

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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Charles Lucas Everett, Jr. :

t/a Variety Market :

1511 7th Street Northwest :

License #ABRA-001111 :

Retailer B :

License Renewal :

Case #12-PRO-00002 :

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MONDAY, JANUARY 30, 2012

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The Alcoholic Beverage Control Board met in Suite 400S, Reeves Building, 2000 14th Street N.W., Washington, D.C. Ms. La Verne Fletcher, Alcohol Beverage Control Board

Mediator, presiding.

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

10:01 a.m.

AGENT FLETCHER: Parties in the matter of Variety Market please come forward?

This is Case No. 120-PRO-00002, Charles Lucas Everett, Jr., trading as Variety Market, 1511 7th Street Northwest, License No. ABRA-001111. This is a Retailer B, License Renewal.

My name is La Verne Fletcher. I'll be conducting the Roll Call Hearing as the Board's Agent, pursuant to D.C. Official Code 1601.2.

Introductions beginning with the applicant, please? The applicant, your name, sir?

MR. LUCAS: Everett C. Lucas, Jr.

AGENT FLETCHER: Would you spell that for the record, please?

MR. LUCAS: E-V-E-R-E-T-T.

AGENT FLETCHER: I'm sorry. Would you spell that again?

1 MR. LUCAS: E-V-E-R-E-T-T.

2 AGENT FLETCHER: That's the last
3 name?

4 MR. LUCAS: That's the first name.

5 AGENT FLETCHER: The first name is
6 Everett?

7 MR. LUCAS: Yes.

8 AGENT FLETCHER: Okay. And what's
9 the last name again?

10 MR. LUCAS: Lucas, L-U-C-A-S.

11 AGENT FLETCHER: Everett Lucas?

12 MR. LUCAS: Yes.

13 AGENT FLETCHER: Okay. Is Charles
14 a part of your name as well?

15 MR. LUCAS: That's my middle name.

16 AGENT FLETCHER: Okay. Thank you.

17 Everett Charles Lucas. Thank you very much.

18 And for ANC 2C?

19 ANC COMMISSIONER PADRO: Yes. I am
20 Alexander M, as in Michael, Padro, P-A-D-R-O.

21 I am the Chair of the Commission.

22 AGENT FLETCHER: Thank you, Mr.

1 Padro.

2 The individuals that just arrived
3 are part of the protest? A part of Variety
4 Market? Are you a part of the Variety Market
5 protest?

6 MAN: No.

7 AGENT FLETCHER: Okay. That's
8 fine. Thank you.

9 Mr. Padro, ANC 2C filed this
10 protest because the applicant requested and
11 was granted an exception to the Ward 2 single
12 sales ban without notice to ANC 2C, and
13 because ANC 2C is requiring the applicant to
14 enter into a Voluntary Agreement, is that
15 correct?

16 ANC COMMISSIONER PADRO: Among
17 other issues, yes.

18 AGENT FLETCHER: These are the
19 issues that were in the protest letter?

20 ANC COMMISSIONER PADRO: Correct.

21 AGENT FLETCHER: There are other
22 concerns that you had --

1 ANC COMMISSIONER PADRO: Yes.

2 AGENT FLETCHER: -- other than
3 what's in the protest letter?

4 ANC COMMISSIONER PADRO: Yes,
5 there are. There are a number of issues
6 related to the appearance of the business in
7 promoting pedestrians on the part of
8 individuals that the applicant allows to
9 conduct outdoor sales of non-alcoholic
10 beverage control regulated items. So there
11 are other issues as well. But the approximate
12 issue was the Commission's desire to clarify
13 that although we did not respond to the
14 correspondence when the exemption was
15 originally requested because the then Chair
16 and the Secretary of the Commission did not
17 receive the correspondence and did not share
18 it with the Commission.

19 And we are now implementing a
20 policy that all applicants will have a
21 Voluntary Agreement with our Commission to
22 deal with any negative impacts about their

1 establishment's operations on the community.

2 AGENT FLETCHER: Well, thank you,
3 Mr. Padro. Thanks for that clarification.

4 The regulations do not allow a
5 protestant to file a protest unless there's a
6 reason. So there's no basis upon which to
7 file a protest under our regulations. And so
8 the ANC 2C protest will have to be dismissed,
9 but for that reason --

10 ANC COMMISSIONER PADRO: Then may
11 I continue or --

12 AGENT FLETCHER: The ANC 2C
13 protest is dismissed for that reason because
14 the protest itself did not state a claim
15 covered by our standards. But ANC 2C may seek
16 reinstatement of the protest within ten days
17 upon receipt of the notice that the protest
18 has been dismissed. And you can explain to the
19 ABC Board why you think the protest should be
20 reinstated.

21 And was there something else, Mr.
22 Padro?

1 ANC COMMISSIONER PADRO: Yes.
2 Obviously, the standard reasons for any
3 protest for a license are, you know peace,
4 order and quiet. And, you know, the
5 Commission is obviously very aware of that.
6 You know, when I mentioned, you know in
7 promoting and other issues, those are issues
8 that are indeed fall under peace, order and
9 quiet and we would happy to clarify that the
10 Commission did take those into consideration
11 in its decision to protest when we had the
12 opportunity to respond to the letter of
13 business.

14 AGENT FLETCHER: Okay. Thank you.
15 That would be perfect. Thank you, Mr. Padro,
16 very much.

17 Would you please write your name,
18 daytime number and email address on that sheet
19 on the table, if you haven't already?

20 ANC COMMISSIONER PADRO:
21 Certainly.

22 AGENT FLETCHER: And would you do

1 the same? Thank you.

2 Mr. Padro, obviously you know what
3 the basis are for filing a protest, it's just
4 that that peace, order and quiet would have to
5 actually be in the letter. And I know that on
6 your request for reinstatement you'll mention
7 that.

8 ANC COMMISSIONER PADRO: We will
9 certainly do that. And I would note for the
10 record that I did send the original
11 correspondence to the Director and requested
12 that he advise me if there was anything
13 further that needed to be included in the
14 letter. You know, he did not respond to the
15 negative, so we will proceed as you have
16 indicated.

17 AGENT FLETCHER: Thank you very
18 much.

19 Any questions, Mr. Lucas, about
20 what just happened?

21 MR. LUCAS: No. I just would like
22 to end this claim about peace and quiet.

1 AGENT FLETCHER: Well, that's not
2 something that you all can discuss right now.

3 MR. LUCAS: Okay. Okay.

4 AGENT FLETCHER: But there's no
5 reason that beyond today if there's some
6 concerns that the ANC has, that you can't
7 discuss them outside of this forum.

8 Then the Roll Call Hearing is
9 concluded. And thank you very much for coming.

10 MR. LUCAS: Thank you.

11 AGENT FLETCHER: Thank you.

12 (Whereupon, at 10:08 a.m. the Roll
13 Call Hearing was concluded.)

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