

DISTRICT OF COLUMBIA
OFFICE OF ADMINISTRATIVE HEARINGS
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ADMINISTRATIVE HEARINGS

JAN 28 P 3 15

HELEN WADDY, RODNEY EDWARDS
AND AIDA FAROUK

Tenants/Petitioners,

v.

GLOBAL MANAGEMENT, INC. and
MICHAEL BELL

Housing Providers/Respondents.

Case No.: RH-TP-08-29240

In re: 2826 Hartford St., SE,
Units 102, 103, & 303

FINAL ORDER

On March 28, 2008, Tenants/Petitioners Helen Waddy, Rodney Edwards, and Aida Farouk filed a tenant petition alleging violations of the Rental Housing Act of 1985. An evidentiary hearing was held on December 1, 2008. Tenant/Petitioners Helen Waddy and Rodney Edwards appeared at the hearing and were represented by Nicole Goldstein, Esquire. Tenant/Petitioner Aida Farouk failed to appear at the hearing. Kevin Green, President of Global Management, appeared on behalf of Housing Provider/Respondent Global Management, Inc., and was represented by Theresa Lewis, Esquire. No one appeared at the hearing on behalf of Housing Provider Michael Bell, whose attorney had previously withdrawn his appearance.

A Final Order has not yet been issued in this matter and on January 5, 2009, Tenants filed a stipulation of dismissal with prejudice stating that housing accommodation in question has been sold and the new owner has signed a settlement agreement to address the concerns in the

Tenant Petition. Tenants wish to dismiss the complaint against both Housing Providers with prejudice. Neither Housing Provider signed the stipulation of dismissal.

Under the rules of this administrative court, a voluntary dismissal is ordinarily without prejudice unless the stipulation is signed by all the parties. OAH Rules 2817.3 and 2817.4. Although Housing Provider did not sign the stipulation of dismissal, the rules of this administrative court provide that “nothing in this rule shall preclude the presiding Administrative Law Judge from ordering that a dismissal shall be with prejudice in order to prevent unfair prejudice, inequity, or undue delay.” OAH Rule 2817.6. As a full evidentiary hearing has already been held and the Tenant now chooses to dismiss the petition with prejudice, I will grant the request to prevent unfair prejudice. *Id.*

Therefore, it is this 28th day of January 2009:

ORDERED, that Tenants’ motion for voluntary dismissal is hereby **GRANTED**; and it is further

ORDERED, that Case No. RH-TP-08-29240 is hereby **DISMISSED WITH PREJUDICE**; and it is further

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



Erika L. Pierson
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)**

Nicole E. Goldstein, Esquire
Kirkland & Ellis LLP
655 15th Street, NW
Suite 1200
Washington, DC 20005

Theresa Lewis Esquire
Kass, Mitek, & Kass, PLLC
1050 17th Street, NW
Suite 1100
Washington, DC 20036

Michael Bell
5430 Banby Avenue
Oxen Hill, MD 20754

I hereby certify that on Jan. 28,
2009, this document was caused to be served
upon the above-named parties at the
address(es) and by the means stated.

Benedette Rhames
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
Consumer and Regulatory Affairs
Rental Housing Administration
941 North Capitol Street, NE, Suite 7100
Washington, DC 20002