

DISTRICT OF COLUMBIA  
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ALCOHOLIC BEVERAGE CONTROL BOARD  
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MEETING

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IN THE MATTER OF: :  
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GBP, LLC :  
t/a Tackle Box :  
3245 M Street, NW : Protest  
Retailer CR : Hearing  
License No. 84952 : (Status)  
Case No. 13-PRO-00065 :  
ANC 2E :  
Renewal Application :  
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JULY 31, 2013

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

PRESENT  
RUTHANNE MILLER, Chairperson  
NICK ALBERTI, Member  
DONALD BROOKS, Member  
MIKE SILVERSTEIN, Member

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

9:41 a.m.

CHAIRPERSON MILLER: Okay. Now I believe you're the same individuals for the next case, which is Case No. 13-PRO-00065, Tackle Box, located at 3245 M Street, N.W., License No. 84952 in ANC 2E.

And for the record I'm going to ask you to identify yourselves again.

MR. KLINE: Yes, good morning. Andrew Kline on behalf of the Licensee.

MS. JONES: Good morning. Harmony Jones on behalf of 2441 Bond Street Equities.

MR. PRICE: Richard Price on behalf of F&M Enterprises.

CHAIRPERSON MILLER: Okay. Again, this case is scheduled for a protest hearing the same day, September 25th, 2013 at 4:30 p.m.

Are there any matters that you wish to bring to the Board's attention with respect to this case?

1                   MR. KLINE: Madam Chair, we did  
2 have mediation. This case is similar to the  
3 last case that we discussed. I think the  
4 issue is that these cases are both set for a  
5 protest hearing at the same time. Given the  
6 brevity of the mediation and the lack of  
7 issues in our opinion that relate to this  
8 process, it seems that they're both going to  
9 go to hearing, so this is not one of these  
10 well let's wait and see which one settles. So  
11 I just bring that to the Board's attention for  
12 purposes of scheduling because obviously we're  
13 not going to be able to try both cases at the  
14 same time.

15                   CHAIRPERSON MILLER: Okay. Did  
16 you say something about brevity or did I not  
17 hear that?

18                   MR. KLINE: Well, I said the  
19 mediation was very brief.

20                   CHAIRPERSON MILLER: Oh, so it's  
21 not like you expect these cases to be brief?

22                   MR. KLINE: Yes, if I can mention

1 the 800-pound gorilla in the room, I mean  
2 what's really going on here is we have a  
3 landlord who happens to -- in both buildings  
4 who's using their statuses of one building to  
5 protest one license and their status of the  
6 other building to protest the second license.  
7 So although the normally would not entertain  
8 the protest of a landlord, this is a unique  
9 situation where they're the adjacent property  
10 owner, so technically they have standing,  
11 although we would submit that these issues  
12 have nothing to do with your procedures giving  
13 these six cases that are pending in superior  
14 court between these two parties.

15 CHAIRPERSON MILLER: Okay. I'll  
16 just ask you one other question and then I'm  
17 going to leave it to our general counsel with  
18 respect to the scheduling. But as I looked at  
19 it, I thought perhaps these would be scheduled  
20 sequentially and I don't know -- you know,  
21 that afternoon and I don't know whether --  
22 starting at 4:30 though -- I don't know, you

1 know, if they're -- they're not expected to be  
2 brief.

3 MR. KLINE: Well, I don't know in  
4 terms of the cases being brief. I'm not  
5 really sure. In terms of them being scheduled  
6 sequentially, our position is they are two  
7 separate business operations with two separate  
8 licenses. We frankly at this point don't even  
9 know what the Protestants are complaining  
10 about that is relevant under this process. I  
11 mean we know what the Protestants are  
12 complaining about.

13 CHAIRPERSON MILLER: Okay.

14 MR. KLINE: But in terms of the  
15 Board's rubric, I'm not really sure. So I  
16 can't speak to --

17 CHAIRPERSON MILLER: Okay.

18 MR. KLINE: -- how long these  
19 cases will be.

20 CHAIRPERSON MILLER: All right.

21 Is there anything you wanted to add, not that  
22 we need to get too into detail on this at this

1 point.

2 MS. JONES: Right. I mean we  
3 obviously disagree with that position and feel  
4 like we do have legitimate issues to protest.

5 I do agree that it will be two  
6 separate hearings and that we will not be  
7 settled by the time the protest hearing  
8 becomes --

9 CHAIRPERSON MILLER: Okay. All  
10 right. Then they are now scheduled for the  
11 same time. And if there's any change, we'll  
12 let you know. Okay. And just for the record  
13 I briefly want to again state that you need to  
14 file a Protest Information Form within seven  
15 days of the hearing and serve it on opposing  
16 counsel, otherwise your application or your  
17 protest is subject to dismissal. So we never  
18 like to see that happen, so I just want to  
19 make sure that I alert you to that.

20 Okay. And if you have any other  
21 questions in the meantime, you can contact Ms.  
22 Anderson at 442-6942, or Ms. Jenkins.

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Okay. Thank you.

MR. KLINE: Thank you.

(Whereupon, the hearing was  
concluded at 9:45 a.m.)

<p style="text-align: center;"><b>A</b></p> <p>able 3:13  add 5:21  adjacent 4:9  afternoon 4:21  agree 6:5  ALBERTI 1:20  Alcoholic 1:2,13,14  alert 6:19  ANC 1:10 2:7  Anderson 6:22  Andrew 2:11  application 1:10  6:16  attention 2:21 3:11  a.m 2:2 7:4</p>	<p>complaining 5:9,12  concluded 7:4  contact 6:21  Control 1:2,13,14  counsel 4:17 6:16  court 4:14  CR 1:8</p>	<p>hear 3:17  hearing 1:8,14 2:17  3:5,9 6:7,15 7:3  hearings 6:6</p>	<p>1:22  mention 3:22  met 1:14  MIKE 1:22  Miller 1:15,19 2:3  2:16 3:15,20 4:15  5:13,17,20 6:9  morning 2:10,12</p>	<p style="text-align: center;"><b>Q</b></p> <p>question 4:16  questions 6:21</p>
<p style="text-align: center;"><b>B</b></p> <p>behalf 2:11,13,15  believe 2:4  Beverage 1:2,13,14  Board 1:2,14  Board's 2:21 3:11  5:15  Bond 2:13  Box 1:7 2:6  brevity 3:6,16  brief 3:19,21 5:2,4  briefly 6:13  bring 2:21 3:11  BROOKS 1:21  building 1:14 4:4,6  buildings 4:3  business 5:7</p>	<p style="text-align: center;"><b>D</b></p> <p>day 2:18  days 6:15  detail 5:22  disagree 6:3  discussed 3:3  dismissal 6:17  DISTRICT 1:1  DONALD 1:21  D.C 1:15</p>	<p style="text-align: center;"><b>I</b></p> <p>identify 2:9  individuals 2:4  Information 6:14  issue 3:4  issues 3:7 4:11 6:4</p>	<p style="text-align: center;"><b>N</b></p> <p>need 5:22 6:13  never 6:17  NICK 1:20  normally 4:7  NW 1:8  N.W 1:15 2:6</p>	<p style="text-align: center;"><b>R</b></p> <p>really 4:2 5:5,15  record 2:8 6:12  Reeves 1:14  relate 3:7  relevant 5:10  Renewal 1:10  respect 2:22 4:18  Retailer 1:8  Richard 2:14  right 5:20 6:2,10  room 1:14 4:1  rubric 5:15  Ruthanne 1:15,19</p>
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