

DISTRICT OF COLUMBIA

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ALCOHOLIC BEVERAGE CONTROL BOARD

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ROLL CALL HEARING

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IN THE MATTER OF: :

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Civil Lounge, LLC :

t/a Civil Lounge :

5335 Wisconsin Ave., NW :

Retailer CT :

License Renewal :

License #ABRA-090196 :

Case #13-PRO-00140 :

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TUESDAY, NOVEMBER 12, 2013

The Alcoholic Beverage Control Board met in the Alcoholic Beverage Control Hearing Room, 1250 U Street, N.W., Washington, D.C., Ms. La Verne Fletcher, Agent, presiding.

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

2 (10:13 a.m.)

3 AGENT FLETCHER: Would the parties
4 in the matter of Civil Lounge please come
5 forward? The parties in the matter of Civil
6 Lounge. This is Case No. 13-PRO-00140, Civil
7 Lounge, LLC t/a Civil Lounge, 5335 Wisconsin
8 Avenue, N.W., License No. ABRA-090196. This
9 is a Retailer CT, license renewal.

10 The protest issues are adverse
11 impact on peace, order and quiet and real
12 property values.

13 My name is La Verne Fletcher and
14 I'll be conducting the Roll Call Hearing as
15 the Board's Agent pursuant to DC Official Code
16 1601.2.

17 Introductions beginning with the
18 applicant.

19 MR. FONSECA: Michael Fonseca on
20 behalf of the licensee.

21 AGENT FLETCHER: Mr. Fonseca,
22 would you spell your last name for the court

1 reporter?

2 MR. FONSECA: F, as in Frank, O-N,
3 as in Nancy, S-E-C-A, Michael.

4 AGENT FLETCHER: Thank you. Your
5 name, sir?

6 MR. KRIMM: Matt Krimm, one of the
7 owners of Civil Lounge.

8 AGENT FLETCHER: Okay. What's the
9 name again?

10 MR. KRIMM: Matt Krimm. Last name
11 is K-R-I-M-M.

12 AGENT FLETCHER: And the first
13 name is M-A-T-T?

14 MR. KRIMM: Yes.

15 AGENT FLETCHER: Thank you, Mr.
16 Krimm. And on behalf of ANC-3E?

17 MR. BONHAM: Oh, I'm on behalf of
18 the residents who live next to Civil Lounge.

19 AGENT FLETCHER: Is there anyone
20 here from ANC-3E?

21 MR. BONHAM: I know that Tom Quinn
22 from the ANC was on his way.

1 AGENT FLETCHER: Okay. I'll
2 finish with your group and call again when we
3 are done.

4 Your name, please, sir?

5 MR. BONHAM: My name is James
6 Bonham.

7 AGENT FLETCHER: Could you spell
8 that for the court reporter, please?

9 MR. BONHAM: Yes. My last name is
10 Bonham, B-O-N-H-A-M, James, J-A-M-E-S.

11 AGENT FLETCHER: Thank you. And
12 your name?

13 MS. NACHMAN: Carol Nachman.

14 AGENT FLETCHER: Could you spell
15 that for the record, please?

16 MS. NACHMAN: Yes. Last name is
17 N, as in now, A-C-H-M-A-N, first name Carol,
18 C-A-R-O-L.

19 MR. FONSECA: Ms. Fletcher?

20 AGENT FLETCHER: Yes?

21 MR. FONSECA: I'm only in receipt
22 of or have knowledge of the ANC's protest.

1 AGENT FLETCHER: Is that right?

2 Oh.

3 MR. FONSECA: Does the file
4 reflect that there are individuals?

5 AGENT FLETCHER: Yes. I will
6 check and I'll check further with Tesha
7 Anderson. That's T-E-S-H-A Anderson, who is
8 the person responsible for sending Mr. Fonseca
9 a copy of the protest. I'm just going to
10 check and see if the record indicates that she
11 did, Mr. Fonseca. If not --

12 MR. FONSECA: Could I get copies?

13 AGENT FLETCHER: Yes. Ms.
14 Anderson -- yes, to answer your question. I
15 don't see a record here, Mr. Fonseca, that you
16 received a copy of the complaint, of this
17 complaint, but where Mr. Bonham is a
18 protestant. It's -- there is a group of 28.
19 You did not receive a copy of that protest, so
20 I'll take care of that before you leave.

21 Ms. Nachman, did you say your
22 first name, sorry, is carol?

1 MS. NACHMAN: Yes, it is.

2 AGENT FLETCHER: Did you say
3 Cheryl as well? Did you?

4 MS. NACHMAN: No.

5 AGENT FLETCHER: Okay. I thought
6 you had three names. You just said Carol
7 Nachman?

8 MS. NACHMAN: Correct.

9 AGENT FLETCHER: C-A-R-O-L and
10 then Nachman?

11 MS. NACHMAN: Yes.

12 AGENT FLETCHER: Thank you. Okay.
13 And I see, Ms. Nachman, that you did sign the
14 protest letter.

15 Are there any other individuals
16 present from your group here today? Oh, hi,
17 thank you. If you could just come up and
18 speak your name right into the microphone?

19 MS. ROTHROCK: Susan Rothrock.
20 And I have already spelled my last name for
21 the reporter.

22 AGENT FLETCHER: Could you spell

1 it for me, too, please?

2 MS. ROTHROCK: Yes. R-O-T-H-R-O-
3 C-K.

4 AGENT FLETCHER: Uh-huh, thank you
5 very much.

6 MS. ROTHROCK: You're welcome.

7 AGENT FLETCHER: Okay.

8 MR. BONHAM: And also, if I could
9 just mention, apparently I was -- I am the
10 representative of the rest of the people on
11 the petition.

12 AGENT FLETCHER: Yes.

13 MR. BONHAM: Yes, okay.

14 AGENT FLETCHER: And I just want
15 to note that Ms. Rothrock, you did sign the
16 protest letter.

17 MS. ROTHROCK: Yes.

18 AGENT FLETCHER: So there are
19 three individuals from your group present
20 today. And what that means is that your group
21 is granted conditional standing today. And
22 two additional people will need to appear for

1 the status hearing in order to maintain
2 standing.

3 Mr. --

4 MR. FONSECA: I'll take a
5 representation from you in not having seen the
6 petition, does -- on the face of the petition
7 is there a designation of representative?

8 AGENT FLETCHER: Yeah, Mr. Bonham
9 is designated as the representative. Not
10 exactly in those words, but I'll tell you what
11 they are. It's clear that that was the
12 intention of the group. I'll tell you what
13 the protest letter says, Mr. Fonseca.

14 It says that "Please, contact Jim
15 Bonham for any further information or
16 necessary communication concerning this
17 petition." So I interpreted that to mean that
18 you are a contact person, that you are
19 representing the group.

20 MR. BONHAM: That's correct.

21 AGENT FLETCHER: That's what the
22 letter says, Mr. Fonseca. And you will get a

1 copy of that letter.

2 MR. FONSECA: I'll reserve my
3 right now until I can --

4 AGENT FLETCHER: Yes.

5 MR. FONSECA: -- examine --

6 AGENT FLETCHER: Exactly.

7 MR. FONSECA: -- the document.

8 AGENT FLETCHER: And if Mr.
9 Fonseca challenges that -- challenges you as
10 the designated representative for the group,
11 then the ABC Board will have to consider his
12 challenge and make a final determination. But
13 as of today, you are granted conditional
14 standing.

15 MR. BONHAM: Okay.

16 AGENT FLETCHER: And bring two
17 additional people to the Status Hearing. I'm
18 going to give you the --

19 MR. BONHAM: Absolutely.

20 AGENT FLETCHER: -- date in
21 moment. Thank you. And, Mr. Bonham, have you
22 put your contact information on that sheet?

1 MR. BONHAM: Yes.

2 AGENT FLETCHER: Okay. Thank you.
3 The date for the Status Hearing is December 11
4 at 9:30. December 11 at 9:30. The Protest
5 Hearing is set for February 26, 2014 at 4:30.
6 We need to set a date for mediation prior to
7 December 11 and I'll give you the next
8 available date for mediation.

9 MR. FONSECA: In anticipation --
10 I'm sorry to interrupt you.

11 AGENT FLETCHER: Yes.

12 MR. FONSECA: But there was a
13 possibility, and I don't know because you
14 still have to dispose of the ANC's protest--

15 AGENT FLETCHER: Right.

16 MR. FONSECA: -- there -- I know
17 there are ongoing attempts to address these
18 underlying complaints. And I think the timing
19 steps made says the date, purchase and
20 installation of certain equipment and then,
21 you know, testing to see if the complaints are
22 resolved, which may take, you know, two months

1 to three.

2 And I did talk with the general
3 counsel about this in anticipation. This was
4 just the ANC and they need to file something
5 by consent. With you still establishing the
6 baseline dates as is required as of today --

7 AGENT FLETCHER: Yes.

8 MR. FONSECA: -- with that in
9 mind, I was going to seek to try to have a
10 mediation pushed to as close to the December
11 11th status as possible, with a more likely
12 than not eventuality that we would move the
13 status out to February, which was something
14 that was originally intended to do about the
15 Roll Call, but which for legal purposes we
16 thought it better to get past the Roll Call,
17 but then do this.

18 So I think and I don't want to
19 speak for Mr. Bonham, because I haven't met
20 him, but I think what the ANC was attempting
21 to do was to give everyone more time. And
22 that is now -- can be accomplished, so I don't

1 know if the parties would want to consider
2 that.

3 AGENT FLETCHER: Mr. Bonham, would
4 you be in agreement with scheduling the
5 mediation closer to the status date of
6 December 12?

7 MR. FONSECA: 11.

8 AGENT FLETCHER: 11.

9 MR. BONHAM: Yes.

10 AGENT FLETCHER: December 11.

11 Then the next available date in December, we
12 have a couple of dates then. We can do
13 Thursday, December 5, or we can do Tuesday,
14 December 10. So that would be one day before
15 the Status Hearing or if you prefer to do it
16 the week before, we can do it.

17 MR. BONHAM: I think -- well, for
18 my preference, I think the week before would
19 be better.

20 AGENT FLETCHER: The 5th?

21 MR. BONHAM: Then I can
22 communicate with my group.

1 MR. FONSECA: Yes, that's fine.

2 AGENT FLETCHER: Yes, the 5th. Is
3 that good?

4 MR. FONSECA: Morning is better
5 for you?

6 MR. BONHAM: That's fine.

7 MR. FONSECA: Yes.

8 AGENT FLETCHER: 10:00?

9 MR. FONSECA: 10:00.

10 MR. BONHAM: Works for me.

11 MR. FONSECA: 10:00 works.

12 AGENT FLETCHER: So mediation is
13 set for Thursday, December 5 at 10:00. Okay.
14 Okay. Thanks. Okay. Any questions? Okay.

15 MR. BONHAM: No.

16 AGENT FLETCHER: Okay. Thanks for
17 coming. The Roll Call Hearing is concluded.

18 MR. BONHAM: Thank you.

19 MR. FONSECA: Thank you.

20 AGENT FLETCHER: We're off the
21 record.

22 (Whereupon, at 10:23 a.m. a recess

1 until 10:25 a.m.)

2 AGENT FLETCHER: I'm going to
3 reopen the matter of Civil Lounge for just a
4 moment to dispose of the ANC-3E matter.

5 ANC-3E failed to appear for the
6 Roll Call Hearing. The protest filed by ANC-
7 3E is dismissed.

8 The Roll Call Hearing is concluded
9 again. Thank you.

10 MR. FONSECA: Thank you.

11 (Whereupon, the Roll Call Hearing
12 in the above-entitled matter was concluded at
13 10:25 a.m.)

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