

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE CONTROL BOARD
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MEETING

IN THE MATTER OF:

Caribbean Vibes, Inc.
t/a Club Timehri
2439 18th Street, NW
Retailer CT - ANC-1C
License No. 77730
Case #13-PRO-00173
(Renewal Application)

Protest
Hearing
(Status)

March 12, 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

(9:49 a.m.)

CHAIRPERSON MILLER: We're going to start these proceedings. I would like to welcome you to the regular scheduled meeting of the District of Columbia Alcoholic Beverage Control Board. Today is March 12, 2014.

My name is Ruthanne Miller. I'm the Chairperson and joining me to my far right is Mr. Donald Brooks. Next to Mr. Brooks is Mr. Nick Alberti and to my immediate right is Mr. Hector Rodriguez. To my immediate left is Mr. Mike Silverstein and next to Mr. Silverstein is Mr. James Short.

We have six Members in attendance today and a quorum is three.

Copies of today's hearing calendar and agenda are available at the receptionist desk. Please be aware that these proceedings are being recorded by a court reporter. Accordingly, we must ask you to refrain from any disruptive noises or actions in the

1 hearing room. If you have any electronic
2 devices, pagers, cell phones or such, please,
3 make sure they are turned off to avoid any
4 interruption of the proceedings.

5 When I call your case, please come
6 forward and take a seat at the table. You
7 will note there is a piece of paper on each
8 table for you to sign-in. This is to ensure
9 the correct spelling of your name for the
10 record.

11 The Open Meetings Act requires
12 that the public hearing on each case be open
13 to the public. The Board may, consistent with
14 Section 405(b) of the Open Meetings Act, enter
15 a closed meeting during or after the public
16 hearing on a case to consult with an attorney
17 to obtain legal advice, discuss settlement
18 agreements or deliberate upon a decision in an
19 adjudication proceeding.

20 Okay. I'm going to call our first
21 case for this morning and that is Case No. 13-
22 PRO-00173, Club Timehri located at 2439 18th

1 Street, N.W., License No. 77730, in ANC-1C.
2 And this is a Protest Hearing (Status) case
3 for a renewal application.

4 So after you have a chance to
5 sign-in, if you could identify yourselves for
6 the record?

7 MR. WELLS: Good morning,
8 Christopher Wells on behalf of Caribbean Vibes
9 t/a Club Timehri.

10 CHAIRPERSON MILLER: Good morning.

11 MR. HART: Good morning, Brian
12 Hart, ANC Commissioner for 1C01.

13 MR. JAMES: Denis James
14 representing Kalorama Citizens Association.

15 MS. AUBRUN: Benedicte Aubrun
16 representing the Reed-Cooke Neighborhood
17 Association.

18 CHAIRPERSON MILLER: Okay. I
19 don't see that there are any particular issues
20 in this case for this status, unless you want
21 to let me know about any. Otherwise, I'm
22 going to set it for a hearing and --

1 MR. JAMES: We mediated and we
2 have -- we had a private mediation and I feel
3 like we are moving pretty well towards an
4 agreement. We are not quite there yet, but--

5 CHAIRPERSON MILLER: Okay.

6 MR. JAMES: -- we made a lot of
7 progress at our most recent mediation.

8 CHAIRPERSON MILLER: Great. Well,
9 there is still time and we will set this for
10 a hearing and I'll read the instructions in
11 the event that it does go to hearing.

12 The Protest Hearing date is April
13 9, 2014 at 4:30 p.m. The purpose --

14 MR. WELLS: I have a question.

15 CHAIRPERSON MILLER: Oh, you do,
16 sorry. Mr. Wells?

17 MR. WELLS: I'm sorry, could we do
18 it after the 12th? I'm not available the
19 whole first two weeks of April.

20 CHAIRPERSON MILLER: Okay. I'm
21 just going to hear if the other side has
22 anything to say about that and then our

1 General Counsel will look at the schedule and
2 we'll have to get back to you and let you
3 know.

4 Is there any objection to that
5 though from the protestants?

6 MR. HART: No objection.

7 CHAIRPERSON MILLER: Okay. All
8 right. So we will have to get back to you on
9 that. Okay. I will read you the instructions
10 for the Protest Hearing, whether it is the 9th
11 or not at all or a date thereafter, okay,
12 because this is the time that you are before
13 us.

14 The purpose of the Protest Hearing
15 is to determine the appropriateness of the
16 establishment in the section of the District
17 where the establishment is located. That's in
18 23-1607.

19 You are required -- you should
20 have received in the mail a Protest
21 Information Form and an exhibit form. If you
22 haven't received this yet, you can check with

1 Tesha Anderson after this hearing. Those two
2 forms are extremely important and they are
3 required for you to submit seven days ahead of
4 the hearing both to the Board and to all of
5 the parties involved.

6 If you don't submit a Protest
7 Information Form, your application or your
8 protest would be subject to dismissal. And we
9 don't want that to happen based on that, but
10 that is the rule.

11 The Protest Information Form is to
12 identify the issues that are left, that are
13 really before the Board to decide with respect
14 to appropriateness. And the Board will have
15 that hearing focused only on those issues.

16 And the exhibit form, you should
17 be identifying all the exhibits that you would
18 want to put forward at the hearing and also
19 share those with the parties seven days ahead
20 of time.

21 And on your PIF, you should
22 identify your witnesses. So your exhibits

1 could be excluded from the record if you don't
2 do that ahead of time, within a seven day
3 period, upon a finding that the opposing party
4 has been prejudiced or no good cause for the
5 failure to submit has been shown.

6 Likewise, witnesses other than a
7 party who aren't identified may also be
8 subject to exclusion.

9 So those forms are very, very
10 important and remember it's a seven day
11 deadline to submit them.

12 If you have any questions, you can
13 contact Ms. Anderson at 442-6492 or our
14 General Counsel, Martha Jenkins. And if you
15 have any questions right now, feel free.

16 Okay. Well then, good luck and
17 our General Counsel will be in touch with you
18 with respect to your request for a date
19 change.

20 MR. WELLS: Thank you.

21 MR. HART: Thank you.

22 MEMBER SHORT: Good luck.

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(Whereupon, the Protest (Status)
Hearing in the above-entitled matter was
concluded at 9:55 a.m.)

A	call 3:5,20	dismissal 7:8	hearing 1:6,12 2:17	mediation 5:2,7
a.m 2:2 9:3	Caribbean 1:5 4:8	disruptive 2:22	3:1,12,16 4:2,22	meeting 1:3 2:5
above-entitled 9:2	case 1:8 3:5,12,16	District 1:1 2:6	5:10,11,12 6:10	3:15
Act 3:11,14	3:21,21 4:2,20	6:16	6:14 7:1,4,15,18	Meetings 3:11,14
actions 2:22	cause 8:4	Donald 1:17 2:10	9:2	Member 1:17,17,18
adjudication 3:19	cell 3:2	E	Hector 1:18 2:12	1:18,19 8:22
advice 3:17	Chairperson 1:13	electronic 3:1	I	Members 2:15
agenda 2:18	1:16 2:3,9 4:10,18	ensure 3:8	identified 8:7	met 1:12
agreement 5:4	5:5,8,15,20 6:7	enter 3:14	identify 4:5 7:12,22	Mike 1:18 2:13
agreements 3:18	chance 4:4	establishment 6:16	identifying 7:17	Miller 1:13,16 2:3
ahead 7:3,19 8:2	change 8:19	6:17	immediate 2:11,12	2:8 4:10,18 5:5,8
Alberti 1:17 2:11	check 6:22	event 5:11	important 7:2 8:10	5:15,20 6:7
Alcoholic 1:2,11,12	Christopher 4:8	excluded 8:1	Information 6:21	morning 3:21 4:7
2:6	Citizens 4:14	exclusion 8:8	7:7,11	4:10,11
ANC 4:12	closed 3:15	exhibit 6:21 7:16	instructions 5:10	moving 5:3
ANC-1C 1:7 4:1	Club 1:6 3:22 4:9	exhibits 7:17,22	6:9	N
Anderson 7:1 8:13	Columbia 1:1 2:6	extremely 7:2	interruption 3:4	N.W 1:13 4:1
application 1:9 4:3	come 3:5	F	involved 7:5	name 2:8 3:9
7:7	Commissioner 4:12	failure 8:5	issues 4:19 7:12,15	Neighborhood 4:16
appropriateness	concluded 9:3	far 2:9	J	Nick 1:17 2:11
6:15 7:14	consistent 3:13	feel 5:2 8:15	James 1:19 2:14	noises 2:22
April 5:12,19	consult 3:16	finding 8:3	4:13,13 5:1,6	note 3:7
Association 4:14,17	contact 8:13	first 3:20 5:19	Jenkins 8:14	NW 1:6
attendance 2:15	Control 1:2,11,12	focused 7:15	joining 2:9	O
attorney 3:16	2:7	form 6:21,21 7:7,11	K	objection 6:4,6
Aubrun 4:15,15	Copies 2:17	7:16	Kalorama 4:14	obtain 3:17
available 2:18 5:18	correct 3:9	forms 7:2 8:9	know 4:21 6:3	Oh 5:15
avoid 3:3	Counsel 6:1 8:14	forward 3:6 7:18	L	okay 3:20 4:18 5:5
aware 2:19	8:17	free 8:15	left 2:12 7:12	5:20 6:7,9,11 8:16
B	court 2:20	G	legal 3:17	open 3:11,12,14
back 6:2,8	CT 1:7	General 6:1 8:14	License 1:7 4:1	opposing 8:3
based 7:9	D	8:17	Likewise 8:6	P
behalf 4:8	D.C 1:13	go 5:11	located 3:22 6:17	P-R-O-C-E-E-D-...
Benedicte 4:15	date 5:12 6:11 8:18	going 2:3 3:20 4:22	look 6:1	2:1
Beverage 1:2,11,12	day 8:2,10	5:21	lot 5:6	p.m 5:13
2:6	days 7:3,19	good 4:7,10,11 8:4	luck 8:16,22	paggers 3:2
Board 1:2,12 2:7	deadline 8:11	8:16,22	M	paper 3:7
3:13 7:4,13,14	decide 7:13	Great 5:8	mail 6:20	particular 4:19
Brian 4:11	decision 3:18	H	March 1:10 2:7	parties 7:5,19
Brooks 1:17 2:10	deliberate 3:18	happen 7:9	Martha 8:14	party 8:3,7
2:10	Denis 4:13	Hart 4:11,12 6:6	matter 1:4 9:2	period 8:3
Building 1:12	desk 2:19	8:21	mediated 5:1	phones 3:2
C	determine 6:15	hear 5:21		piece 3:7
calendar 2:17	devices 3:2			PIF 7:21
	discuss 3:17			

please 2:19 3:2,5
prejudiced 8:4
PRESENT 1:15
presiding 1:14
pretty 5:3
private 5:2
PRO-00173 3:22
proceeding 3:19
proceedings 2:4,19
 3:4
progress 5:7
protest 1:6 4:2 5:12
 6:10,14,20 7:6,8
 7:11 9:1
protestants 6:5
public 3:12,13,15
purpose 5:13 6:14
put 7:18

Q

question 5:14
questions 8:12,15
quite 5:4
quorum 2:16

R

read 5:10 6:9
really 7:13
received 6:20,22
receptionist 2:18
record 3:10 4:6 8:1
recorded 2:20
Reed-Cooke 4:16
Reeves 1:12
refrain 2:21
regular 2:5
remember 8:10
renewal 1:9 4:3
reporter 2:20
representing 4:14
 4:16
request 8:18
required 6:19 7:3
requires 3:11
respect 7:13 8:18
Retailer 1:7
right 2:9,11 6:8

 8:15
Rodriguez 1:18
 2:12
room 1:12 3:1
rule 7:10
Ruthanne 1:13,16
 2:8

S

schedule 6:1
scheduled 2:5
seat 3:6
section 3:14 6:16
see 4:19
set 4:22 5:9
settlement 3:17
seven 7:3,19 8:2,10
share 7:19
Short 1:19 2:14
 8:22
shown 8:5
side 5:21
sign-in 3:8 4:5
Silverstein 1:18
 2:13,14
six 2:15
sorry 5:16,17
spelling 3:9
start 2:4
status 1:7 4:2,20
 9:1
Street 1:6,13 4:1
subject 7:8 8:8
submit 7:3,6 8:5,11
Suite 1:13
sure 3:3

T

t/a 1:6 4:9
table 3:6,8
take 3:6
Tesha 7:1
Thank 8:20,21
three 2:16
time 5:9 6:12 7:20
 8:2
Timehri 1:6 3:22

 4:9
today 2:7,16
today's 2:17
touch 8:17
turned 3:3
two 5:19 7:1

U

V

Vibes 1:5 4:8

W

want 4:20 7:9,18
Washington 1:13
we'll 6:2
We're 2:3
weeks 5:19
welcome 2:5
Wells 4:7,8 5:14,16
 5:17 8:20
witnesses 7:22 8:6

X

Y

Z

0

1

12 1:10 2:7
12th 5:18
13 3:21
13-PRO-00173 1:8
14th 1:12
18th 1:6 3:22
1C01 4:12

2

2000 1:12
20009 1:13
2014 1:10 2:7 5:13
23-1607 6:18
2439 1:6 3:22

3

4

4:30 5:13
400S 1:13
405(b) 3:14
442-6492 8:13

5

6

7

77730 1:7 4:1

8

9

9 5:13
9:49 2:2
9:55 9:3
9th 6:10