

DISTRICT OF COLUMBIA

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ALCOHOLIC BEVERAGE CONTROL BOARD

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ROLL CALL HEARING

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IN THE MATTER OF: :

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JKM Incorporated :

t/a Lyman's :

3720 14th Street, NW :

License #ABRA-090509 :

Retailer CT - New Application:

Case #12-PRO-00085 :

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MONDAY, December 17, 2012

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The Alcoholic Beverage Control Board met in Alcoholic Beverage Control Hearing Room, 2000 14th Street, N.W., Suite 400S Washington, D.C., Ms. La Verne Fletcher, Agent, presiding.

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

10:06 a.m.

AGENT FLETCHER: Would the parties in the matter of Lyman's please come forward? This is Case Number 12-PRO-00085. JKM Incorporated, trading as Lyman's, 3720 14th Street NW, License #ABRA-090509. This is a Retailer CT, New Application.

The protest issues are adverse impact on peace, order, and quiet. My name is LaVerne Fletcher and I will be conducting the Roll Call Hearing as the Board's Agent, pursuant to DC Official Code 1601.2. Introductions, beginning with the Applicant, please?

MR. TAYLOR: Good morning. I'm David Taylor for JKM. And also with me, I have Kevin Perone, who is one of the Share Holders and President of JKM, Incorporated.

AGENT FLETCHER: And, Mr. Taylor, would you --

COURT REPORTER: Could we go off

1 the record so I could fix the mike?

2 AGENT FLETCHER: Sure.

3 Absolutely.

4 COURT REPORTER: I'm sorry.

5 AGENT FLETCHER: No problem. Yes.

6 (Whereupon, off the record from
7 10:07 a.m. until 10:07 a.m.)

8 AGENT FLETCHER: Okay. Do you
9 want me to read the case into the record again
10 or just start from where we left off?

11 COURT REPORTER: No. Just the
12 introductions.

13 AGENT FLETCHER: Just the
14 introductions? Okay. Introductions,
15 beginning with the Applicant, please?

16 MR. TAYLOR: Yes. Good morning.
17 I'm David Taylor, on behalf of the Applicant,
18 which is Lyman's. And, to the left of me, I
19 have Kevin Perone, who is the Present Director
20 of JKM, Incorporated, who is the Applicant.

21 AGENT FLETCHER: Mr. Taylor, would
22 you please spell your name for the court

1 reporter, please?

2 MR. TAYLOR: Yes. That's David,
3 D-A-V-I-D, Taylor is T-A-Y-L-O-R.

4 AGENT FLETCHER: And Kevin, would
5 you please spell your name for the court
6 reporter?

7 MR. PERONE: It's Kevin K-E-V-I-N,
8 Perone, P-E-R-O-N-E.

9 AGENT FLETCHER: Thank you. And
10 Mr. Taylor, in what capacity are you
11 representing the Applicant?

12 MR. TAYLOR: I'm counsel for the
13 Applicant. And, this morning, I'm
14 specifically standing in for Bernard Dietz,
15 who is the counsel of record.

16 AGENT FLETCHER: Thank you.
17 Bernard Dietz is spelled B-E-R-N-A-R-D, and
18 his last name is spelled D-I-E-T-Z. There is
19 one protestant in this matter. I've got a
20 name of Steven Leraris. That's S-T-E-V-E-N
21 L-E-R-A-R-I-S. Mr. Taylor, have you had any
22 communication with Mr. Leraris prior to today?

1 MR. TAYLOR: I personally have
2 not. I believe the Applicant has -- they have
3 communicated directly with him, at least once.

4 MR. PERONE: Yes, ma'am.

5 AGENT FLETCHER: Mr. Leraris is a
6 single member District Commissioner in ANC-4C.
7 He filed a protest. However, single member
8 District Commissioners do not have standing as
9 protestants alone. They can only file a
10 protest as an individual. I see a gentleman
11 coming forward. I'm going to take one moment
12 to see if that is Mr. Leraris. It is not.

13 Mr. Leraris's complaint would have
14 been dismissed, even if he were present
15 because he is not an abutting property owner.
16 And you have to be a member of a group of at
17 least five, in order to have standing as a
18 protestant. However, I'm also dismissing his
19 complaint today because he is not present. He
20 failed to appear. So the ABC Board will issue
21 an order indicating that Mr. Lararis failed to
22 appear today, and also that a single member

1 District Commissioner does not have standing
2 as a protestant.

3 Therefore, there is not protest in
4 this matter and Layman's will receive a copy
5 of the Board's order, as well.

6 MR. TAYLOR: Thank you, Your
7 Honor.

8 AGENT FLETCHER: Once you receive
9 that, you'll have -- Layman's will have an
10 opportunity to seek reinstatement of it's
11 protest. After the point that you receive
12 that, you will see, on the second page, that
13 Mr. Lararis has an opportunity to seek
14 reinstatement, within ten days of the date of
15 that order. If he does seek reinstatement,
16 you will be informed. If he does not seek
17 reinstatement, you can check. My guess is
18 that the Board will review any request that he
19 makes for reinstatement. If he's not
20 reinstated, then you may proceed with your
21 application.

22 MR. TAYLOR: Thank you.

1 AGENT FLETCHER: The order will be
2 issued as soon as possible. Generally, that
3 happens immediately following the Roll Call.
4 So thank you for coming.

5 MR. TAYLOR: Thank you, very much.

6 AGENT FLETCHER: The Roll Call
7 Hearing is concluded. And Mr. Taylor, would
8 you please put your contact information on
9 that sheet?

10 MR. TAYLOR: I will.

11 AGENT FLETCHER: Thank you.
12 Including your e-mail address.

13 MR. TAYLOR: Thank you and happy
14 holidays.

15 AGENT FLETCHER: Oh, you too.
16 Thank you.

17 (Whereupon, the Roll Call hearing
18 was concluded at 10:11 a.m.)

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<p style="text-align: center;">A</p> <p>ABC 5:20 ABRA-090509 1:12 2:7 Absolutely 3:3 abutting 5:15 address 7:12 adverse 2:9 Agent 1:22 2:3,12 2:20 3:2,5,8,13,21 4:4,9,16 5:5 6:8 7:1,6,11,15 Alcoholic 1:3,18,19 ANC-4C 5:6 appear 5:20,22 Applicant 2:14 3:15,17,20 4:11 4:13 5:2 application 1:12 2:8 6:21 a.m 2:2 3:7,7 7:18</p>	<p>Commissioners 5:8 communicated 5:3 communication 4:22 complaint 5:13,19 concluded 7:7,18 conducting 2:11 contact 7:8 Control 1:3,18,19 copy 6:4 counsel 4:12,15 court 2:22 3:4,11 3:22 4:5 CT 1:12 2:8</p>	<p style="text-align: center;">G</p> <p>Generally 7:2 gentleman 5:10 go 2:22 going 5:11 Good 2:16 3:16 group 5:16 guess 6:17</p>	<p>left 3:10,18 Leraris 4:20,22 5:5 5:12 Leraris's 5:13 License 1:12 2:7 Lyman's 1:10 2:4,6 3:18 L-E-R-A-R-I-S 4:21</p>	<p>personally 5:1 please 2:4,15 3:15 3:22 4:1,5 7:8 point 6:11 possible 7:2 present 3:19 5:14 5:19 President 2:19 presiding 1:22 prior 4:22 problem 3:5 proceed 6:20 property 5:15 protest 2:9 5:7,10 6:3,11 protestant 4:19 5:18 6:2 protestants 5:9 pursuant 2:13 put 7:8 P-E-R-O-N-E 4:8 P-R-O-C-E-E-D-... 2:1</p>
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