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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: :
Gobind, LLC, t/a Toscana Cafe : Protest Hearing
601 2nd Street NE : Case # 15-PRO-00109
License # 97558 :
Retailer Class DR :
ANC-6C :

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Wednesday, January 13, 2016

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

1 CHAIRPERSON:

2 DONOVAN ANDERSON, Presiding

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4 BOARD MEMBERS:

5 RUTHANNE MILLER

6 NICK ALBERTI

7 MICHAEL SILVERSTEIN

8 JAMES SHORT

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

2 CHAIRMAN ANDERSON: It's 10:25 and we're moving
3 to our 10:00. So I think that's -- we're doing well. All
4 right. All right.

5 Prior to moving to our show cause hearing
6 calendar, I want to move back to our protest hearing
7 calendar. This case was called early in the morning, and
8 it's case number 15-PRO-00109, Toscana Cafe. Is the ANC or
9 the applicant here today?

10 (No response heard.)

11 CHAIRMAN ANDERSON: It is now 10:26. This matter
12 was scheduled for a 9:30 hearing. Since neither party are
13 here, the -- both the protestant and the application has
14 been dismissed.

15 MS. MILLER: Do we need to vote on it,
16 Mr. Chairman? I believe -- could I --

17 CHAIRMAN ANDERSON: All right. I make a motion
18 that because the protestant and the applicant are not here,
19 that this matter be dismissed. Is there a second?

20 MR. SHORT: Second.

21 CHAIRMAN ANDERSON: Is there any discussion?

22 MS. MILLER: I'd like to speak to it. The rule

1 is 1603.3, which states, "Failure to appear in person or
2 through a designated representative may result in denial of
3 the license application, or dismissal of a protest, unless,
4 in the discretion of the board, good cause is shown for the
5 failure to appear. A request for reinstatement with the
6 board must be filed within 10 days of the dismissal or
7 denial date." So I would support the motion on grounds of
8 this rule. However, I think it's a little bit peculiar that
9 neither of the parties are here, and that we -- they will
10 have a chance to demonstrate good cause if there was some
11 lack of notice or something, some confusion or traffic or
12 whatever, and that the rule allows them to file a motion for
13 reconsideration or reinstatement.

14 CHAIRMAN ANDERSON: I agree with you. But as I
15 said before, the hearing was scheduled for 9:30. It's now
16 10:27. I think an hour is a reasonable period of time for
17 the parties to know that these proceedings start at 9:30 and
18 that it's my -- in my tenure, we will start at 9:30, and I
19 expect everyone to be here at 9:30 to start.

20 Are there any further discussion on this motion?

21 (No response heard.)

22 CHAIRMAN ANDERSON: Hearing none, those in favor

1 say aye.

2 GROUP: Aye.

3 CHAIRMAN ANDERSON: Those opposed?

4 (No response heard.)

5 CHAIRMAN ANDERSON: And the matter passes five,

6 zero, zero. So the protest hearing in case number

7 15-PRO-00109, both the protest and the application for

8 change in license, it has been dismissed. Thanks.

9 (Whereupon, the above-entitled matter concluded.)

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