

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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Eatonville, Inc. :

t/a Eatonville :

2121-2319 18th Street, N.W. :

License #ABRA-078882 :

Retailer CR - License :

Renewal :

Case #13-PRO-00037 :

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MONDAY, JUNE 3, 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.

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

(10:44 a.m.)

1  
2  
3 MS. FLETCHER: Would the parties  
4 in the matter of -- the parties in the matter  
5 of Eatonville -- the parties in the matter of  
6 Eatonville, please come forward.

7 This is Case No. 13-PRO-00037,  
8 Eatonville, Inc., trading as Eatonville, 2121  
9 14th Street, N.W., License No. ABRA-078882.

10 This is a Retailer CR License  
11 Renewal. The protest issues are adverse  
12 impact on peace, order and quiet. My name is  
13 La Verne Fletcher and I'll be conducting the  
14 Roll Call Hearing as the Board's agent,  
15 pursuant to D.C. Official Code 1601.2.

16 Introductions, beginning with the  
17 licensee.

18 MR. FONSECA: Michael Fonseca, F-  
19 o-n-s-e-c-a, on behalf of the licensee.

20 MR. SHALLAL: And my name is Andy  
21 Shallal, S-h-a-l-l-a-l, on behalf of  
22 Eatonville.

1 MS. FLETCHER: Okay. That's S-a-  
2 l-l?

3 MR. SHALLAL: S-h-a-l-l-a-l.

4 MS. FLETCHER: Oh, excuse me. Let  
5 me start over. I'm sorry.

6 MR. SHALLAL: No problem.

7 MS. FLETCHER: S-h-a- --

8 MR. SHALLAL: l-l-a-l.

9 MS. FLETCHER: Thank you.

10 And on behalf of ANC1B? Is anyone  
11 present on behalf of ANC1B?

12 (No response.)

13 MS. FLETCHER: ANC1B is dismissed  
14 as protestant for failure to appear.

15 Present on behalf of the abutting  
16 property owners?

17 MR. GIRARDO: William Girardo, W-  
18 i-l-l-i-a-m, G-i-r-a-r-d-o.

19 MS. FLETCHER: Your name.

20 MS. SEDOWSKI: Leanne Sedowski, L-  
21 e-a-n-n-e, S-e-d-o-w-s-k-i.

22 MS. FLETCHER: And could you state

1 your address for the record, please.

2 MS. SEDOWSKI: Sure. It's 2125  
3 14th Street, N.W., Apartment 207, Washington,  
4 D.C. 20009.

5 MS. FLETCHER: And you're claiming  
6 to be an abutting property on this because you  
7 share a common wall?

8 MS. SEKOWSKI: Correct.

9 MS. FLETCHER: Okay. Thank you  
10 very much.

11 Mr. Shallal, do you agree with  
12 that, that you share a common wall?

13 MR. SHALLAL: I assume we do.  
14 Yes.

15 MS. FLETCHER: Okay. Mr. Fonseca?

16 MR. FONSECA: Yes. This -- in the  
17 2010 renewal, there was the same protestants.  
18 In 2009, it entered into a voluntary  
19 agreement. So, there have been relationships  
20 as far as the ABC licensing these individuals  
21 from the inception, and we're not -- the  
22 license wasn't renewed after a Board order on

1 a very similar grounds, alleged in their  
2 protest again.

3 MS. FLETCHER: What was the last  
4 thing you said, Mr. Fonseca?

5 MR. FONSECA: The decision of the  
6 Board in the 2010 protest --

7 MS. FLETCHER: Yes.

8 MR. FONSECA: -- was to deny the  
9 protest and grant the license for the very  
10 same grounds that are alleged again in this  
11 protest.

12 MS. FLETCHER: For the -- were you  
13 going to say something?

14 MR. FONSECA: I'll say, the last  
15 time we did, we actually had been with just  
16 ourselves and we can't afford a nice lawyer  
17 like the gentleman here.

18 We actually just protest it  
19 totally on the license and we realize that we  
20 probably never -- because we never had any  
21 attention of the license to be clearly  
22 renewed.

1                   This time we're looking to  
2 specifically renegotiate the noise section  
3 that deals with the live music and for when  
4 these -- brings out the restaurant entirely.

5                   We're not looking to dismiss the  
6 entire license, just the noise section.

7                   MS. FLETCHER: You need to get a  
8 peace order and quiet --

9                   MR. FONSECA: Yes, ma'am.

10                  MS. FLETCHER: -- with the way the  
11 establishment is presently operating.

12                  MR. FONSECA: Correct.

13                  MS. FLETCHER: I am going to grant  
14 you standing as abutting property owners and  
15 you'll have an opportunity to participate in  
16 mediation to resolve any issues that you have.

17                  If you can work them out at that  
18 stage, then that will be that. If not, the  
19 matter will proceed to a protest hearing and  
20 the Board will make a decision about the  
21 license renewal.

22                  MR. FONSECA: Yes.

1 MS. FLETCHER: And Mr. Girardo and  
2 Ms. Sedowski, would you please put your  
3 contact information on the -- okay. Thank  
4 you.

5 MR. GIRARDO: Just one of us?

6 MS. FLETCHER: Yes. One of you --  
7 if one of you do it, that's fine.

8 MR. GIRARDO: Okay.

9 MS. FLETCHER: I'm going to give  
10 you some dates for a status -- or I'll say  
11 again, a mediation date, but I'll give you the  
12 dates of the status and the protest hearings  
13 first.

14 The date for the status hearing is  
15 July 17th. July 17th, at 9:30 a.m., and that  
16 hearing will be before the full board. July  
17 17 and 9:30 a.m.

18 The protest hearing is set for  
19 September 11. September 11, at 4:30 p.m.

20 You will receive notices, written  
21 notice also of the hearing dates.

22 We need to set a date for

1 mediation to occur prior to the July 17 status  
2 hearing. I'll give you the -- some things  
3 that are available.

4 MR. FONSECA: Before you do  
5 mediation, just a query as to the protest date  
6 and time. I note in the proceeding before you  
7 last Monday on another licensee's matter, our  
8 protest hearing is September 11th at 4:30 p.m.

9 Are we stacking this calendar for  
10 the Board?

11 MS. FLETCHER: Well, you know what  
12 happens, a lot of the matters are resolved  
13 prior to a protest hearing, so they do. They  
14 stack them and the -- a large majority of them  
15 are resolved before that, and then they just  
16 remove them from the calendar.

17 So, they are expecting -- they are  
18 not expecting -- and there are going to be a  
19 couple more, Mr. Fonseca, at that very same  
20 time, so you are going to hear those in a  
21 minute.

22 And so, that's the way they manage

1 the calendar. And so, we'll see.

2 MR. FONSECA: At this --

3 MS. FLETCHER: Now, if this matter  
4 is resolved, then this will come off of the  
5 calendar and -- let's see here.

6 The next available date for a  
7 mediation -- well, there are a couple of dates  
8 available in June. Tuesday, June 25 is  
9 available, and Thursday, June 27 is also  
10 available.

11 MS. SEDOWSKI: Unfortunately, we  
12 are both out of town for a wedding on those  
13 days. The first -- the last week of June and  
14 the first week of July.

15 MS. FLETCHER: I will move, then,  
16 to the second week in July.

17 MS. SEDOWSKI: Thank you, ma'am.

18 MS. FLETCHER: Yes. Let's see.  
19 For the second week in July, we can do  
20 Thursday, July 11, or Friday, July 12. At  
21 ten, eleven or one.

22 MR. FONSECA: Either -- at any

1 time. Give us a moment, please.

2 MS. FLETCHER: Okay.

3 MR. FONSECA: The Thursday at  
4 eleven.

5 MS. FLETCHER: Thursday at eleven.  
6 That's July 11.

7 MR. FONSECA: Okay.

8 MS. FLETCHER: July 11 -- did you  
9 say the 11th, Mr. Fonseca?

10 MR. FONSECA: Yes.

11 MS. FLETCHER: Okay. Because the  
12 mediation is Thursday, July 11 at eleven.

13 Okay. Anything else? Anybody?

14 (No response.)

15 MS. FLETCHER: Okay. Then the  
16 Roll Call Hearing is concluded. Thank you.

17 MS. SEDOWSKI: Thank you.

18 MR. FONSECA: Thank you.

19 MS. FLETCHER: Thank you.

20 (Whereupon, the Roll Call Hearing  
21 was concluded at 10:52 a.m.)

22

<b>A</b>	<b>COLUMBIA</b> 1:1 <b>come</b> 2:6 9:4 <b>common</b> 4:7,12 <b>concluded</b> 10:16,21 <b>conducting</b> 2:13 <b>contact</b> 7:3 <b>Control</b> 1:3,18,18 <b>Correct</b> 4:8 6:12 <b>couple</b> 8:19 9:7 <b>CR</b> 1:12 2:10	5:3,7,12 6:7,10,13 7:1,6,9 8:11 9:3 9:15,18 10:2,5,8 10:11,15,19 <b>Fonseca</b> 2:18,18 4:15,16 5:4,5,8,14 6:9,12,22 8:4,19 9:2,22 10:3,7,9,10 10:18 <b>forward</b> 2:6 <b>Friday</b> 9:20 <b>full</b> 7:16	<b>K</b>	<b>notice</b> 7:21 <b>notices</b> 7:20 <b>N.W</b> 1:11,20 2:9 4:3
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