

DISTRICT OF COLUMBIA
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 ALCOHOLIC BEVERAGE CONTROL BOARD
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 MEETING

IN THE MATTER OF:

Partners At 723 8th Street, SE, LLC t/a The Ugly Mug Dining Saloon 723 8th Street, SE Retailer CR - ANC-6B License No. 71793 Case #14-PRO-00079	Protest Hearing (Status)
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(Substantial Change -
Expansion to 2nd Floor,
addition of 144 seats)

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

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

(9:56 a.m.)

CHAIRPERSON MILLER: The next case is also a Protest Hearing (Status) case. It's Case No. 14-PRO-00079, The Ugly Mug Dining Saloon located at 723 8th Street, S.E. It's License No. 71793, in ANC-6B. Good morning.

MR. JABLONSKI: Good morning.

CHAIRPERSON MILLER: So when you are ready, if you would introduce yourselves for the record, please?

MR. JABLONSKI: Gaynor Jablonski, owner of The Ugly Mug.

CHAIRPERSON MILLER: Okay.

MR. DOHERTY: Myles Doherty.

CHAIRPERSON MILLER: And who are you with?

MR. DOHERTY: I'm sorry?

CHAIRPERSON MILLER: Who are you with?

MR. DOHERTY: I'm the abutting property owner.

1 CHAIRPERSON MILLER: Okay. Myles
2 Doherty. Okay. Got it. All right.

3 MS. LOVELAND: Sara Loveland, ANC-
4 6B07 and Chair of ANC-6B ABC Committee.

5 CHAIRPERSON MILLER: Okay.

6 MS. FAHS-CHARLES: Barbara Fahs-
7 Charles. I'm the representative for the group
8 of neighbors that is protesting.

9 CHAIRPERSON MILLER: All right.
10 so first, I also want to ask if there are any
11 specific issues that you want to bring to our
12 attention before we get into the general
13 instructions?

14 No? Okay. So if there aren't any
15 issues, the standing is all set, as far as I
16 can tell from my briefing notes. Okay.

17 You have a Protest Hearing
18 scheduled for January 28, 2015 at 1:30 p.m.
19 And what I told the parties to the case that
20 preceded you, the Protest Hearing is to focus
21 on the appropriateness issue. And seven days
22 prior to the hearing, you all are required to

1 serve on each other and file with the Board
2 what is called a Protest Information Form and
3 that identifies your -- you will get that in
4 the mail.

5 It asks you to identify your
6 witnesses and your issues and your exhibits.
7 And often by that point, if you are actually
8 going to hearing, your issues should have
9 narrowed, so that this will give everyone a
10 more specific idea of what is going to be
11 argued at the hearing.

12 It's very important that if you
13 don't file your PIF, your case could be
14 subject to dismissal. So please don't let
15 that happen. And exhibits could be excluded
16 if they might be prejudicial to the other side
17 if they weren't identified for them first.

18 So this really results in a much
19 more focused and efficient hearing.

20 If you have any questions as you
21 get closer, you can feel free to call our
22 attorney, Martha Jenkins. If you have a

1 question now, I'll take it.

2 MS. FAHS-CHARLES: I didn't hear
3 the beginning question about the date. I'm
4 potential -- I don't know yet if I have to go
5 out of town. There is a project that I have
6 a major proposal in on and they are scheduling
7 the interviews, not me.

8 CHAIRPERSON MILLER: Your Protest
9 Hearing date is scheduled for January 28,
10 2015.

11 MS. FAHS-CHARLES: Is there any
12 later time than today to delay that if I can't
13 be in town?

14 CHAIRPERSON MILLER: So you don't
15 know yet, correct? So what I would suggest is
16 that go check your -- I'll hear from the
17 others, but, you know, check your schedules,
18 if you have an issue, you should confer with
19 the other party and let them know and then ask
20 our General Counsel if there is another date.

21 MR. JABLONSKI: I was just going
22 to point out that Ms. Charles is one of the

1 two representatives that has been appointed
2 for the other group. So if she can't make it
3 on the 28th, I would still like to go forward
4 with the hearing date on the 28th, because
5 Linda Elliot could be her representative or be
6 the representative for that other group.

7 CHAIRPERSON MILLER: So I don't
8 know if you are amenable to that or not, but
9 you -- if there is another representative, you
10 would not be required to be here.

11 MS. FAHS-CHARLES: Well -- the --
12 Linda informed me yesterday that she would
13 like somebody else in our group to be the
14 representative, so that was one of my other
15 questions today as to how to go about that.

16 CHAIRPERSON MILLER: Okay. So
17 what I would say since you don't even know
18 whether you won't be here, I would say get
19 that information together. If you can't be
20 there or if there is a problem in your -- for
21 your group, then try to confer with the other
22 side first and see whether they are agreeable

1 to a change. And if they are, what -- you
2 know, let us know that.

3 If they are not, but you are still
4 seeking one, you would must file a short
5 motion with the Board or a request. You would
6 call Martha Jenkins first and tell her the
7 problem. And then see if you need to file a
8 formal motion.

9 MS. FAHS-CHARLES: Okay.

10 CHAIRPERSON MILLER: Okay?

11 MS. FAHS-CHARLES: Thank you.

12 CHAIRPERSON MILLER: Anything else?

13 MR. JABLONSKI: No.

14 CHAIRPERSON MILLER: Okay. Thank
15 you very much. Have a good holiday.

16 MR. DOHERTY: Have a good holiday.

17 CHAIRPERSON MILLER: Thank you.

18 (Whereupon, the Protest (Status)

19 Hearing in the above-entitled matter was
20 concluded at 10:01 a.m.)

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<p style="text-align: center;">A</p> <p>a.m 2:2 7:20 ABC 3:4 above-entitled 7:19 abutting 2:21 addition 1:10 agreeable 6:22 ALBERTI 1:18 Alcoholic 1:2,13,13 amenable 6:8 ANC 3:3 ANC-6B 1:7 2:7 3:4 appointed 6:1 appropriateness 3:21 argued 4:11 asks 4:5 attention 3:12 attorney 4:22</p> <hr/> <p style="text-align: center;">B</p> <p>Barbara 3:6 beginning 5:3 Beverage 1:2,13,13 Board 1:2,13 4:1 7:5 briefing 3:16 bring 3:11 BROOKS 1:18 Building 1:14</p> <hr/> <p style="text-align: center;">C</p> <p>call 4:21 7:6 called 4:2 case 1:8 2:3,4,5 3:19 4:13 Chair 3:4 Chairperson 1:15,17 2:3,9,14,16,19 3:1,5,9 5:8,14 6:7,16 7:10,12 7:14,17 change 1:9 7:1 Charles 3:7 5:22 check 5:16,17 closer 4:21 COLUMBIA 1:1 Committee 3:4 concluded 7:20 confer 5:18 6:21 Control 1:2,13,13 correct 5:15 Counsel 5:20 CR 1:7</p> <hr/> <p style="text-align: center;">D</p> <p>D.C 1:14 date 5:3,9,20 6:4 days 3:21 December 1:12</p>	<p>delay 5:12 Dining 1:6 2:5 dismissal 4:14 DISTRICT 1:1 Doherty 2:15,15,18,21 3:2 7:16 DONALD 1:18</p> <hr/> <p style="text-align: center;">E</p> <p>efficient 4:19 Elliot 6:5 excluded 4:15 exhibits 4:6,15 Expansion 1:10</p> <hr/> <p style="text-align: center;">F</p> <p>Fahs 3:6 FAHS-CHARLES 3:6 5:2,11 6:11 7:9,11 far 3:15 feel 4:21 file 4:1,13 7:4,7 first 3:10 4:17 6:22 7:6 Floor 1:10 focus 3:20 focused 4:19 Form 4:2 formal 7:8 forward 6:3 free 4:21</p> <hr/> <p style="text-align: center;">G</p> <p>Gaynor 2:12 general 3:12 5:20 give 4:9 go 5:4,16 6:3,15 going 4:8,10 5:21 good 2:7,8 7:15,16 group 3:7 6:2,6,13,21</p> <hr/> <p style="text-align: center;">H</p> <p>happen 4:15 hear 5:2,16 hearing 1:6,14 2:4 3:17 3:20,22 4:8,11,19 5:9 6:4 7:19 HECTOR 1:19 holiday 7:15,16</p> <hr/> <p style="text-align: center;">I</p> <p>idea 4:10 identified 4:17 identifies 4:3 identify 4:5 important 4:12 information 4:2 6:19 informed 6:12 instructions 3:13</p>	<p>interviews 5:7 introduce 2:10 issue 3:21 5:18 issues 3:11,15 4:6,8</p> <hr/> <p style="text-align: center;">J</p> <p>Jablonski 2:8,12,12 5:21 7:13 JAMES 1:20 January 3:18 5:9 Jenkins 4:22 7:6</p> <hr/> <p style="text-align: center;">K</p> <p>know 5:4,15,17,19 6:8 6:17 7:2,2</p> <hr/> <p style="text-align: center;">L</p> <p>License 1:8 2:7 Linda 6:5,12 LLC 1:6 located 2:6 Loveland 3:3,3</p> <hr/> <p style="text-align: center;">M</p> <p>mail 4:4 major 5:6 Martha 4:22 7:6 matter 1:4 7:19 MEETING 1:3 Member 1:18,18,19,19 1:20 met 1:13 MIKE 1:19 Miller 1:15,17 2:3,9,14 2:16,19 3:1,5,9 5:8,14 6:7,16 7:10,12,14,17 morning 2:7,8 motion 7:5,8 Mug 1:6 2:5,13 Myles 2:15 3:1</p> <hr/> <p style="text-align: center;">N</p> <p>N.W 1:14 narrowed 4:9 need 7:7 neighbors 3:8 NICK 1:18 notes 3:16</p> <hr/> <p style="text-align: center;">O</p> <p>Okay 2:14 3:1,2,5,14,16 6:16 7:9,10,14 owner 2:13,22</p> <hr/> <p style="text-align: center;">P</p> <p>P-R-O-C-E-E-D-I-N-G-S 2:1 p.m 3:18</p>	<p>parties 3:19 Partners 1:5 party 5:19 PIF 4:13 please 2:11 4:14 point 4:7 5:22 potential 5:4 preceded 3:20 prejudicial 4:16 PRESENT 1:16 presiding 1:15 prior 3:22 problem 6:20 7:7 project 5:5 property 2:22 proposal 5:6 Protest 1:6 2:4 3:17,20 4:2 5:8 7:18 protesting 3:8</p> <hr/> <p style="text-align: center;">Q</p> <p>question 5:1,3 questions 4:20 6:15</p> <hr/> <p style="text-align: center;">R</p> <p>ready 2:10 really 4:18 record 2:11 Reeves 1:14 representative 3:7 6:5 6:6,9,14 representatives 6:1 request 7:5 required 3:22 6:10 results 4:18 Retailer 1:7 right 3:2,9 RODRIGUEZ 1:19 Room 1:14 Ruthanne 1:15,17</p> <hr/> <p style="text-align: center;">S</p> <p>S.E 2:6 Saloon 1:6 2:6 Sara 3:3 scheduled 3:18 5:9 schedules 5:17 scheduling 5:6 SE 1:6,7 seats 1:10 see 6:22 7:7 seeking 7:4 serve 4:1 set 3:15 seven 3:21 short 1:20 7:4 side 4:16 6:22 SILVERSTEIN 1:19</p>
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