

GOVERNMENT OF THE DISTRICT OF COLUMBIA

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ALCOHOLIC BEVERAGE REGULATION
ADMINISTRATION BOARD
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IN THE MATTER OF:

District Falafel I, LLC
t/a Amsterdam Falafel Shop New Application
1830 14th Street, N.W.
License # ABRA-093449
Retailer DR
Case # 14-PRO-0009

Tuesday,
February 18, 2014

ABRA Meeting Room, 400S
2000 14th Street, N.W.
Washington, D.C. 20009

The above-entitled matter convened
at 10:04 a.m. before the District of Columbia
Alcoholic Beverage Regulation Administration
Board.

BEFORE:

LA VERNE FLETCHER, Board Agent

APPEARANCES:

On Behalf of District Falafel I, LLC:

BRIAN C. MOLLOY, ESQ.
Attorney at Law
of: Mallios & O'Brien

2600 Virginia Avenue N.W.

Washington, D.C. 20037

(202) 625-7700

DANE J. CHERRY

Owner

District Falafel I, LLC

1830 14th Street, N.W.

Washington, D.C.

On Behalf of Shaw Dupont Citizens
Association:

ELWYN FERRIS

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

2 10:02 a.m.

3 CHAIRPERSON FLETCHER: This is
4 Case Number 14-PRO-0009, District Falafel I,
5 LLC trading as Amsterdam Falafel Shop. 1830
6 14th Street NW. License Number ABRA-093449.
7 This is a Retailer DR, new application.

8 My name is Laverne Fletcher and
9 I'm conducting the roll call hearing as the
10 Board's agent pursuant to DC Official Code
11 1601.2.

12 The protest issues are adverse
13 impact on peace order and quiet. And
14 residential parking and vehicular and
15 pedestrian safety and real property values.

16 Introductions beginning with the
17 Applicant please.

18 MR. MOLLOY: Hi Laverne. My name
19 is Brian Molloy with the Firm of Mallios &
20 O'Brien. I'm here to represent District
21 Falafel I, LLC. And with me is the owner,
22 Dane Cherry.

1 MR. CHERRY: Hello.

2 CHAIRPERSON FLETCHER: And Mr.
3 Cherry would you would you spell your name
4 for the record please.

5 MR. CHERRY: Sure. First name is
6 Dane, D-A-N-E. Last name Cherry, C-H-E-R-R-
7 Y.

8 CHAIRPERSON FLETCHER: And on
9 behalf of the Shaw Dupont Citizens
10 Association?

11 MR. FERRIS: Excuse me. Elwyn
12 Ferris. E-L-W-Y-N, F-E-R-R-I-S.

13 CHAIRPERSON FLETCHER: Thank you
14 Mr. Ferris. The Shaw Dupont Citizens
15 Alliance does have standing as a protestant.
16 We need to set a date for a mediation,
17 status hearing and a protest hearing. I'll
18 give you the dates for the status and
19 protest hearing first.

20 The status hearing is set for
21 March 26. March 26, 2014 at 9:30 a.m. The
22 protest hearing is set for May 21, 2014 at

1 4:30.

2 MR. MOLLOY: Ms. Fletcher?

3 CHAIRPERSON FLETCHER: Yes?

4 MR. MOLLOY: I have a question.
5 I thought on the public notice it listed the
6 protest hearing as April 9th?

7 CHAIRPERSON FLETCHER: April 9?

8 MR. MOLLOY: Yes, 2014.

9 CHAIRPERSON FLETCHER: Thank you.
10 Thank you for pointing that out Mr. Malloy.
11 The -- your date is going to be the correct
12 date, and I'll tell you why. Your date is
13 going to be the date that was on the
14 placards, which is the correct date. The
15 date that I just gave you was given to me by
16 the scheduler who was not -- did not
17 realize that in this case a date had already
18 been set.

19 MR. MOLLOY: Okay.

20 CHAIRPERSON FLETCHER: So the
21 protest hearing is for April 9, 2014. Do
22 you have the time Mr. Malloy?

1 MR. MOLLOY: No, it doesn't list
2 the time on the public notice, it just says
3 it --

4 CHAIRPERSON FLETCHER: Let me see
5 here. Sometimes they do, sometimes they
6 don't. And when they do, it's not what the
7 date -- and no, there is no time. But I'll
8 find that out for you and when you get the
9 notice of the protest hearing, the time will
10 be in there.

11 MR. MOLLOY: Okay.

12 CHAIRPERSON FLETCHER: Yes, I
13 don't have that today. But you're right
14 about the date, it is April 9, 2014. Thank
15 you.

16 MR. FERRIS: If I may verify
17 something.

18 CHAIRPERSON FLETCHER: Yes.

19 MR. FERRIS: Okay, just for the
20 record, we actually did not include real
21 estate values -- real property value in our
22 -- as one of the conditions of our protest.

1 CHAIRPERSON FLETCHER: Oh, you
2 know what, actually --

3 MR. FERRIS: But we did put open
4 concentration. And we'd like that as part
5 of the record.

6 CHAIRPERSON FLETCHER: Thank you.
7 Thank you Mr. Ferris.

8 MR. CHERRY: I don't understand,
9 open concentration of?

10 MR. FERRIS: Of alcohol licenses,
11 it's an issue the community is facing. It's
12 not you know, specific to yours, since it's
13 a gym.

14 MR. CHERRY: And what are the
15 conditions we can file --

16 CHAIRPERSON FLETCHER: Okay, let
17 me -- okay so I've included over
18 concentration and I have removed real
19 property values.

20 MR. FERRIS: Thank you.

21 CHAIRPERSON FLETCHER: And so now
22 I have peace order and quiet, residential

1 parking and vehicular and pedestrian safety
2 and over concentration.

3 MR. FERRIS: Thank you.

4 CHAIRPERSON FLETCHER: So then,
5 we've got the status hearing for March 26 at
6 9:30 and the protest hearing for April 9, at
7 what time I don't know at this point. But
8 that will be in the scheduling notice that
9 you get.

10 We need to set a date for the
11 mediation to occur prior to March 26. So
12 let me give you some dates that are
13 available. There's nothing available in
14 February. The first available date in March
15 is Friday, March 7 at 9:00, 10:00, 11:00 or
16 1:00, if that works.

17 MR. MOLLOY: Friday March 7 at
18 1:00 for us.

19 CHAIRPERSON FLETCHER: At 1:00,
20 thanks. Does that work for you Mr. Ferris?

21 MR. FERRIS: Fridays are usually
22 not good for me. You said 1:00 o'clock?

1 CHAIRPERSON FLETCHER: Uh-huh. I
2 can look for other dates other than Friday
3 if that would be helpful?

4 MR. FERRIS: I think 1:00
5 o'clock. Yes, let's do it. We can do it
6 the 7th at 1:00 o'clock.

7 MR. MOLLOY: The 7th at 1:00?

8 CHAIRPERSON FLETCHER: The 7th at
9 1:00?

10 MR. FERRIS: Yes.

11 CHAIRPERSON FLETCHER: Then
12 mediation is set for Friday March 7 at 1:00.
13 Any questions?

14 MR. MOLLOY: No.

15 CHAIRPERSON FLETCHER: The roll
16 call hearing is concluded.

17 MR. MOLLOY: Thank you.

18 MR. FERRIS: Thank you.

19 CHAIRPERSON FLETCHER: Okay, see
20 you soon.

21 (Whereupon, the above-entitled
22 proceeding was concluded at 10:09 a.m.)

<p style="text-align: center;">A</p> <p>a.m 1:16 3:2 4:21 9:22 above-entitled 1:16 9:21 ABRA 1:13 ABRA-093449 1:8 3:6 Administration 1:3 1:17 adverse 3:12 agent 1:20 3:10 alcohol 7:10 Alcoholic 1:2,17 Alliance 4:15 Amsterdam 1:7 3:5 APPEARANCES 2:1 Applicant 3:17 application 1:7 3:7 April 5:6,7,21 6:14 8:6 Association 2:16 4:10 Attorney 2:3 available 8:13,13 8:14 Avenue 2:5</p>	<p>9:1,8,11,15,19 Cherry 2:9 3:22 4:1,3,5,6 7:8,14 Citizens 2:15 4:9 4:14 Code 3:10 Columbia 1:1,16 community 7:11 concentration 7:4,9 7:18 8:2 concluded 9:16,22 conditions 6:22 7:15 conducting 3:9 convened 1:16 correct 5:11,14</p>	<p>9:4,10,18 file 7:15 find 6:8 Firm 3:19 first 4:5,19 8:14 Fletcher 1:20 3:3,8 4:2,8,13 5:2,3,7,9 5:20 6:4,12,18 7:1 7:6,16,21 8:4,19 9:1,8,11,15,19 Friday 8:15,17 9:2 9:12 Fridays 8:21</p>	<p>Laverne 3:8,18 Law 2:3 let's 9:5 License 1:8 3:6 licenses 7:10 list 6:1 listed 5:5 LLC 1:7 2:2,11 3:5 3:21 look 9:2</p>	<p>P-R-O-C-E-E-D-... 3:1 parking 3:14 8:1 part 7:4 peace 3:13 7:22 pedestrian 3:15 8:1 placards 5:14 please 3:17 4:4 point 8:7 pointing 5:10 prior 8:11 proceeding 9:22 property 3:15 6:21 7:19 protest 3:12 4:17 4:19,22 5:6,21 6:9 6:22 8:6 protestant 4:15 public 5:5 6:2 pursuant 3:10 put 7:3</p>
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<p style="text-align: center;">C</p> <p>C 2:3 C-H-E-R-R 4:6 call 3:9 9:16 case 1:9 3:4 5:17 CHAIRPERSON 3:3 4:2,8,13 5:3,7 5:9,20 6:4,12,18 7:1,6,16,21 8:4,19</p>	<p style="text-align: center;">E</p> <p>E-L-W-Y-N 4:12 Elwyn 2:18 4:11 ESQ 2:3 estate 6:21 Excuse 4:11</p> <p style="text-align: center;">F</p> <p>F-E-R-R-I-S 4:12 facing 7:11 Falafel 1:7,7 2:2,11 3:4,5,21 February 1:12 8:14 Ferris 2:18 4:11,12 4:14 6:16,19 7:3,7 7:10,20 8:3,20,21</p>	<p style="text-align: center;">H</p> <p>hearing 3:9 4:17,17 4:19,20,22 5:6,21 6:9 8:5,6 9:16 Hello 4:1 helpful 9:3 Hi 3:18</p> <p style="text-align: center;">I</p> <p>impact 3:13 include 6:20 included 7:17 Introductions 3:16 issue 7:11 issues 3:12</p>	<p style="text-align: center;">N</p> <p>N.W 1:8,13 2:5,12 name 3:8,18 4:3,5,6 need 4:16 8:10 new 1:7 3:7 notice 5:5 6:2,9 8:8 Number 3:4,6 NW 3:6</p>	<p style="text-align: center;">R</p> <p>real 3:15 6:20,21 7:18 realize 5:17 record 4:4 6:20 7:5 Regulation 1:2,17 removed 7:18 represent 3:20 residential 3:14 7:22 Retailer 1:9 3:7 right 6:13 roll 3:9 9:15 Room 1:13</p>
		<p style="text-align: center;">J</p> <p>J 2:9</p> <p style="text-align: center;">K</p> <p>know 7:2,12 8:7</p> <p style="text-align: center;">L</p> <p>LA 1:20</p>	<p style="text-align: center;">O</p> <p>O'Brien 2:4 3:20 o'clock 8:22 9:5,6 occur 8:11 Official 3:10 Oh 7:1 okay 5:19 6:11,19 7:16,17 9:19 open 7:3,9 order 3:13 7:22 owner 2:10 3:21</p> <p style="text-align: center;">P</p>	<p style="text-align: center;">S</p> <p>safety 3:15 8:1 says 6:2 scheduler 5:16 scheduling 8:8</p>

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