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P R O C E E D I N G S

[10:04 a.m.]

MS. FLETCHER: Would the parties in the matter of Centeno's Restaurant please come forward. The parties in the matter of Centeno's.

This is Case No. 13-PRO-00055, Centeno's Restaurant, trading as Centeno's Restaurant, 827 Kennedy Street, N.W., License No. ABRA-090806. It's a Retail CR license renewal.

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

The time is approximately 10:04. I'll recall this case in a few moments. But the record on this case is closed, for now.

(Whereupon, at 10:04 a.m., the proceeding was recessed.)

(10:21

a.m.)

MS. FLETCHER: Centeno's

1 Restaurant. The parties in the matter of  
2 Centeno's.

3 You can have a seat right there.

4 MR. GUTIERREZ: Sitting here?

5 MS. FLETCHER: Yes.

6 MR. GUTIERREZ: Thanks.

7 MS. FLETCHER: Thank you. This is  
8 Case No. 13-PRO-00055. I'm re-calling this  
9 case. Centeno's Restaurant, Inc., trading as  
10 Centeno's Restaurant, 827 Kennedy Street,  
11 N.W., License No. ABRA 090806. This is a  
12 Retailer CR license renewal.

13 The protest issues are adverse  
14 impact on peace, order and quiet, and parking.

15 My name is La Verne Fletcher, and  
16 I'll be conducting the roll call hearing as  
17 the Board's agent, pursuant to D.C. Official  
18 Code 1601.2.

19 Introductions, please, beginning--  
20 you're the Applicant?

21 MR. GUTIERREZ: Yes.

22 MS. FLETCHER: The license holder?

1 MR. GUTIERREZ: Yes.

2 MS. FLETCHER: Your name, please,  
3 sir.

4 MR. GUTIERREZ: I'm Selvin A.  
5 Gutierrez.

6 MS. FLETCHER: What's the first  
7 name again?

8 MR. GUTIERREZ: Huh?

9 MS. FLETCHER: The first name  
10 again.

11 MR. GUTIERREZ: Selvin.

12 MS. FLETCHER: Could you spell it,  
13 please.

14 MR. GUTIERREZ: S-e-l-v-i-n.

15 MS. FLETCHER: S-e-l...

16 MR. GUTIERREZ: v-i-n.

17 MS. FLETCHER: e-i-n. And what's  
18 the last--

19 MR. GUTIERREZ: V. v-i.

20 MS. FLETCHER: Oh. Excuse me.

21 MR. GUTIERREZ: v-i-n.

22 MS. FLETCHER: Wait a minute.

1 Okay. I'm sorry. S-e-l...

2 MR. GUTIERREZ: S-e-l-v-i-n.

3 MS. FLETCHER: v-i-n. Thank you.

4 MR. GUTIERREZ: Yes.

5 MS. FLETCHER: And what's the last  
6 name again?

7 MR. GUTIERREZ: Gutierrez.

8 MS. FLETCHER: Would you spell it  
9 for the court reporter.

10 MR. GUTIERREZ: G-u-t-i-e-r-r-e-z.

11 MS. FLETCHER: Okay. Thank you  
12 very much. And your name, sir?

13 MR. MIGUEL: Henry Miguel.

14 MS. FLETCHER: What's the first  
15 name again?

16 MR. MIGUEL: Henry. H-e-n-r-y-.

17 MS. FLETCHER: H-e-n-r--uh-huh.

18 And the last name?

19 MR. MIGUEL: Miguel is M-i-g-u-e-  
20 l.

21 MS. FLETCHER: Thank you very  
22 much.

1                   And so who's the owner?

2                   MR. MIGUEL: We are both owners.  
3 I'm as president. He's as--

4                   MR. GUTIERREZ: Vice president.

5                   MR. MIGUEL: Vice president.

6                   MS. FLETCHER: Thank you very  
7 much.

8                   Have you had any contact with ANC  
9 4D, at all? There's no--is there a settlement  
10 agreement in this case? Or--

11                   MR. MIGUEL: Yes. I tried to--I  
12 personally tried, after we received the  
13 protest letter from ABRA, I tried to contact  
14 the person listed here by e-mail. For some  
15 reason, his e-mail, it don't look like it's  
16 the right address, or the--the e-mail didn't  
17 go through. So I call him, and I send him all  
18 the information. I talk--I spoke to him. I  
19 said we wanted to talk to them, all of them.  
20 We invite them to come over to our restaurant,  
21 so we could have like a lunch.

22                   I stated that we could meet any

1 day, any time, whatever was better for them.  
2 We were available for any day, any time, so we  
3 could talk about the issues, their concerns,  
4 and try to work things out.

5 He said that's fine. He said  
6 probably best day is Sunday, which was  
7 yesterday. He said send me all the info. So I  
8 did. That was on the 6-11. And I--I got a  
9 response from him until the 13, after I call  
10 him to find out whether they were coming or  
11 not. He said at 12 we're not available. So I  
12 said, well, any time. You just choose the  
13 time and we can meet. But I never heard back  
14 from him.

15 MS. FLETCHER: Well, what I'm  
16 going to do, because there's no one present on  
17 behalf of ANC 4D today, the protest that they  
18 filed is dismissed.

19 MR. GUTIERREZ: It's dismissed?

20 MS. FLETCHER: Dismissed. It's  
21 dismissed, which means that as of this moment  
22 there is no protest.

1 MR. GUTIERREZ: So there's no  
2 protest.

3 MS. FLETCHER: At this moment.  
4 What happens next is ANC 4D will receive an  
5 order, a written order from the Alcohol  
6 Beverage Control Board dismissing the protest.  
7 ANC 4D will then have ten days to ask the  
8 Board to grant them standing as Protestants.

9 So if the Board decides to do  
10 that, then there will be a protest, and I will  
11 contact you to set up some dates for a  
12 mediation, a status hearing, and a protest  
13 hearing. So I will contact you--

14 MR. GUTIERREZ: Okay.

15 MS. FLETCHER: --if the Board  
16 reinstates, or grants them standing as a  
17 Protestant. You would hear from me about that.  
18 But if ANC 4D decides to ask for standing as  
19 a Protestant, you'll be informed of that, so  
20 you'll have an opportunity to be opposed to  
21 it, if you want to.

22 But the ANC has to provide the

1 Alcohol Beverage Control Board with the reason  
2 that they're not here today, for good cause  
3 that they weren't present today. But you'll be  
4 kept abreast--

5 MR. HENRY: Okay.

6 MS. FLETCHER: --of whether or not  
7 they're grant--

8 MR. MIGUEL: I have a question.

9 MS. FLETCHER: Yes?

10 MR. MIGUEL: Just in case they  
11 gonna show up to next hearing, if we gonna  
12 have one, so we should have a lawyer, or we  
13 just come by ourself?

14 MS. FLETCHER: Yes. The--a  
15 lawyer's not required. That's something you  
16 can do, if you want. But what'll happen if  
17 they ask to be granted standing and the Board  
18 says yes, then I'll contact you, and we'll  
19 have to set up a mediation to do exactly what  
20 you were trying to do, Mr. Miguel, which is to  
21 meet with them. That's the next step.

22 MR. MIGUEL: Okay.

1 MS. FLETCHER: To meet with them.  
2 But it would just be here, to do exactly what  
3 you were trying to do before today.

4 MR. MIGUEL: Okay.

5 MS. FLETCHER: That's the purpose  
6 of the mediation. So if they are granted  
7 standing as Protestants, that's the first  
8 step. And then if, in mediation, the matter  
9 cannot be resolved, then there's a status  
10 hearing before the ABC Board, which is the  
11 full board. I'm just the agent today.

12 MR. MIGUEL: Okay.

13 MS. FLETCHER: But at the status  
14 hearing, you only need to tell the Board the  
15 results of the mediation. So that's all you do  
16 at the status hearing.

17 MR. MIGUEL: Okay.

18 MS. FLETCHER: So that takes just  
19 a couple minutes. They'll want to know if you  
20 had mediation, and if it's settled or not.  
21 That's it. And then they'll just restate the  
22 date of the protest hearing, which you would

1 already have. And that's all that happens at  
2 a status hearing.

3 If the matter is still not  
4 resolved, and there's a protest hearing,  
5 that's when you bring your witnesses, they  
6 bring their witnesses, and the Board hears  
7 testimony from both sides, after which they  
8 make a decision about the license.

9 MR. MIGUEL: Okay.

10 MS. FLETCHER: But for now, we'll  
11 just have to wait and see if ANC 4D even  
12 petitions the Board for status as a  
13 Protestant.

14 MR. MIGUEL: Okay.

15 MS. FLETCHER: So thank you for  
16 coming, and there's nothing you need to do at  
17 this date except to wait to hear from us.

18 MR. MIGUEL: Thank you.

19 MS. FLETCHER: Okay. Thank you  
20 very much.

21 Mr. Gutierrez or Mr. Miguel, did  
22 either one of you put your contact information

1 on that sheet? Just either one of you will be  
2 good. Just your name, e-mail address, and  
3 daytime phone number.

4 Thank you very much. The roll call  
5 hearing is concluded.

6 [Whereupon, at 10:29 a.m., the  
7 roll call hearing was concluded.]

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|--|---|--|---|---|
| <p style="text-align: center;"><b>A</b></p> <p><b>ABC</b> 10:10<br/> <b>above-entitled</b> 1:17<br/> <b>ABRA</b> 1:14 3:11<br/> 6:13<br/> <b>ABRA-090806</b><br/> 1:10 2:10<br/> <b>abreast</b> 9:4<br/> <b>address</b> 6:16 12:2<br/> <b>Administration</b> 1:4<br/> 1:18<br/> <b>adverse</b> 2:12 3:13<br/> <b>agent</b> 1:22 3:17<br/> 10:11<br/> <b>agreement</b> 6:10<br/> <b>Alcohol</b> 8:5 9:1<br/> <b>Alcoholic</b> 1:3,18<br/> <b>ANC</b> 6:8 7:17 8:4,7<br/> 8:18,22 11:11<br/> <b>Applicant</b> 3:20<br/> <b>approximately</b><br/> 2:15<br/> <b>available</b> 7:2,11<br/> <b>a.m</b> 1:18 2:2,18,21<br/> 12:6</p> <hr/> <p style="text-align: center;"><b>B</b></p> <p><b>back</b> 7:13<br/> <b>beginning</b> 3:19<br/> <b>behalf</b> 7:17<br/> <b>best</b> 7:6<br/> <b>better</b> 7:1<br/> <b>Beverage</b> 1:3,18<br/> 8:6 9:1<br/> <b>board</b> 1:4,19,22 8:6<br/> 8:8,9,15 9:1,17<br/> 10:10,11,14 11:6<br/> 11:12<br/> <b>Board's</b> 3:17<br/> <b>bring</b> 11:5,6</p> <hr/> <p style="text-align: 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<b>N.W</b> 1:9,15 2:9<br/> 3:11</p> <hr/> <p style="text-align: center;"><b>O</b></p> <p><b>O</b> 2:1<br/> <b>Official</b> 3:17<br/> <b>Oh</b> 4:20<br/> <b>Okay</b> 5:1,11 8:14<br/> 9:5,22 10:4,12,17<br/> 11:9,14,19<br/> <b>opportunity</b> 8:20<br/> <b>opposed</b> 8:20<br/> <b>order</b> 2:13 3:14 8:5<br/> 8:5<br/> <b>ourselves</b> 9:13<br/> <b>owner</b> 6:1<br/> <b>owners</b> 6:2</p> <hr/> <p style="text-align: center;"><b>P</b></p> <p><b>P</b> 2:1<br/> <b>parking</b> 2:14 3:14<br/> <b>parties</b> 2:3,5 3:1<br/> <b>peace</b> 2:13 3:14<br/> <b>person</b> 6:14<br/> <b>personally</b> 6:12<br/> <b>petitions</b> 11:12<br/> <b>phone</b> 12:3<br/> <b>please</b> 2:4 3:19 4:2<br/> 4:13<br/> <b>present</b> 7:16 9:3<br/> <b>president</b> 6:3,4,5<br/> <b>probably</b> 7:6<br/> <b>proceeding</b> 2:19<br/> <b>protest</b> 2:12 3:13<br/> 6:13 7:17,22 8:2,6<br/> 8:10,12 10:22</p> |
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