

DISTRICT OF COLUMBIA
OFFICE OF
ADMINISTRATIVE HEARINGS

DISTRICT OF COLUMBIA
OFFICE OF ADMINISTRATIVE HEARINGS
941 North Capitol Street, NE Suite 9100
Washington, DC 20002
TEL: (202) 442-8167
FAX: (202) 442-9451

JAN 28 P 4 03

JOSE FUENTES,
Tenant/Petitioner,

v.

BORGER MANAGEMENT,
Housing Provider/Respondent.

Case No.: RH-TP-08-29253

In re 1423 Sheridan Street, N.W. Unit 3

FINAL ORDER

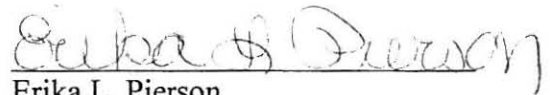
On April 10, 2008, Tenant/Petitioner Jose Fuentes filed a tenant petition alleging violations of the Rental Housing Act of 1985. The parties have reached a settlement in this matter and on January 27, 2009, Tenant filed a motion for voluntary dismissal. The motion was accompanied by a settlement agreement, signed by all parties. Paragraph nine of the settlement agreements states that the parties agree to dismiss the tenant petition with prejudice. The rules of this administrative court provide that the parties may file a stipulation of voluntary dismissal with prejudice, signed by all parties. OAH Rule 2817.3. The filing in this case meets the requirements of the rule. The Administrative Procedures Act provides that any contested case may be disposed of by stipulation. D.C. Official Code § 2-509(a). With a stipulation signed by all parties, this administrative court may dismiss the case with prejudice. OAH Rule 2817.3.

Therefore, it is this 29th day of January 2009:

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

ORDERED, that Case No. RH-TP-08-29253 is hereby **DISMISSED WITH PREJUDICE**; and it is further

ORDERED, that the 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)**

Timothy P. Cole, Esquire
Schuman & Felts, Chtd.
4804 Moorland Lane
Bethesda, MD 20814

Dennis Va Dusen, Law Student
Edward G. Allen, Supervising Attorney
University of the District of Columbia,
David A. Clarke School of Law
4200 Connecticut Avenue, NW
Building 39 – Second Floor
Washington, DC 20008

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.

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