

DISTRICT OF COLUMBIA RENTAL HOUSING COMMISSION

TP 27,175

In re: 2145 California Street, N.W., Unit 204

Ward Two (2)

BARBARA NEGLEY
Tenant/Appellant

v.

PETER HUBLEY AND SHARON CALKINS-HUBLEY
Housing Providers/Appellees

ORDER
GRANTING HOUSING PROVIDERS'
MOTION TO CORRECT THE RECORD

October 1, 2004

LONG, COMMISSIONER. This case is on appeal to the District of Columbia Rental Housing Commission (Commission) from an amended decision and order issued by Administrative Law Judge (ALJ) Henry McCoy on November 6, 2002. Following the hearing on appeal and other procedural matters, the Commission issued a decision and order on August 26, 2004. In the section of the decision entitled Procedural History, the Commission quoted the findings of fact and conclusions of law that appeared in the ALJ's amended decision and order.

When the Commission quoted Finding of Fact 9, the Commission inadvertently typed the date, May 10, 2002. However, the date that actually appeared in the ALJ's finding of fact was May 10, 2001. The Commission notes that the typographical error was harmless error because the correct date, May 10, 2001, appears throughout the Commission's decision and order. See *Negley v. Hubley*, TP 27,175 (RHC Aug. 26,

2004) at 11, 12, 16. For example, the Commission stated, "Since the housing providers were exempt from the rent stabilization provisions of the Act as of May 10, 2001, the penalty provision that governs rent roll backs did not apply." Id. at 16.

On September 22, 2004, the housing providers filed a motion to correct the record. In the motion, the housing providers asked the Commission to correct the typographical error in Finding of Fact 9. The tenant did not file an opposition to the housing providers' motion to correct the record.

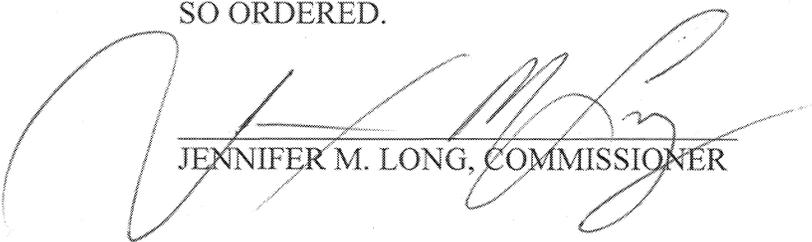
The Commission grants the housing providers' motion and corrects the typographical error in Finding of Fact 9. The Commission deletes May 10, 2002 and replaces it with the date, May 10, 2001. As a result, Finding of Fact 9 which read:

9. On May 10, 2002, the Housing Provider filed, for the first time, a Registration/Claim of Exemption Form signed by the Housing Provider stating that the rental unit was qualified as being exempt from registration for the reason that the owners held and operated four (4) or fewer rental units or that they only have an interest in one rental unit.

is replaced by the following:

9. On May 10, 2001, the Housing Provider filed, for the first time, a Registration/Claim of Exemption Form signed by the Housing Provider stating that the rental unit was qualified as being exempt from registration for the reason that the owners held and operated four (4) or fewer rental units or that they only have an interest in one rental unit.

SO ORDERED.



JENNIFER M. LONG, COMMISSIONER

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Order Granting the Housing Providers' Motion to Correct Record in TP 27,175 was mailed by priority mail with delivery confirmation, postage prepaid, this 1st day of October 2004 to:

Barbara A. Negley
2145 California Street, N.W.
Unit 204
Washington, D.C. 20008

Benny L. Kass, Esquire
Kass, Mitek & Kass
1050 17th Street, N.W.
Suite 1100
Washington, D.C. 20036-5596



LaTonya Miles
Contact Representative
(202) 442-8949