

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE CONTROL BOARD
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MEETING

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IN THE MATTER OF: :
 :
Al's Market, LLC :
t/a Street : Protest
1346 T Street, NW : Hearing
Retailer CT - ANC-1B : (Status)
License No. 91140 :
Case #13-PRO-00006 :
 :
(New Application) :
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March 20, 2013

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.

2009, 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

(9:51 a.m.)

CHAIRPERSON MILLER: The next case on our calendar is Case No. 13-PRO-00006, Al's Market, LLC t/a Street located at 1346 T Street, N.W., License No. 91140 in ANC-1B.

This is also a Protest Status Hearing.

MR. KLINE: Good morning, Andrew Kline for the applicant.

CHAIRPERSON MILLER: Good morning.

MS. PREVITE: Good morning. Rose Previte, owner of Al's Market.

CHAIRPERSON MILLER: Rose?

MR. SCHUSTER: I'm sorry.

CHAIRPERSON MILLER: How do you spell your last name?

MS. PREVITE: Mine is P, as in Peter, R-E-V, as in Victor, I-T-E.

CHAIRPERSON MILLER: Okay. You are an owner?

MS. PREVITE: Yes.

1 CHAIRPERSON MILLER: Okay.

2 MR. SCHUSTER: Mike Schuster, S-C-
3 H-U-S-T-E-R, and I'm an owner as well.

4 CHAIRPERSON MILLER: Okay.

5 MR. BAILEY: Erling Bailey, E-R-L-
6 I-N-G Bailey, B-A-I-L-E-Y, protestor.

7 CHAIRPERSON MILLER: Okay.

8 MR. FERRIS: Elwyn Ferris, E-L-W-
9 Y-N, on behalf of the Shaw Dupont Citizens
10 Alliance.

11 CHAIRPERSON MILLER: Okay. And
12 are there any issues you want to bring to the
13 matter of the Board?

14 MR. KLINE: No. I'll just say we
15 have had mediation. We have been working on
16 resolving the matter to pursue a settlement
17 agreement with various protestants.

18 CHAIRPERSON MILLER: Okay.

19 MR. KLINE: At this point --

20 CHAIRPERSON MILLER: Schedule for
21 hearing?

22 MR. KLINE: -- schedule for

1 hearing date. Sure.

2 CHAIRPERSON MILLER: Okay. All
3 right. Then this protest is scheduled for
4 hearing May 1, 2013.

5 I'm just going to highlight the
6 same things that I did in the previous case
7 about the Protest Information Form.

8 You should have received that from
9 Adjudication Assistant Sarah Fashbaugh which
10 explains the protest process. If you don't
11 have that, please, see Ms. Fashbaugh at the
12 conclusion of the hearing. It is very
13 important that you review the rules closely
14 and adhere to them before and during the
15 Protest Hearing.

16 You are required to complete and
17 submit the Protest Information Form known as
18 the PIF seven days before the date of the
19 hearing. The document needs to be submitted
20 to ABRA and to the opposing parties in this
21 matter.

22 If we don't receive a copy of your

1 PIF, your application or your protest,
2 whichever side you are representing, may be
3 subject to dismissal.

4 And this is an important form that
5 assists the Board in narrowing the protest
6 issues, facilitating the process and keeping
7 the parties on point during the hearing.

8 If you have any questions today or
9 at any time leading up to the hearing, please
10 do not hesitate to contact Ms. Fashbaugh at
11 (202) 397-3971.

12 Okay. So if there aren't any
13 other questions, that completes this status
14 hearing.

15 MR. KLINE: Thank you.

16 CHAIRPERSON MILLER: Okay. Thank
17 you.

18 MR. SCHUSTER: Thank you.

19 MR. FERRIS: Thank you.

20 (Whereupon, the Protest (Status)
21 Hearing in the above-entitled matter was
22 concluded at 9:54 a.m.)

<p style="text-align: center;">A</p> <p>above-entitled 5:21 ABRA 4:20 adhere 4:14 Adjudication 4:9 agreement 3:17 ALBERTI 1:20 Alcoholic 1:2,14,14 Alliance 3:10 Al's 1:6 2:4,13 ANC-1B 1:8 2:6 Andrew 2:9 applicant 2:10 application 1:10 5:1 Assistant 4:9 assists 5:5 a.m 2:2 5:22</p> <hr/> <p style="text-align: center;">B</p> <p>Bailey 3:5,5,6 behalf 3:9 Beverage 1:2,14,14 Board 1:2,14 3:13 5:5 bring 3:12 BROOKS 1:21 Building 1:15 B-A-I-L-E-Y 3:6</p> <hr/> <p style="text-align: center;">C</p> <p>calendar 2:4 case 1:9 2:3,4 4:6 Chairperson 1:16 1:19 2:3,11,14,16 2:20 3:1,4,7,11,18 3:20 4:2 5:16 Citizens 3:9 closely 4:13 COLUMBIA 1:1 complete 4:16 completes 5:13 concluded 5:22 conclusion 4:12 contact 5:10 Control 1:2,14,14 copy 4:22</p>	<p>CT 1:8</p> <hr/> <p style="text-align: center;">D</p> <p>date 4:1,18 days 4:18 dismissal 5:3 DISTRICT 1:1 document 4:19 DONALD 1:21 Dupont 3:9 D.C 1:15</p> <hr/> <p style="text-align: center;">E</p> <p>Elwyn 3:8 Erling 3:5 explains 4:10 E-L-W 3:8 E-R-L 3:5</p> <hr/> <p style="text-align: center;">F</p> <p>facilitating 5:6 Fashbaugh 4:9,11 5:10 Ferris 3:8,8 5:19 form 4:7,17 5:4</p> <hr/> <p style="text-align: center;">G</p> <p>going 4:5 Good 2:9,11,12</p> <hr/> <p style="text-align: center;">H</p> <p>hearing 1:7,15 2:8 3:21 4:1,4,12,15 4:19 5:7,9,14,21 hesitate 5:10 highlight 4:5 H-U-S-T-E-R 3:3</p> <hr/> <p style="text-align: center;">I</p> <p>important 4:13 5:4 Information 4:7,17 issues 3:12 5:6 I-N-G 3:6 I-T-E 2:19</p> <hr/> <p style="text-align: center;">K</p> <p>keeping 5:6 Kline 2:9,10 3:14</p>	<p>3:19,22 5:15 known 4:17</p> <hr/> <p style="text-align: center;">L</p> <p>leading 5:9 License 1:8 2:6 LLC 1:6 2:5 located 2:5</p> <hr/> <p style="text-align: center;">M</p> <p>March 1:12 Market 1:6 2:5,13 matter 1:5 3:13,16 4:21 5:21 mediation 3:15 MEETING 1:3 Member 1:20,21 1:22 met 1:14 Mike 1:22 3:2 Miller 1:16,19 2:3 2:11,14,16,20 3:1 3:4,7,11,18,20 4:2 5:16 Mine 2:18 morning 2:9,11,12</p> <hr/> <p style="text-align: center;">N</p> <p>name 2:17 narrowing 5:5 needs 4:19 New 1:10 NICK 1:20 NW 1:7 N.W 1:15 2:6</p> <hr/> <p style="text-align: center;">O</p> <p>Okay 2:20 3:1,4,7 3:11,18 4:2 5:12 5:16 opposing 4:20 owner 2:13,21 3:3</p> <hr/> <p style="text-align: center;">P</p> <p>P 2:18 parties 4:20 5:7 Peter 2:19 PIF 4:18 5:1</p>	<p>please 4:11 5:9 point 3:19 5:7 PRESENT 1:18 presiding 1:17 previous 4:6 Previte 2:12,13,18 2:22 process 4:10 5:6 protest 1:6 2:7 4:3 4:7,10,15,17 5:1,5 5:20 protestants 3:17 protestor 3:6 pursue 3:16 P-R-O-C-E-E-D-... 2:1</p> <hr/> <p style="text-align: center;">Q</p> <p>questions 5:8,13</p> <hr/> <p style="text-align: center;">R</p> <p>receive 4:22 received 4:8 Reeves 1:15 representing 5:2 required 4:16 resolving 3:16 Retailer 1:8 review 4:13 right 4:3 Room 1:15 Rose 2:12,14 rules 4:13 Ruthanne 1:16,19 R-E-V 2:19</p> <hr/> <p style="text-align: center;">S</p> <p>Sarah 4:9 schedule 3:20,22 scheduled 4:3 Schuster 2:15 3:2,2 5:18 see 4:11 settlement 3:16 seven 4:18 Shaw 3:9 side 5:2 SILVERSTEIN</p>	<p>1:22 sorry 2:15 spell 2:17 status 1:8 2:7 5:13 5:20 Street 1:6,7,15 2:5 2:6 subject 5:3 submit 4:17 submitted 4:19 Suite 1:15 Sure 4:1 S-C 3:2</p> <hr/> <p style="text-align: center;">T</p> <p>T 1:7 2:5 Thank 5:15,16,18 5:19 things 4:6 time 5:9 today 5:8 t/a 1:6 2:5</p> <hr/> <p style="text-align: center;">V</p> <p>various 3:17 Victor 2:19</p> <hr/> <p style="text-align: center;">W</p> <p>want 3:12 Washington 1:15 whichever 5:2 working 3:15</p> <hr/> <p style="text-align: center;">Y</p> <p>Y-N 3:9</p> <hr/> <p style="text-align: center;">P</p> <p>p 1:4,10</p> <hr/> <p style="text-align: center;">#</p> <p>#13-PRO-00006 1:9</p> <hr/> <p style="text-align: center;">1</p> <p>1 4:4 13-PRO-00006 2:4 1346 1:7 2:5 14th 1:15</p>
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