

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

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IN THE MATTER OF:                   :  
  :  
2100, LLC, t/a La Fonda            : Protest Hearing  
2100 14th Street NW               : (Status)  
Retailer CR                         :  
License No.85469                   :  
Renewal Application               :  
ANC 1B                              :  
Case No. 13-PRO-00027            :  
-----<sup>1</sup>/<sub>4</sub>

July 24, 2012

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

PRESENT:  
RUTHANNE MILLER, Chairperson  
NICK ALBERTI, Member  
DONALD BROOKS, Member  
MICHAEL SILVERSTEIN, Member

ALSO PRESENT:  
Amy Schmidt, OAG

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

2 10:02 a.m.

3 CHAIRPERSON MILLER: Next is Case  
4 Number 13-PRO-00027, La Fonda, located at 2100  
5 14th Street NW, License Number 85469. Good  
6 morning.

7 MR. FONSECA: Good morning.  
8 Members of the Board, Michael Fonseca on  
9 behalf of the Licensee.

10 If we could correct the record, the  
11 Board has approved and the replacement trade  
12 name was established.

13 And it recently opened as Diego, D-  
14 I-E-G-O, which you all may know is directly  
15 behind this building on B Street, the corner  
16 of 14th and B Street.

17 CHAIRPERSON MILLER: You just  
18 opened recently, is that correct? Okay,  
19 great.

20 MR. FONSECA: That was a long time  
21 as a 405.1 approval back since 2010 with an  
22 ANC agreement.

1 CHAIRPERSON MILLER: Okay. All  
2 right, so we'll correct that. Sorry about  
3 that, Diego.

4 MR. ASKARINAM: Michael Askarinam.

5 CHAIRPERSON MILLER: All right.

6 MR. ASKARINAM: I am a partner.

7 CHAIRPERSON MILLER: All right,  
8 good morning.

9 MS. PARASCANDOLA: Good morning,  
10 I'm Christina Parascandola, with the Meridian  
11 Hill Neighborhood Association.

12 CHAIRPERSON MILLER: All right. So  
13 are there any matters you want to bring to our  
14 attention?

15 MR. FONSECA: Yes, if I could, two.  
16 One, the parties convened to negotiate, and we  
17 believe they are very, very close to an  
18 agreement with a mediation.

19 Because both parties got reinstated  
20 after the initial roll call, so the mediation  
21 lagged behind this date. So this is really to  
22 also establish standing.

1 I am going to raise, and I've  
2 discussed this with the president of the  
3 association who's here this morning, and I'm  
4 not going to assert and ask the Board to hold  
5 in abeyance a decision.

6 But I do have a Certificate of  
7 Revocation specific to the association's  
8 charter since September 8th, 2010. The status  
9 certificate stated July 18, 2013, she advises  
10 me this morning.

11 And I have three copies I'll  
12 provide the Board, and that's why I'm told  
13 today is that indeed it has been reinstated.

14 I have no reason to not believe her  
15 statement. But in the likelihood that we go  
16 further and negotiations do break down, which  
17 I don't find a reason that's going to happen,  
18 I want to have it on the record that the civic  
19 association lacks the capacity.

20 Because, as of at least July 18th,  
21 it's charter had been revoked. So it's not  
22 even a civic association incorporated under

1 the District of Columbia Law.

2 MS. PARASCANDOLA: Yes, Mr.  
3 Fonseca, I feel a bit sprung upon. You've  
4 showed me this Certificate of Revocation. I  
5 know that we had our incorporation status  
6 reinstated earlier this year.

7 I don't have the paperwork with me  
8 this morning. But I can provide that to him.  
9 And as I understand, we're holding this issue  
10 in abeyance, so it's probably unnecessary at  
11 this point.

12 CHAIRPERSON MILLER: Okay. They're  
13 just alerting us.

14 MR. FONSECA: We're making you  
15 aware of our rights. And if need be, I'll do  
16 a written motion later.

17 CHAIRPERSON MILLER: Right, right.

18 MR. FONSECA: So frankly, if I  
19 didn't raise it now, I think I would  
20 effectively be barred.

21 So this is truly a legal and  
22 procedural necessity, and as I told her

1 earlier, without any effort to try to  
2 circumvent the ongoing negotiations of wanting  
3 to protect my client.

4 CHAIRPERSON MILLER: Okay. I just  
5 want to just explain a little bit. In order  
6 for your group to have standing, you have to  
7 have this kind of certificate of incorporation  
8 under the regs.

9 If it's lapsed, but then you get it  
10 again and you're participating with it, that's  
11 fine. But you need to have it in order to  
12 have standing to protest.

13 So you should probably file with  
14 the Board as well once you have that piece of  
15 paper.

16 MS. PARASCANDOLA: We have done  
17 that actually.

18 CHAIRPERSON MILLER: Oh, okay.

19 I just didn't know it was going to  
20 be an issue this morning.

21 CHAIRPERSON MILLER: Oh, okay. So  
22 just Mr. Fonseca hasn't seen it?

1 MR. FONSECA: Correct. And in  
2 hindsight, if I had discussed it with her  
3 before today, she may have been able to  
4 complete the paperwork. And I have every  
5 reason to believe she will be able to.

6 CHAIRPERSON MILLER: Okay, all  
7 right. You're just trying to preserve your  
8 rights.

9 MR. FONSECA: Absolutely.

10 CHAIRPERSON MILLER: All right.

11 MS. PARASCANDOLA: So, yes. We're  
12 close to an agreement. Mr. Askarinam reached  
13 out to us. He's been very good about that.  
14 We'd like to keep the mediation session that  
15 Ms. Fletcher had contacted us about on  
16 schedule. But we fully anticipate that we'll  
17 enter into an agreement before then. But  
18 sometimes it's good to have a deadline.

19 MR. FONSECA: Yes.

20 CHAIRPERSON MILLER: Okay.

21 MR. FONSECA: We absolutely agree.

22 CHAIRPERSON MILLER: Okay. Well,

1 your deadline is those Protest Hearings  
2 scheduled for October 2nd, 2013, at 1:30 p.m.

3 And I'm just going to tell you the  
4 same thing I've been telling all the other  
5 parties for Protest Status Hearings, that this  
6 Protest Information Form is very important.  
7 And you should have received that from Ms.  
8 Anderson. And if you haven't, her number is  
9 442-6942.

10 It's pretty basic. It identifies  
11 your issues -- and it's not a brief or  
12 anything -- and your witnesses, basically, so  
13 that everybody is on notice as to what's going  
14 to proceed at the hearing, and we can keep  
15 everybody on focus.

16 If you don't file it, application  
17 or protest will be dismissed. And we never  
18 like to see that happen. So it's seven days  
19 ahead of time.

20 Okay, if you have any other  
21 questions between now and the hearing, you can  
22 ask Ms. Anderson or Ms. Jenkins.

1 MR. FONSECA: Chair, would you give  
2 me that time again on the second docket?

3 CHAIRPERSON MILLER: The time for  
4 the hearing?

5 MR. FONSECA: Yes.

6 CHAIRPERSON MILLER: Protest  
7 Hearing, October 2nd, 2013, at 1:30 p.m.

8 MR. FONSECA: Thank you.

9 CHAIRPERSON MILLER: Okay.  
10 Anything else?

11 MS. PARASCANDOLA: No.

12 MR. FONSECA: Thank you.

13 CHAIRPERSON MILLER: Okay, thank  
14 you.

15 (Whereupon, the hearing was  
16 concluded at 10:09 a.m.)

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