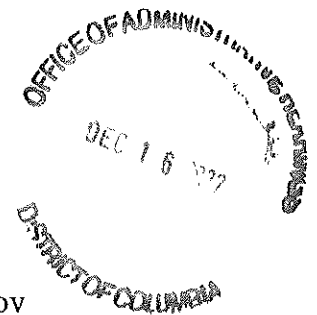


**DISTRICT OF COLUMBIA
OFFICE OF ADMINISTRATIVE HEARINGS**

One Judiciary Square
441 Fourth Street, NW, Suite 450N
Washington, DC 20001-2714

TEL: (202) 442-9094 · FAX: (202) 442-4789 · EMAIL: oah.filing@dc.gov



**DISTRICT OF COLUMBIA DEPARTMENT OF BUILDINGS
AS SUCCESSOR AGENCY TO THE
DISTRICT OF COLUMBIA
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS,¹ Petitioner,
v.
BROOKLAND INVESTMENTS LLC, Respondent.
Case No.: 2022-DCRA-HOUS-04705**

FINAL ORDER

The Department of Buildings (the Government) mailed the attached Notice of Infraction (NOI) to Respondent on April 26, 2022. Respondent failed to answer the NOI. When a respondent fails to answer, an Administrative Law Judge may find the respondent in default and impose a fine and penalty if two conditions are met: The NOI must be valid on its face, and the Government must have submitted evidence that it properly served the NOI on Respondent.²

The NOI is valid on its face. The Government filed a certificate of service stating that the NOI was mailed to Respondent and filed an affidavit stating that the U.S. Postal Service has not returned the NOI undelivered. The Government also filed evidence of Respondent's last known home or business address. This administrative court concludes that Respondent had adequate notice of the charges.³

¹ In accordance with the Department of Buildings Establishment Act of 2020, D.C. Code 10-561.01 et seq., OAH Rule 2816.6, and Mayor's Order 2022-149, OAH retains jurisdiction over the Department of Buildings and the Department of Licensing and Consumer Protection as successor agencies to the Department of Consumer and Regulatory Affairs (DCRA). This matter has been recaptioned to refer to the applicable successor agency to DCRA.

² OAH Rule 2805.5.

³ D.C. Official Code §§ 2-1802.01 and 2-1802.05; see *Kidd Int'l Home Care, Inc. v. Prince*, 917 A.2d 1083, 1086 (D.C. 2007) (due process requires notice "reasonably calculated to afford the party an opportunity to be heard"); *Dusenberry v. United States*, 534 U.S. 161, 170 (2002).

The deadline for Respondent's answer has expired.⁴ The NOI states that a respondent who fails to answer by the deadline "**will be subject to a penalty equal to twice the amount of the fine, in addition to the fine itself, and the entry of a default order without additional notice.**" The penalty is authorized by statute,⁵ and the conditions for issuing a default order have been met.

Therefore, it is hereby:

ORDERED, that Respondent is in **DEFAULT** and is **LIABLE** for the violation charged in the NOI; it is further

ORDERED, that Respondent must pay fines and penalties in the total amount of **\$1662** in accordance with the **Payment Instructions** below within 20 calendar days of the mailing date of this Order; it is further

ORDERED, that if Respondent fails to pay within 20 calendar days of the mailing date of this Order, interest shall accrue on the unpaid amount at the rate of 1½ % per month or portion thereof, starting 20 calendar days after the mailing date of this Order, pursuant to D.C. Official Code § 2-1802.03(i)(1); it is further

ORDERED, that failure to pay may result in additional sanctions, including the suspension of Respondent's licenses or permits, the placement of a lien on Respondent's real and personal property, and the sealing of Respondent's business premises or work sites, under D.C. Official Code § 2-1801.03; and it is further

ORDERED, that any party may ask for reconsideration or relief from this Order as stated below; and it is further

ORDERED, that any party may appeal this Order as stated below.

⁴ D.C. Official Code §§ 2-1802.02(e) and 2-1802.05; OAH Rule 2812.5.

⁵ D.C. Official Code §§ 2-1801.04(a)(2) and 2-1802.02(f).

This Final Order is dated when it is served, as certified on the Certificate of Service found at the end of this decision.



Claudia A. Crichlow
Principal Administrative Law Judge

PAYMENT INSTRUCTIONS

STARTING IMMEDIATELY ALL PAYMENTS MUST BE MADE DIRECTLY TO THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

Online payment can be made with a credit or debit card only. If you wish to pay by check, please mail or bring the check with the Notice of Infraction / Special Assessment / Re-Inspection bill to DCRA Office of Civil Infractions, located at 1100 4th Street, SW, 2nd Floor, Washington DC, 20024. Make your check payable to "DC Treasurer." Please write your Notice of Infraction / Special Assessment / Re-Inspection number on the check.

Online payment can be made using the following link: <https://paymentportal.dc.gov/payment>. Please enter the Notice of Infraction Number. When paying for multiple fines that have been consolidated, please enter the first number listed in the Final Order.

Walk-In payment is available at the **District of Columbia Office of the Chief Financial Officer's cashier's office at 1101 4th Street, S.W. STE. W1665, Washington, DC 20024 between the hours of 8:15-4:30.** The walk-in cashier's office requires payment be accompanied with a payment voucher that the respondent must secure from DCRA's Office of Civil Infractions. To request a payment voucher, please email DCRA.Civilinfractions@dc.gov with reference to the Notice of Infraction Number.

Mail payment to Department of Consumer and Regulatory Affairs/Office of Civil Infractions (DCRA/OCD) 1100 4th Street, S.W. Suite E510, Washington, DC 20024.

To ensure payments are applied accurately, record the Notice of Infraction number on the front of any check or money order and correspondence.

A \$65.00 FINE WILL BE IMPOSED ON CHECKS DISHONORED BY THE BANK.

INTEREST

D.C. Official Code § 2-1802.03.(i)(1) provides that fines be paid in full with interest from the date levied. For each month or portion thereof that a fine and/or assessment remain unpaid interest is accrued at 1.5%. Interest begins 30 calendar days after the fine and/or assessment is levied.

District of Columbia
Office of Administrative Hearings
One Judiciary Square
441 Fourth Street, NW
Washington, DC 20001-2714

NOVO DEVELOPMENT CO
519 11TH ST SE
Washington, DC 20003
tdorsey@livenovo.com

Certificate of Service:

By First-Class Mail (Postage Paid):

NOVO DEVELOPMENT CO
519 11TH ST SE
Washington, DC 20003
tdorsey@livenovo.com

By Email:

Esther Yong McGraw
General Counsel
Department of Buildings
1100 4th Street, SW – 5th Floor
Washington, DC 20024
Email: oaaheserve.dkra@dc.gov
dob.filing@dc.gov

I hereby certify that on December 16, 2022 this document was served upon the parties named on this page at the address(es) and by the means stated.

//s W. Green

Clerk / Deputy Clerk

APPEAL RIGHTS

After an administrative law judge has issued a Final Order, a party may ask the judge to change the Final Order and may ask the District of Columbia Court of Appeals to change the Final Order. There are important time limitations described below for doing so.

HOW TO REQUEST THE ADMINISTRATIVE LAW JUDGE TO CHANGE THE FINAL ORDER⁶

Under certain limited circumstances and within certain time limits, a party may file a written request with the Office of Administrative Hearings (OAH) asking the administrative law judge to change a final order. OAH Rule 2828 explains the circumstances under which such a request may be made. Rule 2828 and other OAH rules are available at <https://oah.dc.gov> and at OAH's office. Rule 2828 states that a request to change a final order "shall state whether an appeal [to the District of Columbia Court of Appeals] has been filed. If an appeal has been filed, OAH has no jurisdiction to decide" the request unless the Court of Appeals has remanded the case to OAH for that purpose.

A request to change a final order does not affect the party's obligation to comply with the final order and to pay any fine or penalty. If a request to change a final order is received at OAH **within 10 calendar days** of the date the Final Order was filed (**15 calendar days** if OAH mailed the final order to you), the period for filing an appeal with the District of Columbia Court of Appeals does not begin to run until the Administrative Law Judge rules on the request. **A request for a change in a final order will not be considered if it is received at OAH more than 120 calendar days of the date the Final Order was filed (125 calendar days if OAH mailed the Final Order to you).**

HOW TO APPEAL THE FINAL ORDER TO THE DISTRICT OF COLUMBIA COURT OF APPEALS

Pursuant to D.C. Official Code § 2-1831.16(c)-(e), any party suffering a legal wrong or adversely affected or aggrieved by this Order may seek judicial review by filing a Petition for Review and six copies with the District of Columbia Court of Appeals at the following address:

Clerk
District of Columbia Court of Appeals
430 E Street, NW, Room 115
Washington, DC 20001

The Petition for Review (and required copies) may be mailed or delivered to the Court of Appeals, and must be received there within 30 calendar days of the mailing date of this Order; pursuant to D.C. App. R. 15(a)(2). There is a \$100 fee for filing a Petition for Review. Persons who are unable to pay the filing fee may file a motion and affidavit to proceed without the payment of the fee when they file the Petition for Review. Information on petitions for review can be found in Title III of the Court of Appeals' Rules, which are available from the Clerk of the Court of Appeals, or at <https://www.dccourts.gov/court-of-appeals>.

⁶ All parties must file all documents by either email: oah.filing@dc.gov, fax: (202) 442-4789; or mail: OAH, 441 Fourth Street, NW, Suite 450 North, Washington, DC 20001-2714. The filing must state when and how copies were served on the other party.

IMPORTANT NOTICES:

- **The amount of a lawfully imposed fine cannot be modified or reduced on appeal. D.C. Official Code § 2-1831.16(g).**
- **Filing an appeal does not stay (stop) the requirement to comply with a Final Order, including any requirement to pay a fine, penalty or other monetary sanction imposed by a Final Order. If you wish to request a stay, you must first file a written motion for a stay with the Office of Administrative Hearings. If the presiding Administrative Law Judge denies a stay, you then may seek a stay from the Court of Appeals or the Board as appropriate.**



Issuing Agency: DCRA

GOVERNMENT OF THE DISTRICT OF COLUMBIA
NOTICE OF INFRACTION

Notice No. 22ENF-HOUS-04705
Date of Service: 04/26/2022

Type of Location Vacant Lot/Property Construction Site Occupied Other _____

1530 RHODE ISLAND AVE NE 304

Location of Infraction

Business/Company Name Charge as Respondent (check) Yes No

BROOKLAND INVESTMENTS LLC

Individual/Agent Name Charge as Respondent (check) Yes No

NOVO DEVELOPMENT CO 519 11TH ST SE

TDorsey@livenovo.com

Mailing Address

Email Address

WASHINGTON

DC

20003

City

State

Zip Code

You are charged with violating the District of Columbia laws or regulations stated below. You MUST SIGN and RETURN this form WITHIN 15 CALENDAR DAYS (20 CALENDAR DAYS IF RECEIVED BY MAIL) of the date of service. You must also indicate below each infraction whether you ADMIT, ADMIT WITH EXPLANATION or DENY. Instructions are on the reverse side of this Notice.

Note: If DCRA deems the violation to constitute a life-safety hazard, DCRA may reduce the allowable abatement period to one(1) day. If abatement is required, you must correct the violation, in addition to paying applicable fines. If you do not abate the violation, you may be required to pay the cost of abatement incurred by the Government of the District of Columbia, in addition to any fine or other penalty. For questions regarding this Notice of Infraction, please call DCRA Customer Service at (202) 442-4400 on email dcra@dc.gov.

Total Fines and Penalties \$554.00

D.C. Official Code AND/OR D.C. Municipal Regulation Citation	Fine for Infraction	Penalty (if applicable)
12-G DCMR § 305.3	\$554.00	\$

Nature of Infraction:

Failure to correct cracked or loose plaster, holes, decayed wood, water damage and/or other defective surface conditions
Floor: 1 Location: Living room - Description: Repair defective damage wall and floor .

Date of Infraction: 4/26/2022 Time of Infraction: 01:12PM Previous Infractions Committed: 1 2 3 4

ANSWER: ADMIT (Pay Fine) DENY (Appear for Hearing) ADMIT WITH EXPLANATION (See Back)

SIGNATURE: _____

Abatement required within 7 Days? Yes No

If you fail to answer each charge on this Notice within the required timeframe, you may be subject to a penalty equal to twice the amount of the fine, in addition to the fine set forth in this Notice.

I personally declare under penalty of perjury that I observed and/or determined that the infraction(s) charged have been committed.
I further certify under penalty of perjury that [CHECK ONE] :

I am unable to determine whether the respondent is in the military service of the United States.

Sylvia Bryant

4/26/2022

3032

DCRA Employee Signature

Print Name

Date

Badge/Identification Number

SEE REVERSE SIDE FOR INSTRUCTIONS

DCRA Enforcement Notice of Infraction (NOI-NOV 2019)