

**DISTRICT OF COLUMBIA**  
**OFFICE OF ADMINISTRATIVE HEARINGS**  
941 North Capitol Street, N.E., Suite 9100  
Washington, D.C. 20002  
TEL: (202) 442-8167  
FAX: (202) 442-9451

DISTRICT OF COLUMBIA  
OFFICE OF  
ADMINISTRATIVE HEARINGS

2009 MAR -6 A 11: 35

KIM KING,  
Tenant/Petitioner,

v.

JAMES WIGGINS,  
Housing Provider/Respondent.

Case No.: RH-TP-08-29469

*In re:* 39 S Street, N.W.

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**FINAL ORDER**

I. **Introduction**

On October 27, 2008, Kim King filed a tenant petition with the Rent Administrator. The Rent Administrator transmitted a copy of the petition to the Office of Administrative Hearings (OAH). I scheduled a hearing in this matter for February 4, 2009, but converted the hearing to a status conference. At the status conference, Ms. King and Frazer Walton, Esq., counsel for the Housing Provider, agreed to mediate this dispute. The mediation convened on February 26, 2009, with Administrative Law Judge E. Savannah Little serving as mediator.

The mediation was successful, with the parties reaching resolution of the issues raised in the Tenant Petition. At the conclusion of the mediation, Ms. King filed a Blank Submission Form indicating that she wished to withdraw her petition with prejudice.

Based on the entire record in this matter, I make the following findings of fact and conclusions of law.

## **II. Findings of Fact**

1. The housing accommodation at issue in this petition is located at 39 S Street, N. W.
2. On October 27, 2008, Petitioner, Kim King, filed a tenant petition with the Rent Administrator, alleging that the building where her rental unit is located was not properly registered with the Rental Accommodation Division, and that the services and facilities had been reduced. The Petitioner further alleged that the Housing Provider had served a Notice to Vacate that did not comply with the Rental Housing Act of 1985 (the Act).
3. On February 26, 2008, pursuant to their agreement, the parties conducted a mediation of this dispute with Administrative Law Judge E. Savannah Little serving as mediator. Upon conclusion of the mediation, the parties agreed to resolve this matter through a written settlement agreement upon terms acceptable to both parties.
4. On February 26, 2008, Petitioner filed a Blank Submission Form indicating that she wished to withdraw her petition with prejudice.

## **III. Conclusions of Law**

This matter is governed by the Rental Housing Act of 1985 (“Rental Housing Act”), D.C. Official Code §§ 42-3501.1 *et seq.*, the District of Columbia Administrative Procedure Act (“DCAPA”), D.C. Official Code §§ 2-501 *et seq.* and the OAH rules in the District of Columbia Municipal Regulations (“DCMR”), 1 DCMR 2800 *et seq.* and 1 DCMR 2920 *et seq.* The DCAPA at D.C. Official Code § 2-509(a) provides, in pertinent part, that:

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

The parties in this matter have agreed to a settlement of the issues in this proceeding. There is no provision of the Rental Housing Act or OAH rules that prohibits settlement by agreement of the parties. Based upon Petitioner request to withdraw her petition, I will dismiss the matter with prejudice. 1 DCMR 2817.1.

**IV. ORDER**

Therefore, it is, this 5<sup>th</sup> day of March, 2009:

**ORDERED** that Tenant Petition 29,469 is **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.



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Louis J. Burnett  
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 with Delivery  
Confirmation (Postage Paid):**

Kim King  
39 S Street, N.W.  
Washington, DC 20001

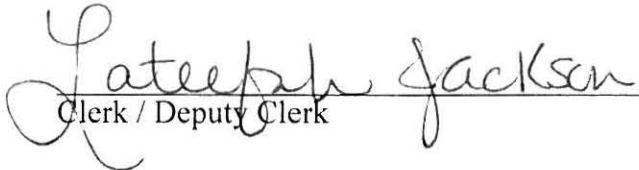
Frazier Walton, Esq.  
920 Burns Street, S.E.  
Washington, DC 20019  
*Attorney for Housing Provider*

**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  
Rental Accommodations Division  
Department of Housing and Community  
Development  
1800 Martin Luther King Jr. Ave., S.E.  
Washington, DC 20020

I hereby certify that on 3-6,  
2009 this document was caused to be served  
upon the above-named parties at the  
addresses and by the means stated.

  
Clerk / Deputy Clerk