

DISTRICT OF COLUMBIA RENTAL HOUSING COMMISSION

RH-TP-06-28,524

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

Ward Three (3)

LLOYD SIEGEL, et al.
Tenants/Appellants

v.

B.F. SAUL COMPANY
Housing Provider/Appellee

ORDER ON MOTION TO WITHDRAW APPEAL

April 15, 2015

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 Housing Regulation Administration (HRA) of the District of Columbia Department of Department of Consumer and Regulatory Affairs (DCRA).¹ 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.

¹ OAH assumed jurisdiction over tenant petitions from the DCRA, Rental Accommodations and Conversion Division (RACD) 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 Department of Housing and Community Development (DHCD) by § 2003 the Fiscal Year 2008 Budget Support Act of 2007, D.C. Law 17-20, D.C. OFFICIAL CODE § 42-3502.04b (2010 Repl.).

On February 23, 2012, Andrew Reamer, Suzanne B. Crawford, Christine Burkhardt, Lloyd Siegel, Ken Mazzer, and Don Wassem filed a notice of appeal with the Commission.² Subsequently, on April 9, 2015, Mr. Wassem filed “Request to Withdraw from Appeal Issues Without Prejudice” (Motion to Withdraw). Mr. Wassem’s Motion to Withdraw explains that he joined the Notice of Appeal filed on February 23, 2012 “partly in an abundance of caution, thinking at the time it might be necessary to join the appeal to protect his rights in other proceedings.” Motion to Withdraw at 1.

The Commission’s regulations provide that a party “may file a motion to withdraw an appeal pending before the Commission.” 14 DCMR § 3824.1 (2004). Upon receiving a motion to withdraw appeal, the Commission will review the motion “to ensure that the interests of all parties are protected.” 14 DCMR § 3824.2; *see Lanier Assocs. v. Tenants of 1773 Lanier Place*, HP 20,880 (RHC Mar. 5, 2014) (quoting 14 DCMR § 3824.2).

First, in considering the interests of Mr. Wassem, the Commission notes that Mr. Wassem asserts that his rights will be protected if the Commission grants the Motion to Withdraw, “because it would seem that his interests in attempting to enforce the Act and related regulations in other proceedings would be preserved and protected.” Motion to Withdraw at 2. While the Commission takes no position regarding the preservation and protection of Mr. Wassem’s rights in proceedings other than the above-captioned appeal, the Commission gives great weight to Mr. Wassem’s unconditional assertion that he believes his interests will be protected in the proceedings in this appeal if the Commission grants the Motion to Withdraw.

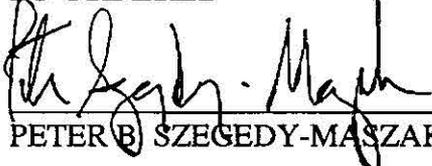
² The Commission notes that the ALJ found that Christine Burkhardt, Ken Mazzer, and Don Wassem did not meet the criteria to be considered tenants/petitioners in this matter. *Reamer v. B.F. Saul Co.*, RH-TP-06-28,524 (OAH Feb. 3, 2012) at 5-6. Additionally, Andrew Reamer previously filed a motion to withdraw from the appeal, which was granted by the Commission on March 26, 2015. *See Reamer v. B.F. Saul Co.*, RH-TP-06-28,524 (RHC Mar. 26, 2015).

Regarding the interest of the remaining persons who joined in the February 23, 2012 Notice of Appeal, *see supra* at 2 and n.2, the Commission notes that Suzanne B. Crawford, Christine Burkhardt, Lloyd Siegel, and Ken Mazzer did not join Mr. Wassem's Motion. With respect to the issues raised in the February 23, 2012 Notice of Appeal by these four (4) tenants, the Commission is satisfied that their interests in prosecuting their appeals before the Commission will be not harmed by allowing Mr. Wassem to withdraw from the appeal. 14 DCMR § 3824.1; Lanier Assocs., HP 20,880.

Finally, regarding the interests of the Housing Provider, B.F. Saul Company (Housing Provider), the Commission notes that Mr. Wassem's Motion to Withdraw states that the Housing Provider consents to the withdrawal of Mr. Wassem from this case. *See* Motion to Withdraw at 1 n.2. The Commission is therefore satisfied that the interests of the Housing Provider will not be harmed in granting the Motion to Withdraw. 14 DCMR § 3824.1; Lanier Assocs., HP 20,880.

For the foregoing reasons, Mr. Wassem's Motion to Withdraw is granted, and the February 23, 2012 Notice of Appeal is dismissed with respect to Mr. Wassem only. 14 DCMR § 3824.1; Lanier Assocs., HP 20,880.

SO ORDERED



PETER B. SZEGEDY-MASZAK, CHAIRMAN

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:

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

CERTIFICATE OF SERVICE

I certify that a copy of the **ORDER** in RH-TP-06-28,524 was served by first-class mail, postage prepaid, this **15th day of April, 2015**, to:

Copies to:

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