

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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Case #12-PRO-00088 :

Seaton Motor Company, LLC :

t/a Red Hen :

1822 First Street, N.W. :

License #ABRA-090832 :

Retailer Class CR :

New Application :

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MONDAY, JANUARY 7, 2013

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The Alcoholic Beverage Control Board met in Alcoholic Beverage Control Hearing Room, Reeves Building, 2000 14th Street, N.W., Suite 400S, 4th Floor, Washington, D.C. 20009, Ms. La Verne Fletcher, Agent, presiding.

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

2 10:03 a.m.

3 AGENT FLETCHER: Would the parties
4 in the matter of Red Hen please come forward?
5 This is Case Number 12-PRO-00088, Seaton Motor
6 Company, LLC trading as Red Hen, 1822 First
7 Street, N.W., License Number ABRA-090832.
8 This is a Retailer CR, new application.

9 The protest issues are adverse
10 impact on peace, order and quiet and parking.

11 My name is La Verne Fletcher.
12 I'll be conducting the roll call hearing as
13 the Board's Agent pursuant to D.C. Official
14 Code 1601.2.

15 Introductions beginning with the
16 Applicant please.

17 MR. FONSECA: Michael Fonseca on
18 behalf of the Applicant. With me is one of
19 the principals, Sebastian Zutant.

20 MR. ZUTANT: Yes. Do you need me
21 to spell that?

22 AGENT FLETCHER: Yes. Thank you.

1 MR. ZUTANT: It's S-E-B-A-S-T-I-A-
2 N and the last name is Z-U-T-A-N-T.

3 AGENT FLETCHER: Z-U-T-A-N-T?

4 MR. ZUTANT: Z as in zebra. U as
5 in uncle. T as in Thomas. Sorry. Z as in
6 zebra.

7 AGENT FLETCHER: Okay. Wait. I
8 got something wrong. One second. You started
9 out with B as in boy. Right?

10 MR. ZUTANT: Z as in zebra.

11 AGENT FLETCHER: Oh, I -- okay.
12 Excuse me again.

13 MR. ZUTANT: That's all right.
14 This is my life. Z as in zebra.

15 AGENT FLETCHER: Um-hum.

16 MR. ZUTANT: U as in uncle. T as
17 in Thomas. A as in apple. N as in Nancy. T
18 as in Thomas.

19 AGENT FLETCHER: Oh, I had that
20 completely wrong. Thank you.

21 MR. ZUTANT: Since I was in grade
22 school.

1 AGENT FLETCHER: And, Mr. Fonseca,
2 would you spell your name for the court
3 reporter please?

4 MR. FONSECA: Yes. F-O-N-S-E-C-A
5 Michael and as I receive on the other side of
6 the phone every day, Michael from where. So,
7 Fonseca is always mangled, too.

8 AGENT FLETCHER: Yes, it is.
9 And present on behalf of the
10 Protestants?

11 MS. HOLLIDAY: Yes, I'm Bertha
12 Holliday. B as in boy E-R-T-H-A. Holliday is
13 H-O-L-L-I-D as in Davis A-Y.

14 AGENT FLETCHER: And, Ms.
15 Holliday, are there any other members from
16 your protestant group present today?

17 MS. HOLLIDAY: No.

18 AGENT FLETCHER: Do you have
19 letters from any individuals in your group
20 designating you as their representative?

21 MS. HOLLIDAY: No, I don't. I
22 didn't know I needed them, but I did sign the

1 letter of protest on behalf of them.

2 AGENT FLETCHER: Yes, you did.

3 What we're going to need to do today because
4 at least five members from your group are not
5 present and because not at least five of them
6 designated you as their representative --

7 MS. HOLLIDAY: Um-hum.

8 AGENT FLETCHER: -- I'm going to
9 need to dismiss the protest today.

10 What you can do, Ms. Holliday, is
11 to seek reinstatement of the protest --

12 MS. HOLLIDAY: Okay.

13 AGENT FLETCHER: -- within ten
14 days upon receipt of the order dismissing the
15 protest and the protest will be dismissed
16 because at least five people are not present
17 and at least five people did not designate you
18 as their representative, but you'll have an
19 opportunity to explain to the Board the reason
20 for that.

21 MS. HOLLIDAY: Okay. So, what you
22 need is a letter from five people I guess or

1 signed by five people.

2 AGENT FLETCHER: Well, we just
3 need a letter explaining why five people
4 weren't present. We need -- when you get the
5 order, the order will state the reason that
6 the protest was dismissed.

7 MS. HOLLIDAY: Um-hum.

8 AGENT FLETCHER: And you'll be
9 explaining the reason --

10 MS. HOLLIDAY: Why five people
11 weren't present.

12 AGENT FLETCHER: Weren't present.

13 MS. HOLLIDAY: Okay.

14 MR. FONSECA: We'll say for the
15 record that negotiations are ongoing and the
16 parties are close to a voluntary agreement and
17 we will not because of the dismissal today
18 stop efforts to achieve a mutual agreement.

19 AGENT FLETCHER: Okay. Thank you,
20 Mr. Fonseca. I made a note of that.

21 Ms. Holliday, did you put your
22 contact information on that sign-in sheet?

1 MS. HOLLIDAY: Yes, I did.

2 AGENT FLETCHER: Okay. Thank you
3 very much.

4 Okay. And so, Ms. Holliday,
5 you'll get an order within a few days and Mr.
6 Fonseca will receive a copy of it and then if
7 you haven't reached a voluntary agreement by
8 then and you wish to have the protest
9 considered for reinstatement, then you can
10 just send a letter to the Board.

11 MS. HOLLIDAY: Within ten days.

12 AGENT FLETCHER: And I think you
13 know already that even if the protest is not
14 reinstated, the Board will review any
15 agreement and they will enforce it if they
16 approve it even without having the protest
17 reinstated.

18 MS. HOLLIDAY: And you need the
19 letter within ten days of today?

20 AGENT FLETCHER: Within ten days
21 of the date you receive the order. The order
22 will say that you have ten days from the date

1 of the order to seek reinstatement. So,
2 there's nothing you need to do at this stage.

3 So, we won't need to set any
4 hearing dates. We'll wait and see what
5 happens.

6 Anything else?

7 Okay. Well, the roll call hearing
8 is concluded. Thank you for coming.

9 And, Ms. Holliday, I know the next
10 case is yours as well.

11 MS. HOLLIDAY: I'll just stay.

12 AGENT FLETCHER: So, you just stay
13 right there.

14 MS. HOLLIDAY: I know the routine.

15 AGENT FLETCHER: Thank you.

16 (Whereupon, at 10:18 a.m., the
17 hearing was adjourned.)

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<p style="text-align: center;">A</p> <p>ABRA-090832 1:12 2:7</p> <p>achieve 6:18</p> <p>adjourned 8:17</p> <p>adverse 2:9</p> <p>Agent 1:22 2:3,13 2:22 3:3,7,11,15 3:19 4:1,8,14,18 5:2,8,13 6:2,8,12 6:19 7:2,12,20 8:12,15</p> <p>agreement 6:16,18 7:7,15</p> <p>Alcoholic 1:3,18,18</p> <p>apple 3:17</p> <p>Applicant 2:16,18</p> <p>application 1:13 2:8</p> <p>approve 7:16</p> <p>A-Y 4:13</p> <p>a.m 2:2 8:16</p> <hr/> <p style="text-align: center;">B</p> <p>B 3:9 4:12</p> <p>beginning 2:15</p> <p>behalf 2:18 4:9 5:1</p> <p>Bertha 4:11</p> <p>Beverage 1:3,18,18</p> <p>Board 1:3,18 5:19 7:10,14</p> <p>Board's 2:13</p> <p>boy 3:9 4:12</p> <p>Building 1:19</p> <hr/> <p style="text-align: center;">C</p> <p>call 1:5 2:12 8:7</p> <p>case 1:10 2:5 8:10</p> <p>Class 1:13</p> <p>close 6:16</p> <p>Code 2:14</p> <p>COLUMBIA 1:1</p> <p>come 2:4</p> <p>coming 8:8</p> <p>Company 1:10 2:6</p> <p>completely 3:20</p> <p>concluded 8:8</p>	<p>conducting 2:12</p> <p>considered 7:9</p> <p>contact 6:22</p> <p>Control 1:3,18,18</p> <p>copy 7:6</p> <p>court 4:2</p> <p>CR 1:13 2:8</p> <hr/> <p style="text-align: center;">D</p> <p>date 7:21,22</p> <p>dates 8:4</p> <p>Davis 4:13</p> <p>day 4:6</p> <p>days 5:14 7:5,11,19 7:20,22</p> <p>designate 5:17</p> <p>designated 5:6</p> <p>designating 4:20</p> <p>dismiss 5:9</p> <p>dismissal 6:17</p> <p>dismissed 5:15 6:6</p> <p>dismissing 5:14</p> <p>DISTRICT 1:1</p> <p>D.C 1:21 2:13</p> <hr/> <p style="text-align: center;">E</p> <p>efforts 6:18</p> <p>enforce 7:15</p> <p>Excuse 3:12</p> <p>explain 5:19</p> <p>explaining 6:3,9</p> <p>E-R-T-H-A 4:12</p> <hr/> <p style="text-align: center;">F</p> <p>First 1:12 2:6</p> <p>five 5:4,5,16,17,22 6:1,3,10</p> <p>Fletcher 1:21 2:3 2:11,22 3:3,7,11 3:15,19 4:1,8,14 4:18 5:2,8,13 6:2 6:8,12,19 7:2,12 7:20 8:12,15</p> <p>Floor 1:19</p> <p>Fonseca 2:17,17 4:1,4,7 6:14,20 7:6</p> <p>forward 2:4</p>	<p>F-O-N-S-E-C-A 4:4</p> <hr/> <p style="text-align: center;">G</p> <p>going 5:3,8</p> <p>grade 3:21</p> <p>group 4:16,19 5:4</p> <p>guess 5:22</p> <hr/> <p style="text-align: center;">H</p> <p>happens 8:5</p> <p>hearing 1:5,19 2:12 8:4,7,17</p> <p>Hen 1:11 2:4,6</p> <p>Holliday 4:11,12 4:12,15,17,21 5:7 5:10,12,21 6:7,10 6:13,21 7:1,4,11 7:18 8:9,11,14</p> <p>H-O-L-L-I-D 4:13</p> <hr/> <p style="text-align: center;">I</p> <p>impact 2:10</p> <p>individuals 4:19</p> <p>information 6:22</p> <p>Introductions 2:15</p> <p>issues 2:9</p> <hr/> <p style="text-align: center;">J</p> <p>JANUARY 1:15</p> <hr/> <p style="text-align: center;">K</p> <p>know 4:22 7:13 8:9 8:14</p> <hr/> <p style="text-align: center;">L</p> <p>La 1:21 2:11</p> <p>letter 5:1,22 6:3 7:10,19</p> <p>letters 4:19</p> <p>License 1:12 2:7</p> <p>life 3:14</p> <p>LLC 1:10 2:6</p> <hr/> <p style="text-align: center;">M</p> <p>mangled 4:7</p> <p>matter 1:9 2:4</p> <p>members 4:15 5:4</p>	<p>met 1:18</p> <p>Michael 2:17 4:5,6</p> <p>MONDAY 1:15</p> <p>Motor 1:10 2:5</p> <p>mutual 6:18</p> <hr/> <p style="text-align: center;">N</p> <p>N 3:2,17</p> <p>name 2:11 3:2 4:2</p> <p>Nancy 3:17</p> <p>need 2:20 5:3,9,22 6:3,4 7:18 8:2,3</p> <p>needed 4:22</p> <p>negotiations 6:15</p> <p>new 1:13 2:8</p> <p>note 6:20</p> <p>Number 2:5,7</p> <p>N.W 1:12,19 2:7</p> <hr/> <p style="text-align: center;">O</p> <p>Official 2:13</p> <p>Oh 3:11,19</p> <p>okay 3:7,11 5:12,21 6:13,19 7:2,4 8:7</p> <p>ongoing 6:15</p> <p>opportunity 5:19</p> <p>order 2:10 5:14 6:5 6:5 7:5,21,21 8:1</p> <hr/> <p style="text-align: center;">P</p> <p>parking 2:10</p> <p>parties 2:3 6:16</p> <p>peace 2:10</p> <p>people 5:16,17,22 6:1,3,10</p> <p>phone 4:6</p> <p>please 2:4,16 4:3</p> <p>present 4:9,16 5:5 5:16 6:4,11,12</p> <p>presiding 1:22</p> <p>principals 2:19</p> <p>protest 2:9 5:1,9,11 5:15,15 6:6 7:8,13 7:16</p> <p>protestant 4:16</p> <p>Protestants 4:10</p> <p>pursuant 2:13</p> <p>put 6:21</p>	<p>P-R-O-C-E-E-D... 2:1</p> <hr/> <p style="text-align: center;">Q</p> <p>quiet 2:10</p> <hr/> <p style="text-align: center;">R</p> <p>reached 7:7</p> <p>reason 5:19 6:5,9</p> <p>receipt 5:14</p> <p>receive 4:5 7:6,21</p> <p>record 6:15</p> <p>Red 1:11 2:4,6</p> <p>Reeves 1:19</p> <p>reinstated 7:14,17</p> <p>reinstatement 5:11 7:9 8:1</p> <p>reporter 4:3</p> <p>representative 4:20 5:6,18</p> <p>Retailer 1:13 2:8</p> <p>review 7:14</p> <p>right 3:9,13 8:13</p> <p>roll 1:5 2:12 8:7</p> <p>Room 1:19</p> <p>routine 8:14</p> <hr/> <p style="text-align: center;">S</p> <p>school 3:22</p> <p>Seaton 1:10 2:5</p> <p>Sebastian 2:19</p> <p>second 3:8</p> <p>see 8:4</p> <p>seek 5:11 8:1</p> <p>send 7:10</p> <p>set 8:3</p> <p>sheet 6:22</p> <p>side 4:5</p> <p>sign 4:22</p> <p>signed 6:1</p> <p>sign-in 6:22</p> <p>Sorry 3:5</p> <p>spell 2:21 4:2</p> <p>stage 8:2</p> <p>started 3:8</p> <p>state 6:5</p> <p>stay 8:11,12</p> <p>stop 6:18</p>
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