

DISTRICT OF COLUMBIA RENTAL HOUSING COMMISSION

TP 27,686

In re: 1621 S Street, N.W., Unit 4

Ward Two (2)

RANDY RENJILIAN¹
Tenant/Appellant

v.

WILLIAM G. THELEN
Housing Provider/Appellee

DECISION AND ORDER

July 11, 2005

BANKS, CHAIRPERSON. This case is on appeal to the Rental Housing Commission from a decision and order issued by the Rent Administrator, based on a petition filed in the Rental Accommodations and Conversion Division (RACD). The applicable provisions of the Rental Housing Act of 1985 (Act), D.C. Law 6-10, D.C. OFFICIAL CODE §§ 42-3501.01-3509.07 (2001), the District of Columbia Administrative Procedure Act (DCAPA), D.C. OFFICIAL CODE §§ 2-501-510 (2001), and the District of Columbia Municipal Regulations (DCMR), 14 DCMR §§ 3800-4399 (1991), govern the proceedings.

¹ The caption on the RACD decision and order is Randy Renjilian, but the name of the petitioner on the tenant petition is Randall Renjilian. Pursuant to 14 DCMR § 3809.1 (1991), “[t]he Commission shall continue the caption of the case as determined by the Rent Administrator...” There is no need to invoke §3809.3, which states, “[i]f it appears to the Commission that the identity of the parties has been incorrectly determined by the Rent Administrator, the Commission may substitute or add the correct parties on its own motion.” Randall Renjilian and Randy Renjilian appear from the RACD certified record to be the same person.

I. THE PROCEDURES

On November 14, 2002,² Randy Renjilian, Tenant, filed Tenant Petition (TP) 27,686, which alleged the following: 1) the rent increase was larger than the amount of increase which was allowed by any applicable provision the Act, 2) the Housing Provider failed to file the proper rent increase forms with the Rental Accommodations and Conversion Division (RACD), 3) the rent charged exceeds the legally calculated rent ceiling for his unit, 4) the rent ceiling filed with RACD was improper for the unit, 5) the building where the rental unit was located was not properly registered with RACD, 6) services and facilities provided in connection with the rental unit have been permanently eliminated, and 7) services and facilities provided in connection with the rental unit have been substantially reduced. The decision states that the RACD hearing was held before Hearing Examiner Gerald J. Roper on February 24, 2003.³ The decision and order issued September 26, 2003. It contained the following:

Findings of Fact

1. The subject housing accommodation is located at 1621 S Street, N.W.
2. The property was purchased in 1995 by William Thelen and Nader Lotfi.
3. The property was registered by William Thelen as exempt under Section 205 of [the] Act.
4. William Thelen did not list Nader Lotfi as owner on the 1995 registration.
5. The Petitioner signed a lease with the Respondent's [sic] in July 1999.

² The Tenant Petition/Complain form states it was filed on November 14, 2002, Record (R.) at 26, but the decision and order states it was filed on December 24, 2002, R. at 78.

³ The decision and order states the hearing was held on February 24, 2003; however, the Attendance Sheet for the hearing is dated February 12, 2003. R. at 31.

6. In the lease the Petitioner was notified that the property was exempt from rent control.
7. Nader Lotfi deeded his interest in the housing accommodation to William Thelen on November 4, 2002.
8. The Respondents are both hairdresser's [sic] are not realtors, own no other property in the District of Columbia.
9. The sole owner of the housing accommodation is William Thelen.

Renjilian v. Thelen, TP 27,686 (RACD Sept. 26, 2003) (Decision) at 5.

Conclusions of Law

1. The subject property was properly exempt from Title II of the Act, D.C. Code Sects. 45-2515(f) through 45-2529, except Sect. 45-2527, pursuant to D.C. Code Sect 45-2515(a)(1), at all times relevant to TP 27,686.
2. The Rent Administrator lacks jurisdiction to determine the validity of Petitioner's Title II rent ceiling and reduction in related services and facilities allegation, pursuant to Madison v. Clifton Terrace Associates, Ltd., TP 11,318 (RHC July 17, 1987 & August 19, 1987), because the subject property was exempt from Title II of the Act at all relevant times.

Id. The hearing examiner dismissed the tenant petition with prejudice. The Tenant filed an appeal with the Commission on October 15, 2003.

II. THE APPEAL ISSUES

The notice of appeal contained the following issues:

- A. Whether the hearing examiner made findings of fact that the registration was defective.
- B. Whether the Tenant was served a copy of the Registration/Claim of Exemption Form or a copy was posted as required.
- C. Whether putting the notice required under Section 42-3502.05(d) of the Act in the lease satisfies the Act.
- D. Whether putting the notice required under Section 42-3502.05(h) of the Act in the lease satisfies the Act.

- E. Whether the Examiner erred by failure to make findings of fact on the posting or mailing of a copy of the Registration/Claim of Exemption Form to the Tenant.
- F. Whether the evidence supports conclusion of law numbered 1.
- G. Whether the evidence supports conclusion of law numbered 2.
- H. Whether the Registration/Claim of Exemption Form was defective, because the information it contained was not accurate.
- I. Whether the Housing Provider was under an obligation to amend the Registration/Claim of Exemption Form within 30 days of any change.
- J. Whether the failure to amend the Registration/Claim of Exemption Form is the same as not having a current Registration/Claim of Exemption Form.
- K. Whether the Examiner misread 14 DCMR § 4104 (1991).
- L. Whether the Rent Administrator had a reason to believe the Registration/Claim of Exemption Form had incorrect information in it.
- M. Whether the hearing examiner erred by failing to make a finding of fact that the Registration/Claim of Exemption Form was defective.

III. THE DISCUSSION OF THE ISSUES

- A. Whether the hearing examiner made findings of fact that the registration was defective.**
- M. Whether the hearing examiner erred by failing to make a finding of fact that the Registration/Claim of Exemption Form was defective.**

The decision stated:

The evidence shows that Respondent Thelen filed a Registration/Claim of Exemption in July 1995 (see, Respondent's Exhibit #1) claiming exemption under section 205 of the Act. At the time the property was registered it was jointly owned by Thelen and Lotfi. However, Lotfi's name did not appear on the Registration form. Under District of Columbia Municipal Regulations (DCMR) Title 14 § 4104 the registration as filed is a defective registration since it was not properly completed. 14 DCMR 4104 [sic] provides that if a registration form is not properly completed the

Rent Administrator shall notify the housing provider of the defect. If the defect is not corrected in thirty (30) days the housing provider shall not be eligible for and shall not take or implement an upward adjustment in the rent ceiling or rent charged. (emphasis added).

Decision at 4.

In the paragraph quoted above, the hearing examiner held that the registration was defective. However, the hearing examiner did not make findings of fact or conclusions of law on the issue of whether the registration form was defective. Accordingly, these issues are granted and remanded to the hearing examiner for findings of fact and conclusions of law on the issue of whether the registration form was defective.

- B. Whether the Tenant was served a copy of the Registration/Claim of Exemption Form or a copy was posted as required.**
- D. Whether putting the notice required under Section 42-3502.05(h) of the Act in the lease satisfies the Act.**
- E. Whether the Examiner erred by failure to make findings of fact on the posting or mailing of a copy of the Registration/Claim of Exemption Form to the Tenant.**

D.C. OFFICIAL CODE § 42-3502.05(h) (2001) states:

Each registration statement filed under this section shall be available for public inspection at the Division, and each housing provider shall keep a duplicate of the registration statement posted in a public place on the premises of the housing accommodation to which the registration statement applies. Each housing provider may, instead of posting in each housing accommodation comprised of a single rental unit, mail to each tenant of the housing accommodation a duplicate of the registration statement. (emphasis added).

Except as stated in the lease, both the Housing Provider and the Tenant testified that the Tenant received no other form of notice of the exemption, such as a copy of the registration form.

The Commission in Montgomery v. Offurum, TP 27,676 (RHC Apr. 18, 2005) at

13, stated:

The DCAPA, D.C. OFFICIAL CODE § 2-509(e) (2001), states, “[e]very decision and order adverse to a party to the case, rendered by the Mayor or an agency in a contested case, shall be in writing and shall be accompanied by findings of fact and conclusions of law.” The DCAPA requires findings of fact on each contested and material factual issue. Braddock v. Smith, 711 A.2d 835, 838 (D.C. 1998); Daro Realty, Inc. v. District of Columbia Zoning Comm’n, 581 A.2d 295 (D.C. 1990). Since the Commission is a reviewing body, assuming findings of fact and conclusions of law are outside the jurisdiction of the Commission. Goodman v. District of Columbia Rental Hous. Comm’n, 573 A.2d 1293 (D.C. 1990); Meir v. Rental Accommodations Comm’n, 372 A.2d 566, 568 (D.C. 1977).

The hearing examiner did not make findings of fact on notice, either by writing, posting or mailing, as stated in issues F and G. Those issues are remanded to the hearing examiner for findings of fact and conclusions of law. See Tenants of 104 58th St., S.E. v. Vijon Realty, TP 20,810 (RHC Aug. 14, 1989) at 6. (emphasis added).

The lack of findings of fact and conclusions of law on the issue of notice also appear in this appeal. The Housing Provider relied on the lease, Tenant (Petitioner)

Exhibit (Exh.) 1, which stated:

Tenant acknowledges that, prior to execution of this lease by tenant, landlord has advised tenant that, pursuant to section 205 of the District of Columbia Rental Housing Act of 1985, rent increases for the premises are not regulated by the rent stabilization program (i.e. rent control program) of that act, and that the premises are exempt from said rent stabilization program. The type of rent control exemption applicable to this premises is as follows and **a copy of the exemption form and certificate of registration/exemption both date stamped as received by the rental accommodations and conversion division are attached to this lease an are delivered to tenant...** (emphasis added).

A. ___ Unit whose owner(s) hold and operate four (4) or fewer rental units.

Lease at 1; Record (R.) at 58. The Commission on appeal reviewed the lease (T.

Exh. 1) and determined there was not attached to the lease “a copy of the

exemption form and certificate of registration/exemption both date stamped as received by the rental accommodations and conversion division [sic],” as stated in the lease and quoted above. Moreover, the Tenant testified that the Tenant was not served a copy of the registration form at the time he signed the lease, as stated in the lease.

Accordingly, the hearing examiner is reversed on this issue, for lack of findings of fact on whether the Tenant received notice of the exemption by a duplicate copy of the registration statement or whether it was posted or mailed to the Tenant. Failure to make findings of fact and conclusions of law require a remand for them to be done. Hedgeman v. District of Columbia Hacker’s License Appeals Bd., 549 A.2d 720, 723 (D.C. 1988); Perkins v. District of Columbia Dep’t of Employment Servs., 482 A.2d 401, 402 (D.C. 1984). Thus, these issues are remanded for findings of fact and conclusions of law on the issue of whether the Tenant received notice under § 42-3502.05(h).

C. Whether putting the notice required under Section 42-3502.05(d) of the Act in the lease satisfies the Act.

D.C. OFFICIAL CODE § 42-3502.05(d) (2001) states:

Prior to the execution of a lease or other rental agreement after July 17, 1985, a prospective tenant of any unit exempted under subsection (a) of this section shall receive a notice in writing advising the prospective tenant that rent increases for the accommodation are not regulated by the rent stabilization program. (emphasis added).

The answer is yes, the Housing Provider complied with § 42-3502.05(d), since the lease gave the notice of exemption where it stated:

Tenant acknowledges that, prior to execution of this lease by tenant, landlord has advised tenant that, pursuant to section 205 of the District of Columbia Rental Housing Act of 1985, rent increases for the premises are not regulated by the rent stabilization program (i.e. rent control program)

of that act, and that the premises are exempt from said rent stabilization program.

Lease at 1. R. at 58.

See Lincoln Prop. Mgmt. v. Chibambo, TP 24,861 (RHC Nov. 29, 2000) at 14, where the Commission found proper notice of a vacancy rent ceiling adjustment in the Housing Provider's rent control information sheet, which Chibambo, the tenant, signed. Similarly, the Tenant, in the instant appeal, signed the lease, which contained the notice of exemption. See R. at 52. Accordingly, the substantial evidence in the record shows that the Tenant had written notice of the exemption of the housing accommodation from rent control, as required by § 42-3502.05(d).

The Act, D.C. OFFICIAL CODE § 42-3502.05(d)(2001), requires notice in writing before the Tenant signs the lease, and that was done in the lease in this appeal. In McNulty v. Medical Service of the District of Columbia, Inc., 180 A.2d 125 (D.C. 1963), the court held:

The general rule in this jurisdiction is that one who signs a contract has the duty to read it and is obligated according to its terms unless there be absence of mutual consent, or the contract was obtained by fraud or even misrepresentation, or the minds of the parties did not honestly and fairly meet upon material points. [footnote omitted]. Absent any charge or proof of fraud or misrepresentation or ambiguity in the time provisions, appellant is bound thereby.

In this appeal, the Tenant had the obligation to read the lease, before he signed it, to get the notice of exemption contained in the lease, as required by § 42-3502.05(d).

There was no evidence of fraud or misrepresentation presented at the hearing.

Accordingly, this issue is denied and the hearing examiner is affirmed.

F. Whether the evidence supports conclusion of law numbered 1.

Conclusion of law number 1 states:

The subject property was properly exempt from Title II of the Act, D.C. Code Sects. 45-2515(f) through 45-2529, except Sect. 45-2527, pursuant to D.C. Code Sect. 45-2515(a)(1), at all times relevant to TP 27,686.⁴

The claim of exemption is an affirmative defense that must be proved by the housing provider. Goodman v. District of Columbia Rental Hous. Comm'n v. Rental Hous. Comm'n, 573 A.2d 1293, 1297 (D.C. 1990); Revithes v. District of Columbia Rental Hous. Comm'n, 536 A.2d 1007, 1017 (D.C. 1987). Proper exemption requires the filing of a valid registration form. See 14 DCMR § 4100 – 4199 (1991) and proper notices to the Tenant of the exemption. See discussions in issues B, C, and D above. Failure to notify a tenant in writing that unit is exempt under § 42-3502.05(d) renders the exemption void. See Kornblum v. Zegeye, TP 24,338 (RHC Aug. 19, 1999); Stets v. Featherstone, TP 24,480 (RHC Aug. 11, 1999) on failure to notify tenant of exemption renders it void. Chaney v. H.J. Turner Real Estate Co., TP 20,347 (RHC Mar. 24, 1990); Young v. Rybec, TP 20,347 (RHC Mar. 24, 1989).

In this appeal, William Thelen, Housing Provider, testified and entered into evidence the registration form he filed in 1995, when he acquired the housing accommodation. See Respondent Exhibit (Exh.) 1. The Housing Provider testified: 1) that he owned only four rental units, 2) that he and Nadar Lotfi purchased the housing accommodation in 1995, and 3) that only Thelen's name appears on the registration form. The Tenant did not rebut or contest this evidence. At this point, the Housing Provider proved registration, but not all of the notices to the Tenant, as required by the Act. The Housing Provider also proved the Tenant received notice of the exemption of the housing accommodation from rent control in the lease before the Tenant signed the lease, as

⁴ The hearing examiner cited to the former D.C. Code rather than the current D.C. Official Code.

required by D.C. OFFICIAL CODE § 42-3502.05(d) (2001). See discussion in issues B, D, & E. However, there was no record proof that the Tenant received a copy of the registration form as required by the Act at D.C. OFFICIAL CODE § 42-3502.05(h) (2001). See discussion in issues D and E. Accordingly, the substantial evidence in the record did not show the subject property was properly exempt, due to the failure to put Lotfi's name on the registration form as one of the owners and housing providers,⁵ and due to the lack of posting the registration form in the housing accommodation or mailing the registration form to the Tenant. Moreover, the hearing examiner did not make findings of fact or conclusions of law on this issue about notice. Therefore, the hearing examiner is reversed on this conclusion of law.

G. Whether the evidence supports conclusion of law numbered 2.

Conclusion of law number 2 states:

The Rent Administrator lacks jurisdiction to determine the validity of Petitioner's Title II rent ceiling and reduction in related services and facilities allegation, pursuant to Madison v. Clifton Terrace Associates, Ltd., TP 11,318 (RHC July 17, 1987 & August 19, 1987), because the subject property was exempt from Title II of the Act at all relevant times.

At the beginning of the hearing, counsel for the Tenant withdrew the reduction in related services and facilities allegation. (RACD Hearing Tape Feb. 12, 2003). Accordingly, this part of issue G is denied, as moot.

The hearing examiner did not rule on the rent ceiling issues. See issues 3 and 4 from the tenant petition on p. 2, supra. The District of Columbia Administrative Procedure Act states, "[e]very decision and order adverse to a party to the case, rendered by the Mayor or an agency in a contested case, shall be in writing and shall be

⁵ See Montgomery v. Offurum, TP 27,676 (RHC Apr. 18, 2005).

accompanied by findings of fact and conclusions of law.” D.C. OFFICIAL CODE § 2-509(e) (2001). See Richards v. Woods, TP 27,588 (RHC July 8, 2004) where the Commission remanded for the hearing examiner to make findings of fact and conclusions of law, and to decide issues that were not considered due to the reversed ruling that the housing accommodation was exempt. Therefore, issues three (3) and four (4) about proper rent ceilings are remanded for findings of fact and conclusions of law, because they were raised by the Tenant in the tenant petition, but not ruled upon by the hearing examiner, who erroneously ruled the housing accommodation was exempt from the rent control provisions of the Act.

I. Whether the Housing Provider was under an obligation to amend the Registration/Claim of Exemption Form within 30 days of any change.

J. Whether the failure to amend the Registration/Claim of Exemption Form is the same as not having a current Registration/Claim of Exemption Form.

An appeal issue must be first raised below at the Rent Administrator’s administrative hearing. See Sawyer v. District of Columbia Rental Hous. Comm’n, No. 02-AA-1362 (D.C. June 16, 2005), at 12, citing Goodman v. District of Columbia Rental Hous. Comm’n, 573 A.2d 1293, 1301 (D.C. 1990); see also 1880 Columbia Road v. District of Columbia Rental Hous. Comm’n, 400 A.2d 333, 339 (D.C. 1979).

Issues I and J were not raised at the Rent Administrator’s hearing before being raised on appeal. Accordingly, these issues are dismissed.

H. Whether the Registration/Claim of Exemption Form was defective, because the information it contained was not accurate.

K. Whether the Examiner misread 14 DCMR § 4104 (1991).

L. Whether the Rent Administrator had a reason to believe the Registration/Claim of Exemption Form contained incorrect

information in it.

These issues are controlled by 14 DCMR § 4104 (1991).

4104 DEFECTIVE REGISTRATION

4104.1 The Rent Administrator shall review each Registration/Claim of Exemption form in order to determine if the form has been properly completed. If the form has not been properly completed, the Rent Administrator shall notify the housing provider in writing.

4104.2. Any housing provider who has been notified of a defective registration and who does not correct the defects in thirty (30) days shall not be eligible for and shall not take or implement the following.

- (a) Any upward adjustment in the rent ceiling for a rental unit authorized by the Act;
- (b) Any increase in the rent charged for a rental unit which is not properly registered; or
- (c) Any of the benefits which accrue to the housing provider of rental units exempt from the Rent Stabilization Program.

4104.3 A Registration/Claim of Exemption form shall be considered defective under each of the following circumstances:

- (a) If it is not signed;
- (b) If it is not completed in accordance with instructions accompanying the form, or if it contains incorrect information;
- (c) If it is not accompanied by the required supporting documents;
- (d) If it is not accompanied by proof that the annual rental unit fee was paid as required by §401 of the Act; or
- (e) If a certification in accordance with §4101.3(b) is not filed.

4104.4 If the Rent Administrator believes a registration statement is defective, whether at the time of filing or subsequent to filing, the Rent Administrator shall notify the housing provider in writing of

the specific defect(s) and allow the housing provider thirty (30) days to correct the defect(s).

- 4104.5 If the defects in the registration statement are corrected in a timely manner, the registration shall be deemed to be proper from the date it was filed.
- 4104.6 If the registration statement does not contain the name of the housing provider, the Rent Administrator shall require that an amendment to the registration statement be filed within thirty (30) days which provides the identity of the housing provider.
- 4104.7 If the housing provider is not also the owner of the housing accommodation the Rent Administrator shall require that an amendment to the registration statement be filed within thirty (30) days which provides a full statement of ownership and the relationship between the owner(s) and the housing provider.
- 4104.8 The Rent Administrator may suspend a proceeding if an amendment to the registration statement is needed under this section or may continue the proceeding. (emphasis added).

In Montgomery v. Offurum, TP 27,676 (RHC Apr. 18, 2005), the Commission stated:

The Commission holds the rules require the Rent Administrator to notify the Housing Provider to provide the missing information requested on the blank lines on the registration form. The Housing Provider and agent are required to file within 30 days from the date of delivery of the Rent Administrator's notice an amended and completed registration form with all of the missing information identified in this decision, including the correct address of Ms. Offurum, the owner of the housing accommodation. See Kornblum v. Zegeye, TP 24,338 (RHC Aug. 19, 1999), citing Gantt v. Waggaman & Brawner, TP 10,104 (RHC May 3, 1983) (both cases require the Rent Administrator to notify the Housing Provider of defects in the registration form).

Id. at 7.

In this appeal the missing or incorrect information on the registration form was the name, Nader Lotfi, the joint owner of the housing accommodation. His name does not appear on the registration form. Decision at 4; Respondent's Exh. 1. The hearing examiner relied on 14 DCMR § 4104.3 (1991) to hold the registration was defective,

because Nader Lotfi's name was not on the registration form, as one of the owners of the housing accommodation. The hearing examiner allowed 30 days for Thelen, the Housing Provider, to file an amended registration form. Id.

The Tenant's notice of appeal stated:

The Act does not refer to incorrect information or information only the housing provider would know or should know is incorrect.

Notice of Appeal at 2.

A similar argument, that the Commission lacked authority to promulgate a rule, was made in Sawyer v. District of Columbia Rental Hous. Comm'n, No. 02-AA-1362 (D.C. June 16, 2005) at 10 (where the court stated the Commission had express power to promulgate rules and procedures that will effectuate the administration of rental housing laws), citing D.C. OFFICIAL CODE § 42-3502.02(a)(1) (2001). The fact that the Act does not mention the words "incorrect information," as stated in § 4104.3(b), does not prevent the Commission from promulgating rules that state incorrect information creates a defective registration. Therefore, the rules related to defective registration apply to the Tenant's arguments in these appeal issues. The hearing examiner is affirmed on these issues.

The Commission, pursuant to 14 DCMR § 3807.4 (1991),⁶ notes it was plain error for the hearing examiner to order an amended registration form be filed by Thelen, since he is the sole owner and the Housing Provider, who received sole title on November 4, 2002, from Lotfi. See Deed granting Thelen the fee simple estate as sole owner at R. 38. See finding of fact number 7, at p. 2 supra. The registration form only contains the name

⁶ "Review by the Commission shall be limited to the issues raised in the notice of appeal, Provided that the Commission may correct plain error." Cited in Proctor v. District of Columbia Rental Hous. Comm'n, 484 A.2d 543, 550 (D.C. 1984); Lane v. Nichols, TP 27,733 (RHC Aug. 10, 2004).

of William Thelen, as the owner of the housing accommodation, so it was correct at the time the petition was filed on November 14, 2002, up to the date of the hearing.⁷ R. 49; Respondent's Exh. 1; finding of fact number 4. Therefore, these issues related to defective registration are remanded, because the hearing examiner did not make findings of fact on whether the registration was defective. See issues A and M above.

IV. THE CONCLUSION

The Commission affirmed issue C; remanded issues A, B, D, E, G in part, H, K, L, and M; dismissed issues G, in part, I and J; and reversed issue F. This appeal is remanded for the findings of fact and conclusions of law ordered herein. A new hearing is not required.

SO ORDERED.



RUTH R. BANKS, CHAIRPERSON



JENNIFER M. LONG, COMMISSIONER

MOTIONS FOR RECONSIDERATION

Pursuant to 14 DCMR § 3823 (1991), final decisions of the Commission are subject to reconsideration or modification. The Commission's rule, 14 DCMR § 3823.1 (1991), provides, "[a]ny party adversely affected by a decision of the Commission issued to dispose of the appeal may file a motion for reconsideration or modification with the Commission within ten (10) days of receipt of the decision."

⁷ Lotfi testified that he transferred his interest in the housing accommodation to Thelen on November 4, 2002, which was ten days before the petition was filed. Decision at 4. At this point the registration form became accurate with only Thelen's name on it as the owner of the housing accommodation.

JUDICIAL REVIEW

Pursuant to D.C. OFFICIAL CODE § 42-3502.19 (2001), “[a]ny person aggrieved by a decision of the Rental Housing Commission ... may seek judicial review of the decision ... by filing a petition for review in the District of Columbia Court of Appeals.” Petitions for review of the Commission’s decisions are filed in the District of Columbia Court of Appeals and are governed by Title III of the Rules of the District of Columbia Court of Appeals. The court may be contacted at the following address and telephone number:

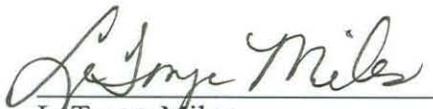
D.C. Court of Appeals
Office of the Clerk
500 Indiana Avenue, N.W.
6th Floor
Washington, D.C. 20001
(202) 879-2700

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing Decision and Order in TP 27,686 was mailed by priority mail, with confirmation of delivery, postage prepaid this 11th day of July, 2005, to:

Bernard Gray, Esquire
2009 – 18th Street, S.E.
Washington, D.C. 20020-4201

Roger Luchs, Esquire
Greenstein DeLorme and Luchs, P.C.
1620 L Street, N.W.
Suite 900
Washington, D.C. 20036



LaTonya Miles
Contact Representative
(202) 442-8949