

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 Family's Corporation: Case # 16-PR0-00057

8 t/a My Canton Restaurant :

9 1772 Columbia Road NW :

10 License #75479 :

11 Retailer CR :

12 ANC 1C :

13 Application to Renew the Lic :

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15 Wednesday, October 26, 2016

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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 BOARD MEMBERS PRESENT

3 NICK ALBERTI, BOARD MEMBER

4 JAMES SHORT, BOARD MEMBER

5 MIKE SILVERSTEIN, BOARD MEMBER

6 JAKE PERRY, BOARD MEMBER

7

8 ALSO PRESENT:

9 MICHAEL UPRIGHT

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

2 PROTEST HEARING (STATUS)

3 CHAIRPERSON ANDERSON: The first case on
4 our afternoon calendar protest hearing is case
5 #16-PRO-00057, My Canton Restaurant, license
6 #75479. This hearing has been continued to
7 December 14, 2016, at 1:30 p.m.

8 MR. UPRIGHT: I am Michael Upright,
9 commission with ANC 2B05.

10 CHAIRPERSON ANDERSON: Are you representing
11 the ANC or are you just representing your 2B04
12 commission, sir?

13 MR. UPRIGHT: The ANC.

14 CHAIRPERSON ANDERSON: As you are aware, we
15 never received a PIP from your ANC. Is there a
16 reason why your ANC didn't provide us a PIP? Who
17 was here from your ANC, sir? Do you know who was
18 here for your status hearing?

19 MR. UPRIGHT: I'm sorry, but I don't know
20 what that is and I can't answer the question.

21 CHAIRPERSON ANDERSON: You were here for the
22 status hearing and I read the guidelines to say

1 to you that seven days before the hearing you
2 were supposed to send --

3 MR. UPRIGHT: Yes.

4 MR. ALBERTI: It's a protest information
5 form. Does that help you now?

6 MR. UPRIGHT: Thank you, yes, that helps.

7 CHAIRPERSON ANDERSON: So, then I would --

8 MR. UPRIGHT: Yes, I do realize that. I got
9 the e-mail from Secretary Randall, I'm sorry, I
10 think that was her name that we missed that day,
11 so.

12 CHAIRPERSON ANDERSON: But your ANC never
13 sent -- and although maybe in this particular
14 case it might not be necessary or relevant in
15 this particular case.

16 MR. UPRIGHT: I did not have a lot of
17 evidence to show. I can explain a couple of
18 things but, yes, I didn't have a lot of things to
19 show.

20 CHAIRPERSON ANDERSON: I see that the
21 applicant is not here.

22 MR. UPRIGHT: Correct.

1 CHAIRPERSON ANDERSON: This hearing was
2 scheduled for 1:30. It is now 1:45 -- 1:48. We
3 -- the board did not receive any information from
4 the licensee and neither did we receive any
5 information from the ANC, although the ANC is
6 here today. With that said, I make a motion that
7 this matter -- that these proceedings be
8 dismissed. Based on the fact that the applicant
9 has not shown up to defend why its license is
10 appropriate to be renewed.

11 MR. ALBERTI: Just for a point for
12 clarification, a question. So, are you -- is the
13 motion to dismiss both the license applicant and
14 the protest?

15 CHAIRPERSON ANDERSON: The ANC is here, so it
16 is to dismiss the applicant because the license
17 applicant is not here so the license cannot be
18 renewed until they -- either they --

19 MR. ALBERTI: Okay. I'd like to make a
20 friendly amendment and if it's not friendly, then
21 I'll make a motion.

22 CHAIRPERSON ANDERSON: What is that?

1 MR. ALBERTI: Is that we dismiss the ANC
2 also. Typically -- and the reason for that -- is
3 typically when a licensee's applicant is
4 dismissed they will reapply and it will be
5 placarded and the ANC will just notify us that
6 their protest is -- they would just like their
7 protest to continue.

8 MR. UPRIGHT: Okay.

9 MR. ALBERTI: The fact that this ANC has not
10 cooperated with the requirements of this board to
11 --

12 MR. UPRIGHT: That was not -- my --

13 MR. ALBERTI: Sir, I'm speaking.

14 MR. UPRIGHT: Sorry.

15 MR. ALBERTI: To submit a PIP, even though
16 they were notified several days ago that it was
17 required and have made no effort to even submit
18 one before this hearing, I think that they should
19 be -- their protest should be dismissed, so that
20 if and when a new placard is placed on this
21 license for renewal that they have to go through
22 -- they have to start the process again and

1 submit a letter of protest.

2 CHAIRPERSON ANDERSON: I'll accept your
3 friendly amendment.

4 MR. ALBERTI: Thank you.

5 CHAIRPERSON ANDERSON: So, I then make a
6 motion then that these proceedings be -- that
7 both the protestant and the licensee be dismissed
8 from these proceedings. Our position is because
9 the ANC did not comply with the procedures by
10 providing us with their information seven days
11 prior to the hearing, neither did the licensee
12 provide that information, and also the licensee
13 did not show up for this hearing today. Is there
14 a second?

15 MR. ALBERTI: Second.

16 CHAIRPERSON ANDERSON: Mr. Alberti seconded
17 the motion. Any discussion?

18 MR. SILVERSTEIN: Question, Mr. Chairman.

19 CHAIRPERSON ANDERSON: Yes, Mr. Silverstein.

20 MR. SILVERSTEIN: My understanding is that
21 the ANC would not lose its ability to file a
22 subsequent protest on a subsequent application?

1 CHAIRPERSON ANDERSON: That is correct.

2 MR. SILVERSTEIN: Very well. That's a
3 clarification that I wanted on the record.

4 CHAIRPERSON ANDERSON: Any other questions?
5 Comments? All in favor say aye. (Chorus of
6 ayes.) Those opposed? (No audible response.)
7 The matter passed 5-zero-zero. Thank you, sir.
8 Have a good day.

9
10 (Whereupon, the above-entitled matter was
11 concluded.)

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