GOVERNMENT OF THE DISTRICT OF COLUMBIA
Department of Consumer and Regulatory Affairs

Office of Adjudication

August 9, 2002

Tamir Damari
Stanley H. Goldschmidt, P.C.
1025 Connecticut Avenue, NS
Suite 220
Washington, DC 20036-5405

Dear Ms Damari:

I am in receipt of your letter of July 22, 2002 requesting a hearing in the matter of Kuri Brothers, Inc.: Notice of Intent To Revoke Certificate of Occupancy No. B001816757, dated June 27, 2002, and personally served June 28, 2002.

With regard to requesting a hearing on the above-cited matter, as you may be aware, the Respondent was given 15 days from the date of service to respond to the Notice of Intent to Revoke. No such response having been provided, the Respondent is "deemed to have admitted the validity of the charges," as indicated in the official notice to the Respondent by the Department of Consumer and Regulatory Affairs. Accordingly, the Office of Adjudication does not have the authority to grant a hearing without the approval of the initiating agency, DCRA. Further, the appropriate procedure would have been for Respondent (through counsel) to submit a timely motion to this administrative tribunal. *Arguendo,* even if the letter submitted were to be treated as a motion, necessarily it would be denied for lack of a *certification* of mailing to the petitioner providing the petitioner with the constitutional right of due process to receive and the opportunity to respond to your request.

As to Notice of Infraction No. 047013, consideration will not be given to continuing the hearing on this matter unless you are successful in obtaining a consent agreement from counsel for petitioner to entertain a hearing on the Notice of Intent to Revoke.

Accordingly, you may wish to contact Matthew J. Green, Esq., counsel for petitioner, to discuss any further action on the Notice of Intent to Revoke.

Respectfully,

E. Savannah Little
Chief Administrative Law Judge

BZA
Case No. 16947
Exhibit No. 25
Board of Zoning Adjustment
District of Columbia
CASE NO.16947
EXHIBIT NO.25