

DISTRICT OF COLUMBIA

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ALCOHOLIC BEVERAGE CONTROL BOARD

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ROLL CALL HEARING

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IN THE MATTER OF:

GF, LLC
t/a Il Canale
1063-1065 31st Street NW
License #ABRA-083707
Retailer CR
Application
Case #19-PRO-00033

TUESDAY, MAY 28, 2019

The Alcoholic Beverage Control Board
met in Alcoholic Beverage Control Hearing Room,
Reeves Building, 2000 14th Street N.W.,
Washington, D.C., Ms. La Verne Fletcher, Agent,
presiding.

PRESENT:

La Verne Fletcher, Alcoholic Beverage Control
Board Mediator

ALSO PRESENT:
Matt Devendorf
John Uhar
Roger Uhar
Lisa Palmer
Nely Vega

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

2 (10:08 a.m.)

3 AGENT FLETCHER: Would the parties in
4 the matter of Il Canale -- can you hear me in the
5 back? Il Canale, please come forward.

6 Thank you. This is case number
7 19-PRO-00033, GF LLC, 1063 and 1065 31st Street
8 Northwest, license number ABRA-083707. This is a
9 Retailer Class CR license renewal.

10 The protest issues are adverse impact
11 on peace, order, and quiet, residential parking,
12 and vehicular and pedestrian safety, and real
13 property values. My name is La Verne Fletcher,
14 conducting the Roll Call Hearing as the Board's
15 Agent, introductions beginning with the
16 Applicant, please. Good morning.

17 MR. DEVENDORF: Good morning, Ms.
18 Fletcher. I'm Matt Devendorf on behalf of the
19 Applicant.

20 AGENT FLETCHER: Thank you, Mr.
21 Devendorf. Would you please spell your last name
22 for the record?

1 AGENT FLETCHER: It's
2 D-E-V-E-N-D-O-R-F.

3 AGENT FLETCHER: Thank you very much.
4 And person on behalf of the Protestant is John
5 Uhar, present?

6 MR. J. UHAR: Yes.

7 AGENT FLETCHER: Mr. Uhar, would spell
8 your last name for the record, please?

9 MR. J. UHAR: John Uhar, U-H-A-R.

10 AGENT FLETCHER: Thank you.

11 And your name, ma'am?

12 MS. VEGA: My name is Nely Vega. I'm
13 representative of Louise Sagalyn.

14 AGENT FLETCHER: I'm sorry, your name
15 is what again?

16 MS. VEGA: Nely Vega.

17 AGENT FLETCHER: How do you spell the
18 first name?

19 MS. VEGA: My first name is N-E-L-Y.
20 My last name is V as in Victor E-G-A.

21 AGENT FLETCHER: So Ms. Vega, who are
22 you representing?

1 MS. VEGA: Mrs. Louise Sagalyn.

2 AGENT FLETCHER: Okay. Do you have a

3 --

4 MS. VEGA: I have the sheet, you know.

5 AGENT FLETCHER: A letter of

6 designation?

7 MS. VEGA: Yes.

8 AGENT FLETCHER: Okay. I'll take

9 that. Thank you. Okay, thank you. Thank you

10 very much.

11 Mr. Devendorf, what I have here is a

12 letter from Ms. Sagalyn designating Ms. Vega to

13 represent her.

14 MR. DEVENDORF: Okay, it's just still

15 unclear which protesting group was Ms. Sagalyn a

16 part of?

17 AGENT FLETCHER: So we have three

18 abutting property owners --

19 MR. DEVENDORF: Okay.

20 AGENT FLETCHER: -- in this case.

21 MR. DEVENDORF: I only received

22 letters from two abutting property owners.

1 AGENT FLETCHER: From two? Yeah,
2 there was some confusion, I'm going to come to
3 that too. There's a possibility that one you may
4 not have seen because we had trouble locating it,
5 but we eventually did just this past Thursday, I
6 believe. So that may be the one that you didn't
7 get, but I'll clarify what that's all about in
8 just a moment.

9 MR. DEVENDORF: Okay.

10 AGENT FLETCHER: Thank you for
11 mentioning that.

12 And your name ma'am?

13 MS. PALMER: I'm From ANC 2E, Lisa
14 Palmer.

15 AGENT FLETCHER: ANC 2E?

16 MS. PALMER: Yes.

17 AGENT FLETCHER: Lisa Palmer.

18 MS. PALMER: Yeah, I'm the
19 Commissioner for 2E 05.

20 AGENT FLETCHER: Ms. Palmer?

21 MS. PALMER: Yes.

22 AGENT FLETCHER: ANC 2E filed a

1 protest?

2 MS. PALMER: We did. I can show you
3 on email.

4 AGENT FLETCHER: You said, 2A?

5 MS. PALMER: 2E.

6 AGENT FLETCHER: Oh, okay, so it's --
7 never mind, you don't have to -- it's 2A.

8 Mr. Uhar, are you representing Roger
9 Uhar, as well?

10 MR. J. UHAR: No.

11 AGENT FLETCHER: Oh, could you come
12 up, Mr. Roger Uhar?

13 MR. R. UHAR: Yeah.

14 AGENT FLETCHER: Thank you, and if you
15 would just state your name and spell it for the
16 record, please?

17 MR. R. UHAR: Sure. My first name is
18 Roger, R-O-G-E-R, and my last name is Uhar,
19 U-H-A-R, same as my brother's.

20 AGENT FLETCHER: Thank you very much.
21 And are both of you the Uhars going to appear for
22 all hearings, or one or the other of you going to

1 represent the other?

2 MR. R. UHAR: Both of us will be here.

3 AGENT FLETCHER: You're going to come
4 for each proceeding?

5 MR. R. UHAR: Yes.

6 AGENT FLETCHER: Okay. Well, then,
7 Mr. Roger Uhar, since you're there, you can just
8 have a seat right there.

9 MR. R. UHAR: Thank you very much.

10 AGENT FLETCHER: Thank you. John Uhar
11 and Roger Uhar have standing as Protestants.

12 MR. DEVENDORF: Now, Ms. Fletcher,
13 actually, before we move on -- before we actually
14 finish that, I actually had one issue with the
15 Uhars standing as Protestants. So they're
16 protesting as abutting property owners, however,
17 in their letters -- excuse me, in their protest
18 letters, they merely conclude that they're
19 abutting property owners. They don't submit any
20 sort of evidence that shows that their property
21 actually abuts the Applicant's.

22 For that reason, I would say that

1 they've, you know, they failed to meet the
2 standard for protesting as an abutting property
3 owner. The deadline for filing these protests
4 has passed, the deadline for amending them is
5 gone. For that reason, I believe they do not
6 have standing as abutting property owners.

7 AGENT FLETCHER: The Board's Agent
8 through the DC geographic information system
9 verified the status of them as abutting property
10 owners, Mr. Devendorf. And I have a copy of the
11 map here for you just to show you that they do
12 abut. That's one of the things that we have to
13 do whenever an abutting -- whenever someone
14 claims to be an abutting property owner, we have
15 to verify.

16 MR. DEVENDORF: Oh, so you verify for
17 them. Okay.

18 AGENT FLETCHER: Yes. And so I did
19 verify that the Uhars are abutting.

20 With respect to Ms. Sagalyn, Ms. Vega,
21 she is not an abutting property owner. Ms.
22 Sagalyn's property does not abut the

1 establishment.

2 Mr. John Uhar, did you want to say
3 something? You can just say it right into the
4 microphone.

5 MR. J. UHAR: Yes, Ms. Sagalyn abuts
6 another property Lot 0842, in Old Square 1198
7 upon which Il Canale is storing goods as part of
8 their restaurant. They have three lots in
9 squares.

10 AGENT FLETCHER: So you're saying that
11 she abuts a storage facility? It's not where
12 they operate, but it's where they store?

13 MR. J. UHAR: Well, they're operating
14 part of the business, and she abuts the property.

15 AGENT FLETCHER: So I've determined
16 that she's not an abutting property owner. If
17 she wants to -- so, what I did is I looked at the
18 actual lot of the establishment, and her property
19 -- I can see where it abuts yours, the Uhars. I
20 can see where her property abuts yours, but I
21 don't see where it abuts the establishment.

22 MR. J. UHAR: I have a picture. I

1 have the information.

2 AGENT FLETCHER: So I have one too,
3 but what I would like for you to do Mr. Uhar,
4 when the Board dismisses Ms. Sagalyn as a
5 Protestant, when she -- if she decides to
6 petition the Board for reinstatement, can you
7 submit that -- help her submit that along with
8 her request for reinstatement?

9 MR. J. UHAR: Yes.

10 AGENT FLETCHER: That would be very
11 helpful. So then the Board will have what I
12 found, and they'll have when you found. And they
13 can decide what they want to do.

14 And so, Mr. Devendorf, Ms. Sagalyn was
15 the person whose protest letter you probably --

16 MR. DEVENDORF: I haven't seen it.
17 Could I still get a copy of that?

18 AGENT FLETCHER: Yeah, you're going to
19 get a copy of that today.

20 MR. DEVENDORF: Okay, great. Thank
21 you.

22 AGENT FLETCHER: John Uhar has

1 standing as an abutting property owner. Owner,
2 Roger Uhar, has standing as an abutting property
3 owner. Louise Sagalyn is dismissed as an
4 abutting property owner.

5 We need to schedule a date for
6 mediation. We would normally give you the date
7 the Status and Protest Hearing today, but we're
8 not able to give that to you today. So we're
9 just going to set a date for mediation. And when
10 you get the official hearing notice, the Status
11 and Protest Hearing dates will be in that notice.

12 I'm going to give you the next
13 available day for mediation. The next available
14 day for mediation is Thursday, June 20 at 9:00,
15 10:00, 10:30, 11:00, 11:30. Mr. John Uhar none
16 -- that's not a good day?

17 MR. J. UHAR: It's our parents'
18 reunion, so we'll be away from the 19th to the
19 26th.

20 AGENT FLETCHER: Okay, then I'm going
21 to move along. I'll schedule something after the
22 26th.

1 MR. J. UHAR: Thank you.

2 AGENT FLETCHER: You're welcome.

3 MR. DEVENDORF: Does the 27th work?

4 AGENT FLETCHER: No, the 27th doesn't
5 work on my calendar.

6 MR. DEVENDORF: Okay.

7 AGENT FLETCHER: So now we're into
8 July. We could do it on July the 11th. July the
9 11th, any time in the morning or afternoon.

10 MR. DEVENDORF: The morning on the
11 11th should work for me.

12 MS. PALMER: That's fine with me too.

13 AGENT FLETCHER: 11:00, Ms. Palmer,
14 Mr. Uhar?

15 MR. J. UHAR: That's fine with me.

16 AGENT FLETCHER: And Ms. Vega?

17 MS. VEGA: Yes?

18 AGENT FLETCHER: If Ms. Sagalyn
19 petitions the ABC Board for standing as a
20 Protestant, if she's granted standing as a
21 Protestant, she would also appear for this
22 mediation at 11:00 on July 11th.

1 MS. VEGA: Okay.

2 AGENT FLETCHER: So you can just --

3 MS. VEGA: You want to send a note,
4 right?

5 AGENT FLETCHER: Well, not to her
6 because she's not a Protestant, but she's going
7 to get an order dismissing her protest. But if
8 it's reinstated, we'll contact her and let her
9 know about the upcoming hearings also --

10 MS. VEGA: Okay, I will tell her.

11 AGENT FLETCHER: Okay. Yeah, that's
12 July 11 at 11:00, right?

13 MR. J. UHAR: 7/11.

14 AGENT FLETCHER: So you can let her
15 know, but we'll let her know too.

16 MS. PALMER: Would it be possible to
17 do earlier?

18 AGENT FLETCHER: We can on this end.
19 We can do 9:00, 10:00, 10:30 --

20 MS. PALMER: The earlier, the better
21 for me. I don't know --

22 MR. DEVENDORF: 9:00 is fine for me.

1 AGENT FLETCHER: 9:00 will work? Is
2 that good?

3 (No audible response.)

4 AGENT FLETCHER: Mediation is set for
5 Thursday, July 11, at 9:00. Mr. John Uhar?

6 MR. J. UHAR: Yes, Ms. Fletcher?

7 AGENT FLETCHER: Mr. Uhar, can you
8 talk into the microphone?

9 MR. J. UHAR: Sure.

10 AGENT FLETCHER: Okay.

11 MR. J. UHAR: Since I'm working off
12 the good character section 301, isn't there a
13 checklist and other information that the
14 Applicant's supposed to provide before we have
15 our hearing?

16 AGENT FLETCHER: What you're
17 describing is the application process. So we're
18 beyond that. So I don't know what happened at
19 that point. But at the point we are today, the
20 application has been accepted ,and we're at this
21 point where the Board is identifying the parties
22 to the protest.

1 But if you have an issue with what you
2 just stated, then you can still raise that issue
3 with the Board. And so Mr. John Uhar, you may
4 stay there now since you're sitting there if
5 you'd like. Either Uhar is good.

6 Anything else?

7 MR. DEVENDORF: I think that's
8 everything.

9 AGENT FLETCHER: Mr. Devendorf?

10 MR. DEVENDORF: Nothing further from
11 me.

12 AGENT FLETCHER: Okay, so Mr.
13 Devendorf, you can if you want -- you may wait
14 until the hearings are over and get the copy of
15 Ms. Sagalyn's protest letter or I can email it to
16 you when you get back to your office, whichever
17 you prefer.

18 MR. DEVENDORF: Yeah, if I could get
19 that, the sooner, the better. So you're going to
20 wait for it?

21 MR. DEVENDORF: Yeah, or when you have
22 time today if you could email it.

1 AGENT FLETCHER: Yeah, when the
2 hearings are over I'll get it to you.

3 MR. DEVENDORF: Okay, great.

4 AGENT FLETCHER: I have your -- let me
5 make sure. I believe -- I do believe that I have
6 your email.

7 MR. DEVENDORF: I have it written down
8 right here if you want on the sign-in sheet.

9 AGENT FLETCHER: Okay. I'll email it
10 to you.

11 MR. DEVENDORF: Okay.

12 AGENT FLETCHER: Roll Call Hearing is
13 concluded. Thank you.

14 (Whereupon, the Roll Call Hearing was
15 concluded at 10:21 a.m.)

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C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Il Canale

Before: DCABRA

Date: 05-28-19

Place: Washington, DC

was duly recorded and accurately transcribed under
my direction; further, that said transcript is a
true and accurate record of the proceedings.

Neal R Gross

Court Reporter

NEAL R. GROSS

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