

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE CONTROL BOARD
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MEETING

IN THE MATTER OF:

Andy Lee Liquors, Inc.
t/a To Be Determined
914 H Street, NE
Retailer A - ANC-6A
License No. 93550
Case #14-PRO-00028

Protest
Hearing
(Status)

(New Application)

May 14, 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
DONALD BROOKS, Member
MIKE SILVERSTEIN, Member
HECTOR RODRIGUEZ, Member
JAMES SHORT, Member

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

(9:37 a.m.)

CHAIRPERSON MILLER: Okay. Good morning, everyone. Welcome to the regularly scheduled meeting of the District of Columbia's Alcoholic Beverage Control Board. Today is May 14, 2014.

My name is Ruthanne Miller. I'm the Chairperson. Joining me today to my far right is Mr. Donald Brooks. Next to Mr. Brooks is Mr. Nick Alberti and to my immediate right is Mr. Hector Rodriguez. To my immediate left is Mr. Mike Silverstein and next to Mr. Silverstein is Mr. James Short.

We have six Members in attendance for the conduct of business this morning and three constitute 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 you to refrain from

1 any disruptive noises or actions in the
2 hearing room.

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

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

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

22 Okay. Those are my general

1 remarks and we can now turn to the cases on
2 the morning calendar.

3 The first case on the calendar is
4 a Protest Hearing (Status) case No. 14-PRO-
5 00028, To Be Determined located at 914 H
6 Street, N.E., License No. 93550, in ANC-6A.

7 Would the parties in that case,
8 please, come forward? Okay. Why don't you
9 introduce yourself for the record then?

10 MR. WILLIAMS: Good morning, Jay
11 Williams on behalf of ANC-6A. That's J-A-Y
12 Williams.

13 CHAIRPERSON MILLER: Okay.

14 MR. WILLIAMS: I did meet with
15 representatives of the establishment yesterday
16 in mediation and I was in contact with them as
17 recently as yesterday evening, so I didn't
18 hear otherwise that they wouldn't be here.

19 CHAIRPERSON MILLER: Okay.

20 MR. WILLIAMS: But I haven't heard
21 from them this morning.

22 CHAIRPERSON MILLER: Right. No

1 one is here right now on behalf of the
2 applicant. So it's 9:40 and the case was
3 called for 9:30. I think what I would like to
4 do is pass and come back, since it's only 10
5 minutes beyond the time, rather than dismiss
6 the application, at this point.

7 MR. WILLIAMS: Sure.

8 CHAIRPERSON MILLER: Okay. So
9 feel free to signal me if they come in.

10 MR. WILLIAMS: All right.

11 CHAIRPERSON MILLER: And we can
12 take you back in then. Okay.

13 MR. WILLIAMS: Great. Thank you.

14 CHAIRPERSON MILLER: All right.

15 Thank you.

16 (Whereupon, at 9:40 a.m. a recess
17 until 9:56 a.m.)

18 CHAIRPERSON MILLER: Okay. I just
19 want to call To Be Determined again for one
20 minute.

21 MR. WILLIAMS: I did get an email
22 that they are en route, but they are not here

1 yet.

2 CHAIRPERSON MILLER: Right.

3 MR. WILLIAMS: I mean, I can tell
4 you that we are, basically, really close to a
5 settlement agreement. And I imagine there
6 will be one submitted, but it won't be today.

7 But there's not much else to say,
8 at this point.

9 CHAIRPERSON MILLER: Okay. Our
10 office also got a call that they were en
11 route.

12 MR. WILLIAMS: Yes.

13 CHAIRPERSON MILLER: So I wanted
14 to ask you if you could hang in a little
15 longer? Is that possible?

16 MR. WILLIAMS: That's fine.

17 CHAIRPERSON MILLER: That way we
18 could get you both here at the same time.

19 MR. WILLIAMS: Sure. No problem.

20 CHAIRPERSON MILLER: All right.

21 Thank you.

22 MR. WILLIAMS: Um-hum.

1 (Whereupon, at 9:57 a.m. a recess
2 until 10:07 a.m.)

3 CHAIRPERSON MILLER: Is the
4 applicant here for To Be Determined yet? No.
5 Okay. Okay. In the case of To Be Determined,
6 so it's 10:07. We had heard that the
7 applicant was on his way, but he hasn't
8 appeared yet.

9 And, Mr. Williams, is there
10 something you would like to put on the record?

11 MR. WILLIAMS: Yes. We would like
12 to request that the Status Hearing be
13 postponed for a week, continued to a week --
14 for a week. We don't have any opposition or
15 we don't -- we wouldn't support dismissing the
16 application, because we understand they are en
17 route. We are working on a settlement
18 agreement. My hope is that we will have a
19 settlement agreement submitted before the next
20 Status Hearing any way.

21 CHAIRPERSON MILLER: Okay. Okay.
22 Any questions by Board Members? Okay.

1 Then I would move that we continue
2 this status.

3 MEMBER RODRIGUEZ: Second it.

4 CHAIRPERSON MILLER: Second?
5 Okay.

6 MEMBER ALBERTI: I will abstain
7 from this decision.

8 CHAIRPERSON MILLER: Oh, Mr.
9 Alberti, you will be recusing yourself from
10 the case?

11 MEMBER ALBERTI: I have to
12 represent the ANC as Chair.

13 CHAIRPERSON MILLER: Yes, okay.

14 MEMBER ALBERTI: Thank you.

15 CHAIRPERSON MILLER: So there is a
16 Motion to Postpone.

17 MEMBER RODRIGUEZ: For one week.

18 CHAIRPERSON MILLER: For one week
19 that has been seconded by Mr. Rodriguez, I
20 think.

21 MEMBER RODRIGUEZ: Yes.

22 CHAIRPERSON MILLER: Yes.

1 All those in favor say aye.

2 ALL: Aye.

3 CHAIRPERSON MILLER: All those
4 opposed? The motion passes 4-0-1, I guess.
5 Mr. Alberti is recused.

6 MR. WILLIAMS: Thank you.

7 CHAIRPERSON MILLER: Thank you.
8 Sorry for your inconvenience.

9 MR. WILLIAMS: No problem.

10 CHAIRPERSON MILLER: Okay. So
11 that concludes our Status Hearing, our Fact-
12 Finding Hearing.

13 (Whereupon, the Protest (Status)
14 Hearing in the above-entitled matter was
15 concluded at 10:09 a.m.)

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