

DISTRICT OF COLUMBIA  
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ALCOHOLIC BEVERAGE CONTROL BOARD  
+ + + + +  
MEETING

IN THE MATTER OF:

El Sol, LLC t/a  
El Sol Restaurant & Tequileria      Protest  
1227 11th Street, NW                      Hearing  
Retailer CR - ANC-2F                      (Status)  
License No. 99065  
Case #16-PRO-00069

(Application for a New License)  
Change of Hours for Live  
Entertainment)

September 16, 2015

The Alcoholic Beverage Control Board  
met in the Alcoholic Beverage Control Hearing  
Room, Reeves Building, 2000 14th Street, N.W.,  
Suite 400S, Washington, D.C. 20009, Chairperson  
Ruthanne Miller, presiding.

PRESENT:

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

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

2 9:57 a.m.

3 CHAIRPERSON MILLER: Okay. The next  
4 Protest Hearing (Status) case is Case No. 16-PRO-  
5 00069, El Sol Restaurant & Tequileria located at  
6 1227 11th Street, N.W., License No. 99065. This  
7 is an application for a new license. Good  
8 morning.

9 MS. GORDON: Good morning.

10 CHAIRPERSON MILLER: When you are  
11 ready, could you sign-in and then introduce  
12 yourselves for the record, please?

13 MS. GORDON: Katherine Gordon, ANC-2F.

14 CHAIRPERSON MILLER: Okay.

15 MR. SOLIS: Jose Solis, owner of El  
16 Sol Restaurant.

17 MS. TORRES: Glenda Torres.

18 CHAIRPERSON MILLER: Okay. I want to  
19 get your names again, because they are not on my  
20 briefing sheet, so I want to get the spelling  
21 right. So you are ANC-2?

22 MS. GORDON: F, 2F.

1 CHAIRPERSON MILLER: 2F. And what's  
2 your name again?

3 MS. GORDON: Katherine Gordon.

4 CHAIRPERSON MILLER: Wharton?

5 MS. GORDON: Gordon, G-O-R-D-O-N.

6 CHAIRPERSON MILLER: Gordon, Gordon,  
7 okay. And then the owner is?

8 MR. SOLIS: Glenda. G-L -- Glenda  
9 Torres and Jose Solis.

10 CHAIRPERSON MILLER: Okay. And with  
11 you is?

12 MR. SOLIS: Jose Solis. She is Glenda  
13 Torres. Glenda Torres. My name is Jose Solis.

14 CHAIRPERSON MILLER: Okay. And how  
15 are you related?

16 MR. SOLIS: I'm the wife.

17 CHAIRPERSON MILLER: Wife? Husband/  
18 wife, okay. Good. All right. So first of all,  
19 like the last case, I want to ask you if there is  
20 anything you want to bring to our attention?

21 So I have in my notes that the  
22 applicant didn't appear at the Roll Call Hearing,

1 because he didn't get notice. Is that correct?

2 MR. SOLIS: It has something to do  
3 with somebody who work for me.

4 MEMBER SILVERSTEIN: Please speak into  
5 the microphone so we can hear you.

6 CHAIRPERSON MILLER: There is a  
7 microphone, yes.

8 MR. SOLIS: Actually, I have somebody  
9 to do my license. I mean, the license and he  
10 called me and, you know, told me we have to have  
11 the meeting and to go, but I forgot. I was busy  
12 in the restaurant and totally forgot, that's why  
13 I didn't show up.

14 CHAIRPERSON MILLER: Did you have a  
15 representative?

16 MR. SOLIS: Yes.

17 CHAIRPERSON MILLER: And who is that?

18 MR. SOLIS: I don't know who he --

19 CHAIRPERSON MILLER: Mr. Jackson is in  
20 my notes.

21 MR. SOLIS: Name is Jeff.

22 CHAIRPERSON MILLER: Jeff Jackson,

1       okay.

2                   MR. SOLIS:  Yes.  I don't know where  
3       is he.

4                   CHAIRPERSON MILLER:  Well, can you --  
5       what is the mailing address for your -- to  
6       contact you?

7                   MR. SOLIS:  1227 --

8                   CHAIRPERSON MILLER:  It is the  
9       restaurant?

10                  MR. SOLIS:  Yes.

11                  CHAIRPERSON MILLER:  11th Street, N.W.?

12                  MR. SOLIS:  Yes.

13                  CHAIRPERSON MILLER:  1227 11th Street,  
14       N.W.  Okay.  And did you go to mediation?

15                  MR. SOLIS:  Yeah.

16                  CHAIRPERSON MILLER:  You did?

17                  MR. SOLIS:  Oh, no, I missed that,  
18       too.

19                  CHAIRPERSON MILLER:  Did Mr. Jackson  
20       go to mediation?

21                  MR. SOLIS:  I don't believe so.

22                  MS. GORDON:  I don't know who showed

1 up.

2 CHAIRPERSON MILLER: Did you go to  
3 mediation?

4 MR. SOLIS: I go. Last time here I  
5 came in. I'm sorry, yes, I did.

6 CHAIRPERSON MILLER: You did?

7 MR. SOLIS: Yes, yes, sorry.

8 CHAIRPERSON MILLER: Okay.

9 MS. GORDON: The SMD Commissioner --

10 CHAIRPERSON MILLER: Okay.

11 MS. GORDON: -- showed up for the  
12 mediation and I'm here today.

13 CHAIRPERSON MILLER: Okay.

14 MR. SOLIS: Yes.

15 MS. GORDON: It's a tag-team.

16 CHAIRPERSON MILLER: All right.

17 That's fine.

18 MR. SOLIS: Yes.

19 CHAIRPERSON MILLER: I just wanted to  
20 make sure.

21 MS. GORDON: Can I just jump in real  
22 quickly?

1 CHAIRPERSON MILLER: Yes. Go ahead.

2 MS. GORDON: El Sol missed the ANC-2F  
3 has an Alcohol Policy Committee that hears the  
4 applicants and we have community conversation and  
5 then it goes to the ANC. El Sol missed our first  
6 two meetings that they were scheduled at. They  
7 are scheduled to come tonight and we are  
8 hopefully going to hash out a settlement  
9 agreement.

10 The -- we don't have an inherent  
11 problem with this application. We just want to--  
12 we want an opportunity for community  
13 conversation --

14 CHAIRPERSON MILLER: Okay.

15 MS. GORDON: -- which is why we are  
16 here today.

17 MEMBER SHORT: Okay.

18 CHAIRPERSON MILLER: Okay. That's  
19 good.

20 MS. GORDON: I mean, we do anticipate  
21 and we had a preliminary conversation this  
22 morning about sort of terms, so we do anticipate

1 coming to resolution hopefully drafting something  
2 today to be voted on at the -- is this September?  
3 At the October ANC meeting. Sorry.

4 CHAIRPERSON MILLER: Okay. Good. All  
5 right.

6 MEMBER ALBERTI: May I ask a question?

7 CHAIRPERSON MILLER: Sure.

8 MEMBER ALBERTI: Sir, can you tell me  
9 again why you did not show up at the Roll Call  
10 Hearing?

11 MEMBER RODRIGUEZ: No, he said he did  
12 go.

13 MS. GORDON: Was the language  
14 communication.

15 MEMBER ALBERTI: Pardon?

16 MS. GORDON: Language.

17 MEMBER ALBERTI: Language  
18 communication?

19 MS. GORDON: Yes.

20 MEMBER ALBERTI: Between who and who?

21 MS. GORDON: Because I missed --  
22 between my -- Jeff Jackson who is doing my



1 licenses, representing for my license. He did  
2 call me and say you have to go to this meeting on  
3 -- because I'm out of town, I'm sent to New York.  
4 He called me like four or five days before the  
5 meeting and after that, you know, I was busy and  
6 I totally forgot.

7 MEMBER ALBERTI: Okay.

8 MS. GORDON: Because I -- yes.

9 MEMBER ALBERTI: Thank you. Ms.  
10 Miller, I would like to talk about this case  
11 before we move on.

12 CHAIRPERSON MILLER: Okay. So you are  
13 asking that the Board convene in Executive  
14 Session?

15 MEMBER ALBERTI: Yes.

16 CHAIRPERSON MILLER: Okay. Because a  
17 Board Member is asking that we convene in  
18 Executive Session. We will do that unless the  
19 majority doesn't want to, which usually we defer  
20 to that. And it will involve a question about  
21 standing for failure to appear at a Roll Call  
22 Hearing. And when we come back, we will then put

1 on the record what we discussed about it and how  
2 we are going to proceed. Okay.

3 So as Chairperson of the Alcoholic  
4 Beverage Control Board for the District of  
5 Columbia and in accordance with Section 405 of  
6 the Open Meetings Amendment Act of 2010, I move  
7 that the ABC Board hold a closed meeting for the  
8 purpose of seeking legal advice from our counsel  
9 on Case No. 16-PRO-00069, El Sol, and  
10 deliberating on that issue regarding standing for  
11 the reasons cited in Section 405(b)(13) of the  
12 Open Meetings Act of 2010.

13 Is there a second?

14 MEMBER ALBERTI: Second.

15 CHAIRPERSON MILLER: Mr. Alberti  
16 seconded the motion. I'll now take a roll call  
17 vote on the motion now that it has been seconded.

18 Mr. Brooks?

19 MEMBER BROOKS: I agree.

20 CHAIRPERSON MILLER: Mr. Alberti?

21 MEMBER ALBERTI: I agree.

22 CHAIRPERSON MILLER: Mr. Rodriguez?

1 MEMBER RODRIGUEZ: I agree.

2 CHAIRPERSON MILLER: Ms. Miller

3 agrees.

4 Mr. Silverstein?

5 MEMBER SILVERSTEIN: I agree.

6 CHAIRPERSON MILLER: And, Mr. Short?

7 MEMBER SHORT: I agree.

8 CHAIRPERSON MILLER: Then the vote is

9 6-0-0 to convene in Executive Session.

10 So I hereby give notice that the ABC  
11 Board will briefly recess this proceeding to hold  
12 a closed meeting in the ABC Board conference  
13 room. And we will return shortly. Thank you.

14 (Whereupon, the above-entitled matter  
15 went off the record at 10:04 a.m. and resumed at  
16 10:15 a.m.)

17 CHAIRPERSON MILLER: Okay. We are  
18 back on the record in the El Sol case. The Board  
19 has just come back from a closed session in which  
20 we were considering a standing issue. I see that  
21 the applicant is -- did you want to say something  
22 briefly?

1 MR. SOLIS: Yes. I made a mistake,  
2 I'm sorry, but right on the -- my English not  
3 really 100 percent, so I made a mistake with the  
4 -- when you have Roll Call, I never receive mail  
5 or phone call from Jeff Jackson. The only phone  
6 call I received from him is from the ANC meeting  
7 is the only one I received phone call from him.  
8 He told me you have to go to this meeting, to the  
9 ANC on 14th Street and after that I never hear  
10 about Roll Call or anything like that, you know.  
11 I -- when you guys asked me about why I missed  
12 Roll Call -- what do you call it Roll Call?

13 CHAIRPERSON MILLER: Yes.

14 MR. SOLIS: It's I chose that one,  
15 it's the ANC. And I don't know about I don't get  
16 any -- what do you call it, mail or emails about  
17 it. I'm sorry.

18 CHAIRPERSON MILLER: Okay. Yes?

19 MS. GORDON: Can I just jump in?

20 CHAIRPERSON MILLER: Yes.

21 MS. GORDON: I just explained kind of  
22 the conversation that just happened between Mr.

1 Board Member --

2 CHAIRPERSON MILLER: Alberti?

3 MS. GORDON: -- Alberti, but I -- do  
4 I refer to you as Board Member or Mister?

5 MEMBER ALBERTI: It doesn't matter.

6 MS. GORDON: Okay. Sorry. Mr.  
7 Alberti, then. Sorry. And the applicant.

8 CHAIRPERSON MILLER: That's okay.  
9 That's all right.

10 MS. GORDON: And he did not understand  
11 the question. The understanding of the ANC is  
12 that he did not receive notice of the Roll Call  
13 meeting. He forgot to come to the APC meeting,  
14 but it -- to answer your question, our  
15 understanding was that he did not receive notice  
16 of the Roll Call meeting.

17 CHAIRPERSON MILLER: Okay.

18 MEMBER ALBERTI: So may I ask a  
19 question, Ms. Miller?

20 CHAIRPERSON MILLER: Yes.

21 MEMBER ALBERTI: So where is mail to  
22 be sent? Where did you -- when you filled out

1 your application, where did you direct mail to be  
2 sent for this matter?

3 MR. SOLIS: 1227 at the new  
4 restaurant, 1227. The only problem that is two  
5 units, two units, so the -- I mean, two floors,  
6 basically. I mean, the first floor -- second  
7 floor is supposed to -- and the mail guy he was  
8 dropping the mail at the front door, but maybe  
9 because the property -- I mean, I was like  
10 working inside and maybe they thought it's empty  
11 or they take the mail back, I don't know. But  
12 any bills or anything, I was not receiving the  
13 mail at all.

14 MEMBER ALBERTI: So I'm a bit confused  
15 how does Mr. Jeff Jackson enter into the  
16 collection of the mail --

17 MR. SOLIS: I --

18 MEMBER ALBERTI: -- and to giving you  
19 notice?

20 MR. SOLIS: He didn't give me any  
21 notice at all. I mean --

22 MEMBER ALBERTI: So, I mean, but part

1 of your explanation was that you weren't informed  
2 by Mr. Jackson of this -- of the Roll Call  
3 meeting. But Mr. Jackson is not getting your  
4 mail. You would have been getting the mail.

5 MR. SOLIS: Yes. I don't receive any  
6 mail. I mean, that -- I mean, I don't know, but  
7 I'm sorry.

8 MEMBER ALBERTI: Okay. I'm just  
9 confused.

10 CHAIRPERSON MILLER: Have you fixed  
11 that problem?

12 MR. SOLIS: Yes. Now, I get mail. I  
13 mean, with the mail, yes.

14 CHAIRPERSON MILLER: With the mail.

15 MR. SOLIS: With the mail guys and I--  
16 I mean, because when I took the property, the  
17 mails they were coming and dropping in the front  
18 door.

19 CHAIRPERSON MILLER: Yes.

20 MR. SOLIS: Because they don't have a  
21 mailbox outside, because it's a restaurant, so  
22 they always give you inside. So after I took the

1 property and we took the property and the mail  
2 still probably at the front door. But one point  
3 it stopped, I don't see any mail, you know. I  
4 mean, so my first mail -- I received my first  
5 mail for my bills like a week ago. My first  
6 mail.

7 CHAIRPERSON MILLER: I think the other  
8 question that the Board has is what -- is Mr.  
9 Jackson your representative? And if he is, would  
10 he be getting the mail instead of you?

11 MR. SOLIS: I can't --

12 CHAIRPERSON MILLER: Is Mr. Jackson  
13 your representative?

14 MR. SOLIS: Yes.

15 CHAIRPERSON MILLER: Is mail supposed  
16 to be addressed to him?

17 MR. SOLIS: To be honest, I'm not  
18 sure. I'm not 100 percent sure. I mean --

19 CHAIRPERSON MILLER: Okay. How did  
20 you get notice of this hearing?

21 MR. SOLIS: Just this hearing because  
22 I came and talk to the desk lady, I mean, the



1 front lady a couple of weeks ago about it. You  
2 know, I said I'm concerned with my liquor  
3 license, because, you know, I know we missed a  
4 meeting with the ANC. And I said when is going  
5 to be the next time and that's how I find out.  
6 She said okay, let me call LaTaverne --

7 CHAIRPERSON MILLER: LaVerne.

8 MR. SOLIS: -- and I give my email  
9 address to her and she is the one to give it to  
10 LaTaverne and after that I get all the emails  
11 from LaTaverne and --

12 CHAIRPERSON MILLER: Okay.

13 MR. SOLIS: -- I mean, again, I tell  
14 LaTaverne the next day. I said you have meeting,  
15 you want to have this meeting with the ANC,  
16 that's how I came looking for information,  
17 because I was so worried about it.

18 CHAIRPERSON MILLER: Okay. All right.  
19 Well, thank you. Are there other questions by  
20 Board Members?

21 Okay. What we were discussing in  
22 closed session was our Regulation 1602.3 that

1 says "Failure to appear in person or through a  
2 designated representative may result in denial of  
3 the license application or dismissal of a  
4 protest, unless in the discretion of the Board  
5 good cause is shown for the failure to appear."

6 So when we went into closed session,  
7 I would say that, you know, we were hearing  
8 things like you were busy, you forgot or it  
9 didn't sound like good cause to me or many of the  
10 Board -- well, I won't speak for the other Board  
11 Members.

12 MR. SOLIS: Yes.

13 CHAIRPERSON MILLER: But as opposed to  
14 you didn't get the notice, which could be --

15 MR. SOLIS: I don't get the notice.

16 CHAIRPERSON MILLER: -- considered a  
17 good cause. So I think it is good you spoke up  
18 with respect to at least my view of what happened  
19 here. And the ANC is also clarifying.

20 So I don't know whether anyone else  
21 wants to proceed with the Motion to Dismiss? I'm  
22 not prepared to do that, at this point. No?

1 MEMBER ALBERTI: Well, do they have  
2 standing?

3 CHAIRPERSON MILLER: I think the  
4 applicant has standing. He hasn't been dismissed  
5 by either our representative, LaVerne, or else  
6 us, but I can affirmatively confer it on the  
7 applicant if that's what the Board would like for  
8 clarification, if you want to go in that  
9 direction. I'm not sure which direction you want  
10 to go.

11 MEMBER ALBERTI: Well, I would like to  
12 hear from other Board Members before we proceed.

13 CHAIRPERSON MILLER: Okay. Anybody  
14 else? Mr. Silverstein?

15 MEMBER SILVERSTEIN: If we are going  
16 to move forward, I think what we need to do first  
17 is to grant them standing, because they are here.  
18 There is no, at this point, contention that they  
19 are other than the true and actual owners and  
20 applicants.

21 CHAIRPERSON MILLER: Yes.

22 MEMBER SILVERSTEIN: As such, if we

1 are going to move forward, we must grant them  
2 standing.

3 MEMBER RODRIGUEZ: Yes, I tend to  
4 agree with Mr. Silverstein, Madam Chair, on that.  
5 That they are here, they did not receive notice  
6 on it, but they are here, they are present, so I  
7 agree, maybe we should go forward with it.

8 CHAIRPERSON MILLER: Okay. Others?

9 MEMBER ALBERTI: I am not persuaded by  
10 their arguments of not receiving notice. I think  
11 that we need -- I'll just leave it at that. I'm  
12 not persuaded that they didn't receive notice.  
13 I'm hearing conflicting information about who  
14 would have gotten the notice, where the mail is  
15 delivered. So I -- and I'll leave it at that.

16 MEMBER SHORT: Madam Chair?

17 CHAIRPERSON MILLER: Yes, Mr. Short?

18 MEMBER SHORT: What is the ANC's  
19 position on it?

20 MS. GORDON: On this question?

21 MEMBER SHORT: Yes.

22 MS. GORDON: We are not -- the

1 applicant took a little time to get to the table.  
2 We feel like they are at the table. They are  
3 prepared to negotiate. We do think that they are  
4 going to be a great addition to the neighborhood.  
5 We are -- we do want to sign a settlement  
6 agreement with them, but we are firmly convinced  
7 that we would like them as business owners in our  
8 neighborhood.

9 MEMBER SHORT: Thank you very much.

10 MS. GORDON: Does that answer your  
11 question?

12 MEMBER SHORT: Yes, it does. Thank  
13 you.

14 MEMBER RODRIGUEZ: It does.

15 CHAIRPERSON MILLER: Others? Okay.  
16 So is there a motion, otherwise, we will just  
17 proceed with the Status Hearing. Okay.

18 So, okay, there is not going to be a  
19 Motion then to Dismiss you, at this time, so you  
20 are -- you have standing to proceed in this case,  
21 which means that I'm going to next read the  
22 instructions for a hearing, but I understand that

1 the parties are all going to get together and try  
2 to work this out in a settlement agreement, which  
3 is great.

4 But in the event that you don't reach  
5 settlement, I need to just give you a few  
6 instructions. Okay?

7 MR. SOLIS: Thank you so much.

8 CHAIRPERSON MILLER: All right. Like  
9 I said to the parties that came before you, there  
10 are a couple of important forms that are sent to  
11 you a couple of weeks ahead, about a couple of  
12 weeks ahead of the hearing.

13 And one is called a Protest  
14 Information Form where you list your witnesses by  
15 name, not just like category, but by name. Who  
16 they are going to be. And the issues that are  
17 remaining to litigate. It may be that you have  
18 resolved a lot of cases by negotiation, but you  
19 have a couple of issues that are remaining and  
20 those are the ones that would be heard, not the  
21 ones that you have already worked out. So you  
22 would identify that.

1                   And then there is an Exhibit Form  
2 where you identify any exhibits you want accepted  
3 and introduce at the hearing, such as photographs  
4 or documents and you need to attach a copy of  
5 those documents as well.

6                   And you will be serving these papers  
7 on the Board and on the opposing party seven days  
8 ahead of the hearing is the deadline for that.

9                   MR. SOLIS: When is the hearing?

10                  CHAIRPERSON MILLER: When is the  
11 hearing? The hearing, I'm just about to get to  
12 that, is October 14, 2015 at 4:30 p.m. And if  
13 you have any questions prior to then, you can  
14 contact Janea Raines at 442-4353.

15                  And if you are headed for settlement,  
16 we recommend that you try to settle, you know, a  
17 couple of weeks in advance. Sometimes it comes  
18 down to the end, but our Investigators are  
19 assigned to do reports on your cases about a  
20 couple of weeks in advance and if you are going  
21 to settle, then they should be free to, you know,  
22 do other work for your communities instead of

1 preparing a report that is then not going to be  
2 used if you settle.

3 MS. GORDON: We will let Sarah  
4 Fashbaugh know --

5 CHAIRPERSON MILLER: Terrific.

6 MS. GORDON: -- how the conversation  
7 is going and are -- and I'll let her know if we  
8 have a draft for the ANC to vote on at our  
9 meeting which is the first Wednesday of October.

10 CHAIRPERSON MILLER: Terrific.

11 MS. GORDON: So we will definitely  
12 keep you all in the loop.

13 CHAIRPERSON MILLER: Okay.

14 MS. GORDON: Because we don't want to  
15 waste anyone's time.

16 CHAIRPERSON MILLER: Okay. And if you  
17 have any questions, you know, feel free to  
18 contact our office.

19 MR. SOLIS: Thank you so much.

20 CHAIRPERSON MILLER: Okay. Thank you  
21 very much.

22 MS. GORDON: Thank you all.



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MR. SOLIS: Thank you.

(Whereupon, the Protest (Status)  
Hearing in the above-entitled matter was  
concluded at 10:27 a.m.)

A			E
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