

**Testimony Before the
Committee of the Whole
Performance Oversight Hearing on the
Department of Consumer and Regulatory Affairs
March 18, 2021**

Chairman Mendelson and Councilmembers,

My name is Lorie Jackson and I am the Co-Block Captain of the 5300 block of 29th Street NW. I appear before you today on behalf of the 80 undersigned residents of my block, the 2800 block of Military Road NW, the 5300 block of 28th Street NW, the 2700-2800 blocks of Jenifer Street NW, and the 5100-5300 block of 27th Street NW – all streets adjacent to 2900 Military Road NW. We submit this statement in support of ANC 3/4G Chairman Randy Speck’s testimony on the urgent need to take action to restore the vacant house at that address to habitable condition.

We support Chairman Speck’s testimony because:

- The Department of Consumer and Regulatory Affairs (“DCRA”) has been unable to satisfactorily address this problem. As a result, this abandoned and deteriorating house has become both a blight and a danger in our neighborhood of well-maintained single-family homes.
- It has now been two years since work on the property stopped due to the owner/developer’s reported financial issues.
- Fines and penalties have failed to incentivize the owner/developer to resume work and restore the property to a habitable state.
- The house has frequently posed a safety hazard to our residents and visitors because of the owner/developer’s failure to maintain the trimming of the front yard bushes. This makes it dangerous for drivers attempting to safely access Military Road from 29th Street as drivers cannot see eastbound cars on heavily trafficked Military Road without pulling far into the intersection. To mitigate this hazard, DCRA and the neighbors have often been compelled to trim these poison ivy-infested bushes themselves.
- Given Mayor Bowser’s priority to increase the housing stock in the District, it is unconscionable to allow this once-attractive house to deteriorate until it becomes unsalvageable.

We urge the Council to ensure that DCRA initiates acquisition proceedings or it enacts legislation that would allow the District to acquire and sell the property to a suitable buyer who will complete its restoration. We want 2900 Military Road NW to become a house that (i) a family wants to live in; (ii) is no longer a blight on the neighborhood; and (iii) does not pose a danger to drivers accessing Military Road from 29th Street.

Respectfully submitted,

Lorie Jackson
5311 29th Street NW
Co-Block Captain, 5300 Block of 29th Street NW

Lionel Brown
5314 29th Street NW
Co-Block Captain, 5300 Block of 29th Street NW

Lauren Howard
 2746 Jenifer St. NW
 Block Captain, 2700-2800 Blocks of Jenifer Street NW

George Anhang
 5315 28th Street NW
 Block Captain, 5300 Block of 28th Street NW

Mary Carpenter
 5310 27th Street NW
 Block Captain, 5100-5300 Block of 27th Street NW

Rachel Norriella and Thomas Leary 2804 Military Road NW	Glenn and Andra Hugo 5320 29th Street NW	Bob and Becky McClimans 2804 Jenifer Street NW	Ann and Al La Porta 5333 28th Street NW
Matthys van Schaik 2812 Military Road NW	Mary Elaine Blackwell 5323 29th Street NW	George Anhang 5315 28 th Street NW	Michael and Deborah Poliner 5316 28th Street NW
Claudia Martin and Jorge Blanco 5365 29th Street NW	Lilliam and Jeff Collmann 5319 29th Street NW	Sharon Achong-Shah and Kalim Shah 5366 28th Street NW	Chris Rhee and Jeannie Rhee 5342 28th Street NW
Joni Madison and Gina Kilpatrick 5363 29th Street NW	Mark Hathaway and Rae Johnson 5316 29th St NW	Katie and Matt Drossos 5324 28th Street NW	Kerry and Rob Richardson 5370 28th Street NW
James and Anne Tilghman 5361 29th Street NW	Steven A. Herman and Susan Deller Ross 5315 29th Street NW	Charles Hamann 5358 28th Street NW	Jeremy R. Rifkin and Carol L. Grunewald 5305 28th Street NW
Jock and Pam Banks 5360 29th Street NW	Lionel Brown and Rhoda Weeks-Brown 5314 29th Street NW	C. Kahn 5354 28th Street NW	Mary Stewart 5362 28th Street NW
Laura DeNardis and Deb Smith 5357 29th Street NW	Lorie D. Jackson 5311 29th Street NW	Dan Fried and Olga Karpiw 5323 28th Street NW	Richard and Emily Swartz 5328 28th Street NW
April Richards and Giles Coates 5356 29th Street NW	Francisco L Guzman 5307 29th Street NW	Tom John 5362 28th Street NW	
Amy Friedman 5352 29th Street NW	James and Hillary Lord 5305 29th Street NW	Camille Johnson 5337 28th Street NW	
Patricia and Daniel Marcus 5345 29th Street NW	Mary Carpenter 5310 27 th Street NW	Claire Kevill and Frank Carlman 5367 28th Street NW	
Tara Panek Bringle and David Bringle 5340 29th Street NW	Barry M Blechman 5196 27th Street NW	Jeff and Julie Lobb 5371 28th Street NW	
Alex and Ella Herz 5327 29th Street NW	Katherine Yancey 5196 27th Street NW	Patricia McWade 5365 28th Street NW	
Brittany and Eli Bielasiak 5324 29th Street NW	Glen and Lauren Howard 2746 Jenifer Street NW	Whitney & Orlando Ortiz 5347 28th Street NW	
	Katherine Race Brin 2742 Jenifer Street NW	Kristina and Stephen Penhoet 5308 28th Street NW	

3/16/21

TALKING POINTS via Rita Campbell to be drawn from the following DRAFT:

The Greening of McMILLAN: In the Pockets of Politicians OR a Plan By the People?

1.3 Million cu ft of asbestos-imbedded cement under demolition should be halted by DCRA and the Zoning Commission. Where and when have 'impact on community' metrics as well as proper abatement protocols been articulated for neighborhood constituents to evaluate?

The respiratory health of the community as well as the water that serves DC residents has been jeopardized by the particulate matter that rises into the air to descend upon unsuspecting residents and water adjacent to the McMillan site.

Evidence and studies conducted, if any, have not been shared with residents to verify air and water safety and at what rates the Water Treatment Plant can successfully filter asbestos and related hazardous waste.

It's time to reset the Moral Compass of a Council Member, Kenyon McDuffy, the DCRA, the Zoning Board and affiliates who would put expansion of the city's tax base and subsequent profits i.e. increase in City profits from a development before the health of it's citizens.

To raise the health quotient of this City, development should refrain from enlarging the heat island that becomes even more treacherous with the increasing summer-time temperatures amplified into a toxic soup of pollution to further fuel the seasonal extreme weather events of Climate Change.

Another green space paved over by another mixed-use development will only increase our rate of premature deaths as indicated by research that tracks deaths by environmental pollution.

A livable city must strike a balance between humans, flora and fauna to seek recovery of habitable city landscapes of open-air spaces for exercise and fellowship for humans and their companion animals, and for pollinators, birds, insects, macro- and microbiomes to regain populations lost to extinction, the latter of which are the key to feeding the planet.

<https://www.nationalgeographic.com/animals/article/>.

This community push back says that we recognize the impact of urban design on our health.

The health of humans is intimately woven with the ecological harmony of our environment.

The proposals we are presented do not seek to establish an intimately interwoven balance between nature and humanity that restores nature and brings residents ease of access to nature by the meadowizing of our pathways between neighborhoods.

Increasing traffic and congestion only pours voluminous amounts of heavy metals into our already toxic bodies and mind.

The asbestos from demolition and heavy metals spewed by construction machinery adjacent to our homes stunt the growth of neurons and bio-accumulate in the fatty tissues of our brains and fatty cells throughout our bodies in a manner so subtle that eludes most of us not tuned into mindful self-care.

These hormone disruptors diminish metabolic efficiency in a manner beneath our awareness until we are surprised by diagnoses of Cancer, Autism, Alzheimers, Hypertension, Diabetes, and other diseases many times incorrectly perceived as aging phenomena to be expected and accepted.

For instance, the breast milk of women has recently been found to harbor over 500 different chemicals.

At this point, it's too late for many who are not genetically predisposed to survive the abuse delivered by devices of our own making, the air water and food pollution, the EMFs (electromagnetic fields), the socioeconomic stressors conveyed by the political landscape, colleagues, family and friends.

Predatory microbes, like Covid, H1N1, Lyme, Hepatitis, AIDs, HSV, etc easily move in on compromised immune systems.

Without a regular and daily application of detox protocols most of us are carrying comorbidities driven by off the chart-body burdens of environmental toxins, hidden and cloaked parasitic infections, lectins agglutinated against blood type, toxic loads from early childhood and recent vaccines, as well as PTSD i.e. unrecognized and unresolved trauma sites since childhood that also suppress metabolic efficiencies.

Individuals in the community from early childhood to adults, without a basis for comparison, grow into and acclimate to brain function that lacks discernment of highest logic in order to act in a coherent manner to do the study, much less to collect the requisite financial resources and nutrition to repair the damage.

Moreover, even with knowledge acquired late in the game, most lack the energy and disciplined mindfulness required to do the detox to save themselves.

So, a development project and the shedding of its toxic load onto adjacent populations already suffering body burdens of endogenous toxicity is ENVIRONMENTAL INJUSTICE.

Lifestyles already out of balance are pushed over the edge into the angst of physical suffering that will be misdiagnosed by the mainstream medical system as something other than toxic overload. The patient from our community will have their cancer, diabetes, arthritis, hypertension, depression treated with big pharma synthetics.

From the time of our conception, the demise of our community's health is encouraged by corporate media and the politicization of our food, shelter and education.

Exponential crippling of lives and premature death has been underway for decades, a result of environmental toxicity and subsequent additional metabolic disruption by multiple chemical dependencies and/or addictions, prescribed or recreational but largely societal programming.

Bottomline, those on limited budgets are purchasing packaged sugar, artificial excipients and preservative laden breakfast, snack and dinner options. Emotional angst about financial and relationship challenges drives most to self-medicate with video games, gambling, alcohol, cigarettes, marijuana, vaping, prescription drugs, methamphetamines, et al

Trapped in low information silos, most have no exposure to healing opportunities that would introduce joyful, productive, sustainable opportunities to transition into material abundance, food and energy independence.

The juxtaposition of high-density, mixed use housing development that does not integrate the historically, culturally and architecturally significant cisterns with a landscaped design that invites private and group communes with nature and healing revitalization programs i.e. the arts, self care education, body work, yoga, exercise, meditation, is not welcome by the community, especially without having been offered a forum that is not a false and insincere gesture of accommodation.

Yes, ENVIRONMENTAL INJUSTICE is when neighborhood congestion is foisted upon black, brown people and all ethnicities living next door to, living within, moving through and working at high density locales, next to construction sites, developments, malls, industrial and waste management facilities as well as other service industries and/or essential jobs.

Immune systems of 88% of the population are compromised. Only 12% of our population is near clear of metabolic dysfunction and co-morbidities. Therefore, due to limited financial and educational resources quietly sabotaged by a lack of nutrient density and an abundance of toxicity, blacks and browns have the highest rates of hospitalization and deaths due to Covid and other diseases.

In other words, genetic markers for disease and early death are being turned on by a state of low information driven by environmental toxicity and nutrient deprivation.

The link between low rates of comprehension and retention in the schools in low to middle income populations of all ethnicities living in densely populated metro areas with high levels of pollution is undeniable as well.

Women's breast milk now delivers over 500 chemicals to newborns:

<https://www.scientificamerican.com/article/earth-talks-breast-feeding>

Among others, environmental activist, Vandana Shiva, noted by 2025, one half of children born will be on the autism spectrum due to nutrient depletion and the rise of environmental toxins in our air, water, food:

<https://venusproject.org/health/healthy-biodiversity-or-gmo.html>

The contested development not only adds another layer of toxicity to the mind/body/spirit of the neighborhood that dumbs down our children and adults; but, also, does not articulate adherence to LEED standards of green building that would satisfy the Mayor's Green Initiative to reduce the City's carbon footprint.

Moreover, consumer shift in consciousness now recognizes toxicity as a poly-systemic source of illness.

Why would the City, developers, architects and their affiliates risk litigation the rising cognoscenti, the activists vehement about protecting their boundaries?

Before and during demolition, videos captured plumes of toxic waste and asbestos being released into the air and onto our adjacent water supply during demolition, a clear demonstration of DCRA's and Zoning Board's lack of regard for constituent health.

Our governing boards are not factoring in that a McMillan Development only adds to the previously unresolved deleterious effects on the brain from birth of lead from hair dyes + military exposures to artillery, chemicals from municipal water treatment plants, dental amalgams, root canals, radioactive isotopes, metals and plastics shedding from packaging, tattoos, vaccines, dental implants, hip replacements, etc as well as cadmium, tungsten, Hg, et al from vehicular and power plant emissions as well as the same conveyed through produce, fish, fowl and meats systemically contaminated by PCBs, growth hormones, antibiotics, glyphosate, pesticides, GMOs, and more.

Beneath the awareness of the uninformed, all those who do not know detox protocols are metabolically compromised by co-morbidities that have yet to emerge as expression of disease or have emerged as depression, diabetes, arthritis, cancer, hypertension, obesity, high cholesterol, hair and/or vision loss, dental caries, gum disease, Alzheimers, systemic Candidiasis, and on and on.

These are sources of increased homelessness, suicidal and homicidal ideation.


So, a multi-use development that has not engaged co-creative involvement of citizens, health practitioners, environmental and material scientists as well as green builders and ecology minded developers and architects can only be morally bankrupt and driven by the profit motive, not driven by concern for the highest good of a community already undermined by poly-systemic but vectors of contamination that we can now begin to mitigate by enforcing the Mayor's Initiative to Green-Up our behavior.

Finally, where is the assessment by the Ft Totten Transfer Station that confirms the facility's capacity to process the increased volume of waste created by another high-density community? More discussion is required.

My reflection is a lobby for all of us to rethink not only McMillan but to consider a revision of the urban development dynamic between developers, architects and community residents.

For back stories on progressive socio-economic issues and sustainable tech, encouraging everyone to access FREE online streaming of the following:

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□

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AWARE SHOW w/LISA GARR

BUILDING OFF GRID

CHRIS HEDGES

RISING UP WITH SONALI

DAVID PAKMAN

and others: GRETA THUNBERG and [10 Teen Climate Activists You Should Know About \(plantbasednews.org\)](#), NAOMI KLEIN, RICHARD WOLFF, HOWARD ZINN, BILL McKIBBEN (350.org)



[10 Teen Climate Activists You Should Know About](#)

Reading Time: 4 minutes 16-year-old climate activist Greta Thunberg first went viral for sitting in front of the Swedish parliament every school day for three weeks to protest against the lack of action on the climate crisis.. Her efforts to save the environment have since landed her global coverage and a plethora of awards including the prestigious Prix Liberté.

plantbasednews.org



Also, Doug Tallamy is a gardening ecologist who did the keynote speech for the recent MoCo sponsored GREENSCAPES CONFERENCE with highlights on how to meadowize our lawns to save our struggling bee populations, the pollinators critical to maintaining our food supply.

YouTube may afford access to the GREENSCAPES reflections offered by Environmental Scientists, Landscape Architects and Green Builders.

Good Afternoon. I thank the committee for providing this platform for me to testify today. I am Dr. Tiffani Macon, a former Shepherd Park resident and a soon to be Colonial Village resident. I am pharmacist and Howard graduate. Today I am compelled to speak about my experience with DCRA and what appears to be a lack of accountability and a bias in favor of neighbors during the construction process.

Our home construction has been delayed more than a year as a result of an overzealous neighbor. Each day she presents unsubstantiated accusations against the developer, resulting in disruption of work. Her accusations are taken at face value by DCRA, while the home owner is burdened with the task of defending said accusations. As each concern is addressed, another is concocted with the only intention of delaying work. Claims of safety concerns or concern for the trees on my property are now unsubstantiated as all of those concerns have been addressed several times. The actions and harrasment of this neighbor have caused undo stress onto me, my husband and my children. Due to coronavirus, I have not been able to work full time and therefore our income has been reduced significantly. Regardless, we have had to hire private arborists, real estate attorneys and others to defend construction that we have every right to build as intended. Neighbors should not have the right to interrupt construction simply because they do not want the home there or they do not like the owner. Her actions have attacked the credibility of DCRA, implying that the agency does not have the competency to properly oversee this project. One unqualified lay person should not have this much control. DCRA must be unbiased and just in their decision making. Clearly, her concerns were null as in each instance of DCRA intervention, no citations or fines were given. It is

clear the attack on 7551 17th St NW by aforementioned neighbor is personal in nature. Limitations must be enforced of the involvement of neighbors regarding the enforcement of DCRA regulations.

CITY COUNCIL TESTIMONY

Thank you for allowing me to testify. My name is Joanne M Brignolo, a DC resident since 1982. My objective is twofold: (1) to highlight DCRA's excellent high-value performance, thus deserving of an expanded regulatory compliance advisory role over residential entities, and (2) to plead for the DC Condominium Act to be amended with stringent noise abatement requirements for any unit and/or common element renovations in buildings constructed before 2000.

Covid-19 is not the only threat today posing challenges for humans coexisting in ever more densifying cities. It is Noise—unwanted invasive sounds from not only external but also, in my case, internal sources that constitute an aural nuisance depriving “the quiet use and enjoyment” of one’s home. Intrusive sounds may be either airborne noise or impact noise, the former coming from hi-fi speakers, human voices, dogs barking, garbage disposals, as well as shower and macerator pumps, to name a few, and the latter transmitted directly by pounding footsteps, dropping items on floors, and either moving or dragging furniture on floors. Sound waves pass directly into the structure or through the separating layers, such as floors and ceilings.

Both in 2017-2018 and again in 2020-2021 I have had to endure egregious noise assaults first by the owner and now by the renters of the condo unit above me. In 2017 I tried but was unsuccessful to find a responsive ear on the DC City Council, but in 2021, out of desperation being under significant stress so detrimental to my delicate health, I filed a complaint with DCRA and found a team that cared.

I must commend the leadership of DCRA director Ernest Chrappah. With his direction to investigate, I received emails and phone calls from key DCRA subordinates: Account Management Team program manager Marcelo Paulo, Ward 6/Ward 8 coordinator Anthony Diallo, and inspector Derron Manning. I felt renewed hope that in time corrective action would be forthcoming.

For DCRA to mitigate noise disturbances and for the MPD to respond, the action most imperative is for the DC City Council, via emergency legislation, to amend the DC Condominium Act not only prohibiting aural nuisances (internal construction the exception) *at all hours* but also requiring residential complexes built pre-2000 to use certified Sound Transmission Class-rated soundproofing and acoustic materials, such as soundproof underlayment, acoustic floor tiles and sealants, soundproofing spray foam, and sound-absorbing mass-loaded vinyl barriers. Equally important is for the Council to grant DCRA oversight and approval authority for materials to be used, as done in Broward County (Florida), with samples submitted to DCRA prior to the start of the renovation project and the issuance of the DCRA permit.

The long-standing excessive noise transmitted into my residence not only unreasonably interferes with my peace, comfort, and enjoyment but also disturbs my ability to rest and recuperate as required for ongoing medical treatments. In closing, please know that I am willing to meet with a City Council representative to elaborate and provide critical documentation. Thank you for your time and consideration.



**Government of the District of Columbia
ADVISORY NEIGHBORHOOD COMMISSION 3/4G**

Chevy Chase, Barnaby Woods, Hawthorne
5601 Connecticut Avenue N.W. P.O. Box 6252 Washington, D.C. 20015
3G@anc.dc.gov <http://www.anc3g.org> YouTube: ANC3G Office: 202.363.5803

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**ANC 3/4G Testimony Before the
Committee of the Whole
Performance Oversight Hearing on the
Department of Consumer and Regulatory Affairs
March 18, 2021**

Chairperson Mendelson and Councilmembers, I am Randy Speck, Chair of ANC 3/4G (Chevy Chase, Barnaby Woods, and Hawthorne). Thank you for the opportunity to testify today about the performance of the Department of Consumer and Regulatory Affairs (DCRA). I am testifying on behalf of our Commission, which authorized this testimony at its March 8, 2021 meeting by a vote of 7 to 0 (a quorum being 4).

As we testified at last year's oversight hearing,¹ for two years, DCRA has been unable to resolve concerns about a house that has been gutted and abandoned by its

¹ ANC 3/4G Testimony Before the Committee of the Whole Performance Oversight Hearing on the Department of Consumer and Regulatory Affairs, March 5, 2020, available at <https://bit.ly/36isNro>.

owner/developer. This once desirable house at Military Road, NW and 29th Street, NW has become a blight and an eyesore. More importantly, at a time when the District needs more housing stock, it sits empty, deteriorating to the point that it may become unsalvageable. To the extent that DCRA lacks an effective statutory remedy, we ask the Council to enact a legislative solution.

To briefly recap the history, DCRA issued a permit for “interior renovation only” in February 2019, and the owner/developer began demolishing the interior of the house, completely gutting it to the studs and removing all of the windows. After this initial spurt of activity, all work stopped in April 2019, and has never resumed. The property has steadily deteriorated since then.

In September 2019, DCRA’s Program Manager, Vacant Building Enforcement, reported to the ANC that DCRA had classified the building as vacant, that it would conduct a follow-up investigation of the property, and that it was levying the maximum possible fines against the property owner.² DCRA said that it would make the property weather-tight and that multiple liens had been placed on the property. DCRA reported that it had issued all necessary permits so that was not the reason for the developer’s delay. The vacant property tax rate is being assessed as a possible additional incentive to restore the house.

² See the September 23, 2019 meeting minutes at <http://bit.ly/328jHLW>. The property owner did not respond to the Commission’s invitation for him to appear at that meeting.

In October 2019, the owner finally conceded that he had the necessary permits to continue work but did not have the required financing. On January 7, 2020, DCRA advised the Commission that “although the property owner cannot be compelled to develop, continued citations can be levied.” Those citations, however, have been totally ineffective. For the past two years the owner/developer has refused to pay the citations or take any actions required by the existing law. Since our testimony last year, nothing has changed — the house remains in the same, unlawful condition and deteriorates further every day.

The vacant house also continues to pose a safety hazard to the neighbors who live on the adjacent sections of 29th and Jenifer Streets. Despite repeated pleas, the owner/developer has failed to keep trimmed the bushes that border the front yard. As a result, it is very difficult for drivers attempting to safely access heavily trafficked Military Road from 29th Street to see eastbound cars on Military. To prevent a serious crash at this intersection, DCRA and neighbors have trimmed the hedges themselves.

This owner/developer is notorious for its deficient construction practices.³ Fines and vacant property tax rates have not provided an effective incentive for development — or may even pose an impediment since they pile up costs that could further jeopardize construction financing. Current law may provide a theoretical remedy for acquiring and

³ See <http://bit.ly/2SEAZx6> (roofless house in Brightwood owned by Taja Investments); <http://bit.ly/38J89B6> (dumping on Trinidad property by Taja Investments); <http://bit.ly/2V3o6yc> (Taja Investments responsible for workmanship defect causing collapse of Capital Hill row house wall).

redeveloping the property,⁴ but DCRA contends that it has done everything that it can within the parameters of the DC Code. If there is any latitude under the law, DCRA should be required to initiate acquisition proceedings. If existing law is inadequate, we ask that the Council adopt new legislation that would allow the District to acquire and sell the property to a reputable buyer who will complete its restoration for occupancy by a family, preferably one who can benefit from affordable housing. This is an urgent issue, not only because it afflicts surrounding neighbors with on-going blight and poses safety hazards, but also because allowing this practice thwarts the District's ability to address its housing shortage.

Thank you.

⁴ DC Code § 42-3171.02, "Acquisition and redevelopment of abandoned or deteriorated property."



Government of the District of Columbia

Advisory Neighborhood Commission 6C02

ANC 6C02, P.O. Box 77876 Washington, D.C. 20013, (202) 547-7168

March 8, 2021

Council of the District of Columbia
1350 Pennsylvania Avenue N.W.
Washington, D.C. 20004

Re: DCRA Performance Hearing, ANC 6C02 Support for DCRA employee Anthony Diallo

Dear Council Members,

I am writing to express my gratitude for the assistance of the DCRA liaison for ANCs, Mr. Anthony Diallo. Over many months he has helped on numerous occasions with responses to my ANC 6C constituents. When workers sanding a building on Third Street NE did not have adequate dust protection for pedestrians, and my constituents had asthma, he quickly sent an inspector to rectify the situation. When a constituent on E Street NE was frustrated with the DCRA online permitting system, he provided the information needed. And since January, when my constituents at an apartment building on E Street NW complain of generator noise from an adjacent building on odd weekends, he provides contact information for the weekend noise monitor on duty each Friday, without fail.

I commend Mr. Diallo for his excellent service to the community.

On behalf of ANC 6C02,

Karen Wirt

