

1 GOVERNMENT OF THE DISTRICT OF COLUMBIA
2 ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
3 ALCOHOLIC BEVERAGE CONTROL BOARD

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5 IN THE MATTER OF: :
6 Neighborhood Restaurant :
7 Group XXIV, LLC., t/a Hazel, :
8 808 V Street Northwest : Case #15-PRO-00094
9 License #99839 : Protest Hearing
10 Retailer CR : (Status)
11 ANC 1B :
12 Application for a new license:

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14 Wednesday, November 4, 2015

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16 Whereupon, the above-referenced matter
17 came on for hearing at the Alcoholic Beverage
18 Control Board, Reeves Center, 2000 14th Street,
19 N.W., Suite 400S, Washington, D.C. 20009.

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1 CHAIRPERSON:

2 DONOVAN W. ANDERSON, Presiding

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4 BOARD MEMBERS:

5 JAMES SHORT

6 MICHAEL SILVERSTEIN

7 RUTHANNE MILLER

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10 ALSO PRESENT:

11 STEVE WALKER

12 on behalf of the applicant

13 ELLEN SULLIVAN

14 on behalf of ANC 1B

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P R O C E E D I N G S

(9:45 a.m.)

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3 MS. MILLER: Special morning just to
4 start off with. My name is Ruthanne Miller and
5 I'm a member of the ABC Board and we have a new
6 chair today, Mr. Donovan Anderson. And we also
7 have three members that are going to be sworn in
8 this morning. Mr. Steve Walker is going to swear
9 them in.

10 MR. WALKER: Thank you. I appreciate all
11 of you being here (indiscernible)**00:24 Board.
12 So it's Mike, Donovan, and Nick. Can all of you
13 stand? They we're all just confirmed by counsel
14 yesterday as (indiscernible)**00:32.

15 All three of you, raise your right hand
16 and repeat after me.

17 [New Board Members sworn in.]

18 MS. MILLER: Okay. So now we're going to
19 start our normal day and I'm going to be running
20 the proceedings this morning as this is Mr.
21 Anderson's first day. So going to start with the
22 normal instructions. Welcome you all to the

1 District of Columbia's Alcoholic Beverage Control
2 Board. Today is November 4th, 2015. My name is
3 Ruthanne Miller and to my right is Mr. Nick
4 Alberti, and to my left is our new chair, Mr.
5 Donovan Anderson, and next to Mr. Anderson is Mr.
6 Jim Short. And next to Mr. Jim Short is Mr. Mike
7 Silverstein and we have five members in
8 attendance for the conduct of business today and
9 three constitute a quorum.

10 Copies of today's hearing calendar and
11 agenda are available at the receptionist's desk.
12 Please be aware that these proceedings are being
13 recorded by a court reporter. Accordingly I must
14 ask you to refrain from any disruptive noises or
15 actions in the hearing room.

16 If you have any electronic devices,
17 pagers, cell phones or such, please make certain
18 that they're turned off to avoid any interruption
19 of the proceedings.

20 When I call your case please come forward
21 and take a seat at the table. One of the tables
22 in the front, you'll notice that there's a piece

1 of paper on each table for you to sign in. This
2 is to ensure the correct spelling of your name
3 for the record.

4 The Open Meetings Act requires that
5 public hearing on each case be open to the
6 public. The Board may, consistent with Section
7 405B of the Open Meetings Act enter a closed
8 meeting during or after the public hearing on a
9 case to consult with an attorney, to obtain legal
10 advice, discuss settlement agreements, or
11 deliberate upon a decision in an adjudication
12 proceeding.

13 We have some show cause status hearing
14 cases this morning. I just want to read the
15 following instructions that are pertinent to all
16 those cases. The purpose of the status
17 conference is to entertain any preliminary
18 matters of the parties and to provide the parties
19 with the date and time of the hearing on the
20 merits of the case if the case proceeds to a
21 hearing.

22 Preliminary matters include any proposed

1 agreements of the parties to settle the case for
2 the Board's consideration known as offers and
3 compromise and motions or questions regarding
4 procedural matters, including schedule or
5 dismissal of a case or a party for failure to
6 comply with legal requirements.

7 The Board will assume that the applicant
8 or the respondent had notice of this hearing by
9 his or her presence, or the presence of an
10 authorized agent. However, if you have any issue
11 relating to the adequacy of your notice you may
12 raise it with the Board when your case is called.

13 Okay. So that concludes the preliminary
14 instructions and I'm going to now go to the
15 specific cases on the Board's calendar, first
16 case being protest status here in Case No. 15-
17 PRO-00086, which is Hop, Cask and Barrel located
18 at 1717 Wisconsin Avenue Northwest, License No.
19 97883 in ANC 2E.

20 Okay. This hearing is canceled.
21 Actually the parties filed a settlement
22 agreement, so we'll go on to the next case, which

1 is another protest status case. Case No. 15-PRO-
2 00094. Hazel, located at 808 V Street Northwest,
3 License No. 99839 in ANC 1B.

4 MR. KLINE: Good morning, Andrew Kline
5 for the applicant.

6 MS. MILLER: Good morning.

7 MS. SULLIVAN: Ellen Sullivan,
8 Commissioner for ANC 1B02, representing ANC 1B.

9 MS. MILLER: Okay. Do you all have any
10 preliminary matters?

11 MR. KLINE: We do not at this time,
12 although we are quite confident that this will
13 get wrapped up. The applicant is working through
14 researching some (indiscernible)**6:17 mitigation
15 issues.

16 MS. MILLER: Uh-huh.

17 MR. KLINE: And we are very, very
18 confident we'll get this resolved before this
19 would need to go to a protest hearing.

20 MS. SULLIVAN: The ANC agrees with that
21 assessment. We've been working with the
22 applicant for months. It's just a matter of it's

1 new construction, they're working with the
2 landlord to figure out what they can do to make
3 this a really great unique space, and also keep
4 in mind the residents that are directly above
5 them.

6 MS. MILLER: Great. Okay. So I'm going
7 to give you your protest hearing date in the
8 event it goes to protest, which is January 6th,
9 2016 at 4:30 p.m. You know, it sounds like
10 you're really headed toward a settlement
11 agreement. But this is the one opportunity that
12 I have to give you any specific instructions
13 about the protest. So in the event that you're
14 going to protest I want to emphasize that we have
15 two forms that are very important to the protest
16 process, a protest information form, and an
17 exhibit form, and you'll get those in advance of
18 the hearing and you need to submit them to the
19 opposing parties and the Board seven days ahead.

20 Protest information hearing, most
21 importantly, asks for the issues as it may be
22 narrowed down by the time you get to the protest.

1 And any witnesses that you're going to be
2 presenting, and by name, not just by category.
3 And then an exhibit form identifying your
4 exhibits. And then just as importantly, copies
5 of the exhibits attached to that form, shared on
6 the Board and the party.

7 And these are very important because our
8 hearings are not run by surprise. They're really
9 run by, you know, what are the issues important
10 to the community and the applicant, and if you
11 don't provide them in time and we determine that
12 there's no good reason that you shouldn't have,
13 and that they would be prejudicial to the other
14 side, then the exhibits could be excluded at the
15 hearing, and same with the witnesses.

16 Okay. Do you have any questions?

17 MR. KLINE: No. I would just like to
18 welcome new Chair Anderson and congratulate him,
19 and Mr. Alberti and Mr. Silverstein in their
20 reappointment and confirmation and swearing in to
21 the ABC Board.

22 MS. MILLER: Okay.

1 CHAIRPERSON ANDERSON: Thank you.

2 MS. MILLER: Thank you.

3 MR. KLINE: Thank you.

4 [Whereupon, the above-entitled matter
5 concluded at 9:49 a.m.]

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