

DISTRICT OF COLUMBIA

+ + + + +

ALCOHOLIC BEVERAGE CONTROL BOARD

+ + + + +

MEETING

-----:
 IN THE MATTER OF: :
 :
 DK Corporation : Status Hearing
 t/a Joe Caplan Liquors :
 1913 7th Street NW :
 :
 License No. 60351 :
 ANC 1B :
 -----:

AUGUST 12, 2015

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

PRESENT:

- RUTHANNE MILLER, Chairperson
- DONALD BROOKS, Member
- NICK ALBERTI, Member
- HECTOR RODRIGUEZ, Member
- MIKE SILVERSTEIN, Member
- JAMES SHORT, Member

- HERMAN JONES, Member

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

9:42 a.m.

CHAIRPERSON MILLER: Okay, good morning, everyone. I want to welcome you to the regularly scheduled meeting of the District of Columbia's Alcoholic Beverage Control Board.

Today is August 12th, 2015. My name is Ruthanne Miller. I'm the Chairperson, and joining me to my far right is Mr. Donald Brooks. Next to Mr. Brooks is Mr. Alberti, taking a seat, and next to Mr. Alberti is Mr. Rodriguez, Mr. Hector Rodriguez, Mr. Silverstein, Mr. Mike Silverstein is to my left, and next to him is Mr. Jim Short. We have six members in attendance for business this morning, and three members constitute a quorum.

Okay, copies of today's hearing calendar and agenda are available at the receptionist desk. Please be aware that these proceedings are being recorded by a Court Reporter.

Accordingly, we must ask you to refrain from any disruptive noises in the hearing room. If you have any electronic devices, pagers, cell phones

1 or such, please make sure they're turned off, to avoid
2 any interruption of the proceedings.

3 When I call you case, please come forward
4 and take a seat at the table. You'll note that there
5 is a piece of paper on each table for you to sign in.
6 This is to ensure the correct spelling of your name
7 for the record.

8 The Open Meetings Act requires that the
9 public hearing on each case be open to the public.
10 The Board may, consistent with Section 405(b) of the
11 Open Meetings Act, enter a close meeting during or
12 after the public hearing on a case, to consult with an
13 attorney, to obtain legal advice, discuss settlement
14 agreements or deliberate upon on a decision in an
15 adjudication proceeding.

16 Okay, that concludes my preliminary
17 remarks, and I'm now going to turn to this morning's
18 calendar.

19 First case on the calendar is Case No.
20 PRO-00056, Caplan Liquors, located at 1913 7th Street,
21 Northwest, License No. 60351 in ANC 1B.

22 MR. FOOTER: Good morning.

1 CHAIRPERSON MILLER: Good morning. When
2 you're ready, would you introduce yourself for the
3 record, starting on my right.

4 MR. FOOTER: Sure, my name is Brian
5 Footer. I'm the ANC Commissioner for 1B-01, where the
6 business resides, and ANC 1B is the Protestant.

7 CHAIRPERSON MILLER: Okay, great, and you
8 are?

9 MR. TALATI: My name is Keyur Talati. I'm
10 president of DK Corporation, including Joe Caplan
11 Liquor.

12 CHAIRPERSON MILLER: Okay, and with you?

13 MS. TALATI: I'm the manager at the Joe
14 Caplan Liquor. Deepa Talati.

15 CHAIRPERSON MILLER: Okay, so, this is
16 what's called a status hearing.

17 So, basically, at this hearing, we're just
18 going to ask you -- it's not really much of a hearing,
19 if there is anything you want to tell us, with respect
20 to the status of your case, and then I'm just going to
21 give you a few instructions, regarding the protest
22 hearing, in the even that the case does go to a

1 hearing.

2 So, is there anything -- anything you wish
3 to bring to our attention or ask us at this time? You
4 don't have to, but that's your opportunity.

5 MR. FOOTER: Sure.

6 CHAIRPERSON MILLER: Okay.

7 MR. FOOTER: We had our mediation last
8 week, and it went very well.

9 CHAIRPERSON MILLER: Great.

10 MR. FOOTER: We went yesterday,
11 independent of ABRA, and started going through some of
12 the things -- some of the different concerns that are
13 at the heart of the protest.

14 I'm confident that we'll have settlement
15 agreement or something by the time, you know, we get
16 to a hearing, and we won't we need to actually get to
17 a hearing, but we have about a month until we get
18 there.

19 CHAIRPERSON MILLER: Okay, anything you
20 all want to add?

21 MR. TALATI: Well, we had one meeting
22 yesterday. So, we are planning to have some sort of

1 understanding between us.

2 CHAIRPERSON MILLER: Good. So, I'm glad
3 you're all making progress, and I would like to say,
4 with respect to, you know, your deadline that you have
5 in mind for your settlement agreement, you know, while
6 you can submit a settlement agreement any time up to
7 the hearing, we will really request if you could get
8 it done, the sooner the better, at least a week ahead
9 of time, if not further, because what happens is, our
10 investigator -- if there's no settlement agreement,
11 our investigator starts doing an investigative report,
12 and it's somewhat of a waste of their resources, if
13 you really have a settlement agreement.

14 MR. FOOTER: Can I ask, when do they start
15 the investigative report?

16 CHAIRPERSON MILLER: I can't -- it may be
17 different for each one, but at least -- I mean, it
18 would be great if you could get it in, you know,
19 within two weeks of the hearing.

20 MR. FOOTER: Okay.

21 CHAIRPERSON MILLER: If possible, yes.
22 Okay, anything else on that?

1 All right, so, I just want to say, in the
2 event, you know, settlement agreement falls through,
3 which we hope it doesn't, and you go to a protest
4 hearing, in advance of that hearing, at least probably
5 two weeks at least in advance of that hearing, you'd
6 get what's called a Protest Information Form, and you
7 need to fill that form out and serve it on the Board
8 and the opposing party a week ahead of time, and what
9 that asks for is the issues then that are still --
10 that are still apparent for the hearing, like if you
11 may have had a lot of issues, and then by the time you
12 have a protest hearing, maybe there's only one issue
13 or whatever.

14 But you need to identify what the issue
15 is, or issues, and the witnesses that you would be
16 presenting at the hearing, and that will be by name,
17 not just by category.

18 The purpose of this is to put everybody on
19 notice, so that we have a focused hearing, no
20 surprises or anything like that. It's not that kind
21 of hearing.

22 Also, you will be asked to submit an

1 exhibit form, and list the exhibits you intend to put
2 forward at the hearing, put into evidence, like
3 documents, photographs, things like that, and also,
4 you would need to identify them and attach them and
5 serve them on everybody, again, for the same reason
6 that we don't want any surprises and if you don't do
7 so, and it's found that the other side really is
8 prejudiced because they didn't -- weren't aware of
9 that document or exhibit, then it may be excluded, and
10 the same for the witness.

11 That's about it on the instructions. If
12 you have any questions leading up to the hearing, you
13 can contact Attorney Janea Raines at 442-4353, okay?

14 MR. FOOTER: Thank you.

15 CHAIRPERSON MILLER: All right, thank you
16 very much.

17 MR. TALATI: Thank you.

18 CHAIRPERSON MILLER: Okay, thank you very
19 much.

20 (Whereupon, the above-entitled matter went
21 off the record at 9:49 a.m.)
22

A		E	I
a.m 2:2 8:21	called 4:16 7:6	electronic 2:22	identify 7:14 8:4
above-entitled 8:20	Caplan 1:8 3:20	ensure 3:6	including 4:10
ABRA 5:11	4:10,14	enter 3:11	independent 5:11
Act 3:8,11	case 3:3,9,12,19,19	event 7:2	Information 7:6
add 5:20	4:20,22	everybody 7:18 8:5	instructions 4:21
adjudication 3:15	category 7:17	evidence 8:2	8:11
advance 7:4,5	cell 2:22	excluded 8:9	intend 8:1
advice 3:13	Chairperson 1:15	exhibit 8:1,9	interruption 3:2
agenda 2:17	1:17 2:3,8 4:1,7	exhibits 8:1	introduce 4:2
agreement 5:15 6:5	4:12,15 5:6,9,19		investigative 6:11
6:6,10,13 7:2	6:2,16,21 8:15,18	F	6:15
agreements 3:14	close 3:11	falls 7:2	investigator 6:10
ahead 6:8 7:8	COLUMBIA 1:1	far 2:9	6:11
Alberti 1:18 2:10,11	Columbia's 2:5	fill 7:7	issue 7:12,14
Alcoholic 1:3,13,14	come 3:3	First 3:19	issues 7:9,11,15
2:6	Commissioner 4:5	focused 7:19	
ANC 1:10 3:21 4:5	concerns 5:12	Footer 3:22 4:4,5	J
4:6	concludes 3:16	5:5,7,10 6:14,20	JAMES 1:20
apparent 7:10	confident 5:14	8:14	Janea 8:13
asked 7:22	consistent 3:10	form 7:6,7 8:1	Jim 2:13
asks 7:9	constitute 2:15	forward 3:3 8:2	Joe 1:8 4:10,13
attach 8:4	consult 3:12	found 8:7	joining 2:8
attendance 2:14	contact 8:13	further 6:9	JONES 1:21
attention 5:3	Control 1:3,13,14		
attorney 3:13 8:13	2:6	G	K
August 1:12 2:7	copies 2:16	give 4:21	Keyur 4:9
available 2:17	Corporation 1:8	glad 6:2	kind 7:20
avoid 3:1	4:10	go 4:22 7:3	know 5:15 6:4,5,18
aware 2:18 8:8	correct 3:6	going 3:17 4:18,20	7:2
	Court 2:19	5:11	
B		good 2:3 3:22 4:1	L
basically 4:17	D	6:2	leading 8:12
better 6:8	D.C 1:15	great 4:7 5:9 6:18	left 2:12
Beverage 1:3,13,14	deadline 6:4		legal 3:13
2:6	decision 3:14	H	License 1:10 3:21
Board 1:3,13 2:6	Deepa 4:14	happens 6:9	Liquor 4:11,14
3:10 7:7	deliberate 3:14	hearing 1:8,14 2:16	Liquors 1:8 3:20
Brian 4:4	desk 2:17	2:21 3:9,12 4:16	list 8:1
bring 5:3	devices 2:22	4:17,18,22 5:1,16	located 3:20
Brooks 1:18 2:9,10	different 5:12 6:17	5:17 6:7,19 7:4,4	lot 7:11
Building 1:14	discuss 3:13	7:5,10,12,16,19	
business 2:14 4:6	disruptive 2:21	7:21 8:2,12	M
	District 1:1 2:5	heart 5:13	making 6:3
C	DK 1:8 4:10	Hector 1:19 2:11	manager 4:13
calendar 2:16 3:18	document 8:9	HERMAN 1:21	matter 1:7 8:20
3:19	documents 8:3	hope 7:3	mean 6:17
call 3:3	doing 6:11		mediation 5:7
	Donald 1:18 2:9		

meeting 1:5 2:5
3:11 5:21
Meetings 3:8,11
Member 1:18,18,19
1:19,20,21
members 2:13,15
met 1:13
Mike 1:19 2:12
Miller 1:15,17 2:3,8
4:1,7,12,15 5:6,9
5:19 6:2,16,21
8:15,18
mind 6:5
month 5:17
morning 2:3,14
3:22 4:1
morning's 3:17

N

N.W 1:14
name 2:7 3:6 4:4,9
7:16
need 5:16 7:7,14
8:4
NICK 1:18
noises 2:21
Northwest 3:21
note 3:4
notice 7:19
NW 1:9

O

obtain 3:13
okay 2:3,16 3:16
4:7,12,15 5:6,19
6:20,22 8:13,18
open 3:8,9,11
opportunity 5:4
opposing 7:8

P

P-R-O-C-E-E-D-I-...
2:1
pagers 2:22
paper 3:5
party 7:8
phones 2:22
photographs 8:3

piece 3:5
planning 5:22
please 2:18 3:1,3
possible 6:21
prejudiced 8:8
preliminary 3:16
PRESENT 1:16
presenting 7:16
president 4:10
presiding 1:15
PRO-00056 3:20
probably 7:4
proceeding 3:15
proceedings 2:18
3:2
progress 6:3
protest 4:21 5:13
7:3,6,12
Protestant 4:6
public 3:9,9,12
purpose 7:18
put 7:18 8:1,2

Q

questions 8:12
quorum 2:15

R

Raines 8:13
ready 4:2
really 4:18 6:7,13
8:7
reason 8:5
receptionist 2:17
record 3:7 4:3 8:21
recorded 2:19
Reeves 1:14
refrain 2:20
regarding 4:21
regularly 2:4
remarks 3:17
report 6:11,15
Reporter 2:19
request 6:7
requires 3:8
resides 4:6
resources 6:12
respect 4:19 6:4

right 2:9 4:3 7:1
8:15
Rodriguez 1:19
2:11,11
room 1:14 2:21
Ruthanne 1:15,17
2:8

S

scheduled 2:5
seat 2:10 3:4
Section 3:10
serve 7:7 8:5
settlement 3:13
5:14 6:5,6,10,13
7:2
Short 1:20 2:13
side 8:7
sign 3:5
Silverstein 1:19
2:12,12
six 2:13
somewhat 6:12
sooner 6:8
sort 5:22
spelling 3:6
start 6:14
started 5:11
starting 4:3
starts 6:11
status 1:8 4:16,20
Street 1:9,14 3:20
submit 6:6 7:22
sure 3:1 4:4 5:5
surprises 7:20 8:6

T

t/a 1:8
table 3:4,5
take 3:4
Talati 4:9,9,13,14
5:21 8:17
tell 4:19
thank 8:14,15,17,18
things 5:12 8:3
three 2:14
time 5:3,15 6:6,9
7:8,11

Today 2:7
today's 2:16
turn 3:17
turned 3:1
two 6:19 7:5

U

understanding 6:1

V

W

want 2:4 4:19 5:20
7:1 8:6
Washington 1:14
waste 6:12
we'll 5:14
we're 4:17
week 5:8 6:8 7:8
weeks 6:19 7:5
welcome 2:4
went 5:8,10 8:20
weren't 8:8
wish 5:2
witness 8:10
witnesses 7:15

X

Y

yesterday 5:10,22

Z

0

1

12 1:12
12th 2:7
14th 1:14
1913 1:9 3:20
1B 1:10 3:21 4:6
1B-01 4:5

2

2000 1:14
2015 1:12 2:7

3

4
405(b) 3:10 442-4353 8:13
5
6
60351 1:10 3:21
7
7th 1:9 3:20
8
9
9:42 2:2 9:49 8:21