon the health, safety, or security of the tenants. Although these violations have not been re-inspected, they are included based on information and belief that they remain unabated due to Respondent's well-documented pattern and practice of failing to abate such violations. *See* Notice of Violation No. 12302_15 (Exhibit 109, Bate # 01294) and Affidavit of Stephanie Dodson Regarding 7444 Georgia Avenue, N.W. (Exhibit 108, Bate # 01272).

196. On July 23, 2007, the District's inspectors conducted an inspection of said property and observed 24 violations for which Respondent was cited. *See* Notice of Violation Nos. 123501_1, 123501_7, and 123501_15. (Exhibit 107, Bate # 01265-01271). The Respondent's property manager, Steven Madeoy, was personally served with Notice of Violation Nos. 123501_1 and 123501_7 on September 7, 2007. Notice of Violation No. 123501_15 was sent to Respondent by certified and regular mail on September 18, 2007. On March 21, 2008, the District's inspectors conducted a re-inspection of said property and determined that of the 20

violations cited, 11 remained unabated. Furthermore, of the 11 unabated violations, two (2) were considered to be an immediate danger to the health, safety, or security of the tenants of said property and nine (9) were considered to be a serious threat to the health, safety, or security of the tenants of said property. *See Unabated Housing Code Violations (Exhibit 106, Bate # 01258) and Affidavit of Jesse Kingsberry Regarding 7444 Georgia Avenue, N.W. (Exhibit 107, Bate # 01263).* District inspectors were unable to gain entry into the units to conduct re-inspections of remaining violations. *See Notice of Violation Nos. 123501_1 and 123501_7. (Exhibit 107, Bate # 01270, 01265).* *See also Affidavit of Jesse Kingsberry Regarding 7444 Georgia Avenue, N.W. (Exhibit 107, Bate # 01263).*

197. On July 23, 2007, a District inspector conducted an inspection of said property and observed four (4) violations for which Respondent was cited. *See Notice of Violation No. 123501_1. (Exhibit 109, Bate # 01287).* Respondent's property manager, Steven Madeoy, was personally served with the Notice on September 7, 2007. On March 21, 2008, the District's inspector conducted a re-inspection of said property and observed one (1) outstanding violation. *See Affidavit of Jesse Kingsberry Regarding 7444 Georgia Avenue, N.W. (Exhibit 107, Bate # 01263).* The District's inspector determined that the one (1) remaining violation cited was considered to be an immediate danger to the health, safety, or security of the tenants of said property. *See Notice of Violation No. 123501_1 (Exhibit 109, Bate # 01287).* Unabated Housing Code Violations (Exhibit 106, Bate # 01258), and Affidavit of Jesse Kingsberry Regarding 7444 Georgia Avenue, N.W. (Exhibit 107, Bate # 01263).

Notice of Violations to Respondents

198. Respondents 7444 Georgia Avenue, NW LLC, Scott Posey, and Michael

Friedman were properly notified of the housing code violations giving rise to this petition for a receivership as noted above when the property manager, Steven Madeoy, was personally served copies of the District's Housing Violation Notices or sent copies of the District's Housing Violation Notices by regular or certified mail. *See* Affidavits of Jesse Kingsberry Regarding 7444 Georgia Avenue, N.W. and Stephanie Dodson Regarding 7444 Georgia Avenue, N.W. (Exhibit 107, Bate # 01263 and Exhibit 108, Bate # 01272).

Probable Cause of Conditions or Practices Posing an Immediate Danger or Serious Threat to the Health Safety, or Security of the Building's Tenants

199. During their many inspections, District inspectors determined that the unabated housing code violations constituted an immediate danger or serious threat to the tenants' health, safety, or security. *See* Affidavits of Inspectors. (Exhibit 107, Bate # 01263, Exhibit 108, Bate # 01272 and Exhibit 109, Bate # 01285).

200. Respondents' practice of utterly failing to abate the housing code violations, despite numerous citations and re-inspections, demonstrates that they are unwilling and incapable of undertaking the necessary actions required by law to abate dangerous and serious housing code violations. The failures of Respondents pose an immediate and continuing danger to the health, safety, or security of the tenants of 7444 Georgia Avenue, N.W.

201. The facts and circumstances detailed in paragraphs 192 through 200 establish probable cause to believe that conditions and practices affecting the public housing accommodation located at 7444 Georgia Avenue, N.W. pose an immediate danger or serious threat to the tenants' health, safety, or security.

WHEREFORE, the District prays that as to all the above mentioned rental housing accommodations cited herein and owned and operated by the Respondents, the Court issue an order for:

1. The appointment of a receiver after a show cause hearing scheduled not later than 30 days after the date of the filing of the District's petition
2. For such additional relief as the Court deems just and proper under the circumstances.

Count II
All Respondents

(Injunctive and Declaratory Relief)

202. Petitioner hereby incorporates by reference paragraphs 1 through 201.

203. The Respondents' longstanding failure to abate the housing code violations of their rental housing accommodations poses a grave threat to the health, safety, and security of their tenants and has created deleterious public nuisances throughout the District of Columbia.

204. Each of the above-named Respondents have been unjustly enriched by receipt of rent payments coupled with their failure to fulfill their obligation to utilize a portion of the rent proceeds to maintain their property in a manner that ensures that their tenants live in safe and decent housing.

205. The failure of the Respondents to abate the housing code violations, despite numerous citations and re-inspections demonstrates that they are unwilling to undertake the necessary actions required by law to abate dangerous and serious housing code violations.

The failure of Respondents to abate their housing code violations poses an immediate and continuing danger to the health, safety, or security of their tenants.

206. The Respondents, through their willful failure to abate, over the span of several years, the numerous and egregious housing code violations found within their buildings by DCRA inspectors have amply demonstrated that said housing code violations will remain unabated unless the court grants the extraordinary remedy of injunctive relief.

207. The Respondents' egregious conduct in refusing to undertake meaningful repairs of their building, despite being cited by DCRA for housing code violations over the course of several years, amply demonstrates that is unlikely that Respondents will undertake repairs in a expeditious manner, unless ordered to do so by this court.

208. Given the history of obstinate refusal on the part of the Respondents to abate housing code violations, the condition of their properties has deteriorated to the point that time is of the essence in protecting the health, safety, and security of the tenants of the District of Columbia.

209. The legal remedy of a statutory receivership described in Count I, is inadequate to cure the dangers currently experienced by the tenants, as it may not provide sufficient funding to abate dangerous conditions for which time is of the essence.

210. The housing code regulations of the District of Columbia expressly declare a public policy in favor of speedy abatement of housing code violations, and if necessary, by the issuance of preliminary and permanent injunctions, pursuant to Title 14, Section 101 of the District of Columbia Municipal Regulations.

211. The Court's general equity jurisdiction confers upon it the authority to grant declaratory relief.

WHEREFORE, Petitioner prays for an order that:

1. Declares that each of the rental housing accommodations identified in Count I is a public nuisance.
2. Requires the Respondents to undertake specific measures as determined by this court to abate the public nuisance created by their rental housing accommodations.

Count III
Multi-Family Dwellings

**Operation of a Rental Housing Accommodation
Without a Certificate of Occupancy and Business License
3339 10th Place, SE
(Respondent Edward Knott)**

212. Paragraphs 1 through 211 are incorporated by reference herein.

213. Edward Knott is the owner of the rental housing accommodation located at 3339 10th Place, S.E., Washington, D.C. which is being used as a multi-family dwelling.

214. Within the District of Columbia no person shall use any structure or land other than a one-family dwelling unit without a certificate of occupancy, pursuant to 11 DCMR Section 3203.1 (2008).

215. The Office of the Attorney General for the District of Columbia is expressly authorized by 11 DCMR Section 3201.2 to institute an action for injunctive relief to correct or abate a violation of the Zoning Regulations of the District of Columbia, including the provision requiring a certificate of occupancy.

216. Within the District of Columbia no person shall operate a business without

an appropriate business license as required by D.C. Code Section 47-2851.02 (2001).

217. In April of 2008, employees of the District of Columbia Department of Consumer and Regulatory Affairs (“DCRA”) conducted a business compliance investigation of said rental housing accommodation.

218. Said investigation revealed that Respondent did not possess a certificate of occupancy and basic business license for the operation of a rental housing accommodation at said location.

219. The Respondent is operating a residential rental housing business at said location in that the premise is being leased to individuals who reside within the premise and pay rent. As a result, Respondent Edward Knott is required to obtain from DCRA a certificate of occupancy pursuant to 11 DCMR Section 3203.1 and a basic business license containing an endorsement for residential housing, pursuant to D.C. Code Section 47-2851.03(a)(6)(B) (2001).

**Operation of a Rental Housing Accommodation
Without a Business License
220 Hamilton Street, N.W.
(Respondents Rufus Stancil, Gary Stancil and Albert Stancil)**

220. Paragraphs 1 through 219 are incorporated by reference herein.

221. Respondents Rufus Stancil, Gary Stancil and Albert Stancil together are the owners of the rental housing accommodation located at 220 Hamilton Street, N.W. Washington, D.C. which is being used as a multi-family dwelling.

222. Within the District of Columbia no person shall operate a business without an appropriate business license as required by D.C. Code Section 47-2851.02 (2001).

223. In March of 2008, employees of DCRA conducted a business compliance

investigation of said rental housing accommodation.

224. Said investigation revealed that Respondents did not possess a basic business license for the operation of a rental housing accommodation at said location.

225. The Respondents are operating a residential rental housing business at said location in that the premise is being leased to individuals who reside within the premise and pay rent. As a result, respondents Rufus Stancil, Gary Stancil and Albert Stancil are required to obtain from DCRA a basic business license containing an endorsement for residential housing, pursuant to D.C. Code Section 47-2851.03 (6)(A) (2001).

**Operation of a Rental Housing Accommodation
Without a Business License
4226 7th Street, N.W.; 646 Newton Place, N.W.; 415 Varnum Street, N.W.; 1119 Queen
Street, N.E.
(Respondents Rufus and Delores Stancil)**

226. Paragraphs 1 through 225 are incorporated by reference herein.

227. Respondents Rufus Stancil and Delores Stancil together are the owners of the rental housing accommodations located at 4226 7th Street, N.W., 646 Newton Place N.W., 415 Varnum Street, N.W., and 1119 Queen Street, N.E., all in Washington, D.C., which are being used as multi-family dwellings.

228. Within the District of Columbia no person shall operate a business without an appropriate business license as required by D.C. Code Section 47-2851.02 (2001).

229. In March and April of 2008, employees of DCRA conducted a business compliance investigation of said rental housing accommodations.

230. Said investigation revealed that Respondents did not possess a basic business license for the operation of a rental housing accommodation at said locations.

231. The Respondents are operating a residential rental housing business at said location in that the premises are being leased to individuals who reside within the premises and pay rent. As a result, Respondents Rufus Stancil and Delores Stancil are required to obtain from DCRA a basic business license containing an endorsement for residential housing, pursuant to D.C. Code Section 47-2851.03(a)(6)(B) (2001).

**Operation of a Rental Housing Accommodation
Without a Business License
3514 13th Street, N.W.
(Respondents 3514 13th Street LLC and Vincent Abell)**

232. Paragraphs 1 through 231 are incorporated by reference herein.

233. 3514 13th Street LLC is the owner, and Vincent Abell is a member, of the rental housing accommodation located at 3514 13th Street, N.W., Washington, D.C., which is being used as a multi-family dwelling.

234. Within the District of Columbia no person shall operate a business without an appropriate business license as required by D.C. Code Section 47-2851.02 (2001).

235. In March of 2008, employees of DCRA conducted a business compliance investigation of said rental housing accommodations.

236. Said investigation revealed that Respondent did not possess a basic business license for the operation of a rental housing accommodation at said location.

237. The Respondents are operating a residential rental housing business at said location in that the premises are being leased to individuals who reside within the premises and pay rent. As a result, Respondent 3514 13th Street LLC is required to obtain from DCRA a basic business license containing an endorsement for residential housing, pursuant to D.C. Code

Section 47-2851.03(a)(6)(B) (2001).

**Operation of a Rental Housing Accommodation
Without a Business License
4600 Hillside Road, S.E.
(Respondent Marta Bertola)**

238. Paragraphs 1 through 237 are incorporated by reference herein.

239. Marta Bertola is the owner of the rental housing accommodation located at 4600 Hillside Road, S.E., Washington, D.C. which is being used as a multi-family dwelling.

240. Within the District of Columbia no person shall operate a business without an appropriate business license as required by D.C. Code Section 47-2851.02 (2001).

241. In March of 2008, employees of DCRA conducted a business compliance investigation of said rental housing accommodations.

242. Said investigation revealed that Respondent did not possess a basic business license for the operation of a rental housing accommodation at said location.

243. The Respondent is operating a residential rental housing business at said location in that the premises are being leased to individuals who reside within the premises and pay rent. As a result, Respondent Marta Bertola is required to obtain from DCRA a basic business license containing an endorsement for residential housing, pursuant to D.C. Code Section 47-2851.03(a)(6)(B) (2001).

WHEREFORE, the District of Columbia prays that the court issue an injunction requiring Respondents Marta Bertola, 3514 13th Street LLC, Edward Knott, Rufus Stancil, Delores Stancil, Gary Stancil, and Albert Stancil to undertake all measures reasonably necessary to obtain a certificate of occupancy and/or basic business license with a residential rental housing

endorsement for said rental housing accommodations from DCRA.

Count IV

Single Family Dwellings
Operation of a Rental Housing Accommodation
Without a Business License
(Respondents Rufus Stancil and Deloris Stancil)

244. Paragraphs 1 through 243 are incorporated by reference herein.

245. Respondents Rufus Stancil and Deloris Stancil together are the owners of the rental housing accommodations located at the following locations which are being used as single family dwellings:

- c. 5921 2nd Place, N.W.
- d. 5350 East Capital Street, N.E.
- e. 1420 Perry Place, N.W.
- f. 915 Sheridan Street, N.W.
- g. 1136 Branch Avenue, S.E.
- h. 925 Kennedy Street, N.W.

246. Within the District of Columbia no person shall operate a business without an appropriate business license as required by D.C. Code Section 47-2851.02 (2001).

247. In March of 2008, employees of DCRA conducted a business compliance investigation of said rental housing accommodations.

248. Said investigation revealed that Respondents did not possess a basic business license for the operation of a rental housing accommodation at said locations.

249. Respondents are operating a residential rental housing business at said

locations in that the premises are being leased to individuals who reside within the premises and pay rent. As a result, Respondents are required to obtain from DCRA a basic business license containing an endorsement for residential housing, pursuant to D.C. Code Section 47-2851.03(a)(6)(B) (2001).

**Operation of a Rental Housing Accommodation
Without a Business License
(Respondent Vincent Abell)**

250. Paragraphs 1 through 249 are incorporated by reference herein.

251. Respondent Vincent Abell is the owner of the rental housing accommodations which are being used as single family dwellings at the following locations:

- | | | |
|---|---|--|
| (1) 306 Emerson Street, N.W. | (2) 1925 Valley Terrace, S.E. | (3) 1825 Kilbourne Place, N.W. |
| (4) 1487 Morris Road, S.E. | (5) 164 Uhland Terrace, N.E. | (6) 108 Q Street, N.W. |
| (7) 1304 S Street, S.E. | (8) 3420 23 rd Street, S.E. | (9) 5312 James Place, N.E. |
| (10) 636 14 th Place, N.E. | (11) 217 20 th Street, N.E. | (12) 2724 2 nd Street, S.E. |
| (13) 2536 34 th Street, S.E. | (14) 1118 50 th Street, N.E. | (15) 5006 5 th Street, N.W. |
| (16) 1606 A Street, S.E. | (17) 4672 A Street, S.E. | (18) 866 Bellevue Circle, S.E. |
| (19) 3409 Brown Street, N.W. | (20) 1776 Lyman Place, N.E. | (21) 120 Danbury Street, S.W. |
| (22) 6034 Eastern Avenue, N.E. | (23) 1516 Trinidad Avenue, N.E. | (24) 1435 Good Hope Road, S.E. |

- (25) 4507 Illinois Avenue, N.W. (26) 211 Ingraham Street, N.W. (27) 4021 Marlboro Place, N.W.
- (28) 613 Gresham Place, N.W. (29) 4310 E Street, S.E. (30) 1732 Taylor Street, N.W.
- (31) 424 Q Street, N.W. (32) 443 S Street, N.W. (33) 1213 Staples Street, N.E.

252. Within the District of Columbia no person shall operate a business without an appropriate business license as required by D.C. Code Section 47-2851.02 (2001).

253. In March and April of 2008, employees of DCRA conducted a business compliance investigation of said rental housing accommodations.

254. Said investigation revealed that Respondent did not possess a basic business license for the operation of a rental housing accommodation at said locations.

255. Respondent is operating a residential rental housing business at said locations in that the premises are being leased to individuals who reside within the premises and pay rent. As a result, Respondent is required to obtain from DCRA a basic business license containing an endorsement for residential housing, pursuant to D.C. Code Section 47-

2851.03(a)(6)(B) (2001).

WHEREFORE, the District of Columbia prays that the court issue an injunction requiring respondents Rufus Stancil, Delores Stancil, Gary Stancil, and Vincent Abell to undertake all measures reasonably necessary to obtain a basic business license with a residential rental housing endorsement for said rental housing accommodations from DCRA.

Respectfully submitted,

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