

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE CONTROL BOARD
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MEETING

IN THE MATTER OF:

Eatonville, Inc.
t/a Eatonville
2121 14th Street, NW
Retailer CR - ANC-1B
License No. 78882
Case #13-PRO-00037

Protest
Hearing

(Renewal Application)

February 19, 2014

The Alcoholic Beverage Control Board met in the Alcoholic Beverage Control Hearing Room, Reeves Building, 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
MIKE SILVERSTEIN, Member
HECTOR RODRIGUEZ, Member
JAMES SHORT, Member

ALSO PRESENT:

FELICIA DANTZLER, ABRA Investigator

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

(1:42 p.m.)

CHAIRPERSON MILLER: Okay. All right. I think we can call the case. This is Case No. 13-PRO-00037, Eatonville located at 2121 14th Street, N.W., License No. 78882, in ANC-1B. And we are here for a Protest Hearing. So would the parties introduce themselves for the record?

MR. O'BRIEN: Yes, Stephen O'Brien for the applicant. I'm accompanied by the applicant's president, Andy Shallal, S-H-A-L-L-A-L.

CHAIRPERSON MILLER: Okay. And?

INVESTIGATOR DANTZLER: I'm Felicia Dantzler, Investigator with ABRA.

CHAIRPERSON MILLER: Okay. Is anybody here for the protestants in this case, Eatonville? Mr. O'Brien, have you heard from them?

MR. O'BRIEN: I haven't heard a peep since -- this case was continued twice,

1 because the Board's earlier in the day
2 calendar ran over and precluded addressing it.
3 I have not heard since, but this date was
4 explicitly agreed to. I have had no
5 communication with the protestants, so I would
6 ask the Board to dismiss the protest for lack
7 of prosecution.

8 CHAIRPERSON MILLER: Ms. Dantzler,
9 have you heard anything from the protestants?

10 INVESTIGATOR DANTZLER: No, I have
11 not. And I would like to suggest to the Board
12 that perhaps we can see if protestant was
13 served notice. Is he aware? Because he was
14 very active in the case.

15 CHAIRPERSON MILLER: Okay.

16 INVESTIGATOR DANTZLER: You know,
17 so if we have confirmation that he was served
18 notice.

19 MR. O'BRIEN: This notice was
20 agreed -- this date was agreed to by the
21 parties with the Board's General Counsel, Ms.
22 Jenkins, and later confirmed by email.

1 CHAIRPERSON MILLER: Okay. Okay.
2 So you haven't spoken with them since the last
3 hearing date?

4 MR. O'BRIEN: No, I have not.

5 CHAIRPERSON MILLER: Okay. What
6 we normally do is give it a little bit of a
7 grace period to get here. I know that your
8 time is valuable and so I think we are going
9 to give them until at least 2:00 to get --
10 until 2:00.

11 MR. O'BRIEN: I would point out
12 they live across the street.

13 CHAIRPERSON MILLER: Well, does
14 that person live or work across the street?

15 MR. O'BRIEN: Lives.

16 CHAIRPERSON MILLER: Lives across
17 the street. But maybe --

18 MR. SHALLAL: And I would point
19 out that it is costing me money.

20 CHAIRPERSON MILLER: Okay. So I
21 think we can -- you don't want to?

22 MEMBER ALBERTI: Madam Chair, my

1 recommendation --

2 CHAIRPERSON MILLER: It's 15
3 minutes.

4 MEMBER ALBERTI: -- is to give
5 them 20 minutes. I mean, I think that's more
6 than generous. Usually we can pass and give
7 people 15 minutes. They have the right to
8 request reconsideration. And if there is a
9 good reason for them not to be here, then they
10 can make their case. But I would -- my
11 recommendation is give them five more minutes.
12 I think Mr. Jones has a comment on that.

13 CHAIRPERSON MILLER: Yes, Mr.
14 Jones?

15 MEMBER JONES: Yes, I would concur
16 with Board Member Alberti. The case was
17 scheduled to start at 1:30. They have -- to
18 my knowledge and I'll check with legal, but to
19 my knowledge, they haven't called or contacted
20 us, notified us of any issues. And it's our
21 typical practice to give a grace period of 15
22 minutes, so an additional five minutes, I

1 think, is more than generous in this instance.

2 CHAIRPERSON MILLER: Okay. Ms.
3 Dantzler, do you have a phone number to call
4 them or anything?

5 INVESTIGATOR DANTZLER: I believe
6 I do, yes.

7 CHAIRPERSON MILLER: Okay. So any
8 other thoughts from Board Members?

9 MEMBER RODRIGUEZ: Yes, Madam
10 Chair.

11 CHAIRPERSON MILLER: By the time
12 we finish talking, it will be five minutes,
13 but, yeah.

14 MEMBER RODRIGUEZ: Yes, I agree
15 with Mr. Jones on this, five minutes is more
16 than generous.

17 CHAIRPERSON MILLER: Okay.

18 MEMBER RODRIGUEZ: And the weather
19 is nice out there. They should be here.
20 There is no snow storm or no avalanche. It's
21 lovely out.

22 CHAIRPERSON MILLER: Okay. I

1 think --

2 MR. O'BRIEN: Or as they say
3 Eatonville is diagonally across the street
4 from this building, so it's not a traffic jam.

5 MEMBER RODRIGUEZ: Exactly.

6 MEMBER ALBERTI: I just want to
7 make it clear. That doesn't mean that we get
8 to go out and enjoy the weather.

9 CHAIRPERSON MILLER: So I think,
10 if you don't mind just giving a call, you
11 know. If they are right across the street and
12 there was a misunderstanding and they could
13 come on over, we would have the hearing, you
14 know. But so why don't we break and you can
15 make that call and we'll come back in five
16 minutes. Okay. Thank you.

17 (Whereupon, at 1:47 p.m. a recess
18 until 1:51 p.m.)

19 CHAIRPERSON MILLER: We are back
20 on the record.

21 MR. O'BRIEN: This came in, yeah,
22 1:38.

1 CHAIRPERSON MILLER: Mine says
2 1:46.

3 MR. O'BRIEN: No, 1:46 is when
4 Martha forwarded -- Martha Jenkins forwarded
5 to Jonathan Berman. The email comes in at
6 1:38 this afternoon.

7 CHAIRPERSON MILLER: Okay. So for
8 the record, this is an email from William
9 Girardo.

10 MEMBER ALBERTI: And this
11 surprises you?

12 CHAIRPERSON MILLER: And the email
13 says "Hello, everyone. We will not be
14 attending today's ABRA hearing. We have moved
15 out of the apartment that abuts Eatonville."

16 So we can dismiss this case.

17 MEMBER SILVERSTEIN: Madam Chair?

18 CHAIRPERSON MILLER: Yes?

19 MEMBER SILVERSTEIN: I move we
20 dismiss the protest.

21 CHAIRPERSON MILLER: Second.

22 MEMBER RODRIGUEZ: I second the

1 motion.

2 CHAIRPERSON MILLER: Okay. Mr.
3 Rodriguez has seconded the motion. Any
4 comments?

5 All those in favor say aye.

6 ALL: Aye.

7 CHAIRPERSON MILLER: All those
8 opposed?

9 MR. O'BRIEN: You don't want to
10 hear oral argument on it?

11 CHAIRPERSON MILLER: No. Would
12 you like to make them? Would you like to get
13 your money's worth?

14 MEMBER SHORT: Are you being paid
15 by word, counselor?

16 CHAIRPERSON MILLER: So --

17 MEMBER RODRIGUEZ: That just
18 sounds like I need to buy that apartment.

19 CHAIRPERSON MILLER: Right, right.
20 Yes.

21 MEMBER RODRIGUEZ: That's the
22 plan.

1 MR. O'BRIEN: The integrity of
2 your witness is well-established.

3 CHAIRPERSON MILLER: If it's still
4 available, you can run over there now, yeah.

5 MEMBER SILVERSTEIN: Mr. O'Brien,
6 Mr. Shallal has paid people to perform in the
7 past. Maybe you can perform for him now.

8 CHAIRPERSON MILLER: All right.
9 We got a little casual here, but the motion
10 did pass by a vote of 7-0-0 and the protest is
11 dismissed.

12 So enjoy your afternoon.

13 MR. O'BRIEN: Thank you.

14 MR. SHALLAL: Thank you. The
15 press is going to be very disappointed.

16 CHAIRPERSON MILLER: The press.
17 Well, they'll make a story out of it, yeah.

18 Okay. Well, I don't think we have
19 anything on our agenda until --

20 MR. O'BRIEN: Enjoy the day.

21 CHAIRPERSON MILLER: Thank you.

22 MEMBER RODRIGUEZ: Thank you.

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MEMBER SILVERSTEIN: Thank you.

CHAIRPERSON MILLER: So the Board
will recess and come back and do the agenda.

(Whereupon, the Protest Hearing in
the above-entitled matter was concluded at
1:53 p.m.)

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