

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

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IN THE MATTER OF: :  
 :  
Elisa Alabama, Inc. :  
t/a Alabama Convenience : Protest  
2209 Alabama Ave., SE : Hearing  
Retailer B - ANC-8B :  
License No. 80896 :  
Case #11-PRO-00082 :  
 :  
(Renewal Application) :  
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May 16, 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 (1:33 p.m.)

3 CHAIRPERSON MILLER: Okay. We are  
4 ready for our next case on the calendar, which  
5 is a Protest Hearing. It is Case No. 11-PRO-  
6 00082, Alabama Convenience located at 2209  
7 Alabama Avenue, S.E., License No. 80896, in  
8 ANC-8B, which is a renewal application.

9 Okay. When you are ready, would  
10 the parties introduce yourselves for the  
11 record, please? You don't have to stand. We  
12 do have microphones. The green light should  
13 be on.

14 MR. OM: Hi, my name is Hoil Om  
15 and I'm the general manager of Alabama  
16 Convenience.

17 CHAIRPERSON MILLER: You're the  
18 general manager. Okay.

19 MS. OM: I'm Elisa Om and I'm the  
20 owner of Alabama Convenience.

21 CHAIRPERSON MILLER: Okay.

22 MS. PHILLIPS: I'm Commissioner

1 Tijwanna Phillips and I have been appointed  
2 the designated spokesperson for the  
3 protestants of the renewal of the liquor  
4 license.

5 CHAIRPERSON MILLER: Okay. Do we  
6 have in our record your designation? By the  
7 ANC you were designated? Is that correct?

8 MS. PHILLIPS: Yes.

9 CHAIRPERSON MILLER: Yes, they do  
10 just --

11 MS. PHILLIPS: There was a letter.

12 CHAIRPERSON MILLER: I'm sorry  
13 what?

14 MS. PHILLIPS: It's in the letter.  
15 Ann Sparrow. What's the name? I'm sorry.

16 CHAIRPERSON MILLER: Fashbaugh.

17 MS. PHILLIPS: Fashbaugh.

18 CHAIRPERSON MILLER: Yes.

19 MEMBER ALBERTI: Ms. Phillips are  
20 you one of the protestants?

21 MS. PHILLIPS: Yes.

22 CHAIRPERSON MILLER: Yes.

1 MEMBER ALBERTI: Okay.

2 CHAIRPERSON MILLER: Yes.

3 MEMBER ALBERTI: That's fine.

4 CHAIRPERSON MILLER: Okay. I was  
5 just curious. Was there an ANC resolution or  
6 anything?

7 MS. PHILLIPS: We actually have.

8 MS. OM: Here's a copy of one.

9 CHAIRPERSON MILLER: Oh, thank  
10 you. Thank you very much.

11 Okay. So --

12 MEMBER ALBERTI: Is this an ANC  
13 protest or a group of five?

14 MS. PHILLIPS: The entire ANC  
15 protested. The whole Commission 8B.

16 MEMBER ALBERTI: Okay. Okay.

17 MS. PHILLIPS: 8B.

18 MEMBER ALBERTI: Okay. So I'm  
19 sorry. I noticed you had it listed  
20 differently.

21 MS. PHILLIPS: 1,300 people.

22 MEMBER ALBERTI: I understand.

1 Great. Thank you.

2 CHAIRPERSON MILLER: Okay. Let's  
3 just address some preliminary issues before we  
4 start. The number of witnesses that each of  
5 you are going to present?

6 MS. OM: We have three.

7 CHAIRPERSON MILLER: You have  
8 three?

9 MS. OM: Yes.

10 CHAIRPERSON MILLER: Okay. Are  
11 they in the room right now?

12 MS. OM: Yes, they are.

13 CHAIRPERSON MILLER: Okay. Were  
14 they identified in the transcript?

15 MS. OM: Yes.

16 CHAIRPERSON MILLER: Okay.

17 MS. OM: One person did not make  
18 it.

19 CHAIRPERSON MILLER: Okay. So who  
20 are we going to hear from?

21 MS. OM: Mr. Oscar Graham, Dorenda  
22 Canty and Brenda Kiett and Mr. Brian McKenzie.

1 CHAIRPERSON MILLER: And who is  
2 the one that's not going to make it?

3 MS. OM: Ms. Tiffany Williams.

4 CHAIRPERSON MILLER: Okay.

5 MEMBER BROOKS: Madam Chair?

6 CHAIRPERSON MILLER: Yes?

7 MEMBER BROOKS: I can't hear her.

8 CHAIRPERSON MILLER: Hear?

9 MEMBER BROOKS: Could you speak up  
10 a little louder?

11 MS. OM: Yes, sure. Ms. Tiffany  
12 Williams is not going to make it.

13 MEMBER BROOKS: Thank you.

14 CHAIRPERSON MILLER: Okay.

15 MEMBER ALBERTI: Madam Chair, it's  
16 my understanding that the licensee filed  
17 Monday or Tuesday was it? When did you file  
18 your Protest Information Form, Ms. Om?

19 MS. OM: Monday.

20 MEMBER ALBERTI: Monday? Okay.  
21 I'm sure -- I'm a little concerned because the  
22 instructions that had been given to the

1 protestants were the Board's requirement that  
2 the Protest Information Forms be filed seven  
3 days prior to this hearing, so that staff  
4 could make sure the proceedings were run  
5 smoothly.

6 And that requirement wasn't met  
7 and that's a great concern to me.

8 CHAIRPERSON MILLER: Does the  
9 licensee want to respond at to why you were  
10 late in filing the PIF?

11 MS. OM: Yes. Well, we spoke to  
12 the Investigator, yes, this past Wednesday and  
13 we was going to get the full names of our  
14 witnesses.

15 CHAIRPERSON MILLER: You were  
16 going to get? I'm sorry, it's hard to hear  
17 you.

18 MS. OM: The full names of our  
19 witnesses.

20 CHAIRPERSON MILLER: The full  
21 names?

22 MS. OM: Yes. And we have -- and

1 I was not at work on Friday and Saturday  
2 actually. He was there actually before that.

3 MEMBER MOBLEY: Can you tell us  
4 what Investigator you spoke to?

5 MS. OM: Parker.

6 MEMBER MOBLEY: Is this the proper  
7 investigator?

8 MS. OM: Yes.

9 MEMBER MOBLEY: Oh, Investigator  
10 Parker. Thank you.

11 CHAIRPERSON MILLER: Okay. So did  
12 this prejudice your case in any way for today?

13 MS. PHILLIPS: It does. I ask the  
14 Board to take into consideration that the  
15 licensee also failed to appear for the last  
16 hearing. And I want to say that each party  
17 has had ample time to and was provided with  
18 notice for both the hearing and to submit the  
19 PIF.

20 I knew that it was clear that I  
21 needed to have mine in by the end of business  
22 on Wednesday and I would just say that the

1 Board -- I would hope that you all will take  
2 that into consideration and just to me that's  
3 par for the course with this particular  
4 company or business.

5 CHAIRPERSON MILLER: Okay. Let me  
6 ask a couple of questions. Ms. Om, you said  
7 that your delay was so you could get the full  
8 names of your witnesses? Why couldn't you do  
9 that earlier?

10 MS. OM: I did not see the part  
11 that it needed to be handed in seven days  
12 before the hearing.

13 CHAIRPERSON MILLER: Okay. You  
14 didn't see the instructions?

15 MS. OM: I did not see that, no.

16 CHAIRPERSON MILLER: I'll get back  
17 to you. Okay. Okay. Did you come to the  
18 Status Hearing for this case?

19 MR. OM: Yes.

20 MS. OM: Yes.

21 CHAIRPERSON MILLER: Okay.

22 MS. PHILLIPS: Excuse me?

1 CHAIRPERSON MILLER: Yes, Ms.  
2 Phillips?

3 MS. PHILLIPS: Maybe that's the  
4 most recent hearing.

5 CHAIRPERSON MILLER: Okay.

6 MS. OM: Oh, no.

7 CHAIRPERSON MILLER: No, you  
8 weren't at the Status Hearing.

9 MS. OM: Yeah, status.

10 MS. PHILLIPS: And if I may?

11 MEMBER MOBLEY: Just a moment,  
12 please.

13 MS. PHILLIPS: Okay.

14 MEMBER MOBLEY: Thank you.

15 CHAIRPERSON MILLER: Okay. Go  
16 ahead. Ms. Phillips, did you want to say  
17 something?

18 MS. PHILLIPS: Yes. I'm trying to  
19 pull up the most recent email that I received  
20 from Sarah Fashbaugh. And I can tell you  
21 again, that was further emphasizing the  
22 importance of submitting the PIF by the close

1 of business on Wednesday.

2 CHAIRPERSON MILLER: Yes.

3 MS. PHILLIPS: And I'm looking  
4 because I know for a fact that I saw --

5 MEMBER ALBERTI: Ms. Phillips, we  
6 were just discussing the fact that we have a  
7 record of those emails.

8 MS. PHILLIPS: Okay.

9 MEMBER ALBERTI: So if you don't--  
10 I don't want to interrupt you, but I know you  
11 are searching through them.

12 MS. PHILLIPS: Okay.

13 MEMBER ALBERTI: And so I want to  
14 let you know that we are aware of what is on  
15 those emails. So I'm trying to save time and  
16 I apologize for interrupting you.

17 MS. PHILLIPS: No problem.

18 MEMBER ALBERTI: Okay.

19 CHAIRPERSON MILLER: So the point  
20 is, you're both on those emails and you got  
21 that same notice. Okay. And all right. And  
22 I understand apparently we haven't missed

1 here.

2 Okay. Anything else anybody wants  
3 to say? Oh, let me just ask you again how it  
4 prejudices your going forward in the case.

5 MS. PHILLIPS: I just think that  
6 we were required to meet certain requirements  
7 and at least on two occasions regarding the  
8 hearing --

9 CHAIRPERSON MILLER: Yes.

10 MS. PHILLIPS: -- and the  
11 submitting the PIF, it has not been adhered to  
12 by the licensee.

13 CHAIRPERSON MILLER: Okay.

14 MS. PHILLIPS: And I think the  
15 Board should definitely look at that on the  
16 merits.

17 CHAIRPERSON MILLER: Okay. The  
18 Board is going to recess and consider this  
19 information. Is there anything else you need  
20 to say before we do that as to, Ms. Om, I  
21 would ask if there is any other reason you  
22 want to give us to go forward despite the fact

1 that you did not comply with the rules?

2 MS. OM: Yes, the reason that we  
3 missed the Status Hearing was because that day  
4 it was in January. There was the flu going  
5 around and Wednesday is our busiest mornings.  
6 And we have three different deliveries that  
7 come in. We have two beer that come in and  
8 also we have a wine truck come in that day.

9 CHAIRPERSON MILLER: Okay. I  
10 think I remember that.

11 MS. OM: Yes.

12 CHAIRPERSON MILLER: But the point  
13 is now, your failure to comply with this rule  
14 with respect to submitting the PIF within  
15 seven days of this hearing. So you gave us a  
16 reason and that may be it. We are just about  
17 to recess to discuss this and I just wanted to  
18 double check if there was anything else.

19 MS. OM: We have been getting  
20 letters in the mail, basically, from ABRA and  
21 we don't really check our email account as  
22 much, because we usually do everything on

1 hardback paper. So I didn't realize that we  
2 were getting all of this information through  
3 email.

4 And if you wanted me to show you,  
5 you can test that to see that none of the  
6 emails that Sarah Fashbaugh --

7 CHAIRPERSON MILLER: That's okay,  
8 go ahead.

9 MS. OM: -- I'm sorry. Yes, you  
10 can see that none of them have been opened.

11 CHAIRPERSON MILLER: Did you --

12 MS. OM: We usually do -- we have  
13 been doing everything with the mail that has  
14 been coming in --

15 CHAIRPERSON MILLER: Is it your  
16 position that --

17 MS. OM: -- from the post office.

18 CHAIRPERSON MILLER: -- you didn't  
19 get any notice by mail of the seven days?

20 MS. OM: No, we did not. Yes,  
21 just everything that I have here now.

22 CHAIRPERSON MILLER: Okay. Okay.

1 MEMBER JONES: Madam Chair?

2 CHAIRPERSON MILLER: Yes, Mr.

3 Jones?

4 MEMBER JONES: Thank you, Madam  
5 Chair. Just for clarification, how were you  
6 aware of the fact that a PIF had to be filed?

7 MS. OM: Investigator Parker came  
8 in.

9 MEMBER JONES: Excuse me?

10 MS. OM: Inspector Vincent Parker  
11 came in on Wednesday.

12 MEMBER JONES: And he told you  
13 that a PIF needed to be filed?

14 MS. OM: Yes, he did, yes.

15 MEMBER JONES: Okay.

16 MS. OM: And he --

17 MEMBER JONES: What else did he  
18 tell you?

19 MS. OM: -- said it should be  
20 filed by Friday, but I did not come in to work  
21 Friday.

22 MEMBER JONES: He said it should

1 be filed by Friday?

2 MS. OM: Yes.

3 MEMBER JONES: And he came in with  
4 a hard copy of a PIF Form?

5 MS. OM: I had the PIF Form from a  
6 previous mail.

7 MEMBER JONES: Okay. And how did  
8 you get the PIF Form? Just to make sure I'm  
9 clear. You said a previous mail?

10 MS. OM: Yes, I had --

11 MEMBER JONES: What was included  
12 in that mailing? So it wasn't just the PIF  
13 Form or was it a cover letter?

14 MS. OM: Yes, a cover letter.

15 MEMBER JONES: A cover letter came  
16 with the -- a cover letter and the PIF Form?

17 MS. OM: Yes.

18 MEMBER JONES: That's it?

19 MS. OM: Yes.

20 MEMBER JONES: Okay. And that  
21 cover letter doesn't speak anything about time  
22 periods?

1 MS. OM: I can give it to you, if  
2 you would like to see it. I don't see it on  
3 there.

4 MEMBER JONES: Okay. You are  
5 saying it's not on there?

6 MS. OM: No, not --

7 MEMBER JONES: Okay.

8 MS. OM: -- that we have seven --

9 MEMBER JONES: So the --

10 MS. OM: -- days.

11 MEMBER JONES: -- letter came with  
12 a -- that letter and the PIF Form only?

13 MS. OM: Yes.

14 MEMBER JONES: Okay. Thank you.

15 MS. OM: Yes. And I don't see it  
16 specified here that it needs to be turned in  
17 seven days prior, you know.

18 CHAIRPERSON MILLER: When did you  
19 get the letter and PIF Form?

20 MS. OM: This was --

21 MEMBER JONES: And just for -- I'm  
22 sorry, I have one follow-up.

1 CHAIRPERSON MILLER: Okay.

2 MS. OM: I guess December 6th.

3 CHAIRPERSON MILLER: December 6th  
4 you got the PIF Form?

5 MS. OM: Yes.

6 CHAIRPERSON MILLER: And a cover  
7 letter, correct?

8 MS. OM: Yes.

9 CHAIRPERSON MILLER: At the bottom  
10 of the PIF Form --

11 MS. OM: Yes.

12 CHAIRPERSON MILLER: -- do you see  
13 where it says seven days?

14 MS. OM: Yes, I don't see it on  
15 there. May I approach --

16 CHAIRPERSON MILLER: You don't see  
17 it?

18 MS. OM: -- and show you?

19 CHAIRPERSON MILLER: No --

20 MEMBER ALBERTI: No.

21 CHAIRPERSON MILLER: -- that's the  
22 letter.

1 MEMBER ALBERTI: On the form  
2 itself.

3 MS. OM: Yes.

4 CHAIRPERSON MILLER: On the form  
5 that you filled out, this one.

6 MEMBER ALBERTI: The form that you  
7 completed.

8 MEMBER JONES: The actual PIF Form  
9 at the bottom of said form.

10 MS. OM: Yes, I see it. I did not  
11 read the bottom of that, sorry.

12 CHAIRPERSON MILLER: Okay.

13 MEMBER JONES: And, Madam Chair,  
14 if I may just request?

15 CHAIRPERSON MILLER: Sure.

16 MEMBER JONES: You indicated that  
17 you received word directly from Investigator  
18 Parker on Friday?

19 MS. OM: No, on Wednesday.

20 MEMBER JONES: On Wednesday --

21 MS. OM: That it should be turned  
22 in by Friday.

1                   MEMBER JONES:  -- that the form  
2                   was due.

3                   MS. OM:  Right.

4                   MEMBER JONES:  So you knew on  
5                   Wednesday that the form was due on Friday,  
6                   based on your conversation with Investigator  
7                   Parker.

8                   MS. OM:  Yes.

9                   MEMBER JONES:  According to what  
10                  you are telling us, right?

11                  MS. OM:  Yes, sir.

12                  MEMBER JONES:  And why it wasn't  
13                  submitted by Friday for what reason?

14                  MS. OM:  I was not at work that  
15                  day.

16                  MEMBER JONES:  You are not at work  
17                  on Friday.  Were you at work on Wednesday?

18                  MS. OM:  I was actually at the  
19                  hospital.

20                  MEMBER JONES:  You were at the  
21                  hospital on Wednesday?

22                  MS. OM:  Yes, yes.

1 MEMBER JONES: So when did you  
2 talk to --

3 MS. OM: No, on Friday, on Friday,  
4 I was at the hospital.

5 MEMBER JONES: Were you at work on  
6 Wednesday?

7 MS. OM: Yes.

8 MEMBER JONES: Were you at work --

9 MS. OM: I spoke with Mr.  
10 Investigator Parker.

11 MEMBER JONES: Were you at work on  
12 Thursday?

13 MS. OM: Yes.

14 MEMBER JONES: Okay. Thank you.

15 CHAIRPERSON MILLER: Why don't we  
16 hear from Mr. Parker, since his words have  
17 come up.

18 INVESTIGATOR PARKER: Thank you  
19 very much.

20 CHAIRPERSON MILLER: Okay.

21 INVESTIGATOR PARKER: My  
22 conversation with Ms. --

1                   CHAIRPERSON MILLER:    Would you  
2                   introduce yourself for the record?

3                   INVESTIGATOR PARKER:   Investigator  
4                   Vincent Parker for ABRA.

5                   My conversation with Ms. Om was on  
6                   Monday, May 7th.  It's the only conversation I  
7                   had with Ms. Om regarding this protest  
8                   investigation.

9                   CHAIRPERSON MILLER:    Okay.

10                  INVESTIGATOR PARKER:   And that was  
11                  also the date of my site visit to the  
12                  establishment.  At the establishment, I  
13                  informed Ms. Om that my investigative report  
14                  to include the exhibits would be emails to her  
15                  on Friday, which would have been the 12th or  
16                  so.  It would have been emailed to her on that  
17                  Friday.

18                  Ms. Om actually did present a PIF  
19                  to me on that Monday, May 7th.  I informed her  
20                  to follow whatever guide she had from the  
21                  Adjudication Division about submitting the  
22                  PIF.

1 Friday came up -- Friday the 11th,  
2 I told her she would have my report, but as  
3 far as the PIF was concerned, I told her to  
4 fill it out with the names of her witnesses.  
5 I explained to her that that was part of the  
6 information she needed and to contact  
7 adjudication about submitting that PIF Form.

8 But Friday, the only issue with  
9 Friday was that was the day she would have my  
10 report.

11 CHAIRPERSON MILLER: Okay. So  
12 there wasn't any discussion about when it was  
13 due or anything?

14 INVESTIGATOR PARKER: I didn't go  
15 into a deadline date of this PIF is due a week  
16 before. To be honest, I don't really deal  
17 with the PIF as much as the investigative  
18 report.

19 CHAIRPERSON MILLER: Yes. All  
20 right.

21 MS. OM: Sorry, I misunderstood  
22 what you were saying, because we did talk

1 about all that at that time.

2 INVESTIGATOR PARKER: About what?

3 CHAIRPERSON MILLER: Okay. And so  
4 to be clear, Ms. Om, the reasons you didn't  
5 file it in a timely manner were: One, you  
6 didn't know it was due in seven days?

7 MS. OM: Yes, I did not read the  
8 bottom of it that stated that it was due seven  
9 days before the hearing.

10 CHAIRPERSON MILLER: Okay. So you  
11 didn't read the bottom, so you didn't know.  
12 And you were planning to file it when?

13 MS. OM: Friday.

14 CHAIRPERSON MILLER: Friday, but  
15 you were at the hospital?

16 MS. OM: Yes. I am having really  
17 bad back problems right now.

18 CHAIRPERSON MILLER: Okay. All  
19 right. Okay.

20 MS. OM: Also, I'm pregnant, so I  
21 really wanted to make sure that I got back.

22 CHAIRPERSON MILLER: Okay. So you

1 were just going to file it on Friday, because  
2 you just thought you could get it in?

3 MS. OM: I misunderstood  
4 Investigator Parker and I thought he said it  
5 needed to be in by Friday.

6 CHAIRPERSON MILLER: Okay. Okay.  
7 Any other questions from Board Members? All  
8 right. So I think we will take a short recess  
9 at this time and discuss how to deal with this  
10 issue. So you are welcome to take a 5 or 10  
11 minute stretch or whatever.

12 So we are now going to recess.

13 (Whereupon, at 1:53 p.m. a recess  
14 until 2:13 p.m.)

15 CHAIRPERSON MILLER: Okay. We are  
16 back on the record. The Board considered the  
17 issue that the licensee did not file the PIF  
18 within seven days of the Protest Hearing in  
19 accordance with the directions given on the  
20 Protest Information Form.

21 That testimony in our record has  
22 established that the licensee did have notice

1 of this requirement that on December 6th a  
2 letter with the attached form was sent to the  
3 licensee and the licensee did receive that.

4 And then there were a series of  
5 emails from ABRA staff to both parties  
6 reminding them about the submittal date. And  
7 the licensee said that she missed this notice.

8 However, this rule is there for a  
9 reason, as Ms. Phillips stated, it does -- she  
10 doesn't have enough notice on the witnesses  
11 that are going to be presented that this rule  
12 contemplates.

13 And so the Board has determined  
14 and will validate out here that this  
15 application should be dismissed, at this time.  
16 That we should not go forward on this case  
17 because of that.

18 There wasn't any extraordinary  
19 kind of reason presented for not filing the  
20 form in a timely manner and the issue of  
21 prejudice of going forward without sufficient  
22 notice about the witnesses.

1                   So I would move that we do dismiss  
2 this application. Do I have a second?

3                   MEMBER NOPHLIN: Second.

4                   CHAIRPERSON MILLER: Any comments?

5                   All those in favor say aye.

6                   ALL: Aye.

7                   CHAIRPERSON MILLER: All those  
8 opposed? All those abstaining? The vote is  
9 6-0-0 to dismiss the application.

10                  Ms. Om, let me tell you what will  
11 happen now. You need to submit a new  
12 application within 10 days of today in order  
13 to protect your establishment remaining open.

14                  And the process will start again,  
15 you know, with placarding and another hearing  
16 will be scheduled down the road. So if you  
17 have any questions, call our staff or ask our  
18 staff now after the hearing to make sure that  
19 you understand, you know, your deadlines in  
20 this regard.

21                  MEMBER MOBLEY: Madam Chair, is it  
22 really clear of the consequences of not doing

1 that? I think you need to make that very  
2 clear.

3 MS. OM: I have been going through  
4 a lot with my illness right now with like my  
5 injury, so I really could not concentrate on  
6 this as much as I wanted to.

7 CHAIRPERSON MILLER: Okay.

8 MS. OM: It was also our first  
9 Protest Hearing that we have ever gone  
10 through.

11 CHAIRPERSON MILLER: Okay.

12 MS. OM: And we didn't realize.

13 MR. OM: And it was a trying  
14 experience. The only other Protest Hearing  
15 that was any -- I think we were involved in  
16 was when my parents owned the store down the  
17 hill and it was during the voluntary agreement  
18 stage, but that was mainly organized through  
19 lawyers and stuff.

20 CHAIRPERSON MILLER: Okay. Well,  
21 let me just tell you this. At this point, if  
22 you file within 10 days again, there is not an

1 additional fee.

2 MR. OM: Yes.

3 CHAIRPERSON MILLER: You just have  
4 to -- there is paperwork requirements. If you  
5 get that in, you are fine. The process starts  
6 again. You have already done the work. You  
7 have already identified your witnesses. It  
8 just means that there is going to be a hearing  
9 later and the ANC will have had the notice  
10 that they require and the Board will have the  
11 notice in these PIFs that we need in order to  
12 run the hearing efficiently.

13 MR. OM: Yes, ma'am.

14 CHAIRPERSON MILLER: So if you  
15 don't file within 10 days, you risk the  
16 closing of the business.

17 MS. OM: Okay.

18 CHAIRPERSON MILLER: Okay. So you  
19 have to file within 10 days, that's the one  
20 thing you have to do.

21 MS. OM: We'll do that.

22 CHAIRPERSON MILLER: Okay. Good.

1 All right.

2 MS. OM: All right.

3 CHAIRPERSON MILLER: Mr. Jones?

4 MEMBER JONES: I just want to make  
5 it clear that I can say as a Board Member, I  
6 was a little concerned with what appeared to  
7 be your approach to this process. So I hope  
8 you understand that we take this very  
9 seriously.

10 MS. OM: I know. I take --

11 MEMBER JONES: And we hope that  
12 you apply what you have learned from  
13 discussing this matter with us today and that  
14 I, as an individual Board Member, hope to see  
15 a change in your approach to this process and  
16 that you seem to take it as seriously as we  
17 take it going forward.

18 MS. OM: Okay. We do --

19 MEMBER JONES: Thank you, Madam  
20 Chair.

21 MS. OM: -- take it very  
22 seriously. It's just from a lack of

1 experience with this type of hearing. You  
2 definitely -- we will change the next time we  
3 do this.

4 MEMBER JONES: Okay.

5 MS. OM: And we will take care of  
6 everything, sorry.

7 CHAIRPERSON MILLER: Okay.

8 MR. OM: And I also would like to  
9 note that if you ask these witnesses, they  
10 will tell you we asked months maybe before the  
11 original hearing and it was just a mistake on  
12 the PIF part.

13 CHAIRPERSON MILLER: Yes.

14 MR. OM: But if you were to ask  
15 them right now, I would -- they would tell  
16 you. We have asked them to be our witnesses  
17 for --

18 MS. OM: Yes, back in January and  
19 all of our letters are dated from January.

20 CHAIRPERSON MILLER: Okay.

21 MR. OM: Yes.

22 MS. OM: And our petitions are all

1 signed from January as well.

2 CHAIRPERSON MILLER: Okay. Just  
3 be careful of your deadlines.

4 MS. OM: I will.

5 CHAIRPERSON MILLER: Yes.

6 MR. OM: We are going to file that  
7 right now.

8 CHAIRPERSON MILLER: Okay. Good.

9 MS. OM: Thank you very much.

10 CHAIRPERSON MILLER: Okay. Thank  
11 you. Yes?

12 MS. PHILLIPS: I have a question.

13 CHAIRPERSON MILLER: Yes?

14 MS. PHILLIPS: Will I have to redo  
15 everything again or does the protest stand for  
16 the next application? I have to redo  
17 everything? Okay.

18 CHAIRPERSON MILLER: Okay. You  
19 can speak with our legal counsel.

20 MS. PHILLIPS: Okay.

21 CHAIRPERSON MILLER: I have a  
22 feeling that you're not going to have to do

1 everything. You have already prepared all  
2 your stuff, so, yes, but check with Thea  
3 Davis. Okay.

4 MS. PHILLIPS: I'm hoping that  
5 will be the fair thing to do.

6 CHAIRPERSON MILLER: Yes.

7 MS. PHILLIPS: Because --

8 CHAIRPERSON MILLER: Absolutely.

9 MS. PHILLIPS: -- I've honored  
10 what you all have requested and required of  
11 me. And I'm hoping that as a result of that,  
12 I won't have to be inconvenienced with --

13 CHAIRPERSON MILLER: Right.

14 MS. PHILLIPS: -- restarting the  
15 process.

16 CHAIRPERSON MILLER: Good. Okay.

17 MS. PHILLIPS: Thank you.

18 CHAIRPERSON MILLER: Just double  
19 check with her so it works the right way.

20 MS. PHILLIPS: Right.

21 CHAIRPERSON MILLER: Okay. Well,  
22 thank you all.

1 MS. PHILLIPS: Thank you. Thank  
2 you all.

3 CHAIRPERSON MILLER: Thank you.  
4 We're just going to do the closings.

5 As Chairperson of the Alcoholic  
6 Beverage Control Board for the District of  
7 Columbia and in accordance with ^U 405 of the  
8 Open Meetings Amendment Act of 2010, I move  
9 that the ABC Board hold a closed meeting on  
10 May 23, 2012 for the purpose of seeking legal  
11 advice from our counsel on the matters  
12 identified on the Board's agenda for May 23,  
13 2012, as published in the DC Register on May  
14 18, 2012.

15 Is there a second?

16 MEMBER NOPHLIN: Second.

17 CHAIRPERSON MILLER: I'll take a  
18 roll call vote on the motion before us now  
19 that it has been seconded.

20 Mr. Nophlin?

21 MEMBER NOPHLIN: I agree.

22 CHAIRPERSON MILLER: Mr. Brooks?

1 MEMBER BROOKS: I agree.

2 CHAIRPERSON MILLER: Mr. Alberti?

3 MEMBER ALBERTI: I agree.

4 CHAIRPERSON MILLER: Ms. Miller

5 agrees.

6 Ms. Mobley?

7 MEMBER MOBLEY: I agree.

8 CHAIRPERSON MILLER: Mr. Jones?

9 MEMBER JONES: I agree.

10 CHAIRPERSON MILLER: The motion

11 passes 6-0-0.

12 I hereby give notice that the ABC

13 Board will hold this aforementioned closed

14 meeting pursuant to the Open Meetings

15 Amendment Act of 2010.

16 Notice will also be posted on the

17 ABC Board hearing room bulletin board, placed

18 on the electronic calendar on ABRA's website

19 and published in the DC Register in as timely

20 a manner as practical.

21 As Chairperson of the Alcoholic

22 Beverage Control Board for the District of

1 Columbia and in accordance with ^U 405 of the  
2 Open Meetings Amendment Act of 2012, I move  
3 that the ABC Board hold a closed meeting on  
4 May 23, 2012 for the purpose of discussing and  
5 hearing reports concerning ongoing or planned  
6 investigations of alleged criminal or civil  
7 misconduct or violations of law, regulations  
8 and seeking legal advice from our counsel on  
9 the Board's investigative agenda for May 23,  
10 2012, as published in the DC Register on May  
11 18, 2012.

12 Is there a second?

13 MEMBER NOPHLIN: Second.

14 CHAIRPERSON MILLER: I'll take a  
15 roll call vote on the motion before us now  
16 that it has been seconded.

17 Mr. Nophlin?

18 MEMBER NOPHLIN: I agree.

19 CHAIRPERSON MILLER: Mr. Brooks?

20 MEMBER BROOKS: I agree.

21 CHAIRPERSON MILLER: Mr. Alberti?

22 MEMBER ALBERTI: I agree.

1 CHAIRPERSON MILLER: Ms. Miller  
2 agrees.

3 Ms. Mobley?

4 MEMBER MOBLEY: I agree.

5 CHAIRPERSON MILLER: Mr. Jones?

6 MEMBER JONES: I agree.

7 CHAIRPERSON MILLER: The vote is  
8 6-0-0 on the motion. It's passed.

9 I hereby give notice that the ABC  
10 Board will hold this aforementioned closed  
11 meeting pursuant to the Open Meetings  
12 Amendment Act of 2010.

13 Notice will also be posted on the  
14 ABC Board hearing room bulletin board, placed  
15 on the electronic calendar on ABRA's website  
16 and published in the DC Register in as timely  
17 a manner as practical.

18 Then that concludes our business  
19 for today, May 16, 2012.

20 (Whereupon, the Protest Hearing in  
21 the above-entitled matter was concluded at  
22 2:24 p.m.)

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