

**DISTRICT OF COLUMBIA RENTAL HOUSING COMMISSION**

RH-TP-10-29,971

In re: 907 T Street, N.W., Unit A

Ward One (1)

**HAGOS SEYOUM**  
Housing Provider/Appellant

v.

**ADAM HARPER**  
Tenant/Appellee

**ORDER DISMISSING APPEAL**

**July 10, 2013**

**YOUNG, COMMISSIONER.** This case is on appeal to the Rental Housing Commission (Commission) from a decision and order issued by the Office of Administrative Hearings (OAH),<sup>1</sup> based on a petition filed in the Rental Accommodations Division (RAD), Housing Regulation Administration (HRA), of the District of Columbia Department of Housing and Community Development (DHCD). The applicable provisions of the Rental Housing Act of 1985 (Act), D.C. OFFICIAL CODE §§ 45-3501.01-3509.07 (2001), the District of Columbia Administrative Procedure Act (DCAPA), D.C. OFFICIAL CODE § 2-501-510 (2001) and the District of Columbia Municipal Regulations, 1DCMR §§ 2800-2899, 1 DCMR §§ 2920-2941, 14 DCMR 3800-4399 (2004), govern these proceedings.

---

<sup>1</sup> The Office of Administrative Hearings (OAH) assumed jurisdiction over tenant petitions from the Department of Consumer and Regulatory Affairs (DCRA), Rental Accommodations and Conversion Division (RACD) pursuant to the OAH Establishment Act, D.C. OFFICIAL CODE § 2-1831.01, -1831.03(b-1)(1) (2001 Supp. 2005). The functions and duties of DCRA, RACD were transferred to the Department of Housing and Community Development (DHCD), Rental Accommodations Division (RAD) by the Fiscal Year Budget Support Act of 2007, D.C. Law 17-20, 54 DCR 7052 (September 18, 2007) (codified at D.C. OFFICIAL CODE § 42-3502.03a (2001 Supp. 2008)).

## **I. PROCEDURAL HISTORY**

On September 12, 2011, OAH issued a final order in RH-TP-10-29,971. On May 10, 2012, the Housing Provider, Hagos Seyoum filed a notice of appeal of the OAH final order in the Commission. On June 5, 2013, the Commission issued its Notice of Scheduled Hearing and Notice of Certification of Record. The Notice of Scheduled Hearing notified the Housing Provider that the hearing on his appeal would occur at 11:00 a.m., Tuesday, July 9, 2013. At 11:00 a.m., with neither part having made an appearance the Commission's clerk of court contacted Kimberly K. Fahreholz, Esquire, counsel for the Housing Provider/Appellant. The clerk of court was informed by Ms. Fahreholz that the Housing Provider no longer wished to pursue his appeal. At approximately 11:30 a.m., the Commission hearing was convened. Neither the Housing Provider/Appellant, his counsel nor the Tenant/Appellee appeared for the Commission's hearing at the time designated on the Notice of Hearing.

## **II. THE COMMISSION'S ORDER**

Pursuant to the DCAPA, D.C. OFFICIAL CODE § 2-509(b) (2001), “[i]n contested cases, ...the proponent of a rule or order shall have the burden of proof.” In the instant case, the Housing Provider/Appellant was the proponent of the Notice of Appeal and therefore had the burden of proof to prosecute the appeal in the Commission. Further, the Housing Provider/Appellant received notice of the Commission's hearing and failed to appear at 11:00 a.m., on Tuesday, July 9, 2013. The Commission's Notice of Scheduled Hearing on Appeal, page 1, warns the parties that failure to appear may result in the dismissal of the appeal. See Stancil v. D. C. Rental Hous. Comm'n., 806 A.2d 622 (D.C.

2002),<sup>2</sup> (where the court affirmed the Commission's dismissal of an appeal due to the failure of a party to appear for the Commission's scheduled hearing, citing Tenants of 1755 N St., N.W. v. N St. Follies Ltd. P'ship., HP 20,746 (RHC June 21, 2000)).

Accordingly, the appeal of the Housing Provider/Appellant in RH-TP-10 29,971 is dismissed.

SO ORDERED

  
RONALD A. YOUNG, COMMISSIONER

#### MOTIONS FOR RECONSIDERATION

Pursuant to 14 DCMR § 3823 (2004), final decisions of the Commission are subject to reconsideration or modification. The Commission's rule, 14 DCMR § 3823.1 (2004), 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."

#### 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:

---

<sup>2</sup> The Commission's regulations, 14 DCMR § 3828.1 (2004), provide:

When these rules are silent on a procedural issue before the Commission, that issue shall be decided by using as guidance the current rules of civil procedure published and followed by the Superior Court of the District of Columbia and the rules of the District of Columbia Court of Appeals.

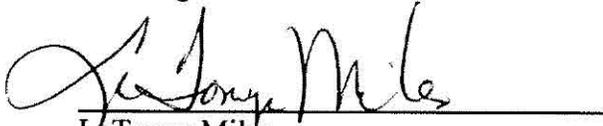
D.C. Court of Appeals  
Office of the Clerk  
Historic Courthouse  
430 E Street, N.W.  
Washington, D.C. 20001  
(202) 879-2700

**CERTIFICATE OF SERVICE**

I certify that a copy of the foregoing ORDER DISMISSING APPEAL in RH-TP-10-29.971 was mailed by first-class mail, postage prepaid, this **10<sup>th</sup> day of July, 2013**, to:

Kimberly K. Fahreholz, Esquire  
Rosenau & Rosenau  
1304 Rhode Island Ave., N.W.  
Washington, D.C. 20005

Adam Harper  
907 T Street, N.W.  
Unit A  
Washington, D.C. 20001



LaTonya Miles  
Clerk of Court  
(202) 442-8949