

DISTRICT OF COLUMBIA RENTAL HOUSING COMMISSION

TP 28,013

In re: 4100 Massachusetts Avenue, N.W., Unit 1319

Ward Three (3)

RUSSELL L. LEE
Tenant/Appellant

v.

DEBORAH PETONYAK
Housing Provider/Appellee

ORDER ON MOTION FOR RECONSIDERATION

February 22, 2005

I. THE PROCEDURES

On February 15, 2005, Clarissa Thomas, counsel for Russell Lee, Tenant, filed a motion for reconsideration of the Commission's February 3, 2005 order. The order denied consideration of counsel's opposition to the Tenant's motion for a refund of the Tenant's attorney's fee, solely because the opposition was filed by fax on February 2, 2005. Subsequently, on February 11, 2005, the Commission issued a second order, which discussed the opposition, which was properly filed in the Commission on February 7, 2005. The second order denied the motion for a refund of the attorney's fee, because the Commission did not have jurisdiction over the refund of the attorney's fee. The order referred the parties to the Attorney – Client Arbitration Board of the District of Columbia Bar.

II. THE ISSUE

Whether to reconsider the Commission's February 3, 2005 order.

III. THE LAW

The Commission's order dated February 11, 2005, considered counsel's properly filed opposition to the Tenant's motion for refund of attorney's fee. Moreover, the Commission's rule, 14 DCMR § 3823 (1991), requires motions for reconsideration to be directed to "a decision of the Commission issued to dispose of the appeal..." The order dated February 3, 2005 did not dispose of the appeal.

IV. THE CONCLUSION

The motion for reconsideration is moot, because the relief requested was granted in the Commission's order dated February 11, 2005. Moreover, the motion filed on February 15, 2005 is not from a decision that disposed of the appeal.

SO ORDERED.



RUTH R. BANKS, CHAIRPERSON

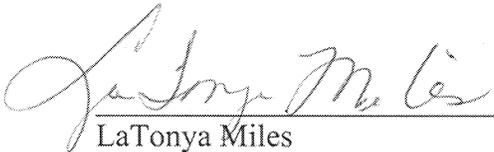
CERTIFICATE OF SERVICE

I certify that a copy of the foregoing ORDER ON MOTION FOR RECONSIDERATION in TP 28,013 was mailed by priority mail, with confirmation of delivery, postage prepaid this **22nd day of February, 2005**, to:

Clarissa Thomas-Edwards, Esquire
403-405 8th Street, N.E.
Washington, D.C. 20002

Melissa S. Polito, Esquire
1828 L Street, N.W.
Suite 500
Washington, D.C. 20036

Russell L. Lee
4100 Massachusetts Ave., N.W.
Unit 1319
Washington, D.C. 20016



LaTonya Miles
Contact Representative
(202) 442-8949