

**DISTRICT OF COLUMBIA**  
**OFFICE OF ADMINISTRATIVE HEARINGS**  
941 North Capitol Street, N.E., Suite 9100  
Washington, D.C. 20002  
TEL: (202) 442-8167  
FAX: (202) 442-9451

RECEIVED  
MAY 13 2008  
A 0 50

HECTOR C. AND JOSE S. RAMIREZ  
Tenants/Petitioners

v.

OTIS GARDENS, INC.  
Housing Provider/Respondent

Case No.: RH-TP-08-29233  
*In re* 1445 Otis Place, N.W. Unit # 127

---

**FINAL ORDER**

**I. Introduction**

On March 28, 2008, Hector C. Ramirez and Jose S. Ramirez filed Tenant Petition ("TP") 29,233 with the Rent Administrator. The Tenant Petition named Otis Gardens, Inc., as Housing Provider and complained of violations of the Rental Housing Act of 1985 at the housing accommodation at 1445 Otis Place, N.W.

The Rent Administrator heads the Rental Accommodations Division ("RAD") within the Department of Housing and Community Development. The Council of the District of Columbia authorized the Office of Administrative Hearings ("OAH") to hold hearings and issue decisions in cases previously heard and decided by the Rent Administrator, beginning October 1, 2006. D.C. Official Code § 2-1831.03(b-1)(1). Accordingly, the Rent Administrator transmitted this petition to this administrative court for all proceedings.

On May 1, 2008, this administrative court issued a Status Conference Order scheduling a status conference in this matter for June 5, 2008, at 11:30 a.m. Tenants/Petitioners appeared at the status conference with counsel, Alysia Robben, Esquire, University of the District of Columbia David A. Clarke School of Law. Robert Clayton Cooper, Esquire, appeared as counsel for Housing Provider Otis Gardens, Inc.

On June 5, 2008, following a status conference, the parties agreed to stay this matter pending the outcome of mediation in three other matters involving the same or similar buildings. In addition, on June 5, 2008, a joint Order issued allowing for the scheduling of an inspection of the property. After subsequent mediation attempts and an evidentiary hearing in one of the related matters, on April 20, 2009, Tenants in TP 29,233 filed a motion to amend the Tenant Petition to add certain counts and to name Morris & Gwendolyn Cafritz Foundation/Ambassador, Inc., and Cafritz Company as additional Housing Providers, which motion was granted in part by Order issued May 21, 2009.

Counsel for the parties appeared for a status conference on June 8, 2009, and again agreed to mediation. A Scheduling Order, issued on June 11, 2009, scheduled additional mediation sessions and ordered that the parties appear for a prehearing conference on August 11, 2009. As the mediation sessions had to be postponed due to the unavailability of the mediator, the prehearing conference was postponed until September 9, 2009.

At the time scheduled for the prehearing conference, counsel for Tenants appeared. Counsel for Housing provider did not appear. Ms. Robben proffered that the parties had agreed on the terms of settlement, and would be prepared to submit a stipulation of dismissal within two weeks. An Order memorializing that proffer issued on September 11, 2009.

On September 16, 2009, the parties filed a Stipulation of Dismissal, resolving the issues between the parties.

Based on the Stipulation of Dismissal and the entire record in this matter, I am granting the parties' motion to dismiss and make the following findings of fact and conclusions of law:

## **II. Findings of Fact**

1. The housing accommodation at issue in this petition is located at 1445 Otis Place, N.W. Unit 127.
2. On March 28, 2008, Tenants/Petitioners Hector C. Ramirez and Jose S. Ramirez filed Tenant Petition ("TP") 29,233 with the Rent Administrator alleging that Housing Provider had increased rent when the unit was not in substantial compliance with the D.C. housing regulations, and had substantially reduced services and/or facilities provided as part of the rent.
3. On May 1, 2008, this administrative court issued a Status Conference Order scheduling a status conference in this matter for June 5, 2008. After mediations and an evidentiary hearing and final order in other cases involving the same properties and additional mediation sessions in this matter, the parties reached a resolution of the matter.
4. On September 16, 2009, the parties filed a Stipulation of Dismissal. The parties agreed that this matter should be dismissed with prejudice.

### **III. Conclusions of Law**

This matter is governed by the Rental Housing Act of 1985 (“Rental Housing Act”), D.C. Official Code §§ 42-3501.01 *et seq.*, the District of Columbia Administrative Procedure Act (“DCAPA”), D.C. Official Code §§ 2-501 *et seq.*, and the OAH rules in the District of Columbia Municipal Regulations (“DCMR”), 1 DCMR 2800 *et seq.*, and 1 DCMR 2920 *et seq.*. The DCAPA at D.C. Official Code § 2-509(a) provides, in pertinent part, that:

Unless otherwise required by law, other than this subchapter, any contested case may be disposed of by . . . agreed settlement . . . .

The rules of this administrative court also provide for dismissal of pending cases by filing a stipulation of dismissal with prejudice:

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 the action.

1 DCMR 2817.3.

The parties in this matter have agreed to a settlement of the issues in this proceeding. There is no provision of the Rental Housing Act or the OAH rules that prohibits settlement by agreement of the parties. Accordingly, I will dismiss this proceeding on the basis of the settlement reached. D.C. Official Code § 2-509(a). Moreover, I will dismiss the matter with prejudice in accord with the parties’ stipulation. 1 DCMR 2817.3.


### **IV. ORDER**

Therefore, it is, this 23rd day of September 2009:

**ORDERED** that Case No. RH-TP-08-29233 is **DISMISSED WITH PREJUDICE**; and  
it is further

**ORDERED**, that either party may request reconsideration of this Final Order within 10  
days pursuant to 1 DCMR 2937; and it is further

**ORDERED**, that the appeal rights of any party aggrieved by this Order are set forth  
below.

  
Beverly Sherman Nash  
Administrative Law Judge

## **MOTION 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, N.E.  
Suite 9200  
Washington, D.C. 20002  
(202) 442-8949

**Certificate of Service:**

**By First Class Mail (Postage Paid):**

Alysia Robben, Esquire  
University of the District of Columbia  
David A. Clarke School of Law  
4200 Connecticut Avenue, N.W.  
Building 38, Second Floor  
Washington, DC 20008

Robert Clayton Cooper, Esquire  
Cooper & Crickman, PLLC  
1625 Massachusetts Avenue, N.W.  
Suite 425  
Washington, DC 20036

**By Inter-Agency Mail:**

District of Columbia Rental Housing  
Commission  
941 North Capitol Street, N.E.,  
Suite 9200  
Washington, DC 20002

Keith Anderson, Acting Rent Administrator  
District of Columbia Department of Housing  
and Community Development  
Housing Regulation Administration  
1800 Martin Luther King Jr. Avenue, S.E.  
Washington, DC 20020

I hereby certify that on 9-22,  
2009, this document was caused to be served  
upon the above-named parties at the  
addresses and by the means stated.

  
Clerk / Deputy Clerk