

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22

GOVERNMENT OF THE DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

- - - - -X

IN THE MATTER OF:

GoBrands, Inc.

t/a GoPuff-Rive Case # 16-PRO-00011

3401 Water Street NW

License #101261

Retailer A

ANC 2E

- - - - -X

Wednesday, March 16, 2016

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

1

2

3

4 CHAIRPERSON:

5

6 DONOVAN W. ANDERSON, Presiding

7

8 OTHER PERSONS PRESENT:

9

10 NICK ALBERTI, BOARD MEMBER

11 RUTHANNE MILLER, BOARD MEMBER

12 JAMES SHORT, BOARD MEMBER

13 MIKE SILVERSTEIN, BOARD MEMBER

14

15

16

17

18

19

20

21

22

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

2 [Time 9:38 a.m.]

3 CHAIRPERSON ANDERSON: All right. Good
4 morning, everyone. I'd like to welcome you to the
5 regularly scheduled meeting of the District of Columbia
6 Alcoholic Beverage Control Board. Please know that
7 today's hearings will be conducted in accordance with
8 D.C. Official Code Section 25 -- 2574 of the Open
9 Meetings Act. Today is March 16, 2016. I would like to
10 introduce members of The Board with us today. To my far
11 right is Ms. Ruthanne Miller. To my immediate right is
12 Mr. Nick Alberti. To my far left is Mr. Mike
13 Silverstein. And to my immediate left is Mr. James
14 short.

15 MR. SHORT: Good morning.

16 CHAIRPERSON ANDERSON: My name is Donovan
17 Anderson, and I'm the Chairman of the Board. The Board
18 has five members in attendance for the conduct of
19 business today, and that constitutes a quorum. I would
20 like to mention two things before we get started. First
21 off, if you have any electronic devices, pagers, cell
22 phones, or such, please make sure -- make certain that

1 they're turned off to avoid any interruption of the
2 proceedings.

3 Secondly, there is a piece of paper on each
4 table. When you come forward after your case is called
5 please take a seat at a table and please sign in. This
6 is to ensure the correct spelling of your name for the
7 record. Additionally, when you introduce yourself for
8 the record please spell your name aloud for the court
9 reporter. I would like to note the approximate time.
10 It is now 9:39, and our first order of business. And
11 I'm not sure if the party is here. So -- but I'll just
12 call. Are the parties here for Case Number
13 16-PRO-001 -- 00011 GoPuff-Rive, License Number 101261?
14 Are both sides here? The applicant is here also and
15 the -- the protestant? Can you please come forward
16 please then. Can you please identify yourself for the
17 record please.

18 MS. HIRAO: Risa Hirao for the applicant
19 with the law firm of Pascal & Weiss.

20 CHAIRPERSON ANDERSON: All right.

21 MS. HIRAO: And to my right I have
22 Mr. Ilishayev and Mr. Yakir.

1 CHAIRPERSON ANDERSON: And who are they?

2 MS. HIRAO: And they are with GoBrand Inc.

3 CHAIRPERSON ANDERSON: They are the owners,
4 that's what I'm just saying?

5 MR. ILISHAYEV: We're the owners.

6 CHAIRPERSON ANDERSON: No. Because, you
7 know, you -- you don't tell me who they are. That's
8 what I -- that's why I'm asking the questions. All
9 right. Okay. Thank you.

10 MR. BIRCH: Good morning. Tom Birch,
11 B-I-R-C-H, ANC 2E and also representing the Citizens
12 Associate of Georgetown.

13 CHAIRPERSON ANDERSON: Good morning. All
14 right. And I -- it's my understanding that there are no
15 issues withstanding that you're going to stand at the --
16 the roll call here. That's correct.

17 MR. BIRCH: That's right. A letter was
18 submitted from the Citizens Association and received
19 here yesterday I believe.

20 CHAIRPERSON ANDERSON: Okay. Fine. All
21 right. Now, the purpose of a protest hearing is to
22 determine whether or not the appropriateness of the

1 establishment in the section of the district where the
2 establishment is located. This -- are there any
3 procedural preliminary issues to discuss today?

4 MR. BIRCH: There are no issues to discuss
5 today. We, representatives of the ANC and the Citizens
6 Association have met with the applicant's
7 representatives, and we have come to agreement on -- on
8 the points about which there was concern. And we expect
9 that at the April 4 meeting of the -- of the ANC we will
10 approve a settlement agreement and that the Citizens
11 Association will have done the same prior to our
12 meeting.

13 CHAIRPERSON ANDERSON: Well, I would -- I
14 would -- that would sound wonderful, but -- but let me
15 do the formality. The hearing is scheduled for April 20
16 at 1:30. And I'm hoping that we don't have the hearing
17 based on representation that was made by the parties.
18 But I just want to let you know that the hearing is
19 scheduled for April the 20th at 1:30. Just would like
20 to just address some issues that -- with you is that the
21 purpose of the protest hearing is just -- just in case
22 we go to a hearing we need to address the

1 appropriateness in the establishment and the vicinity.
2 So we need to narrow the issues down. I want to make
3 sure that we focus on the issues at our hand. If we go
4 to a hearing just want to hear -- let you know that The
5 Board will only hear testimony on the matters that are
6 relevant to the case. Also, you should receive by
7 electronic mail or a letter explaining the protest
8 process, a copy of the protest information form and a
9 copy of the exhibit form. If you do not have these
10 documents, please contact our assistant general counsel,
11 Ms. April Randall following the hearing. Also, it is
12 imperative that you review the rules closely and adhere
13 to them before and during the hearing. You're also
14 required to complete and submit the protest information
15 form and the exhibit form seven days prior to the
16 hearing and -- seven days prior to the hearing. These
17 two forms and accompanying documents need to be
18 submitted to ABRA's legal division and all opposing
19 parties prior to this matter. If we do not receive a
20 copy of the your application or your protest, whichever
21 side you're -- you're representing may be subject to
22 dismissal. Likewise if -- if we do not receive a copy

1 of the exhibit form and the exhibits themselves, your
2 exhibits may be excluded from the record upon a finding
3 that the opposing party has been prejudice or no good
4 cause for the failure to submit have been shown.
5 Likewise, witnesses other than a party may also be
6 subjected to exclusion if not identified in the PIF.
7 Accordingly, these forms are very important. They
8 greatly assist The Board in narrowing the protest
9 issues, facilitating the process, and keeping the
10 parties on point during the hearing. They likewise
11 provide notice to opposing parties enabling them to
12 better prepare for the hearing. I would like to thank
13 you for your cooperation. If you have any questions
14 today or any time during the process, please do not
15 hesitate to contact Ms. Randall at 202-443-4353. Again,
16 I'm hoping that the matter -- the parties are able to
17 settle this matter. So I hope I don't see you April
18 20th. But it's taken in good -- in -- in good state
19 because I prefer for the parties to work the matters out
20 rather than to have The Board make a decision. But --
21 so good luck and I hope that the matter is taken care of
22 itself unless you have any other questions.

1 MS. HIRAO: Chairman Anderson.

2 CHAIRPERSON ANDERSON: Yes, ma'am.

3 MS. HIRAO: I'd like to make a request to
4 The Board jointly by the parties. Since the ANC and
5 co-practices will be reviewing our proposed settlement
6 agreement at their meeting --

7 CHAIRPERSON ANDERSON: On April 3?

8 MS. HIRAO: -- during the first week of
9 April --

10 CHAIRPERSON ANDERSON: Right.

11 MS. HIRAO: -- and our protest hearing is
12 scheduled for April 20th, we respectfully request The
13 Board for -- to push back the protest hiring date to
14 allow the parties to fully negotiate accommodations to
15 get a final settlement agreement and submit it to The
16 Board.

17 CHAIRPERSON ANDERSON: All right. So this
18 is on the part of the applicant you're asking us to
19 delay the process?

20 MS. HIRAO: Yes.

21 CHAIRPERSON ANDERSON: All right. What do
22 you have --

1 MR. BIRCH: I don't understand why we would
2 be delaying a hearing scheduled for April 20th when we
3 fully intend to arrive at an approved settlement
4 agreement on April 4.

5 MS. HIRAO: But just in case things -- there
6 are delays. It's a very short timeframe between your
7 hearing. Somethings might happen, we might not have a
8 quorum that day. I'm just anticipating having more of a
9 time cushion so that we can push back the hearing date.

10 CHAIRPERSON ANDERSON: What's your --

11 MS. HIRAO: I thought that this was
12 discussed before. So that's why --

13 MR. BIRCH: No. No. It was not because we
14 have no problem achieving a quorum on April 4 at the ANC
15 meeting nor does the Citizens Association anticipate any
16 problem prior to April 4 at its board meeting approving
17 the settlement agreement which we expect to receive any
18 day.

19 MS. HIRAO: Sure. Then it was my
20 misunderstanding then.

21 CHAIRPERSON ANDERSON: Hold on. Hold on,
22 Mr. Silverstein. Okay. Then there is no issue then.

1 MR. BIRCH: We have time. No.

2 CHAIRPERSON ANDERSON: There are no issues
3 then. Okay. All right. Well, thank you.

4 MS. HIRAO: Thank you.

5 CHAIRPERSON ANDERSON: April 20th at 1:30
6 hope. But if not, all right.

7 MR. BIRCH: We hope not to see each other.

8 CHAIRPERSON ANDERSON: All right. Thank
9 you.

10 (Whereupon the above-entitled matter was concluded.)

11

12

13

14

15

16

17

18

19

20

21

22