

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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Case #13-PRO-00153 :

Park Place, Inc. t/a The Park

Place at 14th :

920 14th Street NW :

License #ABRA-075548 :

Retailer CN :

License Renewal :

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December 2, 2013

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The Alcoholic Beverage Control Board met in Alcoholic Beverage Control

Hearing Room, Reeves Building, 2000 14th 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 11:03 a.m.

3 AGENT FLETCHER: Would the parties
4 in the matter of The Park Place at 14th come
5 forward? The parties in the matter of The
6 Park Place at 14th.

7 This is Case No. 13-PRO-00153,
8 Park Place, Inc., trading as the Park Place at
9 14th, 920 14th Street, Northwest, License No.
10 ABRA-075548. This is a Retailer CN License
11 Renewal.

12 The protest issues are adverse
13 impact on peace, order and quiet.

14 My name is LaVerne Fletcher. I am
15 conducting the Roll Call Hearing as the
16 Board's Agent, pursuant to D.C. Official Code
17 1601.2.

18 Introductions, beginning with the
19 Applicant, please?

20 MR. SHIRAFKAN: Makan Shirafkan on
21 behalf of the Applicant. I have also -- am
22 providing you with a new copy of the

1 appearance, just for the record.

2 AGENT FLETCHER: Thank you very
3 much, and would you spell your name for the
4 Court Reporter, please?

5 MR. SHIRAFKAN: Sure, S-H-I-R-A-F-
6 K-A-N.

7 AGENT FLETCHER: Spell that one
8 more time.

9 MR. SHIRAFKAN: Sure, S-H-I-R-A-F-
10 K-A-N.

11 AGENT FLETCHER: And the first
12 name was Makan?

13 MR. SHIRAFKAN: Makan, pA-K-A-N.

14 AGENT FLETCHER: Okay, thank you.
15 Your name, sir?

16 MR. BARNES: Marc Barnes, M-A-R-C,
17 B-A-R-N-E-S.

18 AGENT FLETCHER: Thank you, and on
19 behalf of 1400 K?

20 MR. BROWN: Patrick Brown from
21 Greenstein DeLorme & Luchs, B-R-O-W-N.

22 AGENT FLETCHER: Thank you, Mr.

1 Brown. Mr. Brown, I have a couple of
2 questions for you.

3 MR. BROWN: Yes, ma'am.

4 AGENT FLETCHER: Let's see here.
5 In your protest letter, you mentioned that
6 1400 K Company, LLC is the owner of the high-
7 rise building.

8 MR. BROWN: That's correct.

9 AGENT FLETCHER: That is located
10 immediately adjacent to the Park Place --

11 MR. BROWN: That's correct.

12 AGENT FLETCHER: -- Night Club.

13 Does any portion of that building abut?

14 MR. BROWN: Physically touch?

15 AGENT FLETCHER: Yes.

16 MR. BROWN: Yes, ma'am.

17 AGENT FLETCHER: Any of the -- any
18 common walls?

19 MR. BROWN: I don't know if
20 they're common. They're abutting, face on, I
21 believe is the --

22 AGENT FLETCHER: Well, for the

1 Board's definition of abutting, is that you
2 share a common wall. That's what I need to
3 determine, at this point, is if you share a
4 common wall.

5 MR. BROWN: I don't believe --

6 AGENT FLETCHER: Adjacent,
7 generally is across from, but not touching.
8 I'm just trying to determine that first, if
9 there is any wall that abuts.

10 MR. SHIRAFKAN: If I may? Well, I
11 mean, obviously our argument is going to be
12 that it is adjacent, but it's not abutting.

13 There is -- Park is a building,
14 920 14th Street is a single building. There
15 is a parking lot to the right and then there
16 is a building to the right, and there is a
17 space where I believe there is an AC unit and
18 things like that to the left, and then there
19 is a FedEx at 1400 Block.

20 So, it is -- my understanding, it
21 is not abutting, but it's adjacent.

22 AGENT FLETCHER: Okay, would you

1 agree with that, Mr. Brown?

2 MR. BROWN: I'm not so sure I
3 agree. I think the parking areas, it's a
4 space to drive through. I think those are
5 physically abutting.

6 AGENT FLETCHER: Okay.

7 MR. BARNES: That's not 1400.
8 That is not his building. That's not what
9 he's talking about.

10 AGENT FLETCHER: What I'm trying
11 to determine is if 1400 K abuts or if there is
12 -- if they share a common wall.

13 MR. BARNES: We do not.

14 AGENT FLETCHER: There is no
15 common wall that you share?

16 MR. BARNES: We do not.

17 AGENT FLETCHER: Would you agree
18 with that, Mr. Brown?

19 MR. BROWN: Under your definition
20 of a common wall, yes.

21 AGENT FLETCHER: Okay.

22 MR. BROWN: Ms. Fletcher, if I

1 could add, and I think the critical issue for
2 my client's interest is that they are
3 currently, along with the ANC, a party to a
4 voluntary agreement for which the license has
5 been issued, going back to 2007.

6 The Applicant has requested the
7 termination of that agreement, which is the
8 basis, the underlying basis for our protest,
9 along with the issues that we've outlined in
10 our letter.

11 AGENT FLETCHER: Yes, the -- what
12 the -- the termination of the settlement is
13 going to be actually handled in a different
14 proceeding. That is a separate issue for us.

15 So, I'm assuming that the Park
16 Place filed a request to terminate the
17 settlement, along with the application for the
18 license renewal?

19 MR. SHIRAFKAN: Yes.

20 MR. BROWN: Yes. We've never
21 received any official notice of that. It's
22 obviously been broached with -- to us and it's

1 been before the ANC several times.

2 But I've never seen any official
3 notice of that.

4 AGENT FLETCHER: Well, Mr. Brown,
5 you actually -- if our record -- well, if you
6 have submitted a -- if you have submitted an
7 entry of appearance in that matter, then you
8 would receive notice of the Roll Call Hearing
9 related to the termination of settlement.

10 But if you haven't received the
11 notice yet, it may not have gone out yet. I
12 don't know yet, what the date of the Roll Call
13 Hearing will be for the termination of
14 settlement.

15 But you did include your concerns
16 about that in your protest letter related to
17 the renewal.

18 So, that -- you did talk about
19 that. As a matter of fact, I have made a note
20 to let you know that there is going to be a
21 separate Roll Call Hearing on that termination
22 of settlement.

1 MR. BROWN: All right.

2 AGENT FLETCHER: But in the
3 meantime, if you have concerns about
4 violations of the voluntary agreement, your
5 client can always contact our Enforcement
6 Division, at any time, related to violations.

7 For the purpose of the Roll Call
8 Hearing, I am going to dismiss 14K, LLC as a
9 Protestant because they're not abutting.

10 The only way that 14K, LLC, as
11 property owners, could be granted standing as
12 a Protestant is if they were a group of five
13 property owners.

14 If there is a single Protestant,
15 then the requirement is that they abut, and
16 Mr. Brown, you talked about violations of the
17 settlement agreement, that 1400 K also signed.

18 So, in that case, you would
19 contact the Enforcement Division to address
20 the violation of the settlement agreement.

21 MR. BROWN: And then also, you
22 indicated that we'd get notice of the Roll

1 Call for the termination.

2 AGENT FLETCHER: Yes.

3 MR. BROWN: Because I've never
4 seen any official notice of that --

5 AGENT FLETCHER: Is that right?

6 MR. BROWN: -- being filed.

7 Perhaps, the Applicant can -- through their
8 Counsel, provide me a copy of that.

9 AGENT FLETCHER: Yes, that --
10 you'll receive a copy of the -- of the Roll
11 Call Hearing Notice, if your client filed a
12 protest, you'll receive a Roll Call Hearing
13 notice and the date of the Roll Call Hearing
14 for the termination.

15 If you don't receive that any time
16 soon, and you have a question about that, if
17 you take my card, if you email me, I'll check
18 into it for you and I'll get back to you about
19 that. Any questions at all?

20 Okay, the Roll Call Hearing is
21 concluded. Thank you for coming.

22 Can we go back on the record for

1 just one second? We're not off for The Park
2 Place.

3 What I'm going to do is, I'm going
4 to double-check the record to make sure that
5 there is not a protest filed by an ANC. I
6 wasn't given on, but let me just double-check,
7 because if there is one, then I'll need to
8 dispose of it.

9 MR. SHIRAFKAN: I don't want to --
10 yes, I don't want to --

11 AGENT FLETCHER: Thank you.

12 MR. BROWN: Ms. Fletcher, if I
13 could assist you.

14 ANC 2F filed a letter dated
15 November 18th. Their letter was geared
16 strictly to the termination of the voluntary
17 agreement, for which they are a party.

18 AGENT FLETCHER: Okay.

19 MR. BROWN: So, I suspect it
20 didn't get into this file.

21 AGENT FLETCHER: Okay, then, okay,
22 exactly. Then that -- okay, well, then the --

1 let's just double-check something here. Thank
2 you very much for that, Mr. Brown.

3 There is no protest filed by the
4 ANC.

5 MR. SHIRAFKAN: Great, thank you.

6 I just wanted to --

7 AGENT FLETCHER: Thank you.

8 You're welcome.

9 (Whereupon, the Roll Call Hearing
10 was concluded at 11:12 a.m.)

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<p style="text-align: center;">A</p> <p>a.m 2:2 12:10 ABRA-075548 1:12 2:10 abut 4:13 9:15 abuts 5:9 6:11 abutting 4:20 5:1 5:12,21 6:5 9:9 AC 5:17 add 7:1 address 9:19 adjacent 4:10 5:6 5:12,21 adverse 2:12 Agent 1:22 2:3,16 3:2,7,11,14,18,22 4:4,9,12,15,17,22 5:6,22 6:6,10,14 6:17,21 7:11 8:4 9:2 10:2,5,9 11:11 11:18,21 12:7 agree 6:1,3,17 agreement 7:4,7 9:4,17,20 11:17 Alcoholic 1:3,19,19 ANC 7:3 8:1 11:5 11:14 12:4 appearance 3:1 8:7 Applicant 2:19,21 7:6 10:7 application 7:17 areas 6:3 argument 5:11 assist 11:13 assuming 7:15</p> <hr/> <p style="text-align: center;">B</p> <p>B-A-R-N-E-S 3:17 B-R-O-W-N 3:21 back 7:5 10:18,22 Barnes 3:16,16 6:7 6:13,16 basis 7:8,8 beginning 2:18 behalf 2:21 3:19 believe 4:21 5:5,17 Beverage 1:3,19,19</p>	<p>Block 5:19 Board 1:3,19 Board's 2:16 5:1 broached 7:22 Brown 3:20,20 4:1 4:1,3,8,11,14,16 4:19 5:5 6:1,2,18 6:19,22 7:20 8:4 9:1,16,21 10:3,6 11:12,19 12:2 building 1:20 4:7 4:13 5:13,14,16 6:8</p> <hr/> <p style="text-align: center;">C</p> <p>Call 1:5 2:15 8:8,12 8:21 9:7 10:1,11 10:12,13,20 12:9 card 10:17 case 1:10 2:7 9:18 check 10:17 client 9:5 10:11 client's 7:2 Club 4:12 CN 1:13 2:10 Code 2:16 COLUMBIA 1:1 come 2:4 coming 10:21 common 4:18,20 5:2,4 6:12,15,20 Company 4:6 concerns 8:15 9:3 concluded 10:21 12:10 conducting 2:15 contact 9:5,19 Control 1:3,19,19 copy 2:22 10:8,10 correct 4:8,11 Counsel 10:8 couple 4:1 Court 3:4 critical 7:1 currently 7:3</p> <hr/> <p style="text-align: center;">D</p> <p>D.C 1:21 2:16</p>	<p>date 8:12 10:13 dated 11:14 December 1:15 definition 5:1 6:19 DeLorme 3:21 determine 5:3,8 6:11 different 7:13 dismiss 9:8 dispose 11:8 DISTRICT 1:1 Division 9:6,19 double-check 11:4 11:6 12:1 drive 6:4</p> <hr/> <p style="text-align: center;">E</p> <p>email 10:17 Enforcement 9:5 9:19 entry 8:7 exactly 11:22</p> <hr/> <p style="text-align: center;">F</p> <p>face 4:20 fact 8:19 FedEx 5:19 file 11:20 filed 7:16 10:6,11 11:5,14 12:3 first 3:11 5:8 five 9:12 Fletcher 1:22 2:3 2:14 3:2,7,11,14 3:18,22 4:4,9,12 4:15,17,22 5:6,22 6:6,10,14,17,21 6:22 7:11 8:4 9:2 10:2,5,9 11:11,12 11:18,21 12:7 forward 2:5</p> <hr/> <p style="text-align: center;">G</p> <p>geared 11:15 generally 5:7 given 11:6 go 10:22 going 5:11 7:5,13</p>	<p>8:20 9:8 11:3,3 granted 9:11 Great 12:5 Greenstein 3:21 group 9:12</p> <hr/> <p style="text-align: center;">H</p> <p>handled 7:13 Hearing 1:5,20 2:15 8:8,13,21 9:8 10:11,12,13,20 12:9 high 4:6</p> <hr/> <p style="text-align: center;">I</p> <p>immediately 4:10 impact 2:13 include 8:15 indicated 9:22 interest 7:2 Introductions 2:18 issue 7:1,14 issued 7:5 issues 2:12 7:9</p> <hr/> <p style="text-align: center;">J</p>	<p>M-A-R-C 3:16 ma'am 4:3,16 Makan 2:20 3:12 3:13 Marc 3:16 matter 1:9 2:4,5 8:7,19 mean 5:11 mentioned 4:5 met 1:19</p> <hr/> <p style="text-align: center;">N</p> <p>N.W 1:21 name 2:14 3:3,12 3:15 need 5:2 11:7 never 7:20 8:2 10:3 new 2:22 Night 4:12 Northwest 2:9 note 8:19 notice 7:21 8:3,8,11 9:22 10:4,11,13 November 11:15 NW 1:12</p> <hr/> <p style="text-align: center;">O</p> <p>obviously 5:11 7:22 official 2:16 7:21 8:2 10:4 okay 3:14 5:22 6:6 6:21 10:20 11:18 11:21,21,22 order 2:13 outlined 7:9 owner 4:6 owners 9:11,13</p> <hr/> <p style="text-align: center;">P</p> <p>P-R-O-C-E-E-D-... 2:1 Park 1:10,10 2:4,6 2:8,8 4:10 5:13 7:15 11:1 parking 5:15 6:3 parties 2:3,5 party 7:3 11:17 Patrick 3:20</p>
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