

DISTRICT OF COLUMBIA  
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ALCOHOLIC BEVERAGE CONTROL BOARD  
+ + + + +  
MEETING

IN THE MATTER OF:

H2, LLC  
t/a Satellite Room  
2047 9th Street, NW  
Retailer CT - ANC-1B  
License No. 87296  
Case #15-PRO-00005

Protest  
Hearing  
(Status)

(Substantial Change - 24-  
Hour Operation & Increase in  
Summer Garden Hours)

April 8, 2015

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

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

9:40 a.m.

CHAIRPERSON MILLER: All right. Good morning, ladies and gentlemen. I would like to welcome you to the regularly scheduled meeting of the District of Columbia's Alcoholic Beverage Control Board. Today is April 8, 2015.

My name is Ruthanne Miller. I'm the Chairperson. To my far right is Mr. Donald Brooks. Next to Mr. Brooks is Mr. Hector Rodriguez. And to my left is Mr. Mike Silverstein.

MEMBER SILVERSTEIN: Good morning.

CHAIRPERSON MILLER: We have four Members in attendance for the conduct of business this morning with three constituting a quorum.

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 that you refrain from any disruptive noises or actions in the hearing room.

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

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

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

20           Okay. That concludes my introductory  
21 remarks and we can start with the first case on  
22 the morning calendar, which is Case No. 15-PRO-

1 00005, Satellite Room located at 2047 9th Street,  
2 N.W., License No. 87296, in ANC-1B.

3 So when you have signed in, if you  
4 could start with introductions for the record?

5 MS. FITCH: Candace Fitch, attorney  
6 for Satellite Room.

7 CHAIRPERSON MILLER: Good morning.

8 MR. GREEN: Good morning. My name is  
9 Commissioner John Green and I am representing  
10 ANC-1B.

11 MS. GLICKMAN: Good morning, Christen  
12 Glickman. I represent the protest group.

13 CHAIRPERSON MILLER: You are John  
14 Green? Is that what you said?

15 MR. GREEN: Correct.

16 CHAIRPERSON MILLER: Okay. Just for  
17 the record, my notes say that the designated  
18 representative is Robb Hudson.

19 MR. GREEN: Um-hum. I have an email.  
20 He emailed Ms. Raines.

21 CHAIRPERSON MILLER: Okay.

22 MR. GREEN: And we confirmed that I

1 will be representing him just for today.

2 CHAIRPERSON MILLER: Okay. Fine.

3 Great.

4 MR. GREEN: Thank you.

5 CHAIRPERSON MILLER: All right. Okay.

6 So is there anything you want to report to the

7 Board with respect to where you are?

8 MS. FITCH: We had mediation with Ms.

9 Fletcher on Monday.

10 CHAIRPERSON MILLER: Yes, great.

11 MS. FITCH: Mr. Hudson and Christen  
12 for the protestant group were present and myself  
13 and the applicant. We have reached a draft  
14 settlement agreement. I received some notes at  
15 12:30 this morning that I haven't quite had time  
16 to review yet.

17 CHAIRPERSON MILLER: Okay.

18 MS. FITCH: But we are working  
19 together to come to an agreement of some sort  
20 before the Protest Hearing date in May.

21 CHAIRPERSON MILLER: I have a hearing  
22 date of April 29th.

1 MS. FITCH: Oh.

2 CHAIRPERSON MILLER: 2015 at 4:30 p.m.  
3 Is that different from what you all have?

4 MS. FITCH: Yes. I have May 6th. I  
5 have May 6th at 1:30 in my notes.

6 CHAIRPERSON MILLER: Okay.

7 MS. GLICKMAN: May 6th, 1:30, yes.

8 CHAIRPERSON MILLER: You have May 6 at  
9 1:30 in your notes?

10 MS. GLICKMAN: Um-hum.

11 CHAIRPERSON MILLER: Yours are  
12 probably right, but -- okay. We are checking.

13 MS. FITCH: Okay.

14 CHAIRPERSON MILLER: Okay. So in the  
15 meantime, if there isn't anything else you want  
16 to tell us, I just will give you a few  
17 instructions in the event you go to the hearing.

18 If you go to the hearing, you should  
19 have received by now by electronic or regular  
20 mail a letter explaining the protest process, a  
21 copy of the Protest Information Form, PIF, and a  
22 copy of the Exhibit Form. Have you gotten those?

1 MS. GLICKMAN: Not a copy of the  
2 Exhibit Form, just the explanation of what each  
3 hearing would be is all I received.

4 CHAIRPERSON MILLER: Did you get a  
5 copy of the Protest Information Form yet?

6 MS. FITCH: I didn't. I have one.

7 CHAIRPERSON MILLER: Okay.

8 MS. GLICKMAN: But that doesn't  
9 sound --

10 CHAIRPERSON MILLER: Okay. I guess  
11 they are going to go out after the status. Okay.  
12 All right. So you will receive it. And if you  
13 don't settle and you end up going to Protest  
14 Hearing, make sure you have received this a  
15 couple weeks ahead of time, because the Protest  
16 Information Form on that you are going to be  
17 identifying your issues, as they have probably  
18 narrowed down by the time you are getting to this  
19 hearing and become more specific, and your  
20 witnesses.

21 And on your Exhibit Form you are going  
22 to identify the exhibits that you plan to ask to

1 be admitted at the hearing and actually if there  
2 are documents or photographs or whatever, they  
3 should be attached to this Exhibit Form and you  
4 would identify them.

5 And then the parties will exchange  
6 then, so that you will all be prepared at the  
7 hearing and the Board will have them as well.  
8 They are required to be served on everyone seven  
9 days ahead of the hearing.

10 If you don't do that, if you don't  
11 serve the Board and the other party like with the  
12 PIF, you could be dismissed or if you don't, a  
13 witness might be excluded if the Board determines  
14 that there is like -- you know, it's not fair,  
15 they are surprised, they didn't have time to  
16 prepare. The same with respect to exhibits, they  
17 could be excluded for the same reason. Okay.

18 So you may not even get to that point,  
19 but if you don't get those documents, don't  
20 worry, apparently they haven't been sent out to  
21 you. So if you don't get them though, do ask us.  
22 We find that those forms are very important.

1 They greatly assist the Board and the parties in  
2 narrowing the issues and preventing surprise.

3 Okay. That's basically it. If you  
4 have any questions, you can contact Ms. Raines at  
5 (202) 442-4353. Okay.

6 MS. GLICKMAN: I would like to ask we  
7 are working on the draft settlement agreement and  
8 so if we come to an agreement before the Protest  
9 Hearing date, what do we need to do?

10 CHAIRPERSON MILLER: Well, submit the  
11 agreement to us.

12 MS. GLICKMAN: That's it?

13 CHAIRPERSON MILLER: That's the main  
14 thing. Yes, because we know that once -- if we  
15 sign-off on that, you won't have a hearing.

16 MS. GLICKMAN: Okay.

17 CHAIRPERSON MILLER: Yes. And if you  
18 have any other more specific questions about  
19 dates you know as they are coming off the  
20 calendar or like while the agreement is before  
21 us, ask Ms. Raines. But basically, that's how it  
22 works. If you submit it, we sign-off, there is

1 no hearing.

2 MS. GLICKMAN: Okay.

3 CHAIRPERSON MILLER: Okay. Anything  
4 else?

5 MS. GLICKMAN: And how would we be  
6 notified if you sign-off and what's the time  
7 frame like?

8 CHAIRPERSON MILLER: It's really hard  
9 to say. I mean, we meet once a week, okay, we  
10 meet on Wednesdays, and we are cognizant of your  
11 date of the hearing. So the Board would act on  
12 it, you know, as soon as they could. And then it  
13 would be issued to you.

14 I don't know whether -- you know, you  
15 could again contact Ms. Raines if you are  
16 concerned though.

17 MS. GLICKMAN: Okay.

18 CHAIRPERSON MILLER: But we are very  
19 aware of the date. Okay. Oh, the date. What is  
20 the date?

21 MS. GLICKMAN: May 6th.

22 CHAIRPERSON MILLER: May 6th, okay. At

1 what time?

2 MS. GLICKMAN: 1:30?

3 CHAIRPERSON MILLER: 1:30. Okay. All  
4 right. Thank you.

5 MS. GLICKMAN: Thank you.

6 MS. FITCH: Thank you.

7 MR. GREEN: Thank you.

8 (Whereupon, the Protest (Status)

9 Hearing in the above-entitled matter was  
10 concluded at 9:48 a.m.)

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