

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

+ + + + +

MEETING

p-----»
IN THE MATTER OF: :
 :
Case #11-PRO-00082 :
Elisa Alabama, Inc. :
t/a Alabama Convenience : Protest
2209 Alabama Avenue SE : Hearing
License #80896 : (Status)
Retailer B :
ANC-8B :
Renewal Application :
p-----¼

January 25, 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
- JEANNETTE MOBLEY, Member
- HERMAN JONES, Member

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22

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

10:03 a.m.

CHAIRPERSON MILLER: I believe that takes us to Case #11-PRO-00082, Elisa Alabama, Inc. trading as Alabama Convenience, 2209 Alabama Avenue, S.E., License #80896 in ANC-8B. Will the parties in this case come to the table.

MEMBER ALBERTI: Are you the licensee or the --

PARTICIPANT: Protestant.

MEMBER ALBERTI: Thank you.

CHAIRPERSON MILLER: When you're ready, if you would introduce yourself for the record, please.

MS. PHILLIPS: Good morning. I am Commissioner Tijwanna U. Phillips, 8B-05, representing 8B as a commissioner.

CHAIRPERSON MILLER: Is there anybody else here for this case 00082? I don't see the licensee here in this case.

MS. PHILLIPS: I don't either.

1 CHAIRPERSON MILLER: Do you have
2 any words as to -- have you heard from the
3 licensee?

4 MS. PHILLIPS: Not since the
5 mediation hearing.

6 CHAIRPERSON MILLER: Okay. All
7 right. Ms. Phillips, do you want to update
8 the Board for a minute before we make a
9 decision to dismiss this case?

10 MS. PHILLIPS: What I can say is
11 that the quality of life continues to be
12 negatively impacted by this establishment.
13 Attempts to improve the quality of service
14 have been made numerous times.

15 CHAIRPERSON MILLER: Did you go to
16 mediation on this case?

17 MS. PHILLIPS: Absolutely did.

18 CHAIRPERSON MILLER: The licensee
19 went to mediation?

20 MS. PHILLIPS: Yes, ma'am. They
21 did.

22 CHAIRPERSON MILLER: Okay. Did

1 you make any progress toward a Voluntary
2 Agreement to anything?

3 MS. PHILLIPS: No, ma'am. We did
4 not.

5 Mr. Jones has joined us.

6 Good morning, Mr. Jones.

7 MEMBER JONES: Good morning, Madam
8 Chair.

9 CHAIRPERSON MILLER: Okay. This
10 appears to be the same -- very similar
11 situation to the case that we just heard where
12 the licensee did not show. We don't have any
13 indication in our records of any good cause or
14 anything as to why the licensee is not here.

15 Therefore, I would move that we
16 dismiss the application in this case as well
17 pursuant to 1603.3 for failure to appear in
18 person or through a designated representative.

19 MEMBER ALBERTI: I'll second the
20 motion.

21 CHAIRPERSON MILLER: Okay. Any
22 other comments?

1 MS. PHILLIPS: If they are
2 reinstated within the 10-day time frame, will
3 how hearing continue to be on the 14th of
4 March?

5 CHAIRPERSON MILLER: Was there a
6 second? I got distracted here.

7 MEMBER ALBERTI: Yes.

8 CHAIRPERSON MILLER: Okay. All
9 those in favor say aye.

10 BOARD MEMBERS: Aye.

11 CHAIRPERSON MILLER: All those
12 opposed? All those abstaining? The vote is
13 seven to zero. The application is dismissed
14 for failure to appear in person or through a
15 designated representative without showing good
16 cause for such failure to appear. Request for
17 reinstatement with the Board must be filed
18 within 10 days of the dismissal or denial
19 date.

20 Okay. Ms. Phillips, you had a
21 question before we conclude this case.

22 MS. PHILLIPS: If they again apply

1 the renewal reinstated, will be still have the
2 March 14th date or should I expect a change in
3 date?

4 CHAIRPERSON MILLER: The date is
5 still kept. Let me see what that date is.

6 MEMBER MOBLEY: It's March 14th.

7 MS. PHILLIPS: At 5:00 p.m.

8 CHAIRPERSON MILLER: Yes.

9 MS. PHILLIPS: Are you Mr. Albert?

10 MEMBER ALBERTI: Yes.

11 CHAIRPERSON MILLER: Alberti.

12 MS. PHILLIPS: I am in agreement
13 with you that it is extremely disrespectful
14 that they have not shown this morning. I can
15 assure you that at least for the last hour and
16 seven minutes they have been conducting
17 business. I guarantee you that.

18 MEMBER ALBERTI: Ms. Phillips, I
19 will tell you that although their application
20 is dismissed, they will be allowed to continue
21 operating until such time as this process is
22 complete.

1 What will happen next we will
2 decide on the motion for reinstatement if we
3 get it. If we deny that, then they will be
4 allowed to reapply and the process will start
5 over but they will have to reapply for
6 renewal.

7 MS. PHILLIPS: One more question.
8 I'm sorry. Do we have an expiration date for
9 the license that is currently in place?

10 MEMBER ALBERTI: Yes, we do.

11 MS. PHILLIPS: I'm not sure I know
12 what that is.

13 CHAIRPERSON MILLER: You want to
14 know what the date is?

15 MS. PHILLIPS: Yes, please.

16 MEMBER ALBERTI: Actually, Ms.
17 Phillips, rather than take time here, many of
18 these questions can be answered if you contact
19 your general counsel. These are questions
20 that actually --

21 CHAIRPERSON MILLER: Ms. Phillips,
22 wait one second. Those kind of questions --

1 those detail questions feel free to ask the
2 office. However, I do want to tell you if a
3 request for reinstatement is filed, it should
4 be served on you and you will have an
5 opportunity to respond in writing.

6 MS. PHILLIPS: Thank you.

7 CHAIRPERSON MILLER: You're
8 welcome. Thank you very much.

9 (Whereupon, at 10:09 a.m. the
10 hearing was adjourned.)

11

12

13

14

15

16

17

18

19

20

21

22

<p>A</p> <p>Absolutely 3:17 abstaining 5:12 adjourned 8:10 agreement 4:2 6:12 Alabama 1:9,10,10 2:5,5,6 Albert 6:9 Alberti 1:21 2:9,12 4:19 5:7 6:10,11 6:18 7:10,16 Alcoholic 1:3,15,16 allowed 6:20 7:4 ANC-8B 1:12 2:7 answered 7:18 anybody 2:20 appear 4:17 5:14 5:16 appears 4:10 application 1:13 4:16 5:13 6:19 apply 5:22 assure 6:15 Attempts 3:13 Avenue 1:10 2:6 aye 5:9,10 a.m 2:2 8:9</p>	<p>3:6,15,18,22 4:9 4:21 5:5,8,11 6:4 6:8,11 7:13,21 8:7 change 6:2 COLUMBIA 1:1 come 2:7 comments 4:22 commissioner 2:17 2:18 complete 6:22 conclude 5:21 conducting 6:16 contact 7:18 continue 5:3 6:20 continues 3:11 Control 1:3,15,16 Convenience 1:10 2:5 counsel 7:19 currently 7:9</p>	<p>extremely 6:13</p> <p>F</p> <p>failure 4:17 5:14,16 favor 5:9 feel 8:1 filed 5:17 8:3 frame 5:2 free 8:1</p>	<p>Madam 4:7 March 5:4 6:2,6 MATTER 1:8 ma'am 3:20 4:3 mediation 3:5,16 3:19 MEETING 1:5 Member 1:21,21 1:22,22,23,23 2:9 2:12 4:7,19 5:7 6:6,10,18 7:10,16 MEMBERS 5:10 met 1:16 MIKE 1:22 Miller 1:18,20 2:3 2:13,19 3:1,6,15 3:18,22 4:9,21 5:5 5:8,11 6:4,8,11 7:13,21 8:7 minute 3:8 minutes 6:16 MOBLEY 1:23 6:6 morning 2:16 4:6,7 6:14 motion 4:20 7:2 move 4:15</p>	<p>3:4,7,10,17,20 4:3 5:1,20,22 6:7,9,12 6:18 7:7,11,15,17 7:21 8:6 place 7:9 please 2:15 7:15 PRESENT 1:19 presiding 1:18 process 6:21 7:4 progress 4:1 Protest 1:10 Protestant 2:11 pursuant 4:17 P-R-O-C-E-E-D-... 2:1 p.m 6:7</p>
<p>B</p> <p>B 1:12 believe 2:3 Beverage 1:3,15,16 Board 1:3,16 3:8 5:10,17 BROOKS 1:22 Building 1:17 business 6:17</p>	<p>D</p> <p>date 5:19 6:2,3,4,5 7:8,14 days 5:18 decide 7:2 decision 3:9 denial 5:18 deny 7:3 designated 4:18 5:15 detail 8:1 dismiss 3:9 4:16 dismissal 5:18 dismissed 5:13 6:20 disrespectful 6:13 distracted 5:6 DISTRICT 1:1 DONALD 1:22 D.C 1:17</p>	<p>G</p> <p>general 7:19 go 3:15 good 2:16 4:6,7,13 5:15 guarantee 6:17</p>	<p>H</p> <p>happen 7:1 heard 3:2 4:11 hearing 1:10,17 3:5 5:3 8:10 HERMAN 1:23 hour 6:15</p>	<p>Q</p> <p>quality 3:11,13 question 5:21 7:7 questions 7:18,19 7:22 8:1</p>
<p>C</p> <p>CALVIN 1:21 case 1:9 2:4,7,20,21 3:9,16 4:11,16 5:21 cause 4:13 5:16 Chair 4:8 Chairperson 1:18 1:20 2:3,13,19 3:1</p>	<p>E</p> <p>either 2:22 Elisa 1:9 2:4 establishment 3:12 expect 6:2 expiration 7:8</p>	<p>I</p> <p>impacted 3:12 improve 3:13 indication 4:13 introduce 2:14</p>	<p>N</p> <p>negatively 3:12 NICK 1:21 NOPHLIN 1:21 numerous 3:14 N.W 1:17</p>	<p>R</p> <p>ready 2:14 reapply 7:4,5 record 2:15 records 4:13 Reeves 1:17 reinstated 5:2 6:1 reinstatement 5:17 7:2 8:3 renewal 1:13 6:1 7:6 representative 4:18 5:15 representing 2:18 request 5:16 8:3 respond 8:5 Retailer 1:12 right 3:7 Room 1:17 Ruthanne 1:17,20</p>
<p>CALVIN 1:21 case 1:9 2:4,7,20,21 3:9,16 4:11,16 5:21 cause 4:13 5:16 Chair 4:8 Chairperson 1:18 1:20 2:3,13,19 3:1</p>	<p>life 3:11</p> <p>M</p>	<p>J</p> <p>January 1:14 JEANNETTE 1:23 joined 4:5 Jones 1:23 4:5,6,7</p>	<p>O</p> <p>office 8:2 Okay 3:6,22 4:9,21 5:8,20 operating 6:21 opportunity 8:5 opposed 5:12</p>	<p>SE 1:10 second 4:19 5:6 7:22</p>
<p>SE 1:10 second 4:19 5:6 7:22</p>	<p>license 1:11 2:6 7:9 licensee 2:10,21 3:3 3:18 4:12,14 life 3:11</p>	<p>K</p> <p>kept 6:5 kind 7:22 know 7:11,14</p>	<p>P</p> <p>PARTICIPANT 2:11 parties 2:7 person 4:18 5:14 Phillips 2:16,17,22</p>	<p>S</p>

<p>see 2:21 6:5 served 8:4 service 3:13 seven 5:13 6:16 show 4:12 showing 5:15 shown 6:14 SILVERSTEIN 1:22 similar 4:10 situation 4:11 sorry 7:8 start 7:4 Status 1:11 Street 1:17 sure 7:11 S.E 2:6</p> <hr/> <p style="text-align: center;">T</p> <hr/> <p>table 2:8 take 7:17 takes 2:4 tell 6:19 8:2 Thank 2:12 8:6,8 Tijwanna 2:17 time 5:2 6:21 7:17 times 3:14 trading 2:5 t/a 1:10</p> <hr/> <p style="text-align: center;">U</p> <hr/> <p>U 2:17 update 3:7</p> <hr/> <p style="text-align: center;">V</p> <hr/> <p>Voluntary 4:1 vote 5:12</p> <hr/> <p style="text-align: center;">W</p> <hr/> <p>wait 7:22 want 3:7 7:13 8:2 Washington 1:17 welcome 8:8 went 3:19 words 3:2 writing 8:5</p> <hr/> <p style="text-align: center;">Z</p> <hr/>	<p>zero 5:13</p> <hr/> <p style="text-align: center;">P</p> <hr/> <p>p 1:7,13</p> <hr/> <p style="text-align: center;">#</p> <hr/> <p>#11-PRO-00082 1:9 2:4 #80896 1:11 2:6</p> <hr/> <p style="text-align: center;">0</p> <hr/> <p>00082 2:20</p> <hr/> <p style="text-align: center;">1</p> <hr/> <p>10 5:18 10-day 5:2 10:03 2:2 10:09 8:9 14th 1:17 5:3 6:2,6 1603.3 4:17</p> <hr/> <p style="text-align: center;">2</p> <hr/> <p>2000 1:17 2012 1:14 2209 1:10 2:6 25 1:14</p> <hr/> <p style="text-align: center;">5</p> <hr/> <p>5:00 6:7</p> <hr/> <p style="text-align: center;">8</p> <hr/> <p>8B 2:18 8B-05 2:17</p>			
---	---	--	--	--