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GOVERNMENT OF THE DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

- - - - -X
IN THE MATTER OF: :
Kovaler, LLC t/a Veranda :
1100 P Street NW : Case #15-PRO-00085
License #73443, Retailer CR : Protest Hearing
ANC-2F : (Status)
Substantial Change :
- - - - -X

Wednesday, October 21, 2015

Whereupon, the above-referenced matter
came on for hearing at the Alcoholic Beverage
Control Board, Reeves Center, 2000 14th Street,
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 NICK ALBERTI

7 HECTOR RODRIGUEZ

8 MICHAEL SILVERSTEIN

9 JAMES SHORT

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11 ALSO PRESENT:

12 STEPHEN J. WHALEN, ESQ., on behalf of Licensee

13 PEPIN TUMA,

14 ANC-2F Vice-Chair and ANC-2F03 Commissioner

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

2 [9:39 a.m.]

3 CHAIRPERSON MILLER: Okay. Good morning,
4 ladies and gentlemen. I'd like to welcome you to
5 the regularly scheduled meeting of the District
6 of Columbia's Alcoholic Beverage Control Board.
7 Today is October 21st, 2015. My name is Ruthanne
8 Miller. I'm the Chairperson.

9 Joining me today to my far right is Mr.
10 Donald Brooks. Next to Mr. Brooks is Mr. Nick
11 Alberti, and next to Mr. Alberti and to my
12 immediate right is Mr. Hector Rodriguez. To my
13 immediate left is Mr. Mike Silverstein, and next
14 to Mr. Silverstein is Mr. James Short. The Board
15 has six members in attendance for the conduct of
16 business today, and three constitute a quorum.

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

1 If you have any electronic devices,
2 pagers, cell phones or such, please make certain
3 they are turned off to avoid any disruption of
4 the proceedings.

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

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

20 We have several Show Cause Status cases
21 this morning, and I just want to make a few
22 remarks that are pertinent to all those cases.

1 The purpose of the Status Conference is to
2 entertain any preliminary matters with the
3 parties and to provide the parties with the date
4 and time of the hearing on the merits of the case
5 if the case proceeds to hearing.

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

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

20 We also have Protest Hearing, Status
21 Cases, and I'll make remarks pertinent to those
22 with respect to each individual case.

1 So I'm going to call the first case on
2 our calendar for this morning, which is a Protest
3 Hearing Status case. It's Case No. 15-PRO-00085,
4 Veranda, located at 100 P Street Northwest,
5 License No. 73443, and ANC-2F.

6 MR. WHELAN: Good morning.

7 CHAIRPERSON MILLER: Good morning.

8 MR. WHELAN: Stephen Whelan on behalf of
9 Veranda.

10 CHAIRPERSON MILLER: Good morning.

11 MR. TUMA: Good morning. Pepin Tuma,
12 ANC-2F Vice-Chair ANC-2F03 Commissioner.

13 CHAIRPERSON MILLER: Okay. And do you
14 have any issues you want to bring to our
15 attention?

16 MR. WHELAN: We don't. We've reached an
17 agreement. It's just a matter of getting
18 settlement -- or getting signatures on the
19 settlement agreement, so hopefully we'll be
20 settling that shortly.

21 CHAIRPERSON MILLER: Great, okay. Just
22 in case, I'm going to give you your Protest

1 Hearing date, and just a few important points in
2 the event it goes to Protest Hearing, which it
3 sounds like it won't.

4 Your Protest Hearing date is December
5 2nd, 2015, at 4:30 p.m. If you do go to hearing,
6 I just want to highlight that you would be
7 getting a Protest Information Form, known as a
8 PIF, in which you would need to identify the
9 issues as they may have been narrowed down.

10 That would be the subject of the hearing,
11 and witnesses, you need to identify your
12 witnesses by name. And you would also get an
13 exhibit form and be asked to identify your
14 exhibits and provide copies of your exhibits and
15 serve all of these on the parties and the Board 7
16 days in advance of the hearing.

17 If, by any chance, you didn't identify
18 witnesses or exhibits and it was found that the
19 other side may be prejudiced as a result of that,
20 they might be excluded.

21 Okay. Any questions?

22 MR. WHELAN: No.

1 CHAIRPERSON MILLER: Okay. It sounds
2 like you're in good shape, anyway, so thank you
3 very much, and good luck in finishing that off.

4 MR. WHELAN: Thank you.

5 CHAIRPERSON MILLER: Okay.

6 [Whereupon, at 9:42 a.m., the
7 above-entitled matter concluded.]

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