

Capital Reporting Company
In the Matter of: 750Biere, LLC t/a Duchess and The Queen 09-12-2012

1

DISTRICT OF COLUMBIA

ALCOHOLIC BEVERAGE CONTROL BOARD

MEETING

----- :
IN THE MATTER OF: :
 :
750Biere, LLC :
t/a Duchess and The Queen :
2102 18th Street, NW :
Retailer CR : Protest
License No. 89545 : Hearing
ANC 1C : (Status)
Case No. 12-PRO-00064 :
Transfer Application with :
Substantial Change :
----- :

September 12, 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

Capital Reporting Company

In the Matter of: 750Biere, LLC t/a Duchess and The Queen 09-12-2012

<p style="text-align: right;">2</p> <p>1 PROCEEDINGS 2 9:50 a.m. 3 CHAIRPERSON MILLER: Good morning. I'd like 4 to welcome you to the regularly scheduled meeting of 5 the District of Columbia Alcoholic Beverage Control 6 Board. Today is September 12, 2012. My name is 7 Ruthanne Miller. I'm the chairperson. Joining me today 8 to my far right is Mr. Calvin Nophlin. To his 9 immediately left is Mr. Donald Brooks. To my immediate 10 right is Mr. Nick Alberti. And to my immediate left is 11 Mr. Mike Silverstein. 12 The Board has five members in attendance for 13 the conduct of business today with three constituting a 14 quorum. Copies of today's hearing calendar and agenda 15 are available at the receptionist's desk. Please be 16 aware that these proceedings are being recorded by a 17 court reporter. Accordingly, we must ask you to 18 refrain from any disruptive noises or actions in the 19 hearing room. 20 If you have any electronic devices, pagers, 21 cell phones or such, please make certain that they're 22 turned off to avoid any interruption of the</p>	<p style="text-align: right;">4</p> <p>1 MR. PASCAL: Good morning. Paul L. Pascal of 2 Pascal & Weiss representing the applicant. 3 MR. AGUILAR: Good morning. George Aguilar, 4 the applicant. 5 CHAIRPERSON MILLER: Okay. 6 MR. KAMANDA: Good morning. Olivier Kamanda 7 on behalf of ANC 1C. 8 CHAIRPERSON MILLER: GOOD MORNING. 9 MR. JAMES: Good morning. Denis James 10 representing the Kalorama Citizens Association. 11 CHAIRPERSON MILLER: Okay. 12 MR. ELKO: John Elko, one of the group of six 13 protestants. 14 MS. SAULINO: Good morning. Jennifer 15 Saulino, one of the group of six protestants. 16 CHAIRPERSON MILLER: Okay. Good morning. 17 Okay. So this is a status hearing and I don't know if 18 you have anything to report necessarily. There's not a 19 -- 20 MR. PASCAL: Ms. Miller, could the rest of 21 them identify themselves? Because I think there's a 22 total of maybe up to seven protestants and there's five</p>
<p style="text-align: right;">3</p> <p>1 proceedings. Please note when you come forward and 2 take a seat at the table in the front, you'll find a 3 piece of paper. That's to have you sign in on that 4 paper to ensure the correct spelling of your name for 5 the record. 6 The Open Meetings Act requires that the 7 public hearing on each case be open to the public. The 8 Board may, consistent with Section 405(b) of the Open 9 Meetings Act, enter a closed meeting during or after 10 the public hearing on a case to consult with an 11 attorney, to obtain legal advice, discuss settlement 12 agreements or deliberate upon a decision in an 13 adjudication proceeding. 14 Board's calendar today includes show cause 15 status hearing, show cause hearing and protest status 16 hearings. So we can now proceed with the first item on 17 our morning calendar. That is a protest hearing 18 (status) in Case No. 12-PRO-00064, Duchess and the 19 Queen, located at 2102 18th Street, N.W., License No. 20 89545. Would the parties in that case please come 21 forward? And when you're ready, introduce yourselves 22 for the record.</p>	<p style="text-align: right;">5</p> <p>1 here. So I would at least like the record to show 2 who's here so the other two that are not here would be 3 stricken. 4 CHAIRPERSON MILLER: Would be dismissed as 5 protestants, is that what you're saying? 6 MR. PASCAL: Those -- the remaining two, yes. 7 But they have -- they did not appear at the roll call. 8 CHAIRPERSON MILLER: Okay. 9 MR. JAMES: When the time is appropriate, we 10 would like to respond to that request but if you're not 11 done -- 12 CHAIRPERSON MILLER: I think the time will 13 permit. So the -- Mr. Pascal is saying that there are 14 seven protestants for a party of five on the one -- 15 MR. PASCAL: I counted this morning. I 16 counted up to seven people that wrote letters to the 17 Board. Only one showed up at the roll call, Mr. Elko. 18 They were told that all the remaining had to be here 19 today. There's only, I think, five here. So that 20 would still leave a group of five but at least I won't 21 have to deal with two people that didn't show up either 22 at the roll call or at the hearing today.</p>

Capital Reporting Company

In the Matter of: 750Biere, LLC t/a Duchess and The Queen 09-12-2012

<p style="text-align: right;">6</p> <p>1 So if the rest of them could identify 2 themselves, then at least I know who's here. 3 CHAIRPERSON MILLER: All right. But let me 4 just finish what you're saying. And what's your 5 authority for saying that if there are seven and five 6 show up that two have to be dismissed from the party? 7 MR. PASCAL: It's the Board's practice that 8 anybody that files a protest has to appear at least at 9 the roll call or at the status call. 10 CHAIRPERSON MILLER: That's correct. But 11 we're talking about a group. So you're -- 12 MR. PASCAL: Pardon me? 13 CHAIRPERSON MILLER: You're talking about a 14 group, correct? We're not talking about an individual 15 protestant? We're talking about -- if I understand 16 correctly, it's a group of five or more. So if you're 17 saying the group was 100 people, 100 people would have 18 to show up today? Is that your interpretation? 19 MR. PASCAL: I think from a management 20 standpoint, if the people, you know, take the time to 21 come down here and act in the matter that they signed 22 on that they should be here. It still doesn't change</p>	<p style="text-align: right;">8</p> <p>1 why sent the letter appointing me as his representative 2 because he is in his first year of residency as a 3 physician in a hospital in Philadelphia. And he has 4 sent a letter that I would like to submit so that he 5 could remain as a protestant. 6 CHAIRPERSON MILLER: As part of the group, 7 correct? 8 MR. ELKO: As part of the group. 9 CHAIRPERSON MILLER: Okay, okay. 10 MR. JAMES: And if I might add on that there 11 is no -- there's nothing in the regulations that says 12 the Board shall. This is a Board policy that you like 13 to see the -- all the protestants. This group of 14 protestants has behaved admirably throughout learning 15 the process, appointing one main person as a 16 representative. They've kept close contact with the 17 issues being discussed at settlement and are working as 18 a team. 19 And so in both 23 DCMR 1600 -- 1602 and 1603, 20 it says that protestants may be -- have representation 21 if they're not able to appear. It doesn't say there 22 that the Board shall dismiss them. So I think this</p>
<p style="text-align: right;">7</p> <p>1 that I have a group of five so I don't have a problem 2 with that. But I think that if two people didn't show 3 up today -- either today or at the other one, then 4 they've disregarded the practices of the Board and they 5 themselves should be stricken. 6 CHAIRPERSON MILLER: Okay. Would you like to 7 address -- 8 MR. ELKO: May we respond? 9 CHAIRPERSON MILLER: Yes. 10 MR. ELKO: The -- 11 CHAIRPERSON MILLER: Could you first identify 12 who is here again for the -- 13 MR. ELKO: Yes. My name is John Elko and the 14 group of seven that were originally the protestants at 15 the roll call hearing -- the group gave me the right to 16 represent them at the roll call hearing. And there 17 were letters that were sent to the Board stating that. 18 Judy Mills did not send in a protest letter. And 19 LaVerne Fletcher did not dismiss her. She just did not 20 recognize her as a protestant. 21 James Beulin was not able to be at this 22 status hearing or at the roll call hearing. And that's</p>	<p style="text-align: right;">9</p> <p>1 group has made significant efforts to participate 2 responsibly before the Board. And, you know, this 3 gentleman who's learning to be a physician has written 4 a special letter just because he's not able to be here 5 today. We hope that you would respect that. 6 CHAIRPERSON MILLER: Okay. It's my 7 impression then -- or my understanding of the 8 regulations that you have to have five at least and 9 that, you know, I think it would be kind of an absurd 10 meeting if everybody had to show up and then prove -- 11 like I was saying, could be as big as 100. And the 12 regs do allow for a designated representative. So -- 13 MR. JAMES: And just as a further note, this 14 is within the (inaudible) only required to have three. 15 CHAIRPERSON MILLER: Okay. The -- well, the 16 principal is still the same. I do -- does any other 17 Board member think that those individuals should be 18 dismissed from participating in the group, party of 19 five or more? 20 21 MR. ALBERTI: Madam Chair, I think the 22 important point here is that those individuals have</p>

Capital Reporting Company

In the Matter of: 750Biere, LLC t/a Duchess and The Queen 09-12-2012

<p style="text-align: right;">10</p> <p>1 signed a letter of -- I'll say the power of attorney. 2 They have designated someone to represent them at the 3 hearing. Mr. Pascal is right that without that letter, 4 we would expect them to show here or at the status 5 hearing but we do have a letter of representation. So 6 it's been our policy to accept representation by 7 others. Thank you. 8 CHAIRPERSON MILLER: Did you have a letter 9 you wanted to read? 10 MR. ELKO: Yes, ma'am. And could we have the 11 other -- 12 CHAIRPERSON MILLER: And have you shown it to 13 -- what? 14 MR. ELKO: -- protestants give their names 15 orally? 16 CHAIRPERSON MILLER: Yes, so we have a record 17 that they were here. 18 MR. MOTEN: Cliff Moten (ph) -- 19 CHAIRPERSON MILLER: Uh-huh. 20 MR. MOTEN: -- protestant. 21 MR. MORIMOTO: Michael Morimoto (ph) -- 22 CHAIRPERSON MILLER: Okay.</p>	<p style="text-align: right;">12</p> <p>1 CHAIRPERSON MILLER: I'm sorry. Could you 2 clarify for the record just so -- there are five 3 individuals here who identify themselves as part of the 4 party of five or more in this case. There's a letter 5 that designates you to represent -- is that -- I 6 haven't seen the letter yet -- one or two people? 7 MR. ELKO: Oh, this is for one person. 8 CHAIRPERSON MILLER: One person. And -- 9 MR. ELKO: For James Beulan. 10 CHAIRPERSON MILLER: All right. And what's - 11 - and just -- and what's the situation with the other 12 individual? 13 MR. ELKO: The -- during the roll call 14 hearing, LaVerne Fletcher did not dismiss her as a 15 protestant but did not recognize her as one pending a 16 letter from her to clarify because of the fact -- what 17 we had done is that we thought we were -- in your -- in 18 good faith on this, we had written a letter that two 19 people had signed with my name on it. 20 But because of the structure of the letter -- 21 I did not put in, "We, the undersigned." I just said, 22 "I." And there was an objection to that. And as a</p>
<p style="text-align: right;">11</p> <p>1 MR. MORIMOTO: -- protestant. 2 MS. HERTZ: Hi. Annabel Hertz, protestant. 3 CHAIRPERSON MILLER: Okay. And you two -- 4 you two are part of the group which is five, correct? 5 All right. 6 MR. ELKO: Correct. 7 CHAIRPERSON MILLER: Okay. And did you show 8 the letter to Mr. Pascal? 9 MR. ELKO: Oh, I'm sorry. I did not. 10 CHAIRPERSON MILLER: Okay. 11 MR. PASCAL: Okay. He can email it to me. 12 CHAIRPERSON MILLER: All right. You're okay? 13 All right. So -- 14 MR. PASCAL: We've been in constant touch. 15 So 16 MR. ELKO: That's the only -- that's the only 17 copy I brought. I'm sorry. 18 MR. PASCAL: So -- 19 CHAIRPERSON MILLER: Okay. 20 MR. ELKO: I have the -- 21 CHAIRPERSON MILLER: Okay. Could you -- 22 MR. ELKO: Sure.</p>	<p style="text-align: right;">13</p> <p>1 result, Judy was not recognized with that letter 2 because of it being, "Me," as a -- or as a group of 3 three. So we ended up -- and Judy never responded in 4 terms to the Board with another letter stating that she 5 -- because it was after the deadline. So she has not 6 been active in this group. 7 CHAIRPERSON MILLER: So are you -- is she a 8 part of this group or not? 9 MR. ELKO: No. Not -- no. 10 CHAIRPERSON MILLER: Okay. All right. And 11 then it's -- there are six individuals -- 12 MR. ELKO: Yes. 13 CHAIRPERSON MILLER: -- who are part of this 14 group? Okay. And that sixth person is Mr. -- 15 MR. ELKO: Dr. Beulan. 16 CHAIRPERSON MILLER: -- Dr. -- no, not on the 17 letter. 18 MR. ELKO: That's Dr. Beulan. 19 CHAIRPERSON MILLER: That's Dr. Beulan? 20 MR. ELKO: Yeah. 21 CHAIRPERSON MILLER: Okay, fine. All right. 22 And that's a parting consisting of six individuals.</p>

Capital Reporting Company

In the Matter of: 750Biere, LLC t/a Duchess and The Queen 09-12-2012

<p style="text-align: right;">14</p> <p>1 All right. 2 MR. ELKO: Thank you. 3 CHAIRPERSON MILLER: So I think that we can 4 move forward then at this point. And are there any 5 other preliminary matters you want to bring to our 6 attention? Otherwise I'm going to set this for, you 7 know, hearing. 8 MR. PASCAL: There was a -- we've had two 9 mediations. I think we're very close in getting the 10 matter resolved. I filed a motion to continue. The 11 hearing is set for December 5th. And I'm an advisory 12 council member of the Wine and Spirits Wholesalers of 13 America and that's the day an event starts in San 14 Diego. So I asked that it be continued. I think this 15 will be resolved but I can't -- I had that on my 16 calendar just in case for some reason there's a 17 problem. 18 So -- and the other side didn't object other 19 than they don't want an undue delay. So they wanted to 20 have it, you know, perhaps before the end of the year. 21 So if you had any time in the calendars the next two 22 Wednesdays to reschedule it? But that matter's</p>	<p style="text-align: right;">16</p> <p>1 little bit like, you know, the other side is not 2 moving, you know, as directly towards a solution as 3 they could. And 4 -- 5 CHAIRPERSON MILLER: Okay. 6 MR. JAMES: -- like they're concerned about 7 going to a protest hearing? I don't quite understand 8 because we don't want there to be a protest hearing 9 anymore. 10 CHAIRPERSON MILLER: Okay. 11 PARTICIPANT: Well, I've settled. 12 MR. PASCAL: I didn't want it either but -- 13 CHAIRPERSON MILLER: Okay. 14 MR. PASCAL: -- I just have that date on my 15 calendar. And I'm going to be in California. So -- 16 CHAIRPERSON MILLER: Okay. I understand 17 that. Okay. So let me just -- I think I'm going to 18 recommend to my Board members that we just deal with 19 the motion for continuance afterwards. 20 MR. JAMES: That's fine. 21 CHAIRPERSON MILLER: We'll take it under 22 advisement with the calendar. But are you -- do you</p>
<p style="text-align: right;">15</p> <p>1 pending. 2 CHAIRPERSON MILLER: In the next two what? 3 MR. PASCAL: Two Wednesdays after the 5th of 4 December. 5 CHAIRPERSON MILLER: Oh, after. All right. 6 Other -- 7 MR. PASCAL: Before -- they want it before 8 the end of -- 9 CHAIRPERSON MILLER: Right. 10 MR. PASCAL: -- the year, which was fine for 11 me but -- 12 CHAIRPERSON MILLER: Okay. All right. 13 MR. JAMES: I would just like to say, you 14 know, our -- at least from the Kalorama Citizens point 15 of view, we have had one session with the applicant and 16 all the protestants prior to having the two mediations 17 with Ms. Fletcher. At each of the three sessions we 18 made incremental progress and with the most recent 19 draft, I believe that we are very, very close to 20 reaching an agreement. 21 And we just -- I would like to state that, 22 you know, we are moving quickly on this and we feel a</p>	<p style="text-align: right;">17</p> <p>1 have a position on the motion since we're here whether 2 you oppose it? 3 MR. JAMES: We don't oppose it. Just from 4 the -- 5 CHAIRPERSON MILLER: Okay. 6 MR. JAMES: -- the Kalorama Citizens point of 7 view, I would suggest seeking an earlier date than 8 December 5th. 9 MR. KAMANDA: The ANC concurs in that request 10 for an earlier date -- 11 CHAIRPERSON MILLER: Earlier? All right. 12 MR. KAMANDA: -- for that protest hearing. 13 CHAIRPERSON MILLER: Okay. Mr. Pascal -- 14 MR. PASCAL: If one -- 15 CHAIRPERSON MILLER: Mr. Pascal, do you have 16 a position? 17 MR. PASCAL: Well, earlier would be pushing 18 us probably into Thanksgiving time. 19 CHAIRPERSON MILLER: Okay. 20 MR. PASCAL: And -- 21 CHAIRPERSON MILLER: So you would oppose 22 that?</p>

Capital Reporting Company

In the Matter of: 750Biere, LLC t/a Duchess and The Queen 09-12-2012

<p style="text-align: right;">18</p> <p>1 MR. PASCAL: Yeah. 2 CHAIRPERSON MILLER: Okay. 3 MR. PASCAL: I -- but -- 4 CHAIRPERSON MILLER: But -- 5 MR. PASCAL: -- we are close. I mean, yeah. 6 CHAIRPERSON MILLER: -- looks like -- yes, we 7 mean it yes. Let's (inaudible). 8 MR. PASCAL: Contrary to Mr. James's 9 statements, you know, we're not delayed. So -- 10 CHAIRPERSON MILLER: Okay. So what I'm going 11 to do is, you know, set the day for December 5th. And 12 the Board and our attorneys will look at the schedule 13 and then get back to you all on any continuance. So at 14 this point though I'm going to read the instructions 15 for protest hearings in the event you don't reach a 16 voluntary agreement, which it looks like it's promising 17 that you will. Okay. 18 I just want to remind the parties that they 19 should have received in a mailing from Adjudication 20 Assistant Sarah Fashbaugh a letter explaining the 21 protest process and a copy of the protest information 22 form. If you don't have those documents, please see</p>	<p style="text-align: right;">20</p> <p>1 CERTIFICATE OF NOTARY PUBLIC 2 3 I, ERICK McNAIR, the officer before whom the 4 foregoing hearing was taken, do hereby certify that the 5 testimony appearing in the foregoing transcript was 6 recorded by me and thereafter reduced to typewriting 7 under my direction; that said transcription is a true 8 record of the testimony given by said parties; that I 9 am neither counsel for, related to, nor employed by any 10 of the parties to the action in which this was taken; 11 and, further, that I am not a relative or employee of 12 any counsel or attorney employed by the parties hereto, 13 nor financially or otherwise interested in the outcome 14 of this action. 15 16 17 18 19 _____ 20 ERICK McNAIR 21 Notary Public in and for the 22 District of Columbia My Commission Expires: July 14, 2016</p>
<p style="text-align: right;">19</p> <p>1 Ms. Fashbaugh at the conclusion of this hearing. 2 You're required to complete and submit the protest 3 information form, PIF, seven days before the date of 4 the hearing. 5 The document needs to be submitted to ABRA 6 and to the opposing parties in this case. If we do not 7 receive a copy of your PIF, your application or your 8 protest, whichever side you're representing, may be 9 subject to dismissal. The form is important to the 10 Board in narrowing the protest issues, facilitating the 11 process and keeping you all on point during the 12 hearing. So if you have any questions, you should 13 contact Ms. Fashbaugh at 202-397-3971. 14 So that concludes that and then do -- all 15 right. Thank you very much. 16 MR. PASCAL: Thank you very much. 17 PARTICIPANT: Thank you. 18 (WHEREUPON, at 10:06 a.m., the hearing was 19 concluded.) 20 21 22</p>	<p style="text-align: right;">21</p> <p>1 CERTIFICATE OF TRANSCRIPTION 2 3 I, MIRANDA PENNACHI, hereby certify that I am not 4 the Court Reporter who reported the following 5 proceeding and that I have typed the transcript of this 6 proceeding using the Court Reporter's notes and 7 recordings. The foregoing/attached transcript is a 8 true, correct and complete transcription of said 9 proceeding. 10 11 12 _____ 13 Date MIRANDA PENNACHI 14 Transcriptionist 15 16 17 18 19 20 21 22</p>

<hr/> <p style="text-align: center;">1</p> <hr/> <p>10:06 19:18</p> <p>100 6:17 9:11</p> <p>12 1:11 2:6</p> <p>12-PRO-00064 1:8 3:18</p> <p>14 20:22</p> <p>14th 1:13</p> <p>1600 8:19</p> <p>1602 8:19</p> <p>1603 8:19</p> <p>18th 1:6 3:19</p> <p>1C 1:8 4:7</p> <hr/> <p style="text-align: center;">2</p> <hr/> <p>2000 1:13</p> <p>2012 1:11 2:6</p> <p>2016 20:22</p> <p>202-397-3971 19:13</p> <p>2102 1:6 3:19</p> <p>23 8:19</p> <hr/> <p style="text-align: center;">4</p> <hr/> <p>405(b) 3:8</p> <hr/> <p style="text-align: center;">5</p> <hr/> <p>5th 14:11 15:3 17:8 18:11</p> <hr/> <p style="text-align: center;">7</p> <hr/> <p>750Biere 1:5</p> <hr/> <p style="text-align: center;">8</p> <hr/> <p>89545 1:7 3:20</p> <hr/> <p style="text-align: center;">9</p> <hr/>	<p>9:50 2:2</p> <hr/> <p style="text-align: center;">A</p> <hr/> <p>a.m 2:2 19:18</p> <p>able 7:21 8:21 9:4</p> <p>ABRA 19:5</p> <p>absurd 9:9</p> <p>accept 10:6</p> <p>Accordingly 2:17</p> <p>act 3:6,9 6:21</p> <p>action 20:10,14</p> <p>actions 2:18</p> <p>active 13:6</p> <p>add 8:10</p> <p>address 7:7</p> <p>adjudication 3:13 18:19</p> <p>admirably 8:14</p> <p>advice 3:11</p> <p>advisement 16:22</p> <p>advisory 14:11</p> <p>afterwards 16:19</p> <p>agenda 2:14</p> <p>agreement 15:20 18:16</p> <p>agreements 3:12</p> <p>Aguilar 4:3</p> <p>Alberti 1:17 2:10 9:21</p> <p>Alcoholic 1:2,12,13 2:5</p> <p>allow 9:12</p> <p>am 20:9,11 21:3</p> <p>America 14:13</p>	<p>ANC 1:8 4:7 17:9</p> <p>Annabel 11:2</p> <p>anybody 6:8</p> <p>anymore 16:9</p> <p>anything 4:18</p> <p>appear 5:7 6:8 8:21</p> <p>appearing 20:5</p> <p>applicant 4:2,4 15:15</p> <p>application 1:9 19:7</p> <p>appointing 8:1,15</p> <p>appropriate 5:9</p> <p>Assistant 18:20</p> <p>Association 4:10</p> <p>attendance 2:12</p> <p>attention 14:6</p> <p>attorney 3:11 10:1 20:12</p> <p>attorneys 18:12</p> <p>authority 6:5</p> <p>available 2:15</p> <p>avoid 2:22</p> <p>aware 2:16</p> <hr/> <p style="text-align: center;">B</p> <hr/> <p>behalf 4:7</p> <p>behaved 8:14</p> <p>believe 15:19</p> <p>Beulan 12:9 13:15,18,19</p> <p>Beulin 7:21</p> <p>Beverage 1:2,12,13 2:5</p>	<p>bit 16:1</p> <p>Board 1:2,13 2:6,12 3:8 5:17 7:4,17 8:12,22 9:2,17 13:4 16:18 18:12 19:10</p> <p>Board's 3:14 6:7</p> <p>bring 14:5</p> <p>Brooks 1:17 2:9</p> <p>brought 11:17</p> <p>Building 1:13</p> <p>business 2:13</p> <hr/> <p style="text-align: center;">C</p> <hr/> <p>calendar 2:14 3:14,17 14:16 16:15,22</p> <p>calendars 14:21</p> <p>California 16:15</p> <p>Calvin 1:18 2:8</p> <p>case 1:8 3:7,10,18,20 12:4 14:16 19:6</p> <p>cause 3:14,15</p> <p>cell 2:21</p> <p>certain 2:21</p> <p>CERTIFICATE 20:1 21:1</p> <p>certify 20:4 21:3</p> <p>Chair 9:21</p> <p>chairperson 1:14,16 2:3,7 4:5,8,11,16 5:4,8,12 6:3,10,13 7:6,9,11 8:6,9 9:6,15</p>
---	---	--	--

Capital Reporting Company

In the Matter of: 750Biere, LLC t/a Duchess and The Queen 09-12-2012

Page 2

<p>10:8,12,16,19,22 11:3,7,10,12,19, 21 12:1,8,10 13:7,10,13,16,19 ,21 14:3 15:2,5,9,12 16:5,10,13,16,21 17:5,11,13,15,19 ,21 18:2,4,6,10 change 1:9 6:22 Citizens 4:10 15:14 17:6 clarify 12:2,16 Cliff 10:18 close 8:16 14:9 15:19 18:5 closed 3:9 Columbia 1:1 2:5 20:21 Commission 20:22 complete 19:2 21:8 concerned 16:6 concluded 19:19 concludes 19:14 conclusion 19:1 concurs 17:9 conduct 2:13 consistent 3:8 consisting 13:22 constant 11:14 constituting 2:13 consult 3:10 contact 8:16 19:13 continuance 16:19 18:13</p>	<p>continue 14:10 continued 14:14 Contrary 18:8 Control 1:2,12,13 2:5 Copies 2:14 copy 11:17 18:21 19:7 correct 3:4 6:10,14 8:7 11:4,6 21:8 correctly 6:16 council 14:12 counsel 20:9,12 counted 5:15,16 court 2:17 21:4,6 CR 1:7</p> <hr/> <p style="text-align: center;">D</p> <hr/> <p>D.C 1:14 date 16:14 17:7,10 19:3 21:13 day 14:13 18:11 days 19:3 DCMR 8:19 deadline 13:5 deal 5:21 16:18 December 14:11 15:4 17:8 18:11 decision 3:12 delay 14:19 delayed 18:9 deliberate 3:12 Denis 4:9 designated 9:12 10:2</p>	<p>designates 12:5 desk 2:15 devices 2:20 Diego 14:14 direction 20:7 directly 16:2 discuss 3:11 discussed 8:17 dismiss 7:19 8:22 12:14 dismissal 19:9 dismissed 5:4 6:6 9:18 disregarded 7:4 disruptive 2:18 District 1:1 2:5 20:21 document 19:5 documents 18:22 Donald 1:17 2:9 done 5:11 12:17 Dr 13:15,16,18,19 draft 15:19 Duchess 1:6 3:18 during 3:9 12:13 19:11</p> <hr/> <p style="text-align: center;">E</p> <hr/> <p>earlier 17:7,10,11,17 efforts 9:1 either 5:21 7:3 16:12 electronic 2:20 Elko 4:12 5:17 7:8,10,13 8:8</p>	<p>10:10,14 11:6,9,16,20,22 12:7,9,13 13:9,12,15,18,20 14:2 email 11:11 employed 20:9,12 employee 20:11 ensure 3:4 enter 3:9 ERICK 20:3,19 event 14:13 18:15 everybody 9:10 expect 10:4 Expires 20:22 explaining 18:20</p> <hr/> <p style="text-align: center;">F</p> <hr/> <p>facilitating 19:10 fact 12:16 faith 12:18 Fashbaugh 18:20 19:1,13 feel 15:22 filed 14:10 files 6:8 financially 20:13 fine 13:21 15:10 16:20 finish 6:4 first 3:16 7:11 8:2 five 2:12 4:22 5:14,19,20 6:5,16 7:1 9:8,19 11:4 12:2,4 Fletcher 7:19</p>
---	---	--	--

Capital Reporting Company

In the Matter of: 750Biere, LLC t/a Duchess and The Queen 09-12-2012

Page 3

<p>12:14 15:17 foregoing 20:4,5 foregoing/ attached 21:7 form 18:22 19:3,9 forward 3:1,21 14:4 front 3:2</p> <hr/> <p style="text-align: center;">G</p> <hr/> <p>gentleman 9:3 George 4:3 getting 14:9 given 20:8 group 4:12,15 5:20 6:11,14,16,17 7:1,14,15 8:6,8,13 9:1,18 11:4 13:2,6,8,14</p> <hr/> <p style="text-align: center;">H</p> <hr/> <p>haven't 12:6 having 15:16 hearing 1:7,13 2:14,19 3:7,10,15,17 4:17 5:22 7:15,16,22 10:3,5 12:14 14:7,11 16:7,8 17:12 19:1,4,12,18 20:4 hearings 3:16 18:15 hereby 20:4 21:3 hereto 20:12</p>	<p>HERMAN 1:18 Hertz 11:2 he's 9:4 Hi 11:2 hope 9:5 hospital 8:3</p> <hr/> <p style="text-align: center;">I</p> <hr/> <p>I'd 2:3 identify 4:21 6:1 7:11 12:3 I'll 10:1 I'm 2:7 11:9,17 12:1 14:6,11 16:15,17 18:10,14 immediate 2:9,10 immediately 2:9 important 9:22 19:9 impression 9:7 inaudible 9:14 18:7 includes 3:14 incremental 15:18 individual 6:14 12:12 individuals 9:17,22 12:3 13:11,22 information 18:21 19:3 instructions 18:14 interested 20:13 interpretation 6:18</p>	<p>interruption 2:22 introduce 3:21 issues 8:17 19:10 item 3:16 it's 6:7,16 9:6 10:6 13:11 18:16 I've 16:11</p> <hr/> <p style="text-align: center;">J</p> <hr/> <p>James 4:9 5:9 7:21 8:10 9:13 12:9 15:13 16:6,20 17:3,6 James's 18:8 Jennifer 4:14 John 4:12 7:13 Joining 2:7 JONES 1:18 Judy 7:18 13:1,3 July 20:22</p> <hr/> <p style="text-align: center;">K</p> <hr/> <p>Kalorama 4:10 15:14 17:6 Kamanda 4:6 17:9,12</p> <hr/> <p style="text-align: center;">L</p> <hr/> <p>LaVerne 7:19 12:14 learning 8:14 9:3 least 5:1,20 6:2,8 9:8 15:14 leave 5:20 legal 3:11 Let's 18:7 letter 7:18 8:1,4</p>	<p>9:4 10:1,3,5,8 11:8 12:4,6,16,18,20 13:1,4,17 18:20 letters 5:16 7:17 License 1:7 3:19 little 16:1 LLC 1:5 located 3:19</p> <hr/> <p style="text-align: center;">M</p> <hr/> <p>ma'am 10:10 Madam 9:21 mailing 18:19 main 8:15 management 6:19 matter 1:4 6:21 14:10 matters 14:5 matter's 14:22 may 3:8 7:8 8:20 19:8 maybe 4:22 McNAIR 20:3,19 mean 18:5,7 mediations 14:9 15:16 meeting 1:3 2:4 3:9 9:10 Meetings 3:6,9 member 1:17,18,19 9:17 14:12 members 2:12 16:18 met 1:13</p>
--	--	--	--

(866) 448 - DEPO

www.CapitalReportingCompany.com © 2012

Capital Reporting Company

In the Matter of: 750Biere, LLC t/a Duchess and The Queen 09-12-2012

Page 4

<p>Michael 10:21</p> <p>Mike 1:19 2:11</p> <p>Miller 1:14,16 2:3,7 4:5,8,11,16,20 5:4,8,12 6:3,10,13 7:6,9,11 8:6,9 9:6,15 10:8,12,16,19,22 11:3,7,10,12,19, 21 12:1,8,10 13:7,10,13,16,19 ,21 14:3 15:2,5,9,12 16:5,10,13,16,21 17:5,11,13,15,19 ,21 18:2,4,6,10</p> <p>Mills 7:18</p> <p>MIRANDA 21:3,13</p> <p>Morimoto 10:21 11:1</p> <p>morning 2:3 3:17 4:1,3,6,8,9,14,16 5:15</p> <p>Moten 10:18,20</p> <p>motion 14:10 16:19 17:1</p> <p>move 14:4</p> <p>moving 15:22 16:2</p> <hr/> <p style="text-align: center;">N</p> <hr/> <p>N.W 1:13 3:19</p> <p>narrowing 19:10</p> <p>necessarily 4:18</p> <p>neither 20:9</p> <p>Nick 1:17 2:10</p> <p>noises 2:18</p>	<p>Nophlin 1:18 2:8</p> <p>nor 20:9,13</p> <p>Notary 20:1,20</p> <p>note 3:1 9:13</p> <p>notes 21:6</p> <p>nothing 8:11</p> <p>NW 1:6</p> <hr/> <p style="text-align: center;">O</p> <hr/> <p>object 14:18</p> <p>objection 12:22</p> <p>obtain 3:11</p> <p>officer 20:3</p> <p>Oh 11:9 12:7 15:5</p> <p>Olivier 4:6</p> <p>open 3:6,7,8</p> <p>oppose 17:2,3,21</p> <p>opposing 19:6</p> <p>orally 10:15</p> <p>originally 7:14</p> <p>others 10:7</p> <p>otherwise 14:6 20:13</p> <p>outcome 20:13</p> <hr/> <p style="text-align: center;">P</p> <hr/> <p>paggers 2:20</p> <p>paper 3:3,4</p> <p>Pardon 6:12</p> <p>PARTICIPANT 16:11 19:17</p> <p>participate 9:1</p> <p>participating 9:18</p> <p>parties 3:20 18:18 19:6 20:8,10,12</p>	<p>party 5:14 6:6 9:18 12:4</p> <p>Pascal 4:1,2,20 5:6,13,15 6:7,12,19 10:3 11:8,11,14,18 14:8 15:3,7,10 16:12,14 17:13,14,15,17,2 0 18:1,3,5,8 19:16</p> <p>Paul 4:1</p> <p>pending 12:15 15:1</p> <p>PENNACHI 21:3,13</p> <p>people 5:16,21 6:17,20 7:2 12:6,19</p> <p>perhaps 14:20</p> <p>permit 5:13</p> <p>person 8:15 12:7,8 13:14</p> <p>ph 10:18,21</p> <p>Philadelphia 8:3</p> <p>phones 2:21</p> <p>physician 8:3 9:3</p> <p>piece 3:3</p> <p>PIF 19:3,7</p> <p>please 2:15,21 3:1,20 18:22</p> <p>point 9:22 14:4 15:14 17:6 18:14 19:11</p> <p>policy 8:12 10:6</p> <p>position 17:1,16</p> <p>power 10:1</p>	<p>practice 6:7</p> <p>practices 7:4</p> <p>preliminary 14:5</p> <p>PRESENT 1:16</p> <p>presiding 1:14</p> <p>principal 9:16</p> <p>prior 15:16</p> <p>probably 17:18</p> <p>problem 7:1 14:17</p> <p>proceed 3:16</p> <p>proceeding 3:13 21:5,6,9</p> <p>proceedings 2:16 3:1</p> <p>process 8:15 18:21 19:11</p> <p>progress 15:18</p> <p>promising 18:16</p> <p>protest 1:7 3:15,17 6:8 7:18 16:7,8 17:12 18:15,21 19:2,8,10</p> <p>protestant 6:15 7:20 8:5 10:20 11:1,2 12:15</p> <p>protestants 4:13,15,22 5:5,14 7:14 8:13,14,20 10:14 15:16</p> <p>prove 9:10</p> <p>public 3:7,10 20:1,20</p> <p>pushing 17:17</p> <hr/> <p style="text-align: center;">Q</p> <hr/> <p>Queen 1:6 3:19</p>
---	---	--	---

(866) 448 - DEPO

www.CapitalReportingCompany.com © 2012

Capital Reporting Company

In the Matter of: 750Biere, LLC t/a Duchess and The Queen 09-12-2012

Page 5

<p>questions 19:12</p> <p>quickly 15:22</p> <p>quite 16:7</p> <p>quorum 2:14</p> <hr/> <p style="text-align: center;">R</p> <hr/> <p>reach 18:15</p> <p>reaching 15:20</p> <p>ready 3:21</p> <p>reason 14:16</p> <p>receive 19:7</p> <p>received 18:19</p> <p>recent 15:18</p> <p>receptionist's 2:15</p> <p>recognize 7:20 12:15</p> <p>recognized 13:1</p> <p>recommend 16:18</p> <p>record 3:5,22 5:1 10:16 12:2 20:8</p> <p>recorded 2:16 20:6</p> <p>recordings 21:7</p> <p>reduced 20:6</p> <p>Reeves 1:13</p> <p>refrain 2:18</p> <p>regs 9:12</p> <p>regularly 2:4</p> <p>regulations 8:11 9:8</p> <p>related 20:9</p> <p>relative 20:11</p> <p>remain 8:5</p> <p>remaining 5:6,18</p>	<p>remind 18:18</p> <p>report 4:18</p> <p>reported 21:4</p> <p>reporter 2:17 21:4</p> <p>Reporter's 21:6</p> <p>represent 7:16 10:2 12:5</p> <p>representation 8:20 10:5,6</p> <p>representative 8:1,16 9:12</p> <p>representing 4:2,10 19:8</p> <p>request 5:10 17:9</p> <p>required 9:14 19:2</p> <p>requires 3:6</p> <p>reschedule 14:22</p> <p>residency 8:2</p> <p>resolved 14:10,15</p> <p>respect 9:5</p> <p>respond 5:10 7:8</p> <p>responded 13:3</p> <p>responsibly 9:2</p> <p>rest 4:20 6:1</p> <p>result 13:1</p> <p>Retailer 1:7</p> <p>roll 5:7,17,22 6:9 7:15,16,22 12:13</p> <p>room 1:13 2:19</p> <p>Ruthanne 1:14,16 2:7</p> <hr/> <p style="text-align: center;">S</p> <hr/> <p>San 14:13</p> <p>Sarah 18:20</p>	<p>Saulino 4:14,15</p> <p>schedule 18:12</p> <p>scheduled 2:4</p> <p>seat 3:2</p> <p>Section 3:8</p> <p>seeking 17:7</p> <p>seen 12:6</p> <p>send 7:18</p> <p>sent 7:17 8:1,4</p> <p>September 1:11 2:6</p> <p>session 15:15</p> <p>sessions 15:17</p> <p>settled 16:11</p> <p>settlement 3:11 8:17</p> <p>seven 4:22 5:14,16 6:5 7:14 19:3</p> <p>showed 5:17</p> <p>shown 10:12</p> <p>sign 3:3</p> <p>signed 6:21 10:1 12:19</p> <p>significant 9:1</p> <p>Silverstein 1:19 2:11</p> <p>situation 12:11</p> <p>six 4:12,15 13:11,22</p> <p>sixth 13:14</p> <p>solution 16:2</p> <p>someone 10:2</p> <p>sorry 11:9,17 12:1</p> <p>special 9:4</p>	<p>spelling 3:4</p> <p>Spirits 14:12</p> <p>standpoint 6:20</p> <p>starts 14:13</p> <p>state 15:21</p> <p>statements 18:9</p> <p>stating 7:17 13:4</p> <p>status 1:8 3:15,18 4:17 6:9 7:22 10:4</p> <p>Street 1:6,13 3:19</p> <p>stricken 5:3 7:5</p> <p>structure 12:20</p> <p>subject 19:9</p> <p>submit 8:4 19:2</p> <p>submitted 19:5</p> <p>Substantial 1:9</p> <p>suggest 17:7</p> <p>Sure 11:22</p> <hr/> <p style="text-align: center;">T</p> <hr/> <p>t/a 1:6</p> <p>table 3:2</p> <p>talking 6:11,13,14,15</p> <p>team 8:18</p> <p>terms 13:4</p> <p>testimony 20:5,8</p> <p>Thank 10:7 14:2 19:15,16,17</p> <p>Thanksgiving 17:18</p> <p>that's 3:3 6:10 7:22 11:16 13:18,19,22 14:13 16:20</p>
---	---	---	---

Capital Reporting Company

In the Matter of: 750Biere, LLC t/a Duchess and The Queen 09-12-2012

Page 6

<p>themselves 4:21 6:2 7:5 12:3</p> <p>thereafter 20:6</p> <p>there's 4:18,21,22 5:19 8:11 12:4 14:16</p> <p>they're 2:21 8:21 16:6</p> <p>they've 7:4 8:16</p> <p>throughout 8:14</p> <p>today 2:6,7,13 3:14 5:19,22 6:18 7:3 9:5</p> <p>today's 2:14</p> <p>total 4:22</p> <p>touch 11:14</p> <p>towards 16:2</p> <p>transcript 20:5 21:5,7</p> <p>transcription 20:7 21:1,8</p> <p>Transcriptionist 21:14</p> <p>Transfer 1:9</p> <p>true 20:7 21:8</p> <p>turned 2:22</p> <p>typed 21:5</p> <p>typewriting 20:6</p> <hr/> <p style="text-align: center;">U</p> <hr/> <p>Uh-huh 10:19</p> <p>undersigned 12:21</p> <p>understand 6:15 16:7,16</p> <p>understanding 9:7</p> <p>undue 14:19</p>	<p>upon 3:12</p> <hr/> <p style="text-align: center;">V</p> <hr/> <p>view 15:15 17:7</p> <p>voluntary 18:16</p> <hr/> <p style="text-align: center;">W</p> <hr/> <p>Washington 1:14</p> <p>Wednesdays 14:22 15:3</p> <p>Weiss 4:2</p> <p>welcome 2:4</p> <p>We'll 16:21</p> <p>we're 6:11,14,15 14:9 17:1 18:9</p> <p>we've 11:14 14:8</p> <p>WHEREUPON 19:18</p> <p>whether 17:1</p> <p>whichever 19:8</p> <p>Wholesalers 14:12</p> <p>whom 20:3</p> <p>who's 5:2 6:2 9:3</p> <p>Wine 14:12</p> <p>working 8:17</p> <p>written 9:3 12:18</p> <p>wrote 5:16</p> <hr/> <p style="text-align: center;">Y</p> <hr/> <p>yet 12:6</p> <p>you'll 3:2</p> <p>yourselves 3:21</p>		
--	--	--	--

(866) 448 - DEPO