

DISTRICT OF COLUMBIA RENTAL HOUSING COMMISSION

SR 20,066

In re: 1100 Seventh Street, N.E., Unit 13

Ward Six (6)

GEORGE FOUNTAIN
Housing Provider/Appellant

v.

CHERYL SMITH
Tenant/Appellee

ORDER TO COMPLY WITH APPEAL RULES

June 6, 2002

YOUNG, COMMISSIONER. This case is on appeal from the District of Columbia Department of Consumer and Regulatory Affairs (DCRA), Office of Adjudication (OAD), to the Rental Housing Commission (Commission), pursuant to the Rental Housing Act of 1985 (Act), D.C. OFFICIAL CODE §§ 42-3501.01-3509.07 (2001), the District of Administrative Procedure Act (DCAPA), D.C. OFFICIAL CODE §§ 2-501-510 (2001). The District of Columbia Municipal Regulations, 14 DCMR §§ 3800-4399 (1991), also apply.

I. THE PROCEDURES

Administrative Law Judge Rohulamin Quander issued the OAD decision and order in this case on May 13, 2002. The decision stated that appeals must be filed no later than May 31, 2002. On May 30, 2002, the Commission received an original document from the housing provider, George Fountain. In the document, which was filed by mail, Mr. Fountain stated: "I am appealing the decision and order rendered on May

13, 2002 of the above petition for the following reasons. 1. Technical errors[] 2. The decision contains clear error that is evident on its fact and[] 3. Newly discovered evidence exists.” The Commission treated the document as a notice of appeal filed pursuant to its rule, 14 DCMR § 3802.1.

II. THE COMMISSION’S ORDER

The housing provider’s appeal did not include a certificate of service to Cheryl Smith, the tenant named as a party in the OAD decision, in violation of the Commission’s rule, 14 DCMR § 3801.8.¹ See Harrell v. Housing Opportunity for Women, TP 24,954 (RHC Oct. 26, 2000); Assalaam v. Lipinski, TP 24,726 & TP 24,800 (RHC Aug. 31, 2000).

Therefore, since the appeal was timely filed, but did not conform to the Commission’s rules, by serving the tenant, the Commission sua sponte grants the housing provider ten (10) days from the date of delivery of this order to comply with its rules as stated herein. Failure to comply with this order will result in the dismissal of the appeal.

SO ORDERED.


RONALD A. YOUNG, COMMISSIONER

¹ The regulation, 14 DCMR § 3801.8 provides, “[A]ll pleadings and other documents shall be served on the opposing party or parties prior to or at the same time as filed with the Commission and shall contain proof of service as required by §3803.7.

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing ORDER TO COMPLY WITH APPEAL RULES in SR 20,066 was mailed by priority mail, with delivery confirmation; postage prepaid, this **6th day of June, 2002** to:

George Fountain
2505 North Gate Terrace
Silver Spring, MD. 20906

Cheryl Smith
1100 Seventh Street, N.E.
Unit 13
Washington, D.C. 20002



LaTonya Miles
Contact Representative