

**DISTRICT OF COLUMBIA RENTAL HOUSING COMMISSION**

TP 28,367

In re: 1629 Columbia Road, N.W., Unit 417

Ward One (1)

**DAVID RYAN & SENG HEE RYAN**  
Tenants/Appellants

v.

**CARMEL PARTNERS**  
Housing Provider/Appellee

**DECISION AND ORDER**

**September 27, 2007**

**PER CURIAM:** This case is on appeal from a decision and order of District of Columbia Department of Consumer and Regulatory Affairs (DCRA), Housing Regulation Administration (HRA), Rental Accommodations and Conversion Division (RACD), to the Rental Housing Commission (RHC), pursuant to the Rental Housing Act of 1985 (Act), D.C. OFFICIAL CODE §§ 42-3501.01-3509.07 (2001), and the District of Columbia Administrative Procedure Act (DCAPA), D.C. OFFICIAL CODE §§ 2-501-510 (2001). The District of Columbia Municipal Regulations (DCMR), 14 DCMR §§ 3800-4399 (2004) also apply.

**I. PROCEDURAL HISTORY**

On July 5, 2005, David and Seng Hee Ryan filed Tenant Petition (TP) 28,367, which named Carmel Partners as the housing provider for the housing accommodation located at 1629 Columbia Road, N.W., Unit 417. Record (R.) at 22. In the petition, the Ryans alleged that: (1) the housing provider failed to file the proper rent increase forms with the RACD; (2) the rent

charged exceeds the legally calculated rent ceiling,<sup>1</sup> and (3) the rent ceiling filed with the RACD is improper.

The hearing before the RACD, scheduled for November 16, 2005 at 1:00 p.m., took place after a one and one-half hour delay and a phone call by hearing examiner, Gerald Roper, to allow the housing provider to appear through counsel. Instead, the housing provider sent the community manager as a representative. The community manager asked for a continuance because he had never seen the tenant petition or record prior to the hearing and was unprepared to testify. The hearing examiner conducted the hearing despite the community manager's request because notice was proper<sup>2</sup> and the tenant/petitioner opposed the continuance. Hearing examiner Carl Bradford issued the proposed RACD decision and order on February 27, 2007, and made the following findings of fact and conclusions of law:

#### **A. Findings of Fact**

1. The subject property is located at 1629 Columbia Rd., N.W. [Unit 417], Washington, D.C.
2. Petitioners David Ryan and Seng Hee Ryan reside at the subject housing accommodation.

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<sup>1</sup> Since this petition was filed, rent ceilings have been subsequently repealed. The Act, D.C. OFFICIAL CODE § 42-3502.06(a) (2001) reads:

Rent ceilings are abolished, except that the housing provider may implement, in accordance with § 42-3502.08(g), rent ceiling adjustments pursuant to petitions and voluntary agreements approved by the Rent Administrator prior to August 5, 2006. Petitions and voluntary agreements pending as of August 5, 2006, shall be decided pursuant to the provisions of this subchapter in effect prior to August 5, 2006, and may be implemented in accordance with § 42-3502.08(g).

In this case the petition was pending prior to August 5, 2006, and shall be decided pursuant to § 42-3502.07 (2001) which provides, in pertinent part: "The rent ceiling for a particular rental unit computed according to the procedures specified in § 42-3502.06 may be increased or decreased, as the case may be..."

<sup>2</sup> Notice was delivered to Carmel Partners at 1629 Columbia Rd. #A4, N.W. Washington, D.C. 20009 on October 25, 2005 at 3:40 p.m., according to the United States Postal Service (USPS) website, Delivery Confirmation receipt number 0303 1290 0000 2546 4391 (R. at 26).

3. The subject property is owned by Carmel Partners [,] based upon Respondent's testimony and the records of the D.C. Tax and Revenue Division.
4. The housing accommodation is a multi-unit building.
5. The petitioners were charged \$880.00 monthly rental when they moved into the building.
6. Petitioner testified that Respondent increased there [sic] rent ceiling in 2000, 2001, 2002, 2003, and 2004.
7. Respondent's agent testified that to [the] best of his knowledge all rent increases were legal and correct.
8. The Respondent posted notice of Certificate of Election with the RACD.
9. The Respondent did not charge Petitioner rent higher than the rent ceiling.
10. The record does not reflect that Respondent ever demanded an illegal rent increase.
11. The Act prescribes a three-year statute of limitation pursuant to D.C. OFFICIAL CODE § 42-3502.06(e) (2001).

## **B. Conclusions of Law**

1. Petitioner has failed to demonstrated [sic] by a preponderance of the evidence that Respondent knowingly overcharged Petitioner monthly rent, in violation of D.C. OFFICIAL CODE § 42-3502.06(a) (2001).<sup>3</sup>
2. Petitioner has not demonstrated by a preponderance of the evidence that the Respondent has demanded an illegal rent in violation of D.C. OFFICIAL CODE § 42-3509.01(a) (2001).
3. Petitioner has not demonstrated by a preponderance of the evidence that the rent ceiling filed with RACD is in violation of D.C. OFFICIAL CODE § 42-3502.06 (2001).

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<sup>3</sup> The applicable section of the Act, § 42-3502.06(a) (2001), states:

Except to the extent provided in subsections (b) and (c) of this section, no housing provider of any rental unit subject to this chapter may charge or collect rent for the rental unit in excess of the amount computed by adding to the base rent not more than all rent increases authorized after April 30, 1985, for the rental unit by this chapter, by prior rent control laws and any administrative decision under those laws, and by a court of competent jurisdiction. No tenant may sublet a rental unit at a rent greater than that tenant pays the housing provider.

Ryan v. Carmel Partners, TP 28,367 (RACD Feb. 27, 2007) at 4-5. Hearing examiner Bradford's decision is titled "Proposed Decision and Order" because hearing examiner Roper conducted the hearing. Pursuant to § 204(d) of the Act, where the author of the decision "did not personally hear the evidence," § 2-509(d) of the Act also applies. Upon receipt of the proposed decision and order, both parties had the right to file exceptions and objections pursuant to D.C.

OFFICIAL CODE § 2-509(d) (2001), provides:

Whenever in a contested case a majority of those who are to render the final order or decision did not personally hear the evidence, no order or decision adverse to a party to the case (other than the Mayor or an agency) shall be made until a proposed order or decision, including findings of fact and conclusions of law, has been served upon the parties and an opportunity has been afforded to each party adversely affected to file exceptions and present argument to a majority of those who are to render the order or decision, who in such case, shall personally consider such portions of the exclusive record, as provided in subsection (c) of this section, as may be designated by any party.

The record reflects that the housing provider did not file exceptions or objections pursuant to the Act. On March 9, 2007, however, the tenants filed a notice of appeal in the RHC. The hearing before the Commission took place on June 5, 2007. Both parties were present.

## II. ISSUES ON APPEAL

In the notice of appeal, the tenant alleged that, "[the] Decision and Order is not supported by the evidence that was before the Hearing Examiner [and,] [c]ontrary to the Examiner's holding, the RACD records for Petitioner's unit do not reflect that the required certificate of elections [sic] were filed according to the Rental Housing Act."

## III. DISCUSSION OF THE ISSUES

### A. Whether the hearing examiner erred when he determined that the respondent posted notice of Certificate of Election with the RACD based on the present record.

In finding of fact number eight (8), the hearing examiner determined that “[t]he Respondent posted notice of Certificate of Election with the RACD.” Ryan v. Carmel Partners, TP 28,367 (RACD Feb. 27, 2007) at 4. He further stated, “RACD records for Petitioner’s unit reflect that certificate of elections [sic] have been filed according to the Act. The records filed from July 5, 2002 to the date the petition was filed, July 5, 2005 reflect a rent ceiling for unit 417 to be \$1299.00 based on the June 24, 2005 filing.”<sup>4</sup> Id.

Petitioners’ exhibit number eight (8)<sup>5</sup> reflects that on May 14, 2004, the housing provider attempted to perfect an automatic rent ceiling increase by filing a Certificate of Election for a 2.1% increase for calendar year 2002,<sup>6</sup> for implementation on January 1, 2004. The regulations state that a housing provider has thirty (30) days to perfect its interest in a Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI-W) increase for that year by filing a Certificate of Election of Adjustment of General Applicability with the DCRA. 14 DCMR § 4204.10(c) (2004). The Commission published its Certification and Notice of Adjustment of General Applicability (Effective May 1, 2002) on February 8, 2002, 49 D.C. Reg. 1156 (Feb. 8, 2002). The Housing provider was eligible to perfect its interest in the 2002 CPI-W until May 31, 2002. Id. Consequently, at the time the housing provider actually filed the certificate, the time had expired and the housing provider was no longer eligible to take the increase for that year.

See Sawyer Prop. Mgmt. v. Mitchell, TP 24,991 (RHC May 29, 2002) (the Commission affirmed

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<sup>4</sup> Neither the record nor the RACD registration file contained a June 24, 2005 filing.

<sup>5</sup> The Hearing Examiner took official notice of the RACD Registration File for the subject housing accommodation. Id. at 3. An excerpt from a filing recorded on May 14, 2005 was entered into the record by the petitioner as exhibit eight (8). The Petitioner’s exhibit number eight (8) is identified by the hearing examiner as “Certificate of election of Adjustment of General Applicability 5/14/2004.” Id. at 2. Additional filings for the subject housing accommodation were absent from the record.

<sup>6</sup> The CPI-W for 2002 was 2.6%.

a hearing examiner's decision that disallowed a rent increase because the "Housing Provider's filing for the perfection of the applicable CPI-W rent ceiling adjustment was not authorized....").

To perfect a CPI-W adjustment of general applicability, a housing provider must satisfy the following conditions: (1) the subject housing accommodation must be free from housing code violations;<sup>7</sup> (2) the housing accommodation must be properly registered pursuant to D.C. OFFICIAL CODE § 42-3502.05 and 14 DCMR §§ 4101-4199.1 (2004); (3) the housing provider must be properly licensed;<sup>8</sup> (4) where there is a manager named as housing provider in lieu of the owner, that manager must be properly registered;<sup>9</sup> and (5) notice of the increase must be served on the tenant pursuant to D.C. OFFICIAL CODE § 42-3509.04(a).<sup>10</sup>

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<sup>7</sup> See 14 DCMR §§ 201.1-5 (2004) for housing inspection regulations.

<sup>8</sup> The regulations specify the procedure by which a housing provider is properly licensed. The relevant sections state that, "No person shall operate a housing business in any premises in the District of Columbia without first having been issued a housing business license for the premises by the District." 14 DCMR § 200.3 (2004). "No license to operate a housing business shall be issued or retained if the Chief of Police determines that the applicant for the license is not a person of good character. An adverse report by the Chief may be appealed to the Board of Appeals and Review." 14 DCMR § 200.4 (2004).

<sup>9</sup> The applicable regulation, 14 DCMR § 202.1 (2004), reads: "If the manager of a housing business is someone other than the licensee, that manager shall register his or her full name and address, and the location of the housing business of which he or she is manager, with the license officer for the police precinct in which the housing business is located." See also §§ 202.2 (manager must register within five (5) business days of opening); 202.3 (management position created for existing housing business or new management must register within five (5) business days of the change); 202.4 (the Chief of Police must determine that any manager of a housing business is a person of good character).

<sup>10</sup> The applicable provision of the Act, D.C. OFFICIAL CODE § 42-3509.04(a) (2001) reads:

Unless otherwise provided by Rental Housing Commission regulations, any information or document required to be served upon any person shall be served upon that person, or the representative designated by that person or by the law to receive service of the documents. When a party has appeared through a representative of record, service shall be made upon that representative. Service upon a person may be completed by any of the following ways:

- (1) By handing the document to the person, by leaving it at the person's place of business with some responsible person in charge, or by leaving it at the person's usual place of residence with a person of suitable age and discretion;
- (2) By telegram, when the content of the information or document is given to a telegraph company properly addressed and prepaid;
- (3) By mail or deposit with the United States Postal Service properly stamped and addressed; or
- (4) By any other means that is in conformity with an order of the Rental Housing Commission or the Rent Administrator in any proceeding.

Once the above listed prerequisites are fulfilled, a housing provider may file for an adjustment to the rent ceiling pursuant to 14 DCMR §§ 4204.1-4204.12 (2004). Specifically, to take an adjustment of general applicability<sup>11</sup> a housing provider must file “with the Rent Administrator and [serve] on the affected tenant or tenants, in the manner prescribed in 14 DCMR § 4101.6 (2004),<sup>12</sup> a Certificate of Election of Adjustment of General Applicability which shall: (a) identify each rental unit to which the election applies; (b) set forth the proposed adjustment and the prior and new rent ceiling for each unit; and (c) be filed and served within thirty (30) days following the date when the housing provider is first eligible to take the adjustment. 14 DCMR § 4204.10 (2004).

The housing provider is not required to increase the rent charged each time the rent ceiling is increased according to the CPI-W for the previous calendar year, but the CPI-W must be timely filed to preserve the rent ceiling increase for later implementation. The housing provider may apply an unimplemented rent increase on a properly perfected rent ceiling at a later date. Once perfected, a rent ceiling increase does not expire. See Unitary Rent Ceiling Adjustment Amendment Act of 1992, D.C. OFFICIAL CODE § 42-3502.08(h)(2); 14 DCMR §§ 4204.10-11 (2004). See also, Sawyer supra.

On appeal, the tenant did not allege that the housing provider’s registration was improper,<sup>13</sup> however the Certificate of Election was not “filed and served within thirty (30) days

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<sup>11</sup> The housing provider without the Rent Administrator’s prior approval may adjust the rent ceiling... [b]y adjustment of general applicability authorized by § 206(b) of the Act and implemented pursuant to § 4206.

<sup>12</sup> Notice to the tenant(s) must be sent (by posting “a true copy” in a conspicuous place at the subject housing accommodation or by mailing a true copy to tenant) prior to or simultaneous with the certificate filed in the RACD pursuant to 14 DCMR § 4101.6 (2004).

<sup>13</sup> The relevant sections of the Act, read:

Within 120 days of July 17, 1985, each housing provider of any rental unit not exempted by this chapter and not registered under the Rental Housing Act of 1980, shall file with the Rent Administrator, on a form

following the date when the housing provider [was] first eligible to take the adjustment” pursuant to 14 DCMR § 4204.10(c) (2004). As a result, the CPI-W forms filed with the RACD on May 14, 2004 were not proper and did not perfect the housing provider’s interest in the automatic rent ceiling increase for that calendar year.

**B. Whether the hearing examiner’s decision in TP 28,367 contained “conclusions of law not in accordance with the provisions of the Act, or findings of fact**

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approved by the Rent Administrator, a new registration statement for each housing accommodation in the District for which the housing provider is receiving rent or is entitled to receive rent. Any person who becomes a housing provider of such a rental unit after July 17, 1985 shall have 30 days within which to file a registration statement with the Rent Administrator. No penalties shall be assessed against any housing provider who, during the 120-day period, registers any units under this chapter, for the failure to have previously registered the units. The registration form shall contain, but not be limited to:

- (1) For each accommodation requiring a housing business license, the dates and numbers of that housing business license and the certificates of occupancy, where required by law, issued by the District government;
- (2) For each accommodation not required to obtain a housing business license, the information contained therein and the dates and numbers of the certificates of occupancy issued by the District government, and a copy of each certificate;
- (3) The base rent for each rental unit in the accommodation, the related services included, and the related facilities and charges;
- (4) The number of bedrooms in the housing accommodation;
- (5) A list of any outstanding violations of the housing regulations applicable to the accommodation or an affidavit by the housing provider or manager that there are no known outstanding violations; and
- (6) The rate of return for the housing accommodation and the computations made by the housing provider to arrive at the rate of return by application of the formula provided in § 42-3502.12.

D.C. OFFICIAL CODE § 42-3502.05(f) (2001) (emphasis added).

A housing provider shall file the following notices with the Rent Administrator:

- (A) A copy of the rent increase notice given to the tenant for a rent increase under § 42-3502.08(h)(2), within 30 days after the effective date of the increase; provided, that if rent increases are given to multiple tenants with the same effective date, the housing provider shall file a sample rent increase notice and a list attached stating the unit number, tenant name, previous rent charged, new rent charged, and effective date for each rent increase;
- (B) A copy of the notice given to the tenant for an increase under § 42-3502.13(d) stating the calculation of the initial rent charged in the lease (based on increases during the preceding 3 years) within 30 days of the commencement of the lease term;
- (C) A notice of a change in ownership or management of the housing accommodation, or change in the services and facilities included in the rent charged, within 30 days after the change.

D.C. OFFICIAL CODE § 42-3502.05(g) (2001).

**unsupported by substantial evidence on the record” pursuant to 14 DCMR § 3807.1 (2004).**<sup>14</sup>

The hearing examiner’s findings of fact “must be supported by substantial evidence in the agency record; and conclusions of law must follow rationally from its findings.” DCAPA, D.C. OFFICIAL CODE § 2-509, n.24 (2001); Murchison v. District of Columbia Dept. of Public Works, 813 A.2d 203(D.C. 2002).

The hearing examiner’s decision fails the “substantial evidence” test articulated by the Commission in Washington Realty Co. v. 3030 30<sup>th</sup> St. Tenant Ass’n, TP 20,749 (RHC Jan. 30, 1991). The test states that a decision is supported by substantial evidence where, (1) each contested issue is addressed in the findings of fact; (2) conclusions rationally flow from such facts; and (3) sufficient evidence supports each finding. Id.

In the instant case, there were three contested issues. The first issue was, “whether the housing provider failed to file the proper rent increase forms with the RACD.” The second issue was, “whether the rent being charged exceeds the legally calculated rent ceiling for petitioner [sic] unit.” The third issue was, “whether the rent ceiling filed with the RACD for [p]etitioner’s unit [was] proper.” Ryan v. Carmel Partners, TP 28,367 (RACD Feb. 27, 2007) at 1.

The hearing examiner’s decision does not address issue number three (3), “whether the rent ceiling filed with the RACD for [p]etitioner’s unit [was] proper” in his findings of fact. The hearing examiner could not have logically resolved the other issues without first addressing whether the rent ceiling was proper. A rent ceiling cannot be properly filed (issue number one (1)) if the subject rent ceiling is improper. It is impossible to determine that rent charged does not exceed the legally calculated rent ceiling (issue number two (2)) without actually calculating

<sup>14</sup> The applicable regulation reads: “[t]he Commission shall reverse final decisions of the Rent Administrator which the Commission finds to be based upon arbitrary action, capricious action, or an abuse of discretion, or which contain conclusions of law not in accordance with the provisions of the Act, or findings of fact unsupported by substantial evidence on the record of the proceedings before the rent administrator.

the rent ceiling in a specific case pursuant to the law. However, the hearing examiner does address this issue when he lists the petitioners' allegations, but refutes those allegations and concludes in favor of the housing provider based on the improperly perfected CPI-W discussed supra.

In his decision, the hearing examiner makes three (3) conclusions of law. The first conclusion states, "Petitioner has failed to demonstrated [sic] by a preponderance of the evidence that Respondent knowingly overcharged Petitioner monthly rent, in violation of D.C. OFFICIAL CODE § 42-3502.06(a) (2001)." The second conclusion states, "Petitioner has not demonstrated by a preponderance of the evidence that the Respondent has demanded an illegal rent in violation of D.C. OFFICIAL CODE § 42-3509.01(a) (2001)." The third conclusion states, "Petitioner has not demonstrated by a preponderance of the evidence that the rent ceiling filed with RACD is in violation of D.C. OFFICIAL CODE § 42-3502.06 (2001)." Id. at 5.

In conclusion number one (1), the hearing examiner references D.C. OFFICIAL CODE § 42-3502.06(a) (2001)<sup>15</sup> Without further analysis, the hearing examiner concluded that the housing provider did not "charge or collect rent for the rental unit in excess of the amount computed by adding to the base rent not more than all rent increases authorized after April 30, 1985..." because the petitioner did not demonstrate a violation by a preponderance of the evidence. Ryan v. Carmel Partners, TP 28,367 (RACD Feb. 27, 2007) at 5. The Act, D.C. OFFICIAL CODE § 42-3502.08 (f) (2001), provides additional notice requirements for rent ceiling increases as follows:

Any notice of an adjustment under § 42-3502.06 shall contain a statement of the current rent, the increased rent, and the utilities covered by the rent

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<sup>15</sup> D.C. OFFICIAL CODE §§ 42-3502.06(a) (2001) delineates how rent ceilings limit the rents that a housing provider may charge pursuant to the Act, explains the annual CPI-W increase that a housing provider may elect, or in the alternative the process for filing a hardship petition; tenants' rights to challenge an adjustment to the rent ceiling; and exemptions for elderly and disabled tenants.

which justify the adjustment or other justification for the rent increase. The notice shall also include a summary of tenant rights under this chapter and a list of sources of technical assistance as published in the District of Columbia Register by the Mayor.

Id.

The hearing examiner's conclusion of law number two (2), which states, "[p]etitioner [had] not demonstrated by a preponderance of the evidence that the Respondent has demanded an illegal rent in violation of D.C. OFFICIAL CODE § 42-3509.01(a) (2001)", does not "follow rationally" from the findings articulated in the decision. The hearing examiner does not cite to the applicable sections of the Act or regulations; or identify the necessary elements to support an allegation that a housing provider has charged an illegal rent. The hearing examiner determined that the rent does not exceed the legally calculated rent ceiling because the amount of the rent charged does not exceed the amount of the purportedly legal rent ceiling without making a determination that the rent ceiling was in fact legally calculated.

The Act, D.C. OFFICIAL CODE § 42-3509.01(a) (2001) prescribes the penalties for a violation of the Act. According to this section, any rent "in excess of the maximum allowable rent applicable to that rental unit under the provision of subchapter II of this chapter..." subjects the housing provider to penalty under the Act. Id. Nevertheless, this section does not define "illegal rent," nor does the hearing examiner refer to Subchapter II, which consists of the Rent Stabilization Program in its entirety.

Conclusion of law number three (3) states, "[p]etitioner has not demonstrated by a preponderance of the evidence that the rent ceiling filed with RACD is in violation of D.C. OFFICIAL CODE § 42-3502.06 (2001)." In conclusion of law number three (3), the hearing examiner addressed finding of fact number eight (8), which reads, "[t]he Respondent posted notice of Certificate of Election with the RACD." However, the hearing examiner does not

provide any analysis on this issue. The act of filing a Certificate of Election does not equate to compliance with the Act unless all of the necessary requirements are fulfilled. The corresponding conclusions of law do not address the issue raised by the petitioner. In this case, the hearing examiner does not explain his rationale or indicate sufficient facts to support conclusion of law number three (3) based on the record. See Hamilton House Ltd. P'ship v. Tenants of New Hampshire Ave., N.W., CI 20,377 (RHC Jan. 4, 1989).

The hearing examiner listed the evidence and pleadings considered in the decision. The decision in TP 28,367 was based on the following: (1) testimony of tenant/petitioner; (2) tenant petition TP 28,367; (3) petitioners' exhibits numbered 1-12; and (4) official notice of the RACD Registration File for the subject housing accommodation. The hearing examiner's decision also states:

The Hearing Examiner has the responsibility to review all of the record evidence. He is required to issue findings of fact that are supported by substantial evidence apparent from the record as a whole. Spevak v. District of Columbia Alcoholic Beverage and Control Bd., 407 A.2d 549, 553 (D.C. 1979). The Examiner does not have to list every piece of evidence considered when rendering a decision. Harris v. District of Columbia Rental Hous. Comm'n., 505 A.2d 66, 69 citing Kopff v. District of Columbia Alcoholic Beverage and Control Bd., [sic] 381 A.2d 1372, 1386 (D.C. 1977). The Examiner is entrusted with a degree of latitude in deciding how he shall evaluate and credit the evidence presented. It is also the duty of the Examiner to determine the credibility of the witnesses.

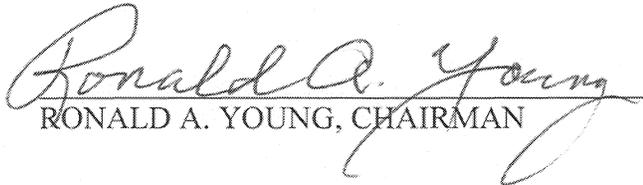
Ryan v. Carmel Partners, TP 28,367 (RACD Feb. 27, 2007) at 3.

Despite the hearing examiner's statements, the Commission, in consideration of the record evidence as a whole, finds that he did not "issue findings of fact that are supported by substantial evidence." The hearing examiner failed to evaluate the evidence contained in the present record pursuant to the applicable sections of the Act and the regulations. Accordingly, the decision of the hearing examiner is reversed and remanded.

#### IV. CONCLUSION

For the foregoing reasons, the hearing examiner's decision, dismissing the tenant/petitioner's issues is reversed and remanded to the Office of Administrative Hearings<sup>16</sup> for the appropriate findings of fact and conclusions of law, based on the present record.

**SO ORDERED.**

  
RONALD A. YOUNG, CHAIRMAN

  
DONATA L. EDWARDS, COMMISSIONER

#### MOTIONS FOR RECONSIDERATION

Pursuant to 14 DCMR § 3823 (2004), final decisions of the Commission are subject to reconsideration or modification. The Commission's rule, 14 DCMR § 3823.1 (2004), provides, "[a]ny party adversely affected by a decision of the Commission issued to dispose of the appeal may file a motion for reconsideration or modification with the Commission within ten (10) days of receipt of the decision."

#### JUDICIAL REVIEW

Pursuant to D.C. OFFICIAL CODE § 42-3502.19 (2001), "[a]ny person aggrieved by a decision of the Rental Housing Commission ... may seek judicial review of the decision ... by filing a petition for review in the District of Columbia Court of Appeals." Petitions for review of the Commission's decisions are filed in the District of Columbia Court of Appeals and are governed by Title III of the Rules of the District of Columbia Court of Appeals. The Court may be contacted at the following address and telephone number:

D.C. Court of Appeals  
Office of the Clerk  
500 Indiana Avenue, N.W., 6<sup>th</sup> Floor  
Washington, D.C. 20001  
(202) 879-2700

<sup>16</sup> The Office of Administrative Hearings Establishment Act of 2001, D.C. OFFICIAL CODE § 2-1831.01 provides:

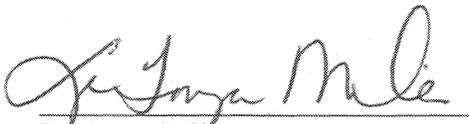
(a) Section 6(b-1) (D.C. OFFICIAL CODE § 2-1831.03(b-1)) is amended as follows: "(1) In addition to those agencies listed in subsections (a) and (b) of this section, as of January 1, 2006, this chapter shall apply to adjudicated cases under the jurisdiction of the Rent Administrator in the Department of Consumer and Regulatory Affairs.

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing **Decision and Order** in TP 28,367 was mailed postage prepaid by priority mail, with delivery confirmation on this **27<sup>th</sup> day of September, 2007** to:

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