

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
CIVIL DIVISION

_____)	
CLAUDIA BARBER)	
)	
Petitioner,)	
)	
v.)	Case No. 2018 CA 001060 P(MPA)
)	
DISTRICT OF COLUMBIA)	Judge Florence Y. Pan
BOARD OF ETHICS AND)	Next Event: Initial Scheduling Conference
GOVERNMENT ACCOUNTABILITY)	May 11, 2018
OFFICE OF OPEN GOVERNMENT)	
)	
Respondent.)	
_____)	

RESPONDENT’S MOTION TO DISMISS

The District of Columbia Board of Ethics and Government Accountability, Office of Open Government (“Respondent”), by and through the Office of the Attorney General for the District of Columbia, hereby moves this Court to dismiss the Petition for Review of Agency Decision (“Petition”) filed by Claudia Barber (“Petitioner”). The agency decision that is the subject of the Petition was not made pursuant to the Comprehensive Merit Personnel Act. Instead, it was issued by Respondent pursuant to the authority set forth in § 503a(2) of the District of Columbia Administrative Procedure Act (D.C. Official Code § 2-593(a)(2)). Under Rule 1 of the D.C. Superior Court Rules of Agency Review, an appeal from such a decision is not properly classified as an “MPA” case. Accordingly, the Petition for Review should be dismissed.

Respectfully submitted,

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RULE 12-1(a) CERTIFICATION

I hereby certify that I contacted Petitioner's counsel via e-mail on Thursday, March 1, 2018, and as of the time of this filing, he has not yet responded to my request for consent to the relief sought herein.

/s/Milena Mikailova
Milena Mikailova
Assistant Attorney General

CERTIFICATE OF SERVICE

I hereby certify that on this 2nd day of March 2018, copies of the foregoing Respondent's Motion to Dismiss and Proposed Order were served via *CaseFileXpress* upon the following:

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Counsel for Petitioner

/s/Milena Mikailova _____
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