

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE CONTROL BOARD
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MEETING

IN THE MATTER OF:

Barcode Corporation	
t/a Barcode	Protest
1101 17th Street, NW	Hearing
Retailer CT - ANC-2B	(Status)
License No. 82039	
Case #13-PRO-00169	

(Renewal Application)

March 5, 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
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

(9:48 a.m.)

CHAIRPERSON MILLER: Okay. All right. The next case is another Protest Hearing (Status) case, Case No. 13-PRO-00169, Barcode located at 1101 17th Street, N.W., License No. 82039, in ANC-2B. And this is a renewal application. Have a seat, sign-in and then introduce yourselves for the record when you are ready.

MS. THOMAS-WILLIFORD: Hi, good morning, Madam Chair, Board. My name is Kwamina Thomas-Williford from Holland & Knight on behalf of the licensee, Barcode.

CHAIRPERSON MILLER: Is anyone coming who is with the establishment this morning?

MS. THOMAS-WILLIFORD: No, not this morning. Just myself.

CHAIRPERSON MILLER: Okay. You know, usually we like to have the owner here. Yes?

1 MR. HIBEY: Good morning, Mike
2 Hibey for a group of protestants.

3 MS. NICHOLS: Abigail Nichols for
4 ANC-2B.

5 MS. DIENER: And Robin Diener from
6 the Dupont Circle Citizens Association.

7 CHAIRPERSON MILLER: Okay. Are
8 there any issues that need to be brought to
9 our attention? Otherwise, I'm going to set
10 this for your hearing date and read the
11 instructions also. You had a question? Okay.

12 Your hearing date is April 23,
13 2014 at 2:30 p.m. As I said in the previous
14 case, the purpose of a Protest Hearing is to
15 determine the appropriateness of the
16 establishment in the section of the District
17 where the establishment is located.

18 We don't intend to hear testimony
19 or evidence beyond the scope of that general
20 purpose. Plus, the issues that you identify
21 in your Protest Information Form, which you
22 should have received, if you haven't see Tesha

1 Anderson, as well as an exhibit form. These
2 forms have to be submitted to the Board and
3 opposing parties seven days ahead of the
4 hearing.

5 And if we don't receive a copy of
6 your PIF, your application or your protest,
7 within a specific time frame of seven days
8 ahead of the hearing, could be dismissed. And
9 we don't like to do that, but that's basically
10 the rule. And if we don't receive a copy of
11 the exhibit form and the exhibits themselves,
12 your exhibits may be excluded from the record
13 upon a finding that the opposing party has
14 been prejudiced or no good cause for the
15 failure to submit has been shown.

16 Likewise, witnesses other than a
17 party may also be subject to exclusion if not
18 identified on the PIF. So these forms are
19 very important.

20 Okay. And if you have any
21 questions leading up to the time of the
22 hearing, you can contact Ms. Anderson at 442-

1 6492 or Ms. Jenkins. Okay. All right. Thank
2 you very much.

3 MR. HIBEY: Thank you.

4 MS. THOMAS-WILLIFORD: Thank you.

5 CHAIRPERSON MILLER: Okay.

6 (Whereupon, the Protest (Status)
7 Hearing in the above-entitled matter was
8 concluded at 9:51 a.m.)

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<p style="text-align: center;">A</p> <p>a.m 2:2 5:8 Abigail 3:3 above-entitled 5:7 ahead 4:3,8 Alcoholic 1:2,11,12 ANC-2B 1:7 2:7 3:4 Anderson 4:1,22 application 1:9 2:8 4:6 appropriateness 3:15 April 3:12 Association 3:6 attention 3:9</p> <hr/> <p style="text-align: center;">B</p> <p>Barcode 1:5,6 2:6 2:14 basically 4:9 behalf 2:14 Beverage 1:2,11,12 beyond 3:19 Board 1:2,12 2:12 4:2 BROOKS 1:17 brought 3:8 Building 1:12</p> <hr/> <p style="text-align: center;">C</p> <p>case 1:8 2:4,5,5 3:14 cause 4:14 Chair 2:12 Chairperson 1:13 1:16 2:3,15,20 3:7 5:5 Circle 3:6 Citizens 3:6 COLUMBIA 1:1 coming 2:16 concluded 5:8 contact 4:22 Control 1:2,11,12 copy 4:5,10</p>	<p>Corporation 1:5 CT 1:7</p> <hr/> <p style="text-align: center;">D</p> <p>D.C 1:13 date 3:10,12 days 4:3,7 determine 3:15 Diener 3:5,5 dismissed 4:8 District 1:1 3:16 DONALD 1:17 Dupont 3:6</p> <hr/> <p style="text-align: center;">E</p> <p>establishment 2:16 3:16,17 evidence 3:19 excluded 4:12 exclusion 4:17 exhibit 4:1,11 exhibits 4:11,12</p> <hr/> <p style="text-align: center;">F</p> <p>failure 4:15 finding 4:13 form 3:21 4:1,11 forms 4:2,18 frame 4:7</p> <hr/> <p style="text-align: center;">G</p> <p>general 3:19 going 3:9 good 2:11 3:1 4:14 group 3:2</p> <hr/> <p style="text-align: center;">H</p> <p>hear 3:18 hearing 1:6,12 2:5 3:10,12,14 4:4,8 4:22 5:7 HECTOR 1:18 Hi 2:11 Hibey 3:1,2 5:3 Holland 2:13</p> <hr/> <p style="text-align: center;">I</p>	<p>identified 4:18 identify 3:20 important 4:19 Information 3:21 instructions 3:11 intend 3:18 introduce 2:9 issues 3:8,20</p> <hr/> <p style="text-align: center;">J</p> <p>JAMES 1:18 Jenkins 5:1</p> <hr/> <p style="text-align: center;">K</p> <p>Knight 2:13 know 2:21 Kwamina 2:13</p> <hr/> <p style="text-align: center;">L</p> <p>leading 4:21 License 1:7 2:7 licensee 2:14 Likewise 4:16 located 2:6 3:17</p> <hr/> <p style="text-align: center;">M</p> <p>Madam 2:12 March 1:10 matter 1:4 5:7 MEETING 1:3 Member 1:17,17,18 1:18 met 1:12 Mike 1:17 3:1 Miller 1:13,16 2:3 2:15,20 3:7 5:5 morning 2:12,17 2:19 3:1</p> <hr/> <p style="text-align: center;">N</p> <p>N.W 1:13 2:6 name 2:12 need 3:8 Nichols 3:3,3 NW 1:6</p> <hr/> <p style="text-align: center;">O</p>	<p>Okay 2:3,20 3:7,11 4:20 5:1,5 opposing 4:3,13 owner 2:21</p> <hr/> <p style="text-align: center;">P</p> <p>P-R-O-C-E-E-D-... 2:1 p.m 3:13 parties 4:3 party 4:13,17 PIF 4:6,18 Plus 3:20 prejudiced 4:14 PRESENT 1:15 presiding 1:14 previous 3:13 protest 1:6 2:4 3:14 3:21 4:6 5:6 protestants 3:2 purpose 3:14,20</p> <hr/> <p style="text-align: center;">Q</p> <p>question 3:11 questions 4:21</p> <hr/> <p style="text-align: center;">R</p> <p>read 3:10 ready 2:10 receive 4:5,10 received 3:22 record 2:9 4:12 Reeves 1:12 renewal 1:9 2:8 Retailer 1:7 right 2:4 5:1 Robin 3:5 RODRIGUEZ 1:18 Room 1:12 rule 4:10 Ruthanne 1:13,16</p> <hr/> <p style="text-align: center;">S</p> <p>scope 3:19 seat 2:8 section 3:16 see 3:22</p>	<p>set 3:9 seven 4:3,7 SHORT 1:18 shown 4:15 sign-in 2:8 SILVERSTEIN 1:17 specific 4:7 Status 1:7 2:5 5:6 Street 1:6,13 2:6 subject 4:17 submit 4:15 submitted 4:2 Suite 1:13</p> <hr/> <p style="text-align: center;">T</p> <p>t/a 1:6 Tesha 3:22 testimony 3:18 Thank 5:1,3,4 Thomas-Williford 2:11,13,18 5:4 time 4:7,21</p> <hr/> <p style="text-align: center;">U</p> <p>usually 2:21</p> <hr/> <p style="text-align: center;">V</p> <hr/> <p style="text-align: center;">W</p> <p>Washington 1:13 witnesses 4:16</p> <hr/> <p style="text-align: center;">X</p> <hr/> <p style="text-align: center;">Y</p> <hr/> <p style="text-align: center;">Z</p> <hr/> <p style="text-align: center;">0</p> <hr/> <p style="text-align: center;">1</p> <p>1101 1:6 2:6 13-PRO-00169 1:8 2:5 14th 1:12 17th 1:6 2:6</p>
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