



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

2 (9:37 a.m.)

3 CHAIRPERSON MILLER: Next case is  
4 Case Number 12-251-00358, S&P Wine and Liquors  
5 located at 2316 Pennsylvania Avenue,  
6 Southeast, License Number 17108 in ANC 7D.

7 MS. PHILLIPS: Good morning again,  
8 Louise Phillips Assistant Attorney General for  
9 the District of Columbia.

10 CHAIRPERSON MILLER: Good morning.

11 MR. PASCAL: Good morning, Paul L.  
12 Pascal, Counsel for the Licensee.

13 COURT REPORTER: I apologize, sir,  
14 could you turn on your microphone please.  
15 Thank you so much, can you repeat your name?

16 MR. PASCAL: Sure. Paul L.  
17 Pascal, Attorney for the Licensee.

18 MR. DAVIS: Samuel Davis.

19 CHAIRPERSON MILLER: You're the  
20 owner?

21 MR. DAVIS: Yes.

22 CHAIRPERSON MILLER: Okay.

1 MR. DRETZ: Bernard C. Dretz, I  
2 represent a contract purchaser for this  
3 business who has an application for transfer  
4 on file.

5 CHAIRPERSON MILLER: Okay. This  
6 is a Show Cause Status Hearing. Mr. Pascal,  
7 did your Client receive notice of this  
8 hearing?

9 MR. PASCAL: I'm not too certain  
10 whether they did or not.

11 CHAIRPERSON MILLER: Okay.

12 MR. PASCAL: I can maybe give you  
13 a, shed some light. I was contacted by the  
14 landlord several months ago to assist Mr.  
15 Davidson in the sale of the business. Mr.  
16 Dretz is representing the purchaser.

17 Last Tuesday Mr. Dretz sent me an  
18 email asking if there was a voluntary  
19 agreement pending, so I sent an email down to  
20 Mr. Hager and said, is there one, and he said,  
21 no, but by the way there's a show cause  
22 hearing pending. And I've asked my Client, I

1 don't think my Client has seen the paperwork.  
2 So I don't know whether it was served or not.

3 The store has been closed for  
4 several months based on another order of this  
5 Board. So I'm not certain whether it has or  
6 hasn't.

7 I've now seen a copy of it and I'm  
8 not necessarily raising the issue of the  
9 service or not. But until probably Thursday  
10 or Friday, I wasn't fully cognizant of what  
11 was taking place here today.

12 CHAIRPERSON MILLER: Okay. Well  
13 this is just a status hearing. And I'd like  
14 to get on the record, if we can, just that the  
15 owner has received notice and --

16 MR. PASCAL: They have. I mean  
17 when I got a copy I interviewed them in my  
18 office because this was unknown to me. And so  
19 we've gone over all the parameters and the  
20 answer is, yes. We're not raising an issue of  
21 the --

22 CHAIRPERSON MILLER: Of the

1 notice.

2 MR. PASCAL: Or notice.

3 CHAIRPERSON MILLER: So they know,  
4 they understand it?

5 MR. PASCAL: Yes.

6 CHAIRPERSON MILLER: Okay. And  
7 that will be a part of the record then. Okay,  
8 Ms. Phillips, do you have any preliminary  
9 matters?

10 MS. PHILLIPS: We do not have any  
11 preliminary matters on behalf of the  
12 Government. I understand they're just going  
13 to be, the need for extensive discussions on  
14 this matter which were unable to be  
15 accomplished because of the late notice of  
16 Counsel and Mr. Adams being out of the office.

17 CHAIRPERSON MILLER: Okay.

18 MS. PHILLIPS: So they've got  
19 everything they need to do to move forward I  
20 believe.

21 MR. PASCAL: Ironically I was out  
22 of the office Thursday and Friday and I tried

1 to reach him from my house. But we were  
2 unable to communicate until Monday.

3 There's a lot nuances in this case  
4 because of the pending sale. But we won't  
5 need to go into all the details before the  
6 Board at this point in time.

7 And I talked with Ms. Phillips and  
8 I will try and engage Mr. Adams, we may  
9 perhaps do a conference call with the agency  
10 and see what we can try to work out.

11 CHAIRPERSON MILLER: Okay. So  
12 then at this point I am just going to schedule  
13 the case for a Show Cause Hearing, December  
14 4th, 2013 at 2:30 p.m.

15 MS. PHILLIPS: What day is that  
16 again?

17 CHAIRPERSON MILLER: That's  
18 December 4th.

19 MR. PASCAL: That's fine, thank  
20 you.

21 CHAIRPERSON MILLER: Okay.

22 MR. PASCAL: Okay, thank you very

1 much.

2 CHAIRPERSON MILLER: Thank you.

3 (Whereupon, the hearing in the

4 above-mentioned matter was adjourned at 9:42

5 a.m.)

<p><b>A</b></p> <p>a.m 2:2 7:5  <b>AAG</b> 1:22  <b>above-mentioned</b> 7:4  <b>accomplished</b> 5:15  <b>Adams</b> 5:16 6:8  <b>adjourned</b> 7:4  <b>agency</b> 6:9  <b>ago</b> 3:14  <b>agreement</b> 3:19  <b>ALBERTI</b> 1:17  <b>Alcoholic</b> 1:2,13,13  <b>ANC</b> 2:6  <b>answer</b> 4:20  <b>apologize</b> 2:13  <b>application</b> 3:3  <b>asked</b> 3:22  <b>asking</b> 3:18  <b>assist</b> 3:14  <b>Assistant</b> 2:8  <b>Attorney</b> 2:8,17  <b>Ave</b> 1:8  <b>Avenue</b> 2:5</p>	<p>2:3,10,19,22 3:5  3:11 4:12,22 5:3,6  5:17 6:11,17,21  7:2  <b>Client</b> 3:7,22 4:1  <b>closed</b> 4:3  <b>cognizant</b> 4:10  <b>Columbia</b> 1:1 2:9  <b>communicate</b> 6:2  <b>comply</b> 1:10  <b>conference</b> 6:9  <b>contacted</b> 3:13  <b>contract</b> 3:2  <b>Control</b> 1:2,13,13  <b>copy</b> 4:7,17  <b>Counsel</b> 2:12 5:16  <b>COURT</b> 2:13</p>	<p><b>going</b> 5:12 6:12  <b>Good</b> 2:7,10,11  <b>Government</b> 5:12</p>	<p><b>months</b> 3:14 4:4  <b>morning</b> 2:7,10,11  <b>move</b> 5:19</p>	<p><b>presiding</b> 1:15  <b>probably</b> 4:9  <b>purchaser</b> 3:2,16</p>
<p><b>B</b></p> <p><b>based</b> 4:4  <b>behalf</b> 5:11  <b>believe</b> 5:20  <b>Bernard</b> 3:1  <b>Beverage</b> 1:2,13,13  <b>Board</b> 1:2,13 4:5  6:6  <b>BROOKS</b> 1:18  <b>Building</b> 1:14  <b>business</b> 3:3,15</p>	<p><b>D</b></p> <p><b>D.C</b> 1:14  <b>Davidson</b> 3:15  <b>Davis</b> 1:6 2:18,18  2:21  <b>day</b> 6:15  <b>December</b> 6:13,18  <b>details</b> 6:5  <b>discussions</b> 5:13  <b>District</b> 1:1 2:9  <b>DONALD</b> 1:18  <b>Dretz</b> 3:1,1,16,17</p>	<p><b>H</b></p> <p><b>Hager</b> 3:20  <b>hearing</b> 1:8,14 3:6  3:8,22 4:13 6:13  7:3  <b>house</b> 6:1</p>	<p><b>N</b></p> <p><b>N.W</b> 1:14  <b>name</b> 2:15  <b>necessarily</b> 4:8  <b>need</b> 5:13,19 6:5  <b>NICK</b> 1:17  <b>notice</b> 3:7 4:15 5:1  5:2,15  <b>nuances</b> 6:3  <b>Number</b> 2:4,6</p>	<p><b>Q</b></p> <p><b>R</b></p> <p><b>raising</b> 4:8,20  <b>reach</b> 6:1  <b>receive</b> 3:7  <b>received</b> 4:15  <b>record</b> 4:14 5:7  <b>Reeves</b> 1:14  <b>repeat</b> 2:15  <b>REPORTER</b> 2:13  <b>represent</b> 3:2  <b>representing</b> 3:16  <b>Retailer</b> 1:8  <b>Room</b> 1:14  <b>Ruthanne</b> 1:15,17</p>
<p><b>C</b></p> <p><b>C</b> 3:1  <b>call</b> 6:9  <b>case</b> 1:9 2:3,4 6:3  6:13  <b>cause</b> 1:7 3:6,21  6:13  <b>certain</b> 3:9 4:5  <b>Chairman</b> 1:14  <b>Chairperson</b> 1:17</p>	<p><b>E</b></p> <p><b>email</b> 3:18,19  <b>engage</b> 6:8  <b>extensive</b> 5:13</p>	<p><b>I</b></p> <p><b>interviewed</b> 4:17  <b>Ironically</b> 5:21  <b>issue</b> 4:8,20</p>	<p><b>O</b></p> <p><b>OAG</b> 1:22  <b>October</b> 1:12  <b>office</b> 4:18 5:16,22  <b>Okay</b> 2:22 3:5,11  4:12 5:6,7,17 6:11  6:21,22  <b>order</b> 4:4  <b>owner</b> 2:20 4:15</p>	<p><b>S</b></p> <p><b>S&amp;P</b> 1:7 2:4  <b>sale</b> 3:15 6:4  <b>Samuel</b> 1:6 2:18  <b>schedule</b> 6:12  <b>SE</b> 1:8  <b>see</b> 6:10  <b>seen</b> 4:1,7  <b>sent</b> 3:17,19  <b>served</b> 4:2  <b>service</b> 4:9  <b>shed</b> 3:13  <b>show</b> 1:7 3:6,21  6:13  <b>SILVERSTEIN</b>  1:18  <b>sir</b> 2:13  <b>Southeast</b> 2:6  <b>Sr</b> 1:6  <b>status</b> 1:8 3:6 4:13  <b>store</b> 4:3  <b>Street</b> 1:14  <b>Sure</b> 2:16</p>
	<p><b>F</b></p> <p><b>Failure</b> 1:10  <b>file</b> 3:4  <b>fine</b> 6:19  <b>forward</b> 5:19  <b>Friday</b> 4:10 5:22  <b>fully</b> 4:10</p>	<p><b>J</b></p> <p><b>know</b> 4:2 5:3</p>	<p><b>P</b></p> <p><b>P-R-O-C-E-E-D-...</b>  2:1  <b>p.m</b> 6:14  <b>paperwork</b> 4:1  <b>parameters</b> 4:19  <b>part</b> 5:7  <b>Pascal</b> 2:11,12,16  2:17 3:6,9,12 4:16  5:2,5,21 6:19,22  <b>Paul</b> 2:11,16  <b>Payton</b> 1:6  <b>pending</b> 3:19,22  6:4  <b>Pennsylvania</b> 1:8  2:5  <b>Phillips</b> 1:22 2:7,8  5:8,10,18 6:7,15  <b>place</b> 4:11  <b>please</b> 2:14  <b>point</b> 6:6,12  <b>preliminary</b> 5:8,11  <b>PRESENT</b> 1:16,20</p>	<p><b>T</b></p> <p><b>t/a</b> 1:7  <b>talked</b> 6:7</p>
	<p><b>G</b></p> <p><b>General</b> 2:8  <b>give</b> 3:12  <b>go</b> 6:5</p>	<p><b>K</b></p> <p><b>know</b> 4:2 5:3</p>		
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