

**DISTRICT OF COLUMBIA
OFFICE OF ADMINISTRATIVE HEARINGS**

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DISTRICT OF COLUMBIA
OFFICE OF
ADMINISTRATIVE HEARINGS

2009 MAR 24 P 1:44

ROBYN FRANKLIN-VAUGHN
AND RAYMOND FRANKLIN-VAUGHN,
Tenants/Petitioners,

v.

RESA CAIVANO,
Housing Provider/Respondent.

Case No.: RH-TP-08-29485
In re 319 Bryant Street NE

FINAL ORDER

Robyn Franklin-Vaughn and Raymond Franklin-Vaughn, Tenants/Petitioners, filed Tenant Petition (TP) 29,485 on November 24, 2008, and initiated this matter against Resa Caivano, Housing Provider/Respondent.¹ The petition concerned the housing accommodation located at 319 Bryant Street NE.

This matter was scheduled for an evidentiary hearing on March 19, 2009. Tenants/Petitioners appeared *pro se*. Housing Provider was represented by Todd Ketling, Esq. When the court convened the hearing, the court invited the parties to mediate the case. The parties reviewed this administrative court's voluntary mediation

¹ Tenants named Housing Provider in the tenant petition as Resa Singleton. At the evidentiary hearing on March 19, 2009, Housing Provider indicated that her name is now Resa Caivano.

agreement, and informed the court that they were willing to discuss their claims with a mediator. Administrative Law Judge Beverly Sherman Nash served as the mediator.

When the parties came before this administrative court, on March 19, 2009, Tenants indicated that they were dismissing this matter with prejudice based on the settlement reached by the parties. The D.C. Administrative Procedure Act allows for a contested case to be disposed of by agreed settlement.²

The rules of this administrative court at OAH 2817, 1 DCMR 2817.1 provide:

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.

Housing Provider, through counsel stipulated to voluntarily dismiss the tenant petition with prejudice on the record before this administrative court.

Rule OAH .2817.4, 1 DCMR 2817.4 provide:

Unless otherwise provided by statute, these Rules or an order of this administrative court, a dismissal under this Rule is without prejudice unless otherwise stipulated by the parties. . .

² 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.

Tenant has moved, voluntarily, to dismiss this matter with prejudice. There is no provision of the Rental Housing Act nor any statute or rule of this administrative court prohibiting voluntary dismissal of this matter. Housing Provider has stipulated to the voluntary dismissal of the tenant petition with prejudice. Accordingly, I am granting Tenant's motion to dismiss the tenant petition with prejudice. 1 DCMR 2717.1 and 2817.4.

Accordingly, it is this 24th day of March, 2009:

ORDERED, that RH-TP-08-29485 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.

A handwritten signature in cursive script, appearing to read "Caryn L. Hines", is written over a horizontal line.

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):

Robyn and Raymond Franklin-Vaughn
319 Bryant Street NE
Washington, DC 20002


Resa Caivano
1117 10th Street NW
Unit 712
Washington, DC 20001

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. Avenue SE
Washington, DC 20020

I hereby certify that on 3-24, 2009, this document was caused to be served upon the above-named parties at the addresses and by the means stated.


Clerk / Deputy Clerk