

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: : Roll Call
7 Notice of Public Hearings Calendar : Hearings
8 15-PRO-00094 :
9 Neighborhood Restaurant Group :
10 XXIV, LLC, :
11 t/a Hazel :
12 808 V Street, N.W. :
13 License # ABRA-099839 :
14 Retailer Class CR, New Application :

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16 Tuesday, October 13, 2015

17
18 Whereupon, at 10:35 a.m. the above-
19 referenced matter came on for hearing at the
20 Alcoholic Beverage Control Board, Reeves
21 Center, 2000 4th Street, N.W., Suite 400S,
22 Washington, D.C. 20009

1 APPEARANCES:

2 For Alcoholic Beverage Regulation Administration,

3 Office of the General Counsel:

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12 FOR ANC 1B02:

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1 APPEARANCES (Continued):

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P R O C E E D I N G S

(10:35 a.m.)

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3 MS. FLETCHER: Would the parties in the
4 matter of Hazel please come forward. This is
5 case number 15-PRO-00094, Neighborhood Restaurant
6 Group XXIV, LLC, trading as Hazel, 808 V Street,
7 Northwest, license number ABRA-099839. This is a
8 Retailer Class CR New Application. The protest
9 issues are adverse impact on peace, order and
10 quiet.

11 My name is La Verne Fletcher. I'm
12 conducting a roll call hearing as the board's
13 agent pursuant to D.C. official code 1601.2.

14 Introductions beginning with the ANC,
15 please. If you would, state your name and spell
16 it for the record.

17 MS. SULLIVAN: Of course. Ellen
18 Sullivan, E-L-L-E-N, S-U-L-L-I-V-A-N. I'm the
19 commissioner for 1B02, and I am representing ANC
20 1B in this matter.

21 MS. FLETCHER: Thank you, Ms. Sullivan.

22 The time is approximately 10:37, and

1 Ms. Sullivan, you and I have been in
2 communication since 10:00.

3 MS. SULLIVAN: Yes.

4 MS. FLETCHER: We know that Andrew Kline
5 is representing Hazel, and you made a telephone
6 call to his office. We know that he is
7 experiencing car trouble.

8 MS. SULLIVAN: Yes.

9 MS. FLETCHER: But we are both convinced
10 that he would be here otherwise. And because
11 these are extenuating circumstances, I am not
12 going to dismiss the application.

13 When Mr. Kline does appear, the hearing
14 will have been concluded, but I will make a note
15 that he did appear at that time.

16 And so, ANC 1B does have standing as a
17 protestant. I am not going to dismiss the
18 application.

19 So let me give you the dates for some
20 upcoming proceedings, Ms. Sullivan.

21 MS. SULLIVAN: All right.

22 MS. FLETCHER: The date for the status

1 hearing is November the 4th at 9:30 a.m., and the
2 date for the protest hearing is January 6, 2016,
3 at 4:30.

4 MS. SULLIVAN: January 6th?

5 MS. FLETCHER: Yes.

6 MS. SULLIVAN: At 4:30?

7 MS. FLETCHER: At 4:30.

8 And so, Ms. Sullivan, I am not going to
9 set a date for mediation right now, which is what
10 I would normally do. I have your email address,
11 and what I'm going to do, I'm going to send some
12 dates to you and Mr. Kline so that you can pick
13 dates that you can both come for mediation.

14 MS. SULLIVAN: Okay. I believe the ANC
15 fully expects to not need a full mediation on
16 this.

17 MS. FLETCHER: Okay.

18 MS. SULLIVAN: We are waiting for some
19 information from the applicant on some noise
20 mitigation issues. And then we expect for them
21 to be voted on at the ABC Committee Meeting this
22 month and then the ANC full meeting the beginning

1 of November.

2 MS. FLETCHER: Okay.

3 MS. SULLIVAN: So we fully expect for
4 this to move smoothly. We just needed some extra
5 time while we waited on some information from the
6 applicant.

7 MS. FLETCHER: Well, then, what I'm going
8 to do in that case, I'm going to set a tentative
9 date for mediation with you. And we will just
10 cancel it.

11 MS. SULLIVAN: Okay.

12 MS. FLETCHER: So we will make it as
13 close to November 4th as possible.

14 MS. SULLIVAN: Let's see...

15 MS. FLETCHER: And I will tell you the
16 next dates that are available.

17 MS. SULLIVAN: Okay. Because we will
18 have our ANC meeting on November 5th.

19 MS. FLETCHER: There is Mr. Kline.

20 MR. KLINE: Good morning. How are you?

21 MS. SULLIVAN: I'm good. I'm sorry you
22 had car trouble.

1 MR. KLINE: Thank you.

2 MS. FLETCHER: Good morning, Mr. Kline.

3 Just so that you know, the application
4 was not going to be dismissed because we knew you
5 were coming.

6 MR. KLINE: Oh, great. Thank you so
7 much.

8 MS. FLETCHER: So we had just gotten
9 beyond that point where the application was not
10 going to be dismissed because we knew Mr. Kline
11 would be here but for extenuating circumstances.

12 MS. SULLIVAN: And the ANC wants this
13 establishment in the neighborhood and fully
14 supports it.

15 MR. KLINE: Oh, good.

16 MS. SULLIVAN: We were giving you the
17 extra time and making sure we weren't...

18 MR. KLINE: Thank you very much.

19 MS. FLETCHER: And Mr. Kline, would you
20 state your name for the court reporter?

21 MR. KLINE: Sure. Andrew Kline on behalf
22 of the applicant.

1 MS. FLETCHER: Thank you. And Kline is
2 spelled K-L-I-N-E?

3 MR. KLINE: Correct.

4 MS. FLETCHER: Thank you. And so,
5 Mr. Kline, we were just setting the dates for the
6 status hearing and the protest hearings. And Ms.
7 Sullivan mentioned that she didn't expect that
8 you-all would need a date for mediation, but we
9 were setting one just in case.

10 MR. KLINE: Okay.

11 MS. SULLIVAN: I was saying that we were
12 just waiting on the noise mitigation information
13 from your client where they have talked to the
14 -- to JBG and then their neighbor behind about
15 the possibility of attaching things and sort of
16 what we could do with that back space.

17 MR. KLINE: Right.

18 MS. SULLIVAN: And so -- that we expect
19 to be able to vote at the ABC Committee Meeting
20 this month, and then the full ANC Meeting
21 November 5th.

22 MR. KLINE: Great. Yeah.

1 MS. SULLIVAN: So --

2 MR. KLINE: That's what we expect also.
3 We've talked and we've made a lot of progress at
4 this point.

5 MS. SULLIVAN: Yes.

6 MR. KLINE: And we expect that we are
7 going to wrap this up pretty easily.

8 MS. SULLIVAN: Yes.

9 MS. FLETCHER: So then, Mr. Kline, I will
10 just give you the dates for the status and the
11 protest hearings.

12 MR. KLINE: Okay.

13 MS. FLETCHER: The status hearing is set
14 for November the 4th at 9:30.

15 MR. KLINE: Okay.

16 MS. FLETCHER: And the protest hearing is
17 set for January 6, 2016 --

18 MR. KLINE: Wow.

19 MS. FLETCHER: -- at 4:30.

20 MS. SULLIVAN: We need you-all open way
21 before that.

22 MS. FLETCHER: And so we were in the

1 process of setting a date for mediation as close
2 to November 4 as possible just in case it was
3 necessary, although it probably won't be. We can
4 either do that, or I can give you some dates
5 later. Whichever you prefer is okay.

6 MR. KLINE: I think you can give us some
7 dates later.

8 MS. FLETCHER: Okay.

9 MR. KLINE: Let's see where we go.

10 MS. FLETCHER: Okay. All right. Then
11 you can just keep me posted, and we'll -- if we
12 need a date, then we will set one.

13 MR. KLINE: The only question I have, and
14 we don't need it so it's not going to be an issue
15 in this case, but why is the protest hearing
16 stretched out so far?

17 MS. FLETCHER: Because of the number of
18 protests on the calendar.

19 MR. KLINE: So the board doesn't see the
20 necessity of complying with the statute anymore?
21 Did I put that on the record?

22 MS. FLETCHER: Well, and the other thing

1 is they do have that three-week recess in
2 December. So that's probably a factor, too. But
3 that's how far out they are on the calendar. And
4 so in terms of the statute, I assume they are
5 scheduling them as soon as possible.

6 MR. KLINE: All right. Well, as I said,
7 I don't think it's -- it certainly won't be an
8 issue in this case, but please express to the
9 board our concerns that protest hearings be
10 timely scheduled in accordance with the statute.

11 MS. FLETCHER: Yes.

12 MR. KLINE: The ANC would agree and
13 second that.

14 MS. FLETCHER: And Mr. Kline, you have
15 -- and I have conveyed that to them as well,
16 because sometimes at the roll call hearing, you
17 bring it up when it's too far out.

18 MR. KLINE: Right.

19 MS. SULLIVAN: And the ANC seconds that.
20 We feel it's important for both the community and
21 for the businesses to be able to move forward in
22 a timely manner so that we do not have things

1 sort of in limbo.

2 MS. FLETCHER: Right.

3 MS. SULLIVAN: The community doesn't like
4 that, so we second Mr. Kline's...

5 MS. FLETCHER: And now you are on record
6 as well.

7 MR. KLINE: Great.

8 MS. FLETCHER: Okay. Well, then -- so
9 Ms. Sullivan, you have your email address on that
10 sheet, right?

11 MS. SULLIVAN: Yes, ma'am.

12 MS. FLETCHER: Okay. So we need to set a
13 date for mediation. I will email you and
14 Mr. Kline, and we will go from there.

15 MS. SULLIVAN: Okay.

16 MR. KLINE: Great.

17 MS. FLETCHER: Okay. Well, then, thanks
18 for coming.

19 MR. KLINE: Thanks for waiting.

20 MS. FLETCHER: Okay. The roll call
21 hearing is concluded.

22 (Hearing adjourned at 10:43 a.m.)