

DISTRICT OF COLUMBIA  
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ALCOHOLIC BEVERAGE CONTROL BOARD  
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MEETING

IN THE MATTER OF:

Kiel, LLC	
t/a MOVA	Protest
2204 14th Street, NW	Hearing
Retailer CT - ANC-1B	(Status)
License No. 87030	
Case #14-PRO-00008	

(Renewal Application -  
Re-Placard)

May 1, 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  
MIKE SILVERSTEIN, Member  
HECTOR RODRIGUEZ, Member

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

(10:24 a.m.)

CHAIRPERSON MILLER: Okay. The next case is a Protest (Status) Hearing, Case No. 14-PRO-00008, MOVA located at 2204 14th Street, N.W., License No. 87030, in ANC-1B. And this is a renewal application.

So good morning. When you are ready, if you would introduce yourselves for the record and state who you are with?

MR. WHELAN: Good morning. Stephen Whelan from Veritas Law on behalf of the licensee.

MR. NEMEROFF: Good morning. Patrick Nemeroff of 1407 W Street Protestors.

MR. YOUNG: Chris Young, The Meridian Hill Neighborhood Association.

MR. BAUMANN: My name is Nick Baumann. I'm from the ANC, ANC-1B.

MR. SADLACK: Jason Sadlack, owner of 1407 W Street, one of the owners.

CHAIRPERSON MILLER: Okay. Two of

1 you I don't really have in my notes. So could  
2 you say your name again?

3 MR. SADLACK: Jason Sadlack, S-A-  
4 D-L-A-C-K.

5 CHAIRPERSON MILLER: And who are  
6 you with?

7 MR. SADLACK: I'm an owner at 1407  
8 W Street, the building.

9 CHAIRPERSON MILLER: So I have --  
10 well, let me just get your -- and your name is  
11 what?

12 MR. NEMEROFF: Patrick Nemeroff.  
13 Nemeroff is spelled N-E-M-E-R-O-F-F. I'm also  
14 an owner at 1407 W Street. I think Ephraim  
15 Warnick appeared on our behalf probably  
16 previously.

17 CHAIRPERSON MILLER: Ephraim  
18 Warnick? So I do have it, yeah, Ephraim  
19 Warnick. Is that it?

20 MR. NEMEROFF: Yes, that's it.

21 CHAIRPERSON MILLER: Okay. So and  
22 that is identified as group of 13.

1 MR. NEMEROFF: Oh, yeah.

2 CHAIRPERSON MILLER: Okay. That's  
3 fine.

4 MR. NEMEROFF: Yes. I'm one of  
5 the group.

6 CHAIRPERSON MILLER: Okay. So we  
7 have Meridian Hill Neighborhood Association,  
8 group of 13 and ANC-1B. Okay. Good.

9 Are there any issues you all need  
10 to bring to our attention?

11 MR. BAUMANN: No.

12 MR. SADLACK: Nothing, Your Honor.

13 MR. BAUMANN: Because the owner of  
14 the establishment had a -- was -- had a recent  
15 sickness or illness --

16 MR. SADLACK: A broken back.

17 MR. BAUMANN: -- a broken back,  
18 the mediation hearing is actually going to  
19 occur later this month.

20 CHAIRPERSON MILLER: Okay.

21 MR. BAUMANN: So nothing has  
22 really happened.

1                   CHAIRPERSON MILLER: Okay. So I'm  
2 going to give you your Protest Hearing date in  
3 the event that you don't settle. It would be  
4 great if you do, but if you don't, it is June  
5 11, 2014 at 4:30 p.m.

6                   And then I'm just going to give  
7 you some instructions like I did the other  
8 groups, but they are very important as you get  
9 closer to the hearing, if you go to hearing,  
10 that it needs to be focused on the  
11 appropriateness of the establishment for the  
12 section in which it is located.

13                   And we require that you file a  
14 Protest Information Form and Exhibit Form and  
15 exhibits that you should have received in a  
16 mailing from Adjudication Assistant Tesha  
17 Anderson. If you don't have these documents,  
18 see her at the conclusion of this hearing.

19                   You are required to complete and  
20 submit this Protest Information Form, also  
21 known as a PIF, and the Exhibit Form seven  
22 days before the date of the hearing. The two

1 forms and accompanying documents need to be  
2 submitted to Ms. Anderson for the Board and to  
3 all parties in this matter.

4 If we do not receive a copy of  
5 your PIF, your application or your protest,  
6 whichever side you are representing may be  
7 subject to dismissal.

8 Likewise, if we do not receive a  
9 copy or they don't, if we all don't receive a  
10 copy of the Exhibit Form and exhibits  
11 themselves, your exhibits may be excluded from  
12 the record upon a finding that the opposing  
13 party has been prejudiced or no good cause for  
14 the failure to submit has been shown.

15 Likewise, witnesses other than a  
16 party may also be subject to exclusion if not  
17 identified on the PIF and when we say  
18 identified, we want you to identify with  
19 names. Okay. So the other side is on notice  
20 and so is the Board.

21 Okay. These are very important in  
22 narrowing the issues and facilitating the

1 process. If you have any questions,  
2 afterwards you can contact Ms. Anderson, 442-  
3 6492, or Ms. Jenkins our General Counsel.

4 If there are any questions now,  
5 you can ask now? Okay. Great. Thank you  
6 very much.

7 (Whereupon, the Protest (Status)  
8 Hearing in the above-entitled matter was  
9 concluded at 10:29 a.m.)

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<p><b>A</b></p> <p>a.m 2:2 7:9  <b>above-entitled</b> 7:8  <b>accompanying</b> 6:1  <b>Adjudication</b> 5:16  <b>ALBERTI</b> 1:17  <b>Alcoholic</b> 1:2,12,12  <b>ANC</b> 2:19  <b>ANC-1B</b> 1:7 2:6,19 4:8  <b>Anderson</b> 5:17 6:2 7:2  <b>appeared</b> 3:15  <b>application</b> 1:9 2:7 6:5  <b>appropriateness</b> 5:11  <b>Assistant</b> 5:16  <b>Association</b> 2:17 4:7  <b>attention</b> 4:10</p>	<p><b>contact</b> 7:2  <b>Control</b> 1:2,12,12  <b>copy</b> 6:4,9,10  <b>Counsel</b> 7:3  <b>CT</b> 1:7</p> <p><b>D</b></p> <p><b>D-L-A-C-K</b> 3:4  <b>D.C</b> 1:13  <b>date</b> 5:2,22  <b>days</b> 5:22  <b>dismissal</b> 6:7  <b>DISTRICT</b> 1:1  <b>documents</b> 5:17 6:1</p> <p><b>E</b></p> <p><b>Ephraim</b> 3:14,17 3:18  <b>establishment</b> 4:14 5:11  <b>event</b> 5:3  <b>excluded</b> 6:11  <b>exclusion</b> 6:16  <b>Exhibit</b> 5:14,21 6:10  <b>exhibits</b> 5:15 6:10 6:11</p>	<p><b>group</b> 3:22 4:5,8  <b>groups</b> 5:8</p> <p><b>H</b></p> <p><b>happened</b> 4:22  <b>hearing</b> 1:6,13 2:4 4:18 5:2,9,9,18,22 7:8  <b>HECTOR</b> 1:18  <b>Hill</b> 2:17 4:7  <b>Honor</b> 4:12</p> <p><b>I</b></p> <p><b>identified</b> 3:22 6:17 6:18  <b>identify</b> 6:18  <b>illness</b> 4:15  <b>important</b> 5:8 6:21  <b>Information</b> 5:14 5:20  <b>instructions</b> 5:7  <b>introduce</b> 2:9  <b>issues</b> 4:9 6:22</p>	<p><b>met</b> 1:12  <b>MIKE</b> 1:17  <b>Miller</b> 1:14,16 2:3 2:22 3:5,9,17,21 4:2,6,20 5:1  <b>month</b> 4:19  <b>morning</b> 2:8,11,14  <b>MOVA</b> 1:6 2:5</p> <p><b>N</b></p> <p><b>N-E-M-E-R-O-F-F</b> 3:13  <b>N.W</b> 1:13 2:6  <b>name</b> 2:18 3:2,10  <b>names</b> 6:19  <b>narrowing</b> 6:22  <b>need</b> 4:9 6:1  <b>needs</b> 5:10  <b>Neighborhood</b> 2:17 4:7  <b>Nemeroff</b> 2:14,15 3:12,12,13,20 4:1 4:4  <b>Nick</b> 1:17 2:18  <b>notes</b> 3:1  <b>notice</b> 6:19  <b>NW</b> 1:6</p>	<p><b>prejudiced</b> 6:13  <b>PRESENT</b> 1:15  <b>presiding</b> 1:14  <b>previously</b> 3:16  <b>probably</b> 3:15  <b>process</b> 7:1  <b>protest</b> 1:6 2:4 5:2 5:14,20 6:5 7:7  <b>Protestors</b> 2:15</p> <p><b>Q</b></p> <p><b>questions</b> 7:1,4</p> <p><b>R</b></p> <p><b>Re-Placard</b> 1:9  <b>ready</b> 2:9  <b>really</b> 3:1 4:22  <b>receive</b> 6:4,8,9  <b>received</b> 5:15  <b>record</b> 2:10 6:12  <b>Reeves</b> 1:13  <b>renewal</b> 1:9 2:7  <b>representing</b> 6:6  <b>require</b> 5:13  <b>required</b> 5:19  <b>Retailer</b> 1:7  <b>RODRIGUEZ</b> 1:18  <b>Room</b> 1:13  <b>Ruthanne</b> 1:14,16</p>
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