

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

IN THE MATTER OF:

The Country Vintner, Inc.	Fact-
t/a The Country Vintner, Inc.	Finding
2212 Channing Street, NE	Hearing
Retailer A - ANC-5C	
License No. 60408	

(Request for Approval of
Leased Inventory Space)

April 8, 2015

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
DONALD BROOKS, Member
MIKE SILVERSTEIN, Member
HECTOR RODRIGUEZ, Member
JAMES SHORT, Member

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

2 10:23 a.m.

3 CHAIRPERSON MILLER: All right.

4 Country Vintner. Good morning.

5 MR. PASCAL: Good morning.

6 CHAIRPERSON MILLER: Whenever you are
7 ready, if you would identify yourselves for the
8 record?

9 MR. PASCAL: Good morning. I'm Paul
10 L. Pascal, attorney-at-law, of Pascal & Weiss for
11 Country Vintner and by extension Winebow.

12 MR. WEISS: I'm Steve Weiss, Vice
13 President of Mid-Atlantic Operations for the
14 Country Vintner.

15 MR. PASCAL: Madam Chairman, perhaps
16 before we start, I was pleasantly surprised to
17 hear the comments about Skip Coburn. I can
18 certainly say that I have had a relationship with
19 Mr. Coburn myself for many years going back to
20 Sharon Ambrose's office when he was doing the
21 constituent work.

22 And my office being in Ward 6 and, of

1 course, he was tireless. He worked with me on
2 many issues dealing with the role that I have as
3 counsel for the Beer, Wine and Spirit Wholesalers
4 in the District of Columbia and he will certainly
5 be missed.

6 Quirky is one way to put him, but he
7 was sort of a fun guy to deal with and honest to
8 a T.

9 If I may give a little history on The
10 Country Vintner/Winebow matter?

11 CHAIRPERSON MILLER: That would be
12 good.

13 MR. PASCAL: Okay.

14 CHAIRPERSON MILLER: Yes, thank you.

15 MR. PASCAL: Country Vintner and
16 Winebow are members of my association, both in
17 multi-state operations. In recent history, a
18 conglomeration was formed where it is The Country
19 Vintner Group, which includes Winebow. And this
20 is a trend that is happening all over the United
21 States where you are having groups of wholesalers
22 merge together.

1 Although Country Vintner and Winebow
2 are independently operated, and there is --
3 nothing has changed, they are current. We just
4 renewed their licenses, they have a new General
5 Counsel, Ms. Hillman. And in January in
6 discussions with the changes that are taking
7 place and, obviously, when you have
8 consolidations you try to jointly operate
9 wherever you can to save costs, so she asked
10 whether they could warehouse, although
11 separately, in the same facility.

12 And I said I didn't see it an issue,
13 because I know it's taking place here in the
14 District right now. There is at least three
15 wholesalers plus several retailers in the
16 basement at 4221 Connecticut Avenue. There are
17 several wholesalers sharing space in the Union
18 Market area. There are several that are sharing
19 space off of Bladensburg Road.

20 But she wanted, out of an abundance of
21 caution, for me to write the letter to the Board,
22 which I did in January. And the Board came up

1 with some very cogent questions, which I had Mr.
2 Weiss address in answering your questions.

3 Leasing in the District of Columbia
4 for commercial operations is getting near to
5 impossible with all the conversion of industrial
6 space to retail space or residential. Just look
7 what is happening in the Union Market and New
8 York Avenue area.

9 It was easier said than done to find
10 a facility where they could put two separate
11 wholesalers in there and divide them up. And
12 they had located a site, I believe, on Emerson
13 Street. And when I sent the first letter, I
14 think the first exhibit we sent you was actually
15 of that warehouse.

16 Well, it turned out that that
17 warehouse became unavailable. Working with a
18 local developer, he finally found space for them
19 in what was the old Premium Distributor's
20 building, that was the Miller distributor on New
21 York Avenue. And so the space that we are
22 actually looking at now would be in that

1 building, a portion of that building.

2 And I already filed applications about
3 three weeks ago for the transfer from their
4 present locations to the Premium site and that's
5 pending.

6 Then I learned that, which I didn't
7 know, is they are losing their leases on their
8 present site, so they were finding themselves in
9 a position where I had an application pending
10 before the Board and I'm not too certain how long
11 it takes, you are going through renewals now.
12 Everybody's energy is down here with all the
13 renewals.

14 And I was getting concerned that they
15 would be without space to operate. I then sent
16 Mr. Moosally a letter asking, at least, for now a
17 temporary storage permit, so they could at least
18 temporarily operate in there until we can get the
19 license transferred.

20 I subsequently learned that this
21 location will only be for six months, because
22 it's not a permanent location. So they are going

1 to still be looking and I'm going to be back
2 here. Hopefully I won't have to come back to
3 discuss this with you, but at least probably
4 within six months, we are going to have to have
5 another transfer application.

6 So what I'm seeking today is --
7 because as we sit here, they are going to have to
8 pull up stakes in both of their warehouses within
9 a day, so what I would like to get is, if the
10 Board -- if the licensing side hasn't at least
11 completed the transfer application, a temporary
12 storage permit to get them to start operating,
13 they both have sterling records, there has never
14 been a problem.

15 They cooperate with your
16 Investigators. Periodically, your Investigators
17 ask me to get information from the wholesalers
18 for investigations and they are always the first
19 to respond and give information.

20 So with that, if you have any
21 additional questions beyond what Mr. Weiss has
22 supplied, you know, we would be glad to try to

1 fill you in. But I would like to at least, at
2 the very least, be able to get a temporary
3 operating permit or a storage permit for them to
4 operate out of 3330 New York Avenue.

5 And like I say, that was a facility
6 that was an alcohol warehouse. The diagram shows
7 that there is a total separation between Winebow
8 and Country Vintner. The only thing is across
9 there is a dock. So when the merchandise comes
10 in and it will either go into the Country Vintner
11 site or it goes in to the Winebow. They have
12 separate employees that handle the merchandise,
13 so there is no operation or mixing of the blood
14 between the two.

15 CHAIRPERSON MILLER: So the building,
16 it's separate entrances into the different areas
17 where the big store --

18 MR. PASCAL: A common loading dock.

19 CHAIRPERSON MILLER: A common dock.

20 Then what?

21 MR. PASCAL: You -- if the merchandise
22 comes in to go to Winebow it would turn left and

1 turn left again right into there, which is a
2 gated locked facility. For Country Vintner, it
3 would go straight ahead into a locked gated
4 facility.

5 CHAIRPERSON MILLER: Okay. They are
6 separate rooms with separate locks?

7 MR. PASCAL: Totally separate.

8 CHAIRPERSON MILLER: Okay.

9 MR. PASCAL: Totally separate.
10 Totally separate people. The only thing is it's
11 a common dock.

12 CHAIRPERSON MILLER: Okay.

13 MR. PASCAL: And they wouldn't be
14 functioning at the same time in terms of loading,
15 because, you know, each company has their own
16 separate customers. They come and go, do their
17 picking from their inventory as they need it.

18 CHAIRPERSON MILLER: Do you have a
19 question? Go ahead. You can pop in.

20 MEMBER SILVERSTEIN: My question is
21 what physically separates the two warehouses, so
22 to speak?

1 MR. PASCAL: Chain link fences.

2 MEMBER SILVERSTEIN: So there is not
3 a wall? There is not an 8 foot or 10 foot high--

4 MR. WEISS: There is structurally the
5 Winebow portion, three of the cinder block
6 portions of the building actually -- three walls
7 are actually cinder block. We have built a
8 fence, a chain link fence and a locked gate to go
9 across to the second.

10 MEMBER SILVERSTEIN: How high is the
11 fence?

12 MR. WEISS: I'm sorry?

13 MEMBER SILVERSTEIN: How high is the
14 fence?

15 MR. WEISS: I believe it is 6 or 7
16 feet.

17 MEMBER SILVERSTEIN: Any other
18 questions?

19 MEMBER SHORT: Madam Chair?

20 CHAIRPERSON MILLER: Oh, yes, go
21 ahead.

22 MEMBER SHORT: Thank you.

1 CHAIRPERSON MILLER: Mr. Short.

2 MEMBER SHORT: In theory, this looks
3 pretty good. I'm looking at the diagram you
4 submitted with your letter. And you say that the
5 chain link fence separates the products. If an
6 Investigator were to go there right now, would
7 they have any situation that might cause them
8 concern about the directive in keeping -- you
9 said that the dock -- you have one dock where all
10 the product comes in. And then it is decided
11 which area it goes to as it is delivered?

12 MR. WEISS: All right. The Winebow --
13 right of the building is empty. We are not -- we
14 are tenant-in-waiting a current location.
15 Emerson Street for the Winebow folks and Channing
16 Street for the Country Vintner. We have got the
17 Certificate of Occupancy for the new location,
18 but obviously until we get the license to operate
19 out of that building as two entities, we are not
20 in there. But all of the documents -- actually,
21 Winebow went through an inspection, I believe,
22 either last month or the previous month and the

1 Channing Street location, during their
2 inspection, I actually was up there with the
3 Inspector.

4 MEMBER SHORT: Which Inspector was
5 that?

6 MR. WEISS: I'm sorry?

7 MEMBER SHORT: You said it was
8 inspected by whom?

9 MR. PASCAL: This is their current
10 location, where they are up on Channing Street.

11 MR. WEISS: Right.

12 MR. PASCAL: But to answer your
13 question, if they were operating, if you granted
14 these permits and if they were operating and an
15 Inspector coming there would see Winebow's
16 products totally separated from Country Vintner.

17 MR. WEISS: And invoicing in that
18 segregated and locked area, confined area. And
19 then Country Vintner would have, obviously, our
20 invoicing, our products on our side.

21 MR. PASCAL: Sure.

22 MEMBER SHORT: Okay. I had several

1 questions, but I guess one I would like to ask is
2 what is this currently used for, the proposed?
3 What is it now being used for?

4 MR. PASCAL: It's empty space now.

5 MR. WEISS: It's empty space.

6 MEMBER SHORT: What was it used for
7 when it was before --

8 MR. PASCAL: It was Premium
9 Distributors which was the Miller distributor.

10 MEMBER SHORT: Um-hum.

11 MR. PASCAL: It's that long warehouse
12 along New York Avenue if you are going east on
13 New York Avenue just before you get to the
14 Washington Times building. It's that large
15 warehouse. And that was probably the largest
16 beer distributor until Premium built their new
17 facility.

18 MEMBER SHORT: Okay. I guess I wanted
19 to ask you can the overhead -- you have an
20 overhead door on the diagram that leads into 103B
21 be utilized as a dock for purposes of unloading
22 and reloading inventory?

1 MR. PASCAL: Bear with me, I'll find
2 it.

3 MEMBER SHORT: Okay.

4 MR. WEISS: I don't have the diagram--

5 MR. PASCAL: Well, wait, I'll find it.

6 MR. WEISS: -- with me.

7 MR. PASCAL: I'll find it.

8 MR. WEISS: But the overhead door on
9 the right hand portion of the building is an
10 overhead door. I believe Premium probably drove
11 vehicles in. It's not a dock per se. There are
12 two dock doors. You can see two loading doors
13 that you will see in the middle of the diagram.
14 The overhead door to the right is just that, it's
15 an overhead door not a loading dock.

16 MR. PASCAL: Yes. The overhead door
17 on 103B will not be used. It's a drive-in door
18 to get into the facility.

19 MEMBER SHORT: Okay. So that vehicles
20 can actually park?

21 MR. WEISS: Yes. We are not putting
22 any vehicles in the doors.

1 MR. PASCAL: Again, this is only a
2 temporary location.

3 MEMBER ALBERTI: Yes.

4 MR. PASCAL: That's not going to be
5 used. There will be loading and unloading in the
6 portion that is called 103A. And as it shows,
7 the merchandise that comes in for Country Vintner
8 will go straight forward into their area and will
9 go into, to the left, the Winebow area. So there
10 is always a total separation.

11 MEMBER SHORT: Okay. Because it
12 appears from the diagram that there is access
13 through the lock from the 103A area into the
14 Winebow leased space and vice-versa.

15 MR. PASCAL: Not at all.

16 MEMBER SHORT: Okay. Well, so in
17 theory this looks great. Would you have a
18 problem with one the ABRA Inspectors looking at
19 the space and giving this Board a recommendation
20 before we make our final decision?

21 MR. PASCAL: She short answer is I
22 would rather be given the permits to be there and

1 if an ABRA Inspector comes by there and you find
2 a problem, then we will have another Fact-Finding
3 Hearing, because as I say they have to vacate
4 where they are right now. You have got a company
5 that is part of a -- both of these companies are
6 part of national operations that have operated
7 successfully all over the country in the United
8 States.

9 Both of these companies operate
10 successfully without any problem here in the
11 District of Columbia. I think from the face of
12 it, there will be a total separation and,
13 obviously, if an Investigator comes up there and
14 finds an issue, we will respond. But I really
15 believe that that's not going to happen here.

16 And bear in mind, this is a lot more
17 space than they really need at this point in
18 time, because they just got to get in some place
19 and it's probably a six month thing. And then,
20 you know, we will have another application,
21 hopefully, to find another space.

22 MEMBER SHORT: Okay. Mr. Pascal, you

1 have an excellent record with this Board, as I
2 understand, and --

3 MR. PASCAL: And I'm putting it on the
4 line here.

5 MEMBER SHORT: Yes, you are. Okay.
6 We would like to keep our relationship we have
7 with you and any clients you bring forth, but I'm
8 kind of satisfied now with your answers.

9 MR. PASCAL: Well, I appreciate that.
10 You know, I come here and I put my reputation on
11 the line every time I come here.

12 MEMBER SHORT: Okay.

13 MR. PASCAL: If you ask me how long
14 I've been practicing the law and this June it
15 will be 49 years.

16 MEMBER SHORT: When will you be ready
17 for an Investigator to come out?

18 MR. PASCAL: Give us a couple days.
19 You know, if we can walk out of here today or
20 tomorrow with a permit, you can have the
21 Investigator come up there as soon as they put
22 their merchandise in there.

1 MEMBER SHORT: That's all I have for
2 right now, Madam Chair.

3 CHAIRPERSON MILLER: Okay.

4 MEMBER SHORT: Thank you.

5 CHAIRPERSON MILLER: Others?

6 MR. PASCAL: Thank you for your
7 questions, sir.

8 CHAIRPERSON MILLER: Yes, Mr. Brooks?

9 MEMBER BROOKS: Yes. Thank you, Madam
10 Chair.

11 CHAIRPERSON MILLER: Okay.

12 MEMBER BROOKS: A couple of questions,
13 Mr. Pascal. What dates would this be in
14 operation?

15 MR. PASCAL: As soon as you --

16 MEMBER BROOKS: No. What I meant was
17 once you get in operation.

18 MR. PASCAL: Yes.

19 MEMBER BROOKS: Are you operating
20 seven days a week, six days a week?

21 MR. PASCAL: They are operating
22 according to their license. I think their

1 operations are Monday through Friday, so they are
2 closed Saturday and Sunday. And their operations
3 are from 8:00 a.m. to 4:00 p.m.

4 MEMBER BROOKS: Okay. Good. And the
5 cameras, you did mention in your write-up about a
6 video system?

7 MR. PASCAL: A video?

8 MR. WEISS: We don't -- I believe
9 there is one at Emerson Street. Winebow and
10 Country Vintner merged back in July, so I'm not
11 intimately familiar with their existing facility,
12 but I believe there was video equipment on
13 Emerson Street.

14 MEMBER BROOKS: Right. But the one
15 that you propose going into, do you have video
16 for that?

17 MR. WEISS: Not at this time.

18 MEMBER BROOKS: Okay. And do you plan
19 to put anything in there for video?

20 MR. WEISS: Well, again, it's --

21 MEMBER BROOKS: I know it's six
22 months.

1 MR. WEISS: Yes. Well, it's now down
2 to five months because --

3 MEMBER BROOKS: Five months. Okay.
4 All right. So the time that you will be
5 occupying it, it will not have a video system?

6 MR. WEISS: No, but it does currently
7 have an alarm, a burglar alarm system.

8 MEMBER BROOKS: Okay. All right.
9 Thank you, Madam Chair.

10 CHAIRPERSON MILLER: Okay. Others?
11 Could you just clarify, this space that you are
12 asking for now, is at what address?

13 MR. PASCAL: 3330 New York Avenue.

14 CHAIRPERSON MILLER: Okay. It is not
15 the address where you have applied for the
16 transfer?

17 MR. PASCAL: The same.

18 CHAIRPERSON MILLER: It is?

19 MR. PASCAL: It is identical, yes.

20 CHAIRPERSON MILLER: But you said that
21 you don't expect to stay there for some reason
22 now?

1 MR. PASCAL: Pardon me?

2 CHAIRPERSON MILLER: I thought you
3 said you didn't expect to be able to have it in
4 six months, that you would have to file another
5 transfer?

6 MR. PASCAL: We expect that this is
7 only a temporary location, so that we are going
8 to have to find another location and move within
9 six months.

10 CHAIRPERSON MILLER: Okay. Okay.

11 MR. PASCAL: But as an outside, it's
12 no more than six months.

13 CHAIRPERSON MILLER: Okay. And do you
14 have any idea about the Certificate of Occupancy,
15 when you should --

16 MR. PASCAL: We already have that.

17 MR. WEISS: We have that.

18 CHAIRPERSON MILLER: You have that
19 now?

20 MR. WEISS: We have.

21 MR. PASCAL: There are two
22 applications pending.

1 CHAIRPERSON MILLER: Oh, okay.

2 MR. PASCAL: And they are complete.

3 The applications are complete. We have the C of
4 O. We have all the information that is in the
5 application.

6 CHAIRPERSON MILLER: Oh, all right.

7 MR. PASCAL: Yes.

8 CHAIRPERSON MILLER: Okay. So --

9 MR. PASCAL: My request for speeding
10 this up is because I know it takes licensing a
11 certain amount of time and I haven't even been
12 contacted by an examiner and I recognized at the
13 last few weeks with the renewals it has probably
14 been very hectic down here.

15 CHAIRPERSON MILLER: Okay. I mean I
16 thought that the temporary nature was before due
17 to the fact that you were waiting for the C of O.

18 MR. PASCAL: We have --

19 CHAIRPERSON MILLER: But now --

20 MR. PASCAL: -- everything.

21 CHAIRPERSON MILLER: So you have
22 everything.

1 MR. PASCAL: Yes.

2 CHAIRPERSON MILLER: And now the
3 temporary nature is due to just the availability
4 of the space? You can only have it for six
5 months?

6 MR. PASCAL: We can only have it for
7 six months and the temporary is because there is
8 actually the gap between getting someone in there
9 until your licensing --

10 CHAIRPERSON MILLER: Issues it.

11 MR. PASCAL: -- issues the permits.

12 CHAIRPERSON MILLER: Right.

13 MR. PASCAL: Yes.

14 CHAIRPERSON MILLER: Okay.

15 MR. PASCAL: The administrative timing
16 it was going to take for your offices, the
17 administrative offices to handle.

18 CHAIRPERSON MILLER: Okay.

19 MR. PASCAL: Okay.

20 MEMBER SHORT: One last question I
21 had. So there won't be any problem with
22 commingling of products?

1 MR. PASCAL: Absolutely no
2 commingling. They can't commingle it because
3 they each carry different products. You know,
4 under D.C. Law, not so much D.C. Law, but D.C.
5 practice no wholesaler carries what another
6 wholesaler carries. So it would be total
7 separation.

8 MEMBER SHORT: Okay. I just wanted to
9 get that on the record.

10 CHAIRPERSON MILLER: All right. One
11 more thing I want to ask you is exactly what you
12 are seeking today, approval of a temporary
13 storage permit?

14 MR. PASCAL: I'm seeking a temporary
15 storage permit until the transfer applications
16 are approved.

17 CHAIRPERSON MILLER: And then you will
18 be coming back to request --

19 MR. PASCAL: At some point in time, we
20 will then be coming back with another transfer
21 application. And I'm hoping that that won't be
22 as complicated as this has become. But it will

1 probably be very similar in nature, that they
2 will probably try to find one facility where they
3 will be dividing up and one will be in one part
4 and one will be in the other.

5 CHAIRPERSON MILLER: Okay.

6 MR. PASCAL: I can't view what the
7 configuration will be, at this time.

8 CHAIRPERSON MILLER: Okay. Thank you.
9 Any other questions? All right. Well, I think,
10 as you often do, you have made the facts pretty
11 clear at this hearing. So I'm ready to move
12 approval of the temporary storage permit.

13 MEMBER SILVERSTEIN: I second, Madam
14 Chair.

15 CHAIRPERSON MILLER: Okay. Mr.
16 Silverstein seconded the motion. Any other
17 comments or questions?

18 All those in favor say aye.

19 ALL: Aye.

20 CHAIRPERSON MILLER: All those
21 opposed? All those abstaining? The motion
22 passes 5-0-0.

1 MR. PASCAL: Thank you very much.

2 CHAIRPERSON MILLER: Okay.

3 MR. WEISS: Thank you for your time.

4 CHAIRPERSON MILLER: Thank you.

5 MEMBER SILVERSTEIN: Ms. Pascal, one
6 moment, please.

7 MR. PASCAL: Yes.

8 MEMBER SILVERSTEIN: You mentioned
9 that you are in your 49th year as a practicing
10 attorney?

11 MR. PASCAL: June 24th I will have been
12 admitted to the bar 49 years, yes, sir.

13 MEMBER SILVERSTEIN: So your 50th
14 anniversary will be June 24, 2016?

15 MR. PASCAL: Yes. And I hope to be
16 here before you.

17 MEMBER SILVERSTEIN: I hope so as
18 well.

19 MR. PASCAL: My 50th law school reunion
20 is coming up this year, yes. It's hard to
21 believe, isn't it?

22 MEMBER SILVERSTEIN: You make me feel

1 so young.

2 MR. PASCAL: Well, you know, being
3 involved actually in a vibrant industry, as the
4 beer, wine and spirit industry. I got a shock
5 yesterday, I have 14 members in my association
6 and I saw last week that you approved another A
7 wholesaler and so I asked my office to do a
8 little summary for me, there are 22 wholesalers
9 in this city in addition to the 14 that I'm -- in
10 my association. And that only demonstrates how
11 vibrant the city is that you have this amount of
12 people.

13 And of course, when you have the
14 distilleries and the breweries, you know, we are
15 now working on a distillery up in the Union
16 Market, so it's exciting to see. I'm a native
17 Washingtonian and I have really seen a lot over
18 the years.

19 MEMBER SILVERSTEIN: Thank you, sir.

20 MR. PASCAL: Thank you for your kind
21 comments.

22 CHAIRPERSON MILLER: Okay. Thank you.

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MR. WEISS: Thank you again.

CHAIRPERSON MILLER: Okay.

(Whereupon, the Fact-Finding Hearing
in the above-entitled matter was concluded at
10:44 a.m.)

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