

DISTRICT OF COLUMBIA

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ALCOHOLIC BEVERAGE CONTROL BOARD

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MEETING

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IN THE MATTER OF: :

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Beg Investments, LLC t/a :

Twelve Restaurant & Lounge : Protest

1123 H Street, NE : Hearing

Retailer CT - ANC-6A : (Status)

License No. 76366 :

Case #13-PRO-00139 :

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(Renewal Application) :

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December 11, 2013

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

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

(10:03 a.m.)

CHAIRPERSON MILLER: Okay. The next case is Case No. 13-PRO-00139, Twelve Restaurant & Lounge located at 1123 H Street, N.E., License No. 76366, in ANC-6A.

Would the parties introduce themselves for the record?

MR. WILLIAMS: Good morning, Jay Williams, Commissioner for ANC-6A and also the Chair of the Alcoholic Beverage and Licensing Committee for 6A.

MR. HOLMES: I'm David Holmes, Chair of ANC-6A.

CHAIRPERSON MILLER: Okay. I notice that no one seems to be here on behalf of the applicant. Were you in touch with the applicant by any chance to know whether they are coming?

MR. WILLIAMS: We have not been.

MR. HOLMES: He wasn't there for the mediation either.

1 CHAIRPERSON MILLER: He wasn't  
2 there for mediation? The legal didn't get  
3 anything or staff from the licensee indicating  
4 he was going to be late or anything?

5 Let me see. It's 9:30. I mean  
6 it's 10:04. The case was called for 9:30.  
7 What we all can do is just come back to the  
8 case if you can wait a little longer. We will  
9 take some of the other parties ahead and if he  
10 doesn't appear, then we will deal with the  
11 case then.

12 MR. WILLIAMS: I can stay for a  
13 little bit longer, because we are actually  
14 next on the docket as well.

15 CHAIRPERSON MILLER: Okay.

16 MR. WILLIAMS: But I need to get  
17 back to work, unfortunately, as soon as  
18 possible.

19 CHAIRPERSON MILLER: Okay. Why  
20 don't we -- okay. You are next? Why don't we  
21 call that case then and come back to give a  
22 few more minutes.

1                   MEMBER ALBERTI: After that we  
2                   have Show Cause.

3                   CHAIRPERSON MILLER: Okay.

4                   (Whereupon, at 10:05 a.m. a recess  
5                   until 10:11 a.m.)

6                   CHAIRPERSON MILLER: All right.  
7                   We are going back to Case No. 13-PRO-00139.  
8                   We have provided some time for the licensee to  
9                   show and he hasn't. It is now 10:11 and the  
10                  case was called for 9:30.

11                  Would you introduce yourself for  
12                  the record just again one more time?

13                  MR. WILLIAMS: Jay Williams, ANC-  
14                  6A Commissioner and Chair of the Alcoholic  
15                  Beverage Licensing Committee.

16                  MR. HOLMES: I'm David Holmes,  
17                  Chair of ANC-6A.

18                  CHAIRPERSON MILLER: Okay. I  
19                  think that our policy is that, according to  
20                  the rules, if one of the parties don't show  
21                  for a status that they be dismissed pursuant  
22                  to 23 DCMR 1603.3, "Failure to appear in

1 person or through a designated representative  
2 at a Status Hearing may result in denial of  
3 the license application or dismissal of a  
4 protest, unless, in the discretion of the  
5 Board, good cause is shown for the failure to  
6 appear. And a request for reinstatement with  
7 the Board can be made within 10 days of the  
8 dismissal or denial date."

9 Therefore, I'm going to move for  
10 dismissal of the license application. Do I  
11 have a second?

12 MEMBER BROOKS: Second.

13 CHAIRPERSON MILLER: Mr. Brooks  
14 has seconded the motion. Any comments? All  
15 right.

16 Not hearing any, all those in  
17 favor say aye.

18 ALL: Aye.

19 CHAIRPERSON MILLER: All those  
20 opposed? All those abstaining? The motion  
21 passes 4-0-0 and the application is dismissed.

22 MR. WILLIAMS: Just in terms of

1 clarification, they have 10 days to request  
2 reinstatement. If they do not, if they fail  
3 to request reinstatement, that essentially  
4 means that a renewal can no longer -- they are  
5 not renewed or what's the process if they  
6 don't request reinstatement?

7 MEMBER ALBERTI: Do you want me to  
8 explain it to him?

9 MR. WILLIAMS: I mean, I can  
10 always follow-up.

11 CHAIRPERSON MILLER: Yes, let me  
12 just say -- go ahead.

13 MEMBER ALBERTI: It has been the  
14 policy of the Board that the licensee will  
15 continue to operate and will be allowed to  
16 renew -- resubmit a renewal application.

17 MEMBER SILVERSTEIN: Within 10  
18 days.

19 MEMBER ALBERTI: Within 10 days.

20 CHAIRPERSON MILLER: I just want  
21 to also state that the 10 days starts to run  
22 from the date of the written order, not today.

1 MR. WILLIAMS: Right.

2 CHAIRPERSON MILLER: Just so you  
3 know. Okay.

4 MEMBER ALBERTI: But there will be  
5 a written order today or tomorrow.

6 CHAIRPERSON MILLER: Yes.

7 MEMBER ALBERTI: So that's when  
8 the 10 days will begin to toll. And again,  
9 they will have an opportunity to submit an  
10 application for renewal and the process will  
11 start again --

12 MR. WILLIAMS: Okay.

13 MEMBER ALBERTI: -- with the  
14 replacarding.

15 MR. WILLIAMS: Okay.

16 CHAIRPERSON MILLER: And if they  
17 file a Motion for Reconsideration, you have an  
18 opportunity to respond as a party, since you  
19 are a party.

20 MR. WILLIAMS: Sure.

21 CHAIRPERSON MILLER: Okay.

22 MR. WILLIAMS: Great.

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CHAIRPERSON MILLER: All right.

MR. WILLIAMS: Thank you.

CHAIRPERSON MILLER: Thank you.

Don't forget to go to mediation. I mean, go to Ms. Fletcher. All right.

(Whereupon, the Protest (Status) Hearing in the above-entitled matter was concluded at 10:14 a.m.)

<p style="text-align: center;"><b>A</b></p> <p><b>a.m</b> 2:2 4:4,5 8:8  <b>above-entitled</b> 8:7  <b>abstaining</b> 5:20  <b>ahead</b> 3:9 6:12  <b>ALBERTI</b> 1:19 4:1  6:7,13,19 7:4,7,13  <b>Alcoholic</b> 1:2,13,13  2:11 4:14  <b>allowed</b> 6:15  <b>ANC</b> 4:13  <b>ANC-6A</b> 1:8 2:6,10  2:14 4:17  <b>appear</b> 3:10 4:22  5:6  <b>applicant</b> 2:17,18  <b>application</b> 1:10  5:3,10,21 6:16  7:10  <b>aye</b> 5:17,18</p> <hr/> <p style="text-align: center;"><b>B</b></p> <p><b>back</b> 3:7,17,21 4:7  <b>Beg</b> 1:6  <b>behalf</b> 2:16  <b>Beverage</b> 1:2,13,13  2:11 4:15  <b>bit</b> 3:13  <b>Board</b> 1:2,13 5:5,7  6:14  <b>Brooks</b> 1:20 5:12  5:13  <b>Building</b> 1:14</p> <hr/> <p style="text-align: center;"><b>C</b></p> <p><b>call</b> 3:21  <b>called</b> 3:6 4:10  <b>case</b> 1:9 2:4,4 3:6,8  3:11,21 4:7,10  <b>cause</b> 4:2 5:5  <b>Chair</b> 2:11,14 4:14  4:17  <b>Chairperson</b> 1:15  1:18 2:3,15 3:1,15  3:19 4:3,6,18 5:13  5:19 6:11,20 7:2,6  7:16,21 8:1,3</p>	<p><b>chance</b> 2:18  <b>clarification</b> 6:1  <b>COLUMBIA</b> 1:1  <b>come</b> 3:7,21  <b>coming</b> 2:19  <b>comments</b> 5:14  <b>Commissioner</b> 2:10  4:14  <b>Committee</b> 2:12  4:15  <b>concluded</b> 8:8  <b>continue</b> 6:15  <b>Control</b> 1:2,13,13  <b>CT</b> 1:8</p> <hr/> <p style="text-align: center;"><b>D</b></p> <p><b>D.C</b> 1:14  <b>date</b> 5:8 6:22  <b>David</b> 2:13 4:16  <b>days</b> 5:7 6:1,18,19  6:21 7:8  <b>DCMR</b> 4:22  <b>deal</b> 3:10  <b>December</b> 1:12  <b>denial</b> 5:2,8  <b>designated</b> 5:1  <b>discretion</b> 5:4  <b>dismissal</b> 5:3,8,10  <b>dismissed</b> 4:21 5:21  <b>DISTRICT</b> 1:1  <b>docket</b> 3:14  <b>DONALD</b> 1:20</p> <hr/> <p style="text-align: center;"><b>E</b></p> <p><b>either</b> 2:22  <b>essentially</b> 6:3  <b>explain</b> 6:8</p> <hr/> <p style="text-align: center;"><b>F</b></p> <p><b>fail</b> 6:2  <b>failure</b> 4:22 5:5  <b>favor</b> 5:17  <b>file</b> 7:17  <b>Fletcher</b> 8:5  <b>follow-up</b> 6:10  <b>forget</b> 8:4</p> <hr/> <p style="text-align: center;"><b>G</b></p>	<p><b>give</b> 3:21  <b>go</b> 6:12 8:4,4  <b>going</b> 3:4 4:7 5:9  <b>good</b> 2:9 5:5  <b>Great</b> 7:22</p> <hr/> <p style="text-align: center;"><b>H</b></p> <p><b>H</b> 1:7 2:5  <b>hearing</b> 1:7,14 5:2  5:16 8:7  <b>Holmes</b> 2:13,13,21  4:16,16</p> <hr/> <p style="text-align: center;"><b>I</b></p> <p><b>indicating</b> 3:3  <b>introduce</b> 2:7 4:11  <b>Investments</b> 1:6</p> <hr/> <p style="text-align: center;"><b>J</b></p> <p><b>Jay</b> 2:9 4:13</p> <hr/> <p style="text-align: center;"><b>K</b></p> <p><b>know</b> 2:18 7:3</p> <hr/> <p style="text-align: center;"><b>L</b></p> <p><b>late</b> 3:4  <b>legal</b> 3:2  <b>license</b> 1:8 2:6 5:3  5:10  <b>licensee</b> 3:3 4:8  6:14  <b>Licensing</b> 2:11 4:15  <b>little</b> 3:8,13  <b>LLC</b> 1:6  <b>located</b> 2:5  <b>longer</b> 3:8,13 6:4  <b>Lounge</b> 1:6 2:5</p> <hr/> <p style="text-align: center;"><b>M</b></p> <p><b>matter</b> 1:5 8:7  <b>mean</b> 3:5 6:9 8:4  <b>means</b> 6:4  <b>mediation</b> 2:22 3:2  8:4  <b>MEETING</b> 1:3  <b>Member</b> 1:19,20,22  4:1 5:12 6:7,13,17  6:19 7:4,7,13</p>	<p><b>met</b> 1:13  <b>MIKE</b> 1:22  <b>Miller</b> 1:15,18 2:3  2:15 3:1,15,19 4:3  4:6,18 5:13,19  6:11,20 7:2,6,16  7:21 8:1,3  <b>minutes</b> 3:22  <b>morning</b> 2:9  <b>motion</b> 5:14,20  7:17  <b>move</b> 5:9</p> <hr/> <p style="text-align: center;"><b>N</b></p> <p><b>N.E</b> 2:6  <b>N.W</b> 1:14  <b>NE</b> 1:7  <b>need</b> 3:16  <b>NICK</b> 1:19  <b>notice</b> 2:16</p> <hr/> <p style="text-align: center;"><b>O</b></p> <p><b>okay</b> 2:3,15 3:15,19  3:20 4:3,18 7:3,12  7:15,21  <b>operate</b> 6:15  <b>opportunity</b> 7:9,18  <b>opposed</b> 5:20  <b>order</b> 6:22 7:5</p> <hr/> <p style="text-align: center;"><b>P</b></p> <p><b>P-R-O-C-E-E-D-...</b>  2:1  <b>parties</b> 2:7 3:9 4:20  <b>party</b> 7:18,19  <b>passes</b> 5:21  <b>person</b> 5:1  <b>policy</b> 4:19 6:14  <b>possible</b> 3:18  <b>PRESENT</b> 1:17  <b>presiding</b> 1:15  <b>process</b> 6:5 7:10  <b>protest</b> 1:6 5:4 8:6  <b>provided</b> 4:8  <b>pursuant</b> 4:21</p> <hr/> <p style="text-align: center;"><b>Q</b></p>	<p style="text-align: center;"><b>R</b></p> <p><b>recess</b> 4:4  <b>Reconsideration</b>  7:17  <b>record</b> 2:8 4:12  <b>Reeves</b> 1:14  <b>reinstatement</b> 5:6  6:2,3,6  <b>renew</b> 6:16  <b>renewal</b> 1:10 6:4,16  7:10  <b>renewed</b> 6:5  <b>replacarding</b> 7:14  <b>representative</b> 5:1  <b>request</b> 5:6 6:1,3,6  <b>respond</b> 7:18  <b>Restaurant</b> 1:6 2:5  <b>resubmit</b> 6:16  <b>result</b> 5:2  <b>Retailer</b> 1:8  <b>right</b> 4:6 5:15 7:1  8:1,5  <b>Room</b> 1:14  <b>rules</b> 4:20  <b>run</b> 6:21  <b>Ruthanne</b> 1:15,18</p> <hr/> <p style="text-align: center;"><b>S</b></p> <p><b>second</b> 5:11,12  <b>seconded</b> 5:14  <b>see</b> 3:5  <b>show</b> 4:2,9,20  <b>shown</b> 5:5  <b>SILVERSTEIN</b>  1:22 6:17  <b>soon</b> 3:17  <b>staff</b> 3:3  <b>start</b> 7:11  <b>starts</b> 6:21  <b>state</b> 6:21  <b>status</b> 1:8 4:21 5:2  8:6  <b>stay</b> 3:12  <b>Street</b> 1:7,14 2:5  <b>submit</b> 7:9  <b>Suite</b> 1:14  <b>Sure</b> 7:20</p>
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<b>wait</b> 3:8 <b>want</b> 6:7,20 <b>Washington</b> 1:14 <b>wasn't</b> 2:21 3:1 <b>Williams</b> 2:9,10,20 3:12,16 4:13,13 5:22 6:9 7:1,12,15 7:20,22 8:2 <b>work</b> 3:17 <b>written</b> 6:22 7:5	<b>5</b>			
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