

DISTRICT OF COLUMBIA RENTAL HOUSING COMMISSION

TP 27,041

In re: 730 B 15th Street, S.E.

Ward 6

ROBERT AND MILDRED KING
Housing Providers/Appellants

v.

TONIA SHELTON
Tenant/Appellee

ORDER TO COMPLY WITH APPEAL RULES

June 11, 2002

PER CURIAM. This case is an appeal from the District of Columbia Department of 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 Columbia Administrative Procedure Act (DCAPA), D.C. OFFICIAL CODE §§ 2-501-510 (2001) and the District of Columbia Municipal Regulations, 14 DCMR §§ 3800-4399 (1991), govern these proceedings.

I. THE PROCEDURES

Hearing Examiner Henry W. McCoy issued the OAD decision and order in this case on May 7, 2002. The decision stated that appeals must be filed no later than May 24, 2002. On May 20, 2002, an unknown office at DCRA mistakenly received a document from the housing providers, Robert and Mildred King. The document was appropriately redirected to the Commission, which on June 5, 2002 received the housing providers'

original document from OAD. In the document, which was filed by mail, Mrs. King stated: "I have never received any of your letter [sic], because I had move [sic] out, due to [sic] I lost the building but I will [sic] still like to appeal this case, an [sic] bring my bankruptcy paper, in."¹ 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 providers did not include a certificate of service to Tonia Shelton, the tenant named as a party in the OAD decision, in violation of the Commission's rule, 14 DCMR § 3801.8.² 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).

In addition, the housing providers did not include four identical copies of its original document, pursuant to 14 DCMR § 3801.7.³

Moreover, according to 14 DCMR § 3802.5, the housing providers' notice of appeal must include the following items:

- (a) The name and address of the appellant and the status of the appellant (e.g., housing provider, tenant or intervenor);
- (b) The Rental Accommodations and Conversion Division (RACD) case number, the date of the Rent Administrator's decision appealed from, and a clear and concise statement of the alleged error(s) in the decision of the Rent Administrator;
- (c) The signature of the appellant or the appellant's attorney, or other person authorized to represent the appellant; and

¹ Notice at 2.

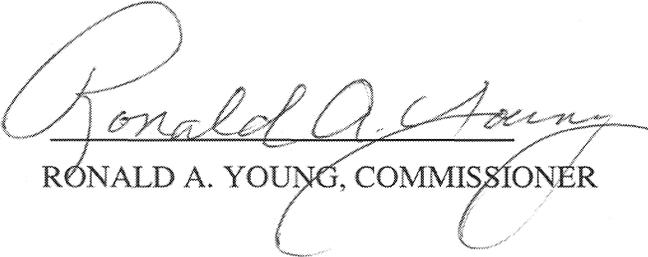
² The regulation, 14 DCMR § 3801.8, provides: "All pleadings and other documents shall be served on the opposing party or parties prior to or at the same time as filed with the Commission and shall contain proof of service as required by § 3803.7."

³ The regulation, 14 DCMR § 3801.7, provides: "Unless otherwise required, all pleadings and other documents shall be filed in an original and four (4) identical copies."

(d) The signatory's address and telephone number.

The housing providers' notice of appeal was timely filed, however, it did not conform to the Commission's rules, because the housing providers did not serve the tenant; the housing providers did not include four (4) identical copies of the original document; and the housing providers' notice of appeal did not include all the required information under 14 DCMR § 3802.5. Therefore, the Commission sua sponte grants the housing providers 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.

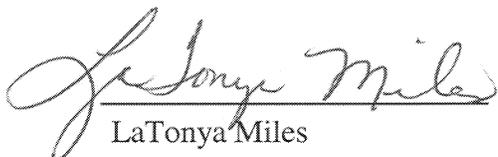

RONALD A. YOUNG, COMMISSIONER

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing ORDER TO COMPLY WITH APPEAL RULES in TP 27,041 was mailed by priority mail, with delivery confirmation, postage prepaid, this 11th day of June, 2002 to:

Ronald and Mildred King
P.O. Box 1242
Clinton, MD 20735

Tonia Shelton
4425 Nannie Helen Burroughs Avenue, N.E.
Apt. #112
Washington, D.C. 20019



LaTonya Miles
Contact Representative