

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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1331 Connecticut, LLC :

t/a National Tap House :

1331 Connecticut Avenue, NW : Protest

Retailer CR : Hearing

License No. 92156 : (Status)

Case No. 13-PRO-00104 :

ANC 2B :

New Application :

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AUGUST 14, 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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P-R-O-C-E-E-D-I-N-G-S

9:56 a.m.

CHAIRPERSON MILLER: Okay. The next case on the calendar is Case No. 13-PRO-00104, National Tap House located at 1331 Connecticut Avenue, N.W., License No. 92156 in ANC 2B.

Good morning.

MR. KALIVAS: Good morning.

CHAIRPERSON MILLER: Okay. When you're ready, if you all would introduce yourselves for the record.

MS. NICHOLS: Good morning.

CHAIRPERSON MILLER: Good morning. Okay.

MS. NICHOLS: I'm Abigail Nichols. I'm here as one of two authorized representatives for primarily a neighborhood group under the group of five provision. There were 32 signatures. I'm Abigail Nichols.

MS. GASKIN: Lillian Gaskin is my

1 name.

2 CHAIRPERSON MILLER: Are you with
3 that group of five also?

4 MS. GASKIN: I am with the group
5 of five --

6 CHAIRPERSON MILLER: Okay.

7 MS. GASKIN: -- also residing
8 at --

9 CHAIRPERSON MILLER: Or more.
10 Right.

11 MS. GASKIN: -- the Palladium.

12 SUSSLER: Raquel Sussler. I am
13 from the group of five.

14 MS. NICHOLS: Three of our five
15 were at the roll call hearing, and Ms. Gaskin
16 and Ms. Sussler are here today so that we
17 prove our group of five.

18 CHAIRPERSON MILLER: Okay.

19 MS. NICHOLS: Out of our 32.

20 CHAIRPERSON MILLER: Okay. Good.
21 Thank you.

22 MR. KALIVAS: Stefan Kalivas with

1 National Tap House.

2 CHAIRPERSON MILLER: Okay. I'm
3 sorry. Let me just get your name again.

4 MR. KALIVAS: Stefan Kalivas, S-T-
5 E-F-A-N. Last name K-A-L-I, V as in Victor,
6 A-S.

7 CHAIRPERSON MILLER: Oh, okay.
8 Got it. All right. And you're the owner?

9 MR. KALIVAS: Yes, one of -- in
10 partnership.

11 CHAIRPERSON MILLER: Okay. Good.
12 And it doesn't appear that anyone is here from
13 ANC 2B. Do you have any information about
14 that?

15 MS. NICHOLS: No. I have seen
16 correspondence. They're intending to attend
17 mediation.

18 CHAIRPERSON MILLER: All right.
19 Okay. You have no word that they're on their
20 way, anyone to represent ANC? No?

21 MS. NICHOLS: I'm sorry, no.

22 MEMBER SILVERSTEIN: Ms. Nichols,

1 you're not representing the ANC?

2 MS. NICHOLS: No, I am not. It
3 was Will Stephens, Mike Feldstein and Leo
4 Dwyer who were named as the representatives
5 for the ANC. And I have not been asked to
6 take that roll on.

7 CHAIRPERSON MILLER: Okay. All
8 right.

9 MS. NICHOLS: But there has been
10 correspondence. Ms. Fletcher can speak to
11 that --

12 MEMBER SILVERSTEIN:
13 Correspondence doesn't cut it.

14 MS. NICHOLS: -- about the ANC's
15 participation. They did not appear at the
16 roll call hearing either.

17 CHAIRPERSON MILLER: They didn't
18 appear at the roll call hearing either? Oh,
19 okay.

20 Okay. Well, this is similar to
21 the case we heard previously where one of the
22 parties didn't appear and we said that the

1 rule says that if they don't appear, they
2 should be dismissed. And then they have a
3 right to file for reinstatement. And that's
4 our Rule 1603.3.

5 At this point it is 10:00, so I
6 guess I would suggest that we dismiss the ANC
7 and they will have a right to request
8 reinstatement.

9 Do the Board Members have any
10 other position on this?

11 MEMBER ALBERTI: No, I agree.

12 CHAIRPERSON MILLER: Okay. I
13 don't like to do this, but that's what the
14 rule says. Therefore, I'll move in this case
15 to dismiss the ANC pursuant to Rule 1603.3 for
16 failure to appear in person or through a
17 designated rep at the status hearing. Do I
18 have a second?

19 MEMBER BROOKS: Second.

20 CHAIRPERSON MILLER: Okay.
21 Motion's been seconded. All those in favor,
22 say aye?

1 (Chorus of ayes.)

2 CHAIRPERSON MILLER: All those
3 opposed?

4 (No audible response.)

5 CHAIRPERSON MILLER: All those
6 abstaining?

7 (No audible response.)

8 CHAIRPERSON MILLER: Motion
9 passes. Okay. The ANC is now dismissed.

10 Okay. Are there some preliminary
11 matters that you all need to bring to our
12 attention?

13 MR. KALIVAS: Excuse me?

14 CHAIRPERSON MILLER: Any
15 preliminary matters you need to bring to our
16 attention, otherwise I'll go ahead --

17 MS. NICHOLS: We're talking with
18 each other and we have -- mediation is
19 scheduled for today at noon. And you're
20 familiar with the Palladium Condominium, and
21 we're trying to protect ourselves from noise
22 and we have a congenial discussion going with

1 Mr. Kalivas, from our perspective.

2 CHAIRPERSON MILLER: Okay. All
3 right. Well, your protest hearing is
4 scheduled for September 25 at 4:30 p.m. if
5 this isn't resolved beforehand.

6 And I want to bring to your
7 attention the same matters I brought in the
8 previous case, that being that you should have
9 a letter from Ms. Anderson explaining the
10 protest process and a copy of the Protest
11 Information Form.

12 That Protest Information Form is
13 very important. It has to be filed within
14 seven days of the hearing and served on all
15 parties. If we don't receive it, your
16 application or protest is subject to
17 dismissal. And that's been the practice, that
18 it really will. So get those forms in on time
19 if goes to protest.

20 If you have any questions, contact
21 Ms. Tesha Anderson, (202) 442-6942, or you can
22 see her after the hearing.

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Okay. Well, thank you. Good luck
to you.

MR. KALIVAS: Thank you.

(Whereupon, the hearing was
concluded at 10:02 a.m.)

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|---|---|---|--|--|-----------------------|----------|---|
| A | 4:11,18 5:7,17 6:12,20 7:2,5,8,14 8:2 Chorus 7:1 COLUMBIA 1:1 concluded 9:5 Condominium 7:20 congenial 7:22 Connecticut 1:6,8 2:6 contact 8:20 Control 1:2,13,14 copy 8:10 correspondence 4:16 5:10,13 CR 1:8 cut 5:13 | G | forms 8:18 | MEETING 1:3 Member 1:20,21 1:22 4:22 5:12 6:11,19 Members 6:9 met 1:14 Mike 1:22 5:3 Miller 1:15,19 2:3 2:10,14 3:2,6,9,18 3:20 4:2,7,11,18 5:7,17 6:12,20 7:2 7:5,8,14 8:2 morning 2:8,9,13 2:14 Motion 7:8 Motion's 6:21 move 6:14 | H | N | 7:20 participation 5:15 parties 5:22 8:15 partnership 4:10 passes 7:9 person 6:16 perspective 8:1 point 6:5 position 6:10 practice 8:17 preliminary 7:10 7:15 PRESENT 1:18 presiding 1:15 previous 8:8 previously 5:21 primarily 2:18 process 8:10 protect 7:21 protest 1:8 8:3,10 8:10,12,16,19 prove 3:17 provision 2:19 pursuant 6:15 P-R-O-C-E-E-D-... 2:1 p.m 8:4 |
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| B | E | L | O | R | | | |
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| C | F | M | P | | | | |
| calendar 2:4 call 3:15 5:16,18 case 1:9 2:4,4 5:21 6:14 8:8 Chairperson 1:15 1:19 2:3,10,14 3:2 3:6,9,18,20 4:2,7 | failure 6:16 familiar 7:20 favor 6:21 Feldstein 5:3 file 6:3 filed 8:13 five 2:19 3:3,5,13 3:14,17 Fletcher 5:10 Form 8:11,12 | Leo 5:3 letter 8:9 License 1:9 2:6 Lillian 2:22 LLC 1:6 located 2:5 luck 9:1 | Oh 4:7 5:18 okay 2:3,10,15 3:6 3:18,20 4:2,7,11 4:19 5:7,19,20 6:12,20 7:9,10 8:2 9:1 opposed 7:3 owner 4:8 | Raquel 3:12 ready 2:11 really 8:18 receive 8:15 record 2:12 Reeves 1:14 reinstatement 6:3 6:8 rep 6:17 represent 4:20 representatives 2:18 5:4 representing 5:1 request 6:7 residing 3:7 resolved 8:5 | | | |
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|---|--|--|--|--|
| <p>response 7:4,7 Retailer 1:8 right 3:10 4:8,18 5:8 6:3,7 8:3 roll 3:15 5:6,16,18 Room 1:14 rule 6:1,4,14,15 Ruthanne 1:15,19</p> <hr/> <p style="text-align: center;">S</p> <hr/> <p>says 6:1,14 scheduled 7:19 8:4 second 6:18,19 seconded 6:21 see 8:22 seen 4:15 September 8:4 served 8:14 seven 8:14 signatures 2:20 SILVERSTEIN 1:22 4:22 5:12 similar 5:20 sorry 4:3,21 speak 5:10 status 1:9 6:17 Stefan 3:22 4:4 Stephens 5:3 Street 1:15 subject 8:16 suggest 6:6 Sussler 3:12,12,16 S-T 4:4</p> <hr/> <p style="text-align: center;">T</p> <hr/> <p>take 5:6 talking 7:17 Tap 1:7 2:5 4:1 Tesha 8:21 thank 3:21 9:1,3 Three 3:14 time 8:18 today 3:16 7:19 trying 7:21 two 2:17 t/a 1:7</p> <hr/> <p style="text-align: center;">V</p> <hr/> | <p>V 4:5 Victor 4:5</p> <hr/> <p style="text-align: center;">W</p> <hr/> <p>want 8:6 Washington 1:15 way 4:20 we're 7:17,21 word 4:19</p> <hr/> <p style="text-align: center;">P</p> <hr/> <p>p 1:5,11</p> <hr/> <p style="text-align: center;">0</p> <hr/> <p>00104 2:5</p> <hr/> <p style="text-align: center;">1</p> <hr/> <p>10:00 6:5 10:02 9:5 13-PRO 2:4 13-PRO-00104 1:9 1331 1:6,8 2:5 14 1:12 14th 1:14 1603.3 6:4,15</p> <hr/> <p style="text-align: center;">2</p> <hr/> <p>2B 1:10 2:7 4:13 2000 1:14 2013 1:12 202 8:21 25 8:4</p> <hr/> <p style="text-align: center;">3</p> <hr/> <p>32 2:20 3:19</p> <hr/> <p style="text-align: center;">4</p> <hr/> <p>4:30 8:4 442-6942 8:21</p> <hr/> <p style="text-align: center;">9</p> <hr/> <p>9:56 2:2 92156 1:9 2:6</p> | | | |
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