

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE CONTROL BOARD
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MEETING

IN THE MATTER OF:

M & I, LLC
t/a To be Determined
637 Florida Avenue, NW
Retailer CT
License No. 94603
Case No. 14-PRO-00035
ANC 1B
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

9:40 a.m.

CHAIRPERSON MILLER: Okay. Good morning, everyone. I'd like to welcome you to the regularly scheduled meeting of the District of Columbia's Alcoholic Beverage Control Board.

Today is June 25th, 2014. My name is Ruthanne Miller. I'm the Chairperson. And to my far right is Mr. Donald Brooks. And next to Mr. Brooks is Mr. Nick Alberti. And next to Mr. Alberti is Mr. Hector Rodriguez. To my left is Mr. Mike Silverstein. And next to Mr. Silverstein is Mr. James Short. We have six members in attendance for the conduct of business today; at least this morning, and three constitutes 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

1 reporter. Accordingly, we must ask you to
2 refrain from any disruptive noises in the
3 hearing room. If you have any electronic
4 devices, pagers, cell phones or such, please
5 make certain they're turned off to avoid any
6 interruption of the proceedings.

7 When I call your case, please come
8 forward and take a seat at one of the tables.
9 You'll notice that there is a piece of paper
10 on each table for you to sign in. This is to
11 ensure the correct spelling of your name for
12 the record.

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

22 Okay. That concludes my general

1 remarks, and so now we're turn to this
2 morning's calendar beginning with our protest
3 status hearing cases. The first one is Case
4 No. 14-PRO-00035, to be determined. It's
5 located at 637 Florida Avenue, N.W., License
6 No. 94603 in ANC 1B.

7 Protestants are to our left and
8 Applicant is to the Board's right.

9 MR. KLINE: Good morning. Andrew
10 Kline on behalf of the Applicant, and with me
11 is Miriural Shahmi, the principal of the
12 Applicant.

13 CHAIRPERSON MILLER: Good morning.
14 So when you all are ready if you would also
15 introduce yourselves for the record, please?

16 MS. MAHONEY: My name is Marlene
17 Mahoney. I'm the cosponsor of the protest.

18 MR. GARLAND: My name is John W.
19 Garland. I'm also a cosponsor of the protest.

20 CHAIRPERSON MILLER: The group
21 that --

22 MR. BAUMANN: My name is --

1 CHAIRPERSON MILLER: I'm sorry.

2 MR. BAUMANN: My name is --

3 MEMBER SILVERSTEIN: Go ahead.

4 MR. BAUMANN: Sorry. Go ahead.

5 CHAIRPERSON MILLER: When you say
6 "the protest," you're the group of 17 or so?

7 MR. GARLAND: Group of 17?

8 CHAIRPERSON MILLER: Group of --
9 yes, you're not --

10 MS. MAHONEY: There were five
11 originally.

12 CHAIRPERSON MILLER: Five?

13 MS. MAHONEY: We don't know
14 what --

15 CHAIRPERSON MILLER: You don't
16 know what the number is? Okay.

17 MR. GARLAND: Yes.

18 CHAIRPERSON MILLER: And?

19 MR. BAUMANN: My name is Nicholas
20 Baumann. I'm a representative of ANC 1B.

21 CHAIRPERSON MILLER: Okay. Good.
22 Okay. I am going to give you your protest

1 date and read you instructions in the event
2 that this goes to hearing and -- or just ask
3 you if there's anything you want to bring to
4 the attention of the Board Members before I do
5 that.

6 (No audible response)

7 CHAIRPERSON MILLER: Okay. Not
8 hearing anything, I just want to remind you
9 that the purpose of the protest hearing is to
10 determine the appropriateness of the
11 establishment in the section of the District
12 where the establishment is located.

13 A few weeks before the hearing
14 you'll be receiving what's called a Protest
15 Information Form and an Exhibit Form, and
16 these documents are very important to focus
17 the hearing. If you don't file the Protest
18 Information Form which asks you to identify
19 issues and witnesses, your case could be
20 dismissed. If you don't file an Exhibit Form
21 and the documents themselves that are your
22 exhibits, the exhibits could also be excluded

1 from being admitted at the hearing. And that
2 will depend on whether the side is prejudiced
3 by not having received the exhibits in advance
4 and whether you don't show that you could have
5 filed them ahead of time. And when you do
6 follow these rules, it makes for a much more
7 efficient hearing where everyone is on notice
8 and the hearing is very focused on the issues
9 that it should be and it goes much more
10 expeditiously. So that's the information
11 about those forms.

12 If you have questions, you can
13 contact Tisha Anderson at 442-6492, or also
14 our general counsel, Martha Jenkins.

15 And so your hearing date now is
16 July 23rd, 2014 at 1:30 p.m.

17 So that concludes this status
18 hearing. Thank you very much.

19 MR. KLINE: Great. Thank you.

20 CHAIRPERSON MILLER: Okay.

21 (Whereupon, the above-entitled
22 matter went off the record at 9:45 a.m.)

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