

DISTRICT OF COLUMBIA

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ALCOHOLIC BEVERAGE CONTROL BOARD

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ROLL CALL HEARING

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 IN THE MATTER OF: :
 :
 States & Letters :
 t/a The Dabney :
 1216-1226 9th Street, NW :
 Retailer CR - ANC-2F :
 License No. 097803 :
 Case #15-PRO-00027 :
 :
 (New Application) :

May 4, 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, Ms. LaVerne Fletcher, Agent, presiding.

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

2 10:05 a.m.

3 AGENT FLETCHER: Would the parties in
4 the matter of The Dabney, please, come forward?
5 The parties in the matter of The Dabney?

6 This is Case No. 15-PRO-00027, States
7 & Letters Restaurant t/a The Dabney, 1216-1226 9th
8 Street, N.W., License No. ABRA-097803. This is a
9 Retailer Class CR new application.

10 The protest issues are adverse impact
11 on peace, order and quiet; residential parking;
12 and vehicular and pedestrian safety; and real
13 property values.

14 My name is LaVerne Fletcher and I'm
15 conducting the Roll Call Hearing as the Board's
16 Agent pursuant to D.C. Official Code 1601.2.

17 Introductions, beginning with the
18 applicant, please.

19 MR. FONSECA: Michael Fonseca of
20 Mallios & O'Brien on behalf of the applicant.

21 MR. ZINK: Alexander Zink.

22 MR. LANGHORNE: Jeremiah Langhorne.

1 AGENT FLETCHER: Mr. Fonseca, would
2 you spell your last name for the record?

3 MR. FONSECA: Oh, I'm sorry, yes.

4 AGENT FLETCHER: You don't need it?
5 He doesn't need it. He knows it already.

6 MR. FONSECA: I guess I am a frequent
7 visitor.

8 AGENT FLETCHER: You're well-known.
9 Alexander, would you spell your last name?

10 MR. ZINK: Z, as in zebra, I-N-K.

11 AGENT FLETCHER: Okay. And your name,
12 sir?

13 MR. LANGHORNE: L-A-N-G-H-O-R-N-E.

14 AGENT FLETCHER: That's the last name?

15 MR. LANGHORNE: Yes.

16 AGENT FLETCHER: And what's the first
17 name?

18 MR. LANGHORNE: Jeremiah, J-E-R-E-M-I-
19 A-H.

20 AGENT FLETCHER: Thank you. And
21 present on behalf of the protestants?

22 MS. SCHAUER: My name is Barbara

1 Shower. B-A-R-B-A-R-A last name is spelled S-C-
2 H-A-U-E-R.

3 AGENT FLETCHER: I'm sorry, Barbara,
4 how is the last name spelled?

5 MS. SCHAUER: S-C-H-A-U-E-R. I am
6 here on behalf of the -- of Ahmed Ait-Ghezala,
7 who cannot be here today.

8 AGENT FLETCHER: Could you spell his
9 name for the record, please?

10 MS. SCHAUER: His name, first name is
11 spelled Ahmed, A-H-M-E-D, last name is capital A-
12 I-T dash G-H-E-Z-A-L-A. And I have his
13 authorization letter.

14 AGENT FLETCHER: I'll take it.

15 MS. SCHAUER: Can I approach?

16 AGENT FLETCHER: Yes. And so are you
17 also here on behalf of Ramona Bowden?

18 MS. SCHAUER: Yes.

19 AGENT FLETCHER: Okay. Ramona Bowden
20 is spelled R-A-M-O-N-A Bowden, B-O-W-D-E-N. And,
21 Ms. Schauer, would you put your contact
22 information on that sheet, please?

1 MS. SCHAUER: Yes.

2 AGENT FLETCHER: Thank you. Ms.
3 Schauer, I'm not -- I don't know if you are aware
4 that a Motion to Dismiss the protest filed by the
5 two individuals that you represent have been
6 filed by the applicant's attorney?

7 MS. SCHAUER: Um-hum.

8 AGENT FLETCHER: Okay. Because of
9 that, the issue of standing will not be decided
10 today. That issue is going to have to be held in
11 abeyance pending the Board's ruling on the Motion
12 to Dismiss the two protestants.

13 MS. SCHAUER: Um-hum.

14 AGENT FLETCHER: The Board's Agent
15 doesn't have the authority to render a decision
16 related to standing if pending before the Board
17 there is a motion.

18 MS. SCHAUER: Well, let me ask you
19 this question. Both Ahmed and Ramona are
20 abutting property owners, so they would have
21 standing.

22 AGENT FLETCHER: They are claiming to

1 be, but it has been challenged and so the Board
2 has to make a ruling. The applicant's attorney
3 has filed a Motion to Dismiss.

4 MS. SCHAUER: We have not seen the
5 motion.

6 AGENT FLETCHER: Mr. Fonseca can speak
7 with you about that.

8 MR. FONSECA: Mr. O'Brien, my partner,
9 filed a motion. It was a last minute
10 substitution of my appearance, so I don't have
11 the file or I would gladly make a copy. I would
12 have assumed under normal courses he would have
13 mailed it. All right. Here is a copy for her.

14 AGENT FLETCHER: Okay.

15 MR. FONSECA: Thank you. Thank you.
16 We would have normally done it by regular mail, I
17 would believe.

18 AGENT FLETCHER: Okay. Exactly.

19 MR. FONSECA: The question is I'm not
20 sure when it was filed, so it could be in today's
21 mail for all I know.

22 AGENT FLETCHER: Okay. And so, Ms.

1 Schauer, did you have any questions at all?

2 MS. SCHAUER: No, I have not seen this
3 motion until just now.

4 AGENT FLETCHER: Okay. It is because
5 of it that the issue of standing can't be decided
6 at the Roll Call Hearing.

7 MS. SCHAUER: Okay. When will it be
8 decided? At the next --

9 AGENT FLETCHER: That motion went on
10 the Board's Agenda, I believe, this past
11 Wednesday. I wasn't here, but I'm aware that the
12 motion has gone on the Board's Agenda for review.

13 MS. SCHAUER: Um-hum.

14 AGENT FLETCHER: The Board postponed
15 its decision on the motion and so I don't know,
16 at this moment, when they are going to put it
17 back on the Board's Agenda.

18 MS. SCHAUER: I see.

19 AGENT FLETCHER: But you may check
20 with Janea Raines, J-A-N-E-A R-A-I-N-E-S.

21 MS. SCHAUER: Okay. J --

22 AGENT FLETCHER: Is how she spells her

1 name. I think there has been some communication
2 between the people that you represent and Janea
3 Raines already.

4 MR. FONSECA: Yes, I was going to say
5 it appears, because I hadn't had an opportunity
6 until just now to look at the motion, but the
7 Certificate of Service by regular mail was April
8 28th, so the clock would have been running on a
9 response, but the parties would be able to
10 respond.

11 AGENT FLETCHER: Yes.

12 MR. FONSECA: I think we are still
13 within that window, at this point.

14 MS. SCHAUER: Because the party, Mr.
15 Ait-Ghezala is out of town until this afternoon,
16 so it's possible he was not home to receive.

17 AGENT FLETCHER: Okay.

18 MS. SCHAUER: Would not have been home
19 to receive the certified piece of mail.

20 MR. FONSECA: I'm not sure if it would
21 have been certified. It would have been regular
22 mail.

1 MS. SCHAUER: I see. All right.

2 MR. FONSECA: But it should be in his
3 mailbox.

4 MS. SCHAUER: So you are telling me
5 that he has a certain period of time to respond
6 to this motion?

7 AGENT FLETCHER: Yes.

8 MS. SCHAUER: And that period of time
9 is?

10 AGENT FLETCHER: Yes, I'm not --

11 MS. SCHAUER: Ms. Raines would be able
12 to answer that question?

13 AGENT FLETCHER: Yes.

14 MS. SCHAUER: Do you happen to have
15 her phone number?

16 AGENT FLETCHER: No, not right off
17 hand, but you -- my number is on the table, there
18 is a card right there.

19 MS. SCHAUER: Yes.

20 AGENT FLETCHER: Feel free to call me
21 and I'll get it for you. I don't know her phone
22 number right off hand.

1 MS. SCHAUER: All right.

2 AGENT FLETCHER: But her email address
3 is Janea Raines, J-A-N-E-A, her last name is
4 spelled R-A-I-N-E-S. And so her email address is
5 janea.raines@dc.gov.

6 MS. SCHAUER: All right. Okay. Thank
7 you.

8 AGENT FLETCHER: And just for the
9 record, there was also a protest filed by ANC-2F,
10 but I'm aware, Mr. Fonseca, that --

11 MR. FONSECA: Yes.

12 AGENT FLETCHER: -- a settlement
13 agreement has been submitted between ANC-2F and
14 the applicant, so that's a non-issue. The
15 standing is a non-issue.

16 And so, Ms. Schauer, most likely it
17 would be Ms. Raines, the same contact --

18 MS. SCHAUER: I see.

19 AGENT FLETCHER: -- with the
20 protestants regarding the Board's decision on the
21 motion. It could be me, but one of us will get
22 back to the protestants and let them know the

1 Board's decision. And we will have to go from
2 there.

3 MS. SCHAUER: Will the Board discuss
4 this during the meeting?

5 AGENT FLETCHER: Yes, it's not a
6 public hearing though. It's on the Agenda. It's
7 behind closed doors that they will discuss it.

8 MS. SCHAUER: Um-hum.

9 AGENT FLETCHER: Make a ruling on the
10 motion and then they will inform Ms. Raines of
11 their decision.

12 MS. SCHAUER: Um-hum.

13 AGENT FLETCHER: And then she will
14 inform me. One of us will get back to you and
15 let you know whether or not the Board decided to
16 grant standing or what they decided to do.

17 MS. SCHAUER: All right. Okay. Thank
18 you.

19 AGENT FLETCHER: You're welcome. So
20 the Roll Call hearing in this matter is closed
21 with no protestants, at this time.

22 MS. SCHAUER: Okay. Thank you for

1 your time.

2 CHAIRPERSON MILLER: Okay. Thank you
3 very much.

4 MR. FONSECA: Thank you.

5 AGENT FLETCHER: Thank you.

6 (Whereupon, the Roll Call Hearing in
7 the above-entitled matter was concluded at 10:13
8 a.m.)

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