

ALCOHOLIC BEVERAGE REGULATION
ADMINISTRATION

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NOTICE OF PUBLIC HEARINGS CALENDAR
(ROLL CALL HEARINGS)
MONDAY, NOVEMBER 25, 2013
2000 14TH STREET, N.W., SUITE 4008
WASHINGTON, d.c. 20009

RUTHANNE MILLER, CHAIRPERSON

MEMBERS:

NICK ALBERTI, DONALD BROOKS, HERMAN JONES, MIKE
SILVERSTEIN

ROLL CALL HEARINGS
10:00 A.M.

In the matter of:

_____ :
Case Number 13-PRO-00151 :

19th and K, Inc. :

trading as Ozio Martini and :

Cigar Lounge :

1813 M Street Northwest :

License number ABRA 089394. :

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

(10:20 a.m.)

MS. FLETCHER: Would the parties in the matter of Ozio Martini and Cigar Lounge please come forward? This is Case Number 13-PRO-00151, 19th and K, Inc., trading as Ozio Martini and Cigar Lounge, 1813 M Street Northwest, license number ABRA 089394.

This is a retailer CN license renewal. The protest issues are adverse impact on peace, order and quiet, and real property values.

My name is LaVerne Fletcher, and I'll be conducting the roll call hearing as the Board's agent pursuant to D.C. Official Code 1601.2. Introductions beginning with the applicant.

MR. FONSECA: Michael Fonseca, F like Frank, O-N-S-E-C-A, on behalf of the licensee.

MS. FLETCHER: Thank you, Mr. Fonseca.

MR. CHRISTACOS: Steven Christacos, Steven with a V, C-H-R-I-S-T-A-C-O-S.

MS. FLETCHER: Can you spell that one more time?

1 MR. CHRISTACOS: C-H-R-I-S-T-A-C-O-S

2 MS. FLETCHER: Thank you. And present
3 on behalf of the protestants?

4 MS. NICHOLS: I am Abigail C. Nichols,
5 from 1325 18th Street Northwest. I'm one of the
6 designated representatives, and we have five of
7 the signatories to the petition here today to
8 prove our standing.

9 MS. FLETCHER: Ms. Nichols, would you
10 spell your name for the record?

11 MS. NICHOLS: A-B-I-G-A-I-L, Nichols,
12 N-I-C-H-O-L-S.

13 MS. FLETCHER: Thank you. And your
14 name, sir?

15 MR. NELSON: Carl Nelson, C-A-R-L N-E-
16 L-S-O-N.

17 MS. FLETCHER: Thank you.

18 MS. GASKIN: Lillian Gaskin, L-I-L-L-I-
19 A-N G-A-S-K-I-N.

20 MS. FLETCHER: Spell the last name one
21 more time?

22 MS. GASKIN: Of course, G-A-S-K-I-N.

1 And we're going to need another piece of paper.

2 MS. FLETCHER: I only need the
3 designated representative on that sign-in.

4 MR. GASKIN: As long as you get the
5 record of the rest of them?

6 MS. FLETCHER: Exactly. So, if you put
7 yours -- or is Ms. Peck here also?

8 MS. NICHOLS: No.

9 MS. FLETCHER: Okay, then just yours
10 will be fine.

11 MS. NICHOLS: So cross out Mr.
12 Nelson's?

13 MS. FLETCHER: Yes.

14 MS. NICHOLS: Okay, thank you.

15 MS. FLETCHER: And your name is?

16 MS. KALJOT: Lena Kaljot, L-E-N-A, and
17 last name is K-A-L-J-O-T.

18 MS. FLETCHER: J-O-T like Tom?

19 MS. KALJOT: Like Tom.

20 MS. FLETCHER: Okay.

21 MR. VAINES: Steven Vaines. Steven
22 with a V, V-A-I-N-E-S.

1 MS. FLETCHER: V-A-I-N-E-S. Lillian,
2 I'm going to take another crack at your last name.
3 For some reason I have G-A --

4 MS. GASKIN: S as in Sam. Gaskin.

5 MS. FLETCHER: Oh, Gaskin.

6 MS. GASKIN: G-A-S-K-I-N.

7 MS. FLETCHER: Is that what you've been
8 saying? I won't tell you what I have. Thank you.
9 I actually know how to spell Gaskin.

10 MS. NICHOLS: Ms. Fletcher, may I say
11 something before you give us our additional dates?

12 MS. FLETCHER: Yes.

13 MS. NICHOLS: What you see before you
14 is a second protest of a group of citizens that
15 are all related to the same issue. And so, we
16 have been meeting with the owners. We met with
17 Skip Coburn; Mr. Fonseca has been part of this.

18 I had not met the owner of Ozio before
19 today, but we're trying to get a -- and Mr. Vasali
20 is aware of this. So, what I -- if we were on a
21 strict schedule like it was an application, you
22 would need to be giving us dates pop, pop, pop.

1 But the businesses can operate as normal during
2 this process. So, I would suggest that we not
3 schedule mediation yet.

4 MS. FLETCHER: And why would that be?

5 MS. NICHOLS: Because we're -- because
6 we're trying to get all the owners together to get
7 something that is fair and consistent. Now, I'm
8 meeting separately to learn about the businesses
9 and do the kind of work that you encourage during
10 mediation, and we're not avoiding mediation if it
11 comes to that, but we're just saying we want to
12 reduce the burden on -- that particular process in
13 this situation seems premature at this time.

14 MS. FLETCHER: You mean the additional
15 owner of Ozio?

16 MS. NICHOLS: No, the owners of the
17 other -- the other protests that you're going to
18 have before you. There's six --

19 MS. FLETCHER: And which one is that?

20 MS. NICHOLS: Well, it was Rose Bar
21 last week, and I know they were dismissed.
22 However, they may get reinstated, and that same

1 issue will come up because they have a roof deck.

2 We're trying to understand the
3 individual and cumulative effect of these bars on
4 the neighbors, because one of the problems is
5 sometimes it is hard to tell where it's coming
6 from, and we want to be fair, but we want to be
7 proactive.

8 There's too much noise in total hitting
9 residents from bars right now, particularly roof
10 decks, in our judgment.

11 MR. FONSECA: May I -- excuse me. May
12 I suggest reaching the same end result, but
13 perhaps making this procedurally more palatable
14 both to Ms. Fletcher and to the system that ABRA
15 has for these roll calls.

16 In essence with the renewals, I know
17 you are required, not that you don't have some
18 flexibility, but you do have certain dates that
19 have already been established. So, we know that
20 protest dates are already established by the
21 notice.

22 MS. FLETCHER: Yes.

1 MR. FONSECA: And the statuses come
2 before that, and then the mediation is required by
3 the Board to come before that.

4 MS. FLETCHER: Right.

5 MR. FONSECA: So, another approach, and
6 one that I think we are about to take in another
7 matter is if we can -- perhaps when you're putting
8 down these markers, which you already know what
9 they're going to be, and we don't, that we have a
10 mediation that is a day, two or three before the
11 status. And as this proceeds, we could perhaps
12 then seek by consent; but you'll have to do a
13 case-by-case --

14 MS. NICHOLS: Oh, yes. I understand.

15 MR. FONSECA: -- to then push out the
16 status to perhaps the week before he protest. And
17 if it's still not done, then we potentially push
18 the protest.

19 MS. FLETCHER: Right.

20 MR. FONSECA: Then with initial
21 applications, the Board will typically do this,
22 but frankly I don't think --

1 MS. FLETCHER: That's right.

2 MR. FONSECA: But with renewals, they
3 have been if the parties are consenting, because
4 the licensee continues to operate.

5 MS. NICHOLS: Thank you. You know how
6 to do it. Thank you.

7 MR. FONSECA: I let you make the pitch,
8 and I just --

9 MS. NICHOLS: Thank you. Mr. Fonseca,
10 thank you.

11 MS. FLETCHER: And at this stage, the
12 only way that the protest hearing would be changed
13 is if there's a settlement agreement submitted.

14 MR. FONSECA: Right.

15 MS. FLETCHER: But Mr. Fonseca is
16 correct; the status hearing date can be a little
17 flexible, but the protest hearing day not.

18 MS. NICHOLS: What is our status
19 hearing?

20 MS. FLETCHER: I'll give you the status
21 hearing date. It's January 22nd.

22 MS. NICHOLS: Okay, good.

1 MS. FLETCHER: January 22, 2014, and
2 that's at 9:30, and we're going to set the
3 mediation close to that date. So then let me go
4 ahead and give you the date for mediation then.
5 The status hearing is January 22nd. You want to do
6 it the week before, the week of?

7 MR. FONSECA: Want to try Thursday or
8 Friday the 17th or 18th?

9 MS. FLETCHER: We can do -- we can do
10 the -- we can do the 16th. The 17th I won't be
11 here.

12 MR. FONSECA: The 16th is a Board day.
13 Is that --

14 MS. FLETCHER: The 16th is a -- that's
15 a Thursday. You said --

16 MR. FONSECA: You're looking at
17 January?

18 MS. FLETCHER: Me too.

19 MR. FONSECA: I'm looking at January
20 13th. No wonder. Okay, then. Excuse me. So much
21 for an iPhone. Siri, where are you? All right,
22 one more time. Okay, so, the 16th is a Thursday?

1 MS. FLETCHER: Yes. Do you have a
2 preference for time? Morning?

3 MR. FONSECA: Like 10:00 a.m.

4 MS. NICHOLS: Ten is fine.

5 MS. FLETCHER: January 16th at 10:00 for
6 Ozio. And Ms. Nichols, as you know, because
7 you're the designated representative as well as
8 Sarah Peck. That's S-A-R-A-H P-E-C-K?

9 MS. NICHOLS: Right.

10 MS. FLETCHER: Either one of you can
11 show up for the status hearing. I just wanted to
12 tell you while I was thinking about it because it
13 wouldn't be necessary for everybody to show up for
14 the status hearing.

15 MS. NICHOLS: Okay.

16 MS. FLETCHER: Same for the mediation,
17 but that's up to you who comes.

18 MS. NICHOLS: Thank you.

19 MS. FLETCHER: So, then we've got
20 mediation set for 10:00 on Thursday, January 16,
21 and the protest hearing is set for March 19.
22 March 19th, 2014, at 1:30.

1 MS. NICHOLS: Oh, I'm sorry, 1:30?

2 MS. FLETCHER: Yes.

3 MS. NICHOLS: Very good.

4 MS. FLETCHER: So, you can just let me

5 know if this matter is resolved before January

6 22nd. We'll cancel the mediation. Okay, that's

7 everything. Thank you for coming.

8 (Whereupon, the above-entitled matter

9 went off the record at 10:30 a.m.)

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