

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

2009 JUN 18 P 4: 40

MONTE & LAURA DAVIS HOSTETLER,
Tenants/Petitioners,

v.

WESLEY & DIANE WEEKS,
Housing Providers/Respondents.

Case No.: RH-TP-08-29442
In re 523 14th Street SE

FINAL ORDER

Following mediation on June 17, 2009, the parties moved to dismiss this case. I will grant the parties' joint motion and dismiss this case with prejudice in accord with the following Findings of Fact and Conclusions of Law.

I. Findings of Fact

On September 24, 2008, Tenants/Petitioners Monte Hostetler and Laura Davis Hostetler filed Tenant Petition ("TP") 29,442 with the Rent Administrator, asserting certain violations of the Rental Housing Act of 1985 against Housing Providers/Respondents Wesley Weeks and Diane Weeks, at Tenants' housing accommodation, 523 14th Street SE. The petition was scheduled for hearing on June 17, 2009.

The parties appeared on June 17, 2009, together with their respective attorneys, and agreed to mediate their dispute before another Administrative Law Judge prior to the hearing. Following mediation the parties advised that they had reached a settlement.

The parties then requested on the record that TP 29,442 be dismissed with prejudice. Both counsel confirmed that they had advised their clients concerning the implications of a dismissal with prejudice.

II. Conclusions of Law

This matter is governed by the Rental Housing Act of 1985 (the “Act”), D.C. Official Code §§ 42-3501.01 – 3509.07, the District of Columbia Administrative Procedure Act (“DCAPA”), D.C. Official Code §§ 2-501 – 510, the District of Columbia Municipal Regulations (“DCMR”), 1 DCMR 2800 – 2899, 1 DCMR 2920 – 2941, and 14 DCMR 4100 – 4399. As of October 1, 2006, the Office of Administrative Hearings (“OAH”) has assumed jurisdiction of rental housing cases pursuant to the OAH Establishment Act, D.C. Official Code § 2-1831.03(b-1)(1).

The DCAPA provides that: “Unless otherwise required by law . . . any contested case may be disposed of by stipulation, agreed settlement, consent order, or default.” D.C. Official Code § 2-509(a).

OAH rules at 1 DCMR 2817.1, 2817.4, and 2817.6 provide that:

A petitioner may file a summary motion for voluntary dismissal of any action, or 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.

...

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

...

Nothing in this Rule shall preclude the presiding ALJ from ordering that a dismissal shall be with prejudice in order to prevent unfair prejudice, inequity, or undue delay.

The parties have moved, voluntarily, to dismiss this matter with prejudice, following execution of a written settlement agreement by the parties. On consideration of the record as a whole, I conclude that dismissal with prejudice, which both parties agreed to, is in the best interest of the parties and is consistent with the policies and purpose of the Rental Housing Act. I therefore grant the parties' motion. 1 DCMR 2817.1 and 2817.4.

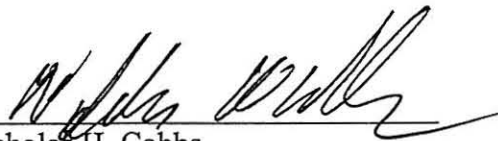
III. Order

Therefore, it is this 18th day of **June, 2009**,

ORDERED that the parties' joint motion that this case be dismissed with prejudice is **GRANTED**; and it is further

ORDERED, that Case No. RH-TP-08-29442 is **DISMISSED WITH PREJUDICE**; and it is further

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



Nicholas H. Cobbs
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
941 North Capitol Street, N.E.
Suite 9200
Washington, D.C. 20002
(202) 442-8949

Certificate of Service:

**By Priority Mail with Delivery
Confirmation (Postage Paid):**

Carol S. Blumenthal, Esq.
Blumenthal & Cordone, PLLC
1700 I Street NW, Suite 301
Washington, DC 20009

Stephen O. Hessler, Esq.
1313 F Street NW, Suite 300
Washington, DC 20004

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
1800 Martin Luther King Jr. Avenue SE
Washington, DC 20020

I hereby certify that on 6-18,
2009, this document was caused to be served
upon the above-named parties at the
addresses and by the means stated.


Clerk / Deputy Clerk