

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE CONTROL BOARD
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MEETING

IN THE MATTER OF:

Four Kicks, LLC
t/a Lunchbox
5335 Wisconsin Ave., NW
Retailer CR - ANC-3E
License No. 95410
Case #14-PRO-00058

Protest
Hearing
(Status)

(Application for a New
License)

September 10, 2014

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

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

(9:47 a.m.)

CHAIRPERSON MILLER: Lunchbox,
okay. The next case is Case No. 14-PRO-00058,
Lunchbox located at 5335 Wisconsin Avenue,
N.W., License No. 95410, in ANC-3E.

If you need to spread to the other
table, I'm sure that would be all right. Do
you have a chair to sit in or no?

: I can stand if that's all
right?

CHAIRPERSON MILLER: Okay. You
have got to be able to speak into the
microphone though, which is on the table.

: Okay.

CHAIRPERSON MILLER: So it would
be better if you sit.

: Okay.

CHAIRPERSON MILLER: So if anybody
is going to be speaking into a microphone, you
should get a seat.

So this is an application for a

1 new license. Why don't you introduce
2 yourselves for the record, please, starting
3 with the applicant.

4 MS. FARMER: Hi, Jessica Farmer
5 from Holland & Knight for the applicant,
6 Lunchbox.

7 CHAIRPERSON MILLER: Okay.

8 MS. LINDQUIST: Mary Lindquist,
9 protest.

10 CHAIRPERSON MILLER: You are a
11 protestant?

12 MS. LINDQUIST: Yes.

13 CHAIRPERSON MILLER: Are you with
14 a group?

15 MS. LINDQUIST: Of five.

16 CHAIRPERSON MILLER: You are with
17 a -- is this the group of 23?

18 MS. LINDQUIST: Well, yes.

19 CHAIRPERSON MILLER: Okay.
20 Whatever. Mary Lindquist?

21 MS. LINDQUIST: Yes.

22 CHAIRPERSON MILLER: Okay.

1 MS. NACKMAN: And my name is Carol
2 Nackman. I'm also with the protestant group.

3 CHAIRPERSON MILLER: Okay.

4 MS. ORNSTEIN: Karen Ornstein.
5 I'm also with the protestant group.

6 MR. ROTHROCK: Susan Rothrock with
7 protestants.

8 MR. BONHAM: James Bonham with
9 protest group.

10 CHAIRPERSON MILLER: Okay. So
11 that sounds like there are five of you here,
12 correct?

13 MR. ROTHROCK: Correct.

14 CHAIRPERSON MILLER: All right.
15 So now there is no issue about standing then
16 for this protest group, is there?

17 MR. BONHAM: No.

18 CHAIRPERSON MILLER: Now that you
19 have five appearing. Okay. Are there any
20 other issues that you need to bring to our
21 attention?

22 MS. FARMER: No.

1 CHAIRPERSON MILLER: Okay. So
2 what I'm going to do is just give you some
3 instructions in the event that you don't reach
4 a settlement agreement and you end up going to
5 a Protest Hearing.

6 Your Protest Hearing date is
7 October 1, 2014 at 1:30 p.m. Prior to the
8 Protest Hearing, you should get in the mail a
9 Protest Information Form and an Exhibit Form.
10 And on that Protest Information Form, you need
11 to identify the issues that you are actually
12 going to be addressing at the hearing, they
13 may narrow between now and then, so that we
14 know what the issues actually are and everyone
15 can focus on that.

16 And you will need to identify your
17 witnesses specifically by name and what they
18 are going to be testifying to.

19 And there will also be an Exhibit
20 Form and you need to put on that your exhibits
21 that you will be intending to put into
22 evidence at the hearing.

1 And seven days before the protest,
2 you will need to serve those forms and the
3 exhibits on the opposing parties and the
4 Board.

5 Okay. So if we don't receive a
6 copy of your Protest Information Form, PIF as
7 it is sometimes referred to, it's possible
8 that your protest or application could be
9 subject to dismissal, so make sure that you
10 comply with that requirement.

11 With respect to exhibits, if they
12 are not identified on the form or given to the
13 other party, it's possible they may be
14 excluded. We would have to depend upon
15 whether there was a good reason that they
16 weren't there to serve on the others in
17 advance.

18 Okay. That would be subject to
19 our decision.

20 Okay. Those requirements are very
21 important, because they allow to try to narrow
22 and focus the hearing and everybody is on

1 notice and we don't need to be surprised in
2 these kind of cases.

3 Okay. So do you have any
4 questions?

5 MS. FARMER: No.

6 CHAIRPERSON MILLER: All right.
7 Then that's all I need to tell you, I believe,
8 and if you have any questions between now and
9 then, you can contact either Tesha Anderson or
10 Martha Jenkins, our General Counsel.

11 MS. FARMER: Great.

12 CHAIRPERSON MILLER: Just Martha
13 Jenkins. Okay. Thank you very much.

14 MS. FARMER: Thank you.

15 MR. ROTHROCK: Thank you.

16 MR. BONHAM: Thank you.

17 CHAIRPERSON MILLER: Or Janea
18 Raines. I'm sorry, Tesha Anderson is no
19 longer with us, at this point, so the contact
20 person would be Janea Raines, Assistant
21 Attorney General, or Martha Jenkins. Thank
22 you.

<p style="text-align: center;">A</p> <p>a.m 2:2 8:5 able 2:13 above-entitled 8:4 addressing 5:12 advance 6:17 agreement 5:4 ALBERTI 1:17 Alcoholic 1:2,12,12 allow 6:21 ANC-3E 1:7 2:6 Anderson 7:9,18 anybody 2:19 appearing 4:19 applicant 3:3,5 application 1:9 2:22 6:8 Assistant 7:20 attention 4:21 Attorney 7:21 Ave 1:6 Avenue 2:5</p>	<p>contact 7:9,19 Control 1:2,12,12 copy 6:6 correct 4:12,13 Counsel 7:10 CR 1:7</p>	<p>hearing 1:6,13 5:5 5:6,8,12,22 6:22 8:4 HECTOR 1:18 Hi 3:4 Holland 3:5</p>	<p>MEETING 1:3 Member 1:17,17 1:18,18,19 met 1:12 microphone 2:14 2:20 MIKE 1:18 Miller 1:14,16 2:3 2:12,16,19 3:7,10 3:13,16,19,22 4:3 4:10,14,18 5:1 7:6 7:12,17 8:2</p>	<p>protest 1:6 3:9 4:9 4:16 5:5,6,8,9,10 6:1,6,8 8:3 protestant 3:11 4:2 4:5 protestants 4:7 put 5:20,21</p>
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