

**DISTRICT OF COLUMBIA**  
**OFFICE OF ADMINISTRATIVE HEARINGS**  
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**DISTRICT OF COLUMBIA**  
**OFFICE OF**  
**ADMINISTRATIVE HEARINGS**

**2009 FEB -5 A 9: 02**

DAVID L. DENG,  
Tenant/Petitioner,

v.

OSMAN H. MOHAMMED,  
Housing Provider/Respondent.

Case No.: RH-TP-07-28999  
*In re* 3555 Georgia Avenue NW

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**FINAL ORDER**

On July 6, 2007, Tenant/Petitioner David L. Deng filed Tenant Petition ("TP") 28,999 with the Housing Regulation Administration of the Department of Consumer and Regulatory Affairs ("DCRA")<sup>1</sup> complaining of violations of the Rental Housing Act at the Housing Accommodation, 3555 Georgia Avenue NW, against Housing Provider Osman H. Mohammed. The tenant petition asserted that a rent increase was taken while the unit was not in substantial compliance with the District of Columbia Housing Regulations, the building in which the rental unit is located is not properly registered with the RACD, that services and/or facilities provided in connection with the rental of the unit had been substantially reduced, and retaliatory action had been directed against Tenant by Housing Provider for exercising Tenant's rights in violation of Section 502 of the Rental Housing Act.

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<sup>1</sup> On October 1, 2007, the rental housing functions of the DCRA were transferred to the Department of Housing and Community Development ("DHCD"). The RACD functions were assumed by the Rental Accommodations Division of DHCD. The transfer does not affect any of the issues in this case.

The case was scheduled for hearing on October 2, 2007, and a Case Management Order (“CMO”) giving notice of the hearing was confirmed to have been delivered to Housing Provider. Mr. Deng appeared at the hearing. Mr. Mohammed did not appear. After finding that Housing Provider had received proper notice of the hearing, I proceeded to take evidence from Tenant. On November 14, 2008, I issued a Final Order awarding Tenant a rent refund and imposing fines on Housing Provider.

Housing Provider filed a timely motion for reconsideration seeking to vacate the Final Order. In light of Housing Provider’s representation that he did not receive a copy of the CMO giving notice of the hearing, I issued an Order on December 12, 2008, vacating the Final Order and scheduling a new hearing in this matter. The case was scheduled for hearing on February 4, 2009.

Both parties appeared at the hearing on February 4, 2009. In response to my suggestion, the parties agreed to mediate the dispute and proceeded to mediation before Judge Wanda Tucker. Following the mediation the parties filed a submission stating that “[w]e agree to dismiss this case with prejudice.”

OAH Rule 2817.3, 1 District of Columbia Municipal Regulations (“DCMR”) 2817.3, provides:

The parties or their authorized agents or representatives, also may file a stipulation of voluntary dismissal with prejudice, signed by all parties, their authorized agents or representatives, who have appeared in the action to dismiss an action.

Accordingly, pursuant to 1 DCMR 2817.3, it is, this 5<sup>th</sup> day of **February, 2009**:

**ORDERED**, that Case No. RH-TP-07-28999 is **DISMISSED WITH PREJUDICE**; and  
it is further

**ORDERED**, that the appeal rights of any party aggrieved by this Order are set forth  
below.



Nicholas H. Cobbs  
Administrative Law Judge

## **MOTIONS FOR RECONSIDERATION**

Any party served with a final order may file a motion for reconsideration within ten (10) days of service of the final order in accordance with 1 DCMR 2937. When the final order is served by mail, five (5) days are added to the 10 day period in accordance with 1 DCMR 2811.5.

A motion for reconsideration shall be granted only if there has been an intervening change in the law; if new evidence has been discovered that previously was not reasonably available to the party seeking reconsideration; if there is a clear error of law in the final order; if the final order contains typographical, numerical, or technical errors; or if a party shows that there was a good reason for not attending the hearing.

The Administrative Law Judge has thirty (30) days to decide a motion for reconsideration. If a timely motion for reconsideration of a final order is filed, the time to appeal shall not begin to run until the motion for reconsideration is decided or denied by operation of law. If the Judge has not ruled on the motion for reconsideration and 30 days have passed, the motion is automatically denied and the 10 day period for filing an appeal to the Rental Housing Commission begins to run.

## **APPEAL RIGHTS**

Pursuant to D.C. Official Code §§ 2-1831.16(b) and 42-3502.16(h), any party aggrieved by a Final Order issued by the Office of Administrative Hearings may appeal the Final Order to the District of Columbia Rental Housing Commission within ten (10) business days after service of the final order, in accordance with the Commission's rule, 14 DCMR 3802. If the Final Order is served on the parties by mail, an additional three (3) days shall be allowed, in accordance with 14 DCMR 3802.2.

Additional important information about appeals to the Rental Housing Commission may be found in the Commission's rules, 14 DCMR 3800 et seq., or you may contact the Commission at the following address:

District of Columbia Rental Housing Commission  
941 North Capitol Street, N.E.  
Suite 9200  
Washington, D.C. 20002  
(202) 442-8949

**Certificate of Service:**

**By Priority Mail/ Delivery Confirmation  
(Postage Paid):**

David L. Deng  
P.O. Box 50327  
Washington, DC 20091

Osman H. Mohammed  
3555 Georgia Avenue NW  
Washington, DC 20010

I hereby certify that on Feb. 05,  
2009, this document was caused to be served  
upon the above-named parties at the  
addresses and by the means stated.

Benedetta Khames  
Clerk / Deputy Clerk

**By Inter-Agency Mail:**

District of Columbia Rental Housing  
Commission  
941 North Capitol Street NE, Suite 9200  
Washington, DC 20002

Keith Anderson, Acting Rent Administrator  
District of Columbia Department of Housing  
and Community Development  
Rental Accommodations Division  
1800 Martin Luther King Jr. Avenue SE  
Washington, DC 20020