

**DISTRICT OF COLUMBIA
OFFICE OF ADMINISTRATIVE HEARINGS**

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DISTRICT OF COLUMBIA
OFFICE OF
ADMINISTRATIVE HEARINGS

2010 MAY 20 P 2: 26

CARMELA CALDERON,
Tenant/Petitioner,

v.

SARBIN TOWERS LLC,
Housing Provider/Respondent

Case No.: RH-TP-09-29636
In re: 3132 16th Street NW
Unit 208

FINAL ORDER

On June 30, 2009, Carmela Calderon filed Tenant Petition ("TP") 29,636 against Sarbin Towers LLC. This administrative court scheduled this matter for a hearing on April 5, 2010. At the hearing the parties requested to engage in mediation. The parties engaged in mediation with Administrative Law Judge Nicholas Cobbs serving as the mediator. During the mediation, the parties resolved all issues in the tenant petition. As a result, Tenant filed on May 6, 2010, a submission in which she states, "Please note the above parties have settled the issues involved in RH-TP-09-29636 and Tenant/Petitioner would like to dismiss this matter with prejudice."

The District of Columbia Administrative Procedure Act provides, in pertinent part, that "unless otherwise required by law, other than this subchapter, any contested case may be disposed of by . . . agreed settlement." D.C. Official Code § 2-509(a).

In accordance with 1 DCMR 2817.1, a petitioner may file a summary motion for voluntary dismissal of any action and the presiding Administrative Law Judge may grant a

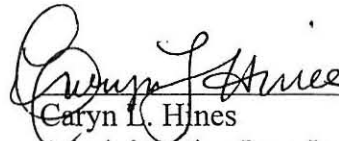
summary motion for voluntary dismissal without awaiting a response from the respondent. Since petitioner has filed a voluntary dismissal of the tenant petition, this administrative court grants Tenant's request in accordance with 1 DCMR 2817. A dismissal under this rule is without prejudice unless otherwise stipulated by the parties in accordance with OAH Rule 2817.4. However, OAH Rule 2817.6 allows the presiding administrative law judge to dismiss with prejudice in order to prevent unfair prejudice. Because Tenant as petitioner has requested dismissal with prejudice, I grant Tenant's request.

Therefore, it is this 20th day of May 2010:

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

ORDERED, that RH-TP-09-29636 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.


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
441 4th Street NW
Suite 1140 North
Washington, DC 20001
(202) 442-8949

Certificate of Service:

By First Class Mail (Postage Prepaid):

Ara D. Parker, Esq.
D.C. Law Students in Court Program, Inc.
616 H Street, NW
Suite 500
Washington, DC 20001

Joshua M. Greenberg, Esq.
1620 L Street NW
Suite 900
Washington, DC 20036

By Inter-Agency Mail:

District of Columbia Rental Housing Commission
441 4th Street NW
Suite 1140 North
Washington, DC 20001

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 5-20, 2010 this document was caused to be served upon the above-named parties at the addresses and by the means stated.

Benedetta Rhames
Clerk / Deputy Clerk