

GOVERNMENT OF THE DISTRICT OF COLUMBIA

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ALCOHOLIC BEVERAGE REGULATION
ADMINISTRATION BOARD

IN THE MATTER OF:

Acott Ventures
t/a Shadow Room
2131 K Street NW

Ret. Class CN

Case No. 14-PRO-00033

Roll Call

Monday,
May 19, 2014

2000 14th Street, N.W.
Suite 400S
Washington, D.C. 20009

The above-entitled matter convened at
10:16 a.m., before the District of Columbia
Alcoholic Beverage Regulation Administration
Board.

BEFORE:

LAVERNE FLETCHER, Agent of the Board

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P R O C E E D I N G S

[10:06 a.m.]

MS. FLETCHER: Would the parties in the matter of, the roll call hearing is concluded. Would you parties in the matter of Shadow Room please come forward?

This is Case Number 14-PRO-00033, Acott Ventures trading as Shadow Room, 2131 K Street, NW, License Number ABRA-075871. This is a Retailer CN, Termination of Settlement Agreement.

The protest issues are adverse impact on peace, order and quiet and traffic. My name is Laverne Fletcher, and I am conducting the roll call hearing as the board's agent, pursuant to D.C. Official Code 1601.2. Introductions, beginning with the applicant, please.

MR. ACOTT: Yes, Stephen Acott, Stephen's spelled S-T-E-P-H-E-N, Acott spelled A-C-O-T-T from Shadow Room.

MS. FLETCHER: Thank you, Mr.

1 Acott. And on behalf of ANC 2A?

2 MS. HARMON: Yes, it's Florence
3 Harmon, F-L-O-R-E-N-C-E, H-A-R-M-O-N on
4 behalf of ANC 2A.

5 MS. FLETCHER: Thank you, Ms.
6 Harmon. ANC 2A does have standing as a
7 protestant. We need to set a date for
8 mediation, a status hearing and the protest
9 hearing.

10 I'll give you the date for the
11 status and protest hearing first. The
12 status hearing is set for June 11, 2014.

13 MS. HARMON: I'm going to have a
14 conflict with that. I've been called for
15 District Court jury duty that day.

16 MS. FLETCHER: Okay. Well, Ms.
17 Harmon, what I'm going to do, I'm going to,
18 if you'll just jot that date now. That's
19 the date that was provided to me to give to
20 you.

21 Just ask that the date be
22 changed. Do you have Martha Jenkins' email

1 address?

2 MS. HARMON: Oh, wait a second.
3 Let me look at the notice. I could be
4 mistaken. Just a second. Is it July or
5 June?

6 MS. FLETCHER: June.

7 MS. HARMON: June, okay. Let me
8 look here. Let's see. Actually, it's June
9 13th, so we're okay.

10 MS. FLETCHER: Okay. So then
11 June 11th.

12 MR. ACOTT: This is for the
13 status hearing?

14 MS. FLETCHER: This is for the
15 status.

16 MS. HARMON: June 11th at what
17 time?

18 MS. FLETCHER: June 11th at 9:30.

19 MR. ACOTT: We request after 11
20 a.m.

21 MS. FLETCHER: All status
22 hearings are scheduled for 9:30, and Mr.

1 Acott, the purpose of the status, you could
2 send someone else on your behalf if you
3 needed to.

4 MR. ACOTT: Okay.

5 MS. FLETCHER: It's just to
6 report the outcome of mediation.

7 MR. ACOTT: Sure.

8 MS. FLETCHER: The protest
9 hearing is set for September 10, 2014 at
10 1:30 p.m. We need to set a date --

11 MS. HARMON: At what time?

12 MS. FLETCHER: 1:30. We need to
13 set a date for the mediation to occur prior
14 to June 11th. I'll give you some dates that
15 are available.

16 The first available day is
17 Tuesday, June 27th. That's next Tuesday.
18 Actually, that may not be a good day --

19 MR. ACOTT: May 27th.

20 MS. FLETCHER: -- because
21 Memorial Day is Monday, the 26th. And there
22 may be roll call hearings on Tuesday, the

1 27th. So disregard that.

2 The next available date is
3 actually Thursday, May 29th at 2:30. Or we
4 can keep moving if you want something
5 earlier.

6 MR. ACOTT: The 29th works for
7 us.

8 MS. FLETCHER: Does that work for
9 you Ms. Harmon?

10 MS. HARMON: Yes. Could we do it
11 around lunchtime?

12 MS. FLETCHER: There may be
13 something else at that time. Give me one
14 second to see if I can move something
15 around. About what time would that be, Ms.
16 --

17 MS. HARMON: Anywhere between
18 11:00 to 2:00.

19 MS. FLETCHER: Okay. Well, how
20 about, would 11:00 would for you, Mr. Acott?
21 Or would you prefer late in the afternoon?

22 MR. ACOTT: If you could do like

1 1 o'clock?

2 MS. FLETCHER: We could do 1 p.m.

3 MS. HARMON: Yes, 1:00 would be
4 perfect.

5 MS. FLETCHER: 1 o'clock.

6 MS. HARMON: So the 29th?

7 MS. FLETCHER: Yes, 29th at 1
8 o'clock. So mediation is set for May 29 at
9 1 o'clock. Mr. Acott, did you put your
10 contact information on that sheet?

11 MR. ACOTT: Yes.

12 MS. FLETCHER: Ms. Harmon, is
13 your information on that sheet?

14 MS. HARMON: Yes, ma'am.

15 MS. FLETCHER: Okay. Any
16 questions?

17 MS. HARMON: I have a question.
18 Under the Regs 25-446, it requires that the
19 notice of this was supposed to be given to
20 both parties by ABRA at the time of the
21 applicant's renewal application. And it
22 wasn't done.

1 MS. FLETCHER: Say again what
2 wasn't done, Ms. Harmon?

3 MS. HARMON: Well, I'm reading
4 from ABRA regulations. It says notice of
5 application to amend or terminate a
6 settlement agreement shall, and it uses the
7 word "shall," be given both to the parties
8 of the agreement and to the public at the
9 time of the applicant's renewal application,
10 according to the renewal procedures
11 requirement under that. That wasn't done.

12 MS. FLETCHER: This is a, that
13 specifically states renewal?

14 MS. HARMON: Yes.

15 MS. FLETCHER: Well, this is a
16 termination of settlement.

17 MS. HARMON: I know, but the
18 termination of settlement, the notice of it
19 by ABRA is supposed to be given during their
20 renewal period, which has, we had a hearing
21 on that recently.

22 And I think the idea was so that

1 the parties, the ANC has filed a procedural
2 objection on that basis because this notice
3 was given later. And we're not going to
4 waive that.

5 But without waiving that, I think
6 the reason this is done is so that the board
7 hears the evidence of the motion to
8 terminate at the same time it hears on the
9 renewal proceeding. So the parties don't
10 have to bring in two sets of --

11 MS. FLETCHER: It does work out
12 that way sometimes.

13 MS. HARMON: Pardon me?

14 MS. FLETCHER: I said it does
15 work out that way sometimes.

16 MS. HARMON: Okay. So now we're
17 going to have to, because it didn't get
18 noticed, go to the expense and time of
19 redoing, basically, the renewal hearing, the
20 evidence we brought in there.

21 Without waiving our objection to
22 this application, based on these procedural

1 grounds, is there a way we can utilize the
2 evidence that was presented to the board at
3 the time of the renewal hearing?

4 MS. FLETCHER: You can check with
5 the board on that, Ms. Harmon. Check
6 through Martha Jenkins, if that's possible.
7 I understand the point that you're making.

8 You can check with them. So
9 you're suggesting that rather than to appear
10 for a protest hearing, if this matter is not
11 resolved, to just by stipulation.

12 MS. HARMON: If the other side
13 will stipulate, based on the record of the
14 renewal hearing.

15 MS. FLETCHER: Yes, that's
16 something that's going to have to be
17 addressed beyond today through Martha
18 Jenkins. That is something that the board
19 would have to rule on.

20 MS. HARMON: Okay. Steve, do you
21 have any thoughts on that?

22 MS. FLETCHER: You cannot even

1 make a decision about that today, but you
2 can respond to it if you like.

3 MR. ACOTT: Sure. I mean I'm
4 open to it if my partners and attorneys are
5 okay with it.

6 MS. FLETCHER: Yes, that's not at
7 all a roll call issue, but you had a chance
8 to talk about it.

9 MS. HARMON: Okay. We can talk
10 afterwards.

11 MS. FLETCHER: Yes.

12 MS. HARMON: Maybe we can do a
13 joint motion or something.

14 MS. FLETCHER: You can always do
15 that and petition the board about anything
16 that you like.

17 MS. HARMON: Okay.

18 MS. FLETCHER: If you want to
19 make a joint motion for that

20 MR. ACOTT: Yes, I mean because
21 we also discussed this. We thought it would
22 be grouped together because I think when we

1 filed this application in October, that's
2 what it is. Thank you.

3 MS. FLETCHER: I understand what
4 you mean. Then I will go ahead and conclude
5 the roll call hearing if that's everything.
6 Okay. Thank you.

7 MR. ACOTT: Thank you very much.

8 MS. HARMON: Thank you.

9 MR. ACOTT: Have a good day.

10 MS. HARMON: Okay. Bye bye.

11 MS. FLETCHER: Roll call hearing
12 is concluded.

13 [Whereupon, at 10:25 a.m., the
14 roll call hearing was adjourned]

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<p style="text-align: center;">A</p> <p>A-C-O-T-T 2:21 a.m 1:16 2:2 4:20 12:13 above-entitled 1:15 ABRA 7:20 8:4,19 ABRA-075871 2:9 Acott 1:7 2:8,19,19 2:20 3:1 4:12,19 5:1,4,7,19 6:6,20 6:22 7:9,11 11:3 11:20 12:7,9 address 4:1 addressed 10:17 adjourned 12:14 Administration 1:3 1:16 adverse 2:12 afternoon 6:21 agent 1:19 2:16 agreement 2:11 8:6 8:8 ahead 12:4 Alcoholic 1:3,16 amend 8:5 ANC 3:1,4,6 9:1 appear 10:9 applicant 2:18 applicant's 7:21 8:9 application 7:21 8:5,9 9:22 12:1 attorneys 11:4 available 5:15,16 6:2</p>	<p>bring 9:10 brought 9:20 bye 12:10,10</p> <p style="text-align: center;">C</p> <p>C 2:1 call 1:7 2:4,15 5:22 11:7 12:5,11,14 called 3:14 Case 1:10 2:7 chance 11:7 changed 3:22 check 10:4,5,8 Class 1:9 CN 1:9 2:10 Code 2:17 Columbia 1:1,16 come 2:6 conclude 12:4 concluded 2:5 12:12 conducting 2:15 conflict 3:14 contact 7:10 convened 1:15 Court 3:15</p>	<p>expense 9:18</p> <p style="text-align: center;">F</p> <p>F-L-O-R-E-N-C-E 3:3 filed 9:1 12:1 first 3:11 5:16 Fletcher 1:19 2:3 2:14,22 3:5,16 4:6 4:10,14,18,21 5:5 5:8,12,20 6:8,12 6:19 7:2,5,7,12,15 8:1,12,15 9:11,14 10:4,15,22 11:6 11:11,14,18 12:3 12:11 Florence 3:2 forward 2:6</p>	<p>hearings 4:22 5:22 hears 9:7,8</p> <p style="text-align: center;">I</p> <p>idea 8:22 impact 2:13 information 7:10 7:13 Introductions 2:17 issue 11:7 issues 2:12</p> <p style="text-align: center;">J</p> <p>Jenkins 3:22 10:6 10:18 joint 11:13,19 jot 3:18 July 4:4 June 3:12 4:5,6,7,8 4:11,16,18 5:14 5:17 jury 3:15</p>	<p>Monday 1:12 5:21 motion 9:7 11:13 11:19 move 6:14 moving 6:4</p> <p style="text-align: center;">N</p> <p>N 2:1 N.W 1:13 name 2:14 need 3:7 5:10,12 needed 5:3 notice 4:3 7:19 8:4 8:18 9:2 noticed 9:18 Number 2:7,9 NW 1:8 2:9</p>
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