

DISTRICT OF COLUMBIA  
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ALCOHOLIC BEVERAGE CONTROL BOARD  
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MEETING

IN THE MATTER OF:

3124 Corporation  
t/a The Good Guys Restaurant      Protest  
2311 Wisconsin Ave., NW      Hearing  
Retailer CN - ANC-3B      (Status)  
License No. 899  
Case #13-PRO-00157

(Renewal Application)

January 29, 2014

The Alcoholic Beverage Control Board met in the Alcoholic Beverage Control Hearing Room, Reeves Building, 2000 14th Street, N.W., Suite 400S, Washington, D.C. 20009, Chairperson Ruthanne Miller, presiding.

PRESENT:

RUTHANNE MILLER, Chairperson  
NICK ALBERTI, Member  
DONALD BROOKS, Member  
MIKE SILVERSTEIN, Member  
HECTOR RODRIGUEZ, Member  
JAMES SHORT, Member

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

(10:14 a.m.)

CHAIRPERSON MILLER: The next Protest (Status) Hearing case is Case No. 13-PRO-00157, The Good Guys Restaurant located at 2311 Wisconsin Avenue, N.W., License No. 899, in ANC-3B.

MR. KLINE: Good morning, Andrew Kline. I'm here for the licensee.

CHAIRPERSON MILLER: Okay. Good morning. Are you aware of where the ANC may be?

MR. KLINE: Yes. They had communications with the Board's counsel. We are -- we have reached a settlement agreement subject to some really minor tweaking of language and the ANC voting on it at their next ANC meeting, which, I believe, is February 11th.

CHAIRPERSON MILLER: Okay.

MR. KLINE: And I have no objection to the ANC not being here. And they

1 had previously communicated with Ms. Jenkins  
2 and she had indicated given where we were,  
3 there certainly was no need for them to come  
4 out in the cold and I agree.

5 CHAIRPERSON MILLER: Okay. And  
6 actually I do note a reference in my records  
7 from the staff that the ANC would not be able  
8 to be here at today's hearing.

9 Okay. Does any Board Member have  
10 any concern with our just going forward then  
11 and scheduling this case for a Protest  
12 Hearing, given that we all had notice? Okay.  
13 Not hearing any objections, then this case is  
14 scheduled for a Protest Hearing in the event  
15 that a settlement agreement isn't reached for  
16 March 26, 2014 at 1:30 p.m.

17 And I'm just going to briefly  
18 touch upon the instructions for the Protest  
19 Hearing, even though I know that you are quite  
20 aware of them, but for the record, the purpose  
21 of the Protest Hearing is to determine the  
22 appropriateness of the establishment in the

1 section of the District where the  
2 establishment is located.

3 You should have received a Protest  
4 Information Form, sometimes known as a PIF,  
5 and a copy of an exhibit form. If you don't  
6 have these documents, please, see Ms. Anderson  
7 at the conclusion of the hearing.

8 You are required to complete and  
9 submit these forms seven days before the date  
10 of the hearing, the two forms and accompanying  
11 documents need to be submitted to Ms. Anderson  
12 on behalf of the Board and to all the opposing  
13 parties in the matter.

14 If we don't receive a copy of your  
15 PIF, your application or your protest may be  
16 subject to dismissal. Likewise, if we don't  
17 receive a copy of your exhibit form and  
18 exhibits themselves, your exhibits may be  
19 excluded from the record upon a finding that  
20 the opposing party has been prejudiced or no  
21 good cause for the failure to submit has been  
22 shown.

1                   Likewise, witnesses, other than a  
2 party, may also be subject to exclusion if not  
3 identified on the PIF.

4                   Okay. I think that does it.  
5 Thank you very much.

6                   MR. KLINE: Thank you.

7                   CHAIRPERSON MILLER: All right.

8                   (Whereupon, the Protest (Status)  
9 Hearing in the above-entitled matter was  
10 concluded at 10:17 a.m.)

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<p style="text-align: center;"><b>A</b></p> <p>a.m 2:2 5:10  able 3:7  above-entitled 5:9  accompanying 4:10  agree 3:4  agreement 2:15 3:15  ALBERTI 1:17  Alcoholic 1:2,11,12  ANC 2:11,17,18,22 3:7  ANC-3B 1:7 2:7  Anderson 4:6,11  Andrew 2:8  application 1:9 4:15  appropriateness 3:22  Ave 1:6  Avenue 2:6  aware 2:11 3:20</p>	<p>come 3:3  communicated 3:1  communications 2:14  complete 4:8  concern 3:10  concluded 5:10  conclusion 4:7  Control 1:2,11,12  copy 4:5,14,17  Corporation 1:5  counsel 2:14</p> <p style="text-align: center;"><b>D</b></p> <p>D.C 1:13  date 4:9  days 4:9  determine 3:21  dismissal 4:16  District 1:1 4:1  documents 4:6,11  DONALD 1:17</p>	<p style="text-align: center;"><b>H</b></p> <p>hearing 1:6,12 2:4 3:8,12,13,14,19 3:21 4:7,10 5:9  HECTOR 1:18</p> <p style="text-align: center;"><b>I</b></p> <p>identified 5:3  indicated 3:2  Information 4:4  instructions 3:18</p> <p style="text-align: center;"><b>J</b></p> <p>JAMES 1:19  January 1:10  Jenkins 3:1</p> <p style="text-align: center;"><b>K</b></p> <p>Kline 2:8,9,13,21 5:6  know 3:19  known 4:4</p>	<p>note 3:6  notice 3:12  NW 1:6</p> <p style="text-align: center;"><b>O</b></p> <p>objection 2:22  objections 3:13  Okay 2:10,20 3:5,9 3:12 5:4  opposing 4:12,20</p> <p style="text-align: center;"><b>P</b></p> <p>P-R-O-C-E-E-D-... 2:1  p.m 3:16  parties 4:13  party 4:20 5:2  PIF 4:4,15 5:3  please 4:6  prejudiced 4:20  PRESENT 1:15  presiding 1:14  previously 3:1  PRO-00157 2:5  protest 1:6 2:4 3:11 3:14,18,21 4:3,15 5:8  purpose 3:20</p>	<p>Room 1:12  Ruthanne 1:13,16</p> <p style="text-align: center;"><b>S</b></p> <p>scheduled 3:14  scheduling 3:11  section 4:1  see 4:6  settlement 2:15 3:15  seven 4:9  SHORT 1:19  shown 4:22  SILVERSTEIN 1:18  staff 3:7  Status 1:7 2:4 5:8  Street 1:13  subject 2:16 4:16 5:2  submit 4:9,21  submitted 4:11  Suite 1:13</p>
<p style="text-align: center;"><b>B</b></p> <p>behalf 4:12  believe 2:18  Beverage 1:2,11,12  Board 1:2,12 3:9 4:12  Board's 2:14  briefly 3:17  BROOKS 1:17  Building 1:12</p>	<p style="text-align: center;"><b>E</b></p> <p>establishment 3:22 4:2  event 3:14  excluded 4:19  exclusion 5:2  exhibit 4:5,17  exhibits 4:18,18</p> <p style="text-align: center;"><b>F</b></p> <p>failure 4:21  February 2:19  finding 4:19  form 4:4,5,17  forms 4:9,10  forward 3:10</p>	<p style="text-align: center;"><b>L</b></p> <p>language 2:17  License 1:7 2:6  licensee 2:9  Likewise 4:16 5:1  located 2:5 4:2</p> <p style="text-align: center;"><b>M</b></p> <p>March 3:16  matter 1:4 4:13 5:9  meeting 1:3 2:18  Member 1:17,17,18 1:18,19 3:9  met 1:12  MIKE 1:18  Miller 1:13,16 2:3 2:10,20 3:5 5:7  minor 2:16  morning 2:8,11</p>	<p style="text-align: center;"><b>Q</b></p> <p>quite 3:19</p> <p style="text-align: center;"><b>R</b></p> <p>reached 2:15 3:15  really 2:16  receive 4:14,17  received 4:3  record 3:20 4:19  records 3:6  Reeves 1:12  reference 3:6  Renewal 1:9  required 4:8  Restaurant 1:6 2:5  Retailer 1:7  right 5:7  RODRIGUEZ 1:18</p>	<p style="text-align: center;"><b>T</b></p> <p>t/a 1:6  Thank 5:5,6  think 5:4  today's 3:8  touch 3:18  tweaking 2:16  two 4:10</p>
<p style="text-align: center;"><b>C</b></p> <p>case 1:8 2:4,4 3:11 3:13  cause 4:21  certainly 3:3  Chairperson 1:13 1:16 2:3,10,20 3:5 5:7  CN 1:7  cold 3:4  COLUMBIA 1:1</p>	<p style="text-align: center;"><b>G</b></p> <p>given 3:2,12  going 3:10,17  good 1:6 2:5,8,10 4:21  Guys 1:6 2:5</p>	<p style="text-align: center;"><b>N</b></p> <p>N.W 1:13 2:6  need 3:3 4:11  NICK 1:17</p>	<p style="text-align: center;"><b>U</b></p> <p style="text-align: center;"><b>V</b></p> <p>voting 2:17</p> <p style="text-align: center;"><b>W</b></p> <p>Washington 1:13  Wisconsin 1:6 2:6  witnesses 5:1</p> <p style="text-align: center;"><b>X</b></p> <p style="text-align: center;"><b>Y</b></p> <p style="text-align: center;"><b>Z</b></p>	

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<b>2000</b> 1:12				
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<b>2014</b> 1:10 3:16				
<b>2311</b> 1:6 2:6				
<b>26</b> 3:16				
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