

DISTRICT OF COLUMBIA RENTAL HOUSING COMMISSION

TP 28,151

In re: 2514 4th Street, N.E., Unit 103

Ward Five (5)

WASHINGTON COMMUNITIES
Housing Provider/Appellant

v.

JESSIE JOYNER
Tenant/Appellee

ORDER ON MOTION FOR WITHDRAWAL OF REPRESENTATION

December 6, 2005

BANKS, CHAIRPERSON. This case is on appeal to the Rental Housing Commission from a decision and order issued by the Rent Administrator, based on a petition filed in the Rental Accommodations and Conversion Division (RACD). The applicable provisions of the Rental Housing Act of 1985 (Act), D.C. Law 6-10, 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 (DCMR), 14 DCMR §§ 3800-4399 (2004), govern the proceedings.

I. THE PROCEDURES

On June 13, 2005, the Rent Administrator issued the decision and order on the tenant petition. On June 29, 2005, the Housing Provider filed a notice of appeal in the Commission. On September 30, 2005, counsel for the Tenant filed a motion for special appearance, which stated counsel is a member in good standing in the Ohio Bar, is

admitted to practice before the Ohio Supreme Court, and was admitted to practice in 1978, with a state Bar number. There was no opposition filed by the Housing Provider. The Commission granted the motion for special appearance on October 21, 2005. On November 28 2005, counsel for the Tenant filed a motion for withdrawal of representation.

II. THE ISSUE

Whether to grant the motion for withdrawal as counsel for the Tenant.

III. THE LAW

The Commission's rule, 14 DCMR § 3813.1-4 (2004), states:

§ 3813.1 If an attorney or other person representing a party wishes to withdraw from a case pending before the Commission, a written motion for application to withdraw shall be filed.

§ 3813.2 The motion shall state whether the party consents to or opposes the motion and whether the party will be unrepresented or will have substitute representation. A copy of the motion shall be served on the party and the party advised that he or she has the right to oppose the motion.

§ 3813.3 The motion shall state the specific reasons for withdrawal and shall state whether the absence of representation will prejudice the rights of the party.

§ 3813.4 Motions for application to withdraw shall be promptly decided.

Cited in Lee v. Pitonyak, TP 28,013 (RHC Dec. 20, 2004) (where the RHC denied the attorney's withdrawal by consent praecipe because it did not comply with § 3813); see 1460 Irving St., N.W. Tenants Assn v. 1460 Irving St., N.W., L.P., CI 20,760-63 (RHC Sept. 17, 2003) (where the Commission denied the motion to withdraw as counsel because the attorney did not provide all the information required by § 3813).

IV. DISCUSSION

The motion for withdrawal of representation, in toto, states: "I, Gary D. Saltsman, hereby resign as counsel for JESSIE JOYNER." The text of the motion does not comply with any of the requirements of § 3813.1-.4.

V. THE CONCLUSION

The motion for withdrawal of representation is denied.

SO ORDERED.



RUTH R. BANKS, CHAIRPERSON

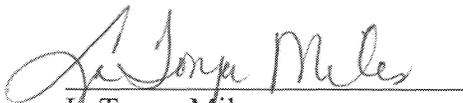
CERTIFICATE OF SERVICE

I certify that a copy of the foregoing ORDER ON MOTION FOR WITHDRAWAL OF REPRESENTATION in TP 28,151 was mailed by priority mail, with confirmation of delivery, postage prepaid this 6th day of December, 2005, to:

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