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

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IN THE MATTER OF: :
OMAR, LLC t/a Castello :
Restaurant and Lounge :
931 Hamilton Street NW : Case #15-PRO-00101
License #100259 : Protest Hearing
Retailer CT : (Status)
ANC 4D :
Application for new a license:

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Wednesday, December 9,
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.

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3 CHAIRPERSON:

4 DONOVAN ANDERSON, Presiding

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6 BOARD MEMBERS:

7 NICK ALBERTI

8 JAMES SHORT

9 RUTHANNE MILLER

10 MIKE SILVERSTEIN

11

12 ALSO PRESENT:

13 DAVID SHEON, ESQ.,

14 On behalf of ANC 4D and protestants

15 DEE HUNTER, ESQ.

16 On behalf of the Licensee

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1 [9:35 a.m.]

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

3 CHAIRPERSON ANDERSON: Good morning,
4 ladies and gentlemen. I'd like to welcome you to
5 the regularly scheduled meeting of the District
6 of Columbia's Alcoholic Beverage Control Board.
7 Today is December 9th, 2015.

8 My name is Donovan Anderson and I'm the
9 chairperson. Joining me today to my far right is
10 Ms. Ruthanne Miller. To her immediate left is
11 Mr. Nick Alberti. To my immediate left is Mr.
12 James Short. And to my far left, who is now
13 joining me, is Mr. Mike Silverstein.

14 The Board has five members in attendance
15 for the conduct of business today with three
16 members constituting a quorum. Copies of today's
17 hearing calendar and agenda are available at the
18 receptionist's desk.

19 Please be aware that these proceedings
20 are being recorded by a court reporter.
21 Accordingly, we must ask you to refrain from any
22 disruptive noises or actions in the hearing room.

1 If you have any electronic devices, pagers, cell
2 phones, or such, please make certain that they
3 are turned off to avoid any interruption of the
4 proceedings.

5 When I call your case, please come
6 forward and take a seat at one of the tables in
7 the front. You will note that there is a piece
8 of paper on each table for you to sign in. This
9 is to insure the correct spelling of your name
10 for the record.

11 The Open Meetings Act requires that the
12 public hearing on each case be open to the
13 public. The Board may, consistent with Section
14 405(b) of the Open Meetings Act, enter a closed
15 meeting during or after the public hearing on a
16 case to consult with an attorney to obtain legal
17 advice, discuss settlement arrangement, or
18 deliberate upon a decision in an adjudication
19 proceeding.

20 Several show cause hearing status cases
21 are scheduled for this morning's calendar. The
22 following instructions are pertinent to all

1 cases: The purpose of the status conference is
2 to entertain any preliminary matters of the
3 parties and to provide the parties with the date
4 and time of the hearing on the merits of the case
5 if the case proceeds to a hearing.

6 Preliminary matters include any proposed
7 agreements of the parties to settle the case for
8 the Board's consideration known as "offers in
9 compromise" and motions or questions regarding
10 procedural matters including schedule or
11 dismissal of a case or a party to failure to
12 comply with legal requirements.

13 The Board will assume that the applicant
14 or the respondent had no notice of this hearing
15 by his or her presence or the presence of an
16 authorized agent. However, if you have an issue
17 relating to the adequacy of your notice, you may
18 raise that with the Board when your case is
19 called.

20 Instructions pertinent to the protest
21 status hearing will be provided in each case. We
22 now turn to this morning's calendar.

1 The first case on our calendar today is
2 Protest Hearing Case No. 15-PRO-00101, Castello
3 Restaurant and Lounge, License No. 100259.

4 Will the parties approach. Can you
5 remember to sign your name. Sign your name and
6 announce.

7 And I just want to announce for the
8 record, I know Mr. Hunter, who is sitting in
9 front of us, is someone I have known for a number
10 of years. However, the casual relationship that
11 I have with him I don't think will, in any way,
12 influence the decision I have to make if the
13 Board has to make a decision. So I just want to
14 let the record reflect that this is someone that
15 I have a casual acquaintance with.

16 So, again, I'll have both parties, again,
17 introduce your name for the record and your role
18 here today.

19 MR. HUNTER: Dee Hunter on behalf of
20 Castello.

21 MR. SHEON: And I'm David Sheon on
22 behalf of ANC 4D as a whole and --

1 CHAIRMAN ANDERSON: Hold on.

2 MR. KNIESER: Generally, I could use
3 spellings too.

4 CHAIRMAN ANDERSON: Yeah. I was about to
5 tell them to do that. So just say your name and
6 spell your name for the reporter, please.

7 MR. HUNTER: Dee Hunter, D-e-e Hunter.

8 MR. SHEON: David Sheon, D-a-v-i-d S-h-e-
9 o-n. And I'm a representative for the ANC
10 designated by the ANC 4D and also representative
11 of a group of 23 protestants.

12 CHAIRMAN ANDERSON: Now, are there any
13 preliminary matters?

14 MR. HUNTER: No, sir.

15 MR. SHEON: I don't think so. No.

16 CHAIRMAN ANDERSON: Hearing on this case
17 is set for a hearing on January 6, 2016, at 4:30
18 p.m.

19 Now that we have scheduled the matter for
20 protest here, there are a few things that I would
21 like to instruct the applicant and the
22 protestants about the -- I'm sorry. This is my

1 fourth hearing. So I'm trying to make sure that
2 I'm --

3 MR. SHEON: You're doing great --

4 CHAIRMAN ANDERSON: -- reading the right
5 instructions. Okay.

6 Now that we have scheduled this matter
7 for a protest hearing, there are a few things
8 that I would like to instruct the applicant and
9 the protestants about the protest hearing that it
10 should be focused on the issues that are the --
11 that why the protest is filed.

12 So, therefore, I know that when we have
13 these hearings, there might be other issues that
14 are brewing in the community. But I want to make
15 sure that when we're hear if we're here for a
16 hearing, that we hone the issues down to what is
17 here in front of us, for us to make a decision.
18 It will make the process go much faster.

19 You should receive by electronic mail
20 well in advance of the hearing a letter
21 explaining the protest process, a copy of the
22 protest information form, and a copy of the

1 exhibited [ph] form.

2 It is important that you review the rules
3 closely and adhere to them before and during the
4 protest hearing. You're also required to
5 complete and submit the protest information form
6 7 days before the hearing. And notice is key, so
7 please follow the instruction to insure that each
8 party receives the documentation 7 days before.
9 Because, if it's not received, then the Board
10 might have to make a determination that it was
11 not timely filed. And I don't want you to put
12 all the work in and then we exclude the
13 information. And so I just want to let you know
14 if we do not receive a copy of your application -
15 - whichever side -- we might dismiss it.

16 So anyway, I hope that you guys are able
17 to agree to terms so all we have to do is to
18 adopt the terms. But, if not, I will see you
19 here in the New Year. And good luck on your --
20 yes, sir.

21 MR. SHEON: One quick question before we
22 conclude, just noting that our hearing date is

1 January 6. So that would put the --

2 CHAIRMAN ANDERSON: January -- yes.

3 MR. SHEON: -- January 6. So that would
4 put the document deadline date of New Year's Eve;
5 is that correct? So I just want to make sure
6 that ABRA is open and functioning and you know.

7 CHAIRMAN ANDERSON: I think in that
8 particular case we're not going to be that hard.
9 I think, in my practice, if it's a holiday, I
10 think you go the day before. But I think for the
11 holiday, if -- for me, if you were supposed to do
12 it for 7 days, you do it 5 days. But in this
13 particular case, yes. You can either -- you can
14 file it the day before. And, if there's a
15 problem, then you can file it the next business
16 day after it's due.

17 MR. SHEON: After the holiday.

18 CHAIRMAN ANDERSON: Yeah.

19 MR. HUNTER: Mr. Chairman.

20 CHAIRMAN ANDERSON: Yes, sir.

21 MR. HUNTER: With all due respect, if
22 possible, we prefer the order that we file it the

1 day before. Because, otherwise, we're going to
2 be so close to the actual hearing date.

3 MR. SHEON: I agree with you.

4 CHAIRMAN ANDERSON: Okay. So then --

5 MR. SHEON: The 30th.

6 MR. HUNTER: The 30th.

7 CHAIRMAN ANDERSON: -- [indiscernible]
8 agreement, then, to the parties agreement that --

9 MR. HUNTER: 30th --

10 CHAIRMAN ANDERSON: -- it will be filed,
11 I guess, is that December 30 --

12 MR. SHEON: I want to make sure that the
13 day of the week that that is real quick.

14 MR. HUNTER: That's a Thursday.

15 MR. SHEON: That's a Thursday, okay. So
16 we'll agree to file by close of business on the
17 30th.

18 MR. HUNTER: Okay.

19 MR. SHEON: Is that all right?

20 CHAIRMAN ANDERSON: Agreement between the
21 parties. Yes, that's fine.

22 MR. SHEON: That's fine.

1 MR. HUNTER: That's fine.

2 CHAIRMAN ANDERSON: Okay. All right.

3 MR. SHEON: Thank you.

4 MR. HUNTER: Thank you.

5 [Whereupon, at 9:44 a.m., the
6 above-entitled matter concluded.]