

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

p-----»

IN THE MATTER OF: :

The New Brookland Cafe, LLC : Motion
t/a Bcafe : Hearing
3740 12th Street, NE :
Retailer CR - ANC-5A :
License No. 83121 :
:

p-----¼

February 1, 2012

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

HERMAN JONES, Member
CALVIN NOPHLIN, Member
MIKE SILVERSTEIN, Member
JEANNETTE MOBLEY, Member

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

2 (10:43 a.m.)

3 CHAIRPERSON MILLER: Okay. The
4 next case on our calendar is The New Brookland
5 Cafe. We have a motion here for
6 reconsideration.

7 It is License No. 83121 and it is
8 located at 3740 12th Street, N.E.

9 MR. PADOU: Good morning, Madam
10 Chair, Don Padou for the protestants.

11 CHAIRPERSON MILLER: Okay. Do we
12 have the licensee here?

13 MR. PADOU: I haven't seen him,
14 Madam Chair.

15 CHAIRPERSON MILLER: Okay. I am
16 actually going to turn this hearing over to
17 Mr. Alberti, because I came on board after the
18 decision, so I wouldn't be hearing the motion
19 for reconsideration.

20 So, at this point, Mr. Alberti,
21 I'll let you see how you want to handle this.

22 ACTING CHAIR ALBERTI: Yes. Thank

1 you, Madam Chair.

2 Well, I will note for the record
3 now it is now 10:44 and this hearing was
4 scheduled for 10:00 a.m. I'm just going to
5 check for a moment to see if staff has been
6 notified by Mr. Lumukanda.

7 I have been told by general
8 counsel staff that Mr. Lumukanda has not
9 notified the Agency that he would be late.

10 So what I'm going to suggest that
11 we do -- just one moment. Okay. We have a
12 written submission of a Motion to Dismiss.
13 I'm sorry, a written Motion for
14 Reconsideration of the Board's Order No. 2011-
15 468, which was issued by the Board on November
16 9, 2011. And that submission for
17 reconsideration has come from Mr. Lumukanda,
18 the managing member of the Bcafe.

19 So since Mr. Lumukanda is not
20 present, I think what I'm going to do is ask
21 the Board to make its decision based on what
22 is in the record on that motion.

1 And so it is my recommendation to
2 the Board that we deny Mr. Lumukanda's Motion
3 for Reconsideration.

4 Is there a second?

5 MEMBER SILVERSTEIN: Second.

6 ACTING CHAIR ALBERTI: Okay. How
7 say you, Mr. Nophlin?

8 MEMBER NOPHLIN: I disagree.

9 ACTING CHAIR ALBERTI: Mr. Brooks?

10 MEMBER BROOKS: I agree.

11 ACTING CHAIR ALBERTI: Mr. Jones?

12 MEMBER JONES: I agree.

13 ACTING CHAIR ALBERTI: Mr.

14 Silverstein?

15 MEMBER SILVERSTEIN: I agree, Mr.
16 Chairman. If Mr. Lumukanda did not see fit to
17 appear here while requiring that others do,
18 this is the ultimate disrespect.

19 ACTING CHAIR ALBERTI: And I agree
20 with the motion, based on what is in the
21 record. And I think, at this time, since Mr.
22 Lumukanda has not appeared, that the Board

1 must proceed based on what we have in the
2 record.

3 So the motion carries 4-1. The
4 motion -- Mr. Lumukanda's motion to -- for
5 reconsideration is denied.

6 So that makes, Mr. Padou, your
7 motion moot. I thank you for coming.

8 MR. PADOU: Thank you.

9 (Whereupon, the Motion Hearing in
10 the above-entitled matter was concluded at
11 10:47 a.m.)

12

13

14

15

16

17

18

19

20

21

22

<p style="text-align: center;">A</p> <p>above-entitled 5:10 ACTING 2:22 4:6 4:9,11,13,19 Agency 3:9 agree 4:10,12,15,19 Alberti 1:19 2:17 2:20,22 4:6,9,11 4:13,19 Alcoholic 1:2,13,13 ANC-5A 1:8 appear 4:17 appeared 4:22 a.m 2:2 3:4 5:11</p> <hr/> <p style="text-align: center;">B</p> <p>based 3:21 4:20 5:1 Bcafe 1:6 3:18 Beverage 1:2,13,13 board 1:2,13 2:17 3:15,21 4:2,22 Board's 3:14 Brookland 1:6 2:4 Brooks 1:19 4:9,10</p> <hr/> <p style="text-align: center;">C</p> <p>Cafe 1:6 2:5 calendar 2:4 CALVIN 1:21 carries 5:3 case 2:4 Chair 2:10,14,22 3:1 4:6,9,11,13,19 Chairman 4:16 Chairperson 1:14 1:18 2:3,11,15 check 3:5 COLUMBIA 1:1 come 3:17 coming 5:7 concluded 5:10 Control 1:2,13,13 counsel 3:8 CR 1:8</p> <hr/> <p style="text-align: center;">D</p> <p>decision 2:18 3:21</p>	<p>denied 5:5 deny 4:2 disagree 4:8 Dismiss 3:12 disrespect 4:18 DISTRICT 1:1 Don 2:10 DONALD 1:19 D.C 1:14</p> <hr/> <p style="text-align: center;">F</p> <p>February 1:11 fit 4:16</p> <hr/> <p style="text-align: center;">G</p> <p>general 3:7 going 2:16 3:4,10 3:20 Good 2:9</p> <hr/> <p style="text-align: center;">H</p> <p>handle 2:21 hearing 1:6,14 2:16 2:18 3:3 5:9 HERMAN 1:20</p> <hr/> <p style="text-align: center;">I</p> <p>issued 3:15</p> <hr/> <p style="text-align: center;">J</p> <p>JEANNETTE 1:22 Jones 1:20 4:11,12</p> <hr/> <p style="text-align: center;">L</p> <p>late 3:9 License 1:8 2:7 licensee 2:12 LLC 1:6 located 2:8 Lumukanda 3:6,8 3:17,19 4:16,22 Lumukanda's 4:2 5:4</p> <hr/> <p style="text-align: center;">M</p> <p>Madam 2:9,14 3:1 managing 3:18 matter 1:5 5:10</p>	<p>MEETING 1:3 member 1:19,19,20 1:21,21,22 3:18 4:5,8,10,12,15 met 1:13 MIKE 1:21 Miller 1:15,18 2:3 2:11,15 MOBLEY 1:22 moment 3:5,11 moot 5:7 morning 2:9 motion 1:6 2:5,18 3:12,13,22 4:2,20 5:3,4,4,7,9</p> <hr/> <p style="text-align: center;">N</p> <p>NE 1:7 New 1:6 2:4 NICK 1:19 Nophlin 1:21 4:7,8 note 3:2 notified 3:6,9 November 3:15 N.E 2:8 N.W 1:14</p> <hr/> <p style="text-align: center;">O</p> <p>Okay 2:3,11,15 3:11 4:6 Order 3:14</p> <hr/> <p style="text-align: center;">P</p> <p>Padou 2:9,10,13 5:6,8 point 2:20 present 1:17 3:20 presiding 1:15 proceed 5:1 protestants 2:10 P-R-O-C-E-E-D-... 2:1</p> <hr/> <p style="text-align: center;">R</p> <p>recommendation 4:1 reconsideration 2:6,19 3:14,17 4:3</p>	<p>5:5 record 3:2,22 4:21 5:2 requiring 4:17 Retailer 1:8 Room 1:14 Ruthanne 1:15,18</p> <hr/> <p style="text-align: center;">S</p> <p>scheduled 3:4 second 4:4,5 see 2:21 3:5 4:16 seen 2:13 Silverstein 1:21 4:5 4:14,15 sorry 3:13 staff 3:5,8 Street 1:7,14 2:8 submission 3:12,16 suggest 3:10 Suite 1:14</p> <hr/> <p style="text-align: center;">T</p> <p>thank 2:22 5:7,8 think 3:20 4:21 time 4:21 told 3:7 turn 2:16 t/a 1:6</p> <hr/> <p style="text-align: center;">U</p> <p>ultimate 4:18</p> <hr/> <p style="text-align: center;">W</p> <p>want 2:21 Washington 1:14 wouldn't 2:18 written 3:12,13</p> <hr/> <p style="text-align: center;">P</p> <p>p 1:4,9</p> <hr/> <p style="text-align: center;">I</p> <p>1 1:11 10:00 3:4 10:43 2:2 10:44 3:3 10:47 5:11</p>	<p>12th 1:7 2:8 14th 1:14</p> <hr/> <p style="text-align: center;">2</p> <p>2000 1:14 20009 1:14 2011 3:14,16 2012 1:11</p> <hr/> <p style="text-align: center;">3</p> <p>3740 1:7 2:8</p> <hr/> <p style="text-align: center;">4</p> <p>4-1 5:3 400S 1:14 468 3:15</p> <hr/> <p style="text-align: center;">8</p> <p>83121 1:8 2:7</p> <hr/> <p style="text-align: center;">9</p> <p>9 3:16</p>
---	--	--	--	---