

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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RS of Washington, DC, LLC :

t/a Zengo :

781 7th Street NW :

License #ABRA-073795 :

Retailer CR :

License Renewal :

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JUNE 10, 2013

The Alcoholic Beverage Control Board met in Alcoholic Beverage Control Hearing Room Suite 400S, at 2000 14th Street, N.W., Washington, D.C., LaVerne Fletcher, Agent, presiding.

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

2 10:08 a.m.

3 MS. FLETCHER: Would the parties  
4 in the matter of Zengo please come forward?

5 This is Case #13-PRO-00067, RS of  
6 Washington, D.C., LLC, trading as Zengo, 781  
7 7th Street, N.W., License #ABRA-073795. This  
8 is a Retailer CR License Renewal application.

9 The protest issues are peace,  
10 order and quiet, residential parking and  
11 vehicular and pedestrian safety.

12 Introductions beginning with the  
13 Applicant, please?

14 MR. KLINE: Good morning. Andrew  
15 Kline here on behalf of the Applicant.

16 MR. GANDHI: Good morning. Hi,  
17 LaVerne.

18 Mital Gandhi. How are you?

19 Mital Gandhi here for the Group of  
20 Five as well as the residents at Gallery  
21 Place.

22 MS. FLETCHER: Thank you, Mr.

1 Gandhi. And would you spell your name for the  
2 court reporter?

3 MR. GANDHI: G-A-N-D-H-I. You  
4 should know it.

5 MS. FLETCHER: I do.

6 (LAUGHTER.)

7 MS. FLETCHER: And Mr. Kline --  
8 your name, sir?

9 MR. McCORMACK: Saul McCormack on  
10 behalf of the residents at Gallery Place.

11 MS. FLETCHER: Would you state  
12 that again and spell it for the court  
13 reporter?

14 MR. McCORMACK: S-A-U-L M-C-C-O-R-  
15 M-A-C-K.

16 MS. FLETCHER: Can you do that one  
17 more time?

18 MR. McCORMACK: S-A-U-L M-C-C-O-R-  
19 M-A-C-K.

20 MS. FLETCHER: Thank you.  
21 And your name, sir?

22 MR. WILSEY: Kevin Wilsey on

1       behalf of ANC 2C.

2                   MS. FLETCHER: Thank you, Mr.  
3       Wilsey.

4                   Mr. Gandhi, you're present on  
5       behalf of the residences of Gallery Place?

6                   MR. GANDHI: Residences at Gallery  
7       Place, yes.

8                   MS. FLETCHER: And you're also a  
9       member of the Group of Five?

10                  MR. GANDHI: Yes. Yes, we really  
11       did the Group of Five just to make sure there  
12       are no standing issues with the residences.  
13       And so, if there's standing issues, I'm sure  
14       the Group of Five would withdraw.

15                  MS. FLETCHER: Perfect, because  
16       that's exactly right. The Group of Five does  
17       have standing as protestants.

18                  MR. GANDHI: Right.

19                  MS. FLETCHER: And also, the Group  
20       of Five has standing as Ppotestants, Mr.  
21       Gandhi. But in the protest letter, they also  
22       claim to be abutting property owners. So they

1 are abutting property owners as well as in  
2 that matter if they're a Group of Five. Do  
3 you want to --

4 MR. GANDHI: It's literally the  
5 same building.

6 MS. FLETCHER: Okay. In terms of  
7 being abutting, they would need to share a  
8 common wall with Zengo.

9 MR. GANDHI: They -- well, it's --  
10 I could debate that with Mr. Kline if you'd  
11 like.

12 MS. FLETCHER: Yes.

13 MR. GANDHI: But there's a common  
14 wall there that all the unit owner association  
15 members have an interest within.

16 MS. FLETCHER: All right.

17 MR. GANDHI: And so, I could  
18 absolutely debate that.

19 MS. FLETCHER: Because what we  
20 would do -- you know this already, I'll just  
21 state it anyway.

22 What we would do with respect to

1       it being an abutting property owner is  
2       determine whether or not the individual units  
3       occupied by the residents actually share a  
4       common wall with Zengo -- Units 915, 520, 912,  
5       817 and 536. It would be a matter of whether  
6       or not each of those units shared a common  
7       wall with Zengo. And I know you're occupied  
8       in the same building.

9               MR. GANDHI: Right. Right. Yes,  
10       so whether it's abutting or not, I mean, we  
11       could just be a group of five.

12              MS. FLETCHER: Okay. Well, then  
13       that's perfect. That settles it then.

14              There is a Group of Five that has  
15       standing in this matter.

16              And with respect to the Residences  
17       of Gallery Place, I just won't make any  
18       decision about that because we'll just go with  
19       the Group of Five.

20              And --

21              MR. GANDHI: Well, LaVerne, we  
22       prefer that the Residences have standing

1 unless the Applicant has any issues with that.

2 MS. FLETCHER: Well, let me ask  
3 you this then. In terms of the Residences of  
4 Gallery Place, that group would include all  
5 the residences in the building --

6 MR. GANDHI: Right.

7 MS. FLETCHER: -- at which there  
8 are 192 individual units in the condominium?

9 MR. GANDHI: I'm the president of  
10 the condo association.

11 MS. FLETCHER: And you're the  
12 president. So it is a condo association?

13 MR. GANDHI: Yes.

14 MS. FLETCHER: Okay. That was  
15 actually going to be my next question.

16 A condominium association still  
17 does not have standing as a protestant.

18 MR. GANDHI: Right. And that's  
19 why -- yes.

20 MS. FLETCHER: Exactly. And so,  
21 we'll just go with the Group of Five that has  
22 standing as a protestant in this group.

1                   The condominium association  
2                   doesn't have standing but the citizens  
3                   association that includes membership of the  
4                   entire community, similar to an ANC, would  
5                   have standing. But the Board historically has  
6                   not granted standing to a condominium  
7                   association.

8                   MR. GANDHI: We'll reserve the  
9                   right then, if you don't mind, to speak with  
10                  the Board about that.

11                  MS. FLETCHER: Okay.

12                  MR. GANDHI: We don't care either  
13                  way, as long as we have standing. But --

14                  MS. FLETCHER: Okay.

15                  MR. GANDHI: -- that's why I did  
16                  it both ways.

17                  MS. FLETCHER: All right.

18                  Okay. Thank you, Mr. Gandhi.

19                  And Mr. Wilsey, you represent ANC  
20                  2C. ANC 2C does have standing as a  
21                  protestant,

22                  We need to set a date for a

1 mediation, a status hearing and a protest  
2 hearing. And I'll give you the dates for the  
3 status and protest hearings first.

4 The date for the status hearing is  
5 July 24 at 9:30 a.m. That's July 24 at 9:30  
6 a.m.

7 The date for the protest hearing  
8 is October 2, 2013, at 1:30 p.m.

9 And you'll receive written notice  
10 of these dates as well.

11 The protest hearing is October 2  
12 at 1:30.

13 And we'll need to set a date for  
14 the mediation to occur prior to July 24.

15 The next available date for  
16 mediation is June 26. That's on a Wednesday.  
17 It could be at -- do you have anything here,  
18 Mr. Kline, on Wednesday for any other matters?

19 MR. KLINE: Not at this time. But  
20 obviously that could always change.

21 MS. FLETCHER: Right. Well, let  
22 me move to the first week in July that's not

1 on Wednesday.

2 We can do Tuesday, July 2 at  
3 10:00.

4 MR. GANDHI: Not here.

5 MS. FLETCHER: Okay. Moving to  
6 the week of July 8, we have Tuesday, July 9 at  
7 9:00, 10:00, 11:00 or 1:00.

8 MR. KLINE: How about 11:00 that  
9 day? July 9th at 11:00.

10 MR. GANDHI: Yes.

11 MR. KLINE: Okay. July 9th at  
12 11:00.

13 MS. FLETCHER: Okay. All right.  
14 July 9 at 11:00 for mediation. Okay.

15 Mr. Gandhi, would you put your  
16 email address on that sheet if you haven't?  
17 I have the rest of your contact information.

18 And just for the record, my name  
19 is LaVerne Fletcher, and I'm conducting the  
20 roll call hearing as the Board's Agent  
21 pursuant to D.C. Official Code 1601.2.

22 Okay. The roll call hearing is --

1                   MR. KLINE: Before we do that, Ms.  
2 Fletcher, I just want to clarify for the  
3 record.

4                   MS. FLETCHER: Yes?

5                   MR. KLINE: So we have ANC 2C --

6                   MS. FLETCHER: Yes.

7                   MR. KLINE: -- and a Group of Five  
8 as the two protestants, correct?

9                   MS. FLETCHER: Yes.

10                  MR. KLINE: Great. Thank you.

11                  MS. FLETCHER: All right. Thank  
12 you.

13                  The roll call hearing is  
14 concluded.

15                  (Whereupon, at 10:17 a.m., the  
16 hearing was concluded.)

17

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19

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22

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