

Capital Reporting Company

In the Matter of: Hill Country DC, LLC t/a Hill Country Summer Barbeque 08-06-2012

DISTRICT OF COLUMBIA

ALCOHOLIC BEVERAGE CONTROL BOARD

MEETING

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IN THE MATTER OF: :
 :
Hill Country DC, LLC :
t/a Hill Country Summer Barbeque: :
at the National Building Museum :
401 F Street, NW :
Retailer CT : Roll Call
License No. ABRA-089674 : Hearing
Case No. 12-PRO-00069 :
New Application :
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August 6, 2012

The Alcoholic Beverage Control

The Board's Agent met in the Alcoholic Beverage Control
Hearing Room, Reeves Building, 2000 14th Street, N.W.,
Washington, D.C.

PRESENT

LAVERNE FLETCHER, Board's Agent

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

2 10:13 a.m.

3 MS. FLETCHER: Would the parties in the
4 matter of Hill Country Summer Barbeque at the National
5 Building Museum please come forward? Parties in the
6 matter of Hill Country Summer Barbeque at the National
7 Building Museum? The protestants will be on that side
8 and if you need more chairs, you can just --

9 PARTICIPANT: Pull them up?

10 MS. FLETCHER: -- pull them up. Yes. This
11 is Case No. 12-PRO-00069, Hill Country DC, LLC, trading
12 as Hill Country Summer Barbeque at the National
13 Building Museum, 401 F Street, N.W., License No. ABRA-
14 089674. This is a Retailer CT new application. The
15 protest issues are adverse impact on peace, order and
16 quiet, residential parking, and vehicular and
17 pedestrian safety.

18 My name is LaVerne Fletcher and I'll be
19 conducting the roll call hearing as the Board's Agent
20 pursuant to DC Official Code 1601.2.

21 Introductions beginning with the applicant,
22 please?

1 MR. O'BRIEN: Stephen O'Brien for the
2 applicant. I'm accompanied by James Foss, F-O-S-S,
3 who's the applicant's regional general manager.

4 MS. FLETCHER: Thank you, Mr. O'Brien. And
5 present for the protestants? Oh, just before you get
6 started, if you would state your name and then spell it
7 for the court reporter?

8 MS. MORELL: All right. My name is Sally
9 Fallon Morell and that's S-A-L-L-Y, "F," as in,
10 "Frank," A-L-L- O-N, and then M-O-R-E-L-L.

11 MS. FLETCHER: M-O-R-B?

12 MS. MORELL: M-O-R-E-L-L.

13 MS. FLETCHER: E-L-L. Thank you. Okay.

14 MR. MORELL: And my name is Geoffrey Morrell.
15 Spelling it is G-E-O-F-F-R-E-Y, surname Morell, M-O-R-
16 E-L-L.

17 MS. FLETCHER: Thank you.

18 MR. MCCRAY: Robert McCray, R-O-B-E-R-T, M-C-
19 C-R-A-Y.

20 MS. FLETCHER: M-C-C-R-A-Y?

21 MR. MCCRAY: Yes.

22 MS. FLETCHER: Okay. Thank you.

1 MS. ALLEN: Shirley Allen, S-H-I-R-L-E-Y, A-
2 L-L-E-N.

3 MS. FLETCHER: Thank you.

4 MR. ALLEN: Arthur Allen, A-R-T-H-U-R, A-L-L-
5 E-N.

6 MS. FLETCHER: And each of you signed a
7 protest letter?

8 MR. ALLEN: Yes.

9 MS. MORELL: Yes. We also have letters
10 designating us as their representative.

11 MS. FLETCHER: I'll take that. Thank you.

12 MS. MORELL: Can I get copies of these?

13 MS. FLETCHER: Yes.

14 MS. MORELL: Twenty-two other letters besides
15 mine.

16 MS. FLETCHER: And I'll get a copy of these
17 for you, Mr. O'Brien.

18 MR. O'BRIEN: Thank you.

19 MS. FLETCHER: Okay. I'm going to take a
20 look at these. And so Ms. Morell, these individuals
21 signed a protest letter?

22 MS. MORELL: Yes.

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5

1 MS. FLETCHER: Okay. Are you here for the
2 Hill Country --

3 MR. WERTIME: Yes, ma'am.

4 MS. FLETCHER: -- Summer Barbeque? Could you
5 -- are you a protestant?

6 MR. WERTIME: I'm in opposition, yes.

7 MS. FLETCHER: Okay. Could you just step
8 forward behind the table and state your name and spell
9 it for the record, please?

10 MR. WERTIME: Oh, sure. Apologies for being
11 late.

12 MS. FLETCHER: What is it?

13 MR. WERTIME: Oh, my name is David Wertime.
14 The last name is spelled W-E-R --

15 MS. FLETCHER: Uh-huh.

16 MR. WERTIME: -- T-I-M-E, like/ time of day.

17 MS. FLETCHER: Oh, and Mr. Wertime, did you
18 sign the protest letter?

19 MR. WERTIME: No, because I decided to come
20 in person instead. I'll get it.

21 MS. FLETCHER: Okay. Well, just so that you
22 know, it's fine that you're here because this is a

1 public hearing, but unless you actually signed the
2 protest letter, you can't be recognized as a
3 protestant. But the record will reflect that you were
4 here today, but not as a protestant.

5 MR. WERTIME: May I -- may I sign now or is
6 it too late?

7 MS. FLETCHER: No. You can -- you have only
8 until the petition deadline to sign the actual protest
9 letter. And the petition deadline in this case was --
10 I mean, not September, I'm sorry -- July the 23rd.
11 Unless you signed it by that time, you can't be
12 recognized as a protestant. But if the case goes
13 forward to the next stage --

14 MR. WERTIME: Uh-huh.

15 MS. FLETCHER: -- if it cannot be resolved in
16 mediation and there's a protest hearing, you could be a
17 witness, but not recognized as a protestant.

18 MR. WERTIME: Okay. So for practical
19 purposes, does that mean that I can -- I can be here
20 but I can't speak up or --

21 MS. FLETCHER: It means that you're not a
22 protestant.

1 MR. WERTIME: Right.

2 MS. FLETCHER: And so because it's a public
3 hearing, you can come to any hearing that's being held
4 in this matter, but you will not be recognized as a
5 protestant. It's fine that you're here.

6 MR. WERTIME: Okay.

7 MS. FLETCHER: We're going to schedule, for
8 example, a status hearing for September. You can come
9 because it's a public hearing but you're not a
10 protestant. But you're welcome to attend any hearing
11 if you just want to come in person, like you did today --

12 MR. WERTIME: Okay.

13 MS. FLETCHER: -- and be kept abreast of
14 what's going on.

15 MR. WERTIME: Okay. Thanks very much.

16 MS. FLETCHER: Uh-huh. You're welcome.

17 MS. MORELL: May I --

18 MS. FLETCHER: Ms. Morell, I'm just stating
19 your name so the court reporter will know who's
20 speaking.

21 MS. MORELL: I just wanted to add that the --
22 one of the concerns is public drunkenness. I don't

1 think that you said that one when you were reading them
2 out.

3 MS. FLETCHER: Oh, that's part of the peace,
4 order and quiet.

5 MS. MORELL: Oh, okay.

6 MS. FLETCHER: Yeah. So we just -- that
7 would fall into that category.

8 MS. MORELL: Okay.

9 MS. FLETCHER: So I have here a letter from
10 Giovanni Capoccia. And I'll provide the court reporter
11 with the spelling of these names after the roll call.
12 I have a letter here from Giovanni Capoccia designating
13 Geoffrey Morell as her representative. I have a letter
14 from Francesca E. Bignami designating Geoffrey Morell
15 as her representative.

16 I have a letter from Omari Norman designating
17 Sally Morell as her representative, a letter from
18 Jeffrey Carroll designating Sally Morell as a
19 representative, a letter from Shelley Cazares
20 designating Sally Morell as her representative, a
21 letter from Cynthia -- looks like - - it looks like S-
22 J-O-B-E-R-G -- it is Cynthia Sjoberg, S-J-O-B-R -- B-E-

1 R-G designating Sally Morell, a letter from Melissa
2 Zoon designating Sally Morell, a letter from Jonathan
3 Phoenix designating Sally Morell, a letter from Elaine
4 Speller designating Sally Morell, a letter from Aliza
5 George designating Sally Morell, a letter from Kathleen
6 Joyce designating Sally Morell, a letter from Annora
7 Bell designating Sally Morell, a letter from Gabrielle
8 Dorn designating Sally Morell, a letter from Amanda
9 Crawford designating Sally Morell, a letter from Rich
10 Crawford designating Sally Morell, a letter from
11 Samantha Brady designating Sally Morell, a letter from
12 Patrick Brady designating Sally Morell.

13 And Ms. Morell, you indicated that each of
14 these individuals have signed the protest letter?

15 MS. MORELL: All but one. And there was a
16 letter from -- a letter from Jeffrey Carroll who does
17 not seem to be on this letter.

18 MS. FLETCHER: From which -- from who?

19 MS. MORELL: Jeffrey Carroll.

20 MS. FLETCHER: Jeffrey Carroll. Okay. The
21 letter signed by -- okay. I have a letter signed by
22 Jeffrey Carroll. You're saying but that person did not

1 sign the protest letter?

2 MS. MORELL: No, I don't see him on the
3 letter.

4 MS. FLETCHER: Okay. Jeffrey Carroll is not
5 recognized as a protestant.

6 MS. MORELL: Okay.

7 MS. FLETCHER: He will not receive a
8 dismissal letter.

9 MS. MORELL: Oh --

10 MS. FLETCHER: He's not recognized as a
11 protestant. So with the exception of Jeffrey Carroll,
12 the other individuals be-- will be recognized as
13 protestants at this point. If we become aware they're
14 not on the list, then we'll let you know. But we'll
15 take your word for the fact that they did --

16 MS. MORELL: Well, I've gone through some --

17 MS. FLETCHER: Did that -- thank you. If
18 there are any individuals not present and who did not
19 designate a representative, those individuals will be
20 dismissed. But they received protest letters to that
21 effect. So --

22 MS. MORELL: Right.

1 MS. FLETCHER: -- they -- I expect they know
2 if they're not here and didn't designate a
3 representative that their protest will be dismissed.

4 There are five protestants present today.
5 Therefore, you're recognized as a group of protestants
6 that have standing. The group will include everyone
7 that's present in addition to these individuals for a
8 total of --

9 MS. MORELL: It will be 26.

10 MS. FLETCHER: -- for a total of 26. So this
11 will be a group of 26. No, I have 22. Let me start
12 over. There are five people present today.

13 MS. MORELL: Yeah. We have 22 but minus 1.

14 MS. FLETCHER: Right. So if you're five --

15 MS. MORELL: Uh-huh.

16 MS. FLETCHER: -- Six -- I'm just counting.

17 MS. MORELL: Twenty-one.

18 MS. FLETCHER: Five, six, seven --

19 MS. MORELL: Twenty-six in my --

20 MS. FLETCHER: Nine, ten, eleven, twelve -- I
21 have 22. I count 22 including you.

22 MS. MORELL: Oh, okay. Sorry. So it'd be 21

1 without the one person.

2 MS. FLETCHER: It's 22 without the one person --

3 MS. MORELL: Oh, okay.

4 MS. FLETCHER: -- is what I had.

5 MS. MORELL: All right.

6 MS. FLETCHER: Okay. So a group of 22.

7 MS. MORELL: Twenty-two.

8 MS. FLETCHER: If I -- if my math turns out
9 to be wrong, we'll make a correction.

10 MS. MORELL: All right.

11 MR. O'BRIEN: I think what she's saying is
12 there's 21 letters because one letter did not sign --

13 MS. FLETCHER: Yeah, I excluded --

14 MR. O'BRIEN: -- the protest.

15 MS. FLETCHER: -- I excluded that one from --

16 MR. O'BRIEN: Okay. But I don't --

17 MS. MORELL: But I forgot that I was --

18 MR. O'BRIEN: Plus --

19 MS. FLETCHER: Oh, you included that person?

20 I got it. I understand.

21 MS. MORELL: I don't know. It doesn't
22 matter.

1 MS. FLETCHER: Thank you.

2 MR. O'BRIEN: Thank you.

3 MS. FLETCHER: So a group of 22 is granted
4 standing as protestants. The other ones will be -- the
5 other protestants will be dismissed -- are dismissed.

6 So we need to set a date for the mediation,
7 the status hearing and the protest hearing. I'll give
8 you the date for the status and protest hearings first.
9 The status hearing is set for September 19 -- September
10 19 at 9:30 a.m.

11 MR. MORELL: What time here?

12 MS. FLETCHER: 9:30 a.m.

13 MR. MORELL: Oh, Madam, I have to give a talk
14 in Australia for the day -- a couple of days before.
15 It's -- I myself, I could not be here. Could I --
16 could I designate my friend in the back to stand in for
17 me?

18 MS. FLETCHER: Yes. Well, just so that you
19 know, Mr. Morell, the fact that you're all present
20 today --

21 MR. MORELL: Yes.

22 MS. FLETCHER: -- gives the group standing as

1 protestants. It is fine that you're not here for the
2 status hearing. You've been granted standing already.
3 But what you -- what you can do at this time is
4 designate a representative -- designate a
5 representative to represent the entire group.

6 MR. MORELL: Oh, I see. Well, then my wife -
7 - I'm done on my own.

8 MS. FLETCHER: Because --

9 MR. MORELL: Yes.

10 MS. FLETCHER: And is everyone in agreement
11 with that? You can -- you can come to the hearings but
12 it helps us to have a person. Is that okay with
13 everyone present that --

14 MR. O'BRIEN: Yes.

15 MS. FLETCHER: -- Ms. Morell is that person?

16 MS. ALLEN: Yes.

17 MS. MORELL: Now, just one question. That
18 date is all right with me but I often have unforeseen
19 travel.

20 MS. FLETCHER: Yes.

21 MS. MORELL: If I couldn't come, could I have
22 -- send one of these others to come?

1 MS. FLETCHER: Yes. Yeah, because the group
2 has already been granted standing. So --

3 MR. MORELL: Okay. Yeah.

4 MS. FLETCHER: -- any one of you can come.

5 But --

6 MS. MORELL: Right. We should probably all
7 come.

8 MS. FLETCHER: Well, then let me -- let me
9 say this. Ms. Morell, because you're the designated
10 representative, you're going to designate -- if you're
11 going to designate Mr. Allen --

12 MR. ALLEN: Allen.

13 MS. MORELL: Allen. Is that right?

14 MS. FLETCHER: -- just do it in writing. We
15 just like everything in writing.

16 MS. MORELL: All right. Okay.

17 MS. FLETCHER: And also, what you can do
18 today while you're here, you can just write down on a
19 piece of paper -- just the protestants that are present
20 -- just a statement designating you as the
21 representative for the group. You can do that while
22 you're here.

1 MS. MORELL: All right.

2 MS. FLETCHER: "We designate

3 MS. MORELL: And then I'll want to write one
4 designating Mr. Allen?

5 MS. FLETCHER: Yes.

6 MS. MORELL: Okay.

7 MS. FLETCHER: You can do that today or you
8 can send it in later. I'll leave that up to you. But
9 for today, you're the designated representative. And I
10 have a record here that Mr. Allen may represent the
11 group at the status hearing. We just need a statement
12 to that effect.

13 MS. MORELL: Okay.

14 MR. MORELL: Madam Chair?

15 MS. FLETCHER: Yeah?

16 MR. MORELL: My wife really does have a very
17 busy schedule. Are there -- is there alternative dates
18 that are possible? I may as well ask because if I
19 don't ask, I don't get an answer.

20 MS. FLETCHER: Yeah, the Board -- the full
21 Board only meets on Wednesdays. And there is -- once
22 the status hearing date has been set, the Board does

1 not change the dates because someone can't come if you
2 can designate someone else to come.

3 MR. MORELL: Okay. Thank you.

4 MS. FLETCHER: And so the status hearing will
5 be on September 19th at 9:30. Mr. Allen, we know you
6 may come but you could designate anybody. It's just
7 you can -- you can --

8 MR. ALLEN: I'll be here.

9 MS. FLETCHER: -- you could come -- you could
10 come with a letter if something changes. Just show up
11 and -- with a letter of designation and present it to
12 the Board on that day.

13 And the protest hearing in this matter is set
14 for December the 12th at 1:30 p.m. -- December 12th at
15 1:30. December -- hmm?

16 MS. MORELL: Is it possible to have it in the
17 evening?

18 MS. FLETCHER: No. Protest hearings are held
19 during the business day. And just so that you know,
20 Ms. Morell, because you're asking if they can be held
21 in the evening, a protest hearing can last up to three
22 hours.

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1 MR. MORELL: Okay. Thank you.

2 MS. FLETCHER: We need to set a date for
3 mediation to occur prior to September 19. And I'll
4 give you the dates that are available. We could do it
5 as early as Friday, August the 10th.

6 MR. O'BRIEN: Not good.

7 MS. FLETCHER: Then we'll -- we can move it
8 to September. The first available date in September is
9 September the 12th. September the 12th is on a
10 Wednesday. Is that all right with everybody?

11 MR. ALLEN: Yeah.

12 MS. FLETCHER: Is that good for you, Mr.
13 O'Brien?

14 MR. O'BRIEN: In the afternoon.

15 MS. FLETCHER: Okay. We could do it at 1:00
16 -- September 12th at 1:00.

17 MR. O'BRIEN: That's good. That's a
18 Wednesday, you said?

19 MS. FLETCHER: Yes.

20 MR. O'BRIEN: The room probably won't be
21 available. Can we meet somewhere else?

22 MS. FLETCHER: Yeah. We'll use a -- yeah.

1 I'll get a --

2 MR. O'BRIEN: Okay. All right.

3 MS. FLETCHER: -- a different room for us.

4 MS. MORELL: And everything takes place here?

5 MS. FLETCHER: Hmm?

6 MS. MORELL: Everything takes place --

7 MS. FLETCHER: Everything takes place here.

8 The -- yes. Everything takes place here.

9 MS. MORELL: All right.

10 MS. FLETCHER: Sometimes we're in this room
11 for mediation but the Board meets on Wednesdays. So if
12 you choose a Wednesday, we'll just have to use another
13 room. I'll reserve another room.

14 MR. O'BRIEN: Another room within the suite.

15 MS. FLETCHER: Yes, another room within the
16 suite. Let's see. So that's September 12th. That was
17 at 1:00, right?

18 MR. O'BRIEN: Correct.

19 MS. FLETCHER: And Ms. Morell, my card is on
20 the table if you or anybody else -- well, there were
21 some -- there were some of my cards on the table. Oh,
22 there's one.

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1 MS. MORELL: All right. Thank you.

2 MS. FLETCHER: Oh, you got it?

3 MR. ALLEN: We handed them out.

4 MS. FLETCHER: Oh, you -- okay.

5 MS. MORELL: Good.

6 MS. FLETCHER: So if you have any questions,
7 you can just give me a call.

8 MS. MORELL: All right.

9 MS. FLETCHER: And any other questions?

10 MS. MORELL: No, thank you very much.

11 MS. FLETCHER: Okay. Well, thank you very
12 much. The roll call hearing is completed.

13 (WHEREUPON, at 10:33 a.m., the hearing was
14 concluded.)

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