

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ALCOHOLIC BEVERAGE CONTROL BOARD  
ROLL CALL HEARINGS

Monday, November 26th, 2012  
2000 14th Street N.W., Suite 400S  
Washington, D.C. 20009  
10:00 A.M.

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:Roll Call  
Bar Bari, LLC t/a Bar Bari :Hearing  
1401 R Street NW :  
License #ABRA-090488 :Case No.  
Retailer CR New Application:12-PRO-00084  
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PRESENT:

LaVERNE FLETCHER, Agent

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

10:02 a.m.

AGENT FLETCHER: Will the parties  
in the matter of Bar Bari please come forward?

This is Case No. 12-PRO-00084, Bar  
Bari, LLC, t/a Bar Bari, 1401 R Street NW,  
License No. ABRA-090488.

The protest issues are adverse  
impact on peace, order and quiet, and  
residential parking, and vehicular and  
pedestrian safety, and real property value.

My name is LaVerne Fletcher, and  
I'll be conducting the roll call hearing as  
the Board's Agent, under D.C. Official Code  
1601.2.

Introductions, beginning with the  
Applicant.

MR. O'BRIEN: Stephen O'Brien for  
the Applicant.

AGENT FLETCHER: Thank you, Mr.  
O'Brien.

MR. BAILLIE: Joe Baillie,

1 resident, 1419 R Street.

2 AGENT FLETCHER: And, Mr. Baillie,  
3 would you spell your name for the court  
4 reporter, please?

5 MR. O'BRIEN: B-A-I-L-L-I-E.

6 AGENT FLETCHER: B-A-I-L-L-I-E?

7 MR. BAILLIE: Yes, ma'am.

8 AGENT FLETCHER: Thank you very  
9 much.

10 MS. BAILLIE: Good morning, Nancy  
11 Baillie, same spelling. We are residents of  
12 1419 R Street.

13 AGENT FLETCHER: Thank you, Ms.  
14 Baillie.

15 MR. HOLLAND: My name is Janice  
16 Holland, H-O-L-L-A-N-D, also resident of 1419  
17 R Street.

18 AGENT FLETCHER: And, Ms. Holland,  
19 what's your first name again?

20 MR. HOLLAND: Janice.

21 AGENT FLETCHER: J-A-N-E-T?

22 MR. HOLLAND: J-A-N-I-C-E.

1                   AGENT FLETCHER: Oh, I-C-E, okay,  
2                   thank you.

3                   MR. RAYMOND: Matt Raymond, M-A-T-  
4                   T R-A-Y-M-O-N-D, Commissioner for 2F-04.

5                   AGENT FLETCHER: Thank you.

6                   MR. BAILLIE: I also have a letter  
7                   designating me to represent two other  
8                   residents.

9                   AGENT FLETCHER: Okay, thank you.

10                  I have a letter from John Ketcham.  
11                  Ketcham is spelled K-E-T-C-H-A-M, designating  
12                  Janice Holland as his representative.

13                  I have a letter from Paul Davies,  
14                  D-A-V-I-E-S, and Cathy Cook, Cathy, C-A-T-H-Y  
15                  C-O-O-K, designating Joe Baillie as her  
16                  representative.

17                  Paul Davies and Cathy Cook did  
18                  sign the protest letter, John Ketcham did sign  
19                  the protest letter.

20                  Ms. Holland, did you sign the  
21                  protest letter?

22                  MR. HOLLAND: Didn't get to it in

1 time, no.

2 AGENT FLETCHER: Okay. So, Janice  
3 Holland does not have standing as a  
4 protestant.

5 And, just for the record, Ms.  
6 Holland is not being dismissed as a  
7 protestant. She does not have standing as a  
8 protestant, and does not need to be dismissed.

9 So, present today we have Joe  
10 Baillie, Nancy Baillie, and between the two of  
11 them they are representing three other  
12 individuals which constitute a Group of Five.  
13 And, what that means is that, your group has  
14 standing as a protestant, on a conditional  
15 basis.

16 The three of you -- two of you are  
17 present today, Joe Baillie and Nancy Baillie,  
18 you are present today. At the start of  
19 hearing, three other individuals, the other  
20 three individuals, will need to appear, John  
21 Ketcham, Paul Davies and Cathy Cook will need  
22 to appear for the status hearing. And, I'll

1 give you the date for the status hearing  
2 shortly.

3 You started out as a Group of 12.  
4 All of the individuals who did not appear  
5 today are dismissed in accordance with their  
6 Roll Call Hearing Notice. The Roll Call  
7 Hearing Notice says that if you don't -- just  
8 one second, here are some individuals coming,  
9 I wonder if they are from your group.

10 MS. BAILLIE: No.

11 AGENT FLETCHER: Okay. The other  
12 individuals from your group who are not  
13 present today are dismissed in accordance with  
14 the Roll Call Hearing Notice. They either  
15 needed to appear today or designate a  
16 representative. So, they are dismissed. They  
17 won't receive any further notice of the roll  
18 call hearing, they will be dismissed without  
19 further notice.

20 But you, sir, Mr. Baillie, Ms.  
21 Baillie, Cathy Cook, Paul Davis and John  
22 Ketcham are the protestants in this matter.

1                   So, this Group of Five will be  
2                   granted conditional standing today. If the  
3                   other three individuals do not appear for the  
4                   status hearing, the Board will dismiss the  
5                   protest, because at the point of the status  
6                   hearing the Board needs to have seen at least  
7                   five faces. We see two today. With the  
8                   status hearing we just need to see the other  
9                   three.

10                   And, at that point they cannot  
11                   designate representatives, they must come in  
12                   person.

13                   Can you step forward? You can,  
14                   actually, bring a chair up to the table and  
15                   state your name and spell it for the court  
16                   reporter.

17                   MS. IQBAL: My name is Sarah, S-A-  
18                   R-A-H, last name is Iqbal, I-Q-B-A-L.

19                   AGENT FLETCHER: Could you spell  
20                   the last name again, Sarah?

21                   MS. IQBAL: I-Q-B-A-L.

22                   AGENT FLETCHER: I-Q --

1 MS. IQBAL: B as i Bobby, A-L.

2 AGENT FLETCHER: A-R?

3 MS. IQBAL: A-L.

4 AGENT FLETCHER: A-L? Okay. And,  
5 did you sign the protest letter?

6 MS. IQBAL: Yes, I did.

7 AGENT FLETCHER: Yes, you did, Ms.  
8 Iqbal.

9 MS. IQBAL: Iqbal.

10 AGENT FLETCHER: Iqbal?

11 MS. IQBAL: Yes.

12 AGENT FLETCHER: So, you also have  
13 standing as a protestant. This means that  
14 this group is now a Group of Six, and so for  
15 the upcoming status hearing we only need to  
16 see one of the other individuals, because four  
17 are present today.

18 And, you may all come, but what we  
19 need you to do is to designate a  
20 representative also today, so can you tell us  
21 who will likely be the designated  
22 representative? That would be the person

1 that we contact if we need to contact someone,  
2 as opposed to having to contact everyone.

3 MS. BAILLIE: Joe.

4 AGENT FLETCHER: Joe? Okay, so  
5 Joe Baillie is the designated representative.

6 And, Mr. Baillie, on that contact  
7 sheet on the table, would you put your contact  
8 information?

9 MR. BAILLIE: Yes, ma'am, it's  
10 there.

11 AGENT FLETCHER: Okay, thank you  
12 very much.

13 And, all of the protestants  
14 present today designate Mr. Baillie as their  
15 representative?

16 Ms. Holland, although you don't  
17 have standing as a protestant, if the matter  
18 goes forward to a protest hearing you will  
19 have the opportunity to testify if you -- if  
20 the group would want you to do that.

21 In a minute, we are going to be  
22 setting a date for mediation. The ideal

1 situation is that the matter can be resolved  
2 in the mediation process, but if not, the case  
3 goes forward to protest. And, at that time  
4 you could be a witness.

5 And also, if you want to appear  
6 for the status hearing you can, because all  
7 hearings are public hearings. You would not  
8 have a seat at the table, but you are welcome  
9 to come.

10 MR. HOLLAND: Okay.

11 AGENT FLETCHER: So, there are two  
12 protestants for this matter. ANC 2F has  
13 standing as a protestant, and the Group of Six  
14 has conditional standing. And, the Board will  
15 grant you standing at the status hearing if  
16 that one other person appears. Otherwise,  
17 your appearance will not count and they will  
18 terminate the protest of the case.

19 Mr. Raymond, are you going to be  
20 representing ANC 2F?

21 MR. RAYMOND: Correct.

22 AGENT FLETCHER: Okay. I need to

1 set a date for a mediation, a status hearing  
2 and a protest hearing. I'll give you the  
3 dates for the mediation -- for the status  
4 hearing first.

5 The dates of the status hearing  
6 before the ABC Board is January 16, 2013, at  
7 9:30 a.m.

8 MS. BAILLIE: Excuse me, that's  
9 status?

10 AGENT FLETCHER: Yes, that's  
11 status.

12 MR. BAILLIE: January 16th at 9:30  
13 a.m.

14 AGENT FLETCHER: Yes. That's on a  
15 Wednesday.

16 The protest hearing is set for  
17 February 27, 2013, at 1:30 p.m.

18 MR. O'BRIEN: Ms. Fletcher, may I  
19 ask Mr. Raymond a question?

20 AGENT FLETCHER: Yes.

21 MR. O'BRIEN: As far as mediation  
22 goes, of course, subject to everybody else's

1 convenience, you and I have to be here on  
2 December 6th at 1:00. Okay? Is December 11th  
3 still available?

4 AGENT FLETCHER: Let's see,  
5 December 6th, at what time did you say, Mr.  
6 O'Brien.

7 MR. O'BRIEN: 11:00.

8 AGENT FLETCHER: 11:00.

9 MR. O'BRIEN: You already have set  
10 1:00.

11 AGENT FLETCHER: Yes, I have you  
12 at 1:00. I've got something else at 10:00.  
13 11:00 would not be good on the 6th.

14 MR. O'BRIEN: Okay.

15 AGENT FLETCHER: We could do 3:00.

16 MR. O'BRIEN: If that's convenient  
17 with, not only Mr. Raymond, but everyone else.

18 AGENT FLETCHER: If that would  
19 work, we can do it.

20 MR. O'BRIEN: Nancy?

21 MS. BAILLIE: Yes.

22 MR. O'BRIEN: We sit around the

1 table, Ms. Fletcher mediates, if we haven't  
2 already reached agreement.

3 AGENT FLETCHER: That's correct.

4 MR. O'BRIEN: Ms. Fletcher will  
5 try to help you reach agreement, but the  
6 reason I was suggesting that date is I have to  
7 be here on another matter the same day.

8 So, mediation then is December  
9 6th.

10 AGENT FLETCHER: Yes.

11 MR. O'BRIEN: At 3:00 p.m.

12 AGENT FLETCHER: At 3:00 p.m.

13 Yes.

14 And so, the mediation will  
15 probably be in this room, you just need to  
16 check in with the receptionist.

17 MR. HOLLAND: And, who needs to be  
18 at this mediation?

19 AGENT FLETCHER: Mr. Baillie is  
20 the designated representative, so he's  
21 required to be here. You all can all come and  
22 sit in. Mediation is confidential, it's not

1 a hearing. But, any other protestants, only  
2 Mr. Baillie, Ms. Baillie, Ms. Iqbal, Paul  
3 Davies or John Ketcham may come for mediation.  
4 You just need to be the designated  
5 representative, so if you are here, Mr.  
6 Baillie, that's all we need.

7 MR. O'BRIEN: Ms. Fletcher, for  
8 purpose of inquiry, since I don't recognize,  
9 by face at least, any of the Group of Six, the  
10 designated representative is also empowered to  
11 find the other people.

12 AGENT FLETCHER: Yes. We'd like  
13 for you to come with the ability to negotiate  
14 on behalf of everyone.

15 We understand you have to get  
16 everyone else's approval, so to speak, but we,  
17 generally, would prefer for you to have the  
18 ability to enter into an agreement on behalf  
19 of everyone.

20 But, if that's not possible, then  
21 we'll accept that, but that's the ideal  
22 situation, so that you'll talk with the group

1 about what's important for the group before  
2 mediation, and then negotiate on their behalf.

3 MR. BAILLIE: Thank you.

4 AGENT FLETCHER: So then,  
5 mediation is set for Thursday, December 6th at  
6 3:00, and if you are able to resolve this  
7 matter prior to that, there won't be a need to  
8 attend the mediation. And, if you can make a  
9 voluntary agreement signed by everyone, then  
10 we'll cancel the mediation, the status hearing  
11 and the protest hearing.

12 MR. O'BRIEN: Ms. Fletcher, again  
13 for clarity, by everyone, Mr. Baillie, the ANC  
14 and the Applicant.

15 AGENT FLETCHER: Yes.

16 MR. O'BRIEN: Okay.

17 AGENT FLETCHER: Yes. That is  
18 what I mean by everyone.

19 Any questions at all? Okay.

20 The roll call hearing is  
21 concluded. Thank you. See you on December  
22 6th or not.

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MR. BAILLIE: Thank you.

MS. BAILLIE: Thank you.

MR. RAYMOND: Thank you.

(Whereupon, the above-entitled  
matter was concluded at 10:18 a.m.)

<p style="text-align: center;"><b>A</b></p> <p><b>ABC</b> 11:6  <b>ability</b> 14:13,18  <b>able</b> 15:6  <b>above-entitled</b> 16:4  <b>ABRA-090488</b>  1:13 2:7  <b>accept</b> 14:21  <b>ADMINISTRAT...</b>  1:1  <b>adverse</b> 2:8  <b>Agent</b> 1:22 2:3,14  2:20 3:2,6,8,13,18  3:21 4:1,5,9 5:2  6:11 7:19,22 8:2,4  8:7,10,12 9:4,11  10:11,22 11:10,14  11:20 12:4,8,11  12:15,18 13:3,10  13:12,19 14:12  15:4,15,17  <b>agreement</b> 13:2,5  14:18 15:9  <b>ALCOHOLIC</b> 1:1  1:2  <b>ANC</b> 10:12,20  15:13  <b>appear</b> 5:20,22 6:4  6:15 7:3 10:5  <b>appearance</b> 10:17  <b>appears</b> 10:16  <b>Applicant</b> 2:17,19  15:14  <b>Application:12-P...</b>  1:14  <b>approval</b> 14:16  <b>attend</b> 15:8  <b>available</b> 12:3  <b>A-L</b> 8:1,3,4  <b>A-R</b> 8:2  <b>a.m</b> 1:9 2:2 11:7,13  16:5</p>	<p>4:15 5:10,10,17  5:17 6:10,20,21  9:3,5,6,9,14 11:8  11:12 12:21 13:19  14:2,2,6 15:3,13  16:1,2  <b>Bar</b> 1:12,12 2:4,5,6  <b>Bari</b> 1:12,12 2:4,6  2:6  <b>basis</b> 5:15  <b>beginning</b> 2:16  <b>behalf</b> 14:14,18  15:2  <b>BEVERAGE</b> 1:1,2  <b>Board</b> 1:2 7:4,6  10:14 11:6  <b>Board's</b> 2:14  <b>Bobby</b> 8:1  <b>bring</b> 7:14  <b>B-A-I-L-L-I-E</b> 3:5  3:6</p>	<p><b>CONTROL</b> 1:2  <b>convenience</b> 12:1  <b>convenient</b> 12:16  <b>Cook</b> 4:14,17 5:21  6:21  <b>correct</b> 10:21 13:3  <b>count</b> 10:17  <b>course</b> 11:22  <b>court</b> 3:3 7:15  <b>CR</b> 1:14  <b>C-A-T-H-Y</b> 4:14  <b>C-O-O-K</b> 4:15</p>	<p><b>find</b> 14:11  <b>first</b> 3:19 11:4  <b>five</b> 5:12 7:1,7  <b>Fletcher</b> 1:22 2:3  2:12,20 3:2,6,8,13  3:18,21 4:1,5,9  5:2 6:11 7:19,22  8:2,4,7,10,12 9:4  9:11 10:11,22  11:10,14,18,20  12:4,8,11,15,18  13:1,3,4,10,12,19  14:7,12 15:4,12  15:15,17  <b>forward</b> 2:4 7:13  9:18 10:3  <b>four</b> 8:16  <b>further</b> 6:17,19</p>	<p style="text-align: center;"><b>I</b></p> <p><b>ideal</b> 9:22 14:21  <b>impact</b> 2:9  <b>important</b> 15:1  <b>individuals</b> 5:12,19  5:20 6:4,8,12 7:3  8:16  <b>information</b> 9:8  <b>inquiry</b> 14:8  <b>Introductions</b> 2:16  <b>Iqbal</b> 7:17,18,21  8:1,3,6,8,9,9,10  8:11 14:2  <b>issues</b> 2:8  <b>I-C-E</b> 4:1  <b>I-Q</b> 7:22  <b>I-Q-B-A-L</b> 7:18,21</p>
<p style="text-align: center;"><b>B</b></p> <p><b>B</b> 8:1  <b>Baillie</b> 2:22,22 3:2  3:7,10,11,14 4:6</p>	<p style="text-align: center;"><b>C</b></p> <p><b>call</b> 1:3,12 2:13 6:6  6:6,14,18 15:20  <b>cancel</b> 15:10  <b>case</b> 1:13 2:5 10:2  10:18  <b>Cathy</b> 4:14,14,17  5:21 6:21  <b>chair</b> 7:14  <b>check</b> 13:16  <b>clarity</b> 15:13  <b>Code</b> 2:14  <b>come</b> 2:4 7:11 8:18  10:9 13:21 14:3  14:13  <b>coming</b> 6:8  <b>Commissioner</b> 4:4  <b>concluded</b> 15:21  16:5  <b>conditional</b> 5:14  7:2 10:14  <b>conducting</b> 2:13  <b>confidential</b> 13:22  <b>constitute</b> 5:12  <b>contact</b> 9:1,1,2,6,7</p>	<p style="text-align: center;"><b>D</b></p> <p><b>date</b> 6:1 9:22 11:1  13:6  <b>dates</b> 11:3,5  <b>Davies</b> 4:13,17 5:21  14:3  <b>Davis</b> 6:21  <b>day</b> 13:7  <b>December</b> 12:2,2,5  13:8 15:5,21  <b>designate</b> 6:15 7:11  8:19 9:14  <b>designated</b> 8:21 9:5  13:20 14:4,10  <b>designating</b> 4:7,11  4:15  <b>dismiss</b> 7:4  <b>dismissed</b> 5:6,8 6:5  6:13,16,18  <b>D-A-V-I-E-S</b> 4:14  <b>D.C</b> 1:8 2:14</p>	<p style="text-align: center;"><b>G</b></p> <p><b>generally</b> 14:17  <b>give</b> 6:1 11:2  <b>goes</b> 9:18 10:3  11:22  <b>going</b> 9:21 10:19  <b>good</b> 3:10 12:13  <b>grant</b> 10:15  <b>granted</b> 7:2  <b>group</b> 5:12,13 6:3,9  6:12 7:1 8:14,14  9:20 10:13 14:9  14:22 15:1</p>	<p style="text-align: center;"><b>J</b></p> <p><b>Janice</b> 3:15,20 4:12  5:2  <b>January</b> 11:6,12  <b>Joe</b> 2:22 4:15 5:9  5:17 9:3,4,5  <b>John</b> 4:10,18 5:20  6:21 14:3  <b>J-A-N-E-T</b> 3:21  <b>J-A-N-I-C-E</b> 3:22</p>
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