

DISTRICT OF COLUMBIA

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ALCOHOLIC BEVERAGE REGULATION
ADMINISTRATION BOARD

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ROLL CALL HEARING

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 IN THE MATTER OF: :
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 SPODEEODEE :
 t/a Showtime :
 113 Rhode Island Avenue, N.W. :
 License No. ABRA-089196 :
 Retailer Class CT :
 Substantial Change :
 :
 Case No. 14-PRO-00095 :
 -----X

Monday,
December 8, 2014

ABRA Meeting Room
400 South
Reeves Municipal Center
2000 14th Street, N.W.,
Washington, D.C. 20009

The above-entitled matter convened
at 10:05 a.m. before the District of Columbia
Alcoholic Beverages Regulation Administration
Board.

BEFORE:

LAVERNE FLETCHER, Board Agent

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

2 (10:20 a.m.)

3 BOARD AGENT FLETCHER: Would the
4 parties in the matter of Showtime please come
5 forward? The parties in the matter of
6 Showtime.

7 This is Case No. 14-PRO-00095,
8 Spodeeodee t/a Showtime, 113 Rhode Island
9 Avenue, N.W., License No. ABRA-089196. This
10 is a Retailer Class CT Substantial Change,
11 sidewalk café with six seats.

12 The protest issues are adverse
13 impact on peace, order and quiet, pedestrian
14 safety and real property values.

15 My name is LaVerne Fletcher and
16 I'm conducting the Roll Call Hearing as the
17 Board's Agent pursuant to D.C. Official Code
18 1601.2. Introductions, beginning with the
19 applicant. Is anyone the applicant?

20 MR. VIVARI: Yes. I'm Paul
21 Vivari.

22 BOARD AGENT FLETCHER: Could you

1 please have a seat at the table and speak into
2 the microphone. Thank you.

3 MR. VIVARI: Paul V-i-v-a-r-i.

4 BOARD AGENT FLETCHER: V as in
5 Victor?

6 MR. VIVARI: Yes. V-i-v-a-r-I.

7 BOARD AGENT FLETCHER: Okay. And
8 Mr. Vivari, you're the applicant?

9 MR. VIVARI: Yes.

10 BOARD AGENT FLETCHER: Thank you.
11 And would you put your contact information on
12 that sheet?

13 MR. VIVARI: Sure.

14 BOARD AGENT FLETCHER: And you're
15 Dr. Collins?

16 DR. COLLINS: Yes.

17 BOARD AGENT FLETCHER: You can
18 have a seat sir and just state your name and
19 spell it for the record please.

20 DR. COLLINS: Dr. Paul Collins.
21 P-a-u-l C-o-l-l-i-n-s.

22 BOARD AGENT FLETCHER: Dr.

1 Collins, you're an abutting property owner?

2 DR. COLLINS: Yes.

3 BOARD AGENT FLETCHER: And Mr.
4 Vivari, are you aware that Dr. Collins is an
5 abutting property owner?

6 MR. VIVARI: Yes.

7 BOARD AGENT FLETCHER: We need to
8 set a date. Dr. Collins, as an abutting
9 property owner, does have standing as a
10 protestant and we need to set a date for a
11 mediation today. You're going to receive a
12 notice in the mail of the status hearing and
13 the protest hearing as well.

14 For the purpose of mediation we'll
15 just set that date as soon as possible.
16 Should we wait till after the holidays?

17 MR. VIVARI: Yes. I'll be out of
18 town.

19 BOARD AGENT FLETCHER: Okay. So
20 we'll be looking at early January?

21 MR. VIVARI: Yeah. Any time
22 after the--

1 BOARD AGENT FLETCHER: Any time
2 after the New Year?

3 MR. VIVARI: Yes.

4 BOARD AGENT FLETCHER: Okay.
5 That'll be good. Give me one second please.
6 Excuse me and off the record please.

7 (A BRIEF RECESS WAS TAKEN)

8 So we're going to begin with the
9 week of January 5, is that good?

10 MR. VIVARI: Yes.

11 BOARD AGENT FLETCHER: The first
12 available date for mediation that week is
13 Tuesday, January 6th at 9, 10 or 11. Those
14 are the times available on Tuesday, January
15 6th.

16 DR. COLLINS: The first is 9?

17 BOARD AGENT FLETCHER: Yes, 9, 10
18 or 11. 9 o'clock, 10 o'clock or 11 o'clock on
19 January 6th. And Dr. Collins if that doesn't
20 work for you we'll just keep moving. Does
21 that work for you that day?

22 DR. COLLINS: Yes.

1 BOARD AGENT FLETCHER: Do you
2 have a preference for time?

3 MR. VIVARI: I prefer 10 or 11
4 to be honest.

5 BOARD AGENT FLETCHER: Do you
6 have a preference, Dr. Collins, for 10 or 11?

7 DR. COLLINS: Yes, that would be
8 fine.

9 BOARD AGENT FLETCHER: Either
10 one? Okay. So then, Mr. Vivari, why don't
11 you choose which one you prefer 10 or 11?

12 MR. VIVARI: I'll go for 11.

13 BOARD AGENT FLETCHER: Okay. So
14 lets make mediation for 11 o'clock on Tuesday,
15 January 6th.

16 MR. VIVARI: Will we be receiving
17 a notice of that date?

18 BOARD AGENT FLETCHER: Yes. And
19 normally I would give you the date for the
20 status hearing and protest hearing today but
21 the person that provides those dates for me is
22 not here today. At the status hearing you'll

1 report to the ABC Board the results of
2 mediation which we just scheduled. So that's
3 the purpose of the status hearing. If you're
4 able to resolve the matter in some way before
5 the status hearing, then the Board will cancel
6 the status hearing, otherwise you'll just
7 appear for that with the results of mediation.

8 If this matter is not resolved in
9 mediation in some way, then the Board will
10 hold a protest hearing where they hear the
11 testimony and listen to witnesses and the
12 Board will decide whether or not to grant the
13 substantial change.

14 Mediation gives you an opportunity
15 to talk about the concerns and whether or not
16 they can be addressed in some way in a
17 settlement agreement. If that can be done,
18 there's not a protest hearing.

19 And so I have mediation set for
20 Tuesday, January 6th at 11 o'clock.

21 MR. VIVARI: Just one more
22 question. Do I need to leave up the

1 substantial change placards at this point?

2 BOARD AGENT FLETCHER: No, you
3 can take those down.

4 MR. VIVARI: Okay. The protest
5 period is over and I can take them down.

6 BOARD AGENT FLETCHER: Yes. You
7 can go ahead and take down the placards.
8 Okay. Any other questions, Mr. Vivari?

9 MR. VIVARI: No, that's it.

10 BOARD AGENT FLETCHER: Dr.
11 Collins, anything?

12 DR. COLLINS: No.

13 BOARD AGENT FLETCHER: The
14 mediation will be held here. I'm the Board's
15 mediator. My card is on the table so it'll be
16 held right here. You just check in with the
17 receptionist and I'll come up and we'll get
18 started.

19 MR. VIVARI: Okay. Thank you.

20 BOARD AGENT FLETCHER: Okay.
21 Well, thank you for coming. The Roll Call
22 Hearing is concluded. Thank you.

1 (Whereupon, the Roll Call Hearing
2 in the above-entitled matter having been
3 concluded went off the record at 10:28 a.m.
4 with mediation set for Tuesday, January 6th at
5 11 a.m.)

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