

**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

DISTRICT OF COLUMBIA  
OFFICE OF  
ADMINISTRATIVE HEARINGS

2009 APR -1 A 10:14

DONNA LEE  
Tenant/Petitioner,

v.

LONDRA WATSON  
Housing Provider/Respondent

Case No.: RH-TP-09-29509  
*In re* 3429 Clay Street NE

---

**FINAL ORDER**

The housing accommodation at issue is located at 3429 Clay Street, NE. On January 2, 2009, Tenant/Petitioner Donna Lee filed Tenant Petition 29,509 against Housing Provider/Respondent Londra Watson alleging that Housing Provider violated the Rental Housing Act of 1985<sup>1</sup> by reducing services and facilities provided in connection with Tenant's rental unit, serving Tenant a notice to vacate that violated section 501 of the Act,<sup>2</sup> and retaliating against Tenant in violation of the Act. Voluntary mediation with the assistance of an Office of Administrative Hearings (OAH) mediator was scheduled for February 13, 2009. At the conclusion of mediation on February 13, 2009, Tenant filed a motion to dismiss this matter because the parties settled the issues during mediation.

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.*

---

<sup>1</sup> Rental Housing Act of 1985 (D.C. Official Code §§ 42-3501.01 *et seq.*) ("Rental Housing Act" or "Act").

<sup>2</sup> D.C. Official Code § 42-3505.01.

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

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 . . . . 1 DCMR 2817.4

Tenant has moved, voluntarily, to dismiss this case because the parties have settled the issues. The parties have not stipulated to dismissal with prejudice. There is no statute or rule of this administrative court prohibiting voluntary dismissal of this matter without prejudice. Therefore, I am granting Tenant's motion to dismiss. 1 DCMR 2817.1 and 2817.4; D.C. Official Code § 2-509(a). If Housing Provider objects to any aspect of this Order granting Tenant's motion for voluntary dismissal without 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 1st day of April, 2009:

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

**ORDERED**, that Case No. RH-TP-09-29509 is hereby **DISMISSED WITHOUT PREJUDICE**; and it is further

**ORDERED**, that if Housing Provider objects to any aspect of this Order granting Tenant's motion for voluntary dismissal without 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 reconsideration and 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 large, stylized initial "W".

Wanda R. Tucker  
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)**

Donna Lee  
3429 Clay Street, NE  
Washington, DC 20019

Londra Watson  
329 - 34<sup>th</sup> Street, NE  
Washington, DC 20019

**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  
1800 Martin Luther King Avenue, SE  
Washington, DC 20020

I hereby certify that on 4-1, 2009 this document was caused to be served upon the above-named parties at the address(es) and by the means stated.

Benedetta Rhames  
Clerk / Deputy Clerk