

**DISTRICT OF COLUMBIA RENTAL HOUSING COMMISSION**

**TP 28,396**

In re: 4801 Connecticut Avenue, N.W., Unit 316

Ward Three (3)

**ALVIN L. AUBINOE INC.**  
Housing Provider/Appellant/Cross-Appellee

v.

**KATHRYN HARRIS**  
Tenant/Appellee/Cross-Appellant

**ORDER VACATING REMAND ORDER ISSUED ON JUNE 13, 2007**

**July 17, 2007**

**YOUNG, CHAIRMAN.** On June 13, 2007 the Commission issued a remand order in this matter. The Commission ordered the Office of Administrative Hearings to hold an expedited de novo hearing, because tapes from the Rental Accommodations and Conversion Division hearing were missing from the official record.

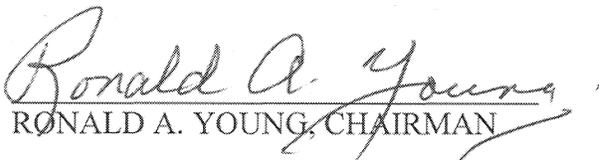
When the Commission received the parties' cross appeals, the Commission requested, in writing, that the Rent Administrator forward the complete record of the case including all tape recordings made at any hearing held before the hearing examiner. See 14 DCMR § 3804.1 (2004). The Office of the Rent Administrator transmitted the certified record to the Commission on April 10, 2007. The certified record contained 118 pages of documents, however, the certified record did not contain tapes from an evidentiary hearing held by the Office of the Rent Administrator. Also absent from the certified record was a copy of the final decision and order issued by the Rent Administrator in this case.

When the Commission discovered that the tapes from the November 1, 2005 hearing were missing from the record, the Commission contacted the Rent Administrator in an effort to locate the missing tapes. The Rent Administrator was not successful in his efforts to locate the tapes. As a result, the Commission issued the June 13, 2007 order remanding the matter to the Office of Administrative Hearings for a hearing de novo.

On July 13, 2007 the Rent Administrator located the missing tapes from the hearing held on November 1, 2005 and delivered the tapes to the Commission, also on July 13, 2007. On July 17, 2007, the Office of the Rent Administrator delivered a copy of the June 6, 2006 final decision to the Commission. The Commission reviewed the tapes and verified that they are recordings of the hearing held on November 1, 2005. Because the Rent Administrator located the missing tapes, the Commission vacates the order issued on June 13, 2007.

The Commission now has the complete record in TP 28,396. Accordingly, the Commission vacates its order dated June 13, 2007, and requests that the Office of Administrative Hearings return the case file to the Commission for further proceedings before the Commission pursuant to the Act and regulations.

SO ORDERED.

  
RONALD A. YOUNG, CHAIRMAN

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:

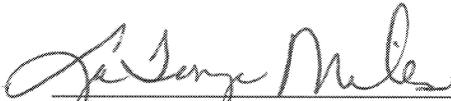
D.C. Court of Appeals  
Office of the Clerk  
500 Indiana Avenue, N.W., 6th Floor  
Washington, D.C. 20001  
(202) 879-2700

**CERTIFICATE OF SERVICE**

I certify that a copy of the foregoing Order Vacating Remand Order dated June 13, 2007 in TP 28,396 was sent by priority mail, with delivery confirmation, postage prepaid, this 17<sup>th</sup> day of **July 2007**, to:

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