DISTRICT OF COLUMBIA

ALCOHOLIC BEVERAGE CONTROL BOARD

MEETING

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IN THE MATTER OF:               :
                                :
Oasis Liquors, Inc.             :
t/a Oasis Market                :
1179 3rd Street, NE             :
Retailer A                      :  Protest
License No. 88531               :  Hearing
ANC 6C                          :  (Status)
Case No. 12-PRO-00034           :
Renewal Application             :
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July 11, 2012

The Alcoholic Beverage Control

Board met in the Alcoholic Beverage Control Hearing Room, Reeves Building, 2000 14th Street, N.W., Washington, D.C., Ruthanne Miller, Chairperson, presiding.

PRESENT
RUTHANNE MILLER, Chairperson
NICK ALBERTI, Member
DONALD BROOKS, Member
HERMAN JONES, Member
CALVIN NOPHLIN, Member
MIKE SILVERSTEIN, Member

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1 P R O C E E D I N G S
2 9:44 a.m.
3 CHAIRPERSON MILLER: Okay. So what I'm going
4 to call now, another protest status hearing Case No.
5 12-PRO- 00034. And that's Oasis Market at 1179 3rd
6 Street, N.E., License No. 88531 and ANC 6C.
7 MR. DIETZ: Good morning.
8 CHAIRPERSON MILLER: Good morning.
9 MR. DIETZ: Bernard C. Dietz representing the
10 Licensee. I have with me Ms. Eun Hi Park, who's the
11 president of the corporation --
12 CHAIRPERSON MILLER: Okay.
13 MR. DIETZ: -- And Mr. SJ Shin, who is the
14 co- counsel.
15 CHAIRPERSON MILLER: Okay, good. And, sir,
16 could you identify yourself?
17 MR. BHABHRAWALA: Good morning, Madam Chair.
18 My name is Salim Bhabhrawala, spelled S-A-L-I-M. Last
19 name is B-H-A-B-H-R-A-W-A-L-A. And I represent the
20 protestants in this proceeding.
21 CHAIRPERSON MILLER: Okay. So unless you all
22 have anything to tell the Board, I'm going to just be

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1 scheduling this for protest hearing on August 15th at
2 4:00 p.m. Is there anything the Board needs to know
3 otherwise or any problems or questions?
4 Okay. I'm not hearing any. Okay? All
5 right. So I -- and I'll just read you some instructions
6 regarding a protest hearing. You --
7 MR. DIETZ: Please --
8 CHAIRPERSON MILLER: Yes, sir.
9 MR. DIETZ: Although my client wishes to
10 address the Board about some concerns she has regarding
11 this protest. She has been subjected to harassing
12 activities by the protestants and she wishes that they
13 would refrain from coming into the store for those
14 purposes and allow the investigative staff to do its
15 own investigation.
16 CHAIRPERSON MILLER: Okay.
17 MR. BHABHRAWALA: Madam Chair, we don't have
18 a problem with that. However, as is anything with a
19 citizen that lives in a community, if somebody is
20 breaking the law in any way, shape or form, a community
21 member has the right to identify where that situation
22 is and whether or not that's disrupting somebody else's

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1 life. And, you know, we -- no protestant will go into
2 the store, nor would we.
3 But when cars are illegally parked, we do ask
4 that people do move those cars. And we're sorry that
5 that's disruptive to the business but it's also
6 disruptive to the lives of the people in the community.
7 And so we will continue to ask people to move their
8 vehicles when they are parked illegally.
9 CHAIRPERSON MILLER: And are they parked
10 illegally in front of certain residents' homes or
11 MR. BHABHRAWALA: They're parked illegally in
12 front of a crosswalk, which is at the intersection of
13 the store, as well as sometimes in the alley, which
14 blocks the parking ways to people's homes.
15 CHAIRPERSON MILLER: Okay. I don't want to
16 belabor this too long, but how do you ask them? Do you
17 go into the store and look for them?
18 MR. BHABHRAWALA: I do and I ask them to move
19 their vehicle and tell them that they are parked
20 illegally. I've done this on a number of occasions. A
21 couple of other people have done that as well.
22 CHAIRPERSON MILLER: Okay. So

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1 MR. DIETZ: It's not our concern.
2 CHAIRPERSON MILLER: That's not your concern.
3 Okay.
4 MR. DIETZ: No, our concern is entering the
5 store.
6 CHAIRPERSON MILLER: So for what -- not to --
7 for this purpose of for any purpose just
8 MR. DIETZ: Pardon?
9 CHAIRPERSON MILLER: For this purpose? Not
10 entering the store to do what?
11 MR. DIETZ: They enter the store to disrupt
12 the business, you know, just disruptive activity,
13 taking photographs, other things. Okay. Yeah.
14 CHAIRPERSON MILLER: To take photographs for
15 their case? Okay.
16 MR. BHABHRAWALA: Madam Chair, I don't know
17 about the other protestants. I know we have about 16
18 people that have standing in this. I can certainly
19 speak for myself on this. I have never gone into the
20 store to take photographs. I have gone in to ask the
21 applicants to move vehicles or tell their customers to
22 move their vehicles. I do apologize if this is

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1 harassing to the business but it's also harassing to
2 the community.
3 And we think that there is priority there
4 when cars are parked illegally.
5 CHAIRPERSON MILLER: Okay. I just have a
6 couple of things to say; one is I'm looking at my sheet
7 and, if I'm reading it correctly, you have a mediation
8 coming up on July 23rd.
9 MR. DIETZ: No, we don't.
10 CHAIRPERSON MILLER: You don't? Okay. I'll
11 take that out. So there won't be any more mediation.
12 You just -- okay. I mean, I would just suggest, if
13 you're talking about cars being parked illegally, that
14 you could telephone -- may I have your telephone so he
15 doesn't have to come into the store?
16 MR. DIETZ: Please, the parking is the --
17 parking enforcement is the activity of DOT and not the
18 liquor store. The liquor store has clearly posted no
19 parking signs and no loitering signs.
20 CHAIRPERSON MILLER: Okay.
21 MR. DIETZ: The -- other than buying a tow
22 truck and moving the vehicles themselves, there's

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1 nothing my client can do about it. If the vehicle's
2 blocking a public alley, then it's up to DOT to do the
3 enforcement.
4 CHAIRPERSON MILLER: Okay.
5 MR. DIETZ: I also suggest that if there's
6 criminal activities being observed, that a police
7 officer be called and not taking into their own hands
8 to -- to try to enforce the law. That's property of
9 Metropolitan Police Department, not an individual.
10 CHAIRPERSON MILLER: Okay. If you have a
11 problem with that, you can call the police to enforce
12 parking.
13 MR. BHABHRAWALA: Okay.
14 CHAIRPERSON MILLER: Okay. All right. Yes,
15 I certainly wouldn't endorse harassment and it doesn't
16 sound like you intend to do any more photographing.
17 But you've done what you need to do?
18 MR. BHABHRAWALA: We have plenty of evidence
19 on it, Madam Chair.
20 CHAIRPERSON MILLER: Okay.
21 MR. BHABHRAWALA: Thank you.
22 CHAIRPERSON MILLER: Okay. So hopefully,

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1 that's not an issue anymore. Okay. So I want to read
2 you just basic instructions to make sure that you
3 understand what you're going forward with the protest.
4 You should have received a mailing from adjudication
5 assistant, Sarah Fashbaugh, a letter explaining the
6 protest process and a copy of a protest information
7 form.
8 If you don't have these documents, please see
9 her at the conclusion of the hearing. You need to get
10 those documents. It's important that you review the
11 rules closely and adhere to them before and during the
12 protest hearing. You're required to complete and
13 submit the protest information form -- it's a PIF --
14 seven days before the date of the hearing.
15 This document needs to be submitted to ABRA
16 and to the opposing parties in this matter. If we do
17 not receive of copy of your PIF, your application or
18 your protest, whichever side you're representing will
19 be subject to dismissal. And pay attention to the
20 deadline because cases have been dismissed if they
21 haven't been submitted in a timely manner. So pay
22 attention to that seven days. And on that, you'll also

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1 be identifying witnesses and attaching exhibits.
2 Okay. So if you have any other questions,
3 you should call Ms. Fashbaugh at 202-397-3971.
4 MR. DIETZ: I have one quick --
5 CHAIRPERSON MILLER: Quick question for us?
6 Okay.
7 MR. DIETZ: How much time will be allotted to
8 each side to present their case?
9 CHAIRPERSON MILLER: An hour and a half.
10 MR. DIETZ: Thank you.
11 CHAIRPERSON MILLER: And that includes doing
12 cross on a witness but not your witness being crossed.
13 MR. DIETZ: Thank you.
14 CHAIRPERSON MILLER: Okay. And five minutes
15 we're opening and closing.
16 MR. DIETZ: Thank you.
17 CHAIRPERSON MILLER: Okay. It's usually way
18 more than enough time. Okay. Anything else?
19 MR. BHABHRAWALA: No, Madam.
20 CHAIRPERSON MILLER: Okay. Thank you.
21 MR. BHABHRAWALA: Thank you.
22 (WHEREUPON, at 9:51 a.m, the hearing was

1 concluded.)

CERTIFICATE OF NOTARY PUBLIC

I, NATALIA THOMAS, the officer before whom the foregoing hearing was taken, do hereby certify that the testimony appearing in the foregoing transcript was recorded by me and thereafter reduced to typewriting under my direction; that said transcription is a true record of the testimony given by said parties; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this was taken; and, further, that I am not a relative or employee of any counsel or attorney employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.

_____
NATALIA THOMAS
Notary Public in and for
DISTRICT OF COLUMBIA

CERTIFICATE OF TRANSCRIPTION

I, MIRANDA PENNACHI, hereby certify that I am not the Court Reporter who reported the following proceeding and that I have typed the transcript of this proceeding using the Court Reporter's notes and recordings. The foregoing/attached transcript is a true, correct and complete transcription of said proceeding.

_____ _____
Date MIRANDA PENNACHI
Transcriptionist

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