

Capital Reporting Company
In the Matter of Ventura, LLC t/a Albert's Liquors 07-18-2012

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DISTRICT OF COLUMBIA

ALCOHOLIC BEVERAGE CONTROL BOARD

MEETING

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IN THE MATTER OF: :
 :
Ventura, LLC :
t/a Albert's Liquors :
328 Kentucky Avenue, SE :
Retailer A : Protest
License No. 77335 : Hearing
ANC 6B : (Status)
Case No. 12-PRO-00043 :
Renewal Application :
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July 18, 2012

The Alcoholic Beverage Control

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

PRESENT:

RUTHANNE MILLER, Chairperson
NICK ALBERTI, Member
DONALD BROOKS, Member
HERMAN JONES, Member
CALVIN NOPHLIN, Member
MIKE SILVERSTEIN, Member
ALSO PRESENT
CAROL GREEN, ABC BOARD

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

2 9:51 a.m.

3 CHAIRPERSON MILLER: The next case on our
4 calendar is another protest status hearing. That's
5 Case No. 12-PRO-00043, Albert's Liquors, located at 328
6 Kentucky Avenue, S.E., License No. 77335, in ANC 6B.

7 Are the parties on that case here? Please
8 come forward. And when you're ready, would you
9 introduce yourselves for the record? Do we -- I
10 understand that -- do we have an interpreter here?

11 MS. MCKENZIE: Yes.

12 CHAIRPERSON MILLER: Okay. I just want to
13 have you introduce yourself for the record. And I'll -
14 - I'd like to swear you in, if I could. All right.
15 And what is your name?

16 MS. MCKENZIE: My name is Monica McKenzie.

17 CHAIRPERSON MILLER: McKenzie. Okay. And
18 what language will you be interpreting?

19 MS. MCKENZIE: I'll be Spanish.

20 CHAIRPERSON MILLER: Spanish. Okay. So
21 would you raise your hand? And do you solemnly affirm
22 that you will faithfully and accurately interpret the

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1 proceedings in this matter from Spanish into English
2 and from English into Spanish to the best of your
3 ability?

4 MS. MCKENZIE: I do.

5 CHAIRPERSON MILLER: Okay. Thank you very
6 much. Okay. And then -- and who is with you?

7 MS. MCKENZIE: Mr. Jorge Ventura, Albert
8 Liquors.

9 CHAIRPERSON MILLER: Okay. And is he the
10 owner? Is he the --

11 MS. MCKENZIE: He's the owner.

12 MR. VENTURA: Yeah.

13 MS. MCKENZIE: He is the -- "I am the owner."

14 CHAIRPERSON MILLER: Okay, okay. Fine.
15 Thank you. Good morning.

16 MS. GREEN: Good morning. Carol Green, ANC
17 6B.

18 CHAIRPERSON MILLER: Okay.

19 MS. GREEN: Commissioner and chair of the ABC
20 Board.

21 CHAIRPERSON MILLER: Well, let me ask you if
22 you want to address any preliminary matters in this

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1 case. I'm familiar -- if I'm correct, there's a letter
2 that was submitted by Mr. Ventura, asking the Board to
3 dismiss the protest. Do you have a copy of that
4 letter, Ms. Green?

5 MS. GREEN: I do and I do have a -- should
6 have a response from us.

7 CHAIRPERSON MILLER: I'm not sure that we do.
8 But I'd --

9 MS. GREEN: We sent out an email and also a
10 hard copy.

11 CHAIRPERSON MILLER: Oh, let me check. I
12 think this was on our agenda for this afternoon.

13 MS. GREEN: Yes.

14 CHAIRPERSON MILLER: But since you're here
15 this morning, I thought I'd give you an opportunity if
16 you wanted to address it. And the Board can give you
17 its feedback right now instead of this afternoon when
18 you would be here. Do you want to -- maybe you can
19 just tell me -- tell us what your response was.

20 MS. GREEN: There's so many of these things.

21 CHAIRPERSON MILLER: Oh, okay. If that's too
22 difficult --

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1 MS. GREEN: I wasn't prepared --

2 CHAIRPERSON MILLER: -- we'll wait.

3 MS. GREEN: -- for this. So I --

4 CHAIRPERSON MILLER: That's okay. All right.
5 We're going to look for that response just so that we
6 can have that. Because we were -- we intended to
7 decide this this morning for you. It's a -- it's a
8 very basic issue and important for you to have a
9 decision on and hear the Board on. But what we'd like
10 to do is just come back to your case, if you -- if you
11 can stay a little long, while we just look for that
12 email.

13 I can understand that you, you know, you
14 didn't know you were going to have to talk about it.
15 And you have a lot of cases in your head. I
16 understand.

17 MS. GREEN: It was a jolt to start the trial.

18 CHAIRPERSON MILLER: Okay. And you don't
19 have it with you, correct?

20 MS. GREEN: We don't.

21 CHAIRPERSON MILLER: Okay.

22 MS. GREEN: Sorry.

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1 CHAIRPERSON MILLER: We'll come back to your
2 case there. Were there -- okay. So if you wouldn't
3 mind taking a seat in the audience and we'll call you
4 again after we locate that.

5 (WHEREUPON, at 9:56 a.m., the hearing went
6 off record until 10:07 a.m.)

7 CHAIRPERSON MILLER: Okay. We are -- we're
8 turning to Case No. 12-PRO-00043. Okay. It's my
9 understanding that the email was found with the letter.
10 However, it will take us a while to read that letter.
11 And it is on our agenda for this afternoon. So the
12 Board will take the time later to read both letters.
13 And we have -- we've read the first one that I've
14 talked to for Mr. Ventura -- and then address it at the
15 agenda.

16 It was on our agenda item this afternoon. I
17 just wanted to give the parties any opportunity, since
18 you're here, to say anything else to that point about
19 the request for -- that ANC be dismissed. If you had
20 anything else to add, we would take it -- or would hear
21 it.

22 Okay. So we'll look at the letters and we'll

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1 just deal on the record.

2 MS. GREEN: Yeah. I think that our letter
3 presents our case basically. So (inaudible).

4 CHAIRPERSON MILLER: Okay. Okay, fine.
5 That's fine. Okay.

6 MS. GREEN: More than what's already in the
7 letter? It hasn't been (inaudible).

8 CHAIRPERSON MILLER: Okay. So then the Board
9 will be considering those two letters and issue a
10 decision orally this afternoon when we consider it on
11 our agenda. Okay. Are there any other preliminary
12 matters? Okay. Then hearing is set, this case, for a
13 protest hearing for September 19th, 2012 at 4:00 p.m.

14 I'm going to just give you some instructions
15 to prepare for the protest hearing. The hearing is
16 only going to involve the issues that are actually
17 protested. The Board does not intend to hear testimony
18 on matters not relevant to the protest.

19 You should have received, in a mailing from
20 Adjudication Assistance, Sarah Fashbaugh, a letter
21 explaining the protest process and a copy of the
22 protest information form. If you do not have these

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1 documents, please see Ms. Fashbaugh at the conclusion
2 of this hearing.

3 It's important that you review the rules
4 closely and follow them before and during the protest
5 hearing. You are required to complete and submit the
6 protest information form, sometimes referred to as a
7 PIF, seven days before the date of the hearing. This
8 document needs to be submitted to ABRA and to the
9 opposing parties in this matter.

10 If we do not receive a copy of your PIF, your
11 application or your protest, whichever side you're on
12 may be subject to dismissal. So pay careful attention
13 that you get that PIF form in in that time frame and
14 serve the other parties. The form greatly assists the
15 Board in focusing at the hearing and facilitating the
16 process and keeping the parties on point.

17 If you have any questions, contact Ms.
18 Fashbaugh at 202-397-3971. And you could stop by today
19 if you have any questions. She's here. Okay?

20 MS. MCKENZIE: What is her name?

21 CHAIRPERSON MILLER: Ms. Fashbaugh, F-A-S-H-
22 B-A- U-G-H. Okay. Anything else? Okay. Thank you

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1 very much.

2 (WHEREUPON, at 10:13 a.m., the hearing was
3 concluded.)

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CERTIFICATE OF NOTARY PUBLIC

I, BRADLEY ANGLIN, the officer before whom the foregoing hearing was taken, do hereby certify that the testimony appearing in the foregoing transcript was recorded by me and thereafter reduced to typewriting under my direction; that said transcription is a true record of the testimony given by said parties; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this was taken; and, further, that I am not a relative or employee of any counsel or attorney employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.

BRADLEY ANGLIN
Notary Public in and for
DISTRICT OF COLUMBIA

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CERTIFICATE OF TRANSCRIPTION

I, MIRANDA PENNACHI, hereby certify that I am not the Court Reporter who reported the following proceeding and that I have typed the transcript of this proceeding using the Court Reporter's notes and recordings. The foregoing/attached transcript is a true, correct and complete transcription of said proceeding.

Date

MIRANDA PENNACHI

Transcriptionist

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<hr/> <p style="text-align: center;">1</p> <hr/> <p>10:07 6:6</p> <p>10:13 9:2</p> <p>12-PRO-00043 1:8 2:5 6:8</p> <p>14th 1:13</p> <p>18 1:10</p> <p>19th 7:13</p> <hr/> <p style="text-align: center;">2</p> <hr/> <p>2000 1:13</p> <p>2012 1:10 7:13</p> <p>202-397-3971 8:18</p> <hr/> <p style="text-align: center;">3</p> <hr/> <p>328 1:6 2:5</p> <hr/> <p style="text-align: center;">4</p> <hr/> <p>4:00 7:13</p> <hr/> <p style="text-align: center;">6</p> <hr/> <p>6B 1:8 2:6 3:17</p> <hr/> <p style="text-align: center;">7</p> <hr/> <p>77335 1:7 2:6</p> <hr/> <p style="text-align: center;">9</p> <hr/> <p>9:51 2:2</p> <p>9:56 6:5</p> <hr/> <p style="text-align: center;">A</p> <hr/> <p>a.m 2:2 6:5,6 9:2</p> <p>ABC 1:19 3:19</p> <p>ability 3:3</p> <p>ABRA 8:8</p> <p>accurately 2:22</p> <p>action 10:10,14</p>	<p>actually 7:16</p> <p>add 6:20</p> <p>address 3:22 4:16 6:14</p> <p>Adjudication 7:20</p> <p>affirm 2:21</p> <p>afternoon 4:12,17 6:11,16 7:10</p> <p>agenda 4:12 6:11,15,16 7:11</p> <p>Albert 3:7</p> <p>ALBERTI 1:16</p> <p>Albert's 1:6 2:5</p> <p>Alcoholic 1:2,11,12</p> <p>already 7:6</p> <p>am 3:13 10:9,11 11:3</p> <p>ANC 1:8 2:6 3:16 6:19</p> <p>ANGLIN 10:3,19</p> <p>anything 6:18,20 8:22</p> <p>appearing 10:5</p> <p>application 1:9 8:11</p> <p>Assistance 7:20</p> <p>assists 8:14</p> <p>attention 8:12</p> <p>attorney 10:12</p> <p>audience 6:3</p> <p>Avenue 1:6 2:6</p> <hr/> <p style="text-align: center;">B</p> <hr/> <p>B-A 8:22</p> <p>basic 5:8</p>	<p>basically 7:3</p> <p>best 3:2</p> <p>Beverage 1:2,11,12</p> <p>Board 1:2,12,19 3:20 4:2,16 5:9 6:12 7:8,17 8:15</p> <p>BRADLEY 10:3,19</p> <p>BROOKS 1:16</p> <p>Building 1:13</p> <hr/> <p style="text-align: center;">C</p> <hr/> <p>calendar 2:4</p> <p>CALVIN 1:17</p> <p>careful 8:12</p> <p>Carol 1:19 3:16</p> <p>case 1:8 2:3,5,7 4:1 5:10 6:2,8 7:3,12</p> <p>cases 5:15</p> <p>CERTIFICATE 10:1 11:1</p> <p>certify 10:4 11:3</p> <p>chair 3:19</p> <p>Chairperson 1:13,15 2:3,12,17,20 3:5,9,14,18,21 4:7,11,14,21 5:2,4,18,21 6:1,7 7:4,8 8:21</p> <p>check 4:11</p> <p>closely 8:4</p> <p>COLUMBIA 1:1 10:21</p> <p>Commissioner 3:19</p>	<p>complete 8:5 11:8</p> <p>concluded 9:3</p> <p>conclusion 8:1</p> <p>consider 7:10</p> <p>considering 7:9</p> <p>contact 8:17</p> <p>Control 1:2,11,12</p> <p>copy 4:3,10 7:21 8:10</p> <p>correct 4:1 5:19 11:8</p> <p>counsel 10:9,12</p> <p>Court 11:4,6</p> <hr/> <p style="text-align: center;">D</p> <hr/> <p>D.C 1:13</p> <p>date 8:7 11:16</p> <p>days 8:7</p> <p>deal 7:1</p> <p>decide 5:7</p> <p>decision 5:9 7:10</p> <p>difficult 4:22</p> <p>direction 10:7</p> <p>dismiss 4:3</p> <p>dismissal 8:12</p> <p>dismissed 6:19</p> <p>DISTRICT 1:1 10:21</p> <p>document 8:8</p> <p>documents 8:1</p> <p>DONALD 1:16</p> <p>during 8:4</p> <hr/> <p style="text-align: center;">E</p> <hr/> <p>else 6:18,20 8:22</p>
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