

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

DEC 29 4 01

RACHAEL STOREY,  
Tenant/Petitioner,

v.

DARO REALTY, INC.  
AND RHODE ISLAND GARDENS,  
Housing Providers/Respondents.

Case No.: RH-TP-08-29421  
*In re* 230 Rhode Island Avenue, NE  
Unit 515

### **FINAL ORDER**

Rachael Storey, Tenant/Petitioner, filed Tenant Petition (TP) 29,421 on September 5, 2008 and initiated this matter against Daro Realty, Inc. and Rhode Island Gardens, Housing Providers/Respondents. The petition concerned the housing accommodation located at 230 Rhode Island Avenue, NE, Unit 515.

This matter was scheduled for an evidentiary hearing on November 17, 2008. On November 17, 2008, Housing Provider submitted a Request for Dismissal with a Praecipe filed with the Superior Court of the District of Columbia Civil Division that includes the wording, “[t]his agreement settles all claims between the parties arising out of this or the prior tenancy & the building to any tenant petitions pending in the Office of Adjudication. Defendant will forth with cause TP-08-29421 to be dismissed with prejudice and to withdraw her participation in any other proceedings involving the Plaintiff.”

The D.C. Administrative Procedure Act allows for a contested case to be disposed of by agreed settlement.<sup>1</sup> I will construe the Praecipe as a joint motion for voluntary dismissal with prejudice. The D.C. Municipal Regulations (“DCMR”) allow for voluntary dismissals with prejudice.

1 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.

Tenant and counsel for Housing Provider have signed the voluntary dismissal and have stipulated dismissal with prejudice. Therefore, the court will dismiss this action in accordance with 1 DCMR 2817.3.

Accordingly, it is this **29th** day of **December, 2008**:

**ORDERED**, that Case No. RH-TP-08-29421 is hereby **DISMISSED WITH PREJUDICE**; and it is further

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<sup>1</sup> The D.C. Administrative Procedure Act, D.C. Official Code § 2-509 provides:

Unless otherwise required by law, other than this subchapter, any contested case may be disposed of by stipulation, agreed settlement, consent order, or default.

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

  
Caryn L. Hines  
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, NE  
Suite 9200  
Washington, D.C. 20002  
(202) 442-8949

**Certificate of Service**

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

Rachael Storey  
230 Rhode Island Avenue, NE  
Unit 515  
Washington, DC 20002

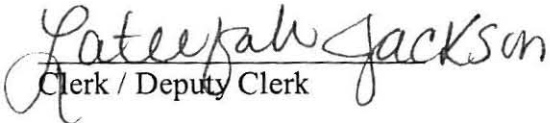
Phillip L. Felts, Esquire  
Schuman & Felts, Chtd.  
4804 Moorland Lane  
Bethesda, MD 20814

**By Inter-Agency Mail:**

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

Keith Anderson  
Acting Rent Administrator  
Rental Accommodations Division  
Department of Housing and Community Development  
941 North Capitol Street, NE, Suite 7100  
Washington, D.C. 20002

I hereby certify that on 12-29, 2008, this document was caused to be served upon the above-named parties at the addresses and by the means stated.

  
Clerk / Deputy Clerk