

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE CONTROL BOARD
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MEETING

IN THE MATTER OF:

Yfe, Inc. t/a
18th Street Lounge
1212 18th Street, NW
Retailer CT - ANC-2B
License No. 21211
Case #14-PRO-00025

Protest
Hearing
(Status)

(Renewal Application -
Re-Placard)

May 28, 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

(9:36 a.m.)

CHAIRPERSON MILLER: Good morning, everyone. Welcome to the regularly scheduled meeting of the District of Columbia's Alcoholic Beverage Control Board. Today is May 28, 2014.

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

The Board has six Members in attendance for the conduct of business this morning with three constituting 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 disturbance of the proceedings.

7 When I call your case, please,
8 come forward and take a seat at the table
9 here. You will notice there is a piece of
10 paper on each table for you to sign-in. This
11 is to ensure the correct spelling of your name
12 for 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, discuss settlement
20 agreements or deliberate upon a decision in an
21 adjudication proceeding.

22 Okay. That concludes my general

1 remarks. And I'm going to start with the
2 first case on the calendar this morning and
3 that is Case No. 14-PRO-00025, 18th Street
4 Lounge. It's located at 1212 18th Street,
5 N.W., License No. 21211, in ANC-2B. And this
6 is a Protest (Status) Hearing.

7 So if you will all sign-in and
8 then we can get the introductions on the
9 record when you are ready.

10 MS. FITCH: Candice Fitch,
11 attorney for the licensee.

12 COURT REPORTER: Can you speak
13 into your microphone?

14 MS. FITCH: Candice Fitch,
15 attorney for the licensee, F-I-T-C-H.

16 CHAIRPERSON MILLER: Yes, and with
17 you at your table?

18 MR. NOURI: Farid Nouri, owner.

19 CHAIRPERSON MILLER: Okay. Good
20 morning.

21 MR. KANE: Patrick Kane. I'm here
22 on behalf of the ANC.

1 CHAIRPERSON MILLER: Okay.

2 MS. FITCH: I was going to say
3 we're just sharing a table.

4 CHAIRPERSON MILLER: Okay.

5 MS. FITCH: We get along this
6 well.

7 CHAIRPERSON MILLER: You are here
8 on behalf of the ANC as a protestant, correct?
9 Okay. All right.

10 MR. NELSON: Carl Nelson for the
11 protestant resident group.

12 CHAIRPERSON MILLER: Okay.

13 MS. KALJOT: Tina Kaljot, resident
14 group.

15 MR. BAINES: Steven Baines, B-A-I-
16 N-E-S.

17 CHAIRPERSON MILLER: With the
18 protestant group? You're with the same group?

19 MR. NELSON: They comprise the
20 last two of our required five.

21 CHAIRPERSON MILLER: That's what I
22 was going to ask. My notes say that two more

1 were required to appear here to be granted
2 full standing. You were granted conditional
3 standing at the Roll Call, I guess. So those
4 two are the additional? Okay. Good. So
5 there is no issue then with respect to
6 standing.

7 MS. FITCH: Correct.

8 CHAIRPERSON MILLER: Okay. Are
9 there any other issues that you need to bring
10 to our attention? Okay.

11 MS. FITCH: We have none.

12 CHAIRPERSON MILLER: All right.
13 Then your Protest Hearing is scheduled for
14 July 9, 2014 at 4:30 p.m.

15 And I just want to read you a few
16 instructions just with respect to that, in the
17 event it does go to protest if you don't
18 settle.

19 Keep in mind that the purpose of a
20 Protest Hearing is to determine the
21 appropriateness of the establishment in the
22 section of the District where the

1 establishment is located. That will be the
2 focus of the hearing, but even more so, you
3 should be receiving in the mail in a few weeks
4 from Tesha Anderson a copy of a Protest
5 Information Form and an Exhibit Form.

6 If you don't get them in a few
7 weeks, contact her because these forms are due
8 to the Board and to the opposing parties seven
9 days prior to the hearing. And if we don't
10 receive a copy of your Protest Information
11 Form or PIF, your application or your protest
12 might be subject to dismissal.

13 And likewise, if we don't receive
14 a copy of the Exhibit Form and the Exhibits
15 themselves, your exhibits may be excluded from
16 the record upon a finding that the opposing
17 party has been prejudiced or no good cause for
18 the failure to submit has been shown.

19 Likewise, witnesses other than a
20 party also have to be identified and if they
21 are not, they may be subject to exclusion as
22 well for the same reasons, prejudice to the

1 other side and no good cause for not showing
2 them.

3 It's very important if you do go
4 to hearing. You will see that these forms and
5 exhibits provide notice to the parties ahead
6 of time and it makes for a much more expedited
7 efficient focused hearing.

8 So if you have any questions prior
9 to the hearing, if it does go to hearing, you
10 can contact Ms. Anderson at 442-6492 or Martha
11 Jenkins, our General Counsel. Okay. Any
12 questions? All right. Thank you very much.

13 MS. FITCH: Thank you.

14 (Whereupon, the Protest (Status)
15 Hearing in the above-entitled matter was
16 concluded at 9:42 a.m.)

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| <p style="text-align: center;">A</p> <p>a.m 2:2 8:16 above-entitled 8:15 Act 3:13,16 actions 3:1 additionals 6:4 adjudication 3:21 advice 3:19 agenda 2:19 agreements 3:20 ahead 8:5 Alberti 1:17 2:11 Alcoholic 1:2,12,12 2:6 ANC 4:22 5:8 ANC-2B 1:7 4:5 Anderson 7:4 8:10 appear 6:1 application 1:9 7:11 appropriateness 6:21 attendance 2:16 attention 6:10 attorney 3:18 4:11 4:15 available 2:19 avoid 3:5 aware 2:20</p> | <p>Candice 4:10,14 Carl 5:10 case 1:8 3:7,14,18 4:2,3 cause 7:17 8:1 cell 3:4 certain 3:5 Chairperson 1:14 1:16 2:3,9 4:16,19 5:1,4,7,12,17,21 6:8,12 closed 3:17 COLUMBIA 1:1 Columbia's 2:5 come 3:8 comprise 5:19 concluded 8:16 concludes 3:22 conditional 6:2 conduct 2:16 consistent 3:15 constituting 2:17 consult 3:18 contact 7:7 8:10 Control 1:2,12,12 2:6 Copies 2:18 copy 7:4,10,14 correct 3:11 5:8 6:7 Counsel 8:11 court 2:21 4:12 CT 1:7</p> | <p>Donald 1:17 2:10 due 7:7</p> <p style="text-align: center;">E</p> <p>efficient 8:7 electronic 3:3 ensure 3:11 enter 3:16 establishment 6:21 7:1 event 6:17 excluded 7:15 exclusion 7:21 Exhibit 7:5,14 exhibits 7:14,15 8:5 expedited 8:6</p> <p style="text-align: center;">F</p> <p>F-I-T-C-H 4:15 failure 7:18 far 2:9 Farid 4:18 finding 7:16 first 4:2 Fitch 4:10,10,14,14 5:2,5 6:7,11 8:13 five 5:20 focus 7:2 focused 8:7 Form 7:5,5,11,14 forms 7:7 8:4 forward 3:8 full 6:2</p> | <p>6:20 7:2,9 8:4,7,9 8:9,15 Hector 1:18 2:12</p> <p style="text-align: center;">I</p> <p>identified 7:20 immediate 2:12 immediately 2:11 important 8:3 Information 7:5,10 instructions 6:16 introductions 4:8 issue 6:5 issues 6:9</p> <p style="text-align: center;">J</p> <p>James 1:19 2:14 Jenkins 8:11 joining 2:9 July 6:14</p> <p style="text-align: center;">K</p> <p>Kaljot 5:13,13 Kane 4:21,21 Keep 6:19</p> <p style="text-align: center;">L</p> <p>left 2:12 legal 3:19 License 1:7 4:5 licensee 4:11,15 likewise 7:13,19 located 4:4 7:1 Lounge 1:6 4:4</p> | <p>Miller 1:14,16 2:3 2:8 4:16,19 5:1,4 5:7,12,17,21 6:8 6:12 mind 6:19 morning 2:3,17 4:2 4:20</p> <p style="text-align: center;">N</p> <p>N-E-S 5:16 N.W 1:13 4:5 name 2:8 3:11 need 6:9 Nelson 5:10,10,19 Nick 1:17 2:11 noises 3:1 notes 5:22 notice 3:9 8:5 Nouri 4:18,18 NW 1:6</p> <p style="text-align: center;">O</p> <p>obtain 3:19 Okay 3:22 4:19 5:1 5:4,9,12 6:4,8,10 8:11 open 3:13,14,16 opposing 7:8,16 owner 4:18</p> |
| <p style="text-align: center;">B</p> <p>B-A-I 5:15 Baines 5:15,15 behalf 4:22 5:8 Beverage 1:2,12,12 2:6 Board 1:2,12 2:6 2:15 3:15 7:8 bring 6:9 Brooks 1:17 2:10 2:10 Building 1:13 business 2:16</p> <p style="text-align: center;">C</p> <p>calendar 2:18 4:2 call 3:7 6:3</p> | <p style="text-align: center;">D</p> <p>D.C 1:13 days 7:9 decision 3:20 deliberate 3:20 desk 2:20 determine 6:20 devices 3:4 discuss 3:19 dismissal 7:12 disruptive 3:1 District 1:1 2:5 6:22 disturbance 3:6</p> | <p style="text-align: center;">G</p> <p>general 3:22 8:11 go 6:17 8:3,9 going 4:1 5:2,22 good 2:3 4:19 6:4 7:17 8:1 granted 6:1,2 group 5:11,14,18 5:18 guess 6:3</p> <p style="text-align: center;">H</p> <p>hearing 1:6,13 2:18 3:2,14,18 4:6 6:13</p> | <p style="text-align: center;">M</p> <p>mail 7:3 Martha 8:10 matter 1:4 8:15 meeting 1:3 2:5 3:17 Meetings 3:13,16 Member 1:17,17 1:18,18,19 Members 2:15 met 1:12 microphone 4:13 Mike 1:18 2:13</p> | <p style="text-align: center;">P</p> <p>P-R-O-C-E-E-D-... 2:1 p.m 6:14 pagers 3:4 paper 3:10 parties 7:8 8:5 party 7:17,20 Patrick 4:21 phones 3:4 piece 3:9 PIF 7:11 please 2:20 3:4,7 prejudice 7:22 prejudiced 7:17 PRESENT 1:15 presiding 1:14</p> |

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