GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2007-63
March 8, 2007

SUBJECT: Delegation of Authority pursuant to D.C. Law 14-28, the Department of Health Functions Clarification Act of 2001.

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(6) of the District of Columbia Home Rule Act of 1973, as amended, 87 Stat. 790, Pub. L. No. 93-198, D.C. Official Code § 1-204.22(6), and the Department of Health Functions Clarification Act of 2001, effective October 3, 2001 (D.C. Law 14-28; D.C. Official Code § 7-731 *et seq.*) ("Act"), it is hereby **ORDERED** that:

1. The Director of the Department of Health is delegated the authority vested in the Mayor to establish fees pursuant to §§ 4902(c) and 4905 of the Act. The Director may further delegate this authority to a subordinate within the Department of Health.

2. The Director of the Department of Health is delegated the authority vested in the Mayor to issue rules pursuant to §§ 4908 and 4921 of the Act.

3. The Director of the Department of Health is delegated the Mayor's authority to enforce violations of the Act under § 4918.

4. The Director of the Department of Health is delegated the Mayor's authority to grant an economic hardship waiver pursuant to § 4919 of the Act based on rules issued by the Department of Health pursuant to § 4921.

5. Mayor's Order 2001-163, dated November 2, 2001, and Mayor's Order 2005-81, dated May 25, 2005, are hereby rescinded.

6. **EFFECTIVE DATE:** This Order shall become effective immediately.

ADRIAN M. FENTY
MAYOR

ATTEST:

STEPHANIE SCOTT
SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF THE ATTORNEY GENERAL

Legal Counsel Division

MEMORANDUM

TO: Rudolf L. Schreiber, Sr.
Assistant Attorney General
Department of Health

FROM: Wayne C. Witkowski
Deputy Attorney General
Legal Counsel Division

DATE: June 5, 2006

SUBJECT: Legal Sufficiency Review of Draft Resolution, the "Smoking Regulations Approval Resolution of 2006", Related Rulemaking and Mayor's Order (AR-06-330) (MID 175389) (Doc 124330)

This responds to your June 1, 2006 e-mail by which you transmitted the above-referenced resolution, rulemaking, and Mayor's Order (Order) to this Office for a legal sufficiency review. You also submitted an accompanying mayoral transmittal letter (letter).

As indicated on the attached electronic mark-ups, we have made electronic revisions to all of the referenced documents. As revised, the Order is legally sufficient. However, the resolution and the rulemaking are legally insufficient for the reasons noted on the attached mark-ups of each. Please note, in particular, the questions and comments in bold print.

Also, we cannot certify the rulemaking until the Order has been signed by the Mayor and cited, with its date, in the rulemaking preamble. Furthermore, we will need a Rulemaking Transmittal Form (Form), signed and completed by the Director, Department of Health. We will forward electronic copies of all the revised documents to you by e-mail.

Please forward the Form and corrected copies of the resolution and the rulemaking to this Office for an additional review. You need not return the revised letter to this Office. In addition, we will need a copy of the signed and dated Order.

Should you have questions regarding this memorandum, please contact either Pollie H. Goff, Senior Assistant Attorney General, Legal Counsel Division, at 724-5558, or me at 724-5524.

WCW/phg

Attachments (4)

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