

3804 RECORD ON APPEAL: FILING, COMPOSITION, NOTICE, AND CORRECTION

- 3804.1 Upon receipt of a notice of appeal pursuant to § 3802.2 or the initiation of a review by the Commission pursuant to § 3808.1, the Clerk shall request in writing that the Rent Administrator or the Office of Administrative Hearings forward the official record of the proceeding.
- 3804.2 The Rent Administrator or the Office of Administrative Hearings, within sixty (60) days of the request by the Clerk, shall furnish to the Commission a written or electronic copy of the official record of the proceeding and shall certify that the copy is complete (“certified record”).
- 3804.3 The official record of a proceeding shall consist of the following:
- (a) The final order and any other orders or notices issued by the Rent Administrator or the Office of Administrative Hearings;
 - (b) The recordings and transcripts, if any, of all hearings before the Administrative Law Judge;
 - (c) All papers and exhibits offered into evidence, if any, at the hearing before the Administrative Law Judge, including any files and documents found in the public record of which the Administrative Law Judge took official notice;
 - (d) All papers filed by the parties with the Rent Administrator and all papers filed by the parties or the Rent Administrator at the Office of Administrative Hearings; and
 - (e) Memoranda, if any, of *ex parte* communications as required by § 3916.
- 3804.4 If it is determined, on the Commission’s initiative or by motion of a party, that any material part of the record is not complete, omitted from, or misstated in the certified record, the parties may at any time, by stipulation, supply any omission from the record or correct a misstatement, or any Commissioner may direct the Clerk to obtain a recertified copy of the official record to supply the omission or correct the misstatement. Recertification of the record of a case shall not change the scheduled time for parties to file briefs unless the Commissioner determines that a party’s opportunity to present arguments has been prejudiced by the omission or misstatement.

SOURCE: Notice of Final Rulemaking published at 33 DCR 1336, 1339-40 (March 7, 1986); as amended by Final Rulemaking published at 68 DCR 012634 (December 3, 2021).