

FY 2023-2024 Performance Oversight Questions
Department of Licensing & Consumer Protection

AGENCY ORGANIZATION

1. Please provide a current organizational chart for the agency, including the number of vacant, frozen, and filled positions in each division or subdivision. Include the names and titles of all senior personnel and note the date that the information was collected on the chart.

Response: See Attachment #1 (DLCP's FY 2024 Organizational Chart).

2. Please provide a narrative explanation of any changes made to the organizational chart during the previous year.

Response: On October 1, 2022, DLCP became a new agency within District of Columbia Government. On October 1, 2023, the beginning of FY 2024, DLCP celebrated its first anniversary. During its first year of existence, the agency sought to craft its own identity separate from its sister agency, the Department of Buildings, while maintaining the same stellar customer service and adhering to its mission to protect the economic interests of residents, businesses, and visitors in the District of Columbia by licensing and regulating businesses and investigating and enforcing the Consumer Protection Procedures Act. In FY 2024 there was a change in senior leadership with the appointment of DLCP's first permanent director, Tiffany Crowe, on November 7, 2023.

Since taking the helm of the agency, Director Crowe has taken deliberate steps to assess the needs of the agency with an emphasis on ensuring DLCP is focused on economic development and helping business owners become licensed and thrive in the city. To achieve this, Director Crowe took a hard look at the agency's structure and determined that some staffing changes were necessary. As indicated at the Director's November Confirmation Hearing, the agency added the following positions:

1. Director of Strategic Communications
2. Director of Outreach and Engagement
3. Chief Performance Officer

These positions fulfill critical needs for the agency from customer service, communications, and overseeing the agency's IT systems. Similarly, the agency underwent restructuring and a reassignment of duties and functions to meet critical needs across DLCP. For instance, the Legislative team was moved into the Office of the Director, and the Communications team now reports to the Director as well. DLCP also moved the data team into the Office of the Chief Information Officer.

3. Please provide a current Schedule A for the agency which identifies each position by program and activity, with the salary, fringe benefits, and length of time with the agency.

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Please note the date that the information was collected. The Schedule A should also indicate if the position is continuing/term/temporary/contract or if it is vacant or frozen. Please indicate if any position must be filled to comply with federal or local law.

Response: See Attachment #2 (DLCP’s Schedule A).

4. Please provide a list of vacant positions during FY 23 and FY 24, to date. Please note whether the position is currently filled and length of time current vacancies have been open.

Response: See Attachment #3 (List of Vacancies).

5. Please list all employees detailed to or from your agency. For each employee identified, please provide the name of the agency the employee is detailed to or from, the reason for the detail, the date of the detail, and the employee’s projected date of return.

Response: The chart below provides a list of the employees detailed to or from DLCP:

Name	Hiring Agency	Detailed To	Reason for Detail	Date of Detail	Projected Date of Return
Sharona Morgan	MOTA	DLCP	Temporary personnel support from the Mayor’s Office of Talent and Appointments (MOTA)	10/01/2023	09/30/2024
Erica Jones	DLCP	EOM	Administrative Support for personnel to the Executive of the Mayor (EOM)	06/15/2023	05/31/2024

6. Please provide each collective bargaining agreement that is currently in effect for agency employees. Please include the bargaining unit and the duration of each agreement. Please note if the agency is currently in bargaining and the anticipated date of completion of each agreement in bargaining.

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Response: Below is the list of the collective bargaining agreements that are currently in effect for DLCP's employees:

Name of Union	Effective Date	Expiration Date
American Federation of Government Employees - AFGE 1403	March 8, 2022	September 30, 2023
American Federation of Government Employees – AFGE 2725	February 24, 1989	September 30, 1990
American Federation of State, County and Municipal Employees (AFSCME) 2743	Unspecified	September 30, 2010
Compensation Collective Bargaining Agreement (CBA) AFSCME 2743 and SFGE 2725	October 1, 2021	September 30, 2025

7. Please list any task forces, committees, advisory boards, or membership organizations in which the agency participates.

Response: Below is a list of task forces, committees, advisory boards, or membership organizations that DLCP is a member of:

Membership Organizations
Association of Appraiser Regulatory Officials
Association of Real Estate License Law Officials
Real Estate Educators Association
National Council for Architectural Registration Board
Council of Landscape Architecture Registration Board
Federation of Association Regulatory Boards
International Association of Security and Investigate Regulators
National Interstate Council
National Association of Barbers Board of America
National Association of State Contractors Licensing Agencies
Association of Boxing Commission
National Association of State Board Accountancy
National Council of Examiners for Engineering and Surveying
Council on Licensure, Enforcement and Regulation
District of Columbia Chamber of Commerce
Working Group

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Consumer Protection Procedures Act Modernization Working Group
Board Membership
Washington DC Economic Partnership Board of Directors
Task Force
Nightlife Task Force
Gallery Place/Chinatown Task Force

AGENCY BUDGET AND SPENDING

8. Please provide a table showing your agency’s Council-approved budget, revised budget (after reprogrammings, etc.), and actual spending, by program, activity, and funding source for FY 23 and the first quarter of FY 24. Please detail any over- or under-spending and if the agency had any federal funds that lapsed.

Response: See Attachment #4 (Q #8 – Budget FY 2023) and Attachment #5 (Q # 8 – FY 2024, 1st Qtr.).

9. Please list all open capital projects and capital projects in the financial plan under the agency’s purview, including the amount budgeted, actual dollars spent so far, any remaining balances, and the status of the project. In addition, please provide a description of any projects which are experiencing delays or which require additional funding.

Response: See Attachment #6 (Q #9 – Capital Projects).

10. Please provide a list of all budget enhancement requests (including capital improvement needs) for FY 23 or FY 24. For each, include a description of the need and the amount of funding requested.

Response: DLCP works closely with the Mayor’s Budget Office and the Office of the Deputy Mayor for Operations and Infrastructure (DMOI) to develop the agency’s annual budget, including enhancement requests, to ensure that critical programs and services were funded. As such, DLCP has sufficient funding to operate and/or provide its programs and services. In FY 2024, the agency will continue to work with the Mayor’s budget team and DMOI.

11. Please list, in chronological order, each reprogramming that impacted the agency in FY 23 and FY 24, to date, including those that moved funds into the agency, out of the agency, and within the agency. For each reprogramming, list the date, amount, rationale, and reprogramming number.

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Response: See Attachment #7 (Q #11 – Reprogrammings).

12. For FY 23 and FY 24, to date, please list all intra-District transfers to or from the agency.

Response: See Attachment #8 (Q #12 – Intra-agency Transfers).

13. Please list each grant or sub-grant received by your agency in FY 23 and FY 24, to date. List the date, amount, source, purpose of the grant or sub-grant received, and amount expended.

Response: DLCP did not receive any grants or sub-grants in FY 2023 or FY 2024, to date.

14. How many FTEs are dependent on grant funding? What are the terms of this funding? If it is set to expire, what plans, if any, are in place to continue funding the FTEs?

Response: None of DLCP’s FTEs are dependent on grant funding.

15. For FY 23 and FY 24, to date, please identify any special purpose revenue funds maintained by, used by, or available for use by the agency. For each fund identified, provide:

- a. The revenue source name and code;
- b. The source of funding;
- c. A description of the program that generates the funds;
- d. The amount of funds generated by each source or program;
- e. Expenditures of funds, including the purpose of each expenditure; and
- f. The current fund balance.

Response: See Attachment #9 (Q #15 – SPR Funds).

16. Please list any statutory mandates that the agency lacks sufficient resources to fully implement, or implementation that is contingent on filling current vacancies.

Response: DLCP lacks sufficient resources to implement the Business and Entrepreneurship Support to Thrive (BEST) Amendment Act of 2021 (D.C. Law 24-333) and section 8 of the Medical Cannabis Amendment Act of 2021 (D.C. Law 24-332) which were passed subject to appropriations but not funded.

AGENCY OPERATIONS

17. Please describe any significant impacts of legislation passed at the local or federal level, including any new statutory mandates of the agency as of FY2024 and their current implementation status.

Response: In Fiscal Year 2024, the Council of the District of the Columbia funded two laws that have had a significant impact on DLCP. Those two laws are the **Street Vendor**

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Advancement Act of 2023 (D.C. Law 25-21) and the **Cashless Retailers Prohibition Act of 2020 (D.C. Law 23-187)**. Regarding the Street Vendor Advancement Act of 2023, the law requires the Mayor, through DLCP, to contract with a non-profit organization for a sidewalk vending zone manager within 120 days of the law taking effect. DLCP has prepared the RFP for the vending zone manager, which is presently with the Office of Contracting and Procurement for review and publication. The agency has been in communication with OCP and expects procurement to conclude in the coming weeks. Once published, DLCP will begin accepting and reviewing proposals.

The Street Vendor Advancement Act of 2023 also required the Mayor to establish an Amnesty Program for those who apply for a street vending license but have delinquent fines and sales taxes. DLCP worked closely with the Office of Tax and Revenue to establish the amnesty program. The amnesty program launched on October 1, 2023. Applicants can apply via DLCP's business portal.

In addition to the Street Vendor Advancement Act of 2023, the Council funded the Cashless Retailers Prohibition Act of 2020, which prohibits retailers from discriminating against the use of cash as a form of payment. DLCP's Consumer Protection Unit is conducting complaint-based investigations and working with the business community, fellow agencies, and the Office of the Attorney General on a unified approach to enforcement.

18. Please list all reporting requirements in the District of Columbia Code or Municipal Regulations that the agency is required to complete in FY 23 and FY 24, to date. For each requirement, please list the date the report was required and the date it was produced. If the agency did not produce the report on the mandated timeline, please explain why.

Response: Below is a list of DLCP's reporting requirements and their due dates.

Report Title	Due Date
FOIA Report (D.C. Official Code 2-538)	February 1 st of each year
Financial Disclosure Report (D.C. Official Code 1-1162.25)	May 15 th of each year
Sexual Harassment Report (D.C. Law 24-215)	November 12 th of each year
Consumer Protection Report (D.C. Official Code 28-3903(b)(2))	Annually (Undefined due date)
Pawn Broker Licenses Report on Operations and Mayor's Analysis (D.C. Official Code 47-2884.07(b))	March 15
Compliance Report - Returning Citizens (D.C. Official Code 47-2853.17(c-2))	January 1 st of each year

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In FY 2024, DLCP has taken deliberate steps to identify and improve the tracking of reporting requirements for itself as well as the boards and commissions under its jurisdiction. DLCP will continue these efforts throughout this fiscal year in order to ensure the reporting deadlines are met.

19. Please list and describe any regulations promulgated by the agency in FY 23 or FY 24, to date, and the status of each.

Response: In FY 2023 and FY 2024, to date, DLCP published several rulemakings in the *D.C. Register*. Below is a list of those rulemakings, including descriptions and status updates.

Title	Description	Status
Hotel and Motel Enhanced Cleaning and Maintenance Notice of Second Proposed Rulemaking	<p>The second emergency rulemaking renewed the emergency rulemaking that had expired. The rulemaking established requirements for the cleaning and maintenance of District of Columbia hotel and motel rooms and standards for public notice of hotel and motel service disruptions. This emergency rulemaking differed from the first emergency in the following ways:</p> <ol style="list-style-type: none"> 1. The frequency of changing linens (e.g., pillowcases, towels, and sheets) was changed to upon a guest’s request 2. Antimicrobial cleaning products was replaced with “EPA-approved” cleaning products 3. Notice of service disruptions could be provided to a third-party vendor or guests. 	Expired (December 3, 2022)
Hotel and Motel Enhanced Cleaning and Maintenance Notice of Third Emergency Rulemaking	This third emergency rulemaking renewed the second emergency rulemaking without changes.	Expired (April 3, 2022)

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<p>Hotel and Motel Enhanced Cleaning and Maintenance Notice of Fourth Emergency and Third Proposed Rulemaking</p>	<p>The rulemaking renewed the third emergency rulemaking but exempted “extended stay” hotels unless requested by the guest.</p>	<p>Expired (August 2, 2023)</p>
<p>Practical Applications Real Estate Appraisal Notice of Proposed Rulemaking</p>	<p>The proposed rulemaking would adopt the Appraisal Qualifications Board’s Practical Applications Real Estate Appraisal requirements. These requirements provide applicants for a real estate appraisal license with an alternative to fulfilling the appraisal experience requirements for licensure.</p>	<p>The proposed rulemaking was amended and a new one was published.</p>
<p>Practical Applications Real Estate Appraisal Notice of Amended Proposed Rulemaking</p>	<p>The proposed rulemaking would adopt the Appraisal Qualifications Board’s Practical Applications Real Estate Appraisal requirements. These requirements provide applicants for a real estate appraisal license with an alternative to fulfilling the appraisal experience requirements for licensure.</p>	<p>Comment period ended – July 2, 2023. A final rulemaking was prepared and is presently under review for publication in the <i>D.C. Register</i>.</p>
<p>Practical Applications Real Estate Appraisal Notice of Final Rulemaking</p>	<p>The proposed rulemaking would adopt the Appraisal Qualifications Board’s Practical Applications Real Estate Appraisal requirements. These requirements provide applicants for a real estate appraisal license with an alternative to fulfilling the appraisal experience requirements for licensure.</p>	<p>Pending publication in the <i>D.C. Register</i>. Once published, the rules will take effect.</p>

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20. What are the agency’s top five priorities? Please explain the progress the agency has made toward achieving these priorities and additional steps the agency will take in FY24.

Response: Rather than focusing on quantity, DLCP is focused on quality. To that end, the agency has identified four priorities for FY 2024. Those priorities are:

DLCP’s top four priorities include:

1. Focus on the needs of the DLCP workforce;
2. Reimagine our authority, tools, and partnerships;
3. Create stability and earn credibility with the public; and
4. Stimulate economic growth and innovation in the District.

Priority	Progress made to date	Plans for FY24
Focus on the needs of the DLCP workforce	<ul style="list-style-type: none"> - Filled key vacancies in critical positions - Identified issues with space, budget, and, technology and prioritized space improvements - Held office hours and made changes to the way we communicated with staff at all levels of the agency 	<ul style="list-style-type: none"> - Prioritize building renovations - Develop individualized training plans for staff - Develop performance management plans based on quantitative measures - Schedule structured team building and strategic planning into quarterly performance management cycle
Reimagine our authority, tools, and partnerships	<ul style="list-style-type: none"> - Pushing forward CPPA updates - Began compliance work related to Cashless Retailer Prohibition, Vending - Initiated coordination meetings with agencies in the DMPED cluster to expand DLCP’s economic development mission 	<ul style="list-style-type: none"> - Solidify date for CPPA updates to be implemented - Establish Business Innovation Hub with sister agencies - Establish new vending zones and new site selection criteria - Ensure planning and economic development studies receive information from DLCP to support,

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	- Dramatically expanded the scope of the Enterprise Business Portal	and that outcomes are used to inform our priorities
Create stability and earn credibility with the public	- Established regular meetings with Boards, Council, Main Streets, BIDS, ANCs, and other stakeholder groups - Added administrative and operational changes to our IT roadmap based on public feedback	- Produce a meaningful, short-term strategic plan and a longer-term strategic plan - Continue sending monthly communications to external stakeholders - Seek feedback on technological and administrative updates
Stimulate economic growth and innovation in the District	- Began evaluating business licensing trends and revenue generation - Expanded Small Business Resource Center (now Business Resource Center) to facilitate business development (better tracking of metrics, and establishing new quantitative goals related to volume of businesses started, etc.)	-Complete study of business licensing and development activities all over the country

21. What are the metrics regularly used by the agency to evaluate its operations? Please be specific about which data points are monitored by the agency.

Response: Below is a list of the metrics that DLCP regularly uses to evaluate its operations:

Performance Plan

Key Performance Indicators (KPIs)	Percent of occupational and professional license applications reviewed within (3) business days from the date of submission of a complete application
KPIs	Percent of Consumer Protection cases closed within 30-days from date of complaint submission
KPIs	Percent of Customer Relationship Management (CRM) cases that are resolved within 3 business days from date of receipt by the agency
Workload measures	Number of customers serviced by the Small Business Resource Center (SBRC)
Workload measures	Number of special events issued

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Workload measures	Number of weighing and measuring devices approved
Workload measures	Number of Short-Term Rental licenses applications approved
Workload measures	Number of Consumer Protection Investigations conducted
American Rescue Plan (ARP) KPIs	Percent of businesses applying online that receive their license within one (1) business day from the date of submission
ARP KPIs	Percent of Business Licensees for which prescreening is required, that receive a regulatory investigation within 15 business days
ARP KPIs	Percent of Basic Business License, Corporation, and Occupational and Professional Licensing transactions that are conducted online
ARP KPIs	Percent of compliant businesses that have renewals processed within one (1) business day from the date of application receipt
ARP KPIs	Percent of corporate registrations processed online, meeting the customer's request for expedited service of one (1) or three (3) business days
ARP WM	Number of business compliance surveys conducted
ARP WM	Number of professional licenses renewed
ARP WM	Number of professional licenses issued
ARP WM	Number of other corporate filings registered
ARP WM	Number of corporate entities registered
ARP WM	Number of applications submitted for new business licenses
ARP WM	Number of business licenses issued
ARP WM	Number of business licenses renewed

Agency Dashboard

Consumer Protection	Average Business days to close a case
Consumer Protection	Notice of Infraction
Consumer Protection	Active case age – Service Level Agreement (SLA) breached, SLA not breached
Consumer Protection	Number of cases closed this quarter
Consumer Protection	Number of active cases
Consumer Protection	Amount recovered for consumers
Business Licensing	Number of active licenses

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Basic Business Licensing, OPL	Number of licenses issued
Customer Service	Customer satisfaction responses – overall, and by month
Agency Performance	Percentage of new applications for business license received online and processed within one (1) business day of submission
Agency Performance	Percentage of business license renewals processed within one (1) business day of submission
Agency Performance	Percentage of occupational and professional license applications reviewed within (3) days of submission
Agency Performance	Percentage of corporate registrations processed online for expedited or regular service within one (1) or three (3) business days
Agency Performance	Percentage of applicable business licenses that require pre-screening and receive a regulatory investigation within fifteen (15) business days.
Agency Performance	Percentage of consumer protection cases to pursue unfair and deceptive business practices used against citizens that are investigated and closed within thirty (30) days.
Agency Performance	Percentage of customer inquiries via DLCP’s on-demand customer relationship management system that are resolved within three (3) business days
Agency Performance	Percentage of transactions that are conducted online for business licensing, corporate registration, and occupational and professional licensing

22. Please provide a copy of your agency’s FY 23 performance plan as submitted to the Office of the City Administrator, if one was prepared. Please identify any performance objectives or measures which have been added, modified or dropped since FY 22 and provide an explanation.

Response: DLCP became a standalone agency on October 1, 2022; the beginning of FY 2023. As such, the agency did not have a performance plan in FY 2022. *See Attachment #10 (Q #22 – FY 2023 Performance Plan).*

23. Please provide a copy of your agency’s FY 24 performance plan as submitted to the Office of the City Administrator, if one was prepared. Please identify any performance objectives or measures which have been added, modified or dropped since FY 23.

Response: *See Attachment #11 (Q #23 – FY 2024 Performance Plan).* The following FY 2023 workload measure was removed from the FY 2024 Performance Plan:

3 - Personnel, Training and Employee Development, Property Management, Information Technology, Risk Management, Legal, Fleet Services, Communications, Customer Service, Performance Management, Internal Audit (1 Measure)

Number of records requests completed by the Records Team

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24. Please describe any new initiatives or programs that the agency implemented in FY 23 and FY 24, to date, to improve the operations of the agency.
- a. Please describe any funding utilized, to date, for each initiative or program and the results, or expected results, of each initiative.
 - b. What additional funding does the agency anticipate using toward these initiatives or program and please describe how these funds will be used.
25. Please provide the Committee with:
- a. A list of all vehicles owned, leased, or otherwise used by the agency and to whom the vehicle is assigned as well as a description of all vehicle accidents involving the agency's vehicles in FY 23 and FY 24, to date;

Response: Below is a chart providing a list of all vehicles owned, leased, or otherwise used by DLCP and to whom the vehicle is assigned.

License Plate	Serial Number	Make	Model	Year	Assigned	Notes
DC4924	2FAFP73V48X147222	FORD	CROWN VICTORIA	2008	Charles Sampson/W&M	
DC6980	2G1WB58KX81299657	CHEVROLET	IMPALA	2008	Antoine Walker/Vending	
DC6981	2G1WB58K681299901	CHEVROLET	IMPALA	2008	David Jacobs/W&M	
DC6982	2G1WB58K681299932	CHEVROLET	IMPALA	2008	Christopher Peace/Vending	
DC6994	2G1WB58K981303472	CHEVROLET	IMPALA	2008	Joseph Ferguson/W&M	
DC7155	1HGFA46539L000430	HONDA	CIVIC GX	2009	Unassigned/Car Pool	
DC7157	1HGFA46549L000422	HONDA	CIVIC GX	2009	Unassigned/Car Pool	
DC8330	1GC5KZC88CZ278585	CHEVROLET	SILVERADO	2012	Lawrence Taylor/W&M	PDA on 6/2023
DC8800	1C6RR7KXES363537	DODGE	RAM 1500	2014	Allen Smith/W&M	
DC9009	1HGFA46569L000051	HONDA	CIVIC GX	2009	Unassigned/Car Pool	
DC11351	3C63R3GL2GG144194	DODGE	RAM 1500	2016	Lawrence Taylor/W&M	Loaner Vehicle since 8/11/2023

There was one vehicle accident involving an agency vehicle in FY 2023. Here is information about that accident: 5/9/2023 – 05-9009 – Renarda Brown – Incident Report No. 1-23-02848

There have not been any vehicle accidents involving agency vehicles in FY 2024, to date.

- b. A list of travel expenses, arranged by employee for FY 23 and FY 24, to date, including justification for travel;

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Response: See Attachment # 12 (Q #25(b) – Travel Expenses).

- c. A list of total workers’ compensation payments paid in FY 23 and FY 24, to date, including the number of employees who received workers’ compensation payments, in what amounts, and for what reasons.

Response: Below is a list of total workers’ compensation payments paid in FY 2023 and FY 2024, to date:

Type	Compensation or Payment Amounts
<i>Total compensation payments paid in FY23 and FY24 to date:</i>	1,838.05
<i>Two employees received workers compensation payments in FY23.</i>	None in FY24
<i>Denise Edelin</i>	710.96 for medical bill payments
<i>David Jacobs III</i>	1,127.09 for physical therapy

- d. For FY 22 and FY 23, to date, please provide a list of employee bonuses, special pay granted, or separation pay issued, that identifies the employee receiving the bonus, special pay, or separation pay, the amount received, and the reason for the bonus, special pay, or separation pay.

Response: Below is a list of employee bonuses, special pay granted, or separation pay issued in FY 2023 and FY 2024, to date, including the employee’s name:

Fiscal Year	Employee Name	Type of Pay	Amount
FY 2023	Nielsen, Marc A	Bonus Pay	\$5,558.04
FY 2023	Gasimov, Josef G	Severance Pay	\$28,308.50
FY 2024	N/A	N/A	N/A

Josef Gasimov received severance pay due to separation of employment from the agency.

26. For FY 23 and FY 24, to date, what was the total agency cost for mobile communications and devices, including equipment and service plans?

Response: Below is the total agency cost for mobile communications and devices for FY 2023 and FY 2024, to date:

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FY 2023	\$45,089
FY 2024	No invoiced expenditures as of 12/31/23

27. Please list in descending order the top 25 overtime earners in your agency in FY 23 and FY 24, to date, if applicable. For each state the employee's name, position number, position title, program, activity, salary, fringe, and the aggregate amount of overtime pay earned.

Response: See Attachment #13 (Q #27 – Overtime).

28. Please provide a list of any training or continuing education opportunities made available to agency employees. For each training or continuing education program, please provide the subject of the training, the names of the trainers, and the number of agency employees that were trained.

Response: See Attachment #14 (Q#28 – DLCP's Trainings FY 2023).

29. Please describe the Department's remote work policies, when they were last updated, and how they differ from policies and practices prior to the COVID-19 pandemic.

Response: DLCP is open and welcomes customers to visit the office Monday through Friday from 8:30 a.m. to 4:30 p.m. (except Thursday when the hours are from 9:30 a.m. to 4:30 p.m.). DLCP follows DCHR's Telework Policy for District Government by offering a hybrid work schedule for employees whose positions do not entail regular in-person customer interaction. For these employees, they are in the office three days a week and telework two days week. For those employees who provide direct in-person services to our customers, they are in the office 100% of the time.

Notwithstanding the agency welcoming in-person visitors, DLCP recognizes that many of our customers prefer online services since the COVID-19 Pandemic. As such, the majority of DLCP's services are available online, from applying for a Basic Business License to filing a complaint. DLCP endeavors to provide stellar service to its customers, whether in-person or online.

DLCP's current telework policy aligns with the Mayor's policy. On January 8, 2024, DCHR announced a change to the District's telework policy. These changes will take effect in March 2024. DLCP will revise its telework policy as necessary to be in compliance with DCHR's policy.

30. Please identify all electronic databases maintained by your agency, including the following

- a. A detailed description of the information tracked within each system;

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- b. The age of the system and any substantial upgrades that were made in FY 23 or FY 24, to date, or that are planned for the system;
- c. Whether the public is currently granted access to all or part of each system; and
- d. Whether the public could be granted access to all or part of each system.

Response: See Attachment # 15 (Q #30 – DLCP's IT Systems).

31. Please provide a list of all studies, research papers, reports, and analyses that the agency prepared or funded during FY 23 and FY 24, to date. Please submit a digital copy to the Committee of any study, research paper, report, or analysis that is complete.

Response: DLCP did not prepare or fund any studies, research papers, reports, or analyses in FY 2023 and FY 2024, to date.

CONTRACTING AND PROCUREMENT

32. For FY 23 and FY 24, to date, please list any purchase card spending by the agency, the employee making each expenditure, and the general purpose for each expenditure.

Response: See Attachment #16 (Q #32 – DLCP Purchase Card Spending).

33. Please list and provide a copy of all memoranda of understanding (“MOU”) entered into by your agency during FY 23 and FY 24, to date, as well as any MOU currently in force. For each, indicate the date on which the MOU was entered and the termination date.

Response: The chart below lists DLCP’s Memoranda of Understanding for FY 2023 and FY 2024, to date:

InterAgency Services	Seller Agency	Amount	Entered Date	Termination Date
Armored Car Service (Attachment #17)	Office of Finance and Treasury (AT0)	2,602.00	12/16/22	09/30/23
Cashier Services (Attachment #18)	Office of Finance and Treasury (AT0)	89,984.50	12/16/22	09/30/23
Merchant Fees (Attachment #19)	Office of Finance and Treasury (AT0)	279,521.04	12/16/22	09/30/23
Employment Screening Services (Attachment #20)	DC Human Resources (BE0)	4,245.25	12/01/22	09/30/23
eRisk User Access (Attachment #21)	Office of Risk Management	2,250.00	06/22/23	09/30/23
Cloud Usage – Azure (Attachment #22)	Office of the Chief Technology Officer (TO0)	35,164.47	03/07/23	09/30/23
.Net Developer Resource (Attachment #23)	Office of the Chief Technology Officer (TO0)	142,500.00	03/21/23	09/30/23

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	Total	556,267.26	

FY 2024 MOUs

InterAgency Services	Seller Agency	Amount	Entered Date	Termination Date
Enterprise Data Resource (Attachment #24)	Office of the Chief Technology Officer (TOO)	100,000.00	12/21/23	09/30/24
Total		100,000.00		

34. Please list each contract, procurement, and lease entered into or extended by your agency during FY 23 and FY 24, to date. For each contract, please provide the following information where applicable:

- a. The name of the contracting party;
- b. The nature of the contract, including the end product or service;
- c. The dollar amount of the contract, including amount budgeted and amount actually spent;
- d. The term of the contract;
- e. Whether the contract was competitively bid;
- f. The name of the agency’s contract monitor and the results of any monitoring activity; and
- g. The funding source.

Response: *See Attachment #25 (Q #34 – DLCP's Contracts, Procurements, or Leases).*

35. What is your agency’s current adjusted expendable budget for CBE compliance purposes? How much has been spent with SBEs or CBEs? What percent of the agency’s current adjusted expendable budget has been spent with SBEs or CBEs?

Response: Below is DLCP’s current adjusted expendable budget for CBE compliance purposes, including how much was spent on SBEs or CBEs and the percent of the agency’s adjusted expendable budget that has been spent on SBEs or CBEs:

Fiscal Year	Adjusted expendable budget for CBE (1)	SBE/CBE Expenditure	Queued SBE/CBE Expenditure	% adjusted expendable budget (1) to be spent with SBE/ CBE	% adjusted expendable budget (1) queued to be spent with SBE/CBE
FY24 (As of Jan 9, 2023)	\$1,089,141	\$261,213.51	\$721,935.00	24%	66%

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36. Please list all pending lawsuits that name the agency as a party, and provide the case name, court where claim was filed, case docket number, and a brief description of the case.

Response: Below is a list of all pending lawsuits that name DLCP as a party:

Party	Filed On	Allegation	Status
Claimant A	8/13/21	Complaint alleging common law and constitutional claims, seeking \$50 million in damages	Case is pending
Claimant B	8/13/21	Complaint alleging common law and constitutional claims, seeking \$50 million in damages	Case is pending
Claimant C	8/17/21	Complaint alleging common law and constitutional claims, seeking \$50 million in damages	Case is pending
Claimant D	6/20/23	Complaint seeking declaratory judgment and injunction relief barring enforcement of D.C. Official Code § 47-2862, the “Clean Hands Law”	Case is pending
Claimant E	10/24/23	Complaint seeking preliminary injunction and alleging constitutional claims related to revocation of a security license	Case is pending

LEGAL, LEGISLATIVE AND REGULATORY ACTIONS

37. Please list all settlements entered into by the agency or by the District on behalf of the agency in FY 23 or FY 24, to date, and provide the parties’ names, the amount of the settlement, and if related to litigation, the case name and a brief description of the case. If unrelated to litigation, please describe the underlying issue or reason for the settlement (e.g. administrative complaint, etc.).

Response: DLCP has not entered any settlements nor has the District entered any settlements on behalf of DLCP in FY 2023 or FY 2024, to date.

38. Is DLCP currently party to any active non-disclosure agreements? If so, please provide all allowable information on all such agreements, including the number of agreements and the department(s) within OHR associated with each agreement.

Response: DLCP has one active non-disclosure agreement within the Office of the Director.

39. Does DLCP require non-disclosure agreements for any employees or contractors?

Response: No, DLCP does not require non-disclosure agreements for any employee or contractor.

40. Please list the administrative complaints or grievances that the agency received in FY 23 and FY 24, to date, broken down by source. Please describe any changes to the agency policies or

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procedures that have resulted from complaints or grievances that were resolved in FY 23 or FY 24, to date.

Response: Below is a chart listing the administrative complaints or grievances DLCP received in FY 2023 and FY 2024, to date:

Date	Employee/Union	Issue	Status
11/21/2022	AFSCME 2743 (3 employees)	Job Posting/Promotion of another employee	Denied
1/3/2023 (but dated 1/4/2023)	AFSCME 2743 (3 employees)	Job Posting/Promotion of another employee	Denied
3/3/2023	AFSCME 2743 (8 employees)	Job Posting/Hiring of another employee at higher grade.	Denied
3/29/2023	AFGE 2725	Termination of employee for cause	Denied
10/25/2023	AFSCME 2743 (2 employees)	Request for higher pay for alleged higher grade work	Denied
12/14/2023	AFSCME 2743 (2 employees)	Request for higher pay for alleged higher grade work	Denied

41. Please provide the number of FOIA requests for FY 23, and FY 24, to date, that were submitted to your agency. Include the number granted, partially granted, denied and pending. In addition, please provide the average response time, the estimated number of FTEs required to process requests, the estimated number of hours spent responding to these requests, and the cost of compliance.

Response: Below is the number of FOIA requests DLCP received in FY 2023 and FY 2024, to date:

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DLCP FY23-FY24 Report (October 1, 2023, through January 9, 2024)	
FOIA requests received	417
Requests granted in whole	176
Requests partially granted	66
Requests denied in whole	4
Number of FOIA requests pending as of January 9, 2024	22
Average response time	16 business
Number of FTEs required to process requests	2 FTEs
Estimated number of hours spent responding to these requests	100% of the time for 2 FTEs
Estimated cost of compliance for FY23	\$212,985.00

42. Please list and describe any ongoing investigations, audits, or reports on the agency or any employee of the agency that were completed during FY 23 and FY 24, to date.

Response: There was one investigation pertaining to a confidential personnel matter that was completed in FY 2023.

43. What efforts has your agency made during FY23 to increase transparency? Please explain.

Response: In FY 2023, DLCP increased transparency by:

- Deploying a map to show the public the locations of licensed businesses within a quarter mile of a middle or high school that are prohibited from selling electronic smoking devices. The map is located [here](#).
- Updating its public dashboard to help residents better track and understand DLCP's key performance indicators, workload measures and other key operational metrics;
- The agency will continue to update this map;
- Increasing outreach and education events to be more transparent with stakeholders and customers about service level agreements on complaint processes, licensing processes, and other agency services;
- Adding major outreach events on agency websites, newsletters, and social media;
- Examining the agency's website to further improve information shared with the public so customers have all the necessary information to start or maintain their businesses, understand their consumer rights, and submit their complaints; and
- Launching the District's Enterprise Business Portal, in partnership with the Office of the Chief Technology Officer (OCTO).

44. What efforts will your agency be making in FY24 to increase transparency. Please explain.

Response: In FY 2024, DLCP will continue to maintain transparency by:

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- further updating and maintaining its public dashboard to help residents better track and understand DLCP’s key performance indicators, workload measures and other key operational metrics;
- Establishing an MOU with OCTO that will allow the agency to utilize technology to make updates to the map that is used to identify approved locations for street vending;
- Adding major outreach events and updates to regulations on agency websites and newsletters, and social media;
- Examining the agency’s website and implementing necessary changes to further improve information shared with the public so customers have all the necessary information to start or maintain their businesses, understand their consumer rights, and submit their complaints. This would include ensuring information and documents are translated into necessary languages; and
- Promoting, through digital ads and larger scale campaigns, the DC Business e-Stop Business Portal to feature new improvements and expansions that help businesses navigate the licensing process. Improvements include language translations and more options for professional and business licenses included in the portal. This portal helps businesses with the licensing process and provides a dashboard that will make it easier to start, maintain, and close a business through the integration of electronic forms that will ultimately reduce barriers like time and cost.

45. How many total consumer complaints were filed with DLCP during FY23 and FY24, to date? Please list the categories of complaints filed as well as the total numbers for each category.

Response: Below is an itemized breakdown of the total consumer complaints DLCP received in FY 2023 and FY 2024 (as of Jan. 2. 2024):

Violation Category	Fiscal Year 2023	Fiscal Year 2024
Gas-powered leaf blowers	1,978 Complaints 893 NOIs	513 Complaints 142 NOIs
Unlicensed business/operating outside the scope of license	479 Complaints 213 NOIs	94 Complaints 32 NOIs
Unlicensed Rental Properties	225 Complaints 106 NOIs	62 Complaints 23 NOIs
Flavored Tobacco/Electronic Smoking Devices	221 Complaints 156 NOIs	25 Complaints 8 NOIs
Unfair and Deceptive Trade Practices	129 Complaints 14 NOIs	21 Complaints 2 NOIs
Vending	122 Complaints 16 NOIs	35 Complaints 1 NOI
Home Improvement Services/Warranty Claims	114 Complaints 19 NOIs	32 Complaints 4 NOIs

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Trash Noise	73 Complaints 38 NOIs	13 Complaints 5 NOIs
Tow Truck	44 Complaints 13 NOIs	7 Complaints 0 NOIs
Cashless Retailers	N/A (not funded until FY 2024)	23 Complaints 0 NOIs
Auto Repair Services	20 Complaints 4 NOIs	7 Complaints 2 NOIs
Certificate of Occupancy	20 Complaints 6 NOIs	7 Complaints 2 NOIs
Real Estate Licensing Commission	8 Complaints 1 NOI	0 Complaints 0 NOIs
Board of Industrial Trades	6 Complaints 3 NOIs	0 Complaints 0 NOIs
Motor Vehicle Sales	5 Complaints 0 NOIs	2 complaints 0 NOIs
Corporate Registration	4 Complaints 1 NOI	2 Complaints 0 NOIs
Architecture and Interior Design <i>*These complaints may also be filed with the Board of Architecture, Interior Design and Landscape Architects.</i>	2 Complaints 2 NOIs	0 Complaints 0 NOIs
Board of Barber and Cosmetology <i>*These complaints may also be filed with the Board of Barber and Cosmetology.</i>	1 Complaint 1 NOI	0 Complaints 0 NOI
Professional Engineering <i>*These complaints may also be filed with the Board of Professional Engineering.</i>	1 Complaint 0 NOI	0 Complaints 0 NOIs
Security Officer	1 Complaint 0 NOIs	0 Complaints 0 NOIs
Board of Funeral Directors	0 Complaints 0 NOIs	1 Complaint 0 NOIs
Board of Accountancy	0 Complaints 0 NOIs	1 Complaint 0 NOIs
Short-term Rental	178 NOIs	26 NOIs
Weights and Measures	4 NOIS	0 NOIs

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46. During FY23 and FY24, to date, how many community outreach and education events and engagements targeting communities most vulnerable to unfair trade practices were conducted by DLCP, either virtually or in-person?
- a. What was addressed in these outreach events?
 - b. Does DLCP ever target these events specifically at communities most vulnerable to unfair trade practices?

Response: Previously, this information was not tracked effectively. This year, with the expansion of the Business Resource Center, this outreach to targeted communities will be tracked.

LICENSING AND CONSUMER PROTECTION

Licensing and Operations

47. Last year, DLCP shared that they were open to participating in the new working group looking into improvements to our Consumer Protection Procedures Act. Are you participating in this working group?

Response: Yes, DLCP has been participating in a Consumer Protection Procedures Act (CPPA) Working Group. After the Council held a hearing on the Consumer Protection Procedures Amendment Act of 2022 (B24-658) on November 3, 2022, DLCP convened 30 stakeholders, sister agencies, and the Office of the Attorney General (OAG) to form the working group. Between December 2022 and May 2023, the working group held approximately 10 meetings to discuss comprehensive updates to the CPPA.

As a result of those meetings, the working group prepared a list of recommendations for immediate consideration to amend the CPPA, including clarifying definitions, updating terminology, strengthening DLCP's enforcement authority, and adding charitable solicitations under the protections afforded by the act. The agency provided a redline draft of the suggested changes to Councilmember Pinto's office in May 2023 and, in coordination with OAG, has been working with Council to discuss those recommendations. We are eager to get those revisions approved and enacted. We plan to continue working with Council as needed and to reconvene the working group at a later time to discuss broader CPPA revisions that may be needed.

48. Last year, DLCP shared that there were 9 different applications to track licensing information, but there were a few barriers to centralization of information. Please share an update on your efforts to improve license tracking.

Response: We are not sure where this estimate came from, but we currently use Accela and the DC Business Center.

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49. In FY 2022, DLCP launched its new consumer protection case management system. What improvements has the agency experienced since launching the system? What enhancements, if any has the agency made to the system? What enhancements, if any, does the agency intend to make in FY 2024 to enhance the usability of the system?

Response: The implementation of the Column Case Management system resulted in several operational and data challenges. The agency is seeking to make significant adjustments to this system in FY24 and FY25.

Among the additional enhancements are capabilities to generate specific reports, including:

- Aging Case Report: This report is generated weekly and scheduled for delivery every Monday at 8 am.
- Case Report by Type: Providing insights into the number of Complaint cases categorized by Case Type. The delivery schedule for this report is to be determined.
- Violations Report: A detailed report offering case-specific information on various violation types. The delivery schedule for this report is yet to be determined.
- NOI Report: Providing information on the number of Notices of Infraction (NOIs) issued, categorized by type.

In Fiscal Year 2024, the agency aims to incorporate additional functionalities into the system to enhance current reporting capabilities. Specifically, the agency seeks the ability to:

- View Violations Attached to Each Case: Enabling the generation of a report outlining each violation and its respective outcomes, facilitating responses to common questions related to specific infractions.
- Update Violation Outcomes: Implementing a functionality that allows for the tracking and updating of outcomes for each violation, providing a comprehensive view of case and violation histories.
- Print NOIs Electronically from Column: Streamlining the electronic printing process for NOIs. This is a crucial workflow improvement.
- Merge ID (Location, Person, etc.): The agency aims to explore the feasibility of merging identification data, such as location and personal details, to enhance the clarity and accessibility of case information.
- Display Violation Addresses on the Work Console Page: Seeking to improve operational efficiency, the agency proposes having violation addresses readily available on the work console page alongside the case number.

These proposed enhancements aim to make the system more user-friendly and better equipped to generate the quantitative data essential for various operational areas within the agency.

50. What action does the agency take to inform businesses that their licenses are due for renewal. How does the agency assist those businesses who have not renewed the license on time with coming into compliance?

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Response: Until recently, the agency was inconsistent with notifications to those due for renewal. DLCP now provides ongoing outreach to businesses whose Basic Business Licenses are due for renewal. The agency employs a three-tier approach to notifying businesses that it is time to renew their license. They are notified 90, 60, and 30 days prior to the license's expiration date.

51. What steps has DLCP taken to streamline and simplify the business licensing process in FY24?

Response: We are currently evaluating what processes we can evaluate and streamline in the short and long-term. One area of work that started in FY23, and is continuing in FY24 is the evaluation of which business license categories can be streamlined. DLCP currently issues Basic Business Licenses ("BBLs") to individuals seeking to operate a business in the District of Columbia. The BBLs consist of 16 endorsements and 122 subcategories. In order to better serve the community, DLCP seeks to streamline the licensing regime with the objective of making the licensing process more transparent, user-friendly and easier to understand. DLCP requested the Office of General Council to perform a legal sufficiency review of the licensing prerequisites.

a. Please describe any steps DLCP has taken to consolidate the number of license and endorsement categories.

Response: In FY 2023, DLCP implemented the Streamlining Project, which seeks to minimize the number of BBL categories offered for licensure and group the categories by the overarching business activity, not by individual classes. For example, if an applicant applies for a restaurant or delicatessen BBL, both the restaurant and delicatessen will be classified as a "Food Service" BBL. The business requirements and fees will remain the same.

See the diagram below for the proposed license category grouping:

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PROPOSED BBL STREAMLINED LICENSING GROUPS

BEAUTY & GROOMING SERVICES Barber Shop Beauty Shop	FOOD SERVICES Bakery Candy Manufacturer Caterer Delicatessen Food Products Food Vending Machine Grocery Store Ice Cream Manufacturer Marine Food Product (Wholesale) Marine Food Product (Retail) Mobile Delicatessen Public School Cafeteria Restaurant	LODGING Bed and Breakfast Boarding House Hotel Inn and Motel Rooming House	REGULATED BUSINESSES Asbestos Abatement Business Auction Sales Auto Repossession Business Consumer Goods (Auto Repair) Driving School Funeral Establishment General Contractor/Construction Manager Health Spa/Sales Home Improvement Contractor Massage Establishment Motor Vehicle Dealer Moving and Storage Parking Facility Pawnbroker Public Hall Second Hand Dealers Security Alarm Dealer Solicitor Solid Waste Collector Solid Waste Vehicle Tow Truck Tow Truck Business Tow Truck Storage Lot Valet Parking
CHARITABLE SERVICES Charitable Exempt Charitable Solicitation	GENERAL SALES/SERVICES BUSINESS Auto Rental Auto Wash Cigarette Retail Cigarette Wholesale Cooperative Association General Business Mattress Sales New and Used Tire Dealer Stun Gun Sales	RENTAL HOUSING Apartment One Family Rental Two Family Rental	
EMPLOYMENT SERVICES Employer-Paid Personnel Service Employment Agency Employment Counseling Service	HEALTH SERVICES Patent Medicine Pet Shop Swimming Pool/DC	EMPLOYEE/SALESPERSON LICENSES Auctioneer Auto Repossessor Home Improvement Salesperson Motor Vehicle Salesperson Parking Facility Attendant Security Alarm Agent	
ENTERTAINMENT SERVICES Athletic Exhibition Billiard Parlor Bowling Alley Game Table Mechanical Amusement Machine Moving Picture Theater Skating Rink Theater (Live)			
FLAMMABLE PRODUCT SALES & SERVICES Dry Cleaners Explosives (Retail) Firework Sales (Retail) Firework Sales (Temporary) Firework Sales (Wholesale) Gasoline Dealer Kerosene Sales Power Laundry Pyroxylin Solvent Sales Varsol Sales			

52. What steps has DLCP taken to implement technological improvements to its licensing process? Describe any changes that have been made to the licensing software.

Response: DLCP has several workstreams in progress related to its business licensing process. Many of these workstreams are related to the District's new Enterprise Business Portal, and some are related to the legacy Business Center.

For the legacy system, we are fixing known issues with the platform by working through a prioritized backlog. One of the first updates was to our system of notifications and the business owner dashboard that will now show an accurate list of businesses due for renewal.

The new District Enterprise Business Portal (Portal) allows businesses to understand the steps required for becoming licensed for most businesses, and allows them to track the steps. The Portal provides detailed information regarding the application process to include a checklist of the prerequisite steps for licensure for each category. The sidewalk vending license application is the first license type to be fully available (back and front end) in the new Enterprise Business Portal.

DLCP continues to improve the Portal to provide an easier path for our stakeholders and customers to navigate the regulatory process for licensing in the District of Columbia. For example, the agency added the Clean Hands Self Certification feature to the Portal.

Cashless Retailers

53. The Cashless Retailers Prohibition Act of 2019 was funded in FY24. How many complaints for violations of this act has the agency received to date? How have these complaints been

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resolved? Please describe any outreach that has been conducted and how the agency is working to ensure compliance.

Response: Since the Council funded the Cashless Retailers Prohibition Act of 2019, DLCP has received 23 complaints regarding cashless retailers. DLCP has worked to bring cashless retailers into compliance by encouraging them to purchase safes and cash registers and training staff on how to handle cash. Nearly half of these businesses have come into compliance by following this guidance, including one business that installed a cash-to-card device. We plan to continue with proactive compliance work to support our local businesses and consumers.

Regarding outreach, DLCP has sent out email advisories to businesses regarding the Act. Additionally, DLCP will provide information about the Act to retailers for which DLCP has received a complaint. Finally, DLCP’s website provides a wealth of information for retailers and businesses, including compliance regarding the Act.

54. Are you aware of the number of retailers who are offering to convert cash to a prepaid card or cash-to-card device?

Response: To date, DLCP has only encountered one business with a cash-to-card device.

Short-Term Rentals

55. Please describe DLCP’s efforts during FY23 and FY24 (to date) to adequately estimate the total number of unlicensed rental properties and proactively target properties and units that are not registered?

Response: DLCP utilizes Granicus’s Short-Term Rental Compliance Monitoring Solution to identify unlicensed rental properties and to proactively target properties and units that are not registered. The system provides address identification and compliance monitoring of all listings within the District of Columbia. This includes on-going monitoring of 60+ Short Term Rental websites (e.g., Airbnb, VRBO, HomeAway, Booking.com, FlipKey, and Expedia).

During FY23, DLCP expanded its use of Granicus to identify long-term rental properties advertised on third-party booking platforms. DLCP has issued 45 Notices of Infraction based on this proactive targeting of unlicensed rental properties.

56. During FY 23 and FY 24, to date, with regard to the Short-Term Rental (STR) Program:
a. How many applications were submitted for short-term rental licenses? Please refer to the table direct below.

Response: The chart below provides the number of applications that were submitted for short-term licenses:

Fiscal Year	STR Licenses Issued	STR Applications Denied	STR Pending Applications	Total STR Applications Submitted
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2023	526	30	0	556
2024	257	9	27	293
Totals	783	39	27	849

b. How many applications were submitted for vacation rental licenses?

Response: The chart below provides the number of applications that were submitted for vacation rental licenses:

Fiscal Year	VR Licenses Issued	VR Applications Denied	VR Pending Applications	Total VR Applications Submitted
2023	308	20	0	328
2024	78	4	22	104
Totals	386	24	22	432

c. What is the average length of time (in days) from application submission to completed processing?

Response: DLCP processes short-term rental applications that are complete, accurate, and have all supporting documentation within one (1) business day. Applications submitted with incomplete information or deficiencies, including but not limited to Clean Hands or Homestead certification, require additional processing time. In these instances, DLCP will need to reach out to the Office of Tax and Revenue (OTR) for relevant information. Once DLCP receives the additional information from OTR DLCP finishes processing the applications.

d. How many illegal short-term rental properties were identified and cited in FY 2023 and FY 2024, to date?

Response: In accessing the addresses in the District, DLCP’s Short-Term Rental compliance module identified 75% of short-term rental (STR) addresses operating within the District to date. Based on the 75% identification rate, proactive compliance monitoring, and complaints received from the public, DLCP has identified an estimated 1,321 properties which are noncompliant and DLCP issued 206 Notices of Infraction (NOI) in FY23 and FY24 to date. Please refer to the table below for additional details:

STR Illegal Rental Properties Identified					
Fiscal Year	Identified by Short-Term Rental Program	Granicus Compliance Module (Snapshot)	STR Complaint Hotline	# of STR Rental Properties Identified	STR Notice of Infraction (NOI) Issued
2023	574	521	110	1,205	178
2024	21	56	39	116	28

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Totals	595	N/A	149	1,321	206
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- e. Are there any enhancements to the program the agency has made or wishes to make in FY 2023 and FY 2024, to date?

Response: DLCP routinely assesses the programs and services it offers for enhancements with the goal of improving the overall customer experience. DLCP is doing the same with the STR Program based on customer feedback.

Although the agency is still discussing potential improvements to the STR Program, some enhancements under consideration may include amendments to the Short-Term Rental Act of 2018 to further protect consumers. DLCP would welcome the opportunity to work with the committee in effectuating these enhancements, and in FY24 will seek to recommend legislative policy changes to strengthen the Short-Term Rental Act of 2018. These improvements may include but are not limited to:

- 1. Proactive Compliance Measure:** Adding provisions requiring the hosting platform to validate licenses before accepting bookings, which only allow booking platforms to list properties with an Active license and significantly reduce the number of unlicensed properties.
- 2. Shorten Data Request Timeframe:** Require booking platforms to provide reports/information to DLCP immediately or sooner than the thirty days provided in the regulations. This would enable DLCP to respond to non-compliant listings in which the full address, including the unit number, is unavailable.
- 3. Increased Fine Amount:** DLCP has conducted market research in surrounding jurisdictions and major markets and found that increasing the violation amount will help deter repeat offenders and unlicensed hosts. Many bad actors view low fine amounts as a cost of doing business, and the average nightly rate is \$195/night in the District. Increasing the fine amount would also incentivize getting licensed.
- 4. Create a Prohibited Buildings Platform:** Allow a building owner - including any applicable board of a homeowner's association, cooperative or condominium corporation, manager, or agent of such building or board – to notify DLCP through the online application.

- f. What data does DLCP require be disclosed by short-term rental platforms and with what frequency? How much of that data is public?

Response: DLCP only requires short-term rental platforms to provide the Short-term Rental license endorsement number or the Short-term Rental: Vacation Rental license endorsement number, whichever is applicable. DLCP sought additional information from booking platforms but was told the agency must submit a subpoena request. This is costly and time-consuming as it takes the booking platform, on average, 30 days to respond to a subpoena request.

- g. Is there any other platform data reporting that would be helpful in the enforcement of the law or ensuring overall consumer protection?

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Response: It would be helpful to explicitly require third-party hosting sites to comply with the District’s regulations and to impute liability explicitly (or additional liability) on to them when they do not assist DLCP with identifying information for short-term rental hosts.

57. In the Committee’s public hearing on the “Rowhouse and Tenant Short-Term Rental Clarification Amendment Act of 2023,” Director Crowe indicated in testimony that the agency would review and revise its interpretation of the law regarding RF-1 properties’ ability to receive a short-term rental license. Please confirm if this has occurred and if relevant licensees have been informed.

Response: Since the hearing on the Rowhouse and Tenant Short-term Rental Clarification Amendment Act of 2023 (B25-456) on October 12, 2023, DLCP has taken deliberate steps to update its guidance to customers regarding its revised interpretation of properties located in RF-1 Zones. Specifically, the agency has updated guidance on its website to clarify where short-terms are allowed to operate. In addition, DLCP contacted those District residents who were adversely affected by the agency’s prior interpretation of the zoning regulations.

58. Is the agency satisfied with the performance of its compliance module to monitor rental postings?

Beneficial Owner Disclosure Enforcement

59. In the FY24 budget, the Committee secured funding for 3 new FTEs in the corporations unit and 2 investigator FTEs in the enforcement unit to increase the agency’s ability to monitor compliance with and enforce the District’s corporate beneficial owner disclosure requirements.

- a. What is the status of those 5 new FTEs? If any of the positions remain unfilled, what is DLCP’s plan for filling them? What, if any, barriers has DLCP faced in hiring to fill the positions?

Response: DLCP is actively recruiting for the five new FTE’s that were funded in the FY 2024 Budget. We anticipate that they will be filled by the end of January 2024.

- b. How have those 5 new positions been used so far in FY24 to increase compliance with the District’s beneficial owner disclosure requirements? What, if any, other changes has the agency made or anticipates making to improve to its beneficial owner disclosure enforcement processes?

Response: As indicated in response to the previous question, DLCP is actively recruiting for the five new FTEs and we expect that they will be filled by the end of January 2024. We believe these additional FTEs will greatly assist the agency in enforcing the District’s laws and regulations, including the adherence to the beneficial owner disclosure requirements in Title 29 of the D.C. Official Code. Recruiting for these positions is not the only thing DLCP is

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doing to improve the owner disclosure enforcement process. Some other changes DLCP plans to make in FY 2024 include:

1. Creating a new Corporate Registry System – DLCP is actively pursuing the procurement for this new system.
2. Staff training – The agency has increased staff training concerning beneficial owners and the requirement that all for-profit entities must include a list of their beneficial owners in their Articles of Incorporation upon initial registration. Further, as of January 1st, the agency has begun requiring this information of non-profit entities as well.
3. Legislation – DLCP is reviewing the District’s current beneficial ownership requirements to determine what additional changes are necessary to ensure compliance. There is new guidance from the Federal government that may require amendments to the current law.

- c. Are there any new software applications or other capital expenses needed to support this work?

Response: Yes, there are new software applications and enhancements that are needed and DLCP is taking deliberate steps to achieve this goal. As previously discussed, DLCP is pursuing procurement for the new Corporate Registry System. The existing system has limited functionality, and it is challenging for corporate entities to comply with the business ownership disclosure requirements. Some of the limitations include only being able to provide one address per owner. Also, the current system does not allow the agency to shield certain addresses, such as the home address, from being publicly available.

- d. How many corporate filings made between April 11, 2019 and October 1, 2023 has DLCP identified as not in compliance with the District’s corporate beneficial owner disclosure requirements? How many filings made in FY24 to date? What actions has DLCP taken to bring those corporations into compliance?

Response: The Department of Consumer and Regulatory Affairs Omnibus Act of 2018 became law on April 11, 2019 and went into effect on January 1, 2020. In accordance with the law, DLCP collects the beneficial owner information from the business entity registering in the District. One must supply this information at the time of initial registration and biannually on their BRA-25 Biennial Report.

As of October 1, 2023, 99.68% of the active entities registered with DLCP have their beneficial ownership information listed. DLCP identified 16 entities that do not have their beneficial ownership information listed. A few things should be noted about these 16 entities, however.

- Non-profits that incorporated in 2023 and Q1 of FY24 and chose not to list beneficial owners on their articles.
- For-profit entities that filed early in 2023 – at that time if entities did not list beneficial owners in their miscellaneous provisions, we would consider the organizer/incorporator to be the beneficial owner.

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- In both cases, this information will be collected via these entity's 2024 BRA-25 Biennial Reports (which are due before April 1, 2024).

Tobacco and Marijuana Enforcement

60. How many complaints did DLCP receive regarding retailers violating the Flavored Tobacco Product Prohibition Amendment Act of 2021? How many retailers were cited, including the number of those who were issued a warning, in FY 2023 and FY 2024, to date, for being in violation of the Flavored Tobacco Product Prohibition Amendment Act of 2021? Please describe DLCP's outreach efforts in FY 2023 and FY 2024, to date, to inform retailers about the law. Does the agency have any checks in place to ensure that a new e-cigarette retailer cannot open within a quarter mile of a middle or high school?

Response: Since the Act took effect on October 1, 2022, DLCP has received 251 complaints regarding retailers potentially in violation of the Flavored Tobacco Product Prohibition Amendment Act of 2021.

In FY23, DLCP received 226 complaints and issued 106 NOIs. DLCP conducted 833 inspections and issued 450 warnings to tobacco retailers as part of our proactive enforcement. In FY24, to date, DLCP has received 25 complaints and issued 8 NOIs.

DLCP has adopted a proactive approach for outreach, education, and compliance checks. Prior to instituting the outreach initiative, DLCP trained staff on how to identify prohibited products, developed literature to hand out to businesses, and created a publicly available map. The map shows the quarter-mile radius of any middle school or high school, regardless if the school is public, private, or a public charter, and noted businesses within this radius with licenses to sell tobacco products. The map may be accessed [here](#).

Since the law implements two separate bans, DLCP adopted a layered approach by informing all businesses licensed to sell tobacco about the prohibition on flavored tobacco and informing those businesses within a quarter mile of a middle school or high school of the prohibition on selling, offering for sale, purchasing, or distributing electronic smoking devices. When the Act went into effect on October 1, 2022, DLCP began its outreach, education, and compliance checks by visiting the 405 businesses within a quarter mile of a middle school and/or high school. During a visit to a business, DLCP staff would inform the establishment of the new rules, leave literature explaining the new rules, and explain that noncompliant products would need to be removed. After completing visits to businesses affected by the change in law for electronic smoking devices, DLCP continued its outreach and education on the prohibition of flavored tobacco. DLCP also notified the 405 businesses within a quarter mile of a middle and/or high school about the new law on November 10, 2022, and all affected licensees on December 7, 2022. In addition, DLCP published an announcement of the changes in the law on November 30, 2022, on the agency website.

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Additionally, in May 2023, DLCP hosted five flavored tobacco roundtables around the District in partnership with DC Health in Wards 2, 3, 6, and 8. These roundtables provided the public with opportunities to directly engage with both agencies on the implementation of the law and the public health effects on the District.

61. How many infractions have been issued?

Response: In FY 2023, DLCP issued 106 Notices of Infraction (NOI) for flavored tobacco violations. In FY 2024, to date, the agency has issued 8 NOIs.

62. What is DLCP's enforcement authority for addressing retailers that are "gifting" marijuana to customers along with the purchase of non-marijuana related products (*i.e.*, I-71 establishments)? What efforts has the agency made to work with other District agencies to address these retailers?

Response: The Department of Licensing and Consumer Protection has been working closely with ABCA and the Council on defining and outlining the authority and enforcement tools related to cannabis. On January 9, 2024, the Council passed the Medical Cannabis Program Enforcement Amendment Act of 2024 (B25-648) and the Medical Cannabis Program Enforcement Temporary Amendment Act of 2024 (B25-649) on first reading. The legislation, which has been transmitted to the Mayor, gives ABCA explicit enforcement authority of licensed and unlicensed cannabis establishments and the commercial property owners that allow unlicensed cannabis establishments to operate on their premises. Additionally, the legislation gives OAG the authority to bring an action in D.C. Superior Court to enjoin the nuisance as defined in the law.

As the committee is aware, there is not a cannabis business license or endorsement. The only cannabis-related licenses in the District pertain to medical cannabis, and those licenses are issued by ABCA. DLCP is aware of some retailers taking advantage of a loophole in the law by "gifting" marijuana with the purchase of non-marijuana related products, and DLCP takes this issue seriously.

When the agency becomes aware of establishments that are "gifting" marijuana in violation of their business license, the agency can issue a Notice of Infraction (NOI) against the licensed establishment. In addition to issuing an NOI, DLCP may issue a letter ordering the business to cease and desist and can refer the matter to the Office of the Attorney General who can seek an injunction from D.C. Superior Court if they fail to comply. Further, DLCP can suspend or revoke a license if it is determined that doing so is necessary to protect the health and safety of the public. Further, the law authorizes the agency to suspend or revoke a license where the licensee has knowingly permitted the illegal sale, negotiation for sale, or use of any controlled substance, or the possession, other than for personal use, sale, or negotiation for sale of drug paraphernalia. A final enforcement tool available to DLCP is the

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authority to summarily suspend an establishment's license if its operations present an imminent danger to the health and safety of District residents.

63. Please give a sample timeline for enforcement steps against a cannabis establishment operating without a license.

Response: As indicated in the response to Question # 62, DLCP is presently utilizing the enforcement tools available to it in addressing cannabis establishments that are operating without a license. When DLCP receives a complaint regarding an unlicensed establishment, the agency does the following: the complaint is assigned to an investigator who will investigate whether the business is licensed, and, if possible, attempt to bring the business into compliance with the District's business licensing rules. If the business does not or cannot come into compliance, then the investigator will draft a Notice of Infraction which is then approved by a program manager and issued by the agency.

Gas Leaf Blower Enforcement

64. During FY23 and FY24, to date, how many complaints have been received by DLCP regarding violations of the Leaf Blower Regulation Amendment Act of 2018? During that same period, how many violations were identified or cited?

Response: DLCP received 503 complaints in FY23 resulting in 118 NOIs. For FY24, to date, DLCP received 185 complaints and issued 38 NOIs.

65. Please describe DLCP's outreach efforts to ensure that the public is aware of the law's requirements and collaboration with other District government agencies. Has the agency identified any trends with the number of complaints for violations of this Act?

Response: DLCP provides a wealth of information to the public about its programs, services, and the laws that it enforces, including the Leaf Blower Regulation Amendment Act of 2018. The agency website includes information about what the law requires and how one can file a complaint with the agency.

Regarding trends, DLCP noticed that it receives the most complaints about the use of gas-powered leaf blowers in areas with significant tree coverage and receives the most complaints in the fall.

66. Last year, DLCP shared that it was difficult to issue NOIs because complaints are often past tense and that you were encouraging people to take photos. Has this improved the number of NOIs so that it more closely meets the number of complaints?

Response: The submission of photographic evidence of the use of a gas-powered leaf blower greatly helps the agency with enforcement. Notwithstanding the use of photographic evidence, it is still challenging for DLCP's investigators to cite violators due to the lag time

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between when one is observed using a gas-powered leaf blower, when a complaint is filed, and when the Enforcement Unit can conduct the investigation. Nevertheless, we ask that those who take photos of suspected violations do so safely and to avoid confrontation.

a. Is there any change to the law that would make enforcement easier?

Response: The agency used to request videos that allowed for time and date stamp. The introduction of clear definitions of what constitutes a gas-powered leaf blower under 20 DCMR § 2808.1(b) would assist complainants and investigative staff in the enforcement of the ban. For example, if a device is gas-powered and has multiple attachments, including for leaf blowing, is it a leaf blower? Additionally, providing Consumer Protection Unit investigative staff a resource to identify vehicle ownership by license plates, would enhance operations. In the past, complainants have provided photographic evidence accompanying their complaints that show vehicles with no visible company or business logo but with visible license plates. This presents a challenge to investigative staff in the identification of the responsible business and/or owner..

67. Last year, you discussed potentially partnering with the Federal Government to work out the use of gas leaf blowers on federal land. Can you provide an update on this.

Response: DLCP partners with federal agencies on a variety of issues and is exploring how to leverage this relationship to address the use of gas-powered leaf blowers on federal land.

a. Could you pursue a Memo of Understanding with federal partners to resolve this issue?

Response: In FY24, this is not one of our key priorities. DLCP is pleased with our partnership with the Federal Government and will explore leveraging this relationship to address the use of gas-powered leaf blowers on federal land. As those conversations develop, we will determine the best course of effectuating this objective.

Elevator Licensing

68. Has it transitioned to DOB? Last year, you stated that it would by end of FY23.

Response: We have decided to continuing issuing elevator licenses for the time being. Transitioning is not a top priority for DLCP.

69. If so, has signage been updated in elevator across the district to reflect the correct contact information for DLCP to report accidents or damage?

Response: This work is not complete, but we will put it in our “remaining transition work” roadmap.

Street Vendor Enforcement

70. On July 1, 2023, the Street Vendor Advancement Amendment Act of 2023 took effect. This Act made several changes to street vending licensing in the District. In implementing these changes:

- a. What updates have been made to the systems applicants must use in order to apply for a Vending Business License and Vending Site Permit?

Response The DC Business License Portal was designed to build a comprehensive digital government experience that empowers vendors to license a business seamlessly. The business portal operates as a “one stop shop” that helps vendors navigate the business licensing process.

Microsoft, OCTO, DDOT, and DLCP teams are actively working together to create a digital process for applying for a Site Permit and Vending License. On-going testing is necessary after the development of each sprint/phase to confirm the functionality of what was added to the One Stop Business design.

- b. How many Vending Business Licenses and Vending Site Permits has DLCP issued in FY 2023 and FY 2024, to date?

Response: In FY 2023, DLCP issued 92 Vending Licenses and 78 Vending Site Permits. In FY 2024, to date, the agency issued 21 Vending Licenses and 20 Vending Site Permits.

- c. Please describe the agency’s outreach efforts to current and prospective vendors and the community.

Response: In FY 23, The Department of Licensing and Consumer Protection partnered with the Mayor’s Office of Community Affairs to offer Street & Sidewalk Vending Workshops (“Workshop”). These workshops took place on several different days and at different locations in the District. During these workshops, DLCP walked through how to complete Street and Sidewalk Vending applications and reviewed the license application process, renewals, application timelines, and fees. Attendees were also provided information about the DLCP staff members who can assist them with their application and any questions that might have.

In addition to DLCP, the following District government agencies also participated in the workshops:

- District Department of Transportation (DDOT)
- DC Health (DOH)
- DC Fire and Emergency Medical Service Department (FEMS)

DLCP is finalizing the workshop schedule for FY 2024.

Below you will find a table that provides the dates, times, and locations of the Street & Sidewalk Vending Workshops:

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Street & Sidewalk Vending Workshops		
Date	Time	Location
Tuesday, December 20, 2022	4:00 PM	Department of Licensing and Consumer Protection 1100 4th Street, SW
Tuesday, February 28, 2023	4:00 PM	Frank D Reeves Center 2000 14th Street, NW
Wednesday, March 29, 2023	10:00 AM	Department of Licensing and Consumer Protection 1100 4th Street, SW
Tuesday, April 11, 2023	6:00 PM	441 4th Street, SW
Thursday, May 25, 2023	6:00 PM	Frank D Reeves Center 2000 14th Street, NW
Thursday, June 15, 2023	5:00 PM	Frank D Reeves Center 2000 14th Street, NW
Thursday, July 13, 2023	4:00 PM	Martin Luther King Jr. Memorial Library 901 G Street, NW

d. Please describe any guidance the agency has related to street vending. Have updates to this guidance been made and have translations been provided?

Response: DLCP is working with a vendor to have its street vending guidance translated into other languages, such as Spanish. The project should conclude by April 2024.

71. The Street Vendor Advancement Amendment Act established the Columbia Heights-Mount Pleasant Vending Zone. Has DLCP selected a Sidewalk Vendor Manager for the zone? If not, what is the status of the RFP?

Response: DLCP has drafted the Request for Proposal (RFP) which is with the Office of Contracting and Procurement (OCP). At the conclusion of the OCP posting period, the agency will review the proposals that it receives and promptly select a vendor.

72. The Street Vendor Advancement Amendment Act also established an Amnesty Program. How many applications for the Amnesty Program has the agency received? What is the total amount of fines for street vending violations that have been forgiven through the program? Have any applications been rejected? If so, why?

Response: DLCP received three Street Vending Amnesty Program applications. Of these three applications, one was approved, one was denied for failure to qualify, and the last is

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still pending a decision. As of January 1, 2024, approximately \$800 in vending fines have been forgiven in this program.

73. How many citations has DLCP issued, including warnings, for non-compliance with the District's vending laws and regulations in FY 2023 and FY 2024, to date?

Response: In FY 2023, DLCP issued 16 Notices of Infraction for violations of the District's vending laws and regulations. In FY 2024, to date, DLCP has issued one Notice of Infraction for violation of the District's vending laws and regulations. DLCP recently began partnering with the United States Park Police to address unlicensed food trucks on the National Mall. DLCP anticipates that the agency will soon issue more Notices of Infraction for violations there.

74. What is DLCP's process for overseeing street vendor compliance with licensing regulations?

Response: DLCP investigators routinely patrol popular vending areas in the District, including the National Mall and 14th Street NW. In addition to proactively bringing vendors into compliance in major vending areas, DLCP investigators respond to complaints submitted through the DLCP complaint portal.

75. Has DLCP developed standard operating procedures for civil enforcement, including requesting identification, issuing notices of infraction, escalation as needed, and when to involve the Metropolitan Police Department?

Response: Yes, the Consumer Protection Unit has an internal policy outlining administrative investigations and other actions within its purview. The internal policy articulates procedures for investigation, enforcement, reporting, and the issuance of Notices of Infraction for violations. The policies also address when to involve the Metropolitan Police Department.

- a. Please give a sample timeline for enforcement steps against a street vendor operating without a license.

Response: Currently, each matter involving vendors is evaluated on a case-by-case basis. If an investigator finds a vendor operating without a license, the investigator will engage the unlicensed vendor and will generally explain how to become a licensed vendor. The investigator will then request the unlicensed vendor's identification. If that identification is provided, then the investigator will photograph the identification to ensure accuracy of contact information. The investigator will then request that the unlicensed vendor cease vending and leave the area. If the vendor refuses to provide identification but vacates the area, no additional enforcement is required. If the vendor refuses to vacate the area, the investigator will contact their supervisor for assistance.