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Concerning the Bestway/Zion Holdings public space application

Resolved, that ANC1D advises the Public Space Administration to reconsider its decision concerning the Bestway/Zion Holdings public space application, due to its failure to meet legal requirements for responses to formal ANC resolutions, and to participation by Denise Wiktor, Public Space Manager, contrary to DC Personnel Regulations.

Why: Bestway/Zion Holdings has long sought a public space permit for a trash enclosure on its 17th Street parking. This ANC has supported that application, formally advising approval of the permit application in January, 2006, and requesting a rehearing by the Public Space Committee with a resolution in February, 2006. DDOT Public Space has ignored those resolutions, despite the legal requirement that such resolutions be given "great weight", meaning that detailed and thorough responses, in writing, are required.

More recently, in April 2007, this ANC advised DDOT Public Space "to refrain from any action concerning Zion Holdings (the Bestway Market) until it responds appropriately to the ANC1D resolutions addressing this permit application". This resolution, like the two of 2006, was ignored.

In April, 2007, two members of this Commission met with Neil Richardson, assistant to Mayor Fenty, to encourage his mediation in this matter. In July, 2007, this ANC formally advised the DDOT Public Space Administration to refrain from any actions concerning this application until discussions with the Mayor's Office were complete.

ANC1D was later told that there had been a meeting of DDOT Public Space with Mr Richardson and Michael Choi of Bestway/Zion during the week of our resolution of July 2007, a meeting from which this ANC was excluded. Denise Wiktor, Public Space Manager, represented that office in this meeting, despite advice from Commissioner Jack McKay that "Ms Wiktor should not be involved in this process, as she has the appearance, if not the substance, of being strongly biased against this permit applicant" (e-mail communication of April 17, 2007). According to Mr Choi, Ms Wiktor "negatively commented on the situation the entire time. Stating everything is illegal, not permissible, Don Juan and Bestway are bad neighbors, never filed for a permit with public space (which is incorrect), etc."

Ms Denise Wiktor clearly appears not to be objective in this matter, being a nearby resident,

and being closely associated with residents who have fought with Bestway for years. Whatever the validity of these neighbors' complaints, Ms Wiktor is too closely involved with them to be an unbiased representative of the District Government. In fact, Ms Wiktor's husband is a former president of the Mount Pleasant Neighborhood Alliance, whose current president, Laurie Collins, has been waging battles with Mr Choi and the Bestway for some years, including a number of acrimonious meetings with Mr Choi in the office of Council-member Graham, arguing this specific topic.

The DC Personnel Regulations concerning Employee Conduct clearly prohibit such participation by Ms Wiktor in this matter:

1803 Responsibilities of Employees

1803.1 An employee shall avoid action, whether or not specifically prohibited by this chapter, which might result in, or create the appearance of, the following:

- (b) Giving preferential treatment to any person;
- (d) Losing complete independence or impartiality;
- (f) Affecting adversely the confidence of the public in the integrity of government.

Considering the failure of the DDOT Public Space Management Office to reply properly to several ANC1D resolutions, and the participation of Ms Wiktor in this decisive meeting with the Office of the Mayor and Mr Michael Choi, in explicit violation of the DC Personnel Regulations, any action taken by that Office must be considered invalid. That matter should be reconsidered, now with members of that Office who are clearly neutral and can handle this issue in a professional manner.

Passed by 4 to 0 vote (Comr. Edwards abstaining) at the legally noticed, public meeting of ANC1D on August 7, 2007, with a quorum present.