

Capital Reporting Company
In the Matter of: B & O Liquors, Inc. t/a Chat's Liquors 07-25-2012

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DISTRICT OF COLUMBIA

ALCOHOLIC BEVERAGE CONTROL BOARD

MEETING

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IN THE MATTER OF: :
 :
B & O Liquors, Inc. :
t/a Chat's Liquors :
503 8th Street, SE :
Retailer A : Protest
License No. 200 : Hearing
ANC 6B : (Status)
Case No. 12-PRO-00053 :
Renewal Application :
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July 25, 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 COMMITTEE

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<p style="text-align: right;">2</p> <p>1 P R O C E E D I N G S</p> <p>2 9:49 a.m.</p> <p>3 CHAIRPERSON MILLER: The next case on our</p> <p>4 calendar is a protest status hearing, Case No. 12-PRO-</p> <p>5 00053, Chat's Liquors at 503 8th Street, S.E., License</p> <p>6 No. 200, in ANC 6B.</p> <p>7 So would the parties come forward on this,</p> <p>8 please? And when you're ready, sign in and introduce</p> <p>9 yourselves for the record.</p> <p>10 MR. HARBIN: Okay. Madam Chairman, I am a</p> <p>11 Larry Harbin, counsel for B & O Liquors.</p> <p>12 CHAIRPERSON MILLER: Okay.</p> <p>13 MR. WILLIAMS: Hi. I'm Burnette Williams,</p> <p>14 III. I am general manager for Chat's Liquors.</p> <p>15 MS. WILLIAMS: Ophelia B. Williams, president</p> <p>16 of B & O Liquors, Inc.</p> <p>17 MS. GREEN: And Carol Green, ANC 6B,</p> <p>18 commissioner and chair of the ABC Committee.</p> <p>19 CHAIRPERSON MILLER: Okay. Are there any</p> <p>20 preliminary matters in this case?</p> <p>21 MR. HARBIN: I believe there is, Madam</p> <p>22 Chairperson. We had asked previously and we asked</p>	<p style="text-align: right;">4</p> <p>1 you can but basically, if there's not a motion pending</p> <p>2 before the Board at this time, then I don't think it's</p> <p>3 appropriate for the Board to be hearing argument on it.</p> <p>4 But I appreciate that you alerted us to -- that that's</p> <p>5 your concern. And you're certainly free to file a</p> <p>6 dismissal to motion.</p> <p>7 Ms. Green, do you have anything else that you</p> <p>8 want to add?</p> <p>9 MS. GREEN: I think your statement is</p> <p>10 sufficient.</p> <p>11 CHAIRPERSON MILLER: Okay. All right. Then --</p> <p>12 MR. SILVERSTEIN: Ms. Green, if you could</p> <p>13 turn on your --</p> <p>14 CHAIRPERSON MILLER: We -- that was -- this --</p> <p>15 MR. SILVERSTEIN: -- microphone?</p> <p>16 CHAIRPERSON MILLER: I'm sorry.</p> <p>17 MR. SILVERSTEIN: Either one. Thank you.</p> <p>18 CHAIRPERSON MILLER: Okay. Then I'm going to</p> <p>19 schedule this case for a protest hearing on October</p> <p>20 3rd, 2012 at 1:30 p.m. And I'm going to provide some</p> <p>21 instructions, as I did in an earlier case today about</p> <p>22 preparing for the protest hearing.</p>
<p style="text-align: right;">3</p> <p>1 again for a dismissal because there hasn't been any</p> <p>2 violations that we've been informed of. We -- as I</p> <p>3 understand, the ANC had submitted a voluntary agreement</p> <p>4 for sales of singles, which B & O Liquor does not do.</p> <p>5 The protest hearing was prompted by one of</p> <p>6 the commissioners wanting to have B & O Liquors perform</p> <p>7 some facade improvements to the business. And the</p> <p>8 protest, according to one of the -- according to an</p> <p>9 email of one of the commissioners, well, stated it</p> <p>10 would be withdrawn as certain conditions were met</p> <p>11 regarding facade improvement.</p> <p>12 Now, as an attorney for B & O Liquors, I'm</p> <p>13 looking for some violations of any law or voluntary</p> <p>14 agreement and there has been none. And --</p> <p>15 CHAIRPERSON MILLER: Okay. Is there a</p> <p>16 pending motion before the Board?</p> <p>17 MR. HARBIN: No, there isn't.</p> <p>18 CHAIRPERSON MILLER: Okay.</p> <p>19 MR. HARBIN: But I feel very glad I made</p> <p>20 mine.</p> <p>21 CHAIRPERSON MILLER: Okay. Well, then -- and</p> <p>22 I -- and if Ms. Green wants to just say something now,</p>	<p style="text-align: right;">5</p> <p>1 The Board is only going to be hearing those</p> <p>2 issues that are relevant to the protest. And you</p> <p>3 should have received in the mailing from Adjudication</p> <p>4 Assistant Sarah Fashbaugh a letter explaining the</p> <p>5 protest process and a copy of the protest information</p> <p>6 form.</p> <p>7 If you don't have the documents, please see</p> <p>8 Ms. Fashbaugh at the conclusion of this hearing. It's</p> <p>9 important that you review the rules closely and adhere</p> <p>10 to them before the protest hearing. You're required to</p> <p>11 complete and submit the protest information form seven</p> <p>12 days before the date of the hearing. This document</p> <p>13 needs to be submitted to ABRA and to the opposing</p> <p>14 parties in this matter.</p> <p>15 If we do not receive a copy of your protest</p> <p>16 information form, sometimes referred to as a PIF, your</p> <p>17 application or your protest, whichever side you're</p> <p>18 representing, may be subject to dismissal. This form</p> <p>19 greatly assists the Board in narrowing the protest</p> <p>20 issues, facilitating the process and keeping the</p> <p>21 parties on point during the hearing. If you have any</p> <p>22 questions today or any time leading up to the hearing,</p>

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<p>1 you should contact Ms. Fashbaugh at 202-397-3971. 2 So it's -- I just want to emphasize that it's 3 very important that you fill out that form and submit 4 it within the required seven days. The parties have 5 been dismisses for failure to submit that form in a 6 timely fashion. Okay. 7 Do you have any questions before you leave 8 this hearing? 9 (No audible response.) 10 CHAIRPERSON MILLER: Okay. All right, then. 11 Thank you very much. 12 (WHEREUPON, at 9:53 a.m., the hearing was 13 concluded.) 14 15 16 17 18 19 20 21 22</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 14 _____ 15 Date MIRANDA PENNACHI 16 Transcriptionist 17 18 19 20 21 22</p>
7	
<p>1 CERTIFICATE OF NOTARY PUBLIC 2 3 I, BRADLEY ANGLIN, 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 BRADLEY ANGLIN 21 Notary Public in and for the 22 DISTRICT OF COLUMBIA</p>	

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<hr/> <p style="text-align: center;">0</p> <hr/> <p>00053 2:5</p> <hr/> <p style="text-align: center;">1</p> <hr/> <p>1:30 4:20 12-PRO 2:4 12-PRO-00053 1:8 14th 1:13</p> <hr/> <p style="text-align: center;">2</p> <hr/> <p>200 1:7 2:6 2000 1:13 2012 1:10 4:20 202-397-3971 6:1 25 1:10</p> <hr/> <p style="text-align: center;">3</p> <hr/> <p>3rd 4:20</p> <hr/> <p style="text-align: center;">5</p> <hr/> <p>503 1:6 2:5</p> <hr/> <p style="text-align: center;">6</p> <hr/> <p>6B 1:8 2:6,17</p> <hr/> <p style="text-align: center;">8</p> <hr/> <p>8th 1:6 2:5</p> <hr/> <p style="text-align: center;">9</p> <hr/> <p>9:49 2:2 9:53 6:12</p> <hr/> <p style="text-align: center;">A</p> <hr/> <p>a.m 2:2 6:12 ABC 1:19 2:18 ABRA 5:13 according 3:8</p>	<p>action 7:10,14 add 4:8 adhere 5:9 Adjudication 5:3 agreement 3:3,14 ALBERTI 1:16 Alcoholic 1:2,11,12 alerted 4:4 am 2:10,14 7:9,11 8:3 ANC 1:8 2:6,17 3:3 ANGLIN 7:3,19 anything 4:7 appearing 7:5 application 1:9 5:17 appreciate 4:4 appropriate 4:3 argument 4:3 Assistant 5:4 assists 5:19 attorney 3:12 7:12 audible 6:9</p> <hr/> <p style="text-align: center;">B</p> <hr/> <p>basically 4:1 believe 2:21 Beverage 1:2,11,12 Board 1:2,12 3:16 4:2,3 5:1,19 BRADLEY 7:3,19 BROOKS 1:16</p>	<p>Building 1:13 Burnette 2:13 business 3:7</p> <hr/> <p style="text-align: center;">C</p> <hr/> <p>calendar 2:4 CALVIN 1:17 Carol 1:19 2:17 case 1:8 2:3,4,20 4:19,21 certain 3:10 certainly 4:5 CERTIFICATE 7:1 8:1 certify 7:4 8:3 chair 2:18 Chairman 2:10 Chairperson 1:13,15 2:3,12,19,22 3:15,18,21 4:11,14,16,18 6:10 Chat's 1:6 2:5,14 closely 5:9 COLUMBIA 1:1 7:21 commissioner 2:18 commissioners 3:6,9 Committee 1:19 2:18 complete 5:11 8:8 concern 4:5 concluded 6:13</p>	<p>conclusion 5:8 conditions 3:10 contact 6:1 Control 1:2,11,12 copy 5:5,15 correct 8:8 counsel 2:11 7:9,12 Court 8:4,6</p> <hr/> <p style="text-align: center;">D</p> <hr/> <p>D.C 1:13 date 5:12 8:15 days 5:12 6:4 direction 7:7 dismissal 3:1 4:6 5:18 dismisses 6:5 DISTRICT 1:1 7:21 document 5:12 documents 5:7 DONALD 1:16 during 5:21</p> <hr/> <p style="text-align: center;">E</p> <hr/> <p>earlier 4:21 Either 4:17 else 4:7 email 3:9 emphasize 6:2 employed 7:9,12 employee 7:11 explaining 5:4</p>
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