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

- - - - -X

IN THE MATTER OF: :
Nispero, LLC, :
t/a El Nuevo Migueleno : Protest
1721 Columbia Road, NW : Hearing (Status)
License #ABRA-75403 :
Retailer Class CR :
ANC-1C :
Application to Renew the :
License :

- - - - -X

Wednesday, September 07, 2016

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 DONOVAN ANDERSON, Presiding

3

4 BOARD MEMBERS:

5 RUTHANNE MILLER

6 MICHAEL SILVERSTEIN

7 JAMES SHORT

8

9 ALSO PRESENT:

10

11 WILLIAM SIMPSON,

12 On behalf of ANC-1C

13 ELLEN JAFFE,

14 Protestant

15 JOHN TAHT

16 Protestant

17 HOLLY FLOOD

18 Protestant

19 STEPHEN MCKEVITT

20 Protestant

21

22

P R O C E E D I N G S

[10:07 a.m.]

MR. DONOVAN W. ANDERSON: All right.

Moving right -- All right. I am going to recall Case #16-PRO-00067, El Nuevo Migueleno, License #75403. Will the parties please approach and identify themselves for the record? And what I'll ask you to do is to please -- in -- in introducing yourself for the record, please, um, state your name and spell your name, too, please, and also, um, write on the time sheet. You can pull up some chairs. You can pull the chairs up from the audience so you can have a seat.

(Off-mic speaking)

MR. WILLIAM SIMPSON: Uh, I am William Simpson for Advisory Neighborhood Commission 1C, that's S-i-m-p-s-o-n.

MS. ELLEN JAFFE: Um, and I'm Ellen Jaffe, uh, that's J-a-f-f-e, and I'm here for the group of -- I think it's the group of 20 -- it's either the group of 19 or the group of 20, and we -- and we have others here from that group.

1 MR. DONOVAN W. ANDERSON: I -- I need you
2 to -- the -- everyone who's sitting here, I need
3 you to identify and spell your name --

4 MS. ELLEN JAFFE: Okay.

5 MR. DONOVAN W. ANDERSON: -- for the
6 record, please.

7 MR. JOHN TAHT: I'm John Taht, J-o-h-n T-
8 a-h-t.

9 MS. HOLLY FLOOD: Uh, Holly Flood, Holly
10 F-l -- "F" as in Frank -- l-o-o-d.

11 MR. STEPHEN MCKEVITT: And, uh, Stephen
12 McKevitt, S-t-e-p-h-e-n, and McKevitt, M-c-K-e-v-
13 i-t-t.

14 MS. ELLEN JAFFE: Um, Nancy Shire
15 (phonetic), our other representative, couldn't be
16 here today because she's ill.

17 MR. DONOVAN W. ANDERSON: All right. This
18 matter was scheduled for a -- a 9:30 protest
19 hearing status. It was called -- this case was
20 called approximately 9:45 or so. The owner of the
21 establishment did not appear.

22 It is now 10:09. The case was recalled

1 and the -- the -- the ANC and the, um -- the
2 Kalorama Citizens Association, I think, and Ellen
3 Jame -- Ellen Jaffe, which is a group of five or
4 more that they are here. Um, the owner is not
5 here, so, therefore, based on -- based on their
6 lack of appearance at the protest hearing, um, I
7 make a motion that this matter be, um, dismissed.

8 MR. JAMES SHORT: Second.

9 MR. DONOVAN W. ANDERSON: Mr. Short has,
10 those in favor say "aye."

11 (Chorus of "ayes")

12 MR. DONOVAN W. ANDERSON: Um, those
13 opposed?

14 (No audible response)

15 MR. DONOVAN W. ANDERSON: The matter
16 passed, 4-0-0. So, it's a renewal, but it's a
17 renewal of a license. He does have an opportunity
18 to -- to ask the Board to reconsider.

19 FEMALE SPEAKER: Okay.

20 MR. DONOVAN W. ANDERSON: But -- so,
21 we'll issue a formal order, and you will know
22 where we are, whether or not he's going to move

1 forward with the renewal or that the business was
2 shuttered. Okay? Thank you.

3 (Chorus of "thank-yous")

4 MS. ELLEN JAFFE: Thank you very much.
5 Sorry it was so much trouble getting him here.

6 MR. DONOVAN W. ANDERSON: Yes, Ms.
7 Miller?

8 MS. RUTHANNE MILLER: I -- I just want
9 to, um, acknowledge that, um, Mr. Simpson has a
10 very cute --

11 (Laughter)

12 MS. RUTHANNE MILLER: -- (inaudible).

13 FEMALE SPEAKER: We brought him here to
14 soften you guys up.

15 (Laughter)

16 MS. RUTHANNE MILLER: And very, very well
17 behaved.

18 MR. JAMES SHORT: I'll -- I'll second
19 that, Ms. -- Ms. Miller.

20 MALE SPEAKER: We're going to make our
21 escape while he's still well behaved.

22 (Laughter)

1 MALE SPEAKER: Very well behaved baby.

2 MR. DONOVAN W. ANDERSON: All right. Just
3 hold on -- hold on -- hold on one minute, please.
4 Hold on one minute. Um, in the -- the -- the --
5 the -- uh, just clarification for the case
6 number, um -- Case #16-PRO-00067, um, the folks
7 that were granted status at the hearing, it's my
8 understanding, um, the Kalorama Citizens
9 Association, which is, um, Dennis James, the
10 group of five or more -- Um, both the applicant
11 and the Kalorama Citizens Association did not
12 show this morning, and so therefore, both the
13 applicant and the Kalorama Citizens Association
14 are dismissed from these proceedings. And so
15 therefore, um, those are the parties.

16 The -- the group of five or more still --
17 If they decide to move forward, the group of five
18 or more still can move forward. But at current --
19 presently, because the Kalorama Citizens
20 Association did not show up for this hearing,
21 they're also dismissed from these proceedings,
22 also. Okay?

1 MS. ELLEN JAFFE: Thank you.

2 MALE SPEAKER: Thank you.

3 MALE SPEAKER: Yes, thank you.

4 (Off-mic speaking)

5 MR. DONOVAN W. ANDERSON: All right. Um,
6 I'm sorry, um, can you guys come back here for a
7 minute, please? I just -- I apologize. Just come
8 back for a minute. All right. I think being off,
9 uh, for -- for 3 weeks has made me rusty, so I'm
10 not going to recommend we have this -- these long
11 breaks anymore.

12 All right. Just some procedural -- some
13 procedural matters: I make a motion that, um, the
14 Board dismiss the Kalorama Citizens Association
15 from these proceedings because they did not show
16 up to the protest status hearing today. Is there
17 a second?

18 MR. MIKE SILVERSTEIN: Second.

19 MR. DONOVAN W. ANDERSON: Mr. Silverstein
20 seconded the motion. Those in favor, say "aye."

21 (Chorus of "ayes")

22 MR. DONOVAN W. ANDERSON: Those opposed?

1 (No audible response)

2 MR. DONOVAN W. ANDERSON: The matter
3 passed 4-0-0. Therefore --

4 MS. RUTHANNE MILLER: I'm sorry, was
5 there another group, though, that you've
6 mentioned?

7 MR. DONOVAN W. ANDERSON: The -- they're
8 --

9 (Off-mic speaking)

10 MR. DONOVAN W. ANDERSON: -- they're --
11 the -- the --

12 (Off-mic speaking)

13 MR. DONOVAN W. ANDERSON: The folks who
14 were granted standing were the group of five or -
15 - I'm sorry, the group of five or more and the
16 Kalorama Citizens Association. The Kalorama --
17 and the -- and the ANC. The ANC and the group of
18 five or more are here today. The -- both the
19 Kalorama Citizens Association and the applicant
20 are not here, and so therefore, we voted today to
21 dismiss both the applicant and the Kalorama
22 Citizens Association from these proceedings.

1 If -- so, if -- if we were to move
2 forward, both the applicant and the Kalorama
3 Citizens Association would have to motion the
4 Board to give good cause why they were not here
5 today for these proceedings. Okay?

6 FEMALE SPEAKER: Thank --

7 MR. DONOVAN W. ANDERSON: The fact -- the
8 matter -- it's now clear -- the record is clear.
9 Thank you very much.

10 FEMALE SPEAKER: Thank you very much.

11 (Chorus of "thank-yous")

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