

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE REGULATION
ADMINISTRATION BOARD
+ + + + +
PUBLIC HEARING

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IN THE MATTER OF:	:
	:
1900 M Street Restaurant	:
Associates, LLC t/a	:
Rumors Restaurant	:
1900 M Street, N.W.	:
	: Show Cause
License No. 71717	: Hearing
Retailer CN	:
Case No. 12-CMP-00155,	:
12-CMP-00155(a), 12-CMP-	:
00155(b)	:
	:

Wednesday,
January 16, 2013

ABRA Hearing Room

Suite 400 South
Reeves Municipal Center
2000 - 14th Street, N.W.
Washington, DC 20009

The above-entitled matter convened
at 9:39 a.m. before the District of Columbia

Alcoholic Beverage Regulation Administration
Board.

BEFORE:

RUTHANNE MILLER, Chairperson

NICK ALBERTI, Member

DONALD C. BROOKS, Member

HERMAN JONES, Member

MIKE SILVERSTEIN, Member

The transcript constitutes the minutes
from the Public Hearing held on January 16,
2013.

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

2 9:33 a.m.

3 CHAIRPERSON MILLER: Okay. Good
4 morning ladies and gentlemen. I'd like to
5 welcome you to the regularly scheduled meeting
6 of the District of Columbia Alcoholic Beverage
7 Control Board. Today is January 16, 2013. My
8 name is Ruthanne Miller. I'm the chairperson.

9 Joining me today to my right is Mr.
10 Donald Brooks. Mr. Nick Alberti will be
11 joining us shortly, and to my left is Mr. Mike
12 Silverstein. The Board presently has three
13 members in attendance for the conduct of
14 business, with three constituting a quorum.

15 Copies of today's hearing calendar
16 and agenda are available at the receptionist's
17 desk. Please be aware that these proceedings
18 are being recorded by a court reporter.

19 Accordingly, I must ask you to refrain from
20 any disruptive noises or actions in the
21 hearing room.

22 If you have any electronic devices,

1 pagers, cell phones or such, please make
2 certain they're turned off to avoid any
3 interruption of the proceedings. Please note
4 that when you come to the tables in the front,
5 you'll find a piece of paper on that table.
6 Please sign it, as that is used to ensure the
7 correct spelling of your name for the record.

8 The Open Meetings Act requires that
9 the public hearing on each case be open to the
10 public. The Board may, consistent with
11 Section 405(b) of the Open Meetings Act, enter
12 a closed meeting during or after the public
13 hearing on a case, to consult with an
14 attorney, to obtain legal advice, to discuss
15 settlement agreements, or deliberate upon a
16 decision in an adjudication proceeding.

17 Mr. Alberti has now joined us, and
18 we have four members present to conduct
19 business.

20 Before we get to calling cases for
21 this morning's calendar, I want to note a
22 cancellation of a hearing in this afternoon's

1 calendar. That's the fact-finding hearing of
2 It's Called Inception. The Board received a
3 copy of an order related to that case, which
4 alleviated the Board's need for fact-finding.

5 Therefore, that hearing is
6 cancelled. That's It's Called Inception,
7 located at 645 Florida Avenue, N.W., license
8 number 87890, and licensing should proceed
9 with the processing of that application.

10 Turning to this morning's calendar,
11 first case on the calendar is Case No. 12-CMP-
12 00155, No. 12-CMP-00155(a), and No. 12-CMP-
13 00155(b). It's Rumors Restaurant, located at
14 1900 M Street, N.W., License No. 71717 in ANC
15 2B.

16 I see that the parties have already
17 come forward to the table. Would you
18 introduce yourselves for the record, please?

19 MR. ADAMS: Good morning. Walter
20 Adams representing the District of Columbia.

21 MR. KLINE: Good morning. Andrew
22 Kline on behalf of the licensee. Madam

1 Chairperson, I also have a letter dated
2 January 8th from Russell Coddington, who is
3 the president of the licensee corporation,
4 authorizing me to appear on behalf of the
5 licensee.

6 It's been emailed to your able staff
7 and I have a copy to hand up.

8 CHAIRPERSON MILLER: We actually
9 have a copy of the letter, or at least I do,
10 dated January 8th, 2013; correct?

11 MR. KLINE: Correct.

12 CHAIRPERSON MILLER: Okay. So
13 that's fine. That's in the record. So can
14 you state whether your client received notice
15 of this hearing?

16 MR. KLINE: Yes. Received notice,
17 read the notice, understood it, and waives any
18 required formal reading.

19 CHAIRPERSON MILLER: Okay. Mr.
20 Adams, are there any preliminary matters in
21 this case?

22 MR. ADAMS: Madam Chairman and

1 members of the Board, there are no preliminary
2 matters.

3 CHAIRPERSON MILLER: No preliminary
4 matters. Okay, then this case is set for a
5 Show Cause Hearing on March 20th, 2013 at
6 10:00 a.m.

7 MR. KLINE: Madam Chairperson, the
8 only other issue is I note that the Notice of
9 Status and Show Cause references three case
10 numbers, 12-CMP-00155, 00155(a), 00155(b).
11 We've only been able to obtain one of the
12 reports from that, which is 00155(a).

13 Inasmuch as they're all referenced,
14 inasmuch as I'm presuming that the Board has
15 reviewed all of the reports, we would request
16 that staff be directed to provide copies of
17 all of the reports that were referenced in the
18 Show Cause.

19 CHAIRPERSON MILLER: Mr. Adams.

20 MR. ADAMS: This is the first that
21 I've heard of this, but I have no objections
22 to him receiving or counsel for Rumors

1 receiving each of the investigative reports.

2 Obviously counsel is willing to provide

3 anything that he has, but if it's more

4 efficient for everyone, he can just --

5 CHAIRPERSON MILLER: If it's more

6 efficient, what?

7 MR. ADAMS: If it's more efficient

8 for everybody involved, if he wants to, if

9 counsel needs to receive it from staff, that's

10 fine.

11 MR. KLINE: I'll take it from Mr.

12 Adams, I'll take it from staff.

13 CHAIRPERSON MILLER: Anyone.

14 MR. KLINE: We don't really care. I

15 mean we just want to make sure that we have

16 everything that the Board is seeing, because

17 if the Board is seeing it, then it could be

18 part of their decision-making, and under the

19 Administrative Procedures Act, I mean we're

20 entitled to look at it.

21 CHAIRPERSON MILLER: Okay. Of

22 course, you should copies of the investigative

1 report. So I'd be happy to direct staff. I
2 would think that would be an oversight that
3 you don't have it, but I would certainly be
4 happy to direct staff, and if there's any
5 issue there with -- let me Ms. Jenkins know,
6 or you can receive it from Mr. Adams. But you
7 should definitely receive it.

8 MR. KLINE: Thank you.

9 CHAIRPERSON MILLER: Okay. Anything
10 else on this one?

11 MR. KLINE: Not from us, thank you.

12 CHAIRPERSON MILLER: Okay.

13 (Off record comment.)

14 (Whereupon, at 9:43 a.m., the
15 hearing was concluded.)

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<p style="text-align: center;">A</p> <p>able 6:6 7:11 above-entitled 1:23 ABRA 1:19 Act 4:8,11 8:19 actions 3:20 Adams 5:19,20 6:20,22 7:19,20 8:7,12 9:6 adjudication 4:16 Administration 1:5 1:24 Administrative 8:19 advice 4:14 afternoon's 4:22 agenda 3:16 agreements 4:15 Alberti 2:6 3:10 4:17 Alcoholic 1:4,24 3:6 alleviated 5:4 ANC 5:14 Andrew 5:21 appear 6:4 application 5:9 Associates 1:12 attendance 3:13 attorney 4:14 authorizing 6:4 available 3:16 Avenue 5:7 avoid 4:2 aware 3:17 a.m 1:23 3:2 7:6 9:14</p> <hr/> <p style="text-align: center;">B</p> <p>behalf 5:22 6:4 Beverage 1:4,24 3:6 Board 1:5,25 3:7 3:12 4:10 5:2 7:1 7:14 8:16,17 Board's 5:4 Brooks 2:7 3:10</p>	<p>business 3:14 4:19</p> <hr/> <p style="text-align: center;">C</p> <p>C 2:7 3:1 calendar 3:15 4:21 5:1,10,11 Called 5:2,6 calling 4:20 cancellation 4:22 cancelled 5:6 care 8:14 case 1:15 4:9,13 5:3 5:11,11 6:21 7:4,9 cases 4:20 Cause 1:13 7:5,9 7:18 cell 4:1 Center 1:21 certain 4:2 certainly 9:3 Chairman 6:22 chairperson 2:5 3:3,8 6:1,8,12,19 7:3,7,19 8:5,13,21 9:9,12 client 6:14 closed 4:12 CN 1:14 Coddington 6:2 Columbia 1:2,23 3:6 5:20 come 4:4 5:17 comment 9:13 concluded 9:15 conduct 3:13 4:18 consistent 4:10 constitutes 2:20 constituting 3:14 consult 4:13 Control 3:7 convened 1:23 copies 3:15 7:16 8:22 copy 5:3 6:7,9 corporation 6:3 correct 4:7 6:10,11 counsel 7:22 8:2,9</p>	<p>course 8:22 court 3:18</p> <hr/> <p style="text-align: center;">D</p> <p>D 3:1 dated 6:1,10 DC 1:22 decision 4:16 decision-making 8:18 definitely 9:7 deliberate 4:15 desk 3:17 devices 3:22 direct 9:1,4 directed 7:16 discuss 4:14 disruptive 3:20 District 1:2,23 3:6 5:20 Donald 2:7 3:10</p> <hr/> <p style="text-align: center;">E</p> <p>E 3:1,1 efficient 8:4,6,7 electronic 3:22 emailed 6:6 ensure 4:6 enter 4:11 entitled 8:20 everybody 8:8</p> <hr/> <p style="text-align: center;">F</p> <p>fact-finding 5:1,4 find 4:5 fine 6:13 8:10 first 5:11 7:20 Florida 5:7 formal 6:18 forward 5:17 four 4:18 front 4:4</p> <hr/> <p style="text-align: center;">G</p> <p>G 3:1 gentlemen 3:4 Good 3:3 5:19,21 GOVERNMENT</p>	<p>1:1</p> <hr/> <p style="text-align: center;">H</p> <p>hand 6:7 happy 9:1,4 heard 7:21 hearing 1:7,14,19 2:21 3:15,21 4:9 4:13,22 5:1,5 6:15 7:5 9:15 held 2:21 HERMAN 2:9</p> <hr/> <p style="text-align: center;">I</p> <p>inasmuch 7:13,14 Inception 5:2,6 interruption 4:3 introduce 5:18 investigative 8:1,22 involved 8:8 issue 7:8 9:5</p> <hr/> <p style="text-align: center;">J</p> <p>January 1:18 2:21 3:7 6:2,10 Jenkins 9:5 joined 4:17 joining 3:9,11 JONES 2:9</p> <hr/> <p style="text-align: center;">K</p> <p>Kline 5:21,22 6:11 6:16 7:7 8:11,14 9:8,11 know 9:5</p> <hr/> <p style="text-align: center;">L</p> <p>ladies 3:4 left 3:11 legal 4:14 letter 6:1,9 license 1:14 5:7,14 licensee 5:22 6:3,5 licensing 5:8 LLC 1:12 located 5:7,13 look 8:20</p>	<p style="text-align: center;">M</p> <p>M 1:11,13 5:14 Madam 5:22 6:22 7:7 March 7:5 matter 1:10,23 matters 6:20 7:2,4 mean 8:15,19 meeting 3:5 4:12 Meetings 4:8,11 Member 2:6,7,9,10 members 3:13 4:18 7:1 Mike 2:10 3:11 Miller 2:5 3:3,8 6:8 6:12,19 7:3,19 8:5 8:13,21 9:9,12 minutes 2:20 morning 3:4 5:19 5:21 morning's 4:21 5:10 Municipal 1:21</p> <hr/> <p style="text-align: center;">N</p> <p>N 3:1 name 3:8 4:7 need 5:4 needs 8:9 Nick 2:6 3:10 noises 3:20 note 4:3,21 7:8 notice 6:14,16,17 7:8 number 5:8 numbers 7:10 N.W 1:13,21 5:7,14</p> <hr/> <p style="text-align: center;">O</p> <p>O 3:1 objections 7:21 obtain 4:14 7:11 Obviously 8:2 Okay 3:3 6:12,19 7:4 8:21 9:9,12 open 4:8,9,11 order 5:3</p>
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