

DISTRICT OF COLUMBIA
OFFICE OF ADMINISTRATIVE HEARINGS
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DC. OFFICE OF
ADMINISTRATIVE HEARINGS
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2010 MAY 13 P 2:45

WASHINGTON D.C 20002-4210

CARLOTTA MITCHELL,
Tenant/Petitioner,

v.

MUHAMMED Z. SALARBUX,
Housing Provider/Respondent.

Case No.: RH-TP-09-29686
In re 1026 3rd Street SE

FINAL ORDER

The housing accommodation at issue is located at 1026 3rd Street, SE. On August 25, 2009, Tenant/Petitioner Carlotta Mitchell filed Tenant Petition (TP) 29,686 against Housing Provider/Respondent Muhammed Z. Salarbux alleging that Housing Provider violated the Rental Housing Act of 1985 (“Rental Housing Act” or “Act”)¹ by failing to register Tenant’s rental unit properly with the Rental Accommodations and Conversion Division, Department of Housing and Community Development; taking retaliatory action against Tenant in violation of section 502 of the Rental Housing Act;² and serving Tenant a notice to vacate that violated section 501 of the Act.³ The Office Administrative Hearings (OAH) scheduled the case for voluntary mediation for May 6, 2010. Both parties appeared as scheduled. During mediation, the parties settled the issues and Tenant moved for voluntary dismissal with prejudice.

¹ D.C. Official Code §§ 42-3501.01 *et seq.*

² D.C. Official Code § 42-3505.02.

³ D.C. Official Code § 42-3505.01.

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 District of Columbia Municipal Regulations (DCMR) 2800 *et seq.* 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 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 with prejudice because the parties have settled the issues. There is no statute or rule of this administrative court prohibiting voluntary dismissal of this matter with 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 with 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 13th day of May, 2010:

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

ORDERED, that Case No. RH-TP-09-29686 is hereby **DISMISSED WITH PREJUDICE**; and it is further

ORDERED, that if Housing Provider objects to any aspect of this Order granting Tenant's motion for voluntary dismissal with 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.



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
441 Fourth Street, NW
Suite 1140 North
Washington, DC 20001-2714
(202) 442-8949

**Certificate of Service:
By United States Postal Service
First Class Mail
(Postage Pre-Paid)**

Carlotta Mitchell
1026 Third Street, SE
Washington, DC 20003

Carol S. Blumenthal, Esquire
1700 17th Street, NW, #301
Washington, DC 20009

Richard Bianco, Esquire
Law Offices of Paul Strauss & Associates, PC
1020 16th Street, NW
8th Floor
Washington, D.C. 20036

By Interagency 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 Avenue, SE
Washington, DC 20020

I hereby certify that on 5-13, 2010 this document was caused to be served upon the above-named parties at the address(es) and by the means stated.


Clerk / Deputy Clerk

