

DISTRICT OF COLUMBIA

+ + + + +

ALCOHOLIC BEVERAGE CONTROL BOARD

+ + + + +

ROLL CALL HEARING

+ + + + +

b-----»

IN THE MATTER OF: :

Axis Bar & Grill, LLC :

t/a Bistro La Bonne :

1340 U Street, N.W. :

License #ABRA-075284 :

Retailer CR - License :

Renewal :

Case #13-PRO-00061 :

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 (11:29 a.m.)

3 MS. FLETCHER: Would the parties
4 in the matter of Bistro La Bonne, Bistro La
5 Bonne, the parties in the matter of Bistro La
6 Bonne please come forward.

7 This is Case No. 13-PRO-00061,
8 Axis Bar & Grill, LLC, trading as Bistro La
9 Bonne, 1340 U Street, N.W., License No. ABRA-
10 075284. This is a Retailer CR License
11 Renewal.

12 The protest issues are adverse
13 impact on peace, order and quiet, residential
14 parking and vehicular and pedestrian safety
15 and overconcentration.

16 My name is La Verne Fletcher, and
17 I will be conducting the Roll Call Hearing as
18 the Board's agent, pursuant to D.C. Official
19 Code 1601.2.

20 Introductions beginning with the
21 applicant, please.

22 MR. LA BONNE: My dane is Daniel

1 La Bonne, D-a-n-i-e-l. La Bonne, L-a-B-o-n-n-
2 e.

3 MS. FLETCHER: Thank you, Mr. La
4 Bonne. Are you the applicant?

5 MR. LA BONNE: Yes. Thank you.
6 And on behalf of the Shaw DuPont Citizens
7 Alliance?

8 MS. STERLING: Joan Sterling, as
9 of Invest DCA.

10 MS. FLETCHER: Thank you, Ms.
11 Sterling.

12 And, Ms. Sterling, according to
13 your protest letter, you did provide proper
14 notice of your meeting. Did you provide at
15 least a seven-day notice to the licensee of
16 the meeting?

17 MS. STERLING: Yes, we did.

18 MS. FLETCHER: Do you have
19 documentation to demonstrate that that did
20 occur?

21 MS. STERLING: Yes.

22 MS. FLETCHER: May I see it, please?

1 MS. STERLING: (Complies.)

2 MS. FLETCHER: Okay. Thank you.

3 MS. STERLING: Do you need to see
4 the letter?

5 MS. FLETCHER: Yes, I'm just going
6 to read into the record the letter. I'll give
7 it right back to you.

8 I just received a letter from Ms.
9 Sterling addressed to Bistro La Bonne, "To
10 Whom It May Concern," informing the
11 establishment that -- of the May 16 meeting
12 where its application would be discussed.

13 Did you receive a copy of this
14 notice, Mr. La Bonne?

15 MR. LA BONNE: Yes, ma'am. I
16 don't think I receive it on time.

17 MS. FLETCHER: Well, when did you
18 receive it?

19 MR. LA BONNE: I would say I
20 receive it on the 20.

21 MS. FLETCHER: Do you have proof
22 of that, of when you received it? Without

1 that, I'm going to have to go by the date of
2 this letter.

3 Do you have -- did you go to the
4 meeting?

5 MR. LA BONNE: No, I did not know
6 about this.

7 MS. FLETCHER: You knew about it
8 before the meeting?

9 MR. LA BONNE: No, not before.

10 MS. FLETCHER: So, you didn't know
11 about the May 16 meeting? You didn't receive
12 notice of it?

13 MR. LA BONNE: No. I get the
14 letter after that.

15 MS. FLETCHER: So you received the
16 letter after the meeting?

17 MR. LA BONNE: Yes.

18 MS. FLETCHER: And so, can you
19 respond to that, please, Ms. Sterling?

20 MS. STERLING: Yes. No, we --
21 once we learned of the change in the Omnibus
22 Bill, we have been sending out letters on a

1 timely basis, and all the other letters that
2 were sent at the same time for that same
3 meeting were received in time.

4 MS. FLETCHER: And this letter,
5 was it mailed, hand-delivered, do you know?

6 MS. STERLING: Mail.

7 MS. FLETCHER: Yes. For the
8 purpose of the Roll Call, I'm going to accept
9 this letter as the Shaw DuPont Citizens
10 Alliance having given you at least seven days
11 notice of the meeting.

12 How did you receive the notice,
13 Mr. La Bonne?

14 MR. LA BONNE: By the mail.

15 MS. FLETCHER: By mail? Did you
16 receive it directly or did someone give it to
17 you? Could you tell from it? Was there a
18 postmark on it or do you have any information
19 about that?

20 MR. LA BONNE: Yes. I receive it
21 in my mail box, yes.

22 MS. FLETCHER: At the establishment?

1 MR. LA BONNE: Yes.

2 MS. FLETCHER: Okay. But you
3 didn't notice that there was a postmark on it
4 or any such thing?

5 MR. LA BONNE: I did not put a --

6 MS. FLETCHER: Okay. Well, if you
7 become aware that -- if you become aware, you
8 have some sort of documentation to show that
9 you received it less than seven days before
10 the date of the meeting, submit it to the ABC
11 Board for review and you can object to the
12 seating of the Shaw DuPont Citizens Alliance
13 as a protestant.

14 For the purpose of the Roll Call
15 Hearing today, you are granted standing as a
16 protestant.

17 And, Ms. Sterling, I'm going to
18 give this back to you. But, if you -- if you
19 can scan a copy or send a copy, just to put it
20 in the file, I would appreciate it. Thank
21 you.

22 And that meeting was May 18,

1 right? The S --

2 MS. STERLING: Yes.

3 MS. FLETCHER: Okay. Thank you.

4 The Shaw DuPont Citizens Alliance
5 has standing as a protestant. We need to set
6 a date for a status hearing, protest hearing
7 and a date for mediation.

8 I'm going to give you the dates
9 for the status and protest hearings first.
10 The date for the status hearing is July 24,
11 2013 and 9:30 a.m. That's July 24, 2013 at
12 9:30 a.m.

13 Protest hearing is set for
14 September 25th at 1:30 p.m. And I'll need to
15 give you a date for a mediation to occur prior
16 to July 24.

17 The next date available for
18 mediation is Tuesday, June 25, if that's a
19 good date for anybody. Tuesday, June 25.

20 MS. STERLING: That's fine.

21 MS. FLETCHER: At ten, eleven or
22 one? Is that going to be okay for you, Ms.

1 Sterling?

2 MS. STERLING: That is fine, and
3 I'm sure we'll have an updated SA before then
4 ***(11:35:43) any problems.

5 MR. LA BONNE: Did you say ten
6 o'clock?

7 MS. FLETCHER: Ten o'clock is
8 good.

9 MS. STERLING: That's fine.

10 MS. FLETCHER: So, mediation is
11 set for June 25 at ten. Any questions?

12 (No response.)

13 MS. FLETCHER: Okay. Well, thank
14 you, Mr. La Bonne, for coming.

15 The Roll Call Hearing is
16 concluded.

17 Ms. Sterling, you can stay right
18 there.

19 MS. STERLING: Okay.

20 MS. FLETCHER: Thank you.

21 (Whereupon, the Roll Call Hearing
22 was concluded at 11:36 a.m.)

A	Citizens 3:6 6:9 7:12 8:4 Code 2:19 COLUMBIA 1:1 come 2:6 coming 9:14 Complies 4:1 Concern 4:10 concluded 9:16,22 conducting 2:17 Control 1:3,18,18 copy 4:13 7:19,19 CR 1:12 2:10	9:7,10,13,20 forward 2:6	5:2,14,16 6:4,9 letters 5:22 6:1 License 1:12,12 2:9 2:10 licensee 3:15 LLC 1:10 2:8 L-a-B-o-n-n 3:1	postmark 6:18 7:3 presiding 1:22 prior 8:15 problems 9:4 proof 4:21 proper 3:13 protest 2:12 3:13 8:6,9,13 protestant 7:13,16 8:5 provide 3:13,14 purpose 6:8 7:14 pursuant 2:18 put 7:5,19 P-R-O-C-E-E-D-... 2:1 p.m 8:14
ABC 7:10 ABRA 2:9 ABRA-075284 1:12 accept 6:8 addressed 4:9 adverse 2:12 agent 1:22 2:18 Alcoholic 1:3,18,18 Alliance 3:7 6:10 7:12 8:4 anybody 8:19 applicant 2:21 3:4 application 4:12 appreciate 7:20 available 8:17 aware 7:7,7 Axis 1:10 2:8 a.m 2:2 8:11,12 9:22	D	G	M	Q
B	dane 2:22 Daniel 2:22 date 5:1 7:10 8:6,7 8:10,15,17,19 dates 8:8 days 6:10 7:9 DCA 3:9 demonstrate 3:19 directly 6:16 discussed 4:12 DISTRICT 1:1 documentation 3:19 7:8 DuPont 3:6 6:9 7:12 8:4 D-a-n-i-e-l 3:1 D.C 1:20 2:18	give 4:6 6:16 7:18 8:8,15 given 6:10 go 5:1,3 going 4:5 5:1 6:8 7:17 8:8,22 good 8:19 9:8 granted 7:15 Grill 1:10 2:8	mail 6:6,14,15,21 mailed 6:5 matter 1:9 2:4,5 ma'am 4:15 mediation 8:7,15 8:18 9:10 meeting 3:14,16 4:11 5:4,8,11,16 6:3,11 7:10,22 met 1:18 MONDAY 1:15	questions 9:11 quiet 2:13
back 4:7 7:18 Bar 1:10 2:8 basis 6:1 beginning 2:20 behalf 3:6 Beverage 1:3,18,18 Bill 5:22 Bistro 1:10 2:4,4,5 2:8 4:9 Board 1:3,18 7:11 Board's 2:18 Bonne 1:10 2:4,5,6 2:9,22 3:1,1,4,5 4:9,14,15,19 5:5,9 5:13,17 6:13,14 6:20 7:1,5 9:5,14 box 6:21 Building 1:19	E	H	name 2:16 need 4:3 8:5,14 notice 3:14,15 4:14 5:12 6:11,12 7:3 N.W 1:11,20 2:9	R
C	e 3:2 eleven 8:21 establishment 4:11 6:22	I	N	read 4:6 receive 4:13,16,18 4:20 5:11 6:12,16 6:20 received 4:8,22 5:15 6:3 7:9 record 4:6 Reeves 1:19 Renewal 1:13 2:11 residential 2:13 respond 5:19 response 9:12 Retailer 1:12 2:10 review 7:11 right 4:7 8:1 9:17 Roll 1:5 2:17 6:8 7:14 9:15,21 Room 1:19
Call 1:5 2:17 6:8 7:14 9:15,21 Case 1:13 2:7 change 5:21	F	J	O	S
	file 7:20 fine 8:20 9:2,9 first 8:9 Fletcher 1:22 2:3 2:16 3:3,10,18,22 4:2,5,17,21 5:7,10 5:15,18 6:4,7,15 6:22 7:2,6 8:3,21	impact 2:13 information 6:18 informing 4:10 Introductions 2:20 Invest 3:9 issues 2:12	object 7:11 occur 3:20 8:15 Official 2:18 okay 4:2 7:2,6 8:3 8:22 9:13,19 Omnibus 5:21 once 5:21 order 2:13 overconcentration 2:15 o'clock 9:6,7	S 8:1 SA 9:3 safety 2:14 scan 7:19 seating 7:12
		K	P	
		Joan 3:8 July 8:10,11,16 June 1:15 8:18,19 9:11	parking 2:14 parties 2:3,5 peace 2:13 pedestrian 2:14 please 2:6,21 3:22 5:19	
		L		
		La 1:10,20 2:4,4,5 2:8,16,22 3:1,1,3 3:5 4:9,14,15,19 5:5,9,13,17 6:13 6:14,20 7:1,5 9:5 9:14 learned 5:21 letter 3:13 4:4,6,8		

see 3:22 4:3	we'll 9:3			
send 7:19				
sending 5:22	P			
sent 6:2	p 1:8,14			
September 8:14	#			
set 8:5,13 9:11	#13-PRO-00061			
seven 6:10 7:9	1:13			
seven-day 3:15	0			
Shaw 3:6 6:9 7:12	075284 2:10			
8:4	1			
show 7:8	1:30 8:14			
sort 7:8	11:29 2:2			
standing 7:15 8:5	11:35:43 9:4			
status 8:6,9,10	11:36 9:22			
stay 9:17	13-PRO-00061 2:7			
Sterling 3:8,8,11	1340 1:11 2:9			
3:12,17,21 4:1,3,9	14th 1:19			
5:19,20 6:6 7:17	16 4:11 5:11			
8:2,20 9:1,2,9,17	1601.2 2:19			
9:19	18 7:22			
Street 1:11,20 2:9	2			
submit 7:10	20 4:20			
sure 9:3	2000 1:19			
T	2013 1:15 8:11,11			
tell 6:17	24 8:10,11,16			
ten 8:21 9:5,7,11	25 8:18,19 9:11			
thank 3:3,5,10 4:2	25th 8:14			
7:20 8:3 9:13,20	3			
thing 7:4	3 1:15			
think 4:16	9			
time 4:16 6:2,3	9:30 8:11,12			
timely 6:1				
today 7:15				
trading 2:8				
Tuesday 8:18,19				
t/a 1:10				
U				
U 1:11 2:9				
updated 9:3				
V				
vehicular 2:14				
Verne 1:20 2:16				
W				
Washington 1:20				