PETITION FOR APPEAL

Petitioner, Kuri Brothers, Inc. ("Petitioner") by and through Stanley H. Goldschmidt, its undersigned counsel, hereby files this petition for appeal, contesting the final determination of the District of Columbia Department of Consumer and Regulatory Affairs (the "DCRA") on August 19, 2002 revoking Petitioner's Certificate of Occupancy pursuant to a Notice of Intent to Revoke Certificate of Occupancy (the "Notice of Revocation") dated June 28, 2002 (No. B001816757). Petitioner respectfully requests an hearing on the instant appeal.

On appeal, Petitioner contends, and will prove, inter alia, that: (i) the DCRA erred by refusing to grant Petitioner a hearing on the above-referenced Notice of Revocation, notwithstanding Petitioner's written request for such a hearing; (ii) the DCRA had no authority under D.C. Code §2-1802.1, §2-1802.2 or §2-509 to deem the allegations in the Notice of Revocation as admitted, once Petitioner had advised the DCRA, in writing, that it intended to contest the allegations contained in the Notice of Revocation and provided good cause as to why it was unable to respond to the Notice of Revocation within 15 days of its service; (iii) the Notice of Revocation was not served in accordance with the laws and administrative regulations of the District of Columbia; (iv) Petitioner has a valid and lawfully issued Certificate of Occupancy for an "Automobile Service Center", which permits Petitioner to perform certain automobile service and repair activities at its premises; (v) assuming arguendo that Petitioner's Certificate of Occupancy is invalid, such invalidity is due entirely to the intentional, reckless and/or negligent wrongdoing of the District of Columbia Building and Land Regulation Administration Zoning Division ("BLRAZD"), which issued this Certificate of Occupancy to Petitioner, knowing that Petitioner intended to perform certain automobile service and repair activities at its premises. **See**, for example, D.C. v. Cahill, 54 F.2d 453 (1931); (vi) Petitioner reasonably relied to its detriment upon the fact that it had been issued a Certificate of Occupancy for an Automobile Service Center, and that it was therefore permitted to perform certain automobile service and repair activities at its premises **See**, for example, D.C. v. Cahill, 54 F.2d 453 (1931). (vii) automobile service and repair activities similar to those performed by Petitioner have been performed openly and uninterruptedly on Petitioner's premises by Petitioner, and prior owners of the premises, for over thirty-five (35) years, and, as such, the equitable doctrines

BZA
Case No. 16947
Exhibit No. 2

Board of Zoning Adjustment
District of Columbia
CASE NO.16947
EXHIBIT NO.2

of laches and estoppel bar the DCRA from now seeking to revoke Petitioner's Certificate of Occupancy. **See**, for example, Wieck v. D.C. Board of Zoning Adjustment, 383 A.2d 7 (1978).

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was mailed this 11th day of September, 2001 to:

Matthew J. Green, Jr., Esq.
Department of Consumer and Regulatory Affairs
Office of Compliance - Enforcement Division
941 North Capitol Street, NE
Room 9400
Washington, DC 20002



Tamir Damari

CERTIFICATE OF AUTHORITY TO ACT AS COUNSEL

I hereby authorize the Law Offices of Stanley H. Goldschmidt, P.C. to act as my counsel with respect to all matters relating to this appeal.

Christopher Kuri
President, Kuri Brothers, Inc.