

DISTRICT OF COLUMBIA

+ + + + +

ALCOHOLIC BEVERAGE CONTROL BOARD

+ + + + +

ROLL CALL HEARING

+ + + + +

IN THE MATTER OF:

Good Essential U-Street  
t/a TICO  
1926 14th Street Northwest  
Retailer CR  
New Application  
Case #14-PRO-00016

MONDAY, MARCH 10, 2014

+ + + + +

The Alcoholic Beverage Control  
Board met in Alcoholic Beverage Control  
Hearing Room, 7th Floor, at 941 North Capitol  
Street, N.E., Washington, D.C., Ms. La Verne  
Fletcher, Agent, presiding.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22

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

10:27 a.m.

AGENT FLETCHER: Would the parties  
in the matter of TICO please come forward?

This is Case #14-PRO-00016, Good  
Essential-U Street, LLC, trading as TICO, 1926  
14th Street, Northwest; License #ABRA-093610.  
This is a Retailer CR, a New Application. The  
protest issues are adverse impact on peace,  
order and quiet, residential parking and  
vehicular and pedestrian safety and  
overconcentration..

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

Introductions beginning with the  
Applicant?

MR. KLINE: Good morning. Andrew  
Kline on behalf of the Applicant.

MS. FLETCHER: Mr. Kline, would  
you spell your name for the Court Reporter?

1 MR. KLINE: Sure. A-N-D-R-E-W,  
2 last name K-L-I-N-E.

3 MS. FLETCHER: And on behalf of  
4 the Shaw Dupont Citizens Alliance?

5 MR. FERRIS: Elwyn Ferris. First  
6 name E-L-W-Y-N; last name F-E-R-R-I-S.

7 MS. FLETCHER: Thank you, Mr.  
8 Ferris.

9 Shaw is S-H-A-W; Dupont -- D-U-P-  
10 O-N-T -- and Citizen Alliance.

11 Mr. Ferris?

12 MR. FERRIS: Yes?

13 MS. FLETCHER: Did the SDCA give  
14 the seven-day notice to the Applicant  
15 regarding its meeting?

16 MR. FERRIS: Yes, we did.

17 MS. FLETCHER: Thank you.

18 Okay. Mr. Kline, do you have any  
19 reason to think that that didn't occur?

20 MR. KLINE: No, I know it did.

21 MS. FLETCHER: Okay.

22 So then the Shaw Dupont Citizen

1 Alliance is granted standing as a protestant.  
2 We need to set a date for a status hearing, a  
3 protest hearing and a mediation. I'll give  
4 you the date for the status and protest  
5 hearings first.

6 The status hearing is set for  
7 April the 9th -- April 9, 9:30 a.m.

8 The protest hearing is set for  
9 April 30 at 1:30 p.m.

10 MR. FERRIS: Excuse me. Did you  
11 say 1:30?

12 MS. FLETCHER: Yes.

13 MR. FERRIS: Okay.

14 MS. FLETCHER: 1:30 on April 30.

15 I'm looking for a date in March  
16 for mediation.

17 MR. KLINE: Ms. Fletcher, I'm away  
18 on April 30. I suspect there's not anything  
19 we can do about that today.

20 MS. FLETCHER: Right. I'll inform  
21 Martha Jenkins about that. So you're going to  
22 be petitioning her for a different date.

1 Will that be a joint request?

2 MR. FERRIS: Yes. If he's not  
3 available, we're fine with scheduling another  
4 date.

5 MR. KLINE: Thank you.

6 MR. FERRIS: Yes.

7 MS. FLETCHER: Let's see. So  
8 before April 9 -- well, let me start with  
9 April 3rd. Is that good? That's a Thursday --  
10 April 3rd at 9:00, 10:00, 11:00 or 1:00?

11 MR. FERRIS: Yes. April -- what  
12 day of the week is that?

13 MS. FLETCHER: Thursday.

14 MR. FERRIS: April 3rd? I don't  
15 see a problem with April 3rd. One o'clock  
16 would be -- the later for us, the better. So  
17 1:00 o'clock, did you say? Is that good?

18 MR. KLINE: It works for me. I'll  
19 have to check with my client. But I'm pretty  
20 sure that that works for us.

21 MS. FLETCHER: Okay. Thursday,  
22 April 3rd at 1:00 o'clock.

1                   MR. KLINE:  Ms. Fletcher, before  
2                   we get there, I think what we would want to  
3                   know from the protestants is as to whether  
4                   this is simply a case of overconcentration, in  
5                   which event I don't know that there's going to  
6                   be a lot to talk about or whether they have  
7                   specific concerns.

8                   We've reached out a number of  
9                   times and asked what the specific concerns  
10                  might be and really haven't received any  
11                  response at this point in terms of those  
12                  concerns.

13                  So rather than wasting everybody's  
14                  time, if it's SDCA's position that it's  
15                  overconcentration and they just don't want to  
16                  see anymore licenses, I think it would be  
17                  helpful to know that rather than wasting a lot  
18                  of time in a mediation.

19                  MS. FLETCHER:  Mr. Ferris?

20                  MR. FERRIS:  I think my comment  
21                  would be that it's wholly inappropriate to be  
22                  discussing this at a roll call hearing.  I

1 think the issues we can discuss when we sit  
2 down and meet together.

3 I mean, this is just a roll call  
4 to establish our status. So I'd like to keep  
5 it that way. I don't want to discuss issues  
6 in this proceeding.

7 MS. FLETCHER: Well, then that's  
8 what we'll do. You included adverse impact on  
9 peace, order and quiet in your protest.

10 MR. FERRIS: Yes.

11 MS. FLETCHER: You included  
12 adverse impact on peace, order and quiet and  
13 residential parking, vehicular and pedestrian  
14 safety.

15 MR. FERRIS: And  
16 overconcentration.

17 MS. FLETCHER: You included  
18 overconcentration. I'm just noting that you  
19 included other issues as well.

20 MR. FERRIS: Oh, yes. We included  
21 those three particular issues. Yes.

22 MS. FLETCHER: Okay.

1                   MR. KLINE: But my point is if the  
2 other two issues are not capable of resolution  
3 because the Association's position of  
4 overconcentration is overriding -- I mean, I  
5 get that sense. And that we haven't heard any  
6 concerns articulated. I'm just trying to save  
7 some time and be efficient.

8                   I know that Mr. Ferris doesn't get  
9 paid to do this. And I do, and I don't want  
10 to waste my client's time nor his time.

11                  MS. FLETCHER: Well, then during  
12 the mediation, if that's the conclusion, we'll  
13 get to it as fast as possible.

14                  MR. KLINE: Right. All right.  
15 Fair enough.

16                  MR. FERRIS: Yes. If I may, I  
17 would like to say for the record that I'm  
18 hopeful that we can come to agreement even  
19 prior to the mediation. That would be my hope  
20 and my goal.

21                  MR. KLINE: Okay. We certainly  
22 welcome that.

1 MR. FERRIS: Okay. Great.

2 MS. FLETCHER: Thank you, Mr.  
3 Ferris.

4 If that happens, then I won't see  
5 you on April 3rd.

6 MR. FERRIS: Not that I wouldn't  
7 love to see you, but I'm hoping we won't have  
8 to.

9 MS. FLETCHER: Otherwise, I'll see  
10 you on April 3rd at 11:00.

11 MR. FERRIS: Okay. Great.

12 MS. FLETCHER: Okay.

13 MR. KLINE: Thanks.

14 MS. FLETCHER: Thank you.

15 MR. FERRIS: Thank you very much.

16 The Roll Call Hearing is  
17 concluded.

18 (Whereupon, at 10:36 a.m., the  
19 hearing was concluded.)

20

21

22

<p style="text-align: center;"><b>A</b></p> <p><b>A-N-D-R-E-W</b> 3:1  <b>a.m</b> 2:2 4:7 9:18  <b>ABRA-093610</b> 2:7  <b>adverse</b> 2:9 7:8,12  <b>Agent</b> 1:19 2:3,15  <b>agreement</b> 8:18  <b>Alcoholic</b> 1:3,15,16  <b>Alliance</b> 3:4,10 4:1  <b>Andrew</b> 2:19  <b>anymore</b> 6:16  <b>Applicant</b> 2:18,20  3:14  <b>Application</b> 1:11  2:8  <b>April</b> 4:7,7,9,14,18  5:8,10,11,14,15  5:22 9:5,10  <b>Aprilrd</b> 5:9  <b>articulated</b> 8:6  <b>asked</b> 6:9  <b>Association's</b> 8:3  <b>available</b> 5:3</p>	<p><b>comment</b> 6:20  <b>concerns</b> 6:7,9,12  8:6  <b>concluded</b> 9:17,19  <b>conclusion</b> 8:12  <b>conducting</b> 2:14  <b>Control</b> 1:3,15,16  <b>Court</b> 2:22  <b>CR</b> 1:10 2:8</p> <p style="text-align: center;"><b>D</b></p> <p><b>D-U-P</b> 3:9  <b>D.C</b> 1:18 2:15  <b>date</b> 4:2,4,15,22 5:4  <b>day</b> 5:12  <b>different</b> 4:22  <b>discuss</b> 7:1,5  <b>discussing</b> 6:22  <b>DISTRICT</b> 1:1  <b>Dupont</b> 3:4,9,22</p>	<p>6:1,19 7:7,11,17  7:22 8:11 9:2,9,12  9:14  <b>Floor</b> 1:17  <b>forward</b> 2:4</p> <p style="text-align: center;"><b>G</b></p> <p><b>give</b> 3:13 4:3  <b>goal</b> 8:20  <b>going</b> 4:21 6:5  <b>good</b> 1:9 2:5,19 5:9  5:17  <b>granted</b> 4:1  <b>Great</b> 9:1,11</p>	<p><b>know</b> 3:20 6:3,5,17  8:8</p> <p style="text-align: center;"><b>L</b></p> <p><b>La</b> 1:18 2:13  <b>Let's</b> 5:7  <b>License</b> 2:7  <b>licenses</b> 6:16  <b>LLC</b> 2:6  <b>looking</b> 4:15  <b>lot</b> 6:6,17  <b>love</b> 9:7</p>	<p><b>overconcentration</b>  2:12 6:4,15 7:16  7:18 8:4  <b>overriding</b> 8:4</p>
<p style="text-align: center;"><b>B</b></p> <p><b>beginning</b> 2:17  <b>behalf</b> 2:20 3:3  <b>better</b> 5:16  <b>Beverage</b> 1:3,15,16  <b>Board</b> 1:3,16  <b>Board's</b> 2:15</p>	<p style="text-align: center;"><b>E</b></p> <p><b>E-L-W-Y-N</b> 3:6  <b>efficient</b> 8:7  <b>Elwyn</b> 3:5  <b>Essential</b> 1:9  <b>Essential-U</b> 2:6  <b>establish</b> 7:4  <b>event</b> 6:5  <b>everybody's</b> 6:13  <b>Excuse</b> 4:10</p>	<p style="text-align: center;"><b>H</b></p> <p><b>happens</b> 9:4  <b>heard</b> 8:5  <b>hearing</b> 1:5,17 2:14  4:2,3,6,8 6:22  9:16,19  <b>hearings</b> 4:5  <b>helpful</b> 6:17  <b>hope</b> 8:19  <b>hopeful</b> 8:18  <b>hoping</b> 9:7</p>	<p style="text-align: center;"><b>M</b></p> <p><b>March</b> 1:13 4:15  <b>Martha</b> 4:21  <b>matter</b> 1:8 2:4  <b>mean</b> 7:3 8:4  <b>mediation</b> 4:3,16  6:18 8:12,19  <b>meet</b> 7:2  <b>meeting</b> 3:15  <b>met</b> 1:16  <b>MONDAY</b> 1:13  <b>morning</b> 2:19</p>	<p style="text-align: center;"><b>P</b></p> <p><b>P-R-O-C-E-E-D-...</b>  2:1  <b>p.m</b> 4:9  <b>paid</b> 8:9  <b>parking</b> 2:10 7:13  <b>particular</b> 7:21  <b>parties</b> 2:3  <b>peace</b> 2:9 7:9,12  <b>pedestrian</b> 2:11  7:13  <b>petitioning</b> 4:22  <b>please</b> 2:4  <b>point</b> 6:11 8:1  <b>position</b> 6:14 8:3  <b>possible</b> 8:13  <b>presiding</b> 1:19  <b>pretty</b> 5:19  <b>prior</b> 8:19  <b>problem</b> 5:15  <b>proceeding</b> 7:6  <b>protest</b> 2:9 4:3,4,8  7:9  <b>protestant</b> 4:1  <b>protestants</b> 6:3  <b>pursuant</b> 2:15</p>
<p style="text-align: center;"><b>C</b></p> <p><b>call</b> 1:5 2:14 6:22  7:3 9:16  <b>capable</b> 8:2  <b>Capitol</b> 1:17  <b>case</b> 1:11 2:5 6:4  <b>certainly</b> 8:21  <b>check</b> 5:19  <b>Citizen</b> 3:10,22  <b>Citizens</b> 3:4  <b>client</b> 5:19  <b>client's</b> 8:10  <b>Code</b> 2:15  <b>COLUMBIA</b> 1:1  <b>come</b> 2:4 8:18</p>	<p style="text-align: center;"><b>F</b></p> <p><b>F-E-R-R-I-S</b> 3:6  <b>Fair</b> 8:15  <b>fast</b> 8:13  <b>Ferris</b> 3:5,5,8,11,12  3:16 4:10,13 5:2,6  5:11,14 6:19,20  7:10,15,20 8:8,16  9:1,3,6,11,15  <b>fine</b> 5:3  <b>first</b> 3:5 4:5  <b>Fletcher</b> 1:19 2:3  2:13,21 3:3,7,13  3:17,21 4:12,14  4:17,20 5:7,13,21</p>	<p style="text-align: center;"><b>I</b></p> <p><b>impact</b> 2:9 7:8,12  <b>inappropriate</b> 6:21  <b>included</b> 7:8,11,17  7:19,20  <b>inform</b> 4:20  <b>Introductions</b> 2:17  <b>issues</b> 2:9 7:1,5,19  7:21 8:2</p>	<p style="text-align: center;"><b>N</b></p> <p><b>N.E</b> 1:18  <b>name</b> 2:13,22 3:2,6  3:6  <b>need</b> 4:2  <b>New</b> 1:11 2:8  <b>North</b> 1:17  <b>Northwest</b> 1:10 2:7  <b>notice</b> 3:14  <b>noting</b> 7:18  <b>number</b> 6:8</p>	<p style="text-align: center;"><b>Q</b></p> <p><b>quiet</b> 2:10 7:9,12</p>
		<p style="text-align: center;"><b>J</b></p> <p><b>Jenkins</b> 4:21  <b>joint</b> 5:1</p> <p style="text-align: center;"><b>K</b></p> <p><b>K-L-I-N-E</b> 3:2  <b>keep</b> 7:4  <b>Kline</b> 2:19,20,21  3:1,18,20 4:17 5:5  5:18 6:1 8:1,14,21  9:13</p>	<p style="text-align: center;"><b>O</b></p> <p><b>o'clock</b> 5:15,17,22  <b>O-N-T</b> 3:10  <b>occur</b> 3:19  <b>Official</b> 2:15  <b>Oh</b> 7:20  <b>Okay</b> 3:18,21 4:13  5:21 7:22 8:21  9:1,11,12  <b>order</b> 2:10 7:9,12</p>	<p style="text-align: center;"><b>R</b></p> <p><b>reached</b> 6:8  <b>really</b> 6:10  <b>reason</b> 3:19  <b>received</b> 6:10  <b>record</b> 8:17  <b>regarding</b> 3:15  <b>Reporter</b> 2:22  <b>request</b> 5:1  <b>residential</b> 2:10  7:13  <b>resolution</b> 8:2</p>

<b>response</b> 6:11	<b>today</b> 4:19	<b>2</b>		
<b>Retailer</b> 1:10 2:8	<b>trading</b> 2:6	<b>2014</b> 1:13		
<b>right</b> 4:20 8:14,14	<b>trying</b> 8:6	<b>3</b>		
<b>roll</b> 1:5 2:14 6:22	<b>two</b> 8:2	<b>30</b> 4:9,14,18		
7:3 9:16	<b>U</b>	<b>3rd</b> 5:10,14,15,22		
<b>Room</b> 1:17	<b>U-Street</b> 1:9	9:5,10		
<b>S</b>	<b>V</b>	<b>4</b>		
<b>S-H-A-W</b> 3:9	<b>vehicular</b> 2:11 7:13	<b>5</b>		
<b>safety</b> 2:11 7:14	<b>Verne</b> 1:18 2:13	<b>6</b>		
<b>save</b> 8:6	<b>W</b>	<b>7</b>		
<b>scheduling</b> 5:3	<b>want</b> 6:2,15 7:5 8:9	<b>7th</b> 1:17		
<b>SDCA</b> 3:13	<b>Washington</b> 1:18	<b>8</b>		
<b>SDCA's</b> 6:14	<b>waste</b> 8:10	<b>9</b>		
<b>see</b> 5:7,15 6:16 9:4	<b>wasting</b> 6:13,17			
9:7,9	<b>way</b> 7:5			
<b>sense</b> 8:5	<b>we'll</b> 7:8 8:12			
<b>set</b> 4:2,6,8	<b>we're</b> 5:3			
<b>seven-day</b> 3:14	<b>We've</b> 6:8			
<b>Shaw</b> 3:4,9,22	<b>week</b> 5:12			
<b>simply</b> 6:4	<b>welcome</b> 8:22			
<b>sit</b> 7:1	<b>wholly</b> 6:21			
<b>specific</b> 6:7,9	<b>works</b> 5:18,20			
<b>spell</b> 2:22	<b>wouldn't</b> 9:6			
<b>standing</b> 4:1	<b>X</b>			
<b>start</b> 5:8	<b>Y</b>			
<b>status</b> 4:2,4,6 7:4	<b>Z</b>			
<b>Street</b> 1:10,18 2:6,7	<b>0</b>			
<b>sure</b> 3:1 5:20	<b>1</b>			
<b>suspect</b> 4:18	<b>1:00</b> 5:10,17,22			
<b>T</b>	<b>1:30</b> 4:9,11,14			
<b>t/a</b> 1:9	<b>10</b> 1:13			
<b>talk</b> 6:6	<b>10:00</b> 5:10			
<b>terms</b> 6:11	<b>10:27</b> 2:2			
<b>Thank</b> 3:7,17 5:5	<b>10:36</b> 9:18			
9:2,14,15	<b>11:00</b> 5:10 9:10			
<b>Thanks</b> 9:13	<b>14-PRO-00016</b>			
<b>think</b> 3:19 6:2,16	1:11 2:5			
6:20 7:1	<b>14th</b> 1:10 2:7			
<b>three</b> 7:21	<b>1601.2</b> 2:16			
<b>Thursday</b> 5:9,13	<b>1926</b> 1:10 2:6			
5:21				
<b>TICO</b> 1:9 2:4,6				
<b>time</b> 6:14,18 8:7,10				
8:10				
<b>times</b> 6:9				