

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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Pirosi, LLC :

t/a Cafe' Sorriso :

2311 Calvert Street NW :

License #ABRA-088262 :

Class CR New Application :

Case #12-PRO-00001 :

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TUESDAY, January 17, 2012

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

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

10:01 a.m.

AGENT FLETCHER: Would the parties in the matter of Cafe' Sorriso please come forward? This is Case Number 12-PRO-00001, Piroso, LLC., trading as Cafe' Sorriso, 2311 Calvert Street, NW, License Number ABRA-088262, Retailer Class CR, new application. The protest issues are adverse impact on peace, order, and quiet, residential parking and vehicular and pedestrian safety.

My name is La Verne Fletcher, and I will be conducting the Roll Call Hearing as the Board's Agent pursuant to D.C. Official Code 1601.2. Introductions, beginning with the Applicant, please?

MR. O'BRIEN: Stephen O'Brien for the Applicant. I'm accompanied by Pietro, P-I-E-T-R-O Polles, P-O-L-L-E-S, who is the managing member of the Applicant.

AGENT FLETCHER: Thank you, Mr. O'Brien. And, for the Protestants?

1 MR. REBA: Yes. Good morning. My  
2 name is Commissioner Lee Brian Reba, and I am  
3 the designated representative on behalf of the  
4 residents that live along Woodley Place NW,  
5 and the abutting neighbors to 2311 Calvert  
6 Street NW.

7 AGENT FLETCHER: Thank you. Mr.  
8 Reba, would you spell your name for the court  
9 reporter?

10 MR. REBA: Yes.

11 AGENT FLETCHER: Thank you.

12 MR. REBA: First name is L-E-E,  
13 there is a space, and it's B-R-I-A-N, last  
14 name Reba, R-E-B-A. Like Reba McEntire.

15 AGENT FLETCHER: Thank you, very  
16 much. And your name?

17 MS. ELLIS: Ruth Ellis.

18 AGENT FLETCHER: And could you  
19 spell it for the court reporter, please?

20 MS. ELLIS: Sure. R-U-T-H  
21 E-L-L-I-S.

22 AGENT FLETCHER: Thank you. And

1 Ms. Ellis, just for the record, you are Ruth  
2 Ellis Morillo?

3 MS. ELLIS: Correct.

4 AGENT FLETCHER: M-O-R-I-L-L-O?

5 MS. ELLIS: Correct.

6 AGENT FLETCHER: I just noted that  
7 for the record because that's the way you  
8 signed your protest letter. I knew it's you,  
9 but I just wanted to get it into the record.

10 MS. ELLIS: Yes. Excuse me. Yes.

11 AGENT FLETCHER: No problem.

12 Thank you, very much. And your name is?

13 MS. WEAVER: Penny Weaver.

14 AGENT FLETCHER: And, Ms. Weaver,  
15 would you spell your name for the record?

16 MS. WEAVER: Certainly. P as in  
17 Paul, E-N-N-Y W-E-A-V-E-R.

18 AGENT FLETCHER: Thank you, very  
19 much. There is only one Protestant here for  
20 this matter. And Mr. Reba, the group that you  
21 are representing does have standing as  
22 Protestants. I'll just -- just for your

1 information -- note that, at the upcoming  
2 status hearing, two more individuals will need  
3 to appear that are not present today, in order  
4 to maintain the standing of the group. Today,  
5 the group is granted conditional standing  
6 because there are three of you present. And  
7 that's fine. Since you, Mr. Reba, are  
8 representing the entire group, it's fine that  
9 there are only three of your present today.  
10 But, at the point of the status hearing, at  
11 least five people will have needed to appear.  
12 So just bring two additional people with you  
13 to the status hearing.

14 MR. REBA: Yes, ma'am. And that  
15 was brought to my attention. Thank you.

16 AGENT FLETCHER: You are welcome.  
17 The other thing I will note for the record,  
18 Mr. Reba, also your group does have standing  
19 as Protestants and they're granted conditional  
20 standing today. They're not granted standing  
21 as abutting, because you don't share a common  
22 wall with 2311 Calvert Street NW, but that's

1       okay. You still have standing. I just wanted  
2       to note that for the record, as well.

3                 MR. REBA: Thank you.

4                 AGENT FLETCHER: You're welcome.

5       And Mr. Reba, did you or will you fill in that  
6       sign-in sheet on the table?

7                 MR. REBA: I have not, but I will.

8                 AGENT FLETCHER: Thank you, very  
9       much.

10                MR. REBA: Thank you.

11                AGENT FLETCHER: I'm going to give  
12       you dates for mediation, a status hearing, and  
13       the protest hearing. I'll give you the dates  
14       for the status and protest hearings first.  
15       The date for a status hearing before the ABC  
16       Board is scheduled for February 22, at 9:30  
17       a.m. The protest hearing is scheduled for  
18       April 11, 2012, at 4:00 p.m. April 11, at  
19       4:00 p.m. We need to set a date for mediation  
20       to occur prior to the February 22 status  
21       hearing. And I will give you some dates that  
22       are available for mediation. The first

1 available date is Thursday, January 26, at  
2 9:00 a.m., 10:00 a.m., 11:00 a.m., or 1:00  
3 p.m., if that's good for anybody. Is that  
4 good for you, Mr. O'Brien?

5 MR. O'BRIEN: One o'clock that day  
6 would be all right.

7 AGENT FLETCHER: Would that be  
8 good for you, Mr. Reba? January 26, at 1:00  
9 p.m.?

10 MR. REBA: Please forgive me while  
11 I check my calendar.

12 AGENT FLETCHER: Okay.

13 MR. REBA: The 26th, to confirm,  
14 is a Thursday?

15 AGENT FLETCHER: Yes.

16 MR. REBA: Okay. That appears to  
17 be okay, at the moment. I don't have my full  
18 calendar in front of me.

19 AGENT FLETCHER: Okay.

20 MR. REBA: In the event that it  
21 does not work out, is there an alternate date  
22 you can give me now, so when I go back to

1 check the 26th date, I can look at the  
2 alternate date, as well?

3 AGENT FLETCHER: Yes. The next  
4 available date is Tuesday, January 31, at 9:00  
5 a.m., 10:00 a.m., 11:00 a.m., or 1:00 p.m.

6 MR. O'BRIEN: I know that's not  
7 good for me.

8 AGENT FLETCHER: That's not good  
9 for you, Mr. O'Brien? Okay. Then I will move  
10 to Tuesday, February 13, which is the next  
11 available date. That's at 9:00 a.m., 10:00  
12 a.m., 11:00 a.m., or 1:00 p.m.

13 MR. O'BRIEN: 2/13?

14 AGENT FLETCHER: Yes. February  
15 13. That's on a Monday. So, actually, that  
16 is not a good day in the morning, but 1:00  
17 p.m. on Monday, the 13th would be fine.

18 MR. O'BRIEN: Okay. One o'clock  
19 on Monday the 13th would be all right as a  
20 back-up.

21 MR. REBA: Monday, the 13th, at  
22 1:00 p.m. in the back-up?

1                   AGENT FLETCHER: Yes.

2                   MR. REBA: Okay. May I -- may I  
3 ask you questions?

4                   AGENT FLETCHER: Yes.

5                   MR. REBA: After today's meeting,  
6 may I have your contact information and name  
7 so that if there is a conflict with the 26th  
8 date, I can contact you and all parties  
9 concerned?

10                  AGENT FLETCHER: Yes. And Mr.  
11 Reba, there is a card for me right there.  
12 Yes. That one sitting right there.

13                  MR. REBA: Oh, I apologize.

14                  AGENT FLETCHER: No problem. Yes.  
15 So there you have it.

16                  MR. REBA: Okay. This is great.  
17 And in -- in the three terms I served as a  
18 Commissioner, I had never been to one of these  
19 hearings. So this process is new to me. So  
20 thank you for pointing out your business cards  
21 and the sheet that I need to fill out.

22                  AGENT FLETCHER: Well, you are

1 quite welcome.

2 MR. REBA: Also, it was brought to  
3 my attention that both parties don't need to  
4 wait until the mediation date, in order to get  
5 together to develop and establish a  
6 resolution, as well as a voluntary agreement.

7 AGENT FLETCHER: That is correct.  
8 And if you do that, and you are able to  
9 accomplish that, then the mediation would be  
10 canceled and, once you submit the voluntary  
11 agreement for Board review, if the Board  
12 approves it, the status hearing would be  
13 canceled, as well as the protest hearing.

14 MR. REBA: Okay. And, if I may,  
15 if we're able to establish and work together,  
16 prior to the mediation date, what actually  
17 occurs at that mediation?

18 AGENT FLETCHER: What occurs at  
19 the mediation is we discuss the protest  
20 issues, the concerns that you have in the  
21 community about the adverse effect that you  
22 expect the establishment to have on the

1 community. We would discuss those issues and  
2 talk about ways that those issues may be  
3 addressed by the Applicant.

4 MR. O'BRIEN: If -- if I  
5 understood Mr. Reba's question, it was if an  
6 agreement is worked out before the mediation  
7 date, what happens.

8 AGENT FLETCHER: I thought you  
9 asked me what would happen at the mediation.

10 MR. REBA: I -- I did ask that  
11 question.

12 AGENT FLETCHER: Okay. Thank you.

13 MR. REBA: Okay. Thank you. I --  
14 my -- my question was, so the Applicant is  
15 clearly clear on what I was asking, I know  
16 what mediation is. I think we all know what  
17 mediation is. But, because this is my first  
18 time having to go through this process, I was  
19 -- I just wanted to be assured, so all parties  
20 were concerned, even the residents that were  
21 here today --

22 AGENT FLETCHER: Yes.

1 MR. REBA: -- were aware of, that  
2 if we were not able to work something out  
3 between now and then, and I'm actually  
4 confident that we can, if we don't what that  
5 mediation is about and what role do -- do --  
6 does your office play in helping the process  
7 move forward, via mediation.

8 AGENT FLETCHER: Well, as you can  
9 tell from the card, I also serve as the  
10 Board's mediator. And so we would all get  
11 together here and discuss the protest issues  
12 in an attempt to resolve them to the mutual  
13 satisfaction of all parties. Basically,  
14 that's what happens. It's very informal.

15 MR. REBA: Okay. And then, to  
16 follow up on Mr. O'Brien's question that he  
17 raised on my behalf, if we enter into a  
18 voluntary agreement, prior to the mediation  
19 date, would that be submitted to Ms. Fashbaugh  
20 or Ms. Davis, or to yourself?

21 AGENT FLETCHER: You can submit  
22 that to Ms. Davis, Thea Davis, T-H-E-A Davis,

1 D-A-V-I-S. You may submit that to Thea davis.  
2 She's the Deputy General Counsel, so you would  
3 submit that to her.

4 MR. REBA: Okay. And, at the end  
5 of the day, there was a question asked to who  
6 -- who could, versus who should, versus who is  
7 able to sign off on that voluntary agreement.  
8 Is it, and could it be ultimately between the  
9 owner of Cafe' Sorriso, who is present today,  
10 and myself? Is it the owner of Cafe' Sorriso,  
11 his agent, and myself? Is it Cafe' Sorriso's  
12 owner, myself, and the Chair of 2C? There was  
13 some ambiguity about who should actually sign  
14 and who can and who should. So, if you could  
15 be --

16 AGENT FLETCHER: Yes. Well, Mr.  
17 Reba, you, as the designated representative,  
18 could sign on behalf of your group. Then the  
19 Applicant will sign on his behalf. So you may  
20 sign on behalf of your entire group. You have  
21 11 members to your group, and if each one of  
22 them wants to sign, that's fine. But you, as

1 the designated representative, may sign on  
2 behalf of the entire group.

3 MR. REBA: And the Chair of 3C  
4 does not need to sign off on this, because  
5 this is -- the protest is separate from an ANC  
6 action?

7 AGENT FLETCHER: That's exactly  
8 right. There is no ANC-3 protest. That was  
9 all clarified in the record before today. And  
10 so we know there's no ANC-3C protest. And so  
11 the ANC-3C is not a Protestant.

12 MR. REBA: Correct.

13 AGENT FLETCHER: And so the  
14 voluntary agreement would only need to be  
15 signed by you, as the designated  
16 representative of this group of 11.

17 MR. REBA: Okay. I thank you for  
18 that clarification.

19 AGENT FLETCHER: Not even at the  
20 Commissioner, although you are the  
21 Commissioner. You would sign it as the  
22 designated representative of this group of 11.

1 MR. REBA: Okay. Thank you.

2 AGENT FLETCHER: You are welcome.

3 Anything else?

4 MR. O'BRIEN: If we were to submit  
5 an agreement, we'd copy Ms. Fletcher, so that  
6 she would know that she could take it off her  
7 calendar?

8 AGENT FLETCHER: Yes. And, Mr.  
9 Reba, the mediation will be here. The status  
10 hearing, the protest hearings, they're here,  
11 before the full Board. The mediation will be  
12 here. We may use this room for the mediation,  
13 or we may use another room. But the mediation  
14 will also be here. Just check in with the  
15 receptionist out front when you come in.

16 MR. REBA: So the mediation and  
17 status will be here?

18 AGENT FLETCHER: Yes.

19 MR. REBA: Okay. Thank you.

20 AGENT FLETCHER: You are welcome.

21 Anything else, Mr. Reba?

22 MR. REBA: I -- I think we're

1       okay. I will reserve any further questions,  
2       via e-mail.

3                   AGENT FLETCHER: Okay.

4                   MR. REBA: And, based on what  
5       we've discussed, I'd like to be able to give  
6       both parties ample enough time to work out the  
7       agreement. I want to -- and would like to  
8       place on record that I met with the owner of  
9       Cafe' Sorriso this past weekend. We had a  
10      very pleasant conversation. I shared with him  
11      samples of prior voluntary agreements. And we  
12      discussed the issues at hand. I shared with  
13      the owner that the voluntary agreement that  
14      3C-01 is looking to enter into will be similar  
15      to those that he reviewed. And I believe that  
16      we could and can work out a voluntary  
17      agreement before the mediation. So what I'd  
18      like to do, with that being said, now looking  
19      at the dates and reminding myself of the date  
20      today, I'd like to request that we move  
21      mediation to February 13, at 1:00 p.m.

22                   AGENT FLETCHER: Is that good for

1 you, Mr. O'Brien, if we move it to February  
2 13, as the date, instead of the back-up date?

3 MR. O'BRIEN: Yes. It -- it  
4 doesn't make any difference, because it's  
5 before the status hearing date.

6 MR. REBA: I'm moving it to the  
7 13th, not only to give us enough time, but  
8 because I'm confident that we can enter into  
9 a voluntary agreement and, therefore, we can  
10 cancel all future protests and status  
11 hearings.

12 AGENT FLETCHER: Okay. And what  
13 was out original date?

14 MR. REBA: The 26th, which is just  
15 around the corner, which I don't think allows  
16 both parties enough time.

17 AGENT FLETCHER: Yes. Okay.  
18 Done. I removed the 26th from the calendar  
19 and scheduled February 13 as the date, instead  
20 of the back-up date.

21 MR. O'BRIEN: At 1:00 p.m.

22 AGENT FLETCHER: At 1:00 p.m. Is

1           that it? Anything else?

2                       MR. REBA: Yes, ma'am. Thank you.

3                       AGENT FLETCHER: Okay. Well, then  
4 the roll call hearing is concluded. Thank you  
5 for coming. See you on the 13th, if  
6 necessary.

7                       MR. O'BRIEN: Thank you.

8                       MR. REBA: Thank you.

9                       AGENT FLETCHER: You are welcome.

10                      (Whereupon, the roll call hearing  
11 was concluded at 10:18 a.m.)

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