

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

2008 DEC 15 PM 4:25

CARROLL LEACH
Tenant/Petitioner

v.

RAHMAN OHIOKPEHAI
Housing Provider/Respondent

Case No.: RH-TP-08-29434
In re 5920 Foote Street NE,
Unit 101

FINAL ORDER

The housing accommodation at issue is located at 5920 Foote Street NE, Unit 101. On September 16, 2008, Tenant/Petitioner Carroll Leach filed Tenant Petition 29,434 against Housing Provider/Respondent Rahman Ohiokpehai alleging that Housing Provider: failed to properly register Tenant's rental unit with the Rental Accommodations Division (RAD), Department of Housing and Community Development; increased Tenant's rent by an amount larger than allowed by the Rental Housing Act of 1985; failed to file the correct rent increase forms with RAD; increased the rent for Tenant's rental unit while the unit was not in substantial compliance with the housing regulations; increased the rent for Tenant's rental unit above the legally calculated rent ceiling for the unit; reduced services and/or facilities provided as part of Tenant's rent and/or tenancy; and took retaliatory action against her.

By Order dated November 18, 2008, a hearing was scheduled in this matter for January 13, 2009. On December 12, 2008, Tenant, through counsel, filed a motion to dismiss this matter with prejudice because the parties have settled the issues.

This matter is governed by the District of Columbia Administrative Procedure Act (D.C. Official Code §§ 2-501 *et seq.*) (DCAPA) and OAH procedural rules at 1 DCMR 2800 *et seq.* and 1 DCMR 2920 *et seq.* . The DCAPA at D.C. Official Code § 2-509(a) provides that a contested case may be disposed of by agreed settlement. OAH Rules provides that:

A petitioner may file a summary motion for voluntary dismissal of any action, or of any claim asserted in an action, at any time . . . and the presiding Administrative Law Judge may grant a summary motion for voluntary dismissal without awaiting a response from the respondent. 1 District of Columbia Municipal Regulations (DCMR) 2817.1

Tenant has moved, voluntarily, to dismiss this case with prejudice because the parties have settled the issues. There is no statute or rule of this administrative court prohibiting voluntary dismissal of this matter with prejudice. Therefore, I am granting Tenant's motion to dismiss with prejudice. 1 DCMR 2817.1; D.C. Official Code § 2-509(a). If Housing Provider objects to any aspect of this Order granting Tenant's motion for voluntary dismissal with prejudice, Housing Provider may file a motion for reconsideration within ten days of the date of service of this Order. 1 DCMR 2817.2 and 2937.

Therefore, it is this 15th day of December, 2008:

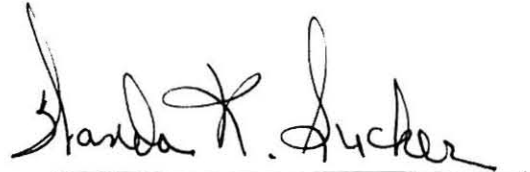
ORDERED, that the hearing in this matter scheduled for January 13, 2009, is **CANCELED**; and it is further

ORDERED, that Tenant's motion for voluntary dismissal with prejudice is hereby **GRANTED**; and it is further

ORDERED, that Case No. RH-TP-08-29434 is hereby **DISMISSED WITH PREJUDICE**; and it is further

ORDERED, that if Housing Provider objects to any aspect of this Order granting Tenant's motion for voluntary dismissal with prejudice, Housing Provider may file a motion for reconsideration within ten (10) days of the date of this Order; and it is further

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

A handwritten signature in black ink, appearing to read "Wanda R. Tucker". The signature is written in a cursive style with a horizontal line underneath it.

Wanda R. Tucker
Administrative Law Judge

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, in accordance with the Commission's rule, 14 DCMR 3802. The ten (10) day time limit shall begin to run when the order becomes final. If the Order is served on the parties by mail, an additional five (5) business days shall be allowed, in accordance with 1 DCMR 2811.5.

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)**

Jennifer L. Berger, Esquire
AARP/Legal Counsel of the Elderly
601 E Street, NW
Washington, DC 20049

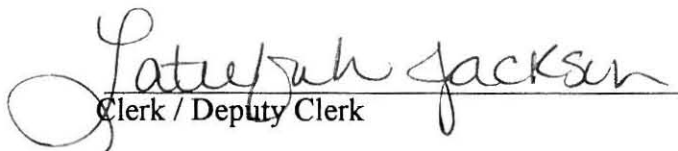
Mark R. Raddatz, Esquire
Raddatz Law Firm, PLLC
1627 Connecticut Avenue, NW
Washington, DC 20009

By Interagency Mail

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

Keith Anderson
Acting Rent Administrator
Rental Accommodations Division
Department of Housing and Community Development
941 N. Capitol Street, N.E.
Suite 7100
Washington, DC 20002

I hereby certify that on 12-15, 2008 this document was caused to be served upon the above-named parties at the address(es) and by the means stated.


Clerk / Deputy Clerk