

DISTRICT OF COLUMBIA  
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ALCOHOLIC BEVERAGE CONTROL BOARD  
+ + + + +  
MEETING

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IN THE MATTER OF: :  
 :  
Neighborhood Restaurant Group:  
XVIL, LLC (Trade name to be : Protest  
Determined) : Hearing  
1323 Connecticut Ave., NW : (Status)  
Retailer CR - ANC-2B :  
License No. 90634 :  
Case #12-PRO-00086 :  
 :  
(New Application) :  
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January 23, 2013

The Alcoholic Beverage Control Board met in the Alcoholic Beverage Control Hearing Room, 2000 14th Street, N.W., Suite 400S Washington, D.C. 20009, Chairperson Ruthanne Miller, presiding.

PRESENT:

- RUTHANNE MILLER, Chairperson
- NICK ALBERTI, Member
- DONALD BROOKS, Member
  
- MIKE SILVERSTEIN, Member

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

(9:38 a.m.)

CHAIRPERSON MILLER: Good morning, ladies and gentlemen. I would like to welcome you to the regularly scheduled meeting of the District of Columbia Alcoholic Beverage Control Board.

Today is January 23, 2013. My name is Ruthanne Miller. I'm the Chairperson. To my far right is Mr. Donald Brooks. Next to me on the right is Mr. Nick Alberti. And to my immediate left is Mr. Mike Silverstein. The Board has four Members in attendance for the conduct of business today with three constituting a quorum.

Copies of today's hearing calendar and agenda are available at the receptionist desk. Please be aware that these proceedings are being recorded by a court reporter. Accordingly, we must ask you to refrain from any disruptive noises or actions in the hearing room.

1           If you have any electronic  
2 devices, pagers, cell phones or such, please,  
3 make certain that they are turned off to avoid  
4 any interruption of the proceedings.

5           Please note when you come forward  
6 and take a seat at the table, you will find a  
7 piece of paper on the table. This is for you  
8 to sign-in, so that we have the correct  
9 spelling of your name for the record.

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

19          Okay. We are going to turn to the  
20 first case on the morning calendar, that is  
21 Case No. 12-PRO-00086, Neighborhood Restaurant  
22 Group, located at 1323 Connecticut Avenue,

1 N.W., License No. 90634.

2 Would the parties for the case,  
3 please, come forward? Good morning.

4 MR. KLINE: Good morning. Andrew  
5 Kline on behalf of the licensee.

6 Chairperson Miller, Mr. Babin, on  
7 behalf of the applicant, is expected but is  
8 apparently running late. We can move forward  
9 or pass it as is the Board's pleasure.

10 CHAIRPERSON MILLER: Are you  
11 authorized to represent him?

12 MR. KLINE: Yes.

13 CHAIRPERSON MILLER: Okay. I  
14 think we can proceed, unless there are any  
15 objections. This is just a status. You are  
16 not asking us to wait, are you?

17 MR. KLINE: No. I don't want to  
18 hold up the citizens. I mean, they are not --  
19 I don't really want to hold them up.

20 CHAIRPERSON MILLER: Okay. Okay.  
21 When you are settled in, if you can introduce  
22 yourselves for the record?

1 MS. NICHOLS: I'm Abigail Nichols,  
2 a resident of The Palladium at 1325 18th  
3 Street, N.W., one of the protestants and  
4 someone designated by the signatories to the  
5 protest as a representative, as is Lillian  
6 Gaskin, who will introduce herself.

7 CHAIRPERSON MILLER: Okay.

8 MS. GASKIN: Lillian Gaskin is my  
9 name. I've signed in, but it's L-I-L-L-I-A-N  
10 G-A-S-K-I-N.

11 CHAIRPERSON MILLER: Okay.

12 MS. STANLEY: I'm Melissa Stanley.

13 CHAIRPERSON MILLER: All right.

14 MS. HEALY: And I'm Catherine  
15 Healy.

16 CHAIRPERSON MILLER: I'm sorry,  
17 could -- I didn't catch your name.

18 MS. HEALY: Catherine Healy.

19 CHAIRPERSON MILLER: Okay.

20 MS. HEALY: H-E-A-L-Y.

21 CHAIRPERSON MILLER: All right.

22 MR. NELSON: Carl Nelson, same

1 address 18 -- 1325 18th Street.

2 CHAIRPERSON MILLER: Okay. How  
3 many protestants are there?

4 MS. NICHOLS: There are 14 who  
5 signed the petition.

6 CHAIRPERSON MILLER: Okay. Okay.  
7 Are there any preliminary matters that anyone  
8 wants to raise? Otherwise, I'm just going to  
9 set this for status.

10 MR. KLINE: Hopefully for Protest  
11 Hearing. We are here for Status. And  
12 hopefully in compliance with the Omnibus  
13 Alcoholic Beverage Amendment Act of 2012,  
14 which, according to my calculations, requires  
15 that the Protest Hearing date be held by  
16 February 22nd, which is 75 days from the  
17 petition deadline date of December 10th.

18 CHAIRPERSON MILLER: The petition  
19 date was September 10th.

20 MR. KLINE: Correct.

21 CHAIRPERSON MILLER: Okay.

22 MR. KLINE: If my calculations are

1 correct, that would -- 75 days from that date  
2 would be February 22nd.

3 CHAIRPERSON MILLER: Okay.

4 MR. KLINE: I don't count very  
5 well, so you might want to check that.

6 MS. NICHOLS: And we would request  
7 a month's notice. We are happy to move it  
8 forward from March 20th, but we would like a  
9 month's notice for when you do set it.

10 CHAIRPERSON MILLER: Okay. We  
11 hear your request. My understanding is this  
12 was calendared before the Act when into  
13 effect, but the office -- we have a new system  
14 now. As soon as it's placarded, we are  
15 scheduling the protest, so that it's on the  
16 calendar.

17 But we certainly hear your  
18 request. And often if a date becomes  
19 available, our legal counsel will consult with  
20 the parties and see if it can be moved. But  
21 as of today, the hearing is scheduled for  
22 March 20th.

1 MR. KLINE: So is it the Board's  
2 position that the Omnibus Act does not apply  
3 to this case?

4 CHAIRPERSON MILLER: I'm not going  
5 to -- I don't think I want to get into saying  
6 what the Board's position is, but I'm just  
7 saying what the reality is, that this was  
8 petitioned before the Act.

9 And since the Act, the Board has  
10 gotten control of the calendar and instituted  
11 this new practice, so that it is immediately  
12 scheduled for the 75 days.

13 Before that, that wasn't the  
14 practice and we have been making an effort  
15 since this winter anyway to move protest  
16 hearings whenever there is an opening. But at  
17 this point, I'm not aware that there is an  
18 earlier opening, so that's the best we can do  
19 at this time.

20 MS. GASKIN: We are fine with the  
21 March date. It's just if you do move it, we  
22 do want notice, because people have to take

1 off work.

2 CHAIRPERSON MILLER: Yes.

3 MS. GASKIN: And those kinds of  
4 things.

5 CHAIRPERSON MILLER: Yes.

6 Absolutely. Okay. Anything else? All right.  
7 I'm just going to just give you a few words  
8 about the Protest Hearing before you are  
9 excused.

10 So we scheduled a Protest Hearing.  
11 What we do is you should have received in a  
12 mailing from Adjudication Assistant Sarah  
13 Fashbaugh a letter explaining the protest  
14 process and a copy of the Protest Information  
15 Form.

16 If you do not have these  
17 documents, please, see Ms. Fashbaugh at the  
18 conclusion of this hearing. It is important  
19 that you review the rules closely and adhere  
20 to them before and during the Protest Hearing.  
21 You are required to complete and submit the  
22 Protest Information Form seven days before the

1 date of the hearing.

2 That document needs to be  
3 submitted to ABRA and to the opposing parties  
4 in this matter. If we do not receive a copy  
5 of your PIF, your application or your protest  
6 whichever side you are representing may be  
7 subject to dismissal.

8 So this form is very important for  
9 the Board in narrowing the protest issues and  
10 facilitating the process and keeping the  
11 parties on point during the hearing.

12 So make sure that you get that in  
13 on time because you don't want to be dismissed  
14 for something like that.

15 MS. NICHOLS: We do have the  
16 materials that you mentioned.

17 CHAIRPERSON MILLER: Okay. Good.  
18 And I'm going to give you Ms. Fashbaugh's  
19 phone number in case you don't have that and  
20 you can contact her with any questions you  
21 might have any time leading up to the hearing.  
22 Her telephone number is (202) 397-3971.

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Okay. Thank you.

MR. KLINE: Thank you.

(Whereupon, the Protest (Status)

Hearing in the above-entitled matter was  
concluded at 9:46 a.m.)

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