

DISTRICT OF COLUMBIA

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ALCOHOLIC BEVERAGE CONTROL BOARD

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ROLL CALL HEARING

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IN THE MATTER OF: :

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Case #12-PRO-00086 :

Neighborhood Restaurant Group :

t/a To Be Determined :

1323 Connecticut Avenue, N.W. :

License #ABRA-090634 :

Retailer Class CR :

New Application :

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MONDAY, JANUARY 7, 2013

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The Alcoholic Beverage Control Board met in Alcoholic Beverage Control Hearing Room, Reeves Building, 2000 14th Street, N.W., Suite 400S, 4th Floor, Washington, D.C. 20009, Ms. La Verne Fletcher, Agent, presiding.

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

10:03 a.m.

AGENT FLETCHER: Would the parties in the matter of Neighborhood Restaurant Group please come forward? Trading as To Be Determined, 1323 Connecticut Avenue, N.W., License Number ABRA-090634. This is a Retailer CR. A new application. The Case Number is 12-PRO-00086.

The protest issues are adverse impact on peace, order and quiet and real property values.

Introductions beginning with the Licensee please.

MR. KLINE: Good morning, Ms. Fletcher. Andrew Kline on behalf of the Licensee. Seated to my left is Michael Babin, Principal of the Applicant.

AGENT FLETCHER: Thank you, Mr. Kline.

Could you please spell your name for the record?

1 MR. BABIN: Yes, Michael is M-I-
2 C-H-A-E-L. Babin is B-A-B-I-N.

3 AGENT FLETCHER: B-A-B-I-N. Okay.
4 Thank you.

5 And, Mr. Kline, would you spell
6 your name for the court reporter?

7 MR. KLINE: Sure. Andrew A-N-D-R-
8 E-W. Last name Kline K-L-I-N-E.

9 AGENT FLETCHER: Okay. And
10 present on behalf of the Protestants?

11 MS. NICHOLS: Abigail Nichols and
12 Lillian Gaskin.

13 AGENT FLETCHER: Ms. Nichols,
14 would you spell your name for the record
15 please?

16 MS. NICHOLS: Sure. Abigail is A-
17 B-I-G-A-I-L and Nichols is N-I-C-H-O-L-S.

18 AGENT FLETCHER: Thank you and
19 could you do the same?

20 MS. GASKIN: Yes, Lillian L-I-L-L-
21 I-A-N Gaskin G-A-S-K-I-N.

22 AGENT FLETCHER: And are there any

1 other members from your Protestant group
2 present today?

3 MS. NICHOLS: No.

4 AGENT FLETCHER: Do you have
5 letters of designation from any of the other
6 members from your protest group today?
7 Letters --

8 MS. NICHOLS: No, they were
9 included in the original filing.

10 AGENT FLETCHER: Um-hum.

11 MS. NICHOLS: The representatives
12 were me and Lillian Gaskin and at that time
13 because we thought --

14 AGENT FLETCHER: Steven Baines.

15 MS. NICHOLS: He's not here.

16 AGENT FLETCHER: Um-hum.

17 MS. NICHOLS: We put him on the
18 list because of the possibility of a Christmas
19 Eve meeting.

20 AGENT FLETCHER: Yes.

21 MS. NICHOLS: If you need to see
22 him, I --

1 AGENT FLETCHER: Not at all.

2 MS. NICHOLS: Okay.

3 AGENT FLETCHER: I was just making
4 sure.

5 MS. NICHOLS: Thank you. Thank
6 you.

7 AGENT FLETCHER: Because I
8 mentioned his name, I'll spell it. It's --

9 MS. NICHOLS: Okay.

10 AGENT FLETCHER: -- S-T-E-V-E-N B
11 as in boy A-I-N-E-S and Mr. Baines was one of
12 the three designated representatives.

13 MS. NICHOLS: He was.

14 AGENT FLETCHER: Okay. Thank you.

15 MS. NICHOLS: And it's for that
16 specific purpose.

17 AGENT FLETCHER: Okay. Then yes,
18 Ms. Gaskin and Ms. Nichols, you were both
19 designated as representatives. What that
20 means is that your group will be granted
21 standing as protestants today, but at the
22 upcoming status hearing for which I'll give

1 you the date in a moment, at least three other
2 individuals from your group will need to
3 appear in order to maintain standing.

4 MS. NICHOLS: Okay.

5 AGENT FLETCHER: And so, today,
6 you're actually granted conditional standing.

7 MS. NICHOLS: Yes.

8 AGENT FLETCHER: Okay. And your
9 group has conditional standing today.

10 And let me just note something for
11 the record also. The protest letter
12 referenced a summer garden and a summer garden
13 is not at issue in this matter. A summer
14 garden was not placarded. Your protest --

15 MS. NICHOLS: We know that. I'm
16 sorry to --

17 AGENT FLETCHER: I'm mentioning it
18 for the record.

19 MS. NICHOLS: Yes.

20 AGENT FLETCHER: Yes, I
21 understand. Just for the record.

22 So, we need to set a date for a

1 mediation, a status hearing and a protest
2 hearing and I'll give you the dates for the
3 status and protest hearing first.

4 The date for the status hearing is
5 January 23rd, 2013 at 9:30 a.m. That's
6 January 23rd at 9:30.

7 And the protest hearing is set for
8 March 20, 2013 at 1:30 p.m.

9 MS. NICHOLS: Okay.

10 AGENT FLETCHER: We need to set a
11 date for a mediation.

12 MR. KLINE: Ms. Fletcher, before
13 we do that, would you note the Licensee's
14 objection to the fact that the hearing date is
15 almost 90 days after the original roll call
16 date which is in contravention of the Board's
17 announced policy of holding protest hearings
18 within 60 days of the roll call date. A
19 policy that will very soon be law and then it
20 would be our position that it would govern
21 this proceeding.

22 AGENT FLETCHER: Yes. Thank you,

1 Mr. Kline.

2 Okay. So, we need to set a date
3 for the mediation to occur prior to January
4 23rd.

5 Can we go off the record for a
6 moment? I actually left my calendar on my
7 desk. Give me one minute. I'll be right
8 back. Sorry.

9 (Whereupon, at 10:08 a.m., a
10 recess was taken until 10:10 a.m.)

11 AGENT FLETCHER: I apologize for
12 that delay. The next available dates for
13 mediation are -- Friday, January 11th is
14 available. Tuesday, January 15. Are either
15 one of those dates good?

16 MS. NICHOLS: None of those are
17 good for me unless it's late in the afternoon
18 or very early in the morning.

19 AGENT FLETCHER: It can be at
20 10:00, 11:00 or 1:00 or 2:00.

21 MS. NICHOLS: I'm not available.

22 AGENT FLETCHER: Okay. Thirteen

1 good for anybody?

2 MR. KLINE: The --

3 AGENT FLETCHER: Thirteenth.

4 MS. NICHOLS: I thought you said
5 15.

6 AGENT FLETCHER: I'm sorry. The
7 15th. I'm sorry. January 15, Tuesday.

8 MR. KLINE: Yes, we can do that.

9 MS. NICHOLS: Okay. Um-hum. Yes.

10 AGENT FLETCHER: Do you prefer
11 10:00, 11:00?

12 MR. KLINE: Eleven o'clock.

13 AGENT FLETCHER: Eleven -- 11:00
14 on January 15.

15 Ms. Nichols and Ms. Gaskin, did
16 you write your contact information on that
17 sheet?

18 MS. GASKIN: We did.

19 AGENT FLETCHER: Okay. Thank you.

20 Okay. So, then mediation is set
21 for Tuesday, January 15 at 11:00.

22 Any questions?

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MR. KLINE: No.

AGENT FLETCHER: Thanks for
coming.

MR. KLINE: Thank you.

AGENT FLETCHER: Roll call hearing
concluded. Thank you.

(Whereupon, at 10:12 a.m., the
hearing was adjourned.)

<p style="text-align: center;">A</p> <p>Abigail 3:11,16 ABRA-090634 1:12 2:7 adjourned 10:8 adverse 2:10 afternoon 8:17 Agent 1:22 2:3,19 3:3,9,13,18,22 4:4 4:10,14,16,20 5:1 5:3,7,10,14,17 6:5 6:8,17,20 7:10,22 8:11,19,22 9:3,6 9:10,13,19 10:2,5 Alcoholic 1:3,18,18 Andrew 2:16 3:7 announced 7:17 anybody 9:1 apologize 8:11 appear 6:3 Applicant 2:18 application 1:13 2:8 available 8:12,14 8:21 Avenue 1:12 2:6 A-I-N-E-S 5:11 A-N-D-R 3:7 a.m 2:2 7:5 8:9,10 10:7</p>	<p>calendar 8:6 call 1:5 7:15,18 10:5 Case 1:10 2:8 Christmas 4:18 Class 1:13 COLUMBIA 1:1 come 2:5 coming 10:3 concluded 10:6 conditional 6:6,9 Connecticut 1:12 2:6 contact 9:16 contravention 7:16 Control 1:3,18,18 court 3:6 CR 1:13 2:8 C-H-A-E-L 3:2</p>	<p>4:16,20 5:1,3,7,10 5:14,17 6:5,8,17 6:20 7:10,12,22 8:11,19,22 9:3,6 9:10,13,19 10:2,5 Floor 1:19 forward 2:5 Friday 8:13</p> <p style="text-align: center;">G</p> <p>garden 6:12,12,14 Gaskin 3:12,20,21 4:12 5:18 9:15,18 give 5:22 7:2 8:7 go 8:5 good 2:15 8:15,17 9:1 govern 7:20 granted 5:20 6:6 group 1:10 2:4 4:1 4:6 5:20 6:2,9 G-A-S-K-I-N 3:21</p>	<p>9:2,8,12 10:1,4 know 6:15 K-L-I-N-E 3:8</p> <p style="text-align: center;">L</p> <p>La 1:21 late 8:17 law 7:19 left 2:17 8:6 letter 6:11 letters 4:5,7 License 1:12 2:7 Licensee 2:14,17 Licensee's 7:13 Lillian 3:12,20 4:12 list 4:18 L-I-L-L 3:20</p> <p style="text-align: center;">M</p> <p>maintain 6:3 making 5:3 March 7:8 matter 1:9 2:4 6:13 means 5:20 mediation 7:1,11 8:3,13 9:20 meeting 4:19 members 4:1,6 mentioned 5:8 mentioning 6:17 met 1:18 Michael 2:17 3:1 minute 8:7 moment 6:1 8:6 MONDAY 1:15 morning 2:15 8:18 M-I 3:1</p>	<p>4:15,17,21 5:2,5,9 5:13,15,18 6:4,7 6:15,19 7:9 8:16 8:21 9:4,9,15 note 6:10 7:13 Number 2:7,9 N-I-C-H-O-L-S 3:17 N.W 1:12,19 2:6</p> <p style="text-align: center;">O</p> <p>objection 7:14 occur 8:3 Okay 3:3,9 5:2,9,14 5:17 6:4,8 7:9 8:2 8:22 9:9,19,20 order 2:11 6:3 original 4:9 7:15 o'clock 9:12</p>
<p style="text-align: center;">B</p> <p>B 5:10 Babin 2:17 3:1,2 back 8:8 Baines 4:14 5:11 beginning 2:13 behalf 2:16 3:10 Beverage 1:3,18,18 Board 1:3,18 Board's 7:16 boy 5:11 Building 1:19 B-A-B-I-N 3:2,3 B-I-G-A-I-L 3:17</p>	<p style="text-align: center;">D</p> <p>date 6:1,22 7:4,11 7:14,16,18 8:2 dates 7:2 8:12,15 days 7:15,18 delay 8:12 designated 5:12,19 designation 4:5 desk 8:7 Determined 1:11 2:6 DISTRICT 1:1 D.C 1:21</p> <p style="text-align: center;">E</p> <p>early 8:18 either 8:14 Eleven 9:12,13 Eve 4:19 E-W 3:8</p>	<p style="text-align: center;">H</p> <p>hearing 1:5,19 5:22 7:1,2,3,4,7,14 10:5,8 hearings 7:17 holding 7:17</p> <p style="text-align: center;">I</p> <p>impact 2:11 included 4:9 individuals 6:2 information 9:16 Introductions 2:13 issue 6:13 issues 2:10 I-A-N 3:21</p> <p style="text-align: center;">J</p> <p>January 1:15 7:5,6 8:3,13,14 9:7,14 9:21</p>	<p style="text-align: center;">N</p> <p>name 2:21 3:6,8,14 5:8 need 4:21 6:2,22 7:10 8:2 Neighborhood 1:10 2:4 new 1:13 2:8 Nichols 3:11,11,13 3:16,17 4:3,8,11</p>	<p style="text-align: center;">P</p> <p>parties 2:3 peace 2:11 placarded 6:14 please 2:5,14,21 3:15 policy 7:17,19 position 7:20 possibility 4:18 prefer 9:10 present 3:10 4:2 presiding 1:22 Principal 2:18 prior 8:3 proceeding 7:21 property 2:12 protest 2:10 4:6 6:11,14 7:1,3,7,17 Protestant 4:1 protestants 3:10 5:21 purpose 5:16 put 4:17 P-R-O-C-E-E-D-... 2:1 p.m 7:8</p>
<p style="text-align: center;">C</p>	<p style="text-align: center;">F</p> <p>fact 7:14 filing 4:9 first 7:3 Fletcher 1:21 2:3 2:16,19 3:3,9,13 3:18,22 4:4,10,14</p>	<p style="text-align: center;">K</p> <p>Kline 2:15,16,20 3:5,7,8 7:12 8:1</p>	<p style="text-align: center;">Q</p>	

<p>questions 9:22 quiet 2:11</p> <hr/> <p style="text-align: center;">R</p> <hr/> <p>real 2:11 recess 8:10 record 2:22 3:14 6:11,18,21 8:5 Reeves 1:19 referenced 6:12 reporter 3:6 representatives 4:11 5:12,19 Restaurant 1:10 2:4 Retailer 1:13 2:8 right 8:7 roll 1:5 7:15,18 10:5 Room 1:19</p> <hr/> <p style="text-align: center;">S</p> <hr/> <p>Seated 2:17 see 4:21 set 6:22 7:7,10 8:2 9:20 sheet 9:17 soon 7:19 sorry 6:16 8:8 9:6,7 specific 5:16 spell 2:21 3:5,14 5:8 standing 5:21 6:3,6 6:9 status 5:22 7:1,3,4 Steven 4:14 Street 1:19 Suite 1:19 summer 6:12,12,13 sure 3:7,16 5:4 S-T-E-V-E-N 5:10</p> <hr/> <p style="text-align: center;">T</p> <hr/> <p>taken 8:10 Thank 2:19 3:4,18 5:5,5,14 7:22 9:19 10:4,6 Thanks 10:2</p>	<p>Thirteen 8:22 Thirteenth 9:3 thought 4:13 9:4 three 5:12 6:1 time 4:12 today 4:2,6 5:21 6:5,9 Trading 2:5 Tuesday 8:14 9:7 9:21 t/a 1:11</p> <hr/> <p style="text-align: center;">U</p> <hr/> <p>Um-hum 4:10,16 9:9 understand 6:21 upcoming 5:22</p> <hr/> <p style="text-align: center;">V</p> <hr/> <p>values 2:12 Verne 1:21</p> <hr/> <p style="text-align: center;">W</p> <hr/> <p>Washington 1:21 write 9:16</p> <hr/> <p style="text-align: center;">P</p> <hr/> <p>p 1:8,14</p> <hr/> <p style="text-align: center;">#</p> <hr/> <p>#12-PRO-00086 1:10</p> <hr/> <p style="text-align: center;">1</p> <hr/> <p>1:00 8:20 1:30 7:8 10:00 8:20 9:11 10:03 2:2 10:08 8:9 10:10 8:10 10:12 10:7 11th 8:13 11:00 8:20 9:11,13 9:21 12-PRO-00086 2:9 1323 1:12 2:6 14th 1:19 15 8:14 9:5,7,14,21</p>	<p>15th 9:7</p> <hr/> <p style="text-align: center;">2</p> <hr/> <p>2:00 8:20 20 7:8 2000 1:19 20009 1:21 2013 1:15 7:5,8 23rd 7:5,6 8:4</p> <hr/> <p style="text-align: center;">4</p> <hr/> <p>4th 1:19 400S 1:19</p> <hr/> <p style="text-align: center;">6</p> <hr/> <p>60 7:18</p> <hr/> <p style="text-align: center;">7</p> <hr/> <p>7 1:15</p> <hr/> <p style="text-align: center;">9</p> <hr/> <p>9:30 7:5,6 90 7:15</p>		
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