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GOVERNMENT OF THE DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

- - - - -X
IN THE MATTER OF: :
Naylor Stables, LLC t/a :
To Be Determined : Case #15-PRO-00098
1322 9th Street NW : Protest Hearing
License #100016, Retailer CT : (status)
ANC-2F :
Application for a New License:

- - - - -X

Wednesday, November 18, 2015

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

1 CHAIRPERSON:

2 DONOVAN W. ANDERSON, Presiding

3

4 BOARD MEMBERS:

5 RUTHANNE MILLER

6 NICK ALBERTI

7 MICHAEL SILVERSTEIN

8 JAMES SHORT

9

10 ALSO PRESENT:

11 DAVID ROSNER, Applicant

12 THADDEUS CURTZ, Co-Applicant

13 ANKUR PATEL, on behalf of Jared Jablonka

14 CHARLIE BENGEL, ANC-2F

15 LYLE BLANCHARD,

16 on behalf of 1320 9th Street, LLC

17 PAUL HARRISON, Designated Representative

18 for Group of 13

19 KEVIN BATTEH, Designated Representative

20 for Group of 13

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

2 [9:53 a.m.]

3 CHAIRMAN ANDERSON: The next case on our
4 agenda is Case No. 15-PRO-00098, Naylor Stables,
5 LLC, at 1322 9th Street, Northwest; License No.
6 100016.

7 Will the parties please approach and
8 identify yourself, and please remember to --
9 after identifying yourself, just sign the sign-in
10 sheet with the correct spelling of your name.

11 MR. ROSNER: Sure. My name is David
12 Rosner. I am the Applicant along with the person
13 sitting next to me is the Co-Applicant. My name
14 is spelled R-o-s-n-e-r.

15 MR. CURTZ: My name is Thas Curtz, one of
16 the co-owners. My name is spelled -- full name
17 is Thaddeus, T-h-a-d-d-e-u-s. Last name is
18 spelled C-u-r-t-z.

19 CHAIRMAN ANDERSON: I'm sorry. Do you
20 guys have enough space on the form for you to
21 sign?

22 MR. ROSNER: Use the back?

1 CHAIRMAN ANDERSON: Yes. I realize that
2 there was an issue there. Yes.

3 MR. PATEL: Good morning. My name is
4 Ankur Patel. I'm here on behalf of -- [speaking
5 off mic].

6 MR. SILVERSTEIN: Please speak up, sir.

7 MR. PATEL: My name is Ankur Patel. I'm
8 here on behalf of Jared Jablonka.

9 MR. BENDEL: Good morning. My name is
10 Commissioner Charlie Bengel, and I'm here on
11 behalf of ANC-2F.

12 MR. BLANCHARD: Good morning. My name is
13 Lyle Blanchard. I'm here on behalf of 1320 9th
14 Street LLC.

15 MR. HARRISON: Good morning. My name is
16 Paul Harrison, designated representative for the
17 Group of 13.

18 MR. BATTEH: My name is Kevin Batteh,
19 also a designated representative for the Group of
20 13.

21 CHAIRMAN ANDERSON: Are there any
22 preliminary matters?

1 MR. ROSNER: No. No matters, that I can
2 provide a report from our perspective, if that's
3 useful.

4 MS. MILLER: That will be useful, sure.

5 CHAIRMAN ANDERSON: Okay.

6 MR. ROSNER: Great. Well, thank you for
7 making time for us today. We had a productive
8 mediation, and we heard many of the concerns from
9 the Applicants -- or excuse me -- from the
10 Protestants.

11 We have been working with our architects
12 to address those concerns. We very much
13 appreciate Commissioner Gordon for ANC's offer to
14 invite us to their ANC policy committee tonight
15 where we will be making a presentation to the
16 committee and for the community.

17 We have not yet exchanged terms on a
18 settlement agreement, although the Applicant
19 intends to send a proposal to the Protestants
20 this week.

21 CHAIRMAN ANDERSON: Now -- I'm sorry.
22 Okay. Do you have -- do you have anything that

1 you want to report?

2 MR. HARRISON: [Speaking off mic.] Well,
3 first of all, I don't think we have any
4 preliminary matters, so I think [inaudible] for
5 that.

6 And, again, we had a cordial and
7 extensive conversation at the mediation.
8 Appreciate the help of the mediator in doing
9 that.

10 We have laid out for the Applicants our
11 understanding that the Beer Gardens [inaudible]
12 appropriate use in and under the statute or in
13 the particular location next to this historic
14 neighborhood, but of course, we also are looking
15 to conversations.

16 We also strongly encourage them to
17 consider other properties on 9th Street that are
18 closed-in structures and welcome a restaurant and
19 alcohol-serving operation [inaudible].

20 [Inaudible] perspective is that opening a
21 beer garden is [inaudible].

22 CHAIRMAN ANDERSON: Thank you for that.

1 As I stated before -- maybe you didn't hear --
2 we're just -- we don't really get into the facts
3 of the case at this juncture, just a status, and
4 so I appreciate -- but I appreciate what you're
5 stating.

6 You're aware that your protest hearing is
7 now scheduled for December 9th at 1:30, and I'm
8 not sure that if you were here for the
9 instructions that I had given regarding the
10 protest to basically let you know that you will
11 receive electronic -- electronic, by mail -- I'm
12 sorry. You will receive by mail -- you will
13 receive by electronic mail well in advance of the
14 hearing, a letter that's explaining the protest
15 process, a copy of the protest information sheet.
16 It is important that you review the rules closely
17 and adhere to -- adhere to them prior to and
18 during the protest hearing.

19 You are also required to complete the
20 protest information form and exhibit form 7 days
21 before the hearing.

22 And, as I stated before -- well, there

1 are no lawyers here, but as community members,
2 you need to know that the timeline is very
3 specific, so 7 days means 7 days before.

4 These, the two forms and accompanying
5 documents need to be submitted to our legal
6 counsel on behalf of the Board and all opposing
7 parties in this matter. If we do not receive a
8 copy of your protest information form, your
9 application, or your protest, whichever side you
10 are representing may be dismissed.

11 Likewise, if we do not receive a copy of
12 the exhibit form and the exhibits themselves,
13 your exhibits may be excluded from the record
14 upon a finding that the opposing party has been
15 prejudiced for no good cause or the failure to
16 submit has been shown.

17 Likewise, witnesses other than the party
18 may also be subject to exclusion if not
19 identified in the protest information form.
20 Accordingly, these forms are very important.
21 They greatly supporting our issue and just -- I'm
22 getting used to this. And I just wanted to let

1 you know that for me, it's very important that
2 when we have a hearing, we zone in on the issue.
3 That is important to the protest and not
4 necessarily extraneous information, so we can
5 make a decision that's in the best interest of
6 both the community and the business.

7 So I do hope -- I do wish you success in
8 your negotiation, and I hope I don't see you in
9 December, in December. You know what I mean by -
10 - I hope that the parties can work this out and
11 we don't have to make a decision; we just approve
12 what it is that you bring to us, okay? So thank
13 you, and good luck.

14 [Chorus of thank-yous.]

15 MR. BLANCHARD: Oh, before I depart, I
16 also wanted to say thank you to former Chairman
17 Miller. Chairman Miller and I used to be ANC
18 Commissioners just a few years ago, before her
19 service on the Board of Zoning Adjustment. So
20 she's done a good job in all of those capacities.
21 I look forward to working with you.

22 CHAIRMAN ANDERSON: Thank you very much.

1 MS. MILLER: Thank you, Mr. Blanchard,
2 and I also want to say -- I was on the Board for
3 this -- I was Chair of this Board for 4 years.
4 So, Mr. Anderson, you wouldn't know, but Mr.
5 Blanchard is an attorney. He's an excellent
6 attorney that you'll see often before us. We
7 made reference to no attorneys being at the
8 table.

9 [Laughter.]

10 CHAIRMAN ANDERSON: But sometimes we are
11 our own enemy.

12 [Laughter.]

13 MS. MILLER: Thank you.

14 [Whereupon, at 10:01 a.m., the above-
15 entitled matter concluded.]

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