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GOVERNMENT OF THE DISTRICT OF COLUMBIA

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ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

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ALCOHOLIC BEVERAGE CONTROL BOARD

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7 IN THE MATTER OF: :

8 BCI Food Services, LLC

9 t/a Garden District Case Number 16-PRO-00022

10 1801 14th Street NW

11 License Number 83769

12 Retailer CR

13 ANC 1B

14 PROTEST HEARING (STATUS)

15 - - - - -X

16 Wednesday, June 22, 2016

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

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CHAIRPERSON:

DONOVAN W. ANDERSON, Presiding

OTHER PERSONS PRESENT:

RUTHANNE MILLER, BOARD MEMBER

JAMES SHORT, BOARD MEMBER

MIKE SILVERSTEIN, BOARD MEMBER

NICK ALBERTI, BOARD MEMBER

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

2 CHAIRPERSON ANDERSON: Good morning,
3 everyone. I'd like to welcome you to the regularly
4 scheduled meeting of the District of Columbia Alcoholic
5 Beverage Control Board. Please know that today's
6 hearings will be conducted in accordance with D.C.
7 Official Code Section 2574 of the Open Meetings Act.
8 Today is June 22nd, 2016.

9 I would like to introduce members of the
10 Board with us today. To my far right is Ms. Ruthanne
11 Miller. To my immediate right is Mr. Nick Alberti. To
12 my far left is Mr. Mike Silverstein, and to my immediate
13 left is Mr. James Short. My name is Donovan Anderson
14 and I'm the Chairman of the Board. The Board has five
15 members in attendance for the conduct of
16 business today and that constitutes a quorum.

17 I would like to mention two things before we
18 get started. First of all, if you have any electronic
19 devices, pagers, cell phones or such, please make
20 certain that they are turned off to avoid any
21 interruption of the proceedings.

22 Secondly there is a piece of paper on the

1 table. When you come forward as your case is called
2 please take a seat at the table and please sign in.
3 This is to ensure the correct spelling of your name for
4 the record. Additionally when you introduce yourself
5 for the record please spell your name aloud for the
6 court reporter.

7 I would note that the approximate time is
8 9:33, and our first order of business is Case Number --
9 a protest hearing status Case Number 16-PRO-00022,
10 Garden District, License Number 83769.

11 Will the parties please approach please.
12 Please introduce yourself for the record please.

13 MR. CURTZ: My name is Thaddeus Curtz. I'm
14 one of the owners at Garden District.

15 CHAIRPERSON ANDERSON: Good morning,
16 Mr. Curtz.

17 MR. GREEN: Hello. Good morning. My name
18 is John Carlos Green. I'm the ANC Commissioner of
19 1B-12.

20 CHAIRPERSON ANDERSON: Good morning,
21 Mr. Green. I know that you guys were here last week. I
22 do -- I do have a good memory. And -- but I appreciate

1 the fact. But as I told you we have to follow the
2 procedures to make sure that the public has notice that
3 we are at this hearing. And as I said -- all right.
4 This hearing -- are there any preliminary matters in
5 this case?

6 MR. GREEN: No.

7 MR. CURTZ: No.

8 CHAIRPERSON ANDERSON: All right. This
9 matter is scheduled for a protest hearing on July 27th
10 at 1:30 p.m. All right. And there are just a few
11 things that I would like to -- I'd like to instruct the
12 applicant and the protestant about the -- so that the
13 protest hearing is focused and addresses only those
14 issues that are being protested. The Board does not
15 intend to hear testimony on matters that are not
16 relevant to this case. You should have received by
17 electronic or regular mail -- by electronic or regular
18 mail a letter explaining the protest process, a copy of
19 the protest information form, and a copy of the exhibit
20 form. If you do not have these documents, please
21 contact Assistant General Counsel Ms. April Randall
22 following this hearing. It is imperative that you

1 review the rules closely and adhere to them before and
2 during the protest hearing. You are also required to
3 complete and submit the protest information form and the
4 exhibit form seven days before the hearing. These two
5 forms and accompanying documents need to be submitted to
6 ABRA's legal division and to all opposing parties in
7 this matter. If we do not receive a copy of your PIF,
8 your application, or your protest whichever side you're
9 representing may be subject to dismissal. Likewise if
10 we do not receive a copy of the exhibit form and the
11 exhibits themselves, your exhibits may be excluded from
12 the record upon a finding that the opposing party has
13 been prejudiced or no good cause for the failure to
14 submit has been shown. Likewise, witnesses other than a
15 party may also be subjected to exclusion if not
16 identified in the PIF. Accordingly these forms are very
17 important. They greatly assist The Board in narrowing
18 the protest issues, facilitating the process, and
19 keeping the parties on point during the hearing. They
20 likewise provide notice to opposing parties enabling
21 them to better prepare for the hearing.

22 We thank you greatly for your cooperation.

1 If you have any questions today or any time leading up
2 to the protest, please do not hesitate to contact
3 Ms. Randall at 202-442-4353. Thank you.

4 And you guys -- you can continue if you're
5 able to settle this matter. You have -- you can
6 continue negotiating until that point. If not, I will
7 see you on July 27th at 1:30.

8 MR. CURTZ: I just have one update for --
9 for the Board.

10 CHAIRPERSON ANDERSON: Yes, sir.

11 MR. CURTZ: At the Alcohol Policy Committee
12 meeting for the ANC the ANC voted to withdraw their
13 protest. We need a couple of small conditions for
14 dealing with a little bit of noise mitigation for the --
15 for the business, and we're hoping that the full ANC
16 will vote on that. It's -- it's pending, and -- and
17 we're -- we're still working to that. So --

18 CHAIRPERSON ANDERSON: Is your ANC meeting
19 prior to July 27th?

20 MR. CURTZ: It is the first Thursday of
21 July. So it is before.

22 CHAIRPERSON ANDERSON: All right. So I --

1 MR. CURTZ: And we -- we hope to -- to
2 seek to solve this before the protest hearing.

3 That's --

4 CHAIRPERSON ANDERSON: All right. Well --

5 MR. CURTZ: -- that's our goal.

6 CHAIRPERSON ANDERSON: All right. That the
7 goal is for the parties to negotiate and not for the
8 Board to impose conditions. So I do hope that you're
9 successful in your negotiation. And if I say -- if I --
10 if I do not look forward to see you on the 27th, you
11 know what I mean by that. Okay?

12 MR. CURTZ: Thank you very much.

13 CHAIRPERSON ANDERSON: All right. Have a
14 good day. Thank you very much. All right.

15 (Whereupon the above-entitled matter was
16 concluded.)

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