

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

IN THE MATTER OF:

|                           |               |
|---------------------------|---------------|
| Bardo, LLC                | Fact Finding  |
| t/a Bardo                 | Hearing       |
| 1216 Bladensburg Road, NE | (Application  |
| License No. 90430         | for an        |
| Retailer CT               | Entertainment |
| ANC 5D                    | Endorsement)  |

June 4, 2014

The Alcoholic Beverage Control Board met in Alcoholic Beverage Control Hearing Room, Reeves Building, 2000 14th Street N.W., Washington, D.C., Chairperson Ruthanne Miller presiding.

PRESENT:  
RUTHANNE MILLER, Chairperson  
NICK ALBERTI, Member  
DONALD BROOKS, Member  
HECTOR RODRIGUEZ, Member  
JAMES SHORT, Member

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

(12:04 p.m.)

CHAIRPERSON MILLER: Okay, we have one more fact finding hearing. That's for Bardo, located at 1216 Bladensburg Road, Northeast, License Number 90430 in ANC 5D.

MR. STEWART: That's me.

CHAIRPERSON MILLER: Okay, good. Thank you. I have in my notes that the ANC was also invited to come but I don't see anybody here from the ANC. Are you here from the ANC?

(Simultaneous speaking.)

CHAIRPERSON MILLER: Okay. Thank you for being so patient. Would you like to introduce yourself for the record?

MR. STEWART: I'm Bill Stewart. I'm the owner of Bardo.

CHAIRPERSON MILLER: The owner of Bardo? Okay. So the Board has asked you to come here for a fact finding hearing and it's not a contested hearing. You're not going to

1 be put under oath and anything like that.

2 It's fairly informal. You have filed,  
3 according to my records, for an entertainment  
4 endorsement?

5 MR. STEWART: Yes, ma'am. That's  
6 right.

7 CHAIRPERSON MILLER: Okay. So for  
8 live entertainment Sunday through Monday, 6:00  
9 p.m. to 11:00 p.m., and Tuesday through  
10 Saturday 6:00 p.m. to 12:00 a.m.?

11 MR. STEWART: Yes, ma'am.

12 CHAIRPERSON MILLER: Okay.

13 MR. STEWART: One more thing --

14 CHAIRPERSON MILLER: And outdoors.  
15 You want to do outdoors as well, is that  
16 right?

17 MR. STEWART: Yes. The lady at  
18 the front desk, I said we want to do it from,  
19 say, 2:00 in the afternoon on but there wasn't  
20 any way to mark that on the form.

21 CHAIRPERSON MILLER: Oh, okay.

22 MR. STEWART: But she said just

1 present that when I spoke to you. It's more  
2 of an afternoon thing.

3 CHAIRPERSON MILLER: Oh, really?  
4 Okay. More like 2:00 to what?

5 MR. STEWART: Well, sound  
6 ordinance kicks in at 11:00 so be, like, stop  
7 at 11:00 or 12:00 or so. Usually it's, like,  
8 2:00 to 6:00 is what people are asking.

9 The reason I put this in, I've had  
10 three requests for the summertime to do, like,  
11 one person's band is going to California, one  
12 person's having a birthday party, one's having  
13 a bike ride and they want to have their band  
14 play in the afternoon.

15 So as opposed to getting three  
16 separate small, you know, one-day permits,  
17 just bother you three times instead of once  
18 but, so that's why I submitted the  
19 entertainment request.

20 CHAIRPERSON MILLER: So are you  
21 near residents?

22 MR. STEWART: Well, it's a

1 commercial strip, C2A, so I'm near a lot of  
2 vacant lots. There are people who live behind  
3 me but they don't --

4 MEMBER SHORT: Both sides, right?

5 MR. STEWART: Sorry?

6 MEMBER SHORT: On both sides,  
7 front and back?

8 MEMBER ALBERTI: There are people  
9 across the street?

10 MR. STEWART: No. There's a gas  
11 station across the street.

12 MEMBER ALBERTI: But behind the  
13 gas station there's row houses?

14 MR. STEWART: Yes, okay.

15 MEMBER ALBERTI: Because that's  
16 where --

17 MR. STEWART: That's right.  
18 There's a vacant lot and there are houses on  
19 the other side of the vacant lot which would  
20 front on I think, is that 18th?

21 MEMBER ALBERTI: Is it 18th? Yes,  
22 I think it's 18th Street there.

1                   MEMBER SHORT: No, you got L  
2 Street. You got Lyman Place. All that's  
3 residential housing.

4                   MEMBER ALBERTI: What's your  
5 address again? What's the --

6                   MR. STEWART: 1216 Bladensburg.

7                   MEMBER ALBERTI: Okay, and the  
8 letter street that comes out across the street  
9 from you, what street is that?

10                  MR. STEWART: Meigs is on the  
11 corner.

12                  MEMBER ALBERTI: Meigs Place,  
13 okay.

14                  MR. STEWART: Meigs Place, right.  
15 And then across the street is M Street. That  
16 goes straight down and through.

17                  MEMBER ALBERTI: Okay, thank you.  
18 All right. Trying to orient myself, so. Yes,  
19 you're on the -- They are on the border of  
20 Trinidad. Trinidad lies right behind them  
21 just for edification of the Board members.

22                  CHAIRPERSON MILLER: Okay, all

1 right.

2 MEMBER ALBERTI: One of them  
3 already knows. All right.

4 CHAIRPERSON MILLER: I'll let  
5 other Board members ask questions, yes.

6 MEMBER ALBERTI: Okay. This is  
7 going to be amplified music?

8 MR. STEWART: Yes, that's correct.

9 MEMBER ALBERTI: All right. How  
10 close do you think you are to the houses to  
11 the west of you? And I'm trying to picture.  
12 I can look on a map.

13 MR. STEWART: West. Okay, there's  
14 a church.

15 MEMBER ALBERTI: Should be  
16 Trinidad.

17 MR. STEWART: There's a church  
18 right behind us.

19 MEMBER ALBERTI: Well, sort of  
20 northwest of you I guess.

21 MR. STEWART: And there's people  
22 back there next to the church who touch our

1 lot. There's a lady with a Doberman and then  
2 couple vacant houses and then there's a guy  
3 who does carpentry and that's the people who  
4 touch us on the back side. I think that's  
5 what you're talking about, right, the back  
6 side, the west side?

7 MEMBER ALBERTI: Right, right,  
8 right. Beside that, going towards Trinidad.

9 MR. STEWART: Right.

10 MEMBER ALBERTI: That's the  
11 closest neighbors that you would have.

12 MR. STEWART: That's true. That's  
13 the closest.

14 MEMBER ALBERTI: Right. I  
15 understand north and south of you so to speak  
16 is vacant lots currently. I don't know what  
17 else to ask him.

18 MEMBER SHORT: I'd like to ask.

19 CHAIRPERSON MILLER: Go ahead, Mr.  
20 Short.

21 MEMBER SHORT: ANC was supposed to  
22 come here today to --

1                   CHAIRPERSON MILLER: No. Well,  
2 they were invited. They weren't required.  
3 Apparently they were invited, right?

4                   MEMBER SHORT: Have you talked to  
5 your neighbors about or have you interacted  
6 with any of your neighbors about  
7 entertainment?

8                   MR. STEWART: Entertainment? No.  
9 I really haven't asked anybody, you know,  
10 whether they think it's good or not, so.

11                  MEMBER SHORT: Does anybody else,  
12 any other businesses have live entertainment  
13 close to you?

14                  MR. STEWART: I think you have to  
15 just say any other businesses, period. Jimmy  
16 Valentine's is about three blocks down on the  
17 opposite side and then there's a liquor store,  
18 there's a gas station, Denny's and Mother  
19 Rucker's and then transmission repair. That's  
20 all the businesses around there.

21                  MEMBER SHORT: Businesses. What  
22 about the community?

1                   MR. STEWART: I mean, people come  
2 by. They drink beer. They leave. They don't  
3 really say much. Never really had many  
4 complaints, so.

5                   CHAIRPERSON MILLER: So how big is  
6 your place? How many people do you get in  
7 there?

8                   MR. STEWART: The inside capacity  
9 is 95 and outside is 100 and something, 125 I  
10 think.

11                  CHAIRPERSON MILLER: Okay. What  
12 kind of entertainment do you expect to have  
13 other than the three types you described?

14                  MR. STEWART: I don't plan to have  
15 entertainment on my own. I don't plan to be  
16 booking bands or anything. Just people come  
17 in and say can I do my birthday party and my  
18 husband's band wants to play. I'm like, well,  
19 that requires an entertainment endorsement and  
20 I don't have it.

21                  So now I can say, well, yes, your  
22 husband's band can play if you want but, you

1 know, I don't really see entertainment as a  
2 money maker for us. It's more of a hassle,  
3 so.

4 CHAIRPERSON MILLER: So it's  
5 instead of this one day, this is what you  
6 said, is that right?

7 MR. STEWART: Pardon me?

8 CHAIRPERSON MILLER: Instead of  
9 one-day permits?

10 MR. STEWART: Yes, because  
11 basically I've had three requests for the  
12 summer and each one-day permit is 100 and  
13 something dollars in processing so then I  
14 figured, well, I might as well just get the  
15 entertainment permit so I don't have to go  
16 back and forth, fill out forms and, you know.

17 MEMBER SHORT: I take it then  
18 you've had this entertainment there before?

19 MR. STEWART: No.

20 CHAIRPERSON MILLER: No.

21 MEMBER SHORT: Very first time?

22 MR. STEWART: Yes.

1                   CHAIRPERSON MILLER: Or no. You  
2 had it with the one-day. No?

3                   MR. STEWART: No.

4                   CHAIRPERSON MILLER: Oh, you never  
5 did this?

6                   MR. STEWART: No, I never had it.

7                   CHAIRPERSON MILLER: Oh. Oh,  
8 okay.

9                   MR. STEWART: This is people  
10 asking for this and I have, you know, put them  
11 off until we find out something from the  
12 Board.

13                   MEMBER SHORT: Madam Chair.

14                   CHAIRPERSON MILLER: Yes. Oh, I'm  
15 sorry. Mr. Alberti.

16                   MEMBER ALBERTI: Are you done?  
17 That's okay. That's all right. Well, first  
18 of all just an aside. You have a great  
19 sculpture there.

20                   MR. STEWART: Oh, thanks a lot. I  
21 didn't do it.

22                   MEMBER ALBERTI: It was stored in

1 my neighborhood so I'm familiar with it.

2 MR. STEWART: Oh, all right, yes.

3 MEMBER ALBERTI: But anyway, you  
4 know, the hesitation you see here, and I'm  
5 sure you understand this, is that we're trying  
6 to balance promoting business in the  
7 neighborhood.

8 I mean, this is good. You've got  
9 a thriving business. We want you to succeed.  
10 I think it's good for the neighborhood. I  
11 know that there's a lot of interest and energy  
12 in that neighborhood. People are moving in.  
13 It's great.

14 But we're trying to balance your  
15 needs and making you successful with, you  
16 know, the residents. They got to live with  
17 it.

18 MR. STEWART: Yes, that's fine.

19 MEMBER ALBERTI: So I'm trying to  
20 find out from you, you know, what you really  
21 need. What do you really need here? Do you  
22 need every day of the week?

1                   MR. STEWART: Oh, no, no. Like I  
2                   said, I'm mainly doing this because people ask  
3                   for it and, you know, I hate to say no when I  
4                   could have come down to the ABC and you go,  
5                   yes, that's no problem.

6                   MEMBER ALBERTI: So what days of  
7                   the week would you want?

8                   MR. STEWART: I could probably  
9                   stick with just, like, Friday, Saturday,  
10                  Sunday and that would be fine. And if you  
11                  want to limit how late it goes, that's fine  
12                  too. Mainly, you know --

13                  MEMBER ALBERTI: Well, throw  
14                  something out.

15                  CHAIRPERSON MILLER: Yes.

16                  MEMBER ALBERTI: Throw something  
17                  out. I'm not saying I'll agree to it but I  
18                  want to hear what your needs are.

19                  CHAIRPERSON MILLER: What your  
20                  needs are, yes.

21                  MR. STEWART: Well, if I could  
22                  tell the people that show up, I say, you know,

1 forget Tuesday. You're going to drive people  
2 crazy. That doesn't bother me at all, you  
3 know?

4 MEMBER ALBERTI: Right.

5 MR. STEWART: I can say, hey, come  
6 on in Saturday afternoon, Sunday afternoon,  
7 you know, your husband's band can play. Have  
8 your birthday party. Even though your  
9 birthday's on Tuesday, do it on Saturday or  
10 whatever.

11 MEMBER ALBERTI: How late?

12 MR. STEWART: Well, usually the, I  
13 mean, the --

14 MEMBER ALBERTI: You know your  
15 business.

16 MR. STEWART: Sound ordinance  
17 kicks in 11:00 and I don't want to annoy  
18 people after that, you know, so I see no point  
19 going past 11:00.

20 MEMBER ALBERTI: Even on Friday  
21 and Saturday?

22 MR. STEWART: Well, I can just

1 tell people, hey, just do your thing until  
2 11:00 and then after that you can stand around  
3 and, you know, drink beer or whatever and  
4 don't annoy people so, you know. I've had  
5 about seven --

6 MEMBER ALBERTI: We're just trying  
7 to understand what your model is.

8 MR. STEWART: Yes, that's fine.  
9 I've had about seven bars and I find that, you  
10 know, jukeboxes or, you know, an iPod keeps  
11 people happy.

12 Anything above that becomes hassle  
13 as far as bands go, you know. Sometimes a  
14 band plays. They're annoying and they drive  
15 people away, you know? Your husband's band  
16 may be annoying. I'm sorry.

17 So, you know, I'm not really a big  
18 fan of, like, entertainment, bands, DJs,  
19 whatever. My main thing is I make beer and I  
20 sell beer and that's what I do and that's  
21 what, you know, people like.

22 MEMBER SHORT: I'd just like to

1 ask him --

2 CHAIRPERSON MILLER: Yes, Mr.  
3 Short.

4 MEMBER SHORT: Are you familiar  
5 with the new, well, not new but the situation  
6 with noise in the city now and with the task  
7 force working and --

8 MR. STEWART: Yes, you guys sent  
9 me a letter a couple months ago explaining the  
10 ordinance and all that so I read it and I  
11 guess it's the border of your property. It's  
12 70 decibels during the day. Is that right?

13 (Simultaneous speaking.)

14 MEMBER ALBERTI: We're impressed  
15 that you read it.

16 CHAIRPERSON MILLER: Yes.

17 MR. STEWART: Well, when I was in  
18 Arlington, we had a problem with we had a lot  
19 of people there and just the voices were so  
20 loud that it would violate the noise  
21 ordinance. I'd stand out there with a meter  
22 reading it going oh my God this is just too

1 loud. And so I had to do soundproofing on the  
2 outside just to keep the level down.

3 MEMBER ALBERTI: I don't know your  
4 lot. Do you have any fencing around it in the  
5 back that's a solid barrier at all?

6 MR. STEWART: No, it's just a  
7 chain link fence, not solid.

8 MEMBER ALBERTI: That's what I  
9 thought.

10 MR. STEWART: Although I have  
11 thought about putting up a solid fence, so.

12 MEMBER ALBERTI: Yes. That's what  
13 my impression is.

14 MR. STEWART: I'm not sure how  
15 DCRA likes that because whenever you start  
16 making solid fences they get a little cranky.

17 MEMBER ALBERTI: Right. Well,  
18 that's an issue you have to take up with them.

19 MR. STEWART: Yes. Well, I think  
20 it's, like, you can have chain link eight foot  
21 and solid six foot or something.

22 MEMBER ALBERTI: Yes. You can

1 take that up with them but I understand.

2 MR. STEWART: Okay. Then if it's  
3 lower than, like, eight foot it doesn't really  
4 stop the noise.

5 MEMBER ALBERTI: Okay. I have no  
6 further questions right now.

7 CHAIRPERSON MILLER: I just want  
8 to ask you how many days? How many of these  
9 do you think you would really have or want to  
10 have?

11 MR. STEWART: You mean, like, over  
12 a six-month period?

13 CHAIRPERSON MILLER: Yes, over a  
14 year.

15 MR. STEWART: Over a year period?  
16 That's a hard one. Couple times a month  
17 maybe. I don't know.

18 CHAIRPERSON MILLER: Okay, I'm  
19 just trying to figure the impact. Okay.  
20 Couple times a month maybe. Okay.

21 (Simultaneous speaking.)

22

1                   CHAIRPERSON MILLER: This is some  
2 is indoor and some is outdoor, right?

3                   MR. STEWART: Right.

4                   CHAIRPERSON MILLER: Okay.

5                   MR. STEWART: Yes. In the winter  
6 we're indoors. In the summer we're outside.  
7 That's what people want.

8                   CHAIRPERSON MILLER: Right, okay.

9                   MR. STEWART: So we have inside  
10 but people don't go there in summer, so.

11                  CHAIRPERSON MILLER: Yes, okay.  
12 Okay, any other questions? Well, this was  
13 very helpful to us so, you know, we'll be  
14 considering your application --

15                  MR. STEWART: Well, thank you.

16                  CHAIRPERSON MILLER: -- and let  
17 you know.

18                  MR. STEWART: That was quick. I  
19 should sign in but I don't have a pen.

20                  CHAIRPERSON MILLER: It was quick  
21 except for the wait.

22                  MEMBER ALBERTI: Do you have a

1 pencil out there? The last crew took a  
2 pencil.

3 MEMBER SHORT: I got one last  
4 question I want to ask.

5 CHAIRPERSON MILLER: Another  
6 question, okay.

7 MEMBER SHORT: What was the name  
8 of your business in Virginia?

9 MR. STEWART: Bardo.

10 MEMBER SHORT: Bardo? Okay.

11 MR. STEWART: Yes.

12 MEMBER ALBERTI: Thank you, Ms.  
13 Corcoran.

14 MR. STEWART: Okay, so I'm good?

15 CHAIRPERSON MILLER: You're good.

16 Thank you. You'll be hearing from us.

17 So that concludes our morning  
18 calendar but I want to just read a couple of  
19 cases right now that have been canceled from  
20 the afternoon.

21 The first one is Case Number 14-  
22 PRO-00028. It's Andy Lee Liquors, 914 H

1 Street, Northeast, and this hearing's been  
2 canceled due to the submission of a settlement  
3 agreement.

4 And then Case Number 14-PRO-00003,  
5 Little Miss Whiskey's Golden Dollar, located  
6 at 1104 H Street, Northeast, License Number  
7 79090.

8 That's a protest hearing and for  
9 termination of a settlement agreement and  
10 that's been continued at the request of the  
11 applicant and with the consent of the  
12 protestant to August 13, 2014, at 1:30 p.m.

13 So we will recess now and return  
14 at 1:30 p.m. for our protest hearing on Penn  
15 Quarter Sports Tavern.

16 (Whereupon, the above-entitled  
17 matter went off the record at 12:20 p.m.)  
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20  
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22

|  |   |   |   |   |
|--|---|---|---|---|
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