

DISTRICT OF COLUMBIA

+ + + + +

ALCOHOLIC BEVERAGE CONTROL BOARD

+ + + + +

ROLL CALL HEARING

+ + + + +

b----->

IN THE MATTER OF: :

Prezzo Forte, Inc. :

t/a Tuscana West :

1350 I Street, N.W. :

License #ABRA-089019 :

Retailer CR - License :

Renewal :

Case #13-PRO-00039 :

b-----¼

MONDAY, JUNE 3, 2013

+ + + + +

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 (11:02 a.m.)

3 MS. FLETCHER: Would the parties  
4 in the matter Tuscana West please come  
5 forward. Tuscana West, Case No. 13-PRO-00039,  
6 Pezzo Forte, Inc., trading as Tuscana West,  
7 1350 I Street, N.W., License No. ABRA-082284.  
8 This is a Retailer CR License Renewal.

9 The protest issues are adverse  
10 impact on peace, order and quiet.

11 My name is La Verne Fletcher and  
12 I'll be conducting the roll call hearing as  
13 the Board's agent pursuant to D.C. Official  
14 Code 1601.2.

15 Introductions beginning with the  
16 applicant, please.

17 Yes, sir.

18 MR. BARLOW: Mr. Moore, who is --  
19 I guess he is representing the protestant, he  
20 left his card. He said he had to leave and he  
21 was coming back in a little bit and wanted to  
22 know if he could reschedule it for a little

1 bit later this morning.

2 That's up to you. I mean, that's  
3 what he -- he actually gave me his card and  
4 asked me to make that request. He said he was  
5 coming back.

6 MS. FLETCHER: If he comes back  
7 before we're done, then we'll -- we'll  
8 continue. If he doesn't, I'm going to go  
9 ahead and dismiss the protest, and he can seek  
10 reinstatement.

11 MR. BARLOW: Okay.

12 MS. FLETCHER: I'm just going to -  
13 - thank you, but I'm -- hopefully, he'll come  
14 back before we're done. Thank you very much.  
15 I'm going to make a note of that.

16 Are you the -- are you the --  
17 you're the protestants?

18 MR. BARLOW: Applicant.

19 MS. FLETCHER: You're the  
20 applicants. Okay. Thank you. I just wanted  
21 to make sure you're on the right side of the  
22 table.

1                   Okay. And your name, sir?

2                   MR. BARLOW: Andre Barlow, A-n-d-  
3 r-e, Barlow, B-a-r-l-o-w.

4                   MS. FLETCHER: Okay. A-n-d-r-e.  
5 And what's the last name again?

6                   MR. BARLOW: Barlow, B-a-r-l-o-w.

7                   MS. FLETCHER: Thank you.

8                   And your name is?

9                   MS. KOWKABI: Karen Kowkabi, K-a-  
10 r-e-n. Last name, K-o-w-k-a-b-i.

11                   MS. FLETCHER: Thank you.

12                   And your name?

13                   MS. SALGUERO: Rosemarie Salguero,  
14 R-o-s-e-m-a-r-i-e, S-a-l-g-u-e-r-o.

15                   MS. FLETCHER: Rosemarie, what's  
16 your last name again?

17                   MS. SALGUERO: S-a-l-g-u-e-r-o.

18                   MS. FLETCHER: Yes. Thank you.

19                   And you are here on behalf of Tuscana West?

20                   MS. SALGUERO: That's right.

21                   MS. FLETCHER: Is Matthew M. Moore  
22 present?

1                   Let me give you a choice here.  
2                   You just heard the gentleman say that Mr.  
3                   Moore is not present, but that he would return  
4                   later.

5                   There's someone coming through the  
6                   door. If that's Mr. Moore, we'll proceed.

7                   Are you Mr. Moore, by any chance?

8                   MR. MOORE: Yes, ma'am.

9                   MS. FLETCHER: Okay.

10                  MR. MOORE: I am sorry --

11                  MS. FLETCHER: Thank you.

12                  MR. MOORE: I just got through the  
13                  line.

14                  MS. FLETCHER: You walked in in  
15                  perfect time. Thank you.

16                  MR. MOORE: This is my second time  
17                  through the line because of the parking  
18                  situation around here.

19                  MS. FLETCHER: Yes, I know. Yes.  
20                  The delay out front was pretty bad today.

21                  Mr. Moore, would you please  
22                  introduce yourself for the record and spell

1 your name for the court reporter.

2 MR. MOORE: Good morning. My name  
3 is Matthew Moore, M-a-t-t-h-e-w. Last name,  
4 M-o-o-r-e. I'm here on behalf of 1350 I  
5 Street Associates.

6 MS. FLETCHER: Okay. Thank you,  
7 Mr. Moore. Mr. Moore, based upon a review of  
8 your protest letter, it appears that your --  
9 that your client is -- has an issue with his  
10 tenant.

11 MR. MOORE: Oh. An issue with the  
12 tenant based upon its operation at the  
13 premises, and the operation that results from  
14 its use of its current alcoholic license.

15 MS. FLETCHER: Under D.C. Official  
16 Codes 2513, a landlord does not have standing  
17 as a protestant against a tenant. We view  
18 that as a landlord/tenant dispute.

19 Your protest letter begins --  
20 well, not your protest letter, but the protest  
21 letter filed by Ms. Sanders, S-a-n-d-e-r-s,  
22 begins, "We are the landlord under the lease

1 agreement with Tuscana West," and then the  
2 protest letter goes on to discuss problems  
3 that the landlord is having with the tenant.

4 The Board has not historically  
5 accepted that as a valid protest because it's  
6 a landlord/tenant dispute. That's the way  
7 that they look at that situation.

8 So, for the purpose of the Roll  
9 Call Hearing, I'm going to dismiss the protest  
10 filed by Tiffany D. Sanders, who is the  
11 executive vice president of 3501 I Street  
12 Associates, LP.

13 I am dismissing her protest  
14 because it appears that this is a  
15 landlord/tenant dispute.

16 And, Mr. Moore, you can petition  
17 the ABC Board for standing as a protestant in  
18 this matter if you disagree with that.

19 You'll receive an order dismissing  
20 the protest, and you'll have an opportunity --  
21 the opportunity at that time to disagree with  
22 that. And the applicant will have an

1 opportunity to respond as well.

2 MR. MOORE: Thank you.

3 MS. FLETCHER: Thank you, Mr.  
4 Moore, for coming.

5 The Roll Call Hearing is  
6 dismissed. Oh, and someone on this side has  
7 put contact information on that sheet.

8 MS. KOWKABI: Yes.

9 MS. FLETCHER: An email address.  
10 Okay. Thank you very much.

11 The Roll Call Hearing is  
12 concluded.

13 (Whereupon, the Roll Call Hearing  
14 was concluded at 11:08 a.m.)

15

16

17

18

19

20

21

22

<b>A</b>	<b>choice</b> 5:1 <b>client</b> 6:9 <b>Code</b> 2:14 <b>Codes</b> 6:16 <b>COLUMBIA</b> 1:1 <b>come</b> 2:4 3:13 <b>comes</b> 3:6 <b>coming</b> 2:21 3:5 5:5 8:4 <b>concluded</b> 8:12,14 <b>conducting</b> 2:12 <b>contact</b> 8:7 <b>continue</b> 3:8 <b>Control</b> 1:3,18,18 <b>court</b> 6:1 <b>CR</b> 1:12 2:8 <b>current</b> 6:14	<b>give</b> 5:1 <b>go</b> 3:8 <b>goes</b> 7:2 <b>going</b> 3:8,12,15 7:9 <b>Good</b> 6:2 <b>guess</b> 2:19	<b>look</b> 7:7 <b>LP</b> 7:12	<b>Prezzo</b> 1:10 <b>problems</b> 7:2 <b>proceed</b> 5:6 <b>protest</b> 2:9 3:9 6:8 6:19,20,20 7:2,5,9 7:13,20 <b>protestant</b> 2:19 6:17 7:17 <b>protestants</b> 3:17 <b>purpose</b> 7:8 <b>pursuant</b> 2:13 <b>put</b> 8:7 <b>P-R-O-C-E-E-D...</b> 2:1
<b>ABC</b> 7:17 <b>ABRA-082284</b> 2:7 <b>ABRA-089019</b> 1:12 <b>accepted</b> 7:5 <b>address</b> 8:9 <b>adverse</b> 2:9 <b>agent</b> 1:22 2:13 <b>agreement</b> 7:1 <b>ahead</b> 3:9 <b>alcoholic</b> 1:3,18,18 6:14 <b>Andre</b> 4:2 <b>appears</b> 6:8 7:14 <b>applicant</b> 2:16 3:18 7:22 <b>applicants</b> 3:20 <b>asked</b> 3:4 <b>Associates</b> 6:5 7:12 <b>A-n-d</b> 4:2 <b>A-n-d-r-e</b> 4:4 <b>a.m</b> 2:2 8:14	<b>D</b>	<b>H</b>	<b>M</b>	<b>Q</b>
<b>B</b>	<b>D</b> 7:10 <b>delay</b> 5:20 <b>disagree</b> 7:18,21 <b>discuss</b> 7:2 <b>dismiss</b> 3:9 7:9 <b>dismissed</b> 8:6 <b>dismissing</b> 7:13,19 <b>dispute</b> 6:18 7:6,15 <b>DISTRICT</b> 1:1 <b>door</b> 5:6 <b>D.C</b> 1:20 2:13 6:15	<b>I</b>	<b>M</b> 4:21 <b>matter</b> 1:9 2:4 7:18 <b>Matthew</b> 4:21 6:3 <b>ma'am</b> 5:8 <b>mean</b> 3:2 <b>met</b> 1:18 <b>MONDAY</b> 1:15 <b>Moore</b> 2:18 4:21 5:3,6,7,8,10,12,16 5:21 6:2,3,7,7,11 7:16 8:2,4 <b>morning</b> 3:1 6:2 <b>M-a-t-t-h-e-w</b> 6:3 <b>M-o-o-r-e</b> 6:4	<b>R</b>
<b>back</b> 2:21 3:5,6,14 <b>bad</b> 5:20 <b>Barlow</b> 2:18 3:11 3:18 4:2,2,3,6,6 <b>based</b> 6:7,12 <b>beginning</b> 2:15 <b>begins</b> 6:19,22 <b>behalf</b> 4:19 6:4 <b>Beverage</b> 1:3,18,18 <b>bit</b> 2:21 3:1 <b>Board</b> 1:3,18 7:4 7:17 <b>Board's</b> 2:13 <b>Building</b> 1:19 <b>B-a-r-l-o-w</b> 4:3,6	<b>E</b>	<b>J</b>	<b>N</b>	<b>receive</b> 7:19 <b>record</b> 5:22 <b>Reeves</b> 1:19 <b>reinstatement</b> 3:10 <b>Renewal</b> 1:13 2:8 <b>reporter</b> 6:1 <b>representing</b> 2:19 <b>request</b> 3:4 <b>reschedule</b> 2:22 <b>respond</b> 8:1 <b>results</b> 6:13 <b>Retailer</b> 1:12 2:8 <b>return</b> 5:3 <b>review</b> 6:7 <b>right</b> 3:21 4:20 <b>roll</b> 1:5 2:12 7:8 8:5 8:11,13 <b>Room</b> 1:19 <b>Rosemarie</b> 4:13,15 <b>r-e</b> 4:3 <b>r-e-n</b> 4:10 <b>R-o-s-e-m-a-r-i-e</b> 4:14
<b>C</b>	<b>F</b>	<b>K</b>	<b>O</b>	<b>S</b>
<b>call</b> 1:5 2:12 7:9 8:5 8:11,13 <b>card</b> 2:20 3:3 <b>Case</b> 1:13 2:5 <b>chance</b> 5:7	<b>email</b> 8:9 <b>executive</b> 7:11	<b>JUNE</b> 1:15	<b>Official</b> 2:13 6:15 <b>Oh</b> 6:11 8:6 <b>Okay</b> 3:11,20 4:1,4 5:9 6:6 8:10 <b>operation</b> 6:12,13 <b>opportunity</b> 7:20 7:21 8:1 <b>order</b> 2:10 7:19	<b>Salguero</b> 4:13,13 4:17,20 <b>Sanders</b> 6:21 7:10 <b>second</b> 5:16
	<b>G</b>	<b>L</b>	<b>P</b>	
	<b>filed</b> 6:21 7:10 <b>Fletcher</b> 1:22 2:3 2:11 3:6,12,19 4:4 4:7,11,15,18,21 5:9,11,14,19 6:6 6:15 8:3,9 <b>Forte</b> 1:10 2:6 <b>forward</b> 2:5 <b>front</b> 5:20	<b>Karen</b> 4:9 <b>know</b> 2:22 5:19 <b>Kowkabi</b> 4:9,9 8:8 <b>K-a</b> 4:9 <b>K-o-w-k-a-b-i</b> 4:10	<b>parking</b> 5:17 <b>parties</b> 2:3 <b>peace</b> 2:10 <b>perfect</b> 5:15 <b>petition</b> 7:16 <b>Pezzo</b> 2:6 <b>please</b> 2:4,16 5:21 <b>premises</b> 6:13 <b>present</b> 4:22 5:3 <b>president</b> 7:11 <b>presiding</b> 1:22 <b>pretty</b> 5:20	
	<b>gentleman</b> 5:2	<b>La</b> 1:20 2:11 <b>landlord</b> 6:16,22 7:3 <b>landlord/tenant</b> 6:18 7:6,15 <b>lease</b> 6:22 <b>leave</b> 2:20 <b>left</b> 2:20 <b>letter</b> 6:8,19,20,21 7:2 <b>license</b> 1:12,12 2:7 2:8 6:14 <b>line</b> 5:13,17 <b>little</b> 2:21,22		

seek 3:9	<hr/> <b>P</b> <hr/>			
sheet 8:7	<b>p</b> 1:8,14			
side 3:21 8:6	<hr/> <b>#</b> <hr/>			
sir 2:17 4:1	<b>#13-PRO-00039</b>			
situation 5:18 7:7	1:13			
sorry 5:10	<hr/> <b>1</b> <hr/>			
spell 5:22	<b>11:02</b> 2:2			
standing 6:16 7:17	<b>11:08</b> 8:14			
Street 1:11,20 2:7	<b>13-PRO-00039</b> 2:5			
6:5 7:11	<b>1350</b> 1:11 2:7 6:4			
sure 3:21	<b>14th</b> 1:19			
<b>S-a-l-g-u-e-r-o</b> 4:14	<b>1601.2</b> 2:14			
4:17	<hr/> <b>2</b> <hr/>			
<b>S-a-n-d-e-r-s</b> 6:21	<b>2000</b> 1:19			
<hr/> <b>T</b> <hr/>	<b>2013</b> 1:15			
<b>table</b> 3:22	<b>2513</b> 6:16			
<b>tenant</b> 6:10,12,17	<hr/> <b>3</b> <hr/>			
7:3	<b>3</b> 1:15			
<b>thank</b> 3:13,14,20	<b>3501</b> 7:11			
4:7,11,18 5:11,15				
6:6 8:2,3,10				
<b>Tiffany</b> 7:10				
<b>time</b> 5:15,16 7:21				
<b>today</b> 5:20				
<b>trading</b> 2:6				
<b>Tuscan</b> 1:10 2:4,5				
2:6 4:19 7:1				
<b>t/a</b> 1:10				
<hr/> <b>U</b> <hr/>				
<b>use</b> 6:14				
<hr/> <b>V</b> <hr/>				
<b>valid</b> 7:5				
<b>Verne</b> 1:20 2:11				
<b>vice</b> 7:11				
<b>view</b> 6:17				
<hr/> <b>W</b> <hr/>				
<b>walked</b> 5:14				
<b>wanted</b> 2:21 3:20				
<b>Washington</b> 1:20				
<b>way</b> 7:6				
<b>West</b> 1:10 2:4,5,6				
4:19 7:1				
<b>we'll</b> 3:7,7 5:6				
<b>we're</b> 3:7,14				