

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 MAR -5 P 3:19

WILLIAM HAIRSTON,
Tenant/Petitioner,

v.

FRANK EMMET REAL ESTATE, INC.,
Housing Provider/Respondent.

Case No.: RH-TP-08-29473
In re 3322 12th Street SE
Unit 104

FINAL ORDER

William Hairston, Tenant/Petitioner, filed Tenant Petition (TP) 29,473 on November 4, 2008 and initiated this matter against Frank Emmet Real Estate, Inc., Housing Providers/Respondents. The petition concerned the housing accommodation located at 3322 12th Street SE Unit 104.

This matter was scheduled for an evidentiary hearing on March 2, 2009. On March 2, 2009, the parties submitted a Stipulation of Settlement that includes the wording, “[t]he clerk of the Office of Administrative Hearings will please mark the above-captioned case as settled and dismissed with prejudice upon the following terms and conditions....”

The D.C. Administrative Procedure Act allows for a contested case to be disposed of by agreed settlement.¹ The D.C. Municipal Regulations (“DCMR”) allow for voluntary dismissals with prejudice.

1 DCMR 2817.3 provides:

The parties, or their authorized agents or representatives, also may file a stipulation of voluntary dismissal with prejudice, signed by all parties, their authorized agents or representatives, who have appeared in the action to dismiss an action.

Counsel for Tenant and Housing Provider have signed the Stipulation of Settlement and have stipulated dismissal with prejudice. Therefore, this administrative court will dismiss this action in accordance with 1 DCMR 2817.3.

Accordingly, it is this 5th day of March, 2009:

ORDERED, that RH-TP-08-29473 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

¹ 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.”

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, DC 20002
(202) 442-8949

Certificate of Service

By Priority Mail with Delivery Confirmation (Postage Paid):

Stephen M. Clark, Esquire
601 E Street NW
Suite A4-441
Washington, DC 20049

Frank Emmet Real Estate, Inc.
Keith Hurst
8609 Second Avenue, Suite 502
Silver Spring, MD 20910

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
District of Columbia Department of Housing and Community Development
Housing Regulation Administration
Rental Accommodations Division
1800 Martin Luther King Jr. Avenue SE
Washington, DC 20020

I hereby certify that on 3-5, 2009, this document was caused to be served upon the above-named parties at the addresses and by the means stated.


Clerk / Deputy Clerk