

1 GOVERNMENT OF THE DISTRICT OF COLUMBIA  
2 ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
3 ALCOHOLIC BEVERAGE CONTROL BOARD  
4

5 - - - - -X

6 IN THE MATTER OF: :

7 Roof Top DC, LLC :Case # 16-PR0-00042

8 t/a Bar Deco :

9 717 6th Street NW :

10 License #97418 :

11 Retailer CR ANC 2C :

12 Application to Renew License :

13 - - - - -X

14 Wednesday, August 3, 2016

15

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

20

21

22

1 BOARD MEMBERS PRESENT

2 NICK ALBERTI, BOARD MEMBER

3 JAMES SHORT, BOARD MEMBER

4 MIKE SILVERSTEIN, BOARD MEMBER

5 RUTHANNE MILLER, BOARD MEMBER

6

7 ALSO PRESENT:

8 ASHLEY WIGGINS

9 JEFFREY HIGGINS

10 DOLPH SAND

11 LOUISE PHILLIPS

12

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

2 PROTEST HEARING (STATUS)

3 Our next case, a protest hearing status  
4 case is Case #16-PRO-00042, Bar Deco, License  
5 #97418. Would the parties please approach and  
6 identify themselves for the record, please?

7 MS. WIGGINS: Good morning, your honor.  
8 Ashley Wiggins on behalf of the applicant. Last  
9 name is W-I-G-G-I-N-S.

10 CHAIRPERSON ANDERSON: I'm sorry, what's your  
11 role?

12 MS. WIGGINS: I'm the attorney for the  
13 applicant.

14 CHAIRPERSON ANDERSON: The applicant is not  
15 here today?

16 MS. WIGGINS: No, the applicant is not here  
17 today.

18 CHAIRPERSON ANDERSON: All right.

19 MR. HIGGINS: Good morning, I'm Jeffrey  
20 Higgins. H-I-G-G-I-N-S. I'm the ANC commission  
21 for 2C03.

22 CHAIRPERSON ANDERSON: Good morning.

1 MR. HIGGINS: Good morning.

2 MR. SAND: Good morning, I'm Dolph Sand. D-  
3 O-L-P-H. Sand - S-A-N-D. I'm representing the  
4 Cosmopolitan.

5 CHAIRPERSON ANDERSON: So, you're both the  
6 ANC - so you are separate? Are you separate from  
7 the ANC, sir?

8 MR. SAND: We both filed.

9 CHAIRPERSON ANDERSON: I'm just - to clarify  
10 in my mind - I'm not - so you have -

11 MR. SAND: Very friendly is what we are.

12 CHAIRPERSON ANDERSON: But, you also have  
13 both ANC and yourself as - were granted standing  
14 at the roll call hearing? It's just for  
15 clarification in my mind, so nothing that you did  
16 wrong.

17 MR. SAND: And I [inaudible: 03:35]

18 CHAIRPERSON ANDERSON: Are there any - yes,  
19 ma'am?

20 MS. PHILLIPS: Oh, I wasn't - I was  
21 scratching my nose. Sorry about that.

22 CHAIRPERSON ANDERSON: I was looking down and

1 I kind of saw from the corner of my eye. Are  
2 there any preliminary matters in this case?

3 MS. PHILLIPS: No, we'd like to report on  
4 where we are. We've been exchanging - we're on  
5 the verge of having a voluntary agreement signed.  
6 We've exchanged drafts a couple of times and the  
7 ball's back in our court right now. I was - we  
8 got it back a couple of weeks ago and my client  
9 was out of the country, so we're going to try to  
10 get that resolved by the [inaudible 4:04]. But,  
11 we're very close to having it finished.

12 CHAIRPERSON ANDERSON: Well, I'm glad to hear  
13 that. If the matter is not resolved, this matter  
14 then is scheduled for a protest hearing on  
15 September 7th at 4:30 p.m. Now that we have  
16 scheduled this matter for a protest hearing,  
17 there are a few things that I would like to  
18 instruct the applicant and the protestants about  
19 the protest hearing -- so that the protest  
20 hearing is focused and addresses only those  
21 issues that are being protested. The Board does  
22 not intend to hear testimony in matters that are

1 not relevant to this case. You should have  
2 received by electronic or regular mail, a letter  
3 explaining the protest process, a copy of the  
4 protest information form, a copy of the exhibit  
5 form. If you do not have these documents, please  
6 contact our assistant general counsel, April  
7 Randall, following this hearing.

8 It is imperative that you review the rules  
9 closely and adhere to them before and during the  
10 protest hearing. You are also required to  
11 complete and submit the protest information form,  
12 PIP, and the exhibit form seven days before the  
13 date of the hearing. These two forms and  
14 accompanying documents need to be submitted to  
15 ABRA's legal division and to all opposing parties  
16 in this matter. If we do not receive a copy of  
17 your PIP, your application or your protest,  
18 whichever side you're representing, may be  
19 subject to dismissal.

20 Likewise, if we do not receive a copy of the  
21 exhibit form and the exhibits themselves, your  
22 exhibits may be excluded from the record upon a

1 finding that the opposing party has been  
2 prejudiced or no good cause for failure to submit  
3 has been shown. Likewise, witnesses other than  
4 the parties may also be subject to exclusion if  
5 not identified in the PIP. Accordingly, these  
6 forms are very important, they greatly assist the  
7 Board in narrowing the protest issues,  
8 facilitating the process and keeping the parties  
9 on point during the hearing. They likewise  
10 provide notice to opposing parties enabling them  
11 to better prepare for the hearing.

12 We thank you for your cooperation. If you  
13 have any questions today or at any time leading  
14 up to the hearing, please do not hesitate to  
15 contact Ms. Randall at 202-442-4353. And again,  
16 thank you very much for your presence today and  
17 good luck with your negotiations and, if not, I  
18 will see you on September 7th at 4:30.

19 (Whereupon, the above-entitled matter was  
20 concluded.)

21