

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE CONTROL BOARD
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MEETING

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IN THE MATTER OF: :
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Z Kitchens, LLC :
t/a Zola Wine and Kitchen :
505 9th Street, NW : Show Cause
Retailer CR : Hearing
License No. 79757 : (Status)
Case No. 12-AUD-00020 :
ANC 2C :
Failed to File Quarterly :
Statements :
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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

ALSO PRESENT

MICHAEL STERN, OAG

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

9:50 a.m.

CHAIRPERSON MILLER: Going to the next case, which is Case No. 12-AUD-00020, Zola Wine & Kitchen, 505 9th Street, N.W., License No. 79757 in ANC 2C.

MR. KLINE: Good morning.

CHAIRPERSON MILLER: Good morning.

MR. KLINE: Andrew Kline on behalf of the Licensee.

MR. STERN: Good morning. Michael Stern representing the District of Columbia.

CHAIRPERSON MILLER: Okay. This is a show cause status hearing. Mr. Kline, did your client receive notice of the hearing?

MR. KLINE: Yes, received it, read it, understood it and we waive any required formal reading.

CHAIRPERSON MILLER: Okay. Good. Mr. Stern, are there any preliminary matters in this case?

MR. STERN: Not at this time.

1 There have been discussions that are ongoing.

2 MR. KLINE: Madam Chair, may I
3 address that?

4 CHAIRPERSON MILLER: Okay.

5 MR. KLINE: There actually is an
6 OIC that's proposed. Our difficulty is
7 there's an application for transfer of this
8 license that's been filed. I do not have for
9 you a representative of the current Licensee
10 or a writing authorizing the acceptance of the
11 OIC, although I am so authorized. Would defer
12 to the Board. If the Board would prefer to
13 have it recalled on another date when we have
14 written authorization, happy to do that. As
15 I said, this is a license that will be
16 transferred and the Licensee is certainly
17 anxious to get this behind them.

18 CHAIRPERSON MILLER: So you
19 represent the current Licensee?

20 MR. KLINE: Actually I represent
21 the current Licensee and I represent the party
22 that's applied for the transfer.

1 MEMBER ALBERTI: Is this a -- the
2 client's not here?

3 CHAIRPERSON MILLER: Mr. Alberti
4 is wondering if you made an appearance in this
5 case. Was this your appearance on the case?

6 CHAIRPERSON MILLER: As a
7 representative?

8 MR. KLINE: I believe we have,
9 although admittedly my administrative
10 assistant is in Sweden, so I'm not going to
11 swear to you that we have.

12 MEMBER ALBERTI: Okay. That's
13 fine. I haven't checked. The reason I was
14 asking was because I checked our records and
15 we don't seem to have one.

16 MR. KLINE: We'll get one right
17 now. I apologize for that.

18 MEMBER ALBERTI: Today?

19 MR. KLINE: Tomorrow, as I will be
20 with you the rest of the day?

21 MEMBER ALBERTI: Madam Chair?

22 CHAIRPERSON MILLER: We're not

1 going to be -- I don't think we're going to be
2 considering the OIC today.

3 MEMBER ALBERTI: Okay.

4 MR. KLINE: That's fine.

5 CHAIRPERSON MILLER: Right.

6 MEMBER ALBERTI: So we can set
7 this forward for a show cause?

8 I'm just troubled that we have --
9 you know, our policy is to ensure that every
10 client is represented, to ensure who they're
11 represented by. And we've asked others for
12 letters of representation the day of, so I'm
13 just troubled. But if we're going to set this
14 for show cause, then there's no harm in just
15 setting it over for show cause.

16 MR. KLINE: That's fine, Mr.
17 Alberti. I apologize to the Board. As I
18 said, the business is in transition and I'm
19 otherwise tied up with you today.

20 MEMBER ALBERTI: It's just equal
21 treatment for all Licensees and --

22 MR. KLINE: We have no objection

1 to that.

2 MEMBER ALBERTI: -- all
3 representatives. That's all --

4 MR. KLINE: No objection to that
5 whatsoever.

6 MEMBER ALBERTI: -- my concern
7 was, Mr. Kline. Thank you.

8 CHAIRPERSON MILLER: Okay. I
9 understand what you're saying is that you
10 expect there to be a settlement.

11 MR. KLINE: Yes.

12 CHAIRPERSON MILLER: Okay.

13 MR. KLINE: But I mean, for the
14 comfort of the Board let's set it for a show
15 cause. As soon as I have written
16 authorization I will be in touch with the OAG
17 assigned to the case, whose name escapes me at
18 this moment, and we will request that it be
19 called so that we can present the OIC to the
20 Board.

21 CHAIRPERSON MILLER: Okay. All
22 right. So we'll do that. We'll set it for

1 show cause and then in the interim --

2 MR. KLINE: Great.

3 CHAIRPERSON MILLER: -- you can
4 always work out the settlement.

5 So the show cause hearing is set
6 for August 8th, 2012 at 10:00 a.m.

7 MR. KLINE: Perfect.

8 CHAIRPERSON MILLER: Okay. Thank
9 you.

10 (Whereupon, the hearing was
11 concluded at 9:54 a.m.)

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<p style="text-align: center;">A</p> <p>acceptance 3:10 address 3:3 administrative 4:9 admittedly 4:9 Alberti 1:19 4:1,3 4:12,18,21 5:3,6 5:17,20 6:2,6 Alcoholic 1:2,14,15 ANC 1:10 2:6 Andrew 2:9 anxious 3:17 apologize 4:17 5:17 appearance 4:4,5 application 3:7 applied 3:22 asked 5:11 asking 4:14 assigned 6:17 assistant 4:10 August 7:6 authorization 3:14 6:16 authorized 3:11 authorizing 3:10 a.m 2:2 7:6,11</p> <hr/> <p style="text-align: center;">B</p> <p>behalf 2:9 believe 4:8 Beverage 1:2,14,15 Board 1:2,15 3:12 3:12 5:17 6:14,20 BROOKS 1:19 Building 1:15 business 5:18</p> <hr/> <p style="text-align: center;">C</p> <p>called 6:19 CALVIN 1:20 case 1:9 2:4,4,21 4:5,5 6:17 cause 1:8 2:14 5:7 5:14,15 6:15 7:1,5 certainly 3:16 Chair 3:2 4:21 Chairperson 1:17</p>	<p>1:18 2:3,8,13,19 3:4,18 4:3,6,22 5:5 6:8,12,21 7:3 7:8 checked 4:13,14 client 2:15 5:10 client's 4:2 Columbia 1:1 2:12 comfort 6:14 concern 6:6 concluded 7:11 considering 5:2 Control 1:2,14,15 CR 1:8 current 3:9,19,21</p> <hr/> <p style="text-align: center;">D</p> <p>date 3:13 day 4:20 5:12 defer 3:11 difficulty 3:6 discussions 3:1 District 1:1 2:12 DONALD 1:19 D.C 1:16</p> <hr/> <p style="text-align: center;">E</p> <p>ensure 5:9,10 equal 5:20 escapes 6:17 expect 6:10</p> <hr/> <p style="text-align: center;">F</p> <p>Failed 1:10 File 1:10 filed 3:8 fine 4:13 5:4,16 formal 2:18 forward 5:7</p> <hr/> <p style="text-align: center;">G</p> <p>going 2:3 4:10 5:1 5:1,13 Good 2:7,8,11,19 Great 7:2</p> <hr/> <p style="text-align: center;">H</p> <p>happy 3:14</p>	<p>harm 5:14 hearing 1:8,15 2:14 2:15 7:5,10</p> <hr/> <p style="text-align: center;">I</p> <p>interim 7:1</p> <hr/> <p style="text-align: center;">J</p> <p>JUNE 1:13</p> <hr/> <p style="text-align: center;">K</p> <p>Kitchen 1:7 2:5 Kitchens 1:6 Kline 2:7,9,9,14,16 3:2,5,20 4:8,16,19 5:4,16,22 6:4,7,11 6:13 7:2,7 know 5:9</p> <hr/> <p style="text-align: center;">L</p> <p>letters 5:12 let's 6:14 license 1:9 2:6 3:8 3:15 Licensee 2:10 3:9 3:16,19,21 Licensees 5:21 LLC 1:6</p> <hr/> <p style="text-align: center;">M</p> <p>Madam 3:2 4:21 MATTER 1:5 matters 2:20 mean 6:13 MEETING 1:3 Member 1:19,19 1:20,21 4:1,12,18 4:21 5:3,6,20 6:2 6:6 met 1:15 Michael 1:22 2:11 MIKE 1:21 Miller 1:17,18 2:3 2:8,13,19 3:4,18 4:3,6,22 5:5 6:8 6:12,21 7:3,8 moment 6:18 morning 2:7,8,11</p>	<p style="text-align: center;">N</p> <p>name 6:17 NICK 1:19 NOPHLIN 1:20 notice 2:15 NW 1:8 N.W 1:16 2:5</p> <hr/> <p style="text-align: center;">O</p> <p>OAG 1:22 6:16 objection 5:22 6:4 OIC 3:6,11 5:2 6:19 Okay 2:13,19 3:4 4:12 5:3 6:8,12,21 7:8 ongoing 3:1</p> <hr/> <p style="text-align: center;">P</p> <p>party 3:21 Perfect 7:7 policy 5:9 prefer 3:12 preliminary 2:20 present 1:18,22 6:19 presiding 1:17 proposed 3:6 P-R-O-C-E-E-D-... 2:1</p> <hr/> <p style="text-align: center;">Q</p> <p>Quarterly 1:10</p> <hr/> <p style="text-align: center;">R</p> <p>read 2:16 reading 2:18 reason 4:13 recalled 3:13 receive 2:15 received 2:16 records 4:14 Reeves 1:15 represent 3:19,20 3:21 representation 5:12 representative 3:9</p>	<p>4:7 representatives 6:3 represented 5:10 5:11 representing 2:12 request 6:18 required 2:17 rest 4:20 Retailer 1:8 right 4:16 5:5 6:22 Room 1:15 Ruthanne 1:16,18</p> <hr/> <p style="text-align: center;">S</p> <p>saying 6:9 set 5:6,13 6:14,22 7:5 setting 5:15 settlement 6:10 7:4 show 1:8 2:14 5:7 5:14,15 6:14 7:1,5 SILVERSTEIN 1:21 soon 6:15 Statements 1:11 status 1:9 2:14 Stern 1:22 2:11,12 2:20,22 Street 1:8,16 2:5 swear 4:11 Sweden 4:10</p> <hr/> <p style="text-align: center;">T</p> <p>Thank 6:7 7:8 think 5:1 tied 5:19 time 2:22 today 4:18 5:2,19 Tomorrow 4:19 touch 6:16 transfer 3:7,22 transferred 3:16 transition 5:18 treatment 5:21 troubled 5:8,13 t/a 1:7</p> <hr/> <p style="text-align: center;">U</p>
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understand 6:9
understood 2:17

W

waive 2:17
Washington 1:16
we'll 4:16 6:22,22
we're 4:22 5:1,13
we've 5:11
whatsoever 6:5
Wine 1:7 2:5
wondering 4:4
work 7:4
writing 3:10
written 3:14 6:15

Z

Z 1:6
Zola 1:7 2:5

P

p 1:5,12

1

10:00 7:6
12-AUD-00020 1:9
 2:4
13 1:13
14th 1:15

2

2C 1:10 2:6
2000 1:15
2012 1:13 7:6

5

505 1:8 2:5

7

79757 1:9 2:6

8

8th 7:6

9

9th 1:8 2:5
9:50 2:2
9:54 7:11