

DISTRICT OF COLUMBIA

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ALCOHOLIC BEVERAGE CONTROL BOARD

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ROLL CALL HEARING

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IN THE MATTER OF: :

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Oasis Liquor Inc. :

t/a Oasis Market :

1179 3rd Street, NE :

License #ABRA-088531 :

Retailer A - License Renewal :

Case #12-PRO-00034 :

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MONDAY, May 21, 2012

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The Alcoholic Beverage Control Board met in Alcoholic Beverage Control Hearing Room, 2000 14th Street, N.W., Suite 400S Washington, D.C., Ms. La Verne Fletcher, Agent, presiding.

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P-R-O-C-E-E-D-I-N-G-S

10:21 a.m.

AGENT FLETCHER: Mr. Dietz, you're back up. This is Oasis. This is the matter of Oasis Liquor, Inc., trading as Oasis Market, 1179 3rd Street NE, License Number ABRA-088531, Retailer Class A, License Renewal Application, Case Number 12-PRO-00034. The protest issues are adverse impact on peace, order, and quiet, real property values, and residential parking and vehicular and pedestrian safety. Can you hear me in the back yet? Well, I just wanted to make sure that all the parties are present in the matter of Oasis Market.

My name is La Verne Fletcher. I'm conducting the Roll Call Hearing as the Board's Agent, pursuant to DC Official Code 1601.2. Introductions, beginning with the Applicant?

MR. DIETZ: I'm Bernard C. Dietz. I represent the Applicant.

1                   AGENT FLETCHER:  Would you spell  
2                   your name, for the record, please?

3                   MR. DIETZ:  D-I-E-T-Z.

4                   AGENT FLETCHER:  And that's  
5                   B-E-R-N-A-R-D, Bernard?

6                   MR. DIETZ:  That's correct.

7                   AGENT FLETCHER:  And your name,  
8                   sir?

9                   MR. SHIN:  My name is S.J. Shin.  
10                  I represent Mr. Chang as my client.

11                  AGENT FLETCHER:  So you're the  
12                  lawyer for him?

13                  MR. DIETZ:  Yes.  Co-counsel.

14                  MR. SHIN:  Yes.  Co-counsel.

15                  AGENT FLETCHER:  Co-counsel?  And  
16                  could you spell your name for the court  
17                  reporter, please?

18                  MR. SHIN:  Yes.  My first name is  
19                  S-O-U-N-G.  Last name is Shin, S-H-I-N.

20                  AGENT FLETCHER:  Thank you, Mr.  
21                  Shin.  And your name, sir?

22                  MR. CHUOI:  My name is Chang Chuoi,

1 C-H-A-N-G, last name is C-H-O-I.

2 AGENT FLETCHER: Thank you, very  
3 much.

4 AGENT FLETCHER: And Mr. Chuoi,  
5 are you the Applicant?

6 MR. CHUOI: Yes.

7 AGENT FLETCHER: Thank you. And  
8 present on behalf of the Protestants?

9 MR. BHABHRAWALA: Thank you, Madam  
10 Chairperson. My name is Salim Bhabhrawala.  
11 It's spelled S-A-L-I-M  
12 B-H-A-B-H-R-A-W-A-L-A, and I'm here  
13 representing a group of five or more within  
14 the community that is protesting the renewal  
15 of this liquor license.

16 AGENT FLETCHER: Thank you, very  
17 much. Mr. Bhabhrawala ---

18 MR. BHABHRAWALA: Bhabhrawala.

19 AGENT FLETCHER: Bhabhrawala?  
20 I've stated that correctly all week. Thank  
21 you.

22 MR. BHABHRAWALA: It's okay,

1 ma'am. Joe Smith had it easy in kindergarten.

2 AGENT FLETCHER: The group that  
3 you are representing started out as a group of  
4 31. So what we'll figure out today is how  
5 many are remaining as members of your group.

6 MR. BHABHRAWALA: Thank you,  
7 ma'am.

8 AGENT FLETCHER: And so what I'm  
9 going to start with is to let you know the  
10 number of letters of designation that I  
11 received. And if you have any more, you can  
12 tell me which ones you have. And then we'll  
13 add those. I have received letters of  
14 designation from nine people that you  
15 represent, so far. And I will tell you what  
16 their names are.

17 MR. BHABHRAWALA: Thank you.

18 AGENT FLETCHER: And I will read  
19 them and spell their names for the record.  
20 Harry Linwood Brooks, H-A-R-R-Y L-I-N-W-O-O-D  
21 B-R-O-O-K-S. Mark Rivetti, M-A-R-K  
22 R-I-V-E-T-T-I, Rivetti, Joy Pierson, J-O-Y

1 P-I-E-R-S-O-N, Shawn Wistrom, S-H-A-W-N  
2 W-I-S-T-R-O-M, Bethany Bennett,  
3 B-E-T-H-A-N-Y B-E-N-N-E-T-T, Rod Coeller,  
4 R-O-D C-O-E-L-L-E-R, Nathalie Coeller,  
5 N-A-T-H-A-L-I-E C-O-E-L-L-E-R, and  
6 Max Kazemzadak.

7 MR. KAZEMZADAK: Kazemzadak.

8 AGENT FLETCHER: Thank you.

9 MR. KAZEMZADAK: Yes.

10 AGENT FLETCHER: K-A-Z-E-M-Z-A-D-  
11 E-K. That's K-A-Z-E-M-Z-A-D-E-K. And I've  
12 received letters from those individuals,  
13 designating you as their representative. Do  
14 you have any more today?

15 MR. BHABHRAWALA: Thank you,  
16 ma'am, I was informed and I did get cc'd on  
17 other e-mail to you this morning, prior to  
18 this hearing, from a Ms. Meghan Waltner.

19 AGENT FLETCHER: Yes. I believe I  
20 do have an e-mail from her. I thought I had  
21 one from her. Or maybe I saw it and just  
22 didn't print it up. Just a second, please.

1 MR. BHABHRAWALA: So she would be  
2 the tenth proxy via written notice to you.

3 AGENT FLETCHER: Okay.

4 MR. BHABHRAWALA: And Madam  
5 Chairperson, I also have one letter in writing  
6 from somebody that was elderly and does not  
7 have e-mail. So I present that here, as well  
8 today.

9 AGENT FLETCHER: Okay. Oh, yes.  
10 Did you say Meghan Waltner?

11 MR. BHABHRAWALA: Yes. That's  
12 correct, Ma'am.

13 AGENT FLETCHER: Yes. I do have a  
14 letter from Meg Waltner, designating you as  
15 her representative. Her name is spelled  
16 M-E-G-H-A-N W-A-L-T-N-E-R. And you said you  
17 have a letter from someone else?

18 MR. BHABHRAWALA: Yes, ma'am. I  
19 have another letter from a Ms. Helen B.  
20 Darden, and I will spell her name.

21 AGENT FLETCHER: Thank you.

22 MR. BHABHRAWALA: It's H-E-L-E-N

1 B D-A-R-D-E-N, Darden. And it's a letter  
2 designating me as her representative for this  
3 Roll Call Hearing today.

4 AGENT FLETCHER: Okay. I'll take  
5 that.

6 MR. BHABHRAWALA: Okay.

7 AGENT FLETCHER: Thank you, very  
8 much.

9 MR. BHABHRAWALA: Thank you, Madam  
10 Chair. And, in addition, I do have four other  
11 individuals here that are present in this  
12 matter, in the back of the room.

13 AGENT FLETCHER: Okay.

14 MR. BHABHRAWALA: So we meet the  
15 threshold of five live people here today.

16 AGENT FLETCHER: Okay. That's  
17 perfect. Thank you. Okay. So the  
18 individuals that you have present, if they  
19 could line up behind the table. There's a  
20 microphone in front of you. They just need to  
21 state their names into the microphone and  
22 spell them for the court reporter.

1 MR. KLOETZEL: Alexander Kloetzel,  
2 A-L-E-X-A-N-D-E-R K-L-O-E-T-Z-E-L.

3 AGENT FLETCHER: Thank you.

4 MR. GILLES: Good morning.

5 AGENT FLETCHER: Good morning.

6 MR. GILLES: Michael Gilles,  
7 M-I-C-H-A-E-L G-I-L-L-E-S.

8 AGENT FLETCHER: Thank you.

9 MS. GRANT: Cheryl Grant,  
10 C-H-E-R-Y-L G-R-A-N-T.

11 AGENT FLETCHER: Thank you, Ms.  
12 Grant.

13 MS. OVENSHERE: Heather Ovenshere,  
14 first name H-E-A-T-H-E-R, last name  
15 O-V-E-N-S-H-I-R-E.

16 AGENT FLETCHER: Heather, can you  
17 spell your last name one more time?

18 MS. OVENSHERE: Yes, O-V-

19 AGENT FLETCHER: And what's the  
20 second letter?

21 MS. OVENSHERE: V, as in violin.

22 AGENT FLETCHER: Yes.

1 MS. OVENSHERE: E-N-

2 AGENT FLETCHER: Oh, you know,  
3 hold on one second. I had it completely  
4 wrong. Just a second. It's O-V-E-N?

5 MS. OVENSHERE: Yes. Oven.

6 AGENT FLETCHER: Yes.

7 MS. OVENSHERE: O-V-E-N-S-H-I-R-E,  
8 like shire.

9 AGENT FLETCHER: Thank you. Okay.  
10 I'm just checking your names off of the list.

11 MR. BHABHRAWALA: I am checking  
12 them. That's correct.

13 AGENT FLETCHER: Yes. I am  
14 checking them as well, so that --

15 MR. BHABHRAWALA: My count is, of  
16 the 31 that had signed the petition, that we  
17 have now 16 represented at this hearing, by a  
18 proxy or in person.

19 AGENT FLETCHER: Okay. Your total  
20 is 16?

21 MR. BHABHRAWALA: That is correct.

22 AGENT FLETCHER: Okay. Thank you.

1 I only have 15.

2 MR. BHABHRAWALA: You have 15?

3 AGENT FLETCHER: What do you have?

4 I want to make sure I'm not forgetting  
5 anybody. That I didn't overlook anyone on my  
6 list.

7 MR. BHABHRAWALA: I have 11 by  
8 e-mail, ma'am.

9 AGENT FLETCHER: Oh, and you gave  
10 me one just now for --

11 MR. BHABHRAWALA: That's correct.  
12 So that's 12. Actually, I miscounted.  
13 Because I forgot to count myself.

14 AGENT FLETCHER: Yes.

15 MR. BHABHRAWALA: So that would be  
16 17.

17 AGENT FLETCHER: Okay.

18 MR. BHABHRAWALA: Thank you. And  
19 I do apologize for that.

20 AGENT FLETCHER: I think, when I  
21 could you, I have 16. But we'll figure it  
22 out.

1 MR. BHABHRAWALA: Okay.

2 AGENT FLETCHER: And, in any  
3 event, you've got the requisite number of  
4 people. But we'll figure that out in just a  
5 second.

6 MR. BHABHRAWALA: Okay.

7 AGENT FLETCHER: So I'm just going  
8 to go through the names that I have. It's  
9 important to be clear, so that a person is not  
10 dismissed when they should not have been.

11 MR. BHABHRAWALA: Very well,  
12 ma'am.

13 AGENT FLETCHER: So what I'm going  
14 to do -- the names have already been spelled  
15 for the court reporter, so I'm just going to  
16 read through them now. I have you, Harry  
17 Brooks, Mark Rivetti, Heather Ovenshire, Joy  
18 Pierson, Michael Gilles, Meg Waltner, Shawn  
19 Wistrom, Bethany Bennett, Helen Darden, Alex  
20 Kloetzel, Rod Ceoller, Nathalie Coeller,  
21 Cheryl Grant, and Max Kazemzadek.

22 MR. BHABHRAWALA: So, plus me,

1       it's 16?

2                   AGENT FLETCHER:   Yes.

3                   MR. BHABHRAWALA:   And, from the  
4       list, we -- let me just make sure that that's  
5       everyone.

6                   AGENT FLETCHER:   Okay.

7                   MR. BHABHRAWALA:   Okay.  I accept  
8       16.

9                   AGENT FLETCHER:   You're good?  
10       Okay.  So you are representing a group of 16?

11                   MR. BHABHRAWALA:   That is correct.

12                   AGENT FLETCHER:   Any Protestant  
13       who is not present today and who did not  
14       designate you as a representative is  
15       dismissed.  So that leaves around 15 people.

16                   MR. BHABHRAWALA:   Okay.

17                   AGENT FLETCHER:   It started out  
18       with 31.  Those individuals received a  
19       scheduling notice to that effect.  I'm just  
20       stating it for the record.  If they are not  
21       present and did not designate a  
22       representative, their protests are dismissed

1 and they will not receive further notice. And  
2 their letters also indicate that.

3 So we have a group of 16, and five  
4 individuals are present from your group.  
5 Therefore, the group has standing and is  
6 granted standing today as a Protestant.

7 MR. BHABHRAWALA: We thank you for  
8 that.

9 AGENT FLETCHER: And what that  
10 means is that, at the upcoming Status Hearing  
11 that I give you and the mediation, you will be  
12 the only person required to attend. We now  
13 recognize you as the designated representative  
14 of the group. So what I'm going to do is give  
15 you some dates for a mediation, a Status  
16 Hearing and the Protest Hearing. Of course,  
17 at the Protest Hearing, if the matter is not  
18 resolved in mediation on some way, and there's  
19 a Protest Hearing, then you put on your case  
20 and bring your witnesses, etc. But, for the  
21 purpose of the mediation and the Status  
22 Hearing, only the designated representative

1 needs to appear. Others can appear. That's  
2 all that is required.

3 MR. BHABHRAWALA: Yes. Thank you.

4 AGENT FLETCHER: So let me give  
5 you some dates. The date for the Status  
6 Hearing is July 11, 2012 at 9:30 in the  
7 morning. And you will receive a written  
8 notice of these dates, as well. But the date  
9 for the Status Hearing is July 11, 2012, at  
10 9:30 a.m. The date for the Protest Hearing is  
11 October 3, 2012, at 4:00 p.m. We need to set  
12 a date for mediation to occur prior to the  
13 Status Hearing. I'll give you some dates that  
14 are available.

15 MR. BHABHRAWALA: Ma'am, if I  
16 could, I'd like to invite Cheryl Grant to sit  
17 with me. Because she's the other person  
18 that's going to be assisting me in the  
19 mediation.

20 AGENT FLETCHER: Okay. Thank you.  
21 Ms. Grant?

22 MR. BHABHRAWALA: And it will be

1 easier for us to schedule if she's sitting  
2 next to me.

3 AGENT FLETCHER: Thank you. Ms.  
4 Grant, thank you. Okay. So let's see here,  
5 we're into June on the calendar. Okay. The  
6 first available date in June is Thursday, June  
7 7, 2012. Is anybody available on June 7,  
8 2012, at 9:00 a.m., 10:00 a.m., 11:00 a.m., or  
9 1:00 p.m.?

10 MR. BHABHRAWALA: Madam Chair, I  
11 am on travel until the 18th of June for work  
12 related matters.

13 AGENT FLETCHER: Okay.

14 MR. BHABHRAWALA: I'm wondering if  
15 there's a date available that would be  
16 amicable to both parties, that is after June  
17 18th.

18 AGENT FLETCHER: Okay. What about  
19 Thursday, June 21, at 9:00 a.m., 10:00 a.m.,  
20 11:00 a.m., or 1:00 p.m.?

21 MR. DIETZ: Could we make it at  
22 1:00 p.m.?

1                   AGENT FLETCHER: One o'clock?  
2                   Would 1:00 p.m. work for you? Anybody? Would  
3                   1:00 p.m. work for you?

4                   MS. GRANT: The earlier, the  
5                   better for me. But if that's the only day --

6                   AGENT FLETCHER: Mr. Dietz, is  
7                   there any day you can come before 1:00 p.m.?

8                   MR. DIETZ: Pardon?

9                   AGENT FLETCHER: Is there any date  
10                  that you can come before 1:00 p.m.?

11                  MR. DIETZ: Yes. I could come on  
12                  the 20th. Otherwise, I have matters -- I have  
13                  morning matters down in Superior Court that  
14                  whole week.

15                  AGENT FLETCHER: What about --

16                  MR. DIETZ: Or the following week,  
17                  we could do it on the 25th.

18                  AGENT FLETCHER: The 25th is what?  
19                  That's a Monday? Yes. I'm not available in  
20                  the morning on Mondays because I'm in here.  
21                  Although we could do Monday at 11:30 a.m., if  
22                  anybody is available at 11:30 a.m. on the

1 25th.

2 MR. DIETZ: Which day is that?

3 AGENT FLETCHER: On the 25th --  
4 June 25th, Monday, if anybody's available at  
5 11:30 a.m., we could do it then.

6 MR. DIETZ: At 11:30 a.m.? That's  
7 good.

8 MR. BHABHRAWALA: Yes. The  
9 Protestants accept Monday, June 25th at 11:30  
10 a.m. for mediation.

11 AGENT FLETCHER: For the  
12 mediation. Yes. So I've got mediation set  
13 for 11:30 a.m. on Monday, June 25, 2012. And,  
14 for the record, I need to note two letters  
15 that were returned from Protestants in your  
16 group, just so that you know. So if they want  
17 to update their records or -- for one of them,  
18 he's dismissed anyway because he's not here.  
19 But J. Solomon Charles.

20 MR. BHABHRAWALA: Thank you.

21 AGENT FLETCHER: His first initial  
22 is J. And then his middle name is Solomon,

1 S-O-L-O-M-O-N. Charles is his last name,  
2 C-H-A-R-L-E-S. His letter was returned by the  
3 Post Office, indicating return to sender,  
4 attempted not known. And the same thing  
5 applies to Shawn Wistrom. Mr. Wistrom's  
6 letter was returned by the Post Office. It  
7 was mailed to 1150 4th Street NE.

8 MR. BHABHRAWALA: That is her  
9 address.

10 AGENT FLETCHER: That's her  
11 address? Yes. And it was returned marked  
12 attempted, not known, unable to forward, just  
13 so that you know.

14 MR. BHABHRAWALA: Just to be  
15 clear, because I don't want to do anything to  
16 jeopardize the number of Protestants in this  
17 case, Mr. Wistrom is a resident at that  
18 address and she's actually the home owner of  
19 that address and she also e-mailed via proxy  
20 to say that I represent her.

21 AGENT FLETCHER: Yes. I have  
22 that. Yes.

1 MR. BHABHRAWALA: So I just wanted  
2 to make sure that she does qualify.

3 AGENT FLETCHER: Yes. She does.

4 MR. BHABHRAWALA: Okay. Thank you  
5 very much for that clarification.

6 AGENT FLETCHER: Yes. Yes. I just  
7 wanted -- if you want to let her know, her  
8 letter was returned. I don't know why.

9 MR. BHABHRAWALA: I will do that.

10 AGENT FLETCHER: Yes. But she is  
11 a Protestant.

12 MR. BHABHRAWALA: Thank you.

13 AGENT FLETCHER: Yes. And Ms.  
14 Grant, would you add your name and telephone  
15 number to that list? You did?

16 MS. GRANT: Yes.

17 AGENT FLETCHER: And your e-mail  
18 address. Any questions at all? Okay. Well,  
19 thank you for coming. The Roll Call Hearing  
20 is concluded. I'll see you on the 25th of  
21 June.

22 MR. DIETZ: Thank you.

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MS. GRANT: Thank you.

MR. BHABHRAWALA: Thank you, very  
much.

(Whereupon, the Roll Call Hearing  
was concluded at 10:41 a.m.)

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