

DISTRICT OF COLUMBIA  
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ALCOHOLIC BEVERAGE CONTROL BOARD  
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MEETING

IN THE MATTER OF:

The VIP Room, LLC  
t/a The VIP  
6201 3rd Street, NW  
Retailer CT  
License No. 94561  
Case No. 14-PRO-00038  
ANC 4B  
Application for a New License

Protest  
Hearing  
(Status)

JUNE 25, 2014

The Alcoholic Beverage Control Board met in the Alcoholic Beverage Control Hearing Room, Reeves Building, 2000 14th Street, N.W., Washington, D.C., Ruthanne Miller, Chairperson, presiding.

PRESENT

RUTHANNE MILLER, Chairperson  
NICK ALBERTI, Member  
DONALD BROOKS, Member  
HECTOR RODRIGUEZ, Member  
JAMES SHORT, Member  
MIKE SILVERSTEIN, Member

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

9:47 a.m.

CHAIRPERSON MILLER: Okay. The next protest status hearing case is the VIP, located at 6201 3rd Street, N.W., License No. 94561 in ANC 4B.

Good morning.

MR. BIANCO: Good morning, Madam Chair, Members of the Board. Richard Bianco on behalf of the Applicant. With me I have Applicant's representative Earline Sampson. We also have Bo Sampson.

CHAIRPERSON MILLER: Are they the owners?

MR. BIANCO: Yes.

CHAIRPERSON MILLER: The Applicants? Okay. Good. Good morning. And on our left are some Protestants. You want to identify yourselves for the record, please?

MR. AUSTIN: Ronald Austin, ANC 4B-06.

CHAIRPERSON MILLER: Are you the

1 chair?

2 MR. AUSTIN: Yes.

3 CHAIRPERSON MILLER: Okay. Good  
4 morning.

5 MR. SINCLAIR: Good morning. My  
6 name is Tadd Sinclair and I represent the  
7 group of 11.

8 CHAIRPERSON MILLER: Okay.

9 MR. OLIVER: Morning. My name is  
10 Ian Oliver and I'm part of the group of 11.

11 CHAIRPERSON MILLER: Okay. Good.

12 MR. COTTON: Good morning. I'm  
13 Michael R. Cotton. I represent the group of  
14 11.

15 CHAIRPERSON MILLER: Okay.

16 MS. PECK: Jill Peck with the  
17 group of 11.

18 CHAIRPERSON MILLER: Great. Okay.  
19 All right. I don't see any particular issues  
20 outstanding in your case. Is there anything  
21 you want to bring to our attention?

22 (No audible response)

1                   CHAIRPERSON MILLER: Okay. Then  
2 I'm going to just give you the same reminders  
3 I gave the previous group. That is, if this  
4 goes to hearing, that to keep in mind that the  
5 purpose of the protest hearing is to determine  
6 the appropriateness of the establishment in  
7 the section of the District where the  
8 establishment is located, and that's based on  
9 Regulation 23-1607.

10                   And a few weeks before the hearing  
11 you should receive the Protest Information  
12 Form and an Exhibit Form. And on that Protest  
13 Information Form you're to identify the issues  
14 and your witnesses and you need to identify  
15 your witnesses specifically by name. The more  
16 specific the form, the better. It's to put  
17 both parties and the Board on notice to  
18 exactly what the issues are, so then when we  
19 get to hearing it's a much more focused  
20 hearing. If you don't file the Protest  
21 Information, it is possible that your case  
22 could be dismissed, so be sure to do that, and

1 also to serve the form on the opposing party.

2 Also the Exhibit Form. You need  
3 to attach your exhibits as well to the Exhibit  
4 Form. If you don't file the Exhibit Form --  
5 these need to be filed seven days before the  
6 date of the hearing, both of them. If they're  
7 not filed then and served on the opposing  
8 party, it's possible that your exhibits might  
9 not be admitted.

10 Let me just say this with respect  
11 to witnesses not being allowed to be heard or  
12 whatever. A party is always allowed to heard,  
13 but witnesses, each side needs to be on notice  
14 so they can prepare for the case.

15 If the exhibits aren't submitted  
16 in seven days, it's possible they might not be  
17 admitted, depending upon whether the Board  
18 finds that there's prejudice to the other side  
19 if they weren't submitted in time and whether  
20 the Board finds that you could have filed it  
21 in a timely manner. So just remember those.  
22 The forms will tell you the seven days and

1 everything. I'm just telling you this ahead  
2 time.

3 That's about it, except if you  
4 have any questions in between now and the  
5 hearing you can call Tisha Anderson at 442-  
6 6492 or our general counsel, Martha Jenkins.  
7 Okay?

8 Yes? Question?

9 MR. COTTON: I have a question.

10 CHAIRPERSON MILLER: Okay.

11 MR. COTTON: I submitted a letter  
12 to the Board yesterday. Did you all receive  
13 that?

14 CHAIRPERSON MILLER: I haven't  
15 seen it. Is there anything you need to put on  
16 the record? Otherwise, we will see it later.  
17 But --

18 MR. COTTON: Okay. That's fine.  
19 I just --

20 CHAIRPERSON MILLER: Okay.

21 MR. COTTON: -- wanted to see if  
22 you had received it yet.

1                   CHAIRPERSON MILLER: Okay. The  
2 office might have that. We haven't seen it.

3                   MR. COTTON: It's supposed to be  
4 on the agenda today.

5                   CHAIRPERSON MILLER: Oh, maybe  
6 we'll see it and it will be on the agenda  
7 later.

8                   MR. COTTON: Thank you.

9                   CHAIRPERSON MILLER: Okay.

10                  MR. BIANCO: Madam Chair?

11                  CHAIRPERSON MILLER: Yes?

12                  MR. BIANCO: I'd also like to  
13 ensure that counsel's copied on any  
14 communications to the Board so that they're  
15 not ex parte.

16                  CHAIRPERSON MILLER: Right. You  
17 should give opposing counsel any i

18                  MR. COTTON: This is a separate  
19 issue from me. I'm not representing the 11.  
20 I'm representing myself.

21                  CHAIRPERSON MILLER: Okay. It's  
22 not related to this case?

1                   MR. COTTON:  It's related to the  
2 case, but it's not.

3                   CHAIRPERSON MILLER:  Then you  
4 should serve on the opposing counsel.

5                   MR. COTTON:  No problem.

6                   CHAIRPERSON MILLER:  Okay.  All  
7 papers related to the case.  Okay.  Thank you  
8 very much.

9                   MR. BIANCO:  Thank you.

10                  CHAIRPERSON MILLER:  Have a good  
11 day.

12                  (Whereupon, the above-entitled  
13 matter went off the record at 9:52 a.m.)

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