

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 Bardo, LLC :  
8 t/a Bardo River Brewery :  
9 25 Potomac Ave, SE :  
10 License # 103291 :  
11 Retailer B :  
12 ANC 6D :  
13 Application for a New License :

14 - - - - -X

15 Wednesday, August 3, 2016

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

21  
22

1

2 BOARD MEMBERS PRESENT

3 NICK ALBERTI, BOARD MEMBER

4 JAMES SHORT, BOARD MEMBER

5 MIKE SILVERSTEIN, BOARD MEMBER

6 RUTHANNE MILLER, BOARD MEMBER

7

8 ALSO PRESENT:

9 MR. STEWART

10

11

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

2 FACT FINDING HEARING

3 CHAIRPERSON ANDERSON: I know we're 40  
4 minutes behind schedule but we're having this  
5 next fact finding hearing, Bardo River Brewery,  
6 license #103291. Will the owner/applicant please  
7 approach. Do we have anyone else in the audience  
8 who's here for this matter? You can also come up  
9 and identify yourself for the record.

10 MR. STEWART: There's no one else here for  
11 this matter because there are no people in the  
12 protest.

13 CHAIRPERSON ANDERSON: It's not a protest,  
14 it's a fact finding hearing. I think the board  
15 had --

16 MR. STEWART: But if there are no witnesses  
17 but Murmurshe's here.

18 CHAIRPERSON ANDERSON: The board had a fact  
19 finding hearing, it's on the board's agenda that  
20 we're having a fact finding hearing and although  
21 they would have going to have no protest, it's my  
22 understanding were going to have no protest on

1 there, but the board is interested in just  
2 hearing --

3 MR. STEWART: There's no standing to do --

4 MR. SILVERSTEIN: We don't need standing,  
5 sir.

6 CHAIRPERSON ANDERSON: Hold on Mr.  
7 Silverstein. We're not giving anyone standing.  
8 The board is gathering information. A fact  
9 finding hearing, sir, and I'm new to this -- sir  
10 -- all right, remember the board is the one who  
11 makes this decision and what I would ask you to  
12 do, sir, you need to be open, transparent, and  
13 make sure that the board has all the information  
14 that it has, and so therefore when the board  
15 makes a decision, the board will make a decision.  
16 So -- so -- I -- I -- I hear you, you've gone  
17 through there, but I think that you need to trust  
18 the board that we're going to make the right  
19 decision and so we're not giving anyone standing,  
20 what we're doing is that we're gathering  
21 information and that's what a fact finding  
22 hearing is, that's -- we are gathering

1 information.

2 MR. STEWART: The city council has decided  
3 that manufacturer licenses do not need to be  
4 placarded.

5 CHAIRPERSON ANDERSON: I am aware of that,  
6 sir.

7 MR. STEWART: Nobody has standing to protest  
8 this license. This is strictly an administerial  
9 procedure, it is not an adversarial procedure.  
10 There's no need for witnesses. The only people  
11 that can call witnesses during -- the judge  
12 cannot call a witness, only this person in this  
13 desk and that person at that desk. There's  
14 nobody at this desk. There's nobody protesting.  
15 There's nobody who has standing in a protest,  
16 okay? So, we're requesting that the board do  
17 their duty and issue this license or at least  
18 give Ms. Fowler the okay to continue processing  
19 this paperwork. This is an administerial thing.  
20 If it's going to turn into an adversarial  
21 proceeding I'm going to have to go lawyer up.

22 CHAIRPERSON ANDERSON: Sir. We haven't --

1 MR. SILVERSTEIN: Mr. Stewart will you sit  
2 down so we can get you on the record please?

3 CHAIRPERSON ANDERSON: We haven't even  
4 started. All right, sir. All right. You can  
5 decide what you want to do, sir. A fact finding  
6 hearing is a nonadversarial -- it's not  
7 adversarial. All that the board is doing is  
8 gathering information and we're calling people to  
9 gather information. And I think that it behooves  
10 you that you want, when the board makes a  
11 decision, that we make the right decision and so  
12 in gathering our information no one has standing  
13 here so we're not giving anyone standing, we're  
14 gathering information. We're doing fact finding.  
15 We are asking for information to make the  
16 decision. There's nothing adversarial here, at  
17 least not from as being -- not from me being  
18 chair. And I'll say this, sir, the only person  
19 who is being adversarial here is you. And I  
20 think that if you're -- listen, sir -- if you're  
21 asking the board to make a decision to benefit  
22 you, you need -- you've been sitting here -- you

1 sat here but we had fact finding hearings and  
2 they decide to lawyer up. You heard questions  
3 that were asked by board members because this is  
4 what you need to understand, sir. It is better  
5 that these questions are addressed with you here.  
6 It is better for you to hear what the board is  
7 saying out here so you can counter it rather than  
8 -- that I say we go back there and we make a  
9 decision and we're through. So, this is in your  
10 benefit.

11 MR. STEWART: I understand.

12 CHAIRPERSON ANDERSON: So, you -- so if you  
13 decided today -- this is your choice -- if you  
14 believe that you need to go get a lawyer we can  
15 adjourn this matter, you can go get a lawyer and  
16 we can do that, but this is in your benefit, sir.

17 MR. STEWART: I understand what you're  
18 saying, but the city council has decided that  
19 manufacturer licenses do not have any of these  
20 procedures. If your application meets all the  
21 requirements, which I think Ms. Fowler says --  
22 yeah, the application is complete -- then the

1 board's administerial duty is to issue the  
2 license. There is no need for any of this kind  
3 of adversarial -- what the Nationals have to say  
4 has zero to do with this license.

5 CHAIRPERSON ANDERSON: Well, let me ask you a  
6 question --

7 MR. STEWART: The ANC has to say has zero to  
8 do with this license. This is adversarial. You  
9 need to do your administrative duty and issue  
10 this license.

11 CHAIRPERSON ANDERSON: Well, let me ask you a  
12 question. So you're saying that you shouldn't  
13 even be here for a fact finding.

14 MR. STEWART: If you want to ask me questions  
15 about the boundaries of it, whether my map was  
16 incorrect, those kind of things, that's fine.  
17 What the Nationals have to say have nothing to do  
18 with Bardo Brewery. What the ANC has to say has  
19 nothing to do with Bardo Brewery. The reason  
20 there are so many manufacturers in D.C. is  
21 because the city council's decided that if you  
22 meet all the requirements you get handed the



1 license. It's like a driver's license. We have  
2 met all the requirements, we want the license  
3 delivered today, and if you are going to treat  
4 this like an adversarial hearing then we are  
5 going to have to go lawyer up for a four-hour  
6 hearing. You want a four-hour hearing, that's  
7 fine. If you want a one-hour hearing I came here  
8 man to man to talk to you folks directly. If you  
9 have questions about the maps, questions about  
10 the layout, questions like that, I'd be glad to  
11 answer them but -- and I'm here man to man,  
12 person to person, to do that. If we're going to  
13 have this adversarial thing then I'm going to  
14 have to lawyer up. But it's going to take a  
15 four-hour hearing, not a one-hour hearing, that  
16 you're going to have to sit through.

17 CHAIRPERSON ANDERSON: Mr. Stewart.

18 MR. STEWART: That's just the way it's going  
19 to go. It's not a threat, it's just reality.  
20 That is the way it's going to go, these lawyers  
21 come in, they spend four hours.

22 CHAIRPERSON ANDERSON: All right, Mr.

1 Stewart. Okay? This is what I'm going to make a  
2 proposal to my. Yeah, this is not the way to do  
3 it here, this is a fact finding hearing. You  
4 believe that you need to be lawyered up.

5 MR. STEWART: No.

6 CHAIRPERSON ANDERSON: I'm sorry, you brought  
7 it up, okay? All that the board is doing is  
8 gathering information and you're starting off  
9 this, and I was -- let me finish to you, sir.  
10 Your stance today is saying that the board, we  
11 don't even have an author -- we don't even have -  
12 - I'm taking it that you're saying the board  
13 doesn't even have the authority to call you in to  
14 ask you any questions.

15 MR. STEWART: You can ask me questions.

16 CHAIRPERSON ANDERSON: That's not what you  
17 just said. So, this is what I'm going to do.

18 MR. STEWART: And I said you can't ask the  
19 ANC questions and you can't ask the Nationals  
20 questions.

21 What they have to say has nothing to do with  
22 this license.

1 CHAIRPERSON ANDERSON: You can't tell the  
2 board what the board can or can't do, okay?

3 MR. STEWART: Oh, well --

4 CHAIRPERSON ANDERSON: So this is what I'm  
5 going to say, sir, okay? I'm going to propose to  
6 my board that we not have this hearing today and  
7 it be rescheduled for next week.

8 MR. STEWART: Okay.

9 CHAIRPERSON ANDERSON: If you believe -- next  
10 week is our last hearing for the summer. If you  
11 believe that you need a lawyer, you can be  
12 lawyered up and we can stay here as long as we  
13 need to do it, but if the board has had a fact  
14 finding hearing and the board believes that it  
15 needs to call people to get more information to  
16 make its decisions, we will do that. It is not  
17 adversarial. You are the only one who is making  
18 this adversarial today. So, that's what I'm  
19 going to -- I'm making a motion to our board  
20 members that we adjourn this hearing. It will be  
21 rescheduled for next week. If you believe that  
22 you need to have -- you believe that you need to

1 have a lawyer that is your choice, but you cannot  
2 tell the board what we can or can't do, who we  
3 can call to ask, to rely on for information in  
4 making the decision that we need to do. Sir, you  
5 don't need to say anything else. I'll tell you  
6 what the decision is. I motion. Seconded by Mr.  
7 Short. All those in favor say aye. (chorus of  
8 ayes.) Thank you. We'll let you know.

9 MR. STEWART: Next week what time?

10 CHAIRPERSON ANDERSON: We'll let you know  
11 what time next Wednesday, that's the last hearing  
12 for the schedule. We're adjourned until 1:30.

13 (Whereupon, the above-entitled matter was  
14 concluded.)

15