

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE CONTROL BOARD
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MEETING

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IN THE MATTER OF: :
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The Griffin Group, LLC :
t/a Policy :
1904 14th Street, NW : Protest
Retailer CR : Hearing
License No. 76804 : (Status)
Case No. 13-PRO-00062 :
ANC 2B :
Renewal Application :
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JULY 31, 2013

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
MIKE SILVERSTEIN, Member

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9:45 a.m.

CHAIRPERSON MILLER: Next case on our morning calendar is Case No. 13-PRO-00062, Policy, located at 1904 14th Street, N.W., License No. 76804 in ANC 2B.

And when you're ready would you introduce yourselves for the record?

MR. KLINE: Yes, good morning. Andrew Kline on behalf of the Licensee.

MR. MULTANI: Raj Multani, M-U-L-T-A-N-I, on behalf of Policy Restaurant & Lounge, owner/operator.

CHAIRPERSON MILLER: Okay.

MS. STERLING: Joan Sterling on behalf of Shaw Dupont Citizens Alliance.

CHAIRPERSON MILLER: Okay. Good morning. All right. This is also a protest status hearing. Are there any issues you want to bring to our attention before I set for a hearing?

MR. KLINE: Yes, Madam Chair,

1 there are two cases related to this
2 establishment. This is a protest of the
3 renewal.

4 CHAIRPERSON MILLER: Yes.

5 MR. KLINE: There is also a
6 settlement agreement termination proceeding
7 that's pending. The Shaw Dupont Neighborhood
8 Alliance is parties to both of those
9 proceedings.

10 In discussing their concerns with
11 respect to renewal, there really don't seem to
12 be any and it seems that their concerns relate
13 to a desire to be part of the settlement
14 agreement. So we would ask the Board to
15 inquire on this issue and if appropriate. I
16 mean I don't think that there's any legitimate
17 issue with respect to renewal based upon what
18 we've learned in mediation and the other
19 discussions that we've had. This is simply a
20 desire on the organization's part to be a
21 signatory to a settlement agreement. And Ms.
22 Sterling can correct me if I'm wrong about

1 that, but that's certainly my impression.

2 MR. MULTANI: No.

3 MS. STERLING: Yes, and our
4 concerns again under our protest was peace,
5 order and quiet, and we believe that the
6 current settlement agreement has been
7 relatively successful in helping residents
8 address concerns under those criteria,
9 especially in such an over-concentrated area
10 before they become anything significant as DCA
11 wasn't in existence when the original
12 settlement agreement was signed. So we've
13 been working with the other parties to the
14 agreement whenever one of our residents to
15 have an issue. So it seems to make sense to
16 us to also become a party to the agreement as
17 currently written. We're not asking for any
18 changes whatsoever to the current agreement,
19 to also be a party to this agreement.

20 CHAIRPERSON MILLER: So is --

21 MS. STERLING: And we were told at
22 mediation that we couldn't become a party to

1 the agreement, so our solution to that of
2 course would be to just sign a duplicate
3 agreement with the exact same terms, if in
4 fact that's a fact that we cannot also become
5 a party.

6 CHAIRPERSON MILLER: So do you --

7 MR. KLINE: So if I may, I don't
8 think we're hearing anything different from
9 what I said. I mean desire to be part of the
10 settlement agreement is not a grounds of
11 protest. And I understand the association's
12 concerns, but it would seem that those
13 concerns are more appropriately raised in the
14 settlement agreement termination case.

15 Because I think what's been
16 expressed is we think the settlement agreement
17 is good. We think it accomplishes something
18 for the neighborhood. We want to see it
19 maintained. We'd like to be a signatory. I
20 think all of those issues are properly
21 asserted in the settlement agreement
22 termination case unless there are some issues

1 with respect to the operation of the place
2 over the past few years, and I haven't heard
3 any. I'm not hearing any.

4 CHAIRPERSON MILLER: Okay. So but
5 we're not today going to -- making any
6 decision or hearing whether or not the protest
7 should be dismissed at all. We're just
8 hearing what the status is.

9 MR. KLINE: Okay.

10 CHAIRPERSON MILLER: And it sounds
11 like you may be working towards just joining
12 the settlement agreement -- or negotiating
13 that between the two of you.

14 MS. STERLING: Exactly. That
15 would be our preference.

16 CHAIRPERSON MILLER: Okay. So in
17 which case if you're successful, I would guess
18 that you would then withdraw the renewal
19 protest?

20 MS. STERLING: Correct.

21 CHAIRPERSON MILLER: Okay. So --

22 MS. STERLING: We would be glad to

1 sign today.

2 CHAIRPERSON MILLER: Okay. You're
3 not at that point yet, so --

4 MR. MULTANI: No.

5 MR. KLINE: And frankly the
6 Licensee is allowed to terminate that
7 agreement.

8 MR. MULTANI: Yes.

9 MR. KLINE: So it is unlikely that
10 in this proceeding --

11 CHAIRPERSON MILLER: Okay.

12 MR. KLINE: -- the Licensee is
13 going to say, yes, you know, sign here.

14 CHAIRPERSON MILLER: Okay.

15 MR. KLINE: I would ask if the
16 Board would be receptive to a motion on this
17 issue.

18 CHAIRPERSON MILLER: Not right
19 now. If, you know --

20 MR. KLINE: No, I mean in writing.

21 CHAIRPERSON MILLER: I mean you
22 can file a motion at any time really.

1 MR. KLINE: Of course I can.

2 CHAIRPERSON MILLER: Okay. So I
3 can't --

4 MR. KLINE: My question is whether
5 the Board would be receptive to such a motion
6 given that we're going to set the -- I mean we
7 think this --

8 MS. STERLING: We think they're
9 completely separate cases and this needs to be
10 addressed first and then we move to the second
11 case when that --

12 MEMBER ALBERTI: We're receptive
13 to every motion.

14 CHAIRPERSON MILLER: Okay. Right.

15 MEMBER ALBERTI: We're receptive
16 to every motion.

17 CHAIRPERSON MILLER: Exactly.

18 MEMBER ALBERTI: I can't hold it.
19 We're receptive to every motion. So if you
20 want to file a motion, feel free. We will
21 consider it.

22 MR. KLINE: No, Mr. Alberti, I

1 appreciate that, but I also am appreciative of
2 the Board's work load and my own work load.
3 And I think what I'm looking for is some
4 guidance as to whether the Board believes it
5 would be useful to get this issue resolved one
6 way or another before we spend time on a
7 protest hearing. That's all.

8 MEMBER ALBERTI: And Ms. Miller
9 just told you that we're not here to make a
10 decision.

11 CHAIRPERSON MILLER: We're not --

12 MEMBER ALBERTI: This is a status
13 hearing and we will go forward.

14 MR. KLINE: I'm not asking you to
15 make a decision, Mr. Alberti.

16 CHAIRPERSON MILLER: So, no, the
17 point is we don't want to do this today. I
18 hear what you're saying. There seems to be an
19 issue here that may be resolved by a motion,
20 and you're welcome to make that motion.

21 MR. KLINE: Thank you.

22 CHAIRPERSON MILLER: Okay. So

1 okay, we got the big picture now. And as of
2 now though this case is still on track for a
3 -- I have a hearing date of September 25th at
4 4:30 p.m., which is the same date and time as
5 the other two cases.

6 MR. KLINE: We're going to be busy
7 that day.

8 CHAIRPERSON MILLER: So we'll have
9 to see what happens. Okay.

10 MS. STERLING: Well, we can make
11 it easy. We can sign now and won't have to
12 come on the 25th.

13 CHAIRPERSON MILLER: Right, maybe
14 this one will disappear. Okay. But anyway,
15 okay. So that's what it's scheduled for right
16 now. We'll let you know if there's a change.
17 We may see a motion on this which may affect
18 it.

19 In the meantime I want to put on
20 the record again that as it's going forward
21 toward a protest hearing if there is one you
22 need to file that Protest Information Form

1 within seven days of the hearing and serve it
2 on opposing parties. If we don't receive a
3 copy of your PIF, your application or your
4 protest is subject to dismissal. And it's
5 very important to the Board to identify
6 exactly the protest issues and keep parties on
7 point during the hearing.

8 Okay. Thank you very much.

9 MR. KLINE: Thank you.

10 CHAIRPERSON MILLER: Good luck.

11 Okay.

12 (Whereupon, the hearing was
13 concluded at 9:53 a.m.)

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<p>accomplishes 5:17 address 4:8 addressed 8:10 affect 10:17 agreement 3:6,14 3:21 4:6,12,14,16 4:18,19 5:1,3,10 5:14,16,21 6:12 7:7 Alberti 1:20 8:12 8:15,18,22 9:8,12 9:15 Alcoholic 1:2,13,14 Alliance 2:16 3:8 allowed 7:6 ANC 1:10 2:6 Andrew 2:10 anyway 10:14 application 1:10 11:3 appreciate 9:1 appreciative 9:1 appropriate 3:15 appropriately 5:13 area 4:9 asking 4:17 9:14 asserted 5:21 association's 5:11 attention 2:20 a.m 2:2 11:13</p>	<p>calendar 2:4 case 1:9 2:3,4 5:14 5:22 6:17 8:11 10:2 cases 3:1 8:9 10:5 certainly 4:1 Chair 2:22 Chairperson 1:15 1:19 2:3,14,17 3:4 4:20 5:6 6:4,10,16 6:21 7:2,11,14,18 7:21 8:2,14,17 9:11,16,22 10:8 10:13 11:10 change 10:16 changes 4:18 Citizens 2:16 COLUMBIA 1:1 come 10:12 completely 8:9 concerns 3:10,12 4:4,8 5:12,13 concluded 11:13 consider 8:21 Control 1:2,13,14 copy 11:3 correct 3:22 6:20 course 5:2 8:1 CR 1:8 criteria 4:8 current 4:6,18 currently 4:17</p>	<p>dismissed 6:7 DISTRICT 1:1 DONALD 1:21 duplicate 5:2 Dupont 2:16 3:7 D.C 1:15</p> <hr/> <p>E</p> <p>easy 10:11 especially 4:9 establishment 3:2 exact 5:3 exactly 6:14 8:17 11:6 existence 4:11 expressed 5:16</p> <hr/> <p>F</p> <p>fact 5:4,4 feel 8:20 file 7:22 8:20 10:22 first 8:10 Form 10:22 forward 9:13 10:20 frankly 7:5 free 8:20</p> <hr/> <p>G</p> <p>given 8:6 glad 6:22 go 9:13 going 6:5 7:13 8:6 10:6,20 good 2:9,17 5:17 11:10 Griffin 1:6 grounds 5:10 Group 1:6 guess 6:17 guidance 9:4</p> <hr/> <p>H</p> <p>happens 10:9 hear 9:18 heard 6:2 hearing 1:8,14 2:19 2:21 5:8 6:3,6,8 9:7,13 10:3,21</p>	<p>11:1,7,12 helping 4:7 hold 8:18</p> <hr/> <p>I</p> <p>identify 11:5 important 11:5 impression 4:1 Information 10:22 inquire 3:15 introduce 2:8 issue 3:15,17 4:15 7:17 9:5,19 issues 2:19 5:20,22 11:6</p> <hr/> <p>J</p> <p>Joan 2:15 joining 6:11 JULY 1:12</p> <hr/> <p>K</p> <p>keep 11:6 Kline 2:9,10,22 3:5 5:7 6:9 7:5,9,12 7:15,20 8:1,4,22 9:14,21 10:6 11:9 know 7:13,19 10:16</p> <hr/> <p>L</p> <p>learned 3:18 legitimate 3:16 License 1:9 2:6 Licensee 2:10 7:6 7:12 LLC 1:6 load 9:2,2 located 2:5 looking 9:3 Lounge 2:13 luck 11:10</p> <hr/> <p>M</p> <p>Madam 2:22 maintained 5:19 making 6:5 MATTER 1:5 mean 3:16 5:9 7:20</p>	<p>7:21 8:6 mediation 3:18 4:22 MEETING 1:3 Member 1:20,21 1:22 8:12,15,18 9:8,12 met 1:14 MIKE 1:22 Miller 1:15,19 2:3 2:14,17 3:4 4:20 5:6 6:4,10,16,21 7:2,11,14,18,21 8:2,14,17 9:8,11 9:16,22 10:8,13 11:10 morning 2:4,9,18 motion 7:16,22 8:5 8:13,16,19,20 9:19,20 10:17 move 8:10 Multani 2:11,11 4:2 7:4,8 M-U-L 2:11</p> <hr/> <p>N</p> <p>need 10:22 needs 8:9 negotiating 6:12 neighborhood 3:7 5:18 NICK 1:20 NW 1:8 N.W 1:15 2:5</p> <hr/> <p>O</p> <p>okay 2:14,17 6:4,9 6:16,21 7:2,11,14 8:2,14 9:22 10:1,9 10:14,15 11:8,11 operation 6:1 opposing 11:2 order 4:5 organization's 3:20 original 4:11 over-concentrated 4:9 owner/operator</p>
<p>B</p> <p>based 3:17 behalf 2:10,12,16 believe 4:5 believes 9:4 Beverage 1:2,13,14 big 10:1 Board 1:2,14 3:14 7:16 8:5 9:4 11:5 Board's 9:2 bring 2:20 BROOKS 1:21 Building 1:14 busy 10:6</p>	<p>D</p> <p>date 10:3,4 day 10:7 days 11:1 DCA 4:10 decision 6:6 9:10 9:15 desire 3:13,20 5:9 different 5:8 disappear 10:14 discussing 3:10 discussions 3:19 dismissal 11:4</p>	<p>I</p> <p>identify 11:5 important 11:5 impression 4:1 Information 10:22 inquire 3:15 introduce 2:8 issue 3:15,17 4:15 7:17 9:5,19 issues 2:19 5:20,22 11:6</p> <hr/> <p>J</p> <p>Joan 2:15 joining 6:11 JULY 1:12</p> <hr/> <p>K</p> <p>keep 11:6 Kline 2:9,10,22 3:5 5:7 6:9 7:5,9,12 7:15,20 8:1,4,22 9:14,21 10:6 11:9 know 7:13,19 10:16</p> <hr/> <p>L</p> <p>learned 3:18 legitimate 3:16 License 1:9 2:6 Licensee 2:10 7:6 7:12 LLC 1:6 load 9:2,2 located 2:5 looking 9:3 Lounge 2:13 luck 11:10</p> <hr/> <p>M</p> <p>Madam 2:22 maintained 5:19 making 6:5 MATTER 1:5 mean 3:16 5:9 7:20</p>	<p>O</p> <p>okay 2:14,17 6:4,9 6:16,21 7:2,11,14 8:2,14 9:22 10:1,9 10:14,15 11:8,11 operation 6:1 opposing 11:2 order 4:5 organization's 3:20 original 4:11 over-concentrated 4:9 owner/operator</p>	

2:13	renewal 1:10 3:3 3:11,17 6:18	terminate 7:6	2:4
<hr/> P <hr/>	residents 4:7,14	termination 3:6 5:14,22	14th 1:8,14 2:5
part 3:13,20 5:9	resolved 9:5,19	terms 5:3	1904 1:8 2:5
parties 3:8 4:13 11:2,6	respect 3:11,17 6:1	Thank 9:21 11:8,9	<hr/> 2 <hr/>
party 4:16,19,22 5:5	Restaurant 2:12	think 3:16 5:8,15 5:16,17,20 8:7,8 9:3	2B 1:10 2:6
peace 4:4	Retailer 1:8	time 7:22 9:6 10:4	2000 1:14
pending 3:7	right 2:18 7:18 8:14 10:13,15	today 6:5 7:1 9:17	2013 1:12
picture 10:1	Room 1:14	told 4:21 9:9	25th 10:3,12
PIF 11:3	Ruthanne 1:15,19	track 10:2	<hr/> 3 <hr/>
place 6:1	<hr/> S <hr/>	two 3:1 6:13 10:5	31 1:12
point 7:3 9:17 11:7	saying 9:18	T-A-N-I 2:12	<hr/> 4 <hr/>
Policy 1:7 2:5,12	scheduled 10:15	t/a 1:7	4:30 10:4
preference 6:15	second 8:10	<hr/> U <hr/>	<hr/> 7 <hr/>
PRESENT 1:18	see 5:18 10:9,17	understand 5:11	76804 1:9 2:6
presiding 1:15	sense 4:15	useful 9:5	<hr/> 9 <hr/>
proceeding 3:6 7:10	separate 8:9	<hr/> W <hr/>	9:45 2:2
proceedings 3:9	September 10:3	want 2:19 5:18 8:20 9:17 10:19	9:53 11:13
properly 5:20	serve 11:1	Washington 1:15	
protest 1:8 2:18 3:2 4:4 5:11 6:6,19 9:7 10:21,22 11:4 11:6	set 2:20 8:6	wasn't 4:11	
put 10:19	settlement 3:6,13 3:21 4:6,12 5:10 5:14,16,21 6:12	way 9:6	
P-R-O-C-E-E-D-... 2:1	seven 11:1	welcome 9:20	
p.m 10:4	Shaw 2:16 3:7	we'll 10:8,16	
<hr/> Q <hr/>	sign 5:2 7:1,13 10:11	we're 4:17 5:8 6:5 6:7 8:6,12,15,19 9:9,11 10:6	
question 8:4	signatory 3:21 5:19	we've 3:18,19 4:12	
quiet 4:5	signed 4:12	whatsoever 4:18	
<hr/> R <hr/>	significant 4:10	withdraw 6:18	
raised 5:13	SILVERSTEIN 1:22	work 9:2,2	
Raj 2:11	simply 3:19	working 4:13 6:11	
ready 2:7	solution 5:1	writing 7:20	
really 3:11 7:22	sounds 6:10	written 4:17	
receive 11:2	spend 9:6	wrong 3:22	
receptive 7:16 8:5 8:12,15,19	status 1:9 2:19 6:8 9:12	<hr/> Y <hr/>	
record 2:8 10:20	Sterling 2:15,15 3:22 4:3,21 6:14 6:20,22 8:8 10:10	<hr/> P <hr/>	
Reeves 1:14	Street 1:8,15 2:5	p 1:5,11	
relate 3:12	subject 11:4	<hr/> 1 <hr/>	
related 3:1	successful 4:7 6:17	13-PRO-00062 1:9	
relatively 4:7	<hr/> T <hr/>		