

DISTRICT OF COLUMBIA

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ALCOHOLIC BEVERAGE CONTROL BOARD

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ROLL CALL HEARING

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IN THE MATTER OF:

Top Shelf, LLC
t/a Penn Quarter Sports
Tavern
639 Indiana Avenue, Northwest
Retailer CT
Termination of Settlement
Agreement
Case #14-PRO-00011

MONDAY, MARCH 10, 2014

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The Alcoholic Beverage Control
Board met in Alcoholic Beverage Control
Hearing Room, 7th Floor, at 941 North Capitol
Street, N.E., Washington, D.C., Ms. La Verne
Fletcher, Agent, presiding.

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

10:20 a.m.

AGENT FLETCHER: Would the parties in Penn Quarter Sports Tavern please come forward?

This is the Case #14-PRO-00011, Top Shelf, LLC, trading as Penn Quarter Sports Tavern, 639 Indiana Avenue, Northwest; License #ABRA-076039. This is a Retailer CT, Termination of Settlement Agreement. The protest issues are adverse impact on peace, order and quiet.

My name is La Verne Fletcher, and I'm conducting the Roll Call Hearing as the Board's Agent, pursuant to D.C. Official Code 1601.2.

Introductions beginning with the Applicant?

MR. SCHERR: Hi, Ms. Fletcher. My name is John Scherr with Penn Quarter Sports Tavern.

The first name is J-O-H-N; last

1 name is S-C-H-E-R-R.

2 MS. FLETCHER: Thank you, Mr.
3 Scherr.

4 And on behalf of the protestant?

5 MR. WILSEY: Hi. Good morning,
6 Ms. Fletcher. Kevin Wilsey on behalf of ANC
7 2C.

8 The name is spelled K-E-V-I-N W-I-
9 L-S-E-Y.

10 MS. FLETCHER: Thank you. On
11 behalf of ANC -- which one?

12 MR. WILSEY: 2C.

13 MS. FLETCHER: 2C?

14 And your name?

15 MR. CARDELLA: My name is Dominick
16 Cardella spelled D-O-M-I-N-I-C-K Cardella --
17 C-A-R-D-E-L-L-A.

18 I am an abutting neighbor.

19 MS. FLETCHER: Yes, Mr. Cardella,
20 it has been well established over time that
21 you actually do abut the establishment. So we
22 don't have to make that determination.

1 But could you just state for the
2 record how it is that you abut -- which common
3 walls you share?

4 MR. CARDELLA: Which common wall
5 we share?

6 MS. FLETCHER: You're above? You
7 share?

8 MR. CARDELLA: The entire -- the
9 entire wall between my building and the Sports
10 Tavern is a single wall.

11 MS. FLETCHER: Thank you.

12 MR. CARDELLA: And we share that
13 wall.

14 MS. FLETCHER: Thank you very
15 much.

16 Okay. Mr. Cardella and ANC 2C
17 have standing as protestants.

18 Mr. Scherr, I think I just saw you
19 write your contact information.

20 MR. SCHERR: Yes, ma'am.

21 MS. FLETCHER: Thank you very
22 much.

1 We need to set a date for a status
2 hearing, a protest hearing and mediation.
3 I'll give you the dates for the status and
4 protest hearing first.

5 The status hearing is set for
6 April 23rd at 9:30 a.m.

7 The protest hearing is set for
8 June 4 at 4:30 p.m.

9 The first available date for
10 mediation is Thursday, April the 3rd at 9:00,
11 10:00, 11:00 or 1:00. The 4th is also
12 available -- Thursday the 3rd and Friday the
13 4th. Both of those days are available
14 actually at 9:00, 10:00, 11:00 or 1:00.

15 MR. SCHERR: April 3rd works for us
16 at any of those times.

17 MR. SCHERR: I'd prefer the 4th.

18 MS. FLETCHER: We can move further
19 along if that doesn't work for you, Mr.
20 Scherr.

21 MR. SCHERR: The 4th works.

22 MR. CARDELLA: What day of the

1 week is the 4th?

2 MR. SCHERR: The 4th is a Friday.

3 MS. FLETCHER: Friday.

4 MR. CARDELLA: At what time?

5 MS. FLETCHER: At 9:00, 10:00,

6 11:00 or 1:00.

7 MR. CARDELLA: I'd like to have it

8 at 11:00.

9 MS. FLETCHER: At 11:00?

10 Is that good for you, Mr. Scherr?

11 MR. SCHERR: That works.

12 MS. FLETCHER: Okay. So mediation

13 is set for Friday, April 4 at 11:00.

14 MR. SCHERR: Eleven o'clock? Was

15 that it?

16 MR. CARDELLA: Yes.

17 MR. SCHERR: Okay. Thank you.

18 MS. FLETCHER: Mr. Cardella, do we

19 have your email address, or did you put it on

20 that sheet?

21 MR. CARDELLA: I -- I put it on

22 the sheet.

1 MS. FLETCHER: Okay. Thank you.

2 Thank you very much.

3 The Roll Call Hearing is

4 concluded.

5 MR. SCHERR: Thank you.

6 MR. WILSEY: Thank you.

7 MR. CARDELLA: So our next meeting

8 is April 4th then?

9 MS. FLETCHER: Yes. The next
10 meeting is April 4 at 11:00 for the mediation.

11 MR. CARDELLA: Here?

12 MS. FLETCHER: Yes.

13 MR. CARDELLA: Thank you.

14 MS. FLETCHER: You're welcome.

15 (Whereupon, at 10:25 p.m., the
16 hearing was concluded.)

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<p>A</p> <p>a.m 2:2 5:6 ABRA-076039 2:9 abut 3:21 4:2 abutting 3:18 address 6:19 adverse 2:11 Agent 1:19 2:3,15 Agreement 1:12 2:10 Alcoholic 1:3,16,17 ANC 3:6,11 4:16 Applicant 2:18 April 5:6,10,15 6:13 7:8,10 available 5:9,12,13 Avenue 1:10 2:8</p>	<p>D-O-M-I-N-I-C-K 3:16 D.C 1:18 2:15 date 5:1,9 dates 5:3 day 5:22 days 5:13 determination 3:22 DISTRICT 1:1 Dominick 3:15</p>	<p>J</p> <p>J-O-H-N 2:22 John 2:20 June 5:8</p> <p>K</p> <p>K-E-V-I-N 3:8 Kevin 3:6</p> <p>L</p> <p>L-S-E-Y 3:9 La 1:18 2:13 License 2:8 LLC 1:9 2:7</p> <p>M</p> <p>ma'am 4:20 MARCH 1:14 MATTER 1:8 mediation 5:2,10 6:12 7:10 meeting 7:7,10 met 1:17 MONDAY 1:14 morning 3:5 move 5:18</p>	<p>peace 2:11 Penn 1:9 2:4,7,20 please 2:4 prefer 5:17 presiding 1:19 protest 2:11 5:2,4,7 protestant 3:4 protestants 4:17 pursuant 2:15 put 6:19,21</p> <p>Q</p> <p>Quarter 1:9 2:4,7 2:20 quiet 2:12</p> <p>R</p> <p>record 4:2 Retailer 1:11 2:9 Roll 1:5 2:14 7:3 Room 1:17</p> <p>S</p> <p>S-C-H-E-R-R 3:1 saw 4:18 Scherr 2:19,20 3:3 4:18,20 5:15,17 5:20,21 6:2,10,11 6:14,17 7:5 set 5:1,5,7 6:13 Settlement 1:11 2:10 share 4:3,5,7,12 sheet 6:20,22 Shelf 1:9 2:7 single 4:10 spelled 3:8,16 Sports 1:9 2:4,7,20 4:9 standing 4:17 state 4:1 status 5:1,3,5 Street 1:18</p>	<p>Termination 1:11 2:10 Thank 3:2,10 4:11 4:14,21 6:17 7:1,2 7:5,6,13 think 4:18 Thursday 5:10,12 time 3:20 6:4 times 5:16 Top 1:9 2:7 trading 2:7</p> <p>U</p> <p>V</p> <p>Verne 1:18 2:13</p> <p>W</p> <p>W-I 3:8 wall 4:4,9,10,13 walls 4:3 Washington 1:18 week 6:1 welcome 7:14 Wilsey 3:5,6,12 7:6 work 5:19 works 5:15,21 6:11 write 4:19</p>
<p>B</p> <p>beginning 2:17 behalf 3:4,6,11 Beverage 1:3,16,17 Board 1:3,17 Board's 2:15 building 4:9</p>	<p>E</p> <p>Eleven 6:14 email 6:19 entire 4:8,9 established 3:20 establishment 3:21</p> <p>F</p> <p>first 2:22 5:4,9 Fletcher 1:19 2:3 2:13,19 3:2,6,10 3:13,19 4:6,11,14 4:21 5:18 6:3,5,9 6:12,18 7:1,9,12 7:14 Floor 1:17 forward 2:5 Friday 5:12 6:2,3 6:13 further 5:18</p>	<p>N</p> <p>N.E 1:18 name 2:13,20,22 3:1,8,14,15 need 5:1 neighbor 3:18 North 1:17 Northwest 1:10 2:8</p> <p>O</p> <p>o'clock 6:14 Official 2:15 Okay 4:16 6:12,17 7:1 order 2:12</p>	<p>Quarter 1:9 2:4,7 2:20 quiet 2:12</p> <p>R</p> <p>record 4:2 Retailer 1:11 2:9 Roll 1:5 2:14 7:3 Room 1:17</p> <p>S</p> <p>S-C-H-E-R-R 3:1 saw 4:18 Scherr 2:19,20 3:3 4:18,20 5:15,17 5:20,21 6:2,10,11 6:14,17 7:5 set 5:1,5,7 6:13 Settlement 1:11 2:10 share 4:3,5,7,12 sheet 6:20,22 Shelf 1:9 2:7 single 4:10 spelled 3:8,16 Sports 1:9 2:4,7,20 4:9 standing 4:17 state 4:1 status 5:1,3,5 Street 1:18</p>	<p>W</p> <p>W-I 3:8 wall 4:4,9,10,13 walls 4:3 Washington 1:18 week 6:1 welcome 7:14 Wilsey 3:5,6,12 7:6 work 5:19 works 5:15,21 6:11 write 4:19</p>
<p>C</p> <p>C-A-R-D-E-L-L-A 3:17 Call 1:5 2:14 7:3 Capitol 1:17 Cardella 3:15,16 3:16,19 4:4,8,12 4:16 5:22 6:4,7,16 6:18,21 7:7,11,13 Case 1:12 2:6 Code 2:15 COLUMBIA 1:1 come 2:4 common 4:2,4 concluded 7:4,16 conducting 2:14 contact 4:19 Control 1:3,16,17 CT 1:11 2:9</p>	<p>G</p> <p>give 5:3 good 3:5 6:10</p> <p>H</p> <p>hearing 1:5,17 2:14 5:2,2,4,5,7 7:3,16 Hi 2:19 3:5</p> <p>I</p> <p>impact 2:11 Indiana 1:10 2:8 information 4:19 Introductions 2:17 issues 2:11</p>	<p>P</p> <p>P-R-O-C-E-E-D-... 2:1 p.m 5:8 7:15 parties 2:3</p>	<p>set 5:1,5,7 6:13 Settlement 1:11 2:10 share 4:3,5,7,12 sheet 6:20,22 Shelf 1:9 2:7 single 4:10 spelled 3:8,16 Sports 1:9 2:4,7,20 4:9 standing 4:17 state 4:1 status 5:1,3,5 Street 1:18</p> <p>T</p> <p>t/a 1:9 Tavern 1:10 2:4,8 2:21 4:10</p>	<p>X</p> <p>Y</p> <p>Z</p> <p>0</p> <p>1</p> <p>1:00 5:11,14 6:6 10 1:14 10:00 5:11,14 6:5 10:20 2:2 10:25 7:15 11:00 5:11,14 6:6,8 6:9,13 7:10 14-PRO-00011 1:12 2:6 1601.2 2:16</p>
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