

DISTRICT OF COLUMBIA

+ + + + +

ALCOHOLIC BEVERAGE REGULATION
ADMINISTRATION BOARD

+ + + + +

ROLL CALL HEARING

-----X
IN THE MATTER OF: :
 :
Capitol City Brewing Company LLC :
t/a Penthouse & Lounge :
1612 U Street, N.W. :
License No. ABRA-086789 :
Retailer CT :
Substantial Change :
 :
Case No. 14-PRO-00046 :
-----X

Monday,
July 21, 2014

ABRA Hearing Room
400 South
Reeves Municipal Center
Washington, D.C. 20009

The above-entitled matter convened
at 10:06 a.m. in the Hearing Room of the
District of Columbia Alcoholic Beverages
Regulation Administration Board

BEFORE:

LAVERNE FLETCHER, Board Agent

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

2 (10:06 a.m.)

3 BOARD AGENT FLETCHER: Would the
4 parties in the matter of Penthouse & Lounge
5 please come forward. The parties in the
6 matter of Penthouse & Lounge.

7 This is Case No. 14-PRO-00046.
8 Capitol City Brewing Company, LLC t/a
9 Penthouse & Lounge, 1612 U Street, N.W.,
10 license No. ABRA-086789. This is a retailer
11 CT substantial change, expansion of premises
12 and entertainment endorsement.

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

15 My name is LaVerne Fletcher and
16 I'm conducting the Roll Call Hearing as the
17 Board's Agent pursuant to D.C. Official Code
18 1601.2. Introductions, beginning with the
19 applicant.

20 MR. KLINE: Good morning. Andrew
21 Kline on behalf of the applicant.

22 BOARD AGENT FLETCHER: Thank you,

1 Mr. Kline. On behalf of ANC 2B? Is anyone
2 present on behalf of ANC 2B?

3 MR. PUTTA: Did you say 2B?

4 BOARD AGENT FLETCHER: Yes.

5 MR. PUTTA: Yes.

6 BOARD AGENT FLETCHER: Are you
7 present on behalf of ANC 2B?

8 MR. PUTTA: I am.

9 BOARD AGENT FLETCHER: Okay.

10 You'll be on this side of the table.

11 BOARD AGENT FLETCHER: And if you
12 would just state your name and spell it for
13 the record into the microphone on the table.

14 MR. PUTTA: Good morning. I'm
15 Kishan Putta, Commissioner for ANC 2B-04. I
16 was named in a supplementary note.

17 BOARD AGENT FLETCHER: And could
18 you spell your name again?

19 MR. PUTTA: Yes. K-i-s-h-a-n.
20 Last name Putta P-u-t-t-a.

21 BOARD AGENT FLETCHER: And how do
22 you pronounce the last name?

1 MR. PUTTA: Putta.

2 BOARD AGENT FLETCHER: Okay. And

3 Mr. Putta, you're representing ANC 2B?

4 MR. PUTTA: Yes, I am.

5 BOARD AGENT FLETCHER: And do you

6 have a letter designating them designating you

7 as their representative?

8 MR. PUTTA: It should be in the

9 file.

10 BOARD AGENT FLETCHER: So then

11 you're a Commissioner for ANC 2B?

12 MR. PUTTA: Yes. Sure.

13 BOARD AGENT FLETCHER: Okay. Mr.

14 Putta, you were not designated as a

15 representative. I'm going to accept that

16 representation today but you were not named as

17 a designated representative. But you are a

18 Commissioner. So would you please, there's a

19 sign-in sheet on that table if you would put

20 your name, telephone number and email address.

21 MR. PUTTA: Absolutely. I

22 appreciate it.

1 BOARD AGENT FLETCHER: And
2 present on behalf of the Group of 7, there's
3 a group of seven individuals.

4 MR. SCHULZ: Yes. From the
5 Wilton Condominium Association. I'm William
6 Schulz and I am also here as the
7 representative for Katherine Neebe and I have
8 the signed statement from her.

9 BOARD AGENT FLETCHER: Okay.
10 Thank you. And Mr. Schulz, anyone else
11 besides Ms. Neebe that you're representing?

12 MR. SCHULZ: No.

13 BOARD AGENT FLETCHER: Okay.
14 Thank you. Thank you very much.

15 I have a statement from Katherine
16 Neebe designating William Schulz as a
17 representative for the Roll Call Hearing, and
18 Mr. Kline I'll make sure you get a copy of
19 that.

20 MR. KLINE: Great. Thank you.

21 BOARD AGENT FLETCHER: And Mr.
22 Schulz, would you spell your name for the

1 record please?

2 MR. SCHULZ: Yes. S-c-h-u-l-z as
3 in zebra.

4 BOARD AGENT FLETCHER: And
5 Katherine Neebe, her first name is spelled
6 with a K, Katherine, and her last name is
7 spelled N-e-e-b-e. Thank you. And your name
8 sir?

9 MR. RADABAUGH: Jordan Radabaugh
10 and I'm also here on behalf of my wife,
11 Margaret Radabaugh, and I have a note
12 designating me as the proxy.

13 BOARD AGENT FLETCHER: Okay. So
14 is that Jordan?

15 MR. RADABAUGH: Yes.

16 BOARD AGENT FLETCHER: And would
17 you spell the last name for the record please?

18 MR. RADABAUGH: R-a-d-a-b-a-u-g-h.

19 BOARD AGENT FLETCHER: And I have
20 a letter here from Margaret Radabaugh
21 designating you as her representative.

22 MR. RADABAUGH: Yes.

1 BOARD AGENT FLETCHER: And your
2 name, ma'am?

3 MS. MCMAHON: My name is Janet
4 McMahan.

5 BOARD AGENT FLETCHER: Would you
6 spell that for the record please?

7 MS. MCMAHON: Yes. My first
8 name is J-a-n-e-t and my last name is M-c-
9 capital M-a-h-o-n.

10 BOARD AGENT FLETCHER: Okay. So
11 there are at least five you of present or
12 represented today so your Group of 7 is
13 granted conditional standing. What that means
14 is at the status hearing, the upcoming status
15 hearing, you'll need to bring two people that
16 aren't present today. And at that time the
17 Board will grant you full standing.

18 But for the purpose of Roll Call
19 you are granted conditional standing and we'll
20 just proceed through the process. And ANC 2B
21 of course has standing as a protestant.

22 Now let me ask you this, for you

1 entire group, are you going to designate one
2 person as a representative? I know that
3 you're representing individuals today, but are
4 you going to designate one person for the
5 entire group? That would be helpful if you
6 do.

7 MR. SCHULZ: Yes. I've been
8 asked to represent the Group.

9 BOARD AGENT FLETCHER: Okay. And
10 that's you, Mr. Schulz?

11 MR. SCHULZ: Yes.

12 BOARD AGENT FLETCHER: Okay.

13 Thank you. So Mr. Schulz is the designated
14 representative for the Group.

15 I would normally give you a date
16 for a Status Hearing and a Protest Hearing
17 today but the person that provides me with
18 those dates is not here today. So today
19 we'll just be setting a date for mediation to
20 occur as soon as possible, and I will give you
21 some dates.

22 You'll receive a written notice

1 with all of the dates but the mediation date
2 will be the only date that we can set today.

3 MR. SCHULZ: Okay.

4 BOARD AGENT FLETCHER: The next
5 available date for mediation is Tuesday, July
6 29, that's next Tuesday, July 29. That's
7 available and if that's good we can make a
8 date and if not we'll keep moving.

9 MR. SCHULZ: I can do that.

10 BOARD AGENT FLETCHER: You can do
11 that?

12 MR. RADABAUGH: 10 a.m. as well?

13 BOARD AGENT FLETCHER: It can be
14 at 10, 11.

15 MR. SCHULZ: 10 would be best.

16 BOARD AGENT FLETCHER: Does that
17 work for you, Mr. Kline?

18 MR. KLINE: It works for me. I
19 do need to check with Mr. (inaudible) if it's
20 okay (inaudible).

21 BOARD AGENT FLETCHER: Okay. And
22 Mr. Putta, is that a good day for you?

1 MR. PUTTA: I think so.

2 BOARD AGENT FLETCHER: 10

3 o'clock?

4 MR. PUTTA: Um-hmm.

5 BOARD AGENT FLETCHER: You're

6 going to be representing the ANC at mediation

7 as well?

8 MR. PUTTA: I will double-check

9 with my Chair.

10 BOARD AGENT FLETCHER: Okay. It's

11 okay whether it's you or someone else, I'm

12 just checking.

13 MR. PUTTA: Yes. It may or may

14 not be me.

15 BOARD AGENT FLETCHER: Okay. Any

16 questions at all?

17 MR. KLINE: I don't have any.

18 BOARD AGENT FLETCHER: Any

19 questions at all from the protestants?

20 MR. SCHULZ: The mediation

21 hearing is in this room?

22 BOARD AGENT FLETCHER: Most

1 likely it will be in this room. I'm the
2 Board's mediator also. My card is on the
3 table if you need to call me. The mediation
4 most likely will be in this room but just
5 check with the receptionist and if it's not in
6 this room we'll go somewhere else.

7 MR. SCHULZ? Okay. Very good.
8 Thank you.

9 BOARD AGENT FLETCHER: Okay. Mr.
10 Putta, did you put your contact information on
11 that sheet?

12 MR. PUTTA: Sure.

13 BOARD AGENT FLETCHER: Well thank
14 you. The Roll Call Hearing is concluded.

15 (Whereupon, the Roll Call Hearing
16 in the above-entitled matter having been
17 concluded, went off the record at 10:16 a.m.)

18

19

20

21

22

<p style="text-align: center;">A</p> <p>a.m 1:18 2:2 9:12 11:17</p> <p>above-entitled 1:18 11:16</p> <p>ABRA 1:15</p> <p>ABRA-086789 1:10 2:10</p> <p>Absolutely 4:21</p> <p>accept 4:15</p> <p>address 4:20</p> <p>Administration 1:3 1:19</p> <p>adverse 2:13</p> <p>Agent 1:21 2:3,17 2:22 3:4,6,9,11,17 3:21 4:2,5,10,13 5:1,9,13,21 6:4,13 6:16,19 7:1,5,10 8:9,12 9:4,10,13 9:16,21 10:2,5,10 10:15,18,22 11:9 11:13</p> <p>Alcoholic 1:3,19</p> <p>ANC 3:1,2,7,15 4:3 4:11 7:20 10:6</p> <p>Andrew 2:20</p> <p>applicant 2:19,21</p> <p>appreciate 4:22</p> <p>asked 8:8</p> <p>Association 5:5</p> <p>available 9:5,7</p>	<p>Board's 2:17 11:2</p> <p>Brewing 1:8 2:8</p> <p>bring 7:15</p> <hr/> <p style="text-align: center;">C</p> <p>call 1:5 2:16 5:17 7:18 11:3,14,15</p> <p>capital 7:9</p> <p>Capitol 1:8 2:8</p> <p>card 11:2</p> <p>Case 1:12 2:7</p> <p>Center 1:16</p> <p>Chair 10:9</p> <p>change 1:11 2:11</p> <p>check 9:19 11:5</p> <p>checking 10:12</p> <p>City 1:8 2:8</p> <p>Code 2:17</p> <p>Columbia 1:1,19</p> <p>come 2:5</p> <p>Commissioner 3:15 4:11,18</p> <p>Company 1:8 2:8</p> <p>concluded 11:14,17</p> <p>conditional 7:13,19</p> <p>Condominium 5:5</p> <p>conducting 2:16</p> <p>contact 11:10</p> <p>convened 1:18</p> <p>copy 5:18</p> <p>course 7:21</p> <p>CT 1:10 2:11</p>	<p>entertainment 2:12</p> <p>entire 8:1,5</p> <p>expansion 2:11</p> <hr/> <p style="text-align: center;">F</p> <p>file 4:9</p> <p>first 6:5 7:7</p> <p>five 7:11</p> <p>Fletcher 1:21 2:3 2:15,22 3:4,6,9,11 3:17,21 4:2,5,10 4:13 5:1,9,13,21 6:4,13,16,19 7:1,5 7:10 8:9,12 9:4,10 9:13,16,21 10:2,5 10:10,15,18,22 11:9,13</p> <p>forward 2:5</p> <p>full 7:17</p> <hr/> <p style="text-align: center;">G</p> <p>give 8:15,20</p> <p>go 11:6</p> <p>going 4:15 8:1,4 10:6</p> <p>good 2:20 3:14 9:7 9:22 11:7</p> <p>grant 7:17</p> <p>granted 7:13,19</p> <p>Great 5:20</p> <p>group 5:2,3 7:12 8:1,5,8,14</p>	<p>Janet 7:3</p> <p>Jordan 6:9,14</p> <p>July 1:14 9:5,6</p> <hr/> <p style="text-align: center;">K</p> <p>K 6:6</p> <p>K-i-s-h-a-n 3:19</p> <p>Katherine 5:7,15 6:5,6</p> <p>keep 9:8</p> <p>Kishan 3:15</p> <p>Kline 2:20,21 3:1 5:18,20 9:17,18 10:17</p> <p>know 8:2</p> <hr/> <p style="text-align: center;">L</p> <p>LaVerne 1:21 2:15</p> <p>letter 4:6 6:20</p> <p>license 1:10 2:10</p> <p>LLC 1:8 2:8</p> <p>Lounge 1:9 2:4,6,9</p> <hr/> <p style="text-align: center;">M</p> <p>M-a-h-o-n 7:9</p> <p>M-c 7:8</p> <p>ma'am 7:2</p> <p>Margaret 6:11,20</p> <p>matter 1:7,18 2:4,6 11:16</p> <p>McMahon 7:3,4,7</p> <p>means 7:13</p> <p>mediation 8:19 9:1 9:5 10:6,20 11:3</p> <p>mediator 11:2</p> <p>microphone 3:13</p> <p>Monday 1:13</p> <p>morning 2:20 3:14</p> <p>moving 9:8</p> <p>Municipal 1:16</p>	<p>need 7:15 9:19 11:3</p> <p>normally 8:15</p> <p>note 3:16 6:11</p> <p>notice 8:22</p> <p>number 4:20</p> <hr/> <p style="text-align: center;">O</p> <p>o'clock 10:3</p> <p>occur 8:20</p> <p>Official 2:17</p> <p>okay 3:9 4:2,13 5:9 5:13 6:13 7:10 8:9,12 9:3,20,21 10:10,11,15 11:7 11:9</p> <p>order 2:14</p> <hr/> <p style="text-align: center;">P</p> <p>P-R-O-C-E-E-D-... 2:1</p> <p>P-u-t-t-a 3:20</p> <p>parties 2:4,5</p> <p>peace 2:14</p> <p>Penthouse 1:9 2:4 2:6,9</p> <p>people 7:15</p> <p>person 8:2,4,17</p> <p>please 2:5 4:18 6:1 6:17 7:6</p> <p>possible 8:20</p> <p>premises 2:11</p> <p>present 3:2,7 5:2 7:11,16</p> <p>proceed 7:20</p> <p>process 7:20</p> <p>pronounce 3:22</p> <p>protest 2:13 8:16</p> <p>protestant 7:21</p> <p>protestants 10:19</p> <p>provides 8:17</p> <p>proxy 6:12</p> <p>purpose 7:18</p> <p>pursuant 2:17</p> <p>put 4:19 11:10</p> <p>Putta 3:3,5,8,14,15 3:19,20 4:1,1,3,4 4:8,12,14,21 9:22 10:1,4,8,13 11:10 11:12</p>
<hr/> <p style="text-align: center;">B</p> <p>beginning 2:18</p> <p>behalf 2:21 3:1,2,7 5:2 6:10</p> <p>best 9:15</p> <p>BEVERAGE 1:3</p> <p>Beverages 1:19</p> <p>Board 1:3,19,21 2:3,22 3:4,6,9,11 3:17,21 4:2,5,10 4:13 5:1,9,13,21 6:4,13,16,19 7:1,5 7:10,17 8:9,12 9:4 9:10,13,16,21 10:2,5,10,15,18 10:22 11:9,13</p>	<hr/> <p style="text-align: center;">D</p> <p>D.C 1:16 2:17</p> <p>date 8:15,19 9:1,2,5 9:8</p> <p>dates 8:18,21 9:1</p> <p>day 9:22</p> <p>designate 8:1,4</p> <p>designated 4:14,17 8:13</p> <p>designating 4:6,6 5:16 6:12,21</p> <p>District 1:1,19</p> <p>double-check 10:8</p> <hr/> <p style="text-align: center;">E</p> <p>email 4:20</p> <p>endorsement 2:12</p>	<hr/> <p style="text-align: center;">H</p> <p>hearing 1:5,15,18 2:16 5:17 7:14,15 8:16,16 10:21 11:14,15</p> <p>helpful 8:5</p> <hr/> <p style="text-align: center;">I</p> <p>impact 2:14</p> <p>inaudible 9:19,20</p> <p>individuals 5:3 8:3</p> <p>information 11:10</p> <p>Introductions 2:18</p> <p>issues 2:13</p> <hr/> <p style="text-align: center;">J</p> <p>J-a-n-e-t 7:8</p>	<hr/> <p style="text-align: center;">N</p> <p>N-e-e-b-e 6:7</p> <p>N.W 1:9 2:9</p> <p>name 2:15 3:12,18 3:20,22 4:20 5:22 6:5,6,7,17 7:2,3,8 7:8</p> <p>named 3:16 4:16</p> <p>Neebe 5:7,11,16 6:5</p>	

Q	spelled 6:5,7	Y		
questions 10:16,19	standing 7:13,17	Z		
quiet 2:14	7:19,21	zebra 6:3		
R	state 3:12	0		
R-a-d-a-b-a-u-g-h	statement 5:8,15	1		
6:18	status 7:14,14 8:16	10 9:12,14,15 10:2		
Radabaugh 6:9,9	Street 1:9 2:9	10:06 1:18 2:2		
6:11,15,18,20,22	substantial 1:11	10:16 11:17		
9:12	2:11	11 9:14		
receive 8:22	supplementary	14-PRO-00046		
receptionist 11:5	3:16	1:12 2:7		
record 3:13 6:1,17	sure 4:12 5:18	1601.2 2:18		
7:6 11:17	11:12	1612 1:9 2:9		
Reeves 1:16	T	2		
Regulation 1:3,19	t/a 1:9 2:8	20009 1:16		
represent 8:8	table 3:10,13 4:19	2014 1:14		
representation	11:3	21 1:14		
4:16	telephone 4:20	29 9:6,6		
representative 4:7	thank 2:22 5:10,14	2B 3:1,2,3,7 4:3,11		
4:15,17 5:7,17	5:14,20 6:7 8:13	7:20		
6:21 8:2,14	11:8,13	2B-04 3:15		
represented 7:12	think 10:1	3		
representing 4:3	time 7:16	4		
5:11 8:3 10:6	today 4:16 7:12,16	5		
retailer 1:10 2:10	8:3,17,18,18 9:2	6		
Roll 1:5 2:16 5:17	Tuesday 9:5,6	7		
7:18 11:14,15	two 7:15	75:2 7:12		
room 1:15,18 10:21	U			
11:1,4,6	U 1:9 2:9			
S	Um-hmm 10:4			
S-c-h-u-l-z 6:2	upcoming 7:14			
Schulz 5:4,6,10,12	V			
5:16,22 6:2 8:7,10	W			
8:11,13 9:3,9,15	Washington 1:16			
10:20 11:7	we'll 7:19 8:19 9:8			
set 9:2	11:6			
setting 8:19	went 11:17			
seven 5:3	wife 6:10			
sheet 4:19 11:11	William 5:5,16			
side 3:10	Wilton 5:5			
sign-in 4:19	work 9:17			
signed 5:8	works 9:18			
sir 6:8	written 8:22			
soon 8:20	X			
South 1:15	x 1:7,12			
spell 3:12,18 5:22				
6:17 7:6				