

1 GOVERNMENT OF THE DISTRICT OF COLUMBIA
2 ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
3 ALCOHOLIC BEVERAGE CONTROL BOARD
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6 IN THE MATTER OF: :
7 CRAVE, LLC t/a MESS HALL :
8 703 Edgewood Street NE :
9 License #95398 : Case #15-PRO-00083
10 Retailer CT : Protest Hearing
11 ANC 5E : (Status)
12 Substantial Change :
13 (Entertainment Endorsement :
14 and Cover Charge) :

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16
17 Wednesday, October 7, 2015
18

19 Whereupon, the above-referenced matter
20 came on for hearing at the Alcoholic Beverage
21 Control Board, Reeves Center, 2000 14th Street,
22 N.W., Suite 400S, Washington, D.C. 20009.

1 CHAIRPERSON:

2 RUTHANNE MILLER, Presiding

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4 BOARD MEMBERS

5 DONALD BROOKS

6 MICHAEL SILVERSTEIN

7 JAMES SHORT

8 HERMAN JONES

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10 ALSO PRESENT:

11 MAUREEN ZANIEL, ESQ.,

12 on behalf of District of Columbia

13 AL GOLDBERG, Owner, CRAVE LLC t/a Mess Hall

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

2 CHAIRPERSON MILLER: Good morning,
3 everyone. I want to welcome you to the regularly
4 scheduled meeting of the District of Columbia's
5 Alcoholic Beverage Control Board. Today is
6 October 7th, 2015.

7 My name is Ruthanne Miller. I'm the
8 Chairperson, and joining me to my far right is
9 Mr. Donald Brooks. Next to Mr. Brooks is Mr.
10 Hector Rodriguez, and to my left, next to me, is
11 Mr. Mike Silverstein, and next to Mr. Silverstein
12 is Mr. James Short. The Board has five members
13 in attendance for the conduct of business today,
14 and three constitute a quorum.

15 Copies of today's hearing calendar and
16 agenda are available at the receptionist desk.
17 Please be aware that these proceedings are being
18 recorded by a court reporter. Accordingly, we
19 must ask you to refrain from any disruptive
20 noises or actions in the hearing room.

21 If you have any electronic devices,
22 pagers, cell phones, et cetera, please make

1 certain they are turned off to avoid any
2 interruption of the proceedings.

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

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

18 There are many show cause status hearing
19 cases scheduled for this morning at 9:30. I want
20 to present the following instructions that will
21 be pertinent to all of those cases. The purpose
22 of the status conference is to entertain any

1 preliminary matters of the parties and to provide
2 the parties with the date and time of the hearing
3 on the merits of the case if the case proceeds to
4 hearing.

5 Preliminary matters include any proposed
6 agreements of the parties to settle the case for
7 the Board's consideration, notice, Offers in
8 Compromise, and motions or questions regarding
9 procedural matters, including schedule or
10 dismissal of a case or a party for failure to
11 comply with legal requirements.

12 The Board will assume that the Applicant
13 or the Respondent had notice of this hearing by
14 his or her presence or the presence of an
15 authorized agent. However, if you have any issue
16 relating to the adequacy of your notice, you may
17 raise that with the Board when your case is
18 called.

19 CHAIRPERSON MILLER: Turning to this
20 morning's calendar, the first case is actually a
21 protest hearing status case. It is Case No.
22 15-PRO-00083, Mess Hall, located at 703 Edgewood

1 Street, Northeast, License No. 95398, in ANC-5E.

2 Are the parties here for that case?

3 [No audible response.]

4 CHAIRPERSON MILLER: Okay. So we have
5 several cases scheduled for 9:30, so I'm going to
6 pass this case and come back. It's 9:35 right
7 now, and we'll see if some parties appear for
8 that.

9 So we'll move on for the show cause
10 status hearing.

11 [Whereupon, the Board recalled the
12 above-entitled matter.]

13 CHAIRPERSON MILLER: So we have next --
14 well, let me see if anybody has -- anybody shown
15 up for a show cause hearing that -- show cause?
16 No.

17 MR. GOLDBERG: Status. Sorry. Mess
18 Hall.

19 CHAIRPERSON MILLER: Mess Hall, yeah.
20 Okay. We will recall that. Why don't you come
21 forward.

22 MR. GOLDBERG: Thank you.

1 CHAIRPERSON MILLER: Okay.

2 MS. ZANIEL: It's a show cause status
3 hearing?

4 CHAIRPERSON MILLER: No. This is
5 actually --

6 MS. ZANIEL: That's a protest.

7 CHAIRPERSON MILLER: This is actually a
8 protest hearing that --

9 MS. ZANIEL: Very well.

10 CHAIRPERSON MILLER: So -- and then we
11 have a fact-finding hearing, and then I expect
12 that might be enough time for you to come back
13 and let us know. And one of those cases, you're
14 going to have a conversation, right?

15 MS. ZANIEL: Exactly.

16 CHAIRPERSON MILLER: Okay. Thank you.

17 MR. GOLDBERG: My name is Al Goldberg. I
18 am the owner of CRAVE, LLC, trading as Mess Hall.

19 CHAIRPERSON MILLER: Okay. Your case was
20 called for 9:30. Did you know that?

21 MR. GOLDBERG: My apologies. I arrived
22 about 3 or 4 minutes late.

1 CHAIRPERSON MILLER: Oh.

2 MR. GOLDBERG: I sincerely apologize.

3 CHAIRPERSON MILLER: Okay, okay.

4 Do you have any idea where the
5 protestants are?

6 MR. GOLDBERG: No, ma'am. This is the
7 second time that the protestants failed to show.
8 They did not show to the mediation. I submitted
9 a motion to dismiss based on that. We received a
10 reply stating that there had been some type of
11 emergency. There was no evidence of that
12 emergency submitted, so I would respectfully
13 renew that or make a new motion to dismiss,
14 absent any of the protestants' presence here
15 again today.

16 CHAIRPERSON MILLER: Okay.

17 Has the group ever appeared?

18 MR. GOLDBERG: They --

19 CHAIRPERSON MILLER: Roll call, they
20 appeared for?

21 MR. GOLDBERG: Some of them appeared to a
22 roll call hearing.

1 CHAIRPERSON MILLER: Okay. I'm just
2 looking at our rules, but I'm pretty sure our
3 rules say that if they don't appear here that we
4 will dismiss them, and that they can have a right
5 to move for reconsideration on that order, on the
6 written order once it's issued, but that we will
7 dismiss them.

8 And if I recall that order, I remember
9 saying that there was no requirement per se that
10 they appear at mediation, but they have to show a
11 good faith in participating in a process. And
12 they're obviously not doing that, and so, anyway
13 --

14 MR. GOLDBERG: Thank you. Yeah.

15 I had reached out -- they had -- they had
16 also offered to come for a tour. I had offered
17 them to come for a tour of the establishment, et
18 cetera, since there seemed to be some
19 misunderstandings about why they were protesting,
20 and I never -- I had repeatedly asked for that
21 contact information, which they said that they
22 were going to provide to me, but I still have yet

1 to receive that information. So I feel like I've
2 made every effort to reach out in good faith to
3 come to an amicable solution.

4 So thank you for your understanding.
5 Thank you to the Board.

6 CHAIRPERSON MILLER: Okay. So are there
7 any questions for him? Otherwise I'm going to
8 move to dismiss the protestants pursuant to --

9 Oh, you made a motion. Did you make a
10 motion?

11 MR. GOLDBERG: I did make a motion, if
12 that's the proper protocol.

13 CHAIRPERSON MILLER: Okay. Either way.
14 If you made a motion, then I would move that we
15 grant your motion to dismiss the protestants
16 pursuant to our Rule 1603.3, which says failure
17 to appear in person or through a designated
18 representative may result in denial of the
19 license application or dismissal of a protest,
20 unless in the discretion of the Board, good cause
21 is shown for the failure to appear.

22 A request for reinstatement with the

1 Board must be filed within 10 days of the
2 dismissal or denial date, so that's what I was
3 explaining before.

4 MR. SILVERSTEIN: Madam Chair, I second.

5 CHAIRPERSON MILLER: Thank you.

6 Okay. So there's been a motion to
7 dismiss the protest that's been seconded by Mr.
8 Silverstein.

9 Any comments?

10 [No audible response.]

11 CHAIRPERSON MILLER: All those in favor,
12 then, say "aye."

13 [Chorus of ayes.]

14 CHAIRPERSON MILLER: All those opposed?

15 [No audible response.]

16 CHAIRPERSON MILLER: All those
17 abstaining?

18 [No audible response.]

19 CHAIRPERSON MILLER: Motion passes,
20 5-zero-zero.

21 MR. GOLDBERG: Thank you all.

22 CHAIRPERSON MILLER: Thank you. And you

1 will get a copy of the order.

2 MR. GOLDBERG: One additional question.
3 Should the -- should the protestants request a
4 reopening of the case, do they need to provide
5 any sort of evidence of these -- of any sort of
6 emergencies or any --

7 CHAIRPERSON MILLER: So the 1603.3, you
8 might want to take a look at that on our website,
9 but it basically says they can request
10 reinstatement with the Board within 10 days of
11 the dismissal, which means the written dismissal,
12 and that the standard in that order is good cause
13 for failure to appear. They have to show good
14 cause.

15 MR. GOLDBERG: Okay. Thank you so much
16 for your consideration today.

17 CHAIRPERSON MILLER: Okay. Thank you.

18 [Whereupon, the above-entitled matter
19 concluded.]

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