

1 GOVERNMENT OF THE DISTRICT OF COLUMBIA
2 ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
3 ALCOHOLIC BEVERAGE CONTROL BOARD
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6 IN THE MATTER OF: :
7 Hilltop Hospitality, LLC, :
8 t/a Mission : Protest
9 1606 20th Street NW : Hearing (Status)
10 License #ABRA-94290 :
11 Retailer Class CR :
12 ANC-2B :
13 Application to Renew the :
14 License :

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16 Wednesday, September 07, 2016

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

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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 FRANCIS BROGAN

12 On behalf of Hilltop Hospitality

13 SUSAN AU ALLEN,

14 Protestant

15 CHRISTOPHER SCORDATO,

16 On behalf of Susan Au Allen

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

2 [9:46 a.m.]

3 MR. DONOVAN W. ANDERSON: All right. All
4 right. The next case is, um, Case #16-PRO-00070,
5 the Mission, License #94290. Will the parties
6 please approach and identify themselves for the
7 record?

8 MR. FRANCIS BROGAN: Francis Brogan,
9 managing member of Hilltop Hospitality.

10 MR. DONOVAN W. ANDERSON: Good morning.
11 Good morning, sir.

12 MS. SUSAN AU ALLEN: Susan Au Allen, the
13 protestor, at 2009 Q Street, NW.

14 MR. DONOVAN W. ANDERSON: Good morning,
15 ma'am.

16 MS. SUSAN AU ALLEN: Good morning.

17 MR. CHRISTOPHER SCORDATO: Um,
18 Christopher Scordato, her designated
19 representative in case of her absence.

20 MR. DONOVAN W. ANDERSON: All right.

21 (Off-mic speaking)

22 MS. SUSAN AU ALLEN: I could give you my

1 -- my official business card, or I --

2 MR. DONOVAN W. ANDERSON: Can you please,
3 um, also, if you'll just spell your name for the
4 record, please.

5 MS. SUSAN AU ALLEN: Sure.

6 MR. FRANCIS BROGAN: Sure. Uh, Francis --
7 F-r-a-n-c-i-s -- Brogan -- B-r-o-g-a-n.

8 MR. DONOVAN W. ANDERSON: And -- you --
9 you, ma'am.

10 MS. SUSAN AU ALLEN: Susan -- S-u-s-a-n -
11 - Au -- A-u -- Allen -- A-l-l-e-n.

12 MR. DONOVAN W. ANDERSON: And you, sir?

13 MR. CHRISTOPHER SCORDATO: Um,
14 Christopher Scordato -- S-c-o-r-d-a-t-o.

15 MR. DONOVAN W. ANDERSON: And (clears
16 throat) -- Excuse me. And please make sure that
17 you write your name legibly on the -- the sign-in
18 sheet before you.

19 Are there any, um -- All right. This
20 matter is scheduled for -- for a protest hearing
21 on October 05th at 1:30 p.m. Okay? And I -- Ms.,
22 um -- Ms. -- I'm sorry, Ms., um, Allen, you were

1 provided, um, the status at -- I'm sorry.

2 MS. SUSAN AU ALLEN: Yeah. Uh, Mr.
3 Chairman?

4 MR. DONOVAN W. ANDERSON: Yes, ma'am.

5 MS. SUSAN AU ALLEN: Uh, October 05th, I
6 have an out-of-town meeting that I have to go to
7 in Atlanta. I wonder if I could change it.

8 MR. DONOVAN W. ANDERSON: All right. What
9 we will do is that we need to talk to the, um --
10 to the owner, and then you can talk to the
11 general counsel to see if you can, uh -- or you
12 can, um, contact our assistant general counsel,
13 Ms. Randall here, to see whether or not the owner
14 will agree to a continuance. And so that's
15 something that can be discussed since -- if you
16 have a conflict --

17 MS. SUSAN AU ALLEN: Yes.

18 MR. DONOVAN W. ANDERSON: -- on -- on
19 that date.

20 MS. SUSAN AU ALLEN: Thank you.

21 MR. DONOVAN W. ANDERSON: But the hearing
22 is scheduled for October -- October the 05th at

1 1:30 p.m. Sorry. Hold on one minute, please.

2 (Silence)

3 MR. DONOVAN W. ANDERSON: All right. As
4 the abutting property owner, you are granted
5 standing at the roll call hearing. That's
6 correct.

7 MS. SUSAN AU ALLEN: Yes.

8 MR. DONOVAN W. ANDERSON: So you are
9 granted the standing -- Yes. All right. And the
10 parties who signed the protest petition but who
11 did not make an appearance for the roll call
12 hearing or who did not submit a letter
13 designating a representative and who are not
14 present here today at the status hearing are
15 deemed dismissed from the protest.

16 All -- Uh, the -- the purpose of the
17 protest hearing is to determine the
18 appropriateness of the establishment in the
19 section of the District where the establishment
20 is located. Now that we've scheduled the matter
21 for a protest hearing, there are a few things
22 that I would like to instruct the applicant and

1 the protestants about the protest hearing so that
2 the protest hearing is focused and addresses only
3 those issues that are being protested. The Board
4 does not intend to hear testimony in matters that
5 are not relevant to this case.

6 You should have received by electronic or
7 regular mail a letter explaining the protest
8 process, a copy of the protest information form,
9 and a copy of the exhibit form. If you do not
10 have these documents, please contact Assistant
11 General Counsel Ms. Randall following the
12 hearing. It is imperative that you review the
13 rules closely and adhere to them before and
14 during the protest hearing.

15 You are also required to complete and
16 submit the protest information form -- PIF -- and
17 the exhibit form 7 days before the date of the
18 hearing. These two forms and accompanying
19 documents need to be submitted to ABRA's legal
20 division and to all opposing parties in this
21 matter. If we do not receive a copy of your PIF,
22 your application or your protest -- whichever

1 side you are representing -- may be subject to
2 dismissal.

3 Likewise, if we do not receive a copy of
4 the exhibit form and the exhibits themselves,
5 your exhibits may be excluded from the record
6 upon the finding that the opposing party has been
7 prejudiced or no good cause for the failure to
8 submit has been shown. Likewise, witnesses other
9 than a party may also be subjected to exclusion
10 if not identified in the PIF.

11 Accordingly, these forms are very
12 important. They greatly assist the Board in
13 narrowing the protest issues, facilitating the
14 process, and keeping the parties on point during
15 the hearing. They likewise would provide notice
16 to the opposing the parties, enabling them to
17 better prepare for the hearing.

18 We thank you for your cooperation. If you
19 have any questions today or at any time during --
20 leading up to the hearing, please do not hesitate
21 to contact Ms. Randall at 202-442-4353. Do you
22 have any questions?

1 MS. SUSAN AU ALLEN: No.

2 MR. DONOVAN W. ANDERSON: Either side? I
3 know that you're -- that you stated that you do
4 have an issue with the October 05th deadline, so,
5 um, Ms. Randall -- Um, speak to her after this
6 hearing, and we'll see whether or not the owner
7 agrees to a continuance, and if not, then you'd
8 have to file a formal notice to the Board, and
9 we'll make a decision whether or not we can grant
10 a continuance. Yes, ma'am.

11 MS. SUSAN AU ALLEN: Mr. Chairman, is
12 there any standard for, uh, agreeing to
13 continuance or, uh -- or there's no standard at
14 all?

15 MR. DONOVAN W. ANDERSON: I mean, you can
16 discuss it. I mean, uh, normally, you know, if --
17 if -- if one party -- if one party said that
18 there is a problem with the date, you'd talk to
19 the other party to say, "I'm not available; um,
20 can we agree to continue it?" And if the other
21 party agrees, then, um, the Board would more
22 likely go -- go with it. If -- if you have some

1 disagreement, then the Board would have to make
2 some type of decision whether or not we'll grant
3 the continuance or say we have to move forward.

4 But the first -- the first portion of it
5 is that -- having a conversation to see whether
6 or not you can agree, and maybe this discussion
7 can lead to a settlement. You know, I -- it's
8 always better for the parties to negotiate the
9 terms of their agreement rather than the Board
10 implementing it.

11 So, it's a matter of having a
12 conversation to see if, um -- if you're not
13 available on the 05th, if there's a date you can
14 agree to, and if they agree to it, then more
15 likely than not, the Board is not going to --
16 going to stand in the way of whatever the --
17 agreement the parties have made. Okay?

18 MS. SUSAN AU ALLEN: Thank you.

19 MR. DONOVAN W. ANDERSON: All right.
20 Thank you.

21 (Whereupon, the above-entitled matter was
22 concluded.)