

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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Barcode Corporation t/a :

Barcode :

1101 17th Street, N.W. :

License #ABRA-082039 :

Retailer CR - License :

Renewal :

Case #13-PRO-00169 :

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MONDAY, DECEMBER 09, 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 (10:56 a.m.)

3 MS. FLETCHER: Would the parties
4 in the matter of Barcode please come forward.
5 The parties in the matter of Barcode.

6 This is Case No. 13-PRO-00169,
7 Barcode Corporation trading as Barcode, 1101
8 17th Street, N.W., License Number ABRA-082039.

9 This is a Retailer CT License
10 Renewal. The protest issues are adverse
11 impact on peace, order and quiet, residential
12 parking and vehicular and pedestrian safety,
13 and real property values.

14 My name is La Verne Fletcher. I
15 am 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 MS. WILLIFORD: Hi. Good morning,
21 Ms. Fletcher. Kwamina Williford from Holland
22 and Knight on behalf of the licensee, Barcode.

1 And, to my left is my colleague, Jessica
2 Farmer, also with Holland and Knight.

3 MS. FLETCHER: Jessica. What is
4 the last name?

5 MS. WILLIFORD: Farmer.

6 MS. FLETCHER: Farmer, F-a-r-m-e-
7 r.

8 Ms. Williford, would you spell
9 your name for the record, please.

10 MS. WILLIFORD: Absolutely. K-w-
11 a-m-i-n-a.

12 MS. FLETCHER: What is the last
13 name?

14 MS. WILLIFORD: Williford, W-i-l-
15 l-i-f-o-r-d.

16 MS. FLETCHER: Thank you. Present
17 on behalf of ANC2B?

18 MS. NICHOLS: Abigail Nichols, A-
19 b-i-g-a-i-l. Nichols, N-i-c-h-o-l-s.

20 MS. FLETCHER: Present on behalf
21 of Dupont Circle Citizens Association?

22 MS. DIENER: Robin, R-o-b-i-n,

1 Diener, D-i-e-n-e-r, chairman of the
2 regulatory committee of the Dupont Circle
3 Citizen's Association.

4 MS. FLETCHER: Thank you.

5 MS. DIENER: Thank you.

6 MS. WILLIFORD: Excuse me. Ms.
7 Fletcher. The protest -- the licensee was
8 unaware of the protest by ANC2B. We were not
9 provided with a copy of that. Do you have an
10 extra copy?

11 MS. FLETCHER: Yes. I don't. But
12 Tesha Anderson --

13 MS. WILLIFORD: Okay.

14 MS. FLETCHER: -- if you contact
15 her, and I will make a note that you need
16 that.

17 MS. WILLIFORD: Okay.

18 MS. FLETCHER: You don't have the
19 copy of the protest filed by ANC2B?

20 MS. WILLIFORD: Correct. And we
21 would actually like to reserve the right to
22 review it prior to -- prior to this -- there

1 being any decision made regarding standing on
2 this.

3 MS. FLETCHER: For the purpose of
4 roll call, I am going to grant standing to
5 ANC2B. If, upon review of the protest letter,
6 Ms. Williford, you want to object to that.

7 MS. WILLIFORD: Okay.

8 MS. FLETCHER: Just let the Board
9 know.

10 MS. WILLIFORD: Sure.

11 MS. FLETCHER: They will consider
12 your objection.

13 Present on behalf of the Group of
14 27, or that's just their -- you are all a
15 member of the group?

16 Okay. I will just start -- are
17 you a member of the group, too, sir?

18 Okay. We will start with you on
19 the end. If you could step behind the
20 microphone --

21 MS. WILLIFORD: Ms. Fletcher,
22 could we --

1 MS. LEE: I am actually here
2 representing the association. Beatrice
3 Brickell Lee.

4 MS. FLETCHER: What association?

5 MS. LEE: Well, the cooperative --
6 we are filing as a group at the Presidential
7 Co-op. And with me today are several --
8 actually, many of our members.

9 MS. FLETCHER: Now, what is the
10 name of the group that you are representing?

11 MS. LEE: The Presidential Co-op.

12 MS. FLETCHER: The Presidential
13 Co-op.

14 MS. LEE: Cooperative, yes.

15 MS. NICHOLS: I think it has been
16 submitted as a group of five, rather than as
17 the Co-op, per se, although all the signatures
18 are from members of the Co-op.

19 MS. FLETCHER: Are the individuals
20 that signed your protest letters members of --
21 they are members of the Co-op?

22 MS. LEE: Yes.

1 MS. FLETCHER: Okay. So we are
2 treating that as a group of individuals.

3 MS. LEE: Okay. Fine.

4 MS. FLETCHER: So I will start
5 with you, then.

6 MS. LEE: Okay. Beatrice
7 Brickell-Lee. By the way, we all signed that
8 sheet already.

9 MS. FLETCHER: Which sheet did you
10 sign?

11 MS. LEE: With all of our
12 information.

13 MS. FLETCHER: Which --

14 MS. LEE: Our name, our email
15 address --

16 MS. FLETCHER: yes.

17 MS. LEE: We put all of that.
18 Beatrice, B-e-a-t-r-i-c-e,
19 Brickell, B-r-i-c-k-e-l-l, Lee, L-e-e.

20 MS. FLETCHER: Okay. And your
21 name, sir?

22 MR. MARSHALL: Patrick Marshall.

1 MS. FLETCHER: Could you just step
2 up. There is the microphone on the table. If
3 you could step.

4 MR. MARSHALL: Okay. Patrick
5 Marshall, P-a-t-r-i-c-k, M-a-r-s-h-a-l-l.

6 MS. FLETCHER: Thank you.

7 MR. TURNBULL: Thomas Turnbull, T-
8 h-o-m-a-s, T-u-r-n-b-u-l-l.

9 MR. BRENNAN: And Michael Brennan.
10 M-i-c-h-a-e-l. Brennan, B-r-e-n-n-a-n.

11 MS. ESCOBAR: Ana Escobar, E-s-c-
12 o-b-a-r.

13 MS. FLETCHER: Ms. Escobar, what
14 is your first name again?

15 MS. ESCOBAR: Anna, A-n-a.

16 MS. FLETCHER: A-n-a. Thank you
17 very much.

18 MS. LAPPIN: Debra Lappin, D-e-b-
19 r-a, L-a-p-p-i-n.

20 MS. FLETCHER: Thank you.

21 MS. NICKERSON: Diana Nickerson,
22 D-i-a-n-a, N-i-c-k-e-r-s-o-n.

1 MS. FLETCHER: n-i-c-k --

2 MS. NICKERSON: e-r-s-o-n.

3 MS. FLETCHER: How do you spell
4 the first name again? D-i-a-n-a?

5 MS. NICKERSON: Yes.

6 MS. FLETCHER: Martha Rogers, M-a-
7 r-t-h-a, R-o-g-e-r-s.

8 MS. FLETCHER: Thank you.

9 MR. NEWCOMB: Jeffrey Newcomb, J-
10 e-f-f-r-e-y, N-e-w-c-o-m-b.

11 MS. FLETCHER: c-o-m-b.

12 MR. NEWCOMB: m-b.

13 MR. RAND: Richard Rand, R-i-c-h-
14 a-r-d, R-a-n-d.

15 MS. FLETCHER: Okay. Thank you
16 very much.

17 MS. LEE: I also have a letter.
18 May I turn that in --

19 MS. FLETCHER: Yes.

20 MS. LEE: -- for another of our
21 members?

22 MS. FLETCHER: Did that person

1 sign the protest letter?

2 MS. LEE: Yes.

3 MS. FLETCHER: And everyone
4 present today signed the protest letter?

5 MS. LEE: Yes. Yes.

6 MS. FLETCHER: And Ms. Brickell-
7 Lee, you are the designated representative --

8 MS. LEE: Yes.

9 MS. FLETCHER: -- for the group?

10 MS. LEE: Yes, for today.

11 MS. FLETCHER: For today?

12 MS. LEE: Yes.

13 MS. FLETCHER: For today. So what
14 about beyond today? We need a designated
15 representative for the entire --

16 MS. LEE: Michael Fasano, the
17 president of our cooperative will be the
18 designated -- he is out of the country today,
19 so --

20 MS. FLETCHER: Okay. And how do
21 you spell his name?

22 MS. LEE: M-i-c-h-a-e-l, F-a-s-a-

1 n-o.

2 MS. FLETCHER: So, he is going to
3 be the designated representative --

4 MS. LEE: Right.

5 MS. FLETCHER: -- beyond today?

6 MS. NICHOLS: Yes. And that was
7 done in the letter, in the petition letter.

8 MS. FLETCHER: Yes. Just for the
9 record, you need to say these things.

10 So, Ms. Lee, would you please put
11 your contact information on the sign-in sheet
12 for today.

13 MS. LEE: I think I have.

14 MS. FLETCHER: Okay.

15 MS. NICHOLS: I will mark it, that
16 she is the representative.

17 MS. FLETCHER: Okay. Thank you.
18 Thank you.

19 MS. LEE: We have one more, I
20 think, or do we?

21 MS. FLETCHER: One more person?

22 MS. LEE: No. Is that it?

1 MS. FLETCHER: That is it.

2 MS. LEE: Okay. We are good.

3 MS. FLETCHER: And so we have
4 ANC2B as a Protestant and a group of -- and
5 the group of 27.

6 MS. LEE: Correct.

7 MS. FLETCHER: Yes. So, the group
8 of 27 is granted standing. We did see -- we
9 did receive a letter of designation for
10 everyone in the group.

11 MS. LEE: Correct.

12 MS. FLETCHER: And there are more
13 than five of you from the group present today,
14 so the group is granted full standing --

15 MS. LEE: Good.

16 MS. FLETCHER: -- today. Any
17 questions at all?

18 MS. WILLIFORD: Ms. Fletcher, I am
19 not sure if you addressed the DCCA standing as
20 of yet because we would like to take issue
21 with what was presented.

22 MS. FLETCHER: What, the DCCA?

1 MS. WILLIFORD: Yes. The Dupont
2 Citizens Association.

3 MS. FLETCHER: Okay.

4 MS. WILLIFORD: I am not sure if
5 you were getting to that yet.

6 MS. FLETCHER: What is your
7 objection, Ms. Williford?

8 MS. WILLIFORD: Sure. As you are
9 sure, in the rules, DC Code 25-601(3) requires
10 a citizens association to pass a resolution as
11 consistent with its bylaws.

12 What was presented was one letter
13 signed by the president of the DCCA. There
14 was no resolution and there was also
15 inconsistency with its bylaws that
16 specifically require a quorum and a majority
17 vote in order to pass any -- in order to
18 transaction business in accordance with its
19 rules.

20 None of that is represented in the
21 letter, and it is the DCCA's obligation to set
22 that forth in order to have standing. Because

1 they failed to do so, we are objecting to
2 their protest on that basis.

3 MS. FLETCHER: Ms. Diener, do you
4 have a response?

5 MS. DIENER: Well, we did have a
6 meeting and it was voted on by our membership
7 with a quorum in attendance at a noticed
8 meeting.

9 I don't know why the resolution
10 wasn't included, but I can get a copy of it as
11 soon as possible and present it to you. The
12 owner was present at that meeting, the
13 Barcode, the person that was on the Barcode.

14 MS. FLETCHER: For the purpose of
15 roll call, I am going to grant standing to the
16 Dupont Circle Citizens Association, Ms.
17 Diener, but can you get that information to
18 Ms. Williford?

19 MS. DIENER: Yes.

20 MS. FLETCHER: Do you have her
21 contact information?

22 MS. DIENER: I am going to send it

1 by email right now.

2 MS. FLETCHER: Okay. If you could
3 -- if you could -- and, to us, for the record
4 --

5 MS. DIENER: Of course.

6 MS. FLETCHER: And to Ms.
7 Williford if you have -- do you have her
8 contact information?

9 MS. DIENER: I will get it.

10 MS. FLETCHER: Okay. Thank you
11 very much.

12 MS. DIENER: Thank you very much.

13 MS. FLETCHER: Ms. Williford.

14 MS. WILLIFORD: And if there is
15 any issue with the resolution, we can bring
16 that back to the Board's attention?

17 MS. FLETCHER: Yes.

18 MS. WILLIFORD: Thank you.

19 MS. FLETCHER: You bet. The
20 Protestants of ANC2B, a group of 27 and the
21 Dupont Circle Citizen's Association. We need
22 to set a date for mediation.

1 Only the designated
2 representatives need to stay. Just you, Ms.
3 Lee, can stay for your group. Everyone else
4 can leave, if you like.

5 MS. LEE: Just do the date and
6 then I think we will be done.

7 MS. FLETCHER: Yes, we will. I
8 just wanted you to know because Ms. Nichols
9 mentioned earlier.

10 MS. LEE: They have been here so
11 long. Let them stay a little bit --

12 MS. FLETCHER: Yes, that is fine.
13 I just wanted you to know. Thank you.

14 MS. WILLIFORD: Thank you. Thank
15 you, Ms. Fletcher.

16 MS. FLETCHER: The next available
17 date for mediation is Thursday, February 20.

18 Ms. Williford, is that good for
19 you?

20 MS. WILLIFORD: Is there any way
21 it could be done earlier in that week? The
22 only -- I am actually going out of town

1 Thursday -- that -- the 20th through that
2 Saturday.

3 MS. FLETCHER: Okay.

4 MS. WILLIFORD: Even the day
5 before would work.

6 MS. NICHOLS: How about the 18th
7 when we have some other mediation for 2B?

8 MS. DIENER: That is fine for me.

9 MS. WILLIFORD: That works for me
10 if it works for --

11 MS. FLETCHER: On the 18th?

12 MS. WILLIFORD: Yes.

13 MS. FLETCHER: Let me see. One
14 second. What about nine o'clock on Tuesday,
15 February 18th? Nine, is that good?

16 MS. WILLIFORD: That works.

17 MS. DIENER: That is good.

18 MS. FLETCHER: Fine. Mediation is
19 set for nine o'clock on Tuesday, February
20 18th.

21 MS. WILLIFORD: Thank you.

22 MS. FLETCHER: The Roll Call

1 Hearing is concluded. Thank you.

2 (Whereupon, the Roll Call Hearing

3 was concluded at 11:00 a.m.)

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