

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

IN THE MATTER OF:

M Street Management Group,
LLC t/a 1819 Club
1819 M Street, NW
Retailer CN - ANC-2B
License No. 71088
Case #14-PRO-00032

Protest
Hearing
(Status)

(Application to Renew the
License)

June 18, 2014

The Alcoholic Beverage Control
Board met in the Alcoholic Beverage Control
Hearing Room, Reeves Building, 2000 14th
Street, N.W., Suite 400S, Washington, D.C.
20009, Chairperson Ruthanne Miller,
presiding.

PRESENT:

RUTHANNE MILLER, Chairperson
NICK ALBERTI, Member
DONALD BROOKS, Member
MIKE SILVERSTEIN, Member

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

2 (9:42 a.m.)

3 CHAIRPERSON MILLER: Okay. Good
4 morning, everyone. Welcome to the regularly
5 scheduled meeting of the District of Columbia
6 Alcoholic Beverage Control Board. Today is
7 June 18, 2014.

8 My name is Ruthanne Miller. I'm
9 the Chairperson. To my far right is Mr.
10 Donald Brooks and next to Mr. Brooks is Mr.
11 Nick Alberti. And to my left is Mr. Mike
12 Silverstein. We have four Members in
13 attendance for the conduct of business this
14 morning, with three constituting a quorum.

15 Copies of today's hearing calendar
16 and agenda are available at the receptionist
17 desk. Please be aware that these proceedings
18 are being recorded by a court reporter.
19 Accordingly, we must ask you to refrain from
20 any disruptive noises or actions in the
21 hearing room.

22 If you have any electronic

1 devices, pagers, cell phones or such, please,
2 make certain they are turned off to avoid any
3 interruption of the proceedings.

4 When I call your case, please,
5 come forward and take a seat at the table in
6 the front. You will notice there is a piece
7 of paper on each table for you to sign-in.
8 This is to ensure the correct spelling of your
9 name for the record.

10 The Open Meetings Act requires
11 that the public hearing on each case be open
12 to the public. The Board may, consistent with
13 Section 405(b) of the Open Meetings Act, enter
14 a closed meeting during or after the public
15 hearing on a case to consult with an attorney
16 to obtain legal advice, discuss settlement
17 agreements or deliberate upon a decision in an
18 adjudication proceeding.

19 Okay. That concludes my general
20 remarks. And we can now turn to this
21 morning's calendar.

22 The first item, the first case on

1 the calendar is a Protest Hearing (Status)
2 case. It's Case No. 14-PRO-00032. It's the
3 1819 Club located at 1819 M Street, N.W.,
4 License No. 71088, in ANC-2B. And it is with
5 respect to an application to renew the
6 establishment's license. Good morning.

7 MR. KANE: Good morning.

8 MR. KUNDANMAL: Good morning.

9 MR. BLANCHARD: Good morning.

10 CHAIRPERSON MILLER: So if you
11 would identify yourselves for the record,
12 please?

13 MR. BLANCHARD: Certainly. My
14 name is Lyle Blanchard of Greenstein, DeLorme
15 and Luchs. I'm representing the applicant, M
16 Street Management Group, LLC.

17 CHAIRPERSON MILLER: Okay.

18 MR. KUNDANMAL: I'm Adrian
19 Kundanmal. I'm the managing member and the
20 owner of M Street Management.

21 CHAIRPERSON MILLER: Okay. Good.

22 MR. KANE: And I'm Patrick Kane.

1 I'm representing ANC-2B.

2 CHAIRPERSON MILLER: Okay. Good.

3 So I'm going to set your case for a Protest
4 Hearing September 10, 2014 at 4:30 p.m. And
5 I want to know if there is anything you wanted
6 to bring to the Board's attention?

7 MR. BLANCHARD: As a preliminary
8 matter --

9 CHAIRPERSON MILLER: Yes?

10 MR. BLANCHARD: -- I think before
11 we even get to that --

12 CHAIRPERSON MILLER: Okay.

13 MR. BLANCHARD: -- we had been --
14 we had one status hearing several months ago.
15 And the Agency didn't show up at that one,
16 inadvertently, and we allowed them -- we did
17 not oppose their filing to --

18 CHAIRPERSON MILLER: Be
19 reinstated?

20 MR. BLANCHARD: -- reinstate
21 themselves.

22 CHAIRPERSON MILLER: Right, right.

1 MR. BLANCHARD: And we have
2 provided the ANC with a lot of documentation
3 to address their concerns and we were given
4 three more mediation dates recently, but
5 neither us nor the ANC responded, because --
6 well, I responded and said we are still trying
7 to get the documentation.

8 So we haven't actually had a
9 mediation. And I think it would be fruitful
10 or helpful to actually have a mediation before
11 we set a date for the Protest Hearing.

12 So what I would like to do is ask
13 the Board to give us another chance to set a
14 mediation date, have a mediation and then take
15 the next step of setting a hearing date, if
16 that is necessary.

17 CHAIRPERSON MILLER: Okay. Did
18 you want to address that briefly?

19 MR. KANE: I'm not sure what the
20 protocol would be on doing something like
21 that. We had proposed a settlement agreement
22 late last week that I think was fairly

1 straightforward and I think the reason that
2 Mr. Blanchard wants to have a mediation is
3 maybe to work out some of the issues in the
4 settlement agreement.

5 CHAIRPERSON MILLER: Okay. So the
6 Protest Hearing is not scheduled until
7 September, so it's not like imminent, so I
8 really feel that, you know, your concerns are
9 noted on the record, but I don't think that we
10 are going to change the date of the hearing,
11 at this point, but if there is reason further
12 on down the road if you are -- you know, you
13 can file a motion or a Consent Motion or
14 something like that later on in the summer, if
15 that's the case.

16 But I think, at this point, I
17 don't see a good reason to lift the hearing
18 date.

19 MR. KANE: That's fine. Could you
20 -- I'm sorry.

21 CHAIRPERSON MILLER: Unless Board
22 Members disagree. What?

1 MR. KANE: Could you tell me the
2 date again?

3 CHAIRPERSON MILLER: So it's
4 September 10, 2014.

5 MR. KANE: 10th, okay.

6 CHAIRPERSON MILLER: At 4:30 p.m.
7 And so, you know, it's good to hear that, you
8 know, you are in settlement negotiations. So
9 hopefully that will progress.

10 All right. Then so it's at this
11 point though that I do have to bring some
12 information to your attention about our
13 requirements before the Protest Hearing, in
14 the event that you go to a Protest Hearing.
15 And the most important thing is that you need
16 to file a Protest Information Form, often
17 referred to as a PIF, seven days before the
18 hearing, and serve it on opposing parties.

19 And in that Protest Information
20 Form, you will be asked to identify the issues
21 that have been narrowed down for the hearing
22 and your witnesses. And you will also need to

1 file an Exhibit Form with your exhibits,
2 identifying your exhibits and also attaching
3 the exhibits.

4 If you don't file the Protest
5 Information Form, your protest could be
6 subject to dismissal. If you don't file --
7 identify your witnesses and your exhibits at
8 the hearing, they could be subject to
9 exclusion, that would be based on whether the
10 other party is prejudiced by not having been
11 served with them and whether you could have
12 knowingly filed them and listed them at that
13 time.

14 Okay. If you don't get those
15 forms, you know, a few weeks before the
16 hearing by then, check in with the office or
17 with Martha Jenkins. Okay.

18 MEMBER ALBERTI: Madam Chair?

19 CHAIRPERSON MILLER: Yes?

20 MEMBER ALBERTI: Ms. Miller?

21 CHAIRPERSON MILLER: Yes.

22 MEMBER ALBERTI: I think the

1 parties should know that the Board's mediator
2 is available if you request it, so that's a
3 possibility if you would like.

4 MR. KANE: Okay.

5 MR. KUNDANMAL: Good.

6 MR. KANE: Thank you.

7 CHAIRPERSON MILLER: Thank you.

8 Okay. And if you have any other questions
9 after this hearing, you can contact our legal
10 counsel, Martha Jenkins, or Tesha Anderson and
11 Tesha Anderson's number is 442-6492.

12 Okay. Do you have any other
13 questions?

14 MR. BLANCHARD: No.

15 CHAIRPERSON MILLER: All right.

16 Thank you. Good luck.

17 MR. BLANCHARD: Thank you.

18 CHAIRPERSON MILLER: Okay.

19 MR. BLANCHARD: Thank you.

20 (Whereupon, the Protest (Status)

21 Hearing in the above-entitled matter was

22 concluded at 9:49 a.m.)

<p style="text-align: center;">A</p> <p>a.m 2:2 10:22 above-entitled 10:21 Act 3:10,13 actions 2:20 address 6:3,18 adjudication 3:18 Adrian 4:18 advice 3:16 Agency 5:15 agenda 2:16 ago 5:14 agreement 6:21 7:4 agreements 3:17 Alberti 1:17 2:11 9:18,20,22 Alcoholic 1:2,12,12 2:6 allowed 5:16 ANC 6:2,5 ANC-2B 1:7 4:4 5:1 Anderson 10:10 Anderson's 10:11 applicant 4:15 application 1:9 4:5 asked 8:20 attaching 9:2 attendance 2:13 attention 5:6 8:12 attorney 3:15 available 2:16 10:2 avoid 3:2 aware 2:17</p> <hr/> <p style="text-align: center;">B</p> <p>based 9:9 Beverage 1:2,12,12 2:6 Blanchard 4:9,13 4:14 5:7,10,13,20 6:1 7:2 10:14,17 10:19 Board 1:2,12 2:6 3:12 6:13 7:21 Board's 5:6 10:1</p>	<p>briefly 6:18 bring 5:6 8:11 Brooks 1:17 2:10 2:10 Building 1:13 business 2:13</p> <hr/> <p style="text-align: center;">C</p> <p>calendar 2:15 3:21 4:1 call 3:4 case 1:8 3:4,11,15 3:22 4:2,2 5:3 7:15 cell 3:1 certain 3:2 Certainly 4:13 Chair 9:18 Chairperson 1:14 1:16 2:3,9 4:10,17 4:21 5:2,9,12,18 5:22 6:17 7:5,21 8:3,6 9:19,21 10:7 10:15,18 chance 6:13 change 7:10 check 9:16 closed 3:14 Club 1:6 4:3 CN 1:7 Columbia 1:1 2:5 come 3:5 concerns 6:3 7:8 concluded 10:22 concludes 3:19 conduct 2:13 Consent 7:13 consistent 3:12 constituting 2:14 consult 3:15 contact 10:9 Control 1:2,12,12 2:6 Copies 2:15 correct 3:8 counsel 10:10 court 2:18</p>	<p style="text-align: center;">D</p> <p>D.C 1:13 date 6:11,14,15 7:10,18 8:2 dates 6:4 days 8:17 decision 3:17 deliberate 3:17 DeLorme 4:14 desk 2:17 devices 3:1 disagree 7:22 discuss 3:16 dismissal 9:6 disruptive 2:20 District 1:1 2:5 documentation 6:2 6:7 doing 6:20 Donald 1:17 2:10</p> <hr/> <p style="text-align: center;">E</p> <p>electronic 2:22 ensure 3:8 enter 3:13 establishment's 4:6 event 8:14 exclusion 9:9 Exhibit 9:1 exhibits 9:1,2,3,7</p> <hr/> <p style="text-align: center;">F</p> <p>fairly 6:22 far 2:9 feel 7:8 file 7:13 8:16 9:1,4 9:6 filed 9:12 filing 5:17 fine 7:19 first 3:22,22 Form 8:16,20 9:1,5 forms 9:15 forward 3:5 four 2:12 front 3:6 fruitful 6:9</p>	<p>further 7:11</p> <hr/> <p style="text-align: center;">G</p> <p>general 3:19 give 6:13 given 6:3 go 8:14 going 5:3 7:10 good 2:3 4:6,7,8,9 4:21 5:2 7:17 8:7 10:5,16 Greenstein 4:14 Group 1:5 4:16</p> <hr/> <p style="text-align: center;">H</p> <p>hear 8:7 hearing 1:6,13 2:15 2:21 3:11,15 4:1 5:4,14 6:11,15 7:6 7:10,17 8:13,14 8:18,21 9:8,16 10:9,21 helpful 6:10 hopefully 8:9</p> <hr/> <p style="text-align: center;">I</p> <p>identify 4:11 8:20 9:7 identifying 9:2 imminent 7:7 important 8:15 inadvertently 5:16 information 8:12 8:16,19 9:5 interruption 3:3 issues 7:3 8:20 item 3:22</p> <hr/> <p style="text-align: center;">J</p> <p>Jenkins 9:17 10:10 June 1:11 2:7</p> <hr/> <p style="text-align: center;">K</p> <p>Kane 4:7,22,22 6:19 7:19 8:1,5 10:4,6 know 5:5 7:8,12 8:7,8 9:15 10:1</p>	<p>knowingly 9:12 Kundanmal 4:8,18 4:19 10:5</p> <hr/> <p style="text-align: center;">L</p> <p>late 6:22 left 2:11 legal 3:16 10:9 license 1:7,9 4:4,6 lift 7:17 listed 9:12 LLC 1:6 4:16 located 4:3 lot 6:2 Luchs 4:15 luck 10:16 Lyle 4:14</p> <hr/> <p style="text-align: center;">M</p> <p>M 1:5,6 4:3,15,20 Madam 9:18 Management 1:5 4:16,20 managing 4:19 Martha 9:17 10:10 matter 1:4 5:8 10:21 mediation 6:4,9,10 6:14,14 7:2 mediator 10:1 meeting 1:3 2:5 3:14 Meetings 3:10,13 member 1:17,17,18 4:19 9:18,20,22 Members 2:12 7:22 met 1:12 Mike 1:18 2:11 Miller 1:14,16 2:3 2:8 4:10,17,21 5:2 5:9,12,18,22 6:17 7:5,21 8:3,6 9:19 9:20,21 10:7,15 10:18 months 5:14 morning 2:4,14 4:6 4:7,8,9</p>
---	--	--	--	---

morning's 3:21	preliminary 5:7	Ruthanne 1:14,16	time 9:13	400S 1:13
motion 7:13,13	PRESENT 1:15	2:8	Today 2:6	405(b) 3:13
<hr/> N <hr/>	presiding 1:14	<hr/> S <hr/>	today's 2:15	442-6492 10:11
N.W 1:13 4:3	proceeding 3:18	scheduled 2:5 7:6	trying 6:6	<hr/> 5 <hr/>
name 2:8 3:9 4:14	proceedings 2:17	seat 3:5	turn 3:20	<hr/> 6 <hr/>
narrowed 8:21	3:3	Section 3:13	turned 3:2	<hr/> 7 <hr/>
necessary 6:16	progress 8:9	see 7:17	<hr/> U <hr/>	<hr/> 71088 1:7 4:4
need 8:15,22	proposed 6:21	September 5:4 7:7	<hr/> V <hr/>	<hr/> 8 <hr/>
negotiations 8:8	protest 1:6 4:1 5:3	8:4	<hr/> W <hr/>	<hr/> 9 <hr/>
neither 6:5	6:11 7:6 8:13,14	serve 8:18	want 5:5 6:18	9:42 2:2
Nick 1:17 2:11	8:16,19 9:4,5	served 9:11	wanted 5:5	9:49 10:22
noises 2:20	10:20	set 5:3 6:11,13	wants 7:2	
noted 7:9	protocol 6:20	setting 6:15	Washington 1:13	
notice 3:6	provided 6:2	settlement 3:16	week 6:22	
number 10:11	public 3:11,12,14	6:21 7:4 8:8	weeks 9:15	
NW 1:6	<hr/> Q <hr/>	seven 8:17	Welcome 2:4	
<hr/> O <hr/>	questions 10:8,13	show 5:15	witnesses 8:22 9:7	
obtain 3:16	quorum 2:14	sign-in 3:7	work 7:3	
office 9:16	<hr/> R <hr/>	Silverstein 1:18	<hr/> X <hr/>	
okay 2:3 3:19 4:17	really 7:8	2:12	<hr/> Y <hr/>	
4:21 5:2,12 6:17	reason 7:1,11,17	sorry 7:20	<hr/> Z <hr/>	
7:5 8:5 9:14,17	receptionist 2:16	spelling 3:8	<hr/> 0 <hr/>	
10:4,8,12,18	record 3:9 4:11 7:9	status 1:7 4:1 5:14	<hr/> 1 <hr/>	
open 3:10,11,13	recorded 2:18	10:20	10 5:4 8:4	
oppose 5:17	Reeves 1:13	step 6:15	10th 8:5	
opposing 8:18	referred 8:17	straightforward	14-PRO-00032 1:8	
owner 4:20	refrain 2:19	7:1	4:2	
<hr/> P <hr/>	regularly 2:4	Street 1:5,6,13 4:3	14th 1:13	
P-R-O-C-E-E-D-...	reinstate 5:20	4:16,20	18 1:11 2:7	
2:1	reinstated 5:19	subject 9:6,8	1819 1:6,6 4:3,3	
p.m 5:4 8:6	remarks 3:20	Suite 1:13	<hr/> 2 <hr/>	
papers 3:1	renew 1:9 4:5	summer 7:14	2000 1:13	
paper 3:7	reporter 2:18	sure 6:19	20009 1:14	
parties 8:18 10:1	representing 4:15	<hr/> T <hr/>	2014 1:11 2:7 5:4	
party 9:10	5:1	t/a 1:6	8:4	
Patrick 4:22	request 10:2	table 3:5,7	<hr/> 3 <hr/>	
phones 3:1	requirements 8:13	take 3:5 6:14	<hr/> 4 <hr/>	
piece 3:6	requires 3:10	tell 8:1	4:30 5:4 8:6	
PIF 8:17	respect 4:5	Tesha 10:10,11		
please 2:17 3:1,4	responded 6:5,6	Thank 10:6,7,16,17		
4:12	Retailer 1:7	10:19		
point 7:11,16 8:11	right 2:9 5:22,22	thing 8:15		
possibility 10:3	8:10 10:15	think 5:10 6:9,22		
prejudiced 9:10	road 7:12	7:1,9,16 9:22		
	room 1:13 2:21	three 2:14 6:4		