

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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NATIONAL TAP HOUSE :

t/a 1331 Connecticut Ave. LLC:Roll Call

1331 Connecticut Ave., NW :Hearing

Washington, D.C. 20036 :

Retailer CT, New Application :

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AUGUST 5, 2013

The Alcoholic Beverage Control Board met in Alcoholic Beverage Control Hearing Room, 7th Floor, at 941 North Capitol Street, N.E., Washington, D.C., La Verne Fletcher, Chairperson, presiding.

PRESENT

LA VERNE FLETCHER, Chairperson

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

10:41 a.m.

AGENT FLETCHER: Would the parties
in the matter of is it National Tap House?
Please come forward.

The Tap House on this side, the
Protestant on this side.

This is the National Tap House
which is not on the calendar for today for
some reason that I'm not aware of at this
moment. But the parties are present. And my
understanding is that a protest was filed
against this application and so I will gather
what information I can right now and then I'll
take a moment away from the dias to check to
see if there's actually a file which I was
just not provided with. But we'll move
forward as though you did file a protest.

And so this is the National Tap
House. Is that the name of your --

MR. KALIVAS: Right.

AGENT FLETCHER: And what kind of

1 application is this? New? Renewal?

2 MR. KALIVAS: New.

3 AGENT FLETCHER: It's a new
4 application.

5 MR. KALIVAS: Yes. CT, I think
6 03, 02. One or the other. I don't have the
7 paperwork with me.

8 AGENT FLETCHER: So, let me get
9 the name of the Applicant.

10 MR. KALIVAS: Stefan Kalivas, S-T-
11 E-F-A-N. Last name Kalivas, K-A-L-I-V as in
12 Victor -A-S.

13 AGENT FLETCHER: And so, Mr.
14 Kalivas, you're the Applicant.

15 MR. KALIVAS: I'm representing my
16 wife. My wife and my partner.

17 AGENT FLETCHER: So, are you a
18 member of the corporation?

19 MR. KALIVAS: Yes.

20 AGENT FLETCHER: Okay. So, you're
21 a member of the corporation.

22 MR. KALIVAS: Member of the

1 corporation.

2 AGENT FLETCHER: And what class
3 license was it?

4 MR. KALIVAS: CT-02.

5 AGENT FLETCHER: CT-02 and what's
6 the address?

7 MR. KALIVAS: 1331 Connecticut
8 Avenue, NW, Washington, D.C. 20036.

9 AGENT FLETCHER: Okay. Thank you.
10 And, Mr. Kalivas, will you put
11 your contact information on that sheet. And,
12 Mr. Kalivas, what's the corporate name?

13 MR. KALIVAS: 1331 Connecticut
14 Avenue, LLC.

15 AGENT FLETCHER: Okay. And
16 present on behalf of the Protestant?

17 MS. NICHOLS: To my knowledge, Ms.
18 Fletcher, do I need to push this when I talk?

19 AGENT FLETCHER: No. That's just
20 the microphone.

21 MS. NICHOLS: Not to whisper.

22 AGENT FLETCHER: That's right.

1 MS. NICHOLS: To my knowledge, I'm
2 Abigail Nichols. I am a designated
3 representative for a protest group which is
4 primarily the Palladium Condominium. We come
5 under the clause of the Group of Five.

6 I am aware that three protests
7 were filed and I have my own dated copy with
8 me of our protest, the Palladium. I am an ANC
9 Commissioner, but I am not designated as a
10 representative in the ANC protest. I have
11 seen that signed letter. I don't have a copy
12 with me.

13 Also here at the table with me is
14 Michael Beidler who has a copy of his letter
15 with him and I have a copy. He's the
16 representative for James Calomiris, an
17 abutting owner.

18 AGENT FLETCHER: So, an abutting
19 owner filed a separate protest.

20 MS. NICHOLS: There are three.

21 AGENT FLETCHER: And what's the
22 name of the abutting owner is Michael --

1 MR. BEIDLER: Beidler. It's B-E-
2 I-D-L-E-R. And I have a copy of the original
3 letter if you'd like.

4 AGENT FLETCHER: Okay. Thank you
5 very much.

6 I'll take it. And I'll make a
7 copy if you need --

8 MR. BEIDLER: I have a copy, thank
9 you.

10 AGENT FLETCHER: Okay. Thank you.

11 So, James Calomiris filed the
12 protest?

13 MR. BEIDLER: Yes. And he's the
14 sole owner of the property adjacent.

15 AGENT FLETCHER: According to Mr.
16 -- well, let me spell his name for the record.
17 James G. Calomiris. C-A-L-O-M-I-R-I-S. Mr.
18 Calomiris filed a protest in which he states
19 that he owns the property at 1337 Connecticut
20 Avenue, Northwest which abuts 1331 Connecticut
21 Avenue, Northwest. And he names Michael
22 Beidler as his designated representative

1 today. So, I'm granting standing to Mr.
2 Calomiris today. Well, let me clarify
3 something first.

4 Does Mr. Calomiris' property.
5 share a common wall with the establishment?

6 MR. BEIDLER: I believe it does.

7 AGENT FLETCHER: If it does share
8 a common wall, I can check that beyond today.
9 If it does share a common wall he is granted
10 standing. If it does not, then I'll make a
11 correction to the record that he isn't.

12 For the ABC Board abutting means
13 that you actually share a common wall.

14 MR. KALIVAS: We have two separate
15 walls.

16 AGENT FLETCHER: You don't share
17 one?

18 MR. KALIVAS: He has his own wall
19 and I have my own 12-inch wall. I'm a
20 contractor, too.

21 MS. NICHOLS: And the space
22 between the two walls?

1 MR. KALIVAS: There's two 12-inch
2 walls. His wall and then my wall.

3 AGENT FLETCHER: But do they
4 touch?

5 MR. KALIVAS: They touch.

6 AGENT FLETCHER: They touch?

7 MR. KALIVAS: Yes, but they don't
8 -- they're not shared like our building
9 doesn't go into his building. They touch.

10 AGENT FLETCHER: Yes, for us it's
11 a wall. You on one side of the wall and he's
12 on the other side of the wall. That's for us
13 abutting.

14 MR. BEIDLER: That's a party wall.

15 MR. KALIVAS: That's a party wall.

16 AGENT FLETCHER: Yes, we call it
17 an abutting --

18 MR. KALIVAS: Abutting wall.

19 AGENT FLETCHER: I'm just telling
20 you our definition.

21 MR. KALIVAS: Okay.

22 AGENT FLETCHER: And so it sounds

1 like -- with our definition does it sound like
2 you're abutting to you as a contractor? You
3 on one side of the wall and he's on the other
4 and no spacer in between the walls? I can
5 check it.

6 MR. KALIVAS: There's two walls
7 and there's no space in between the walls.

8 AGENT FLETCHER: I'll check it.
9 It sounds like he's abutting.

10 MR. KALIVAS: Okay.

11 AGENT FLETCHER: And I'll check
12 that in the geographic information system
13 beyond this hearing.

14 MR. KALIVAS: Okay.

15 AGENT FLETCHER: So, for the
16 purpose of Roll Call I'm going to assume that
17 he's abutting right now.

18 MR. KALIVAS: Okay.

19 AGENT FLETCHER: And so Mr.
20 Calomiris is granted standing as an abutting
21 property owner.

22 Mr. Beidler, is Mr. Calomiris --

1 you're here for the purpose of Roll Call.

2 Will we be contacting him beyond today or you?

3 MR. BEIDLER: I believe me.

4 AGENT FLETCHER: There's a sign-in
5 sheet there. I understand the lines are all
6 taken. But on the back could you write your
7 name, email address and daytime telephone
8 number?

9 MR. BEIDLER: Yes, ma'am.

10 AGENT FLETCHER: Thank you.

11 So, Ms. Nichols, you mentioned
12 you're aware of another protest also. Did the
13 ANC file a protest?

14 MS. NICHOLS: Yes.

15 AGENT FLETCHER: And which ANC is
16 that?

17 MS. NICHOLS: ANC-2B.

18 AGENT FLETCHER: ANC-2B. Well,
19 ANC-2B is not here and they would be dismissed
20 if I had a case in front of me because they're
21 not here. But I don't know why --

22 MS. NICHOLS: It needs to be one

1 of the names on the letters, right?

2 AGENT FLETCHER: Yes. They would--

3 MS. NICHOLS: I'm on the
4 Commission. But I was not listed as one of
5 the representatives.

6 AGENT FLETCHER: But you're aware
7 that they did file a protest?

8 MS. NICHOLS: Yes.

9 AGENT FLETCHER: But if --

10 MS. NICHOLS: All of us were at
11 the meeting when it happened and I received
12 the letter.

13 AGENT FLETCHER: Do you know why
14 they're not here today?

15 MS. NICHOLS: No. I returned --
16 I've not had any communication. Well, I
17 tried. I did ask one question and didn't get
18 an answer.

19 AGENT FLETCHER: Okay. Mr.
20 Kalivas, have you had any communication with
21 ANC-2B?

22 MR. KALIVAS: I went to the

1 protest meeting.

2 AGENT FLETCHER: Are you all
3 working on a settlement?

4 MR. KALIVAS: I'm trying to work
5 on a settlement, just sound proofing and stuff
6 like that but our establishment is not loud
7 music.

8 AGENT FLETCHER: Because ANC-2B is
9 not present, I'm going to dismiss ANC-2B as a
10 Protestant and they'll have a right to seek
11 reinstatement.

12 Ms. Nichols, is there anybody else
13 you're aware of that filed a protest?

14 MS. NICHOLS: The one I mentioned.
15 It's primarily residents of the Palladium
16 Condominium provided us also a signature as
17 having a common interest with us.

18 AGENT FLETCHER: Okay. And so,
19 Ms. Nichols, you're representing a group of
20 five. Are there more than five?

21 MS. NICHOLS: Thirty-two
22 signatures.

1 AGENT FLETCHER: Okay. So, you're
2 a group of five plus is granted standing as
3 Protestants. And are you a signatory, too?

4 MS. NICHOLS: Yes. Carl Nelson is
5 signatory.

6 MR. NELSON: I'm a signature --
7 signatory, yes.

8 AGENT FLETCHER: Okay. Okay.
9 And, Mr. Nelson, could you spell your name for
10 the record, please?

11 MR. NELSON: Yes. Carl, C-A-R-L
12 Nelson, N-E-L-S-O-N.

13 AGENT FLETCHER: And so, Mr.
14 Nelson, you signed the same protest letter as
15 Ms. Nichols and Mr. Beidler?

16 MR. NELSON: Yes.

17 AGENT FLETCHER: So, what that
18 means is that three people are present from
19 your group today? And at the Status Hearing
20 for which I'm going to give you a date in a
21 moment, at least two more people from the
22 group need to appear. So, today, Ms. Nichols,

1 your group is granted conditional standing.
2 If two additional people appear at the Status
3 Hearing the Board will grant full standing.
4 But we'll proceed with the group of three.

5 So, we have two Protestants. A
6 group of five or more represented by Ms.
7 Nichols and we have James Calomaris as an
8 abutting property owner.

9 And as I mentioned earlier, I'm
10 proceeding as though I have a case file in
11 front of me. I don't know why I don't have
12 it, but I'm taking everybody's word for the
13 fact that a protest was filed and that I just
14 don't have the file. And when I get back to
15 the office, I will find out why I don't have
16 a file. I'll get one and we'll proceed as
17 though I had one today so that you don't have
18 to start all over in the protest process.

19 So, what I'm going to do next is
20 give you some dates for a Status Hearing, a
21 Protest Hearing and a Mediation. Well,
22 actually, I'm going to give you a date for a

1 Mediation.

2 I don't set the dates for Status
3 and Protest Hearings. Those dates are
4 actually given to me to give to you today.
5 But since I didn't know you were coming, I
6 don't have a Status and Protest Hearing date
7 for you. But we'll set a date for Mediation
8 and just make it the first date that you're
9 available. And I'll let the staff know when
10 the Mediation is so that they can set the
11 Status Hearing to occur after the Mediation.
12 I just don't know what the date will be yet.

13 So, we're into -- well, actually,
14 there is a spot available for Mediation on
15 August the 14th. That's a Wednesday if
16 anybody is available on the 14th.

17 MR. KALIVAS: It's fine for me.
18 Oh, wait, August 14th?

19 AGENT FLETCHER: Yes. That's a
20 Wednesday. That's not good?

21 MR. KALIVAS: We have another one
22 after that, correct? After Mediation?

1 AGENT FLETCHER: It's going to be
2 a different day. Yes. Yes, and if that
3 doesn't work, we can keep moving.

4 Yes, that's right. The Mediation
5 is --

6 MR. KALIVAS: August 14 is fine.

7 AGENT FLETCHER: August 14 is
8 fine. Okay. So, on August 14 we'll all get
9 together in an attempt to resolve the protest
10 issues.

11 MS. NICHOLS: What time?

12 AGENT FLETCHER: What time?
13 10:00? 11:00? Do you have a preference?

14 MR. BEIDLER: 10:00 sounds good.

15 AGENT FLETCHER: 10:00. Okay.
16 So, 10:00 on August the 14th for the National
17 Tap House.

18 MR. BEIDLER: And where will that
19 take place?

20 AGENT FLETCHER: It will take
21 place most likely right here in this room.

22 MR. BEIDLER: Great.

1 AGENT FLETCHER: Yes, you'll just
2 need to check in with the front desk and then
3 I'll come out and normally we're in here
4 unless for some reason this room is not
5 available.

6 So, what I'm going to do. Once I
7 get back to my desk and find a protest file,
8 I'm just going to contact you just to let you
9 know I found one, that one has been created
10 just so that you can know this is a real case.

11 MS. NICHOLS: Do you want to see
12 the copy of what I filed?

13 AGENT FLETCHER: Yes, let me --

14 MS. NICHOLS: I thought -- I have
15 a copy but this isn't --

16 AGENT FLETCHER: Do you know what
17 I'll do, Ms. Nichols. If you give me a minute
18 I'll make a copy of that and I'll come right
19 back. It won't take me but a minute. Let me
20 see. Okay. Well, can you give me a minute?

21 MS. NICHOLS: Sure.

22 AGENT FLETCHER: We'll go off the

1 record for a moment. I'll be right back with
2 this.

3 (Whereupon, the above matter was
4 concluded at 10:57 a.m.)

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A	A-S 3:12 a.m 2:2 18:4	11:16,20 concluded 18:4 conditional 14:1 Condominium 5:4 12:16 Connecticut 1:7,8 4:7,13 6:19,20 contact 4:11 17:8 contacting 10:2 contractor 7:20 9:2 Control 1:2,13,14 copy 5:7,11,14,15 6:2,7,8 17:12,15 17:18 corporate 4:12 corporation 3:18 3:21 4:1 correct 15:22 correction 7:11 created 17:9 CT 1:9 3:5 CT-02 4:4,5 C-A-L-O-M-I-R-... 6:17 C-A-R-L 13:11	12:6 everybody's 14:12 E-F-A-N 3:11	good 15:20 16:14 grant 14:3 granted 7:9 9:20 13:2 14:1 granting 7:1 Great 16:22 group 5:3,5 12:19 13:2,19,22 14:1,4 14:6
ABC 7:12 Abigail 5:2 abuts 6:20 abutting 5:17,18,22 7:12 8:13,17,18 9:2,9,17,20 14:8 additional 14:2 address 4:6 10:7 adjacent 6:14 AGENT 2:3,22 3:3 3:8,13,17,20 4:2,5 4:9,15,19,22 5:18 5:21 6:4,10,15 7:7 7:16 8:3,6,10,16 8:19,22 9:8,11,15 9:19 10:4,10,15 10:18 11:2,6,9,13 11:19 12:2,8,18 13:1,8,13,17 15:19 16:1,7,12 16:15,20 17:1,13 17:16,22 Alcoholic 1:2,13,14 ANC 5:8,10 10:13 10:15 ANC-2B 10:17,18 10:19 11:21 12:8 12:9 answer 11:18 anybody 12:12 15:16 appear 13:22 14:2 Applicant 3:9,14 application 1:9 2:13 3:1,4 assume 9:16 attempt 16:9 August 1:11 15:15 15:18 16:6,7,8,16 available 15:9,14 15:16 17:5 Ave 1:7,8 Avenue 4:8,14 6:20 6:21 aware 2:10 5:6 10:12 11:6 12:13	B	C	F	H
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