

1 GOVERNMENT OF THE DISTRICT OF COLUMBIA
2 ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
3 ALCOHOLIC BEVERAGE CONTROL BOARD

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6 IN THE MATTER OF :
7 EATONVILLE, INC. :Case #16-PRO-00064
8 t/a Mulebone :
9 2121 14th Street Northwest :
10 License #ABRA-078882 :
11 Retailer Class CR :
12 Petition to Amend or Terminate
13 Settlement Agreement :

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15 Monday, June 13, 2016

16
17 Whereupon, the above-referenced matter
18 came on for hearing at the Alcoholic Beverage
19 Control Board, Reeves Center, 2000 14th Street,
20 N.W., Suite 400S, Washington, D.C. 20009.

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2 CHAIRPERSON:

3 LAVERNE FLETCHER, Presiding

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5 ALSO PRESENT:

6 DROR KARNI

7 STEPHEN O'BRIEN

8 ANDY SHALLAL

9 CHRIS YOUNG

10 DROR KARNI

11 HOWARD RODKIN

12 KATHERINE GOMER

13 JUSTIN PEABODY

14 PAMELA FESSENDEN

15 WILLIAM J. KINBERG

16 KENJI KIMURA

17 YUKA KIMURA

18 GLEN COLLINS

19 ROBERT LANMAN

20 GREG LINK

21 MICHAEL PLOEN

22 DEBRA BERGOFFEN

1 SARAH LAFRENIERE
2 ROSS DIAMOND
3 ROBIN MATTHEWS
4 ZULFIAN BAKAR
5 MOSHE ZUSMAN
6 EUGENE LAPORTA
7 STEPHEN ELLIS
8 TIMOTHY WARREN
9 JOHN GREEN

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

2 CHAIRPERSON FLETCHER: Would the parties
3 in the matter of Mulebone please come forward?
4 This is Case #16-PRO-00064. Eatonville, Inc.,
5 trading as Mulebone, 2121 14th Street Northwest,
6 License #ABRA-078882. This is a Retailer Class
7 CR, Petition to Amend or Terminate the Settlement
8 Agreement. The protest issues are adverse impact
9 on peace, order and quiet, residential parking
10 and vehicular and pedestrian safety, real
11 property values and overconcentration.
12 Introductions beginning with the applicant
13 please.

14 MR. O'BRIEN: Stephen O'Brien for the
15 applicant with Andy Shallal, president of the
16 applicant.

17 CHAIRPERSON FLETCHER: The preceding matter
18 related to the license renewal is pretty much
19 identical to this one, and so rather than have
20 everyone here to restate their names and is
21 everyone present that protested in this matter as
22 well, in the matter of the petition to amend or

1 terminate the settlement agreement, I reviewed
2 the protest file and it appears that everyone
3 here signed both protest petitions, does that
4 sound?

5 MR. KARNI: Yes.

6 CHAIRPERSON FLETCHER: Is that correct? And
7 Mr. Karni you're also the designated
8 representative for the Group of, in this case, I
9 counted a group of 121, that is approximately
10 121.

11 MR. YOUNG: Yes, that is correct

12 CHAIRPERSON FLETCHER: And you are also the
13 designated representative here for the group of
14 individuals that tiled the protest.

15 MR. YOUNG: Yes, correct.

16 CHAIRPERSON FLETCHER: And Mr. Young you're
17 also representing the Meridian Hill Neighborhood
18 Association in this case as well?

19 MR. YOUNG: Yes, that is correct.

20 CHAIRPERSON FLETCHER: And so everyone
21 present -- where is the -- is the tablet anywhere
22 floating around? I just want -- oh -- okay,

1 thank you. Just so that you know, also you're
2 not going to have to restate your names for this
3 case, I will include them in this case. So, when
4 this case pops up on the Board's calendar you
5 will be included in both cases.

6 MR. YOUNG: Thank you.

7 CHAIRPERSON FLETCHER: There are also some
8 abutting property owners in this matter. I'm
9 going to -- the abutting property owners that are
10 present from the license renewal are you the same
11 abutting property owners in this matter? Did you
12 also file as abutting property owners? I'm going
13 to go down the list and make sure: Mr. Peabody
14 you are an abutting property owner in the case
15 related to the termination of the settlement
16 agreement so I have you down for that. Jemia
17 Anderson is dismissed as a protestant because she
18 is not present. May Lee Goel is dismissed
19 because she is not present -- dismissed as an
20 abutting property owner. Pamela Fessenden is
21 present, Katherine Gomer, William J. Kinberg,
22 Kenji Kimura, and Yuka Kimura, and Ms. Fessenden

1 you are also representing Douglas and Yuko Carey,
2 so the same abutting property owners are present
3 in this case as the license renewal. And, Mr.
4 Karni, you're also representing the abutting
5 property owners for the petition to terminate the
6 settlement agreement? Everybody's in agreement?
7 Thank you.

8 MR. YOUNG: Quick question. Did I hear you
9 ask if Moshe Zusman is still here as an abutting
10 property owner for the second case?

11 CHAIRPERSON FLETCHER: Who?

12 MR. YOUNG: Mr. Zusman. Moshe Zusman.

13 CHAIRPERSON FLETCHER: Mr. Justin Peabody?

14 MR. YOUNG: Apologies. I just forgot.

15 CHAIRPERSON FLETCHER: Okay. So, Mr. Young,
16 the court reporter may need the name that you
17 just mentioned. I actually didn't hear it. Who
18 were you asking about?

19 MR. YOUNG: It's an irrelevant question.

20 CHAIRPERSON FLETCHER: I know, but he needs
21 it.

22 MR. YOUNG: Moshe Zusman appeared earlier. I

1 had mistaken his status.

2 CHAIRPERSON FLETCHER: Okay, thank you. The
3 protestants in this matter are the Meridian Hill
4 Neighborhood Association, a group of 121 being
5 represented by Dror Karni. The same applies in
6 this case with respect to the group of 121. The
7 fact that there are at least five present from
8 the group of 121 means that -- and you're the
9 designated representative, Mr. Karni, and you're
10 here, it means that the entire group is granted
11 standing as a protestant. That actually applies
12 to this case and the license renewal case in the
13 event that I didn't mention it, the cases are
14 running parallel, so --

15 MR. KARNI: Yes.

16 CHAIRPERSON FLETCHER: -- the same thing is
17 going to apply to the license renewal. So
18 there's a group of 21 granted full standing
19 today. I just named the abutting property owners
20 that are granted full standing. Any questions at
21 all about anything?

22 MR. YOUNG: It's the ANC a party to this

1 proceeding?

2 CHAIRPERSON FLETCHER: No, they didn't file a
3 protest as far as we can tell.

4 MR. YOUNG: Oh, I'm sorry, I thought we had
5 filed a protest on the application to terminate.

6 CHAIRPERSON FLETCHER: Yeah, we don't have
7 anything in the record.

8 MR. YOUNG: I'll, I guess, assume that's the
9 issue that Mr. Green is going to follow up on?

10 CHAIRPERSON FLETCHER: Yes.

11 MR. YOUNG: Thank you.

12 CHAIRPERSON FLETCHER: Mm hmm. We need to
13 set a date for a mediation, a status hearing, and
14 a protest hearing. The date for the status
15 hearing is September 21, at 9:30 a.m. The day
16 for the protest hearing is November 2nd.

17 PARTICIPANT: November 2nd?

18 CHAIRPERSON FLETCHER: November 2nd, what did
19 I say? It's November 2nd, November 2nd at 4:30
20 for the protest hearing. And, do you want to set
21 the date for mediation on the same day?

22 MR. O'BRIEN: I think we can just conduct one

1 mediation.

2 CHAIRPERSON FLETCHER: Okay.

3 MR. KARNI: Yeah, we agree.

4 CHAIRPERSON FLETCHER: So, then the mediation
5 is set for 11:00 on September 15th.

6 MR. OBRIEN: That's correct.

7 MR. KARNI: Could the protest hearings be at
8 the same time? I believe one was at 1:30 and one
9 was at 4:30.

10 CHAIRPERSON FLETCHER: Well, the -- yeah,
11 that's a request Mr. Karni that you would make to
12 Martha Jenkins the general counsel. Do you have
13 Martha Jenkins' contact information?

14 MR. KARNI: Yes.

15 CHAIRPERSON FLETCHER: Yeah, you could just
16 check with her about that. I know they have them
17 down as 1:30 and 4:30, but they make them --

18 MR. OBRIEN: Ms. Fletcher doesn't have the
19 authority here this morning to change those dates
20 back.

21 CHAIRPERSON FLETCHER: That's right.

22 MR. OBRIEN: But at the status hearing if we

1 get that far we can ask the Board directly to
2 consolidate both of them.

3 CHAIRPERSON FLETCHER: That is correct.
4 Because these dates are based on the Board's
5 availability right now, but they can change it.
6 Any other questions? The Roll Call Hearing is
7 concluded, thank you.

8 MR. OBRIEN: Thank you.

9 MR. YOUNG: Thank you.

10 [Off the record at 12:23 p.m.]

11 [Whereupon, the above-entitled matter
12 concluded.]