

Office of Admin  
Hearings

DISTRICT OF COLUMBIA  
OFFICE OF ADMINISTRATIVE HEARINGS

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2019 JUL 22 PM 9:56

RC  
441 4th Street NW  
Suite 450N  
Wash. D.C. 20001

GABRIEL FINEMAN,  
Tenant/Petitioner,

v.

SMITH PROPERTY HOLDINGS VAN NESS  
L.P.,  
Housing Provider/Respondent.

Case No.: 2019-DHCD-TP 31,214

*In re:* 3003 Van Ness Street, NW  
#W1131

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**FINAL ORDER**

On April 30, 2019, Tenant/Petitioner Gabriel Fineman filed TP 31,214 and alleged that Housing Provider/Respondent Smith Property Holdings Van Ness L.P. violated various provisions of the Rental Housing Act of 1985, D.C. Official Code §§ 42–3501.01 – 3509.07. A prehearing conference was held on July 19, 2019. Mr. Fineman appeared on his own behalf. Carey S. Busen, Esq., appeared on behalf of Housing Provider. At the hearing, Tenant submitted a motion to withdraw the Tenant Petition. He agreed to a dismissal with prejudice, as did Housing Provider.

The OAH rules provide that the party initiating a case may move to dismiss the case at any time, and the administrative law judge may grant the motion without waiting for a response from the opposing side. OAH Rule 2817.1. The motion states that Tenant no longer wants to pursue the tenant petition. As the parties have agreed that the dismissal is with prejudice, the court will dismiss this action in accordance with the request. A party who objects to the voluntary dismissal of this case may file a motion for reconsideration. OAH Rule 2817.2.

Therefore, it is this 22<sup>nd</sup> day of July, 2019:

ORDERED, that the motion for voluntary dismissal is hereby GRANTED; and it is further

ORDERED, that Case Number 2019-DHCD-TP 31,214 is hereby DISMISSED WITH PREJUDICE; and it is further

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

**Ann. C. Yahner**  
Ann C. Yahner  
Principal Administrative Law Judge

## MOTIONS FOR RECONSIDERATION

Any party served with a final order may file a motion for reconsideration within ten (10) calendar days of service of the final order in accordance with 1 DCMR 2938 and 2828.3. When the final order is served by mail, five (5) days are added to the 10 day period in accordance with 1 DCMR 2812.5.

Where substantial justice requires, a motion for reconsideration shall be granted for any reason including, but not limited to: if a party shows that there was a good reason for not attending the hearing; there is a clear error of law in the final order; the final order's findings of fact are not supported by the evidence; or new evidence has been discovered that previously was not reasonably available to the party seeking reconsideration. 1 DCMR 2828.5.

In a Rental Housing Case, the Administrative Law Judge has ninety (90) days to decide a motion for reconsideration. 1 DCMR 2938.1. 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 90 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 4<sup>th</sup> Street, NW  
Suite 1140 North  
Washington, DC 20001  
(202) 442-8949

**Certificate of Service:**

**By First-Class Mail (Postage Pre-Paid) and Email:**

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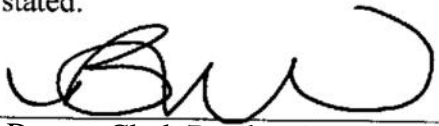
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Housing Regulation Administration  
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**By Inter-Agency Mail:**

District of Columbia Rental Housing Commission  
441 4<sup>th</sup> Street, NW  
Suite 1140 North  
Washington, DC 20001

I hereby certify that on JULY 2<sup>nd</sup>, 2019  
this document was caused to be served upon the  
above-named parties at the addresses and by the  
means stated.



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Clerk / Deputy Clerk/Paralegal