

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

IN THE MATTER OF:

Omar, LLC t/a	
Castello Restaurant and Lounge	Protest
931 Hamilton Street, NW	Hearing
Retailer CT - ANC-4D	(Status)
License No. 97302	
Case #15-PRO-00047	

(Application for a New License)

July 15, 2015

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
 HECTOR RODRIGUEZ, Member
 JAMES SHORT, Member

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

2 9:43 a.m.

3 CHAIRPERSON MILLER: Let's go to the
4 next Protest Hearing (Status) case, which is Case
5 No. 15-PRO-00047, Castello Restaurant and Lounge
6 which is located at 931 Hamilton Street, N.W.,
7 License No. 97302, in ANC-4D.

8 This is also an application for a new
9 license. This is for a new license, okay.

10 And you are, sir?

11 MR. SHEON: I'm David Sheon. I'm the
12 ANC Commissioner for SMD 4D04 and representative
13 of the protestant group of residents on Hamilton
14 Street.

15 CHAIRPERSON MILLER: Right. Okay. So
16 now, it appears in this case the applicant is not
17 here. Anyone here from Castello Restaurant and
18 Lounge? All right.

19 Would you mind? We will come back to
20 your case. All right. Thank you.

21 There are several cases called at the
22 same time, so that's why we are doing it this

1 way. ANC here, okay.

2 (Whereupon, the above-entitled matter
3 went off the record at 9:45 a.m. and resumed at
4 9:53 a.m.)

5 CHAIRPERSON MILLER: Anybody here for
6 Castello Restaurant yet? Okay. All right. If
7 you can hang in a little bit longer, it's only
8 9:53. Given the delay, I think it might be worth
9 that.

10 MEMBER SILVERSTEIN: Yes.

11 CHAIRPERSON MILLER: Okay.

12 (Whereupon, the above-entitled matter
13 went off the record at 9:54 a.m. and resumed at
14 10:17 a.m.)

15 CHAIRPERSON MILLER: Okay. We passed
16 one other case, because not all the parties were
17 here and that is Case No. 15-PRO-00047.

18 MEMBER RODRIGUEZ: They are still not
19 here.

20 CHAIRPERSON MILLER: Would you
21 introduce yourself for the record, please?

22 MR. SHEON: Yes. David Sheon. I'm

1 the Single Member District Commissioner for ANC-
2 4D04 and the representative of 10 protesters from
3 Hamilton Street, N.W.

4 CHAIRPERSON MILLER: Okay. Have you
5 been in touch with the applicant?

6 MR. SHEON: I have.

7 CHAIRPERSON MILLER: Okay. Do you
8 know if the applicant is on his way or anything?

9 MR. SHEON: I don't know. I emailed
10 with him as recently as yesterday and these have
11 been some pretty divisive discussions. And I
12 know that he is local. I know that the owner
13 owns one other club, which is immediately across
14 the street from ABRA, actually here on 14th
15 Street, so I'm a bit surprised that they are not
16 here, but I don't believe it is Metro delays.

17 CHAIRPERSON MILLER: Okay. Okay. So
18 I think that we need to proceed. Well, did you
19 have mediation yet?

20 MR. SHEON: Yes.

21 CHAIRPERSON MILLER: Oh, okay, so
22 that's not an issue, that you don't have

1 something coming up tomorrow.

2 All right. So I think that we need to
3 proceed in the same way and dismiss the
4 applicant, the application of the applicant for
5 failure of the applicant to appear.

6 So I'll make a motion to do that. Is
7 there a second?

8 MEMBER BROOKS: Second.

9 CHAIRPERSON MILLER: Mr. Brooks has
10 seconded the motion. Any comments? I would just
11 comment that the applicant will also have an
12 opportunity to file a motion to reinstate the
13 application if he shows good cause to us as to
14 why he wasn't here.

15 So all those in favor then of
16 dismissing the application say aye.

17 ALL: Aye.

18 CHAIRPERSON MILLER: All those
19 opposed? All those abstaining? The motion
20 passes 6-0-0.

21 MR. SHEON: Madam Chair, just a quick
22 question.

1 CHAIRPERSON MILLER: Yes?

2 MR. SHEON: If they do file an
3 application to reinstate, how will we be notified
4 of that or will we be notified?

5 CHAIRPERSON MILLER: Yes, you -- well,
6 if they don't serve you, our General Counsel is
7 saying that we will.

8 MR. SHEON: Okay. Thank you.

9 CHAIRPERSON MILLER: And you will get
10 a copy of our order as well.

11 MR. SHEON: Excellent. Thank you very
12 much.

13 CHAIRPERSON MILLER: This will be put
14 in a written order that they are dismissed.

15 MR. SHEON: Thank you.

16 CHAIRPERSON MILLER: Okay. Thank you
17 very much.

18 MR. SHEON: Okay. Thank you all.

19 (Whereupon, the above-entitled matter
20 went off the record at 10:20 a.m. and resumed at
21 11:59 a.m.)

22 CHAIRPERSON MILLER: I believe that

1 you are here on the case of Castello Restaurant
2 and Lounge?

3 MR. HUNTER: Correct. And --

4 CHAIRPERSON MILLER: Okay. Wait a
5 second. Let me get this on the record.

6 MR. HUNTER: All right.

7 CHAIRPERSON MILLER: Case No. 15-PRO-
8 00047, which we called a couple times earlier
9 because the applicant wasn't here at the time.

10 MR. HUNTER: Yes. And I just wanted
11 to --

12 CHAIRPERSON MILLER: Introduce
13 yourself for the record.

14 MR. HUNTER: My name is Dee Hunter on
15 behalf of the applicant.

16 CHAIRPERSON MILLER: Okay.

17 MR. HUNTER: I am really sorry. I
18 want to apologize profusely. I had this down for
19 much later in the day. I don't know how we got
20 this time wrong. And I just want to let the
21 Board know it was not intentional. We did
22 eventually show up and we will do whatever is

1 necessary to move to reinstate the matter.

2 CHAIRPERSON MILLER: Okay. So you are
3 here on behalf of the applicant?

4 MR. HUNTER: Yes.

5 CHAIRPERSON MILLER: What's your
6 position?

7 MR. HUNTER: We --

8 CHAIRPERSON MILLER: No, I mean, who
9 are you in relation to the applicant? Are you --

10 MR. HUNTER: Oh, I'm just a business
11 development specialist who is authorized to
12 represent, yes.

13 CHAIRPERSON MILLER: Okay. All right.
14 Just so we know who you are. Okay. And you are
15 authorized.

16 Okay. So, yes, we called this a
17 couple of times, because, you know, we don't like
18 to dismiss parties. So the procedure is that
19 when a party doesn't show and we haven't gotten a
20 phone call or something, we dismiss the
21 application, in the case of an applicant.

22 And you are entitled to file in

1 writing a Motion for Reinstatement asking us to
2 reinstate you for good cause.

3 MR. HUNTER: We will file that right
4 away.

5 CHAIRPERSON MILLER: Yes.

6 MR. HUNTER: Because we do want to
7 proceed with this matter, as soon as possible.
8 The applicant is not open pending the resolution
9 of the license. And there is really one issue
10 and it relates to interior hours.

11 CHAIRPERSON MILLER: Okay. And you
12 should also serve that motion on Mr. David Sheon.

13 MR. HUNTER: Absolutely.

14 CHAIRPERSON MILLER: Okay.

15 MR. HUNTER: All right. Thank you
16 again.

17 CHAIRPERSON MILLER: All right. So
18 you've got that? You will do that right away?

19 MR. HUNTER: Yes, I got that.

20 CHAIRPERSON MILLER: Okay.

21 MR. HUNTER: Again, I apologize. I'm
22 terribly sorry.

1 CHAIRPERSON MILLER: Okay. Thank you.

2 MR. HUNTER: Thank you.

3 MEMBER ALBERTI: Thank you for coming.

4 CHAIRPERSON MILLER: All right.

5 (Whereupon, the Protest (Status)

6 Hearing in the above-entitled matter was

7 concluded at 12:02 p.m.)

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

A

a.m 2:2 3:3,4,13,14 6:20
6:21
above-entitled 3:2,12
6:19 10:6
ABRA 4:14
Absolutely 9:13
abstaining 5:19
ALBERTI 1:16 10:3
Alcoholic 1:2,12,12
ANC 2:12 3:1 4:1
ANC-4D 1:7 2:7
Anybody 3:5
apologize 7:18 9:21
appear 5:5
appears 2:16
applicant 2:16 4:5,8 5:4
5:4,5,11 7:9,15 8:3,9
8:21 9:8
application 1:9 2:8 5:4
5:13,16 6:3 8:21
asking 9:1
authorized 8:11,15
aye 5:16,17

B

back 2:19
behalf 7:15 8:3
believe 4:16 6:22
Beverage 1:2,12,12
bit 3:7 4:15
Board 1:2,12 7:21
Brooks 1:17 5:8,9
Building 1:13
business 8:10

C

call 8:20
called 2:21 7:8 8:16
case 1:8 2:4,4,16,20
3:16,17 7:1,7 8:21
cases 2:21
Castello 1:6 2:5,17 3:6
7:1
cause 5:13 9:2
Chair 5:21
Chairperson 1:13,16
2:3,15 3:5,11,15,20
4:4,7,17,21 5:9,18 6:1
6:5,9,13,16,22 7:4,7
7:12,16 8:2,5,8,13 9:5
9:11,14,17,20 10:1,4
club 4:13
COLUMBIA 1:1
come 2:19
coming 5:1 10:3
comment 5:11
comments 5:10

Commissioner 2:12 4:1
concluded 10:7
Control 1:2,12,12
copy 6:10
Correct 7:3
Counsel 6:6
couple 7:8 8:17
CT 1:7

D

D.C 1:13
David 2:11 3:22 9:12
day 7:19
Dee 7:14
delay 3:8
delays 4:16
development 8:11
discussions 4:11
dismiss 5:3 8:18,20
dismissed 6:14
dismissing 5:16
District 1:1 4:1
divisive 4:11
doing 2:22
DONALD 1:17

E

earlier 7:8
emailed 4:9
entitled 8:22
eventually 7:22
Excellent 6:11

F

failure 5:5
favor 5:15
file 5:12 6:2 8:22 9:3

G

General 6:6
Given 3:8
go 2:3
good 5:13 9:2
gotten 8:19
group 2:13

H

Hamilton 1:7 2:6,13 4:3
hang 3:7
Hearing 1:7,12 2:4 10:6
HECTOR 1:18
hours 9:10
Hunter 7:3,6,10,14,14
7:17 8:4,7,10 9:3,6,13
9:15,19,21 10:2

I

immediately 4:13

intentional 7:21
interior 9:10
introduce 3:21 7:12
issue 4:22 9:9

J

JAMES 1:18
July 1:11

K

know 4:8,9,12,12 7:19
7:21 8:14,17

L

Let's 2:3
license 1:8,9 2:7,9,9 9:9
little 3:7
LLC 1:6
local 4:12
located 2:6
longer 3:7
Lounge 1:6 2:5,18 7:2

M

Madam 5:21
matter 1:5 3:2,12 6:19
8:1 9:7 10:6
mean 8:8
mediation 4:19
MEETING 1:3
Member 1:16,17,17,18
1:18 3:10,18 4:1 5:8
10:3

met 1:12
Metro 4:16
MIKE 1:17
Miller 1:14,16 2:3,15
3:5,11,15,20 4:4,7,17
4:21 5:9,18 6:1,5,9,13
6:16,22 7:4,7,12,16
8:2,5,8,13 9:5,11,14
9:17,20 10:1,4
mind 2:19
motion 5:6,10,12,19 9:1
9:12
move 8:1

N

N.W 1:13 2:6 4:3
name 7:14
necessary 8:1
need 4:18 5:2
new 1:9 2:8,9
NICK 1:16
notified 6:3,4
NW 1:7

O

Oh 4:21 8:10
okay 2:9,15 3:1,6,11,15
4:4,7,17,17,21 6:8,16
6:18 7:4,16 8:2,13,14
8:16 9:11,14,20 10:1

Omar 1:6
open 9:8
opportunity 5:12
opposed 5:19
order 6:10,14
owner 4:12
owns 4:13

P

P-R-O-C-E-E-D-I-N-G-S
2:1
p.m 10:7
parties 3:16 8:18
party 8:19
passed 3:15
passes 5:20
pending 9:8
phone 8:20
please 3:21
position 8:6
possible 9:7
PRESENT 1:15
presiding 1:14
pretty 4:11
procedure 8:18
proceed 4:18 5:3 9:7
profusely 7:18
Protest 1:6 2:4 10:5
protestant 2:13
protesters 4:2
put 6:13

Q

question 5:22
quick 5:21

R

really 7:17 9:9
record 3:3,13,21 6:20
7:5,13
Reeves 1:13
reinstate 5:12 6:3 8:1
9:2
Reinstatement 9:1
relates 9:10
relation 8:9
represent 8:12
representative 2:12 4:2
residents 2:13
resolution 9:8
Restaurant 1:6 2:5,17
3:6 7:1
resumed 3:3,13 6:20

Retailer 1:7
right 2:15,18,20 3:6 5:2
 7:6 8:13 9:3,15,17,18
 10:4

RODRIGUEZ 1:18 3:18
Room 1:13
Ruthanne 1:14,16

S

saying 6:7
second 5:7,8 7:5
seconded 5:10
serve 6:6 9:12
Sheon 2:11,11 3:22,22
 4:6,9,20 5:21 6:2,8,11
 6:15,18 9:12

SHORT 1:18
show 7:22 8:19
shows 5:13

SILVERSTEIN 1:17
 3:10

Single 4:1
sir 2:10
SMD 2:12
soon 9:7

sorry 7:17 9:22
specialist 8:11

Status 1:7 2:4 10:5
street 1:7,13 2:6,14 4:3
 4:14,15

Suite 1:13
surprised 4:15

T

t/a 1:6
terribly 9:22
Thank 2:20 6:8,11,15
 6:16,18 9:15 10:1,2,3

think 3:8 4:18 5:2

time 2:22 7:9,20

times 7:8 8:17

tomorrow 5:1

touch 4:5

U

V

W

Wait 7:4
want 7:18,20 9:6
wanted 7:10
Washington 1:13
wasn't 5:14 7:9
way 3:1 4:8 5:3
went 3:3,13 6:20
worth 3:8
writing 9:1

written 6:14
wrong 7:20

X

Y

yesterday 4:10

Z

0

00047 7:8

1

10 4:2

10:17 3:14

10:20 6:20

11:59 6:21

12:02 10:7

14th 1:13 4:14

15 1:11

15-PRO 7:7

15-PRO-00047 1:8 2:5
 3:17

2

2000 1:13

20009 1:13

2015 1:11

3

4

400S 1:13

4D04 2:12 4:2

5

6

6-0-0 5:20

7

8

9

9:43 2:2

9:45 3:3

9:53 3:4,8

9:54 3:13

931 1:7 2:6

97302 1:8 2:7