

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

IN THE MATTER OF:

Daci Enterprises, LLC
t/a Dacha Beer Garden
1600 7th Street, NW
Retailer DT - ANC-6E
License No. 92773
Case #15-CMP-00221
Case #15-CMP-00222
Case #15-CMP-00223
Case #15-CMP-00249
Case #15-CMP-00251
Case #15-CMP-00250
Case #15-CMP-00339
Case #15-CMP-00338

Show Cause
Hearing
(Status)

(Substantial Change in Operation
Without Board's Approval,
Violation of Settlement
Agreement, Substantial Change in
Operation (No Summer Garden
Endorsement)

September 30, 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

ALSO PRESENT:

AMY SCHMIDT, OAG

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

2 10:06 a.m.

3 CHAIRPERSON MILLER: Next we have, I
4 think, the remaining cases on our calendar are
5 Dacha Beer Garden, so the parties in those cases
6 should come up now.

7 Ms. Schmidt, do you want to introduce
8 yourself for the record?

9 MS. SCHMIDT: Okay. Good morning.
10 Amy Schmidt, Assistant Attorney General, on
11 behalf of the District of Columbia for all Dacha
12 cases.

13 CHAIRPERSON MILLER: Okay.

14 MR. WHELAN: Good morning. Stephen
15 Whelan on behalf of Dacha.

16 CHAIRPERSON MILLER: Okay. Dacha Beer
17 Garden is located at 1600 7th Street, N.W.,
18 License No. 92773, in ANC-6E.

19 Okay. Starting with Case No. 15-CMP-
20 00221. Are there any preliminary matters?

21 MS. SCHMIDT: No.

22 MR. WHELAN: No.

1 CHAIRPERSON MILLER: Okay. Then this
2 case is scheduled for October 7, 2015 at 10:00
3 a.m.

4 MS. SCHMIDT: I'm sorry, I thought we
5 had -- when I asked about this, I thought when we
6 went through this the, you know, last time we
7 were here for hearing, that this was continued to
8 a different date, that we did not -- that we
9 moved the Show Cause, because I even asked about
10 this, because I have another hearing scheduled
11 based on that representation and I asked ABRA. I
12 scheduled -- I have a hearing before another
13 tribunal that morning.

14 CHAIRPERSON MILLER: October 7th?

15 MS. SCHMIDT: Yes.

16 CHAIRPERSON MILLER: Okay. So you
17 have a scheduling conflict. Okay.

18 MS. SCHMIDT: I know there is a status
19 in one case next week, but I was not aware that a
20 Show Cause is, because I had asked about that
21 before the tribunal.

22 MEMBER ALBERTI: Do you remember the

1 dates that were set?

2 MS. SCHMIDT: I believe they are at
3 the end of --

4 MEMBER ALBERTI: I mean, I can go to
5 the transcript, but do you remember the dates?

6 MS. SCHMIDT: No, I do not. I do not
7 remember the date. I do not have my files with
8 me, because I was carrying too many files. They
9 are all on the 15th and the 28th, I believe. I
10 know some were the 28th.

11 CHAIRPERSON MILLER: Yes, some were
12 the 28th, yes. You don't have a problem with the
13 28th?

14 MS. SCHMIDT: No.

15 CHAIRPERSON MILLER: You have a
16 conflict on the 7th?

17 MS. SCHMIDT: Yes.

18 CHAIRPERSON MILLER: You have a what?

19 MS. SCHMIDT: It could be in the
20 afternoon on the 7th. If you want to do the
21 afternoon, that's fine. That's fine with me.

22 CHAIRPERSON MILLER: Okay. I'm not

1 sure.

2 MEMBER ALBERTI: Ms. Miller?

3 CHAIRPERSON MILLER: Yes?

4 MEMBER ALBERTI: Can we -- we had set
5 this at a previous hearing and I don't remember
6 what those dates are. I mean, I could go to the
7 transcript. Maybe we should leave this up to our
8 General Counsel to set the dates consistent with
9 what we set at the earlier hearing?

10 CHAIRPERSON MILLER: Okay. She may be
11 checking right now, so --

12 MEMBER ALBERTI: Mr. Whelan, maybe --

13 MR. WHELAN: I think they may be set.
14 I don't have the dates or my calendar right now.
15 I don't know for sure.

16 MEMBER ALBERTI: Well, we can go to
17 the transcript. We have the transcript from that
18 hearing and we can go and see what those dates
19 were. I think it is probably best if we adhere
20 to those dates, because I know that at least the
21 applicant wanted more time and so we should be
22 consistent with what we all -- what the Board

1 decided, at that point in time.

2 CHAIRPERSON MILLER: Mr. Whelan, do
3 you have something?

4 MR. WHELAN: No, I don't. I am in
5 agreement with Ms. Schmidt that I believe that
6 this has been set for another date already and I
7 don't know the date.

8 CHAIRPERSON MILLER: You think it was
9 a different date?

10 MR. WHELAN: I do.

11 CHAIRPERSON MILLER: Okay.

12 MR. WHELAN: You know, there is
13 several of these, obviously, and I know they were
14 set for a couple of different dates. It's
15 possible that this was set for the 7th already,
16 but --

17 CHAIRPERSON MILLER: Okay. One
18 second. Okay. So that's a wrinkle here and it
19 effects all the cases really. So we are going to
20 look at the transcript. We're going to look at
21 the calendar and this afternoon most likely we
22 will set a date. Ms. Jenkins will have a chance

1 perhaps to confer with you all before we do that,
2 but we can get that on the record this afternoon,
3 but we want to look into those matters before we
4 just make this decision right now.

5 So, Ms. Schmidt, you are saying that
6 you are available in the afternoon starting at
7 what time?

8 MS. SCHMIDT: Starting -- my other
9 hearing is at 10:00 in the morning, so any time
10 after 1:00 is fine.

11 CHAIRPERSON MILLER: Okay.

12 MS. SCHMIDT: I'm pretty sure.

13 CHAIRPERSON MILLER: So we have to see
14 what else is on the calendar, you know, it's not
15 an empty slate.

16 MS. SCHMIDT: Yes.

17 CHAIRPERSON MILLER: Okay. Are you,
18 Mr. Whelan, available at that time?

19 MR. WHELAN: Well, it will be Mr.
20 Kline handling it.

21 CHAIRPERSON MILLER: Okay.

22 MR. WHELAN: I have his calendar

1 though he has various other matters here that
2 day.

3 CHAIRPERSON MILLER: Yes.

4 MR. WHELAN: I think he should be able
5 to handle it.

6 CHAIRPERSON MILLER: Okay. So I also
7 just want to confirm if we stick to the October
8 7th date, if it just ends up being afternoon, we
9 do have a few Dacha Beer cases scheduled for
10 October 28th. Let me find the time on that now.

11 MS. SCHMIDT: Those are in the
12 afternoon, because I --

13 CHAIRPERSON MILLER: I'm going to
14 check it right now, yes. Yes, I see one at 4:30.

15 MEMBER ALBERTI: There is one at 4:30
16 and then the second one is at 3:30 on the 28th.

17 CHAIRPERSON MILLER: Okay.

18 MEMBER ALBERTI: So you can read the
19 numbers, the case numbers.

20 CHAIRPERSON MILLER: Well, I'm not
21 going to set them yet, because they might be --

22 MEMBER ALBERTI: Oh, this afternoon?

1 CHAIRPERSON MILLER: -- impacted by
2 what happens with the earlier cases.

3 MEMBER ALBERTI: Okay.

4 CHAIRPERSON MILLER: So I just want to
5 make sure that you all were -- that that wasn't a
6 problem. Okay.

7 MS. SCHMIDT: And the 28th has to be in
8 the afternoon though. I have something in the
9 morning.

10 CHAIRPERSON MILLER: That's when it's
11 scheduled for.

12 MS. SCHMIDT: Okay.

13 CHAIRPERSON MILLER: Okay. You are
14 not available in the morning.

15 MS. SCHMIDT: Right.

16 CHAIRPERSON MILLER: Okay. So --

17 MS. SCHMIDT: Not available in the
18 morning.

19 CHAIRPERSON MILLER: -- and the 7th
20 will work as long as it's in the afternoon and
21 not the morning.

22 MS. SCHMIDT: Yes.

1 CHAIRPERSON MILLER: Okay. So most
2 likely -- well, I don't know, but I think there
3 is a -- there may be a good possibility that that
4 could be worked out, so I just wanted to get your
5 input before we looked at it. Okay.

6 So we are not going to set that date
7 in this particular hearing. We will set it this
8 afternoon after we have a chance to look at the
9 transcript and look at the calendar. And I think
10 that our attorney, Ms. Jenkins, will be in touch
11 with you --

12 MS. SCHMIDT: Okay.

13 CHAIRPERSON MILLER: -- to confirm.

14 MS. SCHMIDT: Okay. We have one
15 scheduled on the 14th of October already. I see
16 one scheduled.

17 MR. WHELAN: I think they may have all
18 already been set and I think they are on -- you
19 know, because there are so many of them, I think
20 there may be, basically, one on every Wednesday
21 for the next -- through November it looks like on
22 my calendar, but I don't have the case numbers on

1 each of them, so I don't know which ones --

2 CHAIRPERSON MILLER: Okay.

3 MR. WHELAN: -- are when.

4 MS. SCHMIDT: And there is two on the
5 21st.

6 CHAIRPERSON MILLER: So you have
7 something totally different from what was in my--

8 MS. SCHMIDT: In fact this case is set
9 for the 21st, according to my --

10 MEMBER ALBERTI: Well, why don't we
11 just get back to them this afternoon?

12 CHAIRPERSON MILLER: Okay. All right.

13 MS. SCHMIDT: Yes.

14 CHAIRPERSON MILLER: So --

15 MS. SCHMIDT: This was the 7th to the
16 21st. It was never set on the -- it says on the
17 21st.

18 CHAIRPERSON MILLER: Okay. We are
19 going to --

20 MS. SCHMIDT: Sorry. I forgot I had
21 my little phone there.

22 MEMBER ALBERTI: Okay.

1 CHAIRPERSON MILLER: Okay. So what
2 I'm going to ask you to do is probably confer
3 with Ms. Jenkins and we will get the calendar all
4 straightened out. Okay. And then we will put it
5 on the record this afternoon.

6 MS. SCHMIDT: Thank you.

7 CHAIRPERSON MILLER: Okay. Thank you
8 very much.

9 (Whereupon, the above-entitled matters
10 went off the record at 10:16 a.m. and resumed at
11 10:29 a.m.)

12 CHAIRPERSON MILLER: I understand that
13 we are able to get the dates for Dacha Beer, if
14 you want to wait a few minutes? Then we will put
15 them on the record.

16 MR. WHELAN: Sure.

17 CHAIRPERSON MILLER: Okay.

18 MS. SCHMIDT: In no particular order.

19 CHAIRPERSON MILLER: Okay. I'm going
20 to start reading off the dates that are being
21 provided here.

22 MS. SCHMIDT: Okay. Great.

1 CHAIRPERSON MILLER: Okay. And they
2 may not be in the exact order that the calendar
3 is, but we should cover them all.

4 So the first one I have here is Case
5 No. 15-CMP-00221, that Show Cause Hearing is
6 scheduled for October 21, 2015 at 10:00 a.m.

7 Next, ready?

8 MS. SCHMIDT: Yes.

9 CHAIRPERSON MILLER: Case No. 15-CMP-
10 00249, that Show Cause Hearing is scheduled for
11 October 21, 2015 at 11:00 a.m.

12 Case No. 15-CMP-00250, November 4,
13 2015 at 10:00 a.m.

14 Case No. 15-CMP-00251, Show Cause
15 Hearing scheduled for November 4, 2015 at 11:00
16 a.m.

17 Case No. 15-CMP-00223, scheduled for,
18 the Show Cause is scheduled for, October 28, 2015
19 at 4:30 p.m.

20 Case No. 15-CMP-00222, Show Cause
21 Hearing scheduled for October 28, 2015 at 3:30
22 p.m.

1 Okay. We're set.

2 MEMBER SHORT: Are there two more
3 cases?

4 CHAIRPERSON MILLER: Two more cases?

5 MEMBER SHORT: 00339?

6 MS. SCHMIDT: Yes, 338 and 339. Today
7 was supposed to be the first status for those
8 two, so we haven't set that yet. Those are set
9 for initial status today.

10 CHAIRPERSON MILLER: Okay. Okay.
11 They are coming.

12 MS. SCHMIDT: I think they were
13 scheduled for a status today.

14 CHAIRPERSON MILLER: Right.

15 MS. SCHMIDT: So this is just the Show
16 Cause.

17 CHAIRPERSON MILLER: Okay. So 15-CMP-
18 00338 is scheduled for Show Cause Hearing
19 November 18, 2015 at 3:30 p.m.

20 And Case No. 15-CMP-00339 is
21 scheduled, the Show Cause Hearing is scheduled,
22 for November 18, 2015 at 2:30 p.m.

1 Okay. You are all set?

2 MR. WHELAN: Yes.

3 CHAIRPERSON MILLER: All right.

4 MR. WHELAN: Thank you.

5 CHAIRPERSON MILLER: Thank you very
6 much.

7 MS. SCHMIDT: I'll get together in the
8 next two months.

9 CHAIRPERSON MILLER: Okay. Have a
10 good day. And I think that concludes our
11 hearings for this morning actually. And the
12 Board will recess and come back later to do the
13 agendas. Thank you.

14 (Whereupon, the Show Cause (Status)
15 Hearing in the above-entitled matters were
16 concluded at 10:33 a.m.)

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