

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: :

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Case #13-PRO-00038 :

Black Salt Fish, LLC :

t/a Black Salt Fish & Market :

4883 MacArthur Blvd, N.W. :

License #ABRA-060748 :

Retailer CR :

License Renewal :

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May 13, 2013

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The Alcoholic Beverage Control Board met in Alcoholic Beverage Control

Hearing Room, Reeves Building, 2000 14th Street N.W., Washington, D.C., Ms. La Verne Fletcher, Agent, presiding.

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

10:38 a.m.

AGENT FLETCHER: Would the parties  
in the matter of Black Salt -- oh, I'm sorry.  
Excuse me one second.

Would the parties in the matter of  
Black Salt Fish & Market please come forward?

This is Black Salt Fish, LLC  
trading as Black Salt Fish & Market, Case  
Number 13-PRO-00038, 4883 MacArthur Boulevard,  
N.W., License Number ABRA-060748. This is a  
Retailer CR License Renewal.

The protest issues are adverse  
impact on peace, order and quiet.

My name is La Verne Fletcher and  
I'll be conducting the Roll Call Hearing as  
the Board's Agent pursuant to D.C. Official  
Code 1601.2.

Introductions beginning with the  
Applicant.

MR. BLACK: Hi. My name's Jeff  
Black. I'm the owner and I'm with --

1 MR. SOLE: Jim Sole S-O-L-E.

2 AGENT FLETCHER: Okay. Jeff Black  
3 and Jim Sole S-O-L-E. Thank you very much.

4 And for the Protestants?

5 MS. EMANUEL: Hello.

6 AGENT FLETCHER: Hi.

7 MS. EMANUEL: My name is Maria  
8 Emanuel. That's E-M-A-N-U-E-L. For the  
9 Protestants.

10 AGENT FLETCHER: Thank you. Your  
11 name?

12 MS. HUGHES: And I'm Meredith  
13 Hughes M-E-R-E-D-I-T-H. Hughes, you got it.  
14 Okay.

15 AGENT FLETCHER: Thank you. Are  
16 there any other members from your Protestant  
17 group present?

18 MS. HUGHES: No.

19 MS. EMANUEL: No.

20 AGENT FLETCHER: That's fine. I  
21 just wanted to make sure. I know there are  
22 other members for your group.

1 MS. HUGHES: Yes.

2 AGENT FLETCHER: And you have some  
3 information you want to provide me with.  
4 Thank you.

5 There is one Protestant in this  
6 matter. A group of six. The group of six is  
7 granted standing as Protestants.

8 Marie Emanuel, you're the  
9 designated representative for the group?

10 MS. EMANUEL: Yes.

11 AGENT FLETCHER: Thank you and I  
12 do have a letter for the file from the other  
13 five Protestants designating you as their  
14 representative.

15 I'll read the names of the  
16 Protestants in this matter and then I'll  
17 provide the court reporter with the spelling  
18 of the names after the hearing.

19 So, the Protestants in this matter  
20 are Marie Emanuel, Adam Emanuel, Charlotte  
21 Perry, Meredith Hughes, Carolyn Butler and  
22 Marcy Oppenheimer.

1                   Is that correct? Thank you.

2                   So, that group has standing and  
3 Protestants.

4                   There are two of you present from  
5 your group today. Which means that at the  
6 Status Hearing, three additional people need  
7 to show up in order for you to maintain  
8 standing.

9                   So, actually, what you have today  
10 is conditional standing contingent upon the  
11 other three showing up for the Status Hearing.

12                   So, I'm going to give you a date  
13 for mediation, a Status Hearing and Protest  
14 Hearing. I'll give you to date for the Status  
15 Hearing and the Protest Hearing first.

16                   The Status Hearing is set for June  
17 the 19th, 2013 at 9:30 a.m.

18                   MR. BLACK: Unfortunately, I'm  
19 researching a new restaurant. I'm traveling  
20 extensively in June. If we could possibly do  
21 something in July.

22                   AGENT FLETCHER: Well, let me ask

1       you this, Mr. Black. The purpose of the  
2       Status Hearing is only to tell the ABC Board  
3       the status of the mediation. That's it.

4                   MR. BLACK: Okay.

5                   AGENT FLETCHER: So, nothing else  
6       happens at the Status Hearing except they're  
7       informed regarding the status of the case and  
8       at that stage, you will be informing them of  
9       the outcome of mediation. Either you reached  
10      an agreement or you didn't. That's it.

11                   And then the Board will just  
12      restate the Protest Hearing, but that's all  
13      that happens that day.

14                   So, is there someone that could  
15      come just on your behalf, to be present on  
16      your behalf to sit --

17                   MR. BLACK: I would prefer to be  
18      present.

19                   AGENT FLETCHER: You would prefer  
20      to be present? This is for the Status  
21      Hearing? Okay.

22                   MR. BLACK: Oh, for everything.

1                   AGENT FLETCHER: Okay. And let me  
2 give you the other date to see what your  
3 schedule is like. Because there's also a  
4 Protest Hearing that's scheduled for August  
5 the 7th.

6                   MR. BLACK: That's perfect.

7                   AGENT FLETCHER: Let me -- Mr.  
8 Black, is your email address on that --

9                   MR. BLACK: It is.

10                  AGENT FLETCHER: Did you put it on  
11 that sheet?

12                  MR. BLACK: It is.

13                  AGENT FLETCHER: Because what I'm  
14 going to do in terms of the Status Hearing  
15 then, I'm going to let the staff know that we  
16 need to reschedule the Status Hearing which  
17 will need to occur before August 7.

18                  So, is there any time -- period of  
19 time?

20                  MR. BLACK: Anything in July is  
21 wide open.

22                  AGENT FLETCHER: Anything for the

1 month of July. Okay.

2 MR. BLACK: Probably not the 4th  
3 because I -- I work, but --

4 AGENT FLETCHER: Okay. So, I'm  
5 going to send you an email --

6 MR. BLACK: Okay.

7 AGENT FLETCHER: -- just restating  
8 that you wish to reschedule the Status Hearing  
9 for this purpose and I'm going to send it to  
10 you, too.

11 MS. EMANUEL: We -- I also -- July  
12 looks like a better month for us.

13 AGENT FLETCHER: Is that better  
14 for you, too?

15 MS. EMANUEL: Yes, please.

16 AGENT FLETCHER: Okay. So, I'll  
17 be sending it to you, Maria, as the designated  
18 representative and to you, Mr. Black. Are you  
19 going to be the designated representative or  
20 you both are going to be?

21 MR. BLACK: Well, Jim will -- he's  
22 my general manager. He'll be here.

1                   AGENT FLETCHER: You both are  
2 going to be. Okay. Okay.

3                   So, then you'll get an email from  
4 me and then we'll take it from there.

5                   So, I'm just going to give you a  
6 date for the Protest Hearing of August 7, 2013  
7 at 1:30 p.m. and we'll need to set a date for  
8 mediation.

9                   So, in terms of mediation, Mr.  
10 Black, are you available in June or should we  
11 be looking at -- we have a couple of days in  
12 May. If you're not available in June, then  
13 we'll need to move that to July as well. Do  
14 you have a preference?

15                   MR. BLACK: May is fine.

16                   AGENT FLETCHER: The dates -- the  
17 two dates available in May are May the -- no,  
18 May the 30th and May the 31st are the two  
19 dates available in May. If either one of  
20 those dates are good.

21                   MR. BLACK: Either's fine. What  
22 days of the week are those?

1                   AGENT FLETCHER: That's Thursday  
2                   and Friday.

3                   MR. BLACK: Thursdays are usually  
4                   a little better for me. I work weekends.  
5                   It's a little bit slower than Friday, but it  
6                   doesn't matter.

7                   AGENT FLETCHER: Okay. Is that  
8                   good for you, Ms. Emanuel?

9                   MS. EMANUEL: May 30th works for  
10                  me.

11                  AGENT FLETCHER: Okay. It can be  
12                  at 10:00, 11:00, 12:00 or 1:00. The mediation  
13                  10:00, 11:00, 12:00 or 1:00.

14                  MS. EMANUEL: Ten o'clock.

15                  MR. BLACK: Eleven.

16                  AGENT FLETCHER: So, that's on the  
17                  30th at 11:00. Okay.

18                  MR. BLACK: All these take place  
19                  in this room?

20                  AGENT FLETCHER: They all take  
21                  place in this room ideally. The only time  
22                  that we don't use this room is if it's not

1 available and if it's not, we'll just use  
2 another room.

3 You can just check in with the  
4 receptionist and if we're going to use this  
5 room, she'll just tell you to come on in.

6 MR. BLACK: Okay.

7 MS. EMANUEL: Ms. Fletcher, did  
8 you say August 7th for the Protest?

9 AGENT FLETCHER: Yes. August 7th  
10 at 1:30 and you'll receive a notice of these  
11 dates, too. I just give them to you during  
12 the Roll Call Hearing. But, you'll receive a  
13 notice in the mail. I mean by email or by  
14 mail.

15 Any questions at all? You know  
16 the purpose of the mediation is to try to  
17 resolve the protest issues and if you can do  
18 that and can reach an agreement of some sort  
19 and you submit that to the ABC Board before  
20 the Status Hearing, then we'll cancel the  
21 Status Hearing and if the ABC Board reviews  
22 and approves the agreement, then they will

1 cancel the Protest Hearing. So, the mediation  
2 is just an alternative to going through the  
3 Protest.

4 MR. BLACK: And May 30th is a  
5 Status Hearing?

6 AGENT FLETCHER: May 30 is the  
7 mediation. May 30 is the mediation with the  
8 Board's Mediator. That's also me.

9 So, the purpose of it will be to  
10 discuss the protest issues and the concerns  
11 of --

12 MR. BLACK: Just so I'm clear, we  
13 have -- the mediation's on the 30th?

14 AGENT FLETCHER: Yes.

15 MR. BLACK: The Status Hearing is  
16 to be determined?

17 AGENT FLETCHER: Yes, because you  
18 need July. So, we don't have a Status Hearing  
19 date yet. So --

20 MR. BLACK: Okay. The Protest  
21 Hearing is August 7th at 1:30.

22 AGENT FLETCHER: Exactly and so,

1 the Status Hearing will be sometime in July.

2 MR. BLACK: Okay.

3 AGENT FLETCHER: We'll let you  
4 know when it's going to be and if we can  
5 resolve the matter in mediation and there's an  
6 agreement, there won't need to be a Status  
7 Hearing. But, whether or not you resolve the  
8 matter is voluntary. You just have to show up  
9 for mediation.

10 Okay. Any questions? Okay. My  
11 card's on the table. If you have any, you can  
12 give me a call.

13 The Roll Call Hearing is  
14 concluded. Thank you for coming.

15 MS. EMANUEL: Thank you.

16 (Whereupon, the Roll Call Hearing  
17 was concluded at 10:48 a.m.)

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19

20

21

22

<p style="text-align: center;"><b>A</b></p> <p><b>ABC</b> 6:2 11:19,21  <b>ABRA-060748</b>  1:12 2:11  <b>Adam</b> 4:20  <b>additional</b> 5:6  <b>address</b> 7:8  <b>adverse</b> 2:13  <b>Agent</b> 1:22 2:3,17  3:2,6,10,15,20 4:2  4:11 5:22 6:5,19  7:1,7,10,13,22 8:4  8:7,13,16 9:1,16  10:1,7,11,16,20  11:9 12:6,14,17  12:22 13:3  <b>agreement</b> 6:10  11:18,22 13:6  <b>Alcoholic</b> 1:3,19,19  <b>alternative</b> 12:2  <b>Applicant</b> 2:20  <b>approves</b> 11:22  <b>August</b> 7:4,17 9:6  11:8,9 12:21  <b>available</b> 9:10,12  9:17,19 11:1  <b>a.m</b> 2:2 5:17 13:17</p> <hr/> <p style="text-align: center;"><b>B</b></p> <p><b>beginning</b> 2:19  <b>behalf</b> 6:15,16  <b>better</b> 8:12,13 10:4  <b>Beverage</b> 1:3,19,19  <b>bit</b> 10:5  <b>Black</b> 1:10,11 2:4,7  2:8,9,21,22 3:2  5:18 6:1,4,17,22  7:6,8,9,12,20 8:2  8:6,18,21 9:10,15  9:21 10:3,15,18  11:6 12:4,12,15  12:20 13:2  <b>Blvd</b> 1:12  <b>Board</b> 1:3,19 6:2  6:11 11:19,21  <b>Board's</b> 2:17 12:8  <b>Boulevard</b> 2:10</p>	<p><b>Building</b> 1:20  <b>Butler</b> 4:21</p> <hr/> <p style="text-align: center;"><b>C</b></p> <p><b>call</b> 1:5 2:16 11:12  13:12,13,16  <b>cancel</b> 11:20 12:1  <b>card's</b> 13:11  <b>Carolyn</b> 4:21  <b>case</b> 1:10 2:9 6:7  <b>Charlotte</b> 4:20  <b>check</b> 11:3  <b>clear</b> 12:12  <b>Code</b> 2:18  <b>COLUMBIA</b> 1:1  <b>come</b> 2:7 6:15 11:5  <b>coming</b> 13:14  <b>concerns</b> 12:10  <b>concluded</b> 13:14,17  <b>conditional</b> 5:10  <b>conducting</b> 2:16  <b>contingent</b> 5:10  <b>Control</b> 1:3,19,19  <b>correct</b> 5:1  <b>couple</b> 9:11  <b>court</b> 4:17  <b>CR</b> 1:13 2:12</p> <hr/> <p style="text-align: center;"><b>D</b></p> <p><b>date</b> 5:12,14 7:2  9:6,7 12:19  <b>dates</b> 9:16,17,19,20  11:11  <b>day</b> 6:13  <b>days</b> 9:11,22  <b>designated</b> 4:9 8:17  8:19  <b>designating</b> 4:13  <b>determined</b> 12:16  <b>discuss</b> 12:10  <b>DISTRICT</b> 1:1  <b>D.C</b> 1:21 2:17</p> <hr/> <p style="text-align: center;"><b>E</b></p> <p><b>either</b> 6:9 9:19  <b>Either's</b> 9:21  <b>Eleven</b> 10:15  <b>email</b> 7:8 8:5 9:3</p>	<p>11:13  <b>Emanuel</b> 3:5,7,8,19  4:8,10,20,20 8:11  8:15 10:8,9,14  11:7 13:15  <b>Exactly</b> 12:22  <b>Excuse</b> 2:5  <b>extensively</b> 5:20  <b>E-M-A-N-U-E-L</b>  3:8</p> <hr/> <p style="text-align: center;"><b>F</b></p> <p><b>file</b> 4:12  <b>fine</b> 3:20 9:15,21  <b>first</b> 5:15  <b>Fish</b> 1:10,11 2:7,8,9  <b>five</b> 4:13  <b>Fletcher</b> 1:22 2:3  2:15 3:2,6,10,15  3:20 4:2,11 5:22  6:5,19 7:1,7,10,13  7:22 8:4,7,13,16  9:1,16 10:1,7,11  10:16,20 11:7,9  12:6,14,17,22  13:3  <b>forward</b> 2:7  <b>Friday</b> 10:2,5</p> <hr/> <p style="text-align: center;"><b>G</b></p> <p><b>general</b> 8:22  <b>give</b> 5:12,14 7:2 9:5  11:11 13:12  <b>going</b> 5:12 7:14,15  8:5,9,19,20 9:2,5  11:4 12:2 13:4  <b>good</b> 9:20 10:8  <b>granted</b> 4:7  <b>group</b> 3:17,22 4:6,6  4:9 5:2,5</p> <hr/> <p style="text-align: center;"><b>H</b></p> <p><b>happens</b> 6:6,13  <b>hearing</b> 1:5,20 2:16  4:18 5:6,11,13,14  5:15,15,16 6:2,6  6:12,21 7:4,14,16  8:8 9:6 11:12,20</p>	<p>11:21 12:1,5,15  12:18,21 13:1,7  13:13,16  <b>Hello</b> 3:5  <b>He'll</b> 8:22  <b>Hi</b> 2:21 3:6  <b>Hughes</b> 3:12,13,13  3:18 4:1,21</p> <hr/> <p style="text-align: center;"><b>I</b></p> <p><b>ideally</b> 10:21  <b>impact</b> 2:14  <b>information</b> 4:3  <b>informed</b> 6:7  <b>informing</b> 6:8  <b>Introductions</b> 2:19  <b>issues</b> 2:13 11:17  12:10</p> <hr/> <p style="text-align: center;"><b>J</b></p> <p><b>Jeff</b> 2:21 3:2  <b>Jim</b> 3:1,3 8:21  <b>July</b> 5:21 7:20 8:1  8:11 9:13 12:18  13:1  <b>June</b> 5:16,20 9:10  9:12</p> <hr/> <p style="text-align: center;"><b>K</b></p> <p><b>know</b> 3:21 7:15  11:15 13:4</p> <hr/> <p style="text-align: center;"><b>L</b></p> <p><b>La</b> 1:21 2:15  <b>letter</b> 4:12  <b>License</b> 1:12,13  2:11,12  <b>little</b> 10:4,5  <b>LLC</b> 1:10 2:8  <b>looking</b> 9:11  <b>looks</b> 8:12</p> <hr/> <p style="text-align: center;"><b>M</b></p> <p><b>MacArthur</b> 1:12  2:10  <b>mail</b> 11:13,14  <b>maintain</b> 5:7  <b>manager</b> 8:22</p>	<p><b>Marcy</b> 4:22  <b>Maria</b> 3:7 8:17  <b>Marie</b> 4:8,20  <b>Market</b> 1:11 2:7,9  <b>matter</b> 1:9 2:4,6  4:6,16,19 10:6  13:5,8  <b>mean</b> 11:13  <b>means</b> 5:5  <b>mediation</b> 5:13 6:3  6:9 9:8,9 10:12  11:16 12:1,7,7  13:5,9  <b>mediation's</b> 12:13  <b>Mediator</b> 12:8  <b>members</b> 3:16,22  <b>Meredith</b> 3:12 4:21  <b>met</b> 1:19  <b>month</b> 8:1,12  <b>move</b> 9:13  <b>M-E-R-E-D-I-T-H</b>  3:13</p> <hr/> <p style="text-align: center;"><b>N</b></p> <p><b>name</b> 2:15 3:7,11  <b>names</b> 4:15,18  <b>name's</b> 2:21  <b>need</b> 5:6 7:16,17  9:7,13 12:18 13:6  <b>new</b> 5:19  <b>notice</b> 11:10,13  <b>Number</b> 2:10,11  <b>N.W</b> 1:12,21 2:11</p> <hr/> <p style="text-align: center;"><b>O</b></p> <p><b>occur</b> 7:17  <b>Official</b> 2:17  <b>oh</b> 2:4 6:22  <b>Okay</b> 3:2,14 6:4,21  7:1 8:1,4,6,16 9:2  9:2 10:7,11,17  11:6 12:20 13:2  13:10,10  <b>open</b> 7:21  <b>Oppenheimer</b> 4:22  <b>order</b> 2:14 5:7  <b>outcome</b> 6:9  <b>owner</b> 2:22</p>
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<b>o'clock</b> 10:14	<b>reporter</b> 4:17	<b>Street</b> 1:21	
<hr/> <b>P</b> <hr/>	<b>representative</b> 4:9 4:14 8:18,19	<b>submit</b> 11:19	<hr/> <b>P</b> <hr/>
<b>parties</b> 2:3,6	<b>reschedule</b> 7:16 8:8	<b>sure</b> 3:21	<b>p</b> 1:8,14
<b>peace</b> 2:14	<b>researching</b> 5:19	<b>S-O-L-E</b> 3:1,3	<hr/> <b>#</b> <hr/>
<b>people</b> 5:6	<b>resolve</b> 11:17 13:5 13:7	<hr/> <b>T</b> <hr/>	<b>#13-PRO-00038</b> 1:10
<b>perfect</b> 7:6	<b>restate</b> 6:12	<b>table</b> 13:11	<hr/> <b>1</b> <hr/>
<b>period</b> 7:18	<b>restating</b> 8:7	<b>take</b> 9:4 10:18,20	<b>1:00</b> 10:12,13
<b>Perry</b> 4:21	<b>restaurant</b> 5:19	<b>tell</b> 6:2 11:5	<b>1:30</b> 9:7 11:10 12:21
<b>place</b> 10:18,21	<b>Retailer</b> 1:13 2:12	<b>Ten</b> 10:14	<b>10:00</b> 10:12,13
<b>please</b> 2:7 8:15	<b>reviews</b> 11:21	<b>terms</b> 7:14 9:9	<b>10:38</b> 2:2
<b>possibly</b> 5:20	<b>Roll</b> 1:5 2:16 11:12 13:13,16	<b>Thank</b> 3:3,10,15 4:4,11 5:1 13:14 13:15	<b>10:48</b> 13:17
<b>prefer</b> 6:17,19	<b>room</b> 1:20 10:19,21 10:22 11:2,5	<b>three</b> 5:6,11	<b>11:00</b> 10:12,13,17
<b>preference</b> 9:14	<hr/> <b>S</b> <hr/>	<b>Thursday</b> 10:1	<b>12:00</b> 10:12,13
<b>present</b> 3:17 5:4 6:15,18,20	<b>Salt</b> 1:10,11 2:4,7,8 2:9	<b>Thursdays</b> 10:3	<b>13</b> 1:15
<b>presiding</b> 1:22	<b>schedule</b> 7:3	<b>time</b> 7:18,19 10:21	<b>13-PRO-00038</b> 2:10
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<b>protest</b> 2:13 5:13 5:15 6:12 7:4 9:6 11:8,17 12:1,3,10 12:20	<b>second</b> 2:5	<b>trading</b> 2:9	<b>1601.2</b> 2:18
<b>Protestant</b> 3:16 4:5	<b>see</b> 7:2	<b>traveling</b> 5:19	<b>19th</b> 5:17
<b>Protestants</b> 3:4,9 4:7,13,16,19 5:3	<b>send</b> 8:5,9	<b>try</b> 11:16	<hr/> <b>2</b> <hr/>
<b>provide</b> 4:3,17	<b>sending</b> 8:17	<b>two</b> 5:4 9:17,18	<b>2000</b> 1:20
<b>purpose</b> 6:1 8:9 11:16 12:9	<b>set</b> 5:16 9:7	<b>t/a</b> 1:11	<b>2013</b> 1:15 5:17 9:6
<b>pursuant</b> 2:17	<b>sheet</b> 7:11	<hr/> <b>U</b> <hr/>	<hr/> <b>3</b> <hr/>
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