

**DISTRICT OF COLUMBIA RENTAL HOUSING COMMISSION**

RH-TP-12-30,172

*In re:* 3133 Connecticut Ave., N.W.

Ward Three (3)

**CHRISTINE BURKHARDT,  
SUZANNE CRAWFORD, and  
DONALD WASSEM**  
Tenants/Appellants

v.

**KLINGLE CORPORATION,  
B.F. SAUL COMPANY, and  
B.F. SAUL PROPERTY COMPANY**  
Housing Providers/Appellees

**ORDER ON MOTION TO WITHDRAW APPEAL**

August 10, 2016

**SZEGEDY-MASZAK, CHAIRMAN.** This case is on appeal to the Rental Housing Commission (“Commission”) from a final order issued by the Office of Administrative Hearings (“OAH”), based on a petition filed in the Rental Accommodations Division (“RAD”) of the Department of Housing and Community Development (“DHCD”).<sup>1</sup> 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”), 1 DCMR §§ 2800-2899 (2004), 1 DCMR §§ 2920-2941 (2004), 14 DCMR §§ 3800-4399 (2004) govern these proceedings.

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<sup>1</sup> OAH assumed jurisdiction over tenant petitions from the Rental Accommodations and Conversion Division (RACD) of the Department of Consumer and Regulatory Affairs (DCRA) pursuant to the Office of Administrative Hearings Establishment Act, D.C. Law 14-76, D.C. OFFICIAL CODE § 2-1831.03(b-1)(1) (2007 Repl.). The functions and duties of RACD in DCRA were transferred to the RAD in DHCD by § 2003 of the Fiscal Year 2008 Budget Support Act of 2007, D.C. Law 17-20, D.C. OFFICIAL CODE § 42-3502.04b (2010 Repl.).

On April 18, 2016, tenants/petitioners/appellants Christine Burkhardt, Suzanne Crawford, and Donald Wasseem (“Tenants”) filed a notice of appeal from a final order issued by OAH (“First Notice of Appeal”). The Tenants filed a second notice of appeal on June 6, 2016 (“Second Notice of Appeal”).<sup>2</sup>

On July 29, 2016, Tenant Crawford filed a motion to withdraw her appeal in this case (“Motion to Withdraw”). The Motion to Withdraw states that Tenant Crawford “has settled all claims in this matter” with housing providers/respondents/appellees Klingle Corporation, B.F. Saul Company, and B.F. Saul Property Company (“Housing Providers”). The Motion to Withdraw further asserts that counsel for the Housing Providers has consented to the motion.

The Commission’s rule on the withdrawal of an appeal provides as follows:

3824.1 An appellant may file a motion to withdraw an appeal pending before the Commission.

3824.2 The Commission shall review all motions to withdraw to ensure that the interests of all parties are protected.

14 DCMR § 3824 (2004). The Commission determines that, in order to “ensure” that the interests of Tenant Crawford are “protected” in compliance with 14 DCMR § 3824.2, its review of Tenant Crawford’s assertion that she has “settled all claims in this matter” is required.

The Commission has consistently stated that settlement of litigation is to be encouraged. *See, e.g., Batts v. Sansbury*, RH-TP-14-30,474 (RHC Jan. 8, 2016); *Gordon v. United Prop. Owners (USA)*, RH-HP-06-20,806 (RHC May 15, 2015). Furthermore, in *Proctor v. D.C. Rental Hous. Comm’n*, 484 A.2d 542, 548 (D.C. 1984), the District of Columbia Court of Appeals

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<sup>2</sup> Both notices state that the Tenants are unsure whether OAH has applied a 45-day or 90-day timeline to its review of a motion for reconsideration filed by the Tenants. *See* 63 DCR 1919 (Feb. 19, 2016) (notice of emergency and proposed rulemaking effective Feb. 5, 2016, amending 1 DCMR § 2938.1). The Commission additionally observes that the Second Notice of Appeal is not signed by Tenant Burkhardt. Although these issues may affect which issues or Tenants are properly before the Commission on appeal, the Commission is satisfied that it does not need to address either of these issues for the purpose of resolving Tenant Crawford’s motion, and it makes no determination on them at this time.

("DCCA") established the following five (5) factors for the Commission to use in evaluating settlement agreements for claims arising from tenant petitions under the Act:

1. The extent to which the settlement enjoys support among affected tenants;
2. Its potential for finally resolving the dispute;
3. The fairness of the proposal to all affected persons;
4. The savings of litigation costs to the parties; and
5. The difficulty of arriving at a prompt, final evaluation of the merits, given the complexity of law, and the delays inherent in the administrative and judicial processes.

*See, e.g.,* Batts, RH-TP-14-30,474; Crawford v. Dye, RH-TP-14-30,472 (RHC Sept. 25, 2015).

The Motion to Withdraw is not accompanied by any evidence of a settlement agreement, nor does it describe the terms on which Tenant Crawford and the Housing Providers have settled this dispute. The Commission is therefore unable to perform the review required by 14 DCMR § 3824.2 and by Proctor, specifically with respect to the reasonableness and fairness of the settlement agreement. *See* 484 A.2d at 548; *cf.* Gordon, RH-HP-0620,806 (settlement fair where tenant paid \$6,000 and all claims arising out of housing provider's petition released).

Accordingly, the Commission requests Tenant Crawford to supplement the Motion to Withdraw by filing evidence of her settlement agreement with the Housing Providers. The Commission's consideration of the Motion to Withdraw will be continued until such evidence is filed and the Commission has had the opportunity to review its terms in compliance with 14 DCMR § 3824.2 and Proctor, 484 A.2d at 548.

**SO ORDERED**

  
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PETER B. SZEGEDY-MASZAK, CHAIRMAN

**CERTIFICATE OF SERVICE**

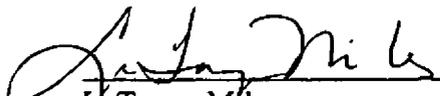
I certify that a copy of the **ORDER** in RH-TP-12-30,172 was served by first-class mail, postage prepaid, this **10th day of August, 2016**, to:

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