

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE CONTROL BOARD

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MEETING

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IN THE MATTER OF: :
: :
Case# 11-PRO-00066 :
JVLHC, LLC :
t/a Jimmy Valentine's Lonely : Protest
Hearts Club : Hearing
1103 Bladensburg Road NE : (Status)
License #76330 :
Retailer CT :
ANC-5B :
Renewal Application :

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January 18, 2012

The Alcoholic Beverage Control Board met in the Alcoholic Beverage Control Hearing Room, Reeves Building, 2000 14th Street, N.W., Washington, D.C., Ruthanne Miller, Chairperson, presiding.

PRESENT

- RUTHANNE MILLER, Chairperson
- CALVIN NOPHLIN, Member
- NICK ALBERTI, Member
- DONALD BROOKS, Member
- MIKE SILVERSTEIN, Member
- HERMAN JONES, Member

JEANNETTE MOBLEY, Member

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

2 10:38 a.m.

3 CHAIRPERSON MILLER: Good morning
4 ladies and gentlemen. I would like to welcome
5 you to the regularly scheduled meeting of the
6 District of Columbia Alcoholic Beverage
7 Control Board. Today is January 18, 2012. My
8 name is Ruthanne Miller and I'm the
9 Chairperson.

10 Joining me to my far right is Mr.
11 Calvin Nophlin. To his immediate left is Mr.
12 Donald Brooks. To my immediate right is Mr.
13 Nick Alberti. To my far left is Mr. Herman
14 Jones. To his immediate right is Ms.
15 Jeannette Mobley. To my immediate left is Mr.
16 Mike Silverstein. The Board has seven members
17 in attendance for the conduct of business
18 today with three constituting a quorum.

19 Copies of today's hearing calendar
20 and agenda are available at the receptionist
21 desk. Please be aware that these proceedings
22 are being recorded by a court reporter.

1 Accordingly, we must ask you to refrain from
2 any disruptive noises or actions in the
3 hearing room.

4 If you have any electronic
5 devices, pagers, cell phones, or such, please
6 make certain that they are turned off to avoid
7 any interruption of the proceeding.

8 Please note that there is a piece
9 of paper on each table in the front. When you
10 come forward as your case is called, please
11 take a seat at the table and please sign in.
12 This is to ensure the correct spelling of your
13 name for the record.

14 The record will be closed at the
15 conclusion of each case except for any
16 material specifically requested by the Board.
17 Or if the parties elect to submit proposed
18 findings of fact and conclusions of law within
19 30 calendar days after the conclusion of the
20 hearing as permitted by 23 DCMR Section
21 1717.2.

22 After the record is closed, no

1 other information will be accepted by the
2 Board. Copies of transcripts are available by
3 contacting ABRA's records manager Bill Hager.
4 It is the sole responsibility of the parties
5 to make that request.

6 The Open Meetings Act requires
7 that the public hearing in each case be open
8 to the public. The Board may consistent with
9 Section 405(b) of the Open Meetings Act enter
10 a closed meeting during or after the public
11 hearing on a case to consult with an attorney
12 to obtain legal advice, discuss settlement
13 agreements, or deliberate upon a decision in
14 an adjudication proceeding.

15 The Board's calendar includes show
16 cause status hearings and protest hearings
17 this morning. I mean, protest status
18 hearings. A show cause status hearing is a
19 nonadversarial proceeding where the Board will
20 ask whether the licensed establishment is
21 contesting the charge or charges.

22 If you are not contesting the

1 charge or charges, you will have the
2 opportunity to present to the Board any Offer-
3 in-Compromise you reach with the Office of
4 Attorney General pursuant to 23 DCMR Section
5 1604.5.

6 The Offer-in-Compromise will
7 be based upon the statutory assigned range for
8 the specific violation pursuant to 23 DCMR
9 Section 800-802. The Board may in its
10 discretion accept or deny an Offer-in-
11 Compromise tendered by the licensee and Office
12 of the Attorney General. An offer submitted by
13 the parties and accepted by the Board shall
14 constitute a waiver of appeal and judicial
15 review.

16 As defined in 23 DCMR 1603.1 a
17 protest status hearing is a proceeding held by
18 the Board at which the parties inform the
19 Board of their progress in reaching a
20 voluntary agreement or alternative settlement.
21 If the parties have not reached a settlement,
22 the Board will schedule the matter for a

1 protest hearing.

2 You may be represented by legal
3 counsel at any of these hearings. All
4 hearings are conducted before the Board in the
5 English language.

6 If you or any corporate officer or
7 any witnesses to be called are deaf, have a
8 hearing impediment, or cannot readily
9 understand or communicate the spoken English
10 language, you may request an interpreter by
11 contacting ABRA's mediation specialist La
12 Verne Fletcher.

13 I would note that the approximate
14 time is 10:41 a.m. I will call the first case
15 on the agenda. That is -- we're starting with
16 a protest status hearing case #11-PRO-00066.

17 Would the parties in this case
18 please come to the table. This involves the
19 establishment known as JVLHC, LLC, trading as
20 Jimmy Valentine's Lonely Hearts Club, License
21 #76330 in ANC-5B and it's a renewal
22 application.

1 MR. LaFANDE: Good morning, Madam
2 Chairman. Matthew LaFande, a member of the
3 District of Columbia bar. I'm here for and on
4 behalf of the applicant JVLHC, LLC, a District
5 of Columbia limited corporation.

6 CHAIRPERSON MILLER: Okay. I
7 don't see anybody else here on this case. You
8 are representing the applicant?

9 MR. LaFANDE: I represent the
10 applicant. That is correct, ma'am.

11 CHAIRPERSON MILLER: Okay.

12 MR. LaFANDE: If it pleases the
13 Board, this is a status hearing on the
14 applicant's renewal application. I can state
15 that on January 10th of this year at 11:00
16 a.m. Ms. Fletcher of your office conducted a
17 mediation hearing with one of the members of
18 the group of five protestants.

19 This went on for a little over an
20 hour. We were unable to ascertain exactly
21 what would resolve the protestant's complaints
22 and no voluntary agreement or other

1 alternative resolution of dispute was reached.

2 MEMBER SILVERSTEIN: Madam Chair.

3 CHAIRPERSON MILLER: Yes, please.

4 MEMBER SILVERSTEIN: Being that it
5 is 10:45, 45 minutes after the scheduled start
6 of the hearing, and that one party is not
7 here, it is our normal course of practice at
8 that point to dismiss the protest.

9 MEMBER ALBERTI: May I ask a
10 question?

11 CHAIRPERSON MILLER: Yes, Mr.
12 Alberti.

13 MEMBER ALBERTI: Mr. LaFande, do
14 you have any knowledge of where the
15 protestants are?

16 MR. LaFANDE: I haven't seen any
17 of the protestants this morning.

18 MEMBER ALBERTI: And you've had no
19 communications with them?

20 MR. LaFANDE: Not since the 10th
21 was our last communication with them. One of
22 the protestants was present for the mediation

1 and that was our last communication. I will
2 say that as a separate civil action I did
3 serve one of them papers but that wasn't
4 really on this case. Your question is have I
5 had any contact with them?

6 MEMBER ALBERTI: In the context
7 of --

8 MR. LaFANDE: Of the context of
9 this case the last time I talked to them was
10 a mediation hearing.

11 MEMBER ALBERTI: Thank you.

12 MR. LaFANDE: For the reasons
13 stated by Mr. Silverstein, we move that the
14 protest please be dismissed.

15 CHAIRPERSON MILLER: Okay. The
16 Board hasn't received any communication from
17 the protestors in this case. Therefore,
18 pursuant to our regulation 1603.3 which says
19 that failure to appear in person or through a
20 designated representative may result in denial
21 of the license application or dismissal of a
22 protest unless in the discussion of the Board

1 good cause is shown for the failure to appear.

2 We don't have any good cause shown
3 here so at this point I would move to grant
4 the licensee's motion to dismiss the protest.

5 Do I have a second?

6 MEMBER NOPHLIN: Second.

7 CHAIRPERSON MILLER: Any other
8 comments by Board members? Okay. Then I'll
9 call the vote. All those in favor say aye.

10 BOARD MEMBERS: Aye.

11 CHAIRPERSON MILLER: All those
12 opposed? All those abstaining? Then the vote
13 to dismiss the protest is seven zero zero.

14 I would just comment on this. The
15 regs do say that a request for reinstatement
16 of the Board must be filed within 10 days of
17 the dismissal or denial date. As of now it is
18 dismissed. There is no party here for the
19 protest and that has been our order.

20 MR. LaFANDE: Madam Chairman, I
21 have no further business with the Board. May
22 I be excused?

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CHAIRPERSON MILLER: Yes. Thank
you very much.

(Whereupon, at 10:47 a.m. the
hearing was adjourned.)

<p style="text-align: center;">A</p> <p>ABRA's 4:3 6:11 abstaining 10:12 accept 5:10 accepted 4:1 5:13 Act 4:6,9 action 9:2 actions 3:2 adjourned 11:4 adjudication 4:14 advice 4:12 agenda 2:20 6:15 agreement 5:20 7:22 agreements 4:13 Alberti 1:22 2:13 8:9,12,13,18 9:6 9:11 Alcoholic 1:3,16,17 2:6 alternative 5:20 8:1 ANC-5B 1:13 6:21 anybody 7:7 appeal 5:14 appear 9:19 10:1 applicant 7:4,8,10 applicant's 7:14 application 1:13 6:22 7:14 9:21 approximate 6:13 ascertain 7:20 assigned 5:7 attendance 2:17 attorney 4:11 5:4 5:12 available 2:20 4:2 avoid 3:6 aware 2:21 aye 10:9,10 a.m 2:2 6:14 7:16 11:3</p>	<p>2:6 Bill 4:3 Bladensburg 1:11 Board 1:3,17 2:7 2:16 3:16 4:2,8,19 5:2,9,13,18,19,22 6:4 7:13 9:16,22 10:8,10,16,21 Board's 4:15 Brooks 1:22 2:12 Building 1:17 business 2:17 10:21</p>	<p>8:19 complaints 7:21 Compromise 5:11 conclusion 3:15,19 conclusions 3:18 conduct 2:17 conducted 6:4 7:16 consistent 4:8 constitute 5:14 constituting 2:18 consult 4:11 contact 9:5 contacting 4:3 6:11 contesting 4:21,22 context 9:6,8 Control 1:3,16,17 2:7 Copies 2:19 4:2 corporate 6:6 corporation 7:5 correct 3:12 7:10 counsel 6:3 course 8:7 court 2:22 CT 1:12</p>	<p>10:18 dispute 8:1 disruptive 3:2 District 1:1 2:6 7:3 7:4 Donald 1:22 2:12 D.C 1:18</p>	<p>4:18 6:3,4 Hearts 1:10 6:20 held 5:17 Herman 1:23 2:13 hour 7:20</p>
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