

DISTRICT OF COLUMBIA  
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ALCOHOLIC BEVERAGE CONTROL BOARD  
+ + + + +  
MEETING

IN THE MATTER OF:

IVZ, LLC  
t/a J & K Market  
234 15th Street, NE  
Retailer B - ANC-6A  
License No. 90684  
Case #14-PRO-00081

Protest  
Hearing  
(Status)

(Application to Renew  
License)

December 10, 2014

The Alcoholic Beverage Control Board met in the Alcoholic Beverage Control Hearing Room, Reeves Building, 2000 14th Street, N.W., Suite 400S, Washington, D.C. 20009, Chairperson Ruthanne Miller, presiding.

PRESENT:

RUTHANNE MILLER, Chairperson  
NICK ALBERTI, Member  
DONALD BROOKS, Member  
MIKE SILVERSTEIN, Member  
HECTOR RODRIGUEZ, Member  
JAMES SHORT, Member

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

2 (9:49 a.m.)

3 CHAIRPERSON MILLER: Okay. Good  
4 morning, everyone. I want to welcome you to  
5 the regularly scheduled meeting of the  
6 District of Columbia's Alcoholic Beverage  
7 Control Board. Today is December 10, 2014.

8 My name is Ruthanne Miller. I'm  
9 the Chairperson. Joining me today to my far  
10 right is Mr. Donald Brooks. Next to Mr.  
11 Brooks is Mr. Nick Alberti and next to Mr.  
12 Alberti is Mr. Hector Rodriguez. And to my  
13 left is Mr. Mike Silverstein and coming in the  
14 door is Mr. James Short. So we have six  
15 Members in attendance this morning and three  
16 constitute a quorum.

17 Copies of today's hearing calendar  
18 and agenda are available at the receptionist  
19 desk. Please be aware that these proceedings  
20 are being recorded by a court reporter.  
21 Accordingly, we must ask you to refrain from  
22 any disruptive noises or actions in the

1 hearing room.

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

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

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

21 Okay. That concludes my  
22 introductory remarks. We have a pretty full

1 calendar this morning.

2 I'm going to start with the first  
3 case on the calendar, which is a Protest  
4 Hearing (Status) case, that's Case No. 14-PRO-  
5 00081, J & K Market located at 234 15th  
6 Street, N.E., License No. 90684.

7 Would the parties come forward and  
8 take a seat at the table? Okay. Would you  
9 introduce yourselves for the record, please?

10 MR. DIETZ: I'm Bernard C. Dietz  
11 representing the applicant.

12 CHAIRPERSON MILLER: Okay.

13 MR. BARIS: Ruben Baris  
14 representing the five or more protestants.

15 CHAIRPERSON MILLER: All right.  
16 Are there any issues that you want to bring to  
17 our attention?

18 MR. DIETZ: We had a very fruitful  
19 mediation, which resulted in a draft  
20 settlement agreement that Ms. Fletcher  
21 prepared. My client has signed it. As you  
22 can see from my attire, I thought --

1                   CHAIRPERSON MILLER: Okay.

2                   MR. DIETZ: -- it was a done deal.  
3                   But I understand there were a couple of minor  
4                   issues that they wish to resolve. But what I  
5                   would ask the Board to do is establish a  
6                   hearing date just in case.

7                   This matter was originally set for  
8                   hearing on January 28th and I told Ms.  
9                   Fletcher at that time that I have a jury trial  
10                  that starts on January 26th, so that I would  
11                  ask the Board for an alternative date.

12                  CHAIRPERSON MILLER: Okay. Mr.  
13                  Baris, anything you want to say?

14                  MR. BARIS: I think Mr. Dietz  
15                  summarized it fairly correctly. I don't have  
16                  any objection to the change of date.

17                  CHAIRPERSON MILLER: Okay. That's  
18                  good to know for the record. I don't have  
19                  another date for you, at this point, but, you  
20                  know, unless before you go, Ms. Jenkins can  
21                  give me another date, I'll make a note though  
22                  that the current date, January 28, 2015, that

1 we will look to find you an alternative.

2 MR. DIETZ: All right. My  
3 availability after that date is wide open.

4 CHAIRPERSON MILLER: After  
5 starting which, the next week?

6 MR. DIETZ: Pardon?

7 CHAIRPERSON MILLER: Starting the  
8 next week in February, you mean? No?

9 MR. DIETZ: No.

10 CHAIRPERSON MILLER: Oh, we have a  
11 March date.

12 MR. DIETZ: I would ask that we,  
13 rather than have another status, set for a  
14 hearing.

15 CHAIRPERSON MILLER: No, I  
16 understand that. I was speaking to another  
17 protest date, but I understand that March 4th  
18 is available.

19 MR. DIETZ: Yes, that's fine.

20 CHAIRPERSON MILLER: Okay.

21 MR. BARIS: Fine with me.

22 CHAIRPERSON MILLER: All right.

1                   MR. DIETZ: We fully expect that  
2 we are going to have an agreement.

3                   CHAIRPERSON MILLER: Okay. So the  
4 Protest Hearing date is set for March 4, 2015  
5 in the event that something happens with the  
6 settlement agreement not going forward. But  
7 in the event that you go to a Protest Hearing,  
8 I just need to tell you a few things on the  
9 record. Some of you may have heard it before,  
10 some not.

11                   But what is most important is that  
12 it deals with the subject of appropriateness  
13 and we need to receive seven days ahead of the  
14 hearing date and you need to serve on each  
15 other seven days ahead of the hearing date a  
16 Protest Information Form. And that identifies  
17 your witnesses and exhibits and also you will  
18 have an Exhibit Form to fill out if you go  
19 forward. And they both need to be exchanged  
20 within seven days.

21                   If we don't receive your PIF, your  
22 Protest Information Form, the case could be

1 subject to dismissal, either one of your's.

2 MR. DIETZ: That's understood.

3 CHAIRPERSON MILLER: And same with  
4 the Exhibit Forms, if you have an exhibit that  
5 is not on the Exhibit Form, we will be  
6 considering whether it would be prejudicial to  
7 admit that exhibit or not. So be sure to  
8 exchange those forms if you do go to hearing.  
9 And you can ask Ms. Jenkins questions ahead of  
10 time if you have any. Okay.

11 MR. BARIS: Thank you.

12 MR. DIETZ: Thank you very much.

13 CHAIRPERSON MILLER: Mr.  
14 Silverstein has something to say.

15 MEMBER SILVERSTEIN: Yes. Mr.  
16 Baris, Mr. Dietz, I'm optimistic if you say  
17 that you are very close to an agreement and I  
18 would ask you to consider that that March date  
19 not be your deadline, because if we move close  
20 to that deadline, our staff spends many hours  
21 preparing a Protest Report.

22 And that protest, the time that

1 they spend doing that could be spent on  
2 enforcement activities or other things that  
3 would better benefit the public.

4 So if you are that close, we would  
5 -- you know, you have the right to go as long  
6 as you wish, but if you can move it forward,  
7 it would be better for us. And we would very  
8 much appreciate that.

9 And, Mr. Dietz, the last time I  
10 saw you, I believe you had a family emergency  
11 and health crisis and you have been in our  
12 thoughts. I hope all is well.

13 MR. DIETZ: Thank you very much.  
14 I appreciate it. I'm still going through a  
15 difficult period. You know, unfortunately,  
16 it's difficult for me to get into town that  
17 often, so --

18 MEMBER SILVERSTEIN: We thank you  
19 for that.

20 MR. DIETZ: Thank you.

21 MEMBER SILVERSTEIN: Thank you,  
22 Mr. Baris.

1 MR. DIETZ: Thank you for your  
2 concern. I'll pass it along to my wife.

3 MEMBER SILVERSTEIN: Please do.

4 CHAIRPERSON MILLER: Thank you.  
5 Thank you, Mr. Silverstein.

6 Okay. Thank you all very much.  
7 Have a good holiday.

8 (Whereupon, the Protest (Status)  
9 Hearing in the above-entitled matter was  
10 concluded at 9:56 a.m.)

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