

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: :
: :
Columbia Lodge #85 :
t/a Columbia Lodge #85 :
IBPEO of Wo :
1844 3rd Street, N.W. :
License #ABRA-000237 :
Retailer CX :
License Renewal :
Case #13-PRO-00019 :
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May 20, 2013

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The Alcoholic Beverage Control
Board met in Alcoholic Beverage Control
Hearing Room, Reeves Building, 2000 14th

Street N.W., Washington, D.C., Ms. La Verne
Fletcher, Agent, presiding.

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

2 (10:21 a.m.)

3 AGENT FLETCHER: Would the parties
4 in the matter of Columbia Lodge #85, please
5 come forward? The parties in the matter of
6 Columbia Lodge #85.

7 This is Case Number 13-PRO-00019,
8 Columbia Lodge #85 trading as Columbia Lodge
9 #85 IBPEO of Wo, 1844 3rd Street, N.W.,
10 License Number ABRA-000237. This is a
11 Retailer CX License Renewal. The protest
12 issues are adverse impact on peace, order, and
13 quiet.

14 My name is La Verne Fletcher.
15 I'll be conducting the Roll Call Hearing as
16 the Board's agent pursuant to D.C. Official
17 Code 1601.2.

18 Introductions beginning with the
19 Lodge, please. Okay, are you with the Lodge?

20 MS. RAIFORD: Yes.

21 AGENT FLETCHER: Okay, thank you.

22 And, who's the Applicant for the license

1 renewal? Is that you, sir?

2 MR. ALSTON: Yes.

3 AGENT FLETCHER: You're with the
4 Lodge?

5 MR. ALSTON: Yes, ma'am.

6 AGENT FLETCHER: Okay. You're
7 what?

8 MR. ALSTON: Correct, ma'am.

9 AGENT FLETCHER: Okay. Thank you
10 very much. And, your name, please?

11 MR. ALSTON: Robert Alston. That's
12 A-L-S-T-O-N.

13 AGENT FLETCHER: What's the last
14 name again?

15 MR. ALSTON: Alston A-L-S-T-O-N.

16 AGENT FLETCHER: O-L-S-T-O-N?

17 MR. ALSTON: A-L-S, yes.

18 AGENT FLETCHER: Thank you very
19 much.

20 And, your name, ma'am.

21 MS. HOWIE: My name is Betty Howie.

22 AGENT FLETCHER: Could you spell

1 that for the court reporter, please?

2 MS. HOWIE: The last name?

3 AGENT FLETCHER: First name and
4 last.

5 MS. HOWIE: Oh. B-E-T-T-Y H-O-W-I-
6 E.

7 AGENT FLETCHER: Thank you. And,
8 you're with the Lodge as well?

9 MS. HOWIE: Yes, I am.

10 AGENT FLETCHER: Thank you.

11 Your name, ma'am?

12 MS. RAIFORD: Gwendolyn Raiford G-
13 W-E-N-D-O-L-Y-N R-A-I-F-O-R-D.

14 AGENT FLETCHER: R-A-I?

15 MS. RAIFORD: F-O-R-D.

16 AGENT FLETCHER: F-O-R --

17 MS. RAIFORD: D.

18 AGENT FLETCHER: D, okay. Thank
19 you.

20 And, for the Protestants?

21 MR. MORGAN: Hi. I'm Marc Morgan

22 M-A-R-C M-O-R-G-A-N, ANC Commissioner in 1B01.

1 MR. BALL: And, I'm Ben Ball B-E-N
2 B-A-L-L.

3 AGENT FLETCHER: Thank you, Mr.
4 Ball.

5 Mr. Morgan, did ANC 1B follow
6 protest?

7 MR. MORGAN: Yes, they did.

8 AGENT FLETCHER: They did?

9 MR. MORGAN: Yes, on April 21.

10 AGENT FLETCHER: Did you receive
11 the letter from ABRA informing you of a Roll
12 Call Hearing today? Did you receive a letter
13 from us informing you of the Roll Call Hearing
14 today?

15 MR. MORGAN: I did not.

16 AGENT FLETCHER: Okay. And, on
17 what day did you file your protest?

18 MR. MORGAN: April 21, 2013.

19 AGENT FLETCHER: Do you have a copy
20 of your protest letter?

21 MR. MORGAN: Yes.

22 AGENT FLETCHER: Thank you very

1 much.

2 Mr. Morgan, just so that you know,
3 a copy of your protest letter did not make it
4 to the actual protest file that I have right
5 here today, but this is the letter that you
6 submitted.

7 MR. MORGAN: Right.

8 AGENT FLETCHER: Do you have a
9 letter from us telling you to show up today
10 for the Roll Call?

11 MR. MORGAN: I do not, no. I
12 learned through a neighbor and through our ABC
13 committee chair.

14 AGENT FLETCHER: Okay. But the
15 chair did submit -- as far as you know, the
16 chair did submit a protest?

17 MR. MORGAN: As far as I know, yes.

18 AGENT FLETCHER: What I'm going to
19 do is for the purpose of the Roll Call
20 Hearing, I made a note that you're here on
21 behalf of ANC 1B. I'm not going to grant
22 standing to ANC 1B today. What I'm going to

1 do is ask you if you'll have your chair to
2 send us a copy of his protest, actually
3 protest letter.

4 MR. MORGAN: I can do that.

5 AGENT FLETCHER: And, standing can
6 be granted at another time just for the
7 purpose of Roll Call not today. And, my card
8 is on that table. He can email it to me or if
9 he has the letter that gave notice of the Roll
10 Call Hearing, he'll have the name of the
11 person that he can --

12 MR. MORGAN: Okay.

13 AGENT FLETCHER: -- send that to.
14 And, I'll give this -- let me make a note
15 about this. Just a second.

16 But, Mr. Morgan, will you still on
17 that sheet, put your contact information?

18 MR. MORGAN: Yes, I did.

19 AGENT FLETCHER: You did already,
20 okay. Well, then that's perfect. And, so I
21 will initiate contact with you as well.

22 MR. MORGAN: Okay.

1 AGENT FLETCHER: I'll give you this
2 back.

3 And, what the chair will need to
4 do is to send a letter actually to the ABC
5 Board informing the ABC Board that it filed a
6 protest and wants to be granted standing and
7 you'll basically tell them what happened today
8 that they weren't granted standing because the
9 protest letter wasn't in the file, and then
10 you can attach a copy of the protest letter,
11 send it to the ABC Board. They'll review it
12 and they can grant standing at that time.
13 And, you feel free to stay, of course.

14 MR. MORGAN: Okay.

15 AGENT FLETCHER: Mr. Ball, I read
16 your protest letter, and according to it, your
17 residence is located across the street from
18 the Lodge.

19 MR. BALL: Correct.

20 AGENT FLETCHER: But you filed as
21 an abutting property on it?

22 MR. BALL: Yes. The information on

1 the website did not define abutting.

2 AGENT FLETCHER: Yes.

3 MR. BALL: So, my assumption was
4 that abutting means abutting property lines.
5 Apparently, that is not the case, so I'm
6 actually here to designate Mr. Morgan as my
7 representative.

8 AGENT FLETCHER: Okay. Well, what
9 we'll do then, the definition of an abutting
10 property owner for the ABC Board is sharing a
11 common wall. You're right, sometimes it's
12 sharing a property line, but for the ABC Board
13 it's sharing a common wall.

14 So, what I'm going to do is I'm
15 going to dismiss your protest today because
16 you're not abutting. Mr. Morgan is going to
17 have the chair of the ANC to submit a petition
18 to the ABC Board to grant standing because you
19 filed the protest, but it's not in the file.

20 MR. BALL: Right.

21 AGENT FLETCHER: And, I understand,
22 Mr. Ball, that assuming that the Board grants

1 standing to the ANC, the ANC is going to
2 represent your interest is how we're going to
3 do it?

4 MR. BALL: Yes.

5 AGENT FLETCHER: Okay. And, I
6 should also mention, Mr. Ball, although your
7 protest is dismissed, and, Mr. Morgan, even
8 though the ANC does not have a protest filed
9 as of today as far as a roll call, you still
10 have the option of engaging in dialogue in an
11 attempt to address your protest issues.

12 If you all can do that and reach
13 an agreement, a settlement agreement of some
14 sort in writing, you can still submit that to
15 the ABC Board for review and approval. And,
16 the Board will enforce any agreement that it
17 approves.

18 So, you probably know that
19 already, Mr. Morgan. The ANC can always reach
20 out to a licensee to try to resolve the
21 protest issues. So, if that happens, whether
22 you're granted standing or not, if that

1 happens, just submit the volunteer agreement
2 to the ABC Board for review.

3 MR. MORGAN: That would be perfect.
4 That would be ideal.

5 AGENT FLETCHER: And, Mr. Ball, you
6 have your contact information on that sheet?

7 MR. BALL: Yes.

8 AGENT FLETCHER: Okay. Well, then
9 thank you very much. Any questions?

10 MR. BALL: No.

11 AGENT FLETCHER: Okay. So, Mr.
12 Ball, just so that you know, the way this
13 works is you'll get an order from us, from the
14 Board, dismissing the protest for the reason
15 that I just stated. You'll have ten days to
16 seek reinstatement if you choose to. In the
17 meantime, we'll be looking for the
18 correspondence from ANC.

19 MR. MORGAN: Yes, absolutely.

20 AGENT FLETCHER: Okay.

21 MR. BALL: Should I send you a
22 letter officially designating him as my

1 representative? Would that help in any way or
2 is that --

3 AGENT FLETCHER: Yes. You would
4 absolutely positively have to do that, so I
5 imagine the ANC will let you know if it's
6 granted standing, and then you -- you don't
7 have to do that. They represent -- you could.
8 You don't have to because they represent the
9 entire community anyway. So, if they're here,
10 your interests are supposed to be addressed as
11 well.

12 MR. BALL: Should I do that before
13 they're granted standing or after? Does it
14 matter?

15 AGENT FLETCHER: If you can do it
16 now, you can do it now if you want. If
17 they're not granted standing, it won't matter.
18 If they are -- if they are, then it's going to
19 be put in the record no matter what happens, -
20 -

21 MR. BALL: Fair enough, okay.

22 AGENT FLETCHER: -- so that's no --

1 any -- whatever you choose.

2 Yes, ma'am. And, your name?

3 MS. RAIFORD: My name is Gwendolyn
4 Raiford. I was wondering if we can have a
5 copy of what Mr. Morgan trying to submit to
6 you.

7 AGENT FLETCHER: Of what Mr. Morgan
8 -- sure. What that is is -- Mr. Morgan, you
9 can just show that to Ms. --

10 MR. MORGAN: -- Raiford.

11 AGENT FLETCHER: Raiford. That is
12 -- that appears to be a copy of the protest
13 letter. If that were in this file, if that
14 letter were in this file, time stamped by us
15 as having been received on that date, then I
16 would be granting standing to the ANC.

17 That is the letter that Mr. Morgan
18 is saying that we did receive, although, it's
19 not in the file. He was just showing me that
20 a protest letter was actually written and that
21 it was filed, except I just don't have it, so
22 that's what that is. That is, that is the

1 protest letter.

2 MS. HOWIE: I have one question. I
3 want to make sure I understand. You say that
4 you have to have --

5 AGENT FLETCHER: Ms. Howie? Excuse
6 me, Ms. Howie? Ms. Howie is speaking. Okay.
7 Go ahead.

8 MS. HOWIE: We have to have
9 mediation with the ANC Board.

10 AGENT FLETCHER: You're not
11 required to have mediation with the ANC
12 outside of this process. If the ABC Board
13 grants standing to the ANC, the mediation is
14 mandatory, but because the ANC does not have
15 standing as a Protestant right now, you can do
16 that voluntarily on your own.

17 The Board would prefer for the
18 parties to try to resolve protest issues if
19 they can. So, you can do that now if you
20 like, but it's not mandatory. It's up to you.

21 MS. HOWIE: Okay. We already have
22 a voluntary agreement with the ANC Board, but

1 right now, we're working on another agreement
2 for the ANC Board, so it would be to our
3 benefit if the ANC Board would come to us or
4 either we could come to them and sit down and
5 make an agreement.

6 AGENT FLETCHER: That would be the
7 ideal situation. And, as I said, whether or
8 not the ANC is granted standing as a
9 Protestant or not, you can do that. And, then
10 if you submit a settlement agreement, we call
11 them "settlement agreements" now, if you
12 submit a settlement agreement that's approved
13 by the ABC Board, the Board will enforce
14 whatever agreement you submit.

15 Okay. Well, thank you for coming.
16 The Roll Call Hearing is concluded.

17 Oh, Mr. --

18 MR. ALSTON: Alston.

19 AGENT FLETCHER: Did you put your
20 contact information on that sheet? Where is
21 the sheet?

22 MS. HOWIE: What sheet?

1 MS. RAIFORD: There weren't no
2 sheet.

3 AGENT FLETCHER: Well, somebody --
4 okay. Thank you. Okay.

5 MS. RAIFORD: Is that it?

6 AGENT FLETCHER: Well, there were
7 two. There was one on that table as well.
8 That's okay.

9 MS. RAIFORD: It looks like two
10 over there.

11 AGENT FLETCHER: Yes, I think
12 somebody just walked out with it. That's
13 okay. No problem.

14 PARTICIPANT: You need us to sign?

15 AGENT FLETCHER: Yes. The -- let
16 me see what information I have for you before
17 you leave. I think somebody just walked away
18 with it, but that happens sometimes. That's
19 okay.

20 Mr. Alston?

21 MR. ALSTON: Yes.

22 PARTICIPANT: I just walked off

1 with it. I just accidentally walked off with
2 it.

3 AGENT FLETCHER: Oh, perfect
4 timing. Thank you. That's it right there.
5 If you would just -- Mr. Alston is the only
6 person that needs to put your name, daytime
7 number, email address on there because you're
8 the, you're the Applicant, the president,
9 right?

10 MR. ALSTON: Yes, ma'am.

11 AGENT FLETCHER: Okay. Thank you.

12 (Whereupon, the Roll Call Hearing
13 was concluded at 10:35 a.m. on May 20, 2013.)

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<p style="text-align: center;">A</p> <p>ABC 6:12 8:4,5,11 9:10,12,18 10:15 11:2 14:12 15:13</p> <p>ABRA 5:11</p> <p>ABRA-000237 1:12 2:10</p> <p>absolutely 11:19 12:4</p> <p>abutting 8:21 9:1,4 9:4,9,16</p> <p>accidentally 17:1</p> <p>actual 6:4</p> <p>address 10:11 17:7</p> <p>addressed 12:10</p> <p>adverse 2:12</p> <p>agent 1:22 2:3,16 2:21 3:3,6,9,13,16 3:18,22 4:3,7,10 4:14,16,18 5:3,8 5:10,16,19,22 6:8 6:14,18 7:5,13,19 8:1,15,20 9:2,8,21 10:5 11:5,8,11,20 12:3,15,22 13:7 13:11 14:5,10 15:6,19 16:3,6,11 16:15 17:3,11</p> <p>agreement 10:13 10:13,16 11:1 14:22 15:1,5,10 15:12,14</p> <p>agreements 15:11</p> <p>ahead 14:7</p> <p>Alcoholic 1:3,18,19</p> <p>Alston 3:2,5,8,11 3:11,15,15,17 15:18,18 16:20,21 17:5,10</p> <p>ANC 4:22 5:5 6:21 6:22 9:17 10:1,1,8 10:19 11:18 12:5 13:16 14:9,11,13 14:14,22 15:2,3,8</p> <p>anyway 12:9</p> <p>Apparently 9:5</p> <p>appears 13:12</p>	<p>Applicant 2:22 17:8</p> <p>approval 10:15</p> <p>approved 15:12</p> <p>approves 10:17</p> <p>April 5:9,18</p> <p>assuming 9:22</p> <p>assumption 9:3</p> <p>attach 8:10</p> <p>attempt 10:11</p> <p>A-L-S 3:17</p> <p>A-L-S-T-O-N 3:12 3:15</p> <p>a.m 2:2 17:13</p> <hr/> <p style="text-align: center;">B</p> <p>back 8:2</p> <p>Ball 5:1,1,4 8:15,19 8:22 9:3,20,22 10:4,6 11:5,7,10 11:12,21 12:12,21</p> <p>basically 8:7</p> <p>beginning 2:18</p> <p>behalf 6:21</p> <p>Ben 5:1</p> <p>benefit 15:3</p> <p>Betty 3:21</p> <p>Beverage 1:3,18,19</p> <p>Board 1:3,19 8:5,5 8:11 9:10,12,18 9:22 10:15,16 11:2,14 14:9,12 14:17,22 15:2,3 15:13,13</p> <p>Board's 2:16</p> <p>Building 1:19</p> <p>B-A-L-L 5:2</p> <p>B-E-N 5:1</p> <p>B-E-T-T-Y 4:5</p> <hr/> <p style="text-align: center;">C</p> <p>call 1:5 2:15 5:12 5:13 6:10,19 7:7 7:10 10:9 15:10 15:16 17:12</p> <p>card 7:7</p> <p>case 1:14 2:7 9:5</p> <p>chair 6:13,15,16</p>	<p>7:1 8:3 9:17</p> <p>choose 11:16 13:1</p> <p>Code 2:17</p> <p>Columbia 1:1,10 1:10 2:4,6,8,8</p> <p>come 2:5 15:3,4</p> <p>coming 15:15</p> <p>Commissioner 4:22</p> <p>committee 6:13</p> <p>common 9:11,13</p> <p>community 12:9</p> <p>concluded 15:16 17:13</p> <p>conducting 2:15</p> <p>contact 7:17,21 11:6 15:20</p> <p>Control 1:3,18,19</p> <p>copy 5:19 6:3 7:2 8:10 13:5,12</p> <p>Correct 3:8 8:19</p> <p>correspondence 11:18</p> <p>course 8:13</p> <p>court 4:1</p> <p>CX 1:13 2:11</p> <hr/> <p style="text-align: center;">D</p> <p>D 4:17,18</p> <p>date 13:15</p> <p>day 5:17</p> <p>days 11:15</p> <p>daytime 17:6</p> <p>define 9:1</p> <p>definition 9:9</p> <p>designate 9:6</p> <p>designating 11:22</p> <p>dialogue 10:10</p> <p>dismiss 9:15</p> <p>dismissed 10:7</p> <p>dismissing 11:14</p> <p>DISTRICT 1:1</p> <p>D.C 1:21 2:16</p> <hr/> <p style="text-align: center;">E</p> <p>E 4:6</p> <p>either 15:4</p> <p>email 7:8 17:7</p>	<p>enforce 10:16 15:13</p> <p>engaging 10:10</p> <p>entire 12:9</p> <p>Excuse 14:5</p> <hr/> <p style="text-align: center;">F</p> <p>Fair 12:21</p> <p>far 6:15,17 10:9</p> <p>feel 8:13</p> <p>file 5:17 6:4 8:9 9:19 13:13,14,19</p> <p>filed 8:5,20 9:19 10:8 13:21</p> <p>First 4:3</p> <p>Fletcher 1:22 2:3 2:14,21 3:3,6,9,13 3:16,18,22 4:3,7 4:10,14,16,18 5:3 5:8,10,16,19,22 6:8,14,18 7:5,13 7:19 8:1,15,20 9:2 9:8,21 10:5 11:5,8 11:11,20 12:3,15 12:22 13:7,11 14:5,10 15:6,19 16:3,6,11,15 17:3 17:11</p> <p>follow 5:5</p> <p>forward 2:5</p> <p>free 8:13</p> <p>F-O-R 4:16</p> <p>F-O-R-D 4:15</p> <hr/> <p style="text-align: center;">G</p> <p>G 4:12</p> <p>give 7:14 8:1</p> <p>Go 14:7</p> <p>going 6:18,21,22 9:14,15,16 10:1,2 12:18</p> <p>grant 6:21 8:12 9:18</p> <p>granted 7:6 8:6,8 10:22 12:6,13,17 15:8</p> <p>granting 13:16</p> <p>grants 9:22 14:13</p>	<p>Gwendolyn 4:12 13:3</p> <hr/> <p style="text-align: center;">H</p> <p>happened 8:7</p> <p>happens 10:21 11:1 12:19 16:18</p> <p>Hearing 1:5,19 2:15 5:12,13 6:20 7:10 15:16 17:12</p> <p>help 12:1</p> <p>he'll 7:10</p> <p>Hi 4:21</p> <p>Howie 3:21,21 4:2 4:5,9 14:2,5,6,6,8 14:21 15:22</p> <p>H-O-W-I 4:5</p> <hr/> <p style="text-align: center;">I</p> <p>IBPEO 1:11 2:9</p> <p>ideal 11:4 15:7</p> <p>imagine 12:5</p> <p>impact 2:12</p> <p>information 7:17 8:22 11:6 15:20 16:16</p> <p>informing 5:11,13 8:5</p> <p>initiate 7:21</p> <p>interest 10:2</p> <p>interests 12:10</p> <p>Introductions 2:18</p> <p>issues 2:12 10:11 10:21 14:18</p> <hr/> <p style="text-align: center;">K</p> <p>know 6:2,15,17 10:18 11:12 12:5</p> <hr/> <p style="text-align: center;">L</p> <p>La 1:21 2:14</p> <p>learned 6:12</p> <p>leave 16:17</p> <p>letter 5:11,12,20 6:3,5,9 7:3,9 8:4,9 8:10,16 11:22 13:13,14,17,20 14:1</p>
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