

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE CONTROL BOARD

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MEETING

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IN THE MATTER OF: :
 :
Case# 12-PRO-00081 :
2007 14th St. Productions, LLC :
t/a Marvin : Protest
2007 14th Street NW : Hearing
License #76166 : (Status)
Retailer CT :
ANC-1B :
Substantial Change (Expansion :
to the 2nd Floor & Additional :
87 seats) :
b-----¼

July 10, 2013

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

PRESENT

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

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

9:43 a.m.

CHAIRPERSON MILLER: Okay. Good morning, ladies and gentlemen. I would like to welcome you to the regularly scheduled meeting of the District of Columbia Alcoholic Beverage Control Board. Today is July 10, 2013. My name is Ruthanne Miller and I'm the Chairperson.

Joining me to my far right is Mr. Donald Brooks. Next to me on my right is Mr. Nick Alberti. Next to me on my left is Mr. Mike Silverstein. We have four members in attendance for the conduct of business this morning and three constitutes a quorum. Copies of today's hearing calendar and agenda are available at the receptionist 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 in the hearing room. If you have any

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

5 Please note when I call your case
6 come forward and take a seat at the table.
7 You'll see a piece of paper on the table for
8 you to sign in. That's to ensure the correct
9 spelling of your name for the record.

10 The Open Meetings Act requires
11 that the public hearing in 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
18 an adjudication proceeding.

19 That being said, I'm going to call
20 the first case of this morning's calendar and
21 that is Case No. 12-PRO-00081, Marvin. The
22 establishment is located at 2007 14th Street,

1 N.W., License No. 76166, ANC-1B.

2 Good morning. Would you identify
3 yourselves for the record, please?

4 MS. FITCH: Good morning. Candice
5 Fitch, attorney for the Licensee.

6 CHAIRPERSON MILLER: Okay.

7 MR. BURKE: Good morning. Clay
8 Burke, representative for the protest group.

9 CHAIRPERSON MILLER: Okay. Now,
10 as I understand it, there is -- there was or
11 is a protest hearing on this case scheduled
12 for July 10, today, at 3:30 p.m. I understand
13 that you are seeking a continuance?

14 MS. FITCH: Yes.

15 CHAIRPERSON MILLER: Do you want
16 to address that for the Board? I understand
17 that the Board has granted I think at least
18 two continuances already.

19

20 MS. FITCH: Yes.

21 MR. BURKE: Yes.

22 CHAIRPERSON MILLER: Okay.

1 MS. FITCH: We've been requesting
2 the continuances because the protest is not
3 adversarial so we don't really want to go to
4 a hearing and make it adversarial. We've been
5 working on settlement agreement language. The
6 issue has been the noise outside so we set up
7 a decibel reading system and we've been trying
8 to test it to get to the appropriate level
9 which has just taken time.

10 MR. BURKE: That's correct. We
11 continue to work together to find a solution.
12 Where the noise situation is now is definitely
13 an improvement and probably adequate but we
14 are trying to come up with language that will
15 secure that solution that is agreeable to both
16 parties.

17 CHAIRPERSON MILLER: Okay. I
18 think I recall that the last continuance was
19 in order that this sound test be done and the
20 results be made available. At this point it
21 seems like you should be at the very last
22 stage of what you're doing. I want to suggest

1 if you could give us a reasonable amount of
2 time that you need that you really shouldn't
3 need another continue. We would like to kind
4 of set an end date if we could for this.

5 MS. FITCH: Okay.

6 CHAIRPERSON MILLER: I appreciate
7 it's not adversarial.

8 MS. FITCH: We could probably have
9 something in the office by July 31st as far as
10 a settlement agreement. Probably another two
11 weeks. We are just, again, trying to get that
12 level and the language in the agreement so
13 that it can be enforced properly and we can
14 all --

15 CHAIRPERSON MILLER: Okay. I
16 think that sounds reasonable. What I want to
17 do is put one final date on the calendar for
18 a protest hearing. That would mean by that
19 date you will have resolved this.

20 MS. FITCH: Yes.

21 CHAIRPERSON MILLER: There will be
22 a settlement agreement, or else there will be

1 a hearing which we don't expect.

2 Is there a date that we have
3 available? We'll get back to you but it will
4 probably be in the first two weeks of August.
5 It will be some time after this July 31st date
6 that you've represented should be enough time.
7 Our staff will get back to you, either Ms.
8 Jenkins or Ms. Anderson. Thank you very much.

9 MS. FITCH: Thank you.

10 (Whereupon, at 9:48 a.m. the
11 hearing was adjourned.)

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