

1 GOVERNMENT OF THE DISTRICT OF COLUMBIA  
2 ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
3 ALCOHOLIC BEVERAGE CONTROL BOARD

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6 IN THE MATTER OF: :  
7 CAPITOL MARKET, LLC, : Case #16-PRO-00016  
8 t/a Capitol Market :  
9 2501 North Capitol St Northeast:  
10 License #ABRA-091021 :  
11 Retailer Class B :

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14 Wednesday, April 27, 2016

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16 Whereupon, the above-referenced matter  
17 came on for hearing at the Alcoholic Beverage  
18 Control Board, Reeves Center, 2000 14th Street,  
19 N.W., Suite 400S, Washington, D.C. 20009.

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1 BOARD MEMBERS PRESENT

2 NICK ALBERTI, BOARD MEMBER

3 RUTHANNE MILLER, BOARD MEMBER

4 JAMES SHORT, BOARD MEMBER

5 MIKE SILVERSTEIN, BOARD MEMBER

6

7 ALSO PRESENT:

8 KIRBY VINING

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

2 CHAIRPERSON ANDERSON: The second case is  
3 a Protest Hearing Status, is Case #16-PRO-00016,  
4 Capitol Market, License #91021. Would the  
5 parties please approach? Is the applicant for  
6 Capitol Market here? Who are you, sir?

7 MR. VINING: Kirby Vining, K-I-R-B-Y, V-  
8 I-N-I-N-G, representing the Stronghold Civic  
9 Association protesting this license application.

10 CHAIRPERSON ANDERSON: Have a seat, please. Mr.  
11 Vining, have you had any contact with the  
12 applicant?

13 MR. ALBERTI: Recently.

14 CHAIRPERSON ANDERSON: Recent  
15 conversation.

16 MR. VINING: The president of the  
17 Stronghold Civic Association and a former Vice  
18 President, spoke with the applicant at the store  
19 over this past weekend, yes, and told me in brief  
20 what the discussion was.

21 CHAIRPERSON ANDERSON: The reason I'm  
22 asking is because it appeared that there was a

1 settlement agreement was with the ANC, so I'm  
2 wondering why they're not here today, if they  
3 were confused. That's why I was asking if you  
4 had any conversations with them recently.

5 MR. VINING: There was no conclusion in  
6 the discussions over the weekend, it was talking  
7 about --

8 CHAIRPERSON ANDERSON: No, no, no that's  
9 not what I'm saying. I'm saying there was -- in  
10 reading my notes, I saw that there was a  
11 settlement agreement with the ANC, and I'm  
12 wondering if they thought the matter was settled  
13 because they came to an agreement with the ANC  
14 and that's why I was asking you that.

15 MR. ALBERTI: May I ask a question?

16 CHAIRPERSON ANDERSON: Go ahead, Mr.  
17 Alberti.

18 MR. ALBERTI: I think the -- what we're  
19 wondering is if, in the conversations which you  
20 weren't part of, did they have the sense that he  
21 understood he was supposed to be here today? Or  
22 was that --

1           MR. VINING: That is my understanding.  
2 At the previous -- the mediation, Ms. Fletcher  
3 made it quite clear that there were two parties  
4 in this and although there was this ANC  
5 settlement agreement, there is still another  
6 party, and there was the status hearing and the  
7 protest hearing on the first of June. That is my  
8 understanding. I think it was very clearly made.

9           MR. ALBERTI: Okay, thank you.

10          CHAIRPERSON ANDERSON: So, they're not  
11 here. What I will do, Mr. Vining, I will pass,  
12 I'll call this case back because -- I'll recall  
13 this case. I'll just go through the calendar and  
14 recall this case to see if the applicant shows  
15 up, okay?

16          MR. VINING: So I'll wait?

17          CHAIRPERSON ANDERSON: Yes, please wait  
18 and I will recall this case a little bit later.

19          MR. VINING: I just signed in here.  
20 Shall I cross that?

21          CHAIRPERSON ANDERSON: No, that's fine  
22 sir. Thank you.

1 MR. VINING: Thank you.

2 CHAIRPERSON ANDERSON: I'm going to  
3 recall Case #16-PRO-00016, Capitol Market,  
4 license #91021. Will the parties please  
5 approach, and again just identify yourself for  
6 the record.

7 MR. VINING: Kirby Vining. K-I-R-B-Y, V-  
8 I-N-I-N-G, representing the Stronghold Civic  
9 Association.

10 CHAIRPERSON ANDERSON: I see that the  
11 licensee is not here. This case was scheduled  
12 for a 9:30 Protest Status. It is now 10:02. The  
13 applicant is not here, so therefore this matter  
14 will be dismissed, so we'll dismiss the  
15 application for a change. We'll inform -- the  
16 matter is dismissed but as you aware the  
17 applicant has a period of time to appeal this  
18 dismissal of this matter, but at this moment the  
19 matter is dismissed.

20 MR. VINING: This is the first time I've  
21 ever been involved in the process. Is there any  
22 action for myself or the Stronghold Civic

1 Association other than to await correspondence  
2 for this matter.

3 CHAIRPERSON ANDERSON: Yes, just wait to  
4 see whether or not the applicant has contacted  
5 the agency to give -- I think they have ten days,  
6 if I know correctly, they have ten days to appeal  
7 this matter, to whether or not for the matter to  
8 be reinstated. If it's not done within that  
9 period of time then the matter has died.

10 MR. ALBERTI: Then, the license is -- is  
11 this a license for renewal?

12 CHAIRPERSON ANDERSON: No, it's a change  
13 from B to A.

14 MR. ALBERTI: Then if he doesn't file an  
15 appeal and if the case is not reinstated, then  
16 his request will become moot. But you will be  
17 notified -- if the licensee files an appeal you  
18 will be -- we will notify you of that.

19 MR. VINING: I have signed in here, shall  
20 I leave that in?

21 CHAIRPERSON ANDERSON: Of course, because  
22 that's -- you were here. So, therefore, if you

1 were not here, your matter would have been  
2 dismissed and he would have gotten his license.

3 MR. VINING: That's my understanding of  
4 the rules.

5 CHAIRPERSON ANDERSON: Right. That's why  
6 you're here, so thank you.

7 MR. VINING: Thank you.