

DISTRICT OF COLUMBIA
OFFICE OF ADMINISTRATIVE HEARINGS
One Judiciary Square
441 Fourth Street, NW
Washington, DC 20001-2714
TEL: (202) 442-9094
FAX: (202) 442-9451

DISTRICT OF COLUMBIA
OFFICE OF
ADMINISTRATIVE HEARINGS

2016 MAY -6 PM 2: 42

JETU INC. C/O WILLIAM C. SMITH & CO.,
Housing Provider/Petitioner,

v.

TENANTS OF 843 21ST STREET, NE,
Tenants/Respondents.

Case No.: 2015-DHCD-SF 20,127-
through 2015-DHCD-SF 20,161
35 Consolidated Cases

**ORDER GRANTING MOTION TO DISQUALIFY KATHY HENDERSON
FROM REPRESENTING JETU TENANTS
BEFORE THE OFFICE OF ADMINISTRATIVE HEARINGS**

On July 6, 2015, Housing Provider filed these 35 petitions to change services in 35 buildings (426 total rental units) owned by Housing Provider, pursuant to the Rental Housing Act of 1985 (Section 211, DC Law 6-10) as amended (the Act), D.C. Official Code § 42-3502.11. These petitions have been consolidated. The Housing Provider proposes to install metered electricity in each unit of each building. Tenants, who now receive electric service as part of their rent, will have to pay for electricity if the petitions are approved. In return, Housing Provider has agreed to reduce the rents for each Tenant by the amounts proposed in the Stipulation and Settlement Agreement.

Two hundred and seventy-four of the Tenants in the 35 buildings formed a Tenant Association and wish to enter into a Stipulation and Settlement Agreement that resolves all issues in the petition. Two hundred and three Tenants did not join the Association and did not appear before this administrative court to contest the Housing Provider's petition. At a hearing on March 10, 2016, the Tenant Association and Housing Providers filed the Stipulation and Settlement Agreement and requested to have it incorporated into a Final Order that is applicable to all tenants. On March 14, 2016, I issued an order giving any Tenants who wished to object to the Stipulation and Settlement agreement 30 days to do so. I set a hearing for April 18, 2016, for any tenants to present their objections.

On April 18, 2016, Vincent Policy, Esq. appeared on behalf of Petitioners, along with Glenda Walker. Jennifer Edwards and Steve Tucker, both tenants who are not part of the

represented tenant associations, appeared. Kathy Henderson, an ANC Commissioner in the district for five of the buildings, also appeared and spoke on behalf of the tenants. Tenants' counsel, Amir Sadeghy, Esq., did not appear at that hearing.¹

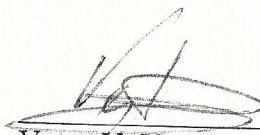
The Tenants requested an additional thirty days to review the proposed settlement. Over the Housing Provider's objection, I extended the time for objections for a final time to May 12, 2016, on which date I scheduled another status hearing.

On May 4, 2016, the Tenant Association filed a Consent Motion to Disqualify Kathy Henderson from Representing Jetu Tenants Before the Office of Administrative Hearings. That motion is granted, and in fact, was granted before it was filed. My last order² addressed the issue, and concluded that ANC Commissioner Henderson, who is not a tenant in any of the relevant buildings or an attorney, cannot continue to speak in hearings on behalf of the tenants. She does not fall into any of the exceptions that permit non-attorneys to represent people before this body in limited circumstances. *See* OAH Rules 2935, 2833, and 2835. She, of course, may discuss issues with the tenants of the buildings for which she is the representative as she wishes, and she might be a relevant witness if this matter goes to a hearing.

VI. Order

Therefore, it is this 6th day of May, 2016:

ORDERED, that the **Consent Motion to Disqualify Kathy Henderson from Representing Jetu Tenants is GRANTED**.



Vytas V. Vergeer
Administrative Law Judge

¹ Mr. Sadeghy has since file a Praecipe stating that he did not receive notice of the April 18, 2016, hearing date, but has been made aware of the upcoming May 12, 2016, hearing date.

² Certain filings since the issuance of my April 18, 2016 Order lead me to believe that counsel may not have received it. I have arranged for that Order to be re-served upon all counsel.

Certificate of Service:

By First-Class Mail (Postage Prepaid):

Vincent Mark J. Policy, Esquire
Greenstein DeLorme & Luchs, P.C.
1620 L Street NW, Suite 900
Washington DC 20036

Amir M. Sadeghy, Esquire
Office of Tenant Advocate
2000 14th Street NW, Suite 300-N
Washington, DC 20009

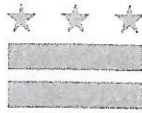
Kathy Henderson, ANC Commissioner
1807 L Street, NE
Washington, DC 20002

I hereby certify that on 5/6/16, 2016
this document was caused to be served upon the
above-named parties at the addresses and by the
means stated.



Clerk / Deputy Clerk

**DISTRICT OF COLUMBIA GOVERNMENT
ADVISORY NEIGHBORHOOD COMMISSION 5D**



May 10, 2016

Judge Vytas V. Vergeer
Office of Administrative Hearings
441 4th Street, NE
Washington, DC 20001

**RE: Case No. 2015-DHCD-SF 20,127 through 2015-DHCD-SF 20,161: Jetu Inc. C/O
William C. Smith vs. Jetu Tenants Association**

Dear Judge Vergeer:

The Advisory Neighborhood Commission (ANC) 5D requests that the order in the above-referenced matter not become final until and unless the affected tenants are assigned a new attorney by the Office of the Tenant Advocate (OTA). Tenants have raised concerns about the attorney assigned to represent them, Amir Sadeghy. Mr. Sadeghy did not appear at a scheduled hearing on April 18, 2016 and did not contact the Office of Administrative Hearings (OAH) to inform anyone regarding his absence. Since the missed hearing Mr. Sadeghy claimed he did not know about the hearing despite the fact that it was included in a recent order to all tenants. The attorney and representatives for the Jetu Inc. William C. Smith Company attended the April 18h hearing.

Additionally, the tenants have raised questions regarding the accuracy of the information provided to the tenants and Office People's Counsel, regarding the amount the William C. Smith Company actually pays for electricity at the affected thirty-five properties. The tenants deserve an opportunity to obtain accurate information about what the William C. Smith Company actually pays for electricity before they can make an informed decision about any proposed settlement.

We believe this request is reasonable and within the best interests of the affected tenants who are residents of the Jetu Apartments, within the boundaries of ANC 5D.

Adopted on May 10, 2016 by a vote of 3 commissioners, at a duly noticed public meeting with a quorum present.

40 people signed the petition 5-9-16

Respectfully Transmitted By,

Commissioner Kathy Henderson, 5D05

ANC 5D Secretary

CC: Executive Office of the Mayor
 Office of People's Counsel
 DC Public Service Commission
 Office of the Tenant Advocate
 DC Council