

DISTRICT OF COLUMBIA

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ALCOHOLIC BEVERAGE CONTROL BOARD

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MEETING

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IN THE MATTER OF:	:
	:
Sunshine Bar & Lounge, LLC	:
t/a Sunshine Bar & Lounge	:
7331 Georgia Avenue, NW	: Protest
Retailer CR	: Hearing
License No. 85239	: (Status)
Case No. 13-PRO-00022	:
ANC 4B	:
Renewal Application	:
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AUGUST 14, 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

9:47 a.m.

CHAIRPERSON MILLER: All right.

Next case is Case No. 13-PRO-00022, Sunshine Bar & Lounge located at 7331 Georgia Avenue, N.W., License No. 85239 in ANC 4B.

Good morning.

MR. ZERU: Good morning. Simret Zeru on behalf of Sunshine.

CHAIRPERSON MILLER: Could you repeat your name?

MR. ZERU: Simret Zeru, S-I-M-R-E-T. Last name is Z-E-R-U.

CHAIRPERSON MILLER: Z-E-R-U? Okay. On behalf of the --

MR. ZERU: Of Sunshine.

CHAIRPERSON MILLER: Sunshine? All right. Are you an attorney?

MR. ZERU: Yes.

CHAIRPERSON MILLER: Okay. And with you? Good morning. Could you identify yourself for the record?

1 MS. KIDANE: Alganesh Kidane. The  
2 owner of Sunshine Bar & Grill.

3 CHAIRPERSON MILLER: Okay. Thank  
4 you. And at the other table?

5 MR. CARLEY: Andre R. Carley, ANC  
6 4B resident.

7 CHAIRPERSON MILLER: Okay.

8 MS. GREEN: Sara Green, chair, ANC  
9 4B and I am the single member district 4B-01,  
10 and Sunshine is within that district 4B-01.

11 CHAIRPERSON MILLER: Got it.  
12 Okay. And I'm sorry, and who are you with?

13 MR. CARLEY: I'm just a resident.  
14 Actually, I am affected by the bar/restaurant.  
15 I live within 400 feet of premise.

16 CHAIRPERSON MILLER: Okay. Are  
17 you a party in the case, or are you just here  
18 with --

19 MR. CARLEY: I'm just here with  
20 her, yes.

21 CHAIRPERSON MILLER: Okay. All  
22 right. Are there any issues that need to be

1 brought to our attention?

2 MS. GREEN: Yes.

3 CHAIRPERSON MILLER: Yes?

4 MS. GREEN: I have a copy for you  
5 and a copy of the record of an email string.  
6 It's about 11 pages long. Sunshine did not  
7 even respond to Ms. Fletcher's request, her  
8 scheduling request for mediation. We were  
9 happy to go to mediation. In fact, we spent  
10 a lot of time working on a draft voluntary  
11 agreement. This started at June 27. Ms.  
12 Fletcher sent out emails with alternative  
13 dates. We responded very quickly, but from  
14 June 27th until even the day of the mediation  
15 there was no response from Sunshine at all.

16 CHAIRPERSON MILLER: Okay.

17 MS. GREEN: The day before the  
18 hearing --

19 CHAIRPERSON MILLER: Okay.

20 MS. GREEN: -- Ms. Fletcher had to  
21 cancel.

22 CHAIRPERSON MILLER: There was a

1 date set that was canceled?

2 MS. GREEN: Yes, we were ready to  
3 be there.

4 CHAIRPERSON MILLER: Okay.

5 MS. GREEN: We'd spent a lot of  
6 time on the voluntary agreement.

7 CHAIRPERSON MILLER: Okay. Do you  
8 want to briefly address --

9 MR. ZERU: Yes, there was a wrong  
10 email address on file.

11 CHAIRPERSON MILLER: Okay.

12 MR. ZERU: This was the first that  
13 she actually heard of it.

14 CHAIRPERSON MILLER: All right.

15 MR. ZERU: Additionally --

16 MS. KIDANE: She called to my son  
17 and I been -- I lost my son. Because of that,  
18 we didn't any email.

19 MR. ZERU: At around the same  
20 time, about a month ago, her son passed and  
21 that's made it a bit difficult for her to keep  
22 up with the affairs of the bar.

1                   CHAIRPERSON MILLER: Okay. All  
2 right. What I'm going to just suggest is that  
3 you all get together and with Ms. Fletcher and  
4 come up with another date. And if there's an  
5 issue about not, you know, cooperating in  
6 mediation, then you can file something with  
7 the Board. Okay? But --

8                   MS. GREEN: I'm going to submit  
9 this for the record.

10                  CHAIRPERSON MILLER: Pardon?

11                  MS. GREEN: I'm going to submit  
12 this email string for the record. This would  
13 be for the record to show the history of the  
14 failure to cooperate.

15                  MEMBER ALBERTI: Ms. Miller, I  
16 suggest that we have Ms. Green submit that at  
17 the protest hearing, if we get that far.

18                  CHAIRPERSON MILLER: One second.  
19 Well --

20                  MEMBER ALBERTI: That would be the  
21 appropriate place to submit those documents  
22 for the record.

1                   CHAIRPERSON MILLER:  What I would  
2                   say also is that why don't you -- I would  
3                   suggest you hold it and if they don't  
4                   cooperate, you know, in mediation, then at  
5                   that point you may file something and that can  
6                   be part of your filing.

7                   MS. GREEN:  I give my sympathies  
8                   on the loss of your son.

9                   MR. CARLEY:  Me, too, as well.

10                  MS. GREEN:  Yes, I just think this  
11                  is a serious matter.

12                  CHAIRPERSON MILLER:  Okay.

13                  MEMBER ALBERTI:  Ms. Miller, may I  
14                  ask, Mr. Zeru, have you provided Ms. Fletcher  
15                  with an appropriate email address?

16                  MR. ZERU:  We'll do so today.

17                  MEMBER ALBERTI:  Thank you.  
18                  That's very important that you do that, and  
19                  with a telephone contact number would also be  
20                  appropriate.  Okay.  Thank you.

21                  CHAIRPERSON MILLER:  Okay.  So  
22                  basically where we stand is that you all are

1 going to get together and work out another  
2 date with Ms. Fletcher. And if there's a  
3 problem after that in mediation, you can file  
4 something with the Board. And at that point  
5 that's when your emails would be relevant. At  
6 this point there's really not a request that  
7 I think you should be making at this point  
8 about cooperation. You all can make that  
9 effort now and if that fails, then I would  
10 suggest that I would be the time. Then that  
11 would be timely.

12 Okay. So as of now your protest  
13 hearing is scheduled for October 14th, 2013 at  
14 4:30 p.m.

15 MS. GREEN: One more time, please?

16 CHAIRPERSON MILLER: October 14,  
17 2013 at 4:30 p.m.

18 MR. CARLEY: It's incorrectly  
19 written on the --

20 MS. GREEN: Pardon.

21 MR. CARLEY: It's incorrectly  
22 written on the letter.

1                   CHAIRPERSON MILLER: That's the  
2                   date that I have in my records. You have  
3                   something different?

4                   MR. CARLEY: On the letter it says  
5                   24th, but I knew it was a typo.

6                   CHAIRPERSON MILLER: Okay. So the  
7                   14th. And hopefully you'll have mediation by  
8                   then. And if this does go to a protest --

9                   MEMBER SILVERSTEIN: October 14th  
10                  is a --

11                  CHAIRPERSON MILLER: What? Is  
12                  something wrong?

13                  MEMBER SILVERSTEIN: -- Monday.

14                  CHAIRPERSON MILLER: Okay. What a  
15                  minute. We need to check our date. That may  
16                  not be right.

17                  Okay. There is a correct.  
18                  October 16 is the date, not the 14th. October  
19                  16. Okay? All right. And I want to let you  
20                  know that you should have received in a  
21                  mailing from Adjudication Assistant Tesha  
22                  Anderson a letter explaining the protest

1 process and a copy of the Protest Information  
2 Form. If you don't have these documents, see  
3 her at the conclusion of this hearing.

4 What's very important is that you  
5 fill out that PIF form, that Protest  
6 Information Form, and file it with the Board  
7 seven days before the hearing and serve it on  
8 all parties seven days before the hearing. If  
9 we don't receive a copy of that PIF, your  
10 application or your protest, whichever side  
11 you're on, may be subject to dismissal, and  
12 this happens. So don't miss that deadline.  
13 And the form is really important to the Board  
14 in narrowing the protest issues and keeping  
15 the parties on point during the hearing.

16 All right. I want to give you Ms.  
17 Anderson's telephone number, if you have any  
18 questions. That is (202) 442-6942.

19 MS. GREEN: Can I just ask a  
20 question?

21 CHAIRPERSON MILLER: Sure.

22 MS. GREEN: In terms of mediation

1 does the Board rely solely on emails and  
2 telephone calls? I notice that the Board  
3 sends out written notices about everything  
4 else. In terms of establishing mediation  
5 sessions shouldn't that be something that the  
6 Board sends out in writing so that, you know,  
7 if somebody doesn't have an email or there's  
8 a telephone or there's incorrect --

9 CHAIRPERSON MILLER: Okay. That's  
10 really handled by Ms. Fletcher. So I would  
11 suggest that you speak with her about that, if  
12 you have a concern about the communication.

13 MS. GREEN: Okay.

14 CHAIRPERSON MILLER: Okay?

15 MS. GREEN: Thank you.

16 CHAIRPERSON MILLER: All right.

17 Thank you very much. Okay. Good luck.

18 (Whereupon, the hearing was  
19 concluded at 9:56 a.m.)  
20  
21  
22

<p style="text-align: center;"><b>A</b></p> <p><b>Additionally</b> 5:15  <b>address</b> 5:8,10 7:15  <b>Adjudication</b> 9:21  <b>affairs</b> 5:22  <b>ago</b> 5:20  <b>agreement</b> 4:11 5:6  <b>ALBERTI</b> 1:20  6:15,20 7:13,17  <b>Alcoholic</b> 1:2,13,14  <b>Alganesh</b> 3:1  <b>alternative</b> 4:12  <b>ANC</b> 1:10 2:6 3:5,8  <b>Anderson</b> 9:22  <b>Anderson's</b> 10:17  <b>Andre</b> 3:5  <b>application</b> 1:10  10:10  <b>appropriate</b> 6:21  7:15,20  <b>Assistant</b> 9:21  <b>attention</b> 4:1  <b>attorney</b> 2:18  <b>AUGUST</b> 1:12  <b>Avenue</b> 1:8 2:5  <b>a.m</b> 2:2 11:19</p>	<p><b>cancel</b> 4:21  <b>canceled</b> 5:1  <b>Carley</b> 3:5,5,13,19  7:9 8:18,21 9:4  <b>case</b> 1:9 2:4,4 3:17  <b>chair</b> 3:8  <b>Chairperson</b> 1:15  1:19 2:3,10,14,17  2:20 3:3,7,11,16  3:21 4:3,16,19,22  5:4,7,11,14 6:1,10  6:18 7:1,12,21  8:16 9:1,6,11,14  10:21 11:9,14,16  <b>check</b> 9:15  <b>COLUMBIA</b> 1:1  <b>come</b> 6:4  <b>communication</b>  11:12  <b>concern</b> 11:12  <b>concluded</b> 11:19  <b>conclusion</b> 10:3  <b>contact</b> 7:19  <b>Control</b> 1:2,13,14  <b>cooperate</b> 6:14 7:4  <b>cooperating</b> 6:5  <b>cooperation</b> 8:8  <b>copy</b> 4:4,5 10:1,9  <b>correct</b> 9:17  <b>CR</b> 1:8</p>	<p style="text-align: center;"><b>E</b></p> <p><b>effort</b> 8:9  <b>email</b> 4:5 5:10,18  6:12 7:15 11:7  <b>emails</b> 4:12 8:5  11:1  <b>establishing</b> 11:4  <b>explaining</b> 9:22</p> <p style="text-align: center;"><b>F</b></p> <p><b>fact</b> 4:9  <b>fails</b> 8:9  <b>failure</b> 6:14  <b>far</b> 6:17  <b>feet</b> 3:15  <b>file</b> 5:10 6:6 7:5 8:3  10:6  <b>filing</b> 7:6  <b>fill</b> 10:5  <b>first</b> 5:12  <b>Fletcher</b> 4:12,20  6:3 7:14 8:2  11:10  <b>Fletcher's</b> 4:7  <b>form</b> 10:2,5,6,13</p>	<p>10:15 11:18  <b>history</b> 6:13  <b>hold</b> 7:3  <b>hopefully</b> 9:7</p> <p style="text-align: center;"><b>I</b></p> <p><b>identify</b> 2:21  <b>important</b> 7:18  10:4,13  <b>incorrect</b> 11:8  <b>incorrectly</b> 8:18,21  <b>Information</b> 10:1,6  <b>issue</b> 6:5  <b>issues</b> 3:22 10:14</p> <p style="text-align: center;"><b>J</b></p> <p><b>June</b> 4:11,14</p> <p style="text-align: center;"><b>K</b></p> <p><b>keep</b> 5:21  <b>keeping</b> 10:14  <b>Kidane</b> 3:1,1 5:16  <b>knew</b> 9:5  <b>know</b> 6:5 7:4 9:20  11:6</p> <p style="text-align: center;"><b>L</b></p> <p><b>letter</b> 8:22 9:4,22  <b>License</b> 1:9 2:6  <b>live</b> 3:15  <b>LLC</b> 1:6  <b>located</b> 2:5  <b>long</b> 4:6  <b>loss</b> 7:8  <b>lost</b> 5:17  <b>lot</b> 4:10 5:5  <b>Lounge</b> 1:6,7 2:5  <b>luck</b> 11:17</p>	<p>3:9 6:15,20 7:13  7:17 9:9,13  <b>met</b> 1:14  <b>MIKE</b> 1:22  <b>Miller</b> 1:15,19 2:3  2:10,14,17,20 3:3  3:7,11,16,21 4:3  4:16,19,22 5:4,7  5:11,14 6:1,10,15  6:18 7:1,12,13,21  8:16 9:1,6,11,14  10:21 11:9,14,16  <b>minute</b> 9:15  <b>Monday</b> 9:13  <b>month</b> 5:20  <b>morning</b> 2:7,8,21</p> <p style="text-align: center;"><b>N</b></p> <p><b>name</b> 2:11,13  <b>narrowing</b> 10:14  <b>need</b> 3:22 9:15  <b>NICK</b> 1:20  <b>notice</b> 11:2  <b>notices</b> 11:3  <b>number</b> 7:19 10:17  <b>NW</b> 1:8  <b>N.W</b> 1:15 2:6</p>
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