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GOVERNMENT OF THE DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

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IN THE MATTER OF: :
Half Smoke, LLC. t/a :
Half Smoke :
651 Florida Avenue N.W. : Case #15-PRO-00122
License #ABRA-100855 : New Application
Retailer Class CR :

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Monday, January 4, 2016

Whereupon, the above-referenced matter
came on for a roll call hearing at the Alcoholic
Beverage Control Board, Reeves Center, 2000 14th
Street, N.W., Suite 400S, Washington, D.C. 20009.

1 CHAIRPERSON:

2 LaVERNE FLETCHER, Presiding

3

4 ALSO PRESENT:

5 ANDRE McCAIN, Applicant

6 BRIAN FOOTER, ANC 1B

7 DANDAC FITCH, Esq.

8 On behalf of the applicant

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

2 CHAIRPERSON FLETCHER: Would the parties
3 in the matter of Half Smoke please come forward?
4 This is Case No. 15-PRO-00122. Half Smoke, LLC.,
5 trading as Half Smoke, 651 Florida Avenue
6 Northwest, License No. ABRA-100855. This is a
7 retailer class here on new application.

8 The protest issues are adverse impact on
9 peaceful order and quiet. My name is LaVerne
10 Fletcher. I'm conducting the roll call hearing
11 as the Board's Agent pursuant to D.C. Official
12 Code 1601.2.

13 Introductions beginning with the
14 applicant.

15 MR. McCAIN: Hi, how are you?

16 CHAIRPERSON FLETCHER: Hi. And your
17 name?

18 MR. McCAIN: Andre McCain.

19 CHAIRPERSON FLETCHER: Andre McCain. Mr.
20 McCain, would you spell your name for the record,
21 please?

22 MR. McCAIN: A-N-D-R-E.

1 CHAIRPERSON FLETCHER: Uh-huh.

2 MR. McCAIN: M-C-C-A-I-N.

3 CHAIRPERSON FLETCHER: I'm sorry. What's
4 the last name again?

5 MR. McCAIN: M-C-C-A-I-N.

6 CHAIRPERSON FLETCHER: Oh, okay. Thank
7 you. And on behalf of ANC 1B?

8 MR. FOOTER: Good morning. My name is
9 Brian Footer. It's spelled with an I and my last
10 name is spelled F-O-O-T-E-R.

11 CHAIRPERSON FLETCHER: Thank you, Mr.
12 Footer. Mr. McCain, did you put your contact
13 information on this sheet already?

14 MR. McCAIN: Yes, I did.

15 CHAIRPERSON FLETCHER: Okay. Thank you.
16 ANC 1B has standing as a protestant. We need to
17 set a date for a mediation, a status hearing, and
18 a protest hearing. I'll give you the date for
19 the status and protest hearing first.

20 The status hearing is set for February
21 the 3rd; February 3rd at 9:30 a.m. And the
22 protest hearing is set for March the 2nd at 1:30.

1 We need to set a date for mediation. I'll give
2 you the next available date.

3 MR. FOOTER: If I may? We have been
4 meeting already to discuss settlement agreement.
5 I'm confident that we'll be able to get something
6 together, and so we would ask to set the
7 mediation date as far back as possible. So
8 anything before or, you know, maybe September --
9 or February 2nd.

10 CHAIRPERSON FLETCHER: Right. Okay.
11 Then let's see. So the status hearing is
12 February 3rd. So what about -- you want to set
13 the mediation just for the record for Monday --

14 MR. FOOTER: February.

15 CHAIRPERSON FLETCHER: -- February 1?

16 MR. FOOTER: Sure. That would be great.

17 CHAIRPERSON FLETCHER: At 1:00 in the
18 afternoon?

19 MR. FOOTER: Sure.

20 CHAIRPERSON FLETCHER: So then the
21 mediation is set for Monday, February 1 at 1:00.
22 And I've made a note, Mr. Footer, that the

1 mediation most likely will not occur, but if
2 necessary it's on the books. If not -- and who
3 has just joined the applicant?

4 MR. FITCH: Dandac Fitch, attorney for
5 the applicant.

6 CHAIRPERSON FLETCHER: And, Ms. Fitch,
7 would you spell your name for the record, please?

8 MR. FITCH: D-A-N-D-A-C, F as in Frank,
9 I-T-C-H.

10 CHAIRPERSON FLETCHER: Okay. And, Ms.
11 Fitch, just before you arrived we set a date for
12 a -- ANC 1B does have standing as a protestant.

13 MR. FITCH: Yes.

14 CHAIRPERSON FLETCHER: The status hearing
15 is February the 3rd at 9:30.

16 MR. FITCH: Yes.

17 CHAIRPERSON FLETCHER: The protest
18 hearing is March the 2nd at 1:30. And we set a
19 date for mediation for February the 1st.

20 MR. FITCH: Okay.

21 CHAIRPERSON FLETCHER: At 1:00 in the
22 afternoon if mediation is necessary. And we have

1 that on the books.

2 MR. FOOTER: May I ask a quick question?

3 CHAIRPERSON FLETCHER: Yes.

4 MR. FOOTER: Just looking at the calendar
5 of when the ANC is going to vote and just meet.

6 CHAIRPERSON FLETCHER: Uh-huh.

7 MR. FOOTER: The first opportunity that
8 we will have to actually vote on any kind of
9 settlement agreement would be that first week in
10 February when we actually get together.

11 CHAIRPERSON FLETCHER: Okay.

12 MR. FOOTER: So is there any way that we
13 could push the status hearing back by a week?

14 CHAIRPERSON FLETCHER: So to make it
15 February 9. I mean, February 10?

16 MR. FOOTER: Is that after the -- let me
17 just take a look because if we --

18 CHAIRPERSON FLETCHER: Yeah. February
19 3rd is the first Wednesday in February. Wait a
20 minute. Let's see here. I was given the date of
21 -- yeah. February 3rd is the first Wednesday,
22 and then February 10 is the second Wednesday.

1 MR. FOOTER: Yeah, February 10. If we
2 could do the status hearing that day because we
3 may not -- if we get to a settlement agreement,
4 we may not even have to appear right?

5 CHAIRPERSON FLETCHER: Right. That's
6 right.

7 MR. FOOTER: So it would be great if the
8 ANC could vote on it and then we would let you
9 guys know.

10 CHAIRPERSON FLETCHER: Mr. Footer, can
11 you do me a favor and just, if you would make
12 that request by e-mail to Martha Jenkins? You
13 know, Martha? Yeah?

14 MR. FOOTER: Uh-huh.

15 CHAIRPERSON FLETCHER: If you could make
16 that -- would you be in agreement with that, Mr.
17 McCain?

18 MR. McCAIN: Yes.

19 CHAIRPERSON FLETCHER: So if you could
20 make that request, Mr. Footer, to set it back to
21 give the ANC an opportunity to vote, Ms. Jenkins
22 can set that date back. And I'll just let her

1 know that's coming.

2 MR. FOOTER: That would be great. Thank
3 you.

4 CHAIRPERSON FLETCHER: And so, Mr.
5 Footer, you'll just copy Mr. McCain on the e-
6 mail?

7 MR. FOOTER: Absolutely.

8 CHAIRPERSON FLETCHER: Okay. So then I'm
9 sure that's not going to be a problem. So then
10 any questions at all?

11 The roll call hearing is concluded.

12 MR. FOOTER: Thank you.

13 CHAIRPERSON FLETCHER: Thank you for
14 coming.

15 [Whereupon, the above-entitled matter
16 concluded at 10:10 a.m.]

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