

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

p-----»
IN THE MATTER OF: :
: :
Sami Restaurant, LLC :
t/a Bistro 18 :
2420 18th Street, NW : Protest
Retailer CR : Hearing
License No. 86876 : (Status)
Case No. 12-PRO-00019 :
ANC 1C :
Substantial Change :
(Entertainment Endorsement :
for Dancing and Cover Charge) :
p-----¼

MAY 2, 2012

The Alcoholic Beverage Control
Board met in the Alcoholic Beverage Control

Hearing Room, Reeves Building, 2000 14th
Street, N.W., Washington, D.C., Ruthanne
Miller, Chairperson, presiding.

PRESENT

RUTHANNE MILLER, Chairperson
NICK ALBERTI, Member

DONALD BROOKS, Member
JEANNETTE MOBLEY, Member
CALVIN NOPHLIN, Member
MIKE SILVERSTEIN, Member

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

2 9:46 a.m.

3 CHAIRPERSON MILLER: The next case
4 on the calendar is Case No. 12-PRO-00019, Sami
5 Restaurant, LLC, trading as Bistro 18, located
6 at 2420 18th Street, N.W., License No. 86876
7 in ANC 1C.

8 This is also a status protest
9 hearing, protest status hearing. And will the
10 parties in this case please come forward?
11 Okay. I see one side is here. Would you
12 introduce yourselves for the record?

13 MR. KAMANDA: Olivier Kamanda on
14 behalf of ANC 1C.

15 MR. JAMES: And I'm Denis James
16 Kalorama Citizens Association.

17 CHAIRPERSON MILLER: Okay. I'm
18 sorry, I missed the name of the ANC
19 representative.

20 MR. KAMANDA: Olivier, O-L-I-V-I-
21 E-R. And the last name is Kamanda.

22 CHAIRPERSON MILLER: Okay.

1 MR. GONZALEZ: Like Amanda with a
2 K at the front.

3 CHAIRPERSON MILLER: Okay. So the
4 Licensee is not here in this case. Have you
5 talked to them or counsel for them?

6 MR. JAMES: Well, we had a
7 mediation scheduled for last Friday at 11:00
8 a.m., which the Licensee did not appear and we
9 waited for over an hour in the hearing room.

10 CHAIRPERSON MILLER: Wow.

11 MR. JAMES: Subsequently Ms.
12 Fletcher was in touch with the Licensee --
13 well, all of us by email. And I have a copy
14 of her letter informing Mr. Goulet that they
15 did not appear and that it's a requirement to
16 appear --

17 CHAIRPERSON MILLER: Right.

18 MR. JAMES: -- for a mediation.
19 Absent the Licensee and I just would like to
20 ask the Board to dismiss this application for
21 an entertainment endorsement on the grounds
22 that (A) the Licensee is not here today; (B)

1 the Licensee did not appear for mediation; and
2 (C) that I would ask the Board to make a
3 determination under 23 DCMR 1000.4, which
4 reads, "An entertainment endorsement shall not
5 be issued to the Licensee under a license
6 class CR, DR, etcetera that has been
7 determined by the Board not to be in
8 substantial compliance with the minimum food
9 sales requirement as set forth in Chapter 21."
10 And as a basis for that I have the Applicant's
11 filed quarterly reports for 2011, which only
12 one has any factual information. The other
13 three quarters just say no data.

14 Now, I'm not making any
15 determination myself, but I'm asking the Board
16 to look at those and any subsequent food
17 information from the Applicant and determine
18 whether or not they are even eligible to file
19 for the entertainment endorsement at this
20 time.

21 MR. KAMANDA: The ANC would concur
22 with that request.

1 CHAIRPERSON MILLER: Okay. Well,
2 I would say to my Board members and would like
3 to hear your response, 1603.3 says, "Failure
4 to appear in person or through a designated
5 representative may result in denial of the
6 license application or dismissal of a protest
7 unless in the discussion of the Board good
8 cause is shown for the failure to appear."
9 And that is under 1603 of our rules for a
10 status hearing. And that seems to be there
11 case here, plus they didn't appear at roll
12 call. So it seems to me the appropriate
13 action would be to dismiss the application.

14 MEMBER SILVERSTEIN: Second.

15 CHAIRPERSON MILLER: Other
16 comments?

17 MEMBER ALBERTI: Should we give
18 them -- I don't know, if you give them until
19 10:00, but no one is --

20 CHAIRPERSON MILLER: Oh.

21 CHAIRPERSON MILLER: That's just
22 my comment, but I'm --

1 MR. JAMES: I would also note that
2 -- and I'm not going to any sort of conclusion
3 about any of the previous concerns about the
4 license, but I'd just like to restate that I
5 think the Board is aware that the community is
6 quite -- very concerned about this license
7 based upon the matters that the Board has
8 forwarded to the Attorney General for show
9 cause, extensive number of charges.

10 CHAIRPERSON MILLER: Mr. Alberti,
11 I mean, I don't mind waiting 10 minutes if
12 you're more comfortable doing that. The fact
13 that they failed to appear at the mediation
14 just made me think that this was a pattern.

15 MEMBER ALBERTI: That's fine.

16 MEMBER SILVERSTEIN: I agree.

17 MEMBER BROOKS: I agree.

18 MEMBER ALBERTI: I think we
19 should --

20 CHAIRPERSON MILLER: What, just
21 moving forward?

22 MEMBER ALBERTI: I'm more than

1 comfortable voting on this than --

2 CHAIRPERSON MILLER: Okay. And
3 they have the recourse for a request for
4 reinstatement I believe. Okay. So there's a
5 motion pending on the table to dismiss the
6 application for failure to appear pursuant to
7 Rule 1603.3.

8 All those in favor, say aye?

9 (Chorus of ayes.)

10 CHAIRPERSON MILLER: All those
11 opposed?

12 (No audible response.)

13 CHAIRPERSON MILLER: All those
14 abstaining?

15 (No audible response.)

16 CHAIRPERSON MILLER: Then the vote
17 is 6-0-0 to dismiss. So that's the action in
18 this case. Thank you very much.

19 MR. KAMANDA: Thank you.

20 MEMBER MOBLEY: Thank you.

21 (Whereupon, the hearing was
22 concluded at 9:51 a.m.)

<p style="text-align: center;">A</p> <p>Absent 3:19 abstaining 7:14 action 5:13 7:17 agree 6:16,17 Alberti 1:19 5:17 6:10,15,18,22 Alcoholic 1:2,15,15 Amanda 3:1 ANC 1:10 2:7,14 2:18 4:21 appear 3:8,15,16 4:1 5:4,8,11 6:13 7:6 Applicant 4:17 Applicant's 4:10 application 3:20 5:6,13 7:6 appropriate 5:12 asking 4:15 Association 2:16 Attorney 6:8 audible 7:12,15 aware 6:5 aye 7:8 eyes 7:9 a.m 2:2 3:8 7:22</p>	<p>CALVIN 1:21 case 1:9 2:3,4,10 3:4 5:11 7:18 cause 5:8 6:9 Chairperson 1:17 1:19 2:3,17,22 3:3 3:10,17 5:1,15,20 5:21 6:10,20 7:2 7:10,13,16 Change 1:10 Chapter 4:9 Charge 1:12 charges 6:9 Chorus 7:9 Citizens 2:16 class 4:6 COLUMBIA 1:1 come 2:10 comfortable 6:12 7:1 comment 5:22 comments 5:16 community 6:5 compliance 4:8 concerned 6:6 concerns 6:3 concluded 7:22 conclusion 6:2 concur 4:21 Control 1:2,15,15 copy 3:13 counsel 3:5 Cover 1:12 CR 1:8 4:6</p>	<p>dismiss 3:20 5:13 7:5,17 dismissal 5:6 DISTRICT 1:1 doing 6:12 DONALD 1:20 DR 4:6 D.C 1:17</p>	<p>hearing 1:8,16 2:9 2:9 3:9 5:10 7:21 hour 3:9</p>	<p>Miller 1:17,19 2:3 2:17,22 3:3,10,17 5:1,15,20,21 6:10 6:20 7:2,10,13,16 mind 6:11 minimum 4:8 minutes 6:11 missed 2:18 MOBLEY 1:21 7:20 motion 7:5 moving 6:21</p>
<p style="text-align: center;">B</p> <p>B 3:22 based 6:7 basis 4:10 behalf 2:14 believe 7:4 Beverage 1:2,15,15 Bistro 1:7 2:5 Board 1:2,15 3:20 4:2,7,15 5:2,7 6:5 6:7 BROOKS 1:20 6:17 Building 1:16</p>	<p style="text-align: center;">D</p> <p>Dancing 1:12 data 4:13 DCMR 4:3 denial 5:5 Denis 2:15 designated 5:4 determination 4:3 4:15 determine 4:17 determined 4:7 discussion 5:7</p>	<p style="text-align: center;">E</p> <p>eligible 4:18 email 3:13 endorsement 1:11 3:21 4:4,19 entertainment 1:11 3:21 4:4,19 etcetera 4:6 extensive 6:9 E-R 2:21</p> <p style="text-align: center;">F</p> <p>fact 6:12 factual 4:12 failed 6:13 failure 5:3,8 7:6 favor 7:8 file 4:18 filed 4:11 fine 6:15 Fletcher 3:12 food 4:8,16 forth 4:9 forward 2:10 6:21 forwarded 6:8 Friday 3:7 front 3:2</p>	<p style="text-align: center;">I</p> <p>information 4:12 4:17 informing 3:14 introduce 2:12 issued 4:5</p> <p style="text-align: center;">J</p> <p>James 2:15,15 3:6 3:11,18 6:1 JEANNETTE 1:21</p> <p style="text-align: center;">K</p> <p>K 3:2 Kalorama 2:16 Kamanda 2:13,13 2:20,21 4:21 7:19 know 5:18</p>	<p style="text-align: center;">N</p> <p>name 2:18,21 NICK 1:19 NOPHLIN 1:21 note 6:1 number 6:9 NW 1:8 N.W 1:17 2:6</p>
<p style="text-align: center;">C</p> <p>C 4:2 calendar 2:4 call 5:12</p>		<p style="text-align: center;">G</p> <p>General 6:8 give 5:17,18 going 6:2 GONZALEZ 3:1 good 5:7 Goulet 3:14 grounds 3:21</p>	<p style="text-align: center;">L</p> <p>letter 3:14 license 1:9 2:6 4:5 5:6 6:4,6 Licensee 3:4,8,12 3:19,22 4:1,5 LLC 1:6 2:5 located 2:5 look 4:16</p> <p style="text-align: center;">M</p> <p>making 4:14 MATTER 1:5 matters 6:7 mean 6:11 mediation 3:7,18 4:1 6:13 MEETING 1:3 Member 1:19,20 1:21,21,22 5:14 5:17 6:15,16,17 6:18,22 7:20 members 5:2 met 1:15 MIKE 1:22</p>	<p style="text-align: center;">O</p> <p>Oh 5:20 Okay 2:11,17,22 3:3 5:1 7:2,4 Olivier 2:13,20 opposed 7:11 O-L-I-V-I 2:20</p> <p style="text-align: center;">P</p> <p>parties 2:10 pattern 6:14 pending 7:5 person 5:4 please 2:10 plus 5:11 PRESENT 1:18 presiding 1:17 previous 6:3 protest 1:8 2:8,9 5:6 pursuant 7:6 P-R-O-C-E-E-D-... 2:1</p>
		<p style="text-align: center;">H</p> <p>hear 5:3</p>	<p style="text-align: center;">Q</p> <p>quarterly 4:11</p>	

quarters 4:13	substantial 1:10	23 4:3		
quite 6:6	4:8	2420 1:8 2:6		
R	T	6		
reads 4:4	table 7:5	6-0-0 7:17		
record 2:12	talked 3:5	8		
recourse 7:3	Thank 7:18,19,20	86876 1:9 2:6		
Reeves 1:16	think 6:5,14,18	9		
reinstatement 7:4	three 4:13	9:46 2:2		
reports 4:11	time 4:20	9:51 7:22		
representative 2:19	today 3:22			
5:5	touch 3:12			
request 4:22 7:3	trading 2:5			
requirement 3:15	t/a 1:7			
4:9	V			
response 5:3 7:12	vote 7:16			
7:15	voting 7:1			
restate 6:4	W			
Restaurant 1:6 2:5	waited 3:9			
result 5:5	waiting 6:11			
Retailer 1:8	Washington 1:17			
Right 3:17	Wow 3:10			
roll 5:11	P			
room 1:16 3:9	p 1:5,12			
Rule 7:7	1			
rules 5:9	1C 1:10 2:7,14			
Ruthanne 1:17,19	10 6:11			
S	10:00 5:19			
sales 4:9	1000.4 4:3			
Sami 1:6 2:4	11:00 3:7			
says 5:3	12-PRO-00019 1:9			
scheduled 3:7	2:4			
Second 5:14	14th 1:16			
see 2:11	1603 5:9			
set 4:9	1603.3 5:3 7:7			
show 6:8	18 1:7 2:5			
shown 5:8	18th 1:8 2:6			
side 2:11	2			
SILVERSTEIN	2 1:14			
1:22 5:14 6:16	2000 1:16			
sorry 2:18	2011 4:11			
sort 6:2	2012 1:14			
status 1:9 2:8,9	21 4:9			
5:10				
Street 1:8,17 2:6				
subsequent 4:16				
Subsequently 3:11				