

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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FERNANDO POSTIGO :

t/a Sol Mexican Grill :Roll Call

1251 H Street, NE :Hearing

License #ABRA-092192 :

Retailer CT, New Application :

Case #13-PRO-00109 :

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AUGUST 5, 2013

The Alcoholic Beverage Control Board met in Alcoholic Beverage Control Hearing Room, 7th Floor, at 941 North Capitol Street, N.E., Washington, D.C., La Verne Fletcher, Chairperson, presiding.

PRESENT

LA VERNE FLETCHER, Chairperson

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

10:31 a.m.

1  
2  
3 AGENT FLETCHER: Would the parties  
4 in the matter of Sol Mexican Grill come  
5 forward. The parties in the matter of Sol  
6 Mexican Grill. This is Case Number 13-PRO-  
7 00109. Fernando Postigo, trading as Sol  
8 Mexican Grill, 1251 H Street, Northeast,  
9 License #ABRA-092192. This is a Retailer CT,  
10 New Application.

11 The protest issues are adverse  
12 impact on peace, order and quiet, real  
13 property values, residential parking and  
14 vehicular and pedestrian safety and over-  
15 concentration.

16 My name is La Verne Fletcher and  
17 I'll 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. Your name?

22 MS. LACHANCE: Alainka LaChance,

1 spelled A-L-A-I-N-K-A. Last name L-A-C-H-A-N-  
2 C-E. And I'm the General Manager for the  
3 establishment.

4 AGENT FLETCHER: Thank you very  
5 much.

6 And your name, sir?

7 MR. POSTIGO: Fernando Postigo.

8 AGENT FLETCHER: Would you spell  
9 it for the Court Reporter?

10 MR. POSTIGO: F-E-R-N-A-N-D-O P-  
11 O-S-T-I-G-O.

12 AGENT FLETCHER: Thank you very  
13 much.

14 And present on behalf of the  
15 Linden Neighborhood Association?

16 MS. MITCHELL: Cherie Mitchell, C-  
17 G-E-R-I-E.

18 AGENT FLETCHER: Excuse me one  
19 second.

20 How do you spell the first name  
21 again?

22 MS. MITCHELL: C-H-E-R-I-E, Cherie

1 Mitchell, Linden Neighborhood Association.

2 AGENT FLETCHER: And how do you  
3 spell Mitchell.

4 MS. MITCHELL: M-I-T-C-H-E-L-L.

5 AGENT FLETCHER: Thank you.

6 MS. GREENE: Good morning. Lisa  
7 Greene, Linden Neighborhood Association.  
8 Green, G-R-E-E-N=E.

9 AGENT FLETCHER: Thank you, Ms.  
10 Greene.

11 MR. PITTMAN: Good morning.

12 AGENT FLETCHER: Good morning.

13 MR. PITTMAN: Robert Pittman,  
14 Linden Neighborhood Association. Pittman,P-I-  
15 T-T-M-A-N.

16 AGENT FLETCHER: Thank you, Mr.  
17 Pittman.

18 Linden is spelled, L-I-N-D-E-N?

19 MR. PITTMAN: That is correct.

20 AGENT FLETCHER: Thank you.

21 That's the Linden Neighborhood Association.

22 Mr. Pittman, are you the president

1 of the association?

2 MR. PITTMAN: No, ma'am, I'm not.

3 AGENT FLETCHER: Is the president  
4 present?

5 MR. PITTMAN: Yes.

6 AGENT FLETCHER: Okay, Ms.

7 Greene. Thank you.

8 Ms. Greene, did the association  
9 give the Applicant notice of its July 17  
10 meeting, at least the seven-day notice of the  
11 July 17 meeting that was held?

12 MR. PITTMAN: Applicant? No,  
13 ma'am, we did not.

14 AGENT FLETCHER: Okay. Under the  
15 new Omnibus Amendment Alcoholic Beverage  
16 Control Act that is a new requirement. That  
17 is a new requirement. The Act took effect on  
18 May the 1st, 2013. The Emergency Act took  
19 effect back in January of 2013. But there's  
20 a new requirement. I'll give you the  
21 citations because I know you want to take a  
22 look at it.

1 MS. GREENE: Yes, I do. May I.

2 AGENT FLETCHER: Did you want to  
3 say something, Ms. Greene?

4 MS. GREENE: I just wanted to  
5 comment that we hadn't received any notice from  
6 the ANC or anyone. So, that's why we were  
7 unaware of the changes.

8 AGENT FLETCHER: Thank you, Ms.  
9 Greene. Thanks for that.

10 I'll give you the law so that you  
11 can check it out --

12 MS. GREENE: That would be good,  
13 thank you.

14 AGENT FLETCHER: -- for your own  
15 benefit. It's D.C. Law 19-310. In our  
16 regulations which you probably have a copy of  
17 I'll give you the citation number there. It's  
18 25-601 -- 25-601-3B. That's a new provision  
19 that was added under the new Omnibus Act that  
20 citizens associations must give an Applicant  
21 at least a seven-day written notice of the  
22 hearing where it will discuss the application.

1                   And if it would be helpful, I can  
2 read part of that for you.

3                   MR. PITTMAN: That won't be  
4 necessary.

5                   AGENT FLETCHER: Okay. So, that's  
6 a new requirement. And, Ms. Greene, if the  
7 Linden Neighborhood Association decides to  
8 seek reinstatement or standing as a  
9 Protestant, I expect the reason that you would  
10 give is that you were unaware of the new  
11 regulation.

12                   MR. PITTMAN: That's fair.

13                   AGENT FLETCHER: Then the ABC  
14 Board will review -- make a decision. Will  
15 review that request and make a decision about  
16 whether or not to accept that as an  
17 explanation and to grant the Linden  
18 Association standing as a Protestant or not.  
19 And you will be contacted.

20                   For the purpose of the Roll Call  
21 Hearing today, the Linden Neighborhood  
22 Association is dismissed as a Protestant and

1 the ABC Board will resolve that matter --

2 MR. PITTMAN: Okay.

3 AGENT FLETCHER: -- beyond today.

4 The Board is in recess on August  
5 21, 28 and the first week in September. This  
6 matter is going to be reported today and so  
7 the Board may be able to issue an order  
8 Wednesday dismissing the Linden Neighborhood  
9 Association so they may get to do that before  
10 mid-September. But they will be here next  
11 week as well, so the only point I'm making is  
12 that this whole matter may be resolved before  
13 they go on recess. If not, nothing would  
14 occur until after they come back from recess  
15 which will be the second week in September.

16 So, for the purpose of Roll Call  
17 today, the Linden Neighborhood Association is  
18 dismissed. You'll be kept informed with  
19 respect to how the Board rules.

20 If the Linden Neighborhood  
21 Association seeks standing as a Protestant,  
22 you'll be informed.

1           Your contact information is on  
2           that sheet? Did you write your name, email  
3           address and telephone number on that sheet?  
4           You'll be informed and you'll have an  
5           opportunity to respond to any request  
6           regarding the granting of standing.

7           And, Ms. Greene, I think the new  
8           Omnibus Act is on our website if you want to  
9           take a look at the whole thing. There's some  
10          other changes in there that you might want to  
11          be aware of. But this is the only one that  
12          affects a citizens association. But there are  
13          other thing sin there that you might want to  
14          be aware of as members of the community.

15          MS. GREENE: Thank you so much.

16          AGENT FLETCHER: You're welcome.

17          Any questions at all?

18          MS. GREENE: Nothing.

19          AGENT FLETCHER: Okay. Then the  
20          Roll Call Hearing is concluded and if you  
21          think of anything, my card is on the table.

22          MR. PITTMAN: Okay. Thank you.

1                   AGENT FLETCHER: Thank you very  
2 much.

3                   Ms. Greene, it's nice to see you.

4                   MS. GREENE: It's good to see you  
5 too, Ms. Fletcher.

6                   MS. GREENE: As always.

7                   AGENT FLETCHER: Okay. Thank you.

8                   MS. MITCHELL: Thank you very  
9 much.

10                  AGENT FLETCHER: All right.  
11 Thanks a lot.

12                  (Whereupon, the above matter was  
13 concluded at 10:41 a.m.)

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<b>A</b>	<b>Board's</b> 2:18	<b>effect</b> 5:17,19	<b>held</b> 5:11	<b>Mitchell</b> 3:16,16,22
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