

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE CONTROL BOARD
+ + + + +
MEETING

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IN THE MATTER OF: :
 :
HGH 1610, LLC :
1610 14th Street, NW : Protest
Retailer CT : Hearing
License No. 88785 : (Status)
Case No. 12-PRO-00016 :
ANC 2F :
New Application :
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JUNE 13, 2012

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
CALVIN NOPHLIN, Member
MIKE SILVERSTEIN, Member

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

9:38 a.m.

CHAIRPERSON MILLER: Good morning.

I'd like to welcome you to the regularly scheduled meeting of the District of Columbia Alcoholic Beverage Control Board.

Today is June 13th, 2012. My name is Ruthanne Miller. I'm the chair. Joining me today to my far right is Mr. Calvin Nophlin. To his immediate left is Mr. Donald Brooks. To my immediate right is Mr. Nick Alberti. To my left is Mr. Mike Silverstein. We have five members in attendance for the conduct of business today, with three constituting a quorum.

Copies of today's hearing calendar and agenda are available at the receptionist's desk.

Please be aware that these proceedings are being recorded by a court reporter. Accordingly, we must ask you to refrain from any disruptive noises or actions

1 in the hearing room.

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

6 Please note that there's a piece
7 of paper on each table in the front. When you
8 come forward as your case is called, please
9 take a seat at the table and sign in. This is
10 to ensure the correct spelling of your name
11 for the record.

12 The record will be closed at the
13 conclusion of each case except for any
14 materials specifically requested by the Board
15 or if the parties elect to submit proposed
16 findings of fact and conclusions of law within
17 30 calendar days after the conclusion of the
18 hearing as permitted by 23 DCMR Section
19 1717.2. After the record is closed no other
20 information will be accepted by the Board.

21 Copies of transcripts are
22 available by contacting ABRA's Records Manager

1 Bill Hager, and it's the sole responsibility
2 of the parties to make this request.

3 The Open Meetings Act requires
4 that the public hearing on each case be open
5 to the public. The Board may, consistent with
6 Section 405(b) of the Open Meetings Act, enter
7 a closed meeting during or after the public
8 hearing on a case to consult with an attorney
9 to obtain legal advice, discuss settlement
10 agreements or deliberate upon a decision in an
11 adjudication proceeding.

12 Today's calendar includes protest
13 status hearings and show cause status hearings
14 and some rulemakings.

15 So we're going to move forward now
16 with our first case on the agenda for this
17 morning, a protest status hearing, Case No.
18 12-PRO-00016, HGH 1610, LLC located at 1610
19 14th Street, N.W., License No. 88785 in ANC
20 2F.

21 Looks like the parties are here at
22 the table. Would you identify yourselves for

1 the record, please?

2 MR. KLINE: Yes, good morning.

3 Andrew Kline on behalf of the Applicant.

4 MR. GEJDENSON: Ari Gejdenson, the
5 Applicant.

6 MS. FERSTER: Good morning.
7 Andrea Ferster on behalf of a group of
8 approximately 45 Protestants.

9 CHAIRPERSON MILLER: Okay. Are
10 there any preliminary matters this morning?

11 MR. KLINE: There are none at this
12 time.

13 CHAIRPERSON MILLER: All right.
14 Then this case is scheduled --

15 MS. FERSTER: We have -- I'm
16 sorry.

17 CHAIRPERSON MILLER: I'm sorry,
18 Ms. Ferster.

19 MS. FERSTER: We do have one
20 preliminary matter.

21 CHAIRPERSON MILLER: Okay.

22 MS. FERSTER: We filed a request

1 for a continuance of the protest hearing and
2 I think we have reached an agreement with the
3 Applicant about an alternate date for the
4 protest hearing of July 11th.

5 CHAIRPERSON MILLER: Correct. I
6 have that actually in my notes. July 11th at
7 3:30 p.m.

8 MR. KLINE: Yes, that's acceptable
9 to the Applicant.

10 MS. FERSTER: And to Protestants
11 as well.

12 CHAIRPERSON MILLER: Okay. Fine.
13 So that is the date. And then I will read the
14 Protestant's directions, just so you know, to
15 be prepared for the protest hearing.

16 You want to make sure that you
17 know that -- you should have received in a
18 mailing from Adjudication Assistance Sarah
19 Fashbaugh a letter explaining the protest
20 process and a copy of the Protest Information
21 Form. If you don't have those documents,
22 please see Ms. Fashbaugh at the conclusion of

1 the hearing. It's very important to follow
2 those rules.

3 You're required to complete and
4 submit the Protest Information Form, known as
5 a PIF, seven days before the date of the
6 hearing. The document needs to be submitted
7 to ABRA and to the opposing parties in this
8 case. If we do not receive a copy of your
9 PIF, your application or your protest,
10 whichever side you're one, may be subject to
11 dismissal.

12 So this form is important in
13 assisting the Board in narrowing the protest
14 issues, facilitating the process and keeping
15 parties on point during the hearing. So be
16 sure to get your PIF in on time. And if you
17 have any questions, don't hesitate to contact
18 Ms. Fashbaugh at 397-3971.

19 MR. KLINE: Madam Chairperson?

20 CHAIRPERSON MILLER: Yes?

21 MR. KLINE: Given that seven days
22 before the hearing is July 4th, might we agree

1 that the PIFs would be due July 3rd?

2 CHAIRPERSON MILLER: Ms. Ferster,
3 do you have any problem with that?

4 MS. FERSTER: No, we don't.

5 CHAIRPERSON MILLER: Okay.

6 MR. KLINE: Great. Just wanted to
7 have clarity.

8 CHAIRPERSON MILLER: That's a good
9 suggestion. Okay. All right.

10 MR. KLINE: Thank you.

11 CHAIRPERSON MILLER: Thank you
12 very much.

13 (Whereupon, the hearing was
14 concluded at 9:43 a.m.)

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